



# 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](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

12/28/2012

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 003-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, January 10, 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

DEC 21 2012

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: A12-03

Date of Adoption: 12-17-12

Date Mailed: 12-20-12

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 8-23-12

☐ 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 Land Use and Zoning Map to rezone 0.46 acres from R-2 (Medium Density Residential) to C-3 (General Commercial).**

Does the Adoption differ from proposal? Yes

Amendment included conditions that a covenant be recorded on the property to be rezoned that limits the height of any building to 28', limits the lot coverage to 50%, and requires a 10' setback from any structure other than a fence to the property lines on the north and west sides.

Plan Map Changed from:

to:

Zone Map Changed from: **R-2**

to: **C-3**

Location: **Lots 15-18 & 29-32, Block 2 by JHD Gray of Block 27 Olney**

Acres Involved: **0.46**

Specify Density: Previous: **16 units / acre**

New: **unlimite**

Applicable statewide planning goals:

|                          |                          |                          |                          |                          |                          |                          |                          |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                 | <b>2</b>                 | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                            | <b>10</b>                | <b>11</b>                | <b>12</b>                | <b>13</b>                | <b>14</b>                | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Rosemary Johnson**

Phone: **(503) 338-5183**

Extension: **2413**

Address: **1095 Duane Street**

Fax Number: **503-338-6538**

City: **Astoria**

Zip: **97103**

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

DLCD file No. 003-12 (19469) [17288]



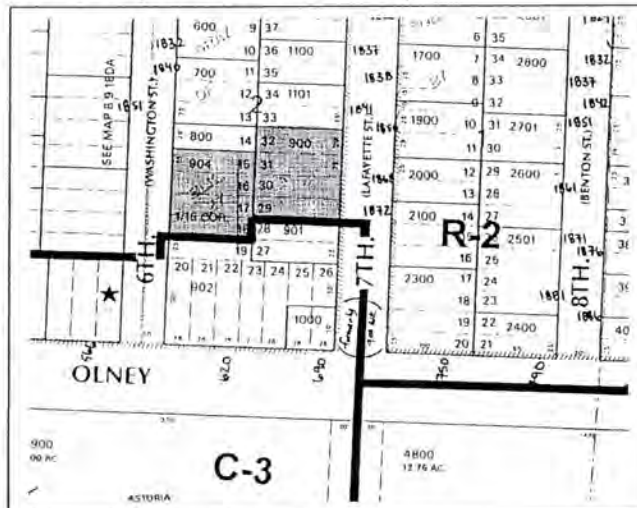
ORDINANCE NO. 12-15

AN ORDINANCE AMENDING THE ASTORIA LAND USE AND ZONING MAP BY REZONING PARCELS ADJACENT TO 620 OLNEY AVENUE FROM R-2 (MEDIUM DENSITY RESIDENTIAL TO C-3 (GENERAL COMMERCIAL)

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 R-2 (Medium Density Residential to C-3 Zone (General Commercial) as indicated on the map:

Map T8N-R9W Section 17CC, Tax Lots 900 & 904; Lots 15, 16, 17, 18, 29, 30, 31, 32, Block 2 by JHD Gray of Block 27, Olney



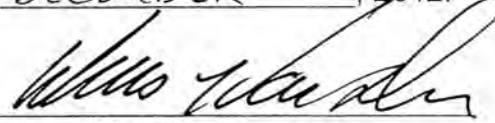
Section 2. Effective Date. This ordinance and its amendment will be effective 30 days following its adoption and enactment by the City Council.

ADOPTED BY THE COMMON COUNCIL THIS 17<sup>TH</sup> DAY OF DECEMBER, 2012.

APPROVED BY THE MAYOR THIS 17<sup>TH</sup> DAY OF DECEMBER, 2012.

ATTEST:

  
Paul Benoit, City Manager

  
Mayor

ROLL CALL ON ADOPTION:

YEA

NAY

ABSENT

|              |           |   |
|--------------|-----------|---|
| Commissioner | LaMear    | X |
|              | Roscoe    | 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 17CC;  
TAX LOT 900 & 904; LOT(S) 15-18; 29-32, BLOCK 2  
BY JHD GRAY OF BLOCK 27, OLNEYS; ADJACENT  
TO 620 OLNEY, ASTORIA, OREGON 97103

ZONE: R-2, MEDIUM DENSITY RESIDENTIAL

APPLICANT: MARK CARY, 620 OLNEY AVENUE  
ASTORIA OR 97103

ORDER NO. A12-03

The above named applicant filed a request to amend the Astoria Land Use and Zoning Map from R-2 (Medium Density Residential) zone to C-3 (General Commercial) zone for the parcels noted above, adjacent to 620 Olney Avenue, within the City limits of Astoria, Oregon.

A public hearing on the above entitled matter was held before the Planning Commission on October 23, 2012; and the Planning Commission closed the public hearing and rendered a decision at the October 23, 2012 meeting. The Planning Commission found the proposed amendment not to be necessary and recommends to the Astoria City Council that the proposed amendment be denied.

A public hearing on the above entitled matter was held before the Astoria City Council and the public hearing was closed at the December 3, 2012 meeting; and the Astoria City Council rendered a decision at the December 17, 2012 meeting.

