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# AGENDA

## ASTORIA PLANNING COMMISSION

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July 24, 2018

6:30 p.m.

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

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES
  - a. June 26, 2018
4. PUBLIC HEARINGS
  - a. Permit Extension Request for Conditional Use (CU17-06) by Astoria Warming Center to extend the permit to September 6, 2019 to operate the Astoria Warming Center at 1076 Franklin Ave. \* Note this item is continued from 6/26/18 due to an error in mailing the public notice.
  - b. Variance Request (V18-08) by Bruce Jones for the Columbia River Maritime Museum from the maximum 64 square feet of allowable signage and two signs per frontage, to install 1 banner each on the west and south facade and one wall sign on the east façade, in addition to the existing 176.7 square feet of signage at the Columbia River Maritime Museum at 1792 Marine Drive.
  - c. Variance Request (V18-06) by Terra Patterson for the Astoria Aquatic Center from the maximum 300 square feet of allowable signage to install an 11' x 150' wave sign (1,650 square feet) which includes a 3' x 38' (114 square feet) text sign painted on the north elevation wall in addition to the existing 52 square feet of signs on the existing Astoria Aquatic Center at 1997 Marine Drive.
  - d. Variance Request (V18-05) by Alexander Pappas Construction for Paul & Sally Turchetta from the maximum 6' fence height to construct an 8' fence in the rear and rear side yards of an existing single-family dwelling at 31 Skyline Avenue.
  - e. Conditional Use Permit Request (CU18-04) by Sheila Dianne Forte to locate a one bedroom homestay lodging in an existing single family dwelling at 1240 Sonora Ave.
  - f. Conditional Use Permit Request (CU18-05) by Matt and Bree Phillips to locate a one bedroom homestay lodging in an existing commercial building at 855 Exchange St.
5. REPORT OF OFFICERS
6. STAFF/STATUS REPORTS
7. PUBLIC COMMENT (Non-Agenda Items)
8. ADJOURNMENT

## ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall  
June 26, 2018

### CALL TO ORDER:

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

### ROLL CALL:

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

Commissioners Excused: Brookley Henri.

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

### APPROVAL OF MINUTES:

President Fitzpatrick asked for approval of the minutes of the May 22, 2018 meeting and noted the following corrections:

- Page 3, Paragraph 9 – President Fitzpatrick clarified that there are four churches within two blocks of Ms. Miltenberger's home. The church that he had noted as not on the map was the church directly across the street from her home.
- Page 4, Paragraph 6 – The minutes do not reflect that President Fitzpatrick thanked everyone who had commented at the meeting.

Vice-President Easom moved that the Astoria Planning Commission approve the minutes as amended; seconded by Commissioner Herman. Motion passed unanimously.

### PUBLIC HEARINGS:

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

### ITEM 4(a):

CU18-03 Conditional Use CU18-03 by Trevor Alaine to locate a three-bedroom bed and breakfast in an existing single-family dwelling at 222 McClure Avenue. \*\*The Applicant was previously scheduled for the May 22<sup>nd</sup> meeting and has requested an additional continuance from the June 26<sup>th</sup> meeting to the July 24<sup>th</sup> meeting. \*\*

President Fitzpatrick noted for the record that no one was present to speak on this request.

Vice President Easom moved that the Astoria Planning Commission continue Conditional Use CU18-03 by Trevor Alaine to July 24, 2018 at 6:30 pm; seconded by Commissioner Mitchell. Motion passed unanimously.

### ITEM 4(b):

CU17-06 Permit Extension Request for Conditional Use CU17-06 by Astoria Warming Center to extend the permit to September 6, 2019 to operate the Astoria Warming Center at 1076 Franklin Avenue. (Due to an error in public notice, this issue is continued to the July 24<sup>th</sup> meeting.)

President Fitzpatrick noted for the record that no one was present to speak on this request.



Vice President Easom moved that the Astoria Planning Commission continue the Permit Extension Request for Conditional Use CU17-06 by Astoria Warming Center to July 24, 2018 at 6:30 pm; seconded by Commissioner Moore. Motion passed unanimously.

REPORTS OF OFFICERS/COMMISSIONERS:

Commissioner Herman reported that she attended the dual hearing with the Design Review Committee and the Historic Landmarks Commission on the proposed Fairfield Inn next to the old Ship Inn restaurant. Both groups tentatively denied the request and would finalize their decisions on July 10<sup>th</sup>. She also attended City Council's work session on the Riverfront Vision Plan Implementation. She had not been aware that the Planning Commission would be the first to work on the Urban Core Area.

Planner Ferber confirmed public input sessions and work sessions would be held prior to the Planning Commission's work on the Urban Core.

President Fitzpatrick reported on his medical issues, and noted that the JC Penny building closed.

STAFF UPDATES:

Planner Ferber said there were six permits on the agenda for the July 24<sup>th</sup> meeting. Commissioner Moore confirmed he would not be able to attend that meeting. President Fitzpatrick was not sure if he would be able to attend, but would consider calling in. Planner Ferber would speak to Commissioner Henri and make sure a quorum would be present.

PUBLIC COMMENTS:

There were none.

President Fitzpatrick thanked Planner Ferber, who had been doing at least two jobs over the last couple of months. He appreciated her efforts.

Planner Ferber answered questions about why tonight's meeting could not be cancelled because CU18-03 had been verbally continued at the last meeting, there was no public notice about this meeting, so Planning Commission had to reconvene to continue it again. CU17-06 would have to be renoticed.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 6:41 pm.

**APPROVED:**

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City Planner

## STAFF REPORT AND FINDINGS OF FACT

July 17, 2018

TO: ASTORIA PLANNING COMMISSION

FROM: NANCY FERBER, CITY PLANNER



SUBJECT: PERMIT EXTENSION FOR TEMPORARY CONDITIONAL USE PERMIT BY  
ASTORIA WARMING CENTER AT 1076 FRANKLIN AVENUE

### I. BACKGROUND SUMMARY

- A. Applicant: Daniel Parkison, Board President  
Astoria Warming Center  
1076 Franklin Avenue  
Astoria OR 97103
- B. Owner: First United Methodist Church  
1076 Franklin Avenue  
Astoria OR 97103
- C. Location: 1076 Franklin Avenue; Map T8N-R9W Section 8CC, Tax Lot  
2300; Lots 5-6, Block 45, McClure's
- D. Zone: R-3 (High Density Residential)
- E. Permit Request: One year extension request to continue operations of Astoria  
Warming Center as a Temporary Use in a basement of an existing  
building
- F. Size: Lot: 10,000 SF; Total Building: ~11,000; Basement: ~5,500 SF
- G. Previous  
Applications: CU 17-06 for a  
temporary use permit  
was approved  
September 6, 2017  
by Astoria Planning  
Commission





## II. BACKGROUND

### A. Subject Property

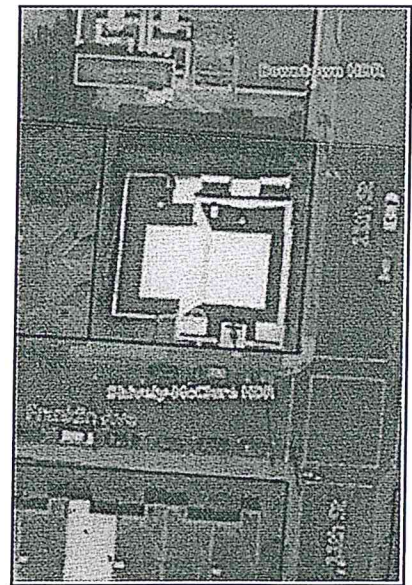
The subject property is located within the R-3 Zone (High Density Residential) on the corner of Franklin Avenue and 11<sup>th</sup> Street. The building is currently used as the First United Methodist Church and associated offices, kitchen, and classrooms. The church was built in 1916, designed by Whitehouse & Foulhous, and is listed as a "Secondary" historic resource in the Shively McClure National Historic District. The warming center has operated in the basement, which has a separate entrance located on 11<sup>th</sup> Street (pictured to the right).



### B. Adjacent Neighborhood

The subject property is located just outside the Downtown Historic District and C-4 Zone (Central Commercial) on 11<sup>th</sup> St which is classified as a "collector" in the Transportation System Plan (2013). A collector draws traffic from various connections to local streets. This specific location is considered a "transition area" where the mixed use, commercial character of downtown buildings and storefronts transitions to higher density residential.

There is considerable pedestrian traffic on 11<sup>th</sup> Street as a result of its direct connection to downtown. To the west is the Francis Apartments, across 11<sup>th</sup> Street to the east is a parking lot owned by the Methodist Church. Directly to the south is the Illahee Apartments, and to the north is the Centurylink telecom facility. The neighborhood is characterized primarily as residential with a mix of large multi-family apartments, townhouses, and single family detached. The First Presbyterian Church is located to the southeast and the renovated Astoria Senior Center is northeast of the subject property and adjacent to the Methodist Church parking lot.





C. Proposed Use & History

The Astoria Warming Center (AWC), a local, 501c3, non-profit organization, has operated an annual, temporary facility for a 90 day period during the winter months since 2014-15. It began operations at the Astoria Senior Center before relocating to the current site as a tenant in the First United Methodist Church. The basement location is approximately 5,500 SF with 1,484 for men's sleeping area, 440 SF for women's sleeping area and a smaller, 285 SF area for couples. The basement also contains men's and women's bathrooms, a kitchen, and a laundry and shower facility all of which taken together provides emergency overnight housing for up to thirty-five (35) homeless men and women of all ages.

The basement of the church does not have a building occupancy rating for residential. However, the AWC like other facilities in Oregon has operated under the guidance of the "Oregon Fire Code Interpretations and Technical Advisories, Technical Advisory 11-14" which provides advisory rules for local cities to work with local social service providers on operating temporary, emergency warming centers.

Conditional Use Permit CU 17-06 was approved for a temporary use permit, by the Planning Commission on September 6, 2017. This application is for a permit extension of the same temporary use permit, for the same operation, at the same site.

D. Discussion

Prior to the Conditional Use Permit approval in 2017, the AWC was operating at the Methodist Church without a land use permit. The activities and impacts necessitated a closer examination of the activities and therefore the City required a temporary use permit to legalize the use. The location of the AWC was also in question so once the AWC Board made the investment in the current location, zoning approval became apparent and appropriate as all uses require some level of review.

In the previous findings of fact, the terminology used for social services related to the homeless population was noted below, to help frame the discussion and provide a baseline of understanding of the issues. This staff report and findings of fact are based on these definitions for consistency. (Source: Wikipedia, 2017).

- **Homeless shelters** are a type of homeless service agency which provide temporary residence for homeless individuals and families. Shelters exist to provide clients with safety and protection from exposure to the weather while simultaneously reducing the environmental impact on the community.
- A **warming center** is a short-term emergency shelter that operates when temperatures or a combination of precipitation, wind chill, wind and temperature



become dangerously inclement. Their paramount purpose is the prevention of death and injury from exposure to the elements.

The Planning Commission has held several work session in the past few months to review potential new Development Code language to address uses such as emergency/warming shelters. These work sessions have been open to the public, and for public comments. Any proposed policy or language changes will be reviewed by the City Council prior to adoption. The proposed changes are still in draft form, and do not affect the current proposed permit extension.

### III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 250 feet pursuant to Section 9.020 on June 1, 2018 and to parties on the record pursuant to Section 9.100.B.3.b. A notice of public hearing was published in the *Daily Astorian* on June 19, 2018. However, due to an administrative error parties on the record did not receive the notice.

The permit and hearing was continued from the June 26, 2018 meeting, and a new public notice including the parties on record was mailed July 2, and published in the *Daily Astorian* on July 17, 2018.

Public comments received will be made available at the Planning Commission meeting. One letter is included with the packet materials, any additional public comments will be made available at the meeting.

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

- A. Section 2.160.10 lists *"temporary use meeting requirements of Section 3.240"* as a Conditional Use in the R-3 Zone, in accordance with Article 11 concerning Conditional Uses.

Finding: The proposed use is not specifically classified in the Development Code. Many churches in Astoria provide social services to some degree as an accessory use and part and parcel of their mission such as a food bank or soup kitchen. However, the definition of "semi-public" (Article 1.400) does include quasi-public uses such as non-profit organizations, civic, and fraternal clubs. As a result of the temporary nature of the proposed use, the application is being reviewed under the "temporary use" category and requires a Conditional Use permit according to the R-3 Zone. Criteria related specifically to permit extensions is below.

- B. 9.100(B) Permit Extensions.

*Permit extension may be granted for all land use permits. Extensions may also be granted for time limits applicable to non-conforming buildings and/or non-*

conforming uses located over water between 16th and approximately 54th Streets as described in Sections 3.180.D and 3.190.F. One year extensions may be granted in accordance with the requirements of this Section as follows:

1. Permit Extension Time Limit.

- a. The Community Development Director may grant the first one-year permit extension.
- b. Following the first one-year permit extension by the Community Development Director, the original granting authority may grant subsequent one-year extensions.
- c. No more than three permit extensions may be granted. No variances may be granted from this provision. **Temporary Use Permit extensions are exempt from this requirement and may exceed the three extensions limitation.**
- d. This Ordinance shall apply to all permit extensions requested after the date of enactment regardless of the date of the original permit Final Decision. If a permit has been granted extensions prior to adoption of this Ordinance, subsequent extension requests shall be reviewed by the granting authority. Three additional extensions may be granted.

Finding: While the Community Development Director may usually grant the first one-year permit extension, a condition of approval on the original CUP noted the permit was "valid for only one year until August 1, 2018," and "an extension may only be granted after the AWC conducts a thorough site analysis to find a different location."

Per article 9.010(J) allows the Community Development Director to determine that a permit "should be reviewed by a Commission/Committee in lieu of an Administrative Review to protect the best interests of the surrounding property or neighborhood or the City as a whole". Given the ambiguity of which body was responsible to review the required analysis, and review by APC provides the opportunity for public testimony, the permit extension is under review by APC in lieu of administrative review. The original CUP also noted "If another site cannot be found, then the AWC would need to request an extension for the 2018-2019 program year and furnish their findings to the Planning Commission for review." The AWC has submitted their analysis for review.

2. Permit Extension Criteria.

The granting authority may grant a permit extension upon written findings that the request complies with the following:

- a. The project proposal has not been modified in such a manner as to conflict with the original findings of fact for approval; and



b. The proposed project does not conflict with any changes to the Comprehensive Plan or Development Code which were adopted since the last permit expiration date; and

c. The applicant has demonstrated that progress has been made on the project since the date of the original decision on the permit with regard to items such as, but not limited to:

- 1) Submittal of permit applications to City, State and Federal agencies;
- 2) Contracts for geologic or other site specific reports have been signed and are in effect;
- 3) Project site and/or building engineering, architectural design, or construction has begun.

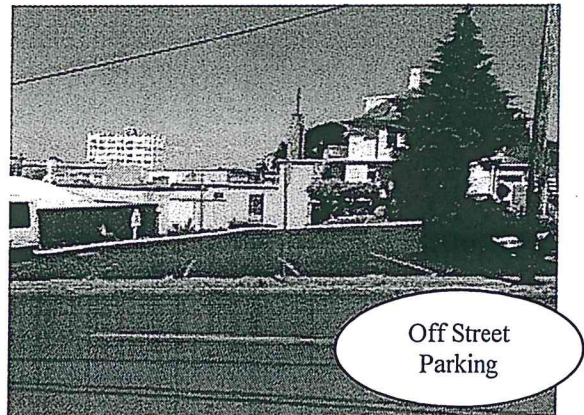
d. In lieu of compliance with Section 2.c above, the applicant may demonstrate that poor economic conditions exist in the market that would advise against proceeding with the project.

Finding: The proposal has not been modified from the original approval, nor have there been any Comprehensive Plan or Development Codes related to the use or site adopted since the expiration date of the permit. The applicant has included a summary of the 2017-2018 season operations, (d) is not applicable to the proposed extension as criteria 2(c) has been met.

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

Section 7.100 does not have a specific category for the proposed use. Previously, staff evaluated existing categories and recommends using the "group living" standard of 1 space per 8 bedrooms plus 1 space per number of employees on shift. The applicant uses cots and not standard bedrooms while the term "employees" is inclusive of volunteers who are there to supervise the operations. The only other category to use would be "religious institutions and house of worship," but this category doesn't address the social service and residential nature of the request.

Finding: The proposed use will be located in an existing institutional structure. The facility will operate with up to four (4) employees/volunteers. Based on a standard of 1 space per 8 bedrooms, plus volunteers, the calculation is as follows: five (4.4) + four (4) volunteers = nine (9) spaces. A total of eighteen (18) parking spaces are currently available in the parking lot on 11<sup>th</sup> Street adjacent to the basement entrance. The church parking lot can





accommodate the required parking since overnight residents are not driving to the site and most of the parking is being used on Sundays only for worship services. The car parking requirement has been met. However, the AWC needs to furnish a lease agreement for use of the parking to demonstrate the availability of the required nine (9) spaces.

Due to the nature of the use, loading and unloading needs are minimal but can occur on street or in the parking lot area. All parking areas should be clearly marked with striping.

Per Article 7.105, bike parking spaces shall be provided for a change of use. Institutional spaces require one (1) bike space per twenty (20) car parking spaces. The applicant has proposed a bike space in the parking lot for short term parking. Bike parking needs to be located near the entrance to the church in the sidewalk or near the entrance to the proposed uses. Any changes to bike parking shall be reviewed before operations begin in 2018-18 program year.

- D. Section 11.020(B.)(1) states that *"the Planning Commission shall base their decision on whether the use complies with the applicable policies of the Comprehensive Plan."*
1. CP.220.1, Housing Element – "Maintain attractive and livable residential neighborhoods, for all types of housing.
  2. CP.220.2, Housing Element – "Provide residential areas with services and facilities necessary for safe, healthful, and convenient urban living."
  3. CP.220.6, Housing Element, "Protect neighborhood from incompatible uses, including large scale commercial, industrial, and public uses or activities."
  4. CP.220.14. Housing Element, "Non-residential uses, such as public works, churches, schools, and fire stations should recognize and respect the character and quality of the area in which they are located and be so designed. Explore alternative sites when such a use places a significant impact on the area."

Finding: The above housing policies are contained in the Housing Element of the Comprehensive Plan (1981) and are relative to the proposal. The applicant operates a warming center which is an atypical residential use in a residential zone with many existing neighbors impacted by the use. There are numerous residents that live in the immediate neighborhood including the Illahee Apartments, Francis Apartments, Franklin Townhouses, and single family homes. From a policy perspective, the Comprehensive Plan tries to strike a delicate balance between providing a needed social service and different housing types with livable and safe neighborhoods. Homeless are residents too just like homeowners and renters, but do not currently have permanent shelter. The Comprehensive Plan does not articulate a hierarchy of housing status. For example, homeowners are not elevated above renters or homeless for that matter and should be evaluated equally. Conversely, the compatibility goals (220.6 & 220.14) are applicable to this proposal and short term impacts



and a long term location need to be addressed. In total, when reviewing the Housing policies cumulatively, it is decidedly in favor of protecting the needs of existing neighbors over non-residential uses and incompatible uses. The AWC Board has proposed a list of mitigation measures to alleviate these impacts. Staff also crafted suggested conditions of approval for the original CUP.

Finding: The initial CUP was approved, and proposed use has not changed. No major developments or land use requests in the neighborhood have occurred within the past year to significantly alter the character of the area (such as a zone change).

**For a permit request extension, only the extension criteria in Article 9 is applicable criteria for review. For background information only, the original CUP criteria is included below:**

- E. Section 11.030(A) requires that *“before a conditional use is approved, findings will be made that the use will comply with the following standards:”*
1. Section 11.030(A)(1) requires that *“the use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use.”*

Finding: The proposed use as a temporary, emergency warming center is a type of use associated with a social service oriented establishment such as a church. The applicant has operated the warming center in a different location (senior center) without any issues known to staff, but is proposing to expand services to meet an increasingly high demand for shelter, food, and social services in the community. AWC proposes to separate by gender and marital status and limit the number of residents to 35. The site is zoned for residential uses, but a church is not set up for residential occupancy and as a result operates on a temporary, emergency basis. The previous concerns from ADHDA is that the original concept of the emergency “warming center” has evolved into a “homeless shelter,” which is a different and more intense social service use as defined above. Typically, a homeless shelter is a permanent facility offering a variety of social services to its clients in addition to a dry, safe, warm space to sleep overnight. Acknowledging this distinction is absolutely fundamental to the application and its use, and even more critical when framing the findings and potential recommendations. An expansion or morphing of an existing use (warming center) to a more intense use (homeless shelter) is not appropriate for a church basement in a residential neighborhood.



In terms of location, the warming center is in fact accessible to a variety of clients and its employees and volunteers because of its proximity to public transit and other social services (Clatsop County, Clatsop Community Action, and food banks). The walking and biking distance from downtown and the Sunset Transit Center is advantageous to the population AWC is trying to serve. However, this same strength is also a reason why living in the neighborhood is an attractive amenity to homeowners and renters.

Locating a warming center is more appropriate at the site than a homeless shelter due to a number of factors. However, the AWC Board has suggested that the warming center will revert back to its original concept of a low barrier warming center. The Methodist Church offers a lot of benefits to the use, including access, a basement location that is not visible to the public when clients are inside, adequate space, a willing landlord, and adequate indoor facilities. There is a possibility that a warming center could be located somewhere else in the downtown area at another church or other semi-public or public facility. Staff has suggested a thorough site analysis to determine the feasibility of another location. This may also rule out other locations and validate the current location.

Regarding the availability of other sites in Astoria, there are few commercial spaces available that meet the applicant's criteria, as outlined in the submitted application, which does not include appropriate zoning. For example, a former office space on Bond Street, which was approved as a conditional use for a day care facility, is only 3,000 SF and therefore is too small based on a 4,000 SF minimum size requirement. If space is available, most commercial property owners do want to rent the space for less than market value or don't want to be associated with the use. A church offers lower rents in return for serving mission critical needs in the community. New construction for this type of facility is not financially feasible without a considerable capital campaign to raise the necessary funds so the applicant must narrow a search to existing, below market (semi-public or public spaces), vacant spaces. In surveying local nearby churches (First Baptist, First Presbyterian, Peace Lutheran, and Grace Episcopal) each location has drawbacks from physical building and occupancy constraints and zoning to availability and accessibility. The only other public space that is currently vacant is the former OSU Seafood Lab on Port property adjacent to the East Mooring Basin. This property is tied up in legal proceedings between Oregon State University and the Port of Astoria.

The applicant has submitted a site analysis and concluded that there are no other locations available without substantial cost implications. Refer to Exhibit C illustrating downtown area churches.

2. Section 11.030(A)(2) requires that *"an adequate site layout will be used for transportation activities. Consideration should be given to the suitability of*



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

Finding: The proposed use will have four employees/volunteers on staff during a typical day (i.e., overnight) of operation. This does not pose a significant impact to the site or neighborhood. Almost all clients using the warming center are arriving on foot or bike so the traffic impact is negligible. The site layout allows for entry of clients on the 11<sup>th</sup> Street side. Emergency vehicles can also readily access the site using on street or off street parking. Solid waste and recycling facilities will be located in the parking lot. Traffic patterns in the neighborhood will be primarily around opening and closing of the center around 7 pm and 8 am, respectively while the majority of the day will not be impacted.

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

Finding: All utilities are at the site and are capable of serving the use. No new construction is proposed. According to the former Police Chief, there was no net impacts to police services. In theory, incidents are not being reported off site in dispersed locations if a majority of the homeless population is residing in one location. In total, the proposed use will not overburden these services. The Garden of Surging Waves is the closest public park. Anecdotally, clients experiencing homelessness are not using this park so the impact is negligible. According to Parks Director Cosby, the warming center has been a net positive as a result of a decrease in vandalism to restrooms and other facilities. **The current Chief of Police, and Interim Fire Chief reviewed the application and did not note any additional concerns for the permit extension (see email attached).**

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

Finding: This is a temporary use for a tenant space so interior improvements are minimal to meet an emergency need. The Building Official and Fire Department will continue to monitor the fire life safety measures needed to provide a safe space for overnight stays. Standard is met.

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



Finding: No site construction is proposed other than maintaining landscaping that was required and approved with the original CUP.

- F. Section 3.240. *TEMPORARY USE PROVISIONS. Temporary Uses are those which involve minimal capital investment, and which comply with the following standards:*

*A. Duration of Permits. 1. Time Limit. A temporary use permit shall expire one year from the date of Final Decision unless an extension has been granted.*

*2. Permit Extensions. Prior to permit expiration, the applicant may request extensions in accordance with Section 9.100 (B.2.a & b) and 9.100(B.3 & 4). A permit remains valid, if a timely request for extension has been filed, until an extension is granted or denied.*

Finding: AWC operates on annual basis during the winter months. The nature of the operation and the temporary use provision allows an annual review of the use to examine performance and impacts of the use. Based on the findings of fact, staff recommends a one year approval. This would allow the AWC the time to conduct an additional site analysis to find another location that has less impacts to the residential neighborhood should an available site become available within the year. If another site cannot be found, then the AWC would need to request an extension for the 2018-2019 program year and furnish their findings to the Planning Commission for review.

*B. Security. The Planning Commission may require that the applicant furnish the City with a performance bond or other negotiable instrument up to, and not to exceed, the value of the improvements or the cost of removal of the improvements, whichever is greater. This requirement may be made in order to assure that any conditions imposed are completed in accordance with the plans and specifications as approved by the Planning Commission, and the standards established in granting the use.*

Finding: No capital improvements are proposed, so this standard does not apply.

## **V. DISCUSSION & CONCLUSION**

In 2014, the AWC was originally conceived as an emergency warming center and by all accounts provided a much needed social service in Astoria. The more recent direction for the operation, as determined by the AWC Board, is to function more as a homeless shelter, which has become problematic for its real and perceived impacts to the neighborhood. Despite the best efforts of staff and volunteers, the impacts are detrimental and must be mitigated to prevent further erosion of neighborhood character and livability. The AWC to a large extent has acknowledged some of the impacts and has proposed a list of mitigation measures as described in their application. Furthermore, staff has worked with the AWC Board on a pilot "Good



Neighbor Commitment” that would govern the activities of the AWC and how to address impacts. These additional measures are warranted to ensure it operates as a warming center only.

A “Good Neighbor Commitment” shall be negotiated and executed and presented to the Community Development Director for review. A renewed GNC, including a public meeting, prior to the extension request was suggested to capture any proposed changes that could arise. Previously, a GNC was drafted and, a neighborhood meeting was held in in the Fall prior to operations. An updated GNC, including any updates to contact information shall be resubmitted to the Community Development Director prior to operations for the 2018-2019 year.

The AWC can operate as a “warming center” only based on a 37 degree overnight outside temperature as determined by the National Weather Service forecast eight hours in advance of the day of operation. The actual temperature threshold can be set lower or higher by the Planning Commission, but 37 degrees is an average winter time temperature where hypothermia and other health related problems can jeopardize human health. The 37 degrees can be determined based on expected wind chill factor or inclement weather such as snow, sleet and freezing rain, but NOT solely based on rain. The AWC Board will make this determination and notify the City and neighbors when the center is open. This allows a proper amount of time to staff the facility and plan for the day of operation and provides for emergency shelter for those most at risk of hyperthermia or death. In addition to the 37 degree requirement, the AWC can only accept 35 clients until all performance standards described below can be met.

The AWC Board has communicated to staff that the warming center will open on a temperature basis from November 15 to December 15 and open every night from December 15 to January 15 and revert back to a temperature model from January 15 until February 15 for a total of 90 days of operation as allowed under the Oregon Fire Code Advisory recommendations.

## **VI. RECOMMENDATION**

The request, on balance, meets the applicable review criteria for an extension. Staff recommends approval based on a similar set of performance standards required for the original CUP:

The following conditions must be met prior to the opening of the 2018-19 program year (November 15, 2018 to February 15, 2019):

1. The permit is valid for one year until August 1, 2019. An extension may be granted after the AWC updates the site analysis to find a different location should one become available.
2. All landscaping and lighting improvements from the previous CUP, shall be maintained at the site.

3. If there are any changes or updates to the parking lease agreement, they shall be submitted prior to beginning of operations in November 15, 2018.
4. At no time shall the number of clients exceed 35 unless AWC requests and receives written approval from the Building Official, Community Development Director, and Fire Chief
5. The applicant shall obtain all necessary City and building permits prior to the start of construction.
6. If the AWC opens the warming center according to the weather policy, the AWC shall create/maintain an electronic notice system and notify the City and neighbors who sign up to receive such notice.
7. The applicant shall schedule an annual safety inspection of facilities with the Building Official, Fire Chief, Police Chief, and Community Development Director prior to start of operations.
8. The AWC shall designate and provide the City of Astoria one point of contact with contact info for all issues and concerns. The contact information for the point of contact shall be updated with any changes prior to operation.
9. A "Good Neighbor Commitment" shall be negotiated and executed and presented to the Community Development Director for review and approval prior to operations.
10. The AWC shall continue to furnish a log of all complaints and provide a record of investigation and responses. Specific complaints shall be resolved in a timely manner (48 hours or less).
11. The AWC Board, staff, and volunteers shall continue the litter pick up campaign for a two (2) block radius around the subject site. The AWC is encouraged to enlist the help of the clients they serve.
12. The AWC Board may use a weather policy of 37 degrees F using a wind chill factor and/or 1/3 or more inches of rain based on an acceptable weather forecast from a credible source.
13. Based on the weather policy above, the AWC Board shall use a 48 hour planning period to determine advance notice of operations.





