

October 5, 2021

TO: MAYOR AND CITY COUNCIL

FROM: BRETT ESTES, CITY MANAGER

SUBJECT: APPEAL (AP21-06) BY SUSAN TADEI, ETAL, OF ASTORIA PLANNING

COMMISSION APPROVAL OF CONDITIONAL USE PERMIT (CU20-10) BY RDA

PROJECT MANAGEMENT LLC FOR BETHANY LUTHERAN CHURCH TO CONSTRUCT A SEMI-PUBLIC USE ACCESSORY BUILDING AT 420 34TH

STREET

#### Background

In 2020 the project manager for Bethany Lutheran Church submitted an application for a Conditional Use (CU20-10). The proposal is to construct a 5,032 square foot accessory building with 1,845 square foot covered patio, as an annex to the adjacent existing Bethany Lutheran Church facility located across the 34th Street right-of-way. The use would be classified as a semi-public use. The site is in the R-3 Zone (High Density Residential). The Astoria Planning Commission (APC) approved the Conditional Use application on August 24, 2021. An Appeal (AP21-06) of the decision was filed by: Vince Tadei, Peter Tadei, Susan Tadei, Paul Tadei, Riley Pitts, Jason Hall, and Jude Matulich-Hall. The APC Findings of Fact are included as part of the Record. In addition to the Conditional Use permit, the applicant will need to obtain a New Construction permit (NC20-08) which was approved on February 9, 2021 by the Historic Landmark Commission (HLC), and on April 5, 2021 by the City Council on Appeal (AP21-02). That decision was appealed to LUBA (2021-048) and is pending a decision by LUBA.

The applicable conditional use criteria are reviewed by the APC with design criteria reviewed by the HLC. Other zoning code requirements are reviewed administratively by the Planner. Traffic, driveway design, utilities, Public Works standards, and other site design issues are reviewed by the City Engineering Division. Those additional reviews would be completed after the HLC and APC decisions are finalized and when the appropriate applications have been submitted to the respective departments. Building Code issues would be addressed by the Building Official at the time of a building permit application. City Council review of the APC's decision on this Conditional Use Permit (CU20-10) does not involve these other permits or issues.

The appellants have cited the following issues in the Notice of Appeal:

- building is large and would not preserve the residential character of the neighborhood per CP.075.2;
- building would be an incompatible intrusion into the residential neighborhood;
- similar use buildings are available within the City;
- building would exceed the maximum 28' height;

- use will overburden existing utilities and increase storm water issues;
- construction would be over existing City sewer easement;
- use will increase traffic congestion;
- site is within a Federal identified slide area.

The complete list of issues appealed can be found in the Appeal of Decision document from the appellant in the attached Record.

The appellant Susan Tadei submitted a letter addressing these issues. The following is staff's responses to each issue raised in the appeal letter.

1. Comprehensive Plan CP.075 Uppertown Area Policies 2., has been ignored by the Planning Commission decision to allow for this commercial building and the proposed new construction does not preserve the residential character of the historic neighborhood. The Plan and Code need to be followed and the Planning Commission is wrong by ignoring the Plan and Code.

Comment: The APC addressed this issue in the Findings of Fact Section IV.O.2

2. City of Astoria Development Code Article 11., states that before a conditional use is approved, the use will comply with the following standards:

The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use. This is a proposed new construction for a commercial building that is not needed in the City of Astoria nor in a historic residential neighborhood. There are plenty of school gymnasiums, Churches (16 Churches according to the Church attorney) that can be used for recreation, church youth meetings, and red cross shelters. Follow the Code.

Comment: The APC addressed this issue in the Findings of Fact Section IV.P.1.

3. City of Astoria Development Code Article 11, states that before a conditional use is approved, the use will comply with the following standards: The topography, soils, and other physical characteristics of the site are appropriate for the use. The property is clearly in the High Landslide location area and the Planning Commission stated on the record that this is not applicable to the application. That is a clear mis statement and the Code states before the conditional use is approved, the use will comply. Follow the Code. The property is not appropriate and the proposed construction will overburden the water and sewer facilities, storm drainage, fire and police protection and all utilities. There is no need for a half-court basketball court with showers brand new construction that is going to overburden all the facilities because the entire project had to be redesigned and the proposed location of the building moved because it does overburden the existing facilities. Take care of the existing historic residential properties that have water issues now before agreeing to allow for another burden to an existing residential neighborhood.

<u>Comment</u>: The APC addressed the issue about geologic landslides in the Findings of Fact Section IV.P.4, noting that the site is not within 100' of a known slide on the City maps and that any geologic issues would be addressed by the City Engineer at the time of the building permit.

The applicant has been working with the City Engineer concerning water, sewer, and storm drainage and have not indicated that these facilities would be "overburdened". The Fire Chief reviewed the application and requested a condition of approval for a Fire Knox Lock Box as noted in the Findings of Fact Section IV.P.3 and Condition #14.

On page 3, B. Neighborhood: It states that the Safeway commercial building is part of the 4 Neighborhood. The proposed new construction is in a Historic Residential Zoned neighborhood. Safeway is an oversized, heated climate changing commercial site that is not in the Historic Residential Zone. It is located across Lief Erikson Drive/Marine Drive, and it should be taken down and the property restored to eliminate the heated climate change it has caused. The intent of the City to make the Historic Residential Neighborhood an allowed new construction public/semi-public use is not compatible with the Historic Plan and historic designated neighborhood. What is the purpose of the Historic Residential Neighborhood and Historic Landmarks Commission when the current zone and rules are allowed to be changed for as City Staff stated on the record "Anything is buildable with enough money"? Yes, the City Staff and Developer stated on the record of the June 22, 2021, Planning Commission Meeting that "Anything is buildable with enough money". This project does not meet the current land use regulations. It is a proposed commercial new construction in a Historic Designation and is not compatible with the surrounding structures. On Page 3, B. Neighborhood, it states "Access across the Church lot to other properties is not an issue for APC consideration, but will be addressed for informational purposes only." For your information, the existing residential properties have prescriptive rights to continue to access the properties in the same manner that they have accessed for over 130 years. The proposed new construction is oversized in scope for the surrounding residential character of the neighborhood and is a complete hindrance to the access to the existing historic residential properties.

<u>Comment</u>: The historic criteria were addressed by the HLC in the New Construction Permit (NC20-08) and are not reviewed by the APC. Issues concerning the size and environmental impact of the Safeway building are not part of this application and not for APC consideration. The APC addressed the issue of other available facilities and locations in the Findings of Fact Section IV.P.1. The APC addressed the issue of compatibility with the neighborhood in the Findings of Fact Section IV.O.2

The statement "anything is buildable with enough money" was taken out of context as it was made in reference to the ability of a developer to invest money into construction items such as moving the sewer easement and addressing any engineering for geologic issue requirements.

Access across the subject property to the private properties is not guaranteed by any recorded easement or agreement. Prescriptive rights in Oregon are not an issue for the APC and are a civil matter between the two private parties. The APC does not address issues such as access other than on rights-of-way. The Findings of Fact Section III.B notes that the access was included for information purposes only and provides information in Section IV.P.2.

5. On page 4, IV. Applicable Review Criteria and Findings of Fact, A. Finding: the Plan states

"Semi-Public Use". The current Church does not have the youth and adult membership to support the unnecessary proposed building. There are 16 existing Churches in Astoria that would allow for the desired semi-public use if the youth and adult membership need a facility. The proposed new construction is an unnecessary intrusion to the existing Historic Residential Character of the neighborhood. Not one single Bethany Lutheran Church member lives within the neighborhood of the proposed construction and there is not even a permanent Pastor for the Church living in the Pastor house. The members use the existing Church for less than 3 hours on a Sunday, and limited time during the week. Why would the City allow for another non-profit, non-tax assessed, oversized structure to be put in a Historic Residential Neighborhood when there are 16 existing Churches that could be used for the requested semi-public/public use? There are tax paying members of the neighborhood that have stated on the record they do not want another oversized non-profit building in the residential neighborhood. Just because you can does not mean you should. The proposed building is overreaching in scope, detail, and does not conform with the surrounding buildings with historic structure.

<u>Comment</u>: The size and residency of the congregation are not issues for the APC consideration. The APC criteria does not include review of tax producing versus non-profit use of properties.

6. On page 5, IV. Applicable Review Criteria and Findings of Fact, B. There is an existing City sewer easement which prohibits construction over the easement area. What makes moving the sewer allowed to be paved over with the parking lot? That is what the City sewer easement states, is that it will not be built over. A parking lot is an improvement and structure which the easement does not allow. Follow the intent of the document and realize that by allowing for a parking lot and building, it will cause the adjacent residences to be compromised with sewer and water run-off detention issues to be exacerbated. The adjacent residences are dealing with current stormwater issues and the City has done nothing to facilitate and fix the current residence water issues. Is this another "Anything is buildable with enough money" stated fact that the residences concerns are to be ignored and the Church with a lot of money is allowed to move the sewer to allow for an oversized structure and not alleviate, and fix the existing water issue for the current residences? What exactly happens at the City for City Staff and the Developer to go on record making the statement "Anything is buildable with enough money" mean City Council and Mayor? It also states that the City finds that the proposed development meets the required yard setbacks. There is no yard. This is a commercial building with oversized landscaping that hinders the existing native bird nesting and vegetation. There is no yard. The current nesting birds do not nest in bushes. They need the open space to nest with little vegetation.

<u>Comment</u>: The original site plan proposed the building on the west side of the lot and avoided the sewer easement. After the HLC review and public comments that the building was blocking Mr. Tadei's view, the applicant worked with the City to possibly relocate the sewer easement at the applicant's cost and move the building to the east. The City sewer easement prohibits structures over the easement that would impede City equipment when working on the sewer lines. Landscaping and hardscape such as parking lots are allowed as they do not impede the equipment and the landscaping and/or hardscape can be replaced after the work is completed. It is the same as the utilities that

are within a right-of-way which is paved.

Existing storm water issues in this neighborhood are an issue for the City Engineering Division and not part of the APC review.

Setbacks are required between the property line and structures. Landscaping including ground cover and/or taller vegetation may be located within the setback areas. The setbacks and proposed landscape plan are addressed in the Findings of Fact Section IV.B, Section IV.L, and Section IV.P.5.

The APC reviewed the bird population in the Findings of Fact Section IV.O.6.

7. On page 5, under the IV. Applicable Review Criteria and Findings of Fact, D, Section 2.090, Height of Structures in the R-2 Zone states "No structure will exceed a height of 28 feet above grade", but on page 6, under Finding: it states, The proposed building is 34' to the ridge. 34 feet is not 28 feet. Again, changing the rules to accommodate the "Anything is buildable with enough money" statement from City Staff and the Developer. The building is commercial and oversized for the residential character of the neighborhood. The proposed building violates the entire historic district.

<u>Comment</u>: The height of the building as measured according to the Astoria Development Code is 25.5' and is addressed in the Findings of Fact Section IV.D.

8. On page 10, IV Applicable Review Criteria and Findings of Fact., K. It states that the site is not within 100' of a known landslide hazard. Federal landslide maps take precedent over a City landslide map, and it is clear the property and adjacent property is in the high landslide area. This is another example of City Staff making a mis statement on what the Code states.

<u>Comment</u>: The City uses the City "Areas of High Water and Past Slides" map when determining the location of "known" landslides. The City has not adopted the DOGAMI map of landslides until a geologic hazard ordinance has been adopted by the City as the DOGAMI maps indicate that most of Astoria is within some form of a landslide area. The issue of geologic hazards was addressed in the Findings of Fact Section IV.K and would be reviewed by the City Engineer at the time of the building permit submittal.

9. On page 11, IV. Applicable Review Criteria and Findings of Fact., I., Section 7.110G Landscaping, states Landscaping shall be provided. The existing landscaping around all buildings and specifically, in this historic residential neighborhood are out of control and not being properly maintained. What is the City doing about it? Consider this a formal complaint that the landscaping is not being properly maintained by the Bethany Lutheran Church, nor the Comfort Suites Motel, nor Safeway. The trees and landscaping have not been trimmed and taken care of properly, while the residents of the neighborhood are always maintaining their yards and trees. Follow the Code.

<u>Comment</u>: The issue of the maintenance of existing landscaping is not part of this application and not for APC review.

10. On page 13, IV. Applicable Review Criteria and Findings of Fact., N., Section 11.140, Public

or Semi-Public Use states Traffic will not congest nearby streets. By the Bethany Lutheran Church stating that there is so much need and support for the proposed building, this is going to cause even more congestion with the existing oversized commercial buildings that are in existence. The existing Marine Drive/Lief Erikson Drive are already over congested with too much industrial, commercial, personal vehicular traffic. Follow the Code.

<u>Comment</u>: Traffic issues were addressed by the APC in the Findings of Fact Section IV.N, IV.O.4, and IV.P.2.

11. On page 14, IV. Applicable Review Criteria and Findings of Fact., N., Section 11.020(B.1) states that "the Planning Commission shall base their decision on whether the use complies with the applicable policies of the Comprehensive Plan". CP.075.2, Uppertown Area Policies states "The predominantly residential character of the area upland of Marine Drive/Lief Erikson Drive will be preserved." There is nothing in the oversized building of new construction in the historic designation that preserves any of the residential character. This is a commercial building in a residential zoned area. If the Bethany Lutheran Church had submitted an application for a small garage that fit in design and scope with the historic residential structures, the neighbors would most likely have supported the application. What has been submitted does not fit with the neighborhood.

Comment: The APC addressed this issue in the Findings of Fact Section IV.O.2

12. On page 15, IV. Applicable Review Criteria and Findings of Fact., N, Section 11.020(B.1) 3., states in the Finding: The church is an existing semi-public use (business). The zone is not for business. When does a Church become a "business"? If it is a business, then it should pay property taxes and file as a business. What makes the finding state the Church is a "Business"?

<u>Comment</u>: The term "business" applied to the semi-public use was a reference to the Comprehensive Plan Economic Element language which does not differentiate between public/semi-public uses and for-profit uses. Use would remain as semi-public, but the economy is impacted by any use even if it is a non-profit as this status only reflects taxing issues.

13. On page 16, IV. Applicable Review Criteria and Findings of Fact., O, Section 11.020(B.1) 5., states Comprehensive Plan Section CP.220(6) concerning Housing Policies states that "Neighborhoods should be protected from unnecessary intrusions of incompatible uses, including large scale commercial, industrial and public uses or activities." Protect the Historic Residential Neighborhood and follow this Code.

<u>Comment</u>: The APC addressed this issue in the Findings of Fact in Section IV.O.5.

A public hearing on the Appeal has been advertised and is scheduled for the October 18, 2021 City Council meeting. A complete Record of the Request is attached.

The Council has several options: 1) Uphold the APC decision to approve the request, possibly with revised Findings of Fact; 2) Reverse the APC decision and deny the request pending adoption of revised Findings of Fact; or 3) Remand the issue back to the APC for

reconsideration. It should be noted that a remand to the APC would be heard by the APC tentatively on November 23, 2021 (should the City Council decision be made at the October 18, 2021 meeting) and if this decision was appealed, it would not be heard by the City Council until tentatively December 20, 2021, which is after the end of the extended 120 Days (December 8, 2021). The applicant is not required to extend the 120 Day period.

#### Recommendation

It would be in order for the City Council to hold the public hearing on the appeal, consider whether to uphold or reverse the Astoria Planning Commission decision to approve the Request with conditions, and adopt Findings of Fact to support the Council decision.

Resembly Johnson

By:

Rosemary Johnson, Planning Consultant

#### **NOTICE OF APPEAL NO. AP21-06**

by

SUSAN TADEI, VINCE TADEI, PAUL TADEI, RILEY PITTS,
JASON HALL AND JUDE MATULICH-HALL

#### OF THE

# ASTORIA PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE REQUEST CU20-10

by
RDA PROJECT MANAGEMENT LLC
for BETHANY LUTHERAN CHURCH



Prepared by
City of Astoria
Community Development Department
1095 Duane St. • Astoria, OR 97103

Published October 8, 2021

#### **NOTICE OF APPEAL AP21-06**

by

Susan Tadei, Vince Tadei, Paul Tadei, Riley Pitts, Jason Hall and Jude Matulich-Hall

of the

## ASTORIA PLANNING COMMISSION'S APPROVAL DECISION OF CONDITIONAL USE REQUEST CU20-10

by

RDA Project Management LLC for Bethany Lutheran Church

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	PUBLIC COMMENTS	
10/08/2021	Public comments received between 09/24/2021 and 10/08/2021 regarding Appeal AP21-06. Quantity: 1	AP-16
	PUBLIC NOTICE	
10/09/2021	Public Notice ad proof scheduled for publication in <i>The Astorian</i> for the October 18, 2021 City Council Meeting	AP-17
09/24/2021	Mailed Public Notice for the October 18, 2021 City Council Meeting	AP-18
	NOTICE OF APPEAL AP21-06	
09/15/2021	Notice of Appeal AP21-06 by Susan Tadei, Vince Tadei, Paul Tadei, Riley Pitts, Jason Hall and Jude Matulich-Hall of the Astoria Planning Commission's approval decision of Conditional Use Request CU20-10 by RDA Project Management LLC for Bethany Lutheran Church	AP-20

## DOCUMENTS RELATED TO THE ASTORIA PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE REQUEST CU20-10

#### **NOTICE OF DECISION**

08/31/2021	Notice of Decision / Mailed Orders for the Astoria Planning Commission's Approval Decision of Conditional Use Request CU20-10 by RDA Project Management LLC for Bethany Lutheran Church	AP-32
	ASTORIA PLANNING COMMISSION'S AUGUST 24, 2021 MEETING	
08/24/2021	Cover Memo and Staff Report prepared for the August 24, 2021 APC meeting	AP-59
08/24/2021	Power Point Presentation, including slides submitted and presented by James Zupancic, attorney representing Bethany Lutheran Church	AP-86
08/23/2021	Supplemental Letter submitted by James Zupancic, attorney representing Bethany Lutheran Church	AP-98
08/17/2021	Supplemental Letter with site renderings submitted by James Zupancic, attorney representing Bethany Lutheran Church	AP-104
08/16/2021	Supplemental Letter submitted by James Zupancic, attorney representing Bethany Lutheran Church	AP-107
08/14/2021	Public Notice published in <i>The Astorian</i> , re-opening the public hearing	AP-110
08/03/2021	Public Notice mailed, re-opening the public hearing	AP-111
	ASTORIA PLANNING COMMISSION'S JULY 27, 2021 MEETING	
07/23/2021	Letter received from the property owner, Bethany Lutheran Church, requesting the re-opening of the public hearing	AP-113
07/20/2021	Staff Report prepared for the July 27, 2021 APC meeting – Option 1: Findings for Approval	AP-114
07/20/2021	Staff Report prepared for the July 27, 2021 APC meeting – Option 2: Findings for Denial	AP-140

	ASTORIA PLANNING COMMISSION'S JUNE 22, 2021 MEETING
06/22/2021	Meeting Minutes for the June 22, 2021 APC meeting AP-165
06/15/2021	Staff Report prepared for the June 22, 2021 APC meeting
05/20/2021	Revised Site Plan, submitted by the Applicant
	ASTORIA PLANNING COMMISSION'S MAY 4, 2021 MEETING
	NOTE: At the May 4, 2021 APC meeting, application CU20-10 was continued, at the applicant's request, to the June 22, 2021 meeting. There was not a presentation of the Staff Report.
05/04/2021	Meeting Minutes for the May 4, 2021 APC meeting AP-203
04/27/2021	Staff Report prepared for the May 4, 2021 APC meeting AP-206
	PUBLIC COMMENTS related to application CU20-10
	All written public comments received April 9, 2021 – August 24, 2021 In favor of the application
08/24/2021	Public testimony Sign-In sheets for the August 24, 2021 APC meeting AP-486
06/22/2021	Public testimony Sign-In sheets for the June 22, 2021 APC meeting AP-490
	NOTE: There are no Sign-In sheets for the following meetings:  * July 24, 2021 – Reason: the public hearing was closed at the June 22, 2021 meeting  * May 4, 2021 – Reason: the application was continued to the June 22, 2021 meeting
	WAIVERS/EXTENSIONS
07/28/2021	Signed Extension of 120 Day Rule by the Applicant, extending application CU20-10 to December 8, 2021
06/23/2021	Signed Extension of 120 Day Rule by the Applicant, extending application CU20-10 to October 8, 2021
04/29/2021	Signed Extension of 120 Day Rule by the Applicant, extending application CU20-10 to November 9, 2021

#### **PUBLIC NOTICE**

04/24/2021	Published Public Notice in <i>The Astorian</i>	AP-495
04/09/2021	Mailed Public Notice for the May 4, 2021 Astoria Planning Commission meeting	AP-496
	APPLICATION for CONDITIONAL USE CU20-10	
03/05/2021	Conditional Use Request CU20-10 to construct a new 5,030 square foot structure at 420 34 <sup>th</sup> Street, as an accessory multi-use building to the existing adjacent church facility at 451 34 <sup>th</sup> Street by RDA Project Management LLC on behalf of Bethany Lutheran Church	

**NOTE:** Page numbers are indicated as "**AP-xx**" so as not to be confused with previous document page #s.

#### LAW OFFICES OF JAMES D. ZUPANCIC, PC

JAMES D. ZUPANCIC, ESQ., CRE 16580 FAIR MILE ROAD SISTERS, OR 97759-9756 E. JIM@ZUPGROUP.COM C. 503-277-9906



October 8, 2021

City of Astoria City Council Mayor and Council Member Bruce Jones Council Member Roger Rocka Council Member Tom Brownson Council Member Joan Herman Council Member Tom Hilton

**DELIVERED BY EMAIL** 

Re: AP21-06; Request for Incorporation of Planning Commission Record (CU20-10)

Applicant: RDA Project Management, LLC Landowner: Bethany Free Lutheran Church

Subject Property: 420 34th St., Astoria

Dear Mayor Jones and Members of the City Council:

On behalf of the Applicant and Respondent, RDA Project Management, LLC and Landowner Bethany Free Lutheran Church, we hereby request that the record of the proceedings before the Astoria Planning Commission in CU20-10, be incorporated into the record of these proceedings AP21-06.

Sincerely,

James D. Zupancic

James D. Zupancic, Esq., CRE Counsel for Applicant and Bethany Free Lutheran Church

Cc: City Staff

Carrie Richter, Esq.

#### LAW OFFICES OF JAMES D. ZUPANCIC, PC

James D. Zupancic, Esq., CRE 16580 Fair Mile Road Sisters, OR 97759-9756 E. Jim@ZupGroup.com C. 503-277-9906



October 8, 2021

City of Astoria City Council
Mayor and Council Member Bruce Jones
Council Member Roger Rocka
Council Member Tom Brownson
Council Member Joan Herman
Council Member Tom Hilton

**DELIVERED BY EMAIL** 

Re: Request for Dismissal of Appeal AP21-06 Applicant: RDA Project Management, LLC Landowner: Bethany Free Lutheran Church Subject Property: 420 34<sup>th</sup> St., Astoria

Dear Mayor Jones and Members of the City Council:

On behalf of the Applicant and Respondent, RDA Project Management, LLC and Landowner Bethany Free Lutheran Church, we hereby respectfully request dismissal of AP21-06 on the grounds that the respective Notices of Appeal filed by the Appellants do not comply with the Astoria Development Code. Although Applicant believes that it can, and will if necessary, present a compelling appellate response to AP21-06 on the merits, this request is made pursuant to ADC 9.040 D and for preservation of the objection.

Astoria Development Code Section 9.040 D provides as follows:

9.040 D. Contents of Appeal.

A request for appeal of a Commission or Committee decision shall contain:

- 1. An identification of the decision sought to be reviewed, including the date of the decision.
- 2. A statement of the interest of the person seeking review and that he was a party to the initial proceedings.
- 3. The specific grounds relied upon for the review, including a statement that the criteria against which review is being requested were addressed at the Commission or Committee hearing.

#### **Appellants Jason Hall and Jude Matulich-Hall**

1. The appeal from Appellants Jason Hall and Jude Matulich-Hall should be dismissed on the grounds that their Notice of Appeal does not contain (a) a statement of interest of the Appellants and that he/she was a party to the initial proceedings, as required by ADC 9.040 D.2 and (b) the specific grounds relied upon for the review, including a statement that the criteria against which review is being requested were addressed at the Commission or Committee hearing, as required by ADC 9.040 D.3. The general statement that Mr. Hall and Ms. Matulich-Hall are appealing "all applicable criteria" does not satisfy ADC 9.040 D.3 and deprives the Applicant with sufficient specific information necessary to prepare a response to the appeal.

#### Appellants Susan Tadei, Paul Tadei, Vince Tadei and Riley Pitts

2. The appeal from Appellants Susan Tadei, Paul Tadei, Vince Tadei and Riley Pitts should be dismissed on the grounds that their respective Notices of Appeal do not contain (a) a statement of interest of the appellant and that he/she was a party to the initial proceedings, as required by ADC 9.040 D.2 and (b) a statement that the criteria against which review is being requested were addressed at the Commission or Committee hearing, as required by ADC 9.040 D.3. The administrative procedures prescribed by Article 9 of the Astoria Development Code are not suggested formalities, but are procedural rules, and failure to follow the notice requirements deprive the Applicant of due process of law as required by the Oregon and U.S Constitutions. Moreover, it is not the City's responsibility to provide the Notice of Appeal form that complies with the ADC. Applicant/Respondent is prejudiced because the Appellants have failed to provide required information and that failure deprives Applicant/Respondent the opportunity to contest those assertions.

Based on the above, and the attached copies of the Notices of Appeal (Exhibit "A"), the Appellant/Respondent respectfully requests that this appeal be dismissed.

Sincerely,

James D. Zupancic

James D. Zupancic, Esq., CRE Counsel for Applicant and Bethany Free Lutheran Church

Cc: City Staff

Carrie Richter, Esq.



Community Development of

SEP 15 2021

COMMUNITY DEVELOPMENT

Fee Paid Date 4/14/21 By CA

Fee: \$500.00

No. AP 21-06

NOTICE OF APPEAL
Property Address: 420 34th Street, Astonia, OR 97/03
Lot 1, 2, 2 West 18.75 'Lot 3 Block 18 Subdivision Adams Port of 1 pper Astor,
Map TBN R9W Section Botax Lot 3800 +3900 zoneR-2 Medium Density Residenti
Appellant Name: Vince Tadei, Susan Tadei, Paul Tadei, Riley P. H.
Appellant Mailing Address: 504-344 Street Astonia, OR 97/03
Phone: 503-298 1838 Business Phone: 360-930-1429 Email: Suetadei Camail, cam
Issue Being Appealed: Comprehensive Plant City Code
Signature of Appellant: Justan Tadei Date: 9-14-2021
Name of Appellant's Attorney (if any): 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Address of Appellant's Attorney (if any): Not yet decided
This Appeal is filed with the City of Astoria, in accordance with Development Code Section 9.040,
on a decision and/or ruling dated <u>August 24, 2021</u> by the <u>ASTMA Planning Commission</u>
Commission (Department/Commission/Committee/City Official)
Specific Criteria Appealed: Comprehensile Plan CP 075, 2; City of Astonia Development Cale
The specific grounds relied upon for review: See altached
If additional space is needed, attach additional sheets.)
For office use only:  Application Received:  Standing to Appeal Yes No

Tentative

Permit Info Into D-Base:

Meeting Date:

Appeal Criteria: Application Complete:

Labels Prepared:

120 Days:

#### **NOTICE OF APPEAL AP21-06**

Issue being appealed: APC's approval decision of Conditional Use Request CU20-10

List of Appellants – Contact Information (signature pages attached)

#### Susan Tadei

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Email: suetadei@gmail.com

#### Vince Tadei

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PH: (503) 298-1838

Email: suetadei@gmail.com

#### Paul Tadei

89563 Lakeside Ct. Astoria, OR 97103

PH: (503) 298-9637

Email: ptadei@clatsopdist.com

#### **Riley Pitts**

3481 Duane Street Astoria, OR 97103

PH: n/a

Email: rileypitts@hotmail.com

#### Jason Hall & Jude Matulich-Hall

3473 Duane Street Astoria, OR 97103

PH: (503) 756-3672 / (503) 298-3874

Email: <a href="mailto:yogijude@gmail.com">yogijude@gmail.com</a>



Community Development



CITY OF ASTORIA

COMMUNITY DEVELOP

MENT Fee Paid Date	9/14/21	Div Cash
	remanum state and with a first	Teo. \$500.00 B

		Teo. \$500.00 8by
	NOTICE OF APPEAL	
Property Address: 420 3	4th Street, Notinia, OR 9	7/03
Lee 42 HWest 1875	613 <sub>Block</sub> 19 Subdi	miny Adairs Port of Upper Astoria zone R-2 Medium Desdity Residental
MapTEW, R. 9 Wikobia 9 R	D Tax Let 3204 > 3900	2000 R-2 Medium Destity Reddertol
Appellant Name VINCE	adei	
Appellant Mailing Address: 4	34-34 Street, Astava, O	K 97/03
Frome 503-298-1838	Business Phone	Email Sur Index 69 Mark CAM.
Issue Being Appealed (ML)	unalle Application U20-101	machenine Plant City Colp 1
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#### SEP 14 2021

#### COMMUNITY DEVELOPMENT

**BUILDING CODES** 

No. AP 21-06

Fee: \$500.00 Fee:

NOTICE OF APPEAL				
Property Address: 420 -	34th St Asto	ria		
		bdivision Adair's Port of Upper Astora	سن	
Map TON RAW Secared To Appellant Name:	ax Lot 3800 9 3900	Zone <u>K-</u> Z		
Appellant Mailing Address: 99		CF		
Phone: 503 - 298-963 Bus	siness Phone:	_ Email: ptadei@clatsopdist.	Con	
Issue Being Appealed: Both	ary Lutheran Cl	hurch Amnex		
Signature of Appellant:	Cals	Date: 9-14-202	٠,	
Name of Appellarit's Attorney (if ar	ny): Undecideel			
Address of Appellant's Attorney (if				
This Appeal is filed with the City of Astoria, in accordance with Development Code Section 9.040, on a decision and/or ruling dated Aug 24, 202 by the Planking Commission Commission (Department/Commission/Committee/City Official)  Specific Criteria Appealed: All the applicable Criteria  The specific grounds relied upon for review: See Sue Tade: appellant				
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SEP 1 4 2021

BUILDING CODES

#### COMMUNITY DEVELOPMENT

Fee Paid Date 1/14/21 By Cash

No. AP 21-06	Fee: \$500.00	
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Property Address: 420 - 3	34th St Astoria, OR	
	Block 18 Subdivision Adair's Port of Upper Astoria	
Map T8N R9W Sec 1BD 7	Tax Lot 3800 \ 3900 Zone R-2	
Appellant Name: Riley /	12,715	
Appellant Mailing Address: 32	151 Duane St Astoria, OR.	
Phone: Bu	usiness Phone: Email: riley pits@hotmail.com	
Issue Being Appealed: Bett	hang Lutheran Annex-Senipublica	us
Signature of Appellant:	Date: 9/15/2021	
	any): Underided	
Address of Appellant's Attorney (i	f any):	
This Appeal is filed with the City o	of Astoria, in accordance with Development Code Section 9.040,	
on a decision and/or ruling dated	8/24/21 by the APC of approval of CU20-10	
Commission (Department/Commis	ssion/Committee/City Official)	
Specific Criteria Appealed:	e Sue Tadei Letter	
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120 Days:		



SEP 14 2021

#### COMMUNITY DEVELOPMENT

BUILDING CODES

No. AP 21-06

Fee Paid Date CV14/21 By cash

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Lot 1,2 + West 18.75 Lot 3 Blo	ck 18 Subdivision Ada	iir's Port of Upper Astoria		
Map TRNR9W Ser 9Bi) Tax L	ot 3800 93900 Zone R			
Appellant Name: Tason	tall Jude Matalic	h-Hall		
Appellant Mailing Address: 3473	Duane Street			
Phone: 503,756,3672 Busines	ss Phone: <u>503, 398, 387</u> /Email: <u> </u>	ogijude@gnen1.com		
Issue Being Appealed:	1			
Signature of Appellant:	7	14.Sep, 2021		
Name of Appellant's Attorney (if any):	undersed '			
Address of Appellant's Attorney (if any				
This Appeal is filed with the City of Astoria, in accordance with Development Code Section 9.040, on a decision and/or ruling dated Aug 24, 2021 by the				
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September 12, 2021

City of Astoria
Attn: Community Development Department
1095 Duane Street
Astoria, OR 97103
503-338-5183
planning@astoria.or.us

RE: Notice of Appeal of Order No. CU20-10 Conditional Use Application

Attn: City Council and Mayor

My name is Susan Tadei, physical address of 9631 NE Midway Avenue, and mailing address of P.O. Box 228, Indianola, WA 98342. I am the youngest daughter of my father Vincent Tadei, address of 504-34<sup>th</sup> Street, Astoria, OR 97103. My father is 88 years old, and this proposed new construction by the Bethany Lutheran Church is causing my father stress and he has clearly stated to me and my siblings that my father does not want this building in the historic residential neighborhood. It is an unnecessary intrusion, and the Bethany Lutheran Church initially stated to my father that there was a desire to put up a small garage. The application that is presented is beyond a "small garage" and has now turned into an oversized commercial structure in a historic residential zone neighborhood. This process is the legal process of which people are allowed to be heard and I am worried for my father, and his neighbors, so I am appealing of record the City of Astoria Planning Commission Decision on August 24, 2021, Order No. CU20-10, for the following reasons:

- Comprehensive Plan CP.075 Uppertown Area Policies 2., has been ignored by the Planning Commission decision to allow for this commercial building and the proposed new construction does not preserve the residential character of the historic neighborhood. The Plan and Code need to be followed and the Planning Commission is wrong by ignoring the Plan and Code.
- 2. City of Astoria Development Code Article 11., states that before a conditional use is approved, the use will comply with the following standards: The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use. This is a proposed new construction for a commercial building that is not needed in the City of Astoria nor in a historic residential neighborhood. There are plenty of school gymnasiums, Churches (16 Churches according to the Church attorney) that can be used for recreation, church youth meetings, and red cross shelters. Follow the Code.

- 3. City of Astoria Development Code Article 11., states that before a conditional use is approved, the use will comply with the following standards:

  The topography, soils, and other physical characteristics of the site are appropriate for the use. The property is clearly in the High Landslide location area and the Planning Commission stated on the record that this is not applicable to the application. That is a clear mis statement and the Code states before the conditional use is approved, the use will comply. Follow the Code. The property is not appropriate and the proposed construction will overburden the water and sewer facilities, storm drainage, fire and police protection and all utilities. There is no need for a half-court basketball court with showers brand new construction that is going to overburden all the facilities because the entire project had to be redesigned and the proposed location of the building moved because it does overburden the existing facilities. Take care of the existing historic residential properties that have water issues now before agreeing to allow for another burden to an existing residential neighborhood.
- 4. On page 3, B. Neighborhood: It states that the Safeway commercial building is part of the Neighborhood. The proposed new construction is in a Historic Residential Zoned neighborhood. Safeway is an oversized, heated climate changing commercial site that is not in the Historic Residential Zone. It is located across Lief Erikson Drive/Marine Drive, and it should be taken down and the property restored to eliminate the heated climate change it has caused. The intent of the City to make the Historic Residential Neighborhood an allowed new construction public/semi-public use is not compatible with the Historic Plan and historic designated neighborhood. What is the purpose of the Historic Residential Neighborhood and Historic Landmarks Commission when the current zone and rules are allowed to be changed for as City Staff stated on the record "Anything is buildable with enough money"? Yes, the City Staff and Developer stated on the record of the June 22, 2021, Planning Commission Meeting that "Anything is buildable with enough money". This project does not meet the current land use regulations. It is a proposed commercial new construction in a Historic Designation and is not compatible with the surrounding structures. On Page 3, B. Neighborhood, it states "Access across the Church lot to other properties is not an issue for APC consideration, but will be addressed for informational purposes only." For your information, the existing residential properties have prescriptive rights to continue to access the properties in the same manner that they have accessed for over 130 years. The proposed new construction is oversized in scope for the surrounding residential character of the neighborhood and is a complete hindrance to the access to the existing historic residential properties.
- On page 4, IV. Applicable Review Criteria and Findings of Fact, A. Finding: the Plan states "Semi-Public Use". The current Church does not have the youth and adult membership to support the unnecessary proposed building. There are 16 existing

Churches in Astoria that would allow for the desired semi-public use if the youth and adult membership need a facility. The proposed new construction is an unnecessary intrusion to the existing Historic Residential Character of the neighborhood. Not one single Bethany Lutheran Church member lives within the neighborhood of the proposed construction and there is not even a permanent Pastor for the Church living in the Pastor house. The members use the existing Church for less than 3 hours on a Sunday, and limited time during the week. Why would the City allow for another non-profit, non-tax assessed, oversized structure to be put in a Historic Residential Neighborhood when there are 16 existing Churches that could be used for the requested semi-public/public use? There are tax paying members of the neighborhood that have stated on the record they do not want another oversized non-profit building in the residential neighborhood. Just because you can does not mean you should. The proposed building is overreaching in scope, detail, and does not conform with the surrounding buildings with historic structure.

- 6. On page 5, IV. Applicable Review Criteria and Findings of Fact, B. There is an existing City sewer easement which prohibits construction over the easement area. What makes moving the sewer allowed to be paved over with the parking lot? That is what the City sewer easement states, is that it will not be built over. A parking lot is an improvement and structure which the easement does not allow. Follow the intent of the document and realize that by allowing for a parking lot and building, it will cause the adjacent residences to be compromised with sewer and water run-off detention issues to be exacerbated. The adjacent residences are dealing with current stormwater issues and the City has done nothing to facilitate and fix the current residence water issues. Is this another "Anything is buildable with enough money" stated fact that the residences concerns are to be ignored and the Church with a lot of money is allowed to move the sewer to allow for an oversized structure and not alleviate, and fix the existing water issue for the current residences? What exactly happens at the City for City Staff and the Developer to go on record making the statement "Anything is buildable with enough money" mean City Council and Mayor? It also states that the City finds that the proposed development meets the required yard setbacks. There is no yard. This is a commercial building with oversized landscaping that hinders the existing native bird nesting and vegetation. There is no yard. The current nesting birds do not nest in bushes. They need the open space to nest with little vegetation.
- 7. On page 5, under the IV. Applicable Review Criteria and Findings of Fact, D, Section 2.090, Height of Structures in the R-2 Zone states "No structure will exceed a height of 28 feet above grade", but on page 6, under Finding: it states, The proposed building is 34' to the ridge. 34 feet is not 28 feet. Again, changing the rules to accommodate the "Anything is buildable with enough money" statement from City Staff and the Developer. The building is commercial and oversized for

- the residential character of the neighborhood. The proposed building violates the entire historic district.
- 8. On page 10, IV. Applicable Review Criteria and Findings of Fact., K. It states that the site is not within 100' of a known landslide hazard. Federal landslide maps take precedent over a City landslide map and it is clear the property and adjacent property is in the high landslide area. This is another example of City Staff making a mis statement on what the Code states.
- 9. On page 11, IV. Applicable Review Criteria and Findings of Fact., L., Section 7.110G Landscaping, states Landscaping shall be provided. The existing landscaping around all buildings and specifically, in this historic residential neighborhood are out of control and not being properly maintained. What is the City doing about it? Consider this a formal complaint that the landscaping is not being properly maintained by the Bethany Lutheran Church, nor the Comfort Suites Motel, nor Safeway. The trees and landscaping have not been trimmed and taken care of properly, while the residents of the neighborhood are always maintaining their yards and trees. Follow the Code.
- 10. On page 13, IV. Applicable Review Criteria and Findings of Fact., N., Section 11.140, Public or Semi-Public Use states Traffic will not congest nearby streets. By the Bethany Lutheran Church stating that there is so much need and support for the proposed building, this is going to cause even more congestion with the existing oversized commercial buildings that are in existence. The existing Marine Drive/Lief Erikson Drive are already over congested with too much industrial, commercial, personal vehicular traffic. Follow the Code.
- 11. On page 14, IV. Applicable Review Criteria and Findings of Fact., N., Section 11.020(B.1) states that "the Planning Commission shall base their decision on whether the use complies with the applicable policies of the Comprehensive Plan. CP.075.2, Uppertown Area Policies states "The predominantly residential character of the area upland of Marine Drive/Lief Erikson Drive will be preserved." There is nothing in the oversized building of new construction in the historic designation that preserves any of the residential character. This is a commercial building in a residential zoned area. If the Bethany Lutheran Church had submitted an application for a small garage that fit in design and scope with the historic residential structures, the neighbors would most likely have supported the application. What has been submitted does not fit with the neighborhood.
- 12. On page 15, IV. Applicable Review Criteria and Findings of Fact., O., Section 11.020(B.1) 3., states in the Finding: The church is an existing semi-public use (business). The zone is not for business. When does a Church become a "business"? If it is a business, then it should pay property taxes and file as a business. What makes the finding state the Church is a "Business"?

13. On page 16, IV. Applicable Review Criteria and Findings of Fact., O., Section 11.020(B.1) 5., states Comprehensive Plan Section CP.220(6) concerning Housing Policies states that "Neighborhoods should be protected from unnecessary intrusions of incompatible uses, including large scale commercial, industrial and public uses or activities." Protect the Historic Residential Neighborhood and follow this Code.

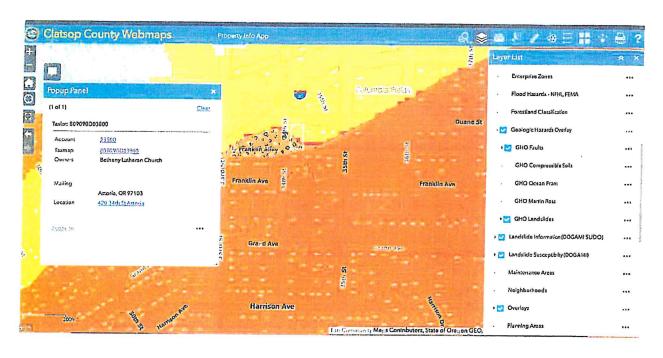
From my understanding, when an applicant submits a conditional use or other planning/historic application, the government official reviewing the document goes through a checklist form and checks to see if certain criteria are met, but the government official does not fill out specific code for the applicant/developer and "cherry pick" items that the application does or does not meet. That is beyond the responsibility of the government office and application process. If the applicant needs assistance, land use attorneys and independent legal counsel need to be hired and the applicant/developer attorney is the person that is to navigate the specific application criteria and insert the rules and codes. I am very concerned the City of Astoria Planning Department has gone beyond the scope of the process to be sure that the application is approved. City Council and the Mayor need to reverse the application and deny the approval for a one-sided application completed for the entire benefit of the applicant and developer. The City of Astoria government offices did not take into account any of the surrounding neighborhood concerns and specifically, written comprehensive plan and code.

From,

/s/Susan Tadei

Susan Tadei 360-930-1429 suetadei@gmail.com









ommunity Development CITY OF ASTORIA

AP21-06

#### **Tiffany Taylor**

From: Davis, Paul < Paul.Davis@JBTC.COM> Sent:

Friday, September 24, 2021 4:51 PM

To: Tiffany Taylor

Subject: RE: Comments regarding AP21-06. Public Notice for City Council's October 18, 2021

Meeting

#### \*\*\*\*\*EXTERNAL SENDER\*\*\*\*

Comments to support the Denial of the requested Appeal to the City Council regarding the Bethany Church construction project.

Dear Members of the Council.

Please dismiss this appeal (AP21-06) for the following reasons. This building will be an asset to our community and a blessing to many people who live here.

In response to the reasons for the appeal, first, the building will not detract from the historic character of the neighborhood, any more than the mostly vacant lot does now. That is just not a reason to prevent the use of this property- that has always been planned for this use. A new building does not harm historic character, any more than an old house harms positive change or improvement. This argument is really subjective and should not be the basis for acceptance or denial of the appeal.

The argument that the building would be intrusive and that similar buildings are available within the city is also a matter of opinion. My opinion is that there ARE NOT similar buildings available within a convenient location to the church for the benefit of the owner of this property. The aging Armory with its lack of many things like good bathrooms and easy access, is about the only building in the county that may be kind of similar in use, but is clearly not equivalent in convenience or actual use. Completely subjective Opinion once again.

Next the issue that the building will be taller than 28 ft. Since this property is NOT waterfront property and is clearly SOUTH of the street. This argument has no merit. The proposed building will likely have less frequent use than the church beside it. I can sympathize with home owners that have been lucky that nothing has been built on this lot for many years, but that should not be a reason that development of this property should be forever restricted. The height should not be part of the consideration. This is not a riverfront property.

I have no idea what sewer or storm drain issues this project will present, but I am sure that the plans will meet whatever standard is required to meet existing codes. The city gets to play a role in that, so I am sure this will not be a real issue. As for the argument that it will increase traffic congestion, there is no evidence that it will cause any more traffic than the Sunday services at Bethany Lutheran create. Traffic on this road already sucks. A facility that may be primarily used by the church, will just not be able to make the congestion any worse.

In short, Please deny this appeal and allow this property owner the ability to add something good to our community. This will benefit far more Astorians, than it will inconvenience. Thank you.

#### Paul Davis

33 Auburn Ave Astoria OR 97103

#### AB8425 CITY OF ASTORIA NOTICE OF PUBLIC HEARING

The Astoria City Council will hold a public hearing on Monday, October 18, 2021 at 7:00 p.m., in the City Council Chambers at City Hall, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request:

1. Appeal (AP21-06) of Astoria Planning Commission approval of Conditional Use (CU20-10) by RDA Project Management LLC for Bethany Lutheran Church to construct a 5,030 square foot structure at 420 34th Street (Map T8N R9W Section 9BD, Tax Lots 3800 & 3900; Lots 1, 2, and west 18.75' Lot 3, Block 18, Adair's Port of Upper Astoria), as a public/semi-public, accessory multiuse building to the existing adjacent church facility at 451 34th Street in the R-2 Zone (Medium Density Residential). The appellant has cited the following issues in the Notice of Appeal: building is large and would not preserve historic residential character of neighborhood per CP.075.2; building would be an incompatible intrusion into the residential neighborhood; similar use buildings are available within the City; building would exceed maximum 28' height; use will overburden existing utilities and increase storm water issues; construction would be over existing City sewer easement; use will increase traffic congestion; site is within a Federal identified slide area. Development Code Standards in Sections 2.060 to 2.095, Article 9, 11, Comprehensive Plan Sections CP.005 to CP.028, CP.047 to CP.048, CP.070 to CP.075 are applicable to the request.

For information, contact the Community Development Department by writing to: 1095 Duane St., Astoria OR 97103, by email: comdevadmin@astoria.or.us or by phone: (503) 338-5183. The location of the hearing is accessible to the handicapped. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting the Community Development Department 48 hours prior to the meeting at (503) 338-5183. The City Council reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

THE CITY OF ASTORIA Tiffany Taylor, Associate Planner PUBLISHED: October 9, 2021.



## CITY OF ASTORIA

Founded 1811 • Incorporated 1856

Mail 9-24-21Email 9-24-24Web 9-24-21On Site 10-4-21

1095 Duane Street • Astoria, OR 97103 • Phone 503-338-5183 • www.astoria.or.us • comdevadmin@astoria.or.us

#### **NOTICE OF PUBLIC HEARING**

To fully participate remotely in public hearings, go to <a href="https://www.astoria.or.us/LIVE\_STREAM.aspx">https://www.astoria.or.us/LIVE\_STREAM.aspx</a> for connection options and instructions. You may also use a telephone to listen in and provide public testimony. At the start of the meeting, call (253) 215-8782 and when prompted enter meeting ID# 503 325 5821.

The Astoria City Council will hold a public hearing on Monday, October 18, 2021 at 7:00 p.m., in the City Council Chambers at City Hall, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request:

1. Appeal (AP21-06) of Astoria Planning Commission approval of Conditional Use (CU20-10) by RDA Project Management LLC for Bethany Lutheran Church to construct a 5,030 square foot structure at 420 34th Street (Map T8N R9W Section 9BD, Tax Lots 3800 & 3900; Lots 1, 2, and west 18.75' Lot 3, Block 18, Adair's Port of Upper Astoria), as a public/semi-public, accessory multi-use building to the existing adjacent church facility at 451 34th Street in the R-2 Zone (Medium Density Residential). The appellant has cited the following issues in the Notice of Appeal: building is large and would not preserve historic residential character of neighborhood per CP.075.2; building would be an incompatible intrusion into the residential neighborhood; similar use buildings are available within the City; building would exceed maximum 28' height; use will overburden existing utilities and increase storm water issues; construction would be over existing City sewer easement; use will increase traffic congestion; site is within a Federal identified slide area. Development Code Standards in Sections 2.060 to 2.095 (R-2 Zone), Article 9 (Administrative Procedures), 11 (Conditional Use), Comprehensive Plan Sections CP.005 to CP.028 (General Policies), CP.047 to CP.048 (East Gateway Overlay), CP.070 to CP.075 (Uppertown Area) are applicable to the request.

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. All such documents and information are available by request by contacting the Community Development Department at 1095 Duane Street, Astoria or by email at comdevadmin@astoria.or.us or by calling (503) 338-5183. The location of the hearing is ADA accessible. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting the Community Development Department at (503) 338-5183, 48 hours prior to the meeting.

All interested persons are invited to express their opinion for or against Appeal Request AP21-06 by email comdevadmin@astoria.or.us, by letter addressed to the Astoria City Council, 1095 Duane St., Astoria OR 97103, at the hearing, or remotely. Testimony and evidence must be directed toward the applicable criteria identified above or other criteria of the Comprehensive Plan or land use regulation which you believe apply to the decision. Failure to raise an issue with sufficient specificity to afford the Astoria City Council and the parties an opportunity to respond to the issue precludes an appeal based on that issue.

The public hearing, as conducted by the City Council, will include a review of the application and presentation of the staff report, opportunity for presentations by the applicant and those in favor of the request, those in opposition to the request, and deliberation and decision by the City Council. The City Council reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

The City Council's ruling may be appealed to the Land Use Board of Appeals by the applicant, a party to the hearing, or by a party who responded in writing, by filing a Notice of Intent to Appeal within 21 days after the City Council's decision. Appellants should contact the Oregon Land Use Board of Appeals (LUBA) concerning specific procedures for filing an appeal with LUBA. If an appeal is not filed with LUBA within the 21-day period, the decision of the City Council shall be final.

THE CITY OF ASTORIA

MAILED: September 24, 2021



## CITY OF ASTORIA

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1095 Duane Street • Astoria, OR 97103 • Phone 503-338-5183 • www.astoria.or.us • comdevadmin@astoria.or.us

Connection options and instructions to participate remotely in the public hearing.

## ONLINE MEETING **ZOOM**

At start of our Public Meetings you will be able to join our online ZOOM meeting using your mobile or desktop device and watch the live video presentation and provide public testimony.

Step #1: Use this link: https://www.astoria.or.us/zoom/

Step #2: Install the Zoom software on your mobile device, or join in a web browser

Step #3: If prompted, enter the Meeting ID number: 503 325 5821

Note: Your device will automatically be muted when you enter the online meeting. At the time of public testimony, when prompted you may choose to select the option within the ZOOM software to "raise your hand" and notify staff of your desire to testify. Your device will then be un-muted by the Host and you will be called upon, based on the name you entered within the screen when you logged in.

## TELECONFERENCE ZOOM

At start of our Public Meetings you will be able to **dial-in using your telephone** to listen and provide public testimony.

Step #1: Call this number: 253-215-8782

Step #2: When prompted, enter the Meeting ID number: 503 325 5821

Note: Your phone will automatically be muted when you enter the conference call. At the time of public testimony, when prompted, you may dial \*9 to "raise your hand" and notify staff of your desire to testify. Your phone will then be un-muted by the Host and you will be called upon based on your phone number used to dial-in.





Community Development

COMMUNITY DEVELOPMENT

Fee Paid Date 4/14/21 By C

### No. AP 21-06 NOTICE OF APPEAL storia, OR 97/03 Property Address: Subdivision Adairs Port of page Astoria Block 好ax Lot **3600** umDensty Kasidoctia Appellant Name: Appellant Mailing Address: 504 1-930-1429 Email: Suetadeia Business Phone Issue Being Appealed: (M) Signature of Appellant: Date: Name of Appellant's Attorney (if any): Address of Appellant's Attorney (if any): NO+ yet docided This Appeal is filed with the City of Astoria, in accordance with Development Code Section 9.040, on a decision and/or ruling dated Highst 24, 2021 by the Astonia Planning Commission (Department/Commission/Committee/City Official) Specific Criteria Appealed: ( ) M/) The specific grounds relied upon for review: See attached (If additional space is needed, attach additional sheets.) For office use only: **Application Received:** Standing to Appeal Yes No Appeal Criteria: **Application Complete:** Permit Info Into D-Base: 021

**Tentative** 

Meeting Date:

Labels Prepared:

120 Days:

#### **NOTICE OF APPEAL AP21-06**

Issue being appealed: APC's approval decision of Conditional Use Request CU20-10

List of Appellants – Contact Information (signature pages attached)

#### Susan Tadei

9631 NE Midway Ave. PO Box 228

Indianola, WA 98342

PH: (360) 930-1429 / (360) 930-1429

Email: suetadei@gmail.com

#### Vince Tadei

504 34<sup>th</sup> Street Astoria, OR 97103

PH: (503) 298-1838

Email: suetadei@gmail.com

#### Paul Tadei

89563 Lakeside Ct. Astoria, OR 97103

PH: (503) 298-9637

Email: ptadei@clatsopdist.com

#### **Riley Pitts**

3481 Duane Street Astoria, OR 97103

PH: n/a

Email: rileypitts@hotmail.com

#### Jason Hall & Jude Matulich-Hall

3473 Duane Street Astoria, OR 97103

PH: (503) 756-3672 / (503) 298-3874

Email: yogijude@gmail.com





CITY OF ASTORIA

COMMUNITY DEVELOPMENT

MENT See Paid Date 9/14/21 By Cash

No. AP 21-06		Fee Paid Date 7/4/2	1000.0	DET .	
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		& Strot, Astonia, OR 97/03			
Phone: 503-298-1838	D	Phone: Email Sucta	Lings.	narl can	
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## SEP 14 2021

#### COMMUNITY DEVELOPMENT

**BUILDING CODES** 

No. AP 21-06

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Appellant Name:			1 41				<b>-</b>
Appellant Mailing Address: 49				,			-
Phone: <u>503 - 298-963</u> Bu	siness Pho	one:	Em	ail: Pto	adei@	clatsop	adist. com
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No. AP 21-06

## CITY OF ASTORIA Founded 1811 • Incorporated 1856

## SEP 1 4 2021

#### BUILDING CODES

#### COMMUNITY DEVELOPMENT

Fee Paid Date 1/14/21 By Cas

NOTICE OF APPEAL Property Address: 420 - 34 th Lot 1,2 + West 18.75 Lot 3 Block 18 Subdivision Adair's Port of Upper Astoria Map T8N R9W Sec 9BD Tax Lot 3800 \$ 3900 Zone R-2Appellant Name: Riley 12,745 Duane St Astoria, OR. Appellant Mailing Address: 3451 Email: riley pitts@hotmail.com Business Phone: Issue Being Appealed: Bethan Lutheran Annex - Semi Publicuse Signature of Appellant: Rules Putto Name of Appellant's Attorney (if any): Address of Appellant's Attorney (if any): This Appeal is filed with the City of Astoria, in accordance with Development Code Section 9.040. on a decision and/or ruling dated 8/24/21 by the APC of approval of CU20 -10 Commission (Department/Commission/Committee/City Official) Specific Criteria Appealed: See Sue Tadei The specific grounds relied upon for review: reasons toapprove (If additional space is needed, attach additional sheets.) For office use only: Application Received :

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# CITY OF ASTORIA Founded 1811 • Incorporated 1856

### SEP 14 2021

#### COMMUNITY DEVELOPMENT

**BUILDING CODES** 

No. AP 21-06

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Map TRNR9W Sugar	(Lot 3800 \$3900	Zone R-2					
Appellant Name: Tason	Hall Ju	de Matulich-Ha	11				
Appellant Mailing Address: <u>347</u>	3 Duane Stree	+					
Phone: <u>503,756,3672</u> Busin	ness Phone: 503,298	3,387/Email: yogijud	eagner 1. con				
Issue Being Appealed:		1/100					
Signature of Appellant:							
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120 Days:

September 12, 2021

SEP 15 2021

Community Development

City of Astoria
Attn: Community Development Department
1095 Duane Street
Astoria, OR 97103
503-338-5183
planning@astoria.or.us

RE: Notice of Appeal of Order No. CU20-10 Conditional Use Application

Attn: City Council and Mayor

My name is Susan Tadei, physical address of 9631 NE Midway Avenue, and mailing address of P.O. Box 228, Indianola, WA 98342. I am the youngest daughter of my father Vincent Tadei, address of 504-34<sup>th</sup> Street, Astoria, OR 97103. My father is 88 years old, and this proposed new construction by the Bethany Lutheran Church is causing my father stress and he has clearly stated to me and my siblings that my father does not want this building in the historic residential neighborhood. It is an unnecessary intrusion, and the Bethany Lutheran Church initially stated to my father that there was a desire to put up a small garage. The application that is presented is beyond a "small garage" and has now turned into an oversized commercial structure in a historic residential zone neighborhood. This process is the legal process of which people are allowed to be heard and I am worried for my father, and his neighbors, so I am appealing of record the City of Astoria Planning Commission Decision on August 24, 2021, Order No. CU20-10, for the following reasons:

- Comprehensive Plan CP.075 Uppertown Area Policies 2., has been ignored by the Planning Commission decision to allow for this commercial building and the proposed new construction does not preserve the residential character of the historic neighborhood. The Plan and Code need to be followed and the Planning Commission is wrong by ignoring the Plan and Code.
- 2. City of Astoria Development Code Article 11., states that before a conditional use is approved, the use will comply with the following standards:

  The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use. This is a proposed new construction for a commercial building that is not needed in the City of Astoria nor in a historic residential neighborhood. There are plenty of school gymnasiums, Churches (16 Churches according to the Church attorney) that can be used for recreation, church youth meetings, and red cross shelters. Follow the Code.

- 3. City of Astoria Development Code Article 11., states that before a conditional use is approved, the use will comply with the following standards:
   The topography, soils, and other physical characteristics of the site are appropriate for the use. The property is clearly in the High Landslide location area and the Planning Commission stated on the record that this is not applicable to the application. That is a clear mis statement and the Code states before the conditional use is approved, the use will comply. Follow the Code. The property is not appropriate and the proposed construction will overburden the water and sewer facilities, storm drainage, fire and police protection and all utilities. There is no need for a half-court basketball court with showers brand new construction that is going to overburden all the facilities because the entire project had to be redesigned and the proposed location of the building moved because it does overburden the existing facilities. Take care of the existing historic residential properties that have water issues now before agreeing to allow for another burden to an existing residential neighborhood.
- 4. On page 3, B. Neighborhood: It states that the Safeway commercial building is part of the Neighborhood. The proposed new construction is in a Historic Residential Zoned neighborhood. Safeway is an oversized, heated climate changing commercial site that is not in the Historic Residential Zone. It is located across Lief Erikson Drive/Marine Drive, and it should be taken down and the property restored to eliminate the heated climate change it has caused. The intent of the City to make the Historic Residential Neighborhood an allowed new construction public/semi-public use is not compatible with the Historic Plan and historic designated neighborhood. What is the purpose of the Historic Residential Neighborhood and Historic Landmarks Commission when the current zone and rules are allowed to be changed for as City Staff stated on the record "Anything is buildable with enough money"? Yes, the City Staff and Developer stated on the record of the June 22, 2021, Planning Commission Meeting that "Anything is buildable with enough money". This project does not meet the current land use regulations. It is a proposed commercial new construction in a Historic Designation and is not compatible with the surrounding structures. On Page 3, B. Neighborhood, it states "Access across the Church lot to other properties is not an issue for APC consideration, but will be addressed for informational purposes only." For your information, the existing residential properties have prescriptive rights to continue to access the properties in the same manner that they have accessed for over 130 years. The proposed new construction is oversized in scope for the surrounding residential character of the neighborhood and is a complete hindrance to the access to the existing historic residential properties.
- On page 4, IV. Applicable Review Criteria and Findings of Fact, A. Finding: the Plan states "Semi-Public Use". The current Church does not have the youth and adult membership to support the unnecessary proposed building. There are 16 existing

Churches in Astoria that would allow for the desired semi-public use if the youth and adult membership need a facility. The proposed new construction is an unnecessary intrusion to the existing Historic Residential Character of the neighborhood. Not one single Bethany Lutheran Church member lives within the neighborhood of the proposed construction and there is not even a permanent Pastor for the Church living in the Pastor house. The members use the existing Church for less than 3 hours on a Sunday, and limited time during the week. Why would the City allow for another non-profit, non-tax assessed, oversized structure to be put in a Historic Residential Neighborhood when there are 16 existing Churches that could be used for the requested semi-public/public use? There are tax paying members of the neighborhood that have stated on the record they do not want another oversized non-profit building in the residential neighborhood. Just because you can does not mean you should. The proposed building is overreaching in scope, detail, and does not conform with the surrounding buildings with historic structure.

- 6. On page 5, IV. Applicable Review Criteria and Findings of Fact, B. There is an existing City sewer easement which prohibits construction over the easement area. What makes moving the sewer allowed to be paved over with the parking lot? That is what the City sewer easement states, is that it will not be built over. A parking lot is an improvement and structure which the easement does not allow. Follow the intent of the document and realize that by allowing for a parking lot and building, it will cause the adjacent residences to be compromised with sewer and water run-off detention issues to be exacerbated. The adjacent residences are dealing with current stormwater issues and the City has done nothing to facilitate and fix the current residence water issues. Is this another "Anything is buildable with enough money" stated fact that the residences concerns are to be ignored and the Church with a lot of money is allowed to move the sewer to allow for an oversized structure and not alleviate, and fix the existing water issue for the current residences? What exactly happens at the City for City Staff and the Developer to go on record making the statement "Anything is buildable with enough money" mean City Council and Mayor? It also states that the City finds that the proposed development meets the required yard setbacks. There is no yard. This is a commercial building with oversized landscaping that hinders the existing native bird nesting and vegetation. There is no yard. The current nesting birds do not nest in bushes. They need the open space to nest with little vegetation.
- 7. On page 5, under the IV. Applicable Review Criteria and Findings of Fact, D, Section 2.090, Height of Structures in the R-2 Zone states "No structure will exceed a height of 28 feet above grade", but on page 6, under Finding: it states, The proposed building is 34' to the ridge. 34 feet is not 28 feet. Again, changing the rules to accommodate the "Anything is buildable with enough money" statement from City Staff and the Developer. The building is commercial and oversized for

- the residential character of the neighborhood. The proposed building violates the entire historic district.
- 8. On page 10, IV. Applicable Review Criteria and Findings of Fact., K. It states that the site is not within 100' of a known landslide hazard. Federal landslide maps take precedent over a City landslide map and it is clear the property and adjacent property is in the high landslide area. This is another example of City Staff making a mis statement on what the Code states.
- 9. On page 11, IV. Applicable Review Criteria and Findings of Fact., L., Section 7.110G Landscaping, states Landscaping shall be provided. The existing landscaping around all buildings and specifically, in this historic residential neighborhood are out of control and not being properly maintained. What is the City doing about it? Consider this a formal complaint that the landscaping is not being properly maintained by the Bethany Lutheran Church, nor the Comfort Suites Motel, nor Safeway. The trees and landscaping have not been trimmed and taken care of properly, while the residents of the neighborhood are always maintaining their yards and trees. Follow the Code.
- 10. On page 13, IV. Applicable Review Criteria and Findings of Fact., N., Section 11.140, Public or Semi-Public Use states Traffic will not congest nearby streets. By the Bethany Lutheran Church stating that there is so much need and support for the proposed building, this is going to cause even more congestion with the existing oversized commercial buildings that are in existence. The existing Marine Drive/Lief Erikson Drive are already over congested with too much industrial, commercial, personal vehicular traffic. Follow the Code.
- 11. On page 14, IV. Applicable Review Criteria and Findings of Fact., N., Section 11.020(B.1) states that "the Planning Commission shall base their decision on whether the use complies with the applicable policies of the Comprehensive Plan. CP.075.2, Uppertown Area Policies states "The predominantly residential character of the area upland of Marine Drive/Lief Erikson Drive will be preserved." There is nothing in the oversized building of new construction in the historic designation that preserves any of the residential character. This is a commercial building in a residential zoned area. If the Bethany Lutheran Church had submitted an application for a small garage that fit in design and scope with the historic residential structures, the neighbors would most likely have supported the application. What has been submitted does not fit with the neighborhood.
- 12. On page 15, IV. Applicable Review Criteria and Findings of Fact., O., Section 11.020(B.1) 3., states in the Finding: The church is an existing semi-public use (business). The zone is not for business. When does a Church become a "business"? If it is a business, then it should pay property taxes and file as a business. What makes the finding state the Church is a "Business"?

13. On page 16, IV. Applicable Review Criteria and Findings of Fact., O., Section 11.020(B.1) 5., states Comprehensive Plan Section CP.220(6) concerning Housing Policies states that "Neighborhoods should be protected from unnecessary intrusions of incompatible uses, including large scale commercial, industrial and public uses or activities." Protect the Historic Residential Neighborhood and follow this Code.

