



# Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2540

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[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 09/15/2014  
Jurisdiction: City of Astoria  
Local file no.: A 14-03  
DLCD file no.: 003-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 09/11/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 48 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE**  
File No.: 003-14 {22305}  
Received: 9/11/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Astoria

Local file no.: **A14-03**

Date of adoption: 9-2-14

Date sent: 9/9/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 6-4-14

No

Is the adopted change different from what was described in the Notice of Proposed Change?    Yes    No

If yes, describe how the adoption differs from the proposal:

NO

Local contact (name and title): Rosemary Johnson, Planner

Phone: 503-338-5183

E-mail: [rjohnson@astoria.or.us](mailto:rjohnson@astoria.or.us)

Street address: 1095 Duane Street

City: Astoria

Zip: 97103-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- |             |    |        |                                                |
|-------------|----|--------|------------------------------------------------|
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |                                                |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |                                                |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |                                                |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary



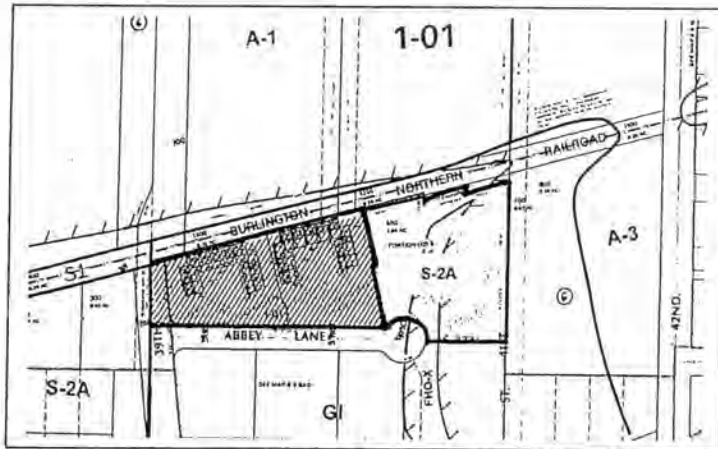
ORDINANCE NO. 14- D8

AN ORDINANCE AMENDING THE ASTORIA LAND USE AND ZONING MAP BY REZONING PARCELS AT 3930 AND 3990 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 Lots 80000 & 90000, etal condominium tax lots; Cannery Loft Condominium and Cannery Loft Condominium Stage 2



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 2<sup>ND</sup> DAY OF SEPTEMBER, 2014.

APPROVED BY THE MAYOR THIS 2<sup>ND</sup> DAY OF SEPTEMBER, 2014.

ATTEST:

  
Brett Estes, City Manager Pro Tem

  
Mayor

ROLL CALL ON ADOPTION:

		YEA	NAY	ABSENT
Commissioner	LaMear	X		
	Herzig		X	
	Mellin	X		
	Warr	X		
Mayor	Van Dusen	X		

BEFORE THE ASTORIA CITY COUNCIL  
OF THE CITY OF ASTORIA

IN THE MATTER OF AN AMENDMENT REQUEST )  
)  
FOR THE FOLLOWING PROPERTY: TAX MAP 9AA; )  
TAX LOT 80000 & 90000, ET. AL CONCOMINIUM TAX LOTS )  
3930 & 3990 ABBEY LANE, ASTORIA, OREGON 97103 ) ORDER NO. A14-03  
)  
ZONE: GI, GENERAL INDUSTRIAL )  
)  
APPLICANT: NOMADIC PROPERTIES LLC, )  
HARPER HOUF PETERSON RIGHELLIS, INC, AND )  
CANNERY LOFT CONDOMINIUM OWNERS ASSOCIATION )

The above named applicant filed a request amend the Land Use and Zoning Map to rezone an area from GI (General Industrial) to S-2A (Tourist Oriented Shoreland) zone for the property located at 3930 and 3990 Abbey Lane within the City limits of Astoria, Oregon.

A public hearing on the above entitled matter was held before the Planning Commission on July 22, 2014; and the Planning Commission closed the public hearing and rendered a decision at the July 22, 2014 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 August 18, 2014 meeting; and the Astoria City Council rendered a decision at the September 2, 2014 meeting.

The City Council found the proposed amendment to be necessary and orders that this application for an Amendment A14-03 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.

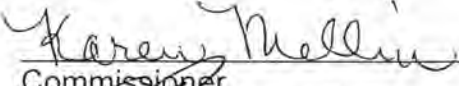
This decision may be appealed to the Land Use Board of Appeals (LUBA) by the Applicant, party to the hearing, or a party who responded in writing, by filing a Notice of Intent to Appeal with LUBA within 21 days of the date this Order is signed.

DATE SIGNED: September 2, 2014

DATE MAILED: 9-4-14

ASTORIA CITY COUNCIL

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner



August 25, 2014

TO: MAYOR AND ASTORIA CITY COUNCIL

FROM: BRETT ESTES, CITY MANAGER PRO TEM

SUBJECT: AMENDMENT REQUEST (A14-03) BY NORMADIC PROPERTIES LLC ON BEHALF OF CANNERY LOFT CONDOMINIUM OWNERS ASSOCIATION TO THE LAND USE AND ZONING MAP TO REZONE AN AREA FROM GI ZONE (GENERAL INDUSTRIAL) TO S-2A (TOURIST ORIENTED SHORELAND)

### BACKGROUND

The area proposed to be rezoned is located on the north side of Abbey Lane east of 39th Street. It is two of three platted lots approved under Conditional Use permit (CU04-04) as amended by AEP05-05 for development with three Cannery Loft Condominium buildings and is developed with two condominium buildings. The third vacant lot to the east was rezoned (A13-02) to S-2A on June 3, 2013. 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 multi-family dwellings above the ground floor under a conditional use permit. The existing buildings are developed with multi-family dwellings above the first floor and with professional office, ministorage, and several vacant general industrial use units on the ground floor. A maximum of 20% of the ground floor may be developed with other than general industrial use. 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 parcels at 3930 Abbey Lane and 3990 Abbey Lane to S-2A would continue with the tourist oriented shoreland possibilities while also allowing the multi-family dwellings. 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.

With separate individual ownership of each condominium unit, the City Attorney determined that the Cannery Loft Condominium Owners Association (CLCOA) had authority through their Bylaws to act on behalf of the entire body of owners to submit an application. The CLCOA held the necessary voting and adopted "Resolution 2014-14 of the Board of Directors of the Cannery Loft Owners Association Regarding Application to the City of Astoria to Rezone

Cannery Loft Property to S-2A” on May 29, 2014. Therefore, the proposed amendment to the zone boundary is being initiated by the property owners.

