



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/03/2012

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Astoria Plan Amendment
DLCD File Number 002-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, December 12, 2012

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Rosemary Johnson, City of Astoria
Gordon Howard, DLCD Urban Planning Specialist
Patrick Wingard, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

☐ In person ☐ electronic ☐ mailed

DEPT OF

NOV 26 2012

LAND CONSERVATION
AND DEVELOPMENT

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Astoria**

Local file number: A12-01

Date of Adoption: 11-5-12

Date Mailed: 11-21-12

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 8-10-12

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amend Astoria Development Code Section 2.705(5) to allow personal service establishment, excluding funeral homes as an outright use in the S-2A Zone, Tourist Oriented Shoreland.

Does the Adoption differ from proposal? Please select one Yes.

Original proposal was to add "personal service establishment" as an additional outright use. Adopted language deleted existing outright use 2.705(5) which limited personal services to those associated with hotels/motels and replaced it with "personal service establishment, excluding funeral homes" and did not include association with hotels/motels.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: City wide in the S-2A zone

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Rosemary Johnson**

Phone: (503) 338-5183

Extension: 2413

Address: **1095 Duane Street**

Fax Number: **503-338-6538**

City: **Astoria**

Zip: **97103**

E-mail Address: **rjohnson@astoria.or.us**

DLCD File No. 002-12 (19456) [17246]

DLCD file No. _____

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009

ORDINANCE NO. 12-11

AN ORDINANCE AMENDING THE ASTORIA DEVELOPMENT CODE SECTION 2.705 CONCERNING OUTRIGHT USES IN THE S-2A ZONE (TOURIST ORIENTED SHORELAND)

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

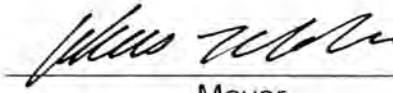
Section 1. Astoria Development Code Section 2.705(5) pertaining to Uses Permitted Outright in the Tourist Oriented Shoreland Zone is hereby deleted and replaced to read as follows:

"5. Personal service establishment, excluding funeral homes."

Section 2. Effective Date. This ordinance and its amendment will be effective 30 days following its adoption and enactment by the City Council.


ADOPTED BY THE COMMON COUNCIL THIS 5TH DAY OF NOVEMBER, 2012.

APPROVED BY THE MAYOR THIS 5TH DAY OF NOVEMBER, 2012.



Mayor

ATTEST:



Paul Benoit, City Manager

ROLL CALL ON ADOPTION:

	YEA	NAY	ABSENT
Commissioner LaMear	X		
Roscoe	X		
Mellin			X
Warr	X		
Mayor Van Dusen	X		

BEFORE THE ASTORIA CITY COUNCIL
OF THE CITY OF ASTORIA

IN THE MATTER OF AN AMENDMENT REQUEST

FOR THE FOLLOWING PROPERTY:

CITY WIDE, ASTORIA, OREGON 97103

ZONE: S-2A, TOURIST ORIENTED SHORELANDS

APPLICANT: BRETT ESTES, ASTORIA COMMUNITY
DEVELOPMENT DIRECTOR, 1095 DUANE STREET,
ASTORIA OR 97103

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)
)
) ORDER NO. A12-01
)
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)
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)

The above named applicant filed a request to amend the Development Code Section 2.705.5 to allow personal service establishments as an outright use in the S-2A zone (Tourist Oriented Shoreland) within the City limits of Astoria, Oregon.

A public hearing on the above entitled matter was held before the Planning Commission on September 25, 2012; and the Planning Commission closed the public hearing and rendered a decision at the September 25, 2012 meeting. The Planning Commission found the proposed amendment to be necessary and recommends to the Astoria City Council that the proposed amendment be approved.

A public hearing on the above entitled matter was held before the Astoria City Council and the public hearing was closed at the October 15, 2012 meeting; and the Astoria City Council rendered a decision at the November 5, 2012 meeting.

The City Council found the proposed amendment to be necessary and orders that this application for an Amendment A12-01 is approved and adopts the findings and conclusions of law attached hereto. A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

The effective date of this approval is the date of the signing of this Order.

This decision may be appealed to the Land Use Board of Appeals (LUBA) by the Applicant, party to the hearing, or a party who responded in writing, by filing a Notice of Intent to Appeal with LUBA within 21 days of the date this Order is signed.

