



# AGENDA

## TRAFFIC SAFETY ADVISORY COMMITTEE

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April 24, 2018

6:30 p.m.

**\*\*meeting relocated to Astoria Senior Center\*\***

**1111 Exchange Street · Astoria OR 97103**

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES
  - a. Nothing to approve-no agenda items January 24, 2018
4. PROJECT UPDATES
5. NEW BUSINESS
6. REPORT OF OFFICERS
7. PUBLIC COMMENTS
8. 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.**



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# AGENDA

## ASTORIA PLANNING COMMISSION

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April 24, 2018

6:30 p.m.

**\*\*meeting relocated to Astoria Senior Center\*\***  
1111 Exchange Street · Astoria OR 97103

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES
  - a. March 27, 2018
4. PUBLIC HEARINGS
  - a. Amendment Request (A17-03) By Kevin Cronin, consultant, for a map amendment at 3738 Lief Erikson Drive from S-1 Marine Industrial to S-2 General Shorelands to facilitate additional non-marine related development (continued from 3-27-18 meeting)
  - b. Conditional Use (CU18-02) by Mike Oien, dba, Terry's Plumbing, to locate a plumbing shop (contract construction service) in an existing building at 415 Gateway Street
5. WORKSESSION:
  - a. Review proposal of code amendments to address emergency shelters
6. REPORT OF OFFICERS
7. NEW BUSINESS
8. STAFF/STATUS REPORTS
9. PUBLIC COMMENT (Non-Agenda Items)
10. 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.**

## ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall  
March 27, 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, Joan Herman, and Brookley Henri.

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

### APPROVAL OF MINUTES:

President Fitzpatrick and Vice President Easom noted the following corrections and clarifications to the minutes of the February 27, 2018:

- Page 1, Last Paragraph, Line 8 – “When the complex was rezoned from General Industrial to S2-A, he ~~because~~ **was in** the process of trying to create more favorable businesses in a mixed-use complex.”
- Page 8, Paragraph 8 – “President Fitzpatrick confirmed **by asking board members who were present in the audience** that the Astoria Warming Center continued to take weapons away from guests.”
- Page 8, Paragraph 12, Line 2 – “He asked the Commission to consider impacts to the neighborhoods as they moved forward.”

Commissioner Moore moved that the Astoria Planning Commission approve the minutes as corrected; 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. He noted that Item 4(d) would be addressed just prior to Item 4(c) and the Work Session had been tentatively rescheduled for April 24, 2018.

### ITEM 4(a):

CU18-01 Conditional Use CU18-01 by Karen and Steve Allen to allow outside eating and drinking establishments on docks and other parts of the private property at 80 11<sup>th</sup> St in the A-2 Aquatic Two Development zone.

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

Commissioner Cameron-Lattek declared a conflict of interest and recused herself from the hearing. She owns a business that serves food and drinks outside about three blocks from this location.

Vice President Easom declared a perceived conflict of interest. Steve Allen was his accountant, but he did not believe that would influence his decision.

President Fitzpatrick asked Staff to present the Staff report and recommendation.

Planner Morgan reviewed the written Staff report. Staff recommended approval of the request with the conditions listed in the Staff report.

Commissioner Mitchell asked Planner Morgan to indicate on the map the property line that separated the private from the public properties. She also wanted to know the square footage of the private property and the dimensions of a food cart. Planner Morgan said food carts varied in size, but an average size would be 8 feet by 20 feet. The concrete apron was about 50 feet by 30 feet and triangular in shape.

President Fitzpatrick stated he would prefer to see a diagram. He asked if the food cart would take up parking space. Planner Morgan confirmed no parking would be used by the food cart. He explained that a wooden barrier separated the parking from the area where the food cart would be located, which was directly in front of the building.

Commissioner Moore believed this property was within the downtown parking district, so even if the food cart took off-street parking, other uses in the area would not be impacted. Planner Morgan clarified that the property and the off-street parking were within the A2 zone, not the C4 zone. Vice President Easom stated the parking district stopped at the railroad tracks. Planner Morgan confirmed no parking spaces would be used by the food cart.

President Fitzpatrick asked for details about the specific location of the 30 parking spaces on the public and private dock areas. Planner Morgan said the extension of 11<sup>th</sup> Street had 15 to 20 diagonal parking spaces and there were about seven parking spaces in front of the building. The City has allowed the building on Pier 11 to have parking on public property because it is a pre-existing use. There is also public and private parking on 10<sup>th</sup> Street. Planner Ferber added that in the A2 zone between 8<sup>th</sup> and 14<sup>th</sup> Streets, uses located between the extended rights-of-way are not required to provide off-street parking or loading. She also noted that the City received public testimony in favor of this application, which had been distributed to the Commissioners and was available from Staff.

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

Karen Allen, 990 Astor Street, Astoria, referred to the photograph of the property on Page 3 of the Staff report and described the exact location of the food cart, which would be just to the right of the lean-to and up against the building. The food cart would not stick out any further than the skate shop. She believed the food cart was 6 feet by 6 feet. The criteria stated the food cart could not be big because Astoria Brewing is located right across the street. She did not want anything that did not look nice or restrict her patrons' view.

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

Sarah Lu Heath, P.O. Box 261, Astoria, Astoria Downtown Historic District Association (ADHDA), stated the ADHDA was in favor of the conditional use permits for both sides of Pier 11. The ADHDA's cluster analysis clearly indicated that use of space in the downtown area had to be done so creatively. They believed the area was ideal for things like food carts because the Riverwalk is a pedestrian zone. The food carts would serve visitors and people who work in the downtown area.

Kris Haefker, 687 12<sup>th</sup> Street, Astoria, said he had owned three food carts from 2002 to 2010. One of the food carts was operated in Astoria and the other two were operated in Portland. He believed food carts were a fabulous stepping stone business for individuals. His wife, her sister, and one other person, all from Thailand, ran his food carts. Food carts provide a great service to small businesses. He believed this location was good. In Portland, food carts can be no longer than 16 feet. He was concerned about the size of the food cart in this location. He liked the Applicant's food and believed their food cart would be a great place to go for lunch. He had very few cars park in front of his food carts. Most of the traffic was foot traffic.

Dan Stein, P.O. Box 417, Astoria, said he was in favor of the conditional use and the food carts.

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

Commissioner Henri said food carts are a walk-up type of business. If people did drive to the food cart, parking would be very short term. Having to walk a block or two to the food cart would bring potential opportunities to the commercial and retail businesses. The food cart would be a positive addition to the area and would fit in well.

Commissioner Mitchell stated food carts would be a good addition to the Riverwalk because they would make the Riverwalk more user-friendly. She was concerned about appropriate spacing and that the food cart would take away public parking.

Commissioner Herman said she fully supported the application. She was glad to see the Good Bowl had found a home. She believed this would be a good use of the space and would love to see more food carts scattered through downtown.

Vice President Easom stated he was in favor of the application. He did not believe the food cart would impact parking and it would be great for the foot traffic on the Riverwalk.

Commissioner Moore said he believed the request met all of the criteria, so he supported the application.

President Fitzpatrick agreed.

Vice President Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU18-01 by Karen and Steve Allen; seconded by Commissioner Mitchell. Motion passed unanimously.

President Fitzpatrick read the rules of appeal into the record.

ITEM 4(b):

AEP18-01                      Amendment to Existing Permit AEP18-01 by Karen and Steve Allen to amend Conditional Use Permit Order CU 09-04 to allow outdoor eating and drinking on private property around 77 11th St in the A-2 Aquatic Two Development zone.

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

Commissioner Cameron-Lattek declared a conflict of interest and recused herself from the hearing. She owns a business that serves food and drinks outside about three blocks from this location.

Vice President Easom declared a perceived conflict of interest. Steve Allen was his accountant, but he did not believe that would influence his decision.

President Fitzpatrick asked Staff to present the Staff report and recommendation.

Planner Morgan reviewed the written Staff report. He noted that references to "similar outdoor retail sales" would be removed from the Staff report because the permit was only intended to allow eating and drinking establishments. Staff recommended approval of the request with the conditions listed in the Staff report.

Commissioner Herman asked if there were any restrictions as to where the food cart could be located or the size of the food cart.

Planner Morgan explained that a food cart could not be placed closer to the river because the City does not allow commercial activities on public property. In this location, everything between Pier 11 and the building is within the 11<sup>th</sup> Street right-of-way. Food carts would have to be located on private property. This particular food cart would have to be right up against the building or in front of the wine bar on 10<sup>th</sup> Street. He confirmed that Astoria did not currently restrict the size of food carts, but they had to be small enough to haul down the road. Therefore, food carts would not be wider than eight feet.

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

Karen Allen, 990 Astor Street, Astoria, stated that she would like to relocate one of the food carts that had been displaced. As a property owner, she was very concerned with appearances. Prior to allowing any food carts, she

wanted to see what it would look like because she had done a lot of rehabilitation work on all of her properties. She wanted a beautiful riverfront. The Snackle Box has asked to be located in this location and the owner has assured her that the cart would look beautiful with flowers around the patio area. If the food cart changed, she would make sure it adhered to her standards because she would want it to look nice.

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

Kris Haefker, 687 12<sup>th</sup> Street, Astoria, said he favored all of the food carts. He believed size should be addressed and that food carts should be no longer than two parking spaces. He also believed the Commission should discuss how power would be hooked up to the cart. Many of the food carts in Portland had their own meter and a recreational vehicle (RV) hook-up. The RV hook-up would need to meet Codes. Sanitary waste should also be addressed since the carts would be located over the water. He had to make sure all of his food cart waste was piped into the sewer. He suggested the City consider a design review process for food carts because food cart locations have high turnover.

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

Commissioner Moore stated that food carts were considered eating and drinking establishments and that there were no Codes specific to food carts. Planner Morgan added that food carts were regulated by the State Health Department, which required sanitary conditions.

Commissioner Herman said the photograph on Page 4 of the Staff report showed cars parked on the west side of the building. She asked if the area west of the cars was private property owned by the Applicants. Planner Morgan explained that a large portion of the area in front of the wine bar was owned by the Applicants. The 10<sup>th</sup> Street right-of-way lined up with the shops along 10<sup>th</sup> Street and everything to the east of the shops was private property.

Commissioner Herman stated she had no issues with Snackle Box or any other cart being located up against the building. However, she was concerned about food carts on the west side of the building. She appreciated the Applicant's concern about the aesthetics, but the Applicant would not always own the building. She was concerned about a food cart placed horizontal to the river or a large food cart obscuring the view. She believed the City needed more specific requirements, especially right along the waterfront. She supported a conditional use for right up against the building, but not for the west side.

Commissioner Moore asked if a food cart, which is a temporary structure, could impact a view corridor. Planner Morgan said food cart designs and locations could be addressed in the Code amendments implementing the Riverfront Vision Plan. The Code amendment process would begin in the summer. If the Commission wanted to add restrictions to this permit, food carts could be restricted to the eastern portion of the Pier 11 building. This would prevent food carts from being located in front of the wine bar. Planner Ferber noted that existing Codes require public access to rights-of-ways, but not on private property for view corridors.

Planner Morgan confirmed for Commissioner Moore that the City considers food carts to be structures, not mobile trailers. He confirmed for Vice President Easom that existing Codes allow the property owner to build all the way out to their property line because the A2 zone does not restrict lot coverage. There are also no landscaping requirements in the A2 zone.

Vice President Easom stated a food cart was small compared to what could be built on the property under current zoning. He did not believe a food cart would impact a view corridor.

Commissioner Henri asked if any existing parking would be lost. Planner Morgan said he understood that all existing parking would remain.

Commissioner Mitchell stated she had been concerned about losing parking as well because a more intense use was added between 6<sup>th</sup> and 7<sup>th</sup> Streets. Food carts would not add automobiles, but the City would get to the point where the existing parking in the area would be necessary for businesses to stay successful.

Commissioner Herman said she wanted to restrict the location of the food cart to the south and east sides of the building until the City considers size restrictions. However, she did not want to restrict the size of this particular use.

Commissioner Moore noted the east side of the building was right-of-way, so a food cart could not be located on that side. The south-east corner of the building did not have enough clearance.

Planner Morgan said the City did not have a survey done and the Applicant did not submit a survey. However, he believed the property line was about eight feet from the south façade of the building. It would be up to the Planning Department to make sure the food cart fit within that space.

Commissioner Moore stated he had a problem with prohibiting food carts on the west side because the building could be extended into that space and the City would have no say. He believed the proposed use was acceptable and he did not want to restrict it.

Planner Morgan explained that a food cart was recently proposed to be located at the Column. The cart was approximately 4 feet by 3 feet. It would be difficult to predict what kind of a food cart could be located in a particular spot. The Commission could consider this during the next planning program for the downtown area.

Vice President Easom stated he was not interested in restricting the location or size of the food carts.

Commissioner Henri said she could not find anything in the Code that would give the Commission reason to add restrictions, regardless of views and preferences.

Commissioner Mitchell agreed. She understood that future owners might put something in that location that the Commission did not like. However, at this time, an appropriate sized food cart could be placed there. She preferred to trust that the building owner would do what worked for the building.

President Fitzpatrick stated he shared Commissioner Herman's concerns, but they were in the minority.