# CITY OF ASTORIA

Founded 1811 • Incorporated 1856

## COMMUNITY DEVELOPMENT

☒ Fee Paid Date 5/14/18 By Chew

Fee: \$100.00 Admin

\$250.00 Hearing

Original Permit No. CU17-06 (TempCU)

### PERMIT EXTENSION & RENEWAL APPLICATION

Property Address: 557 11th St., Astoria, OR 97103 (Entrance of AWC)

Lot 5-6 Block 45 Subdivision McClures

Map 898CC Tax Lot 2300 Zone R3

Applicant Name: Astoria Warming Center

Mailing Address: 1076 Franklin Ave., Astoria, OR 97103

Phone: (503) 508-4021 Business Phone: (503) 791-5056 Email: astoriawarmingcenter@gmail.com

Property Owner's Name: First United Methodist Church

Mailing Address: 1076 Franklin Ave., Astoria, OR 97103

Business Name (if applicable): n/a

Signature of Applicant: Daniel T. Pahn Pres. AWC Date: \_\_\_\_\_

Signature of Property Owner: Carol Prichard (Pastor) Date: 5/14/18

Approved Permit to be Extended: CU17-06

Date of Original Approval: September 6, 2017 9/21/17 9/6/17

Proposed One Year Extension Date: September 6, 2019

Reason Extension is Required: (Also address criteria listed on second page of this application)

Continuing operations of Astoria Warming Center

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

<b>For office use only:</b> <u>5/22/18</u> <u>[Signature]</u>			
Application Complete:	<u>[Signature]</u>	Permit Info Into D-Base:	<u>6/22/18 6/26/18</u>
Labels Prepared:		Tentative Meeting Date:	<u>7-24-18</u>
120 Days:	<u>9/19/18</u>		

Re-noticed to

Development Code Section 9.100.B.1

No more than three permit extensions may be granted. No variances may be granted from this provision. Temporary Use Permit extensions are exempt from this requirement and may exceed the three extensions limitation.

Development Code Section 9.100.B.2

The granting authority may grant a permit extension upon written findings that the request complies with the following:

- a. The project proposal has not been modified in such a manner as to conflict with the original findings of fact for approval; and

(List **any** changes to the project) No changes

\_\_\_\_\_

- b. The proposed project does not conflict with any changes to the Comprehensive Plan or Development Code which were adopted since the last permit expiration date; and

(Staff can assist with this response) \_\_\_\_\_

\_\_\_\_\_

- c. The applicant has demonstrated that progress has been made on the project since the date of the original decision on the permit with regard to items such as, but not limited to:

- 1) Submittal of permit applications to City, State and Federal agencies;
- 2) Contracts for geologic or other site specific reports have been signed and are in effect;
- 3) Project site and/or building engineering, architectural design, or construction has begun.

(List **any** of the above items initiated and their status) \_\_\_\_\_

Alternative Site Analysis (see attached).

\_\_\_\_\_

- d. In lieu of compliance with Section 2.c above, the applicant may demonstrate that poor economic conditions exist in the market that would advise against proceeding with the project.

(Provide documentation on all economic conditions) n/a

\_\_\_\_\_



ASTORIA WARMING CENTER ALTERNATIVE SITE ANALYSIS

5/14/18	ANALYSIS CRITERIA										
	CLOSE TO DOWNTOWN? Y/N	ZONING	SIZE	SIZE MEETS NEEDS? Y/N	AVAILABLE 6:30PM-8:30AM? Y/N	MEETS FIRE CODE REQMTS? Y/N	KITCHEN/FOOD PREP? Y/N	LAUNDRY ? Y/N	MENS/WOMENS BATH ROOMS? Y/N	ACCESSIBLE SHOWER ? Y/N	HEAT/UTILITIES ? Y/N
<b>COMMUNITY FACILITIES</b>											
Armory	Y										
Astoria Recreation Center	Y										
Astoria Senior Center	Y										
City of Astoria	Y										
Clatsop Community College	Y										
Columbia Memorial Hospital	Y										
<b>FOR SALE PROPERTIES</b>											
Port of Call/Astoria Event Center	Y		9,025	Y			Y	Y	Y		Y
576 12th St.	Y	C4	10,000	Y			Y		Y		Y
1004 Commercial St.	Y	C4	4,050	N							
750 Marine Dr.	Y	S2A	3,654	N			N	N	Y		Y
279 6th St.	Y	C4	2,886	N			N	N		N	Y
<b>FOR RENT PROPERTIES</b>											
1020 Commercial St.			4,000	N							
750 Commercial St.			4,846	N							
354 9th			1,900	N							
653 West Marine			2,500	N							
<b>CHURCHES</b>											
	Miles from Transit (crow)										
First Baptist Church-American	0.15				N						
Peace Lutheran Church	0.23										
First Church of Christ Science	0.25										
First Presbyterian Church	0.27				N						
Church of Christ in Astoria	0.31			N							
Astoria Christian Church	0.34										
St. Mary Catholic Church	0.40										
Grace Community Baptist Church	0.41					N					
Grace Episcopal Church	0.41										
Hilltop Church of the Nazarene	0.65										
The Church of Jesus Christ of Latter-day Saints (Mormon)	0.66										
Assembly of God Astoria First	1.03										
Astoria Seventh-day Adventist	1.09										
JewLife Church	1.16					N					
First Lutheran Church	1.21					N					
Ethany Lutheran Church	1.30										
United Church of Christ				N							

ASTORIA WARMING CENTER ALTERNATIVE SITE ANALYSIS

ANALYSIS CRITERIA											
5/14/18	CLOSE TO DOWNTOWN? Y/N	ZONING	SIZE	SIZE MEETS NEEDS? Y/N	AVAILABLE 6:30PM- 8:30AM? Y/N	MEETS FIRE CODE REQUIREMENTS? Y/N	KITCHEN/ FOOD PREP? Y/N	LAUNDRY ? Y/N	MENS/ WOMENS BATH ROOMS? Y/N	ACCESS- IBLE SHOWER ? Y/N	HEAT/ UTILITIES ? Y/N
<b>COMMUNITY FACILITIES</b>											
Armory	Y										
Astoria Recreation Center	Y										
Astoria Senior Center	Y										
City of Astoria	Y										
Clatsop Community College	Y										
Columbia Memorial Hospital	Y										
<b>FOR SALE PROPERTIES</b>											
Port of Call/Astoria Event Center	Y		9,025	Y			Y	Y	Y		Y
76 12th St.	Y	C4	10,000	Y			Y		Y		Y
004 Commercial St.	Y	C4	4,050	N							
50 Marine Dr.	Y	S2A	3,654	N			N	N	Y		Y
79 6th St.	Y	C4	2,886	N			N	N		N	Y
<b>FOR RENT PROPERTIES</b>											
020 Commercial St.			4,000	N							
00 Commercial St.			4,846	N							
04 9th			1,900	N							
03 West Marine			2,500	N							
<b>CHURCHES</b>											
st Baptist Church-American	0.15				N						
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nts (Mormon)	0.66										
embly of God Astoria First	1.03										
oria Seventh-day Adventist	1.09										
Life Church	1.16					N					
t Lutheran Church	1.21					N					
hany Lutheran Church	1.30										
ted Church of Christ				N							



ASTORIA WARMING CENTER ALTERNATIVE SITE ANALYSIS

ANALYSIS CRITERIA						
5/14/18	WASHABLE FLOORS? Y/N	ACCESSIBLE W RAMP, SIGNAGE? Y/N	FOR SALE COST?	COST OF NEEDED IMPROVEMENTS?	RENT PER FT <sup>2</sup>	MONTHLY RENT >\$100? Y/N
<b>COMMUNITY FACILITIES</b>						
Armory						
Astoria Recreation Center						
Astoria Senior Center						
City of Astoria						
Clatsop Community College						
Columbia Memorial Hospital						
<b>FOR SALE PROPERTIES</b>						
Port of Call/Astoria Event Center			650,000			
576 12th St.			649,000			
1004 Commercial St.			580,000			
750 Marine Dr.			595,000			
279 6th St.			418,000			
<b>FOR RENT PROPERTIES</b>						
1020 Commercial St.					\$0.40	\$1,600
750 Commercial St.						
354 9th						
553 West Marine					\$1.06	\$2,650
<b>CHURCHES</b>						
First Baptist Church-American						
Peace Lutheran Church						
First Church of Christ Science						
First Presbyterian Church						
Church of Christ in Astoria						
Astoria Christian Church						
St. Mary Catholic Church						
Grace Community Baptist Church						
Grace Episcopal Church						
Hilltop Church of the Nazarene						
The Church of Jesus Christ of Latter-day Saints (Mormon)						
Assembly of God Astoria First						
Astoria Seventh-day Adventist						
NewLife Church						
First Lutheran Church						
Stethany Lutheran Church						
United Church of Christ						

# Astoria Warming Center (AWC) Extension Request for 2018-2019

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## Proposal for the 2018-2019 Season

### Permit Extension Request

The Astoria Warming Center requests an extension of the current Conditional Use Permit, Order No. CU17-06, for one year beginning August 1, 2018. AWC met all the conditions stipulated in the current permit (detailed in following 2017-18 Summary section). In the 2017-18 winter season, AWC successfully provided vital services with minimal impact on the surrounding neighborhood.

### Proposed Changes for 2018-2019

No changes are proposed. The current system is working well. We will continue hosting the neighborhood feedback sessions as prescribed in the Good Neighbor Commitment and use that information to fine-tune our internal operations.

### Good Neighbor Commitment

AWC has met its obligations under the Good Neighbor Commitment, which was developed with extensive community participation in 2017 (updated copy attached as Appendix A). AWC hereby renews this Commitment and will continue to meet all its requirements. The AWC Board will be sensitive to input from neighbors and will, when necessary, develop changes to the GNC to respond to community concerns. Such changes will be considered at the first regular Board meeting after the need arises. AWC's goal is to continuously improve our operations and our relationships with the neighborhood. Community support for AWC remains remarkable; even after the close of the winter season, AWC has received inquiries from potential volunteers, one new grant award, and offers of in-kind support from businesses.

### Alternative Site Analysis

A comprehensive Alternative Site Analysis was accomplished over the past two months with no viable alternative location identified for this coming season. The complete Alternative Site Analysis report was submitted with the AWC's permit extension application form. The following is a summary of the analysis. Four categories of properties were considered:

- **Community Facilities.** Representatives of the various community facilities were contacted. For example, JoAnn Zahn, VP Finance & Operations at Clatsop Community College provided the information that no college resources were available. No community facilities were found.
- **For Sale Properties.** A local commercial realtor provided information regarding the availability and cost for purchasable properties that fit the requirements for the warming center. The prices far exceeded the financial resources of the Astoria Warming Center.
- **For Rent Properties.** A local commercial realtor provided information regarding the availability and cost rental properties that fit the requirements for the warming center. The prices far exceeded the financial resources of the Astoria Warming Center.

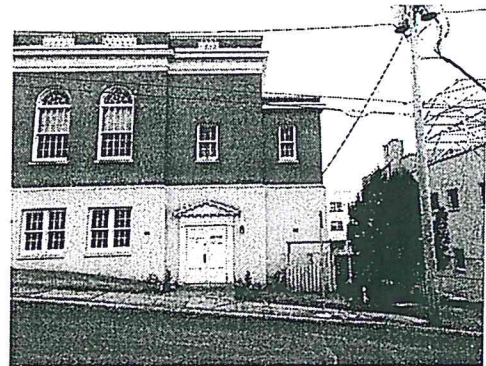


- **Churches.** Approximately twenty churches in Astoria were considered. The suitability was determined by a combination of directly contacting “pastors” from selected churches as well as an AWC representative examining some properties from the outside to determine suitability (size, fire exits, etc.). No suitable churches are available for this coming season.

## Summary of the 2017-2018 Season

### Overview of 2017-2018

The Astoria Warming Center opened for the winter season on November 16, 2017, and successfully provided weather-determined emergency shelter through the night of March 15, 2018. The Center was open on 80 nights, serving the needs of 161 guests (unduplicated headcount). AWC sheltered an average of 23 people per night, providing a total of 1,893 overnight stays.



Community support for AWC was tremendous, and vital to operations. AWC received weekly donations of hot food from five restaurants, as well as donations of food, warm clothing, bedding, and health care supplies from many, many individuals, businesses and nonprofits. Cash donations from individuals, churches, businesses and others were so generous that they covered most non-personnel expenses. Over 100 new volunteers signed up, bringing the volunteer pool to over 200; and 98 volunteers worked at least one shift.

All requirements of the CUP were met before opening (see chart below). All input received from neighbors indicates that 2017-18 AWC operations had minimal impact on the surrounding neighborhood. AWC board members have proactively engaged with individual neighbors and business owners to discuss operations and to build positive relationships. Feedback in these conversations has indicated that, in the 2017-18 season, AWC achieved significant improvement in its impact on the neighborhood. There were five contacts by neighbors with concerns; see attached complaint log (Appendix B) for details and response times.

In accordance with AWC’s Good Neighbor Commitment, three neighborhood meetings were held, one before opening for the winter, one mid-season, and one after the end of the season. Postcard invitations to these meetings were mailed to over 150 households in the immediate neighborhood; emails were sent to the Astoria Downtown Historic District Association and to City staff; and, announcements were made on the AWC Facebook page and on the radio. Most AWC Board members attended all the meetings to be available for questions, concerns and suggestions. Neighborhood attendance at the meetings was: 11/14/17 – one person; 1/27/18 – two people; and, 3/17/18 - four people.

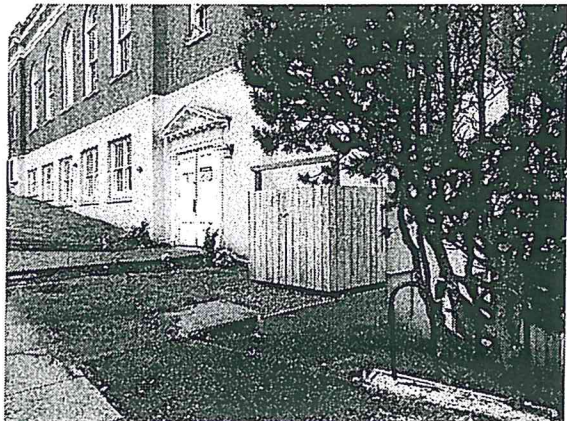
## Requirements from the Temporary Conditional Use Permit

The follow table shows the status of the conditions contained in the Temporary Conditional Use Permit for 2017-18.

Required Conditions before opening in 2017	Status
1. The permit is valid for one year until August 1, 2018. An extension may only be granted after the AWC conducts a through site analysis to find a different location.	The alternative site analysis summary is described in the Proposal for the 2018-2019 season above, with the complete analysis submitted with the extension application form.
2. All landscaping and lighting improvements, as well as the bike rack, shall be installed prior to the first day of operation in November 2017 with the exception of new pavers.	Landscaping, exterior lighting, bike rack and enclosed trash bin area were completed prior to November 15, 2017. Improved exterior lights were added in February, 2018. "No Camping" signage was installed a month before opening.
3. An executed parking lease agreement shall be submitted prior to beginning of operations in November 15, 2017.	Lease agreement was negotiated with First United Methodist Church, signed and submitted to City staff prior to November 15, 2017.
4.  All suggestions identified in the applicant's proposal stamped June 20, 2017 shall be implemented and verified to the extent possible prior to first day of operation.	With one exception approved by City staff, all of the proposed changes listed in the 6/20/2017 application were implemented for the 2017-18 winter, specifically: a. Doors opened at 7:00 pm. Additionally, "No loitering" signs were posted at the entrance, and guests arriving early were told to leave the premises. Guests were reminded nightly not to arrive before 7:00 pm. b. With City staff approval, the proposed additional paved area at the entrance was not implemented based on feedback at community meetings. c. One of the two Center Coordinators was assigned the duties of the proposed Resource Coordinator and worked with guests to identify needs and provide referrals. d. The new, stricter Exclusion Policy was implemented and enforced. Six people were excluded for the remainder of the season; there were nine one-night exclusions. e. AWC widely publicized its Google Voice phone number and email address to the community. f. Additional exterior lighting was installed prior to November 15, 2017 and was improved in February, 2018. g. A bike rack was installed near the entrance before November 15, 2017. h. AWC's Wi-Fi service was put on a timer so it was active only during open hours.
5. At no time shall the number of clients exceed 35 unless AWC requests and receives written approval from the Building Official, Community Development Director, and Fire Chief.	The maximum number of clients was 34, on one particularly severe weather night only (February 19).



6. The applicant shall obtain all necessary City and building permits prior to the start of construction.	No building permits were required of AWC. The electrical contractor that installed the additional exterior lighting in February obtained an electrical permit for that work.
7. If the AWC opens the warming center according to the weather policy, the AWC shall create an electronic notice system and notify the City and neighbors who sign up to receive such notice.	An email notification system was set up and notices were sent to the City, emergency services and any neighbors who requested it. Notices were sent nearly every day, whether AWC was open or closed; the only exception was that in a few instances when the weather forecast resulted in AWC being closed for several consecutive days, one notice was sent at the beginning of the closure.
8. The applicant shall schedule an annual safety inspection of facilities with the Building Official, Fire Chief, Police Chief, and Community Development Director prior to start of operations.	All required inspections were completed prior to the November 15, 2017 opening date.
9. The AWC shall designate and provide the City of Astoria one point of contact with contact info for all issues and concerns.	The AWC Board President, Dan Parkison, was designated as the point of contact and contact information was provided to the City.
10. A "Good Neighbor Commitment" shall be negotiated and executed and presented to the Community Development Director for review.	Completed in August, 2017, with extensive community involvement and professional facilitation provided by the City. Signed and submitted to City staff on September 5, 2017.
11. The AWC shall furnish a log of all complaints and provide a record of investigation and responses. Specific complaints shall be resolved in a timely manner (48 hours or less).	Five complaints were received through various communication channels during the 2017-18 season. Most complaints were resolved within three hours of receipt; all were resolved within 48 hours. The log is attached as Appendix B.
12. The AWC Board, staff, and volunteers shall develop a litter pick up campaign for a two (2) block radius around the subject site. The AWC is encouraged to enlist the help of the clients they serve.	The litter pick-up plan was implemented, with daily patrols of the church property and approximately weekly patrols of the neighborhood. AWC guests, staff, volunteers and Board members participated in this campaign.
13. The AWC Board may use a weather policy of 37 degrees F using a wind chill factor and/or 1/3 or more inches of rain based on an acceptable weather forecast from a credible source.	Weather forecasts from NOAA and/or Weather Underground were monitored daily, often two to three times a day.
14. Based on the weather policy above, the AWC Board shall use a 48 hour planning period to determine advance notice of operations.	Opening/closing decisions were made based on the forecasts 48 hours in advance. All of the 80 nights that AWC opened qualified under the stipulated criteria at the time the decision was made.



### **Appendices:**

- A. Good Neighbor Agreement**
- B. 2017-18 Complaint Log**



# **Appendix A: Good Neighbor Commitment Astoria Warming Center Updated May 21, 2018**

**Mission: To prevent unsheltered people from dying of exposure in Astoria**

## **1) Introduction and Background**

- a) The following Good Neighbor Commitment (“Commitment”) is established by the Astoria Warming Center (AWC). Individuals and organizations near AWC provided input at neighborhood meetings, the Planning Commission’s public hearing, and via written comments. This input was used in developing this Commitment and forms the core of the Commitment.
- b) The Astoria Warming Center is located at 557 11<sup>th</sup> Street in Astoria, in the lower level of the First United Methodist Church, which owns the building. Some improvements have been made to the lower level of the church building specifically to meet AWC’s needs.
- c) AWC is a 501(c)(3) non-profit organization. AWC funding comes from individual and organizational donations, a City of Astoria Community Services grant, and other government or foundation grants that may be applied for and received.
- d) The Astoria Warming Center is a low-barrier warming center, defined as a short-term emergency shelter that operates during inclement weather. AWC will provide overnight sleeping space and evening meals for members of the community who lack shelter for a maximum of 90 nights during the winter months. Annual operations will normally start on or after November 15 and end by approximately March 15. During other months, AWC may be open during two to four daytime hours a week to provide showers only. Staff and/or trained volunteers will be on-site during all hours of operation. AWC will provide referrals to other support services to assist guests with gaining permanent shelter, employment, treatment or other needs.
- e) Legal status of this Commitment: AWC is committed to maintaining safety and good neighborhood relationships. It is to this end that AWC enters into this Commitment. This Commitment is NOT a legally binding contract and is not intended to be. AWC commits to act in good faith at all times.

## **2) Goals of the Commitment**

- a) Initiate and maintain open communications and understanding.
- b) Develop a procedure for resolving problems that may arise in the future.
- c) Maintain and enhance neighborhood safety and livability.
- d) Foster a healthy and welcoming environment for all.

## Commitment

### 3) Astoria Warming Center will:

- A) Open on a weather-dependent basis as follows: on nights when the wind-chill temperature is forecast (by NOAA, Weather Underground, AccuWeather, or similar agencies) to be 37°F. or below, or when, at temperatures above 37°F., more than 1/3" of rain or a major storm is forecast.
- B) Comply with all applicable laws and regulations, including state and local fire regulations, non-discrimination laws, and the Americans with Disabilities Act.
- C) Contribute to safety and well-being for everyone in the community by treating every community member with respect.
- D) Communicate directly and productively when questions, problems, or differences arise, and resolve concerns at the lowest possible level.
  - i) Provide a Google Voice messaging system, for complaints only, to which AWC will respond within 24 hours (See Appendix A, How to Contact AWC).
  - ii) Respond in a direct and timely fashion if concerns arise, thus allowing the other party to better understand the issue and help resolve it. During opening hours, the AWC phone will be answered immediately by staff if possible.
  - iii) Utilize face-to-face or telephone communication whenever possible to maximize understanding. Exercise caution in communicating via e-mail or similar methods in conflict situations.
- E) Report crime to police.
- F) Make concerted efforts to support guests' accountability and personal responsibility through frequent guest education. Guest education sessions will be conducted every night that the AWC is open during the winter months. These sessions will cover:
  - i) AWC policies regarding behaviors noted in **3.H.** through **3.M.** below, whether at AWC or elsewhere, during operating hours and at other times. AWC rules are included in Appendix B, Guest Rules and Information.
  - ii) Respectful treatment of fellow guests, staff/volunteers, the neighborhood, and Astoria in general.
  - iii) Availability of community resources for housing, employment, education, and recovery, and AWC facilitation of connection to those resources.

AWC will take the following steps to alleviate specific neighborhood concerns raised to date:

- G) Neighborhood meetings will be held before, during, and after the winter season. Mailed notice will be provided at least three weeks in advance to building owners and residents for whom AWC has addresses. Flyers will be posted in public places and announcements made on social media. Residents and business operators may sign up to receive notices of neighborhood meetings by contacting AWC at any time.



H) Trash and personal items left in the neighborhood:

- i) AWC will provide an outdoor trash container for guest use during the months of overnight operations.
- ii) Trash disposal instructions will be covered in all AWC guest-education sessions. We will discuss the responsibilities of all citizens to keep their city clean and will encourage guests to speak to others they know to keep the downtown clean.
- iii) AWC guests, accompanied by staff/volunteers, will conduct neighborhood litter patrols at least once a week on the public areas in a two-block radius of the AWC during the months of overnight operations. Building owners in this area who wish to have the litter patrol come onto their private property may arrange this in advance with the AWC.
- iv) AWC will perform a daily litter patrol on church property, including the parking lot.

I) Public urination and defecation:

- i) When AWC staff/volunteers are present on site prior to opening time, guests will be allowed inside solely for use of the bathroom.
- ii) Avoidance of public urination/defecation, availability of AWC restrooms, and location of public restrooms will be covered in all AWC guest-education sessions. *[Note: AWC will formally ask the city to provide more restroom facilities and to keep the ones on Exchange near 13th St. open longer.]*

J) Guests congregating outside the AWC entrance before opening time:

- i) AWC will take multiple steps to encourage guests to arrive gradually at and after the opening time instead of gathering outside before opening time:
  - (a) AWC will open at 7:00 p.m., with the evening meal served at 7:30 p.m. This is expected to result in guests arriving gradually from 7:00-8:00 p.m. AWC will install a sign on the door of the warming center as follows:

NO LOITERING  
On the nights the AWC is open,  
the doors will open at 7:00 p.m.  
Assembling before that time  
creates a burden on the neighborhood:  
please do not arrive before then.

AWC staff/volunteers will check the entrance periodically after 7:00 p.m. for guests who have not yet entered and tell them to come in.

- (b) AWC wi-fi service will not be turned on until the 7:00 p.m. opening time, as some guests have in the past arrived early to use wi-fi from outside the entrance.
- (c) To the extent possible, AWC staff/volunteers will monitor guests' arrival times and speak to individuals as needed to discourage arriving early.
- (d) Arrival time and outdoor-behavior expectations will be covered in all AWC guest-education sessions.

K) Cigarette smoke and noise during the night:

- i) To comply with the legal no-smoking distance of 10 feet from a building entrance, guests will be allowed to smoke only in a designated area outside the entrance. Containers for cigarette disposal will be provided at this location. Guests' behavior will be monitored by staff.
- ii) Once admitted to the AWC, guests will be allowed out of the building to smoke during the night only when accompanied by a staff person or volunteer. Scheduled smoke breaks will be used to the extent possible.
- iii) Any guests who insist on leaving the building to smoke without supervision will be instructed to take their personal belongings with them, as they will not be readmitted to AWC that night.
- iv) Smoking rules will be covered in all AWC guest-education sessions.

L) Non-compliant behavior:

- i) Behavior expectations will be covered in all AWC guest-education sessions and will include expectations of guest behavior outside as well as within the center.
- ii) AWC has a strict zero-tolerance policy prohibiting aggressive, threatening, or violent behavior and use of tobacco, alcohol, or illegal drugs in the center.
- iii) AWC's policy is to immediately evict and temporarily deny readmission to any guest who violates zero-tolerance behavior rules. On-site staff and volunteers have the authority to make and implement these decisions immediately and to call 911 when necessary. The AWC board will review denials of admission for determination of whether the denial should be permanent.
- iv) AWC will expand training for staff/volunteers on responses to and treatment of incidents involving guests with issues of mental health.
- v) Guests are expected to arrive between 7:00 and 8:00 p.m. Guests will not be admitted after 11:00 p.m., except for persons brought to the AWC by police or ambulance.
- vi) Any guest who leaves the AWC during the night, except for supervised smoke breaks or a medical emergency, will not be readmitted the same night.
- vi) The AWC will continue the work with the Astoria Police Department to foster good communication and partnership.

M) Camping and noise in the parking lot:

- i) AWC will post "No Overnight Camping" signs in the church parking lot.
- ii) AWC will notify guests that loud music from vehicles in the parking lot may result in exclusion from the center.
- iii) On nights that the AWC is open, staff/volunteers will check the parking lot at each shift change. This will be approximately every three hours.



iv) Neighbors are encouraged to notify AWC and/or Astoria Police if they observe infractions.

v) The parking lot will be inspected daily for trash.

N) Emergency-response vehicles:

i) AWC asks neighbors to recognize that medical emergencies can happen to anyone.

ii) It will sometimes be necessary for AWC staff/volunteers to call for police assistance.

iii) When emergency services are called to the AWC, staff/volunteers will, whenever possible, request that the emergency vehicles approach the neighborhood and park at the location without the use of flashing lights or sirens, a practice that was implemented during the last part of the 2016-17 winter season.

O) Data and decision-making:

i) AWC will annually review and, as needed, change or expand the collection of data about AWC guests, incidents, and services provided.

ii) This data will be provided to the City of Astoria and, on request, to other interested parties. It will also be used by AWC to inform future decision-making and operations planning.

#### 4) Duration

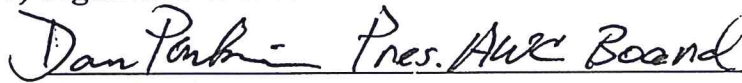
This Commitment will remain in effect unless dissolved by the City of Astoria or AWC with the consent of the City.

#### 5) Administration

A) The original signed Commitment and any amendments will be kept on file by the Astoria Warming Center, with copies to the City of Astoria, the Astoria Downtown Historic District Association, and any person who requests it.

B) The Commitment may be amended by vote of the AWC Board of Directors.

#### 6) Signature of AWC President

  
Dan Parkison

5-22-18  
Date

#### 7) Appendices

A) How to contact Astoria Warming Center

B) AWC Guest Rules and Information

ASTORIA  
WARMING  
CENTER

1076 Franklin Ave.  
Astoria, OR  
97103

Phone 760-289-8932

Board of Directors

Dan Parkison,  
President

Janet Miltenberger,  
Treasurer

Annie Dolber,  
Secretary

Rick Bowers

Judy Hollingsworth

Annie Martin

Jeremy Martin

Ron Maxted

Nelle Moffett

Rev. Bill Van  
Nostran

Bruce Williams

—overnight cots  
and warm soup suppers  
for people experiencing  
homelessness in Clatsop  
County during weather  
conducive to  
hypothermia  
—shower facilities  
year-round

Astoria Warming Center is  
a 501(c)(3) non-profit  
organization

Appendix A

How to Contact  
Astoria Warming Center

*Nights of operation: Weather-dependent,  
Nov. 15-March 15, 7:00 p.m. – 8:00 a.m.*

For complaints:

To speak to a person (when AWC is open), call  
**(760) 289-8932**

To leave a message, call  
**(503) xxx-xxxx**

*[Note: This will be the Google Voice number]*

We will respond as soon as possible.

**E-mail:**

**astoriawarmingcenter@gmail.com**

**FaceBook:**

**Astoria Warming Center**



### Astoria Warming Center Guest Rules & Information

*AWC Guest Rules & Information are reviewed with all guests every night that AWC is open overnight.*

1. Zero-Tolerance Policy prohibits:

- Weapons (all items that could be used as weapons must be turned in to the staff for the night upon arrival)
- Drugs or alcohol in the building
- Smoking or rolling cigarettes in the building
- Threatening, violent, or discriminatory talk or behavior

2. Any violation of the zero-tolerance policy will result in immediate expulsion from the warming center. Expulsion will be at least for the night, and may be made permanent by decision of the AWC board.