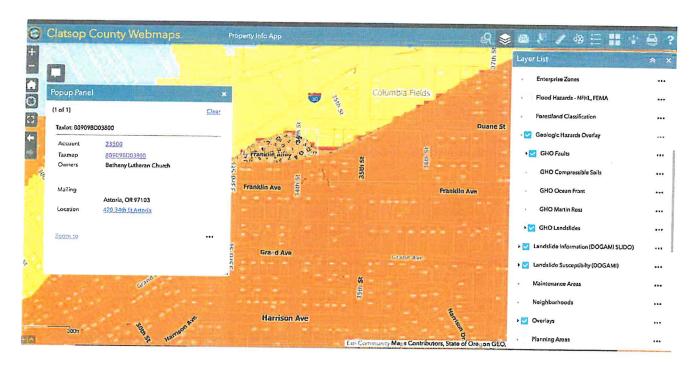
From my understanding, when an applicant submits a conditional use or other planning/historic application, the government official reviewing the document goes through a checklist form and checks to see if certain criteria are met, but the government official does not fill out specific code for the applicant/developer and "cherry pick" items that the application does or does not meet. That is beyond the responsibility of the government office and application process. If the applicant needs assistance, land use attorneys and independent legal counsel need to be hired and the applicant/developer attorney is the person that is to navigate the specific application criteria and insert the rules and codes. I am very concerned the City of Astoria Planning Department has gone beyond the scope of the process to be sure that the application is approved. City Council and the Mayor need to reverse the application and deny the approval for a one-sided application completed for the entire benefit of the applicant and developer. The City of Astoria government offices did not take into account any of the surrounding neighborhood concerns and specifically, written comprehensive plan and code.

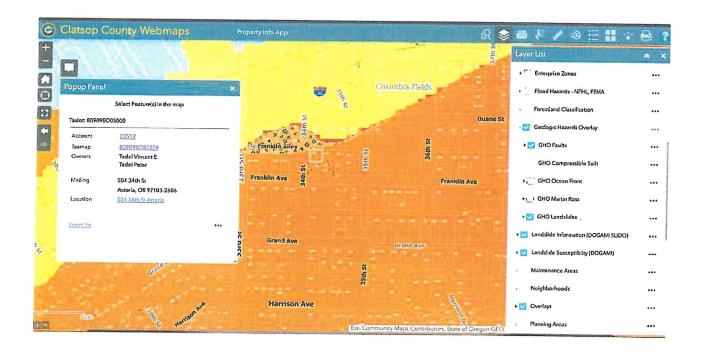
From,

/s/Susan Tadei

Susan Tadei 360-930-1429 suetadei@gmail.com







# BEFORE THE ASTORIA PLANNING COMMISSION OF THE CITY OF ASTORIA

IN THE MATTER OF A CONDITIONAL USE REQUEST		)
FOR THE FOLLOWING PROPERTY: MAP T8N-R9W SECTION 9BD, TAX LOTS 3800 & 3900 AND WEST 18.75' LOT 3; BLOCK 18; ADAIR'S PORT OF	1.50 (.5.)	) ORDER NO. CU20-10 )
ZONING: R-2 (MEDIUM DENSITY RESIDENTIAL)		) )
APPLICANT: RDA PROJECT MANAGEMENT LLC on bel BETHANY LUTHERAN CHURCH, PO BOX 1417, ASTORI		) ) )
The above named applicant applied to the City for Cosquare foot structure with 1,845 square foot covered building to the existing adjacent church facility at 452 Zone, Astoria, OR 97103.	d porch at 420 34 <sup>th</sup> Str	eet as an accessory multi-use
A public hearing on the above entitled matter was he 2021; and the Astoria Planning Commission closed th 24, 2021 meeting.		
The Astoria Planning Commission orders that this appaperoved and adopts the findings of fact and conclus		
This decision may be appealed to the City Council by responded in writing, by filing an appeal with the City		
A copy of the application, all documents and evidence applicable criteria are available for inspection at no c	e relied upon by the ap	oplicant, the staff report, and
The permit will be void after two years unless substantial However, the Planning Commission may extend the papplicant.		• -
DATE SIGNED: AUGUST 24, 2021	DATE MAILED:	AUGUST 31, 2021
ASTORIA PLANNING COMMISSION  President - Daryl Moore	Commissioner David	Kroening
337.11000	Commissioner Bracki (Excused)	icy Henri
Vice President – Sean Fitzpatrick	Commissioner Chris	Wamack
Commissioner Cindy Price	XII COR	

Commissioner: Pat Corcoran



#### STAFF REPORT AND FINDINGS OF FACT - APPROVAL

REPORT RELEASE DATE: APRIL 27, 2021 REVISED RELEASE DATE: JULY 20, 2021

COMMISSION HEARING DATE: MAY 4, 2021 continued to JUNE 22, 2021 to JULY 27, 2021

TO:

ASTORIA PLANNING COMMISSION

FROM:

ROSEMARY JOHNSON, PLANNING CONSULTANT

SUBJECT:

CONDITIONAL USE REQUEST (CU20-10) BY RDA PROJECT MANAGEMENT

FOR BETHANY LUTHERAN CHURCH TO LOCATE A SEMI-PUBLIC USE IN

AN ACCESSORY BUILDING AT 420 34TH STREET FOR BETHANY

LUTHERAN CHURCH AT 451 34TH STREET

#### I. SUMMARY

A. Applicant: Randy Stemper <a href="mailto:randystemper@gmail.com">randystemper@gmail.com</a>

**RDA Project Management LLC** 

PO Box 1417 Astoria OR 97103

B. Owner: Bethany Lutheran Church

451 34th Street Astoria OR 97103

C. Location: 420 34th Street; Map T8N R9W Section 9BD, Tax Lots 3800 &

3900; Lots 1, 2, and west 18.75' Lot 3, Block 18, Adair's Port of

Upper Astoria

D. Zone: R-2, Medium Density Residential

E. Lot Size: 150' x 168' (25,312 square feet)

F. Proposal: To operate a semi-public use in an accessory building for the

existing adjacent church facility.

G. Associated Application: The applicant has obtained a New Construction Permit

(NC20-08) approval as Appealed (AP21-02) to construct a building

adjacent to historic properties.

H. 120 Days: September 9, 2021. The application was deemed complete on March 11, 2021.

#### II. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 200 feet pursuant to Section 9.020 on April 9, 2021. Email and web publishing also occurred on April 9, 2021. A notice of public hearing was published in the *Astorian* on April 24, 2021. On-site notice pursuant to Section 9.020.D was posted April 20, 2021. Any comments received will be made available at the Astoria Planning Commission meeting.

#### III. BACKGROUND

The subject property is currently a vacant site of 25,312 square feet. The structure would be an annex to the existing church which is located across the 34th Street right-of-way and would be classified as a semi-public use. It is located in an R-2 Zone (Medium Density Residential) and public/semi-public use is allowed as a conditional use. The applicant has obtained Historic Landmarks Commission approval for New Construction Permit (NC20-08) as Appealed (AP21-02). The HLC permit was appealed to the Land Use Board of Appeals (LUBA 2021-048) and is pending.



Staff has worked with the applicant for several months concerning design, location, and other details of the project. There may be conflicting items within the application; however, the APC should consider the details, materials, dimensions, etc. as noted in the staff report as the final proposal presented by the applicant. On May 20, 2021, the applicant submitted a revised site plan based on discussions with the City Engineer and the possible relocation of the City sewer easement. These revised Findings of Fact reflect the proposed new location. With this revision, the project will need additional review by the HLC.

There were several public comments received that address the loss of views, source of funding, and local citizenship of those involved in the project. These issues are not part of the criteria reviewed by the APC during the Conditional Use process. View is not a protected resource in most areas of the City. Other public comments raised are addressed in the Findings of Fact below.

#### A. Site:

The site is on the east side of 34th Street bounded on the north by Duane Street; on the south by an alley and residential property across the alley right-of-way; on the east by residential property. The land is relatively flat with a gentle slope down toward the north. Access to the site would be from 34th Street.

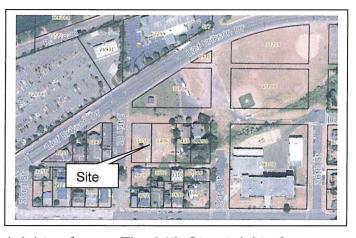
There is an easement for a City utility line on the east portion of the lot requiring that the building be located as far to the west on the property as possible. However, the applicant is working with the City Engineer on possible relocation of the sewer allowing the building to be located on the eastern portion of the lot. The vacant site is currently used as overflow parking for the adjacent church.





#### B. Neighborhood:

The neighborhood is developed with a mixture of single-family dwellings to the east and south; a church to the west across 34th Street; City-owned historic reconstruction of the US Customhouse to the north across Duane Street right-of-way; Safeway parking lot, gas station, and motel to the north across Lief Erikson Drive; to the northeast is a City/School District ballfield; and to the southeast is Astor Elementary school.



Duane Street and the alley are unimproved rights-of-way. The 34th Street right-of-way is not improved to its full width and on-street angled parking on the west side is used for the church parking. Currently, some houses access their sites across the church site. However, there are no legal easements, and the sites are accessible from City rights-of-way that are currently unimproved but could be used for access. Access across the church lot to other properties is not an issue for APC consideration but will be addressed for informational purposes only.

#### IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

A. Section 1.400 defines "Semi-Public Use" as "A structure or use intended or used for a semi-public purpose by a church, lodge, club, or any other nonprofit organization, excluding lodges or clubs which have eating or drinking facilities."

Section 2.070.8, Conditional Uses Permitted, in the R-2 Zone lists "Public or Semi-Public Use" as an allowable conditional use.

Finding: The applicant proposes to operate a facility as an annex to the existing church facility located across the 34th Street right-of-way at 451 34th Street. The facility would include an indoor sports area for half-court basketball, small kitchen. and area to be used for church gatherings. Public and Semi-Public Uses are conditional uses in all zones except the C-3 (General Commercial) and C-4 (Central Commercial) Zones that allow them as outright uses. The City finds that the use is classified as a Semi-Public Use and requires a conditional use permit to locate at this site.

- B. Section 2.080, Yards, in the R-2 Zone states "Uses in the R-2 Zone which are part of a cluster development will comply with the yard requirements in Section 11.160. Other uses in the R-2 Zone will comply with the following requirements:
  - The minimum yard requirements in an R-2 Zone will be as follows:
    - 1. The minimum front yard will be 20 feet.
    - 2 The minimum side yard will be five (5) feet, except on corner lots the side yard on the street side will be 15 feet.
    - 3. The minimum rear yard will be 15 feet, except on corner lots the rear yard will be five (5) feet."

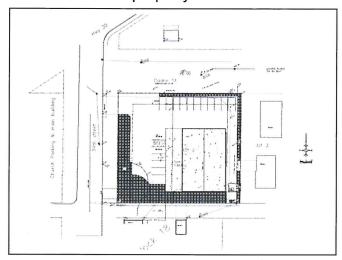
Section 1.400 defines "YARD: An open, unoccupied space of a lot which is unobstructed by any structure or portion of a structure extending more than 12 inches above ground level of the lot upward. . .

FRONT: A required open space extending the full width of a lot between any structure and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Code."

Section 1.400 defines "LOT LINE: The property line bounding a lot." FRONT: The property line separating the lot from the street, other than an alley. On corner lots, the front lot line shall be determined by the main entrance to the existing or proposed structure. The City shall determine the front lot line of a corner lot. . ."

Finding: The property is a corner lot accessed from a driveway on 34th Street and therefore, the front property line / front yard has been determined by the City to be adjacent to 34th Street. The proposed building would be set back approximately 60' from the front property line to the west; 15' from the alley

right-of-way to the south side; 45' from the Duane Street right-of-way to the north; and 20' from the rear property line to the east.



There is an existing City sewer easement (Book 121, Page 597, dated 5-4-1927) on the east half of the site which prohibits construction over the easement area. The easement is proposed to be relocated to the east along the east property line. The structure has been situated to avoid development at the easement site and provide a larger view corridor for the neighborhood on the west side of the building. The revised easement area is proposed to be used for a driveway and outdoor storage enclosure area. The City Engineer will continue to work with the applicant on the final design relative to the existing and/or proposed sewer easement and any need to move the building. The City finds that the proposed development meets the required yard setbacks.

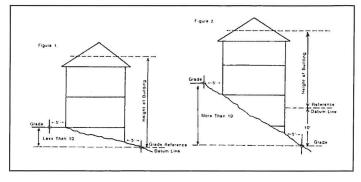
C. Section 2.085, Lot Coverage, in the R-2 Zone states "Buildings will not cover more than 40 percent of the lot area."

<u>Finding</u>: The site is 25,312 sqft. The proposed building including the solid waste disposal area is 7,017 sqft for a total lot coverage of 28%. The City finds that the proposed development meets the maximum lot coverage.

D. Section 2.090, Height of Structures, in the R-2 Zone states "No structure will exceed a height of 28 feet above grade."

Section 1.400, Definitions, defines Grade and Height as follows:

"GRADE: The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building."

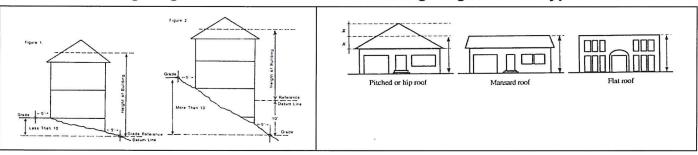


"HEIGHT, BUILDING: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof, to the deckline of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of that building. The reference datum shall be whichever of the following two measurements results in the greater building height (see Figure 1):

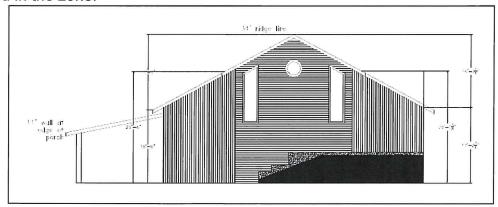
- a. The reference datum is the lowest grade when the highest ground surface within a five (5) foot horizontal distance of the exterior wall of the building is not more than ten (10) feet above that lowest grade. (Note: Also see definition of "Grade".)
- b. The reference datum is ten (10) feet higher than the lowest grade when the ground surface described in Item A above is ten (10) feet or more above that lowest grade. (Note: Also see definition of "Grade".)"

#### Measuring Height in Feet

#### **Measuring Height – Roof Types**



<u>Finding</u>: The site is relatively flat, so the height is determined from lowest grade. The building has a pitched roof and therefore the height is determined to the mid-point between the eave and ridge of the structure. The proposed building is 34' to the ridge, but the overall height as defined by the City is 25.5'. The City finds that the proposed building is within the maximum 28' height allowed in the zone.



E. Section 3.158.B, Legal Lot Determination, Combining of Lots, states "When a project will extend into adjacent lots, parcels, or tracts whether to meet lot size requirements, for the placement of structures or accessory uses, or to provide for requirements such as parking, the Community Development Director or

Planner shall require that the properties be combined either through a Property Line Adjustment or by recording a deed or memorandum containing a covenant preventing the separate sale, transfer, or encumbrance of either property except in compliance with building codes, City of Astoria Development Code, and other applicable land use regulations."

<u>Finding</u>: The subject property is currently two full platted lots plus a partial of a third lot and is in two County tax lots. The applicant shall submit a Legal Lot Determination application for combination of the lots. The platted lots shall be combined on the deed and/or some other method of lot combination approved by the City prior to issuance of the building permit. A draft deed shall be provided to the Planner for review and approval prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection (Condition 1). As noted elsewhere in this document, other uses such as parking, loading, etc. that are located on other lots than the subject property would require easements as they are located across rights-of-way and could not be combined with these lots. The City finds that the lots are required to be combined.

F. Section 2.095.1, Other Applicable Use Standards, in the R-2 Zone states "All uses will comply with applicable access, parking, and loading standards in Article 7."

Section 7.100, Minimum Parking Space Requirements, requires the following:

Public Assembly	1 space per 100 sq. ft. of public assembly area where no seats provided; or 1 space per five seats where provided
Religious Institutions and Houses of Worship	1 space per 100 sq. ft. of main assembly gross floor area; additional parking is not required for associated use areas if not used at same time as main assembly area
Aquatic center, sports club, gym, rink, recreation center, health club, bowling alley, and other similar indoor entertainment	1 space per 400 sq. ft. gross floor area

<u>Finding</u>: The proposed use is a public assembly area as an annex to a religious institution (Bethany Lutheran Church) and will be used for church gatherings and as an indoor sports area. The building would be 5,030 sqft plus a covered outdoor seating area of 1,845 sqft. Public Assembly would require 50 spaces at 1 space per 100 sqft for the entire building, and recreation area would require 13 spaces at 1 space per 400 sqft for the 5,030 sqft area. However, for the most part, the facility would not be used at the same time as the church facility. Therefore, no additional parking is required for "associated use areas if not used at same time as main assembly area". However, the facility may be used for non-church activities at times, and therefore some off-street parking is

- required. The City finds that 13 off-street parking spaces for the proposed use based on the indoor sports area use is required.
- G. Section 7.020, Reduction of Parking Area Prohibited; Exception, states "Off-street parking and loading areas which existed on the effective date of this ordinance or which are provided as required by this Section shall be maintained, or equivalent parking and loading areas provided; except that if this ordinance reduces the number of required off-street parking or loading spaces, an affected use may diminish its parking and loading area to the new requirements."

Finding: The lot is currently used for the Church overflow parking area. The church is approximately 4,900 gross sqft on the ground floor. The main assembly area is approximately 3,000 sqft which would require 30 spaces at 1 space per 100 sqft. The church site currently has 8 on-site spaces, 8 spaces partially within the 34th Street right-of-way, 8 spaces partially within the alley right-of-way, and at least 15 spaces on the lots to the south (Map 9BD, Tax Lots 2900 & 3200) for a total of 39+ spaces. Of those, only 23 spaces are on-site which is seven less than the required 30 spaces. The spaces within the rightof-way are non-conforming but are existing. Since the subject lot is used for church parking and 16 of the existing parking spaces are partially within the right-of-way, additional spaces are required on the adjacent parcel owned and used by the church. Therefore, seven spaces for the church shall be provided on the proposed parking area for the new facility (Condition 2). As discussed at the 11-18-20 pre-application meeting with the City Engineer, at minimum, the required parking spaces shall be paved (Condition 3). As noted above, the proposed facility is not required to provide additional parking for the church use of the building, but 13 spaces are required for possible non-church use of the property. Therefore, the City finds that, as conditioned, the existing church offstreet parking will not be reduced by the proposed development, and that in fact, it would be improved parking that is currently an open unimproved lot.

Since a portion of the church parking is on separate lots, an easement shall be required for the 15 spaces on the south lots (Map 9BD, Tax Lots 2900 & 3200) required to accommodate the spaces for the church that are not provided on the church site, and for seven spaces on the proposed site. The draft easement(s) shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection (Condition 4).

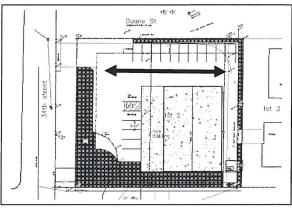
- H. Section 7.070.A, Joint Use of Parking Areas, states "The Community Development Director may authorize the joint use of parking areas by the following uses or activities as a Conditional Use in every zone under the following conditions:
  - 1. Up to 50% of the off-street parking spaces required by this ordinance for a church, auditorium in a school, theater, bowling alley, night club, eating

- or drinking establishment may be satisfied by the off-street parking spaces provided by uses occupied only during the daytime on weekdays.
- Up to 50% of the off-street parking spaces required by this ordinance for any daytime use may be satisfied by the parking spaces provided for nighttime or Sunday uses.
- 3. All jointly used spaces shall be located with relation to all uses relying on such spaces within the applicable distance set forth in Section 7.030.
- 4. The Planning Commission must find that there is no substantial conflict in the principal operating hours of the buildings or uses for which joint use of off-street parking facilities is proposed.
- 5. A properly drawn legal instrument executed by the parties concerned with joint use of off-street parking facilities, approved as to form and manner of execution by Legal Counsel, shall be filed with the Community Development Director. Joint use parking privileges shall continue in effect only so long as such an instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, then parking shall be provided as otherwise required in this ordinance within 60 days."

<u>Finding</u>: The proposed 17 parking spaces for the new facility would be used jointly by the adjacent church facility. As noted above, and easement for a minimum of seven spaces shall be recorded (Condition 4).

I. Section 7.160.C, Minimum Loading Space Requirements, Commercial, Non-office, Public and Semi-Public, requires one loading space 12' wide x 55' long x 14' high, for structures between 5,000 sqft and 59,999 sqft.

<u>Finding</u>: The use is a 5,030 sqft Semi-Public building with additional 1,845 sqft covered porch; therefore, it requires one loading space. A loading space has not been identified on the site plan; however, there is ample room on the north side of the property for a 12' x 55' space as noted on the site plan. In addition, the church owns two lots (Map 9BD, Tax Lots 2900 & 3200) to the south of the church facility that is large enough to accommodate a shared loading area for the church and annex building.



If the loading area is located on an adjacent lot (Map 9BD, Tax Lots 2900 & 3200), an easement shall be recorded. The draft easement shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection (Condition 5). The City finds that the request meets the loading space requirement as conditioned.

J. Section 7.105.A, Bicycle Parking, Standards, states "Bicycle parking spaces shall be provided for new development, change of use, and major renovation, at a minimum, based on the standards in Table 7.105. Major renovation is defined as construction valued at 25% or more of the assessed value of the existing structure.

Where an application is subject to Conditional Use Permit approval or the applicant has requested a reduction to an automotive parking standard, pursuant to Section 7.062, the Community Development Director or Planning Commission, as applicable, may require bicycle parking spaces in addition to those in Table 7.105.

Table 7.105: Minimum Required Bicycle Parking Spaces"

Table 1:100. Milliman Regalica Bioyele 1 arming opaces					
	Institutional Uses and	1 bike space per 20	100% short term		
	Places of Worship	vehicle spaces			

Section 7.105.B.7, Bicycle Parking, Design and Location, Long-term bicycle parking, states "Long-term bicycle parking shall consist of a lockable enclosure, a secure room in a building on-site, monitored parking, or another form of sheltered and secure parking."

<u>Finding</u>: As an Institutional Use, the facility would be required to provide one space per 20 vehicle spaces. With 17 vehicle spaces provided, one short-term bicycle space would be required. The applicant proposes four short-term bicycle spaces. The location has not been indicated and will be required to be located with easy access to the building. The location of the bicycle parking spaces shall be reviewed and approved by the Planner prior to issuance of the building permit (Condition 15). The City finds that the proposed bicycle parking meets the minimum required spaces.

K. Section 2.095.4, Other Applicable Use Standards, in the R-2 Zone states "All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer."

Section 2.095.5, Other Applicable Use Standards, in the R-2 Zone states "Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans."

<u>Finding</u>: The site is not within 100' of a known landslide hazard. However, it is located in a "very high" area on the Landslide Susceptibility DOGAMI Open-File Report O-16-02. Citizen comments have been received expressing concern with potential landslide. Issues concerning a geologic report, storm drainage,

and engineering of the site would be reviewed by the City Engineer at the time of the building permit submittal.

L. Section 2.095.6, Other Applicable Use Standards, in the R-2 Zone states "All uses except those associated with single-family and two-family dwellings shall meet the landscaping requirements in Sections 3.105 through 3.120."

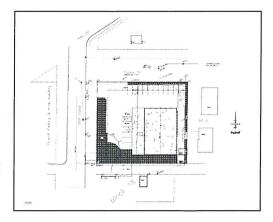
Section 7.110.G, Landscaping, states

- "1. Landscaping shall be provided as required in Section 7.170 and Section 3.105 through 3.120.
- 2. Required landscaped yards shall not be used for parking."

Section 7.170.A, Landscaping of Outdoor Storage or Parking Areas, states "A minimum of 5% of the gross parking lot area shall be designed and maintained as landscaped area, subject to the standards in Sections 3.105 through 3.120. This requirement shall apply to all parking lots with an area of 600 square feet or greater. Approved sight obscuring fences or vegetative buffers shall be constructed where commercial parking lots abut Residential Zones. The minimum 5% landscaping shall be counted as part of the total landscaping required for the property."

Section 3.115, Review of Landscaping Plans, states "The landscaping plan shall be reviewed by the Community Development Director to determine if it meets the quantitative requirements of the Code. Landscaping in conjunction with Uses Permitted Outright may be approved by the Community Development Director. Landscaping in conjunction with Conditional Uses shall be reviewed by the Planning Commission as part of the review under Section 11.010. In such cases, the Planning Commission may review schematic plans and the final plans may be reviewed by the Community Development Director. No Certificate of Occupancy or other final approval shall be issued by the building official or the City until the landscaping is installed as specified by the Planning Commission or Community Development Director. Minor changes in the landscape plan may be allowed by the Community Development Director, so long as they do not alter the overall character of the development."

Finding: The use is not a single-family or two-family dwelling and therefore the yard areas shall be landscaped and not used for parking. The site is 25,312 sqft and the parking area is approximately 11,000 sqft of the main lot. The site is required to have 5% (550 sqft) of the parking area landscaped. The applicant proposes approximately 5,000 sqft (20%) of the entire site to be landscaped with landscaping on all four sides of the lot. Setback yard areas would be landscaped.



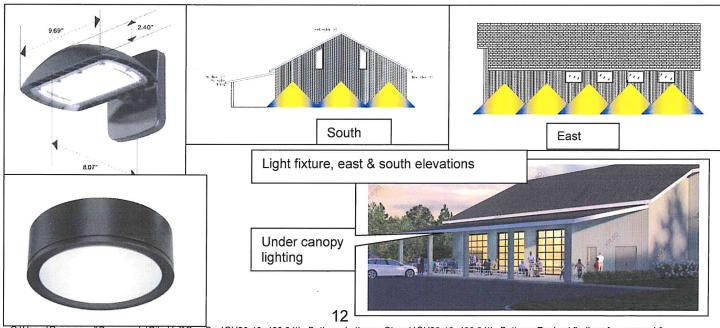
Landscaped areas are noted on the site plan and are proposed to be native vegetation, but a final landscape plan with species has not been submitted. A landscape plan in accordance with Sections 3.105 through 3.120 shall be provided for review and approval of the Planner prior to the issuance of a building permit (Condition 6). The landscaping shall be installed prior to occupancy of the building and/or final building permit inspection (Condition 7). The City finds that the request meets the landscaping requirements as conditioned.

M. Section 2.095.8, Other Applicable Use Standards, in the R-2 Zone states "All uses shall comply with applicable lighting standards in Section 3.128."

Section 7.110.F, Lighting, states "Parking or loading areas that will be used at nighttime shall be lighted. All areas shall comply with applicable lighting standards in Section 3.128."

Section 3.128, Lighting Standards, states "Outdoor lighting shall be designed and placed so as not to cast glare into adjacent properties or rights-of-way. Light fixtures shall be designed to direct light downward and minimize the amount of light directed upward. The Community Development Director may require the shielding or removal of such lighting where it is determined that existing lighting is adversely affecting adjacent properties or contributing to light directed into the night sky."

<u>Finding</u>: Lighting is proposed on the building on the south and east elevations. Additional lights will be under the covered area on the north elevation. Lights would all be downcast with the bulbs up within the fixture and will be shielded to avoid glare beyond the property line into other properties. A final lighting plan shall be reviewed and approved by the Planner prior to issuance of a building permit (Condition 9). The City finds that sufficient lighting in compliance with the Code is proposed.



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N. Section 11.140, Public or Semi-Public Use, states "Traffic will not congest nearby streets, and structures will be designed or landscaped so as to blend into the surrounding environment and be compatible with the adjacent neighborhood. The activities or hours of operation will be controlled to avoid noise or glare impacts on adjacent uses."

<u>Finding</u>: The proposal is for an annex building for the existing church facility. Patrons of the site would be for the most part the same patrons that attend the church facility. While the facility may be available to non-church members, the majority of the use will be by the church. Increased traffic is not anticipated by use of the accessory building other than the occasional use by non-church members.

The design of the building has been reviewed and approved by the Historic Landmarks Commission as a New Construction (NC20-08) on February 9, 2021. That approval was Appealed (AP21-02) and the City Council upheld the HLC approval at its April 5, 2021 meeting. That decision has been appealed to the Land Use Board of Appeals (LUBA 2021-048) and is pending. In making its decision on "compatibility" with the adjacent historic structures, the HLC considered and weighed the historic criteria with the building's location on the edge of a developed commercial area. The site is close to Lief Erikson Drive with the Safeway retail store and gas station, Comfort Suites motel, the City/School District ball field, and Astor Elementary School on Franklin Avenue. During the appeal hearing, the City Council noted that while the historic buildings are visible from Lief Erikson Drive, that the main historic streetscape is the Franklin Avenue area where the historic buildings front.



As noted above, native landscaping is proposed on all four sides of the property at approximately 20% of the lot area. Landscaping along the east and south property lines shall be 5' deep and would consist of a mixture of trees, shrubs, and ground cover. These two sides shall be designed to buffer the site from the adjacent residential properties in the form of hedge or denser vegetation

(Condition 8). A landscape plan in accordance with Sections 3.105 to 3.120 shall be provided for review and approval of the Planner prior to the issuance of a building permit (Condition 6). The landscaping shall be installed prior to occupancy of the building and/or final building permit inspection (Condition 7).

Hours of operation are not proposed, but the site would be used as an indoor sports area and eating/drinking / gathering area for the church as a semi-public use. It is not proposed as a public restaurant or sports center. City Code Section 5.025, Unnecessary Noise, states "No person may make, assist making, continue or cause to be made any loud, disturbing or unnecessary noise that annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of others." No restrictions on hours of operation are proposed at this time, but the City Code concerning nuisances could be applied in the future if noise should become a problem.

The City finds that with the noted conditions, the request meets this criteria.

- O. Section 11.020(B.1) states that "the Planning Commission shall base their decision on whether the use complies with the applicable policies of the Comprehensive Plan."
  - 1. CP.075.1, Uppertown Area Policies, states "Refer to policies regarding housing, historic preservation, parks and recreation, transportation, shorelands and estuary, and geologic hazards."

<u>Finding</u>: The proposal has been reviewed and approved by the HLC concerning historic preservation issues. The site is not a public park, shoreland, or estuary. The site is not within 100' of a known geologic hazard. However, it is located in a "very high" area on the Landslide Susceptibility DOGAMI Open-File Report O-16-02. Citizen comments have been received expressing concern with potential landslide. Issues concerning a geologic report would be reviewed by the City Engineer at the time of the building permit submittal. The project is not for housing. Transportation issues are addressed below.

2. CP.075.2, Uppertown Area Policies, states "The predominantly residential character of the area upland of Marine Drive/Lief Erikson Drive will be preserved."

<u>Finding</u>: The area along Lief Erikson Drive from Bethany Lutheran Church at 34th Street to 37th Street has no residential property fronting on Lief Erikson Drive. Residential properties are at least one block to the south, with the majority of it fronting on Franklin Avenue and two residences located off the unimproved Duane Street and cul-de-sac. The north side of Lief Erikson Drive in this area is developed with Safeway, Safeway gas station, Comfort Suites motel, East End Mooring Basin parking, OSU-owned commercial facility. The south, upland side is

developed with Bethany Lutheran Church, US Customs House historic reconstruction, City/School District ball field, tennis court, Geno's Drive-In, and Astoria Coffee Roasters and single-family residences.



The proposed development is on the boundary of the residential and commercially developed properties. The aerial above shows an orange line separating the residential and commercial uses. The City finds that the overall development along Lief Erikson Drive in this area is varied, and the use of this property for a semi-public use associated with the adjacent church facility is consistent with the overall varied development along this portion of Lief Erikson Drive as it is not predominately residential in this area.

3. CP.357, Transportation Goal 3 and Policies 3, Goal, Economic Vitality, states "Support the development and revitalization efforts of the City, Region, and State economies and create a climate that encourages growth of existing and new businesses."

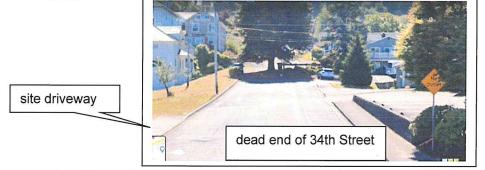
CP.357.7, Transportation Goal 3 and Policies 3, Policies, states "Ensure that all new development contributes a fair share toward on-site and offsite transportation system improvements."

<u>Finding</u>: The church is an existing semi-public use (business). The proposed annex building will allow expansion of church functions which supports the economy of the area. The proposal is for 17 off-street parking spaces that will be shared with the main church facility. The driveway entry to the site will be improved to City standards. The City finds that the additional on-site parking contributes to the transportation facilities and that the improved driveway apron will enhance the 34th Street right-of-way.

4. CP.358, Transportation Goal 4 and Policies 4, Goal, Livability, states "Customize transportation solutions to suit the local context while providing a system that supports active transportation, promotes public health, facilitates access to daily needs and services, and enhances the livability of the Astoria neighborhoods and business community."

CP.358.1, Transportation Goal 4 and Policies 4, Policies, states "Protect residential neighborhoods from excessive through traffic and travel speeds."

<u>Finding</u>: The site is currently used for overflow parking for the existing church. That use will continue. The new facility would be used mostly by the church and not at the same time as the church functions, and therefore would not be increasing volume of traffic to the site. The number of days and/or hours of traffic to the site would increase with use of the additional building. However, 34th Street is not a through street and therefore, vehicles would not be traveling at excessive speeds in this area.



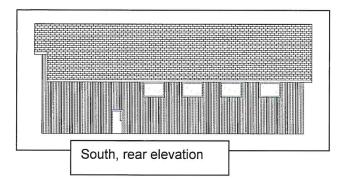
The City finds that the neighborhood would be protected from excessive through traffic and travel speeds.

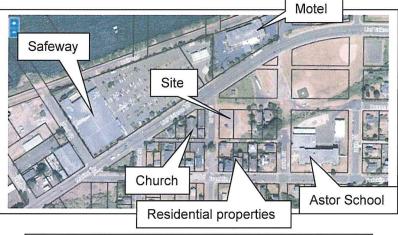
5. Comprehensive Plan Section CP.220(6) concerning Housing Policies states that "Neighborhoods should be protected from unnecessary intrusions of incompatible uses, including large scale commercial, industrial and public uses or activities."

<u>Finding</u>: This neighborhood is a mixture of single-family residential, large scale commercial, semi-public church, motel, and public ball fields. The proposed facility is an expansion of an existing semi-public church facility and not a separate new use. The annex would be used mostly by the church and therefore the majority of customers to the site would be the same as the church patrons. Non-church use is possible with the proposed indoor sports area and communal meeting space. However, that use would be secondary to the primary use by the adjacent church. The use is compatible with the adjacent church.

The site is on the boundary of a commercial area. Building sizes in this area vary. Within a block of the site is Safeway grocery (56,480 sqft),

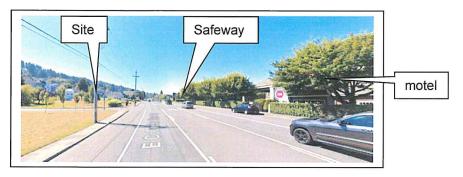
Safeway gas station (3,870 sqft), Comfort Suites motel (13,800 sqft), and Astor School (25.500 saft). From the south/rear elevation facing the residential development, the building would be 1.5 stories tall and 86' wide. The adjacent associated church is 80' wide on its south elevation, is approximately 5,100 square feet, and two-story tall with added steeple. The dwelling at 529 35th Street visually dominates the hillside to the south as its lower area is enclosed giving the appearance of a four-story structure on the north elevation. The footprint is approximately 2,000 sqft with approximately 6,000 sqft for the three floors. The US Customhouse reconstruction is 450 square feet and one story tall. While the structure is larger than some of the adjacent residential properties & the US Customhouse, it is much smaller than the commercial facilities in this area. The proposed 5,030 sqft structure with 1,845 sqft covered porch (6,875 sqft) is not a "large scale" structure such as the 56,480 sqft Safeway and 13,800 sqft Comfort Suites buildings. The City finds that the proposed development is not a large-scale public use/activity and does not intrude into the Uppertown residential neighborhood which is generally south of the subject site.











The lot has been vacant for many years but is a buildable site. With limited available land for development, it is reasonable to except that the site would be developed at some time. It is also reasonable to expect the church annex building to be located adjacent to the church and not elsewhere. The structure would be a change to the neighborhood, but any development would be a change. For the most part, views are not protected by City codes. Some view protection has been adopted in the Riverfront Overlay Zones, but that is not applicable to this site.

The City finds that due to the mixed-use development of this area, its association with the adjacent church, and the variety of building sizes in the area, that the proposed use and structure would not be an unnecessary intrusion into the neighborhood.

6. Comprehensive Plan Section CP.460.1, Natural Resources, Policies, states "The Plan land and water use designations will protect those areas that have high natural value, and direct intensive development into those areas that can best support it."

<u>Finding</u>: There were some public comments received concerning the Kildeer bird population that are reported to nest on this property. The concerns included a statement that the species is "protected". The Kildeer is in the Plover family. The Pacific coast population of "Western Snowy Plover" was listed as a threatened species on March 5, 1993, in the Federal Register 58 FR 12864. Oregon Department of Fish and Wildlife also list the Western Snowy Plover as "threatened" with the notation that it is a "Pacific Coast Distinct Population Species". However, this is a different subspecies than the Kildeer which is not a protected or listed bird.

The City has designated natural areas for protection of wildlife including areas along the shoreline, aquatic areas, urban forest, and City parks. The subject property is zoned R-2 (Medium Density Residential) which is for development. The lot is partially gravel and has been used for parking for the church and as a vehicle access for adjacent properties. The adjacent City park for the US Customhouse has an open field area which is the natural habitat of the Kildeer. Development of the proposed accessory building would include landscaped area which can support

bird habitat. The City finds that the lot is designated for development, development would not deplete native habitat in the area, and that the Kildeer is not a threatened species.

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

- P. Section 11.030(A) requires that "before a conditional use is approved, findings will be made that the use will comply with the following standards:"
  - 1. Section 11.030(A)(1) requires that "the use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use."

<u>Finding</u>: The proposed use is an accessory use to the existing adjacent church facility. The site is across the 34th Street right-of-way from the primary use and majority of users. It is common for a church to have indoor sports areas and meeting space for church gatherings and the existing church structure does not provide the needed space. A semipublic use is a conditional use in all allowable zones except where it is allowed as an outright use in the C-3 (General Commercial) and C-4 (Central Commercial) Zones. Therefore, the conditional use is necessary to have an annex facility adjacent to the existing church. A location in a C-3 and or C-4 Zone would not be desirable as the church patrons would be using the two facilities as one campus without the need to drive to other locations. Other locations were not considered by the church due to the fact that they own this adjacent vacant lot. While there are many other gyms available to the public throughout the City that could be utilized by church members, an annex building for the church may be feasible and would be used for more than a gym by the church members. Therefore, the City finds that the use is appropriate at this location.

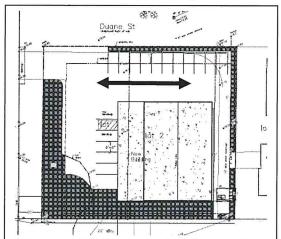
Section 11.030(A)(2) requires that "an adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements."

<u>Finding</u>: The site is accessed from 34th Street one block off Lief Erikson Drive. The site is currently used as overflow parking for the existing church and has a substandard driveway that would be reconstructed to City standard.



Future development is not anticipated in this area in the near future, and the proposed use would not overburden the existing street system for access.

On-site parking is proposed that would be jointly used by the church as noted above. A loading area has not been specifically identified; however, there is sufficient area on the north side of the lot for a loading area. In addition, the church owns two lots to the south of the church facility that is large enough to accommodate a shared loading area for the church and annex building. If this lot is used for the loading area, an easement shall be recorded. The draft easement shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection (Condition 5). The preliminary parking design layout has been reviewed by the Planner and meets the required space dimensions and aisle widths of Article 7, Parking and Loading. Final review and approval will be completed by the Planner at the time of the building permit submittal.

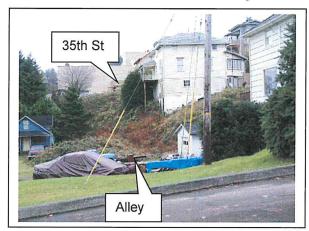




An enclosed solid waste disposal area is proposed for the southeast corner of the lot. The applicant shall have the final location and size of the enclosed solid waste disposal area shall be reviewed and approved by Recology and provide the Planner verification of that approval prior to issuance of the building permit (Condition 10). The final design shall be reviewed and approved by the Planner prior to issuance of the building permit (Condition 11). Any major changes to the location of the disposal area would be reviewed by the Planning Commission (Condition 12).

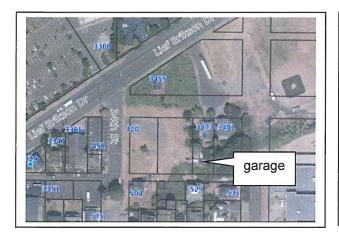
A walkway is proposed on the east side of the building along the rear of the building. There are no sidewalks along this portion of 34th Street. At the pre-application meeting on 11-18-20 with the applicant, the City Engineer advised that a sidewalk would be required on 34th Street. A sidewalk shall be installed on the east side of 34th Street along this property in accordance with City Engineering requirements (Condition 13). A bicycle rack is proposed but the location has not been identified. The location and design of the bicycle parking spaces shall be reviewed and approved by the Planner prior to issuance of the building permit (Condition 15).

There are two adjacent properties that have accessed their residential garages across the church property for years. The church has stated that they have allowed this use but have not granted any easements or rights for the continued use. These properties have legal access from dedicated City rights-of-way; however, these rights-of-way do not provide easy access. The garage for 3432 Franklin Avenue faces the alley to the south of the proposed project. The parking area for 504 34th is in the rear of the property and is accessed from the alley to the south of the proposed project across the church property. The alley intersections at 34th and 35th Streets are at different elevations than the portion of the alley used by these adjacent properties. It may be possible to construct a driveway along the alley from 34th Street but an engineer would need to determine if the grade would meet code.



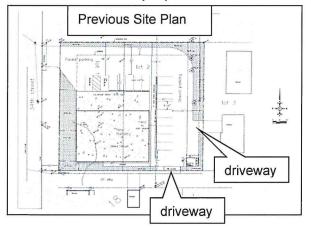


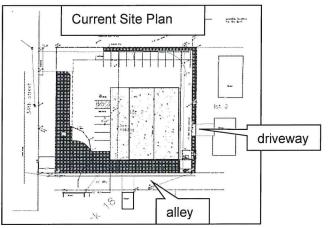
The third property at 3473 Duane has a garage accessed only from the church property; however, this property fronts on unimproved Duane Street and the ballfield cul-de-sac. Access from unimproved Duane Street is possible.





While accustomed access to their garages / parking areas may be disrupted, the property owners have no easements for this access. The church had tried to accommodate all three properties by providing access through the proposed parking lot and had designed driveway access points into the site plan. However, due to neighborhood opposition to the location of the building, the applicant worked with the City Engineer to possibly relocate the sewer easement allowing the building to be situated further to the east on the lot. With this revised site plan, access over the sewer easement to 3473 Duane is maintained but access to the alley right-of-way and the two properties to the south is not. Providing access to these properties is not a requirement and not under the authority of the APC to require. The discussion about these accesses is provided for information purposes as it is of concern for the residents.





The City finds that the proposed project has adequate site layout for transportation activities with the conditions noted, and that the disruption of access to the adjacent properties across the church private property is not a matter for the APC as it is a civil matter between the property owners.

3. Section 11.030(A)(3) requires that the use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.

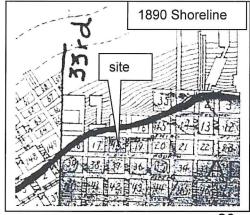
Finding: The site is currently used as an unimproved over-flow parking for the adjacent church. As with all new or increased development, there will be incremental impacts to police and fire protection, but it will not overburden these services. There will be exterior lighting to deter inappropriate use of the property. The Fire Chief Dan Crutchfield has reviewed the proposal and will require installation of a Knox Lock Box at an entry point on the building for fire department access prior to occupancy of the building and/or final building permit inspection. Location and specifics shall be approved by the Fire Chief (Condition 14). The Building Official and Fire Chief will review the building permit application to determine if any fire suppression system and/or fire extinguishers would be required.

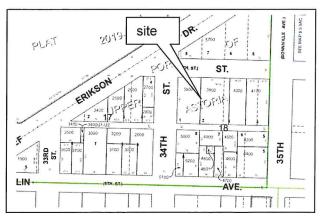
The City Engineer Nathan Crater met with the applicant to review water, sewer, storm drainage, and other utilities. He determined that there is ample water flow and that a fire hydrant is located on Lief Erikson Drive. All utilities are at or near the site and are capable of serving the use according to City Engineer Nathan Crater. He will continue to work with the applicant on the final design relative to the existing sewer easement.

The City finds that with the conditions as noted, the proposal will not overburden City facilities and/or services.

4. Section 11.030(A)(4) requires that "the topography, soils and other physical characteristics of the site are adequate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.

Finding: The site is not within 100' of a known geologic hazard as indicated on the City map. However, it is located in a "very high" area on the Landslide Susceptibility DOGAMI Open-File Report O-16-02. Citizen comments have been received expressing concern with potential landslide. Issues concerning a geologic report would be reviewed by the City Engineer at the time of the building permit submittal. Proposed new construction would be on a relatively flat site. This site was historically along the shoreline; however, it appears that it was on the landward side of the shoreline based on the 1890 shoreline map.



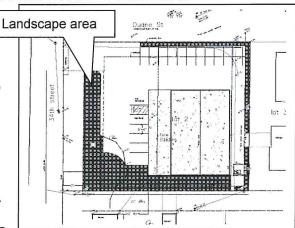


The City finds that the physical characteristics of the site are adequate for the proposed construction.

5. Section 11.030(A)(5) requires that "the use contain an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses."

<u>Finding</u>: As noted above, landscaping of approximately 20% of the lot is proposed on all four sides of the site. Landscaping along the east and north property lines would be 5' deep and would consist of a mixture of trees, shrubs, and ground cover. The east and south sides should be designed to buffer the site from the adjacent residential properties in the form of hedge or denser vegetation (Condition 8). Landscaped areas are noted on the site plan and are proposed to be native vegetation, but a final landscape plan with species has not been submitted.

A landscape plan in accordance with Sections 3.105 to 3.120 shall be provided for review and approval of the Planner prior to the issuance of a building permit (Condition 6). The landscaping shall be installed prior to occupancy of the building and/or final building permit inspection (Condition 7).



#### V. CONCLUSIONS AND RECOMMENDATIONS

Based on the Findings of Fact above and the application material submitted, the request meets all applicable review criteria with the following conditions:

- The applicant shall submit a Legal Lot Determination application for combination of the lots. The platted lots shall be combined on the deed and/or some other method of lot combination approved by the City prior to issuance of the building permit. A draft deed shall be provided to the Planner for review and approval prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection.
- Seven off-street parking spaces shall be provided on the proposed parking area for the new facility.
- 3. At minimum, the seven required off-street parking spaces shall be paved.
- 4. An easement shall be required for the 15 spaces on the south lots (Map 9BD, Tax Lots 2900 & 3200) required to accommodate the spaces for the church

that are not provided on the church site, and for seven spaces on the proposed site. The draft easement(s) shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection.

- 5. If the loading area is located on an adjacent lot (Map 9BD, Tax Lots 2900 & 3200), an easement shall be recorded. The draft easement shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection
- 6. A landscape plan in accordance with Sections 3.105 through 3.120 shall be submitted for review and approval of the Planner prior to the issuance of a building permit.
- 7. Landscaping shall be installed prior to occupancy of the building and/or final building permit inspection.
- 8. Landscaping along the east and south property lines shall be 5' deep and shall consist of a mixture of trees, shrubs, and ground cover. These two sides shall be designed to buffer the site from the adjacent residential properties in the form of hedge or denser vegetation.
- 9. Lighting plan shall be reviewed and approved by the Planner prior to issuance of a building permit.
- 10. The applicant shall have the final location and size of the enclosed solid waste disposal area shall be reviewed and approved by Recology and provide the Planner verification of that approval prior to issuance of the building permit.
- 11. The design of the enclosed solid waste disposal area shall be reviewed and approved by the Planner prior to issuance of the building permit.
- 12. Any major changes to the location of the enclosed solid waste disposal area shall be reviewed by the Planning Commission.
- 13. A sidewalk shall be installed on the east side of 34th Street along this property in accordance with City Engineering requirements.
- 14. A Knox Lock Box shall be installed at an entry point on the building for fire department access prior to occupancy of the building and/or final building permit inspection. Location and specifics shall be approved by the Fire Chief.
- 15. The location and design of the bicycle parking spaces shall be reviewed and approved by the Planner prior to issuance of the building permit.

16. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission.

The applicant should be aware of the following requirements:

The applicant shall obtain all necessary City and building permits prior to the start of operation.



1095 Duane Street • Astoria OR 97103 • Phone 503-338-5183 • www.astoria.or.us • planning@astoria.or.us

August 5, 2021

TO:

ASTORIA PLANNING COMMISSION

FROM:

ROSEMARY JOHNSON, PLANNING CONSULTANT FOR THE CITY OF ASTORIA

SUBJECT: CONDITIONAL USE REQUEST (CU20-10) AT 430 34TH STREET

At the June 22, 2021 meeting, the Astoria Planning Commission (APC) held a public hearing concerning the Conditional Use Request (CU20-10) by Bethany Lutheran Church to construct an accessory building at 430 34th Street. The public hearing was closed, and no new testimony may be taken without new public notice 20 days prior to any discussion or meeting. At the June 22 meeting, the APC tentatively denied the request pending revised Findings of Fact for adoption. The APC decision was tentative and is not binding. The final decision is made once the APC adopts Findings of Fact.

At the July 27, 2021 meeting, the APC was advised that there were several new public comments that were received by staff but were not included in the packet as the public hearing had been closed at the last meeting. The APC decided to re-open the public hearing to review all the testimony. The applicant agreed to an extension of the 120-day rule and signed the extension to December 8, 2021 to allow additional time for the APC to consider the request. Since the public hearing was closed, the request required a new public notice.

A public notice was mailed to all property owners within 200 feet pursuant to Section 9.020 on August 3, 2021. Email and web publishing also occurred on August 3, 2021. A notice of public hearing was published in the *Astorian* on August 14, 2021.

All testimony received since June 22, 2021 when the original public hearing was closed is attached for APC consideration. Staff has prepared Findings of Fact for approval and denial for APC consideration which are attached.



### CITY OF ASTORIA

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## STAFF REPORT AND FINDINGS OF FACT - APPROVAL

REPORT RELEASE DATE: APRIL 27, 2021 REVISED RELEASE DATE: JULY 20, 2021

COMMISSION HEARING DATE: MAY 4, 2021 continued to JUNE 22, 2021 to JULY 27, 2021

TO:

ASTORIA PLANNING COMMISSION

FROM:

ROSEMARY JOHNSON, PLANNING CONSULTANT

SUBJECT:

CONDITIONAL USE REQUEST (CU20-10) BY RDA PROJECT MANAGEMENT

FOR BETHANY LUTHERAN CHURCH TO LOCATE A SEMI-PUBLIC USE IN AN ACCESSORY BUILDING AT 420 34TH STREET FOR BETHANY

LUTHERAN CHURCH AT 451 34TH STREET

#### I. SUMMARY

A. Applicant:

Randy Stemper

randystemper@gmail.com

RDA Project Management LLC

PO Box 1417 Astoria OR 97103

В. Owner:

Bethany Lutheran Church

451 34th Street Astoria OR 97103

C. Location: 420 34th Street; Map T8N R9W Section 9BD, Tax Lots 3800 &

3900; Lots 1, 2, and west 18.75' Lot 3, Block 18, Adair's Port of

Upper Astoria

D. Zone:

R-2, Medium Density Residential

E. Lot Size:

150' x 168' (25,312 square feet)

F. Proposal: To operate a semi-public use in an accessory building for the

existing adjacent church facility.

G. Associated Application: The applicant has obtained a New Construction Permit

(NC20-08) approval as Appealed (AP21-02) to construct a building

adjacent to historic properties.

Η. September 9, 2021. The application was deemed complete on 120 Days: March 11, 2021.

### II. **PUBLIC REVIEW AND COMMENT**

A public notice was mailed to all property owners within 200 feet pursuant to Section 9.020 on April 9, 2021. Email and web publishing also occurred on April 9, 2021. A notice of public hearing was published in the Astorian on April 24, 2021. On-site notice pursuant to Section 9.020.D was posted April 20, 2021. Any comments received will be made available at the Astoria Planning Commission meeting.

#### III. BACKGROUND

The subject property is currently a vacant site of 25,312 square feet. The structure would be an annex to the existing church which is located across the 34th Street rightof-way and would be classified as a semi-public use. It is located in an R-2 Zone (Medium Density Residential) and public/semi-public use is allowed as a conditional use. The applicant has obtained Historic Landmarks Commission approval for New Construction Permit (NC20-08) as Appealed (AP21-02). The HLC permit was appealed to the Land Use Board of Appeals (LUBA 2021-048) and is pending.



Staff has worked with the applicant for several months concerning design, location, and other details of the project. There may be conflicting items within the application; however, the APC should consider the details, materials, dimensions, etc. as noted in the staff report as the final proposal presented by the applicant. On May 20, 2021, the applicant submitted a revised site plan based on discussions with the City Engineer and the possible relocation of the City sewer easement. These revised Findings of Fact reflect the proposed new location. With this revision, the project will need additional review by the HLC.

There were several public comments received that address the loss of views, source of funding, and local citizenship of those involved in the project. These issues are not part of the criteria reviewed by the APC during the Conditional Use process. View is not a protected resource in most areas of the City. Other public comments raised are addressed in the Findings of Fact below.

#### Α. Site:

The site is on the east side of 34th Street bounded on the north by Duane Street; on the south by an alley and residential property across the alley right-of-way; on the east by residential property. The land is relatively flat with a gentle slope down toward the north. Access to the site would be from 34th Street.

There is an easement for a City utility line on the east portion of the lot requiring that the building be located as far to the west on the property as possible. However, the applicant is working with the City Engineer on possible relocation of the sewer allowing the building to be located on the eastern portion of the lot. The vacant site is currently used as overflow parking for the adjacent church.





#### В. Neighborhood:

The neighborhood is developed with a mixture of single-family dwellings to the east and south; a church to the west across 34th Street; City-owned historic reconstruction of the US Customhouse to the north across Duane Street rightof-way; Safeway parking lot, gas station, and motel to the north across Lief Erikson Drive; to the northeast is a City/School District ballfield; and to the southeast is Astor Elementary school.



Duane Street and the alley are unimproved rights-of-way. The 34th Street right-ofway is not improved to its full width and on-street angled parking on the west side is used for the church parking. Currently, some houses access their sites across the church site. However, there are no legal easements, and the sites are accessible from City rights-of-way that are currently unimproved but could be used for access. Access across the church lot to other properties is not an issue for APC consideration but will be addressed for informational purposes only.

## IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

A. Section 1.400 defines "Semi-Public Use" as "A structure or use intended or used for a semi-public purpose by a church, lodge, club, or any other nonprofit organization, excluding lodges or clubs which have eating or drinking facilities."

Section 2.070.8, Conditional Uses Permitted, in the R-2 Zone lists "Public or Semi-Public Use" as an allowable conditional use.

<u>Finding</u>: The applicant proposes to operate a facility as an annex to the existing church facility located across the 34th Street right-of-way at 451 34th Street. The facility would include an indoor sports area for half-court basketball, small kitchen, and area to be used for church gatherings. Public and Semi-Public Uses are conditional uses in all zones except the C-3 (General Commercial) and C-4 (Central Commercial) Zones that allow them as outright uses. The City finds that the use is classified as a Semi-Public Use and requires a conditional use permit to locate at this site.

- B. Section 2.080, Yards, in the R-2 Zone states "Uses in the R-2 Zone which are part of a cluster development will comply with the yard requirements in Section 11.160. Other uses in the R-2 Zone will comply with the following requirements:
  - A. The minimum yard requirements in an R-2 Zone will be as follows:
    - The minimum front yard will be 20 feet.
    - 2. The minimum side yard will be five (5) feet, except on corner lots the side yard on the street side will be 15 feet.
    - 3. The minimum rear yard will be 15 feet, except on corner lots the rear yard will be five (5) feet."

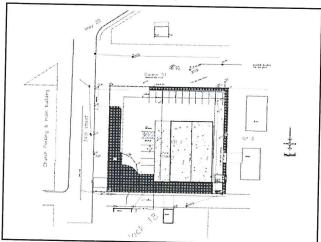
Section 1.400 defines "YARD: An open, unoccupied space of a lot which is unobstructed by any structure or portion of a structure extending more than 12 inches above ground level of the lot upward. . .

<u>FRONT</u>: A required open space extending the full width of a lot between any structure and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Code."

Section 1.400 defines "LOT LINE: The property line bounding a lot. <u>FRONT</u>: The property line separating the lot from the street, other than an alley. On corner lots, the front lot line shall be determined by the main entrance to the existing or proposed structure. The City shall determine the front lot line of a corner lot. . ."

<u>Finding</u>: The property is a corner lot accessed from a driveway on 34th Street and therefore, the front property line / front yard has been determined by the City to be adjacent to 34th Street. The proposed building would be set back approximately 60' from the front property line to the west; 15' from the alley

right-of-way to the south side; 45' from the Duane Street right-of-way to the north; and 20' from the rear property line to the east.



There is an existing City sewer easement (Book 121, Page 597, dated 5-4-1927) on the east half of the site which prohibits construction over the easement area. The easement is proposed to be relocated to the east along the east property line. The structure has been situated to avoid development at the easement site and provide a larger view corridor for the neighborhood on the west side of the building. The revised easement area is proposed to be used for a driveway and outdoor storage enclosure area. The City Engineer will continue to work with the applicant on the final design relative to the existing and/or proposed sewer easement and any need to move the building. The City finds that the proposed development meets the required yard setbacks.

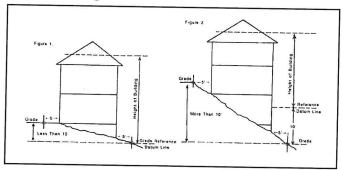
C. Section 2.085, Lot Coverage, in the R-2 Zone states "Buildings will not cover more than 40 percent of the lot area."

<u>Finding</u>: The site is 25,312 sqft. The proposed building including the solid waste disposal area is 7,017 sqft for a total lot coverage of 28%. The City finds that the proposed development meets the maximum lot coverage.

D. Section 2.090, Height of Structures, in the R-2 Zone states "No structure will exceed a height of 28 feet above grade."

Section 1.400, Definitions, defines Grade and Height as follows:

"GRADE: The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building."

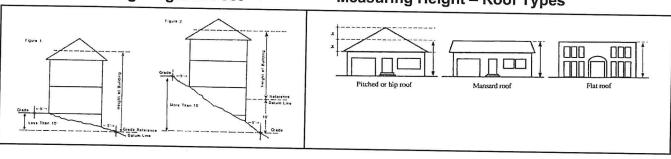


"HEIGHT, BUILDING: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof, to the deckline of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of that building. The reference datum shall be whichever of the following two measurements results in the greater building height (see Figure 1):

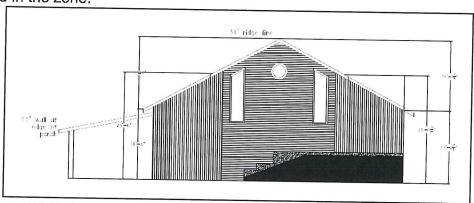
- The reference datum is the lowest grade when the highest ground a. surface within a five (5) foot horizontal distance of the exterior wall of the building is not more than ten (10) feet above that lowest grade. (Note: Also see definition of "Grade".)
- The reference datum is ten (10) feet higher than the lowest grade when b. the ground surface described in Item A above is ten (10) feet or more above that lowest grade. (Note: Also see definition of "Grade".)"

### Measuring Height in Feet

### Measuring Height - Roof Types



Finding: The site is relatively flat, so the height is determined from lowest grade. The building has a pitched roof and therefore the height is determined to the mid-point between the eave and ridge of the structure. The proposed building is 34' to the ridge, but the overall height as defined by the City is 25.5'. The City finds that the proposed building is within the maximum 28' height allowed in the zone.



E. Section 3.158.B, Legal Lot Determination, Combining of Lots, states "When a project will extend into adjacent lots, parcels, or tracts whether to meet lot size requirements, for the placement of structures or accessory uses, or to provide for requirements such as parking, the Community Development Director or

Planner shall require that the properties be combined either through a Property Line Adjustment or by recording a deed or memorandum containing a covenant preventing the separate sale, transfer, or encumbrance of either property except in compliance with building codes, City of Astoria Development Code, and other applicable land use regulations."

<u>Finding</u>: The subject property is currently two full platted lots plus a partial of a third lot and is in two County tax lots. The applicant shall submit a Legal Lot Determination application for combination of the lots. The platted lots shall be combined on the deed and/or some other method of lot combination approved by the City prior to issuance of the building permit. A draft deed shall be provided to the Planner for review and approval prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection (Condition 1). As noted elsewhere in this document, other uses such as parking, loading, etc. that are located on other lots than the subject property would require easements as they are located across rights-of-way and could not be combined with these lots. The City finds that the lots are required to be combined.

F. Section 2.095.1, Other Applicable Use Standards, in the R-2 Zone states "All uses will comply with applicable access, parking, and loading standards in Article 7."

Section 7.100, Minimum Parking Space Requirements, requires the following:

	i danse ine tenewing:
Public Assembly	1 space per 100 sq. ft. of public assembly area where no seats provided; or 1 space per five seats where provided
Religious Institutions and Houses of Worship	1 space per 100 sq. ft. of main assembly gross floor area; additional parking is not required for associated use areas if not used at same time as main assembly area
Aquatic center, sports club, gym, rink, recreation center, health club, bowling alley, and other similar indoor entertainment	1 space per 400 sq. ft. gross floor area

<u>Finding</u>: The proposed use is a public assembly area as an annex to a religious institution (Bethany Lutheran Church) and will be used for church gatherings and as an indoor sports area. The building would be 5,030 sqft plus a covered outdoor seating area of 1,845 sqft. Public Assembly would require 50 spaces at 1 space per 100 sqft for the entire building, and recreation area would require 13 spaces at 1 space per 400 sqft for the 5,030 sqft area. However, for the most part, the facility would not be used at the same time as the church facility. Therefore, no additional parking is required for "associated use areas if not used at same time as main assembly area". However, the facility may be used for non-church activities at times, and therefore some off-street parking is

- required. The City finds that 13 off-street parking spaces for the proposed use based on the indoor sports area use is required.
- G. Section 7.020, Reduction of Parking Area Prohibited; Exception, states "Off-street parking and loading areas which existed on the effective date of this ordinance or which are provided as required by this Section shall be maintained, or equivalent parking and loading areas provided; except that if this ordinance reduces the number of required off-street parking or loading spaces, an affected use may diminish its parking and loading area to the new requirements."

Finding: The lot is currently used for the Church overflow parking area. The church is approximately 4,900 gross sqft on the ground floor. The main assembly area is approximately 3,000 sqft which would require 30 spaces at 1 space per 100 sqft. The church site currently has 8 on-site spaces, 8 spaces partially within the 34th Street right-of-way, 8 spaces partially within the alley right-of-way, and at least 15 spaces on the lots to the south (Map 9BD, Tax Lots 2900 & 3200) for a total of 39+ spaces. Of those, only 23 spaces are on-site which is seven less than the required 30 spaces. The spaces within the rightof-way are non-conforming but are existing. Since the subject lot is used for church parking and 16 of the existing parking spaces are partially within the right-of-way, additional spaces are required on the adjacent parcel owned and used by the church. Therefore, seven spaces for the church shall be provided on the proposed parking area for the new facility (Condition 2). As discussed at the 11-18-20 pre-application meeting with the City Engineer, at minimum, the required parking spaces shall be paved (Condition 3). As noted above, the proposed facility is not required to provide additional parking for the church use of the building, but 13 spaces are required for possible non-church use of the property. Therefore, the City finds that, as conditioned, the existing church offstreet parking will not be reduced by the proposed development, and that in fact, it would be improved parking that is currently an open unimproved lot.

Since a portion of the church parking is on separate lots, an easement shall be required for the 15 spaces on the south lots (Map 9BD, Tax Lots 2900 & 3200) required to accommodate the spaces for the church that are not provided on the church site, and for seven spaces on the proposed site. The draft easement(s) shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection (Condition 4).

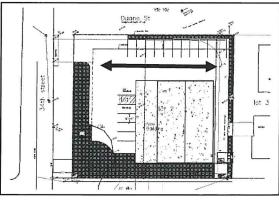
- H. Section 7.070.A, Joint Use of Parking Areas, states "The Community Development Director may authorize the joint use of parking areas by the following uses or activities as a Conditional Use in every zone under the following conditions:
  - 1. Up to 50% of the off-street parking spaces required by this ordinance for a church, auditorium in a school, theater, bowling alley, night club, eating

- or drinking establishment may be satisfied by the off-street parking spaces provided by uses occupied only during the daytime on weekdays.
- 2. Up to 50% of the off-street parking spaces required by this ordinance for any daytime use may be satisfied by the parking spaces provided for nighttime or Sunday uses.
- 3. All jointly used spaces shall be located with relation to all uses relying on such spaces within the applicable distance set forth in Section 7.030.
- 4. The Planning Commission must find that there is no substantial conflict in the principal operating hours of the buildings or uses for which joint use of off-street parking facilities is proposed.
- 5. A properly drawn legal instrument executed by the parties concerned with joint use of off-street parking facilities, approved as to form and manner of execution by Legal Counsel, shall be filed with the Community Development Director. Joint use parking privileges shall continue in effect only so long as such an instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, then parking shall be provided as otherwise required in this ordinance within 60 days."

