NOTICE OF ADOPTED AMENDMENT

01/03/2011

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 003-10

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: Thursday, January 13, 2011

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
    Matt Spangler, DLCD Regional Representative
    Amanda Punton, DLCD Regional Representative

<paa> YA
Jurisdiction: City of Astoria
Date of Adoption: 12-20-10
Local file number: A10-04
Date Mailed: 12-23-10

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No  Date: 9-3-10

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".
Rezone a parcel from C-4 (Central Commercial) to R-3 (High Density Residential). Site is adjacent to the R-3 Zone and had been zoned R-3 in years past.

Does the Adoption differ from proposal? No

Plan Map Changed from: to:
Zone Map Changed from: C-4 to: R-3

Location: north 50' Lots 7 & 8, Block 68, McClure
Acres Involved: 0.11

Specify Density: Previous: no limit  New: 26/acre

Applicable statewide planning goals:

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. 003-10 (18499) [16470]
Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: Rosemary Johnson
Address: 1095 Duane Street
City: Astoria
Phone: (503) 338-5183  Extension: 2413
Fax Number: 503-338-6538
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.

Updated December 22, 2009
ORDINANCE NO. 10- 12

AN ORDINANCE AMENDING THE ASTORIA LAND USE AND ZONING MAP FOR 666 12TH STREET FROM C-4 ZONE (CENTRAL COMMERCIAL) TO R-3 ZONE (HIGH DENSITY RESIDENTIAL)

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. The 1992 Astoria Land Use and Zoning Map is amended to rezone the following area from C-4 Zone (Central Commercial) to R-3 Zone (High Density Residential) as indicated on the map:

666 12th Street; Map T8N-R9W Section 8CD, Tax Lot 3100; north 50 Lots 7 & 8, Block 68, McClure.

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

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:


APPROVED BY THE MAYOR THIS 20TH DAY OF DECEMBER, 2010

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 CITY COUNCIL
OF THE CITY OF ASTORIA

IN THE MATTER OF A AMENDMENT

FOR THE FOLLOWING PROPERTY: MAP T8N-R9W
SECTION 8CD; TAX LOT 3100; LOT(S) N. 50' LOTS 7 & 8;
BLOCK 68; MCCLURE; 666 12TH STREET, ASTORIA OR 97103

ZONING: C-4, CENTRAL COMMERCIAL

APPLICANT: SHAUNA CREECHLEY AND JAVIER RUSSELL,
666 12TH STREET, ASTORIA OR 97103

ORDER NO. A10-04

The above named applicant applied to the City for Amendment A10-04 to rezone property from C-4
(Central Commercial) to R-3 (High Density Residential) at 666 12th Street, Astoria, Oregon 97103.

A public hearing on the above entitled matter was held before the Astoria Planning Commission on
October 26, 2010; and the Astoria Planning Commission closed the public hearing and rendered a
decision at the October 26, 2010 meeting to recommend that the City Council approve the request.

A public hearing on the above entitled matter was held before the Astoria City Council and the
public hearing was closed at the December 6, 2010 meeting; the Astoria City Council rendered a
decision at the December 20, 2010 meeting.

The City Council found the proposed amendment to be necessary and orders that this application
for an Amendment A10-04 is approved and adopts the findings and conclusions of law attached
hereeto.

The effective date of this approval is the date of the signing of this order, subject to any attached
conditions. 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.

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 after the land use decision becomes final as described by OAR 661-010-0010(3).

DATE SIGNED: DECEMBER 20, 2010

ASTORIA CITY COUNCIL

Mayor

Commissioner

Commissioner

DATE MAILED:
TO: ASTORIA CITY COUNCIL
FROM: PAUL BENOIT, CITY MANAGER
SUBJECT: AMENDMENT REQUEST (A10-04) BY SHAUNA CREECHELEY AND JAVIER RUSSELL TO THE LAND USE AND ZONING MAP TO REZONE AN AREA AT 666 12TH STREET FROM C-4 (CENTRAL COMMERCIAL) TO R-3 (HIGH DENSITY RESIDENTIAL)

BACKGROUND

In September 2010, Shauna Creechley and Javier Russell filed a request to rezone the property at 666 12th Street from C-4 (Central Commercial) to R-3 (High Density Residential). The building was a single-family dwelling that was rezoned to C-4 in 1988 to accommodate the location of Polk Riley Printing to the site. The new owners are now converting the building back to a single-family dwelling.

