



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

07/19/2011

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 001-11

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: Monday, August 01, 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
Angela Lazarean, DLCD Urban Planning Specialist
Matt Spangler, DLCD Regional Representative

<paa> YA



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

JUL 12 2011

**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: **A11-02**

Date of Adoption: **7-5-11**

Date Mailed: **7-8-11**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 4-7-11

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 Development Code Section 2.390(18) concerning Uses Permitted Outright in the C-3 Zone (General Commercial) to allow single-family or two-family dwelling on the first floor of a structure with commercial facilities in the front portion of the structure.

Does the Adoption differ from proposal? **NO**

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **City wide in the C-3 Zone**

Acres Involved: **271**

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 checked="" 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"/>

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. 001-11 (18780) [16707]

DLCD file 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**

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. 11- 08

AN ORDINANCE AMENDING THE ASTORIA DEVELOPMENT CODE SECTION 2.390 CONCERNING USES PERMITTED OUTRIGHT IN THE C-3 ZONE

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. The Astoria Development Code Section 2.390(18) is hereby deleted in its entirety and replaced to read as follows:


"2.390. USES PERMITTED OUTRIGHT.

18. Single-family or two-family dwelling in a new or existing structure:
- a. Located above or below the first floor with commercial facilities on the first floor of the structure; or
 - b. Located in the rear of the first floor with commercial facilities in the front portion of the structure."

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 JULY, 2011.

APPROVED BY THE MAYOR THIS 5TH DAY OF JULY, 2011.



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		



CITY OF ASTORIA
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COMMUNITY DEVELOPMENT

June 22, 2011

TO: ASTORIA CITY COUNCIL

FROM: PAUL BENOIT, CITY MANAGER

SUBJECT: AMENDMENT REQUEST (A11-02) TO ADD ALLOWABLE USE IN THE C-3 ZONE
(GENERAL COMMERCIAL)

BACKGROUND

Currently, the Development Code allows single-family and two-family dwellings as an outright use in the C-3 Zone if located above or below the first floor with commercial facilities on the first floor of a structure. The Zone also allows multi-family dwellings as an outright use in any portion of a structure. Over the years, the City has seen a renewed interest in one or two-family dwellings in commercial buildings. This use allows adaptive reuse of commercial buildings and provides alternative housing at various income levels. With the fact that multi-family dwellings are allowed in the C-3 Zone, and recognizing the need for affordable housing, staff initiated a Code amendment to the requirement that single-family and two-family dwellings be located only above or below the first floor be amended to include residential use on all floors. However, it is not the intention to reduce the availability of commercial storefront space to allow a single-family or two-family dwelling in the C-3 Zone. Therefore, the proposed code amendments states that they may be located in the rear portions of the first floor with commercial facilities in the front portion.

At its May 24, 2011 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 June 20, 2011.

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 Development Code.”

By:

Rosemary Johnson, Planner

City Hall • 1095 Duane Street • Astoria OR 97103 • Phone 503-338-5183 • Fax 503-338-6511

rjohnson@astoria.or.us • www.astoria.or.us

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STAFF REPORT AND FINDINGS OF FACT

May 16, 2011

TO: PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER

SUBJECT: AMENDMENT REQUEST (A11-02) BY COMMUNITY DEVELOPMENT DIRECTOR TO THE DEVELOPMENT CODE CONCERNING USES WITHIN THE C-3 ZONE (GENERAL COMMERCIAL)

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 "single-family or two-family dwelling located in the rear of the first floor with commercial facilities in the front portion of the structure" as an allowable outright use in Section 2.390.18 for the C-3 Zone (General Commercial)
- C. Location: City wide
- D. Zone: C-3 Zone (General Commercial)