<u>Finding</u>: The proposed 17 parking spaces for the new facility would be used jointly by the adjacent church facility. As noted above, and easement for a minimum of seven spaces shall be recorded (Condition 4).

I. Section 7.160.C, Minimum Loading Space Requirements, Commercial, Non-office, Public and Semi-Public, requires one loading space 12' wide x 55' long x 14' high, for structures between 5,000 sqft and 59,999 sqft.

Finding: The use is a 5,030 sqft Semi-Public building with additional 1,845 sqft covered porch; therefore, it requires one loading space. A loading space has not been identified on the site plan; however, there is ample room on the north side of the property for a 12' x 55' space as noted on the site plan. In addition, the church owns two lots (Map 9BD, Tax Lots 2900 & 3200) to the south of the church facility that is large enough to accommodate a shared loading area for the church and annex building.



If the loading area is located on an adjacent lot (Map 9BD, Tax Lots 2900 & 3200), an easement shall be recorded. The draft easement shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection (Condition 5). The City finds that the request meets the loading space requirement as conditioned.

J. Section 7.105.A, Bicycle Parking, Standards, states "Bicycle parking spaces shall be provided for new development, change of use, and major renovation, at a minimum, based on the standards in Table 7.105. Major renovation is defined as construction valued at 25% or more of the assessed value of the existing structure.

Where an application is subject to Conditional Use Permit approval or the applicant has requested a reduction to an automotive parking standard, pursuant to Section 7.062, the Community Development Director or Planning Commission, as applicable, may require bicycle parking spaces in addition to those in Table 7.105.

Table 7.105: Minimum Required Bicycle Parking Spaces"

= i join i airiii g apaces		
Institutional Uses and	1 bike space per 20	100% short term
Places of Worship	vehicle spaces	

Section 7.105.B.7, Bicycle Parking, Design and Location, Long-term bicycle parking, states "Long-term bicycle parking shall consist of a lockable enclosure, a secure room in a building on-site, monitored parking, or another form of sheltered and secure parking."

<u>Finding</u>: As an Institutional Use, the facility would be required to provide one space per 20 vehicle spaces. With 17 vehicle spaces provided, one short-term bicycle space would be required. The applicant proposes four short-term bicycle spaces. The location has not been indicated and will be required to be located with easy access to the building. The location of the bicycle parking spaces shall be reviewed and approved by the Planner prior to issuance of the building permit (Condition 15). The City finds that the proposed bicycle parking meets the minimum required spaces.

K. Section 2.095.4, Other Applicable Use Standards, in the R-2 Zone states "All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer."

Section 2.095.5, Other Applicable Use Standards, in the R-2 Zone states "Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans."

<u>Finding</u>: The site is not within 100' of a known landslide hazard. However, it is located in a "very high" area on the Landslide Susceptibility DOGAMI Open-File Report O-16-02. Citizen comments have been received expressing concern with potential landslide. Issues concerning a geologic report, storm drainage.

and engineering of the site would be reviewed by the City Engineer at the time of the building permit submittal.

L. Section 2.095.6, Other Applicable Use Standards, in the R-2 Zone states "All uses except those associated with single-family and two-family dwellings shall meet the landscaping requirements in Sections 3.105 through 3.120."

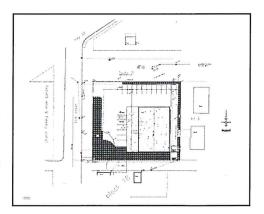
Section 7.110.G, Landscaping, states

- "1. Landscaping shall be provided as required in Section 7.170 and Section 3.105 through 3.120.
- 2. Required landscaped yards shall not be used for parking."

Section 7.170.A, Landscaping of Outdoor Storage or Parking Areas, states "A minimum of 5% of the gross parking lot area shall be designed and maintained as landscaped area, subject to the standards in Sections 3.105 through 3.120. This requirement shall apply to all parking lots with an area of 600 square feet or greater. Approved sight obscuring fences or vegetative buffers shall be constructed where commercial parking lots abut Residential Zones. The minimum 5% landscaping shall be counted as part of the total landscaping required for the property."

Section 3.115, Review of Landscaping Plans, states "The landscaping plan shall be reviewed by the Community Development Director to determine if it meets the quantitative requirements of the Code. Landscaping in conjunction with Uses Permitted Outright may be approved by the Community Development Director. Landscaping in conjunction with Conditional Uses shall be reviewed by the Planning Commission as part of the review under Section 11.010. In such cases, the Planning Commission may review schematic plans and the final plans may be reviewed by the Community Development Director. No Certificate of Occupancy or other final approval shall be issued by the building official or the City until the landscaping is installed as specified by the Planning Commission or Community Development Director. Minor changes in the landscape plan may be allowed by the Community Development Director, so long as they do not alter the overall character of the development."

Finding: The use is not a single-family or two-family dwelling and therefore the yard areas shall be landscaped and not used for parking. The site is 25,312 sqft and the parking area is approximately 11,000 sqft of the main lot. The site is required to have 5% (550 sqft) of the parking area landscaped. The applicant proposes approximately 5,000 sqft (20%) of the entire site to be landscaped with landscaping on all four sides of the lot. Setback yard areas would be landscaped.



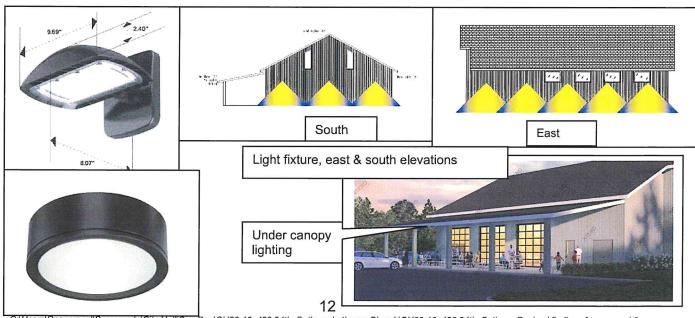
Landscaped areas are noted on the site plan and are proposed to be native vegetation, but a final landscape plan with species has not been submitted. A landscape plan in accordance with Sections 3.105 through 3.120 shall be provided for review and approval of the Planner prior to the issuance of a building permit (Condition 6). The landscaping shall be installed prior to occupancy of the building and/or final building permit inspection (Condition 7). The City finds that the request meets the landscaping requirements as conditioned.

M. Section 2.095.8, Other Applicable Use Standards, in the R-2 Zone states "All uses shall comply with applicable lighting standards in Section 3.128."

Section 7.110.F, Lighting, states "Parking or loading areas that will be used at nighttime shall be lighted. All areas shall comply with applicable lighting standards in Section 3.128."

Section 3.128, Lighting Standards, states "Outdoor lighting shall be designed and placed so as not to cast glare into adjacent properties or rights-of-way. Light fixtures shall be designed to direct light downward and minimize the amount of light directed upward. The Community Development Director may require the shielding or removal of such lighting where it is determined that existing lighting is adversely affecting adjacent properties or contributing to light directed into the night sky."

<u>Finding</u>: Lighting is proposed on the building on the south and east elevations. Additional lights will be under the covered area on the north elevation. Lights would all be downcast with the bulbs up within the fixture and will be shielded to avoid glare beyond the property line into other properties. A final lighting plan shall be reviewed and approved by the Planner prior to issuance of a building permit (Condition 9). The City finds that sufficient lighting in compliance with the Code is proposed.



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N. Section 11.140, Public or Semi-Public Use, states "Traffic will not congest nearby streets, and structures will be designed or landscaped so as to blend into the surrounding environment and be compatible with the adjacent neighborhood. The activities or hours of operation will be controlled to avoid noise or glare impacts on adjacent uses."

<u>Finding</u>: The proposal is for an annex building for the existing church facility. Patrons of the site would be for the most part the same patrons that attend the church facility. While the facility may be available to non-church members, the majority of the use will be by the church. Increased traffic is not anticipated by use of the accessory building other than the occasional use by non-church members.

The design of the building has been reviewed and approved by the Historic Landmarks Commission as a New Construction (NC20-08) on February 9, 2021. That approval was Appealed (AP21-02) and the City Council upheld the HLC approval at its April 5, 2021 meeting. That decision has been appealed to the Land Use Board of Appeals (LUBA 2021-048) and is pending. In making its decision on "compatibility" with the adjacent historic structures, the HLC considered and weighed the historic criteria with the building's location on the edge of a developed commercial area. The site is close to Lief Erikson Drive with the Safeway retail store and gas station, Comfort Suites motel, the City/School District ball field, and Astor Elementary School on Franklin Avenue. During the appeal hearing, the City Council noted that while the historic buildings are visible from Lief Erikson Drive, that the main historic streetscape is the Franklin Avenue area where the historic buildings front.



As noted above, native landscaping is proposed on all four sides of the property at approximately 20% of the lot area. Landscaping along the east and south property lines shall be 5' deep and would consist of a mixture of trees, shrubs, and ground cover. These two sides shall be designed to buffer the site from the adjacent residential properties in the form of hedge or denser vegetation

(Condition 8). A landscape plan in accordance with Sections 3.105 to 3.120 shall be provided for review and approval of the Planner prior to the issuance of a building permit (Condition 6). The landscaping shall be installed prior to occupancy of the building and/or final building permit inspection (Condition 7).

Hours of operation are not proposed, but the site would be used as an indoor sports area and eating/drinking / gathering area for the church as a semi-public use. It is not proposed as a public restaurant or sports center. City Code Section 5.025, Unnecessary Noise, states "No person may make, assist making, continue or cause to be made any loud, disturbing or unnecessary noise that annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of others." No restrictions on hours of operation are proposed at this time, but the City Code concerning nuisances could be applied in the future if noise should become a problem.

The City finds that with the noted conditions, the request meets this criteria.

- O. Section 11.020(B.1) states that "the Planning Commission shall base their decision on whether the use complies with the applicable policies of the Comprehensive Plan."
  - 1. CP.075.1, Uppertown Area Policies, states "Refer to policies regarding housing, historic preservation, parks and recreation, transportation, shorelands and estuary, and geologic hazards."

<u>Finding</u>: The proposal has been reviewed and approved by the HLC concerning historic preservation issues. The site is not a public park, shoreland, or estuary. The site is not within 100' of a known geologic hazard. However, it is located in a "very high" area on the Landslide Susceptibility DOGAMI Open-File Report O-16-02. Citizen comments have been received expressing concern with potential landslide. Issues concerning a geologic report would be reviewed by the City Engineer at the time of the building permit submittal. The project is not for housing. Transportation issues are addressed below.

2. CP.075.2, Uppertown Area Policies, states "The predominantly residential character of the area upland of Marine Drive/Lief Erikson Drive will be preserved."

<u>Finding</u>: The area along Lief Erikson Drive from Bethany Lutheran Church at 34th Street to 37th Street has no residential property fronting on Lief Erikson Drive. Residential properties are at least one block to the south, with the majority of it fronting on Franklin Avenue and two residences located off the unimproved Duane Street and cul-de-sac. The north side of Lief Erikson Drive in this area is developed with Safeway, Safeway gas station, Comfort Suites motel, East End Mooring Basin parking, OSU-owned commercial facility. The south, upland side is

developed with Bethany Lutheran Church, US Customs House historic reconstruction, City/School District ball field, tennis court, Geno's Drive-In, and Astoria Coffee Roasters and single-family residences.



The proposed development is on the boundary of the residential and commercially developed properties. The aerial above shows an orange line separating the residential and commercial uses. The City finds that the overall development along Lief Erikson Drive in this area is varied, and the use of this property for a semi-public use associated with the adjacent church facility is consistent with the overall varied development along this portion of Lief Erikson Drive as it is not predominately residential in this area.

3. CP.357, Transportation Goal 3 and Policies 3, Goal, Economic Vitality, states "Support the development and revitalization efforts of the City, Region, and State economies and create a climate that encourages growth of existing and new businesses."

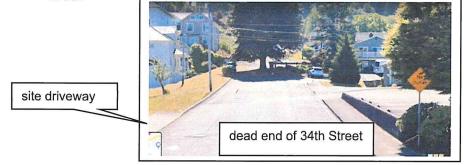
CP.357.7, Transportation Goal 3 and Policies 3, Policies, states "Ensure that all new development contributes a fair share toward on-site and offsite transportation system improvements."

<u>Finding</u>: The church is an existing semi-public use (business). The proposed annex building will allow expansion of church functions which supports the economy of the area. The proposal is for 17 off-street parking spaces that will be shared with the main church facility. The driveway entry to the site will be improved to City standards. The City finds that the additional on-site parking contributes to the transportation facilities and that the improved driveway apron will enhance the 34th Street right-of-way.

4. CP.358, Transportation Goal 4 and Policies 4, Goal, Livability, states "Customize transportation solutions to suit the local context while providing a system that supports active transportation, promotes public health, facilitates access to daily needs and services, and enhances the livability of the Astoria neighborhoods and business community."

CP.358.1, Transportation Goal 4 and Policies 4, Policies, states "Protect residential neighborhoods from excessive through traffic and travel speeds."

<u>Finding</u>: The site is currently used for overflow parking for the existing church. That use will continue. The new facility would be used mostly by the church and not at the same time as the church functions, and therefore would not be increasing volume of traffic to the site. The number of days and/or hours of traffic to the site would increase with use of the additional building. However, 34th Street is not a through street and therefore, vehicles would not be traveling at excessive speeds in this area.



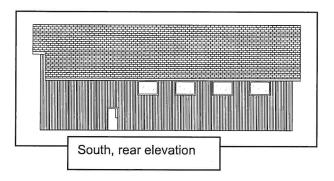
The City finds that the neighborhood would be protected from excessive through traffic and travel speeds.

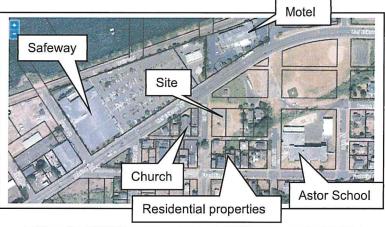
5. Comprehensive Plan Section CP.220(6) concerning Housing Policies states that "Neighborhoods should be protected from unnecessary intrusions of incompatible uses, including large scale commercial, industrial and public uses or activities."

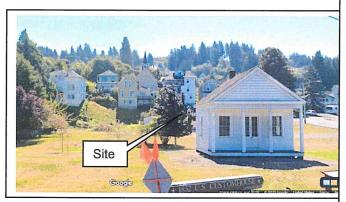
<u>Finding</u>: This neighborhood is a mixture of single-family residential, large scale commercial, semi-public church, motel, and public ball fields. The proposed facility is an expansion of an existing semi-public church facility and not a separate new use. The annex would be used mostly by the church and therefore the majority of customers to the site would be the same as the church patrons. Non-church use is possible with the proposed indoor sports area and communal meeting space. However, that use would be secondary to the primary use by the adjacent church. The use is compatible with the adjacent church.

The site is on the boundary of a commercial area. Building sizes in this area vary. Within a block of the site is Safeway grocery (56,480 sqft),

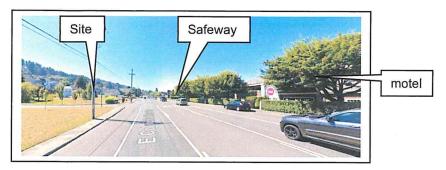
Safeway gas station (3,870 sqft), Comfort Suites motel (13,800 sqft), and Astor School (25,500 sqft). From the south/rear elevation facing the residential development, the building would be 1.5 stories tall and 86' wide. The adjacent associated church is 80' wide on its south elevation. is approximately 5,100 square feet, and two-story tall with added steeple. The dwelling at 529 35th Street visually dominates the hillside to the south as its lower area is enclosed giving the appearance of a four-story structure on the north elevation. The footprint is approximately 2,000 sqft with approximately 6,000 sqft for the three floors. The US Customhouse reconstruction is 450 square feet and one story tall. While the structure is larger than some of the adjacent residential properties & the US Customhouse, it is much smaller than the commercial facilities in this area. The proposed 5,030 sqft structure with 1,845 sqft covered porch (6,875 sqft) is not a "large scale" structure such as the 56,480 sqft Safeway and 13,800 sqft Comfort Suites buildings. The City finds that the proposed development is not a large-scale public use/activity and does not intrude into the Uppertown residential neighborhood which is generally south of the subject site.











The lot has been vacant for many years but is a buildable site. With limited available land for development, it is reasonable to except that the site would be developed at some time. It is also reasonable to expect the church annex building to be located adjacent to the church and not elsewhere. The structure would be a change to the neighborhood, but any development would be a change. For the most part, views are not protected by City codes. Some view protection has been adopted in the Riverfront Overlay Zones, but that is not applicable to this site.

The City finds that due to the mixed-use development of this area, its association with the adjacent church, and the variety of building sizes in the area, that the proposed use and structure would not be an unnecessary intrusion into the neighborhood.

6. Comprehensive Plan Section CP.460.1, Natural Resources, Policies, states "The Plan land and water use designations will protect those areas that have high natural value, and direct intensive development into those areas that can best support it."

<u>Finding</u>: There were some public comments received concerning the Kildeer bird population that are reported to nest on this property. The concerns included a statement that the species is "protected". The Kildeer is in the Plover family. The Pacific coast population of "Western Snowy Plover" was listed as a threatened species on March 5, 1993, in the Federal Register 58 FR 12864. Oregon Department of Fish and Wildlife also list the Western Snowy Plover as "threatened" with the notation that it is a "Pacific Coast Distinct Population Species". However, this is a different subspecies than the Kildeer which is not a protected or listed bird.

The City has designated natural areas for protection of wildlife including areas along the shoreline, aquatic areas, urban forest, and City parks. The subject property is zoned R-2 (Medium Density Residential) which is for development. The lot is partially gravel and has been used for parking for the church and as a vehicle access for adjacent properties. The adjacent City park for the US Customhouse has an open field area which is the natural habitat of the Kildeer. Development of the proposed accessory building would include landscaped area which can support

bird habitat. The City finds that the lot is designated for development, development would not deplete native habitat in the area, and that the Kildeer is not a threatened species.

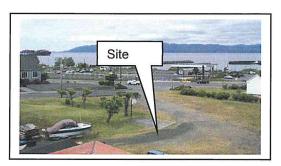
Finding: The request is in compliance with the Comprehensive Plan.

- P. Section 11.030(A) requires that "before a conditional use is approved, findings will be made that the use will comply with the following standards:"
  - 1. Section 11.030(A)(1) requires that "the use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use."

Finding: The proposed use is an accessory use to the existing adjacent church facility. The site is across the 34th Street right-of-way from the primary use and majority of users. It is common for a church to have indoor sports areas and meeting space for church gatherings and the existing church structure does not provide the needed space. A semipublic use is a conditional use in all allowable zones except where it is allowed as an outright use in the C-3 (General Commercial) and C-4 (Central Commercial) Zones. Therefore, the conditional use is necessary to have an annex facility adjacent to the existing church. A location in a C-3 and or C-4 Zone would not be desirable as the church patrons would be using the two facilities as one campus without the need to drive to other locations. Other locations were not considered by the church due to the fact that they own this adjacent vacant lot. While there are many other gyms available to the public throughout the City that could be utilized by church members, an annex building for the church may be feasible and would be used for more than a gym by the church members. Therefore, the City finds that the use is appropriate at this location.

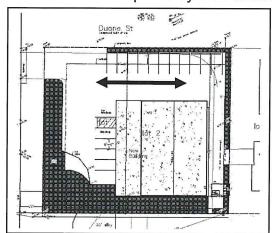
Section 11.030(A)(2) requires that "an adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements."

<u>Finding</u>: The site is accessed from 34th Street one block off Lief Erikson Drive. The site is currently used as overflow parking for the existing church and has a substandard driveway that would be reconstructed to City standard.



Future development is not anticipated in this area in the near future, and the proposed use would not overburden the existing street system for access.

On-site parking is proposed that would be jointly used by the church as noted above. A loading area has not been specifically identified; however, there is sufficient area on the north side of the lot for a loading area. In addition, the church owns two lots to the south of the church facility that is large enough to accommodate a shared loading area for the church and annex building. If this lot is used for the loading area, an easement shall be recorded. The draft easement shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection (Condition 5). The preliminary parking design layout has been reviewed by the Planner and meets the required space dimensions and aisle widths of Article 7, Parking and Loading. Final review and approval will be completed by the Planner at the time of the building permit submittal.

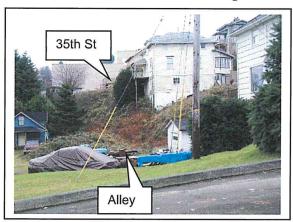


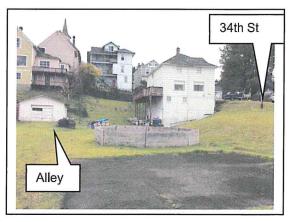


An enclosed solid waste disposal area is proposed for the southeast corner of the lot. The applicant shall have the final location and size of the enclosed solid waste disposal area shall be reviewed and approved by Recology and provide the Planner verification of that approval prior to issuance of the building permit (Condition 10). The final design shall be reviewed and approved by the Planner prior to issuance of the building permit (Condition 11). Any major changes to the location of the disposal area would be reviewed by the Planning Commission (Condition 12).

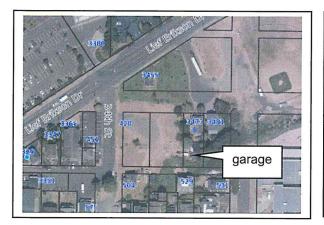
A walkway is proposed on the east side of the building along the rear of the building. There are no sidewalks along this portion of 34th Street. At the pre-application meeting on 11-18-20 with the applicant, the City Engineer advised that a sidewalk would be required on 34th Street. A sidewalk shall be installed on the east side of 34th Street along this property in accordance with City Engineering requirements (Condition 13). A bicycle rack is proposed but the location has not been identified. The location and design of the bicycle parking spaces shall be reviewed and approved by the Planner prior to issuance of the building permit (Condition 15).

There are two adjacent properties that have accessed their residential garages across the church property for years. The church has stated that they have allowed this use but have not granted any easements or rights for the continued use. These properties have legal access from dedicated City rights-of-way; however, these rights-of-way do not provide easy access. The garage for 3432 Franklin Avenue faces the alley to the south of the proposed project. The parking area for 504 34th is in the rear of the property and is accessed from the alley to the south of the proposed project across the church property. The alley intersections at 34th and 35th Streets are at different elevations than the portion of the alley used by these adjacent properties. It may be possible to construct a driveway along the alley from 34th Street but an engineer would need to determine if the grade would meet code.



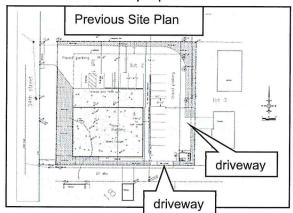


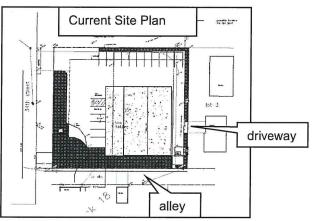
The third property at 3473 Duane has a garage accessed only from the church property; however, this property fronts on unimproved Duane Street and the ballfield cul-de-sac. Access from unimproved Duane Street is possible.





While accustomed access to their garages / parking areas may be disrupted, the property owners have no easements for this access. The church had tried to accommodate all three properties by providing access through the proposed parking lot and had designed driveway access points into the site plan. However, due to neighborhood opposition to the location of the building, the applicant worked with the City Engineer to possibly relocate the sewer easement allowing the building to be situated further to the east on the lot. With this revised site plan, access over the sewer easement to 3473 Duane is maintained but access to the alley right-of-way and the two properties to the south is not. Providing access to these properties is not a requirement and not under the authority of the APC to require. The discussion about these accesses is provided for information purposes as it is of concern for the residents.





The City finds that the proposed project has adequate site layout for transportation activities with the conditions noted, and that the disruption of access to the adjacent properties across the church private property is not a matter for the APC as it is a civil matter between the property owners.

3. Section 11.030(A)(3) requires that the use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.

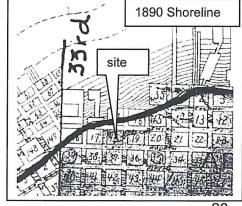
Finding: The site is currently used as an unimproved over-flow parking for the adjacent church. As with all new or increased development, there will be incremental impacts to police and fire protection, but it will not overburden these services. There will be exterior lighting to deter inappropriate use of the property. The Fire Chief Dan Crutchfield has reviewed the proposal and will require installation of a Knox Lock Box at an entry point on the building for fire department access prior to occupancy of the building and/or final building permit inspection. Location and specifics shall be approved by the Fire Chief (Condition 14). The Building Official and Fire Chief will review the building permit application to determine if any fire suppression system and/or fire extinguishers would be required.

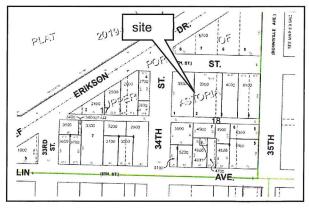
The City Engineer Nathan Crater met with the applicant to review water, sewer, storm drainage, and other utilities. He determined that there is ample water flow and that a fire hydrant is located on Lief Erikson Drive. All utilities are at or near the site and are capable of serving the use according to City Engineer Nathan Crater. He will continue to work with the applicant on the final design relative to the existing sewer easement.

The City finds that with the conditions as noted, the proposal will not overburden City facilities and/or services.

4. Section 11.030(A)(4) requires that "the topography, soils and other physical characteristics of the site are adequate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.

<u>Finding</u>: The site is not within 100' of a known geologic hazard as indicated on the City map. However, it is located in a "very high" area on the Landslide Susceptibility DOGAMI Open-File Report O-16-02. Citizen comments have been received expressing concern with potential landslide. Issues concerning a geologic report would be reviewed by the City Engineer at the time of the building permit submittal. Proposed new construction would be on a relatively flat site. This site was historically along the shoreline; however, it appears that it was on the landward side of the shoreline based on the 1890 shoreline map.





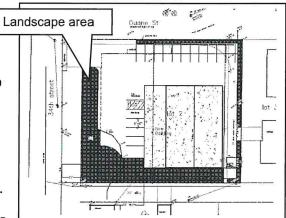
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The City finds that the physical characteristics of the site are adequate for the proposed construction.

5. Section 11.030(A)(5) requires that "the use contain an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses."

<u>Finding</u>: As noted above, landscaping of approximately 20% of the lot is proposed on all four sides of the site. Landscaping along the east and north property lines would be 5' deep and would consist of a mixture of trees, shrubs, and ground cover. The east and south sides should be designed to buffer the site from the adjacent residential properties in the form of hedge or denser vegetation (Condition 8). Landscaped areas are noted on the site plan and are proposed to be native vegetation, but a final landscape plan with species has not been submitted.

A landscape plan in accordance with Sections 3.105 to 3.120 shall be provided for review and approval of the Planner prior to the issuance of a building permit (Condition 6). The landscaping shall be installed prior to occupancy of the building and/or final building permit inspection (Condition 7).



### V. <u>CONCLUSIONS AND RECOMMENDATIONS</u>

Based on the Findings of Fact above and the application material submitted, the request meets all applicable review criteria with the following conditions:

- The applicant shall submit a Legal Lot Determination application for combination of the lots. The platted lots shall be combined on the deed and/or some other method of lot combination approved by the City prior to issuance of the building permit. A draft deed shall be provided to the Planner for review and approval prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection.
- 2. Seven off-street parking spaces shall be provided on the proposed parking area for the new facility.
- 3. At minimum, the seven required off-street parking spaces shall be paved.
- 4. An easement shall be required for the 15 spaces on the south lots (Map 9BD, Tax Lots 2900 & 3200) required to accommodate the spaces for the church

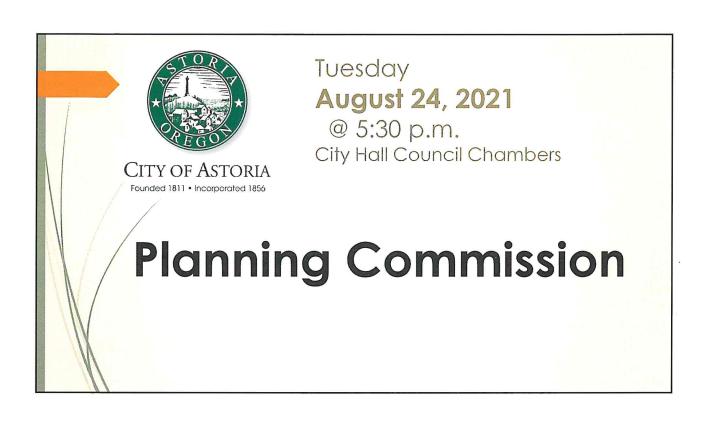
that are not provided on the church site, and for seven spaces on the proposed site. The draft easement(s) shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection.

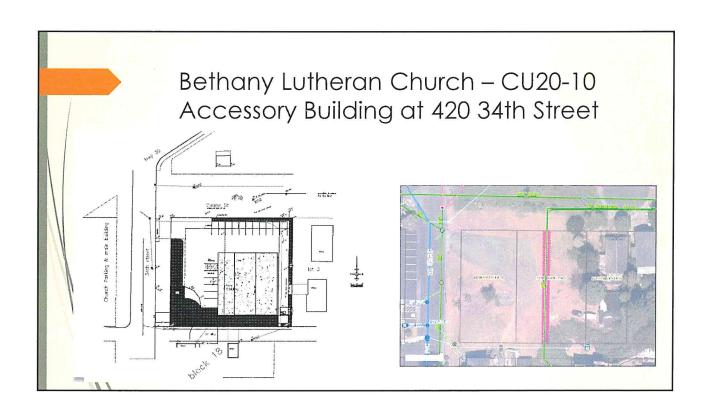
- 5. If the loading area is located on an adjacent lot (Map 9BD, Tax Lots 2900 & 3200), an easement shall be recorded. The draft easement shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection
- 6. A landscape plan in accordance with Sections 3.105 through 3.120 shall be submitted for review and approval of the Planner prior to the issuance of a building permit.
- 7. Landscaping shall be installed prior to occupancy of the building and/or final building permit inspection.
- 8. Landscaping along the east and south property lines shall be 5' deep and shall consist of a mixture of trees, shrubs, and ground cover. These two sides shall be designed to buffer the site from the adjacent residential properties in the form of hedge or denser vegetation.
- 9. Lighting plan shall be reviewed and approved by the Planner prior to issuance of a building permit.
- 10. The applicant shall have the final location and size of the enclosed solid waste disposal area shall be reviewed and approved by Recology and provide the Planner verification of that approval prior to issuance of the building permit.
- 11. The design of the enclosed solid waste disposal area shall be reviewed and approved by the Planner prior to issuance of the building permit.
- 12. Any major changes to the location of the enclosed solid waste disposal area shall be reviewed by the Planning Commission.
- 13. A sidewalk shall be installed on the east side of 34th Street along this property in accordance with City Engineering requirements.
- 14. A Knox Lock Box shall be installed at an entry point on the building for fire department access prior to occupancy of the building and/or final building permit inspection. Location and specifics shall be approved by the Fire Chief.
- 15. The location and design of the bicycle parking spaces shall be reviewed and approved by the Planner prior to issuance of the building permit.

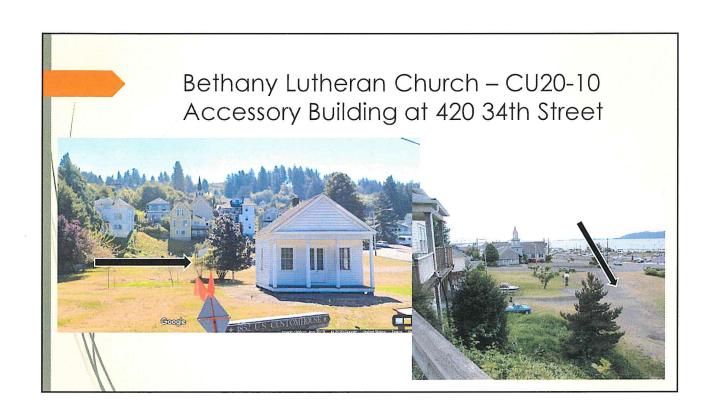
16. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission.

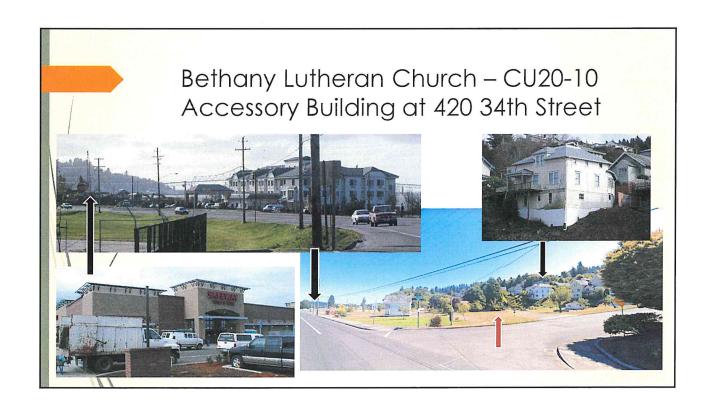
The applicant should be aware of the following requirements:

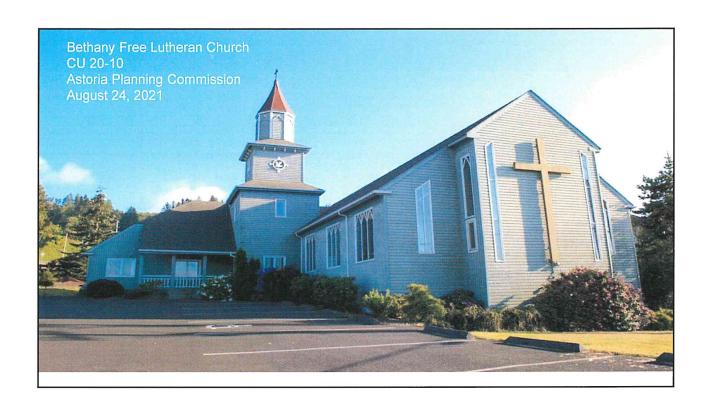
The applicant shall obtain all necessary City and building permits prior to the start of operation.





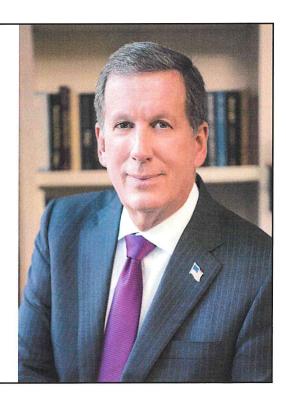






# Jim Zupancic, Esq., CRE

Legal Counsel for Bethany Free Lutheran Church and RDA Project Management, LLC



### **5 KEY POINTS TO REMEMBER**

- 1 Church in Neighborhood for 131 Years
- Church at Same Location for 32 Years
- Proposed Use Is Ancillary to Main Church Building, and is Compatible with and Suitable for the Neighborhood
- Proposed Use is Semi-Public and Multi-Purpose
- Primary Focus Will Be Youth-Centered Activities

## **OUTREACH & APPROVAL CRITERIA**

- Multiple Meetings with Tadei Family Members
- Compromises and Adjustments Made
- Approval Criteria Boiled Down to Single Issue
- Compatibility and Suitability

## **ERIC PAULSON**

Congregation Chair

- Current Use of Subject Property
- Negotiations and Compromises
- Sewer Easement Relocation
- Project History, Purposes and Intents
- Broad Congregation and Community Support
- Youth-Centered Focus

### RANDY STEMPER

General Contractor + Construction Manager

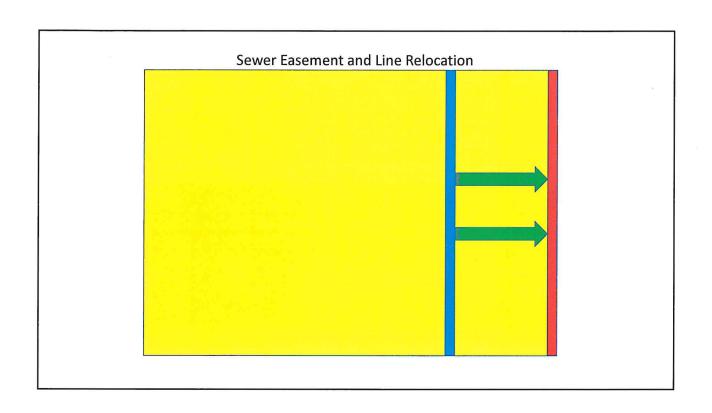
- Building Relocation and Reorientation
- Other Astoria Churches in Residential Zones
- Design, Scale and Use is Compatible with and Suitable for Neighborhood

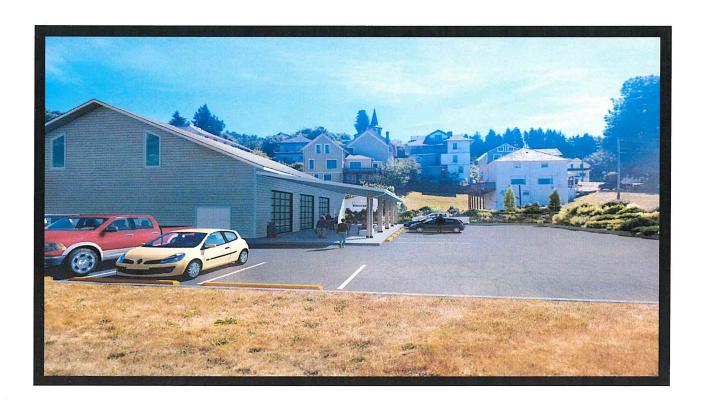
### **MICKEY CEREGHINO**

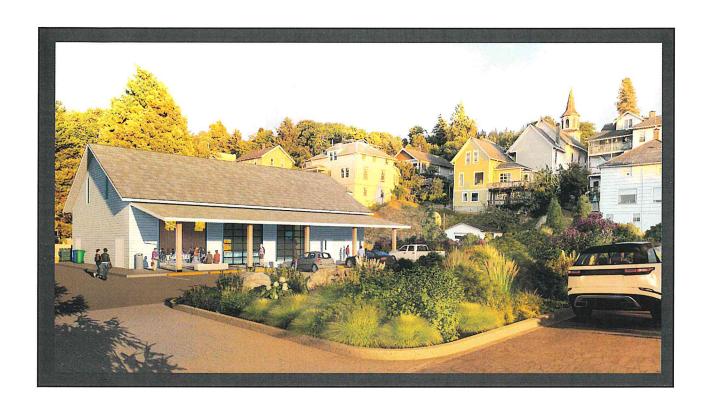
Astoria High School Teacher + Coach; Church Trustee

- Diverse and Broad Community Support
- Need for Activity Space for Community Youth
- How Project Will Support Young People



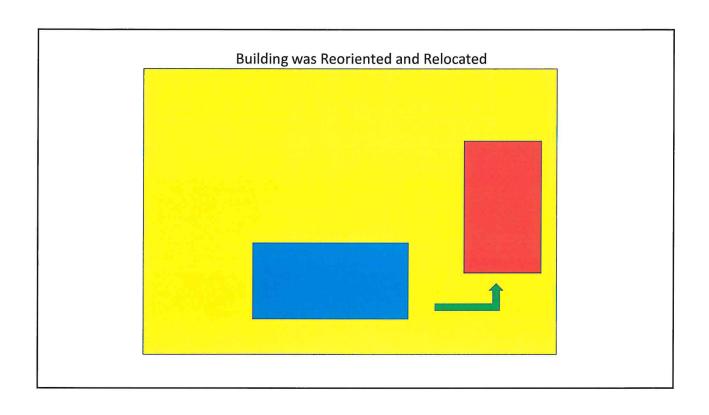


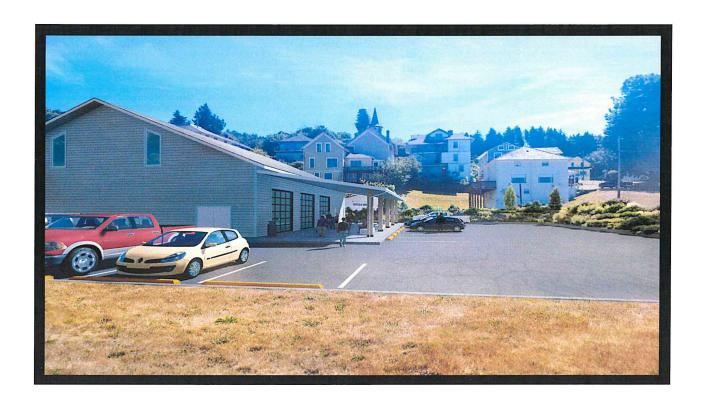




# **Additional Reasons to APPROVE**

- Church Annex is a Multi-Purpose Building
- Congregation Support is Broad
- History of Project is Long
- Community Support is Diverse
- Annex will have Youth-Centered Focus









## **Additional Reasons to APPROVE**

- Community Need is Demonstrated
- Community Support is Broad and Diverse
- Church Annex will Help Support Young People



# **CONCLUSIONS**

- Community Need is Demonstrated
- 2 Community Support is Broad
- Use is Clearly Semi-Public
- 4 Use Meets Conditional Use Criteria
- Use is Compatible and Suitable

### LAW OFFICES OF JAMES D. ZUPANCIC, PC

James D. Zupancic, Esq., CRE 16580 Fair Mile Road Sisters, OR 97759-9756 E. Jim@ZupGroup.com C. 503-277-9906



August 23, 2021

Astoria Planning Commission
Daryl Moore, President
Sean Fitzpatrick, Vice President
Brookley Henri, Commissioner
Chris Womack, Commissioner
Patrick Corcoran, Commissioner
Cindy Price, Commissioner
David Kroening, Commissioner

DELIVERED BY EMAIL

Re: CU20-10 Presentation at August 24, 2021 Hearing and Additional Evidence

Applicant: RDA Project Management, LLC Landowner: Bethany Free Lutheran Church Subject Property: 420 34th St., Astoria

Zoning: R-2, Medium Density Residential Zone

Current Use: Semi-Public Ancillary Uses Related to Church

#### Dear President Moore and Commissioners:

This letter supplements our August 16, 2021, letter that was previously entered into the record. This letter is sent the day prior to the hearing because (1) after communicating recently with the Tadei family, and providing renderings, we were hoping that opponents would withdraw opposition and (2) we wanted to thoroughly understand and address all issues raised by opponents. This letter addresses the criteria upon which the Commission is legally required to decide this Application and provides a rational and compelling basis upon which this Commission should APPROVE this Application. The Applicant respectfully requests that this letter be entered into the record of these proceedings.

### Recent Showing of Overwhelming Public Support

Since the Commission's last meeting, supportive letters and emails have been received by the City from at least 65 persons ranging from young students to teachers, plus parents, coaches, and business leaders, 100% of which are local residents. The opponents counter with 6 communications, only 3 of which are from local residents.

Perhaps most persuasive of the support communications are those from the youth and their parents, who passionately cite their reasons why this project is greatly needed by the youth of this

community. Like most other communities, Astoria's youth need more places to meet and participate in wholesome activities that develop strong character and solid citizens. Supporters share how this project will provide much needed facilities for an indoor basketball half-court, meeting space for community and church groups and gymnasium facilities for a wide array of activities and gatherings. The Church also plans to offer these facilities to nonprofit organizations and groups not affiliated with the Church, making this facility truly a valuable semi-public venue that will be used by many Astoria residents.

### Applicable Criteria Have Been Met

Staff has identified thirty-one (31) criteria that must be satisfied to support APPROVAL of this Application. Two competing versions of Staff Reports with Findings have been provided to the Commission, respectively beginning at Page 29 (the "Original Report") and Page 55 (the "Pseudo Report").

The Original Report recommends APPROVAL of the Application. The Commission asked Staff to prepare hypothetical Findings for consideration that contain opposite conclusions from the Original Report. Apparently, three (3) of the Findings in the Pseudo Report were revised to attempt to support a possible denial of the Application, even though Staff has never changed its bases for the professional recommendations for APPROVAL of this Application. The Findings in the Original Report supported APPROVAL and the Staff has not changed the factual bases or the criteria for those recommendations.

The problem with this exercise is that conclusions (e.g., recommendations) must flow from applying criteria to the facts. This is the process of logical fact-based analysis. In fact, state law requires a fact-based analysis for the City to make its land use determination (ORS 227.170 (2)).

Neither the facts nor the criteria presented by the Staff have changed between the Original and the Pseudo Report versions, and yet, the hypothetical conclusions of 3 Findings changed in the Pseudo Report. Why? Only because the Commission asked the Staff to devise an alternate set of hypothetical conclusions for consideration. But nowhere in the Staff's analysis do the facts or criteria change to support these changed hypothetical conclusions. Therefore, changed conclusions based on unchanged facts and criteria make no logical sense. The forced changed hypothetical conclusions requires a tortured analysis that the Staff has dutifully attempted to complete but doesn't pass even the most basic test of logical analysis. If 1 + 1 = 2, then 1 + 1 can never equal 3. In a quasi-judicial proceeding such as this, conclusions must be supported by facts and criteria to be logical and in accordance with state law. Respectfully, this Application should be APPROVED, since the facts and the criteria support only one defensible conclusion, APPROVAL.

The Applicant understands that 28 of the 31 Criteria are not at issue – that is, there is no conflict between the Findings in the Original Report and the Pseudo Report. The Applicant believes that, for the reasons stated by Staff in the Original Report, the Criteria have been met in all the 28 instances. The three Criteria that are "at issue" appear to be CP 220.6 (Incompatible Use), CP 460.1 (Natural Resources) and CP 11.030 (Suitability).

### CP 460.1 Natural Resources

There are no substantive differences in the Staff's description of the Natural Resources issue between the Original Report and the Substantive Report, because in both reports, the Staff concludes that there is no negative impact on Natural Resources.

Both the Original Report and the Pseudo Report state:

"The City finds that the lot is designated for development, development would not deplete native habitat in the area, and that the Kildeer is not a threatened species."

An additional fact that the Staff does not cite is the current undeveloped lot contains very few bushes, trees and other vegetation that support native wildlife. The proposed new increased vegetative landscape will <u>improve</u> the natural resource habitat on the Subject Property as compared to current conditions.

Applicant agrees with Staff that this Criteria is clearly met as demonstrated by the facts and analysis provided by Staff.

### CP 220.6 (Incompatibility) and CP 11.030 (Suitability)

CP 220.6 (Incompatibility) and CP 11.030 (Suitability) are essentially opposite sides of the same coin. The issue is whether the proposed use is compatible *with* and suitable *for* the neighborhood. In addition to the information provided in the Original Report, the following information supports APPROVAL of the Application and satisfaction of these Criteria.

### The Church Has Been an Established Use in This Neighborhood since 1890

The Church's presence and history within this neighborhood began in 1890. Over the past 131 years, the Church has served thousands of Astoria community members and families from this neighborhood.

In 1989, the Church completed its current building and parish in the same neighborhood. The subsequent acquisition of the Subject Property was always intended to be for the development of a multi-purpose annex to support the Church's purpose and community programs, especially for youth.

Of importance is that the Church has been a contributing member of this neighborhood for over 131 years. Staff acknowledges that this neighborhood is comprised of many land uses, including the semi-public use of a Church meetinghouse. Therefore, when describing this neighborhood, the Church should be appropriately included in that neighborhood description since its existence predated even many if not most of the residences in the neighborhood.

### The Applicant is Not Proposing a Changed Use

Of similar import in this decision, is the recognition and acknowledgment that the Applicant does not propose to change the existing use of the Subject Property. That current use is an ancillary use

Jehovah's Witness Astoria

to the existing Church meetinghouse and parish. The Subject property is used for semi-public events, outdoor recreation, other recreational activities and overflow parking.

While a new building is proposed for the Subject Property, that building is only in the furtherance of the existing use. It will allow the Church and invited members of the public to expand the use of the Subject Property through the winter and spring, but those uses will remain ancillary to the mission and purposes of the Church and its main building.

### Churches are Considered Transitional Uses in Residential Neighborhoods

The Commissioners understand that most church buildings and facilities are located near the people they serve. They are naturally located within or adjacent to neighborhoods. The reasons for these land use norms are many, including that proximity to homes means less traffic, more accessibility and convenience for the people who use the church facilities the most.

In land use parlance, churches and their annexes are often referred to as "transitional uses," because they often locate on land that is within the transition or buffer area between different land use zones. Such is the case in this instance. In this neighborhood, the commercial uses across the street and the residential uses that are upland may be incompatible if they abutted. However, the Church provides a buffer or transitional use. This transitional use and is not only suitable and compatible with the residential uses but provides that transition to commercial uses that may otherwise be incompatible.

### 16 Churches in Astoria Are Located in Residential Zones

In the Commission's examination of compatibility and suitability, the Applicant requests that the Commissioner's consider that 16 Astoria churches currently exist in residential zones. Those churches are:

1760 7th St., Astoria

Astoria Christian Church 1151 Harrison Ave., Astoria Astoria Church of Christ 692 12th St., Astoria Astoria First Assembly of God 1775 7th St., Astoria Astoria United Methodist Church 1076 Franklin Ave., Astoria Bethany Lutheran Church 451 34th St., Astoria First Baptist Church 349 7th St., Astoria First Lutheran Church 725 33rd St., Astoria First Presbyterian Church 1103 Grand Ave., Astoria Grace Episcopal Church 1545 Franklin Ave., Astoria Saint Mary Star of the Sea Parish 1465 Grand Ave., Astoria Bible Baptist Church 1195 Irving Ave., Astoria New Life Church 490 Olney Ave., Astoria First Congregational United Church of Christ 820 Alameda Ave., Astoria Church of the Nazarene 725 Niagara Ave., Astoria Oregon Conferences Adventist 765 Auburn, Ave., Astoria

Therefore, the Applicant requests that the Landowner be treated similarly with other churches in the community, whose land use must have been found to be both compatible and suitable with their residential neighborhoods to comply with the Comprehensive Plan.

## Federal Law (42 USC 2000cc) Protects the Landowner

### as a Religious Institution

The Federal Religious Land Use and Institutionalized Persons Act (42 USC 2000cc) ("RLUIPA") provides unique additional protections for churches, synagogues, mosques and temples, such as the Landowner, concerning land use proceedings and permits.

The first, called the Substantial Burden prong, provides that a government may not impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a religious assembly or institution.

The second, called the Equal Terms prong, provides that no local government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.

The third area of protection is the Non-Discrimination clause. This provides that a local government may not make a land use determination that discriminates against any assembly or institution on the basis of religion or religious denomination.

The final area of protection under RLUIPA is the Exclusions and Unreasonable Limitations clause. It provides that a local government may not impose or implement a land use regulation that: (a) totally excludes religious assemblies from a jurisdiction; or (b) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

The Applicant respectfully requests that the Landowner be treated in a manner that does not violate RLUIPA, and requests that the CUP Application be APPROVED.

### A Vote to Approve This Application is A Vote for Astoria's Youth

Rarely, if ever in my 42-year professional career, have I seen such an outpouring of support by so many young people relating to a land use application. One thing should be clear: this project will be a tremendous benefit to the youth of Astoria. In an age when young people need more support, not less, the Commission can send a positive message of support to Astoria youth by APPROVING this Application.

We should all be very proud of so many young people who made the effort to write to the Commission. This experience is a real-life lesson in civics. This lesson can teach these young people that their efforts matter, their opinions matter and this Commission listens to and carefully considers their positions as part of this land use process.

### No New HLC Review Is Required

The Historic Landmarks Commission has approved this project, and that decision was affirmed by the City Council. The nature, design, scope and character of this project has not changed since that approval. The only change relates to the location and orientation of the building on the Subject Site. Neither of these factors are relevant to the HLC's review. Therefore, it is not necessary for the HLC to re-review this project and the prior approval should apply to this Application, as amended.

### Conclusion

Based on this letter and our previous letter, the Original Report, all the support letters and emails, along with the testimony to be presented at the hearing, Applicant and Landowner respectfully request that the Application, as amended, be APPROVED.

Sincerely,

James D. Zupancic

James D. Zupancic, Esq., CRE

Cc: Staff (by email)

Carrie Richter, Esq., legal counsel for Tadei family (by email)



From: James Zupancic [mailto:jim@zupgroup.com]

Sent: Tuesday, August 17, 2021 9:38 AM

To: Megan Leatherman < mleatherman@astoria.or.us > Cc: Carrie Richter < crichter@batemanseidel.com > Subject: Renderings of Bethany Church Annex

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

Dear Megan and Carrie:

In my letter to the Commission yesterday, I alluded to renderings that would visually illustrate how the proposed Church Annex has been relocated and reoriented to substantially eliminate any view impact to the Tadei property.

In the spirit of openness and good-neighborly relations, below find a link to the renderings that illustrate the accommodation made by the Church to the Tadei family, even though there is no legal obligation to do so. This relocation and reorientation is made at substantial cost to the Church.

Mr. Tadei's home can be seen on these renderings, showing how the view from his home is substantially unobstructed.

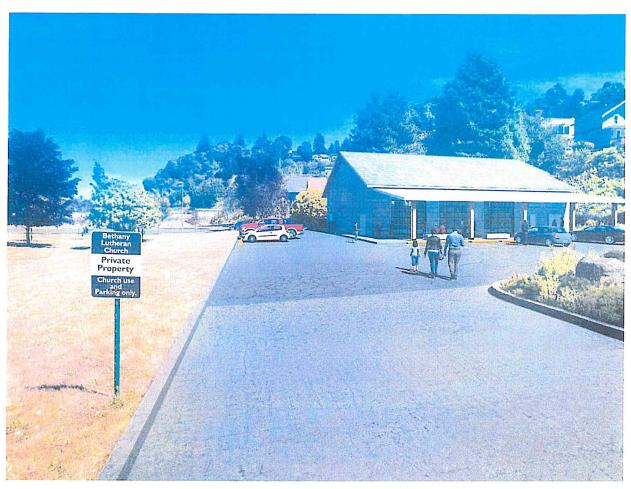
https://www.dropbox.com/sh/tinra4bkkmhq0xe/AAA9x2PzxRAY3oOms0m2uMsVa?dl=0

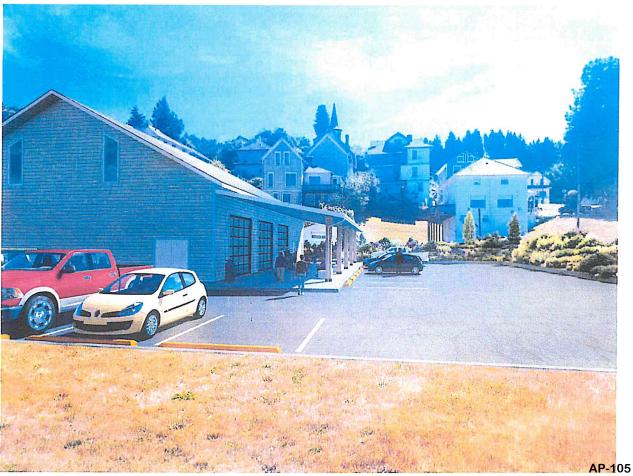
Megan, please provide these renderings to the Planning Commission and enter them into the official record.

Thank you and please let me know if you have any questions.

James D. Zupancic, Esq., CRE JAMES D. ZUPANCIC, PC 16580 Fair Mile Road Sisters, OR 97759 Phone: (503) 277-9906

<u>Jim@ZupGroup.com</u> <u>www.ZupancicADR.com</u>









## LAW OFFICES OF JAMES D. ZUPANCIC, PC

James D. Zupancic, Esq., CRE 16580 Fair Mile Road Sisters, OR 97759-9756 E. Jim@ZupGroup.com C. 503-277-9906



August 16, 2021

Astoria Planning Commission Daryl Moore, President Sean Fitzpatrick, Vice President Brookley Henri, Commissioner Chris Womack, Commissioner Patrick Corcoran, Commissioner Cindy Price, Commissioner David Kroening, Commissioner

DELIVERED BY EMAIL

Re: CU20-10 Presentation at August 24, 2021 Hearing and Additional Evidence

Applicant: RDA Project Management, LLC Landowner: Bethany Free Lutheran Church

Subject Property: 420 34th St., Astoria

Zoning: R-2, Medium Density Residential Zone

Current Use: Semi-Public Ancillary Uses Related to Church

### Dear President Moore and Commissioners:

This law firm represents Bethany Free Lutheran Church (the "Church") and the Applicant in connection with the above referenced CUP Application. Thank you for granting the Landowner and Applicant request to reopen the public hearing and allow additional evidence and legal argument to be entered into the record. At the August 24 hearing (the "Hearing"), the Landowner and Applicant will make a formal and complete presentation to the Commission that will address questions posed by the Commissioners in previous meetings, as well as provide a more comprehensive explanation concerning this youth-centered project.

### Status of Proceedings and Negotiations

These proceedings have been continued by unanimous consent of the Commissioners and the record remains open for additional evidence, legal argument and public comment. The Applicant has consented to an extension of the 120-day rule (ORS 227.178(1)) to allow for this continuance.

Representatives of the Church and the Applicant have met on several occasions with members of the Tadei family, whose father owns and occupies the home adjacent to and to the south of the Subject

Property. The Tadei family acknowledges that there is no view easement or other land use regulation that restricts the Church from developing the Subject Property as originally proposed. The Church originally proposed an annex building location that would partially impair some of the view to the north from the Tadei property. However, in the spirit of good neighborly relations, and at the Tadei family request, the Church agreed to relocate and reorient the proposed building along the easterly boundary of the Subject Property, substantially reducing if not eliminating any view impact to the Tadei property. This will be clearly and graphically demonstrated to the Commission at the Hearing.

This relocation and reorientation of the annex building comes at a substantial additional cost to the Church; estimated to be at least \$50,000 for the relocation of a conflicting sanitary sewer line. Nevertheless, the Church is willing to accommodate the Tadei family and make this concession to promote good neighborly relations. It is the Church's and Applicant's hope that because of the Church's concession to relocate and reorient the annex building, the Tadei family members will publicly withdraw opposition to this project.

This firm has requested copies of all opposition letters and emails submitted to the Commission in connection with this Application. Staff is currently gathering those communications and promised to provide copies to me ASAP. It is my understanding that an overwhelming number of **support emails** and letters have or will be sent to the Commission prior to the Hearing. This project has tremendous broad and diverse community support, and as will be demonstrated at the Hearing, should be approved by the Commission.

## All the Applicable Development Criteria Have Been Met

It will be clearly demonstrated at the Hearing that all applicable development criteria as contained in the Astoria Development Code will be met. Once copies of the opposition communications have been provided to me, I will supplement this letter to specifically address those development code criteria.

The proposed use of the Subject Property is not a changed use; it is the continuation of a current semi-public use ancillary to the Church's use of its main building. This Application is not requesting a changed use, only for permission to construct a building in support of the current semi-public uses.

Likewise, the proposed use is consistent with the current mixed-use in the neighborhood. The Church has existed in this neighborhood in its current location since 1989 and has served the greater Astoria community from this neighborhood for over 130 years. This youth-centered project will only enhance and support much needed services within the community.

### Conclusion

The Applicant and the Church respectfully submit that, as will be demonstrated at the Hearing, (1) the Church's modification to the annex building location to satisfy the Tadei family is a generous and neighborly concession and (2) all the applicable development code criteria for approval of the CUP have been met.

Astoria Planning Commission Page 3 of 3

Therefore, the Applicant and Church respectfully request that the Application, as modified, be approved by this Commission.

Sincerely,

James D. Zupancic

James D. Zupancic, Esq., CRE

Cc: Staff (by email)

Carrie Richter, Esq., legal counsel for Tadei family (by email)

# State Of Oregon

County Of Clatsop } ss.

Affidavit of PUBLICATION

I, Lauren McLean, being duly sworn, depose and say that I am the principal clerk of the manager of THE ASTORIAN, a newspaper of general circulation, as defined by section ORS 193.010 and 193.020 Oregon Compiled Laws, Annotated, printed and published tri-weekly at Astoria in the aforesaid county and state; the Legal Notice: AB8360 Notice of Public Hearing printed copy of which is hereto attached was published in the entire issue of said newspaper One successive and consecutive time(s) in the following issues: August 14th.

Signed and attested before me on the 20th day of August, 2021 by:

# Copy Of Advertisement

#### AB8360 CITY OF ASTORIA NOTICE OF PUBLIC HEARING

A previous public hearing on this issue was held at the May 4, 2021 Astoria Planning Commission meeting, continued to the June 22, 2021 meeting, and then closed at the July 27, 2021 meeting. The public hearing will be re-opened as follows:

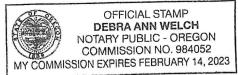
The City of Astoria Planning Commission will hold a public hearing on Tuesday, August 24, 2021 at 5:30 p.m. in the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request:

1. Conditional Use Request (CU20-10) by RDA Project Management LLC for Bethany Lutheran Church to construct a 5,030 square foot structure with 1,845 square foot covered porch at 420 34th Street (Map T8N R9W Section 9BD, Tax Lots 3800 & 3900; Lots 1, 2, and west 18.75' Lot 3, Block 18, Adair's Port of Upper Astoria), as an accessory multi-use building to the existing adjacent church facility at 451 34th Street in the R-2 Zone. Development Code Standards in Sections 2.060 to 2.095, Articles 6, 9, 11; Comprehensive Plan Sections CP.005 to CP.028, CP.047 to CP.048, CP.070 to CP.075, CP.240 to CP.255 are applicable to the request.

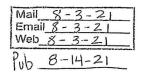
For information, contact the Community Development Dept by writing to: 1095 Duane St., Astoria OR 97103, by email: <a href="mailto:comdevadmin@astoria.or.us">comdevadmin@astoria.or.us</a> or by phone: (503) 338-5183. The location of the hearing is accessible to the handicapped. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting the Community Development Department 48 hours prior to the meeting at (503) 338-5183. The Astoria Planning Commission reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

THE CITY OF ASTORIA
Tiffany Taylor, Administrative Assistant
PUBLISHED: August 14, 2021

Debee allelon



Notary Public for the State of Oregon, Residing at Astoria, Oregon, Clatsop County.





# CITY OF ASTORIA

Founded 1811 • Incorporated 1856

1095 Duane Street · Astoria, OR 97103 · Phone 503-338-5183 · www.astoria.or.us · comdevadmin@astoria.or.us

### NOTICE OF PUBLIC HEARING

# YOU ARE RECEIVING THIS NOTICE BECAUSE THERE IS A PROPOSED LAND USE APPLICATION NEAR YOUR PROPERTY IN ASTORIA

You may participate in the public hearing in person, or remotely. Go to https://www.astoria.or.us/LIVE\_STREAM.aspx for connection options and instructions (included on Page 2 of this notice as well). You may also use a telephone to listen in and provide public testimony. At the start of the meeting, call (253) 215-8782 and when prompted enter meeting ID# 503 325 5821.

A previous public hearing on this issue was held at the May 4, 2021 Astoria Planning Commission meeting, continued to the June 22, 2021 meeting, and then closed at the July 27, 2021 meeting. The public hearing will be re-opened as follows:

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A copy of the application, all documents and evidence relied upon by the applicant, the staff report (published seven days prior to the hearing), and applicable criteria, are available for inspection at no cost and will be provided at reasonable cost. All such documents and information are available by contacting the Community Development Department by mail at 1095 Duane Street, Astoria, OR 97103, by email at <a href="mailto:comdevadmin@astoria.or.us">comdevadmin@astoria.or.us</a> or by phone at (503) 338-5183.

The location of the hearing is accessible to the handicapped. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting the Community Development Department at 503-338-5183 48 hours prior to the meeting.

All interested persons are invited to express their opinion for or against the request(s) at the hearing or by letter addressed to the Planning Commission, 1095 Duane St., Astoria OR 97103. Testimony and evidence must be directed toward the applicable criteria identified above or other criteria of the Comprehensive Plan or land use regulation which you believe apply to the decision. Failure to raise an issue with sufficient specificity to afford the Planning Commission and the parties an opportunity to respond to the issue precludes an appeal based on that issue.

The Planning Commission's ruling may be appealed to the City Council by the applicant, a party to the hearing, or by a party who responded in writing, by filing a Notice of Appeal within 15 days after the Planning Commission's decision is mailed. Appellants should contact the Community Development Department

concerning specific procedures for filing an appeal with the City. If an appeal is not filed with the City within the 15-day period, the decision of the Planning Commission shall be final.

The public hearing, as conducted by the Planning Commission, will include a review of the application and presentation of the staff report, opportunity for presentations by the applicant and those in favor of the request, those in opposition to the request, and deliberation and decision by the Planning Commission. The Planning Commission reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

The City Council's ruling may be appealed to the State Land Use Board of Appeals by the applicant, appellant, a party to the hearing, or by a party who responded in writing, by filing a Notice of Intent to Appeal within 21 days after the City Council's decision. Appellants should contact the Oregon Land Use Board of Appeals (LUBA) concerning specific procedures for filing an appeal with the LUBA. If an appeal is not filed with LUBA within the 21-day period, the decision of the City Council shall be final.

