



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 003-13

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: A13-02

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 amend the zone from GI (General Industrial) to S-2A (Tourist-Oriented Shoreland) for the property located at 4050 Abbey Lane; Map T8N-R9W Section 9AA, Tax Lot 500; Lot 5, Astoria Business Park.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from:

to:

Zone Map Changed from: GI

to: S-2A

Location: 4050 Abbey Lane; Lot 5, Astoria Business Park

Acres Involved: 2

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
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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:

Cannery Loft Condominiums

Local Contact: Rosemary Johnson

Phone: (503) 338-5183 Extension: 2413

Address: 1095 Duane Street

Fax Number: 503-338-6538

City: Astoria

Zip: 97103

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

DLCD file No. 003-13 (19743) [17481]

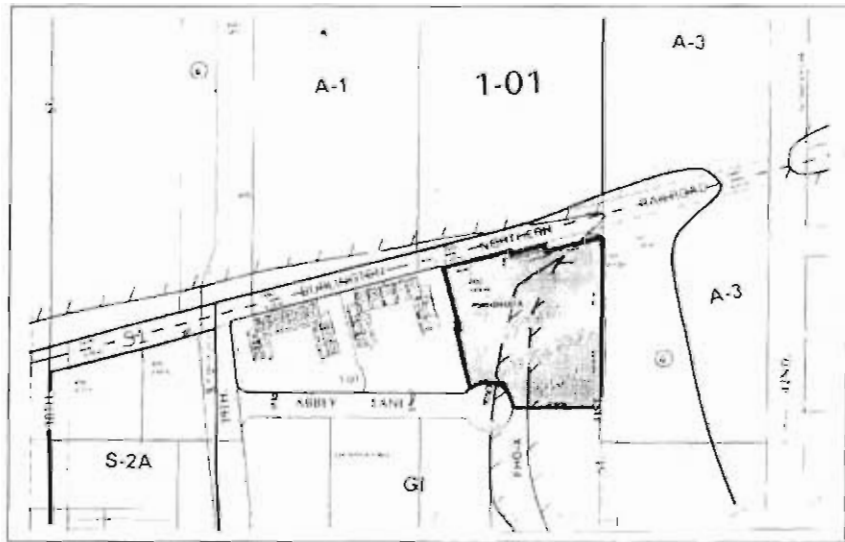
ORDINANCE NO. 13-06

AN ORDINANCE AMENDING THE ASTORIA LAND USE AND ZONING MAP BY REZONING A PARCEL AT 4050 ABBEY LANE FROM GI (GENERAL INDUSTRIAL) TO S-2A (TOURIST-ORIENTED SHORELAND)

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 GI (General Industrial) to S-2A (Tourist-Oriented Shoreland) as indicated on the map:

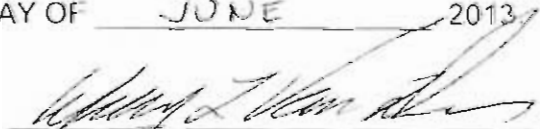
Map T8N-R9W Section
9AA, Tax Lot 500, Lot 5.
Astoria Business Park



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


Mayor

ATTEST:


Paul Benoit, City Manager

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 9AA;
TAX LOT 500, LOT(S) 5; ASTORIA BUSINESS PARK
4050 ABBEY LANE, ASTORIA, OREGON 97103

ZONE: GI, GENERAL INDUSTRIAL

APPLICANT: CANNERY LOFT HOLDINGS LLC,
4380 SW MACADAM SUITE 190, PORTLAND OR 97239

ORDER NO. A13-02

The above named applicant filed a request to amend the Astoria Land Use and Zoning Map, Section 9AA, Tax Lot 500 from GI (General Industrial) to S-2A (Tourist-Oriented Shoreland) for the vacant property located at 4050 Abbey Lane 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 A13-02 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 (A13-02) BY CANNERY LOFT HOLDINGS LLC TO
THE LAND USE AND ZONING MAP TO REZONE A PARCEL FROM GI ZONE
(GENERAL INDUSTRIAL) TO S-2A (TOURIST ORIENTED SHORELAND)

BACKGROUND

The parcel proposed to be rezoned is located on the north side of Abbey Lane east of 39th Street. It was one of three platted lots approved for development with three Cannery Loft Condominium buildings. Only two of the approved buildings were constructed and the third lot remains vacant. Approximately half of the lot is a designated wetland area and is not buildable. The site was originally zoned S-1 (Marine Industrial Shoreland) but was rezoned to GI in 1992 (A92-03) as the parcels were not feasible for shoreland activities as they were cut off from the River and shoreland development opportunities.