At its October 26, 2010 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 by the City Council on December 6, 2010.

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 Land Use and Zoning Map."

By: Rosemary Johnson, Planner

By: Brett Estes, Community Development Director
ORDINANCE NO. 10-

AN ORDINANCE AMENDING THE ASTORIA LAND USE AND ZONING MAP FOR 666 12TH STREET FROM C-4 ZONE (CENTRAL COMMERCIAL) TO R-3 ZONE (HIGH DENSITY RESIDENTIAL)

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. The 1992 Astoria Land Use and Zoning Map is amended to rezone the following area from C-4 Zone (Central Commercial) to R-3 Zone (High Density Residential) as indicated on the map:

666 12th Street; Map T8N-R9W Section 8CD, Tax Lot 3100; north 50 Lots 7 & 8, Block 68, McClure.

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

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

ADOPTED BY THE CITY COUNCIL THIS _____ DAY OF ___________, 2010.

APPROVED BY THE MAYOR THIS _____ DAY OF ___________, 2010.

__________________________
Mayor

__________________________
City Manager

ROLL CALL ON ADOPTION YEA NAY ABSENT

Councilor LaMear
   Roscoe
   Henningsgaard
   Warr
Mayor Van Dusen
STAFF REPORT AND FINDINGS OF FACT

September 28, 2010

TO: PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER

SUBJECT: AMENDMENT REQUEST (A10-04) BY SHAUNA CREECHLEY AND JAVIER RUSSELL TO THE LAND USE AND ZONING MAP TO REZONE AN AREA AT 666 12TH STREET FROM C-4 (CENTRAL COMMERCIAL) TO R-3 (HIGH DENSITY RESIDENTIAL)

I. BACKGROUND SUMMARY

A. Applicant: Shauna Creechley
   Javier Russell
   666 12th Street
   Astoria OR 97103

B. Owner: Shauna D Creechley
   Javier G Russell
   PO Box 1164
   Astoria OR 97103

C. Request: Amend the Astoria Land Use and Zoning Map by rezoning 666 12th Street from C-4 (Central Commercial) to R-3 (High Density Residential)

D. Location: 666 12th Street; Map T8N-R9W Section 8CD, Tax Lot 3100; north 50' Lots 7 & 8, Block 68, McClure

E. Zone: Current: C-4 (Central Commercial)
       Proposed: R-3 (High Density Residential)

II. BACKGROUND

The property proposed for rezone is generally located on 12th Street between Franklin and Grand Avenues. The property is sloped up from the north to south. The site is developed with a historic designated single-family dwelling that was most recently used as a dwelling and Polk Riley Printing. The site was rezoned from R-3 to C-4 in 1988 (A88-05) at the request of the owner Polk Riley when he located his printing business in the home. The site is located on the boundary between the two zones and in the transition area between the residential and commercial development.
The site is bounded on the north by the C-4 Zone with two mortuaries and apartment buildings; to the south is a church and single-family dwelling neighborhood; across the 12th Street right-of-way to the west is a single-family dwelling and an apartment building.

The site is situated in a transition area between the residentially and commercially developed areas and could be a cohesive part of either development area.

The APC recommendation will be forwarded to the City Council for consideration tentatively at their November 15, 2010 meeting.

III. PUBLIC REVIEW AND COMMENT

A. Planning Commission

A public notice was mailed to Neighborhood Associations and property owners within 100' of the proposed zone boundary change area on October 1, 2010. In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on October 19, 2010. The proposed amendment is quasi-judicial
as it applies to one parcel of land. Any comments received will be made available at the Planning Commission meeting.