At its July 24, 2014 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 August 18, 2014 City Council meeting.

### RECOMMENDATION

If the Council is in agreement, it would be in order for Council to hold a second reading and adopt the Ordinance. The following is sample language for motions for adoption of the Findings of Fact and Ordinances:

“I move that the Astoria City Council adopt the findings and conclusions contained in the staff report, and approve Amendment Request A14-03 to the Astoria Land Use and Zoning Map and adopt the Ordinance.”

By: \_\_\_\_\_  
Rosemary Johnson, Planner

BEFORE THE ASTORIA PLANNING COMMISSION  
OF THE CITY OF ASTORIA

IN THE MATTER OF A AMENDMENT )

FOR THE FOLLOWING PROPERTY: MAP T8N-R9W )  
SECTION 9AA; TAX LOT 80000 & 90000, ET. AL )  
CONCOMINIUM TAX LOTS; )  
3930 & 3990 ABBEY LANE, ASTORIA OR 97103 )

ORDER NO. A14-03

ZONING: GI, GENERAL INDUSTRIAL )

APPLICANT: NOMADIC PROPERTIES LLC, HARPER HOUF )  
PETERSON RIGHELLIS, INC, AND CANNERY LOFT )  
CONDOMINIUM OWNERS ASSOCIATION, )

The above named applicant applied to the City for Amendment A14-03 amend the Land Use and Zoning Map to rezone an area from GI (General Industrial) to S-2A (Tourist Oriented Shoreland) zone for the property located at 3930 and 3990 Abbey Lane, Astoria, Oregon 97103.

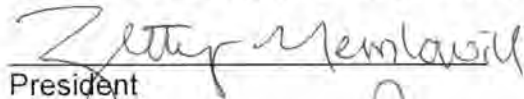
A public hearing on the above entitled matter was held before the Astoria Planning Commission on July 22, 2014; and the Astoria Planning Commission closed the public hearing and rendered a decision at the July 22, 2014 meeting.

The Planning Commission found the proposed amendment to be necessary and recommends to the Astoria City Council that the proposed amendment be approved. *A 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.*

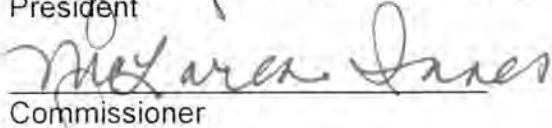
DATE SIGNED: JULY 22, 2014

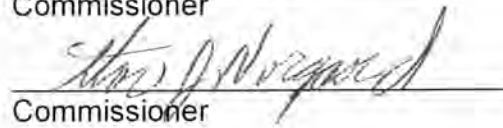
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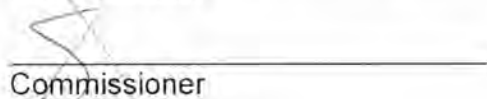
ASTORIA PLANNING COMMISSION

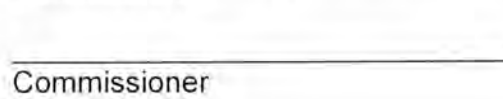
  
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President

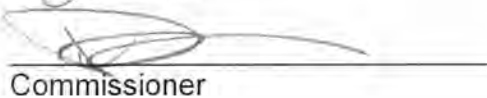
  
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Commissioner

  
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STAFF REPORT AND FINDINGS OF FACT

July 15, 2014

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER

SUBJECT: Amendment Request (A14-03) by Nomadic Properties LLC for Cannery Loft Condominium Owners Association to amend the Land Use and Zoning Map to rezone the property at 3930 and 3990 Abbey Lane from GI Zone (General Industrial) to S-2A Zone (Tourist-Oriented Shoreland)

I. BACKGROUND SUMMARY

- A. Applicant: Normadic Properties LLC (on behalf of the Condo owners)  
10139 NW Skyline Heights Drive  
Portland OR 97229
- Stefanie Slyman  
Harper Houf Peterson Righellis Inc  
205 SE Spokane Street #200  
Portland OR 97202
- B. Owner: Cannery Loft Condo Owners Assoc (representing all Condo owners)  
Community Assoc Partners LLC  
PO Box 2429  
Beaverton OR 97075
- Cannery Loft Condominium Owners Association  
Gregory Kenney, Associate President  
6600 SE Montego Bay St  
Milwaukie OR 97267-1960
- C. Request: Amend the Land Use and Zoning Map to rezone the lots at 3930 and 3990 Abbey Lane from GI (General Industrial) to S-2A Zone (Tourist-Oriented Shoreland); approximately 2.3 acres
- D. Location: 3930 and 3990 Abbey Lane; Map T8N-R9W Section 9AA, Tax Lots 90000, 80000, et al condominium tax lots; Cannery Loft Condominium and Cannery Loft Condominium Stage 2
- E. Current Zone: GI (General Industrial)
- Proposed Zone: S-2A (Tourist-Oriented Shoreland)

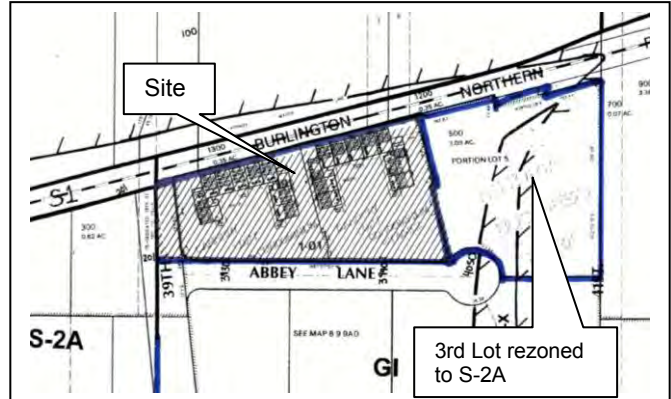
## II. BACKGROUND

### Subject Site:

The property to be rezoned is approximately 2.3 acres in size and is part of the Astoria Business Park general industrial area. It is located on the north side of the dead end cul-de-sac of Abbey Lane accessed from 39th Street off Lief Erikson Drive.



The lots are two 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 developed with the two condo buildings. The third lot was rezoned to S-2A in 2013 under permit A13-02.



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 multi-family dwellings. The original owners were never able to complete construction of the third building and the lot subsequently changed ownership and was recently rezoned to S-2A (A13-02).

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 parcels at 3930 and 3990 Abbey Lane to S-2A would continue with the tourist oriented shoreland possibilities while allowing the multi-family dwellings to remain as allowable uses in the existing buildings.

