



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

06/11/2013

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 002-13

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, June 27, 2013

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

JUN 07 2013

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: A13-01

Date of Adoption: 6-3-13

Date Mailed: 6-6-13

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

☐ 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".

To rezone an area from C-3 (General Commercial) to R-3 (High Density Residential) for the property located at 1585 Exchange, 539 16th, and vacant lot adjacent to 539 16th Street; Map T8N-R9W Section 8DC, Tax Lots 17900, 18000, 18100.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from:

to:

Zone Map Changed from: C-3

to: R-3

Location: Lot 1, e 15' Lot 2, w 35' of s 50' Lot 2, Block 114, Shively

Acres Involved: .3

Specify Density: Previous: no limit

New: 26 per acre

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 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**

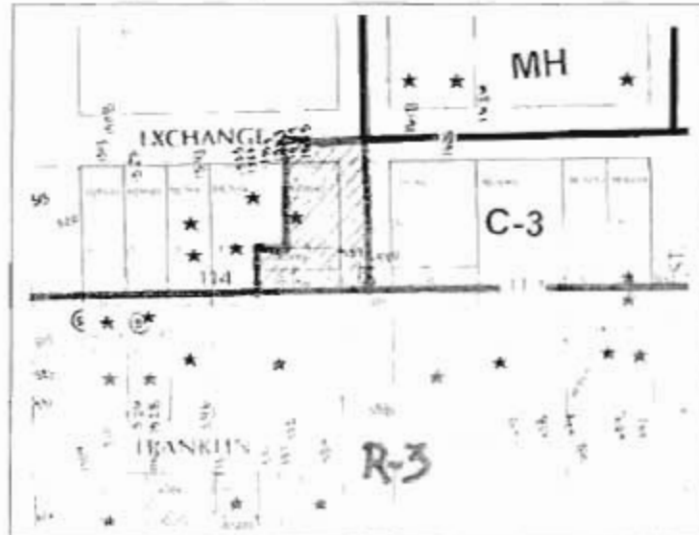
ORDINANCE NO. 13-05

AN ORDINANCE AMENDING THE ASTORIA LAND USE AND ZONING MAP BY REZONING PARCELS AT 1585 EXCHANGE, 539 16TH, AND VACANT LOT ADJACENT TO 539 16TH FROM C-3 (GENERAL COMMERCIAL) TO R-3 (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-3 (General Commercial) to R-3 (High Density Residential) as indicated on the map:

Map T8N-R9W Section
8DC, Tax Lots 17900,
18000, 18100; Lot 1, east
15' Lot 2, west 35' of south
50' Lot, Block 114, Shively




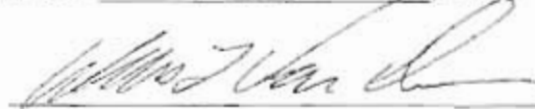
Section 2. Effective Date. This ordinance and its amendment will be effective 30 days following its adoption and enactment by the City Council.

ADOPTED BY THE COMMON COUNCIL THIS 3RD DAY OF JUNE, 2013.

APPROVED BY THE MAYOR THIS 3RD DAY OF JUNE, 2013

ATTEST:


Paul Benoit, City Manager


Mayor

ROLL CALL ON ADOPTION:

YEA

NAY

ABSENT

Commissioner

LaMear

Herzig

Mellin

Warr

Mayor

Van Dusen

X

X

X

X

X

BEFORE THE ASTORIA CITY COUNCIL
OF THE CITY OF ASTORIA

IN THE MATTER OF AN AMENDMENT REQUEST

FOR THE FOLLOWING PROPERTY TAX MAP 8DC:
TAX LOT 17900, 18000, 18100, LOT(S) 1 AND E 15' OF LOT 2
AND THE W 35' OF THE S 50' OF LOT 2, BLOCK 114,
SHIVELY 1585 EXCHANGE, 539 - 16TH STREET AND A
VACANT LOT ON 16TH STREET ASTORIA, OREGON 97103

ORDER NO. A13-01

ZONE C-3, GENERAL COMMERCIAL

APPLICANT ROBERT STANG, RISING TIDE ENTERPRISES,
LLC, 3834 FRANKLIN, ASTORIA OR 97103

The above named applicant filed a request to amend the Astoria Land Use and Zoning Map to rezone an area from C-3, General Commercial to R-3, High Density Residential within the City limits of Astoria, Oregon.