Vice President Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Amendment to Existing Permit AEP18-01 by Karen and Steve Allen; seconded by Commissioner Henri. Motion passed 5 to 1. Ayes: President Fitzpatrick, Vice President Easom, Commissioners Henri, Mitchell, and Moore. Nays: Commissioner Herman.

President Fitzpatrick read the rules of appeal into the record.

The Planning Commission proceeded to Item 4(d) at this time.

ITEM 4(c):

A17-03                      Amendment A17-03 by Kevin Cronin to change the zone from S-1 Marine Industrial to S-2 General Shorelands development zone at 3738 Leif Erikson Drive in the S-1, Marine Industrial Shorelands Development Zone.

This Item was addressed immediately following Item 4(d).

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

Commissioner Mitchell declared ex parte contact. Elizabeth had spoken to her about this request because she was on the Riverfront Vision plan committee, but she did not believe this would keep her from making a decision. Several people have let her know they had concerns about the plan and how it would be implemented. She confirmed for President Fitzpatrick that she believed she could be impartial in spite of the ex parte contacts.

Commissioner Herman declared ex parte contact, as she was present when Elizabeth spoke to Commissioner Mitchell. She believed she could be impartial.

President Fitzpatrick asked Staff to present the Staff report and recommendation.

Planner Morgan reviewed the written Staff report. He explained that the East Basin Plan District mentioned in the Development Code was a place holder for future amendments. References to the district were added to the Code when the Civic Greenway Plan was implemented and Staff did not believe it was relevant to this request. The East Basin Plan was intended to facilitate a larger planned unit development initiated by either the Port of Astoria or the City of Astoria. Staff recommended approval of the request with the conditions listed in the Staff report.

Commissioner Moore asked why the Commission should consider changing the zone to S-2A; the request was to change the zone to S-2. Planner Morgan said he believed the property owner would not mind if the zone were changed to S-2A. Staff believed S-2A would be a more appropriate zone because it would abut the adjacent S-2A zone, but an S-2 zone would stand alone in that area. However, uses allowed in the S-2A zone might not be appropriate for a waterfront site, like a manufactured housing park or gasoline service station.

Commissioner Mitchell asked why the Staff report did not address how this zone change fit into the Riverfront Vision Plan. Planner Morgan explained that the Civic Greenway and Gateway Overlay Zones did not address the differences between the S-1, S-2, and S-2A zones. Each zone allows uses with restrictions under both of the overlay zones. Changing the zones would not contradict the overlay zones.

Commissioner Mitchell noted she was talking about the Riverfront Vision Plan, not the overlay zones. The Riverfront Vision Plan states the Civic Greenway Overlay Zone's objectives were to create and enhance open spaces which provide views of the Columbia River, create a modestly scaled residential and mixed-use neighborhood in an area east of Mill Pond, and enhance connections to the Civic Greenway Area from adjacent neighborhoods. She did not see that addressed in the Staff report. Planner Morgan said he did not believe the zone change would contradict those objectives.

President Fitzpatrick referred to the second paragraph of Page 5 of the Staff report and asked who Staff spoke with about Columbia River Estuary Study Taskforce (CREST) assisting Clatsop Community College (CCC) in acquiring the South Tongue Point Area from the Department of State Lands. He realized this was not the Commission's responsibility at this time, but wanted to know what evidence Staff had that this information was accurate. Planner Morgan said he spoke with the CREST director. The college has submitted a grant application to the State to acquire all of South Tongue Point. Approval of a portion of the grant is pending. He and the director mapped out how much of the South Tongue Point area would be taken out of the S-1 zone to create channels for salmon habitat restoration, which totaled about 30 acres. This would leave 125 acres of land in the S-1 zone, which is required by law. Staff could provide a map showing the area to be restored.

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

Kevin Cronin, 726 7<sup>th</sup> Street, Astoria, said the property was formerly a recreational vehicle (RV) campground. The RV business model does not work in that location anymore, so the Commission is being asked to consider a higher and better use for the property. The Applicant proposed the S-2 zone because he believed it aligned with the Advance Astoria Economic Development Plan and the Comprehensive Plan. After speaking with Staff and his client, he could agree with the S-2A zone. Currently, there is no development proposal for the property. The street system was already laid out by the previous development and a portion of 38<sup>th</sup> Street was vacated. The emergency access easement would continue to be maintained. The property owners currently do not have any plans for the property, but it cannot be marketed until it is designated properly. He noted there was discussion from Staff about the East Plan District. On behalf of his client, the Port of Astoria, he submitted a pre-application to the Transportation Growth Management Program for a grant to do a master plan for the area that includes the Port, the East Mooring Basin, and properties owned by the Applicant and Floyd Holcomb. The master plan would synchronize well with the East Plan District. He agreed with Staff's recommendations.

Commissioner Mitchell asked why the Commission should agree to a zone change without knowing what the project would be. Mr. Cronin explained that the Commission is tasked with checking the proposal against the criteria. There is no Code requirement to combine a zone change with a development proposal. Staff can suggest that, but a development proposal is not required to accompany any policy change. His client is not ready to develop the property, but if they get the zone change, they will market the property.



President Fitzpatrick asked why the property could not be marketed with the current zoning. Mr. Cronin stated it was next to impossible to market the property in the S-1 zone. There is no demand for S-1 properties and the existing cannery industry is barely hanging on. Many buildings in the S-1 zones have been converted to other uses, like Buoy Beer and Mo's. Buildings that are being converted through adaptive reuse indicates demand for new construction. The development pattern in Astoria over the last 15 years has been for uses in the S-2 zone. He believed the S-2 zone would better achieve the objectives in the Advance Astoria Plan than the S-2A zone, but his client would agree to the S-2A zone that Staff has proposed.

President Fitzpatrick called for any testimony in favor of the application. There were none. He called for any testimony impartial to the application.

Earl Dawley, 561 Grand Ave. Astoria, said the potential height of buildings on this property could be up to 45 feet in the S-2 zone, which was unacceptable. The surrounding area to the east had very large buildings and Astoria is losing its view of the waterfront.

President Fitzpatrick called for any testimony opposed to the application.

Elizabeth Menetrey, 3849 Grand Ave. Astoria, stated she and President Fitzpatrick were very involved in the Riverfront Vision Plan. She learned about this proposed zone change by accident last night as she was perusing the City's website. The Civic Greenway was intended to protect views of and access to the river, provide enhanced open space, support water dependent uses, and encourage modest scale housing. The East Basin Plan District was included in the Civic Greenway Overlay Zone at the last minute; it does not have limitations on size, height, or any of the limitations she wanted in the overlay zone. The district is a holding place for development, but she was not being told what that development would be. There is a big difference between the S-2 and S-2A zones. Permitted uses do not require public hearings. The S-2 zone is more restrictive, which enables the public to have a voice in proposed development. Therefore, she strongly advocated for the S-2 zone if the request is approved. The Riverfront Vision Plan began in 2007 when the condominiums were built and the Hampton Inn came in. Extending S-2A westward would extend something that the Riverfront Vision Plan was against. She preferred the area allow housing, research and development facilities, and educational establishments. However, research and education would not be allowed in the S-2A zone. She also wanted the area open to possibilities as opposed to closing it, not only to other possibilities, but also to the public. She strongly advocated against the S-2A zone.

President Fitzpatrick asked Ms. Menetrey if she was opposed to the S-2 zone.

Ms. Menetrey stated she wished a waterfront use would be developed on the property. She has been told that would not happen because there are no waterfront related businesses that want to come to Astoria. She supported S-2 over S-2A because the public needed to be involved.

Dan Peters, 726 27<sup>th</sup> Street, Astoria, stated he was not opposed to development, but the property is the last green space from one end of town to the other. A 45-foot building would take up a lot of visibility. He wanted to see the property owner's plans for the property before the City rezones it. He was against the request. Leif Erickson is already a parking lot and putting another building in the area would require a traffic light at 39<sup>th</sup> Street. Abbey Lane could not handle the additional traffic. He did not believe the property should be rezoned until a development was proposed. Rezoning now would only benefit the developer, not the citizens of Astoria. The developer would sell it and leave the area.

Jill Peters, 726 27<sup>th</sup> Street, Astoria, said she objected to the request because the water cannot be seen from the edge of town to the roundabout, except through buildings. This is an opportunity to consider parking. People could park on the property and take the trolley into town; that would end a lot of congestion. She would also like to see the property used as a park with restrooms. She did not want another hotel because Astoria did not have people to work there or any place for the employees to live. She asked if Astoria was just catering to tourists. If this last parcel is developed, there would be no more green space. There is no doubt that if the zone change is approved the property would be developed. She wanted the City to get rid of some of the parks that it cannot afford and buy this property as a green space with parking. If the City gave people who parked there tickets for the trolley, some of the congestion downtown would be eliminated. The City needs to do some forward thinking about the value of this property to the citizens. Once the view of the river is lost, the City cannot get it back. The

view is Astoria's entitlement. A restroom on the property would provide a service to the homeless and tourists. She believed the City could do something better with this property instead of just going after money. She asked if the Applicant could go somewhere that is zoned for what they want to do.

Lorrie Cross, 145 Duane, Astoria, said she would prefer the S-2 zone over the S-2A zone. There is no development proposal for the property, which seemed like a vulnerable place to be. The City can go with a solid wall of buildings or preserve the river. She was in favor of ensuring commercial businesses take responsibility for preserving the river and green space.

JoAnne Snead, 5062 Birch, Astoria, said she and her husband have owned their house for about 30 years and have seen a lot of changes on the waterfront and the east part of town. She was surprised that a decision of this magnitude was given such little publicity. She only learned about this request that day. She recommended that the Commission refrain from changing the zoning until they consider the East Basin Plan. The property is highly valuable and allowing it to be changed for an unknown purpose was questionable and not in the public's interest. She asked the Commission to look at the plans that had already been established and make a decision based on the entire area. Parceling out one domino at a time would result in not being able to see the river at all.

President Fitzpatrick called for the Applicant's rebuttal.

Mr. Cronin stated he was not proposing to change the height allowed in the zone that is approved. Any future development proposed would have to comply with the Civic Greenway Overlay Zone requirements, which are in addition to the City's regular development regulations for design standards and protecting views. The Commission needs to decide if the request makes sense from a policy standpoint.

President Fitzpatrick asked if the City Planner agreed that the overlay zone requirements were in addition to the City's standard development requirements.

Planner Morgan stated there is no significant difference in the way the Civic Greenway Overlay Zone requirements are applied in the S-2, S-2A, and S-1 zones. The overlay requirements apply to all of the land in the overlay zone regardless of the underlying zoning. All development within the overlay zone would have to comply with height limits, setbacks, open space requirements and go through the design review process. Planner Ferber concurred and noted that the property was also within the Gateway Overlay Zone. Any proposed development would definitely be reviewed. The overlay zones consider more than just design review criteria, including pedestrian orientation and access. The Design Review Committee would also consider the Comprehensive Plan requirements.

President Fitzpatrick asked if the place holder in the Code would require development proposals to be reviewed by the Planning Commission. Planner Morgan explained that the East Basin Plan was separate. The plan was included in the Code at the last minute as a place holder to enable the Port and private property owners in the area to propose a master plan for the area. The plan is not relevant to this request because there is no master plan or development proposal yet. The East Basin Plan would have to be approved by the Planning Commission and City Council.

Commissioner Mitchell asked how the East Basin Plan fit in with changing the zoning of particular parcels. She was not familiar with the place holder concept as it related to planning and community development. Planner Morgan agreed the concept was unusual. In a perfect world, a developer capable of doing a significant development on a large parcel of land would get a plan approved. However, the East Basin Plan might never be implemented. Perhaps development would occur in some form along the riverfront parcel by parcel.

Commissioner Mitchell asked if the East Basin Plan was created after public meetings to allow flexibility for property owners who were not included in the Riverfront Vision Plan. Planner Morgan believed the goal was to create flexibility for the future. An application to establish regulations that would govern development in the East Basin Plan District is a legislative text amendment process in accordance with the Development Code. The place holder is reserved for codifying future plan district regulations. Creators of the plan district must have believed this would allow developments to vary from the overlay zone requirements. However, the place holder is not relevant to this discussion.

Commissioner Mitchell understood the East Basin Plan was not relevant because there was no way to know if the plan would ever be implemented. Planner Ferber explained the place holder concept provided a way to capture some structure for what could be a sub-area plan before regulations have been established. The Code specifically states that the Port or the City must initiate the process once the master plan has been adopted.

Commissioner Mitchell stated no one had created a master plan and it did not look like anyone would.

President Fitzpatrick disagreed that the East Basin Plan was snuck in at the last minute. He agreed with the Planners that it was included for something larger that could occur in the future.

Mr. Cronin said implementing the East Basin Plan would require a motivated entity, money, and private property owners who were willing to participate. The Port is the motivated entity willing to partner with the City and private property owners and apply for funds. Before now, the Port Commission was not willing to do anything with the East Mooring Basin, but they are now. Nothing would happen overnight, which would allow a lot of public process. He continued with his rebuttal, noting that views of the river would be addressed by the Civic Greenway Overlay Zone requirements once a development was proposed. There is currently no development proposed for the property, so view corridors cannot be addressed. The Riverwalk affords everyone the opportunity to use and view the river. There are pros and cons in both the S-2 and S-2A zones, so it is up to the Commission to recommend to City Council which zone would be best. His client could live with either zone.