The City Council found the proposed amendment to be necessary and orders that this application for an Amendment A12-03 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: December 17, 2012

DATE MAILED:

ASTORIA CITY COUNCIL

Mayor

Commissioner

Commissioner

Commissioner

Commissioner

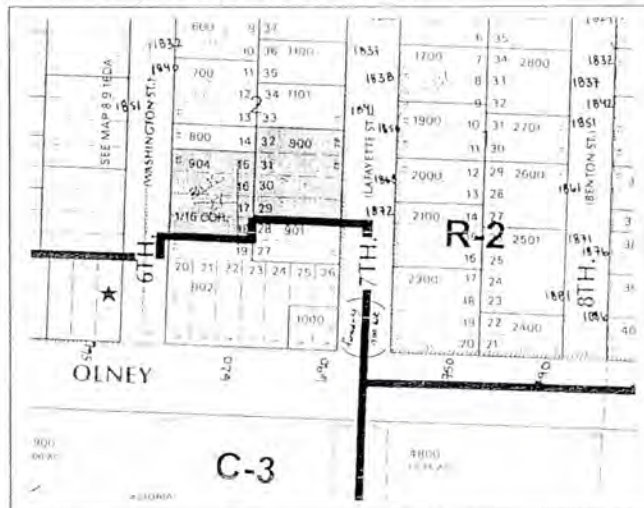
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THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. The 1992 Astoria Land Use and Zoning Map is amended to rezone the following area from R-2 (Medium Density Residential to C-3 Zone (General Commercial) as indicated on the map:

Map T8N-R9W Section 17CC, Tax Lots 900 & 904; Lots 15, 16, 17, 18, 29, 30, 31, 32, Block 2 by JHD Gray of Block 27, Olney



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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

APPROVED BY THE MAYOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Paul Benoit, City Manager

ROLL CALL ON ADOPTION:

YEA

NAY

ABSENT

Commissioner      LaMear  
                             Roscoe  
                             Mellin  
                             Warr  
Mayor                Van Dusen





December 11, 2012

TO: ASTORIA CITY COUNCIL

FROM: PAUL BENOIT, CITY MANAGER

SUBJECT: AMENDMENT REQUEST (A12-03) BY MARK CARY TO THE LAND USE AND ZONING MAP TO REZONE AN AREA AT 620 OLNEY AVENUE FROM R-2 (MEDIUM DENSITY RESIDENTIAL) TO C-3 (GENERAL COMMERCIAL)

#### BACKGROUND

The applicant has requested an amendment to the Land Use and Zoning Map to rezone a parcel of land north of and adjacent to 620 Olney Avenue from R-2 Zone (Medium Density Residential) to C-3 (General Commercial). The property is all under single ownership of the applicant. The applicant has an existing business, Fultano's Pizza, that has been in operation at this site since 1978. The applicant wants to improve existing parking and allow for future growth of the business with the land they already own. However, a portion of their land is zoned R-2 which does not allow commercial uses. With the success of the business at this location and the fact that they already own the land, the applicant has requested the rezoning of the property to C-3 which does allow commercial development.

At its October 23, 2012 meeting, the Astoria Planning Commission (APC) held a public hearing. Staff initially recommended approval of the request. Following receipt of public testimony, the APC amended the Findings and recommended denial of the request.

At its December 3, 2012 meeting, the City Council held a public hearing. In consideration of the objections by neighbors, the applicant proposed additional conditions to the proposed map amendment to limit the height of any building to 28' and limit the lot coverage to 50% on the property to be rezoned. The current R-2 Zone allows a 28' height and 40% lot coverage while the proposed C-3 Zone would allow a 45' height and 90% lot coverage. In addition, the applicant would be including a 10' setback from the north and west property lines. The Council conducted a first reading and directed staff to prepare Findings of Fact for approval of the request with the condition that the applicant do a covenant or other recorded document that conditions construction on the property as proposed by the applicant.

#### RECOMMENDATION

If the Council is in agreement, it would be in order for Council to hold a second reading and adoption of the Ordinance.


The following is sample language for a motion for adoption of the Findings of Fact and Ordinance:

"I move that the Astoria City Council adopt the findings and conclusions contained in the staff report, and adopt the Ordinance amending the Astoria Land Use and Zoning Map."

By:

  
Rosemary Johnson, Planner

Through:

  
Brett Estes, Community Development Director

## FINDINGS OF FACT

December 6, 2012

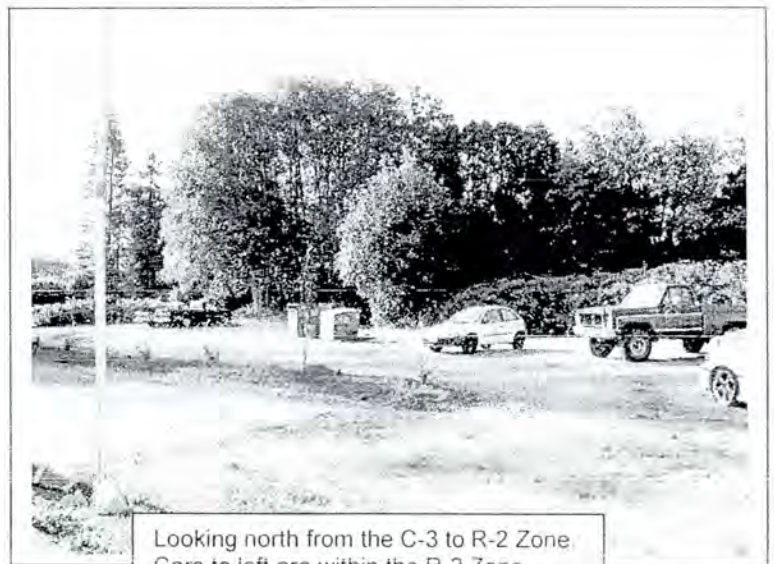
SUBJECT: AMENDMENT REQUEST (A12-03) BY MARK CARY TO THE LAND USE AND ZONING MAP TO REZONE AN AREA AT 620 OLNEY AVENUE FROM R-2 (MEDIUM DENSITY RESIDENTIAL) TO C-3 (GENERAL COMMERCIAL)