The applicant 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 has submitted Findings of Fact with the application dated June 4, 2014 which are hereby incorporated by reference into this report.



Neighborhood:

To the west 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 a vacant parcel, 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 S-2A (Tourist Oriented Shoreland) and A-3 (Aquatic Conservation). Properties to the 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 June 27, 2014. In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on July 15, 2014. 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 area proposed to be rezoned is developed with two condominium buildings with separate individual ownership of each unit. The City Attorney has determined that the Cannery Loft Condominium Owners Association (CLCOA) had authority through their Bylaws to act on behalf of the entire body of owners to submit an application. The CLCOA held the necessary voting and adopted “Resolution 2014-14 of the Board of Directors of the Cannery Loft Owners Association Regarding Application to the City of Astoria to Rezone Cannery Loft Property to S-2A” on May 29, 2014. Therefore, the proposed amendment to the zone boundary is being initiated by the property owners.

- 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 2.3 acre site with only two parcels in multiple condominium ownership from GI 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 are addressed. The site is developed with two condominium buildings. 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 2.3 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 developed with two condominium buildings and is capable of being served by public facilities. The ground floors are partially vacant, and 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 (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 (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 15.84 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 2.3 acres (approximately 100,600 square feet) from GI Zone (industrial) to S-2A Zone (commercial/shoreland). Because these lots are already developed, they are not included in the calculations of “Land Supply” available for future development. The S-2A Zone is classified as “Other” in the Industrial category and is not classified as “Commercial” in the BLI. The rezone would not reduce the industrial land surplus but would generally help with the overall deficit of commercially zoned employment land particularly for office/retail use by increasing the availability to utilize these parcels for some commercial uses under the land category of “Other”. There would be no change to the BLI figures with this proposed zone change.

<b>Estimated Net Land Surplus/(Deficit) by Zoning Designation, Astoria UGB, 2027</b>				
<b>Growth Scenario</b>	<b>Type of Use</b>	<b>Commercial (Office/Retail)</b>	<b>Industrial/Other</b>	<b>Total</b>
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

<b>Estimated Net Land Surplus/(Deficit) by Zoning Designation, Astoria UGB, 2027</b>					
<b>Type of Use</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>AH-MP</b>	<b>Total</b>
Land Need	115.4	51.2	67.0	2.7	236.3*
Land Supply	25.20	74.99	119.18	1.49	220.86
Surplus/(Deficit)	(90.20)	23.79	52.18	(1.21)	(15.44)*

Source: Wingard Planning & Development Services

\* Note: Scrivner's Error in actual figure. BLI shows 236.4 and (15.54) but should be 236.3 and (15.44).

With recent zone amendments, the current calculations of buildable lands is as follows. As noted above, the proposed lots would not change these figures as they are developed and not available land. The proposed amendment would not impact the Buildable Lands Inventory.

Type of Use	Location & total acreage	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	236.3
Land Supply		17.1	39.3	56.4	25.20	74.99	119.18	1.49	220.86
<b>BLI Surplus/(Deficit)</b>		<b>(21.1)</b>	<b>27.8</b>	<b>6.7</b>	<b>(90.20)</b>	<b>23.79</b>	<b>52.18</b>	<b>(1.21)</b>	<b>(15.44)</b>
A11-05	1303 Exchange (8CD 14100 & 14000) 0.22 acres								
A12-02	USCG (18AC 2200; 18AB 3500) 4.85 acres				-0.8	+0.8			
A12-03	620 Olney (17CC 900, 904) 0.46 acres	+0.46		+0.46		-0.46			-0.46
A13-01	1585 Exchange (8DC 17900, 18000, 18100) 0.3 acres	-0.06		-0.06			+0.06		+0.06
A13-02	4050 Abbey Ln (9AA 500) 2.09 acres		-1.29 Ind +1.29 Othr						
<b>Final Surplus/(Deficit)</b>		<b>(20.7)</b>	<b>27.8</b>	<b>7.1</b>	<b>(91.0)</b>	<b>24.13</b>	<b>52.24</b>	<b>(1.21)</b>	<b>(15.84)</b>

5. CP.075.6 concerning Uppertown Area Policies, states that *“The City should consider providing an alternate east-west route to Lief Erikson in the Uppertown area, particularly for emergency vehicles.”*

Finding: The alternate east-west route has been identified for the area between 36th and 39th Streets in the Astoria Transportation System Plan and is addressed below in Section D. A portion of this route has been completed between 38th and 39th Streets.

6. 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.”*

CP.175.F, Uppertown / Alderbrook Subarea Plan, Aquatic and Shoreland Designations states that

*“ . . .Shorelands are designated Development, except for the Water-Dependent Development site west of Alderbrook Cove between 35th and 41st Streets.*

*The regulatory shoreland boundary in this subarea is 50 feet from the Columbia River shoreline except where it extends further inland to include the following shoreland resources: . . .*

2. *Lands adjacent to Alderbrook Cove, in a Development Shorelands designation;*
3. *Lands adjacent to and east of the Astoria East End Mooring Basin, in a Development Shoreland designation. . .”*

Finding: 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. It is located approximately 58’ to 60’ from the Columbia River shoreline but is located west of the Alderbrook Lagoon and east of the Mooring Basin Area. Therefore the site is included in the Uppertown / Alderbrook Subarea.

The S-2A zone would include uses which would support the East Moorage Basin and the other tourist oriented uses in the area.



7. 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.

8. 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. A Traffic Impact Study (TIS) was completed by Lancaster Engineering, dated June 19, 2014. The Executive Summary indicates that the proposed zone change would not adversely impact the traffic situation in this area. The TIS was reviewed by

Oregon Department of Transportation (ODOT) with a response letter dated July 7, 2014. ODOT has indicated a couple of errors in the trip generation citations but have stated that “. . . *neither error will have significant effects on the trip generation volumes or distributions.*” They also noted that there was not a seasonal adjustment in the two traffic scenarios. ODOT has advised that the outcome of these adjustments would be the same and it is up to the City of a revised study would be required. As this property does not have direct access to US 30, ODOT’s review is advisory to the City.