The current GI Zone limits the variety of commercial uses allowed and mainly focuses on general industrial uses, but does allow for multi-family dwellings above the ground floor under a conditional use permit. The site was included in the Cannery Loft Condominium development proposal and approved under Conditional Use permit (CU04-04) as amended by AEP05-05 for construction of a multi-family dwelling. That permit is still valid and would allow multi-family dwelling construction on the site with general industrial use on the ground floor. The original owners were never able to complete construction of the third building and the lot subsequently changed ownership. The property to the west of 39th Street (Hampton Inn & Suites) was changed from S-1 Zone (Marine Industrial Shoreland) to S-2A Zone (Tourist Oriented Shoreland) to allow for the development of the new hotel which would support the East End Mooring Basin activities more than the industrial uses allowed by the S-1 Zone. The request to rezone the parcel at 4050 Abbey Lane to S-2A would continue with the tourist oriented shoreland possibilities while allowing for broader multi-family dwelling opportunities on all floors of a building.

The applicant proposes to potentially sell the property for redevelopment as a multi-family dwelling with some potential commercial activities such as professional offices and non-tourist oriented retail sales. They have submitted a conditional use application for those proposed uses which is being processed concurrently with the proposed zone map amendment. The Planning Commission approved the conditional use permit on April 23, 2013 with the condition that it would be contingent upon approval of the zone amendment.

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 on 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

STAFF REPORT AND FINDINGS OF FACT

April 8, 2013

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER

SUBJECT: Amendment Request (A13-02) by Cannery Loft Holdings LLC to amend the Land Use and Zoning Map to rezone the property at 4050 Abbey Lane from GI Zone (General Industrial) to S-2A Zone (Tourist-Oriented Shoreland)

I. BACKGROUND SUMMARY

- A. Applicant: Cannery Loft Holdings LLC
4380 SW Macadam Suite 190
Portland OR 97239
- 210 Developers LLC (Proposed Developers)
427 W Cevallos
San Antonio TX 78204
- B. Owner: Cannery Loft Partners LLC
c/o Cannery Loft Holdings LLC
4380 SW Macadam Suite 190
Portland OR 97239-6404
- C. Request: Amend the Land Use and Zoning Map to rezone the vacant lot at 4050 Abbey Lane from GI (General Industrial) to S-2A Zone (Tourist-Oriented Shoreland)
- D. Location: 4050 Abbey Lane; Map T8N-R9W Section 9AA, Tax Lot 500; Lot 5, Astoria Business Park
- E. Current Zone: GI (General Industrial)
- Proposed Zone: S-2A (Tourist-Oriented Shoreland)

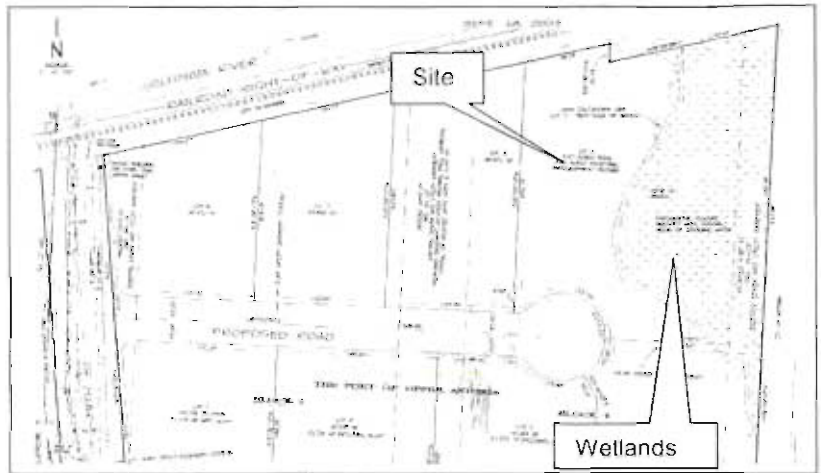
II. BACKGROUND

Subject Site:

The property to be rezoned is approximately 2.09 acres in size and is part of the Astoria Business Park general industrial area. It is located on the dead end cul-de-sac of Abbey Lane accessed from 39th Street off Lief Erikson Drive.



The lot was one of three platted lots approved for development with three Cannery Loft Condominium buildings. Only two of the approved buildings were constructed and the third lot remains vacant. The site is flat and approximately half of the lot is a designated wetland area and is not buildable. A portion of the lot has been paved with parking for the Cannery Loft Building B at 3990 Abbey Lane. That parking is part of a joint use/access easement.



The site was originally zoned S-1 (Marine Industrial Shoreland) but was rezoned to GI in 1992 (A92-03) as the parcels were not feasible for shoreland activities as they were cut off from the River and shoreland development opportunities. With the change to GI Zone, the property is no longer included in the City's inventory of Goal 17 shorelands, or those lands which are Especially Suited for Water Dependent (ESWD) uses. An amendment was approved in 2001 (A01-03) which increased some of the allowable uses within the GI Zone.

