

# **AGENDA** ASTORIA PLANNING COMMISSION

August 22, 2017 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. Pending Receipt of July 25, 2017 Minutes
  - b. Pending Receipt of August 1, 2017 Minutes
  - 4. PUBLIC HEARINGS
    - a. Conditional Use CU17-09 (Permit Extension PE17-01) by Elisabeth Nelson to operate a school of music in an existing commercial building, and to extend this permit to 8-23-18, at 1103 Grand Ave in the R-3, High Density Residential zone.
    - b. Conditional Use CU17-10 by Md7, on behalf of Verizon Wireless, to install conduits for public/private use on Tax Lot 809090000100 in the LR, Land Reserves Zone and R-2 Medium Density Residential Zone.
- 5. REPORT OF OFFICERS
- 6. STAFF UPDATES
- 7. MISC
- 8. PUBLIC COMMENTS NON AGENDA ITEMS
- 9. ADJOURNMENT

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

# STAFF REPORT AND FINDINGS OF FACT

August 14, 2017

TO: ASTORIA PLANNING COMMISSION

FROM:

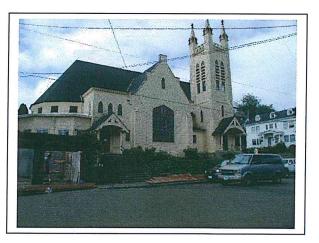
NANCY FERBER, PLANNER

- PERMIT EXTENSION REQUEST ON CONDITIONAL USE PERMIT (CU03-04) SUBJECT: BY ELISABETH NELSON / ASTORIA CONSERVATORY OF MUSIC AT 1103 GRAND AVENUE
- I. BACKGROUND SUMMARY
  - Α. Applicant: Elisabeth Nelson Astoria Conservatory of Music PO Box 81 Astoria OR 97103
  - B. Owner: First Presbyterian Church 1103 Grand Astoria OR 97103
  - C. Location: 1103 Grand Avenue; Map T8N-R9W Section 8CD, Tax Lot 5700; Lots 1, 2, 13, 14, Block 91, McClure's
  - D Zone: R-3 (High Density Residential)
  - E. Permit: To locate a school of music as a Temporary Use in an existing building; approved August 26, 2003
  - F. Request: For a one year extension to August 23, 2018
  - Previous G. Applications Required annual extensions since original permit in 2003

#### 11. BACKGROUND

#### Α. Subject Property

The subject property is located within the R-3 (High Density Residential), on the south side of Grand Avenue at 11th Street. The building is currently used as the First Presbyterian Church and associated offices and class rooms. The adjacent church hall is located on Harrison Avenue and 11th and is used by an aerobics class.



# B. Original Permit.

At its August 26, 2003 meeting, the Astoria Planning Commission (APC) approved a Conditional Use Permit (CU03-04) by Elisabeth Nelson/Astoria Conservatory of Music to locate the music school as a temporary use in the existing church facility. The Findings of Fact and conditions as approved on August 26, 2003 are hereby incorporated as part of this document.

At its November 26, 2014 meeting, the APC approved a one year extension on the permit to August 26, 2015.

The Development Code previously stated that a permit was valid for one year unless an extension was granted. In a LUBA decision for Astoria, it was determined that extensions were limited to only one extension. On April 19, 2010, the City Council amended the Permit Extension portion of the Code to allow a permit to be initially valid for two years with multiple extensions and with no maximum for the number of years a temporary use permit would be valid. Permits approved prior to adoption of the Code are subject to the amended Code.

# III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 200 feet pursuant to Section 9.020 on August 2, 2017 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 August, 15, 2017. Any comments received will be made available at the Planning Commission meeting.

# IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

- A. Development Code Section 3.240.A, Duration of Permits on Temporary Use, states that
  - *"1. A temporary use permit shall expire one year from the date of Final Decision unless an extension has been granted.*
  - 2. 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."

<u>Finding</u>: The original permit was issued on August 26, 2003 under the previous Code on permit extensions. The permit has received one extension each year with the most recent extension to August 26, 2016. An application for extension was received on July 18, 2017 prior to the permit expiration and therefore the permit is still valid pending review of this request.

B. Section 9.100.B.1.c, Permit Extensions, states that "One year extensions may be granted in accordance with the requirements of this Section as follows:

- 1. <u>Permit Extension Time Limit</u>.
  - 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."

<u>Finding</u>: The permit is for a Temporary Use and therefore is not subject to the maximum number of permit extensions.

- C. Development Code Section 9.100.B.2, Permit Extension Criteria states that "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"

<u>Finding</u>: No major changes have been made to the original approved project. This criteria is met.

*"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"

<u>Finding</u>: The Comprehensive Plan has been amended relative to formatting and the Buildable Lands Inventory but would not impact the proposed project approval. The Development Code sections concerning permit extensions have been amended but would not impact the proposed project approval. No other Development Code sections have been amended that are relevant to this project. This criteria is met.

<u>Finding</u>: The application meets the criteria to allow a one year extension to August 23, 2018.

- D. Development Code Section 9.100.B.3 & 4 concerning Permit Extensions states that
  - *"3. Permit Extension Procedures* 
    - a. Applications for permit extensions shall be submitted in accordance with the Administrative Procedures in Article 9. Permit extension requests shall be submitted to the Community Development Department prior to permit expiration.
    - b. Public notice and procedures on applications for permit extension requests shall be in accordance with the Administrative Procedures in Article 9. However, in addition to mailed notice as required in Article 9, notice shall be provided also to those on the

record for the original permit, associated appeals, and associated extensions.

- c. The Administrative decision, public hearing, and/or Commission/Committee decision concerning a permit extension may occur after the permit would have expired but for a timely filed request for a permit extension.
- 4. Appeals.

The decision concerning a permit extension may be appealed. Appeals shall be made in accordance with Administrative Procedures in Article 9. 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."

<u>Finding</u>: The applicant applied for the extension on July 18, 2017 prior to the expiration of the permit. Notices were mailed as noted in Section II above. The original permit was not appealed.