Lancaster Engineering was contacted for a response to the ODOT comments. They responded with corrected pages for the errors in trip generation citations and have confirmed that the final outcomes remained the same. On the issue of seasonal adjustments, Lancaster Engineering states that *“It is Lancaster Engineering’s policy to not utilize the seasonal adjustment factor when analyzing scenarios related to existing conditions. We understand that this goes against what is stated within the Analysis Procedures Manual; however, the primary reason for this policy is that we prefer the analysis of the existing conditions to reflect what was observed in the field around the same time that the site visit was performed. Having this direct comparison available between the computer analysis and actual in-person observations allows us to confirm whether or not the computer model is accurate and can then be used for the scenarios involving future projections or would need to be modified in order to reflect the reality of the situation. Applying the seasonal adjustment factor to the analysis of the existing conditions would provide a projected future scenario with no means to compare the model’s accuracy.”*

With the fact that the corrections were made and did not change the results of the study, and the explanation on the reason for not applying the seasonal adjustment factor, the City does not find a need for a revised TIS.

The zone change to S-2A will provide for a wider variety of uses within the approximate 2.3 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. Due to the small size of the site, and the information provided and analyzed in the TIS, the change in traffic impact to the area should not be significant. The existing transportation facilities are sufficient to accommodate the proposed zone change.

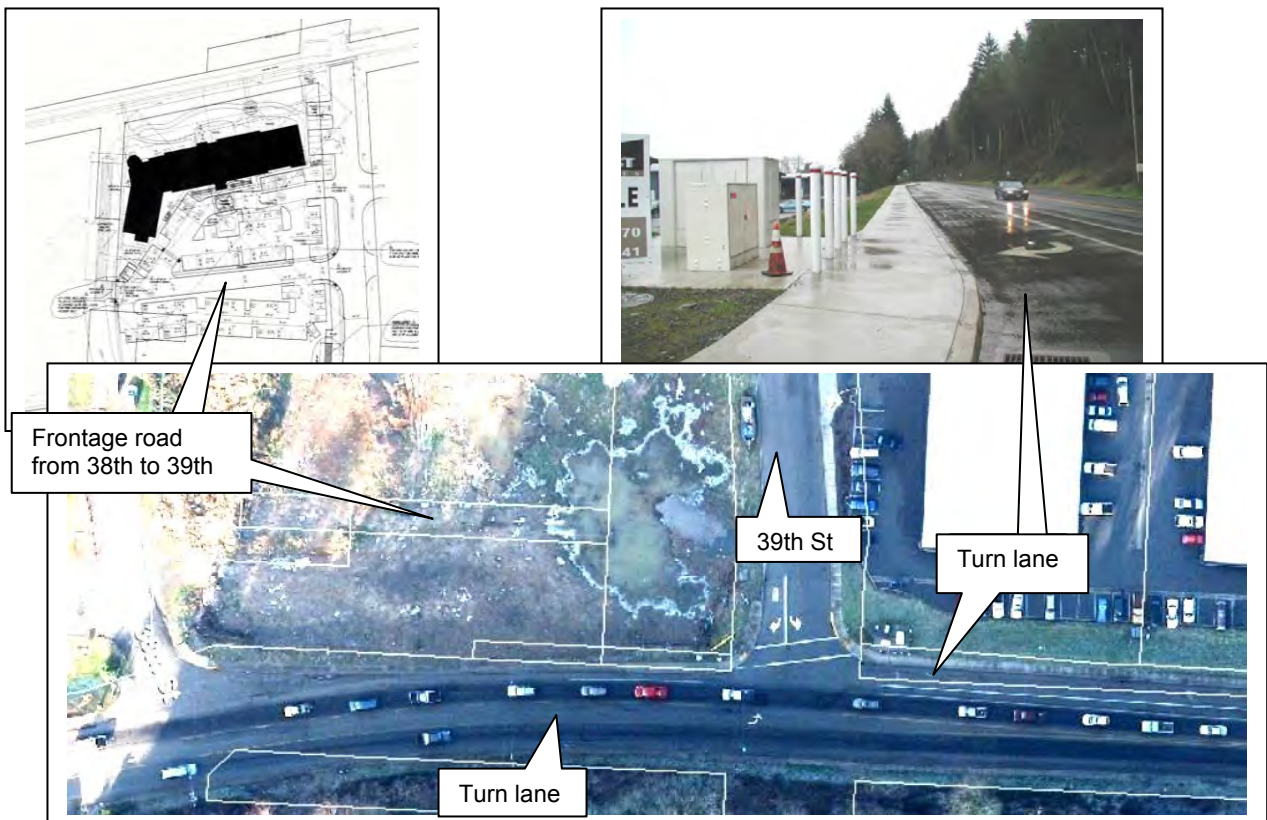
The following is a comparison of some of the uses for both the existing and proposed zones.

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 Astoria Transportation System Plan (TSP) was adopted in April 2014. It identified several projects in the general vicinity of this property. Project D28 identifies the Abbey Lane Extension from 36th to 39th Street. This project was partially completed with a frontage road from 38th to 39th during the construction of the Hampton Inn. Project P13 identifies a sidewalk infill for Lief Erikson Drive from 38th Street to 500' west of 43rd Street. Project B42 identifies bike lanes on US 30 from the eastern extent of the existing bike lane between 39th and 43rd

Streets to the eastern City limits. All of these are future projects in the TSP and would not be negatively impacted by the proposed zone change.

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 36<sup>th</sup> and 39<sup>th</sup> 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 / 39<sup>th</sup> Street intersection provided a parallel road was developed between 38<sup>th</sup> and 39<sup>th</sup> 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.



Based on the existing 2013 TSP, East Gateway TSP, projected traffic volumes and projected uses as noted in the Lancaster Engineering TIS, 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 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 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.

The site is developed with two condominium buildings. Any future construction proposed for the site would be reviewed at the time of the proposal for compliance with the site development constraints.

- F. Section 10.070(B.4) requires that *“resource lands, such as wetlands, are protected.”*

Finding: There are no known wetlands on the site.

- G. 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 east on the adjacent lot is the vacant lot recently rezoned to S-2A, a lagoon, and the start of the Alderbrook residential neighborhood; 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. 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.



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 GI 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.