### I. BACKGROUND SUMMARY

- A. Applicant: Mark Cary  
620 Olney Avenue  
Astoria OR 97103
- B. Owner: Mark Cary Inc.  
Mark A Cary  
620 Olney Avenue  
Astoria OR 97103
- C. Request: Amend the Astoria Land Use and Zoning Map by rezoning Tax Lots 900 & 904 adjacent to 620 Olney Avenue from R-2 (Medium Density Residential ) to C-3 (General Commercial)
- D. Location: Adjacent to 620 Olney Avenue; Map T8N-R9W Section 17CC, Tax Lots 900 & 904; Lots 15, 16, 17, 18, 29, 30, 31, 32, Block 2 by JHD Gray of Block 27, Olney
- E. Zone: Current: R-2 (Medium Density Residential)  
Proposed: C-3 (General Commercial)

### II. BACKGROUND

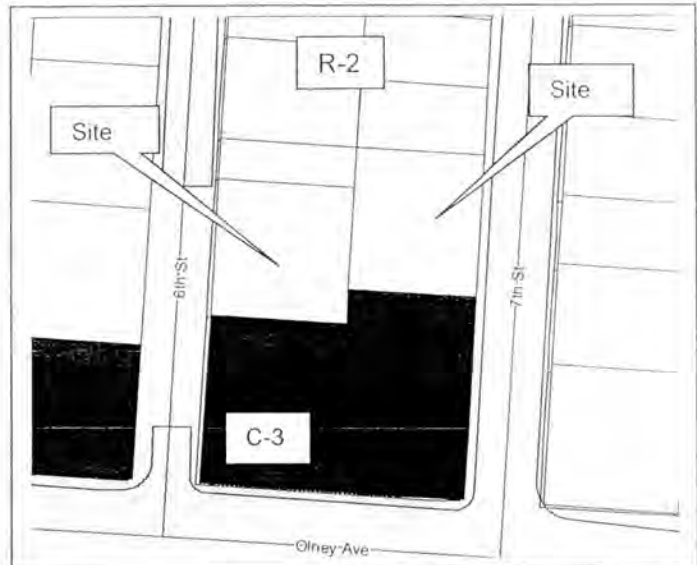
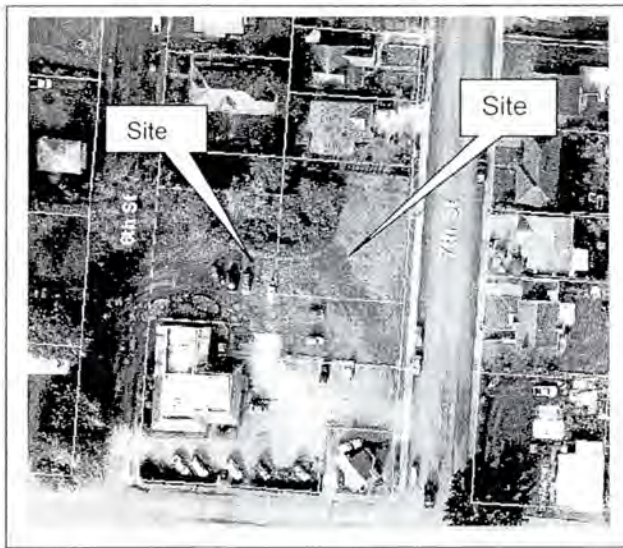
The property proposed for rezone is generally located between 6th and 7th Streets just north of Olney Avenue. The property is relatively flat with a slope up on the north edge. The site is undeveloped and is partially used as overflow parking for the adjacent lot and business Fultano's Pizza which is owned by the applicant. The site is adjacent to single-family neighborhood development.



The applicant wishes to expand and improve the parking on the lots now and possibly expand the building in the future. The lots abut the residential area and therefore



requires a 5' wide landscape buffer. The applicant has indicated that he would offer a condition that no building would be built closer than 10 from the property line adjoining the residential zone. The parcel is in single ownership and the staff report will address both tax lots as one parcel.



The site would be bounded on three sides (north, east, & west) by the R-2 Zone. The site is situated in a transition area between the residentially and commercially developed areas. It is bounded on both sides by City rights-of-way and the State Highway 202 (Olney Avenue) to the south. Any change in access would need to be coordinated with Oregon Department of Transportation for access issues.

The APC recommendation for denial was forwarded to the City Council for consideration at their December 3, 2012 meeting.