B. City Council

A public notice will be mailed to Neighborhood Associations and property owners within 100’ of the proposed zone boundary area on October 22, 2010. In accordance with Section 9.020, a notice of public hearing will be published in the Daily Astorian on November 8, 2010. Any comments received will be made available at the City Council meeting.

IV. FINDINGS OF FACT

A. Development Code Section 10.020(B) states that “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 zoning map boundary is being initiated by the owners of the property proposed to be rezoned.

B. Section 10.050(B) states that “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: The proposed amendment is to amend the Astoria Land Use and Zoning Map to rezone a limited area site with only one property owner from C-4 to R-3 Zone. Processing as a quasi-judicial action would be appropriate.

C. Section 10.070(B.1) requires that “The amendment is consistent with the Comprehensive Plan.”

CP.025(2) concerning Policies Pertaining to Land Use Categories and Density Requirements states that “Changes in the land use and zoning map may be made by boundary amendment so long as such change is consistent with the goals and policies of 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 designated land use areas and zones. The general development of the Downtown area has been consistent since the 1920's and includes the subject property. The subject property has been used for residential use
except for the period between 1988 and 2010 when it was used as residence and a printing office which allowed for an adaptive reuse during that time. With the historic designation of the building and the development pattern, it is clear that major changes are not anticipated that would warrant keeping the proposed area within the C-4 Zone which allows commercial development in this transition commercial/residential neighborhood. A change in zone to include this block within the residential R-3 Zone is consistent with the current trends of development and vision for this area.

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. Astoria is becoming the cultural center of the region with its numerous historic properties and districts. This property is historic and is being returned to its original historic design. Changing the zone from commercial to residential would keep the commercial uses closer to the downtown core and prevent the expansion of these uses into the otherwise residential neighborhood.

3. CP.020(6) concerning Community Growth, Plan Strategy states that “The City encourages historic preservation generally, the restoration or reuse of existing buildings. However, these structures must be improved in a timely manner.”

CP.200(6) concerning Economic Development Goals states that “Encourage the preservation of Astoria’s historic buildings, neighborhoods and sites and unique waterfront location in order to attract visitors and new industry.”

CP.250(1) concerning 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: The existing building is designated as historic and the current owners have been restoring the facade to the original residential character. At the time the property was rezoned to C-4, the adaptive reuse to allow the printing office along with the residence was an important tool in the financial feasibility of restoring the building. Now that much of the restoration work has been completed and new owners want to continue the restoration, but as a single-family dwelling, rezoning the property to R-3 would help with the preservation of the building as a historic resource.

While the C-4 Zone was appropriate in 1988 to help preserve the building, the rezone back to R-3 is appropriate for the transition commercial/residential neighborhood. Rezoning of the area from C-4 to R-3 would comply with these CP Sections encouraging preservation and reuse of historic structures.

4. CP.040 concerning the Central Residential Area states that "The Central Residential area is the City's oldest neighborhood, and extends generally from Second Street to 18th Street, and from Bond Street to Niagara Street, excluding the central business district."

CP.050 concerning Downtown Area states that "The downtown area is Astoria's central business district and the regional commercial and governmental center. It extends from Fifth Street to Sixteenth Street, and from the pierhead line in the Columbia River to Exchange Street. . . The downtown has historically been zoned central commercial (C-4), which does not require off-street parking. Various proposals have been put forth to solve the parking problem, including a system of public parking structures."

CP.205(1) concerning Economic Development Policies states that "The downtown core of Astoria, generally extending from Sixth to Sixteenth
Streets, and from the waterfront to Exchange Street is the retail, service and governmental center of the area. The City, through its zoning actions and support of the Astoria Downtown Development Association, will promote the Downtown.”

Finding: The area proposed for rezone to R-3 is outside the general boundary of the “Downtown” as it is on 12th Street between Franklin and Grand Avenues but is located within the Central Residential Area. The fact that this particular site is currently zoned C-4 conflicts with the description and policies of the CP. Rezoning the area to R-3 would comply with the CP and would, in effect, bring the zoning into concert with the Comprehensive Plan.