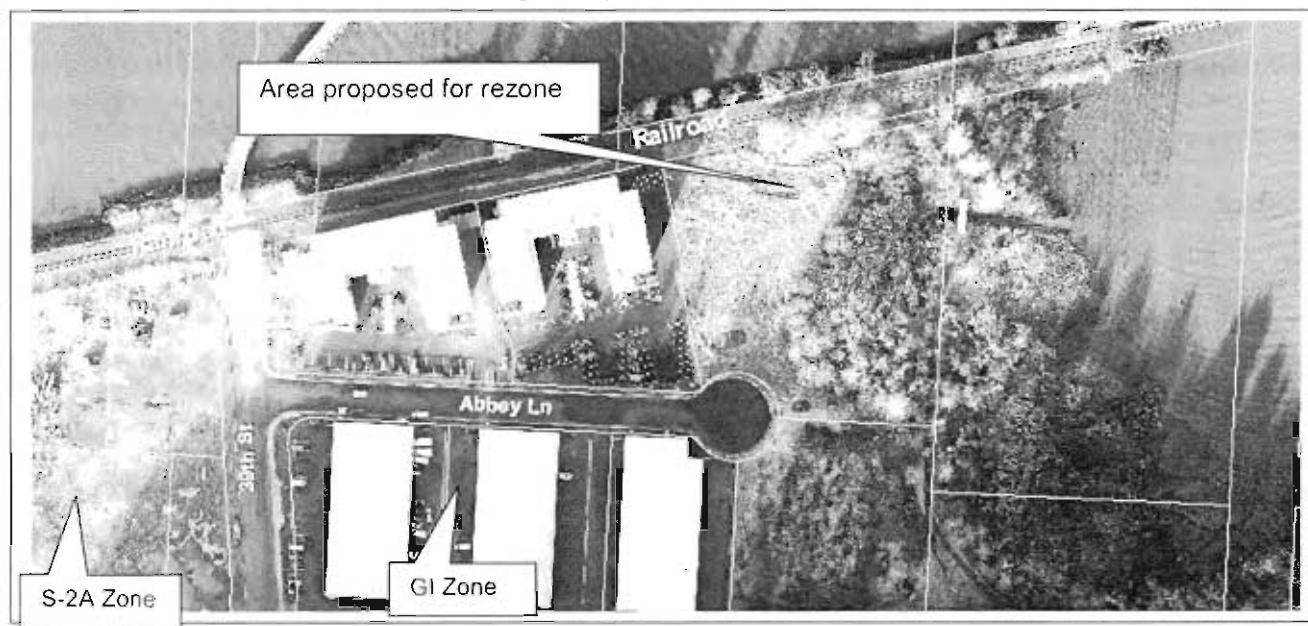
The current GI Zone limits the variety of commercial uses allowed and mainly focuses on general industrial uses, but does allow for multi-family dwellings above the ground floor under a conditional use permit. The site was included in the Cannery Loft Condominium development proposal and approved under Conditional Use permit (CU04-04) as amended by AEP05-05 for construction of a multi-family dwelling. That permit is still valid and would allow multi-family dwelling construction on the site with general industrial use on the ground floor. The original owners were never able to complete construction of the third building and the lot subsequently changed ownership.

The property to the west of 39th Street was changed from S-1 Zone (Marine Industrial Shoreland) to S-2A Zone (Tourist Oriented Shoreland) to allow for the development of the new hotel which would support the East End Mooring Basin activities more than the industrial uses allowed by the S-1 Zone. The request to rezone the parcel at 4050 Abbey Lane to S-2A would continue with the tourist oriented shoreland possibilities while allowing for broader multi-family dwelling opportunities on all floors of a building.

The new owner has stated that the nature of the two existing condominium buildings has not been conducive to general industrial uses and much of the ground floor spaces have remained vacant. There was a recent code amendment to allow mini storage in the two existing buildings to expand the allowable uses within those buildings. The requested zone change to S-2A would return the property to a waterfront zoning while allowing more flexibility in the range of commercial and tourist-oriented uses allowed.