The public hearing, as conducted by the Astoria City Council, will include a review of the application and presentation of the staff report, opportunity for presentations by the applicant/appellant and those in favor of the request, those in opposition to the request, and deliberation and decision by the Astoria City Council. The Astoria City Council reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

THE CITY OF ASTORIA

Tiffany Taylor

Administrative Assistant

MAILED: August 3, 2021

Connection options and instructions to participate remotely in the public hearing.

# ONLINE MEETING ZOOM

At start of our Public Meetings you will be able to join our online ZOOM meeting using your **mobile or desktop device** and watch the live video presentation and provide public testimony.

Step #1: Use this link: https://www.astoria.or.us/zoom/

Step #2: Install the Zoom software on your mobile device, or join in a web browser

Step #3: If prompted, enter the Meeting ID number: 503 325 5821

Note: Your device will automatically be muted when you enter the online meeting. At the time of public testimony, when prompted you may choose to select the option within the ZOOM software to "raise your hand" and notify staff of your desire to testify. Your device will then be un-muted by the Host and you will be called upon, based on the name you entered within the screen when you logged in.

# TELECONFERENCE ZOOM

At start of our Public Meetings you will be able to dial-in using your telephone to listen and provide public testimony.

Step #1: Call this number: 253-215-8782

Step #2: When prompted, enter the Meeting ID number: 503 325 5821

Note: Your phone will automatically be muted when you enter the conference call. At the time of public testimony, when prompted, you may dial \*9 to "raise your hand" and notify staff of your desire to testify. Your phone will then be un-muted by the Host and you will be called upon based on your phone number used to dial-in.

# **Bethany Free Lutheran Church**

451 34th Street Astoria, OR 97103 503-325-2925

CITY OF ASTORIA



bethanyaflc@gmail.com Community Development www.bethanyfree.com

Mission: To know Christ, live Christ, share Christ

July 20, 2021

Astoria Planning Commission 1095 Duane Street Astoria, OR 97103

RDA/Bethany Lutheran Conditional Use Request (CCU20-10) RE:

Dear Astoria Planning Commission,

We would like to request the opportunity to present additional testimony and evidence at the upcoming Astoria Planning Commission meeting on July 27, 2021 regarding RDA/Bethany Lutheran's Conditional Use Request, CCU20-10. Based upon some of the comments raised at the last Planning Commission meeting held on June 22, 2021, especially in regard to the appearance of lack of support for the project versus the amount of opposition, additional testimony and evidence will be Since the decision by the Astoria Planning Commission was only a Tentative Denial, opening the record for additional testimony and evidence seems warranted.

This request is made under ORS 197.763(6) with great respect for the community service you all render.

Thank you for your consideration.

Yours truly,

Bethany Free Lutheran Church

by Ench Paulson, Charman



# CITY OF ASTORIA

as prepared for the APC 7/27/21 Weeting for Approval

Founded 1811 • Incorporated 1856 1095 Duane Street • Astoria OR 97103 • Phone 503-338-5183 • <u>www.astoria.or.us</u> • <u>planning@astoria.or.us</u>

### STAFF REPORT AND FINDINGS OF FACT - APPROVAL

REPORT RELEASE DATE: APRIL 27, 2021 REVISED RELEASE DATE: JULY 20, 2021

COMMISSION HEARING DATE: MAY 4, 2021 continued to JUNE 22, 2021 to JULY 27, 2021

TO:

ASTORIA PLANNING COMMISSION

FROM:

ROSEMARY JOHNSON, PLANNING CONSULTANT

SUBJECT:

CONDITIONAL USE REQUEST (CU20-10) BY RDA PROJECT MANAGEMENT

FOR BETHANY LUTHERAN CHURCH TO LOCATE A SEMI-PUBLIC USE IN

AN ACCESSORY BUILDING AT 420 34TH STREET FOR BETHANY

**LUTHERAN CHURCH AT 451 34TH STREET** 

### I. SUMMARY

A. Applicant:

Randy Stemper

randystemper@gmail.com

**RDA Project Management LLC** 

PO Box 1417 Astoria OR 97103

B. Owner:

Bethany Lutheran Church

451 34th Street Astoria OR 97103

C. Location:

420 34th Street; Map T8N R9W Section 9BD, Tax Lots 3800 &

3900; Lots 1, 2, and west 18.75' Lot 3, Block 18, Adair's Port of

Upper Astoria

D. Zone:

R-2, Medium Density Residential

E. Lot Size:

150' x 168' (25,312 square feet)

F. Proposal:

To operate a semi-public use in an accessory building for the

existing adjacent church facility.

G. Associated Application: The applicant has obtained a New Construction Permit

(NC20-08) approval as Appealed (AP21-02) to construct a building

adjacent to historic properties.

H. 120 Days: September 9, 2021. The application was deemed complete on

March 11, 2021.

### II. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 200 feet pursuant to Section 9.020 on April 9, 2021. Email and web publishing also occurred on April 9, 2021. A notice of public hearing was published in the *Astorian* on April 24, 2021. On-site notice pursuant to Section 9.020.D was posted April 20, 2021. Any comments received will be made available at the Astoria Planning Commission meeting.

## III. BACKGROUND

The subject property is currently a vacant site of 25,312 square feet. The structure would be an annex to the existing church which is located across the 34th Street right-of-way and would be classified as a semi-public use. It is located in an R-2 Zone (Medium Density Residential) and public/semi-public use is allowed as a conditional use. The applicant has obtained Historic Landmarks Commission approval for New Construction Permit (NC20-08) as Appealed (AP21-02). The HLC permit was appealed to the Land Use Board of Appeals (LUBA 2021-048) and is pending.



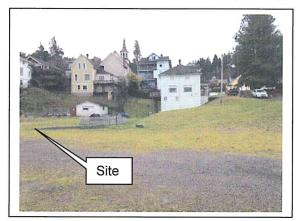
Staff has worked with the applicant for several months concerning design, location, and other details of the project. There may be conflicting items within the application; however, the APC should consider the details, materials, dimensions, etc. as noted in the staff report as the final proposal presented by the applicant. On May 20, 2021, the applicant submitted a revised site plan based on discussions with the City Engineer and the possible relocation of the City sewer easement. These revised Findings of Fact reflect the proposed new location. With this revision, the project will need additional review by the HLC.

There were several public comments received that address the loss of views, source of funding, and local citizenship of those involved in the project. These issues are not part of the criteria reviewed by the APC during the Conditional Use process. View is not a protected resource in most areas of the City. Other public comments raised are addressed in the Findings of Fact below.

### A. Site:

The site is on the east side of 34th Street bounded on the north by Duane Street; on the south by an alley and residential property across the alley right-of-way; on the east by residential property. The land is relatively flat with a gentle slope down toward the north. Access to the site would be from 34th Street.

There is an easement for a City utility line on the east portion of the lot requiring that the building be located as far to the west on the property as possible. However, the applicant is working with the City Engineer on possible relocation of the sewer allowing the building to be located on the eastern portion of the lot. The vacant site is currently used as overflow parking for the adjacent church.





# B. Neighborhood:

The neighborhood is developed with a mixture of single-family dwellings to the east and south; a church to the west across 34th Street; City-owned historic reconstruction of the US Customhouse to the north across Duane Street right-of-way; Safeway parking lot, gas station, and motel to the north across Lief Erikson Drive; to the northeast is a City/School District ballfield; and to the southeast is Astor Elementary school.



Duane Street and the alley are unimproved rights-of-way. The 34th Street right-of-way is not improved to its full width and on-street angled parking on the west side is used for the church parking. Currently, some houses access their sites across the church site. However, there are no legal easements, and the sites are accessible from City rights-of-way that are currently unimproved but could be used for access. Access across the church lot to other properties is not an issue for APC consideration but will be addressed for informational purposes only.

# IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

A. Section 1.400 defines "Semi-Public Use" as "A structure or use intended or used for a semi-public purpose by a church, lodge, club, or any other nonprofit organization, excluding lodges or clubs which have eating or drinking facilities."

Section 2.070.8, Conditional Uses Permitted, in the R-2 Zone lists "Public or Semi-Public Use" as an allowable conditional use.

<u>Finding</u>: The applicant proposes to operate a facility as an annex to the existing church facility located across the 34th Street right-of-way at 451 34th Street. The facility would include an indoor sports area for half-court basketball, small kitchen, and area to be used for church gatherings. Public and Semi-Public Uses are conditional uses in all zones except the C-3 (General Commercial) and C-4 (Central Commercial) Zones that allow them as outright uses. The City finds that the use is classified as a Semi-Public Use and requires a conditional use permit to locate at this site.

- B. Section 2.080, Yards, in the R-2 Zone states "Uses in the R-2 Zone which are part of a cluster development will comply with the yard requirements in Section 11.160. Other uses in the R-2 Zone will comply with the following requirements:
  - A. The minimum yard requirements in an R-2 Zone will be as follows:
    - The minimum front yard will be 20 feet.
    - 2. The minimum side yard will be five (5) feet, except on corner lots the side yard on the street side will be 15 feet.
    - 3. The minimum rear yard will be 15 feet, except on corner lots the rear yard will be five (5) feet."

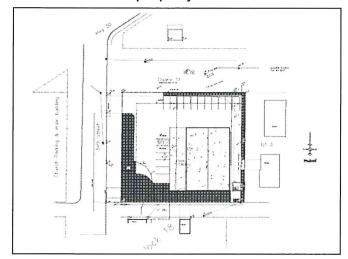
Section 1.400 defines "YARD: An open, unoccupied space of a lot which is unobstructed by any structure or portion of a structure extending more than 12 inches above ground level of the lot upward. . .

<u>FRONT</u>: A required open space extending the full width of a lot between any structure and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Code."

Section 1.400 defines "LOT LINE: The property line bounding a lot. <u>FRONT</u>: The property line separating the lot from the street, other than an alley. On corner lots, the front lot line shall be determined by the main entrance to the existing or proposed structure. The City shall determine the front lot line of a corner lot. . ."

<u>Finding</u>: The property is a corner lot accessed from a driveway on 34th Street and therefore, the front property line / front yard has been determined by the City to be adjacent to 34th Street. The proposed building would be set back approximately 60' from the front property line to the west; 15' from the alley

right-of-way to the south side; 45' from the Duane Street right-of-way to the north; and 20' from the rear property line to the east.



There is an existing City sewer easement (Book 121, Page 597, dated 5-4-1927) on the east half of the site which prohibits construction over the easement area. The easement is proposed to be relocated to the east along the east property line. The structure has been situated to avoid development at the easement site and provide a larger view corridor for the neighborhood on the west side of the building. The revised easement area is proposed to be used for a driveway and outdoor storage enclosure area. The City Engineer will continue to work with the applicant on the final design relative to the existing and/or proposed sewer easement and any need to move the building. The City finds that the proposed development meets the required yard setbacks.

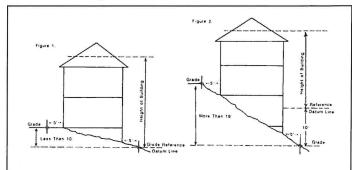
C. Section 2.085, Lot Coverage, in the R-2 Zone states "Buildings will not cover more than 40 percent of the lot area."

<u>Finding</u>: The site is 25,312 sqft. The proposed building including the solid waste disposal area is 7,017 sqft for a total lot coverage of 28%. The City finds that the proposed development meets the maximum lot coverage.

D. Section 2.090, Height of Structures, in the R-2 Zone states "No structure will exceed a height of 28 feet above grade."

Section 1.400, Definitions, defines Grade and Height as follows:

"GRADE: The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building."

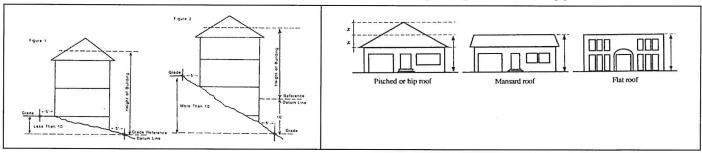


"HEIGHT, BUILDING: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof, to the deckline of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of that building. The reference datum shall be whichever of the following two measurements results in the greater building height (see Figure 1):

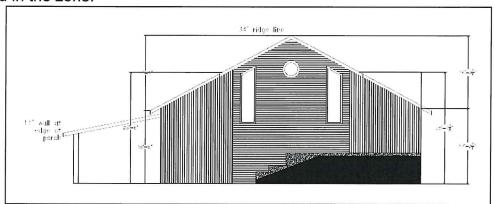
- a. The reference datum is the lowest grade when the highest ground surface within a five (5) foot horizontal distance of the exterior wall of the building is not more than ten (10) feet above that lowest grade. (Note: Also see definition of "Grade".)
- b. The reference datum is ten (10) feet higher than the lowest grade when the ground surface described in Item A above is ten (10) feet or more above that lowest grade. (Note: Also see definition of "Grade".)"

# **Measuring Height in Feet**

## **Measuring Height – Roof Types**



<u>Finding</u>: The site is relatively flat, so the height is determined from lowest grade. The building has a pitched roof and therefore the height is determined to the mid-point between the eave and ridge of the structure. The proposed building is 34' to the ridge, but the overall height as defined by the City is 25.5'. The City finds that the proposed building is within the maximum 28' height allowed in the zone.



E. Section 3.158.B, Legal Lot Determination, Combining of Lots, states "When a project will extend into adjacent lots, parcels, or tracts whether to meet lot size requirements, for the placement of structures or accessory uses, or to provide for requirements such as parking, the Community Development Director or

Planner shall require that the properties be combined either through a Property Line Adjustment or by recording a deed or memorandum containing a covenant preventing the separate sale, transfer, or encumbrance of either property except in compliance with building codes, City of Astoria Development Code, and other applicable land use regulations."

<u>Finding</u>: The subject property is currently two full platted lots plus a partial of a third lot and is in two County tax lots. The applicant shall submit a Legal Lot Determination application for combination of the lots. The platted lots shall be combined on the deed and/or some other method of lot combination approved by the City prior to issuance of the building permit. A draft deed shall be provided to the Planner for review and approval prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection (Condition 1). As noted elsewhere in this document, other uses such as parking, loading, etc. that are located on other lots than the subject property would require easements as they are located across rights-of-way and could not be combined with these lots. The City finds that the lots are required to be combined.

F. Section 2.095.1, Other Applicable Use Standards, in the R-2 Zone states "All uses will comply with applicable access, parking, and loading standards in Article 7."

Section 7.100, Minimum Parking Space Requirements, requires the following:

	At the state of th	
Public Assembly	1 space per 100 sq. ft. of public assembly area where no seats provided; or 1 space per five seats where provided	
Religious Institutions and Houses of Worship	1 space per 100 sq. ft. of main assembly gross floor area; additional parking is not required for associated use areas if not used at same time as main assembly area	
Aquatic center, sports club, gym, rink, recreation center, health club, bowling alley, and other similar indoor entertainment	1 space per 400 sq. ft. gross floor area	

<u>Finding</u>: The proposed use is a public assembly area as an annex to a religious institution (Bethany Lutheran Church) and will be used for church gatherings and as an indoor sports area. The building would be 5,030 sqft plus a covered outdoor seating area of 1,845 sqft. Public Assembly would require 50 spaces at 1 space per 100 sqft for the entire building, and recreation area would require 13 spaces at 1 space per 400 sqft for the 5,030 sqft area. However, for the most part, the facility would not be used at the same time as the church facility. Therefore, no additional parking is required for "associated use areas if not used at same time as main assembly area". However, the facility may be used for non-church activities at times, and therefore some off-street parking is

- required. The City finds that 13 off-street parking spaces for the proposed use based on the indoor sports area use is required.
- G. Section 7.020, Reduction of Parking Area Prohibited; Exception, states "Off-street parking and loading areas which existed on the effective date of this ordinance or which are provided as required by this Section shall be maintained, or equivalent parking and loading areas provided; except that if this ordinance reduces the number of required off-street parking or loading spaces, an affected use may diminish its parking and loading area to the new requirements."

Finding: The lot is currently used for the Church overflow parking area. The church is approximately 4,900 gross sqft on the ground floor. The main assembly area is approximately 3,000 sqft which would require 30 spaces at 1 space per 100 sqft. The church site currently has 8 on-site spaces, 8 spaces partially within the 34th Street right-of-way, 8 spaces partially within the alley right-of-way, and at least 15 spaces on the lots to the south (Map 9BD, Tax Lots 2900 & 3200) for a total of 39+ spaces. Of those, only 23 spaces are on-site which is seven less than the required 30 spaces. The spaces within the rightof-way are non-conforming but are existing. Since the subject lot is used for church parking and 16 of the existing parking spaces are partially within the right-of-way, additional spaces are required on the adjacent parcel owned and used by the church. Therefore, seven spaces for the church shall be provided on the proposed parking area for the new facility (Condition 2). As discussed at the 11-18-20 pre-application meeting with the City Engineer, at minimum, the required parking spaces shall be paved (Condition 3). As noted above, the proposed facility is not required to provide additional parking for the church use of the building, but 13 spaces are required for possible non-church use of the property. Therefore, the City finds that, as conditioned, the existing church offstreet parking will not be reduced by the proposed development, and that in fact, it would be improved parking that is currently an open unimproved lot.

Since a portion of the church parking is on separate lots, an easement shall be required for the 15 spaces on the south lots (Map 9BD, Tax Lots 2900 & 3200) required to accommodate the spaces for the church that are not provided on the church site, and for seven spaces on the proposed site. The draft easement(s) shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection (Condition 4).

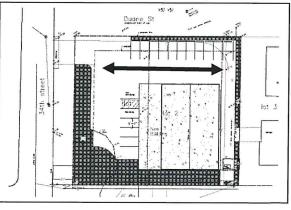
- H. Section 7.070.A, Joint Use of Parking Areas, states "The Community Development Director may authorize the joint use of parking areas by the following uses or activities as a Conditional Use in every zone under the following conditions:
  - Up to 50% of the off-street parking spaces required by this ordinance for a church, auditorium in a school, theater, bowling alley, night club, eating

- or drinking establishment may be satisfied by the off-street parking spaces provided by uses occupied only during the daytime on weekdays.
- Up to 50% of the off-street parking spaces required by this ordinance for any daytime use may be satisfied by the parking spaces provided for nighttime or Sunday uses.
- 3. All jointly used spaces shall be located with relation to all uses relying on such spaces within the applicable distance set forth in Section 7.030.
- 4. The Planning Commission must find that there is no substantial conflict in the principal operating hours of the buildings or uses for which joint use of off-street parking facilities is proposed.
- 5. A properly drawn legal instrument executed by the parties concerned with joint use of off-street parking facilities, approved as to form and manner of execution by Legal Counsel, shall be filed with the Community Development Director. Joint use parking privileges shall continue in effect only so long as such an instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, then parking shall be provided as otherwise required in this ordinance within 60 days."

<u>Finding</u>: The proposed 17 parking spaces for the new facility would be used jointly by the adjacent church facility. As noted above, and easement for a minimum of seven spaces shall be recorded (Condition 4).

I. Section 7.160.C, Minimum Loading Space Requirements, Commercial, Non-office, Public and Semi-Public, requires one loading space 12' wide x 55' long x 14' high, for structures between 5,000 sqft and 59,999 sqft.

Finding: The use is a 5,030 sqft Semi-Public building with additional 1,845 sqft covered porch; therefore, it requires one loading space. A loading space has not been identified on the site plan; however, there is ample room on the north side of the property for a 12' x 55' space as noted on the site plan. In addition, the church owns two lots (Map 9BD, Tax Lots 2900 & 3200) to the south of the church facility that is large enough to accommodate a shared loading area for the church and annex building.



If the loading area is located on an adjacent lot (Map 9BD, Tax Lots 2900 & 3200), an easement shall be recorded. The draft easement shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection (Condition 5). The City finds that the request meets the loading space requirement as conditioned.

J. Section 7.105.A, Bicycle Parking, Standards, states "Bicycle parking spaces shall be provided for new development, change of use, and major renovation, at a minimum, based on the standards in Table 7.105. Major renovation is defined as construction valued at 25% or more of the assessed value of the existing structure.

Where an application is subject to Conditional Use Permit approval or the applicant has requested a reduction to an automotive parking standard, pursuant to Section 7.062, the Community Development Director or Planning Commission, as applicable, may require bicycle parking spaces in addition to those in Table 7.105.

Table 7.105: Minimum Required Bicycle Parking Spaces"

		9 - 1
Institutional Uses and	1 bike space per 20	100% short term
Places of Worship	vehicle spaces	

Section 7.105.B.7, Bicycle Parking, Design and Location, Long-term bicycle parking, states "Long-term bicycle parking shall consist of a lockable enclosure, a secure room in a building on-site, monitored parking, or another form of sheltered and secure parking."

<u>Finding</u>: As an Institutional Use, the facility would be required to provide one space per 20 vehicle spaces. With 17 vehicle spaces provided, one short-term bicycle space would be required. The applicant proposes four short-term bicycle spaces. The location has not been indicated and will be required to be located with easy access to the building. The location of the bicycle parking spaces shall be reviewed and approved by the Planner prior to issuance of the building permit (Condition 15). The City finds that the proposed bicycle parking meets the minimum required spaces.

K. Section 2.095.4, Other Applicable Use Standards, in the R-2 Zone states "All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer."

Section 2.095.5, Other Applicable Use Standards, in the R-2 Zone states "Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans."

<u>Finding</u>: The site is not within 100' of a known landslide hazard. However, it is located in a "very high" area on the Landslide Susceptibility DOGAMI Open-File Report O-16-02. Citizen comments have been received expressing concern with potential landslide. Issues concerning a geologic report, storm drainage,

and engineering of the site would be reviewed by the City Engineer at the time of the building permit submittal.

L. Section 2.095.6, Other Applicable Use Standards, in the R-2 Zone states "All uses except those associated with single-family and two-family dwellings shall meet the landscaping requirements in Sections 3.105 through 3.120."

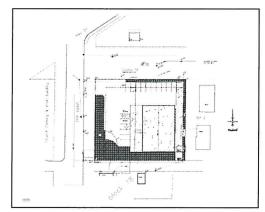
Section 7.110.G, Landscaping, states

- Landscaping shall be provided as required in Section 7.170 and Section 3.105 through 3.120.
- Required landscaped yards shall not be used for parking."

Section 7.170.A, Landscaping of Outdoor Storage or Parking Areas, states "A minimum of 5% of the gross parking lot area shall be designed and maintained as landscaped area, subject to the standards in Sections 3.105 through 3.120. This requirement shall apply to all parking lots with an area of 600 square feet or greater. Approved sight obscuring fences or vegetative buffers shall be constructed where commercial parking lots abut Residential Zones. The minimum 5% landscaping shall be counted as part of the total landscaping required for the property."

Section 3.115, Review of Landscaping Plans, states "The landscaping plan shall be reviewed by the Community Development Director to determine if it meets the quantitative requirements of the Code. Landscaping in conjunction with Uses Permitted Outright may be approved by the Community Development Director. Landscaping in conjunction with Conditional Uses shall be reviewed by the Planning Commission as part of the review under Section 11.010. In such cases, the Planning Commission may review schematic plans and the final plans may be reviewed by the Community Development Director. No Certificate of Occupancy or other final approval shall be issued by the building official or the City until the landscaping is installed as specified by the Planning Commission or Community Development Director. Minor changes in the landscape plan may be allowed by the Community Development Director, so long as they do not alter the overall character of the development."

Finding: The use is not a single-family or two-family dwelling and therefore the yard areas shall be landscaped and not used for parking. The site is 25,312 sqft and the parking area is approximately 11,000 sqft of the main lot. The site is required to have 5% (550 sqft) of the parking area landscaped. The applicant proposes approximately 5,000 sqft (20%) of the entire site to be landscaped with landscaping on all four sides of the lot. Setback yard areas would be landscaped.



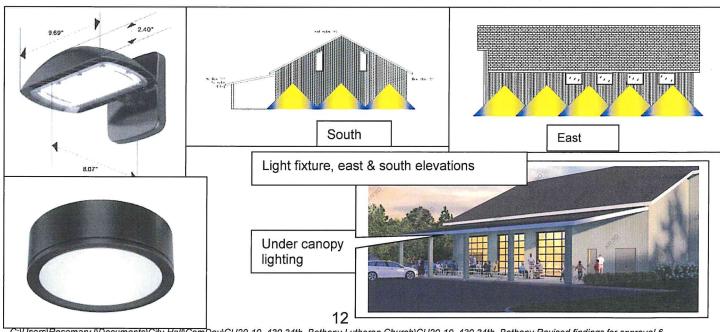
Landscaped areas are noted on the site plan and are proposed to be native vegetation, but a final landscape plan with species has not been submitted. A landscape plan in accordance with Sections 3.105 through 3.120 shall be provided for review and approval of the Planner prior to the issuance of a building permit (Condition 6). The landscaping shall be installed prior to occupancy of the building and/or final building permit inspection (Condition 7). The City finds that the request meets the landscaping requirements as conditioned.

M. Section 2.095.8, Other Applicable Use Standards, in the R-2 Zone states "All uses shall comply with applicable lighting standards in Section 3.128."

Section 7.110.F, Lighting, states "Parking or loading areas that will be used at nighttime shall be lighted. All areas shall comply with applicable lighting standards in Section 3.128."

Section 3.128, Lighting Standards, states "Outdoor lighting shall be designed and placed so as not to cast glare into adjacent properties or rights-of-way. Light fixtures shall be designed to direct light downward and minimize the amount of light directed upward. The Community Development Director may require the shielding or removal of such lighting where it is determined that existing lighting is adversely affecting adjacent properties or contributing to light directed into the night sky."

<u>Finding</u>: Lighting is proposed on the building on the south and east elevations. Additional lights will be under the covered area on the north elevation. Lights would all be downcast with the bulbs up within the fixture and will be shielded to avoid glare beyond the property line into other properties. A final lighting plan shall be reviewed and approved by the Planner prior to issuance of a building permit (Condition 9). The City finds that sufficient lighting in compliance with the Code is proposed.



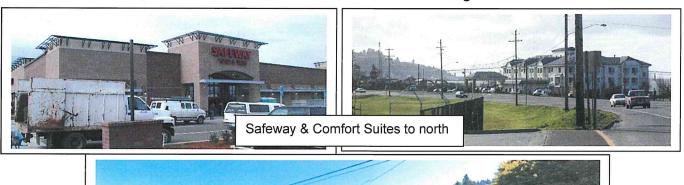
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**AP-125** 

N. Section 11.140, Public or Semi-Public Use, states "Traffic will not congest nearby streets, and structures will be designed or landscaped so as to blend into the surrounding environment and be compatible with the adjacent neighborhood. The activities or hours of operation will be controlled to avoid noise or glare impacts on adjacent uses."

<u>Finding</u>: The proposal is for an annex building for the existing church facility. Patrons of the site would be for the most part the same patrons that attend the church facility. While the facility may be available to non-church members, the majority of the use will be by the church. Increased traffic is not anticipated by use of the accessory building other than the occasional use by non-church members.

The design of the building has been reviewed and approved by the Historic Landmarks Commission as a New Construction (NC20-08) on February 9, 2021. That approval was Appealed (AP21-02) and the City Council upheld the HLC approval at its April 5, 2021 meeting. That decision has been appealed to the Land Use Board of Appeals (LUBA 2021-048) and is pending. In making its decision on "compatibility" with the adjacent historic structures, the HLC considered and weighed the historic criteria with the building's location on the edge of a developed commercial area. The site is close to Lief Erikson Drive with the Safeway retail store and gas station, Comfort Suites motel, the City/School District ball field, and Astor Elementary School on Franklin Avenue. During the appeal hearing, the City Council noted that while the historic buildings are visible from Lief Erikson Drive, that the main historic streetscape is the Franklin Avenue area where the historic buildings front.



As noted above, native landscaping is proposed on all four sides of the property at approximately 20% of the lot area. Landscaping along the east and south property lines shall be 5' deep and would consist of a mixture of trees, shrubs, and ground cover. These two sides shall be designed to buffer the site from the

adjacent residential properties in the form of hedge or denser vegetation

View of site to SE from Lief Erikson & 34th

(Condition 8). A landscape plan in accordance with Sections 3.105 to 3.120 shall be provided for review and approval of the Planner prior to the issuance of a building permit (Condition 6). The landscaping shall be installed prior to occupancy of the building and/or final building permit inspection (Condition 7).

Hours of operation are not proposed, but the site would be used as an indoor sports area and eating/drinking / gathering area for the church as a semi-public use. It is not proposed as a public restaurant or sports center. City Code Section 5.025, Unnecessary Noise, states "No person may make, assist making, continue or cause to be made any loud, disturbing or unnecessary noise that annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of others." No restrictions on hours of operation are proposed at this time, but the City Code concerning nuisances could be applied in the future if noise should become a problem.

The City finds that with the noted conditions, the request meets this criteria.

- O. Section 11.020(B.1) states that "the Planning Commission shall base their decision on whether the use complies with the applicable policies of the Comprehensive Plan."
  - CP.075.1, Uppertown Area Policies, states "Refer to policies regarding housing, historic preservation, parks and recreation, transportation, shorelands and estuary, and geologic hazards."
    - <u>Finding</u>: The proposal has been reviewed and approved by the HLC concerning historic preservation issues. The site is not a public park, shoreland, or estuary. The site is not within 100' of a known geologic hazard. However, it is located in a "very high" area on the Landslide Susceptibility DOGAMI Open-File Report O-16-02. Citizen comments have been received expressing concern with potential landslide. Issues concerning a geologic report would be reviewed by the City Engineer at the time of the building permit submittal. The project is not for housing. Transportation issues are addressed below.
  - 2. CP.075.2, Uppertown Area Policies, states "The predominantly residential character of the area upland of Marine Drive/Lief Erikson Drive will be preserved."

<u>Finding</u>: The area along Lief Erikson Drive from Bethany Lutheran Church at 34th Street to 37th Street has no residential property fronting on Lief Erikson Drive. Residential properties are at least one block to the south, with the majority of it fronting on Franklin Avenue and two residences located off the unimproved Duane Street and cul-de-sac. The north side of Lief Erikson Drive in this area is developed with Safeway, Safeway gas station, Comfort Suites motel, East End Mooring Basin parking, OSU-owned commercial facility. The south, upland side is

developed with Bethany Lutheran Church, US Customs House historic reconstruction, City/School District ball field, tennis court, Geno's Drive-In, and Astoria Coffee Roasters and single-family residences.



The proposed development is on the boundary of the residential and commercially developed properties. The aerial above shows an orange line separating the residential and commercial uses. The City finds that the overall development along Lief Erikson Drive in this area is varied, and the use of this property for a semi-public use associated with the adjacent church facility is consistent with the overall varied development along this portion of Lief Erikson Drive as it is not predominately residential in this area.

3. CP.357, Transportation Goal 3 and Policies 3, Goal, Economic Vitality, states "Support the development and revitalization efforts of the City, Region, and State economies and create a climate that encourages growth of existing and new businesses."

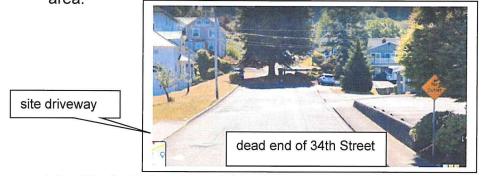
CP.357.7, Transportation Goal 3 and Policies 3, Policies, states "Ensure that all new development contributes a fair share toward on-site and off-site transportation system improvements."

<u>Finding</u>: The church is an existing semi-public use (business). The proposed annex building will allow expansion of church functions which supports the economy of the area. The proposal is for 17 off-street parking spaces that will be shared with the main church facility. The driveway entry to the site will be improved to City standards. The City finds that the additional on-site parking contributes to the transportation facilities and that the improved driveway apron will enhance the 34th Street right-of-way.

4. CP.358, Transportation Goal 4 and Policies 4, Goal, Livability, states "Customize transportation solutions to suit the local context while providing a system that supports active transportation, promotes public health, facilitates access to daily needs and services, and enhances the livability of the Astoria neighborhoods and business community."

CP.358.1, Transportation Goal 4 and Policies 4, Policies, states "Protect residential neighborhoods from excessive through traffic and travel speeds."

<u>Finding</u>: The site is currently used for overflow parking for the existing church. That use will continue. The new facility would be used mostly by the church and not at the same time as the church functions, and therefore would not be increasing volume of traffic to the site. The number of days and/or hours of traffic to the site would increase with use of the additional building. However, 34th Street is not a through street and therefore, vehicles would not be traveling at excessive speeds in this area.



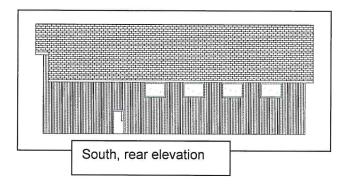
The City finds that the neighborhood would be protected from excessive through traffic and travel speeds.

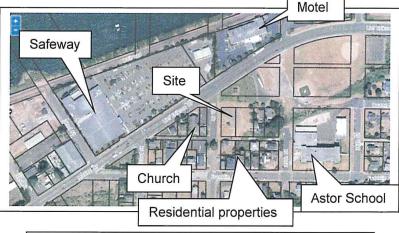
5. Comprehensive Plan Section CP.220(6) concerning Housing Policies states that "Neighborhoods should be protected from unnecessary intrusions of incompatible uses, including large scale commercial, industrial and public uses or activities."

<u>Finding</u>: This neighborhood is a mixture of single-family residential, large scale commercial, semi-public church, motel, and public ball fields. The proposed facility is an expansion of an existing semi-public church facility and not a separate new use. The annex would be used mostly by the church and therefore the majority of customers to the site would be the same as the church patrons. Non-church use is possible with the proposed indoor sports area and communal meeting space. However, that use would be secondary to the primary use by the adjacent church. The use is compatible with the adjacent church.

The site is on the boundary of a commercial area. Building sizes in this area vary. Within a block of the site is Safeway grocery (56,480 sqft),

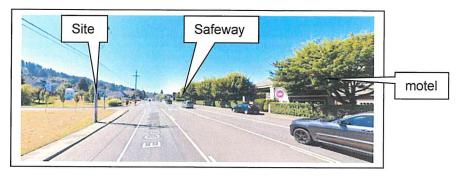
Safeway gas station (3,870 sqft), Comfort Suites motel (13,800 sqft), and Astor School (25,500 sqft). From the south/rear elevation facing the residential development, the building would be 1.5 stories tall and 86' wide. The adjacent associated church is 80' wide on its south elevation, is approximately 5,100 square feet, and two-story tall with added steeple. The dwelling at 529 35th Street visually dominates the hillside to the south as its lower area is enclosed giving the appearance of a four-story structure on the north elevation. The footprint is approximately 2,000 sqft with approximately 6,000 sqft for the three floors. The US Customhouse reconstruction is 450 square feet and one story tall. While the structure is larger than some of the adjacent residential properties & the US Customhouse, it is much smaller than the commercial facilities in this area. The proposed 5,030 sqft structure with 1,845 sqft covered porch (6,875 sqft) is not a "large scale" structure such as the 56,480 sqft Safeway and 13,800 sqft Comfort Suites buildings. The City finds that the proposed development is not a large-scale public use/activity and does not intrude into the Uppertown residential neighborhood which is generally south of the subject site.











The lot has been vacant for many years but is a buildable site. With limited available land for development, it is reasonable to except that the site would be developed at some time. It is also reasonable to expect the church annex building to be located adjacent to the church and not elsewhere. The structure would be a change to the neighborhood, but any development would be a change. For the most part, views are not protected by City codes. Some view protection has been adopted in the Riverfront Overlay Zones, but that is not applicable to this site.

The City finds that due to the mixed-use development of this area, its association with the adjacent church, and the variety of building sizes in the area, that the proposed use and structure would not be an unnecessary intrusion into the neighborhood.

6. Comprehensive Plan Section CP.460.1, Natural Resources, Policies, states "The Plan land and water use designations will protect those areas that have high natural value, and direct intensive development into those areas that can best support it."

<u>Finding</u>: There were some public comments received concerning the Kildeer bird population that are reported to nest on this property. The concerns included a statement that the species is "protected". The Kildeer is in the Plover family. The Pacific coast population of "Western Snowy Plover" was listed as a threatened species on March 5, 1993, in the Federal Register 58 FR 12864. Oregon Department of Fish and Wildlife also list the Western Snowy Plover as "threatened" with the notation that it is a "Pacific Coast Distinct Population Species". However, this is a different subspecies than the Kildeer which is not a protected or listed bird.

The City has designated natural areas for protection of wildlife including areas along the shoreline, aquatic areas, urban forest, and City parks. The subject property is zoned R-2 (Medium Density Residential) which is for development. The lot is partially gravel and has been used for parking for the church and as a vehicle access for adjacent properties. The adjacent City park for the US Customhouse has an open field area which is the natural habitat of the Kildeer. Development of the proposed accessory building would include landscaped area which can support

bird habitat. The City finds that the lot is designated for development, development would not deplete native habitat in the area, and that the Kildeer is not a threatened species.

<u>Finding</u>: The request is in compliance with the Comprehensive Plan.

- P. Section 11.030(A) requires that "before a conditional use is approved, findings will be made that the use will comply with the following standards:"
  - 1. Section 11.030(A)(1) requires that "the use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use."

<u>Finding</u>: The proposed use is an accessory use to the existing adjacent church facility. The site is across the 34th Street right-of-way from the primary use and majority of users. It is common for a church to have indoor sports areas and meeting space for church gatherings and the existing church structure does not provide the needed space. A semipublic use is a conditional use in all allowable zones except where it is allowed as an outright use in the C-3 (General Commercial) and C-4 (Central Commercial) Zones. Therefore, the conditional use is necessary to have an annex facility adjacent to the existing church. A location in a C-3 and or C-4 Zone would not be desirable as the church patrons would be using the two facilities as one campus without the need to drive to other locations. Other locations were not considered by the church due to the fact that they own this adjacent vacant lot. While there are many other gyms available to the public throughout the City that could be utilized by church members, an annex building for the church may be feasible and would be used for more than a gym by the church members. Therefore, the City finds that the use is appropriate at this location.

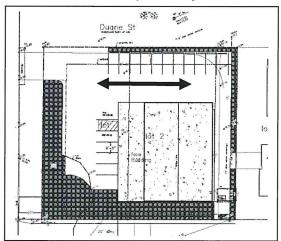
2. Section 11.030(A)(2) requires that "an adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements."

Finding: The site is accessed from 34th Street one block off Lief Erikson Drive. The site is currently used as overflow parking for the existing church and has a substandard driveway that would be reconstructed to City standard.



Future development is not anticipated in this area in the near future, and the proposed use would not overburden the existing street system for access.

On-site parking is proposed that would be jointly used by the church as noted above. A loading area has not been specifically identified; however, there is sufficient area on the north side of the lot for a loading area. In addition, the church owns two lots to the south of the church facility that is large enough to accommodate a shared loading area for the church and annex building. If this lot is used for the loading area, an easement shall be recorded. The draft easement shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection (Condition 5). The preliminary parking design layout has been reviewed by the Planner and meets the required space dimensions and aisle widths of Article 7, Parking and Loading. Final review and approval will be completed by the Planner at the time of the building permit submittal.





An enclosed solid waste disposal area is proposed for the southeast corner of the lot. The applicant shall have the final location and size of the enclosed solid waste disposal area shall be reviewed and approved by Recology and provide the Planner verification of that approval prior to issuance of the building permit (Condition 10). The final design shall be reviewed and approved by the Planner prior to issuance of the building permit (Condition 11). Any major changes to the location of the disposal area would be reviewed by the Planning Commission (Condition 12).

A walkway is proposed on the east side of the building along the rear of the building. There are no sidewalks along this portion of 34th Street. At the pre-application meeting on 11-18-20 with the applicant, the City Engineer advised that a sidewalk would be required on 34th Street. A sidewalk shall be installed on the east side of 34th Street along this property in accordance with City Engineering requirements (Condition 13). A bicycle rack is proposed but the location has not been identified. The location and design of the bicycle parking spaces shall be reviewed and approved by the Planner prior to issuance of the building permit (Condition 15).

There are two adjacent properties that have accessed their residential garages across the church property for years. The church has stated that they have allowed this use but have not granted any easements or rights for the continued use. These properties have legal access from dedicated City rights-of-way; however, these rights-of-way do not provide easy access. The garage for 3432 Franklin Avenue faces the alley to the south of the proposed project. The parking area for 504 34th is in the rear of the property and is accessed from the alley to the south of the proposed project across the church property. The alley intersections at 34th and 35th Streets are at different elevations than the portion of the alley used by these adjacent properties. It may be possible to construct a driveway along the alley from 34th Street but an engineer would need to determine if the grade would meet code.



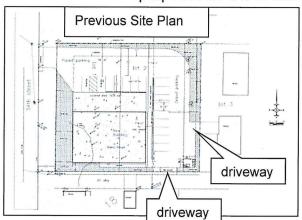


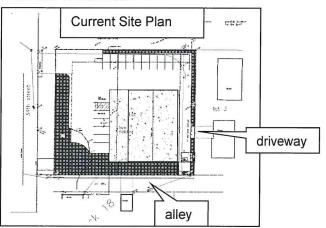
The third property at 3473 Duane has a garage accessed only from the church property; however, this property fronts on unimproved Duane Street and the ballfield cul-de-sac. Access from unimproved Duane Street is possible.





While accustomed access to their garages / parking areas may be disrupted, the property owners have no easements for this access. The church had tried to accommodate all three properties by providing access through the proposed parking lot and had designed driveway access points into the site plan. However, due to neighborhood opposition to the location of the building, the applicant worked with the City Engineer to possibly relocate the sewer easement allowing the building to be situated further to the east on the lot. With this revised site plan, access over the sewer easement to 3473 Duane is maintained but access to the alley right-of-way and the two properties to the south is not. Providing access to these properties is not a requirement and not under the authority of the APC to require. The discussion about these accesses is provided for information purposes as it is of concern for the residents.





The City finds that the proposed project has adequate site layout for transportation activities with the conditions noted, and that the disruption of access to the adjacent properties across the church private property is not a matter for the APC as it is a civil matter between the property owners.

3. Section 11.030(A)(3) requires that the use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.

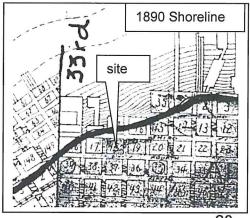
<u>Finding</u>: The site is currently used as an unimproved over-flow parking for the adjacent church. As with all new or increased development, there will be incremental impacts to police and fire protection, but it will not overburden these services. There will be exterior lighting to deter inappropriate use of the property. The Fire Chief Dan Crutchfield has reviewed the proposal and will require installation of a Knox Lock Box at an entry point on the building for fire department access prior to occupancy of the building and/or final building permit inspection. Location and specifics shall be approved by the Fire Chief (Condition 14). The Building Official and Fire Chief will review the building permit application to determine if any fire suppression system and/or fire extinguishers would be required.

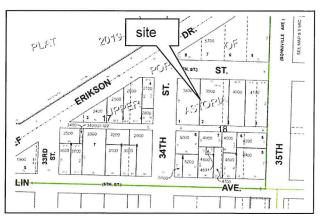
The City Engineer Nathan Crater met with the applicant to review water, sewer, storm drainage, and other utilities. He determined that there is ample water flow and that a fire hydrant is located on Lief Erikson Drive. All utilities are at or near the site and are capable of serving the use according to City Engineer Nathan Crater. He will continue to work with the applicant on the final design relative to the existing sewer easement.

The City finds that with the conditions as noted, the proposal will not overburden City facilities and/or services.

4. Section 11.030(A)(4) requires that "the topography, soils and other physical characteristics of the site are adequate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.

<u>Finding</u>: The site is not within 100' of a known geologic hazard as indicated on the City map. However, it is located in a "very high" area on the Landslide Susceptibility DOGAMI Open-File Report O-16-02. Citizen comments have been received expressing concern with potential landslide. Issues concerning a geologic report would be reviewed by the City Engineer at the time of the building permit submittal. Proposed new construction would be on a relatively flat site. This site was historically along the shoreline; however, it appears that it was on the landward side of the shoreline based on the 1890 shoreline map.





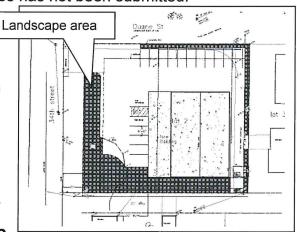
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The City finds that the physical characteristics of the site are adequate for the proposed construction.

5. Section 11.030(A)(5) requires that "the use contain an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses."

<u>Finding</u>: As noted above, landscaping of approximately 20% of the lot is proposed on all four sides of the site. Landscaping along the east and north property lines would be 5' deep and would consist of a mixture of trees, shrubs, and ground cover. The east and south sides should be designed to buffer the site from the adjacent residential properties in the form of hedge or denser vegetation (Condition 8). Landscaped areas are noted on the site plan and are proposed to be native vegetation, but a final landscape plan with species has not been submitted.

A landscape plan in accordance with Sections 3.105 to 3.120 shall be provided for review and approval of the Planner prior to the issuance of a building permit (Condition 6). The landscaping shall be installed prior to occupancy of the building and/or final building permit inspection (Condition 7).



## V. <u>CONCLUSIONS AND RECOMMENDATIONS</u>

Based on the Findings of Fact above and the application material submitted, the request meets all applicable review criteria with the following conditions:

- The applicant shall submit a Legal Lot Determination application for combination of the lots. The platted lots shall be combined on the deed and/or some other method of lot combination approved by the City prior to issuance of the building permit. A draft deed shall be provided to the Planner for review and approval prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection.
- 2. Seven off-street parking spaces shall be provided on the proposed parking area for the new facility.
- 3. At minimum, the seven required off-street parking spaces shall be paved.
- 4. An easement shall be required for the 15 spaces on the south lots (Map 9BD, Tax Lots 2900 & 3200) required to accommodate the spaces for the church

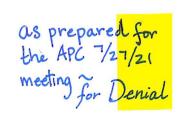
that are not provided on the church site, and for seven spaces on the proposed site. The draft easement(s) shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection.

- 5. If the loading area is located on an adjacent lot (Map 9BD, Tax Lots 2900 & 3200), an easement shall be recorded. The draft easement shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection
- 6. A landscape plan in accordance with Sections 3.105 through 3.120 shall be submitted for review and approval of the Planner prior to the issuance of a building permit.
- 7. Landscaping shall be installed prior to occupancy of the building and/or final building permit inspection.
- 8. Landscaping along the east and south property lines shall be 5' deep and shall consist of a mixture of trees, shrubs, and ground cover. These two sides shall be designed to buffer the site from the adjacent residential properties in the form of hedge or denser vegetation.
- 9. Lighting plan shall be reviewed and approved by the Planner prior to issuance of a building permit.
- 10. The applicant shall have the final location and size of the enclosed solid waste disposal area shall be reviewed and approved by Recology and provide the Planner verification of that approval prior to issuance of the building permit.
- 11. The design of the enclosed solid waste disposal area shall be reviewed and approved by the Planner prior to issuance of the building permit.
- 12. Any major changes to the location of the enclosed solid waste disposal area shall be reviewed by the Planning Commission.
- 13. A sidewalk shall be installed on the east side of 34th Street along this property in accordance with City Engineering requirements.
- 14. A Knox Lock Box shall be installed at an entry point on the building for fire department access prior to occupancy of the building and/or final building permit inspection. Location and specifics shall be approved by the Fire Chief.
- 15. The location and design of the bicycle parking spaces shall be reviewed and approved by the Planner prior to issuance of the building permit.

16. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission.

The applicant should be aware of the following requirements:

The applicant shall obtain all necessary City and building permits prior to the start of operation.





# CITY OF ASTORIA

Founded 1811 • Incorporated 1856 1095 Duane Street • Astoria OR 97103 • Phone 503-338-5183 • <a href="www.astoria.or.us">www.astoria.or.us</a> • <a href="planning@astoria.or.us">planning@astoria.or.us</a>

#### STAFF REPORT AND FINDINGS OF FACT

REPORT RELEASE DATE: APRIL 27, 2021 REVISED RELEASE DATE: JULY 20, 2021

COMMISSION HEARING DATE: JULY 27, 2021

TO:

ASTORIA PLANNING COMMISSION

FROM:

ROSEMARY JOHNSON, PLANNING CONSULTANT

SUBJECT:

CONDITIONAL USE REQUEST (CU20-10) BY RDA PROJECT MANAGEMENT

FOR BETHANY LUTHERAN CHURCH TO LOCATE A SEMI-PUBLIC USE IN

AN ACCESSORY BUILDING AT 420 34TH STREET FOR BETHANY

LUTHERAN CHURCH AT 451 34TH STREET

## I. <u>SUMMARY</u>

A. Applicant:

Randy Stemper

randystemper@gmail.com

RDA Project Management LLC

PO Box 1417 Astoria OR 97103

B. Owner:

Bethany Lutheran Church

451 34th Street Astoria OR 97103

C. Location:

420 34th Street; Map T8N R9W Section 9BD, Tax Lots 3800 &

3900; Lots 1, 2, and west 18.75' Lot 3, Block 18, Adair's Port of

Upper Astoria

D. Zone:

R-2, Medium Density Residential

E. Lot Size:

150' x 168' (25,312 square feet)

F. Proposal:

To operate a semi-public use in an accessory building for the

existing adjacent church facility.

G. Associated Application: The applicant has obtained a New Construction Permit

(NC20-08) approval as Appealed (AP21-02) to construct a building

adjacent to historic properties.

H. 120 Days: September 9, 2021. The application was deemed complete on March 11, 2021.

## II. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 200 feet pursuant to Section 9.020 on April 9, 2021. Email and web publishing also occurred on April 9, 2021. A notice of public hearing was published in the *Astorian* on April 24, 2021. On-site notice pursuant to Section 9.020.D was posted April 20, 2021. Any comments received will be made available at the Astoria Planning Commission meeting.

# III. BACKGROUND

The subject property is currently a vacant site of 25,312 square feet. The structure would be an annex to the existing church which is located across the 34th Street right-of-way and would be classified as a semi-public use. It is located in an R-2 Zone (Medium Density Residential) and public/semi-public use is allowed as a conditional use. The applicant has obtained Historic Landmarks Commission approval for New Construction Permit (NC20-08) as Appealed (AP21-02). The HLC permit was appealed to the Land Use Board of Appeals (LUBA 2021-048) and is pending.



Staff has worked with the applicant for several months concerning design, location, and other details of the project. There may be conflicting items within the application; however, the APC should consider the details, materials, dimensions, etc. as noted in the staff report as the final proposal presented by the applicant. On May 20, 2021, the applicant submitted a revised site plan based on discussions with the City Engineer and the possible relocation of the City sewer easement. These revised Findings of Fact reflect the proposed new location. With this revision, the project will need additional review by the HLC.

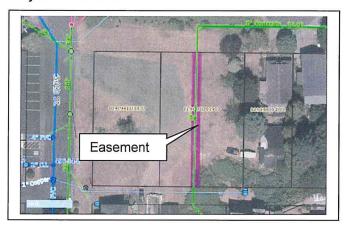
There were several public comments received that address the loss of views, source of funding, and local citizenship of those involved in the project. These issues are not part of the criteria reviewed by the APC during the Conditional Use process. View is not a protected resource in most areas of the City. Other public comments raised are addressed in the Findings of Fact below.

#### A. Site:

The site is on the east side of 34th Street bounded on the north by Duane Street; on the south by an alley and residential property across the alley right-of-way; on the east by residential property. The land is relatively flat with a gentle slope down toward the north. Access to the site would be from 34th Street.

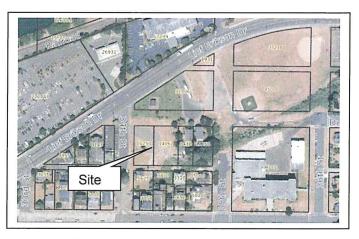
There is an easement for a City utility line on the east portion of the lot requiring that the building be located as far to the west on the property as possible. However, the applicant is working with the City Engineer on possible relocation of the sewer allowing the building to be located on the eastern portion of the lot. The vacant site is currently used as overflow parking for the adjacent church.





### B. Neighborhood:

The neighborhood is developed with a mixture of single-family dwellings to the east and south; a church to the west across 34th Street; City-owned historic reconstruction of the US Customhouse to the north across Duane Street right-of-way; Safeway parking lot, gas station, and motel to the north across Lief Erikson Drive; to the northeast is a City/School District ballfield; and to the southeast is Astor Elementary school.



Duane Street and the alley are unimproved rights-of-way. The 34th Street right-of-way is not improved to its full width and on-street angled parking on the west side is used for the church parking. Currently, some houses access their sites across the church site. However, there are no legal easements, and the sites are accessible from City rights-of-way that are currently unimproved but could be used for access. Access across the church lot to other properties is not an issue for APC consideration but will be addressed for informational purposes only.

# IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

A. Section 1.400 defines "Semi-Public Use" as "A structure or use intended or used for a semi-public purpose by a church, lodge, club, or any other nonprofit organization, excluding lodges or clubs which have eating or drinking facilities."

Section 2.070.8, Conditional Uses Permitted, in the R-2 Zone lists "Public or Semi-Public Use" as an allowable conditional use.

<u>Finding</u>: The applicant proposes to operate a facility as an annex to the existing church facility located across the 34th Street right-of-way at 451 34th Street. The facility would include an indoor sports area for half-court basketball, small kitchen, and area to be used for church gatherings. Public and Semi-Public Uses are conditional uses in all zones except the C-3 (General Commercial) and C-4 (Central Commercial) Zones that allow them as outright uses. The City finds that the use is classified as a Semi-Public Use and requires a conditional use permit to locate at this site.

- B. Section 2.080, Yards, in the R-2 Zone states "Uses in the R-2 Zone which are part of a cluster development will comply with the yard requirements in Section 11.160. Other uses in the R-2 Zone will comply with the following requirements:
  - A. The minimum yard requirements in an R-2 Zone will be as follows:
    - 1. The minimum front yard will be 20 feet.
    - 2. The minimum side yard will be five (5) feet, except on corner lots the side yard on the street side will be 15 feet.
    - 3. The minimum rear yard will be 15 feet, except on corner lots the rear yard will be five (5) feet."

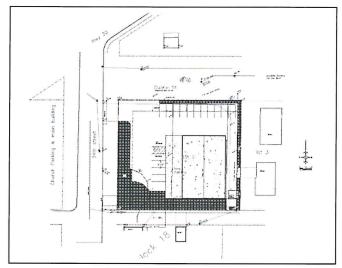
Section 1.400 defines "YARD: An open, unoccupied space of a lot which is unobstructed by any structure or portion of a structure extending more than 12 inches above ground level of the lot upward. . .

<u>FRONT</u>: A required open space extending the full width of a lot between any structure and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Code."

Section 1.400 defines "LOT LINE: The property line bounding a lot. <u>FRONT</u>: The property line separating the lot from the street, other than an alley. On corner lots, the front lot line shall be determined by the main entrance to the existing or proposed structure. The City shall determine the front lot line of a corner lot..."

<u>Finding</u>: The property is a corner lot accessed from a driveway on 34th Street and therefore, the front property line / front yard has been determined by the City to be adjacent to 34th Street. The proposed building would be set back approximately 60' from the front property line to the west; 15' from the alley

right-of-way to the south side; 45' from the Duane Street right-of-way to the north; and 20' from the rear property line to the east.



There is an existing City sewer easement (Book 121, Page 597, dated 5-4-1927) on the east half of the site which prohibits construction over the easement area. The easement is proposed to be relocated to the east along the east property line. The structure has been situated to avoid development at the easement site and provide a larger view corridor for the neighborhood on the west side of the building. The revised easement area is proposed to be used for a driveway and outdoor storage enclosure area. The City Engineer will continue to work with the applicant on the final design relative to the existing and/or proposed sewer easement and any need to move the building. The City finds that the proposed development meets the required yard setbacks.

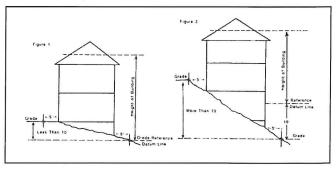
C. Section 2.085, Lot Coverage, in the R-2 Zone states "Buildings will not cover more than 40 percent of the lot area."

<u>Finding</u>: The site is 25,312 sqft. The proposed building including the solid waste disposal area is 7,017 sqft for a total lot coverage of 28%. The City finds that the proposed development meets the maximum lot coverage.

D. Section 2.090, Height of Structures, in the R-2 Zone states "No structure will exceed a height of 28 feet above grade."

Section 1.400, Definitions, defines Grade and Height as follows:

"GRADE: The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building."

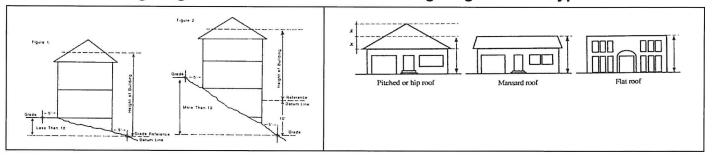


"HEIGHT, BUILDING: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof, to the deckline of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of that building. The reference datum shall be whichever of the following two measurements results in the greater building height (see Figure 1):

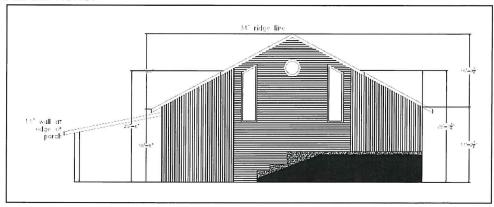
- a. The reference datum is the lowest grade when the highest ground surface within a five (5) foot horizontal distance of the exterior wall of the building is not more than ten (10) feet above that lowest grade. (Note: Also see definition of "Grade".)
- b. The reference datum is ten (10) feet higher than the lowest grade when the ground surface described in Item A above is ten (10) feet or more above that lowest grade. (Note: Also see definition of "Grade".)"

## **Measuring Height in Feet**

## Measuring Height - Roof Types



<u>Finding</u>: The site is relatively flat, so the height is determined from lowest grade. The building has a pitched roof and therefore the height is determined to the mid-point between the eave and ridge of the structure. The proposed building is 34' to the ridge, but the overall height as defined by the City is 25.5'. The City finds that the proposed building is within the maximum 28' height allowed in the zone.



E. Section 3.158.B, Legal Lot Determination, Combining of Lots, states "When a project will extend into adjacent lots, parcels, or tracts whether to meet lot size requirements, for the placement of structures or accessory uses, or to provide for requirements such as parking, the Community Development Director or

Planner shall require that the properties be combined either through a Property Line Adjustment or by recording a deed or memorandum containing a covenant preventing the separate sale, transfer, or encumbrance of either property except in compliance with building codes, City of Astoria Development Code, and other applicable land use regulations."

<u>Finding</u>: The subject property is currently two full platted lots plus a partial of a third lot and is in two County tax lots. The applicant shall submit a Legal Lot Determination application for combination of the lots. The platted lots shall be combined on the deed and/or some other method of lot combination approved by the City prior to issuance of the building permit. A draft deed shall be provided to the Planner for review and approval prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection. As noted elsewhere in this document, other uses such as parking, loading, etc. that are located on other lots than the subject property would require easements as they are located across rights-of-way and could not be combined with these lots. The City finds that the lots are required to be combined.

F. Section 2.095.1, Other Applicable Use Standards, in the R-2 Zone states "All uses will comply with applicable access, parking, and loading standards in Article 7."

Section 7.100, Minimum Parking Space Requirements, requires the following:

to the state of th	
Public Assembly	space per 100 sq. ft. of public assembly     area where no seats provided; or     space per five seats where provided
Religious Institutions and Houses of Worship	1 space per 100 sq. ft. of main assembly gross floor area; additional parking is not required for associated use areas if not used at same time as main assembly area
Aquatic center, sports club, gym, rink, recreation center, health club, bowling alley, and other similar indoor entertainment	1 space per 400 sq. ft. gross floor area

<u>Finding</u>: The proposed use is a public assembly area as an annex to a religious institution (Bethany Lutheran Church) and will be used for church gatherings and as an indoor sports area. The building would be 5,030 sqft plus a covered outdoor seating area of 1,845 sqft. Public Assembly would require 50 spaces at 1 space per 100 sqft for the entire building, and recreation area would require 13 spaces at 1 space per 400 sqft for the 5,030 sqft area. However, for the most part, the facility would not be used at the same time as the church facility. Therefore, no additional parking is required for "associated use areas if not used at same time as main assembly area". However, the facility may be used for non-church activities at times, and therefore some off-street parking is

required. The City finds that 13 off-street parking spaces for the proposed use based on the indoor sports area use is required.

G. Section 7.020, Reduction of Parking Area Prohibited; Exception, states "Off-street parking and loading areas which existed on the effective date of this ordinance or which are provided as required by this Section shall be maintained, or equivalent parking and loading areas provided; except that if this ordinance reduces the number of required off-street parking or loading spaces, an affected use may diminish its parking and loading area to the new requirements."

Finding: The lot is currently used for the Church overflow parking area. The church is approximately 4,900 gross sqft on the ground floor. The main assembly area is approximately 3,000 sqft which would require 30 spaces at 1 space per 100 sqft. The church site currently has 8 on-site spaces, 8 spaces partially within the 34th Street right-of-way, 8 spaces partially within the alley right-of-way, and at least 15 spaces on the lots to the south (Map 9BD, Tax Lots 2900 & 3200) for a total of 39+ spaces. Of those, only 23 spaces are on-site which is seven less than the required 30 spaces. The spaces within the rightof-way are non-conforming but are existing. Since the subject lot is used for church parking and 16 of the existing parking spaces are partially within the right-of-way, additional spaces are required on the adjacent parcel owned and used by the church. Therefore, seven spaces for the church shall be provided on the proposed parking area for the new facility. As discussed at the 11-18-20 pre-application meeting with the City Engineer, at minimum, the required parking spaces shall be paved. As noted above, the proposed facility is not required to provide additional parking for the church use of the building, but 13 spaces are required for possible non-church use of the property. Therefore, the City finds that, as conditioned, the existing church off-street parking will not be reduced by the proposed development, and that in fact, it would be improved parking that is currently an open unimproved lot.

Since a portion of the church parking is on separate lots, an easement shall be required for the 15 spaces on the south lots (Map 9BD, Tax Lots 2900 & 3200) required to accommodate the spaces for the church that are not provided on the church site, and for seven spaces on the proposed site. The draft easement(s) shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection.

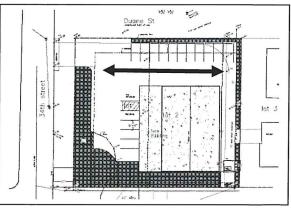
- H. Section 7.070.A, Joint Use of Parking Areas, states "The Community Development Director may authorize the joint use of parking areas by the following uses or activities as a Conditional Use in every zone under the following conditions:
  - 1. Up to 50% of the off-street parking spaces required by this ordinance for a church, auditorium in a school, theater, bowling alley, night club, eating

- or drinking establishment may be satisfied by the off-street parking spaces provided by uses occupied only during the daytime on weekdays.
- Up to 50% of the off-street parking spaces required by this ordinance for any daytime use may be satisfied by the parking spaces provided for nighttime or Sunday uses.
- 3. All jointly used spaces shall be located with relation to all uses relying on such spaces within the applicable distance set forth in Section 7.030.
- 4. The Planning Commission must find that there is no substantial conflict in the principal operating hours of the buildings or uses for which joint use of off-street parking facilities is proposed.
- 5. A properly drawn legal instrument executed by the parties concerned with joint use of off-street parking facilities, approved as to form and manner of execution by Legal Counsel, shall be filed with the Community Development Director. Joint use parking privileges shall continue in effect only so long as such an instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, then parking shall be provided as otherwise required in this ordinance within 60 days."

<u>Finding</u>: The proposed 17 parking spaces for the new facility would be used jointly by the adjacent church facility. As noted above, and easement for a minimum of seven spaces shall be recorded.

I. Section 7.160.C, Minimum Loading Space Requirements, Commercial, Non-office, Public and Semi-Public, requires one loading space 12' wide x 55' long x 14' high, for structures between 5,000 sqft and 59,999 sqft.

Finding: The use is a 5,030 sqft Semi-Public building with additional 1,845 sqft covered porch; therefore, it requires one loading space. A loading space has not been identified on the site plan; however, there is ample room on the north side of the property for a 12' x 55' space as noted on the site plan. In addition, the church owns two lots (Map 9BD, Tax Lots 2900 & 3200) to the south of the church facility that is large enough to accommodate a shared loading area for the church and annex building.



If the loading area is located on an adjacent lot (Map 9BD, Tax Lots 2900 & 3200), an easement shall be recorded. The draft easement shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection. The City finds that the request meets the loading space requirement as conditioned.

J. Section 7.105.A, Bicycle Parking, Standards, states "Bicycle parking spaces shall be provided for new development, change of use, and major renovation, at a minimum, based on the standards in Table 7.105. Major renovation is defined as construction valued at 25% or more of the assessed value of the existing structure.

Where an application is subject to Conditional Use Permit approval or the applicant has requested a reduction to an automotive parking standard, pursuant to Section 7.062, the Community Development Director or Planning Commission, as applicable, may require bicycle parking spaces in addition to those in Table 7.105.