3. The warming center does not own this space; we are given the use of it through the generosity of the church. Please respect the space and the neighborhood.

- Trash containers provided by the AWC are located in the church parking lot.
- [List locations of public restrooms.]
- Guests are asked not to arrive before 7:00 p.m. and to come in immediately upon arrival, but to wait quietly off the public sidewalk if the doors are not open when they arrive.
- Smoking is allowed only in the designated space on the paved area. Be sure to use the provided container for cigarette disposal.
- Smoke breaks during the night are allowed only with staff/volunteer supervision. Leaving to smoke without supervision will result in expulsion for the night.
- Guests at the warming center are here to sleep *inside* the building; sleeping in vehicles on church property (which is posted) is prohibited, and it is illegal to sleep in vehicles on Astoria streets. Police will be called for infractions.

4. Guests are expected at all times to be respectful of each other, staff and volunteers, the church, neighbors, the neighborhood, and the City of Astoria.

5. A Chore List for guests' participation will be maintained daily, which will include sweeping the main-room floors, cleaning the bathrooms, emptying the trash, litter patrol [more items upon consultation of center coordinator].

6. Food and drink are to be kept at the tables only, not in the sleeping area.

7. All pets must be kept on a leash or contained in pet carriers at all times.

8. Community resources are available for help with housing, jobs, treatment, etc. AWC staff will provide information and referrals.

## Appendix B: Complaint Log

Date/Time	Issue	Response	Response Time
1/3/18	Complaint to City Council: Dog waste on lawn of FUMC property	Dog waste cleaned up. Waste cleanup program instituted that evening, with all guest dog owners notified that waste must be cleaned up or dogs would not be permitted at the AWC. No further problems reported.	21 hours after receiving email from Planning Department.
1/5/18	Transient left bike on private property adjacent to FUMC parking lot.	Bike pick up by Board member. Unknown owner. No further bikes left on private property	1 day
January 2018 - Complaint to Astoria Police Department.	Staff car was allegedly parked in No Parking zone in front of AWC entrance while loading food into the AWC.	Patrol officer discussed situation with staff member. The area in front of the AWC entrance is actually a designated Loading Zone. The Loading Zone sign had been ripped out of the concrete sidewalk within two weeks before the first complaint was filed. Astoria Police Department was notified and shown Google Earth photo showing the sign in place. City Public Works Dept confirmed that Loading Zone sign was located in front of church as of 2017. Public Works installed new replacement sign. No further calls to Police Dept.	Immediate response to police officer. Contact with Public Works by the next day. Loading Zone sign replaced within a few days.
1/27/18 - Complaint received at AWC neighborhood meeting.	Women walking alone on sidewalk were verbally harassed.	The women were given our phone number and asked to immediately call the AWC if the situation happened again. The same evening, all guests were advised that any person identified as verbally harassing the public would be excluded from the AWC. At the nightly "Respect the Neighborhood" talk, the issue was strongly discussed. No further complaints received.	3 hours
2/14/18 about 8:15 pm	Received call about people outside AWC entrance.	Two guests were talking outside; staff told them to come inside. Loitering monitored nightly.	Less than half an hour



## Nancy Ferber

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**From:** Geoff Spalding  
**Sent:** Friday, May 11, 2018 8:59 AM  
**To:** Nancy Ferber; Paul Gascoigne  
**Subject:** RE: Warming Center "pre-app"

No concerns or suggestions from the police department

Geoff



Chief Geoff Spalding  
ASTORIA POLICE DEPARTMENT  
555 30th Street Astoria, OR 97103  
phone: 503-325-4411  
office: 503-298-2540  
cell: 503-741-0000  
fax: 503-325-4897

**From:** Nancy Ferber  
**Sent:** Thursday, May 10, 2018 4:27 PM  
**To:** Paul Gascoigne <[pgascoigne@astoria.or.us](mailto:pgascoigne@astoria.or.us)>; Geoff Spalding <[gspalding@astoria.or.us](mailto:gspalding@astoria.or.us)>  
**Subject:** FW: Warming Center "pre-app"

Geoff and Paul-

The warming center is coming in next week to submit for their renewal of the land use permit that allows them to operate in the church basement. The permit goes to Planning Commission for review. Normally we require a pre-application meeting, but I'd like to streamline the process on this one as they said there won't be any changes to their request or operation.

Do Police or Fire have any concerns Planning Commission should know about when reviewing the renewal request? Any changes to occupancy or fire life safety stuff?

Let me know, thanks!

Nancy

**From:** Nathan Crater  
**Sent:** Thursday, May 10, 2018 4:20 PM  
**To:** Nancy Ferber <[nferber@astoria.or.us](mailto:nferber@astoria.or.us)>; Cindy Moore <[cmoore@astoria.or.us](mailto:cmoore@astoria.or.us)>  
**Subject:** RE: Warming Center "pre-app"

No public works issues to my knowledge.

Regards,

Nathan Crater, PE  
City Engineer  
503-338-5173

## Nancy Ferber

---

**From:** Mike Morgan  
**Sent:** Thursday, April 05, 2018 4:06 PM  
**To:** danparkison911@yahoo.com; rick@speak-peace.com; kmadev76@gmail.com  
**Cc:** Nancy Ferber; Brett Estes  
**Subject:** Application for Warming Center Temporary Use

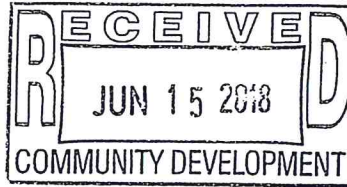
All: Nancy and I spoke with the City Attorney Blair Henningsgaard today who confirmed that you may apply before the expiration date (August 1) of the permit. I would suggest that you apply after you prepare your analysis of alternative sites, plus any other information you wish to include that would bolster your argument for maintaining the center at the present location.

Mike Morgan  
Interim Planner  
Community Development Department  
City of Astoria  
1095 Duane Street  
Astoria OR 97103  
503-338-5183  
[www.astoria.or.us](http://www.astoria.or.us)



CITY OF ASTORIA  
Founded 1811 • Incorporated 1956





Richard D. Bowers  
PO Box 1406  
Astoria, OR 97103

June 15, 2018

Planning Commission  
1095 Duane Street  
Astoria, OR 97103

Dear Commission Members:

I am writing in support of approving the extension request for the Conditional Use Permit for the Astoria Warming Center (AWC). Here is my reasoning:

### Approval Criteria

The extension approval criteria are documented in Development Code 9.100.B.2:

- a. The project proposal has not been modified in such a manner as to conflict with the original findings of fact for approval; and  
My Perspective: No changes were proposed on the Permit Extension.
- b. The proposed project does not conflict with any changes to the Comprehensive Plan or Development Code which were adopted since the last permit expiration date; and  
My Perspective: My understanding is there have been no relevant changes to the Comprehensive Plan or the Development Code.
- c. The applicant has demonstrated that progress has been made on the project since the date of the original decision on the permit with regard to items such as, but not limited to:
  - 1) Submittal of permit applications to City, State and Federal agencies;
  - 2) Contracts for geologic or other site specific reports have been signed and are in effect;
  - 3) Project site and/or building engineering, architectural design, or construction has begun.My Perspective: Progress has been made since the AWC operated during the 2017-2018 season.
- d. In lieu of compliance with Section 2.c above, the applicant may demonstrate that poor economic conditions exist in the market that would advise against proceeding with the project.  
My Perspective: This item does not apply.

My point in itemizing these criteria relates to Development Code 9.100.B.4, Appeals, which says "Appeals on permit extensions shall be limited to the issues relevant to the permit extension criteria only and not to issues relevant to the original permit approval" (underlining added). To me this section of the code emphasizes that the intent of the code is to restrict the ultimate extension determination to the criteria listed within the code and not to "rehash" or "redo" the original approval process. Certainly the Planning Commission is not restricted to this code section since the Commission is not hearing an appeal. However, it makes little sense to me to spend time revisiting issues relevant to the original approval process when the final process (based on appeal) is limited to the above four criteria.

---

However, if the Commission chooses to deliberate on items outside of the criteria listed above, I have these further thoughts.

## Unintended Discrimination

My takeaway from last year's public hearings regarding the AWC Conditional Use Permit is that while everyone who testified was for the concept of a warming center, those against the approval of the permit believed the location was inappropriate—I'm sure a sincerely held and reasonable position. However, I don't recall anyone suggesting a viable alternative. Indeed, the AWC conducted an alternative site analysis and did not discover an affordable option. Unfortunately, this situation has the potential to lead to the "Not in my backyard/neighborhood" syndrome.

This seemed to be the case last year. The July 18, 2017 Staff Report states "The Comprehensive Plan does not articulate a hierarchy of housing status. For example, homeowners are not elevated above renters or homeless for that matter and should be evaluated equally." Yet Staff continues "...when reviewing the Housing policies cumulatively, it is decidedly in favor of protecting the needs of existing neighbors over non-residential uses and incompatible uses." The Report also says "Homeless are residents too just like homeowners and renters, but do not currently have permanent shelter." So the thought process seems to be that while the "homeless are residents" they may not be entitled to sleep in residential neighborhoods....

Historically, land use planning has been an effective tool to facilitate discrimination nationally. For example, Antero Pietila in *Not in My Neighborhood: How Bigotry Shaped a Great American City* examines how bigotry in Baltimore was advanced via residential segregation (against African Americans and Jews). Initially, segregation was overt. However as Federal law evolved the discrimination went underground through subtle means. My point is that with the above thought process ("....decidedly in favor of protecting the needs of existing neighbors over non-residential uses..."), the "not in my neighborhood" syndrome has the potential to flourish with the subtle unintended consequence of discriminating against those people experiencing homelessness.

And has been well documented, people experiencing homelessness are a diverse community—including those with mental/physical disabilities, drug/alcohol abusers, veterans, senior citizens, lifestyle choices, job losses, unexpected financial obligations, mothers with young children, and of course working people who are unable to afford traditional shelter (due to the shortage of low-cost housing). With no viable alternative location for the AWC, do we really want all of these people facing Astoria's winter unprotected? I do not.

## Comprehensive Plan & Development Code

The general goal of the Commission, as I understand it, is to support the intentions of the Astoria Comprehensive Plan along with the Development Code. As I read these documents I have an overall sense that one of the goals is to provide support for the health and safety of Astoria's residents. For example, 1.125.A.9 of the Development Code says the Commission is to "Study and propose such measures as are advisable for promotion of the public interest, health, morals, safety, comfort, convenience, and welfare of the City and of the area within six miles thereof." The Comprehensive Plan, CP.010.5 says "Increases in density may be permitted where the development provides facilities in the community's interest. These may include low-cost or work force housing, park or recreation sites or school sites." These snippets indicate a high level objective of promoting the public interest as well as promoting low-cost housing. And as staff has pointed out, people experiencing homelessness can be residents. To me, the AWC certainly promotes this vision.



## What Zone?

I have heard complaints that a warming center is not appropriate in an R3 zone. Yet the current location, on the border of C4 and R3 may be perfect! The Methodist church building itself is in R3 and the parking lot of the church is across the street in C4. The purpose of the R3 zone is high-density residential housing. The C4 zone, across the street, is intended to be the commercial center of the Astoria urban area (including several variations of lodging—e.g. dwellings located above or below the first floor, with commercial facilities on the first floor of existing structure and conditionally, hotels). Kate Allen, a housing development professional, testified at last year's public hearing that "from a community impact perspective, the current location of the Astoria Warming Center, on traffic corridor streets, with institutional uses to the North and East, and multi-unit uses to the West and across the street to the South is about as appropriate a location as could be found, close to but not directly impacting the commercial corridor of the city center." In other words, since there is no zone in Astoria that directly accommodates a warming center, positioning the center on the border between these two zones can be ideal.

Furthermore, the AWC meets the needs of downtown business owners and neighborhood residents by providing shelter and security for those who would otherwise be seeking shelter in doorways, porches, and bushes on private property. Since the City has made camping illegal within city limits and has not yet identified an alternative legal and affordable option for those who are homeless, the AWC meets this need without relying on City funding to do so. Extending the current AWC permit provides a solution until the City can find a better location.

Sincerely,

Richard D. Bowers

## Nancy Ferber

---

**From:** Nancy Ferber  
**Sent:** Friday, May 18, 2018 6:26 PM  
**To:** 'Dan Parkison'; Mike Morgan  
**Cc:** Brett Estes  
**Subject:** RE: AWC Extension  
**Attachments:** AWC Permit Extension DRAFT.docx

Hi Dan,  
To clarify, I'm not suggesting you revise the GNC. I did want to make it very clear that because there was a condition of approval last time about the GNC, you will want to address the GNC this time also. The last condition was as follows: "Good Neighbor Commitment shall be negotiated and executed and presented to the Community Development Director for review" and all the conditions had a timeline: they had to be met prior to the opening of the 2017-18 program year (November 15, 2017 to February 15, 2018).

So, I *strongly* recommend you come prepared to APC with information that any concerns have been addressed and that you have done your due diligence to maintain a good relationship with the neighborhood. The most succinct way to do that I believe would be very proactive and come with a "renewed" GNC. It doesn't have to be revised-and in this case if it's not broken-don't fix it seems like an appropriate motto! If you have a renewed/refreshed GNC submitted at Planning Commission for approval, it will be one less thing to check off your to do list prior to opening in 2018 rather than waiting until prior to opening and having to scramble to deal with having a meeting and dealing with issues.

I have not started on your staff report, but I can almost guarantee I will suggest very similar conditions of approval from the previous report. The dates will obviously change, but I've attached the list of previous conditions for your reference, with some initial edits. We discussed these at our pre-app meeting last week.

If you want to propose any changes to the landscaping you are welcome to, we just need to know about them.

I highly doubt the decision will be appealed to council if you go make sure that any concerns are addressed at the Planning Commission level. If you want to have any sort of mediated conversation, which I don't think is necessary, but is an option, you are welcome to contact Anne Odom. I spoke with her today, and she's willing to discuss a few options with you. As the applicant, you would need to pay for any fees associated with her services, she wouldn't be acting as a City employee. It would be up to you and your facilitator on how you would want to structure any sort of dialogue or outreach. There are lots of options and ways you could have a dialogue to make sure you have neighborhood support and that any concerns have been met.

To summarize, you are not required to submit a "new" GNC. I strongly recommend you proactively act now to show that you have renewed support, and provide a "renewed" GNC. I look forward to hearing from you. You said at the meeting on the 14<sup>th</sup> that you had some photos to submit, and additional narrative. The sooner you get that in the better!!! To get your application on the June 26<sup>th</sup> meeting we will need to send out public notice on June 1<sup>st</sup> and I need that information before then. You can submit additional material, including a renewed GNC, and any landscaping proposals up to and during the Planning Commission meeting.

FYI I will be out of town the 23<sup>rd</sup> to the 30<sup>th</sup> so please contact Brett during that time if you have any questions.



Best,  
Nancy

**From:** Dan Parkison [mailto:danparkison911@gmail.com]  
**Sent:** Tuesday, May 15, 2018 3:01 PM  
**To:** Nancy Ferber <nferber@astoria.or.us>; Mike Morgan <mmorgan@astoria.or.us>  
**Subject:** AWC Extension

Dear Nancy and Mike,

After our pre-application meeting with both of you at the City, I contacted our Board Members about having a neighborhood meeting to discuss possible changes to the Good Neighborhood Commitment.

I was emphatically reminded by several board members of the hundreds of hours of preparation that were spent prior to the previous GNC meetings.

If we are considering revising the GNC, we would want to have input from the same broad cross-section of interested parties that we had last year, not just a few neighbors that live within a 2 block radius of the AWC. Before the GNC was drafted, we received input from the medical community, Emergency Services, the Police Department, City Officials, Council Members, and the public at large. We posted info on our Facebook page. There were over 8000 FB-views and dozens of comments prior to the meeting. We also reached out thru radio and press to the Astoria citizens at large. Many citizens from outside the immediate area attended the GNC meetings and several provided comments.

Our Permit Extension request requires us to list **any** changes/modifications that we have made from the previous year in our Application. ***We are proposing no changes to our operation and GNC prior to the Planning Commission hearing.*** We would like to withdraw the proposed changes we discussed at the meeting yesterday. Specifically we withdraw the request that we be allowed to install a small amount of gravel at the entrance, and we withdraw the request for a reduced frequency of the litter patrol. We are proposing no changes whatsoever to our operation or GNC.

Since the creation of the GNC, we have already had three public meetings as required in the Commitment. None of the attendees suggested revising the GNC. These meetings were publicly announced and mailings were sent to the surrounding neighbors. Next year, as also required in the current GNC, we will be having a neighborhood meeting in early November, just prior to opening. (With two more required meetings held at mid-season and after closing for the year.) During this pre-opening meeting we can discuss the upcoming season and the GNC, At that time we will already know if the Planning Commission has approved our Extension Request and if any changes have been made in the Conditions of Approval. And also, if the decision is appealed to the City Council--by November we should have their decision as well.

Sincerely,

Dan Parkison  
President, AWC Board



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

**CITY OF ASTORIA  
NOTICE OF PUBLIC HEARING**

Mail	7/2/2018
Email	7/2/2018
Web	7/2/2018

pub: 7/16/2018

The City of **Astoria Planning Commission** will hold a public hearing on Tuesday, July 24, 2018 immediately following the **Traffic Safety Advisory Committee** meeting at 6:30pm in the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

1. Permit Extension Request for Conditional Use (CU17-06) by Astoria Warming Center to extend the permit to September 6, 2019 to operate the Astoria Warming Center at 1076 Franklin Ave (Map T8N-R9W Section 8CC, Tax Lot(s) 2300; Lot(s) 5 & 6, Block 45, McClure's) in the R-3 High Density Residential Development Zone. Development Code Standards 2.150-2.185, 3.240, Articles 9 and 11 and Comprehensive Plan Sections CP.040-CP.045, CP.215-CP.230 are applicable to the request. \*note this item is continued from 6/26/18 due to an error in mailing the public notice.
2. Variance Request (V18-08) by Bruce Jones for the Columbia River Maritime Museum from the maximum 64 square feet of allowable signage and two signs per frontage, to install 1 banner each on the west and south facade and one wall sign on the east facade, in addition to the existing 176.7 square feet of signage at the Columbia River Maritime Museum at 1792 Marine Drive (Map T8N R9W Section 8DB, Lot 301 Shively in the MH Zone (Maritime Heritage). Development Code Standards 2.904 to 2.916, 14.001 to 14.030, Articles 8, 9, & 12, Comprehensive Plan Sections CP.005 to CP.028, CP.057 to CP.058 and CP.190-CP.210 are applicable to the request.
- ✓ 3. Variance Request (V18-06) by Terra Patterson for the Astoria Aquatic Center from the maximum 300 square feet of allowable signage to install an 11' x 150' wave sign (1,650 square feet) which includes a 3' x 38' (114 square feet) text sign painted on the north elevation wall in addition to the existing 52 square feet of signs on the existing Astoria Aquatic Center at 1997 Marine Drive (Map T8N R9W Section 8DA, Tax Lot 800; Blocks 123 & 130, Shively, and vacated portion of 19th Street and Duane Street) in the FA (Family Activity) Zone. Development Code Standards 2.904 to 2.916, 14.001 to 14.030, Articles 8, 9, & 12, Comprehensive Plan Sections CP.005 to CP.028, CP.057 to CP.058 are applicable to the request.
- ✓ 4. Variance Request (V18-05) by Alexander Pappas Construction for Paul & Sally Turchetta from the maximum 6' fence height to construct an 8' fence in the rear and rear side yards of an existing single-family dwelling at 31 Skyline Avenue (Map T8N R9W Section 7DD, Tax Lot 10801; east half of Lot 8 and west portion of Lot 7, Block 6, West Hills) in the R-1 (Low Density Residential) Zone. Development Code Standards 2.015 to 2.050, 3.035, Articles 9 & 12, Comprehensive Plan Sections CP.005 to CP.028, CP.030 to CP.035 are applicable to the request.
- ✓ 5. Conditional Use Permit Request (CU18-04) by Sheila Dianne Forte to locate a one bedroom homestay lodging in an existing single family dwelling at 1240 Sonora Ave (Map T8N R9W Section 18AB, Tax Lot 3602, Lot 3 in the R-1 (Low Density Residential) Zone. Development Code Standards 2.015-2.050, Articles 3, 7, 9, and 11 and Comprehensive Plan Sections CP.005-CP.025, CP.030-CP.035, CP.190-CP.210, and CP.215-CP.230 are applicable to the request.
- ✓ 6. Conditional Use Permit Request (CU18-05) by Matt and Bree Phillips to locate a one bedroom homestay lodging in an existing commercial building at 855 Exchange St (Map T8N R9W Section 8CC, Tax Lot 3700 and 3800, Lot 3 and 4 in the C-4 (Central Commercial) Zone. Development Code Standards 2.015-2.050, Articles 7, 9, and 11 and Comprehensive Plan Sections CP.005-CP.025, CP.050-CP.055, CP.190-CP.210, and CP.215-CP.230 are applicable to the request.

A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available at least seven days prior to the hearing and are available for inspection at no cost



and will be provided at reasonable cost. All such documents and information are available at the Community Development Department at 1095 Duane Street, Astoria. If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance of the hearing. Contact the City Planner at (503) 338-5183 for additional information.

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

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

The Planning Commission's ruling may be appealed to the City Council by the applicant, a party to the hearing, or by a party who responded in writing, by filing a Notice of Appeal within 15 days after the Planning Commission's decision is mailed. Appellants should contact the Community Development Department concerning specific procedures for filing an appeal with the City. If an appeal is not filed with the City within the 15 day period, the decision of the Planning Commission shall be final.

The public hearing, as conducted by the Planning Commission, will include a review of the application and presentation of the staff report, opportunity for presentations by the applicant and those in favor of the request, those impartial to the request, and those in opposition to the request, and deliberation and decision by the Planning Commission. The Planning Commission reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

THE CITY OF ASTORIA  
Tiffany Taylor  
Administrative Assistant

MAIL: July 2, 2018

## STAFF REPORT AND FINDINGS OF FACT

July 17, 2018

TO: ASTORIA PLANNING COMMISSION

FROM: NANCY FERBER, CITY PLANNER 

SUBJECT: VARIANCE REQUEST (V18-08) BY JULIE FLUES ON BEHALF OF THE COLUMBIA RIVER MARITIME MUSEUM, TO INSTALL SIGNS AT 1792 MARINE DRIVE

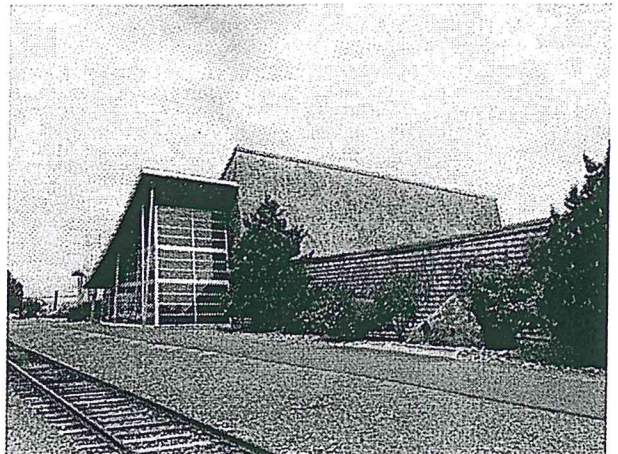
### I. BACKGROUND SUMMARY

- A. Applicant: Julie Flues on behalf of  
Columbia River Maritime Museum  
1792 Marine Drive  
Astoria OR 97103
- B. Owner: Columbia River Maritime Museum  
1792 Marine Drive  
Astoria OR 97103
- C. Location: 1792 Marine Drive; Map T8N-R9W Section 8DB, Tax Lot N/A lot 301; Shively
- D. Zone: MH, Maritime Heritage, Gateway and Civic Greenway Overlays
- E. Proposal: From the maximum 64 square feet of signage and two allowed per frontage, to retain existing signs and install 2 additional banners and one wall sign on existing commercial structure.

### II. BACKGROUND

#### A. Subject Site

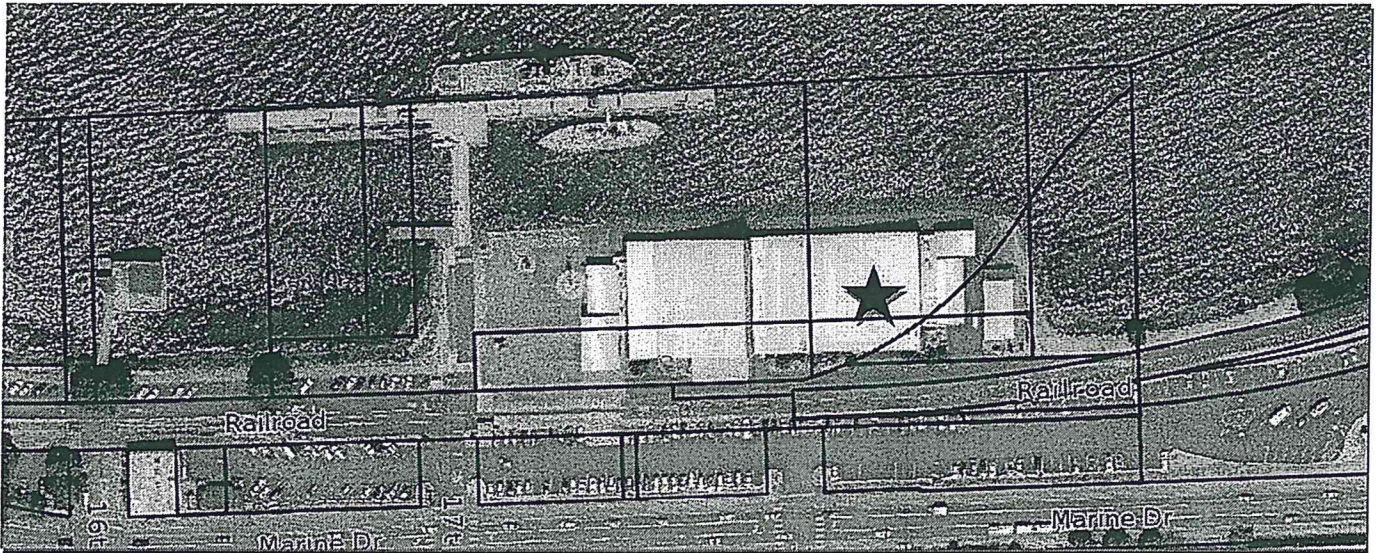
The site is located on the north side of Marine Drive between 17<sup>th</sup> and 20<sup>th</sup> streets. The CRMM property is an irregular rectangular shape approximately 1,100' x 300' and is situated fronting on Marine Drive with frontage on the Columbia River. The site is flat sitting slightly below the Marine Drive elevation





B. Adjacent Neighborhood

The site is surrounded by Maritime Heritage (MH) zoned properties and commercial and medical facilities development. As noted in Article 2.890, the purpose of the zone is *"to provide visitor-oriented facilities that will support tourist-oriented use of the existing Columbia River Maritime Museum, Clatsop County Historic Society Museum, the adjacent Aquatic center, and other uses."* The signage requirements in this zone are also applicable in the C-4, S-2A and AH-MP zone.



C. Proposal

The applicant is proposing to retain and install the following signs (see diagram on the following page)

**Retain existing signs:**

1. "Columbia River Maritime Museum" text above west entrance (17 square feet)
2. "Museum Entrance" text above south entrance (9 square feet)
3. "Columbia River Maritime Museum" white lettering on south façade (72 square feet)
4. Round ship logo on south facade (78.5 square feet)

**Add additional signage**

5. Mesh banner (a) on west facade (160 square feet)
6. Mesh banner (b) on south façade (144 square feet)
7. "Columbia River Maritime Museum" white lettering on east façade (72 square feet)

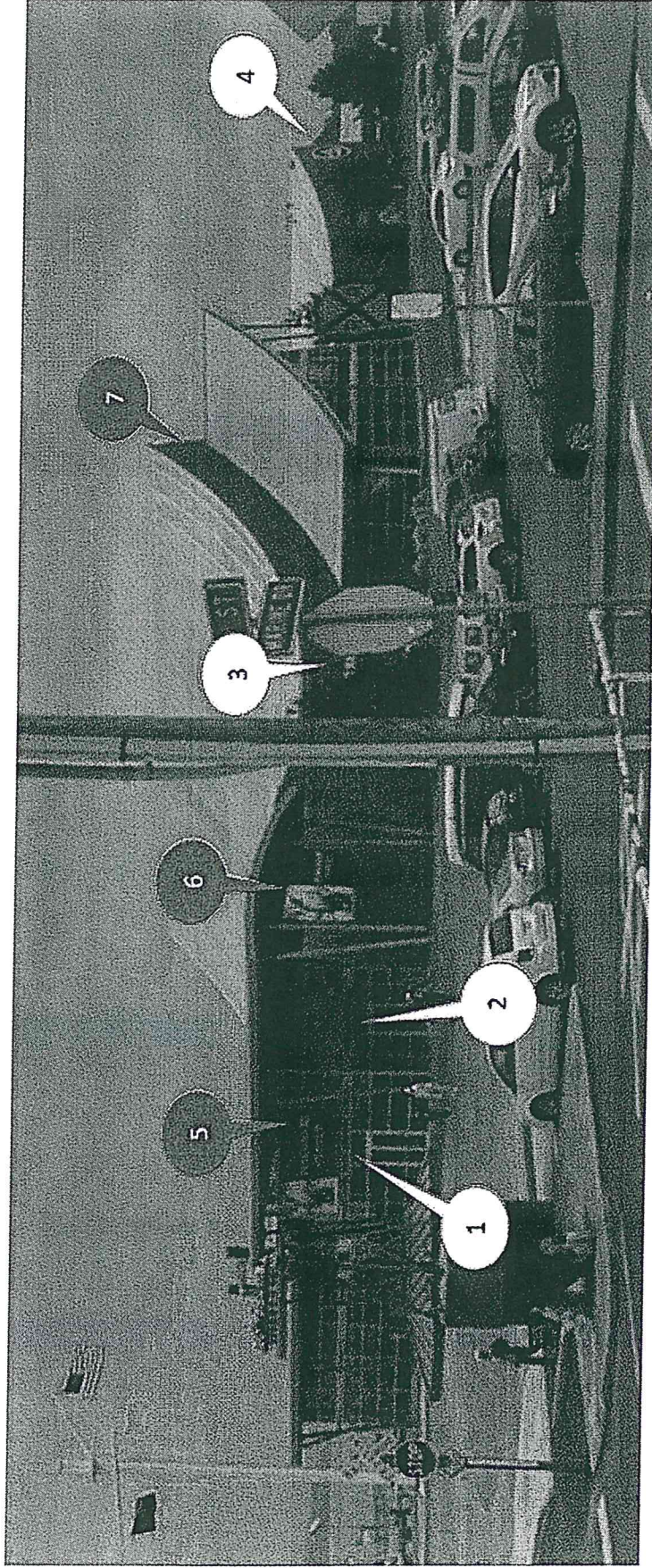
**Totals:**

552 square feet: West: 2 signs, South 4 signs, East 1 sign



Existing

Proposed





### III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 250 feet pursuant to Section 9.020 on July 2, 2018. A notice of public hearing was published in the Daily Astorian on July 17, 2018. Comments received will be made available at the Astoria Planning Commission meeting.