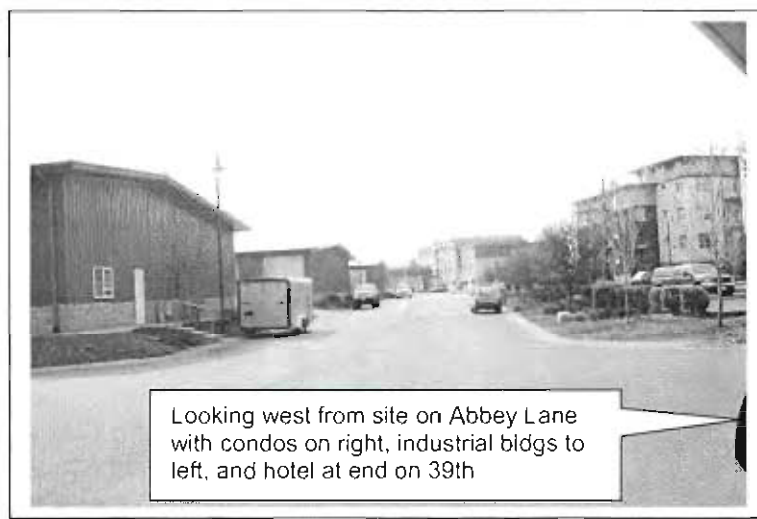
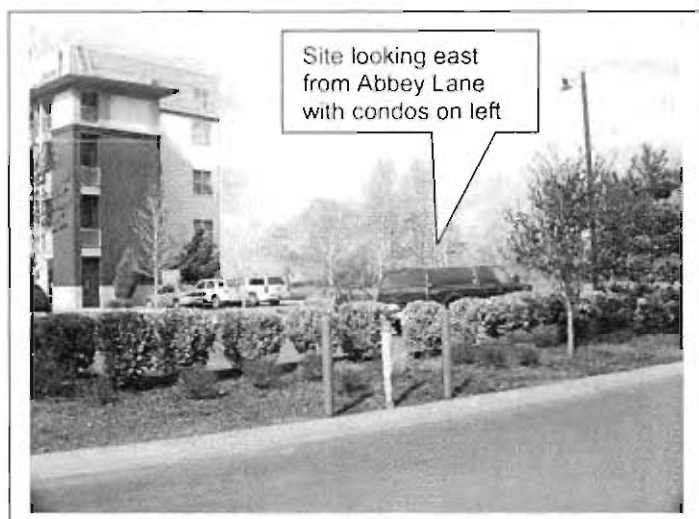
The applicant proposes to potentially sell the property for redevelopment as a multi-family dwelling with some potential commercial activities such as professional offices and non-tourist oriented retail sales. They have submitted a conditional use application for those

proposed uses which is being processed concurrently with the proposed zone map amendment and would be contingent upon approval of the zone amendment.



Neighborhood:

To the west is the two Cannery Loft Condominium buildings and across the 39th Street right-of-way is the Hampton Inn Hotel; to the northwest is the East End Mooring Basin, water area; to the north is the Columbia River, Pier 39, and River Trail (the trolley line ends at 39th Street); to the east is the Alderbrook Lagoon and wetlands; to the south are four industrial lots developed with three industrial buildings on the south side of Abbey Lane adjacent to Lief Erikson Drive. The area to the east is zoned A-3 (Aquatic Conservation). Properties to the west and south are zoned GI Zone (General Industrial). The area west of 39th Street is zoned S-2A (Tourist Oriented Shoreland).



III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet, pursuant to Section 9.020 on March 29, 2013. In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on April 16, 2013. Any comments received will be made available at the Planning Commission meeting.

IV. FINDINGS OF FACT

- A. 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 zone boundary is being initiated by the property owner.

- 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 G1 to S-2A Zone. Processing as a quasi-judicial action would be appropriate.

- C. Section 10.070(B.1) concerning a Map Amendment states that *"Before an amendment to a zone boundary is approved, findings will be made that the following criteria are satisfied: 1. The amendment be consistent with the Comprehensive Plan."*

1. CP.010(2) concerning General Development Policies for Natural Features states that *"The City will cooperate to foster a high quality of development through the use of flexible development standards, cluster or open space subdivisions, the sale or use of public lands, and other techniques. Site design which conforms with the natural topography and protects natural vegetation will be encouraged. Protection of scenic views and vistas will be encouraged."*

Finding: At the time development application(s) are submitted for review by the City, issues such as site design will be addressed. No site design issues are being considered as a part of this request.

2. CP.015(4) concerning General Land and Water Use Goals states that *"Because of the City's strong water orientation, the Plan supports continuing regional efforts to manage the Columbia River estuary and shorelands. The City's land use controls, within this regional context, will be aimed at protecting the estuary environment and at promoting the best use of the City's shorelands."*

CP.020(3) concerning Community Growth-Plan Strategy states that *"The Columbia River waterfront is considered a multiple use area. The development of this area is to be encouraged in a flexible manner, under the shorelands and estuary section."*

Finding: The City will continue regional efforts to manage the Columbia River estuary and shorelands regardless of the zone change request. The property was rezoned in 1992 from a shoreland zone to GI and no longer retains the shoreland designation. However, the proposed zone would return the classification to a shoreland designation but with a tourist orientation. Removing this 2.09 acre parcel from the GI Zone and rezoning it S-2A (Tourist-Oriented Shoreland) will allow for an increased variety of uses to potentially occur on this property. This will allow for the redevelopment of the site in a flexible manner and allow for multiple uses.