A public hearing on the above entitled matter was held before the Planning Commission on April 23, 2013; and the Planning Commission closed the public hearing and rendered a decision at the April 23, 2013 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 May 20, 2013 meeting, and the Astoria City Council rendered a decision at the June 3, 2013 meeting.

The City Council found the proposed amendment to be necessary and orders that this application for an Amendment A13-01 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: JUNE 3, 2013

DATE MAILED:

ASTORIA CITY COUNCIL



Mayor



Commissioner



Commissioner



Commissioner



Commissioner



May 22, 2013

TO: ASTORIA CITY COUNCIL

FROM: PAUL BENOIT, CITY MANAGER

SUBJECT: AMENDMENT REQUEST (A13-01) BY RISING TIDE ENTERPRISES LLC TO THE LAND USE AND ZONING MAP TO REZONE AN AREA AT 16TH AND EXCHANGE STREETS FROM C-3 (GENERAL COMMERCIAL) TO R-3 (HIGH DENSITY RESIDENTIAL)

BACKGROUND

The property proposed for rezone is generally located at the southwest corner of 16th and Exchange Streets between Exchange Street and Franklin Avenue. The site has a vacant lot, and two lots developed with a single-family dwelling on 16th Street and a dwelling on Exchange Street that is a single-family dwelling but approved for use up to four units. The applicant owns the parcel located at 1585 Exchange which is designated as historic within the Downtown National Register Historic District. The other two property owners have signed in agreement with the proposed zone change. 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. Access to the sites would be from Exchange and 16th Streets.

The building at 1585 Exchange Street has gone through several different owners and uses over the last few years. It was a single-family dwelling for many years as a non-conforming, grandfathered use in the C-3 Zone. It was then converted to a restaurant/bakery on the ground floor with residence above. Within the C-3 Zone, a single-family residential unit is only permitted above or below the first floor with commercial facilities on the first floor of the structure. It sat vacant for several years and then a tattoo parlor located on the ground floor with residence above. Over the years, most of the inquiries for purchase of this property has been for use as a single-family dwelling. However, since the building had been used commercially, it was no longer "grandfathered" and therefore could not return to a single-family dwelling. While the site is close to downtown, it is not in the mainstream of downtown traffic and activity. The building was originally built as a dwelling, and is more conducive to that use rather than commercial use.

The building at 539 16th Street is currently used as a single-family dwelling. This is a non-conforming, grandfathered use in the C-3 Zone. The vacant lot is small (25' x 100') and any development on the site would require off-street parking which would limit the development opportunities.

At its April 23, 2013 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 of the Amendment was held at the May 20, 2013 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 Land Use and Zoning Map."

By:

Rosemary Johnson, Planner

Through:

Brett Estes, Community Development Director

FINDINGS OF FACT

April 10, 2013

TO: PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER

SUBJECT: AMENDMENT REQUEST (A13-01) BY RISING TIDE ENTERPRISES LLC TO THE LAND USE AND ZONING MAP TO REZONE AN AREA AT 15TH AND EXCHANGE STREETS FROM C-3 (GENERAL COMMERCIAL) TO R-3 (HIGH DENSITY RESIDENTIAL)