Table 7.105: Minimum Required Bicycle Parking Spaces"

Institutional Uses and	1 bike space per 20	100% short term
Places of Worship	vehicle spaces	

Section 7.105.B.7, Bicycle Parking, Design and Location, Long-term bicycle parking, states "Long-term bicycle parking shall consist of a lockable enclosure, a secure room in a building on-site, monitored parking, or another form of sheltered and secure parking."

<u>Finding</u>: As an Institutional Use, the facility would be required to provide one space per 20 vehicle spaces. With 17 vehicle spaces provided, one short-term bicycle space would be required. The applicant proposes four short-term bicycle spaces. The location has not been indicated and will be required to be located with easy access to the building. The location of the bicycle parking spaces shall be reviewed and approved by the Planner prior to issuance of the building permit. The City finds that the proposed bicycle parking meets the minimum required spaces.

K. Section 2.095.4, Other Applicable Use Standards, in the R-2 Zone states "All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer."

Section 2.095.5, Other Applicable Use Standards, in the R-2 Zone states "Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans."

<u>Finding</u>: The site is not within 100' of a known landslide hazard. However, it is located in a "very high" area on the Landslide Susceptibility DOGAMI Open-File Report O-16-02. Citizen comments have been received expressing concern with potential landslide. Issues concerning a geologic report, storm drainage,

and engineering of the site would be reviewed by the City Engineer at the time of the building permit submittal.

L. Section 2.095.6, Other Applicable Use Standards, in the R-2 Zone states "All uses except those associated with single-family and two-family dwellings shall meet the landscaping requirements in Sections 3.105 through 3.120."

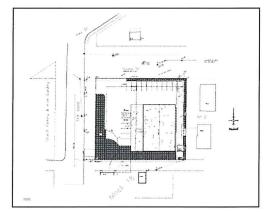
Section 7.110.G, Landscaping, states

- Landscaping shall be provided as required in Section 7.170 and Section 3.105 through 3.120.
- Required landscaped yards shall not be used for parking."

Section 7.170.A, Landscaping of Outdoor Storage or Parking Areas, states "A minimum of 5% of the gross parking lot area shall be designed and maintained as landscaped area, subject to the standards in Sections 3.105 through 3.120. This requirement shall apply to all parking lots with an area of 600 square feet or greater. Approved sight obscuring fences or vegetative buffers shall be constructed where commercial parking lots abut Residential Zones. The minimum 5% landscaping shall be counted as part of the total landscaping required for the property."

Section 3.115, Review of Landscaping Plans, states "The landscaping plan shall be reviewed by the Community Development Director to determine if it meets the quantitative requirements of the Code. Landscaping in conjunction with Uses Permitted Outright may be approved by the Community Development Director. Landscaping in conjunction with Conditional Uses shall be reviewed by the Planning Commission as part of the review under Section 11.010. In such cases, the Planning Commission may review schematic plans and the final plans may be reviewed by the Community Development Director. No Certificate of Occupancy or other final approval shall be issued by the building official or the City until the landscaping is installed as specified by the Planning Commission or Community Development Director. Minor changes in the landscape plan may be allowed by the Community Development Director, so long as they do not alter the overall character of the development."

Finding: The use is not a single-family or two-family dwelling and therefore the yard areas shall be landscaped and not used for parking. The site is 25,312 sqft and the parking area is approximately 11,000 sqft of the main lot. The site is required to have 5% (550 sqft) of the parking area landscaped. The applicant proposes approximately 5,000 sqft (20%) of the entire site to be landscaped with landscaping on all four sides of the lot. Setback yard areas would be landscaped.



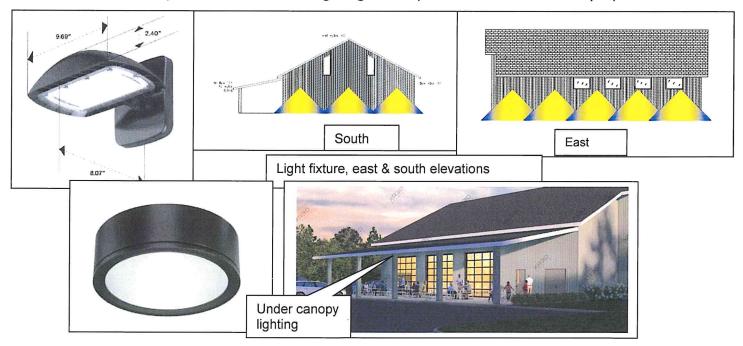
Landscaped areas are noted on the site plan and are proposed to be native vegetation, but a final landscape plan with species has not been submitted. A landscape plan in accordance with Sections 3.105 through 3.120 shall be provided for review and approval of the Planner prior to the issuance of a building permit. The landscaping shall be installed prior to occupancy of the building and/or final building permit inspection. The City finds that the request meets the landscaping requirements as conditioned.

M. Section 2.095.8, Other Applicable Use Standards, in the R-2 Zone states "All uses shall comply with applicable lighting standards in Section 3.128."

Section 7.110.F, Lighting, states "Parking or loading areas that will be used at nighttime shall be lighted. All areas shall comply with applicable lighting standards in Section 3.128."

Section 3.128, Lighting Standards, states "Outdoor lighting shall be designed and placed so as not to cast glare into adjacent properties or rights-of-way. Light fixtures shall be designed to direct light downward and minimize the amount of light directed upward. The Community Development Director may require the shielding or removal of such lighting where it is determined that existing lighting is adversely affecting adjacent properties or contributing to light directed into the night sky."

<u>Finding</u>: Lighting is proposed on the building on the south and east elevations. Additional lights will be under the covered area on the north elevation. Lights would all be downcast with the bulbs up within the fixture and will be shielded to avoid glare beyond the property line into other properties. A final lighting plan shall be reviewed and approved by the Planner prior to issuance of a building permit. The City finds that sufficient lighting in compliance with the Code is proposed.



N. Section 11.140, Public or Semi-Public Use, states "Traffic will not congest nearby streets, and structures will be designed or landscaped so as to blend into the surrounding environment and be compatible with the adjacent neighborhood. The activities or hours of operation will be controlled to avoid noise or glare impacts on adjacent uses."

<u>Finding</u>: The proposal is for an annex building for the existing church facility. Patrons of the site would be for the most part the same patrons that attend the church facility. While the facility may be available to non-church members, the majority of the use will be by the church. Increased traffic is not anticipated by use of the accessory building other than the occasional use by non-church members.

The design of the building has been reviewed and approved by the Historic Landmarks Commission as a New Construction (NC20-08) on February 9, 2021. That approval was Appealed (AP21-02) and the City Council upheld the HLC approval at its April 5, 2021 meeting. That decision has been appealed to the Land Use Board of Appeals (LUBA 2021-048) and is pending. In making its decision on "compatibility" with the adjacent historic structures, the HLC considered and weighed the historic criteria with the building's location on the edge of a developed commercial area. The site is close to Lief Erikson Drive with the Safeway retail store and gas station, Comfort Suites motel, the City/School District ball field, and Astor Elementary School on Franklin Avenue. During the appeal hearing, the City Council noted that while the historic buildings are visible from Lief Erikson Drive, that the main historic streetscape is the Franklin Avenue area where the historic buildings front.



As noted above, native landscaping is proposed on all four sides of the property at approximately 20% of the lot area. Landscaping along the east and south property lines shall be 5' deep and would consist of a mixture of trees, shrubs, and ground cover. These two sides shall be designed to buffer the site from the

adjacent residential properties in the form of hedge or denser vegetation. A landscape plan in accordance with Sections 3.105 to 3.120 shall be provided for review and approval of the Planner prior to the issuance of a building permit. The landscaping shall be installed prior to occupancy of the building and/or final building permit inspection.

Hours of operation are not proposed, but the site would be used as an indoor sports area and eating/drinking / gathering area for the church as a semi-public use. It is not proposed as a public restaurant or sports center. City Code Section 5.025, Unnecessary Noise, states "No person may make, assist making, continue or cause to be made any loud, disturbing or unnecessary noise that annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of others." No restrictions on hours of operation are proposed at this time, but the City Code concerning nuisances could be applied in the future if noise should become a problem.

The City finds that with the noted conditions, the request meets this criteria.

- O. Section 11.020(B.1) states that "the Planning Commission shall base their decision on whether the use complies with the applicable policies of the Comprehensive Plan."
  - 1. CP.075.1, Uppertown Area Policies, states "Refer to policies regarding housing, historic preservation, parks and recreation, transportation, shorelands and estuary, and geologic hazards."
    - <u>Finding</u>: The proposal has been reviewed and approved by the HLC concerning historic preservation issues. The site is not a public park, shoreland, or estuary. The site is not within 100' of a known geologic hazard. However, it is located in a "very high" area on the Landslide Susceptibility DOGAMI Open-File Report O-16-02. Citizen comments have been received expressing concern with potential landslide. Issues concerning a geologic report would be reviewed by the City Engineer at the time of the building permit submittal. The project is not for housing. Transportation issues are addressed below.
  - 2. CP.075.2, Uppertown Area Policies, states "The predominantly residential character of the area upland of Marine Drive/Lief Erikson Drive will be preserved."

<u>Finding</u>: The area along Lief Erikson Drive from Bethany Lutheran Church at 34th Street to 37th Street has no residential property fronting on Lief Erikson Drive. Residential properties are to the south, with the majority of it fronting on Franklin Avenue and two residences located off the unimproved Duane Street and cul-de-sac. The north side of Lief Erikson Drive in this area is developed with Safeway, Safeway gas station, Comfort Suites motel, East End Mooring Basin parking, OSU-

owned commercial facility. The south, upland side is developed with Bethany Lutheran Church, US Customs House historic reconstruction, City/School District ball field, tennis court, Geno's Drive-In, Astoria Coffee Roasters and single-family residences. The subject property is the start of the residential development on the south side of Lief Erikson Drive.



The proposed development is on the boundary of the residential and commercially developed properties. The aerial above shows an orange line separating the residential and commercial uses. The City finds that while the overall development along Lief Erikson Drive in this area is varied, that the use of this property for a semi-public use associated with the adjacent church facility is not consistent with the predominately residential development south of Lief Erikson in this area. The site is in close proximity to the residential development and creates the northern edge of the neighborhood. The City finds that this Comprehensive Plan Section requires that "The predominantly residential character . . . will be preserved." and that development of the large church annex building would not "preserve" the residential character.

3. CP.357, Transportation Goal 3 and Policies 3, Goal, Economic Vitality, states "Support the development and revitalization efforts of the City, Region, and State economies and create a climate that encourages growth of existing and new businesses."

CP.357.7, Transportation Goal 3 and Policies 3, Policies, states "Ensure that all new development contributes a fair share toward on-site and offsite transportation system improvements."

<u>Finding</u>: The church is an existing semi-public use (business). The proposed annex building will allow expansion of church functions which

supports the economy of the area. The proposal is for 17 off-street parking spaces that will be shared with the main church facility. The driveway entry to the site will be improved to City standards. The City finds that the additional on-site parking contributes to the transportation facilities and that the improved driveway apron will enhance the 34th Street right-of-way.

4. CP.358, Transportation Goal 4 and Policies 4, Goal, Livability, states "Customize transportation solutions to suit the local context while providing a system that supports active transportation, promotes public health, facilitates access to daily needs and services, and enhances the livability of the Astoria neighborhoods and business community."

CP.358.1, Transportation Goal 4 and Policies 4, Policies, states "Protect residential neighborhoods from excessive through traffic and travel speeds."

<u>Finding</u>: The site is currently used for overflow parking for the existing church. That use will continue. The new facility would be used mostly by the church and not at the same time as the church functions, and therefore would not be increasing volume of traffic to the site. The number of days and/or hours of traffic to the site would increase with use of the additional building. However, 34th Street is not a through street and therefore, vehicles would not be traveling at excessive speeds in this area.



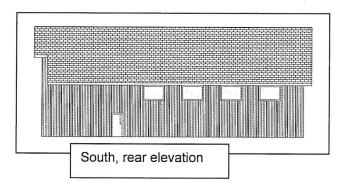
The City finds that the neighborhood would be protected from excessive through traffic and travel speeds.

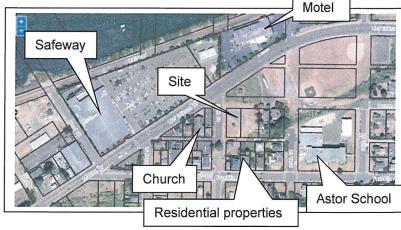
5. Comprehensive Plan Section CP.220.6 concerning Housing Policies states that "Neighborhoods should be protected from unnecessary intrusions of incompatible uses, including large scale commercial, industrial and public uses or activities."

<u>Finding</u>: This neighborhood is a mixture of single-family residential, large scale commercial, semi-public church, motel, and public ball fields. However, the large-scale commercial facilities are on the north side of Lief Erikson Drive and the south side is the beginning of the predominately residential neighborhood. The proposed facility is an expansion of an

existing semi-public church facility and not a separate new use. The annex would be used mostly by the church and therefore the majority of customers to the site would be the same as the church patrons. Non-church use is possible with the proposed indoor sports area and communal meeting space. However, that use would be secondary to the primary use by the adjacent church. The use is compatible with the adjacent church. However, the addition of a large annex building on the fringe of the residential neighborhood would be an intrusion of an incompatible use to the residential development.

The site is on the boundary of a commercial area. Building sizes in this area vary. Within a block of the site is Safeway grocery (56,480 sqft), Safeway gas station (3,870 sqft), Comfort Suites motel (13,800 sqft), and Astor School (25,500 sqft). From the south/rear elevation facing the residential development, the building would be 1.5 stories tall and 86' wide. The adjacent associated church is 80' wide on its south elevation, is approximately 5,100 square feet, and two-story tall with added steeple. The dwelling at 529 35th Street visually dominates the hillside to the south as its lower area is enclosed giving the appearance of a four-story structure on the north elevation. The footprint is approximately 2,000 sqft with approximately 6,000 sqft for the three floors. The US Customhouse reconstruction is 450 square feet and one story tall. The structure is larger than the adjacent residential properties & the US Customhouse, and is smaller than the commercial facilities in this area which are located across the Lief Erikson Drive right-of-way. The proposed 5,030 sqft structure with 1,845 sqft covered porch (6,875 sqft) is a "large scale" structure compared with the adjacent residential structures. The City finds that the proposed development is a large-scale public use/activity that would be an incompatible intrusion into this Uppertown residential neighborhood.







The proposed development would pave a large area of the lot for parking. A paved parking lot of this scale is not compatible with the adjacent residential development. It creates a "commercial" appearance to the site.

The lot has been vacant for many years but is a buildable site. With limited available land for development, especially for residences, it is reasonable to except that the site would be developed at some time. It is also reasonable to expect the church annex building to be located adjacent to the church and not elsewhere. However, the size of the structure would be an incompatible change to the neighborhood. While any development would be a change, the proposed use and building size would not be consistent with the residential development. For the most part, views are not protected by City codes. Some view protection has been adopted in the Riverfront Overlay Zones, but that is not applicable to this site.

The City finds that due to the residential development of this area, the proposed semi-public use, and large scale of the structure, the proposed development would be an intrusion into the residential neighborhood.

6. Comprehensive Plan Section CP.460.1, Natural Resources, Policies, states "The Plan land and water use designations will protect those areas that have high natural value, and direct intensive development into those areas that can best support it."

<u>Finding</u>: There were some public comments received concerning the Kildeer bird population that are reported to nest on this property. The

concerns included a statement that the species is "protected". The Kildeer is in the Plover family. The Pacific coast population of "Western Snowy Plover" was listed as a threatened species on March 5, 1993, in the Federal Register 58 FR 12864. Oregon Department of Fish and Wildlife also list the Western Snowy Plover as "threatened" with the notation that it is a "Pacific Coast Distinct Population Species". However, this is a different subspecies than the Kildeer which is not a protected or listed bird.

The City has designated natural areas for protection of wildlife including areas along the shoreline, aquatic areas, urban forest, and City parks. The subject property is zoned R-2 (Medium Density Residential) which is for development. The lot is partially gravel and has been used for parking for the church and as a vehicle access for adjacent properties. The adjacent City park for the US Customhouse has an open field area which is the natural habitat of the Kildeer. Development of the proposed accessory building would include landscaped area which can support bird habitat. The City finds that the lot is designated for development, development would not deplete native habitat in the area, and that the Kildeer is not a threatened species.

<u>Finding</u>: The City finds the request is not in compliance with the Comprehensive Plan.

- P. Section 11.030.A requires that "before a conditional use is approved, findings will be made that the use will comply with the following standards:"
  - 1. Section 11.030.A.1 requires that "the use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use."

<u>Finding</u>: The proposed use is an accessory use to the existing adjacent church facility. The site is across the 34th Street right-of-way from the primary use and majority of users. It is common for a church to have indoor sports areas and meeting space for church gatherings and the existing church structure does not provide the needed space. A semipublic use is a conditional use in all allowable zones except where it is allowed as an outright use in the C-3 (General Commercial) and C-4 (Central Commercial) Zones. Therefore, the conditional use is necessary to have an annex facility adjacent to the existing church. A location in a C-3 and or C-4 Zone would not be desirable as the church patrons would be using the two facilities as one campus without the need to drive to other locations. Other locations were not considered by the church due to the fact that they own this adjacent vacant lot. However, there are many other

gyms available to the public throughout the City that could be utilized by church members. While an annex building for the church may be feasible, the size of the building necessitated by the inclusion of a gym is not appropriate for the residential zone. The City finds that a residential zone is primarily intended for residential development with occasional other uses that would not detract from the residential character of the neighborhood. Therefore, the City finds that the semi-public use and large building as proposed is not appropriate at this location.

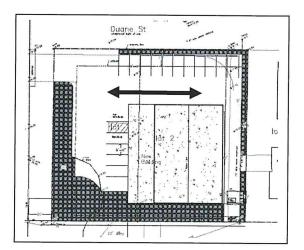
2. Section 11.030.A.2 requires that "an adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements."

Finding: The site is accessed from 34th Street one block off Lief Erikson Drive. The site is currently used as overflow parking for the existing church and has a substandard driveway that would be reconstructed to City standard.



Future development is not anticipated in this area in the near future, and the proposed use would not overburden the existing street system for access.

On-site parking is proposed that would be jointly used by the church as noted above. A loading area has not been specifically identified; however, there is sufficient area on the north side of the lot for a loading area. In addition, the church owns two lots to the south of the church facility that is large enough to accommodate a shared loading area for the church and annex building. If this lot is used for the loading area, an easement shall be recorded. The draft easement shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection. The preliminary parking design layout has been reviewed by the Planner and meets the required space dimensions and aisle widths of Article 7, Parking and Loading. Final review and approval will be completed by the Planner at the time of the building permit submittal.





An enclosed solid waste disposal area is proposed for the southeast corner of the lot. The applicant shall have the final location and size of the enclosed solid waste disposal area shall be reviewed and approved by Recology and provide the Planner verification of that approval prior to issuance of the building permit. The final design shall be reviewed and approved by the Planner prior to issuance of the building permit. Any major changes to the location of the disposal area would be reviewed by the Planning Commission.

A walkway is proposed on the east side of the building along the rear of the building. There are no sidewalks along this portion of 34th Street. At the pre-application meeting on 11-18-20 with the applicant, the City Engineer advised that a sidewalk would be required on 34th Street. A sidewalk shall be installed on the east side of 34th Street along this property in accordance with City Engineering requirements. A bicycle rack is proposed but the location has not been identified. The location and design of the bicycle parking spaces shall be reviewed and approved by the Planner prior to issuance of the building permit.

There are two adjacent properties that have accessed their residential garages across the church property for years. The church has stated that they have allowed this use but have not granted any easements or rights for the continued use. These properties have legal access from dedicated City rights-of-way; however, these rights-of-way do not provide easy access. The garage for 3432 Franklin Avenue faces the alley to the south of the proposed project. The parking area for 504 34th is in the rear of the property and is accessed from the alley to the south of the proposed project across the church property. The alley intersections at 34th and 35th Streets are at different elevations than the portion of the alley used by these adjacent properties. It may be possible to construct a driveway along the alley from 34th Street but an engineer would need to determine if the grade would meet code.



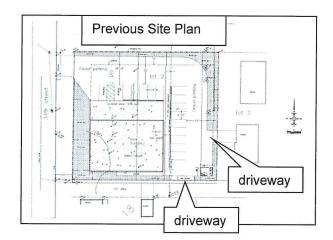


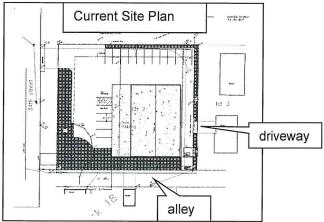
The third property at 3473 Duane has a garage accessed only from the church property; however, this property fronts on unimproved Duane Street and the ballfield cul-de-sac. Access from unimproved Duane Street is possible.





While accustomed access to their garages / parking areas may be disrupted, the property owners have no easements for this access. The church had tried to accommodate all three properties by providing access through the proposed parking lot and had designed driveway access points into the site plan. However, due to neighborhood opposition to the location of the building, the applicant worked with the City Engineer to possibly relocate the sewer easement allowing the building to be situated further to the east on the lot. With this revised site plan, access over the sewer easement to 3473 Duane is maintained but access to the alley right-of-way and the two properties to the south is not. Providing access to these properties is not a requirement and not under the authority of the APC to require. The discussion about these accesses is provided for information purposes as it is of concern for the residents.





The City finds that the proposed project has adequate site layout for transportation activities with the conditions noted, and that the disruption of access to the adjacent properties across the church private property is not a matter for the APC as it is a civil matter between the property owners.

 Section 11.030.A.3 requires that the use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.

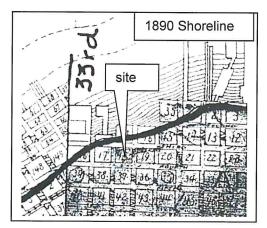
<u>Finding</u>: The site is currently used as an unimproved over-flow parking for the adjacent church. As with all new or increased development, there will be incremental impacts to police and fire protection, but it will not overburden these services. There will be exterior lighting to deter inappropriate use of the property. The Fire Chief Dan Crutchfield has reviewed the proposal and will require installation of a Knox Lock Box at an entry point on the building for fire department access prior to occupancy of the building and/or final building permit inspection. Location and specifics shall be approved by the Fire Chief. The Building Official and Fire Chief will review the building permit application to determine if any fire suppression system and/or fire extinguishers would be required.

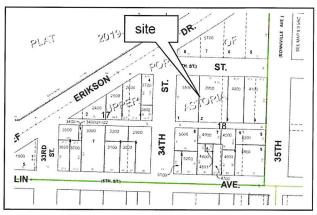
The City Engineer Nathan Crater met with the applicant to review water, sewer, storm drainage, and other utilities. He determined that there is ample water flow and that a fire hydrant is located on Lief Erikson Drive. All utilities are at or near the site and are capable of serving the use according to City Engineer Nathan Crater. He will continue to work with the applicant on the final design relative to the existing sewer easement.

The City finds that with the conditions as noted, the proposal will not overburden City facilities and/or services.

4. Section 11.030.A.4 requires that "the topography, soils and other physical characteristics of the site are adequate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.

<u>Finding</u>: The site is not within 100' of a known geologic hazard as indicated on the City map. However, it is located in a "very high" area on the Landslide Susceptibility DOGAMI Open-File Report O-16-02. Citizen comments have been received expressing concern with potential landslide. Issues concerning a geologic report would be reviewed by the City Engineer at the time of the building permit submittal. Proposed new construction would be on a relatively flat site. This site was historically along the shoreline; however, it appears that it was on the landward side of the shoreline based on the 1890 shoreline map.





The City finds that the physical characteristics of the site are adequate for the proposed construction.

5. Section 11.030.A.5 requires that "the use contain an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses."

<u>Finding</u>: As noted above, landscaping of approximately 20% of the lot is proposed on all four sides of the site. Landscaping along the east and north property lines would be 5' deep and would consist of a mixture of trees, shrubs, and ground cover. The east and south sides should be designed to buffer the site from the adjacent residential properties in the form of hedge or denser vegetation. Landscaped areas are noted on the site plan and are proposed to be native vegetation, but a final landscape plan with species has not been submitted.

A landscape plan in accordance with Sections 3.105 to 3.120 shall be provided for review and approval of the Planner prior to the issuance of a building permit. The landscaping shall be installed prior to occupancy of the building and/or final building permit inspection.

Landscape area

Outroe St

Iot 3

24

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# V. CONCLUSIONS AND RECOMMENDATIONS

Based on the Findings of Fact above and the application material submitted, the City finds that the request does not meet all applicable review criteria and therefore the request is denied.

#### ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall June 22, 2021

#### CALL TO ORDER:

President Moore called the meeting to order at 5:38 pm.

#### **ROLL CALL:**

Commissioners Present: Daryl Moore, Sean Fitzpatrick, David Kroening, Patrick Corcoran, Chris

Womack, and Brookley Henri. Commissioner Price arrived at approximately

5:57 pm.

Staff Present: Community Development Director Leatherman and Contract Planner Johnson.

The meeting is recorded and will be transcribed by ABC Transcription Services.

#### APPROVAL OF MINUTES:

President Moore called for approval of the May 25, 2021 minutes.

Commissioner Fitzpatrick moved to approve the minutes of May 25, 2021 as presented; seconded by Commissioner Corcoran. Motion passed unanimously.

#### PUBLIC HEARINGS:

President Moore explained the procedures governing the conduct of public hearings to the audience and advised that handouts of the substantive review criteria were available from Staff.

The Planning Commission addressed Item 4(b) at this time.

#### ITEM 4(a):

CU20-10 \*Continued from the May 4th meeting\* - Conditional Use Request (CU20-10) by RDA

Project Management LLC for Bethany Lutheran Church to construct a 5,030 square foot structure at 420 34th Street, as an accessory multi-use building to the existing adjacent

church facility at 451 34th Street in the R-2 (Medium Density Residential) Zone.

This item was addressed immediately following Item 4(b).

President Moore asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare.

Commissioner Fitzpatrick declared that he read the initial article and the follow up article published in the Daily Astorian. He did not believe those articles contained any information that had not been included in the Agenda packet. He was friends with people on both sides of this issue, but no one had contacted him to discuss the application. He believed he could remain impartial.

President Moore asked Staff to present the Staff report.

Planner Johnson reviewed the written Staff report via PowerPoint. She noted that many public comments referred to Article 14, which is the Riverfront Vision Plan. However, this site is not located within the Riverfront Vision Plan area, so Article 14 does not apply, and those comments are not relevant to this request. One public comment also referred to the Sensitive Bird Habitat Overlay Zone, but this site is not designated as a Sensitive Bird Habitat Overlay Zone. Another comment expressed concern with the order that applications were processed. She explained that applications were processed in the order that they became complete. Lastly, one comment expressed concerned that she was contracted by the Applicant. She clarified that she was contracted by the City and her only contact with the Applicant and the church's representatives were on behalf of the City. Staff recommended approval of the request with the conditions listed in the Staff report.

Commissioner Corcoran asked what distinguishes the City's map from the Department of Geologic and Mineral Industries (DOGAMI) maps. He also wanted to know if the Commission could base its decision on the DOGAMI map. Planner Johnson explained that the City adopted a geologic hazards map that shows the landslide areas which have been active in the last 70 years or more. The DOGAMI contains longer reaching landslide data from hundreds and thousands of years ago. The Code references the City's map and states that properties within 100 feet of a slide area will require a geologic hazard report. The City Engineer and/or Building Official may require a geologic hazard report for other properties as well. The Commission cannot use the maps to make a decision because the City Engineer and/or Building Official are responsible for reviewing the geologic hazard criteria.

Commissioner Corcoran asked if the Commission could consider the project's impact on the view of a residential property. Planner Johnson said no, the City does not have a view protection ordinance except in certain areas in the Riverfront Vision Overlay area. Several public comments referenced the view corridors in Article 14 on the Riverfront Vision Plan area, which is north of Lief Erikson Drive. The Commission cannot base its decision on the project's impact on views.

Planner Moore stated Commissioners could use any criteria they wanted to make a decision. However, Planning Commissioners should restrict their decision-making to the applicable criteria so that the decision has legal standing.

Commissioner Kroening asked if the church already had a conditional use permit to be located there and if it was considered a semi-public gathering use. He also wanted to know why a change in location of the enclosed solid waste enclosure would require another Planning Commission review. Planner Johnson stated she would have to look up whether the church pre-dated the Code or if they had a Conditional Use permit. Any minor changes to the site layout could be reviewed by the Planner, but the location of the solid waste enclosure could be an issue and then would be brought back to the APC.

Commissioner Price requested an update on the development of a geologic hazard ordinance. Planner Johnson responded that Staff was still working with the State on the ordinance, but the work had not moved along as fast as Staff had hoped due to staffing reductions and COVID-19 restrictions.

Commissioner Price said she spoke with a developer who had believed a property was developable but was told that it was not because the DOGAMI map showed it was in a slide zone and the City was working on adding that data to an ordinance. She asked for more details about that. Planner Johnson explained that when a development is proposed in a slide zone or geologic hazard area, the City does not state the site is not buildable but does require a geotechnical report and engineered plans. Any place is buildable with enough money and engineering, so the City does not determine that a site is not buildable. Director Leatherman added that once the City Planner position is filled, she would ask City Council to prioritize the Code amendments that they have directed Staff to work on. City Council's goals indicated that the geologic hazard ordinance is a top priority, so she believed Staff would move forward with the work within the next year.

President Moore called for a recess at 6:54 pm. The meeting reconvened at 7:03 pm.

President Moore opened the public hearing and called for a presentation by the Applicant.

Randy Stemper, P.O. Box 1417, Astoria, RDA Project Management, said this project came to him over a year ago. He worked through multiple designs to place the building on the east side of the property. When the project got to the point of determining whether the construction would work, he discovered a sewer easement on the property which made the building unfeasible at that location. The building was decreased in size and rotated on the property. At that time, the Historic Landmarks Commission (HLC) reviewed and approved the design of the building. The project was met by opposition in the neighborhood, so the church asked him to see if there was a way to move the building back to the east side of the property, and that would require the existing sewer to be relocated. He spent a considerable amount of time and resources researching whether the sewer could be moved. It is possible; anything can be done with money, and so, the church has asked him to develop the concept of getting the building on the east side of the property, which is what is currently being proposed. The conditions of approval can be met.

Commissioner Fitzpatrick asked how long the church had owned the property.

Mr. Stemper said the church has owned the property since approximately 1984. The property was the original site of the church. While developing a new church, the neighboring property came available for sale and the church purchased it. The original property was retained for this proposed use.

Commissioner Fitzpatrick asked how long access to the neighboring garages had been allowed.

Mr. Stemper stated he was not privy to that information.

Commissioner Fitzpatrick asked how the garages were accessed prior to the church allowing access.

Mr. Stemper said the properties had legal access through City rights-of-way. He assumed that the neighbors' access went through the church property because it was the easiest access, and the church has been a good neighbor allowing that for all these years.

Commissioner Fitzpatrick asked if the church had spoken with the Astoria Warming Center (AWC) about locating in the new facility to provide a respite to the neighborhood that the AWC has overburdened.

Mr. Stemper stated not to his knowledge.

Commissioner Fitzpatrick said it appeared a donation had been made. He asked if that donation was the impetus for this project or was the project planned prior to the donation in hopes that funding would be accomplished.

Mr. Stemper said he understood the church had been saving and raising money for this project for years.

Commissioner Fitzpatrick asked what proportion of the congregation lived in the neighborhood and would share the burdens that the new facility places on the neighborhood.

Mr. Stemper responded that he did not have any of that information. He was the general contractor that was trying to develop a building based on programming needs as directed by the church.

Commissioner Fitzpatrick asked if the church had looked into other appropriately zoned locations to build the facility or existing facilities that might benefit from upgrading to allow the same or similar uses.

Mr. Stemper explained that he had been asked to develop the property that the church currently owns within the guidelines of what the City allows on that property. The proposal he made meets all of the City's guidelines.

Commissioner Fitzpatrick asked if the church had looked into developing the R-2 lot for housing.

Mr. Stemper stated the church had not asked him to research housing on that property.

President Moore called for any testimony in favor of the application.

Micky Cereghino, 91248 Walluski Ranch Rd., Astoria, confirmed for President Moore that he was attending as a representative of the church and could answer some questions.

Commissioner Fitzpatrick asked if Mr. Cereghino had a presentation to make.

Mr. Cereghino said no, he wrote a letter in favor of the project. He worked with a lot of youth and people in the community, and he just hoped they could have a space to use for indoor activities.

Commissioner Fitzpatrick asked how long access to the garages had been allowed.

Mr. Cereghino said he did not know. He had been a part of the church for about eight years and the neighboring properties had been allowed access for that entire time. However, there was no official easement. There was just an understanding between the property owners and the church. The access has been discussed at board meetings, but nothing has ever been officially written.

Commissioner Fitzpatrick asked if the church had worked with or spoken to the AWC about locating in the new facility.

Mr. Cereghino said if they have, it had not been discussed with him.

Commissioner Fitzpatrick asked what proportion of the congregation lived in the neighborhood and would share the burdens the new facility places on the neighborhood.

Mr. Cereghino stated he could not speak to proportions without looking at a roster. Off the top of his head, he could think of four or five members that lived in the vicinity.

Commissioner Fitzpatrick said it appeared the church had been fundraising for quite a while to build this facility.

Mr. Cereghino responded that he had only served on the board for about a year, but the project has been discussed since he has been attending the church.

Commissioner Fitzpatrick asked if the church had looked into other appropriately zoned locations to build the facility or existing facilities that might benefit from upgrading to allow the same or similar use.

Mr. Cereghino said he did not believe so. He believed the church was looking at the property it already owned first. If they have, it has been outside of his knowledge.

Commissioner Fitzpatrick asked if the church had looked into developing housing on the lot.

Mr. Cereghino said not to his knowledge.

Mr. Stemper clarified that the site plan shows the building moved back from the required setbacks so that access would be available to the neighboring properties if the church chooses to allow that access to continue. The building would not restrict access to the properties, as shown on the site plan.

President Moore called for testimony impartial to the application. Seeing none, he called for testimony opposed to the application.

Nadia Fontana, 717 15<sup>th</sup> Ave. Seaside, said her ex-father-in-law, who she had known for almost 25 years, immigrated to Astoria from Russia. She was always fascinated by how much family he had, and it was always so beautiful to be together to celebrate Christmas and all of the holidays. When she found out about the church, the first thing she realized was that the view would be completely blocked. There would be very little light if the building is built high, so a lower building would be nice. She was also concerned about where all the water would go on his property, which was on a hill. The alley is very steep so he would not be able to access his property. She understood that this building would soon be designated as historic because it was over 100 years old. Therefore, it should not be blocked. She asked the Commission not to allow the project as proposed. She asked that the building be smaller. The church is going to build basketball courts, but there are already so many basketball courts in Astoria.

Susan Tadei, 9631 NE Midway Ave., Indianola, WA, said she was Vincent Tadei's youngest daughter and her father lived at 504 34th Street, Astoria. She objected to the application. Church members had written to her father saying that as members they were not in favor of trying to maintain and support another church building. The church membership has been decreasing not increasing to outgrow their existing facility, which would result in a need for more space. The church membership is decreasing but putting up another building and expanding the footprint would not secure the future of the church. Repeated visits to her father's house by church members were causing constant stress. Her father is concerned that the joy of living in his home is being taken away. The only other church member that lives in the area is the pastor. Her father trimmed the plum and pear trees on church property for 85 years. Safeway is not maintaining its landscaping. Their trees are overgrown, and she did not trust that the church or any of the surrounding commercial properties would maintain the trees. The application says the structure would be larger than some of the adjacent residential structures and the US Customshouse, but that it is smaller than the commercial properties. She asked why the proposed building was continuously being compared to commercial properties. She also wanted to know what the point was of having a historic neighborhood when City leaders did not adhere to the established historic designation. The application says that the predominately residential character of the area upland of Marine Drive and Lief Erickson would be preserved. She asked how the scope, size, and materials would preserve the residential character. The application also states that residential properties were at least one block to the south with the majority on Franklin Avenue. Her father's home is not one block to the south. There is a 20-foot alley and that is not equivalent to one block. She asked how the City found that the proposed development was not a large-scale public use facility. This is a mixed-use development and there is limited area for development. She asked when the historic district and the R-2 zone became mixed-use. This was another misstatement made by the City's findings to support the project. This felt very one-sided. The application said it may be possible to construct a driveway along the alley from 34th Street but an engineer would need to determine if the grade would meet Code. Her father had a prescriptive right to access his property from the vacant lot and he has openly and continuously used the area to access his property. She asked why the City was now stating that he would need to construct a driveway on a steep slope. She also wanted to know if there was any mindful consideration for the physical ability of an elderly person. It felt like his right to continue to access his property was being redirected. False statements and misstatements that the developer met with her family multiple times were tiresome. There was one meeting with [inaudible 1:32:10] when a map was proposed showing a relocation of the building. However, the HLC application has not been withdrawn. The application continuously states that the City finds certain criteria were already approved. Statements show additional studies and geological reports would be necessary. She asked how the Planning Commission would make a decision with insufficient information. The application felt extremely influenced. She wanted to understand how the lack of available facilities resulted from so many youth visitors that there was no indoor space available. This was another misstatement. The revised plan shows the existing parking is non-conforming. This project is turning into a larger scale, size, and scope in an R-2 zone and historic area. If this application is approved, she will request that the Governor put a moratorium on future construction because of the National Landslide Preparedness Act because Astoria is completely within a landslide area.

Paul Tadei, 89563 Lakeside Ct., Warrenton, showed a photograph of the original house and said it was built by his great-grandfather in 1904. His great-grandfather was born in the house and sold it to his father for \$1.00. His father raised 10 children in the house. He wanted to preserve the view of the house. He knew that views were becoming a big issue for the city. View corridors are going up in certain parts of town or proposed to go up in certain parts of town. The Uniontown project was shut down amid controversies over view corridors. He was curious about why Uniontown was different from Uppertown as far as views go. He knew that was a big issue for the Planning Commission as they tried to figure out how to shut down the project down the road. He had been celebrating family history there since the 1900s. His dad has known every pastor in the church since 1935. His best friend was Roger Toftee [1:37:20] who wrote a letter against this project. Mr. Toftee's father was a pastor at the church. He knew Pastor Pearson and Pastor Growthees [1:37:33] grew up there as a neighbor. He got along great with the congregation and Pastor Johnson, who just left at the end of April. He did not know if the church had a new pastor yet. This caused a lot of stress on his father, who has survived a heart valve replacement, staph infection, kidney dialysis, and lost his wife of 66 years. He has been home a lot since COVID-19 like everyone else and he should not have to go through this. The newspaper came to his house and luckily his sister was there to help him out with that. He does not want to be the sideshow of the attention. He wants to be in his house looking at the river and watching the ships. He has already lost half to three guarters of the view because of the Comfort Suites, which he fought when the building went up, but things were different then. His family was fighting for this, and he was sure the Commissioners would do the same thing for their families. He did not want to appeal everything, but he was prepared to fight. All of the children, grandchildren, nieces, nephews, and cousins are not going away. They had a lot of support from the community and people say they are doing the right thing. He was not sure why the church was doing this. Some of the members want it and some of them do not care for the project. Some people have sent letters saying they do not support the project. He guestioned the morality of some of the members because the situation is something they had never experienced in the neighborhood, for someone to just come in and want to build a building like this in front of somebody. There is a hill in front of the house that was fill from Mill Pond. Howard Johnson, who bought the property for the church, had Mill Pond truck all of the fill to that property in front of the house, so it is probably all contaminated. His dad pulled hundreds of pounds of mill wire out of there so that he could have a yard. The church never cared for it. There were plum, apple, and pear trees in the front and his dad always trimmed the trees for them. He and his brothers moved the property. If they are proposing this building, with traffic as horrible as it already is in the east end, what would happen on a Saturday afternoon if there is a wedding reception or a half-court basketball game. He was curious about what the Planning Commission would do about traffic. The Commission needs to consider putting in another light. Planner Johnson said the church has let neighbors use the property, but his family lets the church use it. It is the church's property, but his family cared for the property the whole time. There is one car that parks there during church sometimes. They were not caring for the property for any benefit but just to make it look nice and sharing it. City Engineer Crater said two months ago that the average homeowner might not realize that cutting the flower bed at the toe of the hill, even though it might only be a three-foot cutting, could be substantial. The property a block away was flat land where someone decided to build condominiums and what happened was unfortunate for the owners and the builder. He was not saying the land would slide, but Staff said developers needed to be careful when cutting into a hillside. The church sent over a list of things they thought would benefit the area. There are empty gyms all over town. The college is empty, but it did not have to be a school gym. There is the Armory and plenty of gyms not owned by schools. He played basketball for 50 years and he still had keys to gyms in the area, so he could give them a key if they would like. It was odd that they would want showers and locker rooms for half-court basketball. The garage to put their bus in would be great. He offered to share the garage with them if that was all they wanted. The project originally started out as a garage to put their bus in because their bus roof was leaking. Now, the project has evolved. His dad and other family members have helped the church out in numerous ways for numerous years without much thanks from the church lately. He thanked his dad for taking care of the church's property. He showed photographs of the

view from his father's house both before and after the proposed project is built and said he hoped that the church did the right thing by cancelling the project. Churches are not about buildings; they are about people.

President Moore called for rebuttal testimony from the Applicant. There were none. He confirmed that there were no closing comments of Staff. He closed the public hearing and called for a recess at 7:40 pm. The meeting reconvened at 7:46 pm.

President Moore called for Commission discussion and deliberation.

Commissioner Fitzpatrick said it appears that the church had been working toward this goal for a considerable period and they should be commended for that. It appears that the church received a generous donation, for which the donor should be commended. The church is understandably attempting to use that donation to their benefit. Meanwhile, the Commission received a significant amount of testimony, the majority of which is opposed to the application. He appreciated that Planner Johnson clarified which testimony was within the scope of the Planning Commission. He had mixed feelings about the application. The project seemed to conform to most of the Code requirements for setbacks, height, parking, lighting, and landscaping. The design has been approved by the HLC. Additionally, many of the concerns expressed by citizens would be reviewed by the Engineering Department. Astoria does not have a view ordinance, so the Commission cannot deny the application based on the loss of a view. If there was no public resistance, he would vote in favor. However, the neighborhood has been affected by other projects and he fully understood the imposition of one group of people who may or may not live in the neighborhood could affect the daily lives of people who invested their life savings in a neighborhood. It was difficult for people whose lives had not been affected by conditional use or temporary use approvals to understand the effect on a neighborhood. Several concerns have been voiced by several people, many of which cannot be considered but some of which fall into a grey area. The Planning Commission does not take these matters lightly and they consider all sides. Some of the Commission's decisions are unpopular, but the criteria in the Code are the only criteria on which the Commission can base its decisions. Comprehensive Plan Section CP.075.2 states that the predominately residential character of the area upland of Marine Drive/Lief Erickson Drive will be preserved. The project is not residential in character and does not have a residential component. The key phrase is "will be preserved." He was not sure how the project preserved the residential character of the neighborhood. Comprehensive Plan Section CP.220(6) says neighborhoods should be protected from unnecessary intrusions of incompatible uses including large scale commercial, industrial, and public uses or activities. This has been identified as a semi-public use and the question is whether or not the use is large scale. At 5,030 square feet of enclosed building and 1,845 square feet of covered porch, it is almost 7,000 square feet of coverage, which in addition to the required parking area is large in scale. Section 11.030(a) requires that the use is appropriate at the proposed location. Adjacent to the church seems appropriate. However, it appears that in addition to the views, it will impact the lives of the people who own or occupy adjacent residential properties. The application states that the church has allowed neighbors to access their garages from the location. The neighbors have stated they are concerned about accessing their garages. The application indicates that an engineer would be needed to determine whether the grade for an access driveway would meet Code. Providing access is not under the authority of the Planning Commission. However, he believed it was a consideration when determining whether the use is appropriate in the location and whether the project will preserve the predominately residential character of the neighborhood. Section 11.030(a) says several factors should be considered when determining whether or not the use is appropriate, including the availability of similar existing uses, availability of other appropriately zoned sites, and the desirability of other suitably zoned sites for the use. The Applicant states they have not considered any other uses. Astoria has a shortage of housing, so he was not sure this use was appropriate for a large R-2 parcel in an area where the residential neighborhood will be retained. He was concerned that the project would benefit the few select members of the congregation instead of benefiting the community at large. He was struggling to come to a conclusion.

Commissioner Price stated she completely agreed with Commissioner Fitzpatrick. The Commission received 53 letters in opposition, some of which are not from Astoria. Only four letters were in support. It was unfortunate that there was no one from the church who could answer some of the questions that Commissioner Fitzpatrick asked earlier. She believed the use seemed very inappropriate. This is not compatible with an R-2 zone and the Comprehensive Plan says the Uppertown neighborhood will be preserved.

Commissioner Henri said she felt like she was leaning against the request. She realized that proposal was within the square footage and height requirements. A semi-public church and community center use is good for the character of the neighborhood, especially since it is right on Marine Drive (sic Lief Erikson Drive) certainly an

appropriate location for the church. There is an empty gym at Star of the Sea and there are probably other places in town that could be used. She did not feel it was the Commission's purview to judge a hardship. This was a matter of a conditional use and whether the building counts as a public space that is an asset to the neighborhood. Even though the use can be called semi-private or semi-public, it is really a private use. It will not benefit people who are not members of the church. It will probably be a nice-looking, tidy building and would not attract any negative uses, so she did not imagine it would be a problem for the neighborhood. She had a problem with people losing their views. If she were shopping for a house and saw there was a vacant, looked up the ownership, and realized the lot would probably be developed, that is different from owning a house for over 100 years and seeing the property use change. However, she did not have any legal standing to deny this application based on views. She was not in favor of the proposal but did not know if there was a lot to base a denial on.

Commissioner Kroening appreciated Staff clarifying what the Commission could consider. He was leaning towards approval based on some of the criteria. Views and some of the other aspects are outside the realm of what the Commission could look at. This piece of the Uppertown area is predominately residential. He struggled to think about how the project would benefit the overall community. It is a somewhat private facility. The scale is not huge, but it is pretty substantial.

Commissioner Womack said he was sympathetic to those who spoke in opposition. The property was purchased 35 years ago, and the City does not have the ability to deny something because of a view. The majority of the opposition is about the view being blocked. The Commission does not have legal standing to deny the request on the view. No one spoke against the use of the building. Throughout the City, there are churches and community buildings located in neighborhoods and in many different zones. The church could decide not to move forward with this project, sell the property, and residential could be put up that would block the view as well.

Commissioner Corcoran stated that if it were not for the impact on the Tadei family home, this would be a straight forward conditional use application for him. The benefit to the community is marginal, but the use is appropriate in that location. He questioned whether the quality of the neighborhood could be preserved if the view was blocked. Since the Commission cannot apply the view as a criterion, he supported the application.

President Moore said the application had some unfortunate circumstances associated with it. Someone once told him that a good view was an incremental quality of life improvement. He was sympathetic to the loss of views. He relies on Comprehensive Plan Section 220.6 when there is new development in a neighborhood. It is important to note that development moratoriums are illegal in Oregon. The Commission cannot tell the property owner that they cannot build something. However, the Commission can do its best to make sure construction follows Codes to make sure that it is a good part of the community. CP.220.6 protects intrusions into a neighborhood. There is considerable opposition from a neighbor, but the project would not impact a large neighborhood. This structure is adjacent to a museum and across the street from a church, neither of which is residential. The residences start at Mr. Tadei's house and go up the hill, so the existing residential area is being preserved. The new facility will just be an extension of the existing church. It is unfortunate that a neighbor will lose access to his garage through the property, but that is not something the Commission can deny the application on. If there is an agreement in place, it is a civil issue between the two parties. He was leaning towards approval because he believed the application met all of the applicable criteria.

Commissioner Fitzpatrick responded that if the property were zoned commercial, he might agree that the neighborhood starts at Mr. Tadei's house. However, the property is zoned residential for a reason. He was not convinced this project would preserve the predominately residential character of the area upland of Marine Drive and Lief Erickson Drive. The Commission always has to go back to the Comprehensive Plan, which states the predominately residential character of the area upland of Marine Drive and Lief Erickson Drive will be preserved. This property is in the upland area. If residential were built on the property, it would be part of the neighborhood. He was confident that the Commission had to consider the phrase "will be preserved." Neighborhoods shall be protected from unnecessary intrusions of incompatible uses, including large scale commercial, industrial, and public uses or activities. He did not believe the proposed project would preserve the residential neighborhood. Therefore, he was leaning towards voting against the request.

President Moore asked if Commissioner Fitzpatrick was concerned about the use or the scale of the building.

Commissioner Fitzpatrick explained that he was concerned about both the use and the scale. CP.220(6) includes large scale commercial, industrial, and public uses or activities. He considered this project to be large scale, not compared to Safeway, but certainly compared to the other buildings in the area. The total square feet is just under 7,000 square feet and he considered that large scale.

President Moore asked if Commissioner Fitzpatrick was suggesting that any non-residential development should be denied based on the Comprehensive Plan saying that the predominately residential character of the area upland of Marine Drive and Lief Erickson Drive will be preserved.

Commissioner Fitzpatrick said if the Applicant was putting in a shed to store equipment used to maintain the property; that is something he would expect to find in a neighborhood. If the building were smaller and less intrusive, he might, but it is not. The almost 7,000 square feet is large scale relative to the size of the homes in the neighborhood.

Commissioner Corcoran noted that since this is not a housing development, special conditions could include reducing the size and height of the building.

Commissioner Price stated the preservation of the character of the residential area has nothing to do with views, just the character. In addition to the size of the building and the porch, there will also be the 11,000 square foot asphalt parking area. She did not know if this problem stemmed from looking across a State highway to the Safeway and Comfort Suites to determine the character of the residential neighborhood, which is clearly quite different on the other side. If the Commission allows this large semi-public building in the R-2 neighborhood, the Commission would be allowing creep up the hill. There is probably no land available above this, but assuming there was, a property owner could say the Commission allowed this development on the block below. Safeway and Comfort Suites are not in the neighborhood. They are adjacent to the neighborhood. She would not approve this request.

Commissioner Kroening said he agreed that the Commission's decision cannot be based on the views or access to the garages. This is an area where two zones abut, not a side street with a zone change boundary. The property is on a major road through town and the commercial use on one side is the size of a house or smaller. The proposed building is substantially different.

Commissioner Henri stated she still felt like the use was compatible with the neighborhood and that the location is appropriate for the use. The scale of the building is double the size of a very large house and the parking lot has a very commercial feel to it. The building will not have a neighborhood feel to it especially due to the historic character of the neighborhood. The architecture could be improved. The scale of the building could be reduced. Access to the driveways could be resolved. She did not feel good about the project but did not believe the Commission had grounds to deny the request.

Commissioner Womack agreed with Commissioner Henri. The lot coverage would be 28 percent, which meets the standard. Compatible use has always come down to the church. This building will be an accessory for an existing church that has been there for a very long time. Comparing an empty grass lot to anything is something, and something can be built on that lot. He did not feel like he could deny the request.

Commissioner Corcoran noted that the lot is zoned R-2 and could be built with high density residential apartments.

President Moore added that someone could build a three-story apartment building that covered 35 percent of the lot. That would be allowed outright without coming before the Planning Commission.

Commissioner Corcoran said he struggled to find a way to deny the application. If there was a way to apply special conditions to reduce the size and scope, he would think differently.

Commissioner Fitzpatrick explained that the Comprehensive Plan states, "The predominately residential character of the area upland of Marine Drive/ Lief Erickson Drive will be preserved." The project is not residential in character and does not have a residential component. The Comprehensive Plan does not say that the area shall be preserved, may be preserved, or that the Commission should consider preserving the area. The key phrase is "will be preserved." He was not sure how the project preserved the residential character of the

neighborhood. Someone could develop a project on this lot that is worse than this project. However, the Commission is considering whether this project will preserve the residential nature of the area upland. The Comprehensive Plan also says the neighborhoods should be protected from unnecessary intrusions of incompatible uses, including large scale commercial, industrial, and public uses or activities. This is a public use and the question is whether it is large scale. At a total of almost 7,000 square feet of coverage in addition to the parking area, the project is large scale. Large parking lots are not residential in scale and they take away from the residential character. The Comprehensive Plan requires that the use is appropriate at the proposed location. He did not believe this use was appropriate at the proposed location. There are other places in Astoria to recreate and the property could become five R-2 lots that would allow at least two units each. Housing is an outright use and, in this market, he did not want a large scale building and parking lot that would benefit mainly the members of the congregation.

President Moore conducted a straw poll, which revealed that four Commissioners were in favor of approval of the application.

Commissioner Price stated she was opposed to the application for the same reasons as Commissioner Fitzpatrick.

Commissioner Kroening noted that the current property owner has rights, and the Commission cannot consider what else might be developed on the lot. However, he was still leaning towards denial.

President Moore believed that churches and church uses were generally considered appropriate for residential areas. He lives two blocks away from this property and loves Uppertown. The proposal does not seem like it would have an impact on the neighborhood.

Commissioner Price said it was important to remember the lack of housing in Astoria. She did not dismiss the concerns about landslides. There was a pretty disastrous landslide just a block away.

President Moore explained that the use is legal in the R-2 zone. As long as the proposal meets the reviewable criteria, the Commission cannot deny it.

Commissioner Price stated she firmly believed there were two very secure reasons to deny this application and to leave the property open for the possibility of the type of development the town needs.

President Moore called for a recess at 8:36 pm. The meeting reconvened at 8:39 pm.

Commissioner Fitzpatrick stated that during the break, he had considered President Moore's question about scale. If the proposed project was closer to the size of any of the homes in the area, he would consider it a more appropriate scale.

Commissioner Corcoran said the Commission has a mechanism for reducing the height and size.

Commissioner Henri believed that reducing the height and size sounded difficult but would address some of the Commissioners' concerns. She was still unsure how she would vote. More public testimony in favor of the application would have been helpful. However, she was swayed by a lot of the negative testimony. She probably would not vote against the request but would not feel good about voting to approve it.

Commissioner Price said if the Commission denied the application, she assumed the Applicant would listen carefully to the discussion.

President Moore explained that if the Commission denied the application, the Applicant could not do anything for six months. If the Commission continued the hearing, the Applicant could work with Staff to revise the application.

Commissioner Price assumed a substantial revision would require a new application and this project needed a substantial revision. She asked if Commissioner Fitzpatrick knew whether there was a timeline on the funding for the proposed project.

President Moore stated the funding was none of the Commission's business. However, the City has a timeline within which a decision must be made. Otherwise, the Applicant can do whatever they want.

Director Leatherman noted that the City had 120 days from the date the application is deemed complete to make a decision and the decision deadline was September 9<sup>th</sup>. If a new application is substantially different, it could be submitted right away. Applications for similar projects must wait six months.

Commissioner Corcoran moved that the Astoria Planning Commission continue the public hearing of Conditional Use CU20-10 by RDA Project Management LLC to July 27, 2021 at 5:30 pm in City Hall Council Chambers. The motion died for lack of a second.

Commissioners Price and Fitzpatrick asked what would be the purpose of continuing the hearing.

Commissioner Corcoran explained that a continuance would allow the Applicant to reduce the height and scale of the building.

Director Leatherman added that the public hearing would have to be reopened at the next meeting.

Planner Johnson stated that a continuance to July 27<sup>th</sup> would not give the City enough time to meet the 120-day deadline of September 9<sup>th</sup> if the Planning Commission's decision is appealed to the City Council.

Commissioner Price believed the application needed substantial changes in order to meet the criteria. She believed it was unlikely that the church could do that in one month.

Director Leatherman noted that what Commissioner Price was describing would require a new application.

Commissioner Price said incremental changes would not make a difference to the application being well out of bounds.

President Moore suggested that Commissioner Price propose a motion for tentative denial of the application based on the Comprehensive Plan.

Commissioner Price suggested the motion be for tentative approval.

Director Leatherman explained that voting to tentatively deny would allow Staff to revise the findings.

President Moore added that if the Commission voted to tentatively deny this request, the Applicant would have an opportunity to withdraw the application and propose a new one or take some other action that would not create a six-month delay.

Commissioner Fitzpatrick moved that the Astoria Planning Commission tentatively deny Conditional Use CU20-10 by RDA Project Management LLC pending adoption of the Findings and Conclusions contained in the revised Staff report on July 27-2021 at 5:30 pm in City Hall Council Chambers; seconded by Commissioner Price.

Commissioner Fitzpatrick stated the findings for denial should be based on Comprehensive Plan Sections CP.075.2 and CP.220(6).

The motion passed 4 to 2. Ayes: Commissioners Fitzpatrick, Price, Henri, and Kroening. Nays: President Moore and Commissioner Womack.

The Planning Commission proceeded to Reports of Officers at this time.

#### ITEM 4(b):

V21-13

Variance Request (V21-13) by Jason Erickson, Astoria Bait and Tackle, from the maximum 50 sq ft and maximum two signs per frontage to install three signs at 14.8 sq ft in addition to two existing signs at 65 sq ft for a total of five signs for 79.8 sq ft at 1619 Marine Drive in the MH (Maritime Heritage) and Gateway Overlay (GOZ) Zones.

This item was addressed immediately following Item 3: Approval of Minutes.

President Moore asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare. There were none. President Moore asked Staff to present the Staff report.

Planner Johnson reviewed the written Staff report via PowerPoint. Staff recommended approval of the request with the conditions listed in the Staff report.

Commissioner Fitzpatrick asked if the "Life in the Slow Lane" sign was still located at the gable end of the building. Planner Johnson stated that the large sign on the gable end had been removed and a small TEAM sign would be installed on that elevation. The sign would be visible from Marine Drive.

Commissioner Corcoran asked if the sign on the west side of the building was being considered as part of this application. Planner Johnson said no. She explained that sign was installed without permits and so it was included in the square footage calculation. The condition requiring that sign to come into compliance would rectify that. Due to the cost of installation and the confusion of the permit that was issued, Staff was not recommended the sign be removed immediately, but rather when they need to be repaired.

Commissioner Price arrived at approximately 5:57 pm.

President Moore opened the public hearing and called for a presentation by the Applicant.

Jason Erickson, 35111 Helligso Ln., Astoria, said he believed that some of the information was inaccurate and some of the slides did not represent what the building looks like today. Slide 12 showed a Domino's sign on the east side, but there is no signage on that side currently. The west side has a symbol of Domino's. The restaurant sign in the gable is gone and both gables have matching TEAM signs. He did not have the exact measurements of those signs, but they are large enough to take up most of the gable. His only request from the beginning, when he opened the business, was to have a sign. That request was denied. He was just a fisherman trying to run a retail store and apologized that he did not have experience with this format. Following procedures had been difficult for him. He applied for a sign and was denied. The numerous emails, variances, and codes were confusing. He was hoping to have a sign approved just like every other business in town. He would put up any sign that the City would allow, with one caveat. The Staff report recommended he hang a blade sign from the soffit. He did not believe that anyone would be able to see that sign. The building is large and it sits on an intersection. He wanted a sign that was the same as the other signs that have been allowed on the building. something like TEAM or Domino's. He was not asking for anything extra, but just wanted something appropriate like the other businesses have. The blade sign would be fine in the front if he was allowed to have something on the east side where there is no signage currently so that traffic on Highway 30 could see that there is a bait and tackle store there. There are currently two TEAM signs that are hung on the fencing of an outdoor patio on the east side of the building. The size described in his application would be appropriate. However, he would prefer to move the sign up six inches instead of hanging it under the gable or have something on the east side of the building.

President Moore asked if Mr. Erickson planned to hang the blade sign parallel or perpendicular to the highway.

Mr. Erickson stated he wanted the sign to hang below the soffit and parallel to the highway.

President Moore asked if Mr. Erickson found the sign ordinance to be cumbersome and potentially overly restrictive.

Mr. Erickson said the ordinance was incredibly cumbersome for his level of expertise.

Commissioner Fitzpatrick asked if the Applicant was satisfied with the application or was trying to amend it.

Mr. Erickson stated he believed the size of the sign was appropriate. He was not educated in the nomenclature of certain signs. He was told that a blade sign is thin, flat, and hangs from a cable or chain. The color and material of the sign was not important to him. All he was requesting was a sign that says "Bait and Tackle" and is

affixed to the building rather than hanging under the soffit. If the sign is affixed to the building, his customers will be able to see it better. However, if a blade sign is all he could get approved, he just needed a sign.

Planner Johnson responded that Staff had been working on this application for months. The Applicant's most recent request was for the blade sign. This was the first she had heard that the Applicant wanted to move the blade sign up. If the sign was attached to the overhang rather than hanging below, that would be fine. If the sign was above the ledge like the Domino's sign, that might be possible, but Staff would recommend a 1-by-12-foot sign. The preferred sign in that zone is a blade sign or a wall sign.

Mr. Erickson confirmed for President Moore that he could work out the type, placement, and dimension of the sign with Staff after the variance is approved. He believed that an affixed 1-by-12-foot sign above like the Domino's sign would make the building look nicer.

Commissioner Fitzpatrick said it appeared that the Applicant and the owner were bothered by the process, which appears to be confusing. He wanted to make sure that if the application was approved, the Applicant would be happy.

Mr. Erickson stated he would be thrilled to have a sign on the front of the building. He continued to be confused with the PowerPoint and the number of signs. However, he would be happy with one sign. He wanted to put another sign on the other side of the building, but maybe that would require a different application.

President Moore called for any testimony in favor of, impartial to, or opposed to the application. Hearing none, he called for closing comments of Staff.

Planner Johnson said that if the Commission decided to allow all three options, she would need to add a condition saying the 1-by-12-foot sign may be a blade sign, a wall sign affixed to the ledge, or a wall sign just above the ledge.

President Moore closed the public hearing and called for Commission discussion and deliberation.

Commissioner Kroening said he thought the variance was for square footage and the number of signs.

Planner Johnson explained that the Commission could allow 12 square feet of signage in that sign, rather than specifying a 1-by-12-foot sign. However, the Applicant has requested two logo signs, 1.4 square feet each. So, the Commission can approve a total of 14.8 square feet of total signage or as requested, the two logo signs and a 12 square foot sign.

Commissioner Kroening stated he was in favor of the request.

Commissioner Corcoran said he was inclined to support the variance.

Commissioner Fitzpatrick stated he was in favor of approval.

Commissioner Henri believed it was a good idea to stipulate that the 1-by-12-foot sign did not have to be a blade sign. The building would look better, and the sign would be more visible above the awning. She understood there would be a door sign on the front and a sign on the east.

Commissioner Price stated she did not hear Staff's presentation. She asked if the maximum allowed signage for the building was 64 square feet and this variance would allow 94 square feet.

Planner Johnson responded that the frontage was only 50 feet wide, so the Applicant would only be allowed 50 square feet. The entire building could have a maximum of 64 square feet of signage on all elevations. In this case, the allowed signage would increase from 50 square feet on the frontage to 79 square feet for the two frontages and an additional sign on the 16<sup>th</sup> Street side of the building.

Commissioner Price asked if the letter from the Domino's representative was correct that a mathematical mistake was made by Staff for the Domino's sign.

Planner Johnson said the letter was correct. There was a miscalculation when the permit was issued. The Domino's application was for the maximum signage of 50 square feet, which would take up all of the signage space allowed on the building. The applicant was advised of that, but the miscalculation was that the sign would be more than 50 square feet and that was eventually approved.

Commissioner Womack stated he agreed that the request should be approved with the recommended conditions of approval.

Commissioner Price believed that Domino's should reduce its signage and the City take financial responsibility for bringing the signage back into compliance with the Code.

Commissioner Fitzpatrick moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Variance V21-13 by Jason Erickson, with the following added condition: "5. The 12 square foot sign may be a blade sign below the eave, wall sign affixed to the eave ledge, or wall sign just above the ledge."; seconded by Commissioner Womack. Motion passed 5 to 1. Ayes: President Moore, Commissioners Womack, Fitzpatrick, Corcoran, and Henri. Nays: Commissioner Price.

President Moore read the rules of appeal into the record.

President Moore called for a recess at 6:17 pm. The meeting reconvened at 6:22 pm.

The Planning Commission proceeded to Item 4(a) at this time.

### REPORTS OF OFFICERS/COMMISSIONERS:

This item was addressed immediately following Item 4(a).

There were no reports.

### STAFF UPDATES/STATUS REPORTS:

Item 6(a): Status of Variance application V20-19 / 1312-1316 Kensington

Director Leatherman reported that the denial of the application had been appealed to the City Council.

Item 6(b): Sate the Date: Next APC meeting (+TSAC) July 27, 2021 @ 5:30 pm

### **PUBLIC COMMENTS:**

There were no comments.

### ADJOURNMENT:

APPROVED:

There being no further business, the meeting was adjourned at 8:56 pm.

Community Development Director	



# CITY OF ASTORIA

Founded 1811 • Incorporated 1856 1095 Duane Street • Astoria OR 97103 • Phone 503-338-5183 • <a href="www.astoria.or.us">www.astoria.or.us</a> • <a href="mailto:planning@astoria.or.us">planning@astoria.or.us</a>

### STAFF REPORT AND FINDINGS OF FACT

REPORT RELEASE DATE: APRIL 27, 2021 REVISED RELEASE DATE: JUNE 15, 2022

COMMISSION HEARING DATE: MAY 4, 2021 continued to JUNE 22, 2021

TO:

ASTORIA PLANNING COMMISSION

FROM:

ROSEMARY JOHNSON, PLANNING CONSULTANT

SUBJECT:

CONDITIONAL USE REQUEST (CU20-10) BY RDA PROJECT MANAGEMENT

FOR BETHANY LUTHERAN CHURCH TO LOCATE A SEMI-PUBLIC USE IN

AN ACCESSORY BUILDING AT 420 34TH STREET FOR BETHANY

LUTHERAN CHURCH AT 451 34TH STREET

## I. SUMMARY

A. Applicant:

Randy Stemper

randystemper@gmail.com

**RDA Project Management LLC** 

PO Box 1417 Astoria OR 97103

B. Owner:

Bethany Lutheran Church

451 34th Street Astoria OR 97103

C.