3. CP.015(6) concerning General Land and Water Use Goals states that *"The plan establishes the goal of encouraging development which the City is capable of servicing. New industry or housing development should be permitted if public facilities such as sewer, water, police and fire protection, and schools, are capable of accommodating increased demand."*

Finding: The property is currently vacant and while capable of being served by public facilities, the actual demand on those services and ability to serve the increased demand cannot be determined until the actual use is proposed. The change in allowable uses could add a variety of commercial, tourist-oriented, and residential uses to the industrial, warehousing, light manufacturing, and other industrial-related uses. It is anticipated that public facilities should be sufficient to serve expanded uses in this area.

4. CP.020.9, Community Growth - Plan Strategy, states *"The Buildable Lands Inventory completed in April 2011 identified a deficit of 15.54 net acres of residential buildable lands. In order to address this deficit, OAR 660-24-0050 requires that the City amend the Plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the boundary or by expanding the UGB, or both."*

Finding: The City conducted a Buildable Lands Inventory 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 (27.8 acre surplus), 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 of 15.54 acres. The subject property currently is zoned GI which allows multi-family residential units above the first floor but the proposed S-2A Zone

would allow multi-family dwellings on all floors increasing the possibility for additional residential development. The rezone would take approximately 2.09 acres (approximately 91,404 square feet) from GI Zone (industrial) to S-2A Zone (commercial/shoreland). It would reduce the industrial land surplus to 25.7 acres and would help with the overall deficit of commercially zoned employment land particularly for office/retail use by reducing the deficit to (19.01).

Estimated Net Land Surplus/(Deficit) by Zoning Designation, Astoria UGB, 2027				
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)	Surplus/(Deficit)	(21.1)	27.8	6.7
Source: Cogan Owens Cogan				

Estimated Net Land Surplus/(Deficit) by Zoning Designation, Astoria UGB, 2027

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)

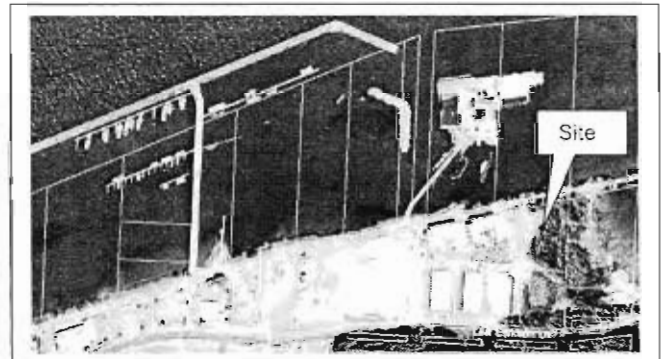
Source: Wingard Planning & Development Services

5. CP.175(E, Paragraphs 1, 2 & 3) concerning Uppertown/Alderbrook Subarea Plan Issues states that *"Shorelands in this subarea do not have direct access to deep water. The ship channel is 2,000 to 4,000 feet from the shoreline, though several ship anchorages are south of the channel."*

The Corps of Engineers has completed improvements to the East End Mooring Basin breakwaters that correct the surge problem. Eliminating the surge opens the basin to a large number of vessels and increases the need for dredging and for backup land to support basin operations. Vacant shorelands should be reserved for support uses.

Most of the subarea shorelands are already developed and there are no large vacant parcels. Between 35th and 41st Streets, however, is mostly vacant land with the potential to support water-dependent and water-related uses associated with the boat basin."

Finding: The area is no longer zoned shoreland but is within the Uppertown / Alderbrook Subarea Plan area. The S-2A zone would include uses which would support the East Moorage Basin.



6. CP.200 concerning Economic Development Goal 1 Policies states that *"The City of Astoria will:*
 4. *Encourage private development such as retail, restaurants, commercial services, transient lodging.*
 5. *Provide a supportive environment for new business.*
 6. *Encourage a diversity of businesses, target firms to add to the business mix and strengthen the overall economic base. . .*
 8. *Encourage the broadening of the economy, particularly in areas which help balance the seasonal nature of existing industries."*

Finding: In addition to multi-family residential uses, the S-2A zone would permit other uses outright such as tourist-oriented retail sales, hotels, and restaurants. The S-2A zone would allow uses to develop which would support the existing mooring basin, hotel, industrial, and condominium development.