V. <u>CONCLUSION</u>

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

1. The Findings of Fact and conditions as approved on August 26, 2003 shall remain applicable to this permit extension.

The applicant should be aware of the following requirement:

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

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Property Address: IIO3 Grand
Lot 1, 2, 13, 14 Block 91 Subdivision McClure
Map $\underline{\mathcal{R}}$ Tax Lot $5700$ Zone $\underline{\mathcal{R}}$ Applicant Name: $\underline{Elisabeth Nolson}$ $\overline{Aobstandown}$ $\overline{Aobstandown}$ $\overline{Aobstandown}$ Mailing Address: $\underline{POB8}$ $\underline{Slameth}$ $\underline{Obstandown}$ $\underline{Obstandown}$
Phone: <u>SO3 298 0338</u> Business Phone: <u>SO3 : 325 : 3237</u> Email: <u>Astoria Mulsic</u> , Com Property Owner's Name: <u>First Presbytenian</u> Church of Astoria. Mailing Address: <u>POB 81</u>
Business Name (if applicable): Astorya Conservatory of Music
Signature of Applicant: <u>Cluandh Delvn</u> Date: <u>7/18/17</u>
Signature of Property Owner: Date:
Approved Permit to be Extended:
Date of Original Approval: 8/26/03
Proposed One Year Extension Date:8/23/18
Reason Extension is Required: (Also address criteria listed on second page of this application)

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**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.

For office use only:	10 1			
<b>Application Complete:</b>	7-18-17	Permit Info Into D-Base:		
Labels Prepared:		Tentative APC Meeting Date:	8122117	J
120 Days:	11-14-17	Y		

### 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)\_\_\_\_\_

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)	NA - Markenton
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- 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 <u>any</u> of the above items initiated and their status) \_\_\_\_\_<del>X/A \_\_\_\_</del>

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)

# 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

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The City of Astoria Planning Commission will hold a public hearing on Tuesday, August 22, 2017 at 6:30 p.m., at the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

- Conditional Use CU17-10 by Md7, on behalf of Verizon Wireless, to install conduits for public/private use (Map T8N-R9W Section 8.9.9, Tax Lot(s) 809090000100; Lot(s) 100, Adair's Part of Upper Astoria and Adair's South) in the LR, Land Reserves Zone and R-2 Medium Density Residential Zone. Development Code Standards 2.060-2.095, 2.870-2.880, Articles 9 and 11 and Comprehensive Plan Sections CP.005-CP.025, CP.100- CP.105, and CP.190- CP.210 are applicable to the request.
- Conditional Use CU17-09 (Permit Extension PE17-01) by Elizabeth Nelson to operate a school of music in an existing commercial building, and to extend this permit to 8-23-18, at 1103 Grand Ave (Map T8N-R9W Section 8CD, Tax Lot(s) 5700; Lot(s) 1,2,13,14; Block 91, McClure) in the R-3, High Density Residential zone. Development Code Standards 2.150-2.185, Articles 9, and 11 and Comprehensive Plan Sections CP.005-CP.025, CP.040-CP.045, CP.190-CP.210, are applicable to the request.

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

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

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

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 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 Anna Stampe

Administrative Assistant

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MAIL: August 1, 2017

# STAFF REPORT AND FINDINGS OF FACT

August 17, 2017

- TO: ASTORIA PLANNING COMMISSION
- FROM: NANCY FERBER, PLANNER
- SUBJECT: CONDITIONAL USE REQUEST (CU17-10) BY Md7 ON BEHALF OF VERIZON TO INSTALL UNDERGROUND CONDUIT FOR FIBER OPTIC CABLES AT 3850 RESERVOIR ROAD
- I. Background
  - A. Applicant: Md7 on behalf of Verizon Wireless 6645 NE 78<sup>th</sup> Ct Ste C4 Portland, OR 97218
  - B. Owner: City of Astoria 1095 Duane St Astoria, OR 97103
  - C. Location: beginning near 38<sup>th</sup> and Irving: Map T8N-R9W Section 8.9.9, Tax Lots 8090900000100; Lot 100, Adair's Uppertown Astoria and Adair's South

D. Zone: LR: (Land Reserve) and R-2 (Medium Density Residential)

- E. Lot Size: small portion of appx 3,566,400 total lot
- F. Request: To install underground conduit for fiber optic cables to support new communication facility located at 3850 Reservoir Road.
- G. Previous Applications: n/a



# II. BACKGROUND

# A. Proposal and Site

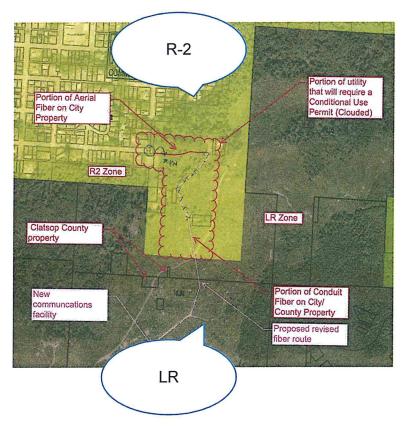
The proposed route for an underground conduit is outlined in bright green to the right. The majority of the conduit will be placed underground, with the addition to a new utility pole near the east end of Irving Ave. The proposed route is through both R-2 and LR zones.

Conduit is proposed for placement by open trench construction in accordance with ODOT

standards for underground utilities. Backfilling, and check dam installation, where necessary, will be in accordance with ODOT standards to reduce potential erosion. The proposed area is located within a known slide zone. The applicant is aware of the geologic issues.

Open trenches will be backfilled as work progresses on the placement in an effort to minimize the duration of any section of trench being left open and uncovered. The applicant noted any trench sections left open (e.g. at conduit ends when work concludes for the evening etc) shall be covered by steel plates, plywood or appropriate material to conceal the construction site.

B. Adjacent Neighborhood



Proposed

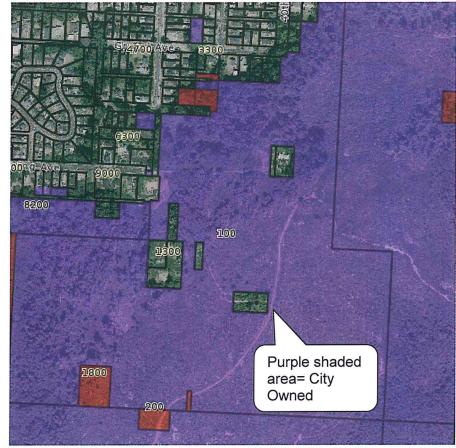
route

The area is on the very east end of Uppertown, and located mostly within City owned property, as noted in purple. The R-2 zone surrounding the site is a mix of residential units, the closest residential structures are single family dwellings which are not easily accessible using the unimproved right of way. The proposed use will provide phone and broadband services to nearby users. Permitting for the Wireless

Communication Facility including an emergency services facility is in process; the facility itself at 3850 Reservoir Road was approved by Planning Commission on September 16, 2015 (WCF15-02).