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

D. Section 10.070(A)(2) requires that “The amendment will:

a. Satisfy land and water use needs; or
b. Meet the transportation demands; or
c. Provide community facilities and services.”

Finding: The proposed amendment would not change the residential use of the building but would eliminate the possible commercial uses. Existing utilities and services are available for the allowable uses. There is a greater need for residentially zoned properties in Astoria than downtown commercially zoned property as indicated in the recent draft Buildable Lands Inventory. The proposed amendment will satisfy land and water use needs.

E. Section 10.070(B.3) states that “The land is physically suitable for the uses to be allowed, in terms of slope, geologic stability, flood hazard and other relevant considerations.”

Finding: The site is sloped up to the south on 12th Street. There is a known geologic hazard about 100’ to the south across the Grand Avenue right-of-way. The site is within the Flood Zone X, Other Areas determined to be outside the 0.2% annual change floodplain, Flood Insurance Rate Map 410028-0229-E, dated 9-17-10. The land is suited to residential use.
F. Section 10.070(B.4) states that "Resource lands, such as wetlands are preserved."

Finding: There are no known wetlands on the site. The structure located on the site is designated as historic in the Downtown National Register Historic District.

G. Section 10.070(B.5) states that "The amendment is compatible with the land use development pattern in the vicinity of the request."

Finding: The site is situated in a transition area between the residentially and commercially developed areas and could be a cohesive part of either development area. The site is more conducive to residential use rather than the more intensive commercial use of the C-4 Zone due to its close proximity to other dwellings and separation from the main portion of the downtown commercial district.

H. 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 change the area from a more automotive intensive Central Commercial Zone (C-4) to the lower impact, pedestrian oriented High Density Residential Zone (R-3). Changes in the...
allowable uses within the zone could impact the transportation facilities in and adjacent to the zone. The amendment is subject to review under the TPR.

Most of the commercial uses would be eliminated as allowable uses with only low impact uses such as home occupations, family day care centers, etc. remaining as allowed. The following is a comparison of some of the uses within the zones. Not all of the commercial uses eliminated are listed, but it is clear that the traffic impact would be less with the limited uses allowed in the R-3 Zone.

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<tr>
<th>USE</th>
<th>R-3 Zone</th>
<th>C-4 Zone</th>
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<tbody>
<tr>
<td>Bed &amp; Breakfast or Inn</td>
<td>Conditional Use</td>
<td>Conditional Use</td>
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<tr>
<td>Day care center</td>
<td>Conditional Use</td>
<td>Conditional Use</td>
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<td>Home Occupation</td>
<td>Outright</td>
<td>Outright</td>
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<tr>
<td>Family day care center</td>
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<tr>
<td>Multi-family dwelling</td>
<td>Outright</td>
<td>Conditional Use</td>
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<td>Motel/hotel</td>
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<td>Conditional Use</td>
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<td>Transportation service</td>
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<td>Conditional Use</td>
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<td>Conference center</td>
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<td>Conditional Use</td>
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<td>Indoor family entertainment</td>
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<td>Conditional Use</td>
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<td>Business &amp; education service</td>
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<td>Eating &amp; drinking</td>
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<td>Personal &amp; Professional</td>
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<td>Repair services</td>
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<td>Retail sales</td>
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<tr>
<td>Commercial or public parking lot</td>
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The site is accessed from City streets including 12th, Franklin, and Grand and is located three blocks from Marine Drive and Commercial Street which are State highways. Duane Street is classified as a "collector" street, Commercial Street and Marine Drive are "arterial" streets. Any new development at this site would be subject to review by the City to assure that the existing transportation facilities (roads, intersections, etc.) are sufficient to accommodate the proposed development.
The Astoria Transportation System Plan, dated July 1999, did not identify potential transportation system improvements for this general area as it is not a major transportation route.

The R-3 Zone would have less transportation impact than the C-4 Zone due to the elimination of the commercial, traffic-oriented uses.

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.
A10-04 Rezone C-4 to R-3
666 12th

All properties developed for residential use except as noted.