Commissioner Mitchell asked if Mr. Cronin expected the Commission to hold out for good developments.

Mr. Cronin explained that if the Port is approved for grant funds to move forward on the East Basin Plan District, developers would have the opportunity to do some great things. The district has been in the Development Code for several years and no one has done anything with it.

Commissioner Herman asked how long Mr. Cronin's client had owned the property.

Mr. Cronin stated the property was owned by his client and a partner. He confirmed with his client, who was in the audience, that the property was purchased in 2007.

President Fitzpatrick called for closing comments of Staff.

Planner Morgan said he understood the concerns about the differences between the S-2 and S-2A zones. The biggest difference is that hotels and all associated uses are permitted outright in the S-2A zone, but require a conditional use permit in the S-2 zone. However, the number of uses allowed in the S-2 zone is much more extensive and could result in undesirable development between the highway and the shoreline. The adjacent property is zoned S-2A.

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

Commissioner Henri asked if the Greenway Overlay Zone requirements would override the requirements of the S-2 and S-2A zones. She noted that the S-2 and S-2A zones limited building heights to 28 feet, but the overlay zone allowed buildings up to 45 feet, so the potential maximum height of development on the property would be 45 feet.

President Fitzpatrick called for a recess at 8:38 pm to give Staff time to confirm which zoning requirements would take precedent. He reconvened the Planning Commission meeting at 8:41 pm.

Planner Morgan stated the Greenway Overlay would allow buildings up to 35 feet tall with a 10-foot step back, which overrides the building height limits in the S-2 and S-2A zones.

Commissioner Herman believed the hotel was taller than 35 feet. She confirmed with Staff that the hotel was approved before the restrictions were enacted.

Commissioner Cameron-Lattek asked how parking lots and parking structures were categorized in the Development Code and if they were allowed outright in certain zones. Planner Morgan said commercial and public parking lots were allowed as a conditional use in the S-2A zone. If a parking lot was interpreted as a

transportation facility, it could be allowed in the S-2 zone as a conditional use as well. However, he believed this interpretation would be unlikely.

President Fitzpatrick stated it would not be feasible for a private developer to build a parking structure. He called for Commission discussion and deliberation.

Commissioner Mitchell said she was concerned about changing a zone without a proposed development and assumed it was unusual. The Planning Commission is not obligated to make zoning changes in order to make a property more saleable, but is obligated to make decisions that provide the most benefits to the community. In some instances, economic development is stated as a reason to facilitate projects. She has lived in Astoria for 24 years and attended some of the public gatherings about the plan. When the plan was being developed, Astoria had a different City Council and Planning Commission. There were five or six developable parcels that had been owned by someone for about 40 years and four to six proposals to build condominiums. The condominiums would have changed the face of Astoria. The river is Astoria's front yard. That Council could not say no to the developers because they were people who had contributed to the community for years. Astoria dodged a bullet when the economy changed in 2008 and it was no longer a good idea to build condominiums over the water. This was a relief to her and she had hoped the Riverfront Vision Plan was completed before the next wave of development proposals came in. Most of the plan has been implemented with the exception of the core area. It appears as if the City is moving on to a different kind of wave, which is hotel development. Astoria has limited rights-of-ways on the streets and traffic is jammed in the summer and on weekends in the winter. At some point, the City would have to consider how much is enough and whether it is worth the risk of becoming like Lincoln City or Seaside. She was reluctant to approve the request just because it looked as if the zone change would give the City an opportunity to have some say about a project. In fact, the City would be buying in to that by treating this zone change request as a zoning issue instead of a planning issue. The Planning Commission is not the Zoning Board. The Commission is obligated to consider the City's plans. Maybe some wonderfully coordinated development would occur, but she believed the City needed to do its planning for the residents of Astoria. In the 24 years she has lived in Astoria, she has seen changes. Downtown was very bleak 20 years ago. When the City plans for the residents, the visitors will come. She appreciated Mr. Cronin's efforts to get a zone change approved without a development proposal.

Commissioner Cameron-Latteck said she was uncomfortable approving the S-2A zone because of the outright uses and would be more willing to discuss the S-2 zone. She agreed with much of what Commissioner Mitchell said.

Commissioner Henri said she was sympathetic to the problems with trying to do something with land that is zoned for a market that does not exist and the need to develop Astoria economically, which speaks against the S-2A zone. The Advance Astoria initiative found that the tourism industry does not need a lot of support right now. Planning for a city that people want to live in, will bring tourists. However, there were some undesirable uses in the S-2 zone as well.

Vice President Easom said he had not heard anything compelling to make the zone change. Both the S-2 and S-2A zones would create opportunities that would probably not be wanted on that property.

Commissioner Herman stated she did not support a change to either zone. Both zones allow potential developments that she did not believe were appropriate for the property and she did not want to lose more green space. Everyone values the ability to see the river. She was sympathetic to the Applicant's desire to make money on his property, but a zone change is not in Astoria's best interest.

Commissioner Moore said he was undecided about the request, but agreed that the S-1 zone was useless. Even a park is not allowed on the property. However, the property owner knew the zoning when he purchased the property. The Commission needs to weigh community value and planning value over any individual development or property owner. However, there could be more community value on a developed property than a property that cannot be developed. He did not like making zone changes for a specific development. This is a complicated issue. Nothing is planned for the property at this time, so the Commission does not know what the zone change would lead to. Future development could be something the public considers more valuable than a hotel or a hotel could be the end goal. A hotel on that property makes sense because it is a great location for a hotel. He did not have a strong opinion one way or the other.

Vice President Easom noted that it was not the Commission's job to consider the green space. The overlay zone governs green space and there are development opportunities on the property that could block green ways and view corridors. If someone wants the green space, they need to buy the property.

Commissioner Cameron-Lattek said the S-1 zone was not useless in that area. Water dependent and water related uses are allowed outright. Retail, eating and drinking establishments, and recreation are allowed as conditional uses.

Commissioner Moore added that the eating and drinking establishments would have to be in conjunction with a water dependent use, like a seafood processing plant. Nothing has been developed on this property for as long as he has been on the Commission.

President Fitzpatrick said he could see both sides. As a real estate developer, he understood not much could be done with the S-1 zone and it is difficult to market the property. It appears as if there are too many questions and concerns from the community about the future use of the property. The Planning Commission has the opportunity to consider this property again in the future regardless of whether it is rezoned.

Commissioner Moore clarified that the Planning Commission would only be making a recommendation to City Council, not rezoning. If the Commission recommended a zone change, there would still be a long public hearing process before it went through City Council.

President Fitzpatrick believed the public and the Commission were not comfortable with the application and wanted more answers before voting on the request for a zone change. The Commission had three options, to approve a change to the S-2 zone, reject the request, or ask Staff to prepare findings in favor of a change to the S-2A zone.

Planner Morgan clarified the findings would support both the S-2 and the S-2A zones. Staff could amend the findings to support the Commission's recommendation before the Staff report is sent to City Council. If the Commission rejects the request, Staff would have to provide another order and another set of findings to recommend that City Council deny the request.

Planner Ferber added the Commission could tentatively approve or deny the request and make it clear to Staff and the Applicant what findings should be amended.

Vice President Easom moved that the Astoria Planning Commission tentatively adopt the Findings and Conclusions contained in the Staff report and deny Amendment A17-03 by Kevin Cronin, pending adoption of the revised Findings of Fact at the April 22, 2017 meeting; seconded by Commissioner Mitchell. Motion passed unanimously.

President Fitzpatrick read the rules of appeal into the record.

The Planning Commission proceeded to Item 5 at this time.

ITEM 4(d):

V17-05                      Variance V17-05 by Cathy Frizzelle Smith for a parking variance from two spaces for single family dwelling and one additional space for accessory dwelling unit at 956 Irving Ave in the R-3, High Density Residential zone.

This Item was addressed immediately following Item 4(b).

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

President Fitzpatrick declared a potential conflict as he owned property within 200 feet of the Applicant's property and he owned rentals in the area. However, he did not believe the proposed accessory dwelling unit would be in direct competition of his properties. Therefore, he believed he could remain impartial.

Planner Ferber called Cathy Frizzelle Smith who was unable to attend the meeting in-person, and put her on speakerphone.

President Fitzpatrick asked Staff to present the Staff report and recommendation.

Planner Ferber reviewed the written Staff report. Staff recommended approval of the request with the conditions listed in the Staff report.

President Fitzpatrick asked if it was possible to fit parking on the site. Planner Ferber said no, the property was steep and there was no room for a driveway. Staff tried to find a possible location for off-street parking and this variance request was a last resort.

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

Cathy Frizzelle Smith (via telephone), 956 Irving, Astoria, stated there was no place to put a driveway on the property. She has always parked in front of her home. She owns a large truck and the street is wide enough for on-street parking. She did not believe there would be any problems with traffic or visibility. In the summer, her neighbors often have visitors who park on the street. The church parking lot on the corner gets full when there are weddings, but most nights she is the only one parking on the street. She understood the parking requirement came with the dwelling unit permit, which was fine.

President Fitzpatrick called for any testimony in favor of the application

Janet Miltenberger, 877 10<sup>th</sup> Street, Astoria, said her house was directly to east of the Applicant's property. She supported the Staff report and confirmed that no one besides the Applicant parked on the block, except when the church had a wedding. A vacant lot is across the street and the three other properties on that block of Irving have off-street parking. People in her household had no reason to park on Irving because her house faces 10<sup>th</sup> Street and she has a double car garage and an off-street parking pad. The two houses west of the Applicant's property both have long driveways that provide off-street parking. The Applicant has the only property on the block without access to off-street parking and she did not believe the variance would ever cause a traffic or safety issue.

Earl Dawley, 8561 Grand Avenue, Astoria, stated that the additional small housing units in Astoria are extremely important. It is apropos for the City to understand that some changes are necessary to increase the capability of housing people in Astoria. This variance would result in a very minor alteration to the normal aspects of his living situation and he hoped City Council understood the community had to move forward with providing more living situations for people.

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

Commissioner Mitchell said the variance would provide a good opportunity for worker or student housing. Astoria has a lot of old houses that were built before households had two or three cars. On this block, she believed the vacant lot across the street would be developed but would likely have off-street parking required. Irving is a collector street through that area, but the traffic is not busy and there is adequate room on the street. She supported the request.

Commissioner Cameron-Lattek stated she supported the application. The variance would result in a low impact and for a very good reason. It was important to support this type of housing. Commissioner Henri agreed

Vice President Easom said he had no problems with the application. When his company previously managed this property, a number of people lived there and there was never a parking issue.

Commissioner Herman stated she fully supported the application. In this case, it is good to look aside the parking requirements because parking is not an issue on this block. This would provide space for another apartment.

Commissioner Moore said he supported the request.

President Fitzpatrick stated he was concerned about setting a precedent. The house has no parking for the existing use, and when the now vacant school site is built, there may be some parking concerns. However, this type of housing is needed and it is likely that the type of tenant that would rent this unit may not have a car. It is important for the Commission to consider variance requests on a case-by-case basis because there are places where this would not work. However, he believed this variance would work for now.

Commissioner Moore moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Variance V17-05 by Cathy Frizzelle Smith; seconded by Vice President Easom. Motion passed unanimously.

President Fitzpatrick read the rules of appeal into the record.

President Fitzpatrick called for a recess at 7:35 pm. The Planning Commission reconvened at 7:40 pm and proceeded to Item 4(c).

REPORTS OF OFFICERS/COMMISSIONERS:

This Item was addressed immediately following Item 4(c).

There were none.

WORK SESSION:

This Item was tentatively rescheduled to the April 24, 2018 Planning Commission meeting.

STAFF UPDATES:

Planner Ferber briefly updated the Commission on items for the next meeting's agenda.

MISCELLANEOUS:

There were none.

PUBLIC COMMENTS:

There were none.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:09 pm.

**APPROVED:**

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

July 18, 2017

TO: ASTORIA PLANNING COMMISSION

FROM: MIKE MORGAN, INTERIM PLANNER

SUBJECT: CONDITIONAL USE REQUEST (CU18-02) BY TERRY'S PLUMBING, TO LOCATE A PLUMBING SHOP (CONTRACT CONSTRUCTION SERVICE) AT 415 GATEWAY STREET IN THE S-2 ZONE

**I. Background Summary**

- A. Applicant: Mike Oien (dba Terry's Plumbing)
- B. Owner: Port of Astoria  
10 Pier 1, Suite 308  
Astoria, OR 97103
- C. Location: 415 Gateway Street; Map T8N-R10 Section 13, Lot 100; Block B
- D. Zone: S-2, Shoreland Development Zone
- E. Lot Size: 52,272 SF (1.2 acres): Main Office: 4,000 SF; Warehouse: 4,000 SF
- F. Request: To locate a plumbing shop in an existing building at 415 Gateway Street.
- G. Previous Applications: A previous land use application was approved for the adjacent Shooting Stars Educational Facility in July, 2017.