# III. <u>PUBLIC REVIEW</u> AND COMMENT

A public notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on August 2, 2017. A notice of public hearing was published in the *Daily Astorian* August 15, 2017. An onsite notice was posted in accordance with new requirement.



Any comments received will be made available at the Planning Commission meeting.

# IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

A. Section 2.870 states the purpose of the LR Zone is to protect forest lands for forest uses, such as harvesting, preservation, recreation, and similar activities. Conversion of the LR Zone to urban uses may only be done through the expansion of the Urban Growth Boundary and amendment of the Land Use Plan and Zoning Map.

Section 2.875 (2) allows: *Public facilities, including water reservoirs and distribution lines, power lines, roads and similar uses,* as outright permitted uses in the LR zone

Section 2.060 states "The purpose of the R-2 Zone is to provide an area for medium density residential development, at a maximum density of 16 units per

net acre including single-family dwellings and duplexes as outright uses and multi-family dwellings as a conditional use. The policies of the Comprehensive Plan, applicable overlay zone standards, and the standards listed below, will be adhered to."

2.070 (8.) allows *"Public or semi-public use."* As a Condition Use Permitted in R-2.

1.404 PUBLIC USE: A structure or use intended or used for a public purpose by a city, school district, county, state, or by any other public agency or by a public utility.

<u>Finding</u>: The applicant proposes placing conduit lines through the R-2 and LR zone. Locating "*power lines and similar uses*" is allowed outright in the LR zone. The R-2 zone, allows "Public Use" as a Conditional Use. The location of the line through a portion of the R-2 zone triggers review by Planning Commission for a Conditional Use Permit.

B. Article 2.880 Other Applicable Use Standards for LR: (2) Activities or uses other than forest management shall be carried out in a manner which protects the natural resources of the area, including wildlife habitat, significant stands of trees, water quality and views and vistas.

# Finding:

The applicant has noted there are existing utilities running through a portion of this alignment. The additional fiber conduit placement will be done so in a way that is sensitive to the known slide area and protecting natural resources in the area. The Public Works Department noted they have already received a grading and erosion control permit for the roadwork and wireless communication facility structure itself. To streamline the review process, an amendment to this existing permit is allowed and shall be submitted prior to any construction work for the conduit.

- 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.105 (3) Land Reserve Area Policies states "3.Development in this area will be primarily residential, although small retail or service commercial activities to serve the residents may be permitted under the planned development section of the Development Code. Housing developments will incorporate a variety of housing types and costs, particularly where the land was publicly owned. Density will be determined on the basis of the capability of the land, as determined from geologic and engineering studies. Adequate amounts of usable open space must be provided within residential developments." CP.070 Uppertown Area states (5) The Land Reserve area south of Irving Street should be considered for future housing development because of its view potential, and proximity to public facilities. This area may also be considered for public uses, hospital, and/or other health care facilities if a detailed analysis indicates that insufficient land is available to accommodate needed facilities within the Urban Growth Boundary for the 20 year planning period. The feasibility study for this area must include in-depth geologic investigations and storm sewer design.

<u>Finding</u>: This neighborhood has residential uses and is largely undeveloped City owned property. The Comprehensive Plan notes this area south of Irving should be considered for development, and a small scale public use such as the conduit is in line with the long term goal of providing future services and facilities in the area.

The proposed impact is minimal and trenching to place the utility line 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."

<u>Finding</u>: As part of a larger Wireless Communications Facility project that was previously approved by the Planning Commission, this proposal allows for the installation of the fiber optic link from the Public Safety Building to the Verizon Cell Tower. Public Works has noted a number of items that need attention as the project moves forward. This site is specific to the approved Wireless Facility and is zoned appropriately for a public utility use. This criteria is met.

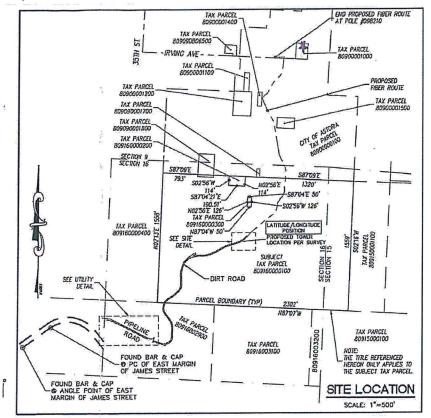
2. Section 11.030(A)(2) requires that "an adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other 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."

<u>Finding</u>: The applicant submitted a site plan, a portion of which is included below. Because there is no structure proposed with this Conditional Use permit, the site layout is adequate in noting the access points off Irving, and location of the route. Parking, sidewalks, transportation faculties etc. are not applicable to this permit. This criteria is met.

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.

3.

<u>Finding</u>: Water and sewer facilities are not applicable to this proposal. Drainage as well as grading and erosion control efforts shall be addressed in an



amended grading and erosion control permit submitted to Public Works. Criteria is met.

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

<u>Finding</u>: The site is within 100' of a known geologic hazard area as indicated on the City map, however no major construction is proposed with this conduit project. A full geotechnical report has been submitted to Public Work/Community Development Department for review. Criteria is met.

5. Section 11.030(A)(5) requires that "the use contain an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses." <u>Finding</u>: Landscaping, is not required, however the applicant noted open trenches will be backfilled as soon as practical upon placement of the conduit. The route runs parallel an existing unimproved road, landscaping is not required. This criteria is met.

# V. CONCLUSIONS AND RECOMMENDATIONS

- The request meets all applicable review. Staff recommends approval of the request based on the findings of fact above with the following conditions:
  - 1. The applicant shall submit an amended grading and erosion control permit to Public Works to capture the proposed work.
  - 2. Prior to construction the applicant shall submit an Occupational Tax Application (business license) to the Community Development Department.
  - 3. 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.
  - 4. The City of Astoria Police, Fire, and Public Works Departments shall conduct a final inspection of the facility before approving any work.
  - 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.