### III. PUBLIC REVIEW AND COMMENT

#### A. Planning Commission

A public notice was mailed to Neighborhood Associations and property owners within 100' of the proposed zone boundary change area on September 28, 2012. In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on October 16, 2012. The proposed amendment is quasi-judicial as it applies to one parcel of land. Any comments received will be made available at the Planning Commission meeting.

#### B. City Council

A public notice was mailed to Neighborhood Associations and property owners within 100' of the proposed zone boundary area on November 9, 2012. In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on November 26, 2012. Any comments received were made available at the City Council meeting.



#### IV. FINDINGS OF FACT

- A. Development Code Section 10.020(B) states that *"an amendment to a zone boundary may only be initiated by the City Council, Planning Commission, the Community Development Director, or the owner or owners of the property for which the change is proposed."*

Finding: The proposed amendment to the zoning map boundary is being initiated by the owner(s) of the property proposed to be rezoned.

- 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 R-2 to C-3 Zone. Processing as a quasi-judicial action would be appropriate.

- C. Section 10.070(B.1) requires that *"The amendment is consistent with the Comprehensive Plan."*

CP.025(2) concerning Policies Pertaining to Land Use Categories and Density Requirements states that *"Changes in the land use and zoning map may be made by boundary amendment so long as such change is consistent with the goals and policies of the Comprehensive Plan."*

*Factors to be considered when evaluating requests for zoning amendments will include compatibility with existing land use patterns, effect on traffic circulation, adequacy of sewer, water and other public facilities, contiguity to similar zones, proposed buffering, physical capability including geologic hazards, and general effect on the environment."*

1. CP.005(5) concerning General Plan Philosophy and Policy Statement states that local comprehensive plans *"Shall be regularly reviewed, and, if necessary, revised to keep them consistent with the changing needs and desires of the public they are designed to serve."*

Finding: The Comprehensive Plan and Development Code establish designated land use areas and zones. The general development of the South Slope area has been consistent with commercial development along Olney Avenue and residential development up the hill from there and includes the subject property. The subject property has been used as a restaurant since 1978 and the unimproved area to the north which is proposed to be rezoned has been used as open space and unimproved, overflow parking for several years.

Changes to the neighborhood are not anticipated that would warrant keeping the proposed area within the R-2 Zone which currently does not allow commercial development. The transition from residential to commercial development would be shifted by approximately 100' and would result in the R-2 Zone being located on three sides (north, east, & west) of the lot rather than just on the north side. However, Olney Avenue and 7th Street are high traffic areas and the inclusion of more land for the commercial zone would be consistent with the commercial development and traffic patterns of the area.

2. CP.015(1) concerning General Land and Water Use Goals stated that *"It is the primary goal of the Comprehensive Plan to maintain Astoria's existing character by encouraging a compact urban form, by strengthening the downtown core and waterfront areas, and by protecting the residential and historic character of the City's neighborhoods. It is the intent of the Plan to promote Astoria as the commercial, industrial, tourist, and cultural center of the area."*

CP. 015(2) concerning General Land and Water Use Goals states that *"It is a goal of the plan to encourage the development of public and private lands within the City limits, particularly areas that are presently serviced with sewer and water, prior to the extension of public facilities to areas outside the City."*

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

Finding: The proposed amendment would allow for continued compact urban form development of an area currently serviced by City utilities. The parcel abuts residential development and concerns from adjacent residential neighbors were expressed during the public hearings.

The neighbors have indicated incompatible impacts from the adjacent existing C-3 Zone activities such as lights shining into the residential area, noise from employees and customers in the parking area, and the continual noise from vehicles on the gravel parking area and graveled 6th Street right-of-way.





Lots abut adjacent residential development

The level portions of the lot have been used for overflow parking and solid waste disposal areas for several years contrary to the existing residential zoning of the property. The applicant has indicated that he would offer to require a 10' setback from the residential zone for construction of any structures. The Code currently requires a 5' landscape buffer when a commercial development abuts a residential zone. The existing Code therefore requires 5' deep landscaping on the east, west, and north sides of the area proposed to be rezoned as it would abut the R-2 Zone on those three sides. The 10' setback offered by the applicant would add 5 more feet to the existing required setback.

If the lots are developed for parking, Development Code Section 7.110.B, requires that *"All parking and loading areas and driveways thereto shall be paved with asphalt, concrete, or other hard surface approved by the City Engineer. Parking and loading areas shall be adequately designed, graded and drained."* The current parking area encroaches into the R-2 Zone and therefore the applicant could not pave it as approved parking. Once the zone is changed to C-3, the applicant will be required to bring the parking area into compliance with the Development Code.

At the December 1, 2012 City Council hearing, the applicant also suggested conditions that the property to be rezoned be limited to a maximum height of 28' and maximum lot coverage of 50%. The current R-2 Zone allows a 28' height and 40% lot coverage while the proposed C-3 Zone would allow a 45' height and 90% lot coverage.

Since these conditions are part of the consideration for the zone amendment, the conditions should be in the form of a covenant so that the required 10' setback, 28' maximum height, and maximum 50% lot coverage would run with the property and not just the current owner.