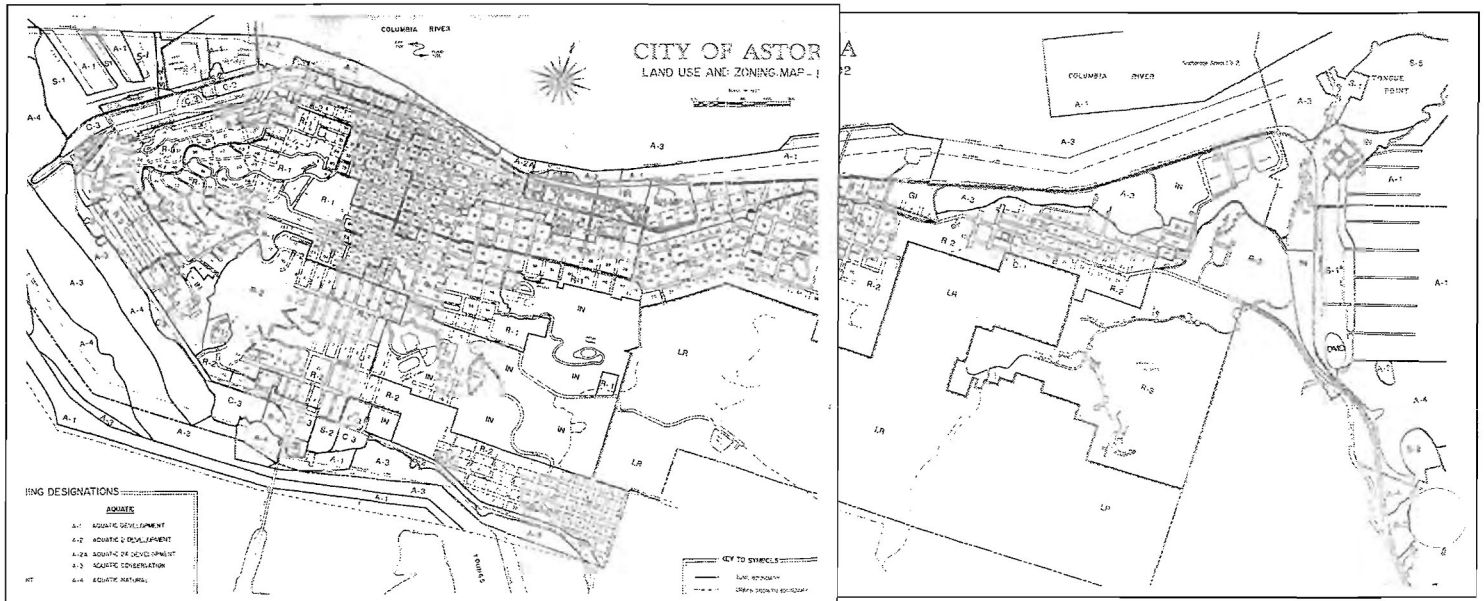
II. BACKGROUND

Currently, the Development Code allows single-family and two-family dwellings as an outright use in the C-3 Zone if located above or below the first floor with commercial facilities on the first floor of a structure. The Zone also allows multi-family dwellings as an outright use in any portion of a structure. Over the years, the City has seen a renewed interest in one or two-family dwellings in commercial buildings. This use allows adaptive reuse of commercial buildings and provides alternative housing at various income levels. During the early 2000's, there was a surge of new construction especially in the higher income level housing and condominiums. Several multi-family dwelling rental facilities were renovated thereby garnering a higher rent. There is a need for moderate to low income housings in Astoria. Many of the commercial structures are narrow and deep and use of the rear portions of these buildings is not as feasible for businesses which typically want a street storefront presence.

With the fact that multi-family dwellings are allowed in the C-3 Zone, and recognizing the need for affordable housing, staff is recommending that the requirement that single-family and two-family dwellings be located only above or below the first floor be

amended to include residential use on all floors. However, it is not the intention to reduce the availability of commercial storefront space to allow a single-family or two-family dwelling in the C-3 Zone. Therefore, the proposed code amendments states that they may be located in the rear portions of the first floor with commercial facilities in the front portion.

The C-3 Zone is generally located along Marine Drive, West Marine Drive, and Lief Erikson Drive corridor, and just east of Downtown from Franklin Avenue to Marine Drive. The zone allows a variety of commercial uses including automotive, retail, offices, warehouses, residential, manufacturing, etc.



A code revision to allow the residential use on the rear of the first floor structures would be applicable to any C-3 Zone. The APC recommendation will be forwarded to the City Council for consideration tentatively at their June 20, 2011 meeting.

III. PUBLIC REVIEW AND COMMENT

A. Planning Commission

A public notice was mailed to Neighborhood Associations and interested parties on April 28, 2011. In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on May 17, 2011. 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 and interested parties on May 27, 2011. In accordance with Section 9.020, a notice of public hearing

will be published in the Daily Astorian on June 13, 2011. 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 C-3 Zone allowable outright uses. The Code is applicable City-wide in any C-3 Zone. 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 specific uses allowed in each zone. The changing development patterns over the last 10 years has seen an increased need for affordable housing and a need for adaptive reuse of existing commercial properties.

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. The C-3 allows residential use and the ability to utilize the rear portion of commercial buildings would allow all parts of the building to be used reducing the amount of vacant space in these buildings.

3. CP.220.5 concerning Housing Policies states that *"Low and moderate income housing should be encouraged throughout the City, and should not be concentrated in one area."*

CP.220.8 concerning Housing Policies states that *"Astoria's historic neighborhoods are recognized as some of the City's most significant assets, and should be protected through the Historic Preservation Ordinance, and other City actions to protect individual structures and neighborhoods. Wherever possible, renovation of existing structures should be carried out in lieu of demolition or new construction."*

Finding: The ability to use rear portions of buildings on the first floor for single-family and two-family dwellings will allow additional housings throughout the entire C-3 Zone. It would also allow adaptive reuse of existing buildings providing income for the building owners that will allow them to restore and maintain the many historic buildings in the C-3 Zone.

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

- D. 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: Residential use on all floors is allowed as an outright use in the zone. The amendment would only change the requirement that there be at least three units (multi-family dwelling) in order to locate on the first floor. Therefore, the traffic impact would be the same for any residential use regardless of on which floor it is located. The proposed amendment would not add a use to a zone and therefore should not impact the transportation facilities in and adjacent to the zone. The amendment is not subject to review under the TPR.


- E. 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 expanded residential use within the C-3 Zone that would be similar to other allowable uses within the zone. Existing utilities and services are available for this type of use and reuse of the underutilized portions of buildings 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.

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.

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

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