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ORE GO	COMMUNITY DEVELOPMEN	νT
		Fee Paid Date 8 - 14-17 By 14 R. Visa
No. CU 17-	10	Fee: \$500.00 - waive?
	<b>CONDITIONAL USE</b> A	APPLICATION + 150
Property Address:	-3850-Reservoir-Rd., Astoria, OR 9710	L'IEFF)
Lot OC	Block	00 Subdivision Adairs Pat of Upper Asteria + Aclairs South
Map <u>8.9.9</u>	8091600001 Tax Lot <u>8090000010</u>	DO Zone LR + Aclasins South
Applicant Name:	Md7 (on behalf of Verizon Wireless)	aaron ruddick 971.806.6986
	6645 NE 78th Ct., Ste C4, Portland, C	
-		Email: _zphillips@md7.com
	Name: City of Astoria	auron
	1095 Duane St., Astoria, Oregon 9710	3
Business Name (if		
Signature of Applic	cant: <u>Pending City Manger</u> approval upon return	
Signature of Proper	ty Owner:	Date:
		х
Existing Use: <u>Fore</u>		
Proposed Use:	e use of the parcel won't change. Veri	zon proposes to install a communications facility or conduit
Square Footage of I	Building/Site:	
Proposed Off-Stree	t Parking Spaces:	

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.

	not paid yer		
For office use only:	Phone pre-app 7-19-17		
Application Complete:	Permit Info Into D-Base: 58/22/17 6:3025		
Labels Prepared:	Tentative APC Meeting Date:		
120 Days:			

City Hall • 1095 Duane Street • Astoria OR 97103 • Phone 503-338-5183 • Fax 503-338-6538 planning@astoria.or.us • www.astoria.or.us

**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 use is a utility and will provide phone and broadband services to nearby users. There is typically about one maintenance visit per month. The existing service road will provide adequate access. The facility can be used by other wireless carriers as well. The facility only needs power and telco to operate and is not habitable.

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.

The facility was approved by the City of Astoria's Land Use and Building Departments. LU Decision: V15-2 and WCF15-02. Building permit: 119-15-000419-STR. Access is needed for about one vehicle visit per month and is adequate. The remote logging road will be upgraded, per the previous decisions.

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

No. This is an unmanned facility without sewer or water. The power and telco needs are typical for wireless communication facilities.

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.
 Yes. Please see the building permit, which included a full geotech - 119-15-000419-STR.

11.030(A)(5) The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.
 The site is remote and located on a mountaintop. There is not any additional landscaping required. The clip

The site is remote and located on a mountaintop. There is not any additional landscaping required. The closest adjacent use appears to be Pipeline road, which is over 1500 ft. away

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

City Hall •1095 Duane Street • Astoria OR 97103 • Phone 503-338-5183 • Fax 503-338-6538 <u>planning@astoria.or.us</u> • <u>www.astoria.or.us</u>

# 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 9/9/ Email 9/3/17 Web 8/3/17

The City of Astoria Planning Commission will hold a public hearing on Tuesday, August 22, 2017 at 6:30 p.m., at the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

- Conditional Use CU17-10 by Md7, on behalf of Verizon Wireless, to install conduits for public/private use (Map T8N-R9W Section 8.9.9, Tax Lot(s) 809090000100; Lot(s) 100, Adair's Part of Upper Astoria and Adair's South) in the LR, Land Reserves Zone and R-2 Medium Density Residential Zone. Development Code Standards 2.060-2.095, 2.870-2.880, Articles 9 and 11 and Comprehensive Plan Sections CP.005-CP.025, CP.100- CP.105, and CP.190- CP.210 are applicable to the request.
- Conditional Use CU17-09 (Permit Extension PE17-01) by Elizabeth Nelson to operate a school of music in an existing commercial building, and to extend this permit to 8-23-18, at 1103 Grand Ave (Map T8N-R9W Section 8CD, Tax Lot(s) 5700; Lot(s) 1,2,13,14; Block 91, McClure) in the R-3, High Density Residential zone. Development Code Standards 2.150-2.185, Articles 9, and 11 and Comprehensive Plan Sections CP.005-CP.025, CP.040-CP.045, CP.190-CP.210, are applicable to the request.

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

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

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

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 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

mper Anna Stamper

Administrative Assistant

MAIL: August 1, 2017

80908CD04200 First Church Of Christ Science 632 11th St Astoria, OR 97103

80908CD05400 Cameron Cheryl 4000 NE St Johns Rd Vancouver, WA 98661

80908CD04900 Matthews Kathleen J/Michael S 1154 Grand Ave Astoria, OR 97103-4034

80908CD05600 Horenstein Eric David Tr PO Box 333 Astoria, OR 97103

80908CC11400 Gotting Tad 35 SW 89th Ave Portland, OR 97225-6801

80908CD06000 Olivares Estelle Lynne 1167 Grand Ave Astoria, OR 97103

80908CC11900 Spangler Lee M 2571 NW Monterey Pines Dr Bend, OR 97701-5272

80908CD06500 Loyd Frank H Jr/Debra S 1140 Harrison Ave Astoria, OR 97103-4019

80908CD06200 Loutzenhiser Heidi K PO Box 144 Astoria, OR 97103

80908CD07300 Fitch Family Revocable Liv Trust 88916 Youngs River Rd Astoria, OR 97103-8129 80908CD04302 Astoria Townhouse Investors LLC PO Box 820385 Vancouver, WA 98682

80908CD05100 Oja Jeffrey J 1134 Grand Ave Astoria, OR 97103-4034

80908CD05300 Nicholas J Benas 202 24th St NE Long Beach, WA 98631

80908CC11200 Lockett Robert J 736 10th Street Astoria, OR 97103

80908CD05700 First Presbyterian Church/Ast Astoria, OR 97103

80908CD06100 Robinson Stephanie Y 1170 Harrison Ave Astoria, OR 97103

80908CC11800 Johnson Roger R 1064 Harrison Ave Astoria, OR 97103

80908CD06400 Hocken William M Estate 1150 Harrison Ave Astoria, OR 97103-4019

80908CC11700 Romero Jason C 1078 Harrison Ave Astoria, OR 97103

80908CD07400 Gimre Lorraine 4701 NW Woodside Ter Portland, OR 97210-1031 80908CD04400 Nelson Pedersen LLC 1165 Franklin Ave Astoria, OR 97103-4131