I. BACKGROUND SUMMARY

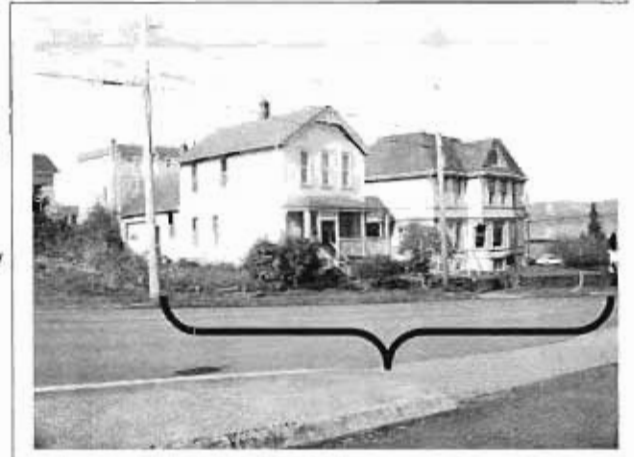
- A. Applicant: Robert Stang
Rising Tide Enterprises LLC
3834 Franklin Avenue
Astoria OR 97103
- B. Owner: Rising Tide Enterprises LLC (1585 Exchange)
3834 Franklin Avenue
Astoria OR 97103
- Michael Petersen (539 16th Street)
539 16th Street
Astoria OR 97103
- Michael B Henderson (vacant lot on 16th)
Emily P Henderson
381 Bon Haven Road
Maysville KY 41056-9772
- C. Request: Amend the Astoria Land Use and Zoning Map by rezoning Tax Lot 17900 at 1585 Exchange Street, Tax Lot 18000 at 539 16th Street, and Tax Lot 18100 a vacant lot on 16th Street from C-3 (General Commercial) to R-3 (High Density Residential)
- D. Location: 1585 Exchange Street; Map T8N-R9W Section 8DC, Tax Lot 17900; north 100' Lot 1 and east 15' of north 100' Lot 2, Block 114, Shively
- 539 16th Street; Map T8N-R9W Section 8DC, Tax Lot 18000; north 25' of south 50' Lots 1 & 2, Block 114, Shively

Vacant lot on west side of 500 block 16th Street; Map T8N-R9W
Section 8DC, Tax Lot 18100; south 50' Lots 1 & 2, Block 114,
Shively

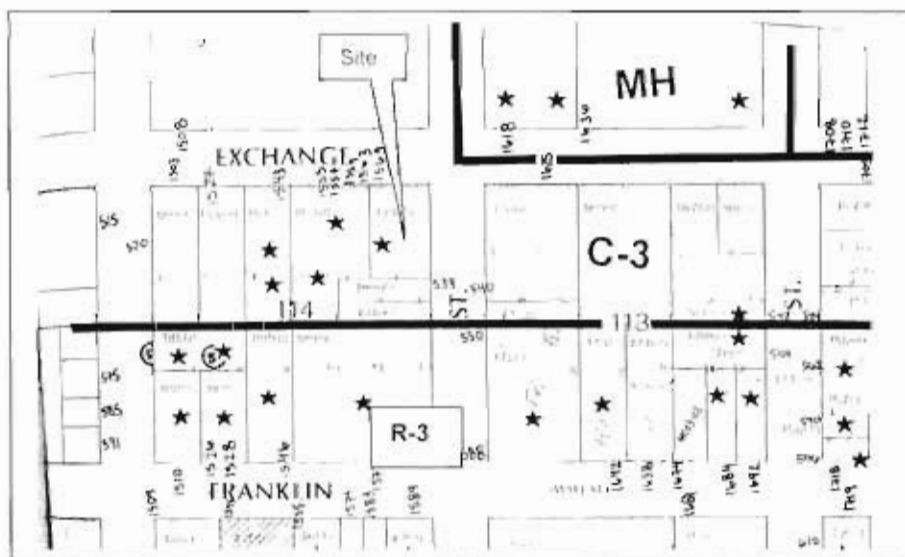
E. Zone: Current: C-3 (General Commercial)
Proposed: R-3 (High Density Residential)