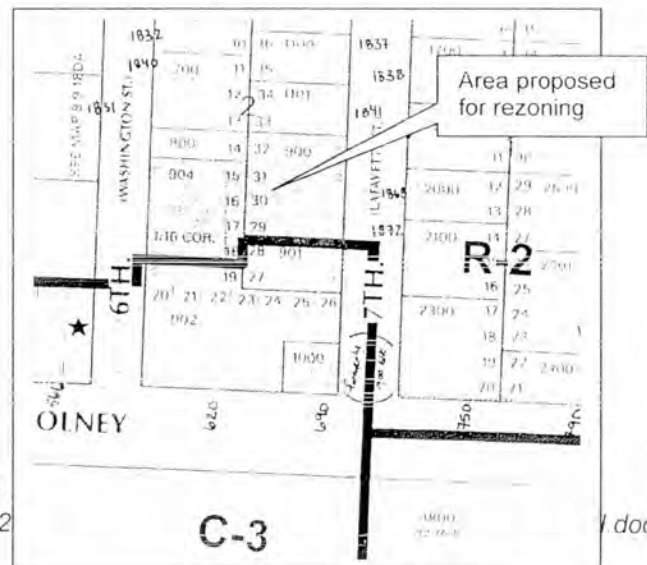
Existing vehicle and solid waste disposal area use of parcel proposed for rezone



Once the property is rezoned to C-3, any allowable use within the C-3 Zone would be allowed. The area proposed to be rezoned is approximately 19,890 square feet or an increase of 75% of the existing C-3 Zoned property in this block. The combined site within the proposed C-3 area would be approximately 195' x 250' (approximately 46,312 square feet) which would limit the size of commercial activity that could occur on the site, but would allow uses such as automotive sales and service, gas station, office building, or any retail/restaurant establishment, etc. The change in zone would move the commercial / residential zone delineation. The proposed 10' setback including the existing required 5' landscape buffer would create an additional building separation from the existing residential development (above the base zone standard). The maximum 28' height and 50% lot coverage would mitigate the impacts to the residentially developed lots.



View looking east across proposed rezone parcels and 7th Street to residential development on east side of 7th Street





The slight rise in terrain is a natural separation between the zones. The zone change would provide the ability to move the existing driveway for the commercial development toward the north allowing for a larger queuing area at the 7th and Olney intersection. Should these parcels be developed with residences at the same grade level as the restaurant, the residents of those units would experience some negative impacts from locating next to the existing commercial zone which would allow a 45' height and 90% lot coverage.

3. 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, 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. There appears to be sufficient R-2 zoning with a surplus of 23.79 acres but not enough R-1 zone. The subject property would be of sufficient size for potentially three single-family dwellings, or two two-family dwellings. The rezone would take approximately 0.46 acres (approximately 19,980 square feet) from R-2 Zone to commercial zone. While it would reduce the residential land by less than half an acre, it would help with the overall deficit of commercially zoned employment land particularly for office/retail use.

**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

| 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) | (21.1)                     | 27.8             | 6.7   |

Source: Cogan Owens Cogan

4. CP.060, South Slope Area, states that *"The South Slope Area consists of the area from the high school and Vista Park subdivision to Williamsport, and from the crest of the ridge (Niagara Street) to West Marine Drive. This area is generally considered Astoria's future residential growth area. While considerable development exists west of 7th Street, some of the City's future buildable lands are in Vista Park, Sonora Park, the areas along Williamsport Road and Williamsport itself. ..."*

CP.065.4, South Slope Area Policies, states *"Zoning along Olney Road (State 202) will remain residential in order to discourage strip commercial development and to protect the residential character of adjacent areas. However, a small neighborhood commercial zone may be appropriate at the intersection of Williamsport and Olney Roads after the sewer is installed and development increases."*

Finding: The parcel is located within the South Slope Area along Olney Avenue. The parcel adjacent to Olney Avenue is already zoned C-3 and this amendment would make the C-3 zoned area slightly deeper. It is not close to the Williamsport intersection and is not within the Vista Park, Sonora Park, or areas along Williamsport Road. The applicant has proposed a covenant on the rezoned parcel to add a 10' setback for structures, maximum 28' height, and maximum 50% lot coverage to minimize the impact to the residential area.

5. CP.200, Economic Development Goal 1, states that *"The City of Astoria will strengthen, improve, and diversify the area's economy to increase local employment opportunities."*

CP.200.1, Economic Development Goal 1 Policies, states that the City will *"Encourage, support, and assist existing businesses."*

CP.200.4, Economic Development Goal 1 Policies, states that the City will *"Encourage private development such as retail, restaurants, commercial services, transient lodging."*

Finding: The applicant has an existing business that has been in operation since 1978. The business wants to allow growth with the land they already own and use for overflow parking, but a portion of their land is zoned R-2. With the success of the business at this location and the fact that they already own the land, it would be consistent with the Comprehensive Plan to assist this business with the rezone to C-3 Zone to allow for future expansion.

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



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

Finding: Existing utilities and services are available for the allowable uses. There is a need for commercially zoned properties in Astoria that support office and retail uses as indicated in the Buildable Lands Inventory as noted above. The location of the lots in proximity to the adjacent residential development and the existing commercial development makes portions of these parcels better suited to the C-3 Zone. The proposed amendment will satisfy land and water use needs.