80908CD05000 Haefker Kris 687 12th St Astoria, OR 97103

80908CD05500 Joki Susan L Trust PO Box 7420 Mammoth Lakes, CA 93546

80908CC11401 Girrard Bob L 1064 Harrison Ave Astoria, OR 97103-4744

80908CD05800 Kavanaugh Katharine D 1135 Grand Ave Astoria, OR 97103-4033

80908CC12000 Ames William R 610 NW 70th St Seattle, WA 98117-5047

80908CC11600 Martin Dolores M 765 11th St Astoria, OR 97103

80908CD06300 Robinson Stephanie Y 1170 Harrison Ave Astoria, OR 97103

80908CC12200 Kanlic Fordinka 813 11th St Astoria, OR 97103-4135

80908CD07500 First Church Of Christ Astoria 692 12th Street Astoria, Oregon, OR 97103 80908CC90102 Kustura Lois 35255 Lyngstad Heights Ln Astoria, OR 97103

80908CC12300 Singh Davinder 3446 Pacific Wy Longview, WA 98632

80908CD08400 Schumaker Margaret A 856 11th St Astoria, OR 97103-4136

80908CD08000 Croos Soosaiappu M/ 4795 Cedar St Astoria, OR 97103-2218 80908CD07600 Block Daniel W/ Ruby Jui Fang PO Box 11317 Bainbridge Island, WA 98110-5317

80908CC12700 Clay Kellie 1050 Irving Ave Astoria, OR 97103

80908CD08300 Johnson Heidie A 1120 Irving Ave Astoria, OR 97103-4036

80908CC12500 Faddis Denise L PO Box Astoria, OR 97103 80908CD07700 Hoxie Ronald P PO Box 207 Astoria, OR 97103-0207

80908CC12400 Faddis Denise L PO Box 1454 Astoria, OR 97103

80908CD08200 Lopez-Dorsey Berenice 1134 Irving Ave Astoria, OR 97103

80908CD08100 Daniel Maryne I 1150 Irving Ave Astoria, OR 97103 809090001000 Staecker, Kathryn M 4000 Irving Ave Astoria, OR 97103-2447

809090001100 Neikes, James M 34755 HWY 101 Business Astoria, OR 97103-6664

809090001200 Renwick, Andrew and Nance 3821 Kensington Ave Astoria, OR 97103-2435

809090001500 Perkins, Linda J and Dale A 92515 Walluski Loop Astoria, OR 97103-8519

809090001500 Perkins, Linda J and Dale A 3955 Kensington Avenue Astoria, ØR 97103

Perkins, Linga J and Dale A Rohmed to Shale

80909DB05400 Barker Spencer K 3727 Harrison Ave Astoria, OR 97103-2522

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80909DB10600 Wilson Lanny D/Toni M 3543 Harrison Ave Astoria, OR 97103-2537

80909DB06000 Federal Home Loan Mortgage Corp Green Tree Servicing LLC 7360 Kyrene Rd Tempe, AZ 85283

80909DB06400 Nowlan Robert S. 866 37th St Astoria, OR 97103-2539

80909DB06500 Jones Michael P 3798 Irving Ave Astoria, OR 97103-2527

80909DB09202 Baker Joanne M (Westfall) 3797 Irving Ave Astoria, OR 97103-2526 80909DB05600 Goldberg Robert I/Nancy L 3741 Harrison Ave Astoria, OR 97103-2522

80909DB10700 Alfaro Gregory A/Joni D 3539 Harrison Ave Astoria, OR 97103-2537

80909DB10800 Bateman Jesse H 3535 Harrison Ave Astoria, OR 97103-2537

80909DB06302 Fery Mitchell J 3162 Marine Dr Astoria, OR 97103-2532

80909DB09000 Hoagland Kerri Sue/Dean W 3715 Irving Ave Astoria, OR 97103-2526

80909DB08201 Brecht James 1/2 207 Madison St SE Albany, OR 97321-3011 80909DB05700 Brochocka Joanna 3769 Harrison Ave Astoria, OR 97103-2542

80909DB06200 Longnecker Patricia L 40100 Hunt Ln Astoria, OR 97103-8147

80909DB06300 Lehman Ralph L/Teresa A 3744 Irving Ave Astoria, OR 97103-2527

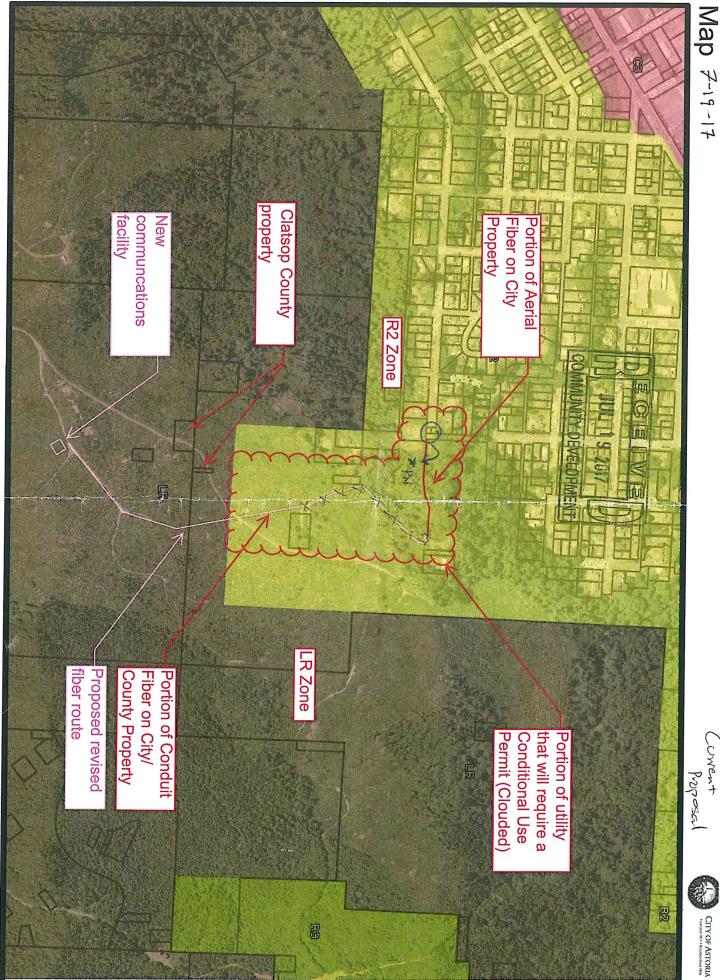
80909DB06801 Kennedy Tim 3708 Irving Ave Astoria, OR 97103-2527

