



Oregon

Theodore R. Kubongoski, 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

8/2/2010

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 001-10

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: Friday, August 13, 2010

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
Gloria Gardiner, DLCD Urban Planning Specialist

<paa> N



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

JUL 26 2010

LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

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: **A10-01**

Date of Adoption: **7-19-10**

Date Mailed: 7-23-10

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 5-5-10

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 the formatting of the entire Comprehensive Plan with some renumbering and correct typographical errors. No text changes except those related to formatting, the renumbering, and change reference of "zoning ordinance" to "Development Code". The entire Plan was retyped as it was not computerized previously. CREST reviewed the formatting to verify that content was not changed with the new format as the major formatting changes are to Sections CP.130 to CP.186 concerning Aquatic and Shoreland Areas.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: City wide

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 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"/>	<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

DLCD file No. 001-10 (18283) [16238]

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

CREST

Local Contact: **Rosemary Johnson**

Phone: (503) 338-5183 Extension: 27

Address: **1095 Duane Street**

Fax Number: 503-338-6538

City: **Astoria**

Zip: **97103**

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

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.

ORDINANCE NO. 10- 07

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN BY READOPTING THE PLAN IN ITS ENTIRETY.

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. Astoria Comprehensive Plan is hereby deleted in its entirety and replaced to read as follows:

Complete Comprehensive Plan attached to this Ordinance.

Section 2. Effective Date. This ordinance will be effective 30 days following the date of its passage by the City Council.

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:


ADOPTED BY THE CITY COUNCIL THIS 19TH DAY OF JULY, 2010.

APPROVED BY THE MAYOR THIS 19TH DAY OF JULY, 2010.



Mayor

ATTEST:


City Manager

ROLL CALL ON ADOPTION	YEA	NAY	ABSENT
Councilor LaMear	X		
Roscoe	X		
Henningsgaard	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 WITHIN)
ASTORIA, OREGON 97103) ORDER NO. A10-01
)
ZONE: ALL ZONES CITY WIDE)
)
APPLICANT: COMMUNITY DEVELOPMENT DIRECTOR,)
CITY OF ASTORIA, 1095 DUANE STREET, ASTORIA,)
OREGON 97103)

The above named applicant filed a request to amend the entire Comprehensive Plan by reformatting the text and changing the reference from "zoning ordinance" to "development code", for all zones within the City limits of Astoria, Oregon. There are no other text changes with this amendment.

A public hearing on the above entitled matter was held before the Planning Commission on June 22, 2010; the Planning Commission closed the public hearing and rendered a decision at the June 22, 2010 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 July 6, 2010 meeting; the Astoria City Council rendered a decision at the July 19, 2010 meeting.

The City Council found the proposed amendment to be necessary and orders that this application for an Amendment (A10-01) 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: JULY 19, 2010

DATE MAILED:

ASTORIA CITY COUNCIL



Mayor



Commissioner



Commissioner



Commissioner



Commissioner



July 13, 2010

TO: ASTORIA CITY COUNCIL

FROM: PAUL BENOIT, CITY MANAGER

SUBJECT: AMENDMENT REQUEST (A10-01) TO READOPT THE COMPREHENSIVE PLAN

BACKGROUND

The Comprehensive Plan was originally adopted in 1979 prior to the common use of computers for word processing. Over the years, amendments to the Plan were made and sections were physically "cut and pasted" to insert or make changes since the document had been hand typed and could not be changed without retyping entire sections. Staff has typed the entire Plan into the computer fixing typographical errors such as spelling and the reference to "zoning ordinance" which is now the "development code". In addition, the Columbia River Estuary Section had never been formatted in an outline style that was easy to use. That section has now been formatted for easy reference. With the new formatting, that section was reviewed by CREST to assure that content was not changed with the new outline style. No other text changes were made at this time so that the Plan could be readopted solely to create a digital copy and formatted as a useable document. Currently, all requests for copies of Plan sections must be photocopied. With the digital Plan, staff will be able to make the Plan available on the City's website and make any future amendments directly into the document keeping it updated in a timely manner.

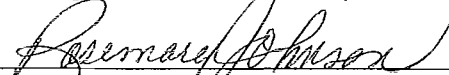
At its June 22, 2010 meeting, the Astoria Planning Commission held a public hearing and recommended that the City Council adopt the proposed amendment. The City Council held a public hearing at its July 6, 2010 meeting and conducted a first reading of the proposed ordinance amending the Astoria Development Code. The proposed Comprehensive Plan text, as well as the Findings of Fact were included in the July 6, 2010 Council packet.