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

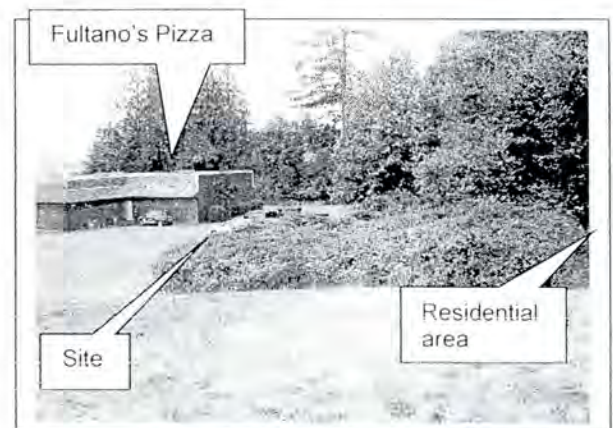
Finding: The site is relatively flat but sloped up to the north from Olney Avenue at the far north portion of the lot. There is no known geologic hazard with 100' of the site. The site is within the Flood Zone X, Other Areas determined to be outside the 0.2% annual change floodplain, Flood Insurance Rate Map 410028-0237-E, dated 9-17-10. The land is suited to commercial or residential use.

- F. Section 10.070(B.4) states that *"Resource lands, such as wetlands are preserved."*

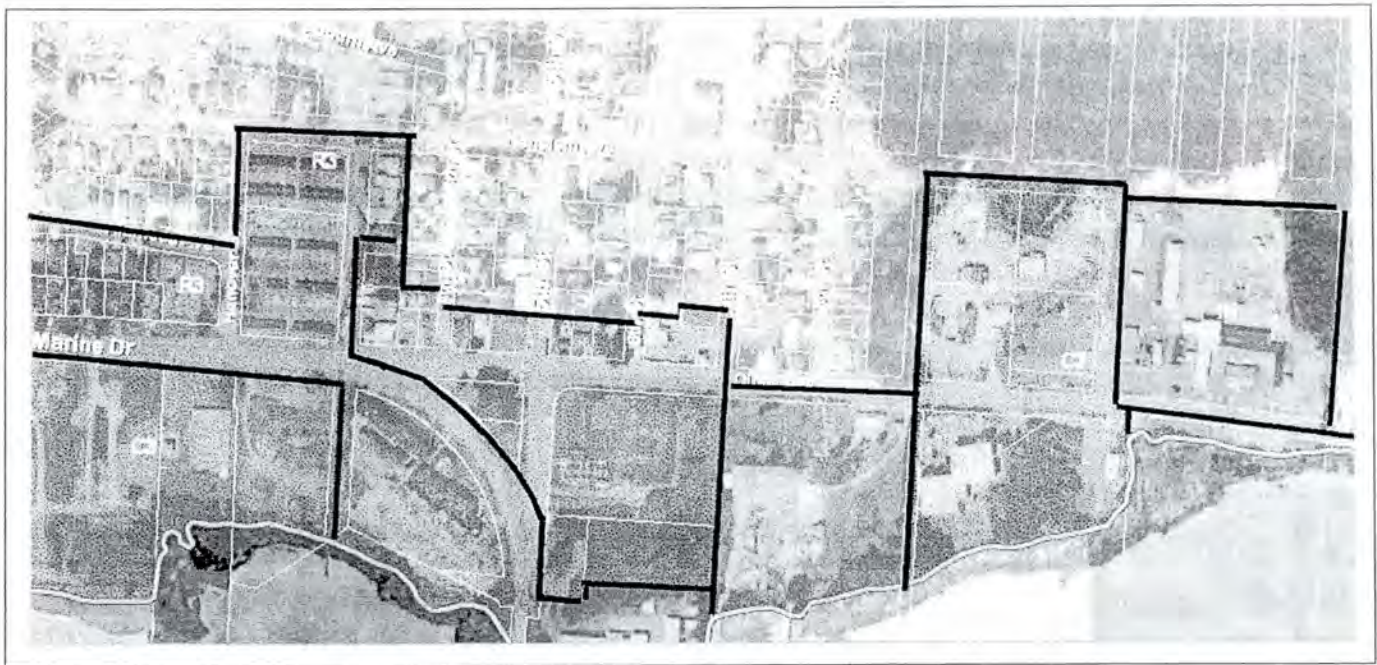
Finding: There are no known wetlands on the site.

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

Finding: The site is situated in a transition area between the residentially and commercially developed areas. The rear portion of the site is sloped up toward the residential area and creates a natural barrier. The flatter portion of the lot is more conducive to the commercial use rather than the residential use due to its close proximity to the commercial building owned by the applicant. The portion of the lot at the higher elevation is adjacent to existing residences.







While there is a natural land transition between the zones at this site, the entire parcel could be developed with any of the uses allowed in the C-3 Zone. The parcels fronting Olney Avenue are zoned C-3 between 3rd and 7th Street with parcels to the north up the streets are zoned R-2. Except for the Bayshore Apartments at 1400 West Marine Drive, the area to the south across the Olney Avenue/West Marine Drive right-of-way is zoned mostly C-3. This creates a mixture of commercial and residential development in the area. The transition from residential to commercial development would be shifted by approximately 100' and would result in the R-2 Zone being located on three sides (north, east, & west) of the lot rather than just on the north side. However, Olney Avenue and 7th Street are high traffic areas and the inclusion of more land for the commercial zone would be consistent with the commercial development and traffic patterns of the area.