80909DB09100 Hayrynen Phyllis J/Jon L 3769 Irving Ave Astoria, OR 97103-2526



Proposed alignment

CITY OF ASTORIA JUL 2 5 2017 BUILDING CODES



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Map 7-19-17

# **RESERVOIR COMMUNICATIONS TOWER**

### City of Astoria Fiber Optic Communications Conduit Installation

This pertains to the proposed route for underground conduit to contain fiber optic cables to provide communications support to the new City of Astoria communications facility located at the new Verizon Wireless Communications tower located at 3850 Reservoir Rd., Astoria, OR 97103 (46°10'55.92"N 123°47'57.25"W).

The conduit will be placed underground within the proposed route described in OR1 Reservoir Site Survey, sheets SV-1 and SV-2, by Duncanson Company, Inc., surveyors and will run from the new communications facility to a utility pole near the east end of Irving Ave., per drawing.

Conduit will be placed by open trench construction in accordance with Oregon DOT standards for underground utilities. Backfilling and check dam installation, where necessary, will be in accordance with the ODOT standards to reduce potential for erosion. Some sections of conduit may be placed by directional boring, at contractor's discretion, though subsurface conditions preclude such techniques through much of the route.

Handholes and / or splice boxes will be placed at approximately 500' intervals, per industry standards for communications conduit installations.

Open trenches will be backfilled as soon as practical on placement of conduit, with strong consideration to minimize the duration of any section of trench being left open or uncovered. Preference will be to continuously backfill to reduce the amount of trench open at any given time. Any trench sections left open (e.g., at conduit ends when work concludes for the evening, etc.) shall be covered by steel plate, plywood, or similar, as appropriate to the area and use of the land in which the open trench end is to be covered.

Work will be coordinated with local residents to minimize potential impact to ingress and egress to the residences

Inquiries are to be directed to Construction Manager John-Aaron Ruddick of Ciem, LLC, at 971.806.6986 or at ciemconsulting@outlook.com.

JUL 2 5 2017 BUILDING CODES

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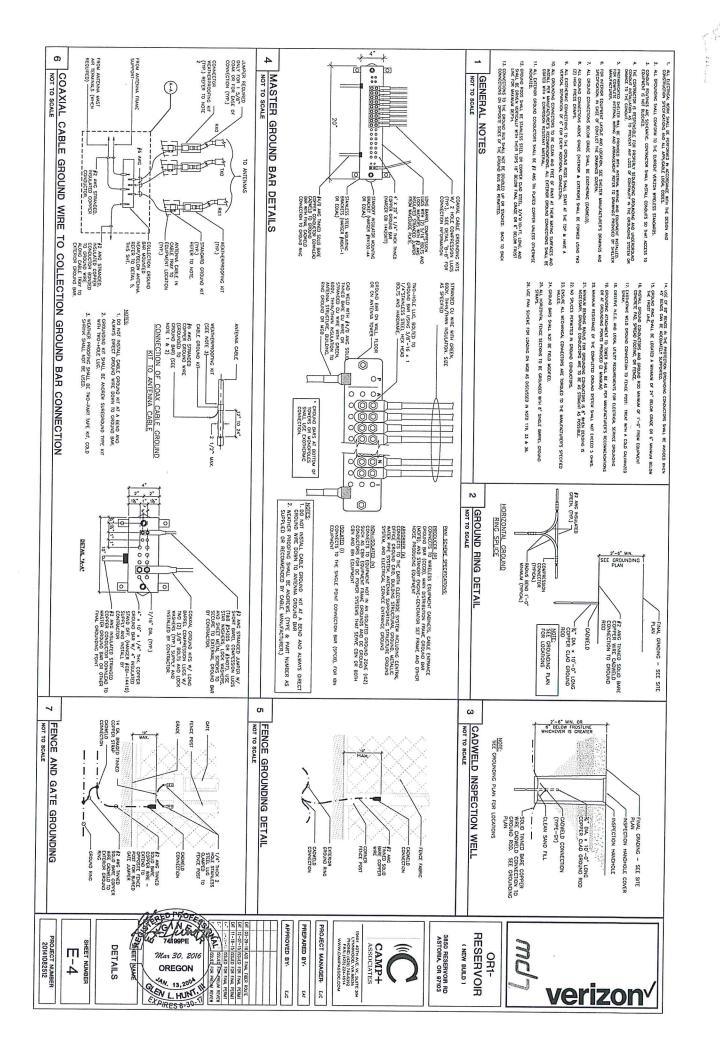
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То:	Brad Johnston; Jeff Rusiecki		0 1500000
Cc:	Blair Henningsgaard; Ken Cook; Jeff Harrington; Ma Ferber; Kevin Cronin; Brett Estes	rcus Handy; Ken	Nelson; Nancy
Subject:	Verizon Cell Tower - Fiber Optic Cable installation st	atus/questions	