DATE SIGNED: November 5, 2012

DATE MAILED: 11-6-12


ASTORIA CITY COUNCIL



Mayor



Commissioner



Commissioner



Commissioner

Commissioner



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

October 23, 2012

TO: ASTORIA CITY COUNCIL

FROM: PAUL BENOIT, CITY MANAGER

SUBJECT: AMENDMENT REQUEST (A12-01) BY COMMUNITY DEVELOPMENT
DIRECTOR TO THE ASTORIA DEVELOPMENT CODE TO ADD PERSONAL
SERVICES AS AN OUTRIGHT USE IN THE S-2A ZONE

BACKGROUND

Recently, the Community Development Department received a request for a new hair salon business to locate in the Downtown area within the S-2A Zone. The zone does not allow hair salons (which are classified as Personal Service Establishment) as an allowable use. Staff considered the request and determined that an amendment to the zone to allow this type of use was consistent with the other uses and development of the area and therefore initiated a code amendment.

The S-2A Zone (Tourist Oriented Shoreland) is generally the area north of Marine Drive and south of the River between 6th and 16th Street. It is bounded on the north by mostly A-2 Zone (Aquatic Two Development) and on the south by C-4 Zone (Central Commercial) and some C-3 Zone (General Commercial). For the most part, it is only one block deep with some areas toward the west end at two blocks deep. This area is developed with uses and buildings similar to the C-4 Zone. There is another S-2A Zone for the block that was recently developed with the Hampton Inn at 201 39th Street. The C-4 and C-3 Zones allow "personal service establishments" as outright uses. The A-2 Zone allows "personal service establishment limited to beauty and barber services and garment alterations. . . meeting the requirements of Section 2.540(10)" as a conditional use. Personal service establishment is defined in Section 1.400 as "*Business primarily engaged in providing services involving the care of a person or pet, including laundering and dry cleaning services, beauty and barber services, grooming, garment alterations, and funeral homes.*"

Development of the S-2A Zone within the downtown area has been more closely related to the development of the C-4 Zone than to a shoreland area. It consists of professional and business offices, retail sales, restaurants, construction services, theater, residential above the first floor, etc. Development as shoreland property is limited by the restricted access to the River. A code revision to allow "personal service establishment" in the S-2A Zone as an outright use would be applicable to any S-2A Zone. Due to the location north of Marine Drive with limited access, it is recommended that the use exclude "funeral homes" for this zone. Development Code Section 2.705.5 concerning Permitted Uses in the S-2A Zone currently allows "*Service facility which provides personal services in conjunction with and incidental to a hotel, motel, inn, bed and breakfast.*" The use would be amend to read "*Personal service*

establishment, excluding funeral homes." With the existing pattern of development, reduction in water-related uses in this area, the addition of personal services as an outright use would be consistent with the pattern of development for this area.

At its September 25, 2012 meeting, the Astoria Planning Commission held a public hearing and recommended that the City Council adopt the proposed amendment. A copy of the Staff Report and Findings of Fact as adopted by the Planning Commission is attached. Also attached to this memo is the proposed ordinance. A public hearing and first reading on the Amendment was held at the October 15, 2012 City Council meeting.

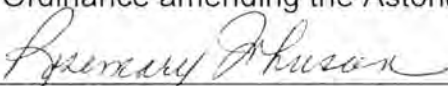
RECOMMENDATION

If the Council is in agreement, it would be in order for Council to hold a second reading and adoption of the Ordinance.

The following is sample language for a motion for adoption of the Findings of Fact and Ordinance:

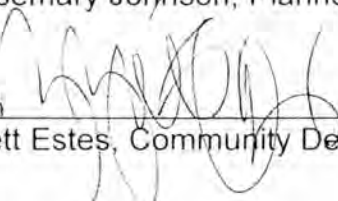
"I move that the Astoria City Council adopt the findings and conclusions contained in the staff report, and adopt the Ordinance amending the Astoria Development Code."

By:



Rosemary Johnson, Planner

Through:



Brett Estes, Community Development Director

ORDINANCE NO. 12-____

AN ORDINANCE AMENDING THE ASTORIA DEVELOPMENT CODE SECTION 2.705 CONCERNING OUTRIGHT USES IN THE S-2A ZONE (TOURIST ORIENTED SHORELAND)

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. Astoria Development Code Section 2.705(5) pertaining to Uses Permitted Outright in the Tourist Oriented Shoreland Zone is hereby deleted and replaced to read as follows:

"5. Personal service establishment, excluding funeral homes."

Section 2. Effective Date. This ordinance and its amendment will be effective 30 days following its adoption and enactment by the City Council.

ADOPTED BY THE COMMON COUNCIL THIS ____ DAY OF _____, 2012.

APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2012.