H. Oregon Administrative Rule 660-009-0010(3), Economic Development, Application, states that

“(3) *Cities and counties may rely on their existing plans to meet the requirements of this division if they conclude:*

- (a) *There are not significant changes in economic development opportunities (e.g., a need for sites not presently provided for in the plan) based on a review of new information about national, state, regional, county and local trends; and*
- (b) *That existing inventories, policies, and implementing measures meet the requirements in OAR 660-009-0015 to 660-009-0030.*

- (4) *For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:*
- (a) *Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or*

Finding: As noted above, the area proposed to be rezoned is approximately 2.3 acres and located within the Uppertown / Alderbrook Subarea. The proposed amendment is to change from one employment zone (GI) to another employment zone (S-2A). The change impacts some of the uses allowed in the area mostly with the reduction in the allowable industrial uses with an increase in tourist related commercial uses. This is consistent with the employment trend in Clatsop County. State of Oregon Employment Department June 2014 edition of "Labor Trends", page 4, "Industry Employment and Wages in Northwest Oregon in 2013" states that *"Service industries provided about 61 percent of all UI-covered employment in the counties in 2013, up from 55 percent in 2001. Although production industries remain important, nonmanufacturing industries will continue to provide most of the jobs and job growth in northwest Oregon."* Page 5, "Main Industries" states that *"Leisure and hospitality businesses and trade, transportation and utilities businesses made up the region's two largest private industry sectors by employment in 2013. . . Manufacturing within northwest Oregon had been a bright spot in past years. Employment in this sector peaked at 5,517 jobs in 2008. Those good times came to an abrupt end late that year. The recent recession hit the region's manufacturers hard and 1,088 jobs were shed in the industry from 2008 through 2011. The region gained 106 jobs in 2012 and another 83 in 2013, but many may be gone forever."*

There is a shift in the northwest employment sector from manufacturing and industrial jobs to leisure and hospitality. The change from GI to S-2A Zone would allow the continuation of employment classification for this area while reducing the more industrial uses to uses associated more with tourism such as retail, eating and drinking, and some offices. As noted above, the zone change would not change the amount of buildable employment lands within the City.

In accordance with OAR 660-009-0015, Economic Opportunities Analysis, the City did complete a Buildable Lands Inventory with an Economic Analysis in April 2011. The results of that analysis estimated that *"Over the twenty-year period ending in 2026, the Astoria Market Area (City of Astoria UGB) is expected to add a total of 1,393 jobs under a Medium Growth Scenario. The Leisure & Hospitality, Education and Health Services and Retail Trade sectors are expected to comprise the majority of local employment growth."* Section 2, Summary of Commercial and Industrial Land Need Findings, concludes that *". . .The baseline "Medium Growth*

*Scenario” indicates that Astoria can expect commercial and industrial land need in the vicinity of 60 acres through 2026 following a current growth assumption. Regardless of which growth scenario is realized, future need is expected to be heavily oriented toward tourist driven and service oriented retail uses.” It goes on to state that “. . . as Astoria transforms into a more service and tourism-oriented economy, industrial employment should not comprise as significant of a role in future economic growth.”*

As noted above in Section , the City completed the Buildable Lands Inventory which identified a surplus of 27.8 acres of buildable “Industrial/Other” lands. The change from GI to S-2A for a site that was already developed would not change that figure both in that the land was not available for new development and the fact that both zones are classified in the “Industrial/Other” categories.

The proposed amendment is consistent with the most recent economic opportunities analysis and the Comprehensive Plan.

#### 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.





**CITY OF ASTORIA**  
**1095 Duane Street**  
**Astoria OR 97103**  
**503-338-5183**

**A** \_\_\_\_\_

**Fee: \$400.00**

**AMENDMENT**

**Property Address:** 3930 and 3990 Abbey Lane, Astoria OR; Cannery Loft Condominium and Cannery Loft Condominium Stage 2

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision Astoria Business Park  
 Map 8N9W09AA Tax Lot 90000 & 80000 Zone GI - General Industrial

**Code or Map to be Amended:** City of Astoria Land Use and Zoning Map

**Applicant Name:** Nomadic Properties, LLC | Representative: Stefanie Slyman, Harper Houf Peterson Righellis Inc.

**Mailing Address:** 10139 NW Skyline Heights Dr., Portland, OR 97229 | 205 SE Spokane St. #200, Portland, OR 97202

**Phone:** Nomadic Properties: 503-816-6581 **Business Phone:** Stefanie Slyman: 503-221-1131

**Property Owner's Name:** Cannery Loft Condominium Owners Association

**Mailing Address:** Attn: Gregory Kenney, Association President

**Business Name (if applicable):** \_\_\_\_\_

**Signature of Applicant:** 

**Signature of Property Owner:** \_\_\_\_\_

**Proposed Amendment** Applicant proposes to amend City of Astoria Land Use and Zoning Map to rezone Cannery Loft Condominium and Cannery Loft Condominium Stage 2 from GI to S-2A.

Applicant has authorization of Property Owner to submit application per attached Resolution 2014-14 and in compliance with Section 9.010.A.2 of the City of Astoria Development Code.

<b>For office use only:</b>			
<b>Application Complete:</b>		<b>Permit Info Into D-Base:</b>	
<b>Labels Prepared:</b>		<b>Tentative APC Meeting Date:</b>	
<b>120 Days:</b>			

ATTACHMENT A



**RESOLUTION 2014-14  
OF THE BOARD OF DIRECTORS OF THE  
CANNERY LOFT OWNERS ASSOCIATION  
REGARDING APPLICATION TO CITY OF ASTORIA  
TO REZONE CANNERY LOFT PROPERTY TO S-2A**

WHEREAS, Cannery Loft Condominium Owners Association (the "Association") was asked to submit an application to the City of Astoria to rezone the Cannery Loft property to S-2A which would change the zoning from General Industrial (G-I) to Shoreland Tourist (S-2A) and would allow a greater array of business uses for the existing commercial units in the condominium.

WHEREAS, the board of directors of the Association referred the issue to a vote of the owners pursuant to the Ballot Meeting procedures set out in Section 2.14 of the Association's Bylaws and in accordance with the Oregon Condominium Act; and

WHEREAS, the owners were timely provided with a notice of their right to petition for a secrecy ballot and no petition was received; and

WHEREAS, a vote of the owners was held from May 9-19, 2014 on the matter of approving the zone change an application; and

WHEREAS, a quorum was reached and surpassed according to the Association's Bylaws at Section 2.10; and

WHEREAS, the votes cast represented 84.2% of total membership interests in the Condominium with the final tally of votes cast was 92.7% in favor, and 7.3% opposed.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the Association has approved that the application for rezoning the condominium property be submitted to the City of Astoria;

BE IT FURTHER RESOLVED, that Gregory Kenney, as President of the Association, is authorized to execute the rezoning application on behalf of the Association.

This Resolution is effective the 29 day of May, 2014.

  
Secretary

ATTACHMENT B



Christopher C. Criglow  
PHONE: (503) 727-2007  
FAX: (503) 346-2007  
EMAIL: CCriglow@perkinscoie.com

1120 N.W. Couch Street, Tenth Floor  
Portland, OR 97209-4128  
PHONE: 503.727.2000  
FAX: 503.727.2222  
www.perkinscoie.com

April 7, 2014

VIA EMAIL (tforcum@bimsportsinjuries.com)

Dr. Ted Forcum

**Re: Cannery Loft Condominium - Evidence of Consent of Ownership to Application**

Dear Dr. Forcum:

One of the criteria of the Astoria Development Code ("Code") for a land use application is Section 9.010.A.2, which requires:

Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all parties in ownership of the affected property.