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

#### A. 8.100. NONCONFORMING SIGNS.

*For the purpose of this Section, a non-conforming sign shall be defined as a lawfully erected sign existing at the effective date of this Chapter which could not be erected under the terms of this Chapter. The following requirements shall apply to non-conforming signs:*

*A. Non-conforming signs in all zones: Non-conforming signs shall be altered to conform to the provisions of this Section by January 1, 1995.*

*B. No non-conforming sign may be enlarged or altered in a way which increases its non-conformity.*

*C. Should any non-conforming sign be damaged by any means to an extent of more than 50% of its replacement costs at the time of damage, it shall be reconstructed in conformity with the provisions of this Section.*

*D. Any variance to sign standards, legally granted after January 1, 1982, shall be valid notwithstanding other provisions of this Code.*

Finding: Signage that was existing non-conforming prior to 1992 had a 3 year grace period to come into compliance by 1995, or submit for a variance (then free of charge). Non-conforming signage after 1995 is not considered "grandfathered in" as existing non-conforming. The banners and signage at the site were never submitted for review and approval. Additional signage requested on the east façade, triggers the whole site to come into compliance including review of the banners and existing wall signs.

- B. Development Code Section 8.180.A, MH (Maritime Heritage) Zone Sign Regulations, Total Square Footage Permitted, states *"The total square footage of all signage associated with a business site, use, or activity shall not exceed 64 square feet."*

Development Code Section 8.180.B, MA Zone Sign Regulations, Number of Signs, states *"The number of signs within the total allowable area is limited to two (2) signs per building frontage."*

Development Code Section 8.070.K, General Sign Regulations, Through the Block Signage, states *"Buildings which contain frontage on two parallel arterial streets, or on an arterial street and a waterway, shall be entitled to twice the allowable total square footage for the zone in which it is placed. [See 8.070(E.2)]. This double allowance affects only the overall total square footage for the site. The maximum square footage of each individual sign, the square footage for the frontage, the number of signs, location, and other attributes of the sign are not affected by this allowance."*

Finding: The building is approximately 400' long, by 150' wide. A maximum of 64 square feet of signs would be allowed. The site has through frontage on Marine Drive and frontage along a waterway which allows the site twice the square footage for a total of 128 square feet. The number of signs of signs is not doubled.

The four existing signs total 176.5 square feet. The applicant is requesting an additional: 376 square feet for the banners and white lettering. This amount of signage requires a variance from both the maximum square footage allowed at the site, and the number of sign exceeding two per frontage.

Development Code Section 8.180.D, MA Zone Sign Regulations, Wall, Roof Mounted, or Projecting Signs, states: Wall or Roof Signs.

1. Number. *One (1) sign per frontage shall be permitted for each business, building, use, activity, or site, and one (1) sign per frontage for a group of businesses, uses, or activities occupying a single common space or suite.*
2. Area. *Total sign area shall not exceed one (1) square foot of sign area for one (1) lineal foot of building frontage of a business, use, activity or site. However, a building with 16 feet or less lineal building frontage may be allowed a maximum of 16 square feet.*
  - a. Wall Sign. *The area of a wall sign shall not exceed 64 square feet.*

Finding: Number of signs: the proposal includes two signs on the west facade, 4 on the south, and one on the east. Sign code allows one sign per frontage for the museum use as a whole. The applicant is requesting a variance for the west and south façade from the number of signs allowed.

Area: in addition to the number of signs, the total area of signage is capped at 64 square feet total, even though the building has a much larger lineal footage. The variance requested is from 64 square feet to a total of 552.5 square feet for the whole site.

- C. Development Code Section 8.110.A, Variances, Astoria Planning Commission states *"Variances to the sign regulations of this Section may be approved by the Planning Commission following the procedures of Section 12.060 to 12.120 where the Planning Commission finds that the variance meets the following criteria:"*

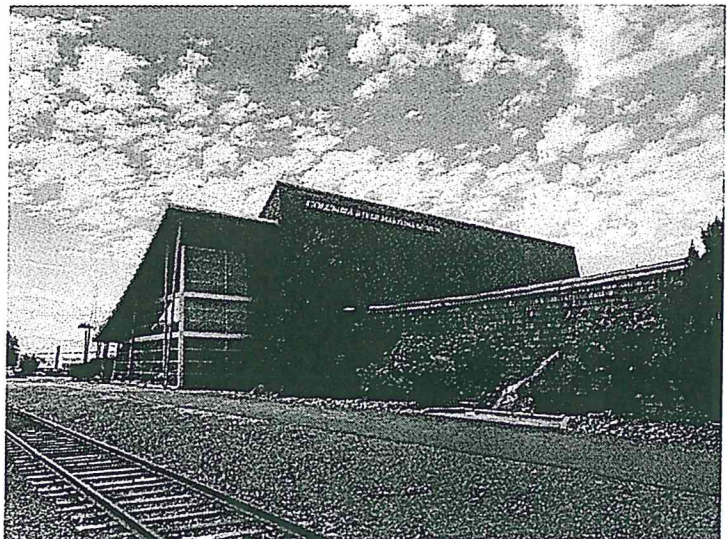


1. Section 8.110.A.1 states *"One of the following factors exists:*
  - a. *The variance would permit the placement of a sign with an exceptional design or style.*
  - b. *The variance would permit the placement of a sign which is more consistent with the architecture, and development of the site.*
  - c. *The existence of an unusual site characteristic, such as topography, existing development, or adjacent development, which precludes an allowable sign from being effectively visible from the public roadway adjacent to the site.*
  - d. *The requirement to remove a sign under Section 8.110(A) would constitute a severe or extreme economic hardship to the business or activity involved."*

Finding:

a. The proposed signage itself is not architecturally distinctive in its design or style.

b. The building is approximately 400' long by 150' wide. The subject wall for the additional signage on the east façade is 130' in length (pictured to the right). Placement of this sign, matching the



existing lettering on the south façade is consistent with the architecture and development of the site, which is unusually is its long east-west span.

c. The site is unusual because it is set back from Marine Drive, and drivers entering town from the east have limited signage labeling the building until they have reached the main entrance on 17<sup>th</sup> street. The applicant notes the additional signage for the banners are intended for visibility from Riverwalk pedestrians, trolley riders, and vehicles.

d. The additional signage allows advertisement for the 3-D movies and associated store revenue. The applicant notes this is 5% and 22% of the operating costs, while museum admissions pay for 46% of operating costs, noting the proposed signs are critical to preserving and enhancing these revenue resources. While it is expected for the movie offerings and thus banners to change, the banners shall remain the same size, or smaller and installed at the same place, if approved as part of the variance.

The variance would permit the placement of signage that is consistent with the architecture of the structure and the site of the building.

2. Section 8.110.A.2, states *"The granting of the variance would not be detrimental to abutting properties."*

Finding: There are only a few businesses, in this area of Marine Drive each occupying large areas along the roadway. The smallest site is the former North Coast Auto across the Marine Drive right-of-way which has been purchased by the Columbia River Maritime Museum as part of their larger campus. Signage in the area is minimal and these signs would not block other signage or visibility of businesses. The signs will not be detrimental to abutting properties due to the existing development in the area.

3. Section 8.110.A.3, states *"The granting of the variance would not create a traffic or safety hazard."*

Finding: The proposed sign would be flush with the facade of the building and would not impair vehicles on Marine Drive. Granting the variance will not create a traffic or safety hazard.

4. Section 8.110.A.4 states *"Sign variances are exempt from Section 12.030 (General Variance Criteria) through 12.040 (Variance from Standards Relating to Off-street Parking and Loading Facilities)."*

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

## **V. CONCLUSION AND RECOMMENDATION**

The request, in balance, meets all the applicable review criteria. Staff recommends approval of the request. The applicant should be aware of the following requirements:

1. While it is expected for the movie offerings to change, the banners shall remain the same size, or smaller and installed at the same place, if approved as part of the variance.
2. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission.
3. The applicant shall obtain all necessary City and building permits prior to installation of the signs.





CITY OF ASTORIA

Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

BUILDING CODES

JUN 20 2018

CITY OF ASTORIA

No. V 18-078☒ Fee Paid Date 6/21/18 By ndchell

FEE: Administrative Permit \$300.00

or Planning Commission \$500.00

## SIGN VARIANCE APPLICATION

Property Location: Address: 1792 Marine DR, AstoriaLot 80908DB-00301Block N/ASubdivision ShivelyMap 8.9.8DBTax Lot N/AZone MHApplicant Name: Julie Flues on behalf of CRMMMailing Address: CRMM, 1792 Marine DR, Astoria OR 97103Phone: (503) 741-5914 Business Phone: (503) 325-2323 Email: jones@crmm.orgProperty Owner's Name: Columbia River Maritime Museum flues@crmm.orgMailing Address: 1792 Marine DR Astoria OR 97103Business Name (if applicable): Columbia River Maritime MuseumSignature of Applicant: [Signature] Date: 6/18/18Signature of Property Owner: [Signature] for CRMM Date: 6/18/18Existing/Proposed Use: Existing + proposed signs

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

See attached - form number of signs allowed on W. & S.  
facades and total sq. footage.

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

## For office use only:

Application Complete:	<u>6/21/18</u>	Permit Info Into D-Base:	
Labels Prepared:		Tentative APC Meeting Date:	<u>7/17/18</u>
120 Days:	<u>10/19/18</u>		

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

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

8.110. VARIANCES FROM STANDARDS RELATING TO SIGNS.

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

A. One of the following factors exists:

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

The wall sign to be placed on the east face replicates the sign on the south face which has a simple but distinctive style the community has become accustomed to.

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

The wall sign is consistent with the scale and shape of the east face. The banners, placed within the metal vertical supports of the raised rain shelter entrance, are scaled appropriately to the space.

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

Because of the distance the Museum is set back from Marine Drive, an allowable sign would be difficult to read from a vehicle. Additionally, the intent of the sign is to attract the attention of Astoria through-drivers as they pass North Coast Auto, alerting them that what is otherwise an unidentified building (as seen from the east) is a museum. The banners are intended to be visible to both Riverwalk pedestrians, trolley riders, and vehicle occupants on Marine Drive.

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

The Museum relies on 3-D movie and store revenue for a significant portion of its operating costs (5% and 22% respectively). Admissions pay for 46% of operating costs. These signs are critical to preserving and enhancing these revenue sources.

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

The significant distance between the Museum and surrounding businesses/properties mitigates any negative impact.

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

The signs are directly attached to the Museum building, far from any through roads, and do not impede visibility.

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





CITY OF ASTORIA  
Founded 1811 • Incorporated 1856  
COMMUNITY DEVELOPMENT

BUILDING CODES  
JUN 20 2018  
CITY OF ASTORIA

s Pending V18-08

☐ Fee Paid Date \_\_\_\_\_ By \_\_\_\_\_  
FEE (no building permit): \$50.00

**SIGN PERMIT**

Property Location: 1792 Marine DR Zone: MH

Business Name: Columbia River Maritime Museum

Applicant Name: BRUCE JONES

Mailing Address: 1792 Marine DR ASTORIA OR 97103 Email: jones@crrmm.org

Phone: (503) 741-5914 Business Phone: (503) 325-2323

Sign Installer Name: Security Signs Phone: (503) 232-4172

Sign Installer Address: 2424 SE Holgate, Portland CCB #: \_\_\_\_\_

*Sign Installer needs to have a City of Astoria Occupational Tax for the current year.*

Property Owner's Name: BRUCE JONES for CRMM

Mailing Address: 1792 Marine DR ASTORIA OR 97103

I agree to erect the proposed sign according to the description, plan, and specification of this permit and in accordance with the Astoria Development Code, City Code, Building Code, and any other City codes.

Signature of Applicant: [Signature] Date: 6/18/18

Signature of Property Owner: [Signature] (for) Date: 6/18/18

**SITE PLAN AND SIGN DIAGRAM:** *A Site Plan depicting building and/or property lines and the location of all existing and proposed signs is required. The Plan must include dimensions of signs, and distances to all property lines on projecting and freestanding signs. A sign diagram is required which must show the general appearance of the sign with dimensions noted. Signs proposed for historic structures must also include how they will be attached to the building. These plans and diagrams are not required to be in final form and may be hand drawn by the applicant.*

**FILING INFORMATION:** *A Pre-Application meeting with the Administrative Assistant may be required prior to acceptance of the application as complete. Only complete applications will be reviewed for approval.*

**SIGNS THAT REQUIRE A BUILDING PERMIT:** *Freestanding, projecting, or structural signs charged fee based on value of sign (Min fee \$72.80)*

*Note: Either a Sign Permit or a Building Permit (not both) is required depending on style of sign.*

APPROVED BY: \_\_\_\_\_ Date: \_\_\_\_\_

**BUILDING FRONTAGE:** North: 400' South: 400' East: 150' West: 150'  
"Building Frontage" is the lineal frontage of a building along a public street, waterway, or any other exterior building wall facing a parking lot, excluding alleys. It includes only the portion of the building that is occupied by your business or activity. [See Section 8.120(D)]

**SITE FRONTAGE:** 1,050' along Marine Dr-Plaza to Peacock  
"Site Frontage" is the lineal frontage of a site on a public street, excluding alleyways.

**NUMBER, SIZE, AND TYPES OF EXISTING SIGNS:** (1) round logo (ship) wall sign 78.5 s.f.; (2) horizontal "Columbia River Maritime Museum" letters, metal wall sign, 72 s.f.; (3) horizontal wall "COLUMBIA RIVER MARITIME MUSEUM" 17 s.f.; (4) horizontal wall "MUSEUM ENTRANCE" 9.2 s.f.

**PROPOSED SIGNAGE:** Sign is anything visible from the outside that conveys the message of your business or activity.

**SIGN NO. 1 - TYPE OF SIGN:** Wall - "COLUMBIA RIVER MARITIME MUSEUM"  
Awning, canopy, marquee, banner, freestanding, monument, projecting, roof, window, (wall)

**DIMENSIONS:**

Vertical/Horizontal 17 inch tall / 46 ft long Square Footage 72  
Clearance Above Sidewalk 60 feet Projection Beyond Property Line Ø

**Material & How Attached:** metal (alum.) letters attached from behind w/ metal brackets to the cedar shake siding.

**SIGN NO. 2 - TYPE OF SIGN:** Banner 1  
Awning, canopy, marquee, (banner), freestanding, monument, projecting, roof, window, wall.

**DIMENSIONS:**

Vertical/Horizontal 9 X 16 Square Footage 144  
Clearance Above Sidewalk \_\_\_\_\_ Projection Beyond Property Line Ø

**Material & How Attached:** "9 ounce mesh" material, attached w/ "bungee" cording to vertical supports of Museum entrance roof.

**SIGN NO. 3 - TYPE OF SIGN:** Banner 2  
Awning, canopy, marquee, (banner), freestanding, monument, projecting, roof, window, wall.

**DIMENSIONS:**

Vertical/Horizontal 8 X 20 Square Footage 160  
Clearance Above Sidewalk \_\_\_\_\_ Projection Beyond Property Line Ø

**Material & How Attached:** "9 ounce mesh" material attached w/ "bungee" cording to vertical supports of Museum entrance roof.

**SIGN NO. 4 - TYPE OF SIGN:** \_\_\_\_\_  
Awning, canopy, marquee, banner, freestanding, monument, projecting, roof, window, wall.

**DIMENSIONS:**

Vertical/Horizontal \_\_\_\_\_ Square Footage \_\_\_\_\_  
Clearance Above Sidewalk \_\_\_\_\_ Projection Beyond Property Line \_\_\_\_\_

**Material & How Attached:** \_\_\_\_\_

**REMARKS:** \_\_\_\_\_



## Columbia River Maritime Museum sign variance application

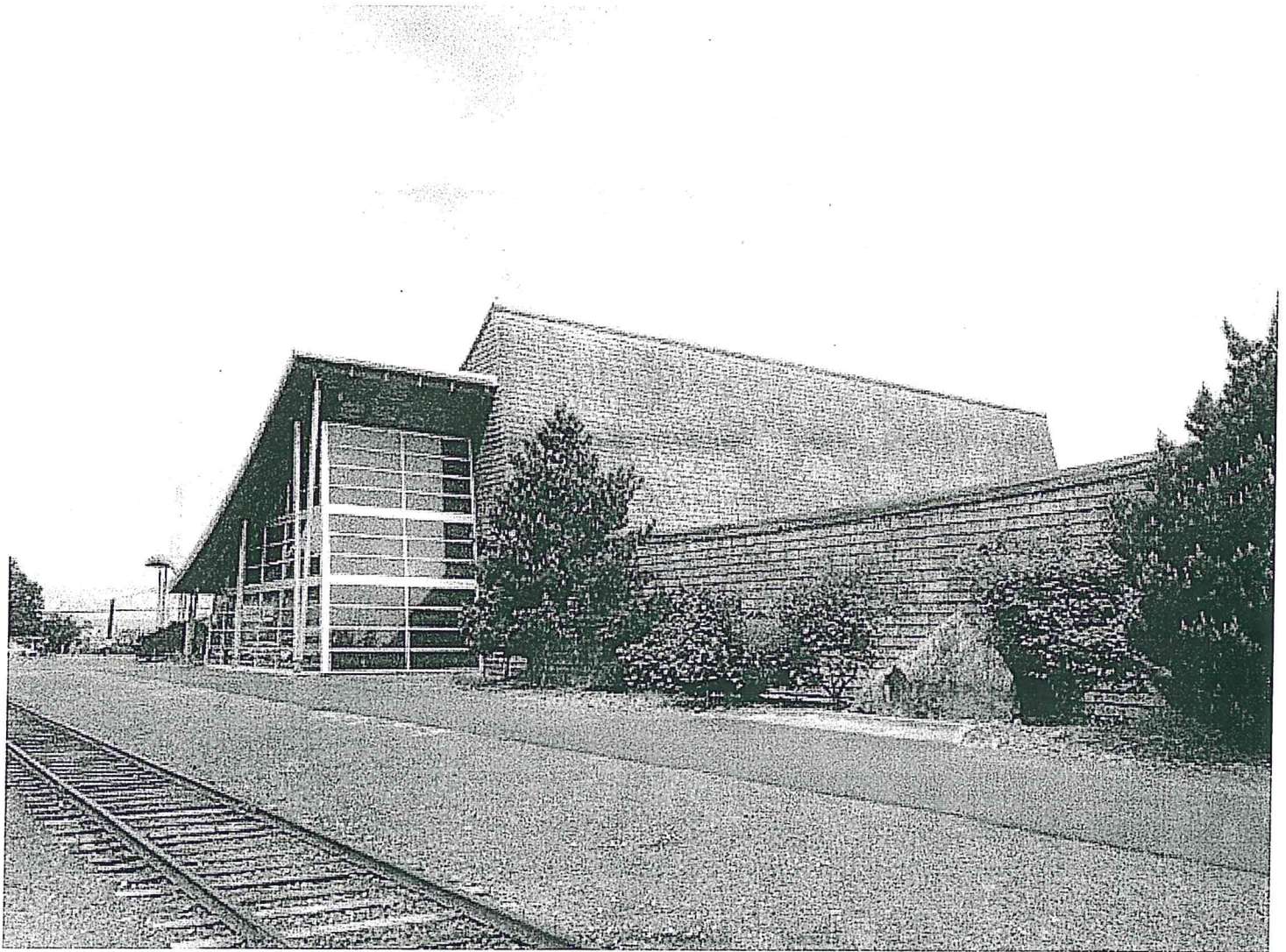
Existing wall sign – south facing wall of CRMM. Dimensions 17" tall X 46' long. Aluminum letters fixed to cedar shake wall. The requested sign for the east facing wall would be a duplicate of this sign.





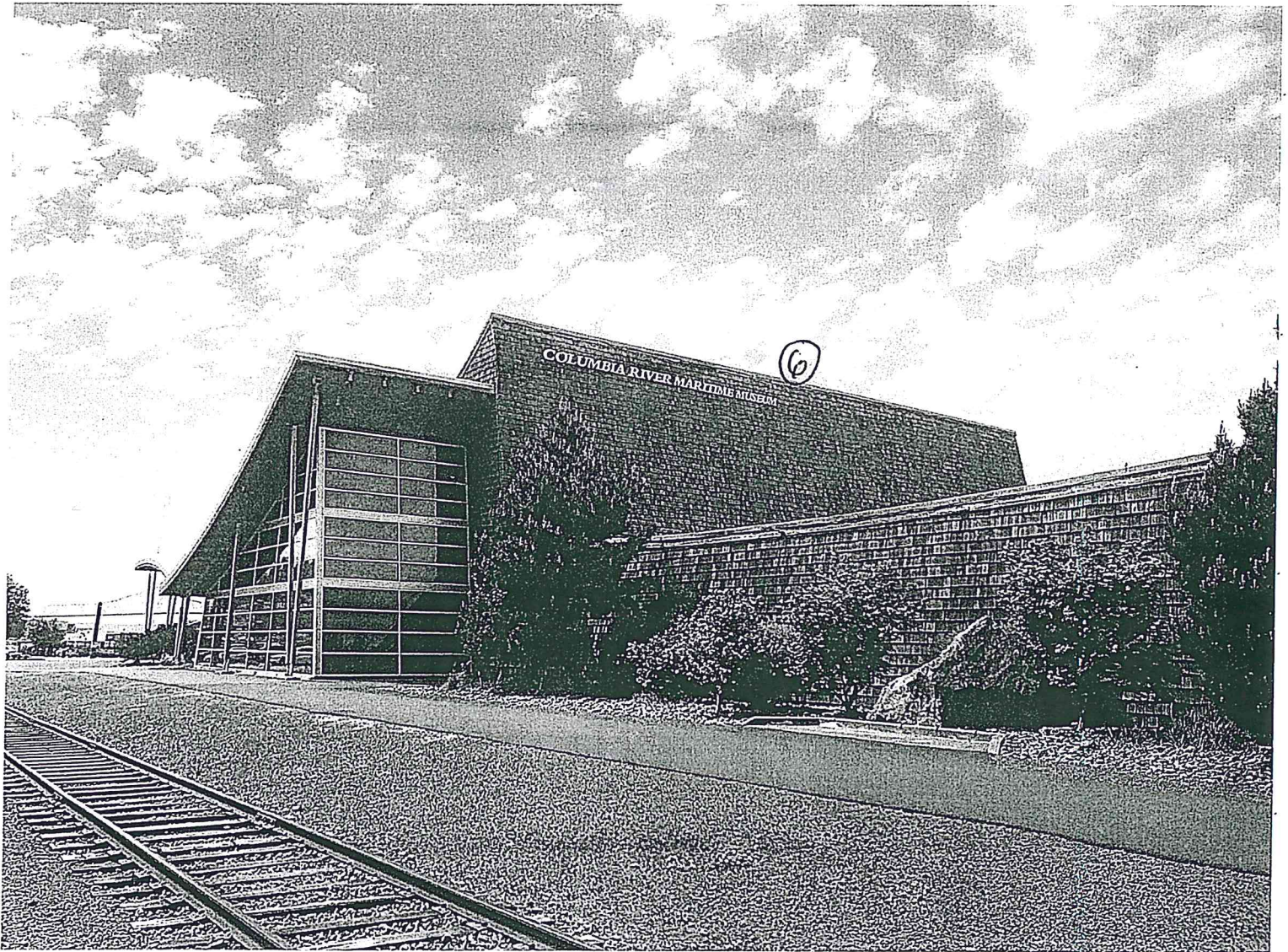
Existing East facing wall. Approaching from the east, nothing indicates what this building is. The "Columbia River Maritime Museum" sign on the south facing wall is not visible to drivers until passing the Museum.

Placing a sign – identical to the one on the south facing wall – high up on this east facing wall, will make the Museum building easily identifiable from a distance, in vehicle occupants' line of sight, as they pass the North Coast Auto property.





Rendering of what the sign will look like placed on the 40' X 130' east wall. The intent of the signage is to attract drivers who are on their way THROUGH Astoria to the coast, to instead stop in Astoria, not only visiting the Museum but, ideally, stopping for a meal and then other shopping as well.