Mayor

ATTEST:

Paul Benoit, City Manager

ROLL CALL ON ADOPTION: YEA NAY ABSENT

Commissioner LaMear
 Roscoe
 Mellin
 Warr

Mayor Van Dusen

STAFF REPORT AND FINDINGS OF FACT

September 18, 2012

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER

SUBJECT: AMENDMENT REQUEST (A12-01) BY COMMUNITY DEVELOPMENT
DIRECTOR TO ADD PERSONAL SERVICES AS AN OUTRIGHT USE IN THE
S-2A ZONE

I. BACKGROUND SUMMARY

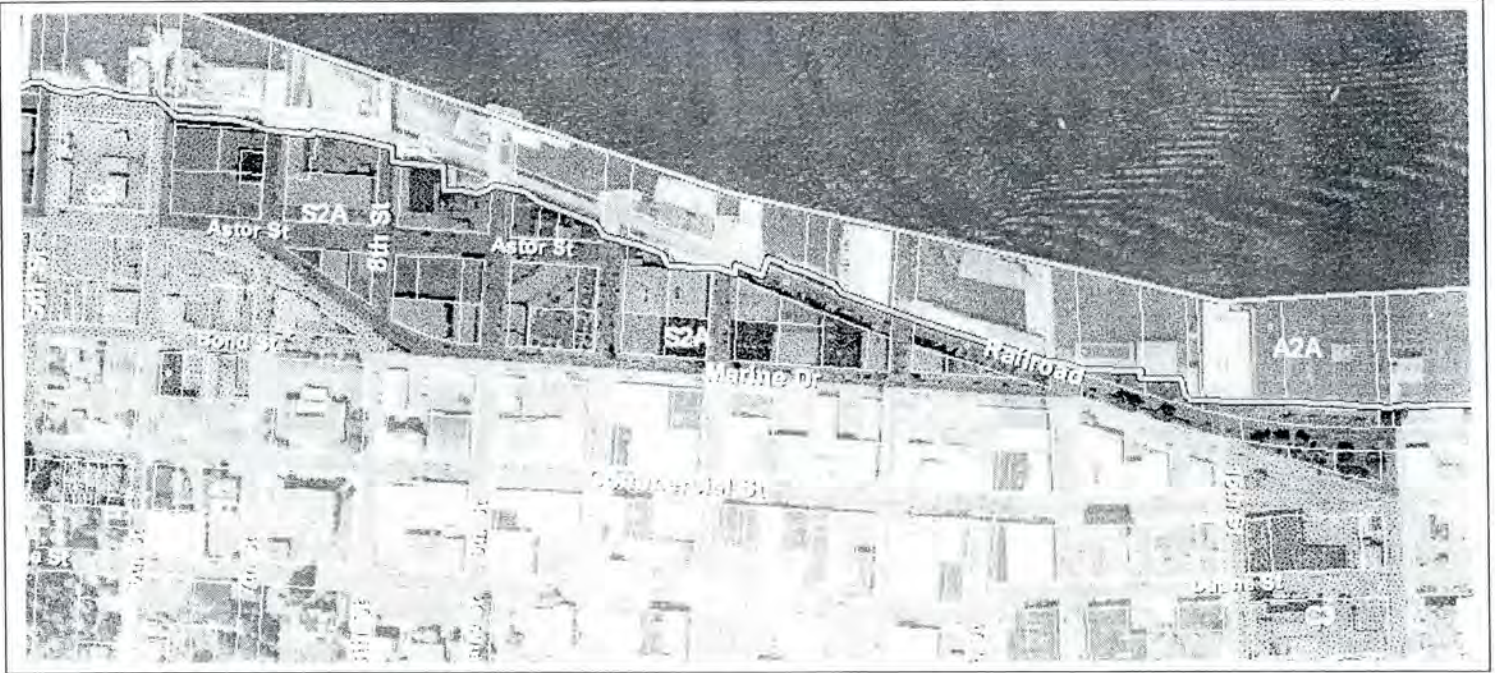
- A. Applicant: Brett Estes
Community Development Director
City of Astoria
1095 Duane Street
Astoria OR 97103
- B. Request: Amend the Development Code by adding "personal services" as
an allowable outright use in Section 2.705 for the S-2A Zone
(Tourist Oriented Shoreland)
- C. Location: City wide
- D. Zone: S-2A (Tourist Oriented Shoreland)

II. BACKGROUND

The S-2A Zone (Tourist Oriented Shoreland) is generally the area north of Marine Drive and south of the River between 6th and 16th Street. It is bounded on the north by mostly A-2 Zone (Aquatic Two Development) and on the south by C-4 Zone (Central Commercial) and some C-3 Zone (General Commercial). For the most part, it is only one block deep with some areas toward the west end at two blocks deep. This area is developed with uses similar to the C-4 Zone. There is another S-2A Zone for the block that was recently developed with the Hampton Inn at 201 39th Street. The C-4 and C-3 Zones allow "personal service establishments" as outright uses. The A-2 Zone allows "personal service establishment limited to beauty and barber services and garment alterations. . . meeting the requirements of Section 2.540(10)" as a conditional use.