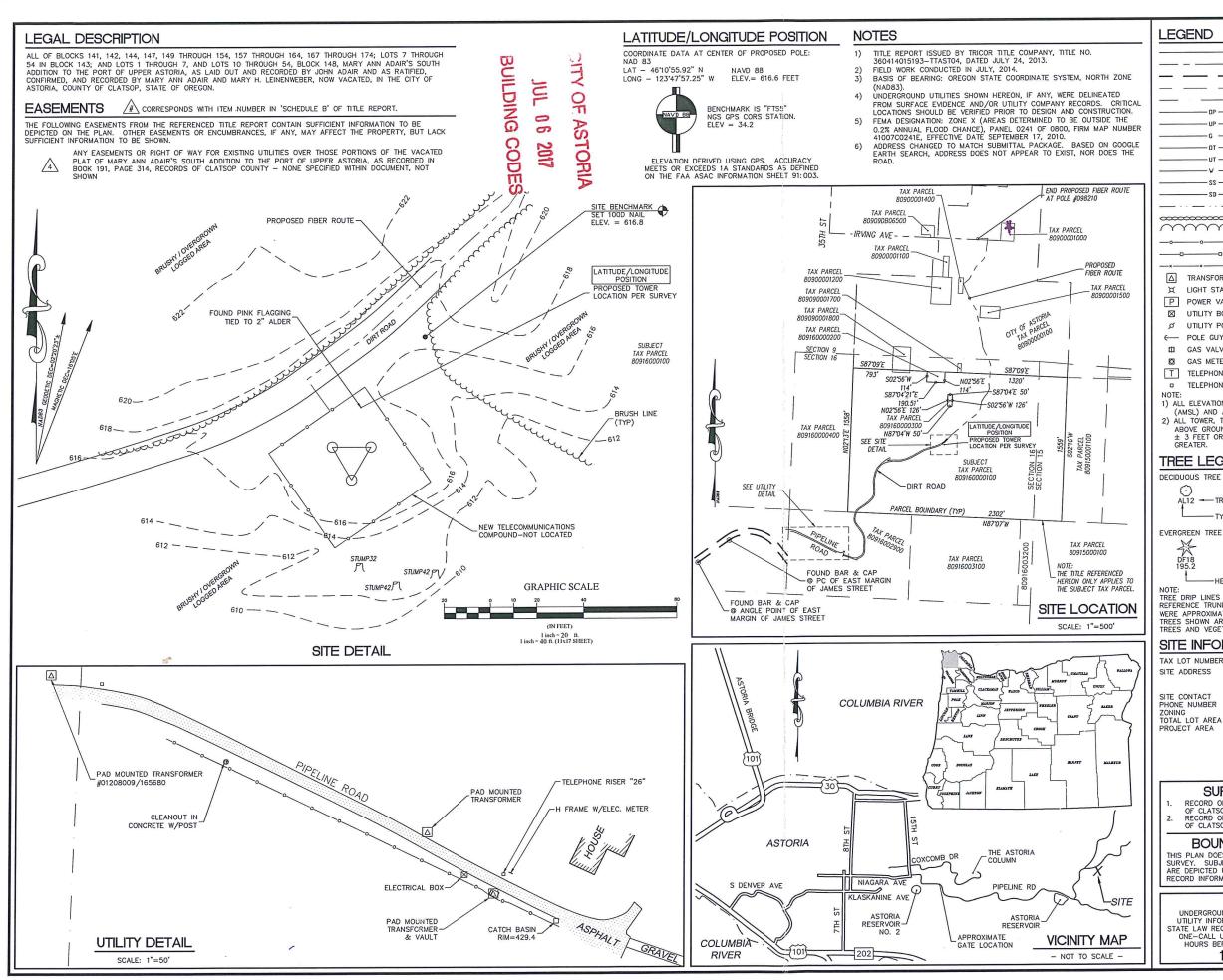
Hi All,

It appears that there are still a number of actions items that need follow up or attention prior to installation of the fiber optic link from APD to the new Verizon Cell Tower. I have only been involved with this project on the periphery, but thought it would be prudent to share some information and concerns. The following is a list of items that need some attention.

- 1. The "Agreement for Purchase and Sale of Dark Fiber Strands" needs to be reviewed and approved by the City. I spoke with Blair briefly and he recommended having someone more familiar with these agreements provide input. He suggested one of the members of the Friends of the Column who works in the IT field in Portland. As another option, I recommend having iFocus review the agreement to see if it is consistent with the City's interests. After a brief review of the agreement, one concern I have is that the terms are not consistent with how the project is proceeding regarding permitting, etc. Additionally, Blair requested Exhibit A and B for the review. I did not have these to provide to him, so if someone else does please forward the info. Blair brought up some broader concerns regarding the terms of the franchise agreement and how this additional work connects to that.
- 2. The above referenced agreement, once executed, will document items necessary to satisfy the anticipated conditions of approval associated with the Conditional Use Permit. Specifically, the ownership of the conduit and now a secondary conduit that is proposed for installation. This will dictate whether an easement is required or whether some other documentation is needed to memorialize the location on City property. The agreement above indicates that Astound is responsible for permitting, installation, etc. If this is the case, they will need to pay the CUP fee. If not, the City could be the applicant and project team should discuss waiving the fees or pulling them from the appropriate City fund if necessary.
- 3. The new fiber alignment runs from near Safeway to the new cell tower. However, it is being installed by two separate entities; Astound (CoastCom/Wave) and Verizon. The "meet point" for these two entities has been noted as an existing power pole near 4000 Irving Ave. However, the Public Works Department has received a right-of-way permit from CoastCom/Wave that indicates a termination of their work at the east end of the Irving Ave. right-of-way. This could leave a 540 foot gap between the two entities. It sounds like Aaron Ruddick is checking on this, but is pretty confident it is just a misunderstanding. The City should follow up though.
- 4. The Public Works Department will require an amendment to the existing grading and erosion control permit for the site work prior to installation of the fiber conduit. We noted to Aaron that this can be done as the CUP is being processed so approval will ready upon CUP approval.

It sounds like there are a number of folks working on this project on the City side, so the Public Works Department will focus on review and approval of the grading permit amendment. The balance of the coordination effort should be tackled by the City's project manager. I am not sure who currently holds this position, so please let me know and I will forward further questions and requests along.

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### LEGEND

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NOTE:	FLEVATIONS SHOWN A		VE MEAN SEA LEVEL

) ALL FLEVATIONS SHOWN ARE ABOVE MEAN SEA LEVEL (AMSL) AND ARE REFERENCED TO THE NAVD88 DATUM 2) ALL TOWER, TREE AND APPURTENANCE HEIGHTS ARE ABOVE GROUND LEVEL (AGL) AND ARE ACCURATE TO  $\pm$  3 FEET OR  $\pm$  1% OF TOTAL HEIGHT, WHICHEVER IS GREATER

#### TREE LEGEND

AL12 - TRUNK DIAMETER (IN)	AL=ALDER MP=MAPLE DS=DECIDUOUS MA=MADRONA OK=OAK CH=CHERRY
EVERGREEN TREE	CE=CEDAR DF=DOUGLAS FIR HE=HEMLOCK PI=PINE FVG=FVERGREEN

-HEIGHT AGL IF MEASURED

TREE DRIP LINES ARE NOT TO SCALE. TREE SYMBOLS REFERENCE TRUNK LOCATION ONLY. TRUNK DIAMETERS WERE APPROXIMATED AT 3.5' TO 4' ABOVE GROUND LEVEL. TREES SHOWN ARE FOR REFERENCE ONLY AND OTHER TREES AND VEGETATION MAY EXIST.