Clatsop County GIS Help FAQ

☐ ☐ ☐ ☐ ☐

Search Tools

Sketch Tools

Advanced

Print

Zoom To

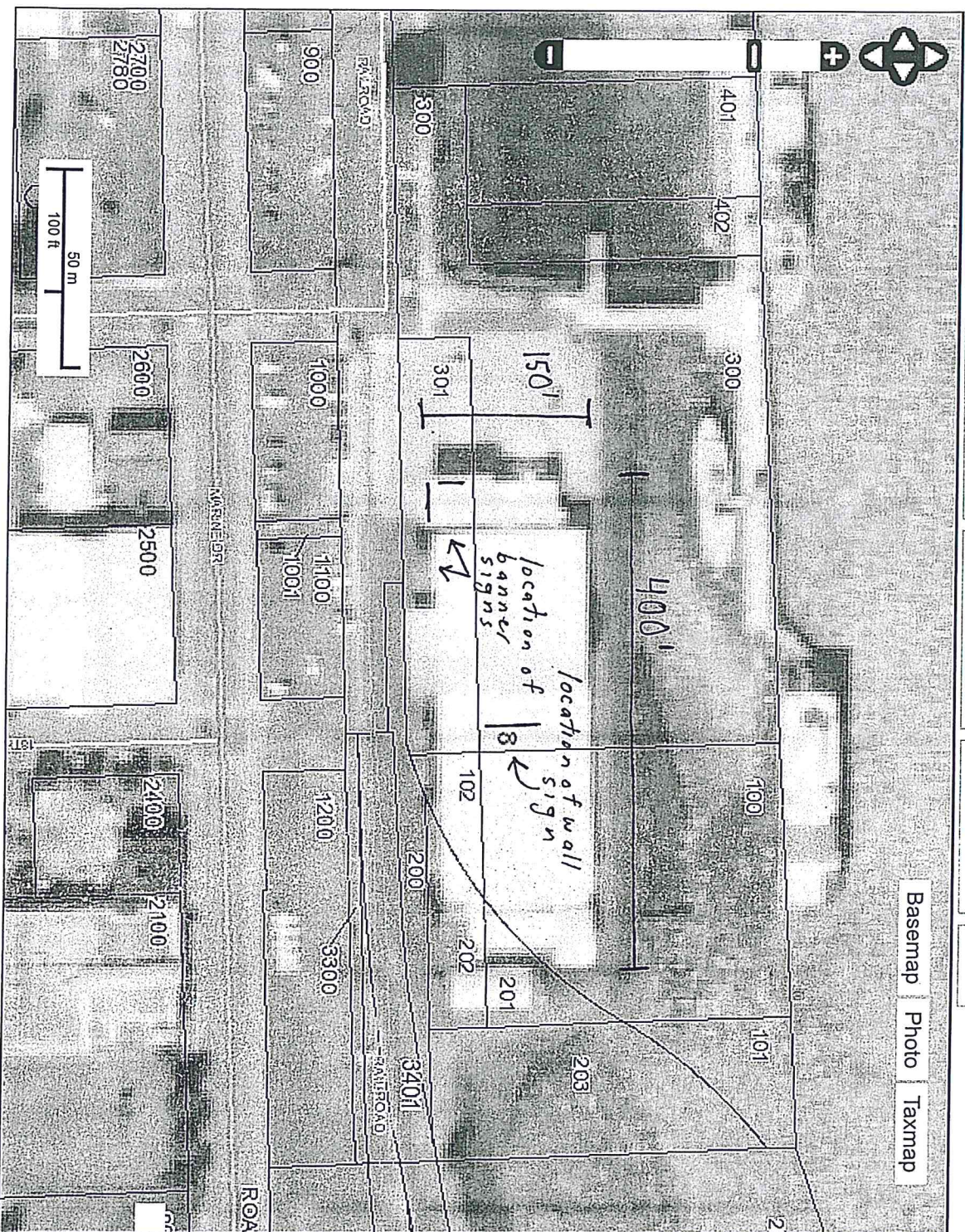


Basemap Photo Taxmap

Map Layers ☐ Print ☐ Results ☐

Print Formats

View Image  
View HTML  
Download PDF



Columbia  
River  
Maritime  
Museum  
main building  
400' x 150'

X,Y: 7360213.16404, 937582.69667 Lat, Lon: 46.191, -123.825 Scale: 1:1198

1:1198



>> Hide Tabs



Clatsop County GIS Help FAQ

Search Tools

Sketch Tools

Advanced

Print

Zoom To

Basemap Photo Taxmap

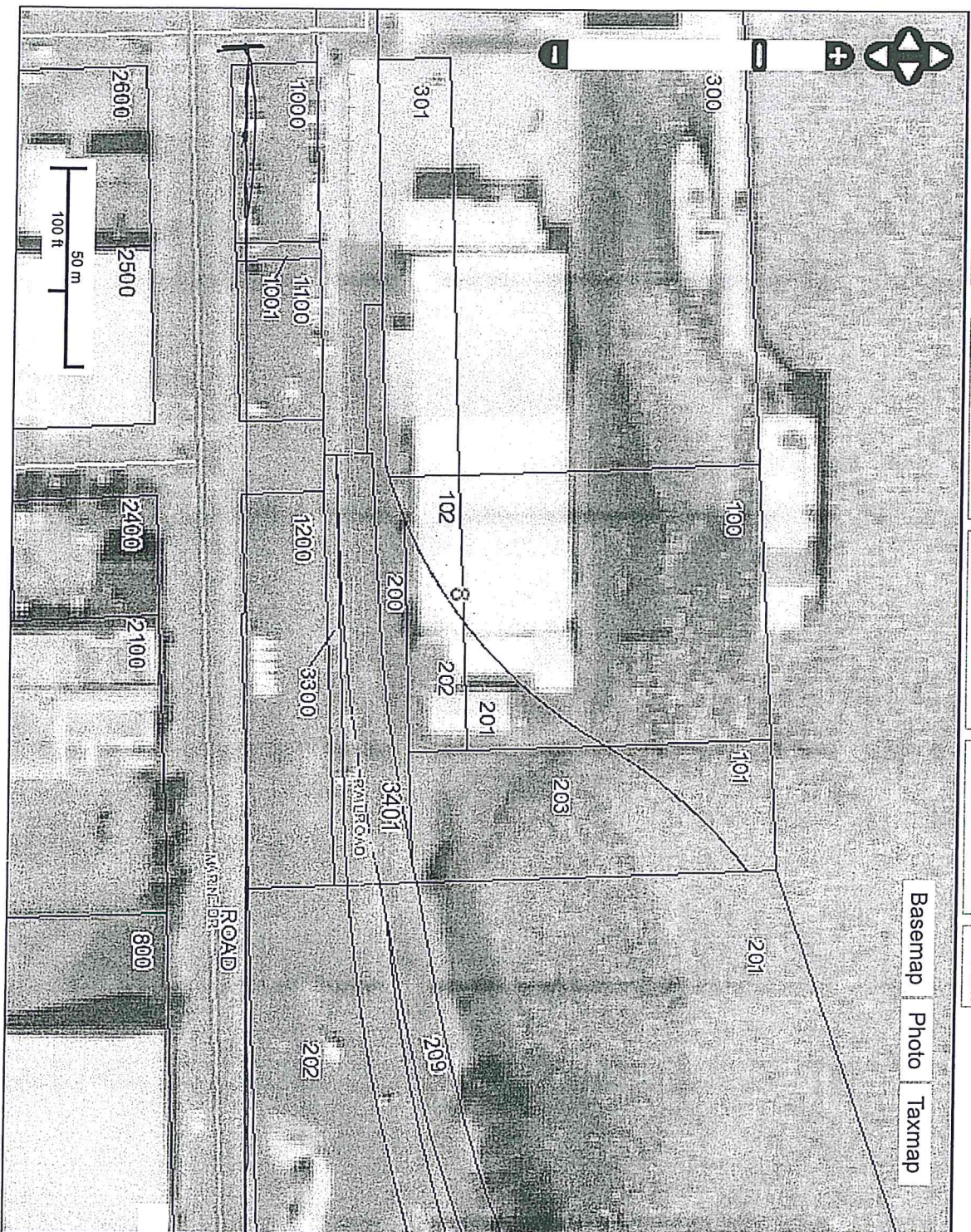
Map Layers Print Results

Print Formats

View Image

View HTML

Download PDF



Columbia  
River  
Maritime  
Museum

1,050' frontage  
from west end of  
plaza to east end  
of Peacock

X,Y: 7360511.28296, 937621.52136 Lat, Lon: 46.191, -123.824 Scale: 1:1198

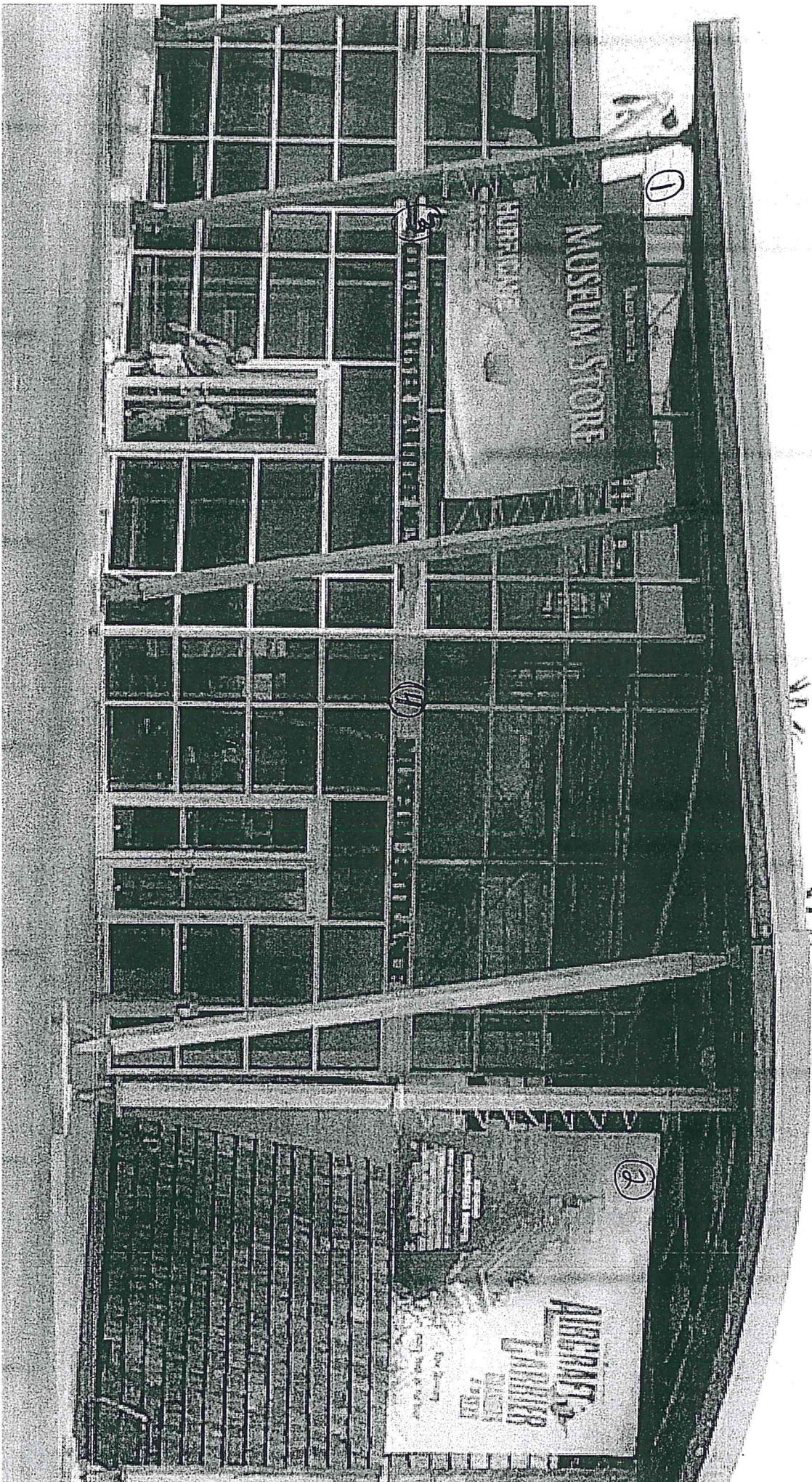
1:1198



>> Hide Tabs



- ① Banner 8' x 20' 160 sf
  - ② Banner 9' x 16' 144 sf
  - ③ Wall 22' 9" x 9" 17 sf
  - ④ Wall 12' 4" x 9" 9 sf
- (Exempt 2) 100 sq ft  
# 5000 sq ft





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

**CITY OF ASTORIA  
NOTICE OF PUBLIC HEARING**

Mail	7/2/2018
Email	7/2/2018
Web	7/2/2018

pub: 7/16/2018

The City of **Astoria Planning Commission** will hold a public hearing on Tuesday, July 24, 2018 immediately following the **Traffic Safety Advisory Committee** meeting at 6:30pm in the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

1. Permit Extension Request for Conditional Use (CU17-06) by Astoria Warming Center to extend the permit to September 6, 2019 to operate the Astoria Warming Center at 1076 Franklin Ave (Map T8N-R9W Section 8CC, Tax Lot(s) 2300; Lot(s) 5 & 6, Block 45, McClure's) in the R-3 High Density Residential Development Zone. Development Code Standards 2.150-2.185, 3.240, Articles 9 and 11 and Comprehensive Plan Sections CP.040-CP.045, CP.215-CP.230 are applicable to the request. \*note this item is continued from 6/26/18 due to an error in mailing the public notice.
2. Variance Request (V18-08) by Bruce Jones for the Columbia River Maritime Museum from the maximum 64 square feet of allowable signage and two signs per frontage, to install 1 banner each on the west and south facade and one wall sign on the east facade, in addition to the existing 176.7 square feet of signage at the Columbia River Maritime Museum at 1792 Marine Drive (Map T8N R9W Section 8DB, Lot 301 Shively in the MH Zone (Maritime Heritage). Development Code Standards 2.904 to 2.916, 14.001 to 14.030, Articles 8, 9, & 12, Comprehensive Plan Sections CP.005 to CP.028, CP.057 to CP.058 and CP.190-CP.210 are applicable to the request.
- ✓ 3. Variance Request (V18-06) by Terra Patterson for the Astoria Aquatic Center from the maximum 300 square feet of allowable signage to install an 11' x 150' wave sign (1,650 square feet) which includes a 3' x 38' (114 square feet) text sign painted on the north elevation wall in addition to the existing 52 square feet of signs on the existing Astoria Aquatic Center at 1997 Marine Drive (Map T8N R9W Section 8DA, Tax Lot 800; Blocks 123 & 130, Shively, and vacated portion of 19th Street and Duane Street) in the FA (Family Activity) Zone. Development Code Standards 2.904 to 2.916, 14.001 to 14.030, Articles 8, 9, & 12, Comprehensive Plan Sections CP.005 to CP.028, CP.057 to CP.058 are applicable to the request.
- ✓ 4. Variance Request (V18-05) by Alexander Pappas Construction for Paul & Sally Turchetta from the maximum 6' fence height to construct an 8' fence in the rear and rear side yards of an existing single-family dwelling at 31 Skyline Avenue (Map T8N R9W Section 7DD, Tax Lot 10801; east half of Lot 8 and west portion of Lot 7, Block 6, West Hills) in the R-1 (Low Density Residential) Zone. Development Code Standards 2.015 to 2.050, 3.035, Articles 9 & 12, Comprehensive Plan Sections CP.005 to CP.028, CP.030 to CP.035 are applicable to the request.
- ✓ 5. Conditional Use Permit Request (CU18-04) by Sheila Dianne Forte to locate a one bedroom homestay lodging in an existing single family dwelling at 1240 Sonora Ave (Map T8N R9W Section 18AB, Tax Lot 3602, Lot 3 in the R-1 (Low Density Residential) Zone. Development Code Standards 2.015-2.050, Articles 3, 7, 9, and 11 and Comprehensive Plan Sections CP.005-CP.025, CP.030-CP.035, CP.190-CP.210, and CP.215-CP.230 are applicable to the request.
- ✓ 6. Conditional Use Permit Request (CU18-05) by Matt and Bree Phillips to locate a one bedroom homestay lodging in an existing commercial building at 855 Exchange St (Map T8N R9W Section 8CC, Tax Lot 3700 and 3800, Lot 3 and 4 in the C-4 (Central Commercial) Zone. Development Code Standards 2.015-2.050, Articles 7, 9, and 11 and Comprehensive Plan Sections CP.005-CP.025, CP.050-CP.055, CP.190-CP.210, and CP.215-CP.230 are applicable to the request.

A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available at least seven days prior to the hearing and are available for inspection at no cost



and will be provided at reasonable cost. All such documents and information are available at the Community Development Department at 1095 Duane Street, Astoria. If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance of the hearing. Contact the City Planner at (503) 338-5183 for additional information.

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

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

The Planning Commission's ruling may be appealed to the City Council by the applicant, a party to the hearing, or by a party who responded in writing, by filing a Notice of Appeal within 15 days after the Planning Commission's decision is mailed. Appellants should contact the Community Development Department concerning specific procedures for filing an appeal with the City. If an appeal is not filed with the City within the 15 day period, the decision of the Planning Commission shall be final.

The public hearing, as conducted by the Planning Commission, will include a review of the application and presentation of the staff report, opportunity for presentations by the applicant and those in favor of the request, those impartial to the request, and those in opposition to the request, and deliberation and decision by the Planning Commission. The Planning Commission reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

THE CITY OF ASTORIA  
Tiffany Taylor  
Administrative Assistant

MAIL: July 2, 2018



## STAFF REPORT AND FINDINGS OF FACT

July 16, 2018

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNING CONSULTANT

THROUGH: NANCY FERBER, PLANNER 

SUBJECT: VARIANCE REQUEST (V18-06) BY TERRA PATTERSON, ASTORIA AQUATICS CENTER, TO INSTALL SIGNS AT 1997 MARINE DRIVE

### I. BACKGROUND SUMMARY

- A. Applicant: Terra Patterson, Aquatics Center Supervisor  
Astoria Aquatics Center  
1997 Marine Drive  
Astoria OR 97103
- B. Owner: City of Astoria  
1095 Duane Street  
Astoria OR 97103
- C. Location: 1997 Marine Drive; Map T8N R9W Section 8DA, Tax Lot 800; Blocks 123 & 130, Shively, and vacated portions of 19th and Duane Streets
- D. Zone: FA, Family Activity
- E. Proposal: From the maximum 300 square feet of signage to retain existing signs and install an approximate 1,650 square foot graphic and sign on the north elevation of the existing institutional structure.

### II. BACKGROUND

#### A. Subject Site

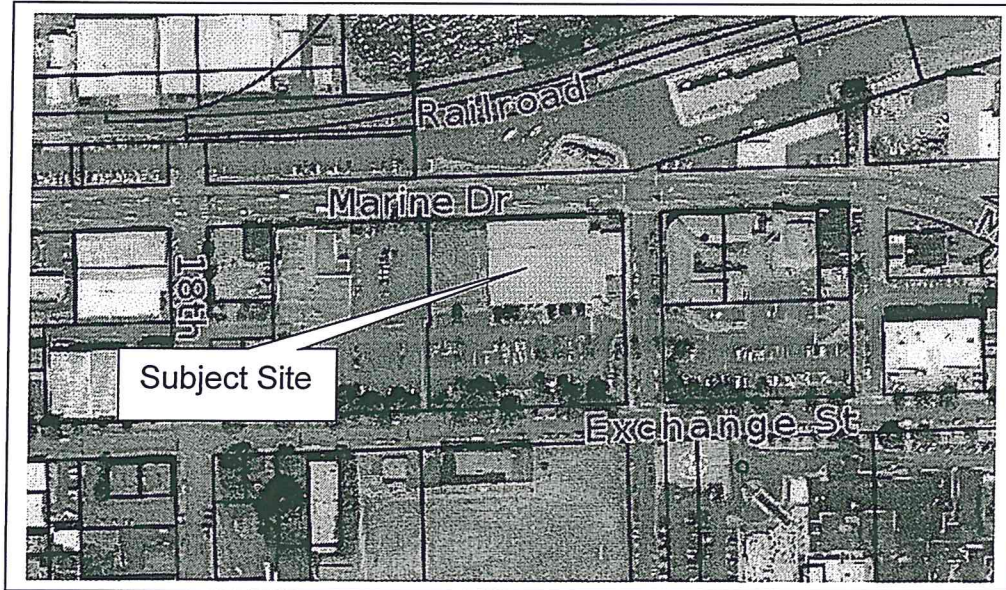
The building is located on the south side of Marine Drive at the corner of 20th Street. It is occupied by the Astoria Aquatics Center.



The building sits close to the north (Marine Drive) property line with its main entrance on the south elevation facing the parking lot on Exchange Street. The site is relatively flat slightly below grade with slopes at the north and south edges up to the rights-of-way.

B. Adjacent Neighborhood

The site is surrounded by commercial and medical facilities development. To the south is the Columbia Memorial Hospital campus; to the east is the OSU Seafood Consumer Center; to the west is the Gateway Cinema; and to the north is Columbia River Maritime Museum and former North Coast Auto.



C. Proposal

The applicant is proposing to retain and install the following signs for a total of approximately 1,702 square feet:

- 1) New wall sign on north, front elevation – 11' x 150' (1,650 sqft) - words within this sign would be 3' x 38' (114 sqft)
- 2) Retain wall sign on north, front elevation - 2' x 5' (10 sqft)
- 3) Retain wall sign on south, rear elevation - 2' x 5' (10 sqft)
- 4) Retain wall sign on south, rear elevation - 2' x 8' (16 sqft)
- 5) Retain wall sign on west, side elevation - 2' x 8' (16 sqft)

III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 250 feet pursuant to Section 9.020 on July 2, 2018. A notice of public hearing was published in the Daily Astorian on July 17, 2018. Comments received will be made available at the Astoria Planning Commission meeting.

IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

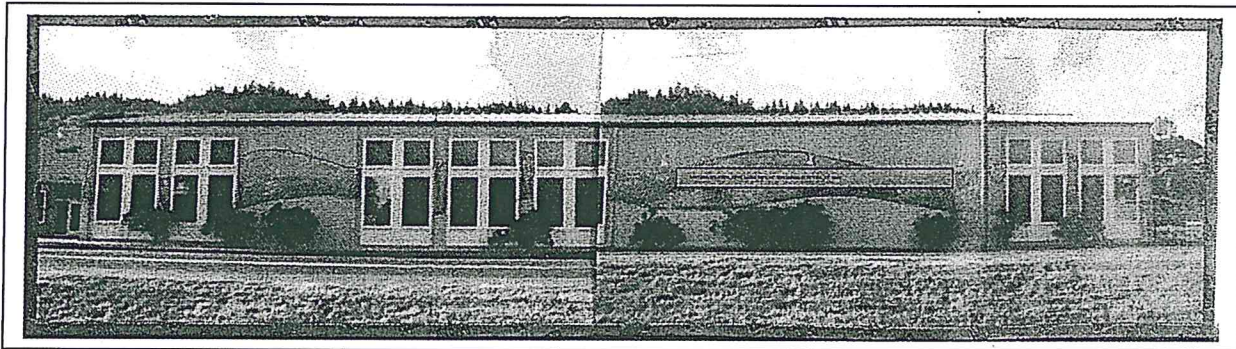
- A. Development Code Section 1.400 includes the following definitions:



*"SIGN: Any identification, description, illustration, symbol, or device which is affixed directly or indirectly upon a building, structure, or land and which conveys a message."*

*"WALL GRAPHICS: Any mosaic, mural or painting or graphic art technique or combination or grouping of mosaics, murals, or paintings or graphic art techniques applied, implanted or placed directly onto a wall or fence which does not identify a business or product, or carry a commercial or non-commercial message, excluding historical signs."*

Finding: The proposed sign is a graphic of a water wave of approximately 11' tall x 150' long and includes an area of 3' x 38' (114 square feet) of text. Due to the nature of the "Aquatics" Center with water, swimming, and "wave" action, the wave is considered as a sign as it conveys a message of the use of the building. It is not considered as a "wall graphic" which would be reviewed differently and is not subject to size limitations.



- B. Development Code Section 8.150.A, FA Zone Sign Regulations, Total Square Footage Permitted, states *"The total square footage of all signage associated with a business site, use, or activity shall not exceed 150 square feet, with no single sign exceeding 100 square feet."*

Development Code Section 8.150.C, FA Zone Sign Regulations, Wall, Roof Mounted, or Projecting Signs, states

- "1. Area. The total allowable area for all permanent signs attached to the building is determined as follows:*
- a. A wall, roof mounted, or projecting sign of one (1) square foot per lineal foot of building frontage is allowed.*
  - b. Individual sign face area. The maximum size of an individual sign within the total allowable area limits is 100 square feet."*

Development Code Section 8.150.D, FA Zone Sign Regulations, Number of Signs, states *"The number of signs within the total allowable area is limited to two (2) signs per building frontage."*

Development Code Section 8.070.K, General Sign Regulations, Through the Block Signage, states *"Buildings which contain frontage on two parallel arterial streets, or on an arterial street and a waterway, shall be entitled to twice the allowable total*



*square footage for the zone in which it is placed. [See 8.070(E.2)]. This double allowance affects only the overall total square footage for the site. The maximum square footage of each individual sign, the square footage for the frontage, the number of signs, location, and other attributes of the sign are not affected by this allowance."*

Finding: The building is approximately 215' wide by 130' deep. A maximum of 150 square feet of signs would be allowed with a maximum of 100 square feet for an individual sign. The site has through the block frontage on Marine Drive and Exchange Street which allows the site twice the square footage for a total of 300 square feet. The number of signs and size of individual signs is not doubled.

There are two existing signs on the south, one on the west, and one on the north with an additional sign proposed for the north. The existing signs total 52 square feet. This meets the allowable maximums.

The method of measuring signage requires that the area is determined by the outside edges of the full content of the sign in a rectangular box. The wave undulates and is broken by the multiple windows on this elevation. There are 14 windows at 4' wide each (x 11' tall graphic) reducing the actual graphic by a total of 616 square feet in reality. However, the Code requires that this area be included in the dimensions for the total square footage.

The proposed total wall signage is approximately 1,702 square feet which exceeds the maximum 300 square foot maximum for the site. The north wall sign is 1,650 square feet which exceeds the 100 square foot maximum of an individual sign. A variance is required.

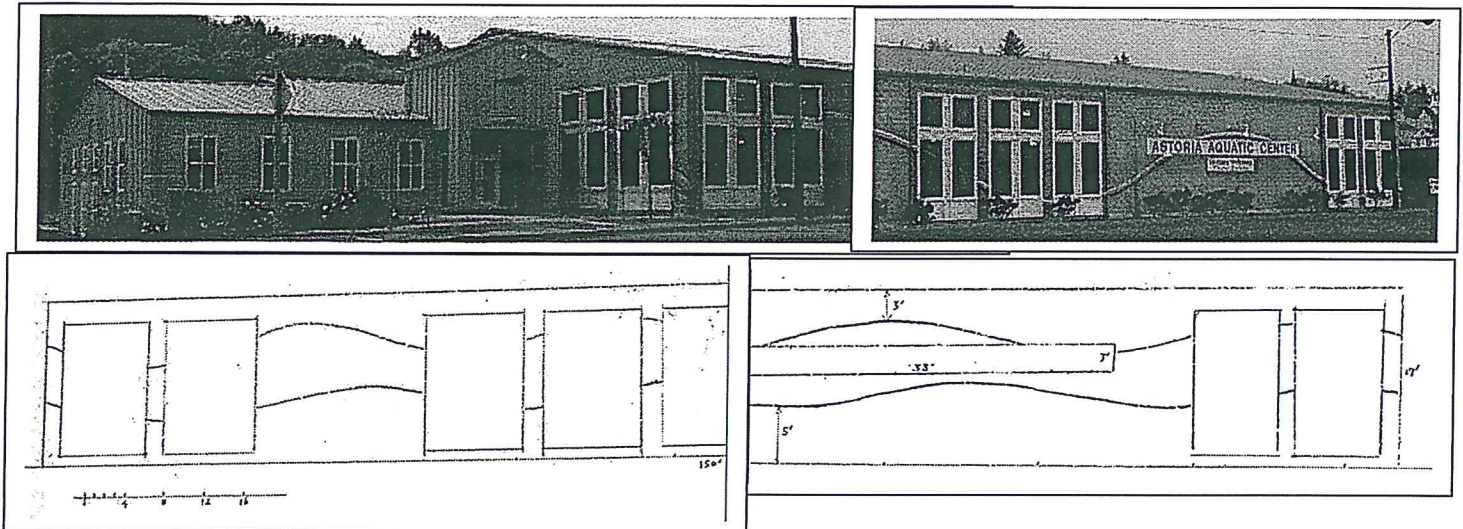
- C. Development Code Section 8.110.A, Variances, Astoria Planning Commission states *"Variances to the sign regulations of this Section may be approved by the Planning Commission following the procedures of Section 12.060 to 12.120 where the Planning Commission finds that the variance meets the following criteria:"*

1. Section 8.110.A.1 states *"One of the following factors exists:*
  - a. *The variance would permit the placement of a sign with an exceptional design or style.*
  - b. *The variance would permit the placement of a sign which is more consistent with the architecture, and development of the site.*
  - c. *The existence of an unusual site characteristic, such as topography, existing development, or adjacent development, which precludes an allowable sign from being effectively visible from the public roadway adjacent to the site.*



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

Finding: The building is 19' tall and approximately 215' wide with the subject wall at 150' wide. The long nature of the building led to the design to incorporate a wave into the signage. The previous sign was removed recently due to deterioration. It also was a wave but was just a single line to imply the design of a wave. The new sign would expand on that design with a painted graphic wave cresting at 11' high. This lineal design would be consistent with the architecture.



The graphic design is exceptional in that it uses paint to create motion and the idea of water in the building. The actual text portion of the sign would be similar in size to the previous lettering and would be 3' x 38' (114 square feet). The existing signs are minimal in size for a total of 52 square feet and the additional text sign would be 114 square feet for a total of 166 square feet which is well within the allowable 300 square feet for the site. The intent of this graphic design is to promote the use of the Aquatics Center to both locals and tourists who travel along Marine Drive. While larger signs are not encouraged as "advertising", the unique subtle nature of this graphic is appropriate for the building.

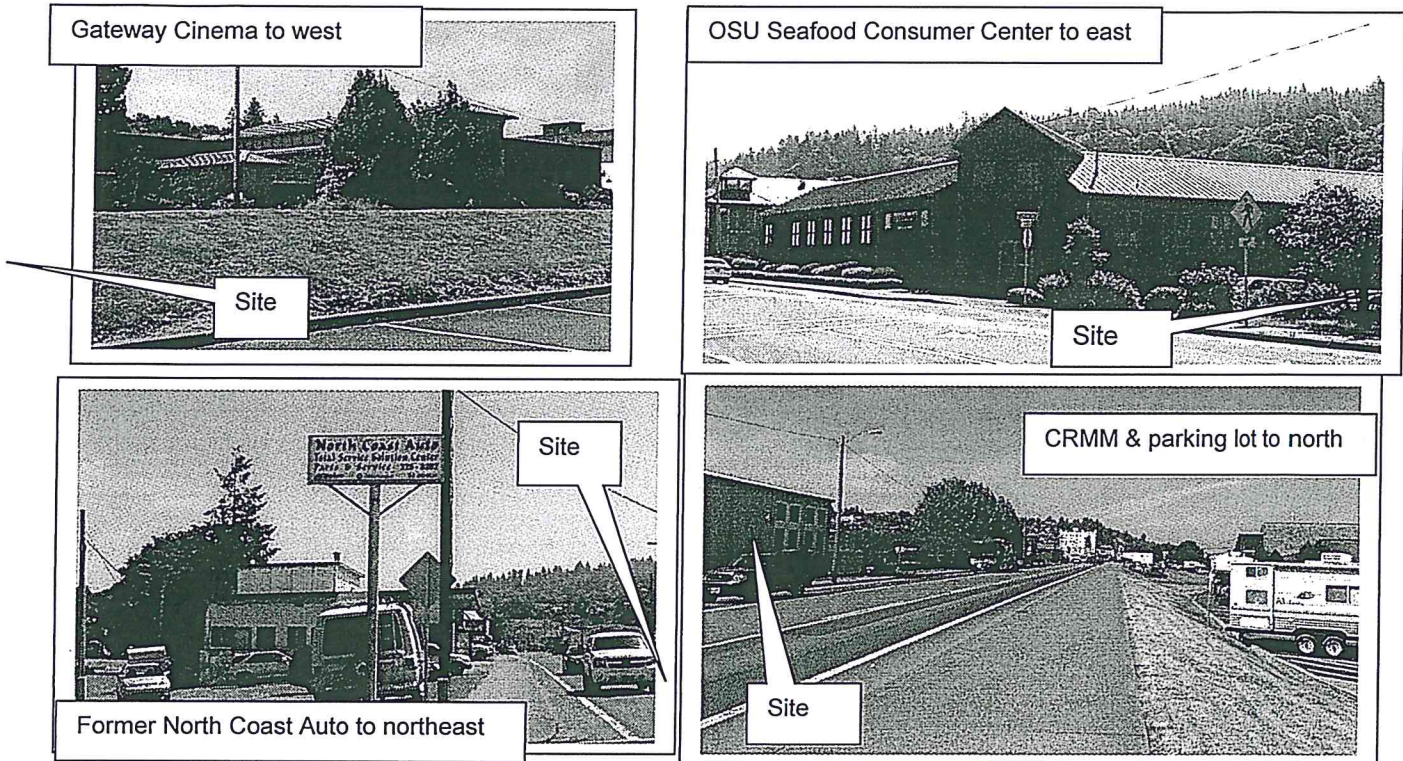
The variance would permit the placement of a sign that is consistent with the architecture of the structure and of an exceptional yet subtle design.