Location:

420 34th Street; Map T8N R9W Section 9BD, Tax Lots 3800 &

3900; Lots 1, 2, and west 18.75' Lot 3, Block 18, Adair's Port of

Upper Astoria

D. Zone:

R-2, Medium Density Residential

E.

Lot Size:

150' x 168' (25,312 square feet)

F. Pr

Proposal:

To operate a semi-public use in an accessory building for the

existing adjacent church facility.

G. Associated Application: The applicant has obtained a New Construction Permit

(NC20-08) approval as Appealed (AP21-02) to construct a building

adjacent to historic properties.

H. 120 Days: September 9, 2021. The application was deemed complete on March 11, 2021.

## II. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 200 feet pursuant to Section 9.020 on April 9, 2021. Email and web publishing also occurred on April 9, 2021. A notice of public hearing was published in the *Astorian* on April 24, 2021. On-site notice pursuant to Section 9.020.D was posted April 20, 2021. Any comments received will be made available at the Astoria Planning Commission meeting.

## III. BACKGROUND

The subject property is currently a vacant site of 25,312 square feet. The structure would be an annex to the existing church which is located across the 34th Street right-of-way and would be classified as a semi-public use. It is located in an R-2 Zone (Medium Density Residential) and public/semi-public use is allowed as a conditional use. The applicant has obtained Historic Landmarks Commission approval for New Construction Permit (NC20-08) as Appealed (AP21-02). The HLC permit was appealed to the Land Use Board of Appeals (LUBA 2021-048) and is pending.

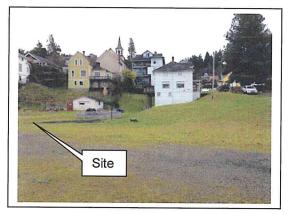


Staff has worked with the applicant for several months concerning design, location, and other details of the project. There may be conflicting items within the application; however, the APC should consider the details, materials, dimensions, etc. as noted in the staff report as the final proposal presented by the applicant. On May 20, 2021, the applicant submitted a revised site plan based on discussions with the City Engineer and the possible relocation of the City sewer easement. These revised Findings of Fact reflect the proposed new location. With this revision, the project will need additional review by the HLC.

## A. Site:

The site is on the east side of 34th Street bounded on the north by Duane Street; on the south by an alley and residential property across the alley right-of-way; on the east by residential property. The land is relatively flat with a gentle slope down toward the north. Access to the site would be from 34th Street.

There is an easement for a City utility line on the east portion of the lot requiring that the building be located as far to the west on the property as possible. However, the applicant is working with the City Engineer on possible relocation of the sewer allowing the building to be located on the eastern portion of the lot. The vacant site is currently used as overflow parking for the adjacent church.





## B. <u>Neighborhood</u>:

The neighborhood is developed with a mixture of single-family dwellings to the east and south; a church to the west across 34th Street; City-owned historic reconstruction of the US Customhouse to the north across Duane Street right-of-way; Safeway parking lot, gas station, and motel to the north across Lief Erikson Drive; to the northeast is a City/School District ballfield; and to the southeast is Astor Elementary school.



Duane Street and the alley are unimproved rights-of-way. The 34th Street right-of-way is not improved to its full width and on-street angled parking on the west side is used for the church parking. Currently, some houses access their sites across the church site. However, there are no legal easements, and the sites are accessible from City rights-of-way that are currently unimproved but could be used for access. Access across the church lot to other properties is not an issue for APC consideration but will be addressed for informational purposes only.

# IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

A. Section 1.400 defines "Semi-Public Use" as "A structure or use intended or used for a semi-public purpose by a church, lodge, club, or any other nonprofit organization, excluding lodges or clubs which have eating or drinking facilities."

Section 2.070.8, Conditional Uses Permitted, in the R-2 Zone lists "Public or Semi-Public Use" as an allowable conditional use.

<u>Finding</u>: The applicant proposes to operate a facility as an annex to the existing church facility located across the 34th Street right-of-way at 451 34th Street. The facility would include an indoor sports area for half-court basketball, small kitchen, and area to be used for church gatherings. Public and Semi-Public Uses are conditional uses in all zones except the C-3 (General Commercial) and C-4 (Central Commercial) Zones that allow them as outright uses. The City finds that the use is classified as a Semi-Public Use and requires a conditional use permit to locate at this site.

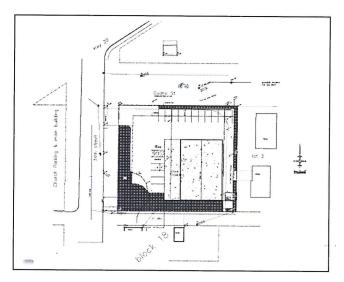
- B. Section 2.080, Yards, in the R-2 Zone states "Uses in the R-2 Zone which are part of a cluster development will comply with the yard requirements in Section 11.160. Other uses in the R-2 Zone will comply with the following requirements:
  - A. The minimum yard requirements in an R-2 Zone will be as follows:
    - 1. The minimum front yard will be 20 feet.
    - 2. The minimum side yard will be five (5) feet, except on corner lots the side yard on the street side will be 15 feet.
    - 3. The minimum rear yard will be 15 feet, except on corner lots the rear yard will be five (5) feet."

Section 1.400 defines "YARD: An open, unoccupied space of a lot which is unobstructed by any structure or portion of a structure extending more than 12 inches above ground level of the lot upward.

<u>FRONT</u>: A required open space extending the full width of a lot between any structure and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Code."

Section 1.400 defines "LOT LINE: The property line bounding a lot. <u>FRONT</u>: The property line separating the lot from the street, other than an alley. On corner lots, the front lot line shall be determined by the main entrance to the existing or proposed structure. The City shall determine the front lot line of a corner lot. . ."

<u>Finding</u>: The property is a corner lot accessed from a driveway on 34th Street and therefore, the front property line / front yard has been determined by the City to be adjacent to 34th Street. The proposed building would be set back approximately 60' from the front property line to the west; 15' from the alley right-of-way to the south side; 45' from the Duane Street right-of-way to the north; and 20' from the rear property line to the east.



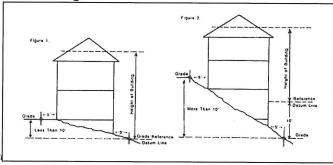
There is an existing City sewer easement (Book 121, Page 597, dated 5-4-1927) on the east half of the site which prohibits construction over the easement area. The easement is proposed to be relocated to the east along the east property line. The structure has been situated to avoid development at the easement site and provide a larger view corridor for the neighborhood on the west side of the building. The revised easement area is proposed to be used for a driveway and outdoor storage enclosure area. The City Engineer will continue to work with the applicant on the final design relative to the existing and/or proposed sewer easement and any need to move the building. The City finds that the proposed development meets the required yard setbacks.

C. Section 2.085, Lot Coverage, in the R-2 Zone states "Buildings will not cover more than 40 percent of the lot area."

<u>Finding</u>: The site is 25,312 sqft. The proposed building including the solid waste disposal area is 7,017 sqft for a total lot coverage of 28%. The City finds that the proposed development meets the maximum lot coverage.

D. Section 2.090, Height of Structures, in the R-2 Zone states "No structure will exceed a height of 28 feet above grade."

Section 1.400, Definitions, defines Grade and Height as follows: "GRADE: The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building."



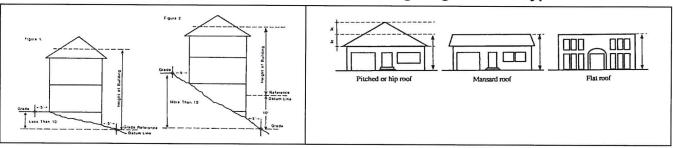
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"HEIGHT, BUILDING: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof, to the deckline of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of that building. The reference datum shall be whichever of the following two measurements results in the greater building height (see Figure 1):

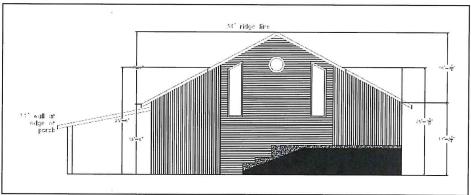
- a. The reference datum is the lowest grade when the highest ground surface within a five (5) foot horizontal distance of the exterior wall of the building is not more than ten (10) feet above that lowest grade. (Note: Also see definition of "Grade".)
- b. The reference datum is ten (10) feet higher than the lowest grade when the ground surface described in Item A above is ten (10) feet or more above that lowest grade. (Note: Also see definition of "Grade".)"

# Measuring Height in Feet

# Measuring Height - Roof Types



<u>Finding</u>: The site is relatively flat, so the height is determined from lowest grade. The building has a pitched roof and therefore the height is determined to the mid-point between the eave and ridge of the structure. The proposed building is 34' to the ridge, but the overall height as defined by the City is 25.5'. The City finds that the proposed building is within the maximum 28' height allowed in the zone.



E. Section 3.158.B, Legal Lot Determination, Combining of Lots, states "When a project will extend into adjacent lots, parcels, or tracts whether to meet lot size requirements, for the placement of structures or accessory uses, or to provide for requirements such as parking, the Community Development Director or Planner shall require that the properties be combined either through a Property Line Adjustment or by recording a deed or memorandum containing a covenant

preventing the separate sale, transfer, or encumbrance of either property except in compliance with building codes, City of Astoria Development Code, and other applicable land use regulations."

<u>Finding</u>: The subject property is currently two full platted lots plus a partial of a third lot and is in two County tax lots. The applicant shall submit a Legal Lot Determination application for combination of the lots. The platted lots shall be combined on the deed and/or some other method of lot combination approved by the City prior to issuance of the building permit. A draft deed shall be provided to the Planner for review and approval prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection (Condition 1). As noted elsewhere in this document, other uses such as parking, loading, etc. that are located on other lots than the subject property would require easements as they are located across rights-of-way and could not be combined with these lots. The City finds that the lots are required to be combined.

F. Section 2.095.1, Other Applicable Use Standards, in the R-2 Zone states "All uses will comply with applicable access, parking, and loading standards in Article 7."

Section 7.100, Minimum Parking Space Requirements, requires the following:

Public Assembly	space per 100 sq. ft. of public assembly     area where no seats provided; or     space per five seats where provided	
Religious Institutions and Houses of Worship	1 space per 100 sq. ft. of main assembly gross floor area; additional parking is not required for associated use areas if not used at same time as main assembly area	
Aquatic center, sports club, gym, rink, recreation center, health club, bowling alley, and other similar indoor entertainment	1 space per 400 sq. ft. gross floor area	

Finding: The proposed use is a public assembly area as an annex to a religious institution (Bethany Lutheran Church) and will be used for church gatherings and as an indoor sports area. The building would be 5,030 sqft plus a covered outdoor seating area of 1,845 sqft. Public Assembly would require 50 spaces at 1 space per 100 sqft for the entire building, and recreation area would require 13 spaces at 1 space per 400 sqft for the 5,030 sqft area. However, for the most part, the facility would not be used at the same time as the church facility. Therefore, no additional parking is required for "associated use areas if not used at same time as main assembly area". However, the facility may be used for non-church activities at times, and therefore some off-street parking is required. The City finds that 13 off-street parking spaces for the proposed use based on the indoor sports area use is required.

G. Section 7.020, Reduction of Parking Area Prohibited; Exception, states "Off-street parking and loading areas which existed on the effective date of this ordinance or which are provided as required by this Section shall be maintained, or equivalent parking and loading areas provided; except that if this ordinance reduces the number of required off-street parking or loading spaces, an affected use may diminish its parking and loading area to the new requirements."

Finding: The lot is currently used for the Church overflow parking area. The church is approximately 4,900 gross sqft on the ground floor. The main assembly area is approximately 3,000 sqft which would require 30 spaces at 1 space per 100 sqft. The church site currently has 8 on-site spaces, 8 spaces partially within the 34th Street right-of-way, 8 spaces partially within the alley right-of-way, and at least 15 spaces on the lots to the south (Map 9BD, Tax Lots 2900 & 3200) for a total of 39+ spaces. Of those, only 23 spaces are on-site which is seven less than the required 30 spaces. The spaces within the rightof-way are non-conforming but are existing. Since the subject lot is used for church parking and 16 of the existing parking spaces are partially within the right-of-way, additional spaces are required on the adjacent parcel owned and used by the church. Therefore, seven spaces for the church shall be provided on the proposed parking area for the new facility (Condition 2). As discussed at the 11-18-20 pre-application meeting with the City Engineer, at minimum, the required parking spaces shall be paved (Condition 3). As noted above, the proposed facility is not required to provide additional parking for the church use of the building, but 13 spaces are required for possible non-church use of the property. Therefore, the City finds that, as conditioned, the existing church offstreet parking will not be reduced by the proposed development, and that in fact, it would be improved parking that is currently an open unimproved lot.

Since a portion of the church parking is on separate lots, an easement shall be required for the 15 spaces on the south lots (Map 9BD, Tax Lots 2900 & 3200) required to accommodate the spaces for the church that are not provided on the church site, and for seven spaces on the proposed site. The draft easement(s) shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection (Condition 4).

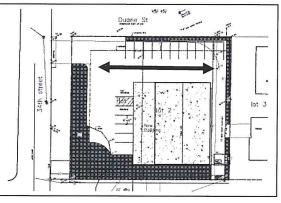
- H. Section 7.070.A, Joint Use of Parking Areas, states "The Community Development Director may authorize the joint use of parking areas by the following uses or activities as a Conditional Use in every zone under the following conditions:
  - Up to 50% of the off-street parking spaces required by this ordinance for a church, auditorium in a school, theater, bowling alley, night club, eating or drinking establishment may be satisfied by the off-street parking spaces provided by uses occupied only during the daytime on weekdays.
  - 2. Up to 50% of the off-street parking spaces required by this ordinance for any daytime use may be satisfied by the parking spaces provided for nighttime or Sunday uses.

- 3. All jointly used spaces shall be located with relation to all uses relying on such spaces within the applicable distance set forth in Section 7.030.
- 4. The Planning Commission must find that there is no substantial conflict in the principal operating hours of the buildings or uses for which joint use of off-street parking facilities is proposed.
- 5. A properly drawn legal instrument executed by the parties concerned with joint use of off-street parking facilities, approved as to form and manner of execution by Legal Counsel, shall be filed with the Community Development Director. Joint use parking privileges shall continue in effect only so long as such an instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, then parking shall be provided as otherwise required in this ordinance within 60 days."

<u>Finding</u>: The proposed 17 parking spaces for the new facility would be used jointly by the adjacent church facility. As noted above, and easement for a minimum of seven spaces shall be recorded (Condition 4).

I. Section 7.160.C, Minimum Loading Space Requirements, Commercial, Non-office, Public and Semi-Public, requires one loading space 12' wide x 55' long x 14' high, for structures between 5,000 sqft and 59,999 sqft.

Finding: The use is a 5,030 sqft Semi-Public building with additional 1,845 sqft covered porch; therefore, it requires one loading space. A loading space has not been identified on the site plan; however, there is ample room on the north side of the property for a 12' x 55' space as noted on the site plan. In addition, the church owns two lots (Map 9BD, Tax Lots 2900 & 3200) to the south of the church facility that is large enough to accommodate a shared loading area for the church and annex building.



If the loading area is located on an adjacent lot (Map 9BD, Tax Lots 2900 & 3200), an easement shall be recorded. The draft easement shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection (Condition 5). The City finds that the request meets the loading space requirement as conditioned.

J. Section 7.105.A, Bicycle Parking, Standards, states "Bicycle parking spaces shall be provided for new development, change of use, and major renovation, at a minimum, based on the standards in Table 7.105. Major renovation is defined as construction valued at 25% or more of the assessed value of the existing structure.

Where an application is subject to Conditional Use Permit approval or the

applicant has requested a reduction to an automotive parking standard, pursuant to Section 7.062, the Community Development Director or Planning Commission, as applicable, may require bicycle parking spaces in addition to those in Table 7.105.

Table 7.105: Minimum Required Bicycle Parking Spaces"

Institutional Uses and	1 bike space per 20	100% short term
Places of Worship	vehicle spaces	

Section 7.105.B.7, Bicycle Parking, Design and Location, Long-term bicycle parking, states "Long-term bicycle parking shall consist of a lockable enclosure, a secure room in a building on-site, monitored parking, or another form of sheltered and secure parking."

<u>Finding</u>: As an Institutional Use, the facility would be required to provide one space per 20 vehicle spaces. With 17 vehicle spaces provided, one short-term bicycle space would be required. The applicant proposes four short-term bicycle spaces. The location has not been indicated and will be required to be located with easy access to the building. The location of the bicycle parking spaces shall be reviewed and approved by the Planner prior to issuance of the building permit (Condition 15). The City finds that the proposed bicycle parking meets the minimum required spaces.

K. Section 2.095.4, Other Applicable Use Standards, in the R-2 Zone states "All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer."

Section 2.095.5, Other Applicable Use Standards, in the R-2 Zone states "Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans."

<u>Finding</u>: The site is not within 100' of a known landslide hazard. However, it is located in a "very high" area on the Landslide Susceptibility DOGAMI Open-File Report O-16-02. Citizen comments have been received expressing concern with potential landslide. Issues concerning a geologic report, storm drainage, and engineering of the site would be reviewed by the City Engineer at the time of the building permit submittal.

L. Section 2.095.6, Other Applicable Use Standards, in the R-2 Zone states "All uses except those associated with single-family and two-family dwellings shall meet the landscaping requirements in Sections 3.105 through 3.120."

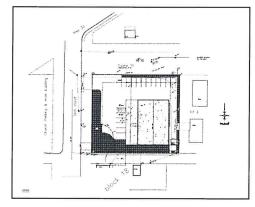
Section 7.110.G, Landscaping, states

- "1. Landscaping shall be provided as required in Section 7.170 and Section 3.105 through 3.120.
- 2. Required landscaped yards shall not be used for parking."

Section 7.170.A, Landscaping of Outdoor Storage or Parking Areas, states "A minimum of 5% of the gross parking lot area shall be designed and maintained as landscaped area, subject to the standards in Sections 3.105 through 3.120. This requirement shall apply to all parking lots with an area of 600 square feet or greater. Approved sight obscuring fences or vegetative buffers shall be constructed where commercial parking lots abut Residential Zones. The minimum 5% landscaping shall be counted as part of the total landscaping required for the property."

Section 3.115, Review of Landscaping Plans, states "The landscaping plan shall be reviewed by the Community Development Director to determine if it meets the quantitative requirements of the Code. Landscaping in conjunction with Uses Permitted Outright may be approved by the Community Development Director. Landscaping in conjunction with Conditional Uses shall be reviewed by the Planning Commission as part of the review under Section 11.010. In such cases, the Planning Commission may review schematic plans and the final plans may be reviewed by the Community Development Director. No Certificate of Occupancy or other final approval shall be issued by the building official or the City until the landscaping is installed as specified by the Planning Commission or Community Development Director. Minor changes in the landscape plan may be allowed by the Community Development Director, so long as they do not alter the overall character of the development."

Finding: The use is not a single-family or two-family dwelling and therefore the yard areas shall be landscaped and not used for parking. The site is 25,312 sqft and the parking area is approximately 11,000 sqft of the main lot. The site is required to have 5% (550 sqft) of the parking area landscaped. The applicant proposes approximately 5,000 sqft (20%) of the entire site to be landscaped with landscaping on all four sides of the lot. Setback yard areas would be landscaped.



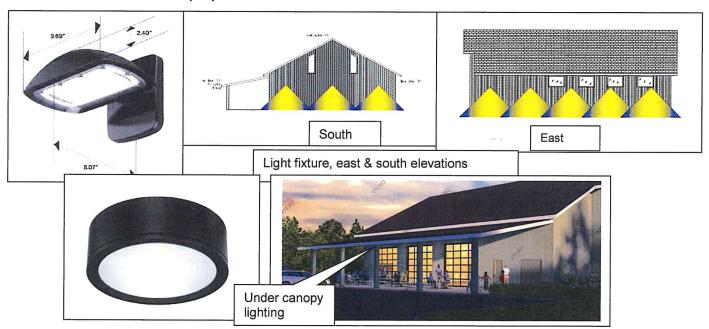
Landscaped areas are noted on the site plan and are proposed to be native vegetation, but a final landscape plan with species has not been submitted. A landscape plan in accordance with Sections 3.105 through 3.120 shall be provided for review and approval of the Planner prior to the issuance of a building permit (Condition 6). The landscaping shall be installed prior to occupancy of the building and/or final building permit inspection (Condition 7). The City finds that the request meets the landscaping requirements as conditioned.

M. Section 2.095.8, Other Applicable Use Standards, in the R-2 Zone states "All uses shall comply with applicable lighting standards in Section 3.128."

Section 7.110.F, Lighting, states "Parking or loading areas that will be used at nighttime shall be lighted. All areas shall comply with applicable lighting standards in Section 3.128."

Section 3.128, Lighting Standards, states "Outdoor lighting shall be designed and placed so as not to cast glare into adjacent properties or rights-of-way. Light fixtures shall be designed to direct light downward and minimize the amount of light directed upward. The Community Development Director may require the shielding or removal of such lighting where it is determined that existing lighting is adversely affecting adjacent properties or contributing to light directed into the night sky."

Finding: Lighting is proposed on the building on the south and east elevations. Additional lights will be under the covered area on the north elevation. Lights would all be downcast with the bulbs up within the fixture and will be shielded to avoid glare beyond the property line into other properties. A final lighting plan shall be reviewed and approved by the Planner prior to issuance of a building permit (Condition 9). The City finds that sufficient lighting in compliance with the Code is proposed.



N. Section 11.140, Public or Semi-Public Use, states "Traffic will not congest nearby streets, and structures will be designed or landscaped so as to blend into the surrounding environment and be compatible with the adjacent neighborhood. The activities or hours of operation will be controlled to avoid noise or glare impacts on adjacent uses."

<u>Finding</u>: The proposal is for an annex building for the existing church facility. Patrons of the site would be for the most part the same patrons that attend the church facility. While the facility may be available to non-church members, the majority of the use will be by the church. Increased traffic is not anticipated by use of the accessory building other than the occasional use by non-church members.

The design of the building has been reviewed and approved by the Historic Landmarks Commission as a New Construction (NC20-08) on February 9, 2021. That approval was Appealed (AP21-02) and the City Council upheld the HLC approval at its April 5, 2021 meeting. That decision has been appealed to the Land Use Board of Appeals (LUBA 2021-048) and is pending. In making its decision on "compatibility" with the adjacent historic structures, the HLC considered and weighed the historic criteria with the building's location on the edge of a developed commercial area. The site is close to Lief Erikson Drive with the Safeway retail store and gas station, Comfort Suites motel, the City/School District ball field, and Astor Elementary School on Franklin Avenue. During the appeal hearing, the City Council noted that while the historic buildings are visible from Lief Erikson Drive, that the main historic streetscape is the Franklin Avenue area where the historic buildings front.



As noted above, native landscaping is proposed on all four sides of the property at approximately 20% of the lot area. Landscaping along the east and south property lines shall be 5' deep and would consist of a mixture of trees, shrubs, and ground cover. These two sides shall be designed to buffer the site from the adjacent residential properties in the form of hedge or denser vegetation (Condition 8). A landscape plan in accordance with Sections 3.105 to 3.120 shall be provided for review and approval of the Planner prior to the issuance of a building permit (Condition 6). The landscaping shall be installed prior to occupancy of the building and/or final building permit inspection (Condition 7).

Hours of operation are not proposed, but the site would be used as an indoor sports area and eating/drinking / gathering area for the church as a semi-public

use. It is not proposed as a public restaurant or sports center. City Code Section 5.025, Unnecessary Noise, states "No person may make, assist making, continue or cause to be made any loud, disturbing or unnecessary noise that annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of others." No restrictions on hours of operation are proposed at this time, but the City Code concerning nuisances could be applied in the future if noise should become a problem.

The City finds that with the noted conditions, the request meets this criteria.

- O. Section 11.020(B.1) states that "the Planning Commission shall base their decision on whether the use complies with the applicable policies of the Comprehensive Plan."
  - 1. CP.075.1, Uppertown Area Policies, states "Refer to policies regarding housing, historic preservation, parks and recreation, transportation, shorelands and estuary, and geologic hazards."

<u>Finding</u>: The proposal has been reviewed and approved by the HLC concerning historic preservation issues. The site is not a public park, shoreland, or estuary. The site is not within 100' of a known geologic hazard. However, it is located in a "very high" area on the Landslide Susceptibility DOGAMI Open-File Report O-16-02. Citizen comments have been received expressing concern with potential landslide. Issues concerning a geologic report would be reviewed by the City Engineer at the time of the building permit submittal. The project is not for housing. Transportation issues are addressed below.

2. CP.075.2, Uppertown Area Policies, states "The predominantly residential character of the area upland of Marine Drive/Lief Erikson Drive will be preserved."

<u>Finding</u>: The area along Lief Erikson Drive from Bethany Lutheran Church at 34th Street to 37th Street has no residential property fronting on Lief Erikson Drive. Residential properties are at least one block to the south, with the majority of it on Franklin Avenue and two residences off the unimproved Duane Street and cul-de-sac. Lief Erikson Drive in this area is developed with Safeway, Safeway gas station, Comfort Suites motel, East End Mooring Basin parking, OSU-owned commercial facility, Bethany Lutheran Church, US Customs House historic reconstruction, City/School District ball field, tennis court, Geno's Drive-In, and Astoria Coffee Roasters.



The proposed development is on the boundary of the residential and commercially developed properties. The aerial above shows an orange line separating the residential and commercial uses. The City finds that use of this property for a semi-public use associated with the adjacent church facility is consistent with the overall varied development along this portion of Lief Erikson Drive as it is not predominately residential in this area.

3. CP.357, Transportation Goal 3 and Policies 3, Goal, Economic Vitality, states "Support the development and revitalization efforts of the City, Region, and State economies and create a climate that encourages growth of existing and new businesses."

CP.357.7, Transportation Goal 3 and Policies 3, Policies, states "Ensure that all new development contributes a fair share toward on-site and offsite transportation system improvements."

<u>Finding</u>: The church is an existing semi-public use (business). The proposed annex building will allow expansion of church functions which supports the economy of the area. The proposal is for 17 off-street parking spaces that will be shared with the main church facility. The driveway entry to the site will be improved to City standards. The City finds that the additional on-site parking contributes to the transportation facilities and that the improved driveway apron will enhance the 34th Street right-of-way.

4. CP.358, Transportation Goal 4 and Policies 4, Goal, Livability, states "Customize transportation solutions to suit the local context while providing a system that supports active transportation, promotes public health, facilitates access to daily needs and services, and enhances the livability of the Astoria neighborhoods and business community."

CP.358.1, Transportation Goal 4 and Policies 4, Policies, states "Protect residential neighborhoods from excessive through traffic and travel speeds."

<u>Finding</u>: The site is currently used for overflow parking for the existing church. That use will continue. The new facility would be used mostly by the church and not at the same time as the church functions, and therefore would not be increasing volume of traffic to the site. The number of days and/or hours of traffic to the site would increase with use of the additional building. However, 34th Street is not a through street and therefore, vehicles would not be traveling at excessive speeds in this area.



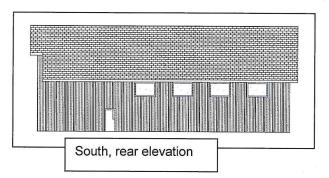
The City finds that the neighborhood would be protected from excessive through traffic and travel speeds.

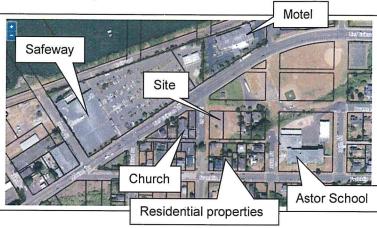
5. Comprehensive Plan Section CP.220(6) concerning Housing Policies states that "Neighborhoods should be protected from unnecessary intrusions of incompatible uses, including large scale commercial, industrial and public uses or activities."

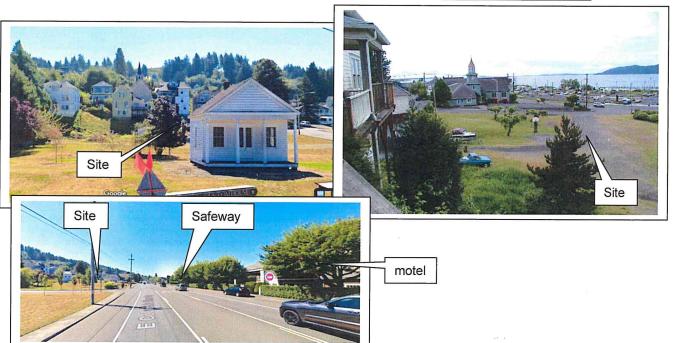
<u>Finding</u>: This neighborhood is a mixture of single-family residential, large scale commercial, semi-public church, motel, and public ball fields. The proposed facility is an expansion of an existing semi-public church facility and not a separate new use. The annex would be used mostly by the church and therefore the majority of customers to the site would be the same as the church patrons. Non-church use is possible with the proposed indoor sports area and communal meeting space. However, that use would be secondary to the primary use by the adjacent church. The use is compatible with the adjacent church.

The site is on the boundary of a commercial area. Building sizes in this area vary. Within a block of the site is Safeway grocery (56,480 sqft), Safeway gas station (3,870 sqft), Comfort Suites motel (13,800 sqft), and Astor School (25,500 sqft). From the south/rear elevation facing the residential development, the building would be 1.5 stories tall and 86' wide. The adjacent associated church is 80' wide on its south elevation, is approximately 5,100 square feet, and two-story tall with added steeple. The dwelling at 529 35th Street visually dominates the hillside to the

south as its lower area is enclosed giving the appearance of a four-story structure on the north elevation. The footprint is approximately 2,000 sqft with approximately 6,000 sqft for the three floors. The US Customhouse reconstruction is 450 square feet and one story tall. While the structure is larger than some of the adjacent residential properties & the US Customhouse, it is much smaller than the commercial facilities in this area. The proposed 5,030 sqft structure with 1,845 sqft covered porch is not a "large scale" structure such as the 56,480 sqft Safeway and 13,800 sqft Comfort Suites buildings. The City finds that the proposed development is not a large-scale public use/activity.







The lot has been vacant for many years but is a buildable site. With limited available land for development, it is reasonable to except that the site would be developed at some time. It is also reasonable to expect the church annex building to be located adjacent to the church and not elsewhere. The structure would be a change to the neighborhood, but any

development would be a change. For the most part, views are not protected by City codes. Some view protection has been adopted in the Riverfront Overlay Zones, but that is not applicable to this site.

The City finds that due to the mixed-use development of this area, its association with the adjacent church, and the variety of building sizes in the area, that the proposed use and structure would not be an unnecessary intrusion into the neighborhood.

<u>Finding</u>: The request is in compliance with the Comprehensive Plan.

- P. Section 11.030(A) requires that "before a conditional use is approved, findings will be made that the use will comply with the following standards:"
  - 1. Section 11.030(A)(1) requires that "the use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use."

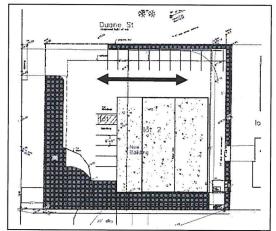
Finding: The proposed use is an accessory use to the existing adjacent church facility. The site is across the 34th Street right-of-way from the primary use and majority of users. It is common for a church to have indoor sports areas and meeting space for church gatherings and the existing church structure does not provide the needed space. A semipublic use is a conditional use in all allowable zones except where it is allowed as an outright use in the C-3 (General Commercial) and C-4 (Central Commercial) Zones. Therefore, the conditional use is necessary to have an annex facility adjacent to the existing church. A location in a C-3 and or C-4 Zone would not be desirable as the church patrons would be using the two facilities as one campus without the need to drive to other locations. The City finds that the use is appropriate at this location.

2. Section 11.030(A)(2) requires that "an adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements."

<u>Finding</u>: The site is accessed from 34th Street one block off Lief Erikson Drive. The site is currently used as overflow parking for the existing church and has a substandard driveway that would be reconstructed to City standard.

Future development is not anticipated in this area in the near future, and the proposed use would not overburden the existing street system for access.

On-site parking is proposed that would be jointly used by the church as noted above. A loading area has not been specifically identified; however, there is sufficient area on the north side of the lot for a loading area. In addition, the church owns two lots to the south of the church facility that is large enough to accommodate a shared loading area for the church and annex building. If this lot is used for the loading area, an easement shall be recorded. The draft easement shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection (Condition 5). The preliminary parking design layout has been reviewed by the Planner and meets the required space dimensions and aisle widths of Article 7, Parking and Loading. Final review and approval will be completed by the Planner at the time of the building permit submittal.





An enclosed solid waste disposal area is proposed for the southeast corner of the lot. The applicant shall have the final location and size of the enclosed solid waste disposal area shall be reviewed and approved by Recology and provide the Planner verification of that approval prior to issuance of the building permit (Condition 10). The final design shall be reviewed and approved by the Planner prior to issuance of the building permit (Condition 11). Any major changes to the location of the disposal area would be reviewed by the Planning Commission (Condition 12).

A walkway is proposed on the east side of the building along the rear of the building. There are no sidewalks along this portion of 34th Street. At the pre-application meeting on 11-18-20 with the applicant, the City Engineer advised that a sidewalk would be required on 34th Street. A sidewalk shall be installed on the east side of 34th Street along this property in accordance with City Engineering requirements (Condition 13). A bicycle rack is proposed but the location has not been identified. The location and design of the bicycle parking spaces shall be reviewed

and approved by the Planner prior to issuance of the building permit (Condition 15).

There are two adjacent properties that have accessed their residential garages across the church property for years. The church has stated that they have allowed this use but have not granted any easements or rights for the continued use. These properties have legal access from dedicated City rights-of-way; however, these rights-of-way do not provide easy access. The garage for 3432 Franklin Avenue faces the alley to the south of the proposed project. The parking area for 504 34th is in the rear of the property and is accessed from the alley to the south of the proposed project across the church property. The alley intersections at 34th and 35th Streets are at different elevations than the portion of the alley used by these adjacent properties. It may be possible to construct a driveway along the alley from 34th Street but an engineer would need to determine if the grade would meet code.





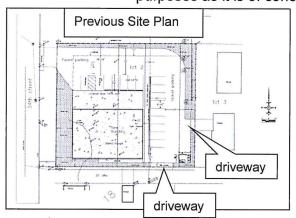
The third property at 3473 Duane has a garage accessed only from the church property; however, this property fronts on unimproved Duane Street and the ballfield cul-de-sac. Access from unimproved Duane Street is possible.

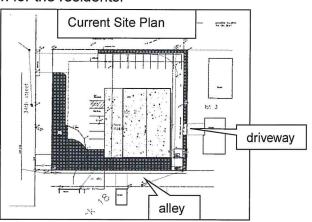




While accustomed access to their garages / parking areas may be disrupted, the property owners have no easements for this access. The

church had tried to accommodate all three properties by providing access through the proposed parking lot and had designed driveway access points into the site plan. However, due to neighborhood opposition to the location of the building, the applicant worked with the City Engineer to possibly relocate the sewer easement allowing the building to be situated further to the east on the lot. With this revised site plan, access over the sewer easement to 3473 Duane is maintained but access to the alley right-of-way and the two properties to the south is not. Providing access to these properties is not a requirement and not under the authority of the APC to require. The discussion about these accesses is provided for information purposes as it is of concern for the residents.





The City finds that the proposed project has adequate site layout for transportation activities with the conditions noted, and that the disruption of access to the adjacent properties across the church private property is not a matter for the APC as it is a civil matter between the property owners.

3. Section 11.030(A)(3) requires that the use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.

<u>Finding</u>: The site is currently used as an unimproved over-flow parking for the adjacent church. As with all new or increased development, there will be incremental impacts to police and fire protection, but it will not overburden these services. There will be exterior lighting to deter inappropriate use of the property. The Fire Chief Dan Crutchfield has reviewed the proposal and will require installation of a Knox Lock Box at an entry point on the building for fire department access prior to occupancy of the building and/or final building permit inspection. Location and specifics shall be approved by the Fire Chief (Condition 14). The Building Official and Fire Chief will review the building permit application to determine if any fire suppression system and/or fire extinguishers would be required.

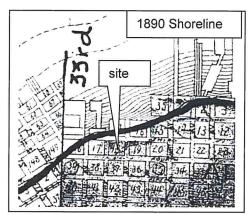
The City Engineer Nathan Crater met with the applicant to review water, sewer, storm drainage, and other utilities. He determined that there is ample water flow and that a fire hydrant is located on Lief Erikson Drive. All utilities are at or near the site and are capable of serving the use

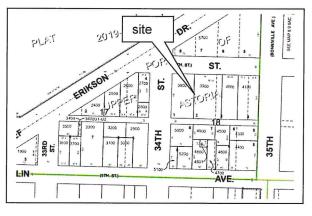
according to City Engineer Nathan Crater. He will continue to work with the applicant on the final design relative to the existing sewer easement.

The City finds that with the conditions as noted, the proposal will not overburden City facilities and/or services.

4. Section 11.030(A)(4) requires that "the topography, soils and other physical characteristics of the site are adequate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.

<u>Finding</u>: The site is not within 100' of a known geologic hazard as indicated on the City map. However, it is located in a "very high" area on the Landslide Susceptibility DOGAMI Open-File Report O-16-02. Citizen comments have been received expressing concern with potential landslide. Issues concerning a geologic report would be reviewed by the City Engineer at the time of the building permit submittal. Proposed new construction would be on a relatively flat site. This site was historically along the shoreline; however, it appears that it was on the landward side of the shoreline based on the 1890 shoreline map.



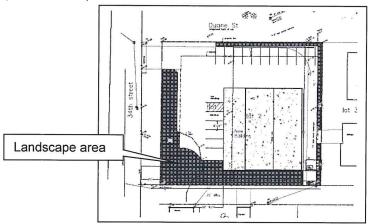


The City finds that the physical characteristics of the site are adequate for the proposed construction.

5. Section 11.030(A)(5) requires that "the use contain an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses."

<u>Finding</u>: As noted above, landscaping of approximately 20% of the lot is proposed on all four sides of the site. Landscaping along the east and north property lines would be 5' deep and would consist of a mixture of trees, shrubs, and ground cover. The east and south sides should be designed to buffer the site from the adjacent residential properties in the form of hedge or denser vegetation (Condition 8). Landscaped areas are noted on the site plan and are proposed to be native vegetation, but a final landscape plan with species has not been submitted. A landscape plan in accordance with Sections 3.105 to 3.120 shall be provided for

review and approval of the Planner prior to the issuance of a building permit (Condition 6). The landscaping shall be installed prior to occupancy of the building and/or final building permit inspection (Condition 7).



# V. <u>CONCLUSIONS AND RECOMMENDATIONS</u>

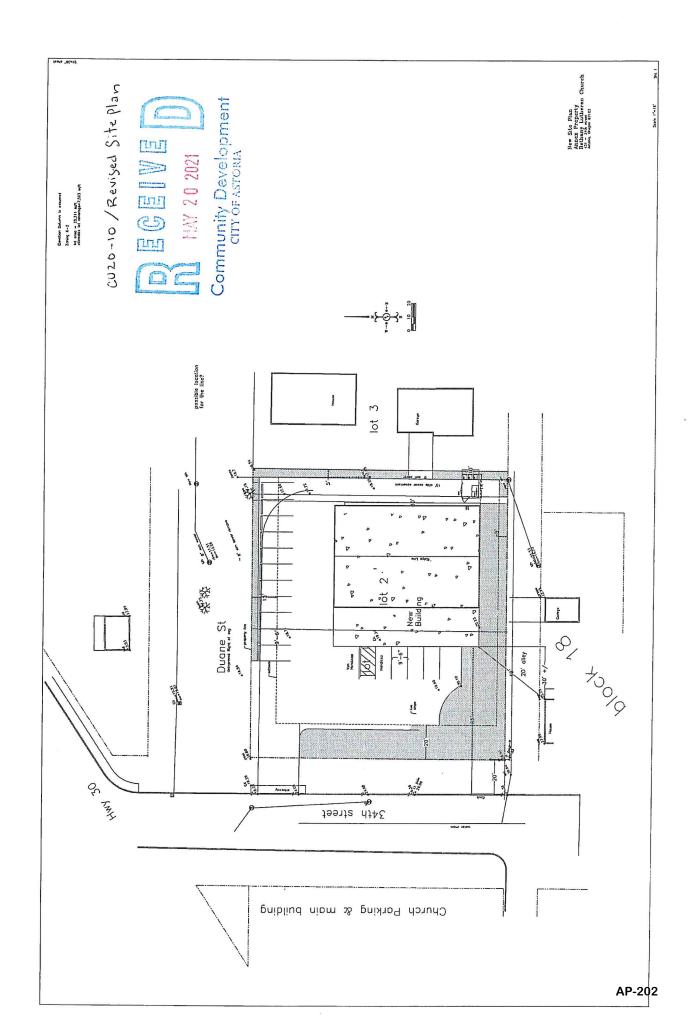
Based on the Findings of Fact above and the application material submitted, the request meets all applicable review criteria with the following conditions:

- The applicant shall submit a Legal Lot Determination application for combination of the lots. The platted lots shall be combined on the deed and/or some other method of lot combination approved by the City prior to issuance of the building permit. A draft deed shall be provided to the Planner for review and approval prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection.
- 2. Seven off-street parking spaces shall be provided on the proposed parking area for the new facility.
- 3. At minimum, the seven required off-street parking spaces shall be paved.
- 4. An easement shall be required for the 15 spaces on the south lots (Map 9BD, Tax Lots 2900 & 3200) required to accommodate the spaces for the church that are not provided on the church site, and for seven spaces on the proposed site. The draft easement(s) shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection.
- 5. If the loading area is located on an adjacent lot (Map 9BD, Tax Lots 2900 & 3200), an easement shall be recorded. The draft easement shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection

- A landscape plan in accordance with Sections 3.105 through 3.120 shall be submitted for review and approval of the Planner prior to the issuance of a building permit.
- 7. Landscaping shall be installed prior to occupancy of the building and/or final building permit inspection.
- 8. Landscaping along the east and south property lines shall be 5' deep and shall consist of a mixture of trees, shrubs, and ground cover. These two sides shall be designed to buffer the site from the adjacent residential properties in the form of hedge or denser vegetation.
- 9. Lighting plan shall be reviewed and approved by the Planner prior to issuance of a building permit.
- 10. The applicant shall have the final location and size of the enclosed solid waste disposal area shall be reviewed and approved by Recology and provide the Planner verification of that approval prior to issuance of the building permit.
- 11. The design of the enclosed solid waste disposal area shall be reviewed and approved by the Planner prior to issuance of the building permit.
- 12. Any major changes to the location of the enclosed solid waste disposal area shall be reviewed by the Planning Commission.
- 13. A sidewalk shall be installed on the east side of 34th Street along this property in accordance with City Engineering requirements.
- 14. A Knox Lock Box shall be installed at an entry point on the building for fire department access prior to occupancy of the building and/or final building permit inspection. Location and specifics shall be approved by the Fire Chief.
- 15. The location and design of the bicycle parking spaces shall be reviewed and approved by the Planner prior to issuance of the building permit.
- 16. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission.

The applicant should be aware of the following requirements:

The applicant shall obtain all necessary City and building permits prior to the start of operation.



## **ASTORIA PLANNING COMMISSION MEETING**

Astoria City Hall May 4, 2021

### CALL TO ORDER:

President Moore called the meeting to order at 5:40 pm.

### **ROLL CALL:**

Commissioners Present:

Daryl Moore, Sean Fitzpatrick, David Kroening, Patrick Corcoran, Cindy Price,

Chris Womack, and Brookley Henri.

Staff Present:

Community Development Director Leatherman and Contract Planner Rosemary Johnson. The meeting is recorded and will be transcribed by ABC Transcription

Services, LLC.

### APPROVAL OF MINUTES:

President Moore called for approval of the March 23, 2021 minutes.

Commissioner Kroening moved to approve the March 23, 2021 minutes as presented; seconded by Commissioner Corcoran. Motion passed unanimously.

### **PUBLIC HEARINGS:**

President Moore explained the procedures governing the conduct of public hearings to the audience and advised that handouts of the substantive review criteria were available from Staff.

#### ITEM 4(a):

V20-19

Continued from the February 23, 2021 meeting - Variance Request (V20-19) by Alexander Pappas, Western Services Group, on behalf of Terri Delafiganiere, to exceed allowed 30% lot coverage by 4.1% at 1312-1316 Kensington in the R-1 Zone. *Note: The applicant has requested a continuance*.

Director Leatherman stated the Applicant planned to make some adjustments to their site plan and had requested a continuance to May 25th. She confirmed that the Applicant had waived the 120-day deadline.

Commissioner Fitzpatrick moved that the Astoria Planning Commission continue Variance Request V20-19 by Alexander Pappas to May 25, 2021 at 5:30 pm in City Hall Council Chambers; seconded by Commissioner Price. Motion passed unanimously.

The Commission addressed Item 4(c) at this time.

#### ITEM 4(b):

V21-06

Variance Request (V21-06) by Bill Hunsinger, for Astoria School District, to install two signs on the west, front elevation of the CMH Field structure at 1800 Williamsport Road in the IN (Institutional) Zone. The signs would exceed the maximum two signs per frontage for a total of three signs, and the maximum of 24 square feet total of all signs to allow an additional 198 square feet plus the existing 160 square feet for a total of 358 square feet.

This item was addressed immediately following Item 4(c).

President Moore asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of

interest or ex parte contacts to declare. There were none. President Moore asked Staff to present the Staff report.

Planner Johnson reviewed the written Staff report via PowerPoint. Staff recommended approval of the request.

Commissioner Price asked if Stomper was twice as big as the logo next to the CMH field lettering. Planner Johnson said the Stomper might be larger than the CMH logo and would take up most of the area below the eave.

President Moore opened the public hearing and noted the Applicant was not present to make a presentation. He called for any testimony in favor of the application.

Howard Rub, 92054 Drucker Pl., Astoria, said he was available to answer questions since Mr. Hunsinger was not present. He represented the school district as Director of Athletics.

President Moore called for any testimony impartial or opposed to the application. Hearing none, he called for closing comments of Staff. There were none. He closed the public hearing and called for Commission discussion and deliberation.

Commissioner Price stated she missed seeing Stomper at the old football field. She believed the request met the criteria and was in favor of approval.

Commissioner Womack said he was also in favor of approval. He liked that the sign would show CMH field's affiliation with the high school.

Commissioner Fitzpatrick said he believed the request met the requirements for the variance. Seeing Stomper at the field will let people know they are in the right place.

Commissioner Corcoran agreed and said the nature of the signage and the location in the neighborhood and on the building seemed appropriate. Therefore, he was in favor of the request.

Commissioner Henri stated she was also in favor of the request and believed the building could use some signage.

Commissioner Henri moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Variance Request V21-06 by Bill Hunsinger; seconded by Commissioner Fitzpatrick. Motion passed unanimously.

President Moore read the rules of appeal into the record.

The Commission addressed Reports of Officers at this time.

### ITEM 4(c):

CU20-10

Conditional Use Request (CU20-10) by RDA Project Management LLC for Bethany Lutheran Church to construct a 5,030 square foot structure at 420 34th Street, as an accessory multi-use building to the existing adjacent church facility at 451 34th Street in the R-2 (Medium Density Residential) Zone.

This item was addressed immediately following Item 4(a).

Planner Johnson stated the Applicant had been working with the City Engineering Department on a sewer easement, and with neighbors on the location of the building on the site. The Applicant has requested a continuance to June and has signed a 120-day waiver.

President Moore noted that this application may have some substantial changes made to it. Therefore, public testimony would be taken after the application has been revised. Members of the public who have already submitted testimony would be notified when the revised application has been published on the City's website.

Commissioner Henri moved that the Astoria Planning Commission continue Conditional Use Request CU20-10 by RDA Project Management LLC to June 22, 2021 at 5:30 pm in City Hall Council Chambers; seconded by Commissioner Womack. Motion passed unanimously.

The Commission addressed Item 4(b) at this time.

#### REPORTS OF OFFICERS/COMMISSIONERS:

Commissioner Fitzpatrick reported that the City did not have any criteria regarding views. He wanted to know if the Commission should ask City Council if they would like the Commission to discuss such criteria. Discussion of the Riverfront Vision Plan focused on the loss of views and he believed that criteria protecting views should be explored.

Commissioner Henri agreed and said she believed that views were big part of a property's value. She also believed the Commission had a responsibility to protect their property values.

Director Leatherman stated she would make the Commission's direction known and report back.

Commissioner Corcoran said public comments seemed to indicate that homeowners assume their view is protected, so he would appreciate more conversation about the issue.

President Moore added that the Commission hears comments about views on a regular basis. There is a long history of people assuming their view is protected, getting upset when they learn that view is not protected, and wondering why the City does nothing to protect views.

Commissioner Womack noted this topic was a fine line for the Commission to walk. People purchase vacant land with the assumption they can build on it based on the Code. There must be a balance between a view that is lost and taking away the value of buildable property.

### **STAFF UPDATES/STATUS REPORTS:**

#### Save the Dates

May APC Meeting: May 25, 2021 at 5:30 pm

### PUBLIC COMMENTS:

No comments.

#### ADJOURNMENT:

There being no further business, the meeting was adjourned at 6:04 pm.

#### APPROVED:

[Approved / no changes at the May 25, 2021 APC meeting]

Community Development Director



# CITY OF ASTORIA

Founded 1811 • Incorporated 1856 1095 Duane Street • Astoria OR 97103 • Phone 503-338-5183 • <a href="www.astoria.or.us">www.astoria.or.us</a> • <a href="mailto:planning@astoria.or.us">planning@astoria.or.us</a> • <a href="mailto:planning@astoria.or.us

#### STAFF REPORT AND FINDINGS OF FACT

REPORT RELEASE DATE: APRIL 27, 2021

COMMISSION HEARING DATE: MAY 4, 2021

TO:

ASTORIA PLANNING COMMISSION

FROM:

ROSEMARY JOHNSON, PLANNING CONSULTANT

SUBJECT:

CONDITIONAL USE REQUEST (CU20-10) BY RDA PROJECT MANAGEMENT

FOR BETHANY LUTHERAN CHURCH TO LOCATE A SEMI-PUBLIC USE IN

AN ACCESSORY BUILDING AT 420 34TH STREET FOR BETHANY

LUTHERAN CHURCH AT 451 34TH STREET

### I. Background

A. Applicant:

Randy Stemper

randystemper@gmail.com

**RDA Project Management LLC** 

PO Box 1417 Astoria OR 97103

B. Owner:

Bethany Lutheran Church

451 34th Street Astoria OR 97103

C. Location:

420 34th Street; Map T8N R9W Section 9BD, Tax Lots 3800 &

3900; Lots 1, 2, and west 18.75' Lot 3, Block 18, Adair's Port of

Upper Astoria

D. Zone:

R-2, Medium Density Residential

E. Lot Size:

150' x 168' (25,312 square feet)

F. Proposal:

To operate a semi-public use in an accessory building for the

existing adjacent church facility.

G. Associated Application: The applicant has obtained a New Construction Permit

(NC20-08) approval as Appealed (AP21-02) to construct a building

adjacent to historic properties.

H. 120 Days: September 9, 2021. The application was deemed complete on March 11, 2021.

# II. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 200 feet pursuant to Section 9.020 on April 9, 2021. Email and web publishing also occurred on April 9, 2021. A notice of public hearing was published in the *Astorian* on April 24, 2021. On-site notice pursuant to Section 9.020.D was posted April 20, 2021. Any comments received will be made available at the Astoria Planning Commission meeting.

### III. BACKGROUND

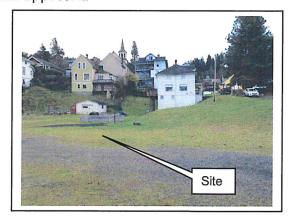
The subject property is currently a vacant site of 25,312 square feet. The structure would be an annex to the existing church which is located across the 34th Street right-of-way and would be classified as a semi-public use. It is located in an R-2 Zone (Medium Density Residential) and public/semi-public use is allowed as a conditional use. The applicant has obtained Historic Landmarks Commission approval for New Construction Permit (NC20-08) as Appealed (AP21-02).



Staff has worked with the applicant for several weeks concerning design, location, and other details of the project. There may be conflicting items within the application; however, the APC should consider the details, materials, dimensions, etc. as noted in the staff report as the final proposal presented by the applicant.

### A. Site:

The site is on the east side of 34th Street bounded on the north by Duane Street; on the south by an alley and residential property across the alley right-of-way; on the east by residential property. The land is relatively flat with a gentle slope down toward the north. Access to the site would be from 34th Street.



There is an easement for a City utility line on the east portion of the lot requiring that the building be located as far to the west on the property as possible. The vacant site is currently used as overflow parking for the adjacent church.



# B. <u>Neighborhood</u>:

The neighborhood is developed with a mixture of single-family dwellings to the east and south; a church to the west across 34th Street; City-owned historic reconstruction of the US Customhouse to the north across Duane Street right-of-way; Safeway parking lot, gas station, and motel to the north across Lief Erikson Drive; to the northeast is a City/School District ballfield; and to the southeast is Astor Elementary school.



Duane Street and the alley are unimproved rights-of-way. The 34th Street right-of-way is not improved to its full width and on-street angled parking on the west side is used for the church parking. Currently, some houses access their sites across the church site. However, there are no legal easements, and the sites are accessible from City rights-of-way that are currently unimproved but could be used for access. Access across the church lot to other properties is not an issue for APC consideration but will be addressed for informational purposes only.

### IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

A. Section 1.400 defines "Semi-Public Use" as "A structure or use intended or used for a semi-public purpose by a church, lodge, club, or any other nonprofit organization, excluding lodges or clubs which have eating or drinking facilities."

Section 2.070.8, Conditional Uses Permitted, in the R-2 Zone lists "Public or Semi-Public Use" as an allowable conditional use.

<u>Finding</u>: The applicant proposes to operate a facility as an annex to the existing church facility located across the 34th Street right-of-way at 451 34th Street. The facility would include an indoor sports area for half-court basketball, small kitchen, and area to be used for church gatherings. Public and Semi-Public Uses are conditional uses in all zones except the C-3 (General Commercial) and C-4 (Central Commercial) Zones that allow them as outright uses. The City finds that

the use is classified as a Semi-Public Use and requires a conditional use permit to locate at this site.

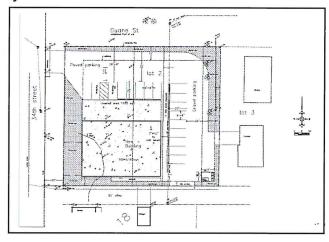
- B. Section 2.080, Yards, in the R-2 Zone states "Uses in the R-2 Zone which are part of a cluster development will comply with the yard requirements in Section 11.160. Other uses in the R-2 Zone will comply with the following requirements:
  - A. The minimum yard requirements in an R-2 Zone will be as follows:
    - 1. The minimum front yard will be 20 feet.
    - 2. The minimum side yard will be five (5) feet, except on corner lots the side yard on the street side will be 15 feet.
    - 3. The minimum rear yard will be 15 feet, except on corner lots the rear yard will be five (5) feet."

Section 1.400 defines "YARD: An open, unoccupied space of a lot which is unobstructed by any structure or portion of a structure extending more than 12 inches above ground level of the lot upward. . .

<u>FRONT</u>: A required open space extending the full width of a lot between any structure and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Code."

Section 1.400 defines "LOT LINE: The property line bounding a lot. <u>FRONT</u>: The property line separating the lot from the street, other than an alley. On corner lots, the front lot line shall be determined by the main entrance to the existing or proposed structure. The City shall determine the front lot line of a corner lot..."

<u>Finding</u>: The property is a corner lot accessed from a driveway on 34th Street and therefore, the front property line / front yard has been determined by the City to be adjacent to 34th Street. The proposed building would be set back 20' from the front property line to the west; 10' from the alley right-of-way to the south side; 58' from the Duane Street right-of-way to the north; and 53' from the rear property line to the east.



There is an existing City sewer easement (Book 121, Page 597, dated 5-4-1927) on the east half of the site which prohibits construction over the

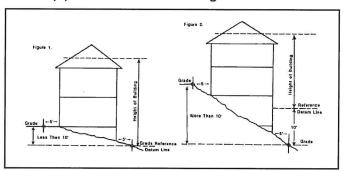
easement area. The structure has been situated to avoid development at the easement site. That area is proposed to be used for parking which is allowed on this easement. The City Engineer will continue to work with the applicant on the final design relative to the existing sewer easement and any need to move the building. The City finds that the proposed development meets the required yard setbacks.

C. Section 2.085, Lot Coverage, in the R-2 Zone states "Buildings will not cover more than 40 percent of the lot area."

<u>Finding</u>: The site is 25,312 sqft. The proposed building including the solid waste disposal area is 7,017 sqft for a total lot coverage of 28%. The City finds that the proposed development meets the maximum lot coverage.

D. Section 2.090, Height of Structures, in the R-2 Zone states "No structure will exceed a height of 28 feet above grade."

Section 1.400, Definitions, defines Grade and Height as follows: "GRADE: The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building."

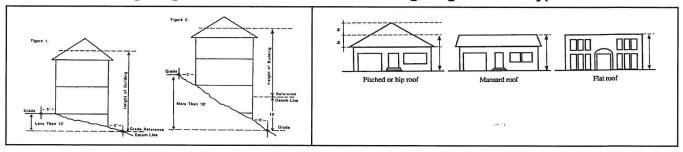


"HEIGHT, BUILDING: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof, to the deckline of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of that building. The reference datum shall be whichever of the following two measurements results in the greater building height (see Figure 1):

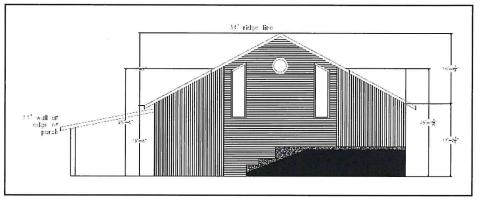
- a. The reference datum is the lowest grade when the highest ground surface within a five (5) foot horizontal distance of the exterior wall of the building is not more than ten (10) feet above that lowest grade. (Note: Also see definition of "Grade".)
- b. The reference datum is ten (10) feet higher than the lowest grade when the ground surface described in Item A above is ten (10) feet or more above that lowest grade. (Note: Also see definition of "Grade".)"

### **Measuring Height in Feet**

# Measuring Height - Roof Types



<u>Finding</u>: The site is relatively flat, so the height is determined from lowest grade. The building has a pitched roof and therefore the height is determined to the mid-point between the eave and ridge of the structure. The proposed building is 34' to the ridge, but the overall height as defined by the City is 25.5'. The City finds that the proposed building is within the maximum 28' height allowed in the zone.



E. Section 3.158.B, Legal Lot Determination, Combining of Lots, states "When a project will extend into adjacent lots, parcels, or tracts whether to meet lot size requirements, for the placement of structures or accessory uses, or to provide for requirements such as parking, the Community Development Director or Planner shall require that the properties be combined either through a Property Line Adjustment or by recording a deed or memorandum containing a covenant preventing the separate sale, transfer, or encumbrance of either property except in compliance with building codes, City of Astoria Development Code, and other applicable land use regulations."

<u>Finding</u>: The subject property is currently two full platted lots plus a partial of a third lot and is in two County tax lots. The applicant shall submit a Legal Lot Determination application for combination of the lots. The platted lots shall be combined on the deed and/or some other method of lot combination approved by the City prior to issuance of the building permit. A draft deed shall be provided to the Planner for review and approval prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection (Condition 1). As noted elsewhere in this document, other uses such as parking, loading, etc. that are located on other lots than the subject property would require easements as they are located across rights-of-

- way and could not be combined with these lots. The City finds that the lots are required to be combined.
- F. Section 2.095.1, Other Applicable Use Standards, in the R-2 Zone states "All uses will comply with applicable access, parking, and loading standards in Article 7."

Section 7.100, Minimum Parking Space Requirements, requires the following:

Public Assembly	1 space per 100 sq. ft. of public assembly area where no seats provided; or	
	1 space per five seats where provided	
Religious Institutions and Houses of Worship	1 space per 100 sq. ft. of main assembly gross floor area; additional parking is not required for associated use areas if not used at same time as main assembly area	
Aquatic center, sports club, gym, rink, recreation center, health club, bowling alley, and other similar indoor entertainment	1 space per 400 sq. ft. gross floor area	

<u>Finding</u>: The proposed use is a public assembly area as an annex to a religious institution (Bethany Lutheran Church) and will be used for church gatherings and as an indoor sports area. The building would be 5,030 sqft plus a covered outdoor seating area of 1,845 sqft. Public Assembly would require 50 spaces at 1 space per 100 sqft for the entire building, and recreation area would require 13 spaces at 1 space per 400 sqft for the 5,030 sqft area. However, for the most part, the facility would not be used at the same time as the church facility. Therefore, no additional parking is required for "associated use areas if not used at same time as main assembly area". However, the facility may be used for non-church activities at times, and therefore some off-street parking is required. The City finds that 13 off-street parking spaces for the proposed use based on the indoor sports area use is required.

G. Section 7.020, Reduction of Parking Area Prohibited; Exception, states "Off-street parking and loading areas which existed on the effective date of this ordinance or which are provided as required by this Section shall be maintained, or equivalent parking and loading areas provided; except that if this ordinance reduces the number of required off-street parking or loading spaces, an affected use may diminish its parking and loading area to the new requirements."

<u>Finding</u>: The lot is currently used for the Church overflow parking area. The church is approximately 4,900 gross sqft on the ground floor. The main assembly area is approximately 3,000 sqft which would require 30 spaces at 1 space per 100 sqft. The church site currently has 8 on-site spaces, 8 spaces partially within the 34th Street right-of-way, 8 spaces partially within the alley right-of-way, and at least 15 spaces on the lots to the south (Map 9BD, Tax Lots 2900 & 3200) for a total of 39+ spaces. Of those, only 23 spaces are on-site

which is seven less than the required 30 spaces. The spaces within the right-of-way are non-conforming but are existing. Since the subject lot is used for church parking and 16 of the existing parking spaces are partially within the right-of-way, additional spaces are required on the adjacent parcel owned and used by the church. Therefore, seven spaces shall be provided on the proposed parking area for the new facility (Condition 2). As discussed at the 11-18-20 pre-application meeting with the City Engineer, at minimum, the required parking spaces shall be paved (Condition 3). As noted above, the proposed facility is not required to provide additional parking for the church use of the building, but 13 spaces are required for possible non-church use of the property. Therefore, the City finds that, as conditioned, the existing church off-street parking will not be reduced by the proposed development, and that in fact, it would be improved parking that is currently an open unimproved lot.

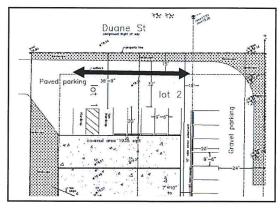
Since a portion of the church parking is on separate lots, an easement shall be required for the 15 spaces on the south lots (Map 9BD, Tax Lots 2900 & 3200) required to accommodate the spaces for the church that are not provided on the church site, and for seven spaces on the proposed site. The draft easement(s) shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection (Condition 4).

- H. Section 7.070.A, Joint Use of Parking Areas, states "The Community Development Director may authorize the joint use of parking areas by the following uses or activities as a Conditional Use in every zone under the following conditions:
  - 1. Up to 50% of the off-street parking spaces required by this ordinance for a church, auditorium in a school, theater, bowling alley, night club, eating or drinking establishment may be satisfied by the off-street parking spaces provided by uses occupied only during the daytime on weekdays.
  - 2. Up to 50% of the off-street parking spaces required by this ordinance for any daytime use may be satisfied by the parking spaces provided for nighttime or Sunday uses.
  - 3. All jointly used spaces shall be located with relation to all uses relying on such spaces within the applicable distance set forth in Section 7.030.
  - 4. The Planning Commission must find that there is no substantial conflict in the principal operating hours of the buildings or uses for which joint use of off-street parking facilities is proposed.
  - 5. A properly drawn legal instrument executed by the parties concerned with joint use of off-street parking facilities, approved as to form and manner of execution by Legal Counsel, shall be filed with the Community Development Director. Joint use parking privileges shall continue in effect only so long as such an instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, then parking shall be provided as otherwise required in this ordinance within 60 days."

<u>Finding</u>: The proposed 17 parking spaces for the new facility would be used jointly by the adjacent church facility. As noted above, and easement for a minimum of seven spaces shall be recorded (Condition 4).

I. Section 7.160.C, Minimum Loading Space Requirements, Commercial, Non-office, Public and Semi-Public, requires one loading space 12' wide x 55' long x 14' high, for structures between 5,000 sqft and 59,999 sqft.