Personal service establishment is defined in Section 1.400 as "*Business primarily engaged in providing services involving the care of a person or pet, including laundering and dry cleaning services, beauty and barber services, grooming, garment alterations, and funeral homes.*"

Development of the S-2A Zone within the downtown area has been more closely related to the development of the C-4 Zone than to a shoreland area. It consists of professional and business offices, retail sales, restaurants, construction services, theater, residential above the first floor, etc. Development as shoreland property is limited by the restricted access to the River. Most River oriented development such as fish processing is located north of the rail corridor in the A-2 Zone. With the decline of the fishing industry over the years, many of the former water-oriented businesses along this area within the A-2 Zone have been converted to restaurants, professional offices, retail sales, and personal services.



The APC recently approved a conditional use (CU12-04) as a temporary use for a hair salon to be located within the S-2A Zone. With the existing pattern of development, reduction in water-related uses in this area, staff believes that the addition of personal services as an outright use would be consistent with the pattern of development for this area and therefore have submitted a request to amend the text of the S-2A Zone to allow personal service establishments.

A code revision to allow "personal service establishment" to the S-2A Zone as an outright use would be applicable to any S-2A Zone. Due to the location north of Marine Drive with limited access, staff recommends that the use exclude "funeral homes" for this zone. Development Code Section 2.705.5 concerning Permitted Uses in the S-2A Zone currently allows *"Service facility which provides personal services in conjunction with and incidental to a hotel, motel, inn, bed and breakfast."* The use would be amend to read *"Personal service establishment, excluding funeral homes."*

The APC recommendation will be forwarded to the City Council for consideration tentatively at their October 15, 2012 meeting.

III. PUBLIC REVIEW AND COMMENT

A. Planning Commission

A public notice was mailed to Neighborhood Associations on September 4, 2012. In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on September 18, 2012. The proposed amendment is legislative as it would apply City-wide. Any comments received will be made available at the Planning Commission meeting.

B. City Council

A public notice was mailed to Neighborhood Associations on September 4, 2012 as part of the APC notification. In accordance with Section 9.020, a notice of public hearing will be published in the Daily Astorian on October 8, 2012. Any comments received will be made available at the City Council meeting.

IV. FINDINGS OF FACT

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

Finding: The proposed amendment to the Development Code is being initiated by the Community Development Director.

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

1. *An amendment to the text of the Development Code or Comprehensive Plan.*
2. *A zone change action that the Community Development Director has designated as legislative after finding the matter at issue involves such a substantial area and number of property owners or such broad public policy changes that processing the request as a quasi-judicial action would be inappropriate."*

Finding: The proposed amendment is to amend the text of the Astoria Development Code concerning S-2A Zone allowable outright uses. The Code is applicable City-wide in any S-2A Zone. Processing as a quasi-judicial action would be inappropriate.

- C. Development Code Section 2.705.5 concerning Permitted Uses in the S-2A Zone allows *"Service facility which provides personal services in conjunction with and incidental to a hotel, motel, inn, bed and breakfast."*

Finding: While this listed use allows personal services, it limits it to association with transient lodging. Both tourists and citizens use hair salons, laundry services, pet care, and spas. Therefore, personal services, excluding funeral homes, are of interest to tourists whether they are lodging within the zone or elsewhere in the City. It is recommended that this use be amended to list *"Personal service establishment, excluding funeral home"* as an outright use.

D. Section 10.070(A)(1) requires that *"The amendment is consistent with the Comprehensive Plan."*

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."*

CP.210.1, Economic Development Recommendations, states *"The City should reevaluate its Plan and zoning designation for its waterfront in light of the decline of the fishing industry. The reevaluation should focus on the waterfront's potential for tourist oriented development. Plan policies and implementing measures should be developed to encourage and promote tourist oriented development of the waterfront. Possible rezonings should include the A-1 area between 6th and 10th Streets, and in the vicinity of the former Samuel Elmore Cannery between Columbia Avenue and 1st Street."*

Finding: The Comprehensive Plan and Development Code establish specific uses allowed in each zone. The changing development patterns with the reduction in shoreland activities in the downtown area over the last 30 years has seen an increased need for other allowable uses in the area to keep the buildings occupied. The current S-2A Zone is developed with a pattern similar to the adjacent C-4 Zone with many of the allowable uses the same. There is a need to expand the uses within the S-2A Zone to keep occupancy of the buildings feasible.