7. CP.210(1) concerning Economic Development Recommendations states that *"The City should reevaluate its Plan and zoning designation for its waterfront in light of the decline of the fishing industry. The reevaluation should focus on the waterfront's potential for tourist-oriented development. Plan policies and implementing measures should be developed to encourage and promote tourist oriented development of the waterfront. Possible rezonings should include the A-1 area between 6th and 10th Streets, and in the vicinity of the Samuel Elmore Cannery."*

Finding: The East Mooring Basin is used for smaller fishing operations as well as recreational fishing operations. The S-2A zone would allow for more tourist-based uses to develop on the site which could potentially take advantage of the character of the adjacent working waterfront and historic Pier 39 development.

Finding: The request is in compliance with the Comprehensive Plan.

- D. Section 10.070(B.2) requires that *"The amendment will:*
 - a. *Satisfy land and water use needs; or*
 - b. *Meet transportation demands; or*
 - c. *Provide community facilities and services."*

Finding: The site is located on Abbey Lane accessed from Lief Erikson Drive (Highway 30) via 39th Street. There are no traffic lights, however there is a turn lane on Lief Erikson Drive at this intersection. In accordance with Statewide Planning Goal 12 concerning Transportation, and the Transportation Planning Rule (TPR) (OAR 660-12-060), any plan amendment having a significant effect on a transportation facility (i.e. Highway 30) must assure that the allowed land uses are consistent with the function, capacity, and level of service of the facility. In addition, OAR 734-051-0080, and OAR 734-051-0100 state that a proposed development or land use action where an on-site review indicates that operational or safety concerns may be present requires a Traffic Impact Study.

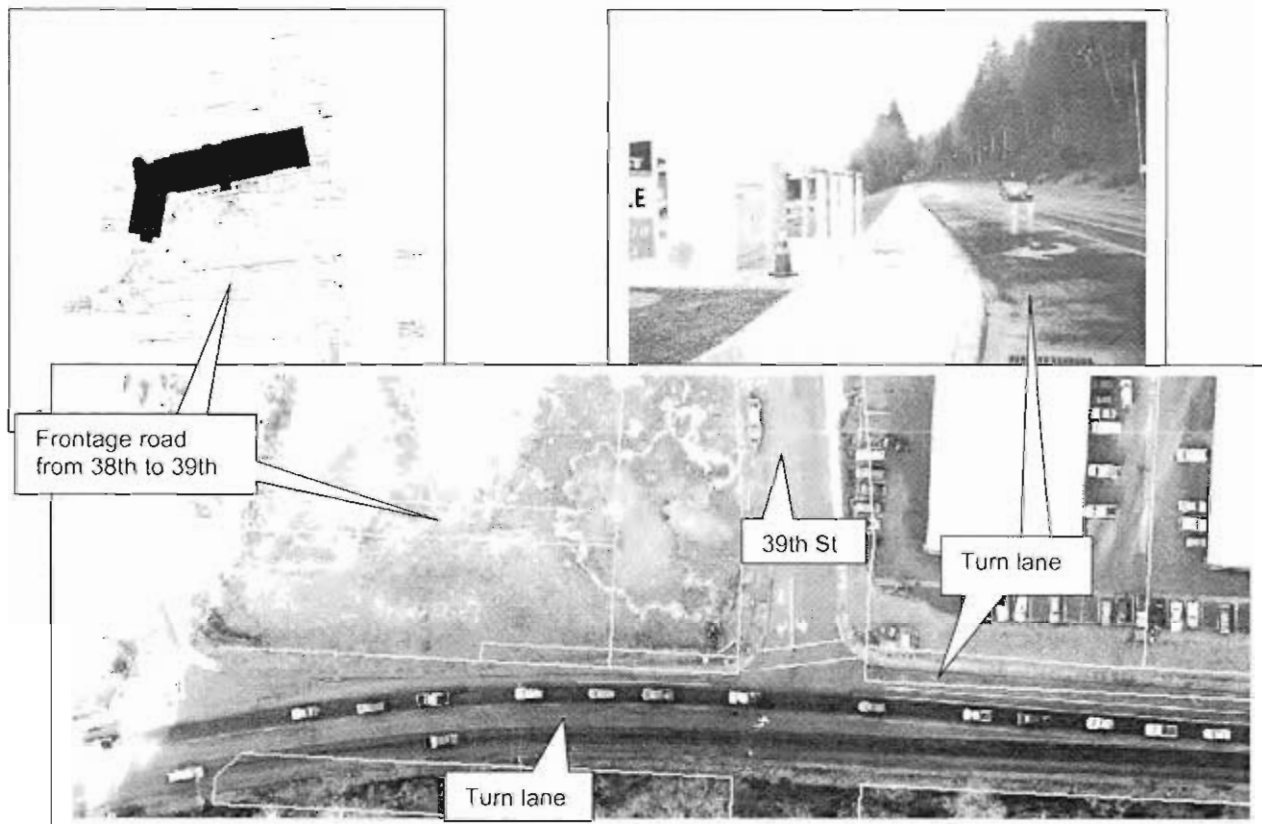
The traffic impact of each proposed use on the existing transportation system would be addressed at the time of a future permit application. The following is a comparison of some of the uses for both the existing and proposed zones.