Finding: The use is a 5,030 sqft Semi-Public building with additional 1,845 sqft covered porch; therefore, it requires one loading space. A loading space has not been identified on the site plan; however, there is ample room on the north side of the property for a 12' x 55' space as noted on the site plan. In addition, the church owns two lots (Map 9BD, Tax Lots 2900 & 3200) to the south of the church facility that is large enough to accommodate a shared loading area for the church and annex building.



If the loading area is located on an adjacent lot (Map 9BD, Tax Lots 2900 & 3200), an easement shall be recorded. The draft easement shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection (Condition 5). The City finds that the request meets the loading space requirement as conditioned.

J. Section 7.105.A, Bicycle Parking, Standards, states "Bicycle parking spaces shall be provided for new development, change of use, and major renovation, at a minimum, based on the standards in Table 7.105. Major renovation is defined as construction valued at 25% or more of the assessed value of the existing structure.

Where an application is subject to Conditional Use Permit approval or the applicant has requested a reduction to an automotive parking standard, pursuant to Section 7.062, the Community Development Director or Planning Commission, as applicable, may require bicycle parking spaces in addition to those in Table 7.105.

Table 7.105: Minimum Required Bicycle Parking Spaces"

Institutional Uses and	1 bike space per 20	100% short term
Places of Worship	vehicle spaces	

Section 7.105.B.7, Bicycle Parking, Design and Location, Long-term bicycle parking, states "Long-term bicycle parking shall consist of a lockable enclosure, a secure room in a building on-site, monitored parking, or another form of sheltered and secure parking."

<u>Finding</u>: As an Institutional Use, the facility would be required to provide one space per 20 vehicle spaces. With 17 vehicle spaces provided, one short-term bicycle space would be required. The applicant proposes four short-term bicycle spaces at the southeast corner of the building. The east side of the building has two doors for access from the parking area. The City finds that the proposed bicycle parking meets the minimum required spaces.

K. Section 2.095.4, Other Applicable Use Standards, in the R-2 Zone states "All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer."

Section 2.095.5, Other Applicable Use Standards, in the R-2 Zone states "Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans."

<u>Finding</u>: The site is not within 100' of a known landslide hazard. Issues concerning storm drainage and engineering of the site would be reviewed by the City Engineer at the time of the building permit submittal.

L. Section 2.095.6, Other Applicable Use Standards, in the R-2 Zone states "All uses except those associated with single-family and two-family dwellings shall meet the landscaping requirements in Sections 3.105 through 3.120."

Section 7.110.G, Landscaping, states

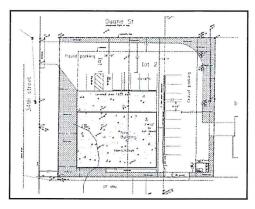
- "1. Landscaping shall be provided as required in Section 7.170 and Section 3.105 through 3.120.
- 2. Required landscaped yards shall not be used for parking."

Section 7.170.A, Landscaping of Outdoor Storage or Parking Areas, states "A minimum of 5% of the gross parking lot area shall be designed and maintained as landscaped area, subject to the standards in Sections 3.105 through 3.120. This requirement shall apply to all parking lots with an area of 600 square feet or greater. Approved sight obscuring fences or vegetative buffers shall be constructed where commercial parking lots abut Residential Zones. The minimum 5% landscaping shall be counted as part of the total landscaping required for the property."

Section 3.115, Review of Landscaping Plans, states "The landscaping plan shall be reviewed by the Community Development Director to determine if it meets the quantitative requirements of the Code. Landscaping in conjunction with Uses Permitted Outright may be approved by the Community Development Director. Landscaping in conjunction with Conditional Uses shall be reviewed by the Planning Commission as part of the review under Section 11.010. In

such cases, the Planning Commission may review schematic plans and the final plans may be reviewed by the Community Development Director. No Certificate of Occupancy or other final approval shall be issued by the building official or the City until the landscaping is installed as specified by the Planning Commission or Community Development Director. Minor changes in the landscape plan may be allowed by the Community Development Director, so long as they do not alter the overall character of the development."

Finding: The use is not a single-family or two-family dwelling and therefore the yard areas shall be landscaped and not used for parking. The site is 25,312 sqft and the parking area is approximately 14,000 sqft of the main lot. The site is required to have 5% (700 sqft) of the parking area landscaped. The applicant proposes approximately 2,500 sqft (10%) of the parking area to be landscaped and a total of 4,700 sqft (18%) of the entire lot to be landscaped. Setback yard areas would be landscaped.



Landscaped areas are noted on the site plan and are proposed to be native vegetation, but a final landscape plan with species has not been submitted. A landscape plan in accordance with Sections 3.105 through 3.120 shall be provided for review and approval of the Planner prior to the issuance of a building permit (Condition 6). The landscaping shall be installed prior to occupancy of the building and/or final building permit inspection (Condition 7). The City finds that the request meets the landscaping requirements as conditioned.

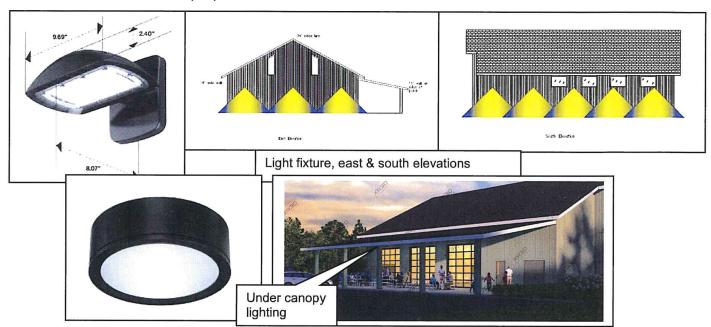
M. Section 2.095.8, Other Applicable Use Standards, in the R-2 Zone states "All uses shall comply with applicable lighting standards in Section 3.128."

Section 7.110.F, Lighting, states "Parking or loading areas that will be used at nighttime shall be lighted. All areas shall comply with applicable lighting standards in Section 3.128."

Section 3.128, Lighting Standards, states "Outdoor lighting shall be designed and placed so as not to cast glare into adjacent properties or rights-of-way. Light fixtures shall be designed to direct light downward and minimize the amount of light directed upward. The Community Development Director may require the shielding or removal of such lighting where it is determined that existing lighting is adversely affecting adjacent properties or contributing to light directed into the night sky."

<u>Finding</u>: Lighting is proposed on the building on the south and east elevations. Additional lights will be under the covered area on the north elevation. Lights would all be downcast with the bulbs up within the fixture and will be shielded to

avoid glare beyond the property line into other properties. A final lighting plan shall be reviewed and approved by the Planner prior to issuance of a building permit (Condition 9). The City finds that sufficient lighting in compliance with the Code is proposed.



N. Section 11.140, Public or Semi-Public Use, states "Traffic will not congest nearby streets, and structures will be designed or landscaped so as to blend into the surrounding environment and be compatible with the adjacent neighborhood. The activities or hours of operation will be controlled to avoid noise or glare impacts on adjacent uses."

<u>Finding</u>: The proposal is for an annex building for the existing church facility. Patrons of the site would be for the most part the same patrons that attend the church facility. While the facility may be available to non-church members, the majority of the use will be by the church. Increased traffic is not anticipated by use of the accessory building other than the occasional use by non-church members.

The design of the building has been reviewed and approved by the Historic Landmarks Commission as a New Construction (NC20-08) on February 9, 2021. That approval was Appealed (AP21-02) and the City Council upheld the HLC approval at its April 5, 2021 meeting. In making its decision on "compatibility" with the adjacent historic structures, the HLC considered and weighed the historic criteria with the building's location on the edge of a developed commercial area. The site is close to Lief Erikson Drive with the Safeway retail store and gas station, Comfort Suites motel, the City/School District ball field, and Astor Elementary School on Franklin Avenue. During the appeal hearing, the City Council noted that while the historic buildings are visible from Lief Erikson Drive, that the main historic streetscape is the Franklin Avenue area where the historic buildings front.





As noted above, native landscaping is proposed on all four sides of the property at approximately 18% of the lot area. Landscaping along the east and south property lines shall be 5' deep and would consist of a mixture of trees, shrubs, and ground cover. These two sides shall be designed to buffer the site from the adjacent residential properties in the form of hedge or denser vegetation (Condition 8). A landscape plan in accordance with Sections 3.105 to 3.120 shall be provided for review and approval of the Planner prior to the issuance of a building permit (Condition 6). The landscaping shall be installed prior to occupancy of the building and/or final building permit inspection (Condition 7).

Hours of operation are not proposed, but the site would be used as an indoor sports area and eating/drinking / gathering area for the church as a semi-public use. It is not proposed as a public restaurant or sports center. City Code Section 5.025, Unnecessary Noise, states "No person may make, assist making, continue or cause to be made any loud, disturbing or unnecessary noise that annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of others." No restrictions on hours of operation are proposed at this time, but the City Code concerning nuisances could be applied in the future if noise should become a problem.

The City finds that with the noted conditions, the request meets this criteria.

- O. Section 11.020(B.1) states that "the Planning Commission shall base their decision on whether the use complies with the applicable policies of the Comprehensive Plan."
  - 1. CP.075.1, Uppertown Area Policies, states "Refer to policies regarding housing, historic preservation, parks and recreation, transportation, shorelands and estuary, and geologic hazards."

<u>Finding</u>: The proposal has been reviewed and approved by the HLC concerning historic preservation issues. The site is not a public park,

shoreland, or estuary. The site is not within 100' of a known geologic hazard. The project is not for housing. Transportation issues are addressed below.

2. CP.075.2, Uppertown Area Policies, states "The predominantly residential character of the area upland of Marine Drive/Lief Erikson Drive will be preserved."

Finding: The area along Lief Erikson Drive from Bethany Lutheran Church at 34th Street to 37th Street has no residential property fronting on Lief Erikson Drive. Residential properties are at least one block to the south, with the majority of it on Franklin Avenue and two residences off the unimproved Duane Street and cul-de-sac. Lief Erikson Drive in this area is developed with Safeway, Safeway gas station, Comfort Suites motel, East End Mooring Basin parking, OSU-owned commercial facility, Bethany Lutheran Church, US Customs House historic reconstruction, City/School District ball field, tennis court, Geno's Drive-In, and Astoria Coffee Roasters.



The proposed development is on the boundary of the residential and commercially developed properties. The aerial above shows an orange line separating the residential and commercial uses. The City finds that use of this property for a semi-public use associated with the adjacent church facility is consistent with the overall varied development along this portion of Lief Erikson Drive as it is not predominately residential in this area.

3. CP.357, Transportation Goal 3 and Policies 3, Goal, Economic Vitality, states "Support the development and revitalization efforts of the City, Region, and State economies and create a climate that encourages growth of existing and new businesses."

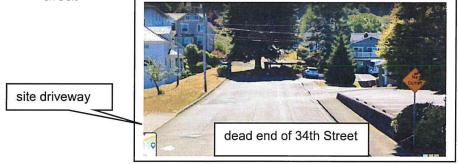
CP.357.7, Transportation Goal 3 and Policies 3, Policies, states "Ensure that all new development contributes a fair share toward on-site and off-site transportation system improvements."

<u>Finding</u>: The church is an existing semi-public use (business). The proposed annex building will allow expansion of church functions which supports the economy of the area. The proposal is for 17 off-street parking spaces that will be shared with the main church facility. The driveway entry to the site will be improved to City standards. The City finds that the additional on-site parking contributes to the transportation facilities and that the improved driveway apron will enhance the 34th Street right-of-way.

4. CP.358, Transportation Goal 4 and Policies 4, Goal, Livability, states "Customize transportation solutions to suit the local context while providing a system that supports active transportation, promotes public health, facilitates access to daily needs and services, and enhances the livability of the Astoria neighborhoods and business community."

CP.358.1, Transportation Goal 4 and Policies 4, Policies, states "Protect residential neighborhoods from excessive through traffic and travel speeds."

<u>Finding</u>: The site is currently used for overflow parking for the existing church. That use will continue. The new facility would be used mostly by the church and not at the same time as the church functions, and therefore would not be increasing volume of traffic to the site. The number of days and/or hours of traffic to the site would increase with use of the additional building. However, 34th Street is not a through street and therefore, vehicles would not be traveling at excessive speeds in this area.

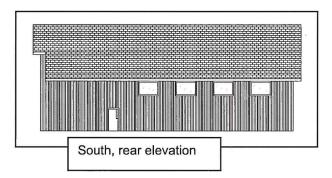


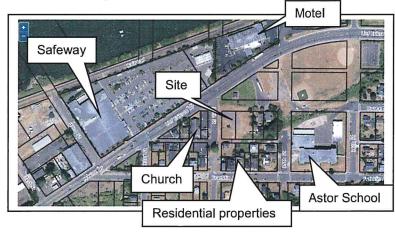
The City finds that the neighborhood would be protected from excessive through traffic and travel speeds.

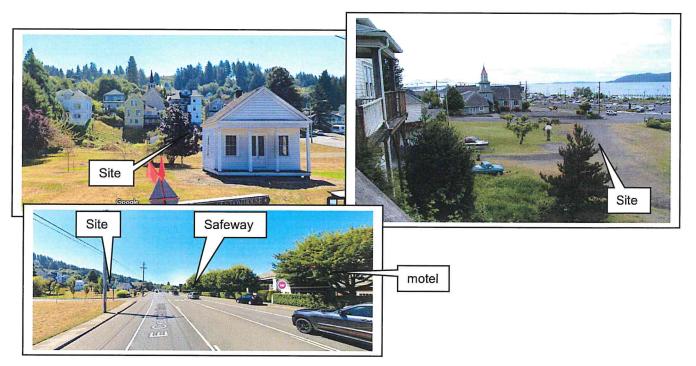
5. Comprehensive Plan Section CP.220(6) concerning Housing Policies states that "Neighborhoods should be protected from unnecessary intrusions of incompatible uses, including large scale commercial, industrial and public uses or activities."

<u>Finding</u>: This neighborhood is a mixture of single-family residential, large scale commercial, semi-public church, motel, and public ball fields. The proposed facility is an expansion of an existing semi-public church facility and not a separate new use. The annex would be used mostly by the church and therefore the majority of customers to the site would be the same as the church patrons. Non-church use is possible with the proposed indoor sports area and communal meeting space. However, that use would be secondary to the primary use by the adjacent church. The use is compatible with the adjacent church.

The site is on the boundary of a commercial area. Building sizes in this area vary. Within a block of the site is Safeway grocery (56,480 sqft), Safeway gas station (3,870 sqft), Comfort Suites motel (13,800 sqft), and Astor School (25.500 saft). From the south/rear elevation facing the residential development, the building would be 1.5 stories tall and 86' wide. The adjacent associated church is 80' wide on its south elevation, is approximately 5,100 square feet, and two-story tall with added steeple. The dwelling at 529 35th Street visually dominates the hillside to the south as its lower area is enclosed giving the appearance of a four-story structure on the north elevation. The footprint is approximately 2,000 sqft with approximately 6,000 sqft for the three floors. The US Customhouse reconstruction is 450 square feet and one story tall. While the structure is larger than some of the adjacent residential properties & the US Customhouse, it is much smaller than the commercial facilities in this area. The proposed 5,030 sqft structure with 1,845 sqft covered porch is not a "large scale" structure such as the 56,480 sqft Safeway and 13,800 sqft Comfort Suites buildings. The City finds that the proposed development is not a large-scale public use/activity.







The lot has been vacant for many years but is a buildable site. With limited available land for development, it is reasonable to except that the site would be developed at some time. It is also reasonable to expect the church annex building to be located adjacent to the church and not elsewhere. The structure would be a change to the neighborhood, but any development would be a change. For the most part, views are not protected by City codes. Some view protection has been adopted in the Riverfront Overlay Zones, but that is not applicable to this site.

The City finds that due to the mixed-use development of this area, its association with the adjacent church, and the variety of building sizes in the area, that the proposed use and structure would not be an unnecessary intrusion into the neighborhood.

<u>Finding</u>: The request is in compliance with the Comprehensive Plan.

- P. Section 11.030(A) requires that "before a conditional use is approved, findings will be made that the use will comply with the following standards:"
  - 1. Section 11.030(A)(1) requires that "the use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use."

<u>Finding</u>: The proposed use is an accessory use to the existing adjacent church facility. The site is across the 34th Street right-of-way from the

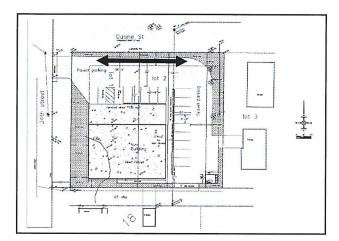
primary use and majority of users. It is common for a church to have indoor sports areas and meeting space for church gatherings and the existing church structure does not provide the needed space. A semipublic use is a conditional use in all allowable zones except where it is allowed as an outright use in the C-3 (General Commercial) and C-4 (Central Commercial) Zones. Therefore, the conditional use is necessary to have an annex facility adjacent to the existing church. A location in a C-3 and or C-4 Zone would not be desirable as the church patrons would be using the two facilities as one campus without the need to drive to other locations. The City finds that the use is appropriate at this location.

2. Section 11.030(A)(2) requires that "an adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements."

Finding: The site is accessed from 34th Street one block off Lief Erikson Drive. The site is currently used as overflow parking for the existing church and has a substandard driveway that would be reconstructed to City standard. Future development is not anticipated in this area in the near future, and the proposed use would not overburden the existing street system for access.



On-site parking is proposed that would be jointly used by the church as noted above. A loading area has not been specifically identified; however, there is sufficient area on the north side of the lot for a loading area. In addition, the church owns two lots to the south of the church facility that is large enough to accommodate a shared loading area for the church and annex building. If this lot is used for the loading area, an easement shall be recorded. The draft easement shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection (Condition 5). The parking design layout has been reviewed by the Planner and meets the required space dimensions and aisle widths of Article 7, Parking and Loading.

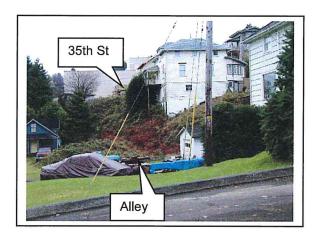




An enclosed solid waste disposal area is proposed for the southeast corner of the lot. The applicant shall have the final location and size of the enclosed solid waste disposal area shall be reviewed and approved by Recology and provide the Planner verification of that approval prior to issuance of the building permit (Condition 10). The final design shall be reviewed and approved by the Planner prior to issuance of the building permit (Condition 11). Any major changes to the location of the disposal area would be reviewed by the Planning Commission (Condition 12).

A walkway is proposed on the east side of the building along the parking spaces. There are no sidewalks along this portion of 34th Street. At the pre-application meeting on 11-18-20 with the applicant, the City Engineer advised that a sidewalk would be required on 34th Street. A sidewalk shall be installed on the east side of 34th Street along this property in accordance with City Engineering requirements (Condition 13). A bicycle rack is proposed for the southeast corner of the building. There would be a sidewalk and two doors on the east side of the buildings for access from the bicycle parking area.

There are two adjacent properties that have accessed their residential garages across the church property for years. The church has stated that they have allowed this use but have not granted any easements or rights for the continued use. These properties have legal access from dedicated City rights-of-way; however, these rights-of-way do not provide easy access. The garage for 3432 Franklin Avenue faces the alley to the south of the proposed project. The parking area for 504 34th is in the rear of the property and is accessed from the alley to the south of the proposed project across the church property. The alley intersections at 34th and 35th Streets are at different elevations than the portion of the alley used by these adjacent properties. It may be possible to construct a driveway along the alley from 34th Street but an engineer would need to determine if the grade would meet code.



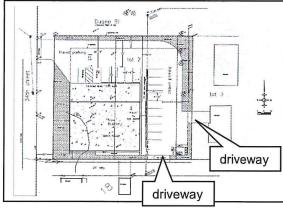


The third property at 3473 Duane has a garage accessed only from the church property; however, this property fronts on unimproved Duane Street and the ballfield cul-de-sac. Access from unimproved Duane Street is possible.





While accustomed access to their garages / parking areas may be disrupted, the property owners have no easements for this access. The church has tried to accommodate all three properties by providing access through the proposed parking lot and have designed driveway access points into the site plan. This is not a requirement and not under the authority of the APC to require. The discussion about these accesses is provided for information purposes as it is of concern for the residents.



The City finds that the proposed project has adequate site layout for transportation activities with the conditions noted, and that the disruption of access to the adjacent properties across the church private property is not a matter for the APC as it is a civil matter between the property owners.

3. Section 11.030(A)(3) requires that the use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.

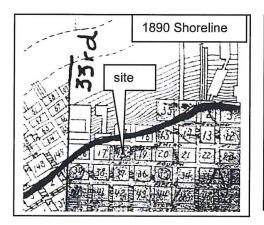
<u>Finding</u>: The site is currently used as an unimproved over-flow parking for the adjacent church. As with all new or increased development, there will be incremental impacts to police and fire protection, but it will not overburden these services. There will be exterior lighting to deter inappropriate use of the property. The Fire Chief Dän Crutchfield has reviewed the proposal and will require installation of a Knox Lock Box at an entry point on the building for fire department access prior to occupancy of the building and/or final building permit inspection. Location and specifics shall be approved by the Fire Chief (Condition 14). The Building Official and Fire Chief will review the building permit application to determine if any fire suppression system and/or fire extinguishers would be required.

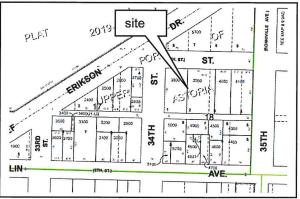
The City Engineer Nathan Crater met with the applicant to review water, sewer, storm drainage, and other utilities. He determined that there is ample water flow and that a fire hydrant is located on Lief Erikson Drive. All utilities are at or near the site and are capable of serving the use according to City Engineer Nathan Crater. He will continue to work with the applicant on the final design relative to the existing sewer easement.

The City finds that with the conditions as noted, the proposal will not overburden City facilities and/or services.

4. Section 11.030(A)(4) requires that "the topography, soils and other physical characteristics of the site are adequate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.

<u>Finding</u>: The site is not within 100' of a known geologic hazard as indicated on the City map. Proposed new construction would be on a relatively flat site. This site was historically along the shoreline; however, it appears that it was on the landward side of the shoreline based on the 1890 shoreline map.

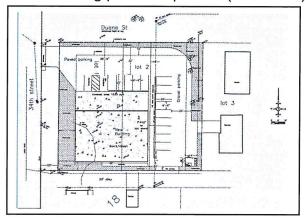




The City finds that the physical characteristics of the site are adequate for the proposed construction.

5. Section 11.030(A)(5) requires that "the use contain an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses."

<u>Finding</u>: As noted above, landscaping of approximately 18% of the lot is proposed on all four sides of the site. Landscaping along the east and south property lines would be 5' deep and would consist of a mixture of trees, shrubs, and ground cover. These two sides should be designed to buffer the site from the adjacent residential properties in the form of hedge or denser vegetation (Condition). Landscaped areas are noted on the site plan and are proposed to be native vegetation, but a final landscape plan with species has not been submitted. A landscape plan in accordance with Sections 3.105 to 3.120 shall be provided for review and approval of the Planner prior to the issuance of a building permit (Condition). The landscaping shall be installed prior to occupancy of the building and/or final building permit inspection (Condition).



### V. <u>CONCLUSIONS AND RECOMMENDATIONS</u>

Based on the Findings of Fact above and the application material submitted, the request meets all applicable review criteria with the following conditions:

- The applicant shall submit a Legal Lot Determination application for combination of the lots. The platted lots shall be combined on the deed and/or some other method of lot combination approved by the City prior to issuance of the building permit. A draft deed shall be provided to the Planner for review and approval prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection.
- 2. Seven off-street parking spaces shall be provided on the proposed parking area for the new facility.
- At minimum, the seven required off-street parking spaces shall be paved.
- 4. An easement shall be required for the 15 spaces on the south lots (Map 9BD, Tax Lots 2900 & 3200) required to accommodate the spaces for the church that are not provided on the church site, and for seven spaces on the proposed site. The draft easement(s) shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection (Condition).
- 5. If the loading area is located on an adjacent lot (Map 9BD, Tax Lots 2900 & 3200), an easement shall be recorded. The draft easement shall be reviewed and approved by the Planner prior to issuance of the building permit and shall be recorded prior to occupancy of the building and/or final building permit inspection
- 6. A landscape plan in accordance with Sections 3.105 through 3.120 shall be submitted for review and approval of the Planner prior to the issuance of a building permit.
- 7. Landscaping shall be installed prior to occupancy of the building and/or final building permit inspection.
- 8. Landscaping along the east and south property lines shall be 5' deep and shall consist of a mixture of trees, shrubs, and ground cover. These two sides shall be designed to buffer the site from the adjacent residential properties in the form of hedge or denser vegetation.
- 9. Lighting plan shall be reviewed and approved by the Planner prior to issuance of a building permit.
- 10. The applicant shall have the final location and size of the enclosed solid waste disposal area shall be reviewed and approved by Recology and provide the Planner verification of that approval prior to issuance of the building permit.
- 11. The design of the enclosed solid waste disposal area shall be reviewed and approved by the Planner prior to issuance of the building permit.

- 12. Any major changes to the location of the enclosed solid waste disposal area shall be reviewed by the Planning Commission.
- 13. A sidewalk shall be installed on the east side of 34th Street along this property in accordance with City Engineering requirements.
- 14. A Knox Lock Box shall be installed at an entry point on the building for fire department access prior to occupancy of the building and/or final building permit inspection. Location and specifics shall be approved by the Fire Chief.
- 15. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission.

The applicant should be aware of the following requirements:

The applicant shall obtain all necessary City and building permits prior to the start of operation.

### **Tiffany Taylor**

From:

Patty Skinner <skinnerpat64@yahoo.com>

Sent:

Tuesday, August 24, 2021 12:58 PM

To:

Tiffany Taylor

Subject:

Bethany Free Lutheran Church Building Project

AUG 24 2021

Community Development
CITY OF ASTORIA
CU20-10

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

Dear Planning Commission Members,

Thank you for being willing to accept more public input about the building project for Bethany Free Lutheran Church. I truly believe that it will not only benefit our church, but our community as well.

I've been a part of the Bethany Free Lutheran Church educational programs for many years. These include Sunday School classes, summer Vacation Bible School and a number of special events. I just wanted to let you know how the new building could be used for such programs.

As in public schools, our Christian education programs use a variety of methods to engage students. These include activities that get kids up and moving, creative art projects and more. The proposed building would provide an indoor space with room to move and a covered outdoor space for our more messier projects.

Sunday School classes for all ages are held every week. Our Vacation Bible School is typically a yearly event lasting 5 days. During the week, we host about 30 or more kids who participate in guided activities at stations in the church building and outside. Using just our current church building, means that the limited space in and around the stations determines what we can do. The new building would provide an additional indoor space that is not affected by the weather.

Along with Sunday School and Vacation Bible School, we also host a number of special events like BBQ's and our Live Nativity. The new building would provide convenient access to a kitchen and restrooms as well as provide a covered outdoor space for such activities.

Thank you again for your willingness to hear more about this project before making your final decision.

Patty Skinner

# Tiffany Taylor



Community Development

CITY OF ASTORIA

CU20-10

From: Stephen Lakatos <lakatos\_97201@yahoo.com>

Sent: Monday, August 23, 2021 8:28 AM

**To:** Tiffany Taylor; ericwpaulson@gmail.com

Cc: Koei Kudo; Stephen Lakatos

Subject: Letter of Support for Bethany Lutheran Church Expansion Plans

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

Dear Members of the Astoria Planning Commission:

My wife and I own the Victorian carriage house at 529 35th Street, with the front of our home (all three floors) facing north in the direction of the proposed Bethany Lutheran Church annex. We have reviewed relevant documentation pertaining to plans for the expansion, as well as relevant arguments both for and against the project voiced by neighbors, and we have no opposition to Bethany Lutheran moving ahead with their project to construct on the empty lot to the north of us. Our understanding is that Bethany Lutheran's willingness to move their proposed building slightly to the northeast from their original plans will help address major concerns from our neighbors directly to the west whose views of the Columbia might otherwise have been compromised with the building in its original proposed location. We also fully support the proposed youth-oriented mission of Bethany Lutheran's annex. Please reach out to us if you would like any clarification or elaboration of our support stated above for your August 24th meeting about the matter.

Sincerely,

Stephen Lakatos Koei Kudo 529 35th Street Astoria, OR 97103 Al : Trinna Tollefson 104 10th St. Astoria, OR 97103



To: Astoria Planning Commission,

We would like to add our names to the growing number of citizens in favor of the current proposed construction of the Bethany Lutheran Event Center in Upper town. This building will be a boon to our community

The church's willingness to work within neighborhood concerns has been exemplary. Certainly details and placement can be agreed upon if all parties demonstrate the give and take that all neighborhoods require for harmonious growth.

We look forward to seeing and enjoying the opport unities this structure will provide to neighborhood and Community.

Sincerely.

Juina Tollefson



July 10th, 2021

To the City of Astoria:

As a member of the Astoria community, I am in support of Bethany Lutheran using their adjacent property to create a multi-purpose building for use by their congregants and the greater community. Local churches have a *long* history of using their residential properties for their buildings, which is exactly what Bethany Lutheran is requesting. Furthermore, this building would be an asset to the city and community, as indoor gathering spaces become increasingly difficult to secure due to cost, liability, and over-scheduling. With the many wet months here in Astoria, our youth and adults all need places that they can gather and recreate to maintain their well-being! The building that has been proposed by Bethany Lutheran Church for their adjacent property seems to be a perfect use for a residential property in this location. Please approve their application for conditional use.

Thank you

(Your Name) (Your Address)

Fer Thomas

Ken Thompson 3682 Franklin Ave

Astoria Or 97103

AP-233



June 26th, 2021



# City of Astoria—

I am in FULL support of Bethany Lutheran Church's proposal to build a multipurpose building on their adjacent property. As a youth coach and league administrator in the Astoria area, I know how hard it can be to find covered gym space. While there are a few gyms associated with the schools, it has been my experience that there are FAR more groups out there looking for indoor space than there are number of gyms. And even if you can secure a space, it is likely to come with a price tag or significant "red tape" to deal with.

It is my understanding that Bethany Lutheran would like the commission to approve a "conditional use" of the adjacent property that they have owned for years. I find that this use would be extremely useful to our current residents. Please approve the project.

Thank you

LeRoy Woodrich

**Recreation Coordinator** 

City of Astoria

Parks & Recreation Department

These are just a fraction of the kids within our city and community that would benefit from having a safe indoor place to use for events and gatherings! Bethany sees them and would love to help fill this need!







The above sentiments are true for me and I could have not said it any better.

I do have a few additional thoughts I would like

to Convey.

Today I read about and find many youth that are depressed, drifting along and have no real purpose or direction. Many poor home lives, one tired parent and no good role models often often lead to alcohol, drugs and a comutose state. That is so sad for me, these bright wonderful youthful minds.

although there are youth of today that have purpose, good and seem to be heading in a good direction. For the most part they have 2 parents that care and are

very ignoolved in their lives.

I wonder if the church, that is very interested in bridging the gap for some teens would do so by having this new facility available. This could be a place for different events and a place they are welcome.

This new building could also be a plus for adults

I feel it is commendable for Bethay Free Lutheran church to be willing to invest in the community with energy and resources to try and make a difference

Le lets look beyond ourselves and open our hearts
to other needs.

Thank you for your consideration

Jean Estos

JUL 2 3 2021

July 10th, 2021

# To the City of Astoria:

As a member of the Astoria community, I am in support of Bethany Lutheran using their adjacent property to create a multi-purpose building for use by their congregants and the greater community. Local churches have a *long* history of using their residential properties for their buildings, which is exactly what Bethany Lutheran is requesting. Furthermore, this building would be an asset to the city and community, as indoor gathering spaces become increasingly difficult to secure due to cost, liability, and over-scheduling. With the many wet months here in Astoria, our youth and adults all need places that they can gather and recreate to maintain their well-being! The building that has been proposed by Bethany Lutheran Church for their adjacent property seems to be a perfect use for a residential property in this location. Please approve their application for conditional use.

Thank you

JEAN ESTOOS

94019 ALDRICH POINT ROAD

(Your Name) ASTORIA, OR 97103

(Your Address)

JUL 2 3 2021

Hello & My name is Audrey Cereghino and am 14 years o Support the new recreational Center because Astocia does not have many indoor spaces are by Enough accessible to the public that us kids can go play games or practice in loor sports in. The ones that are around are mostly the school gyms, and those are not accessible to the public. I Support this new REC center because it's not just going to be people from the church using it, it's a community thing. We are helping the Astoria community, mostly the children, have an indoor space to play in. I, Andrey Cereghino, support the church building this new recreational center because it will help the Asboria community, and be a wonderful benefit to the city. Have an amozing days - Audrey Cereginas-238

Dear City of Astoria Br

As a parent of young children living in this community, I am writing and their plan to build a multipurpose building! When it is raining, which is often right?) we have struggled to find active options for our diddren. Port of Play was good when they were younger, but at 9 and 12 years of age, it's no longer as interesting to them. Bethany Lutheran has owned this property for years, and now would like to build something multipurpose to serve our community there. It's a perfect fit for the space and I was shocked to hear it had been denied the first time around. We need more indoor, family-friendly gathering and activity spaces in Astoria Please approve this proposal

> Sincerely, Melissa V. Reid



Hi my name Iy and I am 12 years old I enoy lots of things but some like Basketball and Priving tractions I like most Right now though there are no gyms that we can just go to without paying or fileing paper work just of to only be there for 30 minuets. We have a out door hoop at my familys house but we can only play in summer con only play in summer when it is sunny. It would rather be at a under cover chasketball court or a half court Then standing out side in pouring vain getting southed tring to shoot hoops then afterword dealing with my wet close I would much rather. Also, how fun would it by to invite a friend over and play some Basketball and pickleball? Fo me that would be

Awsomel I rarly Thanks for your time, y Ceve ghina

Dear city of Astoria, ex

I am so sorry to hear that you DiciDed

To Turn Down the Bethany Intheranis repliest

To binity on the Bethany Property. I am

Writing on the Behalf of all the Kids who Don't
have a place to play when it rains. Most Kids

who Don't have a place to play when it rains Ewhich it...

rains a lot in Astorial They start playing vidio samp

wich rot their Brains. Diease reconsider this DEcision

and allow Bething to help our community with this

building.

(15)

your friend, Saunt D. Rzid

Bethow Lutheran Town or invertible

Church please et please appropries

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It will the inverte carpetic and be

Cids when in octom ter safetill

Conferent tal place. I would love apply OVE: Rey ecca. V. Reid Flierry werker it to place with my Daille Or Mille. July 23 rd 2021 Dec'nd Thomas I some I some Law Ring Year Dear Citylof Astoria

91



Rev. Craig Johnson 12724 2<sup>nd</sup> St SE Lake Stevens, WA 98258

July 5, 2021

Dear Astoria City Council,

From Sept. 1999 to April 2021 I had the privilege of serving as pastor of Bethany Free Lutheran Church in Astoria. I was also born and raised in Astoria, graduating from Astoria High School.

The idea of a multiuse building in Bethany's overflow parking lot was already being discussed before I began serving as pastor in 1999. In those days some of us took a trip to visit a church in Salem that had a multiuse building that was of great benefit to the community. On many school day afternoons kids came and got help with homework and had a safe place to be. Youth basketball games and other activities were often going on.

A multiuse building at Bethany could be used in similar ways. It could be a safe, positive, healthy place for kids to come for afterschool learning and recreation times. It could be a meeting spot for some of the groups serving teenagers, such as Young Life and Fellowship of Christian Athletes. These groups have increasingly found it challenging to find meeting locations. The building could also serve senior citizens. Some seniors in the congregation mentioned a need for a larger space for exercise classes.

I remember when I was young the popularity of the gym and the game room at the YMCA. I envision the multiuse building at Bethany meeting a similar kind of need. I hope you will give it positive consideration.

Sincerely,

Rev. Craig Johnson





July 15, 2021

#### Dear City of Astoria:

We write this letter as long-standing community members, coaches, mentors, and parents in Astoria. We have dedicated our lives to the development and success of young people and have seen firsthand the value of having safe spaces for kids to go and be just that. We are aware of the building project for Bethany Lutheran Church to build a multi-purpose building. We have participated in Astoria Parks and Recreation activities and have experienced the scheduling issues due to not having availability for gyms, fields, and gathering spaces. This would be beneficial for community and for our family personally to have access to a covered place to get together. We strongly believe in investing in things that promote the health and success of our youth, and think this structure would be a perfect addition to the community. Please approve their proposal.

Thank you

William and Jodi Kancharla

4709 Cedar Street Astoria, OR 97103

503-791-4347



To the City of Astoria, City Council and City Planning Committee

To whom it may concern.,

I'm writing this letter of suppport for the building project proposed by Bethany Lutheran Church for a multipurpose building dedicated for church and community use.

I have been a member of Bethany for several years and had the opportunity to serve in many outreach programs in the community sponsored by the church. We provide over 100 bag lunches weekly for Helping Hands clients, Rescue Mission clients and the homeless. When I started we made up 30- 45 weekly. Storage space for food items for the bags has been a challenge and for one, the project could use the multipurpose building. Additional workspace for this project would be helpful and possibly grow the program as it has in the past. Considering these needs in our community and the partners we work with, more space would make additional activities and cooperation possible.

My grandchildren have participated in Good News Club, a Christian based after school program ,offered at Astor School. More than once it had to move around to other spaces in the school because of school needs. The last time offered, space ran out at the school and it was transfered to the Church. This doubled up with other service projects in the church and space was a challenge. If this program could be held in the multipurpose building along with designated times for additional afternoon programs, I believe it would draw more youth who may otherwise have no place to go after the school day.

Bethany Lutheran Church has always had local ministry as part of its Mission. Meeting the community's needs, ongoing or emergency, is a priority. The multipurpose building would be an additional way to reach out to the community and for the community to come to us for support in providing their services. I encourage you to please approve its application for conditional use.

Sincerely.

Mancy Magathan

35079 Reith Larson Lane, Astoria, OR 97103

June 28, 2021

503-325-2765

**AP-247** 

City of Astoria 1095 Duane Street Astoria, OR 97103



Dear members of the Astoria City Council,

I am writing in support of the plan to build a multi-purpose building on property owned by Bethany Lutheran church. I am a member of Bethany Lutheran and I feel this project will be an outreach to the community from our church. This property was purchased around the same time the church was built in 1989. Bethany has always planned to develop the property which was made known to all the neighbors. This last year those plans began to move forward.

This building will allow us to host Christian concerts, vacation Bible School and give us a venue to use for our annual Live Nativity Scene if the weather turns nasty. The building could also be used for a variety of community programs such as the scouting programs, Young Life and The Good News Club. We have even talked about partnering with the Red Cross to allow the building to be used for a shelter in the event of a natural disaster, severe storm or prolonged power outage. There will be a half court gym that could be utilized by the city for their basketball programs.

This project was taken on as what we believe is God's will to live our Mission statement: To Know Christ-Live Christ-Share Christ. We have jumped through all the hoops to get approval for this project. We respect everyone's input, even the people not directly affected. We want to be good neighbors and we feel we have made every effort to do that. We ask that the council look at the whole picture and realize our intentions are good and will benefit not only Bethany Lutheran but the community as well. May God bless us all and allow the decision to be a fair one.

Respectfully Submitted, Lewis E. Nimmo Deacon, Bethany Lutheran Church



June 27, 2021

#### City of Astoria:

I am a resident of the "neighborhood" in question and I am in support of Bethany Lutheran Church's proposal to build a multi-purpose building. This seems to be a perfect use for the vacant property that the Church has owned for decades. There are *very few* spaces in our Uppertown neighborhood where adults and children can recreate indoors, and there are many rainy months during the year here in Astoria. Those spaces that do exist are difficult to schedule and often cost prohibitive, especially for small local organizations. A space like this could be beneficial to a number of City residents for a wide variety of purposes, not just for members of Bethany Lutheran.

I was surprised by the decision of the Planning Commission who I had previously understood was to judge the project based on whether it followed the Planning rules, which it does.

As an actual resident of this neighborhood since 1986, and not an out of town or county non-resident I find this building to be a perfectly reasonable use of the property especially if the church is allowed to move the sewer line to facilitate building in the portion of the property that does not block Vince's view.

Please consider and approve their proposal for this property.

Sincerely

Lois E. Grothe

3745 Franklin Ave

Astoria OR 97103



#### Dear City of Astoria:

I am writing to you as the parent of young children within the local community. As well as being a parent, I am also a teacher at Astor Elementary and I am first hand aware of how hard it is as a public member to be able to sign up for our facility. I have three students in our district and being in a wet area there are only so many indoor facilities to use and especially during covid, there were none that were not full and being used so no place for many of us to go.

I fully support Bethany Lutheran Church and their proposal to create a multi-purpose building. My children—along with MANY other children in our area—need places to recreate and be active that are undercover and not over-scheduled. The indoor space that Bethany Lutheran has proposed will help fill this gap and give a number of our community members and current residents a much-needed option for gathering. It is my understanding that Bethany has owned this property for years, and the building will be a perfect use for the adjacent lot. Please approve their proposal!

Sincerely

Emily Schuerger

2nd Grade Teacher at Astor Elementary

June 26th, 2021

JUL 2 3 2021

City of Astoria:

My name is Angie Cereghino and I am a member of Bethany Free Lutheran Church. I also am a born and raised Astoria resident. I am in support of Bethany's multi-purpose building 100%. I believe it will be a great addition to the community and the church.

Bethany Free Lutheran purchased the land for this building many years ago with the intention of being able to build a multi-purpose building at some point. Now is that time, and now more than ever, Astoria needs more indoor space for youth and community activities. Is it becoming harder and harder to access the local schools for gyms/other space for the use of community activities and or non-school clubs. Some examples are space for Young Life, Wyld Life, Viking Nordic Dancers and Good News Clubs. This multipurpose facility would provide space for these organizations as well as outreach opportunities for Bethany. I have 3 children and am excited for opportunities for them to be able to gather with other youth in our community and have good clean fun activities where they are not being bombarded with the pressure of drugs and alcohol which are so prevalent in our city and county. Bethany Free Lutheran Church has been a stable presence in Astoria since ( ). Even though the pandemic is sort of over, the mental health impact on everyone—but especially the youth in our area—is going to be long lasting. So being able to provide a location for organizations such as Young life is going to be a big step in supporting the mental health of youth in our community.

Blessings,

**Angie Cereghino** 

June 25th, 2021



#### City of Astoria:

My name is Mickey Cereghino and I wholeheartedly support Bethany Lutheran Church's proposal to construct a multi-purpose building on the property they have owned for decades. I believe the project— a multi-purpose community center for congregational and local resident use—speaks for itself. However, due to the tentative denial for conditional use, as well as some vocal opposition, I'd like to address a few relevant points about the project:

- The property in question is zoned R-2 (residential). The church has asked the city for conditional use. This seems perfectly legal and applicable, since every church and church annex in the city of Astoria is constructed on residentially zoned land. Bethany Lutheran should not be the only church in Astoria that is singled out and asked to find commercial land for its building.
- At the Planning Commission meeting in June, a city planner asked the church if they had "searched for other properties to carry out this project." The church is located directly adjacent to this property, and the church has owned it for over 25 years. It is a perfect place for church activities to take place. Why would Bethany search for a location that is not adjacent to the church and they do not currently own?
- Affordable housing is definitely a concern for future Astorians. However, future AND current
  Astorians also need places to recreate, congregate and enjoy each other. If we are a city full of
  houses and restaurants (and dispensaries and breweries) what will all of these future AND
  current Astorians do with their rainy days? This is about quality of life...not quantity.
- It has been stated many times by opponents of this project that "we have a lot of gyms" around Astoria. This does not address the pertinent issue: legally and cheaply securing large indoor spaces is becoming very difficult. This should be clear based on the number of coaches, school officials, and parents that support this project. They are well aware of the challenges that can face anyone trying to organize an indoor event. I can speak first-hand to gym use; I have a key to both gyms at the school building that I work in, and I cannot legally or ethically use the gym in a wide variety of circumstances.
- The vast majority of opposition to this project has come about regarding the view of one particular neighbor. Mr. Tadei has been a wonderful neighbor throughout the years, which is exactly why the church has been so diligent about working with the Tadei family to preserve as much direct river view as possible. Though it has been difficult at times, the church has worked toward—and spent its own money—moving the building to a more preferable location on the property. It is our hope that this will satisfy all parties. If not, it is difficult for me to believe that any future development will be acceptable to the neighborhood, even if it is something that serves the community like this multi-use building could.
- One of the questions from a city planner was whether or not the church had spoken to the Warming Center about using the building. The church has not had any formal conversations with any organizations yet. However, that is why the building project is titled "Multi-purpose." We do not know all of the specific, planned out uses for the building, but we are excited about numerous groups from our local community having a chance to use it. This is not intended to be a revenue-generating project for the church, but rather an outreach to community members.

- It has been mentioned several times that not every member at Bethany Lutheran supports this project. This may be true. However, the indication that "not even church members like the project" is patently false. The **overwhelming majority** of the congregation supports this project, and they support it for one reason: they believe in their hearts that it will serve the community and provide a service for the people of our area.
- The fundraising for this building has happened as a group and through the church, not solely from an outside donor as has been mentioned by the opposition. Regardless, the finances of the church should not be the business of the neighbors, NOR should they be the business of the City of Astoria. The question at the June meeting from the City Planning Commission about donations and finances was completely unethical and inappropriate.

The numerous Uppertown residents, City residents, community members, parents, congregational members, and most importantly, youth that have shown their support for this project should be a good indicator to the city that this "use" of the property is legitimate and beneficial. It has also been designed in a manner that has satisfied the Historic Landmarks Commission and matches the church—which has been a part of the residential neighborhood for years. And though there are a number of issues addressed in this letter, the main question that I hope the City of Astoria will ask itself is this: should we as a City Government deny Bethany Lutheran Church from building—on their own property—a structure that (1) meets all city building and historic codes, (2) is located on property that is zoned similarly to EVERY other church in the city, and (3) serves a greater purpose to the community?

Thank you for your consideration, as well as your service to our community.

God Bless you all!

Mickey Cereghino Teacher, Coach

Astoria High School



June 29, 2021



#### City of Astoria Officials:

Providing locations for our youth to engage in positive, relationship-based activities is an important element in our community development. As such, I want to express my support of the proposal issued by the Bethany Lutheran Church to construct and develop a multi-purpose building on the property adjacent to their chapel. The project is intended to serve not only the congregants of Bethany Lutheran, but also provide a viable venue for other community and school based groups to use. Many of the spaces that were once available to non-profit groups no longer exist or have become cost-prohibitive for some organizations. I see this proposal as directly benefiting our local community members and citizenry.

Thank you for your consideration of my input,

Lynn Jackson



July 1st, 2021

Dear City of Astoria,

As a physical education teacher and coach in the Astoria School District for the past 22 years, I am writing this letter in FULL support of Bethany Lutheran Church's proposal to build a multipurpose building on their adjacent property.

As someone involved in youth sports and physical activity in Astoria, I know how hard it can be to find covered gym space. While there are a few gyms associated with the schools, those gyms are used predominantly for school district purposes and are generally in constant use. It is unquestionable that there are FAR more groups out there looking for indoor space than there are available gyms. And even if you can secure a space, it is likely to come with a price tag or significant "red tape" to deal with (insurance, custodial fees, etc.).

It is my understanding that Bethany Lutheran would like the commission to approve a "conditional use" of the adjacent property that they have owned for years. I find that this use would be extremely useful to our current residents, especially benefitting the health and wellness of our youth. Please approve the project.

Sincerely,

Gordon Thomson
Astoria High School Physical Education Teacher/Coach

JUL 2 3 2021

July 5, 2021

To: City of Astoria

From: Bryant Martin

160 Madison Ave. Astoria, Oregon 97103

RE: Bethany Lutheran Church Multi-Purpose Building

Dear City of Astoria,

My name is Bryant Martin and I am writing in support of Bethany Lutheran Church and their request to create a multi-purpose building on the property adjacent to their Church.

My wife Sheena and I are co-owners of Peter Pan Market & Deli, and we have been raising our two children, ages 15 and 12 in Astoria. Both of my children have participated in local athletic activities and I have been a coach or assistant coach for my son's basketball team for the past three years. At times I have noticed that it has been difficult to find indoor places for my children to recreate, work out, or practice their athletics. There are simply not enough indoor facilities to meet the community needs.

The proposal for the property that Bethany Lutheran has owned for years would help fill this need for the community. As a city resident, I think adding the facility proposed by Bethany Lutheran would be an excellent addition to the community and a wonderful use of the vacant property. I encourage you to approve their request for the multi-purpose building.

Regards,

Bryant S. Martin

-345. WO



July 1, 2021

#### City of Astoria:

I am a resident of the "neighborhood" in question, as well as a member of Bethany Lutheran Church. I am also in support of Bethany Lutheran Church's proposal to build a multi-purpose building. This seems to be a perfect use for the vacant property that the Church has owned for decades. There are *very few* spaces in our Uppertown neighborhood where adults and children can recreate indoors during our many rainy months in Astoria. The spaces that do exist are difficult to schedule and often cost prohibitive, especially for small local organizations. A space like this could be beneficial to a number of City residents for a wide variety of purposes, not just for members of Bethany Lutheran.

I would like to add that I drive past the signs on Franklin Street objecting to this project daily. I find them very disturbing as some state "save the neighborhood" from this project. I am totally baffled by these signs. My immediate question when I saw them was "save the neighborhood from what"? The building planned is a well designed attractive building which compliments the architecture of the Bethany Lutheran Church. Which is itself an attractive well maintained building. It welcomes tourists and citizens alike as they enter our community on highway 30 from the east. A positive structure compared to those a short distance down the road of decrepit houses, a vacant run down gas station, restaurants, strip joint and bars all in great need of repair and paint let alone the seamy environment of the latter two. The signs objecting to the project are in the yards of two or three multi-residential houses on Franklin. There are actually at least eight of these multi-residential dwellings on the north side of Franklin. At least six of these buildings are in ill repair, needing the bare minimum of paint. In fairness to two of these structures, one being a large victorian, they started painting this week. But it still has a broken window on the second floor, and a refrigerator and furniture on the side porch. The other building is the former Bethany Lutheran church and parsonage. Both are used as residences. It is finally getting a very needed new roof. I hope it also gets a paint job. Therefore, I find it impossible to comprehend how our proposed building will be a detriment to this neighborhood, something to be saved from. On the contrary, it's appearance will be a much needed improvement and asset to the area.

So perhaps the objection is the purpose of the building. But again, I question how its intended purpose would be a detriment to the community. The purpose of the proposed building will allow our church to extend to our congregation more room for activities and services we already do. It will allow us to do them under cover if need be during our rainy weather. It will also allow us to extend blessings to the community. For example, the kitchen, locker rooms, rest

rooms could be opened to serve our community during community wide power outages. The frequent wind storms and even the hurricane we experienced several years back that shut down and isolated the whole area for days and even some parts of our community for weeks could have benefitted from such a building. In addition, we hope to have this building available to use for the youth and citizen activities in our community.

Perhaps the only objection is that one house may have their view partially impaired. A situation we hope to avoid if feasible, by relocating a sewer line that runs through the property.

I believe the benefits of this building and project far out-weigh the possible negatives to any one neighbor. Any additional traffic which may occasionally occur with the proposed uses of the building will be minimal compared to other potential uses of the property, such as an apartment building.

Thank you for your time and consideration. Please approve the proposal for this property fronting on Hwy 30.

Sincerely,

Brenda J. Watson-Morgan

660 39th St., Astoria, Oregon 97103

PS: I attempted to attend the planning meeting regarding this project as I wanted to testify in person. Unfortunately I was not able to get there until 6:00PM. I was unable to gain entrance as the doors had been locked.

JUL 2 3 2021

July 14, 2021

Dear City of Astoria,

I am writing to you as a community member and as a parent of three children in the Astoria School District. I am in full support of construction of the multi-purpose building proposed by the Bethany Lutheran Church. As you are probably well aware, finding covered and indoor activity areas for children in our community, particularly during our long rainy season, can be nearly impossible. The indoor space that Bethany Lutheran has proposed would be an excellent and much needed addition to our community. Please consider the positive impact of this space to our community when considering this proposal.

Sincerely,

Chad Madsen



June 26th, 2021

### City of Astoria—

I am in FULL support of Bethany Lutheran Church's proposal to build an indoor space on their adjacent property. I am an assistant coach in the Astoria Girls basketball program. I also train various basketball player throughout Clatsop County. While there are a few gyms associated with the schools, it has been my experience that there are FAR more groups out there looking for indoor space than there are number of gyms. And even if you can secure a space, it is likely to come with a price tag or significant "red tape" to deal with.

It is my understanding that Bethany Lutheran would like the commission to approve a "conditional use" of the adjacent property that they have owned for years. I find that this use would be extremely useful to our current residents. Please approve the project.

Thank you

Alex Eterno

Assistant Coach for Astoria Girls Basketball

JUL 2 3 2021

June 26, 2021

To Whom It May Concern:

I am writing in support of the Bethany Free Lutheran building project. Much thought and time has gone into putting this project together. It has been a goal of Bethany Free Lutheran for many years. A building that would help the youth of the area have a meeting place. The schools have imposed tighter restrictions on the use of their buildings in the past few years. That is understandable especially in these times. Bethany is looking to providing a place for youth groups such as Young Life, Wyldlife, and Good News club to meet.

The building has been designed to match the original church building and thus will fit in with the surrounding area.

Please consider this project to move ahead in the near future.

Don R. Fisher

Member, Bethany Free Lutheran Church



# Dear City of Astoria:

My name is Jillian and I am 11 years old. I will attend Astoria Middle School next year. I am a member of the Astoria community and I support Bethany Lutheran Church in their proposal to build a multi-purpose building on their property. It would be great to have another covered space for us to use for recreation, because there are many activities that are more fun if they are out of the rain! The proposed building is also in an easy location for me and my friends to access. I support the Bethany project, and I hope that you will, too!

Sincerely, Jillian Walsh



# Dear City Planning Commission:

My name is Maggie and I am II years old. I am a member of the Astoria community and I support Bethany Lutheran Church's multi-purpose building project. I will be a student at Astoria Middle School next year. I play volleyball, basketball, and softball, and when the weather is bad, we are always looking for covered places to practice and play. It would be great if our community had another space to use. Also, the building would be in an easy location for all of us to use, unlike some of the places that we have used that are out of town. I support the Bethany multi-purpose building!

Maggie Falleur

Maggie Falleur

Astoria Middle School



# Dear City of Astoria:

My name is Kaylee and I am 16 years old. I am a member of the Astoria community and I support Bethany Lutheran Church in their proposal to build a multi-purpose building on their property. I currently attend Astoria High School and play volleyball and basketball, and it would be great to have another covered space for us to use for recreation. Also, the proposed building is in an easy location for me and my friends to access, unlike some of the buildings that we have used that are far out of town. I support the Bethany project, and I hope that you will, too!

Sincerely

Kaylee Falleur

Astoria High School



### Dear City of Astoria:

My name is Eva and I am 14 years old. I will attend Astoria High school next year. I am a member of the Astoria community and I support Bethany Lutheran Church in their proposal to build a multi-purpose building on their property. It would be great to have another covered space for us to use for recreation, because there are many activities that are more fun if they are out of the rain! The proposed building is also in town, which makes it an easy location to access. I support the Bethany project, and I hope that you will, too!

Sincerely

Eva Espelien

EvaEspelien



774 Glasgow Ave., Astoria, Oregon 97103

July 10, 2021

City of Astoria 1095 Duane Street Astoria, Oregon, 97103

Dear City Council,

I am writing this letter in support of building of a multipurpose building on Bethany Free Lutheran Church's property

As a member of Bethany Free Lutheran Church and a resident of Astoria for almost 48 years I am excited about this project.

The building will be built on property owned by Bethany since 1980s, and we see the need for embarking on this project at this time.

The building would host many community events, such as Scouts, Young Life Group, Good News Club, Christian concerts, Vacation Bible School, and our annual live Nativity scene, and other community events. It also would make it easier for us to prepare the 100 to 160 lunch bags weekly for the homeless and hungry in Astoria.

Partnered with Red Cross, the building could also be used as a shelter during a natural disaster, severe storms and power outage.

I thank the City Council for taking all these things into concideration. The building will not be an eyesore and will be well kept as our church and the grounds have been in all the years we have owned the property. Our intentions are good and I feel Bethany and the Community will benefit from this project.

Sincerely

Berit Madsen

June 26, 2021

To Whom It May Concern:

I am writing in support of the Bethany Free Lutheran building project. Much thought and time has gone into putting this project together. It has been a goal of Bethany Free Lutheran for many years. A building that would help the youth of the area have a meeting place. The schools have imposed tighter restrictions on the use of their buildings in the past few years. That is understandable especially in these times. Bethany is looking to providing a place for youth groups such as Young Life, Wyldlife, and Good News club to meet.

The building has been designed to match the original church building and thus will fit in with the surrounding area.

Please consider this project to move ahead in the near future.

Bonnie L Fisher

Month Member, Bethany Free Lutheran Church



July 12th, 2021

### Dear City of Astoria:

We are currently residents of the City of Astoria, and we support Bethany Lutheran Church in their proposal to create a multi-purpose building on their adjacent city property. Bethany Lutheran has consistently displayed their willingness to compromise and work in the best interest of everyone. There is, however, a shortage of places in the city of Astoria for youth and adults to recreate indoors during the long rainy months we have every winter. Most of the available places are difficult to secure due to cost or liability. The proposal for the property that Bethany Lutheran has owned for years could help fill this need for many of our current residents and particularly the youth of the area. We kindly ask that you would please approve their request to move forward with the multi-purpose building.

Sincerely,

Colton & Alex Courtway

Address:

1025 Alameda Ave.

Astoria, OR 97103



June 27th, 2021

### Dear City of Astoria:

I am currently a resident of the City of Astoria, and I am in support of Bethany Lutheran Church in their proposal to create a multi-purpose building on their adjacent city property. There is a shortage of places in the city of Astoria for youth and adults to recreate indoors during the long rainy months we so often have, and most of the available places are difficult to secure due to cost or liability. The proposal for the property that Bethany Lutheran has owned for years could help fill this need for many of our community members. As a parent, I would love for my children to have access to another indoor space that would provide good, healthy entertainment. As a city resident, I believe this is a wonderful use of the vacant property. Please approve Bethany's request to move forward with the multi-purpose building.

Sincerely,

Andrea Freeman

Address:

170 W Lexington Ave

Astoria, OR 97103

DEGESVE JUL 2 3 2021

June 27th, 2021

## Dear City of Astoria:

I am currently a resident of the City of Astoria, and I am in support of Bethany Lutheran Church in their proposal to create a multi-purpose building on their adjacent city property. There is a shortage of places in the city of Astoria for youth and adults to recreate indoors during the long rainy months we so often have, and most of the available places are difficult to secure due to cost or liability. The proposal for the property that Bethany Lutheran has owned for years could help fill this need for many of our community members. As a city resident, I believe this is a wonderful use of the vacant property. Please approve their request to move forward with the multi-purpose building. It was a color to be a seed in the general color of the property of the property. Sincerely

Beverly Hoopingly

Address:

861 36 th



June 27th, 2021

# Dear City of Astoria:

I am currently a resident of the City of Astoria, and I am in support of Bethany Lutheran Church in their proposal to create a multi-purpose building on their adjacent city property. There is a shortage of places in the city of Astoria for youth and adults to recreate indoors during the long rainy months we so often have, and most of the available places are difficult to secure due to cost or liability. The proposal for the property that Bethany Lutheran has owned for years could help fill this need for many of our community members. As a city resident, I believe this is a wonderful use of the vacant property. Please approve their request to move forward with the multi-purpose building.

Sincerely

Address: 06/- 365/

Hoothagle



July 1, 2021

## Dear City of Astoria:

I am writing as a parent of children who attend Astoria School District schools and as a local community member. I fully support Bethany Lutheran Church and their proposal to create a multi-purpose building. My children—along with MANY other children in our city—need places to recreate and be active that are undercover and not over-scheduled. The indoor space that Bethany Lutheran has proposed will help fill this gap and give a number of our community members and current residents a much-needed option for gathering. It is my understanding that Bethany has owned this property for years, and the building will be a perfect use for the adjacent lot. Please approve their proposal!

Sincerely

Sara E. Oien





## Dear City of Astoria:

I am writing to you as a parent of a child within the Astoria School District and as a local community member. I have worked for the school district in this community for two years and have seen the need for locations that are not shared and upgraded with current standards.

I fully support Bethany Lutheran Church and their proposal to create a multi-purpose building. My child—along with MANY other children in our city—need places to recreate and be active that are undercover and not over-scheduled. The indoor space that Bethany Lutheran has proposed will help fill this gap and give a number of our community members and current residents a much-needed option for gathering. It will also provide options to alleviate pressure from the schools and parents to use school facilities and operate on schedules that carry often late into the night or very early in the morning.

It is my understanding that Bethany has owned this property for years, and the building will be a perfect use for the adjacent lot. I also understand that they are taking the wishes of immediate neighbors into account and spending their own money to relocate sewer and water lines to provide the best views for the neighborhood and river.

Please approve their proposal!

Sincerely,

Erica Walsh

Grica Walsh



# Dear City of Astoria:

I am writing to you as a parent of a child within the Astoria School District and a local community member. I fully support Bethany Lutheran Church and their proposal to create a multi-purpose building. My children—along with MANY other children in our city—need places to recreate and be active that are undercover and not over-scheduled. The indoor space that Bethany Lutheran has proposed will help fill this gap and give a number of our community members and current residents a much-needed option for gathering. It is my understanding that Bethany has owned this property for years, and the building will be a perfect use for the adjacent lot. Please approve their proposal!

Sincerely

Tom Falleur

Ton tull



July 3, 2021

# Dear City of Astoria:

I am writing as a parent of a child within the Astoria School District and as a resident of the City of Astoria. I fully support Bethany Lutheran Church and their proposal to create a multi-purpose building. My children—along with many other children in our city—need places to recreate and be active that are undercover and not over-scheduled. The indoor space that Bethany Lutheran has proposed will help fill this gap and give a number of our community members and current residents a much-needed option for gathering. It is my understanding that Bethany has owned this property for years, and the building will be a perfect use for the adjacent lot. Please approve their proposal!

Sincerely,

O agree that there is a great need for a lose enwiement for the gathering of hiels as were as other functions to facilitate community events.

ausha Taferski



## Dear City of Astoria:

I am writing to you as a parent of a child within the Astoria School District and a local community member. I fully support Bethany Lutheran Church and their proposal to create a multi-purpose building. My children—along with MANY other children in our city—need places to recreate and be active that are undercover and not over-scheduled. The indoor space that Bethany Lutheran has proposed will help fill this gap and give a number of our community members and current residents a much-needed option for gathering. It is my understanding that Bethany has owned this property for years, and the building will be a perfect use for the adjacent lot. Please approve their proposal!

Sincerely

Norm Stutznegger

June 24, 2021



#### Dear City of Astoria:

I am writing to you as the parent of three young children within the local community. As well as a parent, I am a State Trooper locally and would love to see many more indoor areas that we can have our youth be able to use for a positive activity with positive role models they can look up to.

I fully support Bethany Lutheran Church and their proposal to create a multi-purpose building. My children—along with MANY other children in our area—need places to recreate and be active that are undercover and not over-scheduled. The indoor space that Bethany Lutheran has proposed will help fill this gap and give a number of our community members and current residents a much-needed option for gathering. It is my understanding that Bethany has owned this property for years, and the building will be a perfect use for the adjacent lot. Please approve their proposal!

Sincerely,

Greg Schuerger

Oregon State Trooper



July 13, 2021

# Dear City of Astoria:

I am a member of the Astoria community and I will be attending Astoria High School next year. I support Bethany Lutheran Church in their proposal to build a multi-purpose building on their property. It would be great to have another covered space for us to use for recreation, because there are many activities that are more fun if they are out of the rain! The building can be used for youth activities such as Young Life and Good News Club, as well as activities for all ages like the Nordic/Scandinavian Dancers and community barbecues. The proposed building is also in an easy location in town for everyone to access. I support the Bethany project, and I hope that you will, too!

Sincerely

ashley Lacy

July 17th, 2021



#### To the City of Astoria:

I am a member of the North Coast community, and I encourage you to support Bethany Lutheran's worthwhile effort to create a multi-purpose building for their church members as well as the community of Astoria. It doesn't really need to be said, but in the many wet months of the year, indoor space for various groups is a scarce resource. I see this building as a vital investment in the future of the Astoria community and the families that make it such a special place. An indoor space to experience recreation, community, faith, and fun makes it possible for families, teenagers, and young adults to be in a safe physical space which can allow for increased overall community health in a variety of ways.

I understand there is some objection to this building due to some view limitations, but I know the church has been making every effort to minimize that impact. I would encourage you to approve their application for conditional use, the tremendous community health benefits it would provide far outweigh a slightly obstructed view. Years from now, I believe you'll look back and be appreciative of the community investment you helped bring to reality. That will be a view worth celebrating.