2. Section 8.110.A.2, states *"The granting of the variance would not be detrimental to abutting properties."*

Finding: There are only a few businesses, in this block of Marine Drive each occupying large areas along the roadway. The smallest site is the former North Coast Auto across the Marine Drive right-of-way which has been purchased by the Columbia River Maritime Museum as part of their



larger campus. Signage in the area is minimal and these signs would not block other signage or visibility of businesses. The signs will not be detrimental to abutting properties due to the existing development in the area.



3. Section 8.110.A.3, states *"The granting of the variance would not create a traffic or safety hazard."*

Finding: The proposed sign would be flush with the facade of the building and would not impair vehicles on Marine Drive. Granting the variance will not create a traffic or safety hazard.

4. Section 8.110.A.4 states *"Sign variances are exempt from Section 12.030 (General Variance Criteria) through 12.040 (Variance from Standards Relating to Off-street Parking and Loading Facilities)."*

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

## V. CONCLUSION AND RECOMMENDATION

The request, in balance, meets all the applicable review criteria. Staff recommends approval of the request. The applicant should be aware of the following requirements:



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

The applicant shall obtain all necessary City and building permits prior to installation of the signs.



# CITY OF ASTORIA

Founded 1811 • Incorporated 1856

## COMMUNITY DEVELOPMENT

*for waived by Brett*

No. V 18-06

☐ Fee Paid Date N/A By Y

FEE: Administrative Permit \$300.00  
or Planning Commission \$500.00

### SIGN VARIANCE APPLICATION

Property Location: Address: 1997 Marine  
and located portion  
Lot of 19th & Duane Block 123 & 130 Subdivision Shively  
Map 8 DA Tax Lot 800 Zone FA Adj to Hist.

Applicant Name: Terra Patterson, Aq. Center Supervisor

Mailing Address: 1997 Marine

Phone: \_\_\_\_\_ Business Phone: 325-7027 Email: tpatterson@astoria.or.us

Property Owner's Name: City of Astoria

Mailing Address: 1095 Duane

Business Name (if applicable): Astoria Aquatic Center

Signature of Applicant: [Signature] Date: 6-12-18

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

Existing/Proposed Use: Aq. Center

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

Max sqft of sign to exceed 150 sq (300 sq per 8,080 sq)

area is 11' x 150' = 1,650 (working area 3' x 38' = 114 sq)

Existing signs - 52 sq

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

#### For office use only:

Application Complete:	<u>6/19/18</u>	Permit Info Into D-Base:	
Labels Prepared:		Tentative APC Meeting Date:	<u>7/24/18</u>
120 Days:	<u>10-17-18</u>		



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

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

**8.110. VARIANCES FROM STANDARDS RELATING TO SIGNS.**

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

A. One of the following factors exists:

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

mural-like wave along the north wall - graphic only.  
Word signage is within the allowable square footage.

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

Low @ 18' high bldg that is long @ 1' long.

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

N/A

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

N/A

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

This portion of Marine Dr is not densely developed with commercial facilities. CRMM, theater, OSU, & Auto Repair are all large lots.  
No sign clutter in this area.

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

No hazard with wall sign.

Sign variances are exempt from Sections 12.030 through 12.040.

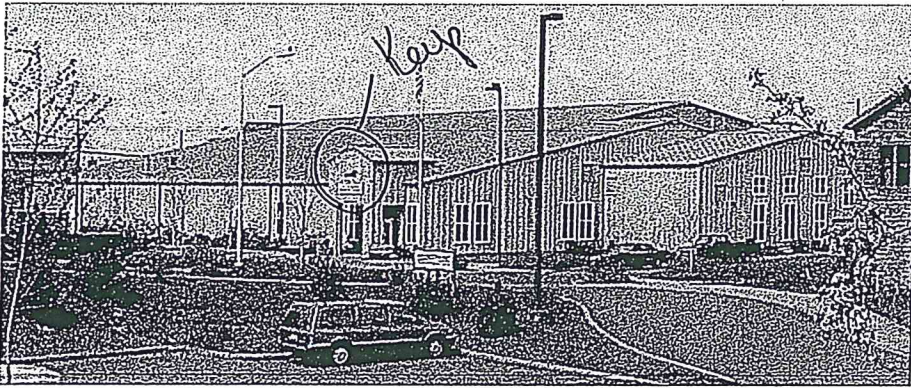


Bldg: 150' long -  
18-20' high

Sign -



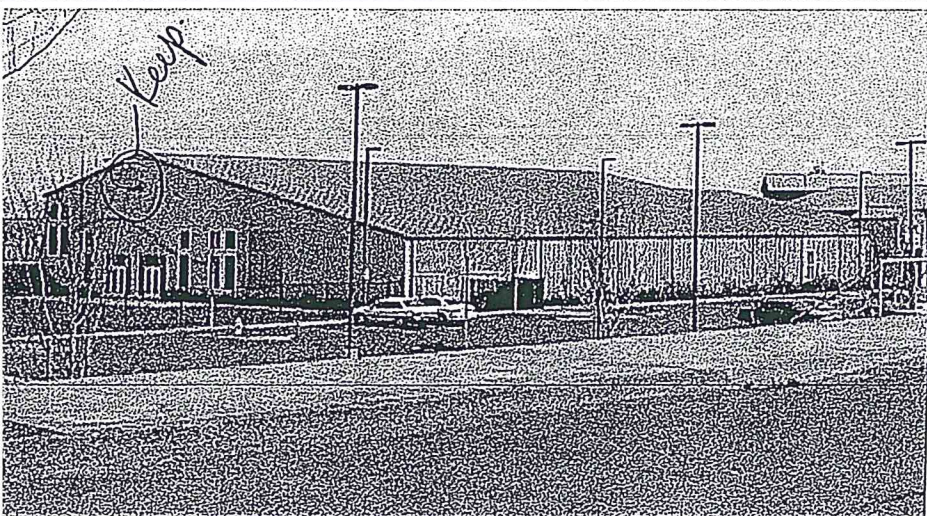
Keep



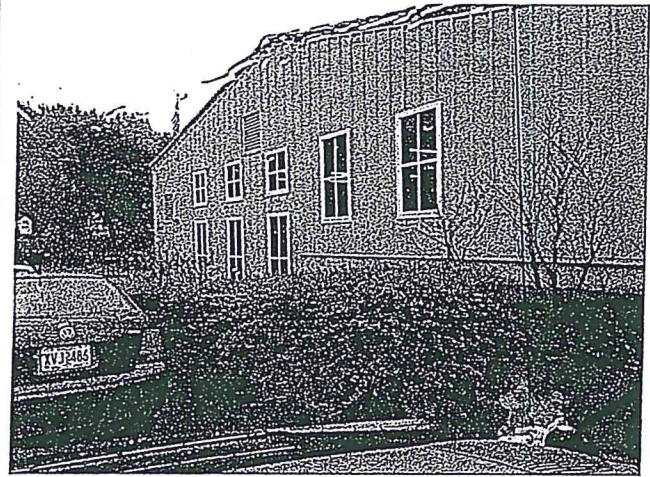
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Keep











# CITY OF ASTORIA

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## COMMUNITY DEVELOPMENT

☐ Fee Paid Date \_\_\_\_\_ By \_\_\_\_\_

FEE (no building permit): \$50.00

S \_\_\_\_\_

### SIGN PERMIT

Property Location: 1997 Marine Zone: FA

Business Name: Astoria Aquatic Center

Applicant Name: Terra Patterson, Aq. Center Supervisor

Mailing Address: 1997 Marine Email \_\_\_\_\_

Phone: 325-7027 Business Phone: \_\_\_\_\_

Sign Installer Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Sign Installer Address: \_\_\_\_\_ CCB #: \_\_\_\_\_

*Sign Installer needs to have a City of Astoria Occupational Tax for the current year.*

Property Owner's Name: City of Astoria

Mailing Address: 1095 Duane

I agree to erect the proposed sign according to the description, plan, and specification of this permit and in accordance with the Astoria Development Code, City Code, Building Code, and any other City codes.

Signature of Applicant: [Signature] Date: 6/12/18

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

**SITE PLAN AND SIGN DIAGRAM:** *A Site Plan depicting building and/or property lines and the location of all existing and proposed signs is required. The Plan must include dimensions of signs, and distances to all property lines on projecting and freestanding signs. A sign diagram is required which must show the general appearance of the sign with dimensions noted. Signs proposed for historic structures must also include how they will be attached to the building. These plans and diagrams are not required to be in final form and may be hand drawn by the applicant.*

**FILING INFORMATION:** *A Pre-Application meeting with the Administrative Assistant may be required prior to acceptance of the application as complete. Only complete applications will be reviewed for approval.*

**SIGNS THAT REQUIRE A BUILDING PERMIT:** *Freestanding, projecting, or structural signs charged fee based on value of sign (Min fee \$72.80)*

*Note: Either a Sign Permit or a Building Permit (not both) is required depending on style of sign.*

APPROVED BY: \_\_\_\_\_ Date: \_\_\_\_\_



**BUILDING FRONTAGE:** North: \_\_\_\_\_ South: \_\_\_\_\_ East: \_\_\_\_\_ West: \_\_\_\_\_

*"Building Frontage" is the lineal frontage of a building along a public street, waterway, or any other exterior building wall facing a parking lot, excluding alleys. It includes only the portion of the building that is occupied by your business or activity. [See Section 8.120(D)]*

**SITE FRONTAGE:** \_\_\_\_\_

*"Site Frontage" is the lineal frontage of a site on a public street, excluding alleyways.*

**NUMBER, SIZE, AND TYPES OF EXISTING SIGNS:**

*N Swimmer 2'x8' (16 #); N Swimmer 2'x5' (10 #); S Swimmer 2'x5' (10 #);  
S wall 2'x8' (16 #) = 52 #*

**PROPOSED SIGNAGE:** *Sign is anything visible from the outside that conveys the message of your business or activity.*

**SIGN NO. 1 - TYPE OF SIGN:** *wall on N*

*Awning, canopy, marquee, banner, freestanding, monument, projecting, roof, window, wall.*

**DIMENSIONS:**

Vertical/Horizontal \_\_\_\_\_ Square Footage \_\_\_\_\_

Clearance Above Sidewalk \_\_\_\_\_ Projection Beyond Property Line \_\_\_\_\_

**Material & How Attached:** *Painted wave on wall with letters attached*

**SIGN NO. 2 - TYPE OF SIGN:** \_\_\_\_\_

*Awning, canopy, marquee, banner, freestanding, monument, projecting, roof, window, wall.*

**DIMENSIONS:**

Vertical/Horizontal \_\_\_\_\_ Square Footage \_\_\_\_\_

Clearance Above Sidewalk \_\_\_\_\_ Projection Beyond Property Line \_\_\_\_\_

**Material & How Attached:** \_\_\_\_\_

**SIGN NO. 3 - TYPE OF SIGN:** \_\_\_\_\_

*Awning, canopy, marquee, banner, freestanding, monument, projecting, roof, window, wall.*

**DIMENSIONS:**

Vertical/Horizontal \_\_\_\_\_ Square Footage \_\_\_\_\_

Clearance Above Sidewalk \_\_\_\_\_ Projection Beyond Property Line \_\_\_\_\_

**Material & How Attached:** \_\_\_\_\_

**SIGN NO. 4 - TYPE OF SIGN:** \_\_\_\_\_

*Awning, canopy, marquee, banner, freestanding, monument, projecting, roof, window, wall.*

**DIMENSIONS:**

Vertical/Horizontal \_\_\_\_\_ Square Footage \_\_\_\_\_

Clearance Above Sidewalk \_\_\_\_\_ Projection Beyond Property Line \_\_\_\_\_

**Material & How Attached:** \_\_\_\_\_

**REMARKS:** \_\_\_\_\_



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

**CITY OF ASTORIA  
NOTICE OF PUBLIC HEARING**

Mail	7/2/2018
Email	7/2/2018
Web	7/2/2018

pub: 7/16/2018

The City of **Astoria Planning Commission** will hold a public hearing on Tuesday, July 24, 2018 immediately following the **Traffic Safety Advisory Committee** meeting at 6:30pm in the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

1. Permit Extension Request for Conditional Use (CU17-06) by Astoria Warming Center to extend the permit to September 6, 2019 to operate the Astoria Warming Center at 1076 Franklin Ave (Map T8N-R9W Section 8CC, Tax Lot(s) 2300; Lot(s) 5 & 6, Block 45, McClure's) in the R-3 High Density Residential Development Zone. Development Code Standards 2.150-2.185, 3.240, Articles 9 and 11 and Comprehensive Plan Sections CP.040-CP.045, CP.215-CP.230 are applicable to the request. \*note this item is continued from 6/26/18 due to an error in mailing the public notice.
2. Variance Request (V18-08) by Bruce Jones for the Columbia River Maritime Museum from the maximum 64 square feet of allowable signage and two signs per frontage, to install 1 banner each on the west and south facade and one wall sign on the east facade, in addition to the existing 176.7 square feet of signage at the Columbia River Maritime Museum at 1792 Marine Drive (Map T8N R9W Section 8DB, Lot 301 Shively in the MH Zone (Maritime Heritage). Development Code Standards 2.904 to 2.916, 14.001 to 14.030, Articles 8, 9, & 12, Comprehensive Plan Sections CP.005 to CP.028, CP.057 to CP.058 and CP.190-CP.210 are applicable to the request.
- ✓ 3. Variance Request (V18-06) by Terra Patterson for the Astoria Aquatic Center from the maximum 300 square feet of allowable signage to install an 11' x 150' wave sign (1,650 square feet) which includes a 3' x 38' (114 square feet) text sign painted on the north elevation wall in addition to the existing 52 square feet of signs on the existing Astoria Aquatic Center at 1997 Marine Drive (Map T8N R9W Section 8DA, Tax Lot 800; Blocks 123 & 130, Shively, and vacated portion of 19th Street and Duane Street) in the FA (Family Activity) Zone. Development Code Standards 2.904 to 2.916, 14.001 to 14.030, Articles 8, 9, & 12, Comprehensive Plan Sections CP.005 to CP.028, CP.057 to CP.058 are applicable to the request.
- ✓ 4. Variance Request (V18-05) by Alexander Pappas Construction for Paul & Sally Turchetta from the maximum 6' fence height to construct an 8' fence in the rear and rear side yards of an existing single-family dwelling at 31 Skyline Avenue (Map T8N R9W Section 7DD, Tax Lot 10801; east half of Lot 8 and west portion of Lot 7, Block 6, West Hills) in the R-1 (Low Density Residential) Zone. Development Code Standards 2.015 to 2.050, 3.035, Articles 9 & 12, Comprehensive Plan Sections CP.005 to CP.028, CP.030 to CP.035 are applicable to the request.
- ✓ 5. Conditional Use Permit Request (CU18-04) by Sheila Dianne Forte to locate a one bedroom homestay lodging in an existing single family dwelling at 1240 Sonora Ave (Map T8N R9W Section 18AB, Tax Lot 3602, Lot 3 in the R-1 (Low Density Residential) Zone. Development Code Standards 2.015-2.050, Articles 3, 7, 9, and 11 and Comprehensive Plan Sections CP.005-CP.025, CP.030-CP.035, CP.190-CP.210, and CP.215-CP.230 are applicable to the request.
- ✓ 6. Conditional Use Permit Request (CU18-05) by Matt and Bree Phillips to locate a one bedroom homestay lodging in an existing commercial building at 855 Exchange St (Map T8N R9W Section 8CC, Tax Lot 3700 and 3800, Lot 3 and 4 in the C-4 (Central Commercial) Zone. Development Code Standards 2.015-2.050, Articles 7, 9, and 11 and Comprehensive Plan Sections CP.005-CP.025, CP.050-CP.055, CP.190-CP.210, and CP.215-CP.230 are applicable to the request.

A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available at least seven days prior to the hearing and are available for inspection at no cost



and will be provided at reasonable cost. All such documents and information are available at the Community Development Department at 1095 Duane Street, Astoria. If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance of the hearing. Contact the City Planner at (503) 338-5183 for additional information.

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

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

The Planning Commission's ruling may be appealed to the City Council by the applicant, a party to the hearing, or by a party who responded in writing, by filing a Notice of Appeal within 15 days after the Planning Commission's decision is mailed. Appellants should contact the Community Development Department concerning specific procedures for filing an appeal with the City. If an appeal is not filed with the City within the 15 day period, the decision of the Planning Commission shall be final.

The public hearing, as conducted by the Planning Commission, will include a review of the application and presentation of the staff report, opportunity for presentations by the applicant and those in favor of the request, those impartial to the request, and those in opposition to the request, and deliberation and decision by the Planning Commission. The Planning Commission reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

THE CITY OF ASTORIA

Tiffany Taylor  
Administrative Assistant

MAIL: July 2, 2018

## STAFF REPORT AND FINDINGS OF FACT

July 17, 2018

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNING CONSULTANT

THROUGH: NANCY FERBER, PLANNER

SUBJECT: VARIANCE REQUEST (V18-05) BY ALEXANDER PAPPAS FOR PAUL & SALLY TURCHETTA FROM MAXIMUM FENCE HEIGHT REQUIREMENTS OF THE R-1 ZONE AT 31 SKYLINE AVENUE

### I. BACKGROUND SUMMARY

- A. Applicant: Western Services Group LLC  
Alexander Pappas  
PO Box 1277  
Astoria OR 97103
- B. Owner: Paul Turchetta  
Sally Turchetta  
31 Skyline Avenue  
Astoria OR 97103
- C. Location: 31 Skyline Avenue; Map T8N R9W Section 7DD, Tax Lot 10801; east half Lot 8 and west portion of Lot 7, Block 6, West Hills
- D. Zone: R-1, Low Density Residential
- E. Proposal: From maximum 4' fence height to construct a fence of approximately 8' high in rear and side property lines

### II. BACKGROUND

#### A. Site:

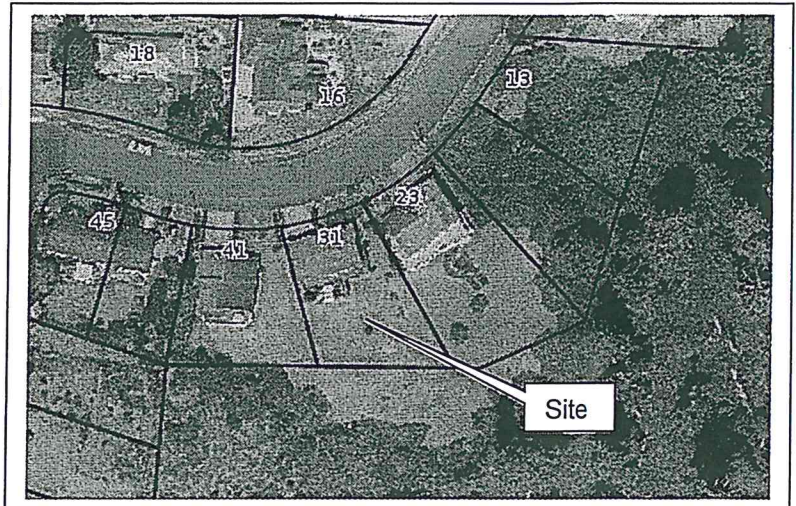
The residence is located on the south side of Skyline Avenue abutting the City-owned forest land to the south, rear of the property. The site is 63'/100' x 107'/141' (9,459 square feet) with the house constructed to the front of the lot with an approximate 10' setback and approximate 12' of yard and driveway within the right-of-way.





B. Adjacent Neighborhood:

The neighborhood is developed with primarily single-family dwellings. Lots are generally larger than standard 5,000 square foot lots with dimensions from approximately 5,700 to 13,400 square feet which creates a neighborhood with ample yards and open space. The lots all face the streets with the City-owned forest to the rear of all of the properties in this block.



C. Proposal:

The applicant requests a variance from the maximum allowable fence height of 6' along rear and side yards to allow a fence of approximately 8'. There would be no fence in the front yard. The fence would have an aluminum/galvanized frame with 12.5-gauge metal wire and wood posts and four gates. The request is to keep the wild life out of the yard.

III. PUBLIC REVIEW AND COMMENT

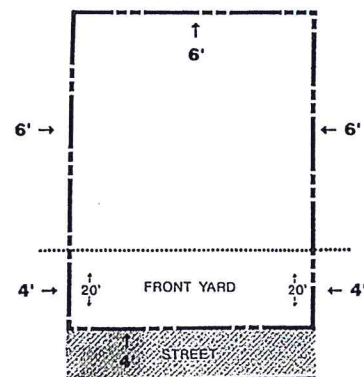
A public notice was mailed to all property owners within 250 feet pursuant to Section 9.020 on July 2, 2018. A notice of public hearing was published in the Daily Astorian on July 17, 2018. Any comments received will be made available at the Planning Commission meeting.

IV. APPLICABLE CRITERIA AND FINDINGS OF FACT

A. Development Code Section 3.035.A on Fences, Walls, and Hedges states that

*"1. Except as provided in Section 3.045 of this code, fences, walls, or mature hedges not over 48 inches in height may occupy the required front yard of any lot, or the required side yard along the flanking street of a corner lot.*

*2. Fences or hedges located back of the required front or flanking street side yard shall not exceed a height of six (6) feet."*



Finding: The height of the fence is measured from grade level to the highest portion of the fence horizontal rail including any lattice. It does not include the



posts. The intent of the 4' height for the first 20' and along rights-of-way is to limit the structures allowed within the front 20' front and 15' street side setback area of the zones. The proposal is for an approximate 8' fence along the side and rear property lines. A variance is required.

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

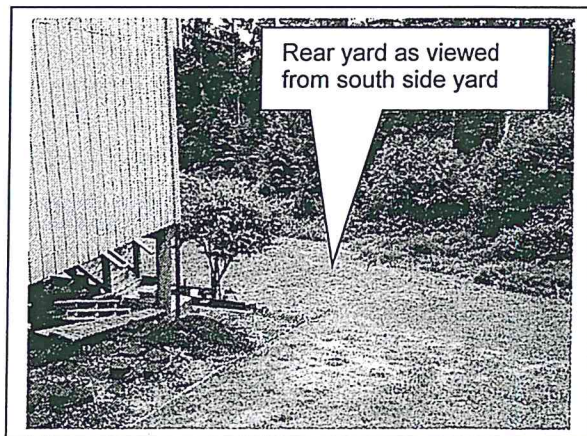
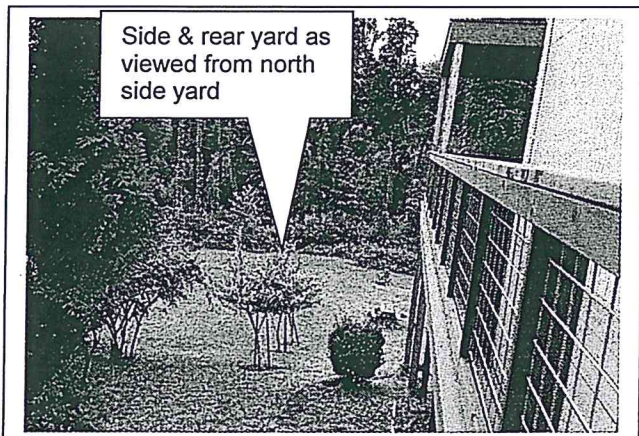
1. Section 12.030(A)(1) states that *"the request is necessary to prevent unnecessary hardship.*

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

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

Finding: The applicant is requesting the additional height to create a fence that would deter the deer from entering the yard. The City has had recent problems with the large number of deer in the residential areas that destroy landscaped areas in yards. Deer can easily jump a six-foot fence and in some cases may still jump an eight-foot fence. However, it is reasonable to want to attempt to prevent the destruction of the landscaping.

The applicant's rear yard is at a much lower level than the street and front yard. With the change in elevation and the development of the neighborhood, the side and rear yards of this property are not highly visible except to the adjacent properties.





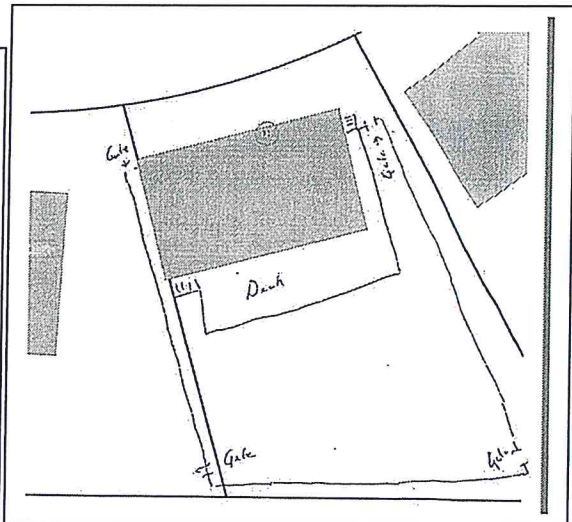
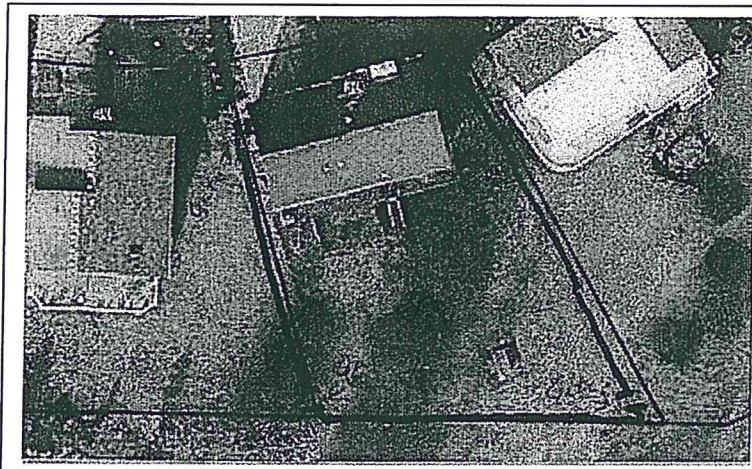
The hardship was not created by the applicant. It is created by the natural human encroachment into the deer habitat causing them to roam the urban area freely. This problem is not unique to this property as it has been a growing concern City wide. It is reasonable to want to protect the landscaping.

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

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

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

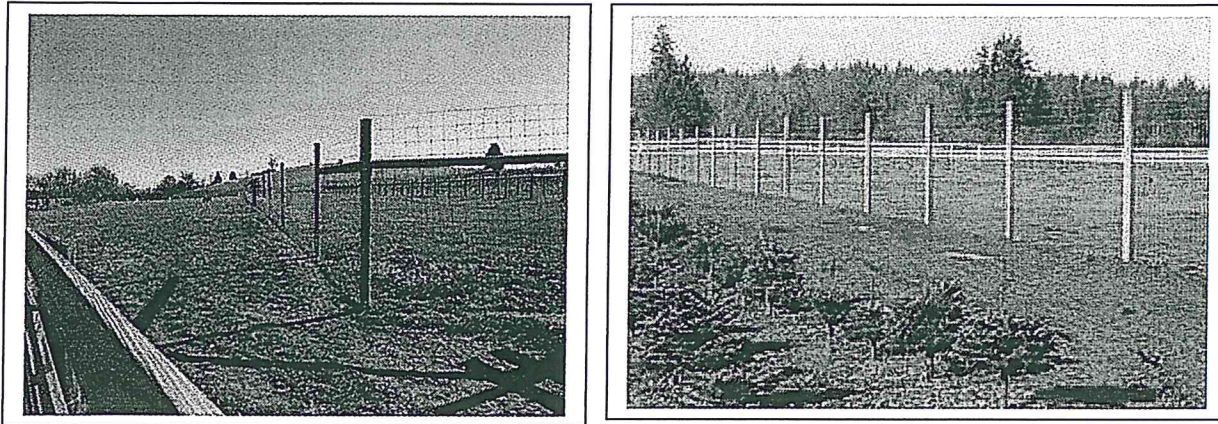
Finding: Houses in the neighborhood are built on large lots and this block abuts an urban forest in the rear. The fence would be on the applicant's property along the side and rear property lines. It should not be constructed off the applicant's property (Condition 1). There will be gates at the front and rear of the sides to allow for easy access to the yard and between properties. The fence would be installed behind the front plane of the house which sits approximately 18' from the front property line.





Due to the height of the fence, the applicant will be required to obtain a building permit which will review how the fence is installed to assure that it is installed safely (Condition 2).

The design of the fence is utilitarian and is specifically made for wildlife. It has a mesh wire with galvanized aluminum frame and wood posts. This lighter design makes it generally harder to see than a wood fence or chain link fence. The large open mesh design would be similar to the design of the balustrade on the applicant's rear deck.



It would not be injurious to the neighborhood to allow the higher fence in the side and rear yards.

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

Finding: The increased height on the fence on the side and rear yards would allow for greater controlled use of the yard by deterring the deer. It is reasonable to want to prevent wild life from entering the yard and destroying the landscaping.

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

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

Finding: Use of the property will remain residential. The request to increase the height of the fence allows for greater controlled use of the yard adding to the livability of the property. The request for the increased fence height is not in conflict with the Comprehensive Plan.



V. CONCLUSION AND RECOMMENDATION

The request meets the applicable review criteria. Based on the Findings of Fact above, staff recommends approval of the request with the following conditions:

1. All portions of the fence shall be constructed within the applicant's property lines.
2. The applicant shall obtain a building permit for construction of the fence.
3. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Planning Commission.