**II. BACKGROUND**

A. Subject Property

The site is the former location of the local offices for the Oregon State Police. After OSP built a new facility in Warrenton in 2016, the property - which is owned by the Port of Astoria - has been vacant. It is located near the corner of Gateway and Portway Street. The property consists of the main office building on the east side of the lot and a warehouse to the west, which is also vacant. The property is





secured with chain link fencing, contains minimal landscaping at the front entry, and has off street parking and outdoor storage. The site is accessed by Gateway St near Portway and is located a block from the Riverwalk. Staff conducted a site visit on April 10.

The applicant currently operates of a location at 2095 Marine Drive. The proposed location will provide substantially more space for their operation.

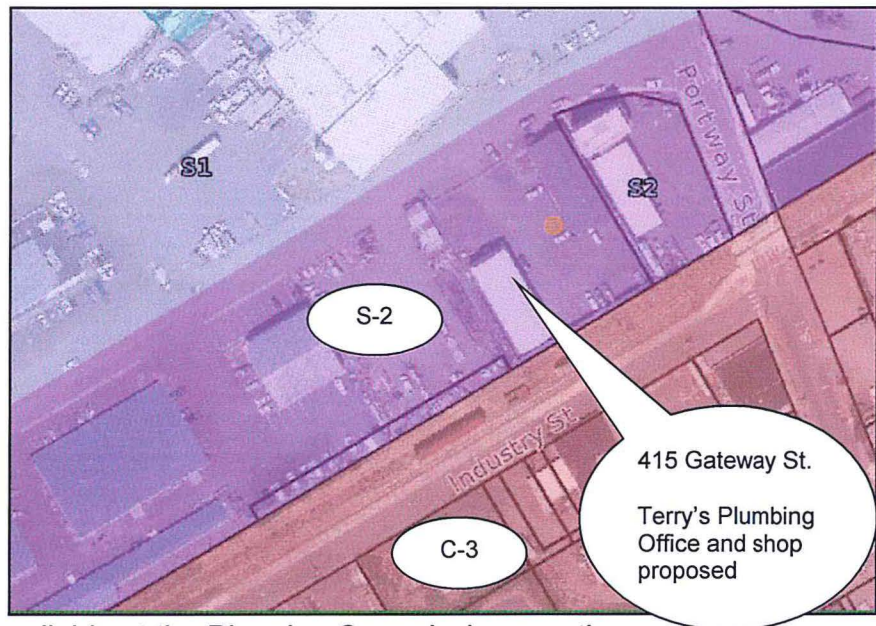
B. Adjacent Neighborhood

The neighborhood is located in the Port of Astoria holdings as part of the “Cargo” area developed with a variety of industrial and commercial uses. Bergerson Construction, Inc. is adjacent to the east and west, Bornstein Seafoods to the north, and to the south there are additional businesses on Industry Avenue. The Riverwalk runs parallel along Industry as well. The Young’s Bay trailhead and Maritime Memorial are the closest public parks. There are no residential uses in close proximity with the closest being on the south side of W Marine Dr.

The site is within the S-2 Shoreland Development zone, and is adjacent to C-3 General Commercial and S-1 Marine Industrial Shoreland.

III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 200 feet pursuant to Section 9.020 on April 2, 2018. A notice of public hearing was published in the *Daily Astorian* on April 17, 2018. No comments have been received at the time of this report. Written comments will be made available at the Planning Commission meeting.



IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

A. Section 2.685.2 lists “contract construction service” as a Conditional Use in the S-2 Zone, in accordance with Article 11 concerning Conditional Uses.

Finding: The proposed use is classified as a “contract construction service” because the applicant provides plumbing service on contract to residential and commercial property owners and is a licensed plumbing contractor. “Contract

Construction Service” is not specifically defined in Article 1.4 definitions, but is listed as a conditional use in the S-2 Zone. As a result, the application is being reviewed as a Conditional Use.

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

Section 7.100 requires one space per 1000 SF of gross floor area for “industrial service”.

Finding: The proposed use will be located in an existing vacant commercial structure. The facility will operate with up to 12 employees. The parking requirement for the use is based on gross square footage. At 4,102 SF, the facility is required to have five (5) spaces. A total of six parking spaces are currently available in the parking lot adjacent to the building, plus several inside the building depending on the storage of other materials. The parking requirement has been met.

Loading will occur in the parking lot area or inside the building, which has a number of roll up doors.

Per Article 7.105, bike parking spaces shall be provided for a change of use. Commercial spaces require one (1) bike space per primary use. The building has sufficient space indoors for bike storage.

- 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. CP.200.1, Economic Development Goal 1 and Goal 1 Policies, states that *“The City of Astoria will strengthen, improve, and diversify the area's economy to increase local employment opportunities. 1. Encourage, support, and assist existing businesses.”*

Finding: The applicant operates an existing plumbing business on Marine Drive which it has outgrown. The relocation will provide an increase in employment opportunities and assist an existing business to expand.

Finding: The request 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 proposed use is an appropriate use of an existing vacant building. The applicant has operated the business in a different location without any issues known to staff and is proposing to expand. The location is near W. Marine Drive, which provides easy access for customers and employees, and within a major employment center. However, few customers come to the site since plumbers generally go out to other locations for their work.

Regarding the availability of other sites in Astoria, there are few commercial spaces available that meet the applicant's criteria, including appropriate zoning. The applicant has been utilizing the basement of an existing building near the Seafood Center which is inadequate for their purposes.

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

Finding: The site layout, which is included as an attachment, allows for access by employees and deliveries within the fenced area separate from the Shooting Stars day care center next door.

Shooting Stars has fenced off the play area south of their building at 413 Gateway, which will provide safety for the children during outdoor play time. Solid waste and recycling facilities will be located adjacent to the north end of the building with easy access for Recology service. The waste area shall be enclosed/screen.



However, Gateway Avenue, which is managed by the Port of Astoria, is not built to a city standard, and does not have sidewalks. The Port does not have an immediate plan to improve its internal street infrastructure.

In addition to fifteen employees, traffic will be generated by delivery trucks bringing supplies to the building. The business has 10 service vans, which typically come and go to the site throughout the day depending on the length of the project. Two employees are in the office throughout the day. Parking that cannot be accommodated on site will utilize the on street parking along Gateway.

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, including a new stormwater treatment facility installed by the Port. As with all new or increased businesses and development, there would be incremental impacts to police and fire protection but it would not overburden these services.

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: Interior improvements will be required for a change of occupancy, however no new construction is proposed, and the site is not within 100' of a known geologic hazard as indicated on the City map. Proposed landscaping will be installed in above ground planter boxes.

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 potential use of an already developed area for internal parking, circulation, and access. No landscaping plan was submitted by the applicant. Although the parking standards require 5% of the parking lot be devoted to landscaping, it is felt that since it is an existing use and existing parking lot, the minimal change of use (State Police office and storage to plumbing shop office and storage) does not trigger the addition of new landscaping. The building official does not consider this a change of use. The applicant is encouraged to incorporate planter boxes or landscaping.

No additional lighting is proposed on site since the former tenant installed adequate lighting.

## 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. Any signage at the site shall be submitted to the Community Development Department for review and approval.
2. The applicant shall furnish a copy of an executed lease for the property.
3. The applicant shall work with the Port of Astoria on a plan to improve Gateway Avenue that includes curbs, delineated on street parking, and sidewalks. The Port will be responsible for determining the timing and funding mechanism.
4. The applicant shall submit a plan to enclose the trash area 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:

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

### **Exhibits**

CU 18-02 Application with site plan



CITY OF ASTORIA  
 Founded 1811 • Incorporated 1856  
 COMMUNITY DEVELOPMENT

Fee Paid Date 3/8/18 By lf  
visa Fee: \$500.00

No. CU 18-03

pd \$150  
 pre-ap  
 3/29/18  
 VISA

**CONDITIONAL USE APPLICATION**

Property Address: 415 Gateway

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

Map 8-10-13 Tax Lot 100 Zone S2

Applicant Name: Mike Owen

Mailing Address: 2095 Marine Dr Astoria, OR 97103

Phone: 503-325-5180 Business Phone: 503-440-5338 Email: mike@terrysplumbingllc.com

Property Owner's Name: Port of Astoria DALLENE @ "ST"

Mailing Address: \_\_\_\_\_

Business Name (if applicable): Terry's Plumbing LLC

Signature of Applicant: [Signature] Date: 3/6/18

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

Existing Use: warehouse / storage

Proposed Use: Plumbing Contractor (Retail?) Service Plumber

Square Footage of Building/Site: 4,102

Proposed Off-Street Parking Spaces: 11,000

**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.

<i>For office use only:</i>			
Application Complete:		Permit Info Into D-Base:	
Labels Prepared:		Tentative APC Meeting Date:	<u>4/24/18</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.

*great location for port employees to access for Plumbing need*

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

*It won't affect any of the above stated items.*

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.

*n/a no construction being done.*

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

*n/a*

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

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*It wont affect any of the Above stated items.*

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*n/a no construction being done.*

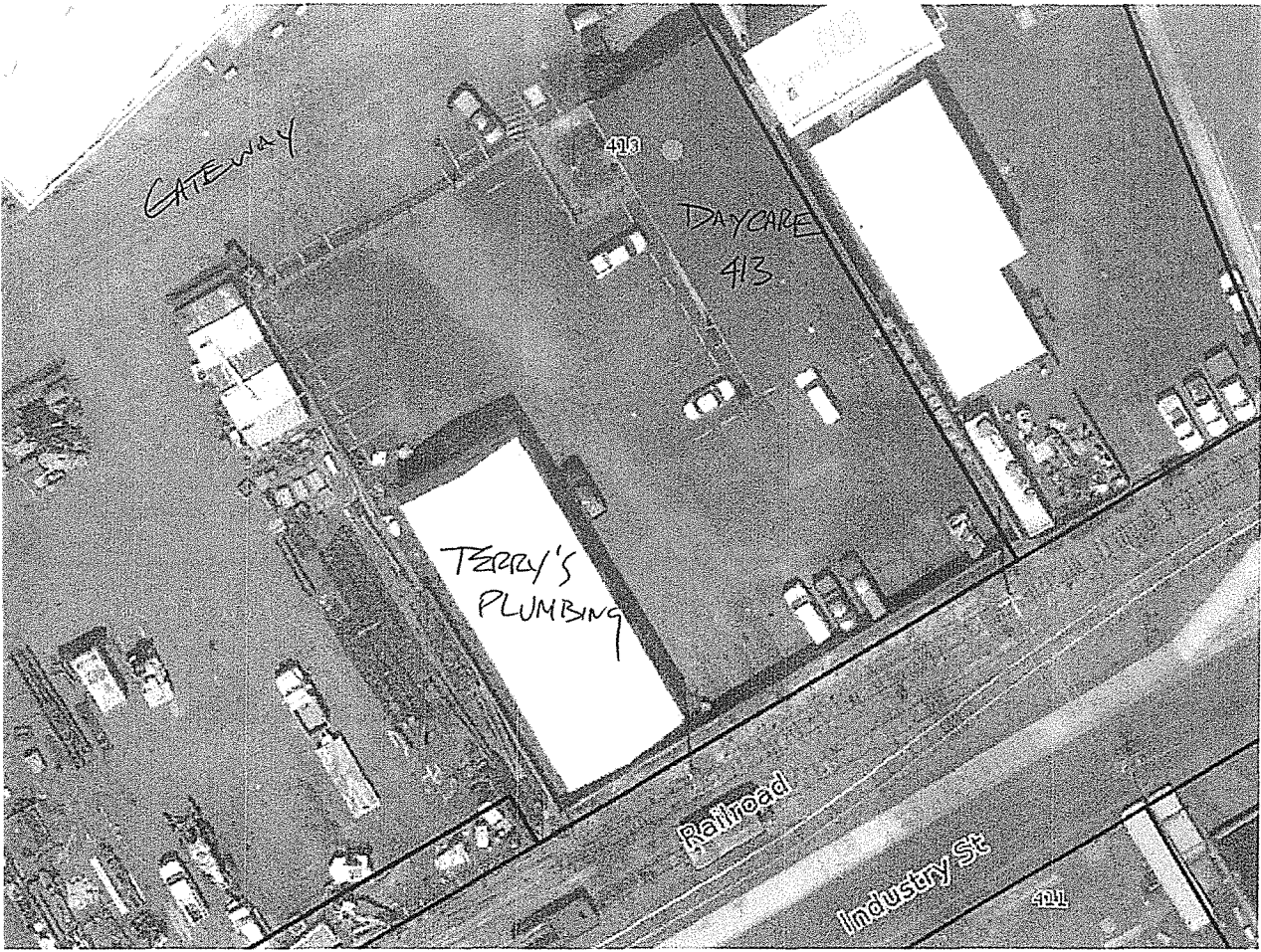
11.030(A)(5) The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.