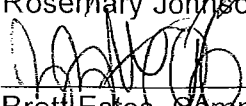
RECOMMENDATION

It is recommended that the Council adopt the ordinance as recommended by the Planning Commission. If the Council is in agreement with the recommendation of the Planning Commission, it would be in order for Council to hold a second reading, adopt the Findings of Fact, and adopt the Ordinance.

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

"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

STAFF REPORT AND FINDINGS OF FACT

December 18, 2009

TO: PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER



SUBJECT: AMENDMENT (A10-01) TO READOPT THE COMPREHENSIVE PLAN

I. BACKGROUND SUMMARY

- A. Applicant: Brett Estes
Community Development Director
City of Astoria
1095 Duane
Astoria OR 97103
- B. Request: Amend the entire Comprehensive Plan by reformatting the text and changing the reference from "zoning ordinance" to "development code". No other text changes with this amendment.
- C. Location: City wide
- D. Zone: All Zones

II. BACKGROUND

The Comprehensive Plan was originally adopted in 1979 prior to the common use of computers for word processing. Over the years, amendments to the Plan were made and sections were physically "cut and pasted" to insert or make changes since the document had been hand typed and could not be changed without retyping entire sections. Staff has typed the entire Plan into the computer fixing typographical errors such as spelling and the reference to "zoning ordinance" which is now the "development code". In addition, the Columbia River Estuary Section had never been formatted in an outline style that was easy to use. That section has now been formatted for easy reference. With the new formatting, that section was reviewed by CREST to assure that content was not changed with the new outline style. No other text changes were made at this time so that the Plan could be readopted just to get it computerized and formatted as a useable document.

Department of Land Conservation and Development (DLCD) has requested that all cities have their Plans and Code computerized to allow better access to the documents by citizens and other government agencies. they have indicated continued use of non-computerized versions may jeopardize future grant funding. Currently, all requests for copies of Plan sections must be photocopied. With the Plan in the

computer, staff will be able to make the Plan available on the City's website and make any future amendments directly into the document keeping it updated in a timely manner.

III. PUBLIC REVIEW AND COMMENT

A. Planning Commission

A public notice was mailed to Neighborhood Associations on May 28, 2010. In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on June 15, 2010. The proposed amendments are legislative as they 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 June 11, 2010. In accordance with Section 9.020, a notice of public hearing will be published in the Daily Astorian on June 25, 2010. 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, or the owner or owners of the property for which the change is proposed."*

Finding: The proposed amendment to the Comprehensive Plan 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 Comprehensive Plan concerning formatting and correcting typographical errors.

The Plan is applicable City-wide. Processing as a quasi-judicial action would be inappropriate.

C. 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."*

Finding: The Comprehensive Plan and Development Code establish procedures for land use reviews. Use of modern technology of computerized documents that are readily available to the general public via the City's website meets the changing needs of the public.

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

3

C. 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 codify the Plan in a format that is easy to use, copy, and distribute. The proposed amendment will not adversely affect the ability of the City to satisfy land and water use needs.

V. CONCLUSION AND RECOMMENDATION

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



July 23, 2010

RE: Amendment A10-01 to readopt Astoria Comprehensive Plan

As per my telephone conversation on July 23, 2010 with Angela, we are sending the DLCD Notice of Adoption and CD copy of the adopted Comprehensive Plan. Due to circumstances beyond our control such as sick leave, the hard copy of the Plan was not ready for submittal within the five day required notice period. We will submit the hard copy next week as per Angela's approval. Thank you for this consideration.

If you have any questions or need additional information, please contact me at 503-338-5183 or rjohnson@astoria.or.us.

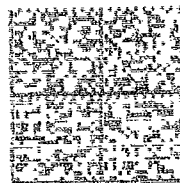
Sincerely,

THE CITY OF ASTORIA

A handwritten signature in blue ink that reads "Rosemary Johnson". The signature is fluid and cursive.

Rosemary Johnson
Planner

Community Development Dept
City of Astoria
1095 Duane St
Astoria OR 97103



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\$0 1.560

07/23/2010

Mailed From 97103
US POSTAGE

FIRST CLASS

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