- H. Statewide Planning Goal 12 concerning Transportation requires that cities review transportation related issues when considering land use amendments. Oregon Administrative Rules (OAR) Section 660-012-0060(1) concerning Transportation Planning Rule (TPR) - Plan and Land Use Regulation Amendments stated that *"Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in Section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. . ."* The OAR text continues to identify the requirements for compliance with the TPR and specific review that must be made to show compliance. The full text is not copied in this staff report but is available upon request.



Finding: The proposed amendment would change the area from Medium Density Residential Zone (R-2) to General Commercial Zone (C-3). More commercial uses would be allowed with the zone change. State Highway 202 (Olney Avenue) is an ODOT highway. Prior to any future development of the site, the applicant would need to contact ODOT to discuss any potential access and traffic impacts to the highway. The following is a comparison of some of the uses within the zones. Not all of the commercial uses allowed are listed.

| USE                                      | R-2 Zone        | C-3 Zone                 |
|--|-----------------|--------------------------|
| Single or Two-family dwelling            | Outright        | Outright with conditions |
| Bed & Breakfast or Inn                   | Conditional Use | Outright                 |
| Day care center                          | Conditional Use | Conditional Use          |
| Home Occupation                          | Outright        | Outright                 |
| Family day care center                   | Outright        | Outright                 |
| Multi-family dwelling                    | Conditional Use | Outright                 |
| Motel/hotel                              |                 | Outright                 |
| Transportation service                   |                 | Outright                 |
| Automotive sales, service, & gas station |                 | Conditional Use          |
| Indoor family entertainment              |                 | Outright                 |
| Business & education service             |                 | Outright                 |
| Eating & drinking establishment          |                 | Outright                 |
| Personal & Professional services         |                 | Outright                 |
| Repair services                          |                 | Outright                 |
| Retail sales                             |                 | Outright                 |
| Light manufacturing                      |                 | Conditional Use          |

The site is accessed from City streets including 6th and 7th Streets, and Olney Avenue. Olney Avenue is classified as an "arterial" street, and 7th Street is classified as a "collector" street. Both are considered high volume streets and are expected to carry higher levels of traffic. Any changes of access to the City streets would be reviewed by the City of Astoria.

The Astoria Transportation System Plan (TSP), dated July 1999, identified several potential transportation system improvements for this general area as it is a major transportation route. They included items such as construction of bike lanes (Project BP3), intersection improvements (Project BP4), and realignment of the arterial connection from 7th Street to 5th Street (Project R16). The City is in the process of updating the TSP and these projects could change depending on the outcome of the new TSP. However, the intersection is a key element within the transportation system and it is anticipated that more analysis will be conducted as part of the new TSP.

## V. CONCLUSION

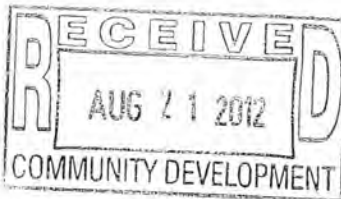
The request is consistent with the Comprehensive Plan and Development Code. The City Council approves the request with the following conditions:

1. The applicant shall record a covenant to run with the land that would establish the following restrictions to development of the parcels adjacent to 620 Olney Avenue described as Map T8N-R9W Section 17CC, Tax Lots 900 & 904; Lots 15, 16, 17, 18, 29, 30, 31, 32, Block 2 by JHD Gray of Block 27, Olney:
  - a. 10' building setback, other than fences, from the R-2 Zone on the north and west boundaries of the property;
  - b. maximum building height of 28';
  - c. maximum lot coverage of 50%.
2. The draft covenant shall be reviewed and approved by the Planner by December 28, 2012. The covenant shall be recorded, and a copy of the recorded document shall be provided to the City, prior to the date the Ordinance would take effect (i.e. 30 days after adoption by the City Council).





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



*Ad*

Fee: \$400.00

A 12-03

## AMENDMENT

Property Address: 620 Olney  
29-30-31-32  
 Lot 15-16-17-18 Block 2 by JHD Gray of Blk 27 Subdivision Olney  
 Map 17CC Tax Lot 904 & 900 Zone R-2 *OK*  
 Code or Map to be Amended: Map 17CC from R-2 to C-3

Applicant Name: Mark Cary  
 Mailing Address: 620 Olney Ave  
 Phone: (503) 440 3064 Business Phone: 503 325 2855  
 Property Owner's Name: Mark Cary Inc  
 Mailing Address: 620 Olney Ave  
 Business Name (if applicable):  
 Signature of Applicant: x *[Signature]* (Mark Cary)  
 Signature of Property Owner: x *[Signature]*

Proposed Amendment to rezone tax lots 904 & 900 from R-2 to C-3  
0.46 acres  
to amend the Astoria Land Use & Zoning Map from R-2 (Med Density Residential) to C-3 zone (General Commercial) for map 17CC,  
tax lots 900 & 904 adjacent to 620 Olney Avenue.

### For office use only:

|                       |                |                             |                 |
|-----------------------|----------------|-----------------------------|-----------------|
| Application Complete: | <u>8/21/12</u> | Permit Info Into D-Base:    | <u>8/23/12</u>  |
| Labels Prepared:      | <u>9/23/12</u> | Tentative APC Meeting Date: | <u>10/23/12</u> |
| 120 Days:             |                | Tent CC 1st                 | <u>12/3/12</u>  |
|                       |                | OK for PB                   | <u>8/22/12</u>  |

c. Provide community facilities and services:

b. meet transportation demands:  
will provide additional parking for an existing restaurant

3. The land is physically suitable for the uses to be allowed, in terms of slope, geologic stability, flood hazard and other relevant considerations.

property is flat and abuts a hillside that  
is residentially developed.