*n/a*

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







GATEWAY

413

DAYCARE  
413

TERRY'S  
PLUMBING

Railroad

Industry St

411

STOP

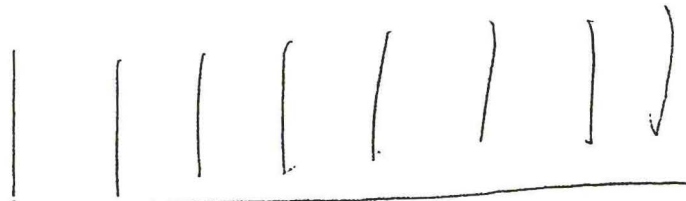
CITY OF ASTORIA  
MAR - 9 2018  
BUILDING CODES

Parking 11  
employee

customer parking

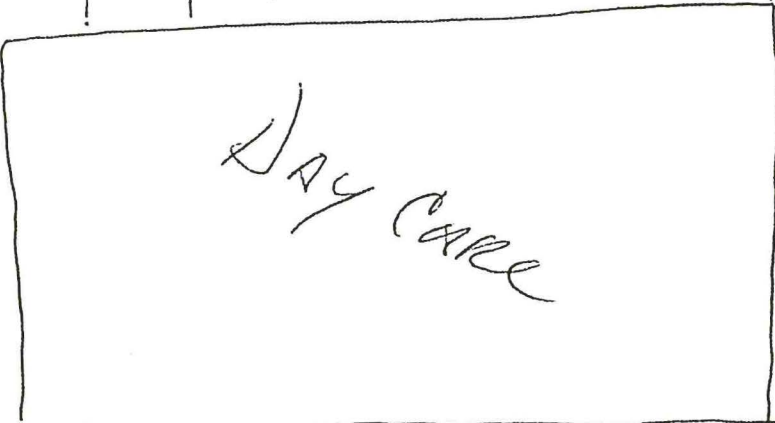
door door door door

Dumpster Pipe Rack



415 Gateway Proposal

Jarlene  
325.5108 (w)  
791.5770 (cell)



Gateway Ave

# 415 gateway



**DISCLAIMER** The unalike information provided within this GIS application comes to you from City of Astoria, Oregon. This GIS application is not an official source of information, nor is it your own risk. The spatial data contained within this GIS application do not originate from Chicago County, and Chicago County does not have any responsibility for its content or use. GIS applications that the are intended for a visual display of data and do not carry legal authority to determine a boundary or the location of land works, including permits of land and are intended as a reference only. This GIS application cannot be used as a substitute for a professional land survey or other form of information. Therefore, this GIS application cannot be used as a substitute for a professional land survey or other form of information. Contact the Chicago County Assessor's Office to obtain detailed information regarding County tax records. Contact the City of Astoria regarding all other information available through this GIS application. By using this GIS application at a source of information, you must agree to accept any liability and indemnify the City of Astoria, Oregon from any and all claims, damages, losses or expenses, including reasonable attorneys' fees, that may be incurred by you or your organization as a result of your use of this GIS application. City of Astoria, Oregon assumes no liability for any decisions made or actions taken or not taken by the user of this GIS application. City of Astoria, Oregon assumes no liability for any decisions made or actions taken or not taken by the user of this GIS application.



**S-2: GENERAL DEVELOPMENT SHORELANDS ZONE**

2.675. PURPOSE AND AREAS INCLUDED.

The purpose of the S-2 Zone is to provide an area where a mixture of industrial, commercial, residential, public and recreational uses can locate. Uses which are water-dependent or water-related and other uses which would benefit from a water-front location are preferred. The S-2 Zone includes areas less suitable for marine-oriented uses than the S-1 Zone, such as shoreland areas with limited backup land.

2.680. PERMITTED USES.

The following uses and activities and their accessory uses and activities are permitted in the General Development Shorelands Zone, subject to the provisions of 2.690, Development Standards and Procedural Requirements.

- \* 1. Charter fishing office.
- 2. Cold storage and/or ice processing facility.
- \* 3. Marina and high intensity water-dependent recreation.
- 4. Marine equipment sales establishment.
- \* 5. Petroleum receiving, dispensing and storage for marine use.
- 6. Seafood receiving and processing.
- 7. Ship and boat building and repair.
- 8. Maintenance and repair of existing structure or facility.
- 9. Navigation aide.
- 10. Temporary dike for emergency flood protection subject to State and Federal regulations.
- 11. Shoreline stabilization.
- 12. Public park or recreation area.
- 13. Water-dependent industrial, commercial and recreational use.

City of Astoria  
Development Code

S-2 Zone

- \* 14. Manufactured Dwelling in an approved park.
- 15. Transportation facilities.  
(Section 2.680.15 added by Ordinance 14-03, 4-21-14)
- \* Not permitted at South Tongue Point.

2.685. CONDITIONAL USES.

The following uses and activities and their accessory uses and activities may be allowed as Conditional Uses when authorized in accordance with Article 11, Conditional Uses, and when they meet the provisions of 2.690, Development Standards and Procedural Requirements.

- 1. Active restoration/resource enhancement.
- \* 2. Automobile sales and service establishment.
- 3. Contract construction service establishment.
- 4. Educational establishment.
- \* 5. Gasoline service station.
- 6. Housing which is secondary to another permitted use, such as security guard's or proprietor's quarters.
- 7. Log storage/sorting yard.
- \* 8. Manufactured Dwelling Park which satisfies requirements in Section 11.120.
- \* 9. Single-family residence where such use occupies no more than 25% of a structures gross floor area.
- \* 10. Multi-family dwelling.
- 11. Public or semi-public use.
- 12. Utility.
- 13. Business service establishment.
- 14. Communication service establishment.

City of Astoria  
Development Code

S-2 Zone

15. Personal service establishment.
16. Professional service establishment.
17. Repair service establishment.
18. Research and development laboratory.
19. Shipping and port activity.
20. Wholesale trade, warehouse, and/or distribution establishment (including trucking terminal).
21. Eating and drinking establishment.
22. Retail sales establishment.
- \* 23. Hotel, motel, inn, bed and breakfast.
- \* 24. Indoor amusement, entertainment and/or recreation establishment.
25. Wood processing.
26. Light manufacturing.
27. Temporary use meeting the requirements of Section 3.240.
28. Water-related industrial, commercial and recreational uses.
- \* 29. Conference Center.  
*(Section 2.685(29) added by Ordinance 94-06, 6-6-94)*
- \* Not permitted at South Tongue Point.

2.690. DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS.

1. All uses will satisfy applicable Columbia River Estuary Shoreland and Aquatic Area Use and Activity Standards in Article 4. Where a proposal involves several uses the standards applicable to each use shall be satisfied.



City of Astoria  
Development Code

S-2 Zone

2. Outdoor storage areas will be enclosed by appropriate vegetation, fencing or walls.
3. All uses will comply with access, parking, and loading standards in Article 7.
4. When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure.
5. Signs will comply with requirements in Article 8.
6. No structure will exceed a height of 28 feet above grade, except for those areas between the 15th and 21st Street right-of-ways, and between the 5th Street right-of-way and the Astoria-Megler Bridge. In these two areas no structure shall exceed a height of 45 feet above grade.
7. Commercial and recreational facilities having a tourist orientation shall be designed to take maximum advantage of river views.
8. Uses which are non-water-dependent, non-water-related or which otherwise derive no benefit from a waterfront location and which have frontage on the water shall provide a landscaped buffer along the waterfront.
9. Whenever possible all structures shall be designed and orientated to maintain views of the river from public rights-of-way.
10. Uses in this zone which are water-dependent or water-related must meet the criteria for water-dependent uses (Section 4.220(A)), or for water-related uses (Section 4.220(B)).
11. Accessory structures in the General Development Shorelands Zone are limited in size to a maximum of 10% of the lot or parcel size.

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REVISED STAFF REPORT AND FINDINGS OF FACT

April 19, 2018

TO: ASTORIA CITY COUNCIL

FROM: MIKE MORGAN, INTERIM PLANNER

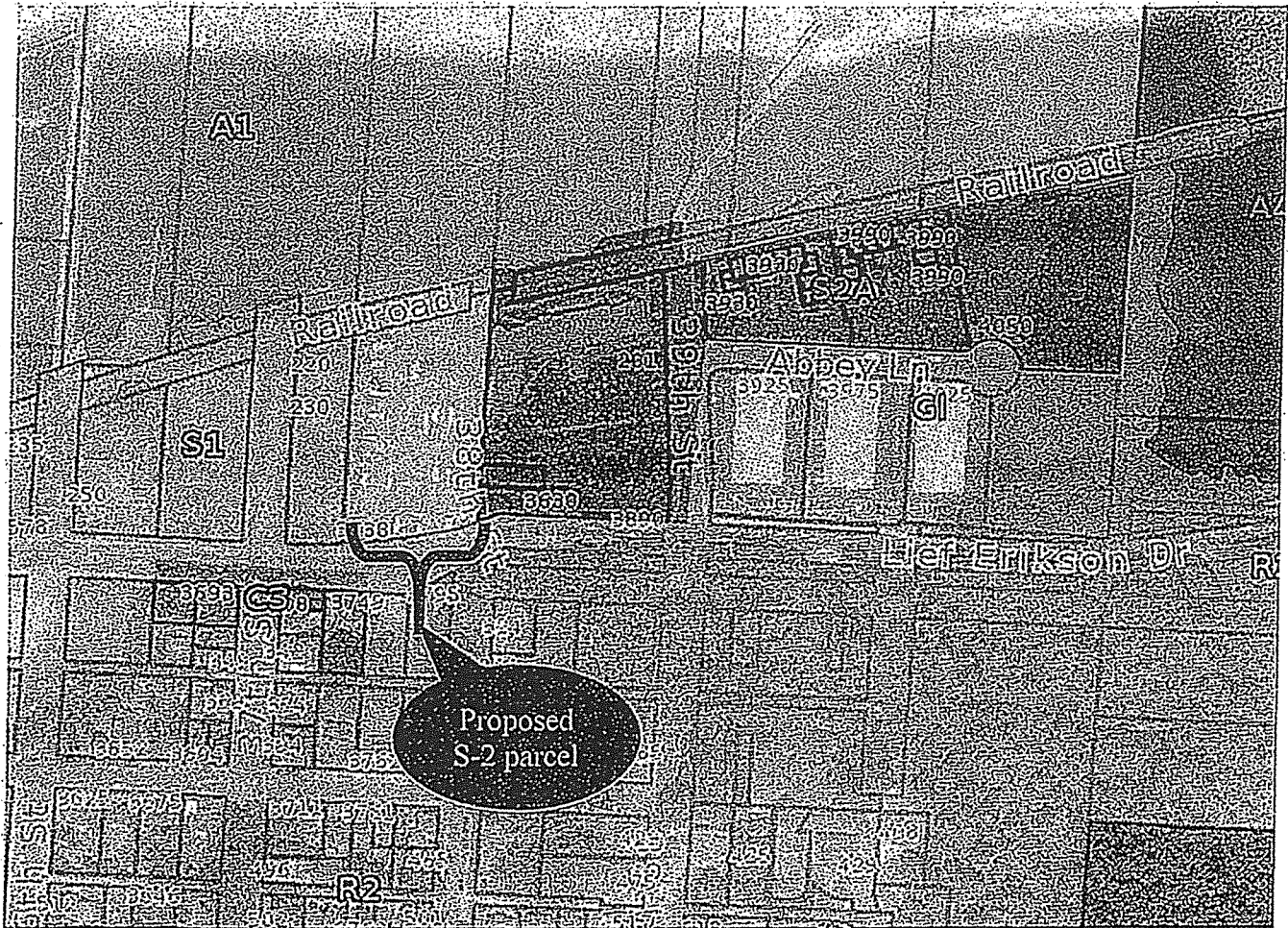
SUBJECT: AMENDMENT REQUEST (A17-03) BY KEVIN CRONIN, CONSULTANT, FOR A MAP AMENDMENT FROM S-1, MARINE INDUSTRIAL, TO S-2, GENERAL SHORELANDS TO FACILITATE ADDITIONAL NON MARINE RELATED DEVELOPMENT.

### SUMMARY

- A. Applicant: Kevin Cronin, Consultant, on behalf of Sameer Sharma, property owner
- B. Request: To amend the zoning map at 3738 Lief Erikson Drive from S-1 to S-2.
- C. Owner: Sameer Sharma
- D. Location: 38th and Lief Erikson Drive, formerly a campground/RV park just west of Hampton Inn.
- E. Zone: S-1 Map 898AC tax lot 200, Lots 3,4,5,6, east 50" of lots 2&7, Block 1, and unplatted portion of frontage to block 1, Adair's Port of Upper Astoria, and vacated portions of 38th Street and midblock alley.
- F. Previous Applications: None

### I. BACKGROUND

The property was formerly a campground/RV park owned by various parties. After purchase by the owners of the Hampton Inn, the transient use was discontinued and it is now vacant. A summary table of the S-1 vs. S-2 uses can be found as Attachment 1. In addition, the property lies within the Gateway Overlay Zone and Civic Greenway Overlay Zone.



III. PUBLIC REVIEW AND COMMENT

Planning Commission

A public notice was mailed to surrounding property owners and interested parties on March 5, 2018. In accordance with Section 9.020, a notice of public hearing was published in the *Daily Astorian* on March February 26, 2018. The proposed amendments are quasi-judicial since they apply to a specific and discreet area. The Department of Land Conservation and Development received the required 35 day notice on February 9, 2018.