The property that you are seeking to have rezoned is subject to a condominium form of ownership. As such, the owners own units within the building constructed on the land, rather than the land itself, and have an undivided interest in the common elements of the condominium, which includes the land and other elements, subject to the terms and conditions of the Declaration and Bylaws of the Cannery Loft Condominium (the "Declaration" and the "Bylaws," collectively, the "Condominium Documents"), a copy of which are attached with this letter for reference. You asked us to review this requirement of the Code in the context of condominium ownership and advise you as to how the requirement of the Code may be met consistent with the requirements of the Condominium Documents.

Based on our review of the Condominium Documents and the Oregon Condominium Act, consent of the condominium owners to the application you propose requires the approval of a majority vote of the unit owners' association in accordance with the requirements of the Bylaws.

Section 2.11 of the Bylaws states that the vote of more than 50% of the voting rights present at a meeting in which a quorum is present is binding on all unit owners for all purposes except where a higher percentage is required by law or under the bylaws or declaration. The proposed zone change is not required by the Bylaws, Declaration or the Oregon Condominium Act to require

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Perkins Coie LLP

Dr. Ted Forcum  
April 7, 2014  
Page 2

more than a 50% vote of the owners, so this section of the Bylaws should control. Therefore, the approval of the application by more than a 50% vote of the unit owners in accordance with the Bylaws should be binding upon all of the unit owners and therefore evidence the consent of the owners to the application, which should meet the requirement of Section 9.010.A.2 of the Code.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Christopher C. Criglow', written over a large, light-colored oval scribble.

Christopher C. Criglow

Attachments - Declaration and Bylaws

Cc: Stefanie Slyman

I. SUMMARY

**Applicant:** Nomadic Properties LLC  
Attn: Dr. Ted Forcum  
10139 NW Skyline Heights Drive  
Portland, OR 97229

**Representative:** Stefanie Slyman, AICP  
Harper Houf Peterson Righellis Inc.  
205 SE Spokane St., Ste. 200  
Portland, OR 97202

**Owner:** Cannery Loft Condominium Owners Association  
Community Association Partners, LLC  
Attn: Gregory Kenney, HOA President  
PO Box 2429  
Beaverton, OR 97075

**Site:** 3930 Abbey Lane; Map T8N R9W Sec 9AA, Tax Lots 90000 plus individual unit tax lots; Cannery Loft Condominium, Astoria Business Park, (1.00 acres), and 3990 Abbey Lane; Map T8N-R9W Section 9AA, Tax Lot 80000 plus individual unit tax lots; Cannery Loft Condominium Stage 2, Astoria Business Park (1.16 acres)

**Request:** Amend the City of Astoria Land Use and Zoning Map to rezone the site from GI (General Industrial) to S-2A Zone (Tourist-Oriented Shoreland)

**Justification:** The site is currently developed with two mixed-use structures with 63 residential units on the upper two floors and 17 industrial/limited commercial units on the ground floor. The size and configuration of the ground floor units within the existing structures is not compatible with the types of uses permitted in the GI zone, resulting in chronic high vacancy of these units. Currently, of the 17 leasable units, only one (1) unit is occupied with a business permitted outright in the GI zone. Five (5) additional units are leased to businesses allowed as conditional uses, the maximum conditional uses allowed, leaving 11 units vacant. Rezoning the site to S2-A will allow more tourist-oriented uses to locate here and contribute to the area's economic vitality.

The request will result in no significant impact to surrounding transportation facilities as demonstrated by the Traffic Impact Analysis. Furthermore, it will benefit the City's Buildable Lands Inventory by rezoning surplus industrially-zoned land to commercially-zoned land for which the City currently has a deficit.