4. Resource lands, such as wetlands are protected.

none on site

5. The amendment is compatible with the land use development pattern in the vicinity of the request.

Current commercial uses on this corner with  
residential development uphill from site at a  
higher elevation.

**PLANS:** A site plan indicating location of any proposed zone change is required.



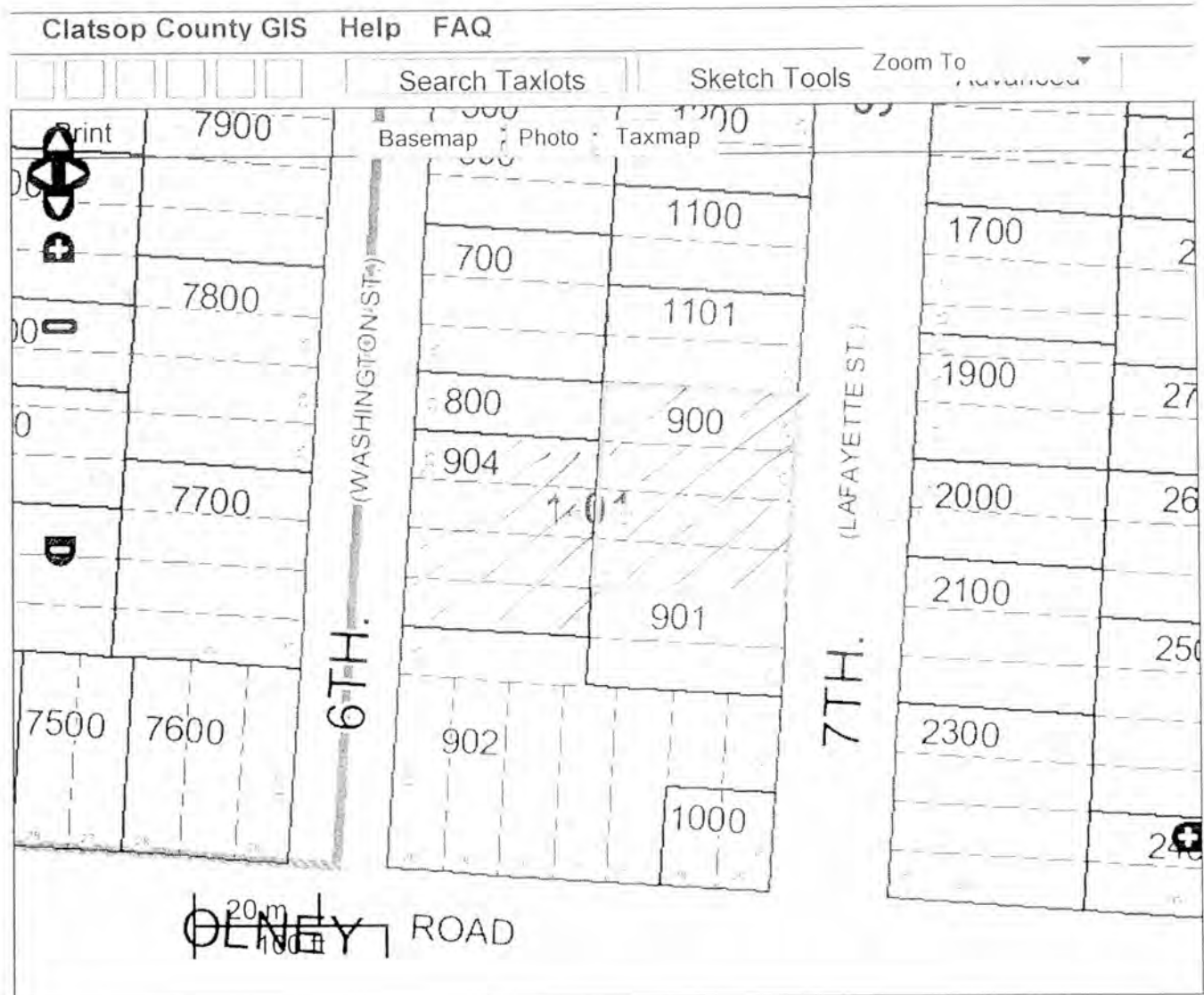
# Map



## Clatsop County Webmaps

Disclaimer: This map was produced using Clatsop County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misuse or misinterpretation. Photos may not align with taxlots.

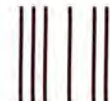




New Data: Zonir X,Y: 7356706.64083, 931765.08122 Lat, Lon: 46.174, << Show Tabs  
123.838 Scale: 1:775



COMMUNITY DEVELOPMENT  
CITY OF ASTORIA  
1095 DUANE STREET  
ASTORIA OR 97103



US POSTAGE \$02.29<sup>0</sup>  
  
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0801 1052811

**FIRST CLASS**

Plan Amendment Specialist  
DLCD  
635 Capitol Street NE #150  
Salem OR 97301-2540

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DEC 21 2012  
LAND CONSERVATION  
AND DEVELOPMENT