The applicant should be aware of the following requirements:

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



CITY OF ASTORIA  
Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

CITY OF ASTORIA

JUN 13 2018

BUILDING CODES

\*Not yet deposited,  
w/ APC  
amnt

☒ Fee Paid Date 6/13/18 By LF pd 300  
Fee: Administrative Permit \$300.00 ck #2901  
(or) Planning Commission \$500.00 ck #2901

## VARIANCE APPLICATION

\$200  
Check 6/21

Property Address: 31 Skyline Ave

Lot E 1/2 8, W portion 7 Block 6 Subdivision West Hills

Map 7 DD Tax Lot 10801 Zone R-1

Applicant Name: Alexander Pappas, Supervisor Western Sw Group LLC

Mailing Address: P.O. Box 1277 Astoria, OR 97103

Phone: 503 545 6873 Business Phone: \_\_\_\_\_ Email: alexander.pappas@ymail.com

Property Owner's Name: Paul & Sally Turchetta

Mailing Address: 31 Skyline Ave Astoria, OR 97103

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

Signature of Applicant: \_\_\_\_\_ Date: 6-13-18

Signature of Property Owner: Paul R. Turchetta Date: 6-13-18

Existing/Proposed Use: \_\_\_\_\_

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

Exceed max 6' fence height to 8' on sides + back of  
property using wire fencing + wooden posts & 4  
8' salvaged fence + wire inside of gates. Deer Fence  
for wooden gates 8' high

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

For office use only:

Application Complete:	<u>6/25/18</u>	Permit Info Into D-Base:	
Labels Prepared:		Tentative APC Meeting Date:	<u>7/24/18</u>
120 Days:	<u>10-23-18</u>		



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

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

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

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

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

*Protect property from Deer + wildlife damage*

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

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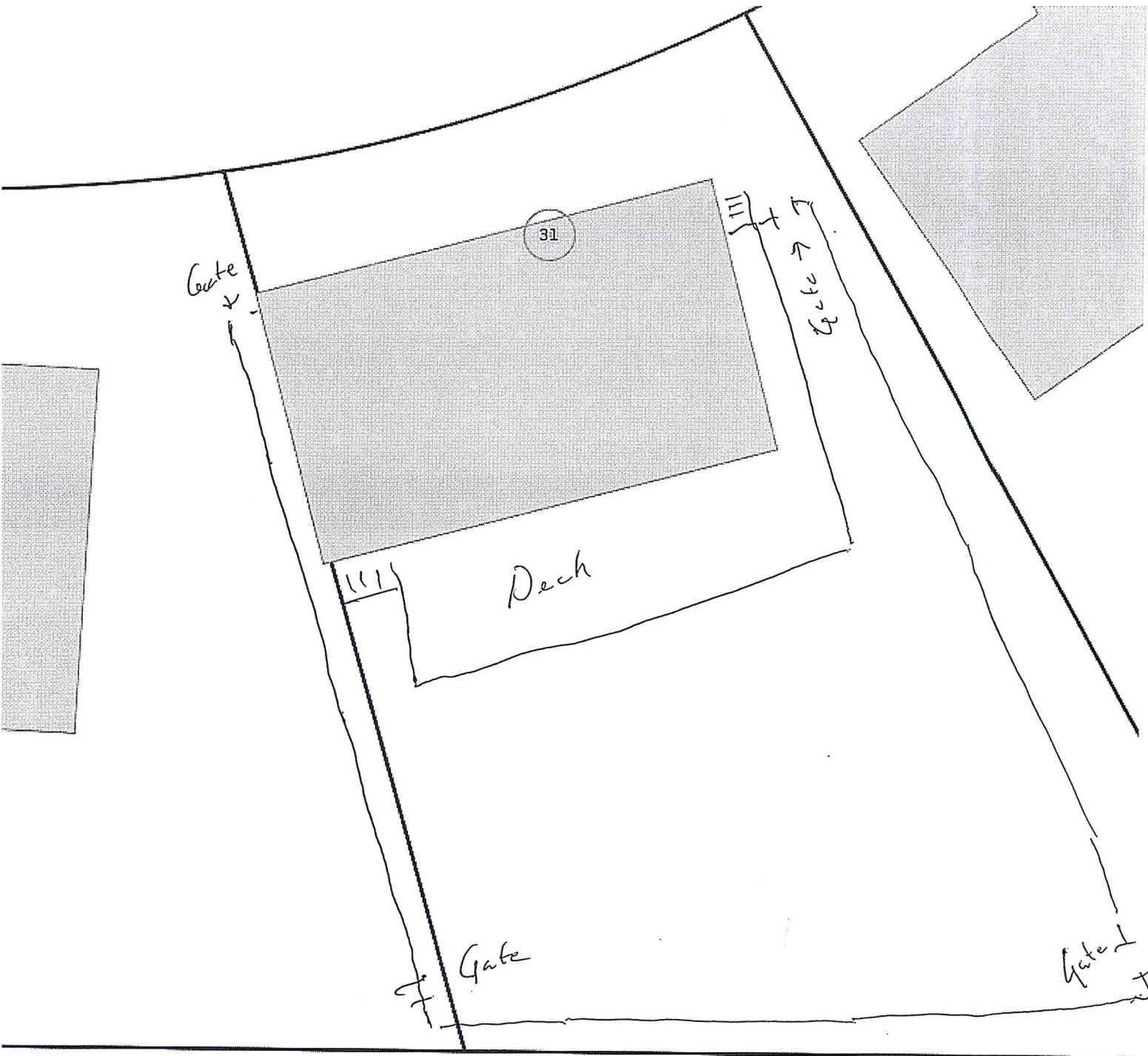
**Astoria Development Code Section 12.030(B) states:**

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

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









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

**CITY OF ASTORIA  
NOTICE OF PUBLIC HEARING**

Mail	7/2/2018
Email	7/2/2018
Web	7/2/2018

pub: 7/16/2018

The City of **Astoria Planning Commission** will hold a public hearing on Tuesday, July 24, 2018 immediately following the **Traffic Safety Advisory Committee** meeting at 6:30pm in the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

1. Permit Extension Request for Conditional Use (CU17-06) by Astoria Warming Center to extend the permit to September 6, 2019 to operate the Astoria Warming Center at 1076 Franklin Ave (Map T8N-R9W Section 8CC, Tax Lot(s) 2300; Lot(s) 5 & 6, Block 45, McClure's) in the R-3 High Density Residential Development Zone. Development Code Standards 2.150-2.185, 3.240, Articles 9 and 11 and Comprehensive Plan Sections CP.040-CP.045, CP.215-CP.230 are applicable to the request. \*note this item is continued from 6/26/18 due to an error in mailing the public notice.
2. Variance Request (V18-08) by Bruce Jones for the Columbia River Maritime Museum from the maximum 64 square feet of allowable signage and two signs per frontage, to install 1 banner each on the west and south facade and one wall sign on the east facade, in addition to the existing 176.7 square feet of signage at the Columbia River Maritime Museum at 1792 Marine Drive (Map T8N R9W Section 8DB, Lot 301 Shively in the MH Zone (Maritime Heritage). Development Code Standards 2.904 to 2.916, 14.001 to 14.030, Articles 8, 9, & 12, Comprehensive Plan Sections CP.005 to CP.028, CP.057 to CP.058 and CP.190-CP.210 are applicable to the request.
- ✓ 3. Variance Request (V18-06) by Terra Patterson for the Astoria Aquatic Center from the maximum 300 square feet of allowable signage to install an 11' x 150' wave sign (1,650 square feet) which includes a 3' x 38' (114 square feet) text sign painted on the north elevation wall in addition to the existing 52 square feet of signs on the existing Astoria Aquatic Center at 1997 Marine Drive (Map T8N R9W Section 8DA, Tax Lot 800; Blocks 123 & 130, Shively, and vacated portion of 19th Street and Duane Street) in the FA (Family Activity) Zone. Development Code Standards 2.904 to 2.916, 14.001 to 14.030, Articles 8, 9, & 12, Comprehensive Plan Sections CP.005 to CP.028, CP.057 to CP.058 are applicable to the request.
- ✓ 4. Variance Request (V18-05) by Alexander Pappas Construction for Paul & Sally Turchetta from the maximum 6' fence height to construct an 8' fence in the rear and rear side yards of an existing single-family dwelling at 31 Skyline Avenue (Map T8N R9W Section 7DD, Tax Lot 10801; east half of Lot 8 and west portion of Lot 7, Block 6, West Hills) in the R-1 (Low Density Residential) Zone. Development Code Standards 2.015 to 2.050, 3.035, Articles 9 & 12, Comprehensive Plan Sections CP.005 to CP.028, CP.030 to CP.035 are applicable to the request.
- ✓ 5. Conditional Use Permit Request (CU18-04) by Sheila Dianne Forte to locate a one bedroom homestay lodging in an existing single family dwelling at 1240 Sonora Ave (Map T8N R9W Section 18AB, Tax Lot 3602, Lot 3 in the R-1 (Low Density Residential) Zone. Development Code Standards 2.015-2.050, Articles 3, 7, 9, and 11 and Comprehensive Plan Sections CP.005-CP.025, CP.030-CP.035, CP.190-CP.210, and CP.215-CP.230 are applicable to the request.
- ✓ 6. Conditional Use Permit Request (CU18-05) by Matt and Bree Phillips to locate a one bedroom homestay lodging in an existing commercial building at 855 Exchange St (Map T8N R9W Section 8CC, Tax Lot 3700 and 3800, Lot 3 and 4 in the C-4 (Central Commercial) Zone. Development Code Standards 2.015-2.050, Articles 7, 9, and 11 and Comprehensive Plan Sections CP.005-CP.025, CP.050-CP.055, CP.190-CP.210, and CP.215-CP.230 are applicable to the request.

A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available at least seven days prior to the hearing and are available for inspection at no cost



and will be provided at reasonable cost. All such documents and information are available at the Community Development Department at 1095 Duane Street, Astoria. If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance of the hearing. Contact the City Planner at (503) 338-5183 for additional information.

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

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

The Planning Commission's ruling may be appealed to the City Council by the applicant, a party to the hearing, or by a party who responded in writing, by filing a Notice of Appeal within 15 days after the Planning Commission's decision is mailed. Appellants should contact the Community Development Department concerning specific procedures for filing an appeal with the City. If an appeal is not filed with the City within the 15 day period, the decision of the Planning Commission shall be final.

The public hearing, as conducted by the Planning Commission, will include a review of the application and presentation of the staff report, opportunity for presentations by the applicant and those in favor of the request, those impartial to the request, and those in opposition to the request, and deliberation and decision by the Planning Commission. The Planning Commission reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

THE CITY OF ASTORIA

Tiffany Taylor  
Administrative Assistant

MAIL: July 2, 2018

## STAFF REPORT AND FINDINGS OF FACT

July 17, 2018

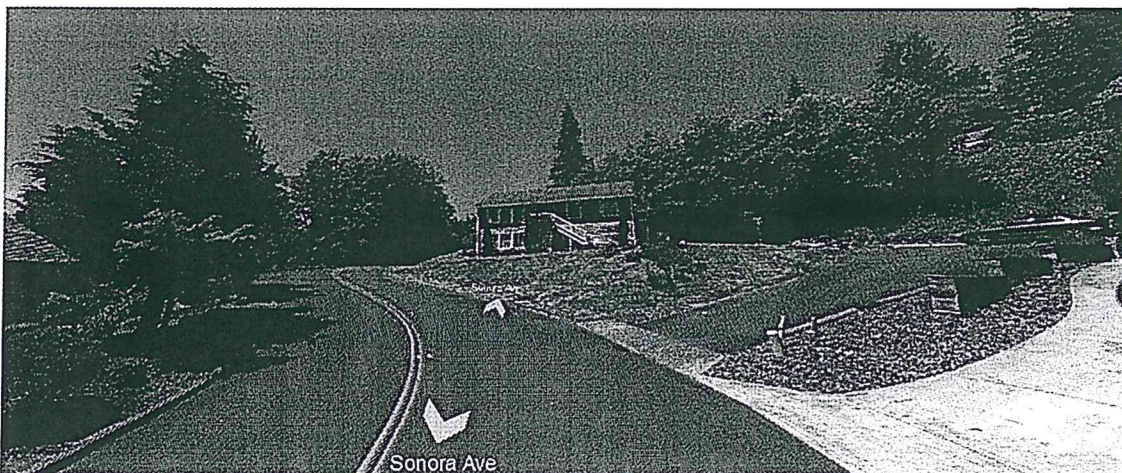
TO: ASTORIA PLANNING COMMISSION

FROM: NANCY FERBER, PLANNER 

SUBJECT: CONDITIONAL USE REQUEST (CU18-04) BY SHEILA FORTE TO OPERATE A ONE BEDROOM HOME STAY LODGING IN AN EXISTING SINGLE FAMILY DWELLING AT 1240 SONORA AVENUE

### I. Background

- A. Applicant: Sheila Dianne Forte  
1240 Sonora Avenue  
Astoria, OR 97103
- B. Owner: Michael & Sheila Dianne Forte
- C. Location: 1240 Sonora Avenue; Map T8N-R9W Section 18, Lot 3, Tax Lot 3602
- D. Zone: R-1, Low Density Residential
- E. Lot Size: 9,938 square feet
- F. Request: To operate a one bedroom Home Stay Lodging with the owner residing full-time, in an existing single-family dwelling in R-1 zone
- G. Previous Applications: There are no known previous land use applications





## II. BACKGROUND

### A. Site

The parcel is on a north-facing slope. The residence is located on the north side of Sonora Avenue near the intersection of Lexington Avenue. Sonora Avenue has an approximate 50 foot right-of-way and no sidewalks. The house is below Sonora Avenue and there is a long driveway on the east side of the parcel that accesses the house, garage and additional off-street parking area.



### B. Adjacent Neighborhood

The neighborhood is developed with primarily single-family dwellings. The site is a large lot with a total of 9,938 square feet. The adjacent neighborhood is also zoned R-1 in all directions. Located in the West End Area, this neighborhood encompasses Astor Court and Uniontown, and has historically been single-family on the hilltop, with multi-family permitted on the lower areas of the hillside.



### C. Proposal

The applicant requests a permit to allow one bedroom in the dwelling to be rented for less than 30 days each, which is considered transient lodging. The City has different classifications of transient lodging facilities. A Bed and Breakfast has three to seven guest bedrooms; a Home Stay Lodging has one to two guest bedrooms. Home Stay lodging requires the following in all residential zones:

- Owners must be on site when they have guests
- Owners must submit transient lodging taxes to the City's Finance Department
- A business license (Occupational Tax Application) is required and must be renewed annually
- Off-street parking must be available: two spaces are required for a single family dwelling, and one additional space for each bedroom rented out.



- Home Stay Lodging is an outright permitted use in R-2 and R-3 zones, it requires a conditional use permit in the R-1 zone.

### III. PUBLIC REVIEW AND COMMENT

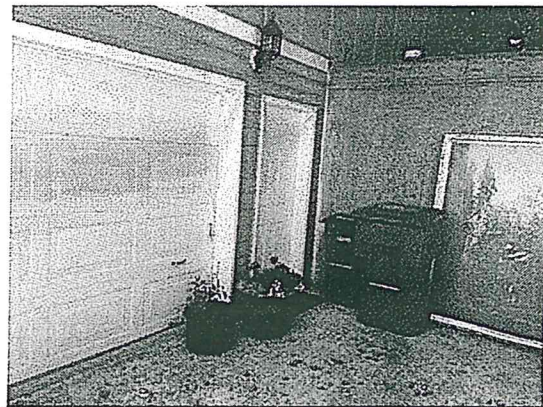
A public notice was mailed to all property owners within 250 feet pursuant to Section 9.020 on July 2, 2018. A notice of public hearing was published in the *Daily Astorian* on July 17, 2018. Any comments received will be made available at the Planning Commission meeting.

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

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

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

Finding: The applicant proposes to utilize a portion of their dwelling that has a separate garage side-door entrance into a living room, bedroom and bath. The owners understand the requirement to reside full-time when there are guests and will block out dates when they will not be available on site. The facility meets the criteria as a Home Stay Lodging and is being reviewed as a Conditional Use.



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

Finding: The proposed use will be in an existing single-family dwelling, and renting out one bedroom as Home Stay lodging. A total of three parking spaces are required for the proposed use. Two are required for a single family dwelling and one additional parking spot is required for the one-bedroom area utilized as homestay lodging.

There is a two car garage and ample paved driveway area sufficient for the additional one off-street parking space located within the property boundary.



To comply with the Development Code, the applicant is required to locate three parking spots within their property. The site has the three required spaces needed to comply with the off-street parking requirements.

Utilizing the two spaces in the garage and one in the driveway meets parking criteria.

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

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

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

Finding: This neighborhood is residential, a small scale transient lodging facility is considered a compatible use within a residential area as impacts to the neighbors would be minimal if noticeable at all. With the owner occupancy requirement of Home Stay lodging, the neighborhood is protected from the "second home" problem of vacant properties at various times of the year.

The ability to have an occasional guest allows a home owner to continue living in the home and earn additional income from the transient lodging. While economic hardships are not criteria for review for Conditional Use Permits, the Comprehensive Plan encourages *"private development such as retail, restaurants, commercial services and transient lodging"* CP.200 (4).

This type of use is transient lodging, not a "vacation rental" that would have a larger impact to the neighborhood or housing stock. The proposal is in compliance with the Comprehensive Plan.

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

1. Section 11.030(A)(1) requires that *"the use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such*

*as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use.”*

Finding: The transient lodging would be located within the existing single-family dwelling. The proposed use is an appropriate use of an existing residential structure, and will utilize an existing living area, bedroom and with a separate entry off the garage. A Home Stay lodging is a conditional use in the R-1 Zone and an outright use in all other residential zones to assure that the impact on the neighborhood is reviewed. Location within a residential zone is appropriate for 1-2 bedrooms, which falls under Home Stay lodging. No construction is proposed at the site.

There is availability in other zones that allow Home Stay lodging as an outright use. These sites are often limited by the off-street parking requirement. Allowing an additional Conditional Use Permit in an R-1 allows for better dispersal of Home Stay Lodging locations with a limited number of similar existing uses in the zone.

The requirement of the owner residing in the home at the same time as the guests prohibits the use as a “vacation rental” and protects the neighborhood as the owner is there to be responsible for the actions of their guests. The site is accessible to guests/customers. Prior to guests arriving at the site, the applicant will communicate detailed instructions to the home including parking instructions. This criterion is met.

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

Finding: The proposed use is one bedroom for transient use. Sonora Avenue is a platted 50' wide paved road. The applicant has a paved garage driveway apron that is approximately 32' wide x 83' deep with additional parking available in the two car garage.

Article 7.110D cites #1 Full size parking spaces shall be 9.5' wide by 20' long, and #2 Compact parking shall be 8.5' wide by 16' long for no more than 50% of the parking spaces required. With the four spaces required, up to 2 can be compact size, which would fit in the driveway.

The proposed use would not overburden the existing street system for access. The site is sufficient for the proposed use and would not interfere with the flow of traffic and/or emergency vehicles.



The applicant has refuse and recycling collection for the home which would not be heavily impacted by the additional use. The proposed use would not create a safety issue over and above the typical residential level. This criterion is met.

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

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

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

Finding: The site is within 100' of a known geologic hazard area as indicated on the City map. No new construction is proposed. The site is adequate for both the single-family residence and the use of the building by transient guests. No construction is proposed. This criterion is met.

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

Finding: Single-family residential use does not require landscaping, however, the site is landscaped and the entry area is not visible from the street due to the downslope. This criterion is met.

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

Finding: The applicant is required to register the transient lodging facility with the City Finance Department for collection of the transient room tax. In addition, transient lodging is considered a commercial use and requires that the owner obtain an Occupational Tax (business license) for conducting business within the City limits. The owner shall notify the Finance Department concerning any change in operation of the transient lodging. The criterion is met, pending approval of the

Conditional Use Permit, the applicant understands she will need to submit the appropriate paperwork prior to operation.

## V. CONCLUSIONS AND RECOMMENDATIONS

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

1. The property owner shall reside in the dwelling on the same days as the guests.
2. Prior to operation, the applicant shall submit a hotel/motel tax form for Transient Room Tax with the Finance Department.
3. Prior to operation the applicant shall submit an Occupational Tax Application (business license) to the Community Development Department.
4. The applicant shall indicate clear directions to the house and parking instructions to potential guests when advertising the home-stay lodging.
5. Any proposed signage in the future shall adhere to Article 8. The applicant shall submit a sign permit for review by the Community Development Department.
6. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission

The applicant should be aware of the following requirements:

For any structural changes or remodeling the applicant shall obtain all necessary City and building permits prior to construction.





# CITY OF ASTORIA

Founded 1811 • Incorporated 1856

## COMMUNITY DEVELOPMENT

☒ Fee Paid Date 6/19/18 By Check

No. CU 18-04

Fee: \$500.00

### CONDITIONAL USE APPLICATION

Property Address: 1240 Sonora Ave, Astoria, OR 97103

Lot 3

Block 1

Subdivision Sonora Park

Map 804 18 AB

Tax Lot 03602

Zone R-1

Applicant Name: Sheila Dianne Forte

Mailing Address: 1240 Sonora Ave.

Phone: 503-440-7672 Business Phone: same Email: sheila.forte@yahoo.com

Property Owner's Name: Michael and Sheila Forte

Mailing Address: 1240 Sonora Ave.

Business Name (if applicable): NA

Signature of Applicant: Sheila D. Forte Date: 6-19-18

Signature of Property Owner: Sheila D. Forte Date: 6-19-18

Existing Use: Residential Single Family dwelling

Proposed Use: Homestay Lodging - One bedroom

Square Footage of Building/Site: 912 sq. ft. (Homestay Rooms only.)

Proposed Off-Street Parking Spaces: see attached.

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

#### For office use only:

Application Complete:	<u>6/19/18</u>	Permit Info Into D-Base:	
Labels Prepared:		Tentative APC Meeting Date:	<u>7-24-18</u>
120 Days:			

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

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

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

*(see attached)*

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

*In no way will our facility have a negative impact on safety traffic flow and control or emergency vehicle movements. (See attached)*

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

*The use of our facilities will not overburden the water and sewer facilities, storm drainage, fire & police protection or any other facility or utility.*

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

*NA*

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

*NA*

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



11.030(A) (1) (2) (3)

**Attachment:**

The use of our property at 1240 Sonora Ave., Astoria, Oregon, is zoned R1 and is appropriate for a Homestay Business.

There is complete accessibility to the area that is to be used for the Homestay Business via a separate garage side door that enters directly into the Homestay facility (Livingroom/Bedroom/Bathroom).

Our driveway is completely accessible from the city street on Sonora Ave. in Astoria, as is the availability of our existing noncommercial residence that we live in, in the same house that will not be rented out.

There is onsite parking for customers as per attached, that will give ample room for two, not more than 4 guests and not more than only (one) more car.

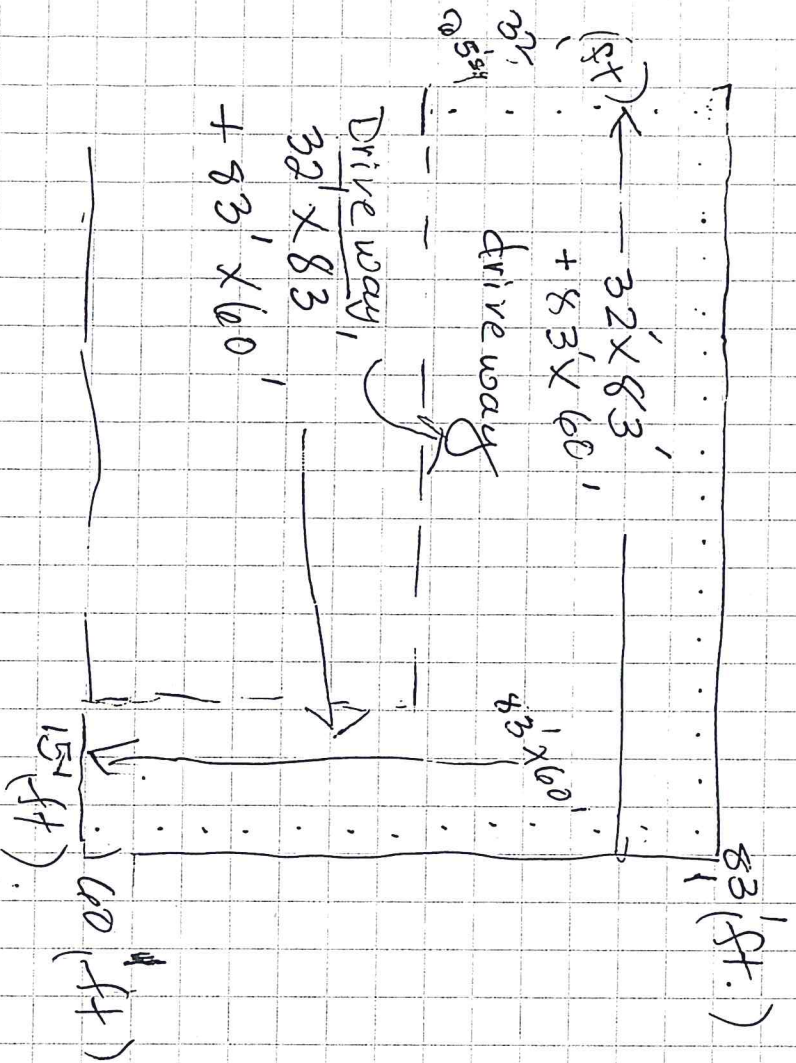
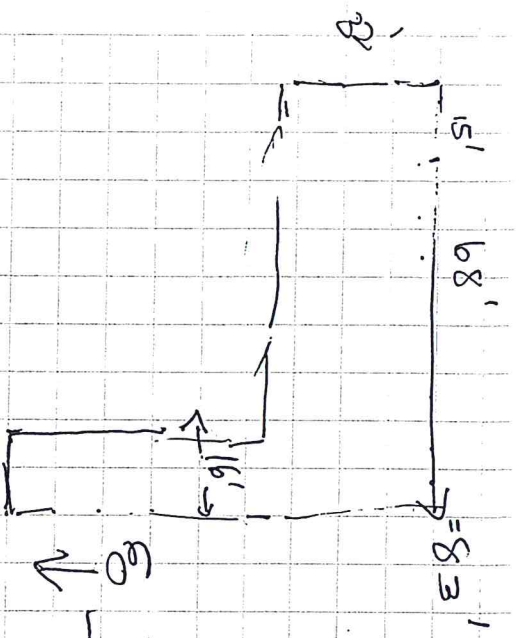
There is a separate enclosed area for our garbage and refuse/recycle cans that we put down at the street that will not be blocked by customers. Customers will park in our driveway that does not block any mailbox, refuse collection, sidewalk, bike path or any other known facility, utility or vehicle or neighbor. In no way will our facility have a negative impact on safety, traffic flow and control or emergency vehicle movements or operations.

As far as similar and other available existing uses and existing sites, I have none, but there are many in Astoria; as it only takes a minute to search out on the web.

I believe that there is a great desire for such businesses to be in operation in our community to enable many people more choices to stay and to enjoy our beautiful Astoria.

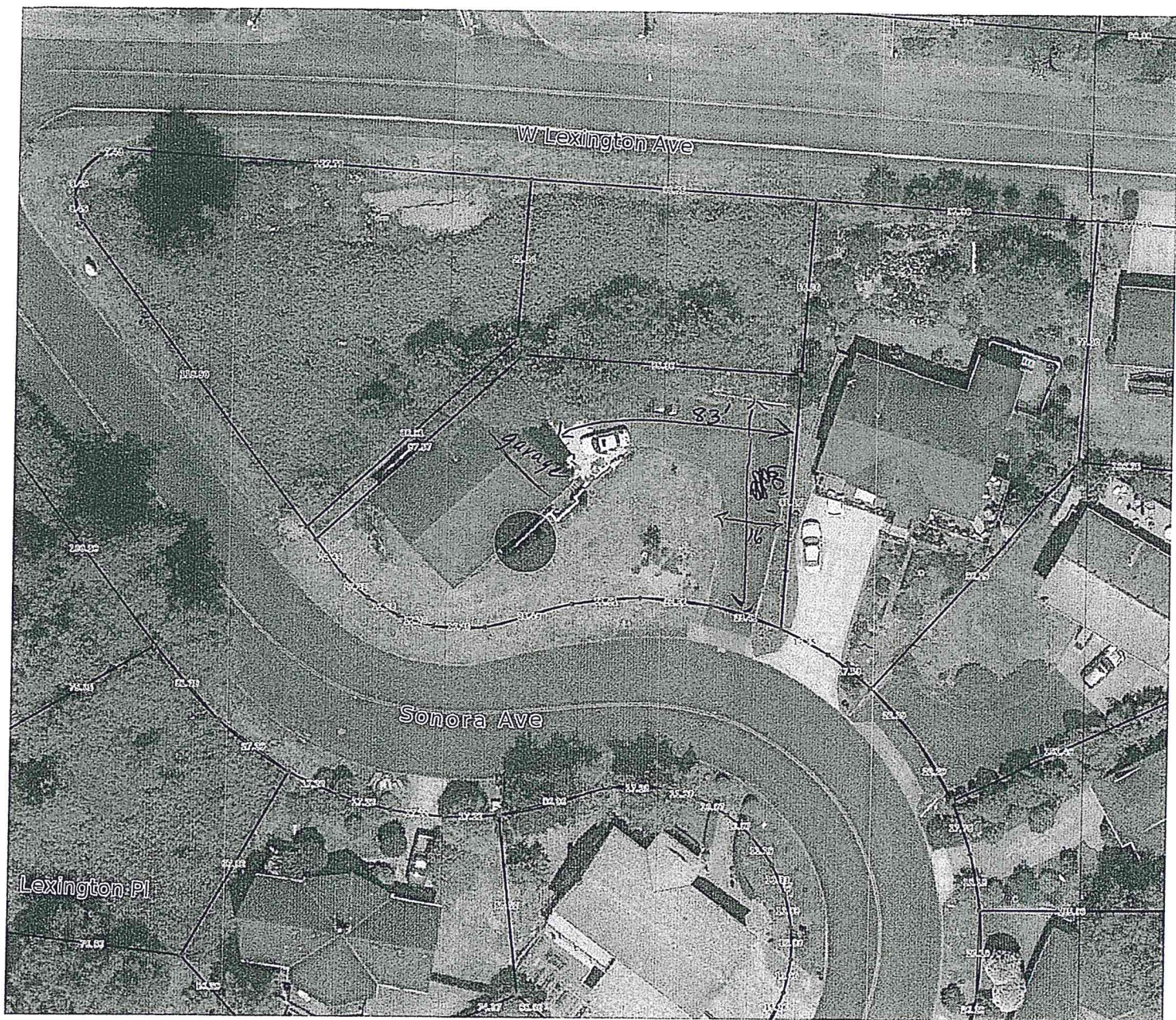
As a tax paying honorable citizen of our great country, I believe free enterprise enables Americans the rights to use the resources they have available in a legal and wholesome manner to procure income and encourage our ever growing tourist consumer base, Astoria being no exception.