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 proposed amendment would allow for continued compact urban form development of an area currently serviced by City utilities. There are limited potential tenants for some of the smaller spaces in the S-2A Zone as the area does not require off-street parking and access to the zone is from Marine Drive with some dead end side streets.

3. CP.055, Downtown Area Policies, states
 - "3. Zoning actions must not detract from the vitality of the Downtown as the commercial center of the region. Strip commercial development is to be generally discouraged."
 - "4. The City encourages the reuse of existing buildings prior to the expansion of commercial zones."

CP.202, Economic Development Goal 3 and Goal 3 Policies, states
"Goal: Strengthen the City's downtown core as the retail center of the region, with the support from the Astoria Downtown Historic District Association."

"Policies:

1. Promote Astoria's downtown core. The downtown core of Astoria, generally extending from 6th to 16th Streets, and from the waterfront to Exchange Street is the retail, service and governmental center of the region."

Finding: The addition of personal service establishment would help maintain the vitality of Downtown allowing for additional uses within this small portion of the Downtown area. It would allow reuse of existing buildings with additional tenant opportunities. The S-2A Zone is within the area encouraged to be the "... service and governmental center of the region." This would be an additional service available in the downtown.

4. CP.250.1, Historic Preservation Goals, states that "The City will: Promote and encourage, by voluntary means whenever possible, the preservation, restoration and adaptive use of sites, areas, buildings, structures, appurtenances, places and elements that are indicative of Astoria's historical heritage."

Finding: Many of the buildings within the S-2A Zone are designated as historic within the Downtown National Register Historic District. Preservation and restoration of these buildings is financially contingent upon the ability to keep the buildings occupied with tenants. Expanding the allowable uses to include personal service establishments will provide additional opportunities to building owners to find tenants.

Finding: The request is consistent with the Comprehensive Plan as a result of the findings stated above.

- E. Development Code Section 2.700 concerning the Purpose of the Tourist Oriented Shoreland Zone states that *"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."*

Finding: The proposed addition of personal service establishment as an outright use in the S-2A Zone is similar to other uses such as personal services associated with motel/hotel, professional offices, etc. Personal service establishments are of interest to tourists as they do seek out these services. However, funeral homes are included in the definition and would not be compatible with "tourist oriented" uses or "pedestrian orientation". All of the other uses within this definition would seem of reasonable interest to tourists. Therefore, it is recommended that the use exclude "funeral homes" from the allowable uses within the S-2A Zone.

- F. 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. . ."* The OAR text continues to identify the requirements for compliance with the TPR and specific review that must be made to show compliance. The full text is not copied in this staff report but is available upon request.

Finding: The proposed amendment would add a use to a zone and therefore could impact the transportation facilities in and adjacent to the zone. The amendment is subject to review under the TPR.

Personal services in conjunction with a hotel/motel is an outright use in the zone. The daily trips generated by a personal service establishment would be less than retail as customers to these services generally stay for longer periods such as hair salon or spa appointments or laundry service. There should not be a negative impact of traffic from a personal service establishment.

The existing zone has frontage on Marine Drive or within one block of Marine Drive which is a State highway and any development within the zone would be subject to review by both the City and Oregon Department of Transportation to assure that the existing transportation facilities (roads, intersections, etc.) are sufficient to accommodate the proposed development. The S-2A Zone at 39th is developed with a hotel. The S-2A currently allows personal services in

conjunction with hotel/motel, so there would be no change in the traffic impact at this location.

Based on the information above, staff believes there is no significant impact to transportation facilities with the addition of personal service establishment as a use within the S-2A Zone.

- G. 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 proposed amendment would allow an additional use within the S-2A Zone that would be similar to other allowable uses within the zone. Existing utilities and services are available for this type of use. Development of the area would be consistent with the compact urban form development of the City needed to conserve land area for needed development. The proposed amendment will not adversely affect the ability of the City to satisfy land and water use needs with this limitation.

V. CONCLUSION AND RECOMMENDATION

The request is consistent with the Comprehensive Plan and Development Code. The Planning Commission recommends approval of the proposed amendment to the City Council for adoption.

UNITY DEVELOPMENT
OF ASTORIA
DUANE STREET
RIA OR 97103

FIRST-CLASS



US POSTAGE

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NOV 26 2012

LAND CONSERVATION
AND DEVELOPMENT

FIRST CLASS

Plan Amendment Specialist
DLCD
635 Capitol Street NE #150
Salem OR 97301-2540