II. BACKGROUND

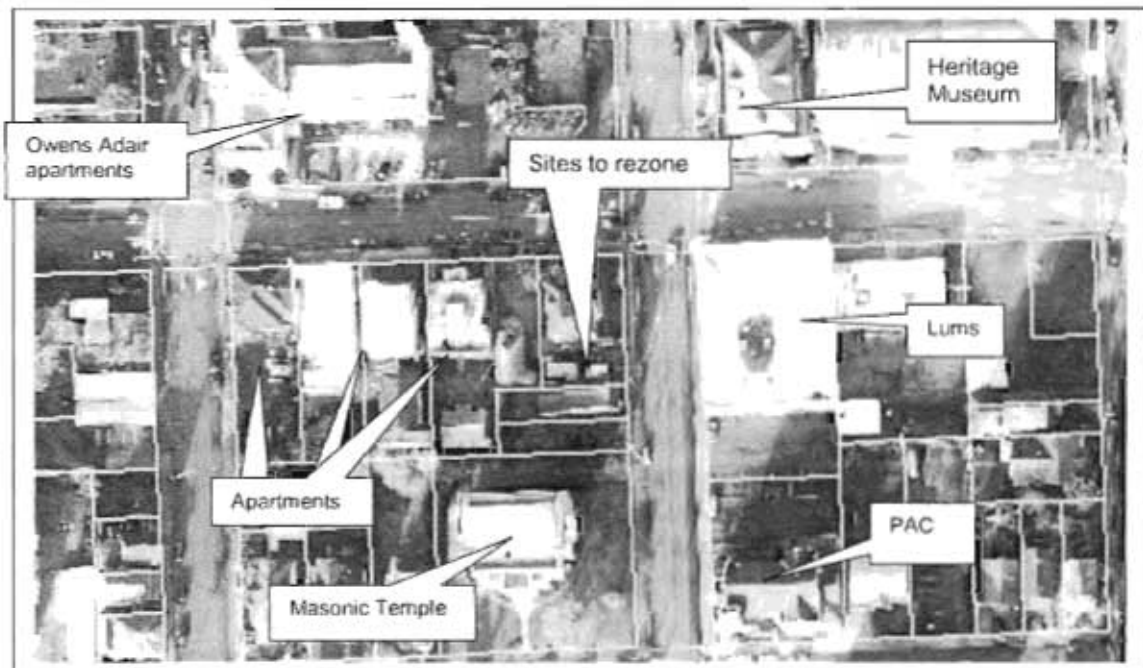
The property proposed for rezone is generally located on 16th and Exchange Streets between Exchange Street and Franklin Avenue. The property is sloped up from the north to south. The site has a vacant lot, and is developed with a single-family dwelling on 16th Street and a dwelling on Exchange Street that is a single-family dwelling but approved for use up to four units. The applicant owns the parcel located at 1585 Exchange which is designated as historic within the Downtown National Register Historic District (NRHD) and any new construction or exterior alterations would require historic design review by the Historic Landmarks Commission.



The site is located on the boundary of three zones and in the transition area between the residential and commercial development. The site is bounded on the north across the Exchange Street right-of-way by the C-3 and MH Zones with Owens Adair apartments and the Heritage Museum; to the south is the R-3 Zone and a mixture of single-family and multi-family dwellings neighborhood along with the Masonic Temple and Clatsop Community College Performing Arts Center; to the east is the C-3 Zone and former Lums Auto sales and service building; to the west is the C-3 Zone with multi-family apartment buildings.



The proposed R-3 Zone would extend into the C-3 Zone.



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. Access to the sites would be from Exchange and 16th Streets.

The building at 1585 Exchange Street has gone through several different owners and uses over the last few years. It was a single-family dwelling for many years as a non-conforming, grandfathered use in the C-3 Zone. It was then converted to a restaurant/bakery on the ground floor with residence above. It sat vacant for several years and then a tattoo parlor located on the ground floor with residence above. Over the years, most of the inquiries for purchase of this property was for use as a single-family dwelling. However, since the building had been used commercially, it was no longer was "grandfathered" and therefore could not return to a single-family dwelling. While the site is close to downtown, it is not in the mainstream of downtown traffic and activity. The building was originally built as a dwelling, and is more conducive to that use rather than commercial use.

The building at 539 16th Street is on a small 25' x 100' lot and has been used as a two-family dwelling but is currently used as a single-family dwelling. This is a non-conforming, grandfathered use in the C-3 Zone. The owner has agreed to the rezone.

The vacant lot is small (25' x 100') and any development on the site would require off-street parking and historic design review. The owner of this property has expressed interest in donating the lot to a local non-profit to be used as a community garden. The property owner has not yet submitted a signature agreeing to the proposed zone amendment. Since only the property owner, or City can apply for a zone amendment on a property, this parcel cannot be rezoned without the property owner's signature.

Staff has been working with the owner to obtain permission but have not yet received it. Should the property owner determine that she does not want to be included in the proposed amendment, the vacant parcel would be removed from the request and would remain C-3 Zone.