Uses	GI		S-2A	
	Outright	CU	Outright	CU
Seafood receiving and processing.			X	
Small boat building and repair.			X	
Boat and/or marine equipment sales.			X	
Automotive repair, service, and garage; bulk fuel, ice processing; truck & equipment storage	X			
Commercial testing laboratory	X			
Laundry, cleaning, and garment services	X		X	
Specialized food store, such as bakery, delicatessen and seafood market			X	
Food and kindred products processing		X		
Tourist oriented retail sales establishment.			X	
Non-tourist oriented retail sales establishment.		X with limitations		X
Light manufacturing, photo lab, graphic services, research lab, construction office & storage	X			
Eating, drinking and entertainment establishment without drive-through facility		X with limitations	X	
Park and museum; theater; conference center			X	
Arts and crafts studio.				X
Commercial or public parking lot.				X
Repair service establishment,	X			X not including automotive, heavy equipment, or other major repair service
Professional and business office.		X with limitations		X
Temporary use meeting the requirements of Section 3.240				X
Hotel, motel, inn, bed and breakfast			X	
Theater			X	
Public or semi-public use appropriate to and compatible with the district.	X no semi-public use			X
Multi-family dwelling		X above 1st floor		X

The zone change to S-2A will provide for a wider variety of uses within the 2.09 acre site, increasing some water-related commercial uses, but eliminating some of the heavier industrial uses. All City utility services are available to the area. The change in allowable uses would be an increase in potential vehicle trips to the site. With the more tourist-oriented uses, the nature of the traffic would be private vehicles versus the larger commercial trucks associated with the industrial uses. Approximately half of the site is designated wetlands and not buildable. Due to the

small size of the site, and the fact that one of the largest traffic generators is multi-family dwelling which is allowed in both zones, the change in traffic impact to the area should not be significant.

In February 2007, the City Council adopted the East Gateway Transportation System Plan. This Plan was conducted by the City of Astoria in conjunction with the Oregon Department of Transportation (ODOT) and studied the existing and forecasted transportation needs in this area. In a letter dated November 5, 2007 concerning the proposed rezone (A07-01) of the area on the west side of 39th Street from S-1 to S-2A, ODOT staff stated that following review of the East Gateway Transportation System Plan, they believed that proposed zone change would comply with the provisions contained in the Transportation Planning Rule. The East Gateway Transportation System Plan recommended a new frontage road connection between 36th and 39th Streets in order to improve safety and operational issues. At the time of that rezone, ODOT staff stated that from their assessment, there was capacity at the Highway 30 / 39th Street intersection provided a parallel road was developed between 38th and 39th Streets to accommodate the zone change. A new road connection between 38th and 39th Streets was constructed with the new Hampton Inn Hotel in 2012. In addition, the East Gateway TSP recommended a turn lane be constructed on Lief Erikson Drive to accommodate the projected development on 39th Street. Those turn lanes have been constructed.



Since this property is accessed from two City streets and not directly from the State Highway, ODOT no longer comments on the TPR review. From the existing East Gateway TSP and projected traffic volumes and projected uses, it appears

that the transportation facilities in this area are sufficient to accommodate the uses allowed in the S-2A Zone.

- E. Section 10.070(B)(3) requires 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 location of this land is parallel to the former railroad right-of-way (current trolley line). The site is slightly below the grade of Highway 30 road improvements and is relatively flat.