#### IV. FINDINGS OF FACT

##### A. AUTHORIZATION TO INITIATE AMENDMENTS

3

An amendment to a zone boundary may only be initiated by the City Council, Planning Commission, the Community Development Director, or the owner or owners of the property for which the change is proposed.

Finding: The proposed amendment to the Development Code is being initiated by the applicant, Kevin Cronin, Planning Consultant, on behalf of Sameer Sharma, the property owner.

##### B. Quasi-judicial Amendments.

The following amendment actions are considered quasi-judicial under this Code:

1. A zone change that affects a limited area or a limited number of property owners.

Finding: This is a limited area of 2.13 acres. Twenty surrounding properties were noticed for this amendment.

#### 10.060. PROCEDURES.

Public notice and procedures of zoning amendments shall be in accordance with Article 9.

Finding: All procedures of Article 9 have been followed.

#### 10.070. AMENDMENT CRITERIA.

##### B. Map Amendment.

Before an amendment to a zone boundary is approved, findings will be made that the following criteria are satisfied:

1. The amendment is consistent with the Comprehensive Plan.
2. The amendment will:
  - a. Satisfy land and water use needs; or
  - b. Meet transportation demands. The amendment shall be reviewed to determine whether it significantly affects a transportation facility pursuant to Section -0060 of Oregon Administrative Rule (OAR) 660-012, the Transportation Planning Rule (TPR). When the City, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant effect on a transportation facility, the City shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law; or
  - c. Provide community facilities and services.
3. The land is physically suitable for the uses to be allowed, in terms of slope, geologic stability, flood hazard and other relevant considerations.
4. Resource lands, such as wetlands are protected.

5. The amendment is compatible with the land use development pattern in the vicinity of the request.

4

Findings: The proposed amendment is to amend the map of the Astoria Development Code to facilitate the construction of unspecified development. The request is to convert 2.13 acres from S-1 to S-2. The applicant states that the current zoning, Marine Industrial Shorelands, is too restrictive in terms of uses allowed, and an "upzone" will enable the owner to market the property to a wider variety of users. The applicant states that "Marine uses are not in demand due to many global economic factors...marine lands are dormant or have been converted to serve other more viable uses such as the Englund Marine Warehouse (Mo's Chowder), Buoy Beer (Bornstein Seafood), Pier 11 and Pier 12." Attachment 1 is the complete application narrative submitted by the consultant.

The major areas of S-1 lands in the City are the Port Docks at the west end of Astoria, the East Mooring Basin adjacent to this site, and Tongue Point. Attachment 2 identifies the acreage in these areas and the changes that have occurred over the years. Current and future marine dependent industries that require large land and water areas such as shipping, ship and boat repair, marinas and similar activities are likely to be concentrated in these areas.

Goal 17 (OAR 660-37) requires the City of Astoria to calculate the minimum acreage of especially suited for water dependent shorelands and implement measures to protect an area equal to or greater than the minimum acreage requirement. As shown on Attachment 2, the City currently has 170.24 acres of S-1 lands. The Comprehensive Plan section CP.025.4 requires that 125 acres are the minimum amount of acreage required to be protected for water dependent use within the estuary shoreland units. A request to rezone shorelands designated for water dependent use will require a demonstration by the applicant that at least the minimum acreage of 125 acres will remain designated for water dependent use. The removal of 2.13 acres from 170.24 acres leaves 168.11 acres, which is 43.11 acres above the minimum acreage required by the Comprehensive Plan and State law.

It should be noted that Clatsop Community College is in the process of acquiring the South Tongue Point area which contains 55 acres of lands designated S-1. The primary purpose of acquiring the land from Department of State Lands is for habitat restoration. If all 55 acres were to be rezoned it would reduce the number of acres to less than the 125 acres required by law.

However, in discussions with CREST staff, who are assisting CCC in acquiring the area from DSL, no more than 30 acres would be used for restoration and need to be rezoned. The balance could remain S-1 indefinitely, leaving approximately 138 acres.

*The land is physically suitable and contains no wetlands or resource lands, but the Planning Commission noted that in order to establish consistency with the Riverfront Vision Plan, more specific details about the proposed uses are needed.*

Surrounding uses include the Hampton Inn hotel to the east, the Columbia River and East Mooring Basin to the north, undeveloped Port property to the west, and Lief Erikson Drive to the south. Since no uses are proposed at this time it is not

possible to determine compatibility with the surrounding uses.

However, since all development proposals would be evaluated under the Gateway Overlay Zone, the Civic Greenway Overlay Zone or through the conditional use process, compatibility can be determined at that time.

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

Finding: The Comprehensive Plan and Development Code establish specific uses allowed in each zone.

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

CP. 015(2) concerning General Land and Water Use Goals states that *"It is a goal of the plan to encourage the development of public and private lands within the city limits, particularly areas that are presently serviced with sewer and water, prior to the extension of public facilities to areas outside the City."*

Finding: The property has been vacant or underutilized for many years, and is in an area that has seen significant redevelopment in the last decade, including Cannery Lofts and Hampton Inn. The site is fully serviced by sewer, water, storm drainage and other utilities. However, no development proposal has been presented to evaluate the impact on public facilities and services.

Statewide Planning Goal 12 concerning Transportation requires that cities review transportation related issues when considering land use amendments. Oregon Administrative Rules (OAR) Section 660-012-0060(1) concerning Transportation Planning Rule (TPR) - Plan and Land Use Regulation Amendments stated that "Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in Section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. . ."

Finding: A traffic impact study has not been prepared since no development is proposed at this time. The Astoria TSP recommends an extension of Abbey Lane connecting 35th and 39th Streets. This is consistent with the extension of an easement across the Hampton Inn parking lot which would provide access to the subject parcel. When development is proposed for the site the City may require a continuation of

the easement to accomplish this goal if feasible in order to prevent multiple access points along US 30. Although the entrance to 38<sup>th</sup> Street is still in existence, it is the opinion of the City Engineer that no changes are needed at this time. When a development proposal comes forward, consideration could be given to whether or not to allow the entrance to the vacated portion of 38th Street to remain as an emergency access or some other valid purpose. 6

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

Finding: The City conducted a Buildable Lands Inventory (BLI) which was adopted in 2011. The report concluded,

"A comparison of need and supply of industrial and other employment lands indicates an overall surplus of approximately 6.7 acres of employment land. While there is sufficient land for industrial uses, there is a deficit of land zoned for commercial and particularly retail use. However, a portion of the land identified as "Other" can accommodate specific commercial, industrial, and high-density residential development and help meet the need for additional commercial land." <sup>1</sup>

The proposed map amendment would remove approximately 2.13 acres from the S-1 zone and transfer it to the S-2 zone.

## V. CONCLUSION AND RECOMMENDATION

1. The Planning Commission determines that the proposed map amendment from S-1 to S-2 is inconsistent with the Riverfront Vision Plan at this time since there has not been a development proposed.
2. The Planning Commission recommends to the City Council that the map amendment be denied at this time. At such time that the Port of Astoria and other owners complete a master plan (East Basin Plan), the City may consider an amendment at that time.

FINDINGS OF FACT SUBMITTED BY THE APPLICANT

Attachment 1:

Proposed Zone Change by Tax Lot

Owner	Tax Lot	Square Feet (SF)	Acres
Pier 38 Marina & RV Park, LLC	200	92,657	2.13

B. Map Amendment

Before an amendment to a zone boundary is approved, findings will be made that the following criteria are satisfied:

The amendment is consistent with the Comprehensive Plan:

The proposed amendment from S-1 Marine Industrial Shorelands to S-2 General Development Shorelands is a slight upzone in allowed development uses for the property. It combines the allowed marine related uses from S-1 under the "Permitted Category" (Type 1) and allows other marine uses and additional compatible uses under the "Conditional Use" category. Marine uses are not in demand due to many global economic factors. Most marine lands are dormant or have been converted to serve other more viable uses such as the Englund Marine Warehouse (Mo's Chowder), Buoy Beer (Hornstein Seafoods), and Pier 11 (Multi-tenant Bldg) and Pier 12 (Baked Alaska/Multi-tenant Bldg). The proposal rebalances the need for more flexibility in attracting more viable and compatible development on "employment lands" with the need for neighborhood protection and public process by utilizing a future application under the conditional use permit (Type 3) process. By allowing an upzone, the property owner can market the property for uses that are strategically aligned to achieve current Comprehensive Plan policies and objectives. From a quantitative perspective, the upzone from S-1 to S-2 does not impact the City's compliance with Goal 17 for Coastal Shorelands because it is within the same general shoreland category and does impact the lack of commercial land that was identified in the commercial land inventory as part of the "Economic Opportunities Analysis" (EOA) that was completed in 2017. The EOA provided the baseline analysis for Advance Astoria: Five Year Economic Development Strategy. The City Council adopted a Comprehensive Plan Economic Development amendment in July 2017 that recognized changes to the local economy since the Plan was adopted or substantially revised and set new policies for growing a more sustainable local economy solely based on tourism.



This zone change request is consistent with the new Economic Element of the Comprehensive Plan because the types of uses allowed in the S-2 are more aligned with the new strategies to attract the industry sectors identified in the five “batch” strategies. For example, “research and development laboratory” is a conditional use in the S-2 that fits perfectly with the Research & Development batch strategy to attract more outside private investment from research based institutions to grow more, high paying, professional jobs in Astoria. Below is a table that summarizes the allowed and conditional uses between the existing and proposed zone:

S-1 Permitted	S-1 Conditional	S-2 Permitted	S-2 Conditional
Water dependent uses	Retail trade for water dependent uses	Charter fishing office, cold storage, ice processing, marine sales	Auto sales, gasoline service, retail sales
Water related uses	Eating & drinking related to water dependent uses	Seafood processing and boat building/repair	Eating and drinking, contract construction facility, business, personal, repair, educational, research and development lab, and professional service offices, water related uses
	Water related recreation	Water related recreation and public park	Public/semi-public uses, utility
	Non-water as accessory to water related	Manufactured dwelling in an approved park	Manufactured dwelling park, multi family dwelling
	Non-water in underutilized buildings		Shipping and wholesale trade/distribution
			Hotel, conference center, and indoor family entertainment
			Wood processing and light manufacturing

The above table clearly illustrates the differences between the zones and why it's important to upzone to allow the types of uses and business sectors that are envisioned in the revised Economic

Element. The property owner will be able to effectively market the property to prospective buyers and/or developers who can attract the type of tenants consistent with the City's economic development strategy. It's important to note that all future conditional uses listed under the S-2 Zone will require a public hearing.

1. *The amendment will:*

a. *Satisfy land and water use needs, or:*

The zone change request does not alter future land and water use needs because the request does not include a development proposal. The land is already located within the city with all utilities readily available to meet future demand. The only exception is a high water intensive use such as seafood processing which would require a water demand analysis and review by the Public Works Department.

b. *Meet transportation demands; The amendment shall be reviewed to determine whether it significantly affects a transportation facility pursuant to Section -0060 of Oregon Administrative Rule (OAR) 660- City of Astoria Development Code 10.080 Article 10 - Page 3 (Adopted 10-8-92) 012, the Transportation Planning Rule (TPR). When the City, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant effect on a transportation facility, the City shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law; or*

The zone change request does not propose to alter the existing road system. The proposal is located between 37th and 38th St with access to US 30 (Leif Erikson Drive) from 39th St. According to city records, 38th St was vacated so a new private access would be required if access was needed directly from the highway. Alternatively, access can be gained from 39th St and an existing shared internal access from the adjacent property (Hampton Inn). When development is proposed, internal circulation will be analyzed to ensure integration with the public street system. The Transportation System Plan (TSP) identifies Leif Erickson as an arterial owned and operated by the Oregon Department of Transportation (ODOT). The TSP does not identify the need for new local streets to service the proposed area. The traffic impacts would be minimal based on a policy level review of the TSP, and a review of the ITE Standards (9th Edition) for traffic generation based on a comparison of land use categories and Development Code uses. The largest potential traffic generator in the S-2 Zone would be a gas station/ convenience market, which is a conditional use. This use would generate just under 51 trips per 1,000 SF of building. Most stores are less than 1,000 SF so the impact would

be minimal. If the site does indeed develop, then the proposed uses can be evaluated more closely for traffic impacts and a traffic analysis would be warranted based on the proposed intensity of the development. Therefore, based on the conclusions above, this standard is met.

*c. Provide community facilities and services:*

It is not known at this time what development will occur at the site. The proposal will allow more uses to occur subject to a conditional use permit.

*2. The land is physically suitable for the uses to be allowed, in terms of slope, geologic stability, flood hazard, and other relevant considerations.*

There are no slope, geologic or other considerations that are known at this time based on a review of the GIS database. The subject area is located adjacent to the Columbia River and could be impacted by a future flood. All development proposals will be reviewed to establish a base flood elevation and how it relates to the 100 year floodplain.

*3. Resource lands, such as wetlands are protected.*

There are no known resource lands with the exception of the riparian area along the Columbia River. No development is proposed at this time. All future development will be reviewed to understand the potential impacts to the estuarine resources.