The APC recommendation will be forwarded to the City Council for consideration tentatively at their May 20, 2013 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 April 1, 2013. In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on April 16, 2013. The proposed amendment is quasi-judicial as it applies to only three parcels 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 April 26, 2013. In accordance with Section 9.020, a notice of public hearing will be published in the Daily Astorian on May 13, 2013. 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 owner(s) of the property proposed to be rezoned. The lead applicant owns 1585 Exchange and the owner of 539 16th has signed a form in support of the application. The owner of the vacant lot has indicated support for the application but has not yet submitted anything in writing. Should she determine that she does not want to be included in the proposed amendment, the vacant parcel would be removed from the request and would remain C-3 Zone. A condition has been recommended which states that *"The vacant parcel on west side of 500 block 16th Street; Map T8N-R9W Section 8DC, Tax Lot 18100; south 50' Lots 1 & 2, Block 114, Shively shall remain C-3 Zone if the property owner does not agree to the amendment request for a rezone of the property by May 8, 2013."*

- 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 three property owners from C-3 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."*

CP.040, Central Residential Area description, 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, Downtown Area description, states that downtown *"extends from 5th Street to 16th Street, and from the pierhead line in the Columbia River to Exchange Street."*

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. The Central area is the oldest neighborhood and the two buildings located in the area proposed to be rezoned were built in 1880 and 1890 and have been used residentially except for a few recent years that the 1585 Exchange property had some commercial use. The Comprehensive Plan area descriptions could be interpreted that these properties are in the Central Residential Neighborhood and not within the Downtown Area as they are on the south side of Exchange Street which is the south boundary line of the Downtown.

With the historic designation of the one building and others in the neighborhood, and the existing development pattern, major changes are not anticipated that would warrant keeping the proposed properties

within the C-3 Zone which allows more intense commercial development in this transition commercial/residential neighborhood. A change in zone to include these lots within the adjacent 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."*

CP.220 concerning Housing Policies states that the City should
"6. Protect neighborhoods from incompatible uses, including large scale commercial, industrial, and public uses or activities."

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 within a historic district and adjacent to other historic properties. New construction would require historic design review. The vacant parcel abuts residential development and the potential for incompatible commercial development on this lot could be a concern.

The neighborhood was developed over the years with a mixture of multi-family residential apartment buildings, Owens Adair residential apartments which was the former St. Mary's Hospital, automotive sales and service building (Lum's), and the former City Hall which is now the Heritage Center Museum. Property in the 1500 block of Exchange is all residential. East of 16th Street is the start of a separate commercially developed area of the City leading into the Gateway Master Plan area. While the C-3 Zone may have been appropriate when this neighborhood was more automotive and business related, the rezone to R-3 is appropriate for the transition commercial/residential neighborhood now that these uses are gone from this edge of downtown area. The proposed R-3 Zone would extend into the C-3 Zone for this area only. Changing the zone from commercial to residential would keep the commercial uses closer to the downtown core, prevent new automotive

related businesses from locating in this neighborhood, and prevent the expansion of commercial 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 dwellings were built in 1880 and 1890. The structure at 1585 Exchange is designated as historic. There have been many interested buyers who want to restore the building for a single-family dwelling. However, with the current zoning, that was not possible. Rezoning the property to R-3 would help with the preservation of the historic neighborhood to the south.

Shively-McClure NRHD neighborhood



Properties to be rezoned

1585 Exchange



Historic apartment buildings in Downtown NRHD west of property to be rezoned

Rezoning of the area from C-3 to R-3 would comply with these CP Sections encouraging preservation of historic streetscapes and neighborhoods.

4. CP.220 concerning Housing Policies states that the City should
- "2. *Provide residential areas with services and facilities necessary for safe, healthful, and convenient urban living.*"
 - "18. *Zone adequate land to meet identified future housing needs for a broad range of housing types, including single-family attached and detached homes, manufactured homes, two-family dwellings, and multi-family dwellings.*"
 - "20. *Allow for, encourage, and support the development of housing units in conjunction with commercial development (e.g. housing located above commercial uses) to provide diversity and security in commercial areas and a range of housing options.*"

CP.223 concerning Housing Tools and Actions states that the City should

- "18. *Work proactively with owners of large vacant or underutilized properties to identify opportunities and develop plans to meet future housing needs, including provisions for ensuring a mix of housing types and price ranges in these areas.*"

Finding: The parcels proposed for rezone to R-3 contain one vacant lot and two residentially developed lots. The rezone to residential would allow the continuation of use as housing adjacent to the urban area and possibly the development of otherwise under-utilized land. The vacant lot could be developed currently with a commercial activity which could be a negative impact to the residential area, or with a zone change, it could be developed with a single-family dwelling or combined with other properties to bring them more into conformance with the minimum lot sizes required by the code. Either zone would allow the current owner to proceed with their goal to donate the land for a community garden. The structure at 1585 Exchange has been a single-family dwelling but has also been approved for up to four dwelling units. For several years, the majority of interest in this property has been for use as a single-family dwelling. With the R-3 Zone, it could be one to four units.