80916000100

### SITE INFORMATION

TAX	LOT	NUMBER	
SITE	ADD	RESS	
SITE	CON	TACT	

3850 RESERVOIR ROAD ASTORIA, OR 97103 JIM HATCHER 503–325–3524 LR (CITY OF ASTORIA)

82.6 AC. TO BE DETERMINED

#### SURVEY REFERENCE

RECORD OF SURVEY NO. CS B-10264, RECORDS OF CLATSOP COUNTY. RECORD OF SURVEY NO. CS B-8743, RECORDS OF CLATSOP COUNTY.

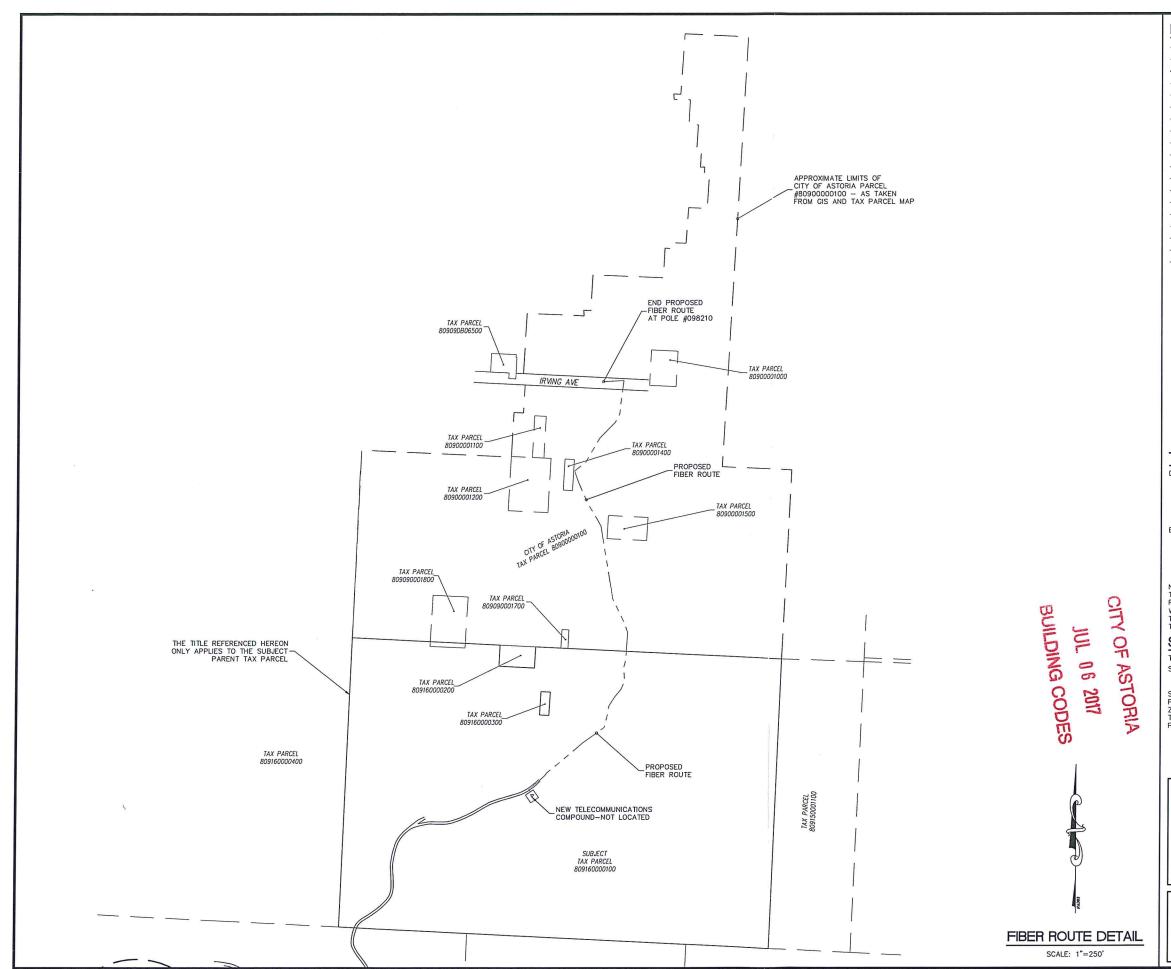
### BOUNDARY DISCLAIMER

THIS PLAN DOES NOT REPRESENT A BOUNDARY SURVEY, SUBJECT AND ADJACENT PROPERTY LINES ARE DEPICTED USING FIELD-FOUND EVIDENCE AND RECORD INFORMATION.

### CAUTION!

UNDERGROUND UTILITIES EXIST IN THE AREA AND UTILITY INFORMATION SHOWN MAY BE INCOMPLETE. STATE LAW REQUIRES THAT CONTRACTOR CONTACT THE ONE-CALL UTILITY LOCATE SERVICE AT LEAST 48 HOURS BEFORE STARTING ANY CONSTRUCTION. 1-800-424-5555





### LEGEND

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		RIGHT-	OF-WAY LINE
		ADJACE	ENT BOUNDARY LINE
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$\Delta$	TRANSFORMER		FIRE HYDRANT
×	LIGHT STANDARD		GATE VALVE
Ρ	POWER VAULT	⊞	WATER METER
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ø	UTILITY POLE		CATCH BASIN, TYPE I
←	POLE GUY WIRE	0	CATCH BASIN, TYPE II
ш	GAS VALVE	ъ	SIGN
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Т	TELET TIONE THOET		MAIL BOX
	TELEPHONE RISER	234.21	SPOT ELEVATION
NOTE.			

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-HEIGHT AGL IF MEASURED

THE AND VEGETATION MAY EXIST.

80916000100

#### SITE INFORMATION

TAX LOT NUMBER SITE ADDRESS

SITE CONTACT PHONE NUMBER ZONING TOTAL LOT AREA PROJECT AREA

ASTORIA, OR 97103 JIM HATCHER 503–325–3524 LR (CITY OF ASTORIA) 82.6 AC. TO BE DETERMINED

3850 RESERVOIR ROAD

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