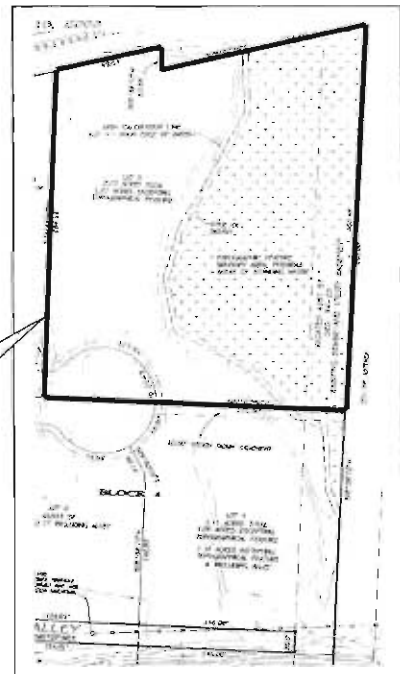
The west portion of the land area is in flood Zone X, "Areas determined to be outside the 0.2% annual chance floodplain", of the Flood Insurance Rate Map, Community Panel Number 410028-233-E, dated September 17, 2010. The east portion of the site is a designated wetland and is in Flood Hazard Overlay Zone (FHO) X "Areas of 0.2% annual chance flood" and AE "Special Flood Hazard Area subject to inundation by the 1% annual chance flood - (Base Flood Elevation 12')". Any new construction is required to meet first-floor elevation standards, as set by the National Flood Insurance Program; however, the land area is not within a flood zone requiring this construction standard and the areas within the flood zones is a wetland and there would be no construction in this area. The site is located within an "Extreme Risk" Tsunami Inundation Zone as determined by the Oregon Department of Geology and Mineral Industries (map publication IMS-11) and governed by rules contained in Oregon Administrative Rules 632-005 et seq. The subject property is not adjacent to an area of known geologic instability.

Any construction proposed for the site would be reviewed at the time of the proposal for compliance with the site development constraints.

- D. Section 10.070(B.4) requires that *"resource lands, such as wetlands, are protected."*

Finding: There are known wetlands on the site and these areas are identified and would be protected during any proposed construction.

Area proposed to be rezoned with wetlands (unbuildable) area noted.



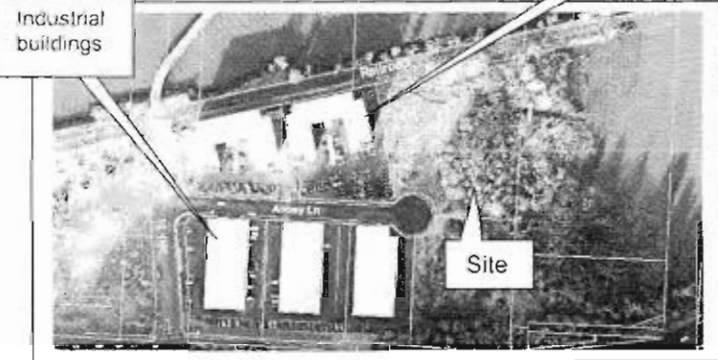
- E. Section 10.070(B.5) requires that *"the amendment is compatible with the land use development pattern in the vicinity of the request."*

Finding: The 39th Street area has a variety of development. On the west side of 39th is an S-2A Zone developed with the Hampton Inn Hotel with the East End Mooring Basin to the west of that; on the north is the Columbia River, trolley line, and Pier 39 with restaurant, museum, scuba shop, offices, transient lodging facility, and boat storage; to the west on the adjacent lots is the Cannery Loft Condominiums with multi-family dwelling units above industrial/commercial facilities on the ground floor; to the south across Abbey Lane right-of-way is the Astoria Business Park industrial development with auto detailing, carpet store, AAMCO store, Fastenal supplies, and martial arts / gym facility; to the east is a lagoon and the start of the Alderbrook residential neighborhood. Development Code Section 2.700 includes the purpose statement for the S-2A zone which states that the S-2A district *"... is intended to provide for mixed-use tourist oriented development that retains and takes advantage of the working waterfront character of the area."* Across the Lief Erikson Drive right-of-way is a forested hillside and residential with some neighborhood commercial development. The vicinity is effectively bordered to the south by Lief Erikson Drive and the north by the Columbia River.



Industrial buildings

Cannery Lofts



Site



Site looking northeast toward lagoon, River, & residential area



Site

Hampton Inn from River Trail looking east toward site

The River Trail now extends the full length of the developed portion of the Columbia River in Astoria from Pier 3 at the Port to the Alderbrook Lagoon at 54th Street. The Trail in the area of 39th Street is developed more aesthetically with the hotel lawn, trolley stop, Cannery Loft Condominiums, benches, etc. The S-2A Zone would allow development of this site adjacent to the River Trail with uses that would complement the River Trail while keeping a working waterfront zone designation. With the mixture of uses in this neighborhood, the proposed S-2A Zone would be compatible as it would allow uses that would be able to service the other uses in the area. Multi-family dwelling development is allowed in both the G1 and S-2A zones, so this possible use would not change. The site to be rezoned is small and allowable S-2A development would not be a major impact to the area.

V. CONCLUSION AND RECOMMENDATION

The request is consistent with the Comprehensive Plan and Development Code, and staff recommends that the Planning Commission recommend to the City Council that the proposed amendment to the Land Use and Zoning Map be adopted.

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