The City conducted a Buildable Lands Inventory (BLI) which was adopted in 2011. The report states that "A comparison of need and supply of industrial and other employment lands indicates an overall surplus of approximately 6.7 acres of employment land. While there is sufficient land for industrial uses, there is a deficit of land zoned for commercial and particularly retail use. However, a portion of the land identified as "Other" can accommodate specific commercial, industrial,

and high-density residential development and help meet the need for additional commercial land." There is an overall deficit of residentially zoned land. There appears to be sufficient R-3 zoning and not enough R-1 zone and the subject properties would be able to accommodate potentially three single-family dwellings with the one lot able to accommodate up to four units.

Estimated Net Land Surplus/(Deficit) by Zoning Designation, Astoria UGB, 2027 *Source: Wingard Planning & Development Services*

| Type of Use | R1 | R2 | R3 | AH-MP | Total |
|-------------------|---------|-------|--------|--------|---------|
| Land Need | 115.4 | 51.2 | 67.0 | 2.7 | 236.4 |
| Land Supply | 25.20 | 74.99 | 119.18 | 1.49 | 220.86 |
| Surplus/(Deficit) | (90.20) | 23.79 | 52.18 | (1.21) | (15.54) |

| Growth Scenario | Type of Use | Commercial (Office/Retail) | Industrial/Other | Total |
|-----------------|-------------------|----------------------------|------------------|-------|
| Medium | Land Need | 38.2 | 11.5 | 49.7 |
| | Land Supply | 17.1 | 39.3 | 56.4 |
| | Surplus/(Deficit) | (21.1) | 27.8 | 6.7 |

Source: Cogan Owens Cogan

The rezone would remove approximately 0.3 acres (9,400 square feet) from commercial zone to residential and help with the overall deficit of residentially zoned land. With other amendments since the BLI, the figures have not changed dramatically as they have balanced each other out and would be as follows:

| Type of Use | Commercial (Office/Retail) | Industrial/Other | Employment Total | R1 | R2 | R3 | AH-MP | Residential Total |
|--------------------------------|----------------------------|------------------|------------------|---------------|--------------|--------------|---------------|-------------------|
| Land Need | 38.2 | 11.5 | 49.7 | 115.4 | 51.2 | 67.0 | 2.7 | 236.4 |
| Land Supply | 17.1 | 39.3 | 56.4 | 25.20 | 74.99 | 119.18 | 1.49 | 220.86 |
| A11-05 | -0.3 | | | | | +0.3 | | |
| A12-02 | | | | -0.8 | +0.8 | | | |
| A12-03 | +0.46 | | | | -0.46 | | | |
| BLI Surplus/(Deficit) | (21.1) | 27.8 | 6.7 | (90.20) | 23.79 | 52.18 | (1.21) | (15.54) |
| Final Surplus/(Deficit) | (20.94) | 27.8 | 6.86 | (91.0) | 24.13 | 52.48 | (1.21) | (15.6) |

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:*
- Satisfy land and water use needs; or*
 - Meet the transportation demands; or*
 - Provide community facilities and services."*

Finding: The proposed amendment would change the former allowable use of the buildings eliminating possible commercial uses in the future. Existing utilities and services are available for the allowable uses. There is a need for residentially zoned properties in Astoria as indicated in the Buildable Lands

Inventory as noted above. 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 from Exchange toward Franklin Avenue. There is no known geologic hazard within 100' of the site. 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 site sits above the street level with stair access from Exchange and a handicap ramp from the 16th Street elevation into the rear of the structure. There is only room for one vehicle to park on the site. The structure is designated as historic which limits the extent of alterations allowed to the building exterior and site. With the limited at grade access and the lack of parking, the site is not as desirable for commercial use. The site could be used for a work/live unit, but demand for this type of facility is minimal. It has been challenging to find a suitable commercial use for the building given the topographic and parking constraints. 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 at 1585 Exchange 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. Due to its close proximity to other dwellings and separation from the main portion of the downtown commercial district, the residential zone would be more consistent with the development pattern.