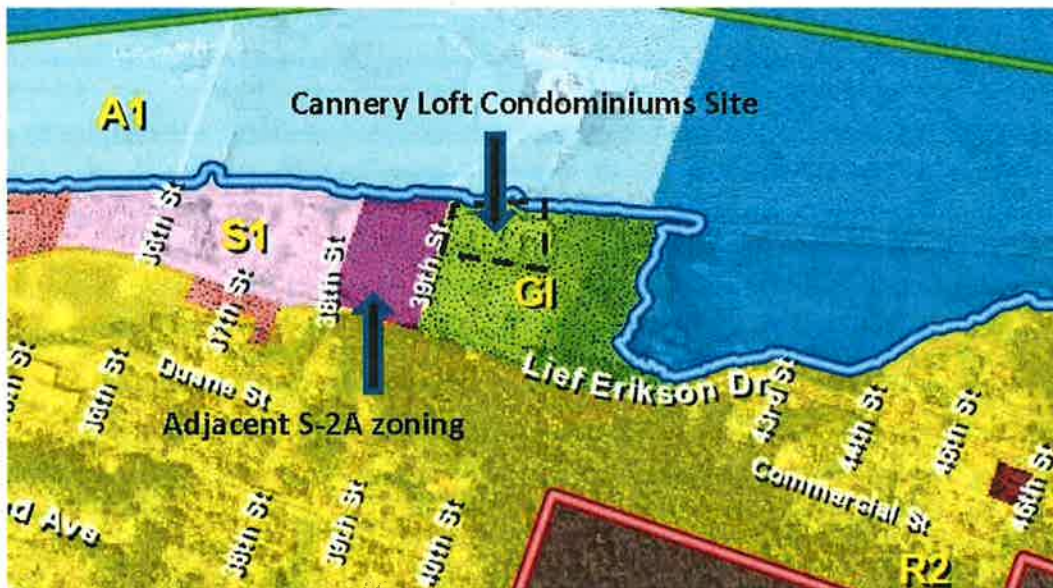
## II. BACKGROUND

- Authorization:** This rezoning application is submitted on behalf of all parties in ownership of Cannery Loft Condominium and Cannery Loft Condominium Stage 2 in accordance with the Cannery Loft Condominium Owners Association Declaration and Bylaws and the Oregon Condominium Act, thereby satisfying Section 9.010.A.2 of the Astoria Development Code. Resolution 2014-14 (Attachment A) is provided as evidence of this consent to submit the application. See also letter dated April 7, 2014 from Christopher C. Criglow of Perkins Coie LLP (Attachment B) which provides the legal opinion in support of the resolution.
- Existing Use:** Two mixed-use condominium structures with a total of 12,328 square feet of ground floor space for industrial and limited commercial uses located in 17 separate units with 63 residential units above.
- Surrounding Uses:** To the east is the undeveloped third lot of the platted Cannery Loft Condominium site; across the 39th Street right-of-way is the Hampton Inn Hotel; to the northwest is the East End Mooring Basin; to the north is the Columbia River, Pier 39, and River Trail (the trolley line ends at 39th Street) to the south are four industrial lots developed with three industrial buildings on the south side of Abbey Lane adjacent to Leif Erikson Drive.
- Surrounding Zoning:** The area to the east is zoned A-3 (Aquatic Conservation). Properties to the south are zoned GI Zone (General Industrial). The area west of 39th Street is zoned S-2A (Tourist Oriented Shoreland).
- Land Use History:** According to information provided by the City, the site was developed per the approvals of Conditional Use permit (CU04-04) as amended by AEP05-05 for construction of a multi-family dwelling. Originally zoned S-1 (Marine Industrial Shoreland) it 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 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.

## Vicinity Map



## Zoning



## Existing Development



Cannery Loft Condominiums; ground floor industrial/limited commercial units with residential units above



Typical industrial/limited commercial unit



III. RESPONSES TO APPROVAL CRITERIA

- 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.”*

Response: The proposed amendment to the zone boundary is being initiated by the property owner per the attached Resolution 2014-14 of the Cannery Loft Condominium Owners Association authorizing consent for an application to be submitted. This approval criterion is met.

- 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.”*

Response: The proposed amendment is to amend the Astoria Land Use and Zoning Map to rezone the Cannery Loft Condominiums, a limited site area of 2.16 acres, from GI to S-2A Zone. This approval criterion is met.

- 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.”*

Response: The site is currently developed and this rezoning request does not propose any changes to the existing site. Future development or redevelopment would be subject to the development standards of the S2-A zone.

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.”*

Response: Rezoning of the site to S-2A does not conflict with the City’s ability to protect the estuary environment or promote the best use of the City’s Shorelands in accordance with this policy. This approval criterion is met.

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.”*

Response: Rezoning will allow for a wider range of tourist-oriented uses along the Columbia River waterfront than the existing GI designation allows, thereby providing flexibility for development.

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.”*

Response: The property is currently served with adequate public facilities including sewer, water, police and fire protection, and schools. As shown in the table below, the S-2A and the GI zoning districts each provide for a wide range of uses of comparable intensity and resulting demand for public services. Moreover, the rezoning will have no effect on the residential units and their associated demand on public facilities. Therefore, rezoning the site to S-2A can be accommodated with existing services.

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

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.”*

Response: The City adopted a Buildable Lands Inventory (BLI) in 2011 which indicated that there was a deficit of Commercial (Office/Retail) lands of approximately 21.1 acres and a surplus of 27.8 acres of Industrial/Other lands per the following table:

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

*Source: Cogan Owens Cogan*

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

Since adoption of the BLI, the City has approved a number of map amendments as shown in the table below which indicate a current deficit of 20.7 acres for Commercial lands and continued surplus of 27.8 acres of Industrial/Other lands.

Type of Use	Location & total acreage	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	236.3
Land Supply		17.1	39.3	56.4	25.20	74.99	119.18	1.49	220.86
<b>BLI Surplus/(Deficit)</b>		<b>(21.1)</b>	<b>27.8</b>	<b>6.7</b>	<b>(90.20)</b>	<b>23.79</b>	<b>52.18</b>	<b>(1.21)</b>	<b>(15.44)</b>
A11-05	1303 Exchange (8CD 14100 & 14000) 0.22 acres								
A12-02	USCG (18AC 2200; 18AB 3500) 4.85 acres				-0.8	+0.8			
A12-03	620 Olney (17CC 900, 904) 0.46 acres	+0.46		+0.46		-0.46			-0.46
A13-01	1585 Exchange (8DC 17900, 18000, 18100) 0.3 acres	-0.06		-0.06			+0.06		+0.06
A13-02	4050 Abbey Ln (9AA 500) 2.09 acres		-1.29 Ind +1.29 Othr						
<b>Final Surplus/(Deficit)</b>		<b>(20.7)</b>	<b>27.8</b>	<b>7.1</b>	<b>(91.0)</b>	<b>24.13</b>	<b>52.24</b>	<b>(1.21)</b>	<b>(15.84)</b>

As demonstrated in the table below, this proposal would add 2.16 acres to the City’s Commercial land inventory, thereby decreasing the City’s deficit in this category. Similarly, the proposal will remove 2.16 acres from the City’s Industrial/Other surplus, thereby decreasing the surplus in this category. Therefore, the proposed rezoning will help the City move toward its buildable land inventory targets.

Type of Use	Location & total acreage	Commercial (Office/Retail)	Industrial/ Other	Employment Total	R1	R2	R3	AH-MP	Residential Total
<b>Final Surplus/(Deficit)</b>		<b>(20.7)</b>	<b>27.8</b>	<b>7.1</b>	<b>(91.0)</b>	<b>24.13</b>	<b>52.24</b>	<b>(1.21)</b>	<b>(15.84)</b>
<b>Proposed Rezoning from GI to S-2A</b>	3930 and 3990 Abbey Ln (Map T8N R9W Sec. 9AA, Tax Lots 90000 and 80000)	+2.16	-2.16						
<b>Proposed Final Surplus/(Deficit)</b>		<b>(18.54)</b>	<b>25.64</b>	<b>7.1</b>	<b>(91.0)</b>	<b>24.13</b>	<b>52.24</b>	<b>(1.21)</b>	<b>(15.84)</b>

- 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."*

Response: 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."*

Response: 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."*

Response: 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.

Response: The request is in compliance with the Comprehensive Plan as demonstrated by the responses to the applicable policies above.

- 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.”*

Response: As demonstrated in previous response, the rezoning will satisfy land use needs by helping the City increase the commercial land supply, for which there is a current deficit, and decrease the industrial land supply, for which there is a current surplus.

As demonstrated in the Traffic Impact Analysis (submitted under separate cover) performed in accordance with the City’s Traffic Study Requirements that implement the Transportation Planning Rule (TPR) (OAR 660-12-060), the proposed rezoning will not have a significant impact on transportation facilities. The existing 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.”*

Response: No new development is proposed. Any new development or redevelopment of the site would be reviewed at the time of the proposal for compliance with the site development standards following the rezoning.

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

Response: No new development is proposed and there are no known resource lands on the site. Any new development or redevelopment of the site would be reviewed at the time of the proposal for compliance with the site development standards following the rezoning.