Thank you for your attention in this matter. I am looking forward to hearing from you.



Sandra Ave







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

**CITY OF ASTORIA  
NOTICE OF PUBLIC HEARING**

Mail	7/2/2018
Email	7/2/2018
Web	7/2/2018

Pub: 7/16/2018

The City of Astoria Planning Commission will hold a public hearing on Tuesday, July 24, 2018 immediately following the **Traffic Safety Advisory Committee** meeting at 6:30pm in the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

1. Permit Extension Request for Conditional Use (CU17-06) by Astoria Warming Center to extend the permit to September 6, 2019 to operate the Astoria Warming Center at 1076 Franklin Ave (Map T8N-R9W Section 8CC, Tax Lot(s) 2300; Lot(s) 5 & 6, Block 45, McClure's) in the R-3 High Density Residential Development Zone. Development Code Standards 2.150-2.185, 3.240, Articles 9 and 11 and Comprehensive Plan Sections CP.040-CP.045, CP.215-CP.230 are applicable to the request. \*note this item is continued from 6/26/18 due to an error in mailing the public notice.
2. Variance Request (V18-08) by Bruce Jones for the Columbia River Maritime Museum from the maximum 64 square feet of allowable signage and two signs per frontage, to install 1 banner each on the west and south facade and one wall sign on the east facade, in addition to the existing 176.7 square feet of signage at the Columbia River Maritime Museum at 1792 Marine Drive (Map T8N R9W Section 8DB, Lot 301 Shively in the MH Zone (Maritime Heritage). Development Code Standards 2.904 to 2.916, 14.001 to 14.030, Articles 8, 9, & 12, Comprehensive Plan Sections CP.005 to CP.028, CP.057 to CP.058 and CP.190-CP.210 are applicable to the request.
- ✓ 3. Variance Request (V18-06) by Terra Patterson for the Astoria Aquatic Center from the maximum 300 square feet of allowable signage to install an 11' x 150' wave sign (1,650 square feet) which includes a 3' x 38' (114 square feet) text sign painted on the north elevation wall in addition to the existing 52 square feet of signs on the existing Astoria Aquatic Center at 1997 Marine Drive (Map T8N R9W Section 8DA, Tax Lot 800; Blocks 123 & 130, Shively, and vacated portion of 19th Street and Duane Street) in the FA (Family Activity) Zone. Development Code Standards 2.904 to 2.916, 14.001 to 14.030, Articles 8, 9, & 12, Comprehensive Plan Sections CP.005 to CP.028, CP.057 to CP.058 are applicable to the request.
- ✓ 4. Variance Request (V18-05) by Alexander Pappas Construction for Paul & Sally Turchetta from the maximum 6' fence height to construct an 8' fence in the rear and rear side yards of an existing single-family dwelling at 31 Skyline Avenue (Map T8N R9W Section 7DD, Tax Lot 10801; east half of Lot 8 and west portion of Lot 7, Block 6, West Hills) in the R-1 (Low Density Residential) Zone. Development Code Standards 2.015 to 2.050, 3.035, Articles 9 & 12, Comprehensive Plan Sections CP.005 to CP.028, CP.030 to CP.035 are applicable to the request.
- ✓ 5. Conditional Use Permit Request (CU18-04) by Sheila Dianne Forte to locate a one bedroom homestay lodging in an existing single family dwelling at 1240 Sonora Ave (Map T8N R9W Section 18AB, Tax Lot 3602, Lot 3 in the R-1 (Low Density Residential) Zone. Development Code Standards 2.015-2.050, Articles 3, 7, 9, and 11 and Comprehensive Plan Sections CP.005-CP.025, CP.030-CP.035, CP.190-CP.210, and CP.215-CP.230 are applicable to the request.
- ✓ 6. Conditional Use Permit Request (CU18-05) by Matt and Bree Phillips to locate a one bedroom homestay lodging in an existing commercial building at 855 Exchange St (Map T8N R9W Section 8CC, Tax Lot 3700 and 3800, Lot 3 and 4 in the C-4 (Central Commercial) Zone. Development Code Standards 2.015-2.050, Articles 7, 9, and 11 and Comprehensive Plan Sections CP.005-CP.025, CP.050-CP.055, CP.190-CP.210, and CP.215-CP.230 are applicable to the request.

A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available at least seven days prior to the hearing and are available for inspection at no cost



and will be provided at reasonable cost. All such documents and information are available at the Community Development Department at 1095 Duane Street, Astoria. If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance of the hearing. Contact the City Planner at (503) 338-5183 for additional information.

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

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

The Planning Commission's ruling may be appealed to the City Council by the applicant, a party to the hearing, or by a party who responded in writing, by filing a Notice of Appeal within 15 days after the Planning Commission's decision is mailed. Appellants should contact the Community Development Department concerning specific procedures for filing an appeal with the City. If an appeal is not filed with the City within the 15 day period, the decision of the Planning Commission shall be final.

The public hearing, as conducted by the Planning Commission, will include a review of the application and presentation of the staff report, opportunity for presentations by the applicant and those in favor of the request, those impartial to the request, and those in opposition to the request, and deliberation and decision by the Planning Commission. The Planning Commission reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

THE CITY OF ASTORIA

Tiffany Taylor  
Administrative Assistant

MAIL: July 2, 2018

## STAFF REPORT AND FINDINGS OF FACT

July 17, 2018

TO: ASTORIA PLANNING COMMISSION

FROM: NANCY FERBER, PLANNER 

SUBJECT: CONDITIONAL USE REQUEST (CU18-05) BY MATT AND BREE PHILLIPS TO OPERATE A ONE BEDROOM TRANSIENT LODGING UNIT IN AN EXISTING OFFICE BUILDING AT 855 EXCHANGE STREET

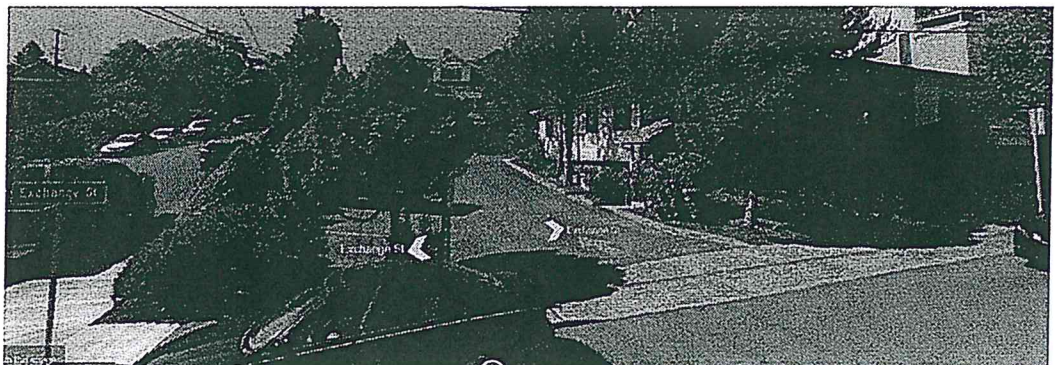
### I. Background

- A. Applicant: Matt & Bree Phillips  
35391 Mudd Lane  
Astoria, OR 97103
- B. Owner: MAB holdings, LLC (same address)
- C. Location: 855 Exchange; Map T8N-R9W Section 8CC, Tax Lots 3700 and 3800, lots 3 and 4
- D. Zone: C-4, Central Commercial
- E. Lot Size: lot 3 (building) 4,750 and lot 4 (parking lot area) 4,749
- F. Request: To operate a one bedroom Transient Lodging unit in an office building in the C-4 zone

### II. BACKGROUND

#### A. Site

The site is comprised of two lots, currently occupied by a vacant commercial building that recently sold, and an adjoining parking lot. The subject unit is in the rear of the office space and is provided a





separate entry and paved parking area. Both streets have existing sidewalks. The site is fully developed with paved parking and landscaping. New owners of the building are proposing professional office space (real estate offices) in the front of the building, and the transient lodging in the back.

B. Adjacent Neighborhood

The neighborhood is developed with a mix of residential and commercial uses. The site is just on the edge of the C-4 Central Commercial zone. Property directly to the south is zoned R-3. The adjacent property uses include the Clatsop County Public Services offices, the Daily Astoria, and a surface parking lot owned by the City. The site was formerly office space and parking for Alexandroff General Dentistry.

C. Proposal

The applicant requests a permit to remodel an estimated 600 square feet in the rear of the office building to provide a one bedroom unit to be rented for less than 30 days which is considered transient lodging. The City has different classifications of



transient lodging facilities. A Bed and Breakfast has three to seven guest bedrooms; a Home Stay Lodging has one to two guest bedrooms. Transient Lodging is not limited to a specified number of units. In this case it is recommended that approval of a transient lodging unit assure:

- Owners must submit transient lodging taxes to the City's Finance Department
- A business license (Occupational Tax Application) is required and must be renewed annually
- One off-street parking space must be available for the one bedroom unit

Single or two-family dwellings (long term housing) in the C-4 zone is only allowed if located above or below the first floor, with commercial facilities on the first floor of an existing structure. The proposed site is a single-story structure.

III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 250 feet pursuant to Section 9.020 on July 2, 2018. A notice of public hearing was published in the *Daily Astorian* on July 17, 2018. Any comments received will be made available at the Planning Commission meeting.



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

- A. The Definitions section of the Development Code does not define transient lodging. Transient lodging is generally considered to be motels, hotels, B&B's or other tourist lodging facilities.

Finding: The applicant proposes to utilize a portion of their office building for a one-bedroom transient lodging accommodation that has a separate entrance and parking area. The transient lodging use is being reviewed as a Conditional Use in accordance with the C-4 Central Commercial zone. If located in a residential structure, a similar use would be considered home-stay lodging.

- B. Section 2.050(1) states that *"All uses will comply with applicable access, parking, and loading standards in Article 7"*. Except that Article 7 Parking Section 7.060 C. states that in the downtown C-4 zone off-street parking is not required (except for the south side of the 600 Block of Duane Street).

Finding: The proposed use will be in the same building as the existing dental office use. The existing parking lot has an estimated 10 parking stalls and two access driveways, one on 9<sup>th</sup> and one on Exchange Street. The property is in the C-4 Central Commercial zone therefore no off-street parking is required. For reference, a professional office space without a parking exemption is required to have 1 space per 500 square feet. It is recommended that the applicant designate one parking space for the lodging unit for the addition use at the site. The criterion for access and parking is met.



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

1. Comprehensive Plan Section CP.200.4 Goal 1 Policy 1: Encourage private development such as retail, restaurants, commercial services, transient lodging, and make strategic investments in target industries.

Finding: This neighborhood is primarily the central downtown business district, with a mix of retail and office uses and some residential uses to the south. A small scale transient lodging facility is considered a compatible use within the commercial zone due to the proximity of services and tourist



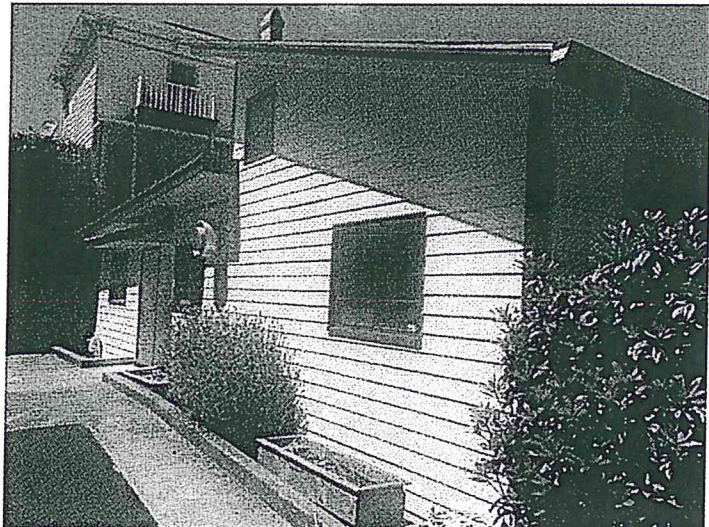
attractions for visitors. Impacts to the residential neighbors would be minimal if noticeable at all.

The ability to have an occasional guest allows the building owner to earn additional income from a transient lodging rental. While economic hardships are not criteria for review for Conditional Use Permits, the Comprehensive Plan encourages *“private development such as retail, restaurants, commercial services and transient lodging”* CP.200 (4). The proposal is in compliance with the Comprehensive Plan.

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

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

Finding: The transient lodging unit would be located within the existing office building. The proposed use is planned to be separate from the office space. It can be compatible with the existing commercial use, allowing a one-bedroom accommodation for visitors with a separate entry. A motel, hotel, B&B, inn or other tourist lodging facility are identified as conditional uses in the C-4 Zone. No construction is proposed at the site.



Home Stay lodging is permitted outright and as a conditional use in residential zones. These sites are often limited by the off-street parking requirement and can disrupt residential neighborhoods. By allowing a Conditional Use Permit for transient lodging in a C-4 Zone there will be some dispersal of transient lodging to a commercial area rather than a residential area.



The applicant noted they preferred to have a long-term tenant, however they are limited to providing housing at the site because it is a single story building, and long term housing is only allowed in the back or above a commercial establishment in C-4. They could add another story to the site to provide a single or two family long term housing unit(s), but would need to maintain the height requirements for the zone or seek a variance to build higher than 45' above grade.

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

Finding: The proposed use is a one-bedroom transient lodging use. The site has paved parking, two access points and is in walking distance of downtown sites and services.

Article 7 Parking excludes the C-4 zone from off-street parking requirements. Yet the existing office building has at least ten off-street parking stalls, with one designated for the proposed use.

The proposed use would not overburden the existing street system for access. The site is sufficient for the proposed use and would not interfere with the flow of traffic and/or emergency vehicles. It is likely a guest staying in the unit would be parking over night, when the parking lot is least utilized.

The applicant has refuse and recycling collection which would not be heavily impacted by the additional use. The proposed use would not create a safety issue over and above the typical level generated by the existing use. This criterion is met.

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

Finding: All utilities are at the site and are capable of serving the proposed use. The site is currently used as a commercial office and that use would continue. The proposal is to remodel 600 square feet within the existing building for a one-bedroom tourist accommodation. The impact to utilities with intermittent stays by guests in one bed room would be minimal. As with all new or increased businesses and development, there will be incremental impacts to police and fire protection but it will not overburden these services. Public Works had no concerns with the additional impact on utilities. This criterion is met.



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

Finding: The site is fully developed and the proposal will not increase the building footprint on the site. The site is not within 100' of a known geologic hazard area as indicated on the City map. No new construction is proposed. The site is adequate for both the dental office and the one-bedroom living area for transient guests. No construction is proposed. This criterion is met.

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

Finding: The site is fully landscaped and the entry area is not visible easily from the street due to the location in the rear. This criterion is met.

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

Finding: The applicant is required to register the transient lodging facility with the City Finance Department for collection of the transient room tax. In addition, transient lodging is considered a commercial use and requires that the owner obtain an Occupational Tax (business license) for conducting business within the City limits. The owner shall notify the Finance Department concerning any change in operation of the transient lodging. The criterion is met. Pending approval of the Conditional Use Permit, the applicant understands she will need to submit the appropriate paperwork prior to operation.

## V. CONCLUSIONS AND RECOMMENDATIONS

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

1. Prior to operation, the applicant shall submit a hotel/motel tax form for Transient Room Tax with the Finance Department.
2. Prior to operation the applicant shall submit an Occupational Tax Application (business license) to the Community Development Department, if applicable.

3. The applicant shall indicate clear directions to the unit and parking instructions to potential guests when advertising the tourist lodging facility.
4. Any proposed signage in the future shall adhere to Article 8. The applicant shall submit a sign permit for review by the Community Development Department.
5. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission

The applicant should be aware of the following requirements:

For any structural changes or remodeling the applicant shall obtain all necessary City and building permits prior to construction.





# CITY OF ASTORIA

Founded 1811 • Incorporated 1856

## COMMUNITY DEVELOPMENT

☒ Fee Paid Date 6/21 By Check # 1154

No. CU 18-05

Fee: \$500.00

### CONDITIONAL USE APPLICATION

Property Address: 855 Exchange, Astoria OR 97103

Lot 3 & 4 LT 3 EXCHANGE Block 47 Subdivision McClures

Map 8-4-8 CC Tax Lot 3700 + 3800 Zone C4

Applicant Name: Matt & Bree Phillips

Mailing Address: 35391 Mudd Ln, Astoria OR 97103

Phone: (503) 440-2812 <sup>Matt</sup> Business Phone: (503) 440-7679 <sup>Bree</sup> Email: bree@live.astoria.com

Property Owner's Name: Matt & Bree Phillips

Mailing Address: 35391 Mudd Ln, Astoria, OR 97103

Business Name (if applicable): MAB Holdings LLC

Signature of Applicant: Matt Phillips Date: 6-18-18

Signature of Property Owner: Matt Phillips Date: 6-18-18

Existing Use: Vacant Dental Office

Proposed Use: 1 bedroom transient lodging in C-4 zone, in an existing building

Square Footage of Building/Site: 1744 ft<sup>2</sup>

Proposed Off-Street Parking Spaces: 13

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

#### For office use only:

Application Complete:	<u>6/21/18</u>	Permit Info Into D-Base:	
Labels Prepared:		Tentative APC Meeting Date:	<u>7-24-18</u>
120 Days:	<u>10-19-18</u>		

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

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

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

The C4 zone allows residential above commercial space, however this structure is one story. Property is adjacent to R3. Accessibility is good w/ substantial off street parking. Allowing the apartment will address housing shortage.

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

Proposed mixed use will see less traffic than was experienced when site was a busy dentist office. Parking and traffic flow will not change from the existing and presumably approved design.

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

Proposed use will likely have less impact on water and sewer than existing use. Storm drainage will not change from existing. Fire and Police service requests shouldn't increase

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

No grading will be conducted. Request is to reconfigure interior walls and use part of building for residential use. Site not in slide zone overlay.

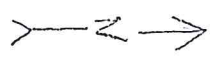
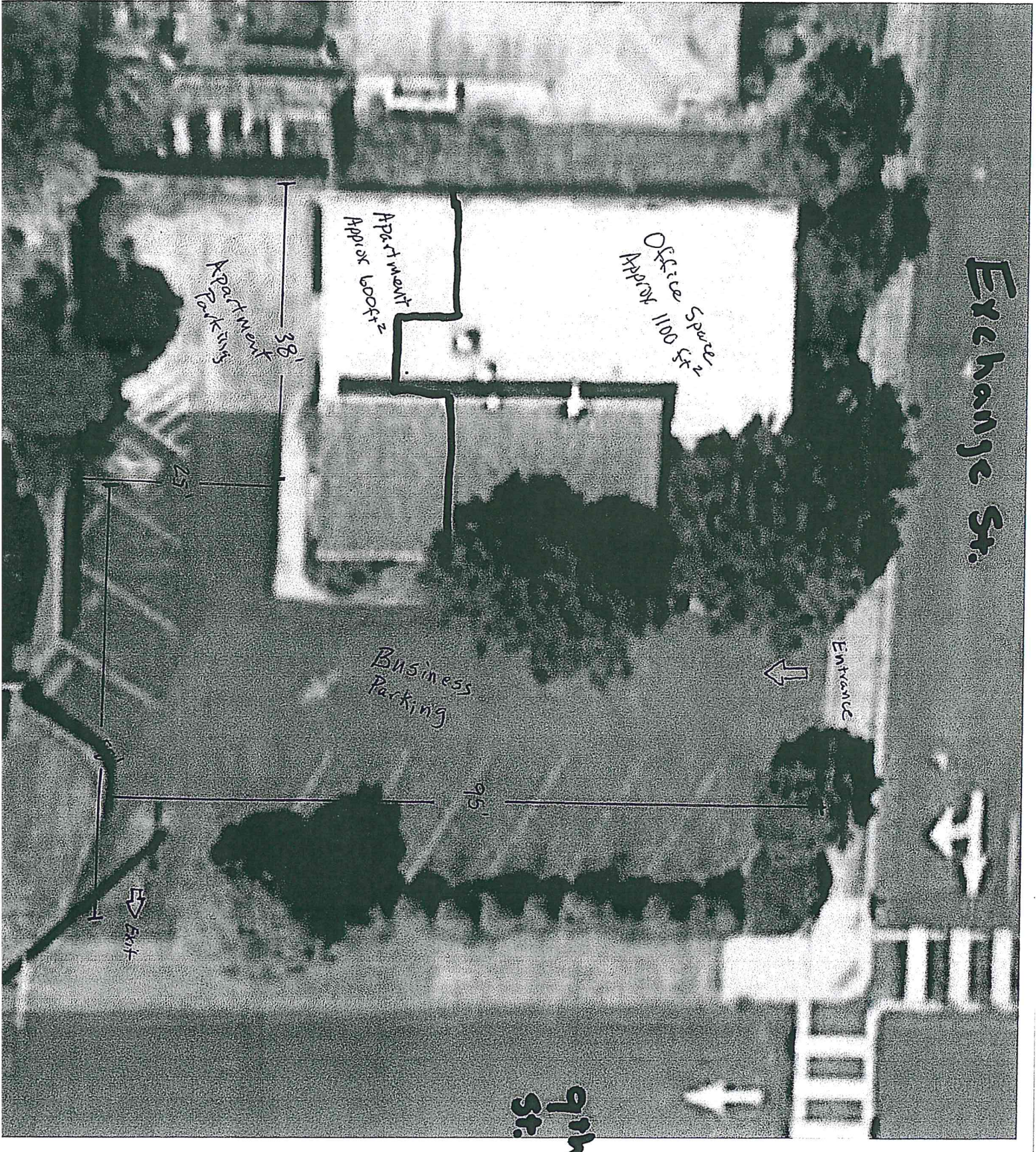
- 11.030(A)(5) The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.

Existing landscaping is mature and will be maintained. Setbacks and buffers have already been established.

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



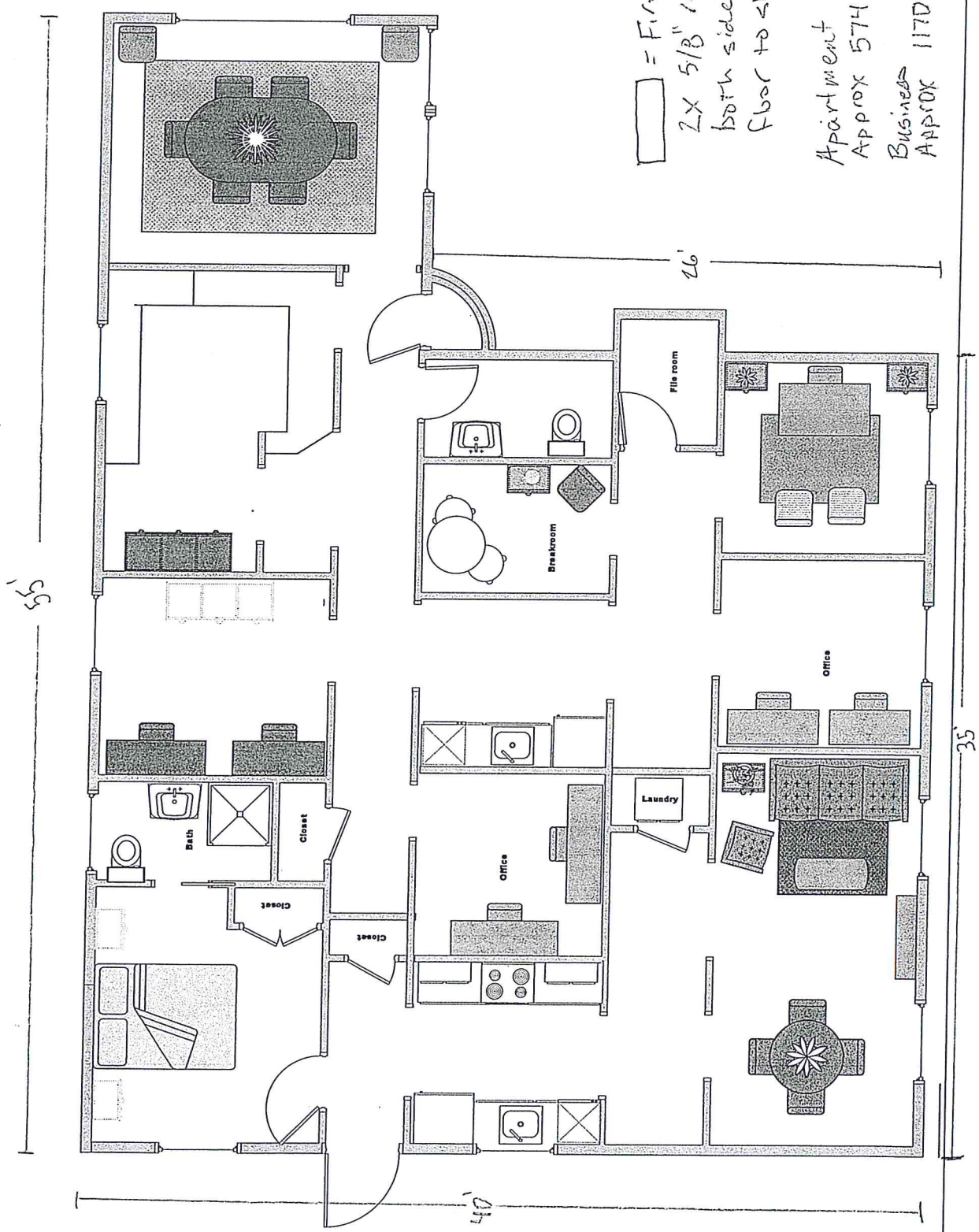
Site Plan for: 855 Exchange  
No grading or excavation will occur





Owner: Matt & Bree Phillips - MAB Holdings LLC

# Remodel Plan





**C-4: CENTRAL COMMERCIAL ZONE**

2.425. **PURPOSE.**

This zone is intended to be the commercial center of the Astoria urban area. It is designed to serve as the focal point for retail trade, services, professional, financial, and governmental activities. The uses permitted are intended to be compatible with the locale's pedestrian orientation and, as a result, off-street parking is not required. The district is not suitable for low intensity uses requiring large tracts of land, warehouses, wholesale establishments, and other uses which would detract from the purpose or character of the area.

2.430. **USES PERMITTED OUTRIGHT.**

The following uses and their accessory uses are permitted in a C-4 Zone as an outright use if the Community Development Director determines that the use will not violate standards referred to in Sections 2.440 through 2.445, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Business service establishment.
2. Commercial laundry or dry cleaning establishment.
3. Commercial or public off-street parking lot.
4. Communication service establishment.
5. Eating and drinking establishment without drive-thru facilities.
6. Education service establishment.
7. Family day care center in existing dwelling.
8. Home occupation in existing dwelling.
9. Personal service establishment.
10. Professional service establishment.
11. Public or semi-public use.
12. Repair service establishment, not including automotive, heavy equipment, or other major repair service.
13. Residential home, located above the first floor, with commercial facilities on the first floor of existing structure.

City of Astoria  
Development Code

C-4 Zone

14. Retail sales establishment.
15. Single-family and two-family dwelling, located above or below the first floor, with commercial facilities on the first floor of existing structure.  
(Section 2.435(15) amended by Ordinance 93-15, 12-20-93)
16. Studio for artists.
17. Transportation facilities.  
(Section 2.430.17 added by Ordinance 14-03, 4-21-14)

2.435. CONDITIONAL USES PERMITTED.

The following uses and their accessory uses are permitted in a C-4 Zone as a conditional use if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 2.440 through 2.445, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Day care center.
2. Indoor family entertainment or recreation establishment.
3. Light manufacturing.
4. Motel, hotel, bed and breakfast, inn or other tourist lodging facility, and associated uses.
5. Multi-family dwelling, located above the first floor, with commercial facilities on the first floor.
6. Recycling establishment.
7. Residential facility, located above the first floor, with commercial facilities on the first floor.
8. Temporary use meeting the requirements of Sections 3.240.
9. Transportation service establishment.
10. Wholesale trade, warehouse, mini-storage, or distribution establishment (see Section 11.170).
11. Conference Center.

as to be  
accessories



City of Astoria  
Development Code

C-4 Zone

(Section 2.435(11) added by Ordinance 94-06, 6-6-94)

2.440. HEIGHT OF STRUCTURES.

No structure will exceed a height of 45 feet above grade. - e.g for 2<sup>nd</sup> story

2.445. OTHER APPLICABLE USE STANDARDS.

1. Drive-in purchase or service facilities which make it possible for a person to transact business from a vehicle are not allowed for uses permitted in this zone, unless the facilities are in conjunction with a financial institution.
2. Outdoor sales and/or service areas over 100 square feet in size are not permitted in this zone, except for restaurants.
3. When a commercial use in a C-4 Zone abuts a lot in a residential zone, there will be an attractively designed and maintained buffer of at least five (5) feet in width, which can be in the form of hedges, fencing, or walls.
4. Outdoor storage areas will be enclosed by suitable hedges, fencing, or walls and will not exceed 100 square feet in size.
5. Indoor storage will not be the principal use of property.
6. All uses with access, parking, or loading areas will comply with standards in Article 7.
7. Conditional Uses will meet the requirements in Article 11.
8. Signs will comply with requirements in Article 8.
9. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
10. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
11. For uses located within the Astor-East Urban Renewal District, refer to the Urban Renewal Plan for additional standards.