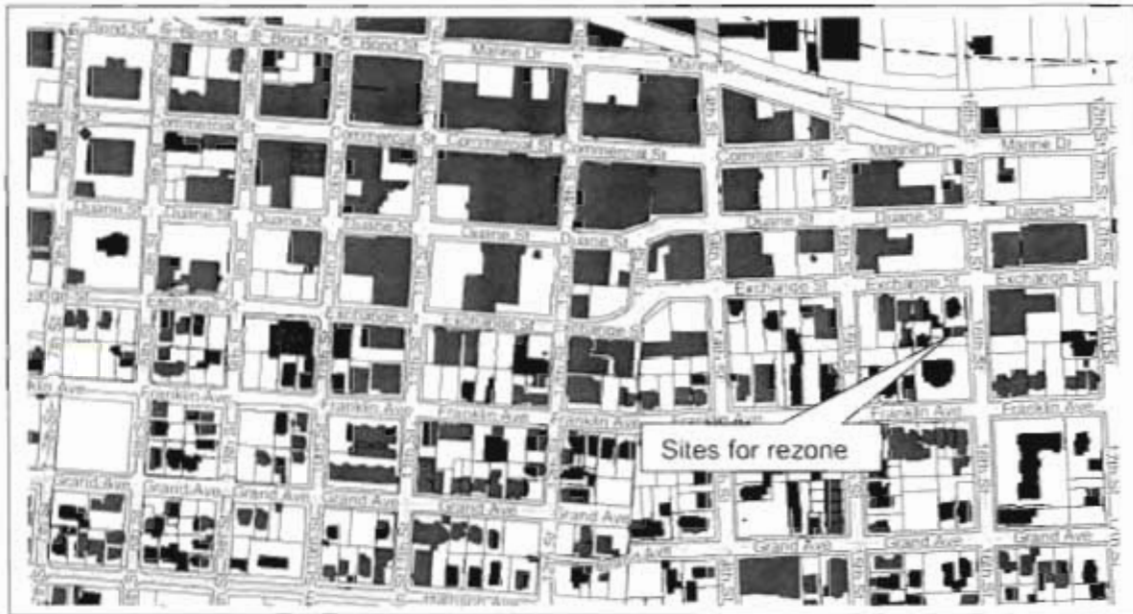
- H. Statewide Planning Goal 12 concerning Transportation requires that cities review transportation related issues when considering land use amendments. Oregon Administrative Rules (OAR) Section 660-012-0060(1) concerning Transportation Planning Rule (TPR) - Plan and Land Use Regulation Amendments stated 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 General Commercial Zone (C-3) 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.

| USE | R-3 Zone | C-3 Zone |
|--|-----------------|-----------------|
| Bed & Breakfast or Inn | Conditional Use | Outright |
| Day care center | Conditional Use | Conditional Use |
| Home Occupation | Outright | Outright |
| Family day care center | Outright | Outright |
| Multi-family dwelling | Outright | Outright |
| Motel/hotel | | Outright |
| Transportation service | | Outright |
| Automotive sales, service, & gas station | | Conditional Use |
| Indoor family entertainment | | Outright |
| Business & education service | | Outright |
| Eating & drinking establishment | | Outright |
| Personal & Professional services | | Outright |
| Repair services | | Outright |
| Retail sales | | Outright |
| Light manufacturing | | Conditional Use |



The site is accessed from City streets including Exchange and 16th and is located two blocks from Marine Drive and Commercial Street which are State highways. Duane, Exchange, and 16th Streets are classified as "collector" streets, 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-3 Zone due to the elimination of the commercial, traffic-oriented uses.

V. CONCLUSION AND RECOMMENDATION

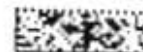
The request is consistent with the Comprehensive Plan and Development Code. Staff recommends that the Planning Commission recommend approval of the proposed amendment to the City Council for adoption with the following condition:

1. The vacant parcel on west side of 500 block 16th Street; Map T8N-R9W Section 8DC, Tax Lot 18100; south 50' Lots 1 & 2, Block 114, Shively shall remain C-3 Zone if the property owner does not agree to the amendment request for a rezone of the property by May 8, 2013.

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



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