*4. The amendment is compatible with the land use development pattern in the vicinity of the request.*

The amendment is compatible with the land use pattern adjacent to the proposed area which is characterized as tourist oriented (hotel), local services, business offices to the east (39th St business park), and another hotel to the west. The subject property is predominantly vacant with the exception of the former OSU Seafood Lab site, which has been vacant for years. The Port of Astoria is in the process of acquiring full rights to the property from the State Higher Education Office (Oregon State University). The Columbia River lies due north and US 30 is south of the subject properties. The only residential area in the vicinity is the Cannery Loft Condos located above commercial spaces in a mixed use building adjacent to the Hampton Inn on Abbey Lane.

*Statewide Land Use Planning Goal 17 Shorelands - Findings of Fact.*

Based on a review of Goal 17 lands conducted by the City of Astoria, the City has 186.5 acres of S-1 lands (ESWD) and is well over the required amount of 125 minimum amount that was established in the Comprehensive Plan (ORD 02-05). The proposal is just over 2 acres and does not jeopardize the city's land inventory. The Planning Commission and City Council has wide discretion in rezoning S-1 lands to meet Comprehensive Plan goals and objectives and in this case the recently amended Economic Element to implement Advance Astoria. Standard is met.

City of Astoria  
Development Code

S-2A Zone

**S-2A: TOURIST-ORIENTED SHORELANDS ZONE**

2.700. PURPOSE AND AREA INCLUDED.

This district is intended to provide for mixed-use tourist oriented development that retains and takes advantage of the working waterfront character of the area. The uses permitted are intended to be compatible with pedestrian orientation. The emphasis is on the rehabilitation and reuse of existing structures.

2.705. PERMITTED USES.

The following uses and activities and accessory uses and activities are permitted in the Tourist Oriented Shoreland Zone, subject to the provisions of 2.715. Development Standards and Procedural Requirements.

1. Tourist oriented retail sales establishment.
2. Eating, drinking and entertainment establishment without drive-through facility.
3. Specialized food store, such as bakery, delicatessen and seafood market.
4. Hotel, motel, inn, bed and breakfast, and associate uses.
5. Personal service establishment, excluding funeral homes.  
*(Section 2.705(5) amended by Ordinance 12-11, 11-5-12)*
6. Indoor family-oriented amusement, entertainment and/or recreation establishment.
7. Theater.
8. Seafood receiving and processing.
9. Small boat building and repair.
10. Boat and/or marine equipment sales.
11. Park and museum.
12. Shoreline stabilization.
13. Navigation aide.
14. Conference Center.  
*(Section 2.705.14) added by Ordinance 94-06, 6-6-94)*

City of Astoria  
Development Code

S-2A Zone

15. Transportation facilities.  
(Section 2.705.15 added by Ordinance 14-03, 4-21-14)

2.710. CONDITIONAL USES.

The following uses and activities and their accessory uses and activities may be permitted in the Tourist-Oriented Shoreland Zone as Conditional Uses when authorized in accordance with Article 11, Conditional Uses. These uses and activities are also subject to the appropriate provisions of Section 2.715, Development Standards and Procedural Requirements.

1. Arts and crafts studio.
2. Commercial or public parking lot.
3. Multi-family dwelling.
4. Non-tourist oriented retail sales establishment.
5. Professional and business office.
6. Public or semi-public use appropriate to and compatible with the district.
7. Repair service establishment, not including automotive, heavy equipment, or other major repair service.
8. Temporary use meeting the requirements of Section 3.240.

2.715. DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS.

1. All uses will satisfy applicable Columbia River Estuary Shoreland and Aquatic Area Use and Activity Standards in Article 4. Where a proposal involves several uses the standards applicable to each use shall be satisfied.
2. Outdoor storage areas will be enclosed by appropriate vegetation, fencing, or walls.
3. Uses located between 8th and 14th Street are not required to provide off-street parking or loading. Uses located in other portions of the S-2A Zone shall comply with access, parking, and loading standards in Article 7.
4. Signs will comply with requirements in Article 8.

City of Astoria  
Development Code

S-2A Zone

5. No structure will exceed a height of 28 feet above grade, except for those areas between the extended 15th and 21st Street rights-of-way. In this area, no structure shall exceed a height of 45 feet above grade.

*(Section 2.715(5) amended by Ordinance 94-07, 7-18-94)*

6. Commercial and recreational facilities having a tourist orientation shall be designed to take maximum advantage of river views.
7. Uses in this zone which are water-dependent or water-related must meet the criteria for water-dependent uses (Section 4.220(A)) or for water-related uses (Section 4.220(B)).
8. New businesses with frontage on north-south oriented streets shall meet the following requirements:
  - a. To the extent possible, businesses which have frontage on both Marine Drive and north-south streets will locate the tourist oriented portions or functions to the north-south streets.
  - b. New or renovated storefronts will be designed to relate to existing adjacent businesses in terms of scale, color and use of materials.
  - c. Where appropriate, store front windows along north-south streets will be restored to "display window" condition.
  - d. The number of garage entry doors along the street will be kept to a minimum.
  - e. The Planning Commission may require landscaping, lighting, street furniture or other amenities as part of a renovation or new use.
9. Accessory structures in the Tourist-Oriented Shorelands Zone are limited in size to a maximum of 10% of the lot or parcel size.

EXHIBIT SHOWING PUBLIC ACCESS EASEMENT

DATE: 7/11/10

SCALE: 1" = 60'



REDEDICATED 39th ST.  
BOOK 722, PAGE 257

ABANDONED RAILROAD R/W

PIER 38 MARINA & RV PARK, LLC  
INST. #200708034

37' 37'  
E 06° 06' 00"  
N 00° 30' 30" E  
C/L VACATED 38th ST.

N 67° 59' N 10.60'

BLOCK 2  
1 2 3 4  
R = 100.00' ADAIR'S PORT OF UPPER ASTORIA  
Δ = 16° 55' 00"  
L.C. = S 83° 33' 30" E

29.42' 13.13' 581° 01' W 253.03' 13.13'  
EASEMENT  
29.53' S 75° 06' W 38.10'

P.O.B.

END  
ESMT.

VACATED ALLEY

37' 37'

LIEF ERIKSON DR.

B 7 6 5



**CITY OF ASTORIA**  
 1095 Duane Street  
 Astoria OR 97103  
 503-338-5183

A ~~17-02-03~~

Fee Paid Date 12/8/17 By NS # 8128  
 Fee: \$750.00

**AMENDMENT**

Property Address: 3738 LIEF ERIKSON DRIVE

Lot 200 Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Map 80909 AC Tax Lot 200 Zone S-1

Code or Map to be Amended: S1-S-2

Applicant Name: KEVIN A. CRONIN, AICP

Mailing Address: 726 7TH ST ASTORIA OR 97103

Phone: 503 984 6489 Business Phone: \_\_\_\_\_

Property Owner's Name: PIER 38 MARINA & RV PARK LLC.

Mailing Address: 12010 NE AIRPORT WAY PORTLAND OR 97220

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

Signature of Applicant: IC C.

Signature of Property Owner: Shanna

Proposed Amendment IS TO CHANGE THE ZONE FROM S-1 MARINE INDUSTRIAL TO S-2 GENERAL DEVELOPMENT SHORELANDS. PROPERTY IS CURRENTLY VACANT WITH A FORMER RV PARK OPERATING ON SITE. THERE IS NO DEVELOPMENT PROPOSAL ASSOCIATED WITH APPLICATION.

**For office use only:**

Application Complete:	Permit Info Into D-Base:
Labels Prepared:	Tentative APC Meeting Date:
120 Days:	



**FILING INFORMATION:** Astoria Planning Commission meets at 7:00 pm on the fourth Tuesday of each month. Applications must be received by the 20<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 the acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Planning Commission is recommended.

Briefly address each of the Amendment Criteria and state why this request should be approved. (Use additional sheets if necessary.)

A. Text Amendment (Please provide draft language of proposed text amendment)

Before an amendment to the text of the Code is approved, findings will be made that the following criteria are satisfied.

- 1. The amendment is consistent with the Comprehensive Plan.

N/A

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- 2. The amendment will not adversely affect the ability of the City to satisfy land and water use needs.

N/A

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B. Map Amendment (Please provide a map showing the proposed area to be amended.)

Before an amendment to a zone boundary is approved, findings will be made that the following criteria are satisfied:

- 1. The amendment is consistent with the Comprehensive Plan:

See attached

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- 2. The amendment will:

- a. Satisfy land and water use needs; or

See attached

---

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- b. Meet transportation demands; or

---

---

c. Provide community facilities and services:

*See attached*

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3. The land is physically suitable for the uses to be allowed, in terms of slope, geologic stability, flood hazard and other relevant considerations.

*See attached*

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4. Resource lands, such as wetlands are protected.

*See attached*

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5. The amendment is compatible with the land use development pattern in the vicinity of the request.

*See attached*

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**PLANS:** A site plan indicating location of any proposed zone change is required.



City of Astoria  
Development Code

S-2A Zone

**S-2A: TOURIST-ORIENTED SHORELANDS ZONE**2.700. PURPOSE AND AREA INCLUDED.

This district is intended to provide for mixed-use tourist oriented development that retains and takes advantage of the working waterfront character of the area. The uses permitted are intended to be compatible with pedestrian orientation. The emphasis is on the rehabilitation and reuse of existing structures.

2.705. PERMITTED USES.

The following uses and activities and accessory uses and activities are permitted in the Tourist Oriented Shoreland Zone, subject to the provisions of 2.715. Development Standards and Procedural Requirements.

1. Tourist oriented retail sales establishment.
2. Eating, drinking and entertainment establishment without drive-through facility.
3. Specialized food store, such as bakery, delicatessen and seafood market.
4. Hotel, motel, inn, bed and breakfast, and associate uses.
5. Personal service establishment, excluding funeral homes.  
*(Section 2.705(5) amended by Ordinance 12-11, 11-5-12)*
6. Indoor family-oriented amusement, entertainment and/or recreation establishment.
7. Theater.
8. Seafood receiving and processing.
9. Small boat building and repair.
10. Boat and/or marine equipment sales.
11. Park and museum.
12. Shoreline stabilization.
13. Navigation aide.
14. Conference Center.  
*(Section 2.705.14) added by Ordinance 94-06, 6-6-94)*

15. Transportation facilities.  
(Section 2.705.15 added by Ordinance 14-03, 4-21-14)

2.710. CONDITIONAL USES.

The following uses and activities and their accessory uses and activities may be permitted in the Tourist-Oriented Shoreland Zone as Conditional Uses when authorized in accordance with Article 11, Conditional Uses. These uses and activities are also subject to the appropriate provisions of Section 2.715, Development Standards and Procedural Requirements.

1. Arts and crafts studio.
2. Commercial or public parking lot.
3. Multi-family dwelling.
4. Non-tourist oriented retail sales establishment.
5. Professional and business office.
6. Public or semi-public use appropriate to and compatible with the district.
7. Repair service establishment, not including automotive, heavy equipment, or other major repair service.
8. Temporary use meeting the requirements of Section 3.240.

2.715. DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS.

1. All uses will satisfy applicable Columbia River Estuary Shoreland and Aquatic Area Use and Activity Standards in Article 4. Where a proposal involves several uses the standards applicable to each use shall be satisfied.
2. Outdoor storage areas will be enclosed by appropriate vegetation, fencing, or walls.
3. Uses located between 8th and 14th Street are not required to provide off-street parking or loading. Uses located in other portions of the S-2A Zone shall comply with access, parking, and loading standards in Article 7.
4. Signs will comply with requirements in Article 8.

City of Astoria  
Development Code

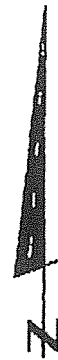
S-2A Zone

5. No structure will exceed a height of 28 feet above grade, except for those areas between the extended 15th and 21st Street rights-of-way. In this area, no structure shall exceed a height of 45 feet above grade.  
  
*(Section 2.715(5) amended by Ordinance 94-07, 7-18-94)*
6. Commercial and recreational facilities having a tourist orientation shall be designed to take maximum advantage of river views.
7. Uses in this zone which are water-dependent or water-related must meet the criteria for water-dependent uses (Section 4.220(A)) or for water-related uses (Section 4.220(B)).
8. New businesses with frontage on north-south oriented streets shall meet the following requirements:
  - a. To the extent possible, businesses which have frontage on both Marine Drive and north-south streets will locate the tourist oriented portions or functions to the north-south streets.
  - b. New or renovated storefronts will be designed to relate to existing adjacent businesses in terms of scale, color and use of materials.
  - c. Where appropriate, store front windows along north-south streets will be restored to "display window" condition.
  - d. The number of garage entry doors along the street will be kept to a minimum.
  - e. The Planning Commission may require landscaping, lighting, street furniture or other amenities as part of a renovation or new use.
9. Accessory structures in the Tourist-Oriented Shorelands Zone are limited in size to a maximum of 10% of the lot or parcel size.

EXHIBIT SHOWING PUBLIC ACCESS EASEMENT

DATE: 7/11/10

SCALE: 1" = 60'



REDEDICATED 39th ST.  
BOOK 722, PAGE 257

P.O.B.

ABANDONED RAILROAD R/W

PIER 38 MARINA & RV PARK, LLC  
INST. #200708034

37'  
37'  
E. 00° 30' 00" N  
C/L VACATED 38th ST.