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

Response: The 39th Street area has a variety of development that has been characterized by City Planning staff as follows: “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.

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.”

#### IV. CONCLUSION

As demonstrated in the responses above and supporting materials submitted with this application, the map amendment request is consistent with the City’s Comprehensive Plan policies and Development Code. The proposed rezoning of the site from GI to S-2A Zone will be compatible with the predominant adjacent tourist-oriented uses in the vicinity and will allow this site to contribute to the area’s economic vitality. The proposal will not have a significant impact on transportation facilities, and public services are adequate to serve the site. The proposal will additionally help the City achieve its Buildable Lands Inventory targets. Therefore, the applicant requests approval of the map amendment.

# Cannery Loft Condominiums Rezone

Transportation Impact Study  
Astoria, Oregon

**DATE:**

June 19, 2014

**PREPARED FOR:**

Nomadic Properties LLC

**PREPARED BY:**

Kirk Paulsen, EI  
Michael Ard, PE



Full document available  
for review at Community  
Development Dept. Office  
at 1095 Duane St.



**LANCASTER**  
ENGINEERING





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## Executive Summary

1. This traffic study analyzes and addresses the potential transportation impacts of a proposed zone change for a one acre and a 1.16 acre plot of land located east of 39<sup>th</sup> Street and north of Abbey Lane in Astoria, Oregon. The western and eastern properties, located at 3930 and 3990 Abbey Lane, respectively, are currently used for multi-family residential housing above the first floors of the two existing buildings. The first floors of the two buildings are currently predominantly vacant. These buildings have been used in this capacity for the last six years. Both properties are presently zoned General Industrial (GI) and are proposed to be rezoned as Tourist-Oriented Shorelands (S-2A).
2. For the worst-case scenario related to the current GI zoning, it was assumed that all of the ground floor properties and covered parking areas could be redeveloped as an automobile care center replacing the existing businesses while retaining the multi-family residential units above the ground floor. The automobile care center land use was selected since it results in the highest trip generation of any allowed use under the existing GI zoning.
3. For the worst-case scenario related to the proposed S-2A zoning, it was assumed that all of the ground floor properties and covered parking areas could be redeveloped with a combination of a shopping center and fast-food restaurants without drive-through windows which would replace the existing businesses while retaining the multi-family residential units above the ground floor. The fast food and shopping center uses were selected for analysis since this combination of land uses represents the highest-intensity land use combination that can be reasonably developed under the proposed S-2A zoning.
4. The study intersection operates well within ODOT's performance standards throughout the planning horizon, with either the current zoning or the proposed zoning fully built-out. Accordingly, no mitigation is recommended.
5. The proposed zone change will not degrade the performance of any existing or planned transportation facility below the adopted ODOT performance standards. Accordingly, the Transportation Planning Rule is satisfied.
6. Based on the projected volumes through the study intersection for the year 2034, the intersection is not projected to meet traffic signal warrants. Accordingly, installation of a new traffic signal is not recommended.
7. Based on the review of all of the collision data, no crash patterns and no significant design concerns were identified at the study intersection. No safety mitigations are recommended.
8. Adequate intersection sight distance is available at the study intersection and no sight distance mitigations are recommended.



## **Introduction**

This traffic study analyzes and addresses the potential transportation impacts of a proposed zone change for a one acre and a 1.16 acre plot of land located east of 39<sup>th</sup> Street and north of Abbey Lane in Astoria, Oregon.

The western and eastern properties, located at 3930 and 3990 Abbey Lane, respectively, are currently used for multi-family residential housing above the first floors of the two existing buildings. The first floors of the two buildings are currently predominantly vacant. These buildings have been used in this capacity for the last six years. Both properties are presently zoned General Industrial (GI) and are proposed to be rezoned as Tourist-Oriented Shorelands (S-2A).

Detailed information on traffic counts, trip generation calculations, and intersection capacity calculations are included in the technical appendix of this report.

### ***Location Description***

The intersection of US Highway 30 at 39<sup>th</sup> Street has been selected for analysis of projected traffic impacts during the weekday morning and evening peak traffic hours, and 16-hour count data was collected in order to facilitate a detailed traffic signal warrant analysis.

US Highway 30, also known as Leif Erickson Drive, is under the jurisdiction of ODOT and is classified as a Statewide Highway and a Freight Route. It is generally a two-lane facility with a posted speed of 35 mph. A center two-way left-turn lane is also provided west of the intersection of Highway 30 at 39<sup>th</sup> Street. Curbs and bike lanes are on both sides of the roadway. Sidewalks are on the northern side of the roadway in the vicinity of the project site. On-street parking is not provided.

39<sup>th</sup> Street is under the jurisdiction of the City of Astoria and is classified as a Local Street. It is generally a two-lane facility with a statutory residential speed limit of 25 mph. Curbs and sidewalks are in place on both sides of the roadway. On-street parking is allowed on both sides of the roadway. Bike lanes are not provided.

The intersection of US Highway 30 at 39<sup>th</sup> Street is a three-legged intersection that is stop controlled for southbound traffic approaching on 39<sup>th</sup> Street. The southbound approach has both a dedicated left-turn lane and a dedicated right-turn lane. The eastbound approach has a through lane and left-turning vehicles are able to utilize the center two-way left-turn lane. A bike lane is to the right of the through lane. The westbound approach has a through lane and a dedicated right-turn lane. A bike lane is provided between the through lane and the right-turn lane. There is a marked crosswalk crossing the northern leg of the intersection.

A vicinity map showing the project site, the study intersection, and the traffic control devices is shown in Figure 1 on page 6.

### ***Public Transportation***

Sunset Transportation Services Bus Route 10, *Red Cedar Route*, serves stops along US Highway 30 on its route between Astoria and the City of Hammond. The bus line operates on weekdays from 5:45 AM to 7:15 PM with headways of one hour. The closest westbound bus stop is at the northwest corner of the intersection of US Highway 30 at 39<sup>th</sup> Street. The closest eastbound bus stop is at the southwest corner of the intersection of US Highway 30 at 37<sup>th</sup> Street.

### ***Traffic Counts***

Traffic counts were conducted at the study intersection on May 8, 2014, from 5:00 AM to 9:00 PM. Data between 7:00 AM – 9:00 AM and 4:00 PM – 6:00 PM was used to obtain the system-wide peak of 7:30 AM to 8:30 AM for the morning peak hour and 4:45 PM to 5:45 PM for the evening peak hour, respectively.

Figure 2 on page 7 shows the existing traffic volumes at the study intersection.