N 87° 59' W 10.60'

BLOCK 2  
1 2 3 4  
R = 100.00' ADAIR'S PORT OF UPPER ASTORIA  
Δ = 16° 55' 00"  
L.C. = S 83° 33' 30" E  
29.42'

EASEMENT

VACATED ALLEY

37'  
37'

LIEF ERIKSON DR.  
B 7 6 5

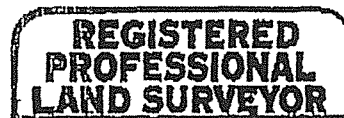
END  
ESMT.

July 11, 2012

**DESCRIPTION OF AN ACCESS EASEMENT TO BE GRANTED TO THE PUBLIC  
BY PIER 38 MARINA & RV PARK, LLC**

An easement for the purposes of public access over, across, and through a 26 foot wide strip of land, the center line of which is described as follows:

Beginning at a point on the west boundary of 39th Street as rededicated by instrument recorded in Book 722, Page 257, Deed Records of Clatsop County, Oregon; said point of beginning bears N00°30'30"E 111.33 feet and N89°29'30"W 10.96 feet from the northeast corner of Lot 5, Block 2, Adairs Port of Upper Astoria as recorded in Book 0, Page 53, Record of Town Plats, Clatsop County, Oregon; thence S81°01'W 253.03 feet; thence S75°06'W 38.10 feet; thence along the arc of a 100.00 foot radius curve right, the long chord of which bears S83°33'30"W 29.42 feet, a distance of 29.53 feet; thence N87°59'W 10.60 feet to the center line of vacated 38th Street and the ending point of the herein described easement. Said ending point bears N00°30'30"E 56.20 feet and N89°29'30"W 37.00 feet from the northwest corner of Lot 8, Block 2, Adairs Port of Upper Astoria. The side lines of this easement are shortened and extended so as to terminate on the west boundary of 39th Street and the center line of vacated 38th Street.



*Karl F. Foeste*



Renews 1/1/2014





## CITY OF ASTORIA

Founded 1811 • Incorporated 1856

### MEMORANDUM • COMMUNITY DEVELOPMENT

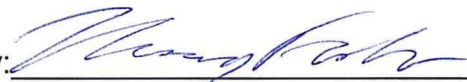
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**DATE:** APRIL 17, 2018  
**TO:** ASTORIA PLANNING COMMISSION  
**FROM:** NANCY FERBER, CITY PLANNER  
**SUBJECT:** PROPOSED EMERGENCY SHELTER CODE AMENDMENT

At the February 27, 2018 worksession, Astoria Planning Commission reviewed an initial draft of code changes to address emergency shelter facilities. The standards address issues including definitions, operating days, number of occupants and conditional uses.

Attached is a draft set of standards prepared by Commissioner Daryl Moore, including comments from the February worksession. The amendment will be discussed at the Planning Commission worksession on Tuesday April 24, 2018. This meeting has been relocated to the Astoria Senior Center. This document is being sent out now to give you an opportunity to review prior to the Planning Commission meeting. A letter received from Mr. Dan Parkison is also included for review.

To move forward with a code amendment requires a 35 day notice to the Department of Land Conservation and Development, and local public notice. The next Planning Commission meeting fitting this timeline would be after May 29, 2018 (either the first meeting June 5<sup>th</sup> 6:30pm, or the regularly scheduled June 26<sup>th</sup> meeting at 6:30pm).

By: 

Nancy Ferber  
Community Development Department

## Definitions

### Homeless, Homeless Individual, Homeless Person, Homeless Family:

(1) an adult individual or family consisting of at least one adult and one or more dependent juveniles who lacks a fixed, regular, and adequate nighttime residence;

(2) an adult individual or family consisting of at least one adult and one or more dependent juveniles with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground.

### Temporary Warming Shelter:

A temporary shelter that accommodates more than 10 Homeless per operating day and meeting specific conditional use standards as defined in the development code.

## Specific Conditional Use Standard

### 11.180 Temporary Warming Shelters

#### I. Temporary Warming Shelters

##### A. Purpose

The purpose of a Temporary Warming Shelter is to provide short-term shelter for Homeless when Homeless are at greater risk of injury and death from inclement weather conditions.

##### B. Description

A Temporary Warming Shelter provides an opportunity for Homeless to escape from weather conditions that can be hazardous to their health. Operating during the coldest hours of the day, and during the coldest months of the year, the shelter provides warmth, a place to dry, a place to sleep, and optional warming food and beverage.

##### C. Operation

###### 1. Time Limits

- a) A building may be utilized as a temporary warming shelter for a maximum of ninety (90) days within any twelve (12) month period of time beginning on the first (1st) day of occupancy.

**Commented [1]:** Possibly adopt language recommended by the Mayor's Homeless Task Force instead of these definitions

**Commented [2]:** Name changed from Emergency Shelter to Temporary Warming Shelter to avoid any language confusion with Tsunami and other natural disaster emergency shelters

**Commented [3]:** Discussions at the first work session may suggest that 10 is too few and that maybe a larger number is acceptable in R zones as an unregulated warming shelter. Open for discussion

- b) Temporary Warming Shelters may be open to public accommodation between the hours of 7:00 pm and 8:00 am.
- 2. Operating Days
  - a) Temporary Warming Shelter administration shall use their discretion to determine how and when to notify their staff and the public about days of public accommodation.
- 3. Maximum Number of Occupants Allowed: The maximum number of allowable Temporary Warming Shelter occupants shall not exceed an occupant load factor of one (1) individual for every thirty-five (35) square feet of room area.
- 4. Neighborhood Responsibilities
  - a) Garbage Watch
    - During non-operating hours at least one responsible individual shall canvass the neighborhood within 100' of the Shelter and collect all trash not in receptacles.
  - b) Crime Watch
    - For one hour prior to and for thirty minutes after the Shelter's operating hours, at least one responsible individual shall maintain a crime watch in and around the Shelter and shall report all suspicious activity to the Astoria Police Department.
- 5. Life-Safety Requirements
  - a) Weapons
    - The Temporary Warming Shelter shall formulate a weapons safety plan to ensure the safety of its clients. At a minimum, the plan shall contain describe the process for:
      - (1) Defining what the shelter considers a weapon
      - (2) Describing the method(s) to determine if clients are carrying a weapon(s)
      - (3) Describing the process for ensuring that weapons are safely stored during operating hours
  - b) Fire Sprinklers
    - It is not necessary for a building to have fire sprinklers installed to allow it to be used as a temporary shelter. However, buildings with approved fire sprinklers installed may be granted more flexibility as follows: When a building has approved fire sprinklers installed throughout, temporary sleeping areas may be located on any building floor level. When a building is not fully fire sprinklered, temporary shelter sleeping areas may only be located on the first (ground) or second floor. Sleeping areas are not permitted in basement areas of a non fire sprinklered building.
  - c) Smoke alarms and detection
    - All Temporary Warming Shelter sleeping areas shall be provided with approved smoke alarms or a complete approved smoke detection system. All other areas of the building used for

Temporary Warming Shelter operations shall be equipped with smoke alarms or a smoke detection system as required by the local fire code official. Smoke alarms may be battery operated.

d) Carbon monoxide (CO) alarms and detection

All Temporary Warming Shelter sleeping areas shall be provided with approved carbon monoxide alarms or a complete approved detection system in buildings that have a carbon monoxide source such as a heater, fireplace, furnace, appliance or cooking source that uses coal, wood, petroleum products and other fuels that emit carbon monoxide as a byproduct of combustion. This would include buildings with an attached garage with a door, ductwork or ventilation shaft that communicates with the rooms intended for sleeping. Carbon monoxide alarms may be battery powered.

e) Means of Egress (Exits)

All floor levels with Temporary Warming Shelter areas shall have a minimum of two means of egress (exits) from each floor level. All means of egress (exit) paths shall be maintained free of obstructions at all times. Exits from sleeping areas shall be as follows:

- (1) Sleeping areas located on the ground floor of a Temporary Warming Shelter with an occupant load of 49 or less shall have a least one (1) exit and at least one (1) window qualifying as an escape or rescue window as defined by the building code.
- (2) All other floor levels used as Temporary Warming Shelter sleeping areas that have an occupant load of 10 or more shall have two (2) exits from the area. The exits serving the areas shall be separated by a distance equal to at least 1/3 of the longest diagonal distance of the area.

f) Emergency Evacuation Plan

All Temporary Warming Shelters shall create and maintain an approved emergency evacuation plan addressing the evacuation of all occupants in an emergency event. At a minimum, the emergency evacuation plan shall contain the following:

- (1) Building floor plans. Building floor plans for each floor of the temporary shelter with sleeping areas clearly identified.
- (2) Room size. The square footage of all rooms of the temporary shelter.
- (3) Egress (exit) path. Building floor plans shall clearly show the egress (exit) paths from all areas of the temporary shelter. Egress (exit) path floor plans shall be posted throughout the Temporary Warming Shelter.

(4) Life-safety systems. The emergency evacuation plan shall also include information about the fire sprinkler system, fire alarm system or the smoke alarms.

(5) Occupant list. A list of all occupants each night must be made maintained and made available to the emergency personnel in the event of a fire or incident

g) Fire Watch

During sleeping hours a fire watch shall be maintained continuously. This means at least one responsible person shall be awake and assigned this responsibility. This duty may be rotated among a number of responsible adults during the sleeping hours. The fire watch person shall be equipped with a working flashlight and have access to a phone or carry a cell phone on their person.

h) Documentation

Documentation of all fire safety requirements including copies of the Temporary Warming Shelter evacuation plan shall be maintained on site and shall be available for review at the request of the local fire code official.

i) Notification

The local fire code official shall be notified prior to the Temporary Warming Shelter being used. Notification shall include the number of occupants being sheltered and the expected days and times that the Temporary Warming Shelter will be used. The local fire code official may require an inspection prior to the shelter being occupied.

D. Parking

The Shelter shall provide 2 off street parking spaces for its staff and one additional off street parking space for every 10 individuals accommodated.

## Zone Changes

### Add "Temporary Warming Shelter" as Conditional Use in Zones

1. AH-HC
2. C3
3. HR
4. LS
5. S2

**Commented [4]:** In the February work session, the R3 zone was discussed. Currently, the Astoria Warming Center (which would be regulated under these recommendations) operates in R3.

The goal of these regulations is to prevent a Temporary Warming Shelter from growing so large that it negatively impacts the neighborhood.

It appears that smaller shelters do not cause a negative impact. The question may lie in at what number of occupants should a Temporary Warming Center be regulated.

10? 20? 30?

## Nancy Ferber

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**From:** Dan Parkison <danparkison911@gmail.com>  
**Sent:** Tuesday, March 27, 2018 11:07 AM  
**To:** Brett Estes; Nancy Ferber; comdev; Ted Ames  
**Subject:** Comments RE: proposed Dev. Code for Temporary Shelters

Dear Brett, Nancy, and Ted

I have been following the discussion on the proposed Development Code changes for Temporary Shelters.

I am quite concerned that the current rough draft modification of the Dev Code contains excessive requirements that might make almost any building structure inappropriate to be used as a Warming Center. The State Fire Marshall's office took a look at the need for Statewide standards for buildings used as a Temporary location for Emergency Shelters and issued the following:

OREGON FIRE CODE Interpretations and Technical Advisories.  
**Technical Advisory No.11-14 (Revised TA# 09-03)**  
Subject: Temporary Shelters  
<http://www.oregon.gov/osp/sfm/docs/Codes/OFCTechAdv/11-14.pdf>

This Technical Advisory was issued to address the challenge of running a temporary Warming Center in a building that is not "R-Occupancy" fire-code compliant. This TA addresses **Exiting** requirements of the Structure as well as other important points such as Life Safety, Smoke and Carbon Dioxide Alarms, Fire Watch and multiple other items. The document allows for a temporary 90 day waiver of the Fire Code Occupancy rules. Almost ANY BUILDING in Astoria would need this waiver to be operated on a temp basis as a Warming Center. The building recently purchased by Helping Hands is unique in that it was formerly used for sleeping, and I believe has a Fire Code R Occupancy---(which is unusual except for Hotels) ----it also costs several million dollars. The current Rough Draft of the Dev Code proposal far exceeds the Exiting requirements of this Technical Advisory

This TA is very simply written and the Warming Center complies with it according to Ted Ames, and the City Building Department, both have performed multiple onsite inspections of the AWC over the years. Other Buildings could be modified at reasonable cost to comply with the Advisory. I would like to stress that although other buildings could be modified, it would be quite expensive to duplicate the existing facilities at the AWC including the Warming Kitchen, handicap shower, laundry facilities, handicap ramps and other accessories that have already been constructed at the current location.

The First Draft, as written, would specifically exclude the AWC's current location---Not only by excluding R-3 zones....but by the proposed technically complex Exiting requirements that exceed the State Fire Marshall's Technical Advisory. It would be prohibitively expensive, and perhaps not even possible to remodel the AWC to comply with the Draft language.

I believe that the State Fire Marshall's TA should be adopted by the City of Astoria as the technical standards that all Temporary Shelter Structures and Operations must comply with.

Thanks for your time on reviewing this information

Sincerely  
Dan Parkison  
(An interested citizen)  
President of the AWC Board