Thank you

Share Spell

Shane Spell

JUL 2 3 2021

July 12, 2021

#### To the City of Astoria:

We are residents of the Astoria community, and are in full support of Bethany Lutheran using their adjacent property to create a multi-purpose building for use by their congregants and the greater community. As all of you well know, there are many months of wet weather here on the North Coast, and open indoor spaces where youth and adults can recreate become a necessity to our well-being. Indoor spaces within the city have become increasingly difficult to find due to closure (YMCA, fairgrounds on Exchange St.) or have become difficult to use due to scheduling, cost, or liability (ASD gymnasiums, CCC's new building). The building that has been proposed by Bethany Lutheran Church for their adjacent property seems to be a perfect use for the space. Please reconsider approval of their application for conditional use.

Thank you,

Harley and Toni Miethe



July 13, 2021

# Dear City of Astoria:

I am a member of the Astoria community and I will be attending Astoria Middle School next year. I support Bethany Lutheran Church in their proposal to build a multi-purpose building on their property. It would be great to have another covered space for us to use for recreation, because there are many activities that are more fun if they are out of the rain! The building can be used for youth activities such as Young Life and Good News Club, as well as activities for all ages like the Nordic/Scandinavian Dancers and community barbecues. The proposed building is also in an easy location in town for everyone to access. I support the Bethany project, and I hope that you will, too!

Sincerely

LOGAN Lacy



June 27th, 2021

#### To the City of Astoria:

I am a member of the Astoria community, and I am in full support of Bethany Lutheran using their adjacent property to create a multi-purpose building for use by their congregants and the greater community. As all of you well know, there are many months of wet weather here on the North Coast, and open indoor spaces where youth and adults can recreate become a necessity to our well-being. Indoor spaces within the city have become increasingly difficult to find due to closure (YMCA, fairgrounds on Exchange St.) or have become difficult to use due to scheduling, cost, or liability (ASD gymnasiums, CCC's new building). The building that has been proposed by Bethany Lutheran Church for their adjacent property seems to be a perfect use for the space. Please approve their application for conditional use.

Evalyn M. Langlina evalgeman egmails com July 3, 2021



## Dear City of Astoria:

I am a member of the Astoria community and I will be attending Astoria High School in the fall. I support Bethany Lutheran Church in their proposal to build a multi-purpose building on their property. It is always difficult for our YoungLife group to find a building to use for our club, and this building would be great for that use. The proposed building is also in an easy location in town for everyone to access. I support the Bethany project, and I hope that you will, too!

Drum Yang

Sincerely



Jane 24 2021

#### To the City of Astoric

I am a member of the Astoria community, and I am in full support of Bethany Lumeran using their adjacent property to create a multi-purpose building for use by their congregants and the greater community. As all of you well know, there are many months of wet weather here on the North Coast, and open indoor spaces where youth and adults can recreate become a necessity to our well-being. Indoor spaces within the city have become increasingly difficult to find due to closure (YMCA, fairgrounds on Exchange St.) or have become difficult to use due to scheduling. cost, or liability (ASD gymnasiums, CCC's new building). The building that has been proposed by Bethany Lutheran Church for their adjacent property seems to be a perfect use for the space. Nease approve their application for conditional use.

Thank you

Name, Title?

Ed Jones Owner of Bike Envy LLC.

**AP-284** 



JUL 2 3 2021

June 24th, 2021

## To the City of Astoria:

We are members of the local community, and are fully in support of Bethany Lutheran using their adjacent property to create a multi-purpose building for use by their congregants and the greater community. As all of you well know, there are many months of inclement weather here on the North Coast, and open indoor spaces where youth and adults can recreate become a necessity to our well-being. Indoor spaces within the city have become increasingly difficult to find due to closure (YMCA, Fairgrounds on Exchange St.) or have become difficult to use due to scheduling, cost, or liability (ASD gymnasiums, CCC's new building). The building that has been proposed by Bethany Lutheran Church for their adjacent property seems to be a perfect use for the space for our community. Please approve their application for conditional use.

Thank you

Charlie Hall, Tess Hamby A.H.S. FFA



July 3, 2021

# Dear City of Astoria:

I am a member of the Astoria community and I will be attending Astoria High School in the fall. I support Bethany Lutheran Church in their proposal to build a multi-purpose building on their property. It is always difficult for our YoungLife group to find a building to use for our club, and this building would be great for that use. The proposed building is also in an easy location in town for everyone to access. I support the Bethany project, and I hope that you will, too!

Sincerely,



June 27th, 2021

#### To the City of Astoria:

I am a member of the Astoria community, and I am in full support of Bethany Lutheran using their adjacent property to create a multi-purpose building for use by their congregants and the greater community. As all of you well know, there are many months of wet weather here on the North Coast, and open indoor spaces where youth and adults can recreate become a necessity to our well-being. Indoor spaces within the city have become increasingly difficult to find due to closure (YMCA, fairgrounds on Exchange St.) or have become difficult to use due to scheduling, cost, or liability (ASD gymnasiums, CCC's new building). The building that has been proposed by Bethany Lutheran Church for their adjacent property seems to be a perfect use for the space. Please approve their application for conditional use.

Thank you

Amy Miles 368-0148



June 27th, 2021

#### To the City of Astoria:

I am a member of the Astoria community, and I am in full support of Bethany Lutheran using their adjacent property to create a multi-purpose building for use by their congregants and the greater community. As all of you well know, there are many months of wet weather here on the North Coast, and open indoor spaces where youth and adults can recreate become a necessity to our well-being. Indoor spaces within the city have become increasingly difficult to find due to closure (YMCA, fairgrounds on Exchange St.) or have become difficult to use due to scheduling, cost, or liability (ASD gymnasiums, CCC's new building). The building that has been proposed by Bethany Lutheran Church for their adjacent property seems to be a perfect use for the space. Please approve their application for conditional use.

Thank you

Beth a Manley



# 



Fri, Jul 9, 5:22 PM (16 hours ag

#### Judy Fisher

to me 🕶

July 9, 2021

To the City of Astoria,

It became apparent during the Covid Crisis there is a shortage of places in the Astoria Community for youth and adults to recreate for their well being. We support Bethany Free Lutheran in their request for a conditional use permit for a multipurpose building on their adjacent property and hope you approve their conditional use permit application.

Sincerely,

Edwin and Judy Fisher



July 3, 2021



# Dear City of Astoria:

I am a member of the Astoria community and I will be attending Astoria High School in the fall. I support Bethany Lutheran Church in their proposal to build a multi-purpose building on their property. It is always difficult for our YoungLife group to find a building to use for our club, and this building would be great for that use. The proposed building is also in an easy location in town for everyone to access. I support the Bethany project, and I hope that you will, too!

Sincerely,



June 27th, 2021

## To the City of Astoria:

I am a member of the Astoria community, and I am in full support of Bethany Lutheran using their adjacent property to create a multi-purpose building for use by their congregants and the greater community. As all of you well know, there are many months of wet weather here on the North Coast, and open indoor spaces where youth and adults can recreate become a necessity to our well-being. Indoor spaces within the city have become increasingly difficult to find due to closure (YMCA, fairgrounds on Exchange St.) or have become difficult to use due to scheduling, cost, or liability (ASD gymnasiums, CCC's new building). The building that has been proposed by Bethany Lutheran Church for their adjacent property seems to be a perfect use for the space. Please approve their application for conditional use.

Thank you

Dick Myather

64

July 3, 2021



## Dear City of Astoria:

I am a member of the Astoria community and I will be attending Astoria High School in the fall. I support Bethany Lutheran Church in their proposal to build a multi-purpose building on their property. It is always difficult for our YoungLife group to find a building to use for our club, and this building would be great for that use. The proposed building is also in an easy location in town for everyone to access. I support the Bethany project, and I hope that you will, too!

Sincerely,

hatriana Hickman



July 3, 2021



## Dear City of Astoria:

I am a member of the Astoria community and I will be attending Astoria High School in the fall. I support Bethany Lutheran Church in their proposal to build a multi-purpose building on their property. It is always difficult for our YoungLife group to find a building to use for our club, and this building would be great for that use. The proposed building is also in an easy location in town for everyone to access. I support the Bethany project, and I hope that you will, too!

Sincerely,

nevael Miche



July 13, 2021

## Dear City of Astoria:

I am a member of the Astoria community and I will be attending Astoria High School next year. I support Bethany Lutheran Church in their proposal to build a multi-purpose building on their property. It would be great to have another covered space for us to use for recreation, because there are many activities that are more fun if they are out of the rain! The building can be used for youth activities such as Young Life and Good News Club, as well as activities for all ages like the Nordic/Scandinavian Dancers and community barbecues. The proposed building is also in an easy location in town for everyone to access. I support the Bethany project, and I hope that you will, too!

Sincerely



July 11th, 2021

## To the City of Astoria:

As a member of the Astoria community, I am in support of Bethany Lutheran using their adjacent property to create a multi-purpose building for use by their congregants and the greater community. Local churches have a *long* history of using their residential properties for their buildings, which is exactly what Bethany Lutheran is requesting. Furthermore, this building would be an asset to the city and community, as indoor gathering spaces become increasingly difficult to secure due to cost, liability, and over-scheduling. With the many wet months here in Astoria, our youth and adults all need places that they can gather and recreate to maintain their well-being! The building that has been proposed by Bethany Lutheran Church for their adjacent property seems to be a perfect use for a residential property in this location. Please approve their application for conditional use.

Thank you

Tenny Johnson Astona, OR. 97103



July 10th, 2021

#### To the City of Astoria:

As a member of the Astoria community, I am in support of Bethany Lutheran using their adjacent property to create a multi-purpose building for use by their congregants and the greater community. Local churches have a *long* history of using their residential properties for their buildings, which is exactly what Bethany Lutheran is requesting. Furthermore, this building would be an asset to the city and community, as indoor gathering spaces become increasingly difficult to secure due to cost, liability, and over-scheduling. With the many wet months here in Astoria, our youth and adults all need places that they can gather and recreate to maintain their well-being! The building that has been proposed by Bethany Lutheran Church for their adjacent property seems to be a perfect use for a residential property in this location. Please approve their application for conditional use.

Thank you

Larson Nasstrom

**AP-296** 





To City of Astoria City Council Planning Commission 1095 Duane Street Astoria, OR 97103

This letter is in support of the Youth Center building project proposed by Bethany Lutheran Church. As an 84-year member of the church, I am requesting a review of the current decision to disallow the project. The property was purchased in the 70's for this purpose.

I understand the church has been confabbing with the Tadei family to satisfy both sides of the issue. We are long-time friends of the Tadei's and have the highest respect for the family. I'm sure both will be content with the outcome.

I understand the project meets all the codes outlined for the building and property space. We were surprised by the denial and with this letter, I am asking the Planning Commission to revisit the request.

Thank you.

Joh A. Englund

90274 Peter Johnson Road

Astoria

503-468-9756



From: MIKE MARY DAVIES < CRASHBOAT@msn.com>

**Sent:** Friday, July 16, 2021 7:54 AM

**To:** Tiffany Taylor

Subject: RE: RDA/Bethany Lutheran Conditional Use Request (CCU20=10)

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

Good morning,

JUL 16 2021 D

Community Development

Regarding the Bethany Lutheran Conditional Use Request (CCU20-10), we strongly urge the approval of the requested development of their proposed multi-use building. The stated usage of the building certainly compliments and contributes to the Astoria community. The fact that the church is ready and willing to share the facility with community organizations and individuals will mean the center provides a huge asset to North Coast citizens at no cost.

In addition to our belief in the community value of the proposed center is the belief that the Lutheran Church should be allowed to construct a lawfully allowed structure on their privately owned property. Allowing neighbors' opinions and/or complaints to influence the permitting procedure devalues the legal process - turning it into a popularity contest. If the land is legally owned and the proposed building is legally allowed - the city should permit it.

1

Thank you for your consideration, Mike & Mary Davies 89905 Manion Drive Warrenton, OR 97146 503-738-0313

Owners, 11 & 17 W. Marine Drive, Astoria, OR

AP-298



Community Development

From: Sent:

Long, Jesse < Jesse.Long@JBTC.COM> Wednesday, July 14, 2021 6:43 PM

To:

Tiffany Taylor

Subject:

RE: RDA/Bethany Lutheran Conditional Use Request (CCU20-10)

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

City of Astoria

Attn: Planning Commission and City Council

1095 Duane Street Astoria, OR 97103

Email: comdevadmin@astoria.or.us

RE: RDA/Bethany Lutheran Conditional Use Request (CCU20-10)

Dear Members of the Astoria Planning Commission and City Council,

I am writing today to voice my full support of Bethany Lutheran Church's desire to develop their property and construct a multi-use facility adjacent to their existing church building. I further request that you support this project and do everything possible to allow them to proceed. To be honest, it is appalling to me that any talk of this being denied is being entertained. As we all know, there is no violation of code, the property already belongs to the church and this building would certainly be an asset not only to their work in this community but to the community as a whole (as a possible emergency preparedness center, available venue to other events, etc.)

Although I don't currently attend Bethany, my history with the church began years ago as I went to camps and youth events co-hosted by Bethany and I began attending regularly when I moved to the community back in 2005. I have never known Bethany or any of its members to want or do anything but the best for Astoria. Furthermore, I know many Bethany members are active in various aspects of our wonderful community.

Please don't let the illogical and selfish motives of a few disgruntled neighbors get in the way of such a lawful, wonderful and community-oriented project. Thank you.

Very best regards,



#### JESSE LONG

JBT LEKTRO | Ground Support Equipment Director, Sales & Customer Care



1190 SE Flightline Drive, Warrenton, OR 97146 USA

E: jesse.long@jbtc.com | P: +1-503-861-2288 F: +1-503-861-2283 | W: www.jbtc.com/aerotech

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**AP-299** 



From:

Lawrence Lockett <cheryllockett1@icloud.com>

Sent:

Thursday, July 15, 2021 11:05 AM

То:

Tiffany Taylor

Subject:

Multi Purpose Building



#### \*\*\*\*\*EXTERNAL SENDER\*\*\*\*

Community Development:

This letter is being written in support of a community facility purposed by the Lutheran Church on the east end of Astoria. I had the honor of serving as Principal at Astoria High School from 2000 until 2012 and one of the problems encountered during my time at AHS was scheduling use of our gyms for youth sports programs, adult sports programs, dance requests, our high school sports teams and individuals who just wanted some gym time. We had to set priorities that lead to policy excluding some deserving groups. This offering may bring back some great programs that were discontinued because of lack of facilities.

In todays environment where social media, phones, and lap tops have become such an influence on our youth, opportunities for gatherings should be embraced by the community. Our climate makes indoor park like facilities for our community an important investment. Research and observation tells us social skills among our youth needs improvement. It is my opinion any structure that would enhance and encourage social interaction should be embraced. Astoria has always had a shortage of facilities for community activities and this is an opportunity to address a much needed problem.

Sincerely:

Larry Lockett



From: Sent:

Davis, Paul < Paul. Davis@JBTC.COM> Wednesday, July 14, 2021 2:34 PM

To:

Subject:

Community Development **Tiffany Taylor** 

RDA/Bethany Lutheran Conditional Use Request (CCU20-10) OF ASTORIA

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

To Whom it may concern:

Please note this letter in support of The Conditional Use Permit requested by Bethany Lutheran to construct a beautiful new building that will benefit our community. At less than 27 feet tall, This will not affect the neighbors that live above it in any negative way. This will be a great value add to our community and will be a benefit to all who use it.

I am not a member of Bethany Lutheran, but I do support land owners in our city, in their rights to add beauty and quality to our community. Approve their request please. It benefits more people than it inconveniences.

Paul Davis 33 Auburn Ave Astoria OR 97103

From:

Megan Leatherman

Sent:

Monday, June 21, 2021 5:46 PM

To: Subject: Tiffany Taylor
FW: Support for Church Building



Please enter into record

Sincerely,

----Original Message-----

From: Patty Skinner [mailto:skinnerpat64@yahoo.com]

Sent: Monday, June 21, 2021 5:44 PM

To: Megan Leatherman < mleatherman@astoria.or.us>

Subject: Support for Church Building

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

I am writing in support of the building proposed for Bethany Free Lutheran Church. The proposed building is intended to be used for church related activities, but also church activities in partnership with local groups. The design will accommodate activities involving children, teens and adults. It includes off street parking and will not block access to neighbors. The church owns the property for the express purpose of constructing such a building. If a building cannot be constructed, the lot will be sold. The new owner may not be as accommodating to neighbors as the church congregation.

1

Patty Skinner Astoria Resident Bethany Free Lutheran Church Member



From: Sent:

Georgia <jgmfish@charter.net> Sunday, June 20, 2021 9:00 PM

To:

Tiffany Taylor

Subject:

New Building Bethany Lutheran Church



\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

I have been attending Bethany Church for over 70 years. My husband I were married in our previous building 63 years ago.

I was active in the church with my family when the lot we are planning to build on was purchased. We had a Church picnic on the property preparing to plan and build our new Church on that property.

We were all excited at the prospect. Before are plans were made the property where our church now stands which had a house on it came up for sale and it was determined that it would be a better location. The other lot could be used for parking .

Our church was built. Roads were built and we have maintained it well and have graciously allowed the neighbors to cross our property for access to their property.

Our planned annex will not be overly high and we are hoping to be able to build to the East of the family contesting our building. This is with an added expense and we have not had the paperwork completed. There are many view lots in Astoria as there are many hills and views are often obstructed a bit by buildings. Having lived on Franklin for many years our view was obstructed by Astor School but we did have quite a bit of unobstructed view which we were thankful for.

My boys played ball and swam at the YMCA which is now gone. This was a very important part of their childhood. There was a gym at Astor School the old gym where they could play ball and it has been used for Scandanavian dance classes. I understand the new revision has changed that gym.

It would be great to have a gym that could be used by the neighborhood kids and other local activities. The church could also use it for church activities, wedding receptions, funerals etc.

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We are hoping you will see the advantages we could have being able to use this property . Thanks

Georgia Marincovich Sent from my iPhone



DECEIVE D

Community Development

CITY OF ASTORIA

From:

Kevin Goin <kgoin@astoria.k12.or.us>

Sent:

Tuesday, June 15, 2021 3:21 PM

To:

Tiffany Taylor; Barbara Fryer

Subject:

Public Comments for Condition use Request CU-20-10

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

To Whom it May Concern:

I am writing in support of the multi-purpose building near Bethany Lutheran Church. As a coach and teacher in the Astoria school district I am keenly aware of the lack of indoor spaces available for use in Astoria. I am in full support of this project and welcome the additional opportunity it will provide for kids in our community.

There is a huge need for indoor spaces due to our weather and limited access to community buildings. School facilities are not available in the way they used to be, and this space could be perfect as an alternative for indoor activities. The negative press that this great space is receiving is concerning to me. This facility is well thought-out and being planned by a non-profit to help a community in need.

I would be willing to talk about any concerns you have and feel I am uniquely qualified to talk about the importance and need of this project. My family would welcome and use this for many years to come and thank you for your time and service to our community.

Thanks, Kevin Goin

Astoria High School Boys Basketball Coach and Third Generation Astorian

To:

From: ericwpaulson@gmail.com

Monday, June 14, 2021 1:43 PM Tiffany Taylor

Subject: RDA/Bethany Lutheran Conditional Use Request (CCU20-10)

Community Development

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

To: Astoria Planning Commission 1095 Duane Street

1095 Duane Street Astoria, OR 97103

Via: Email: comdevadmin@astoria.or.us

Dear Astoria Planning Commission,

I am writing in support of RDA/Bethany Free Lutheran Church's Conditional Use Request CCU20-10. I believe the purpose of this proposed building is exactly what the City of Astoria needs, especially in this neighborhood.

Bethany Free Lutheran Church acquired this property in the early 1980s at the same time it acquired the property across 34<sup>th</sup> street where the current church structure and parsonage are built. The goal of this property was to be able to build a multi-purpose structure that would support the ministry of the congregation with the emphasis on youth and community outreach.

The proposed structure is an approx. 5,000 sq ft wood framed building with exterior siding resembling the church building across the street. The roof design and pitch is also being designed to resemble the church, making the appearance of "a campus" environment. As calculated by the City, the roof height is 26.5 feet (code limit is 28.0 feet).

The purpose of the building is multi-use in nature. The building will consist of a half-court basketball court, male & female locker-rooms/bathrooms, a semi-commercial kitchen, and loft storage space. There will be three roll-up glass doors adjacent to a 20 foot covered patio, length of building, allowing indoor/outdoor interaction when weather permits. The emphasis of the building will be for youth activities, as well as activities requiring such space by Bethany members and community members of Astoria. As discovered during this past year of the pandemic, well ventilated indoor space for youth to use became nearly impossible to find in the Astoria area.

A multi-purpose/recreation center, privately owned, is exactly what Astoria, and this neighborhood needs. With multiple bars, strip clubs and marijuana dispensaries located in the neighborhood and Astoria city limits, a structure focusing on positive reinforcement for our youth is desperately in need of.

While many of the opponents are focusing on any structure being built on this church owned vacant property and any impact on views a structure will have, Bethany is striving hard to minimize the impact on the neighborhood while still constructing a building that meets the goals/visions of the congregation and fully within the current code requirements of the City.

As a result, I humbly request the Astoria Planning Commission's support of RDA/Bethany Lutheran's Conditional Use Request CCU20-10 and authorize this much warranted structure to be built.

Sincerely yours,

Eric W. Paulson PO Box 307 Chinook, WA 98614





To: Astoria Planning Commission

Subject: Public Comments for Conditional Use Request CU20-10

mickeycereghino Ogmail.com

To Whom it May Concern:

I am writing this letter in favor of the proposed multi-purpose building near Bethany Lutheran Church. In an effort to be completely transparent, I am a member at Bethany Lutheran, so this project has been very important to me over the past months. *However, I am also a resident*--and a public school teacher that closely understands the availability of facilities in our community.

Simply put, I believe that having a multi-purpose building near the church would be a fantastic--and much needed--addition to our community. It became increasingly evident over the past 15 months that our children, young adults, and residents crave an indoor space to host events, and when the school buildings are not available, we are in short supply of these spaces. As a congregation, we hope that this building will provide opportunities for community members to have another option.

As a church, we are disappointed that this has been portrayed negatively by some in and around the community. It is our hope that we can make the project work for everyone, because we truly believe that there will be MANY future Astorians that have a chance to take advantage of the indoor space!

Sincerely

Mickey Cereghino

From:

Megan Leatherman

Sent:

Monday, June 21, 2021 5:46 PM

To:

Tiffany Taylor

Subject:

FW: Support for Church Building



Please enter into record

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Patty Skinner Astoria Resident Bethany Free Lutheran Church Member August 19, 2021

VIA ELECTRONIC MAIL <a href="mailto:comdevadmin@astoria.or.us">comdevadmin@astoria.or.us</a>
VIA ELECTRONIC MAIL <a href="mailto:ttaylor@astoria.or.us">ttaylor@astoria.or.us</a>

City of Astoria
Attn: Planning Commission
1095 Duane Street
Astoria, OR 97103
503-338-5183

**Attn: Planning Commission** 



My name is Linda Blanchard, address of 271 Shepard Way NW, Bainbridge Island, WA 98110. I am writing to express my concerns and objection to the proposed new construction by the Bethany Lutheran Church at 420 34<sup>th</sup> Street, Astoria, Oregon 97103, as shown in the attached Conditional Use Application filed with the City of Astoria Community Development Department on November 30, 2020, under Conditional Use Application CU No. 20-10.

Attached as supporting documentation, you will find a page from the City of Astoria Comprehensive Plan Section CP.070 amended by Ordinance 11-07, 7-5-11, CP.075. Uppertown Area Policies, along with the Clatsop County Zoning Map showing the Landslide Susceptibility Overview of High, code that this proposed new construction application will violate.

- (i) CP.075. Uppertown Area Policies.
  - Refer to policies regarding housing, historic preservation, parks and recreation, transportation, shorelands and estuary, and geologic hazards. [Section CP.070.1 amended by Ordinance 11-07, 7-5-11]
  - 2. The predominantly residential character of the area upland of Marine Drive/Lief Erikson Drive will be preserved.
  - New or expanded commercial or industrial uses along Marine Drive between 23rd and 33rd Street will, whenever feasible, limit their traffic access points to side streets or common driveways.
  - 4. The City should cooperate with the school district to improve the recreational opportunities at Columbia Field near Astor School, possibly in conjunction with the improvements at Gray School.
  - ii. Geologic Hazards Overlay GHO Faults, GHO Landslides Topography Landslide
     Information Deposits Landslide Identification; Landslide Susceptibility Overview of

High for the vacant lot of the proposed new construction. Along with the GHO Faults and GHO Landslides Topography. The proposed new construction is located in the landslide hazard area and with the Federal legislation for the National Landslide Preparedness Act, any disturbance in soil and topography is not allowable.

The proposed new construction does not meet the City of Astoria Development Code, it is a proposed commercial scale sized building in a Historic Residential Zone, that is not needed as there are two (2) gymnasiums within 1,500 feet of the Church readily available, and as a non-profit a Church is not to attempt to influence legislation at the federal, state or local level. This means contacting, or urging the public to propose, support or oppose legislation. The Conditional Use Application needs to be denied.

Since the June 22<sup>nd</sup> meeting before the Planning Commission, the CU No.20-10 Application received a tentative denial, and the Planning Commission re-opened the hearing to allow for additional testimony, this letter is to be presented to the Planning Commission for the August 24th Planning Meeting.

Please do not hesitate to contact me directly with my information below. From,

## /s/Linda J. Blanchard

Name: Linda Blanchard

Address: 271 Shepard Way NW, Bainbridge Island, WA 98110

Phone: 206-851-7400

Email address: bainbridge271@outlook.com

# City of Astoria Comprehensive Plan CP.070 Area Descriptions and Policies - 15 CP.070. Uppertown Area.

The Uppertown Area, traditionally the Norwegian, Swedish, and Danish section of the City, extends from 23rd Street to 40th Street, and from Irving Street to the pierhead line. A large publicly owned area lies between 18th and 23rd Streets, generally north of Jerome. Although a few scattered residences still exist here, this is the site of the massive 1954 landslide. Single-family residences predominate east of 23rd. South of Irving is the large land reserve owned variously by the City, County, and State. A mixture of industrial, commercial, and public uses lie between Marine Drive and the waterfront. New residential and commercial development has occurred north of Lief Erikson Drive since 2005. Public uses in the area consist of the hospital, the fire and police station, the City shops, Astor School, and the East End Mooring Basin. Open space includes the land reserve, the old landslide area, and Columbia Field.

Zoning in the residential areas is Medium Density Residential (R-2). Marine Drive, which is the commercial center of the area, is mostly zoned General Commercial (C-3), and the area east of 35th Street between the waterfront and Marine Drive is industrial either Marine Industrial Shoreland (S-1), or General Industrial (GI), except for the area between 38th and 39th Street which is zoned Tourist-Oriented Shoreland (S-2A).

Amenities include a stable neighborhood character, a neighborhood grade school, views of the River, good police and fire protection, and extensive commercial services. Problems include landslide hazards and increased traffic through the residential neighborhood due to the single main transportation route along Marine Drive through town.

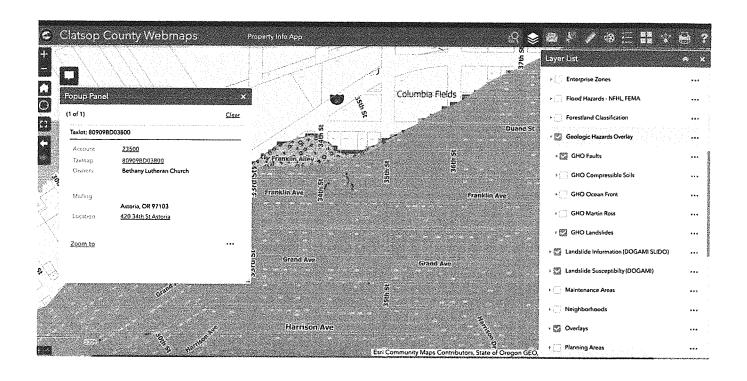
[Section CP.070 amended by Ordinance 11-07, 7-5-11]

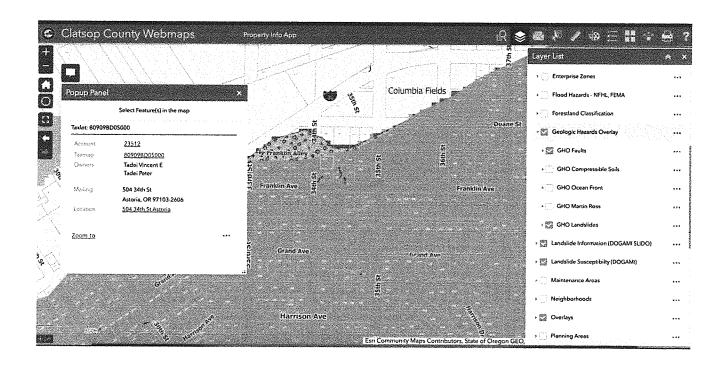
#### CP.075. Uppertown Area Policies.

1. Refer to policies regarding housing, historic preservation, parks and recreation, transportation, shorelands and estuary, and geologic hazards. [Section CP.070.1 amended by Ordinance 11-07, 7-5-11]

## 2. The predominantly residential character of the area upland of Marine Drive/Lief Erikson Drive will be preserved.

- New or expanded commercial or industrial uses along Marine Drive between 23rd and 33rd Street will, whenever feasible, limit their traffic access points to side streets or common driveways.
- 4. The City should cooperate with the school district to improve the recreational opportunities at Columbia Field near Astor School, possibly in conjunction with the improvements at Gray School.





August 22, 2021

## VIA ELECTRONIC MAIL VIA ELECTRONIC MAIL

City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183 Community Development
CITY OF ASTORIA

Recuzo-10

Peter Ladei 2 gmail.com

Attn: Planning Commission

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Please do not hesitate to contact me directly with my information below.

From.

Name: Teder Tadei
Address: 500 Wilexington, Ave, Astoria, OR

92103

**AP-314** 

Email address: peter / tadei & gmail. com

City of Astoria Comprehensive Plan CP.070 Area Descriptions and Policies - 15 CP.070.

Uppertown Area.

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[Section CP.070 amended by Ordinance 11-07, 7-5-11]

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April 27, 2021

Attn:

**PLANNING DIVISION** 

COMMUNITY DEVELOPMENT DEPARTMENT

1095 Duane Street Astoria, OR 97103 503-338-5183

comdevadmin@astoria.or.us

Juli Carroll 4214 NE 73<sup>rd</sup> Seattle, WA 98115 206-999-6915 carrollie@comcast.net



RE: Conditional Use Request (CU20-10) by RDA Project Management LLC for Bethany Lutheran Church

Attn:

Planning Commission

Tiffany Taylor

I, Juli Carroll, am writing to express my strong opposition to Conditional Use Request (CU20-10) by RDA Project Management LLC for Bethany Lutheran Church.

First of all, as a previous resident, frequent visitor & historic preservation advocate, the proposed project would directly touch the property line of the neighboring resident at 504°34<sup>th</sup> St. I am shocked and somewhat suspicious that as some of the people that would be most affected by this proposal, our concerns have not been understood with deeper intention.

A primary concern is the fire hazard, and other safety concerns. The fire department and other first responders are unable to access the properties on the East side of the proposed structure adequately. This is a significant issue to not over look as these are designated historic homes & properties with many elderly individuals living in them.

On a more serious note, the proposed project site is in a DESIGNATED SLIDE AREA on the City of Astoria's GIS Map and website.

In stabilizing the ground beneath the foundation and excavating part of the hillside and property, the EXTREME potential for the homes above the site to shift, destabilize, alter the foundations and change natural water runoff is highly likely and should be anticipated. This has already happened two blocks away where a Hauke's Sentry Market / Mini Market was proposed, began digging and was forced to stop. This affected homes and properties from Leif Erickson Drive up to Irving Avenue (5 Blocks) which resulted in extensive lawsuits. The City of Astoria does not need a repeat of that happening.

Another issue that also has not been considered is the noise of an active use facility. Our area which is naturally shaped in a concave manner, produces a natural echoing and amplification effect which raises the intensity, volume & distance of sound created on the proposed developed site up hill. The noise would be unacceptable for this community.

Finally, what is the environmental impact for this historic community? We have yet to see an Environmental Impact Study for the proposed site. If any information is available, our community should have a right to review the results of such studies.

Those in direction of the future of Astoria's charm, preservation and vision should take special consideration for the heritage, history and message of how it treats it's loyal and lifetime Astorian's.

I am opposed to the new building by Bethany Lutheran Church.

Do not consider approving the proposed building any further.

Thank you, /s/ Juli Carroll

Juli Carroll 206-999-6915 carrollie@comcast.net

CU20-10

From:

Guy Romine <gdromine@gmail.com>

Sent:

Tuesday, April 27, 2021 1:31 PM

To: Subject:

Tiffany Taylor church building



Community Development

#### \*\*\*\*\*EXTERNAL SENDER\*\*\*\*

As a past long time resident of Astoria I have always admired the old school charm and architecture. I my opinion it is ridiculous that a proposed new building could possible block the one hundred year old river veiw of a neighbor. I am strongly opposed of any such building. The church should not be allowed to build such a building, especially in any older home area.

thanks guy romine



Community Development

8/17/2021

DEAR PLANNING COMMISION MEMBERS

THIS IS MY BRO LETTER IN OPPOSITION TO THE PROPOSED BUILDING AT 420-34 \$37 BY BETHANY LUTHERM CHURCH.

My BIEXEST CONCERN IN THIS DESTRE IS THE LAND WHEN WHICH THEY WANT TO BUILD ON SINCE I HAVE LIVED STEEPER FOR SOME 88 YEARS I KNOW A LOT ABOUT IT. IT IS UNDER MINDED BY ACTIVE CREEKS RUNN INT BENEATH IT AND DURING HEAVY PARIODS THIS IS EVIDENT BY THE DRAINS BE HIND THE CUSTOM ROUSE WHICH OVERFLOWS OFND HAS STANDING WATER FOR DAYS ON END IN THEM. MY NEVERIBER TO THE EAST OF MY HOUSE HAS A SUMP PUMP IN THE BASEMENT THAT RUNS LONTIN WOUSEN, DURING THE BASEMENT THAT RUNS LONTIN WOUSEN, DURING THE BY THE CREEKS ON THE HIKESTOE BESTIND THE

ALSO THE CHURCH ITSECT HAS MULTIPLE STPULLUAL PROBLEMS RELATED TO THE CREEKS THAT RUN BENEATHIT. JUST CHECK THE ASTORIA ENGENEERING DEPARTMENT,

FINALLY I WILL ISE NOTIFINING MY HOME DWERS INSWRANGE CARRIER WHEN AND IT THIS CONSTRUCTION STATES IN CROSE TO PROTECT MY HOME FROM ANY SLIGHT OR MOVEMENTS THAT START. PLEASE DO THE RIGHT THINK FOR THIS UPPER TOWN NE THE BORHOOD AND YOTE "NO" TO PHOOW IT TO BE BUILT. RESPECTALLY SECRMITTED

Lines Todas, Asieria, the 97103

### AUGUST 12,2021





City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183

Attn: Planning Commission
My name is CRACK WOASHAM, address of 3444 FRANKLEN AVE.
I am writing to express my concerns and objection to the proposed new
construction by the Bethany Lutheran Church at 420 34th Street, Astoria, Oregon 97103, as
shown in the attached Conditional Use Application filed with the City of Astoria Community
Development Department on November 30, 2020, under Conditional Use Application CU No
20-10.

Attached as supporting documentation, you will find a page from the City of Astoria Comprehensive Plan Section CP.070 amended by Ordinance 11-07, 7-5-11, CP.075. Uppertown Area Policies, along with the Clatsop County Zoning Map showing the Landslide Susceptibility Overview of High, code that this proposed new construction application will violate.

- (i) CP.075. Uppertown Area Policies.
  - 1. Refer to policies regarding housing, historic preservation, parks and recreation, transportation, shorelands and estuary, and geologic hazards. [Section CP.070.1 amended by Ordinance 11-07, 7-5-11]
  - 2. The predominantly residential character of the area upland of Marine Drive/Lief Erikson Drive will be preserved.
  - 3. New or expanded commercial or industrial uses along Marine Drive between 23rd and 33rd Street will, whenever feasible, limit their traffic access points to side streets or common driveways.
  - 4. The City should cooperate with the school district to improve the recreational opportunities at Columbia Field near Astor School, possibly in conjunction with the improvements at Gray School.

ii. Geologic Hazards Overlay - GHO Faults, GHO Landslides Topography Landslide Information Deposits Landslide Identification; Landslide Susceptibility Overview of High for the vacant lot of the proposed new construction. Along with the GHO Faults and GHO Landslides Topography. The proposed new construction is located in the landslide hazard area and with the Federal legislation for the National Landslide Preparedness Act, any disturbance in soil and topography is not allowable.

The proposed new construction does not meet the City of Astoria Development Code, and Conditional Use Application needs to be denied.

Please do not hesitate to contact me directly with my information below.

From,

Name: CRATL WORSHAM
Address: 3444 FRANKIZN AND MSTOREM

Phone: 650-77

Email address: CAKEGBUILT (WYAHOO, COM

SEE NOTE!

From:

Martha Pine <yogawanderer97@gmail.com>

Sent:

Thursday, July 29, 2021 2:32 PM

To: Subject: Tiffany Taylor Church addition JUL 29 2021

Community Development

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

To whom it may concern,

The construction of a large addition the the Lutheran Church across from Safeway has recently been brought to my attention. From what I understand, the land on which it is to be built is a nesting spot for some sort of endangered bird. Also this will apparently block the view of the river from the neighbors behind because of the second story proposed. There were other objections which made it seem that this is not a very well thought out project and I am surprised that the city would allow the building to come in. I hope that the information that I have gotten is incomplete or mistaken and that the city is committed to keeping our city the beautiful town that it is with care for our wildlife and the appearance of the areas that people see as they come into town.

Sincerely,

Martha Pine

From:

Sue Tadei <suetadei@gmail.com>

Sent:

Friday, July 23, 2021 2:02 PM

To: Subject: Tiffany Taylor; Tiffany Taylor
July 27th Planning Commission Meeting

Attachments:

Form Letter CUP SMT v1 revised 7-2021.docx

JUL 23 2021

Community Development

#### \*\*\*\*\*EXTERNAL SENDER\*\*\*\*

Please submit my letter to the Planning Commissioners, if the opportunity arises that the Church submission of letters will be presented prior to the Tuesday, July 27th Planning Commission Meeting.

Susan Tadei 360-930-1429 suetadei@gmail.com July 23, 2021





City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183

**Attn: Planning Commission** 

My name is Susan M. Tadei, address of 9631 NE Midway Avenue, Indianola, WA 98342. I am writing to express my concerns and objection to the proposed new construction by the Bethany Lutheran Church at 420 34<sup>th</sup> Street, Astoria, Oregon 97103, as shown in the attached Conditional Use Application filed with the City of Astoria Community Development Department on November 30, 2020, under Conditional Use Application CU No. 20-10.

Attached as supporting documentation, you will find a page from the City of Astoria Comprehensive Plan Section CP.070 amended by Ordinance 11-07, 7-5-11, CP.075. Uppertown Area Policies, along with the Clatsop County Zoning Map showing the Landslide Susceptibility Overview of High, code that this proposed new construction application will violate.

- (i) CP.075. Uppertown Area Policies.
  - Refer to policies regarding housing, historic preservation, parks and recreation, transportation, shorelands and estuary, and geologic hazards. [Section CP.070.1 amended by Ordinance 11-07, 7-5-11]
  - 2. The predominantly residential character of the area upland of Marine Drive/Lief Erikson Drive will be preserved.
  - New or expanded commercial or industrial uses along Marine Drive between 23rd and 33rd Street will, whenever feasible, limit their traffic access points to side streets or common driveways.
  - 4. The City should cooperate with the school district to improve the recreational opportunities at Columbia Field near Astor School, possibly in conjunction with the improvements at Gray School.
  - ii. Geologic Hazards Overlay GHO Faults, GHO Landslides Topography Landslide Information Deposits Landslide Identification; Landslide Susceptibility Overview of

High for the vacant lot of the proposed new construction. Along with the GHO Faults and GHO Landslides Topography. The proposed new construction is located in the landslide hazard area and with the Federal legislation for the National Landslide Preparedness Act, any disturbance in soil and topography is not allowable.

The proposed new construction does not meet the City of Astoria Development Code, and Conditional Use Application needs to be denied.

Since the June 22<sup>nd</sup> meeting before the Planning Commission, the CU No.20-10 Application received a tentative denial and the July 27th meeting of the Planning Commission is to decide a final application decision of the Planning Commission. This letter is to be presented to the Planning Commission if there is a re-opening of the hearing during the July 27<sup>th</sup> Planning Meeting.

Please do not hesitate to contact me directly with my information below. From,

#### /s/Susan M. Tadei

Name: Susan M. Tadei

Address: PO Box 228, 9631 NE Midway Avenue, Indianola, WA 98342

Phone: 360-930-1429

Email address: <a href="mailto:suetadei@gmail.com"><u>suetadei@gmail.com</u></a>

City of Astoria Comprehensive Plan CP.070 Area Descriptions and Policies - 15 CP.070.

Uppertown Area.

The Uppertown Area, traditionally the Norwegian, Swedish, and Danish section of the City, extends from 23rd Street to 40th Street, and from Irving Street to the pierhead line. A large publicly owned area lies between 18th and 23rd Streets, generally north of Jerome. Although a few scattered residences still exist here, this is the site of the massive 1954 landslide. Single-family residences predominate east of 23rd. South of Irving is the large land reserve owned variously by the City, County, and State. A mixture of industrial, commercial, and public uses lie between Marine Drive and the waterfront. New residential and commercial development has occurred north of Lief Erikson Drive since 2005. Public uses in the area consist of the hospital, the fire and police station, the City shops, Astor School, and the East End Mooring Basin. Open space includes the land reserve, the old landslide area, and Columbia Field.

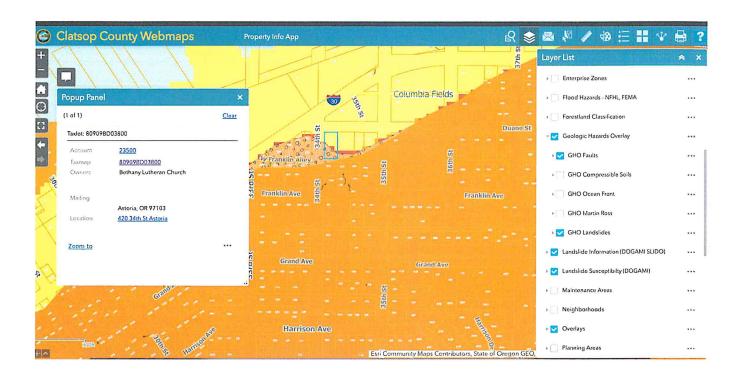
Zoning in the residential areas is Medium Density Residential (R-2). Marine Drive, which is the commercial center of the area, is mostly zoned General Commercial (C-3), and the area east of 35th Street between the waterfront and Marine Drive is industrial either Marine Industrial Shoreland (S-1), or General Industrial (GI), except for the area between 38th and 39th Street which is zoned Tourist-Oriented Shoreland (S-2A).

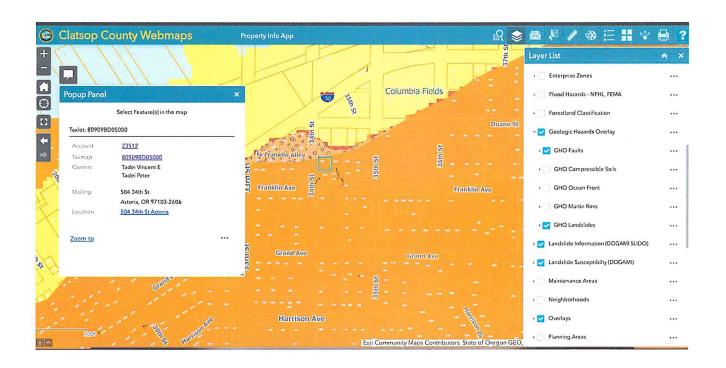
Amenities include a stable neighborhood character, a neighborhood grade school, views of the River, good police and fire protection, and extensive commercial services. Problems include landslide hazards and increased traffic through the residential neighborhood due to the single main transportation route along Marine Drive through town.

[Section CP.070 amended by Ordinance 11-07, 7-5-11]

CP.075. Uppertown Area Policies.

- 1. Refer to policies regarding housing, historic preservation, parks and recreation, transportation, shorelands and estuary, and geologic hazards. [Section CP.070.1 amended by Ordinance 11-07, 7-5-11]
- 2. The predominantly residential character of the area upland of Marine Drive/Lief Erikson Drive will be preserved.
- 3. New or expanded commercial or industrial uses along Marine Drive between 23rd and 33rd Street will, whenever feasible, limit their traffic access points to side streets or common driveways.
- 4. The City should cooperate with the school district to improve the recreational opportunities at Columbia Field near Astor School, possibly in conjunction with the improvements at Gray School.





To: Whomit may concern:

Vince Tadei is my Great Uncle; emphasis on Great. He raised (very successfully) ten children und recently lost his wife Shirley. I didn't get to spend nearly enough time with him when I was younger; but the time we did spend was always special. Vince is a wonderful person. He had an amozing coreer with the wonderful person. He had an amozing coreer with the postal service, probably an easy job compared to keeping up with his children! You probably already know all of this, it just feels like the more you hear it, the better the chance that this church project gets stopped. After reading through the Levelopment codes this seems to be an open and short case for denial of this project, and that's before you even consider the fact that the Tade i family has maintained the very lot the church nants to bullon for many many years! In conclusion, I just want to emphasize the fact that Vince Tade 1 is a pillar of the community, and deserves to enjoy his lifelong view in his remaining years in his home. Thanks for your time. Richard Nuem!

DEGEIVE D

JUL 23 2021

Community Development
CITY OF ASTORIA

R.A. Niemi 818 Linn Ave. Oregon City, OR 9704AP-329 July 18, 2021

VIA ELECTRONIC MAIL comdevadmin@astoria.or.us VIA ELECTRONIC MAIL ttaylor@astoria.or.us



City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183

Attn: Planning Commission

My name is <u>Rick Niemi</u>, address of <u>818 Linn Ave</u>, <u>Dregon City</u>, <u>DR</u> <u>97045</u>. I am writing to express my concerns and objection to the proposed new construction by the Bethany Lutheran Church at 420 34<sup>th</sup> Street, Astoria, Oregon 97103, as shown in the attached Conditional Use Application filed with the City of Astoria Community Development Department on November 30, 2020, under Conditional Use Application CU No. 20-10, and dated for a May 4, 2021, hearing date.

Attached you will find the City of Astoria Development Code Article 11 Conditional Use, along with the Clatsop County Zoning Map showing the Landslide Susceptibility Overview of High, along with numerous additional code and concerns that this proposed new construction application will violate.

- 1. Astoria, Oregon, Development Code, Article 11, § 11.010 Purpose, states, "The purpose of the conditional use process is to allow, when desirable, uses that would not be appropriate throughout a zoning district or without the restrictions in that district..." The proposed new construction is not desirable in this historic neighborhood.
- 2. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.1. states, "The use is appropriate at the proposed location. Several factors that should be considered in determining whether or not the use is appropriate include...similar existing uses, availability of other appropriately zoned sites and the desirability of other suitably zoned sites for the use." The use is not appropriate at the proposed location. The Astor School has two gymnasiums, which are located a very short distance from the existing Bethany Lutheran Church and already provide for the public the desired use that is being presented as a need for the proposed new construction. The Catholic Church on Grand Avenue in Astoria has a school, playground, gymnasium, church outbuildings, pastor house, garage, ball fields in a suitable zoned area that are all available to the public to use. There is no shortage of available gymnasiums in the City of Astoria for the proposed use by the Bethany Lutheran Church.

- 3. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.2. states, "Suitability, in part, should be determined by the potential impact these facilities on safety, traffic flow and control and emergency vehicle movements." With the proposed new construction, there will be a tremendous new impact on the already congested use of Leif Erickson Drive/Highway 30 and the larger concern that emergency vehicles will not be able to access the East side of the adjacent historic structures. Historic structures are more vulnerable to the current climate change and the threat of a fire with no ability for emergency vehicles to access the area of concern for the historic structures is a huge concern for a City that is lacking in providing enough emergency services for the population.
- 4. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.3. states, "The use will not overburden existing water, sewer facilities, storm drainage, fire and police protection or other utilities." The City is currently not able to provide for the adequate fire protection services needed in the East end of the City limits. Density housing is a fireman's nightmare, with the inadequate spacing between homes that does not allow for enough green and open space between structures new, and existing. As all the global temperatures rise, setbacks between buildings are not something that can be reduced and ignored;
- 5. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.4. states, "The topography, soils, other physical characteristics of the site are appropriate for the use." The topography, soils, other physical characteristics of the site are not appropriate for any type of construction in the High Landslide Area location. The National Landslide Preparedness Act is new Federal legislation that will not be ignored for the location of the proposed new construction by the Bethany Lutheran Church. The site of the proposed new construction is directly on top of the High Landslide Activity Location Area. See attached landslide map.
- 6. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.5. states, "The use does contain an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses." The adjacent structures are single and multi-family use structures.
- 7. Astoria, Oregon, Development Code, Article 11, § 11.040 Special Conditions, A. Non-Residential, 3. states, "Reducing the required height and size of buildings." The proposed new construction by the Bethany Lutheran Church is overreaching in size, scale, and scope for the existing neighborhood. Stop comparing the Safeway and Hotel across the street from the proposed new construction vacant lot with a different existing zone. The existing commercial buildings should be demolished, and the property should be restored to its original historic use.

- Salmon populations are decimated from the copper brake dust that is consistently draining into the Salmon protected rivers, streams, lakebeds, and asphalt roads and the runoff that is produced is adding to the declining salmon populations.
- 8. Astoria, Oregon, Development Code, Article 11, § 11.140 Public or Semi-Public Use, states, "Traffic will not congest on the nearby streets, and structures will be designed so as to blend into the surrounding environment and be compatible with the adjacent neighborhood." Traffic is congested on Leif Erickson Drive/Highway 30. The proposed new construction does not blend in with the single and multifamily existing structures. Follow your City Code.
- Astoria, Oregon, Development Code, Article 6.070, New Construction, Section B.,
   of the Code states, "The design of the proposed structure is compatible with the design of adjacent historic structures considering scale, style, height, architectural detail and materials." The proposed building is not compatible with the surrounding adjacent structures.
- 10. Astoria, Oregon, Development Code, Article 6.070, New Construction, Section B., 2., of the Code states, "the location and orientation of the new structure is the typical location and orientation of adjacent structures considering setbacks, distances between structures location of entrances and similar siting considerations." The proposed structure is not typical with the adjacent structure's orientation.
- 11. Astoria, Oregon, Development Code, Article 6.070, New Construction, Section C. Historic Design Review in Overlay Zones of the Code states, "When reviewing a New Construction permit application within a Riverfront Vision Overlay Zone, the Historic Landmarks Commission shall apply to all historic designated buildings visible within three blocks of the project site not just the adjacent historic structure." The proposed building violates the Code.
- 12. Astoria, Oregon, Development Code, Article 14 Overlay Zones Definitions View Corridor states, "The unobstructed line of site of an observer looking toward an object of significance to the community, such as the River, historic site, ridgeline, etc. A view corridor shall be free of structural encroachments." This is City Code, and it is required to be followed.
- 13. Astoria, Oregon, Development Code, Article 14 Overlay Zones, 14.002 Resolving Conflicts within the Code. A. states, "This article shall control in the event of a conflict with other sections of the Astoria Development Code."
- 14. Astoria, Oregon, Development Code, Article 14 Overlay Zones, 14.002 C.2 states, "The following guidelines apply when reviewing visual impact to a historic building/structure:

- a) The relationship to historic buildings is more important than the relationship to historic structures.
- b) The visual impact upon a historic structure shall be considered rather than a simple comparison. Stop comparing the historic neighborhood to the commercial buildings of Safeway and the Hotel across from the proposed new construction site.
- c) The proposed construction should respect both the existing and the original historic spatial relationship between buildings. The proposed new construction is in violation of the open space alley that is designated on the original recorded subdivision plat.
- d) The proposed construction should be appropriately located and scaled with respect to an historic building to maintain the historic character of the site and setting. The proposed new construction dominates the existing historic replica of the Customs House and the surrounding existing historic structures. The proposed new construction is beyond overreach in scale and size.
- e) New construction should be located so that is will not negatively impact the character of a historic building. The proposed new construction negatively impacts the existing historic structures in the entire neighborhood with proposed garage doors as the entrances to an oversized modern not historic replica building."
- 15. Geologic Hazards Overlay GHO Faults, GHO Landslides Topography Landslide Information Deposits Landslide Identification; Landslide Susceptibility Overview of High for the vacant lot of the proposed new construction. Along with the GHO Faults and GHO Landslides Topography. The proposed new construction is located in the landslide hazard area and with the Federal legislation for the National Landslide Preparedness Act, any disturbance in soil and topography is not allowable.

The proposed new construction does not meet the City of Astoria Development Code, and Conditional Use Application needs to be denied.

Please do not hesitate to contact me directly with my information below.

From,

Address: 818 Linn Ave Orogon City, OR 97045

Phone: 503-970-6784

Email address: Ne Mora Cilmerandan and

Email address: Nemore Filmsrans



Community Development

From: Sue Ta
Sent: Wedne

Sue Tadei <suetadei@gmail.com> Wednesday, July 21, 2021 11:33 AM

To:

Tiffany Taylor; Paul Tadei; Peter Tadei; Gail Dundas; Megan Leatherman

Subject:

June 22nd Agenda Packet Draft minutes

**Attachments:** 

June 22nd Planning Commission Meeting 5.docx

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

Hello Tiffany -

I viewed the draft of the minutes from the June 22nd meeting and there is nothing in the written portion of my testimony stating the code that I specifically called out and that Commissioner Fitzpatrick spoke of, as well. What I stated is Item O. 2.CP075.2.

Attached please find my notes that I read during the meeting, so that the draft minutes are revised and accurately reporting what I stated.

I left a voicemail message yesterday and today, as I had a question about the letters that have been submitted that the City has on file.

Please return my call at your earliest opportunity.

Sue Tadei 360-930-1429 <u>suetadei@gmail.com</u>



June 22<sup>nd</sup> Planning Commission Meeting 5:30 PM

For the record, my name is Susan Tadei, address 9631 NE Midway Avenue, Indianola, WA 98342. I am the youngest daughter of my father Vincent Tadei, 504-34<sup>th</sup> Street, Astoria, Oregon. I object to the proposed Conditional Use Application No. CU20-10.

Church Members have written to my father stating as Members, they are not in favor of trying to maintain and support another Church building. The Church membership has been decreasing and not increasing. With any type of organization, your membership outgrows the facility which would result in a need for more space. The Bethany Lutheran Church membership is decreasing and putting up another building and expanding the footprint is not going to secure the future of the Church. Repeated visits to my father's home by Church members is causing constant stress for an 88 ½ year old man who is living day to day with concern that what is bringing him the most joy of continuing to live in his home is being taken away.

Page 11 of the Application - Landscaping — My father trimmed the plum and pear trees on the Church property for 85 years. Safeway is not maintaining its landscaping the trees are overgrown and what is the City doing about it? I don't trust that the Church nor any of the surrounding commercial properties will maintain the trees which means trimming and maintaining to an unobstructive height.

Page 19 of the Application - It is stated that the structure is larger than some of the adjacent residential structures and the US Custom house, but that it is smaller than the commercial properties. Why is this continually being compared to the commercial properties? What is the point in having a historic neighborhood when the City leaders don't adhere to the established historic district?

Page 25 of the Application, Item O. 2. CP075.2 states "the predominantly residential character of the area upland of Marine Drive/Lief Erickson Drive will be preserved". You tell me with an overreaching in scope, size and material how a semi-public use building is preserving the residential character.

Page 25 of the Application, the Findings state – Residential properties are at least one block to the South, with the majority of it on Franklin Avenue. My father's home is not 1 block to the South. It is a 20-foot alley, which is not equivalent to 1 block. Do the math!

Page 27 of the Application - How does the City find that the proposed development is not a large scale public use facility?

Page 28 of the Application – This is in a mixed-use development and that there is limited area for development. Since when did the historic district and R2-Zone become mixed use? Another mis statement made by the City's findings to support the project. This feels very one sided.

Page 31 of the Application – It may be possible to construct a driveway along the alley from 34<sup>th</sup> street but an engineer would need to determine if the grade would meet code. My father has a prescriptive right to access his property from the vacant lot and he has openly and continually used that area to access his property. Why are you now stating that he would need to construct a driveway on a steep slope? Is there any mindful consideration for the physical ability of an elderly person and what is being proposed? Why is this driveway possibility in the application? It feels like his right to continue to access his property is being redirected.

False statements and mis statements that the Developer has met with our family multiple times is tiresome. There was 1 meeting with our family. During that meeting, a proposed map with the relocation of the building was proposed, but the HLC application has not been withdrawn to recognize the relocation and Rosemary Johnson stated at the HLC meeting that any revised relocation would require the application be resubmitted.

While reading through the CU20-10 application, it continually states that the City finds the certain criteria for the application are already approved. There are statements that show additional studies, and geological reports will be needed. How does the Planning Commission/City make a decision with insufficient information, and with an application that feels to be extremely influenced? It feels very one sided. (Page 13)

Help me understand dates, times, and not available facilities resulted because the Bethany Lutheran Church had so many youth visitors, and members that there was no indoor space with ventilation available. I hear this as another mis statement.

Deny this project application for a term of five years.

From:

Allan McMakin <mcmakin.allan@gmail.com>

Sent:

Monday, June 14, 2021 8:01 AM

To:

Tiffany Taylor

Subject:

Astoria Planning Commission Meeting



\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

To whom it may concern,

My name is Allan McMakin and I live at 3432 Franklin Ave, Astoria, OR 97103, the previous location of Bethany Lutheran Church.

My wife Dana and I, as well as some of our neighbors, Jason Hall and Vincent Tadei, will no longer have vehicle access to our garages, gardens, and yards if the Bethany Lutheran project moves forward as planned.

Let me make it clear, I have no problem with the building of a "youth center". My concern is vehicle access to our property, an access we have been enjoying for over twenty years. Vince Tadei has been enjoying that access for over sixty years and has taken care of the property for almost that long.

I was informed that Randy Stemper had talked with individuals in our neighborhood about the proposed project. Since we have such a large stake in the outcome, I am not sure why Randy chose not to talk with us.

I understand that Bethany Lutheran Church has a vehicle that they transport parishioners back and forth to church. They may have had that or another vehicle to transport members twenty years ago. How would the membership of Bethany Lutheran Church feel if someone else developed the property in question and precluded them from accessing their garage? Besides, what is a garage if you cannot access it with your vehicle?

Vincent Tadei and members of his family, Jason Hall, and I met with the pastor and youth pastor of Bethany Lutheran Church along with some of their board members and Randy Stemper. We tried to come up with a solution that would work for everyone. We, the neighbors, suggested an easement. The pastor of Bethany Lutheran suggested an agreement. We said that we appreciate the sentiment but pointed out that an agreement is only as good as the individuals, and board members who agree.

Had we made an agreement at that time, it may have already been voided because that pastor has already left the area and the congregation now has an interim pastor.

If the Astoria Planning Commission does decide to move forward with the Bethany Lutheran Project, I sincerely hope that they will come up with a plan that will allow us, and our neighbors, vehicle access to our yards and garages.

Thank you,

Allan McMakin 3432 Franklin Ave Astoria, OR 97103

CU20-10

#### **Tiffany Taylor**

From:

Sheryl Bos <wearhaven@gmail.com>

Sent:

Friday, June 4, 2021 11:36 AM

To:

Tiffany Taylor

Subject:

Bethany lutheran project



\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

i live in astoria and i am against this project. it doesnt promote or facilitate the beauty and diversity of this town sheryl bos

408 40th st

From:

Christopher Rathmell < CRATHMELL9698@students.clatsopcc.edu>

Sent:

Sunday, May 30, 2021 9:30 AM

To:

Tiffany Taylor

Subject:

Stop Bethany Lutheran Project



CITY OF ASTORIA

Community Development

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*
Hello,

I am an Astoria resident, living in a family of five. I go to Clatsop Community College and am currently cultivating the homestead my family plans to live at for a long time. Through word of mouth, we have heard about this church project.

The thing is: the only people making decisions about how to develop Astoria is Astorians themselves. Furthermore, the placement of the project would destroy nesting habitat for Killdeer, which are a protected native species. While religion is not universal, our connection to local wildlife is.

Please preserve the natural beauty of our town; it is our greatest treasure in a rapidly changing world.

Sincerely, The Rathmell Household

From:

Josie <daslillyj@yahoo.com>

Sent:

Monday, May 31, 2021 11:00 PM

To:

Tiffany Taylor

Subject:

Bethany Lutheran project

JUN 0 1 2021

Community Development
CITY OF ASTORIA

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

Hello,

I am adamantly apposed to the Bethany Lutheran project. I believe it should be canceled. I don't believe it supports the majority in the community.

Thank you for your time,

Josie Lilly

From:

Sent:

Friday, May 28, 2021 2:59 PM

To:

Tiffany Taylor

Subject:

Bethany Lutheran project

MAY 28 2021

Community Development
CITY OF ASTORIA

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

To whom it may concern,

My name is Judith Matulich-Hall and I am strongly against the Bethany Lutheran Church project.

My family and I live next to the property and will be strongly affected by the building. Kildeer birds, a federally protected species, have built their nests on the property for years.

It will lower the worth of the surrounding properties, and take away the view of the river from some. It will also take away access to more than one property.

The church is a large church and has a lot of space. Also, the person who donated the money to build the building isn't even part of our local community.

I vote against the Bethany Lutheran project.

Sincerely, Judith Matulich-Hall

Jude Matulich Hall, CYT, QMHA Writer, Yoga Therapist, Violinist

Facebook: JMH Writers & Illustrators
Twitter: Jude Matulich Hall@HallMatulich

## Apr 18, 2021



\*

VIA ELECTRONIC MAIL <a href="mailto:comdevadmin@astoria.or.us">comdevadmin@astoria.or.us</a>
VIA ELECTRONIC MAIL <a href="mailto:ttaylor@astoria.or.us">ttaylor@astoria.or.us</a>

City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183

Attn: Planning Commission

My name is <u>Jule Wadel</u> address of <u>6280-146th PLSE</u> <u>Belleme WA 98006</u> \_\_\_\_\_\_. I am writing to express my concerns and objection to the proposed new construction by the Bethany Lutheran Church at 420 34th Street, Astoria, Oregon 97103, as shown in the attached Conditional Use Application filed with the City of Astoria Community Development Department on November 30, 2020, under Conditional Use Application CU No. 20-10, and dated for a May 4, 2021, hearing date.

Attached you will find the City of Astoria Development Code Article 11 Conditional Use, along with the Clatsop County Zoning Map showing the Landslide Susceptibility Overview of High, along with numerous additional code and concerns that this proposed new construction application will violate.

- Astoria, Oregon, Development Code, Article 11, § 11.010 Purpose, states, "The
  purpose of the conditional use process is to allow, when desirable, uses that
  would not be appropriate throughout a zoning district or without the restrictions
  in that district..." The proposed new construction is not desirable in this historic
  neighborhood.
- 2. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.1. states, "The use is appropriate at the proposed location. Several factors that should be considered in determining whether or not the use is appropriate include...similar existing uses, availability of other appropriately zoned sites and the desirability of other suitably zoned sites for the use." The use is <u>not</u> appropriate at the proposed location. The Astor School has two gymnasiums, which are located a very short distance from the existing Bethany Lutheran Church and already provide for the public the desired use that is being presented as a need for the proposed new construction. The Catholic Church on Grand Avenue in Astoria has a school, playground, gymnasium, church outbuildings, pastor house, garage, ball fields in a suitable zoned area that are all available to the public to use. There is no shortage of available gymnasiums in the City of Astoria for the proposed use by the Bethany Lutheran Church.

\* formerly of 3361 Franklin Ave. ASTORIA OR. AP-342

- 3. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.2. states, "Suitability, in part, should be determined by the potential impact these facilities on safety, traffic flow and control and emergency vehicle movements." With the proposed new construction, there will be a tremendous new impact on the already congested use of Leif Erickson Drive/Highway 30 and the larger concern that emergency vehicles will not be able to access the East side of the adjacent historic structures. Historic structures are more vulnerable to the current climate change and the threat of a fire with no ability for emergency vehicles to access the area of concern for the historic structures is a huge concern for a City that is lacking in providing enough emergency services for the population.
- 4. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.3. states, "The use will not overburden existing water, sewer facilities, storm drainage, fire and police protection or other utilities." The City is currently not able to provide for the adequate fire protection services needed in the East end of the City limits. Density housing is a fireman's nightmare, with the inadequate spacing between homes that does not allow for enough green and open space between structures new, and existing. As all the global temperatures rise, setbacks between buildings are not something that can be reduced and ignored;
- 5. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.4. states, "The topography, soils, other physical characteristics of the site are appropriate for the use." The topography, soils, other physical characteristics of the site are not appropriate for any type of construction in the High Landslide Area location. The National Landslide Preparedness Act is new Federal legislation that will not be ignored for the location of the proposed new construction by the Bethany Lutheran Church. The site of the proposed new construction is directly on top of the High Landslide Activity Location Area. See attached landslide map.
- 6. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.5. states, "The use does contain an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses." The adjacent structures are single and multi-family use structures.
- 7. Astoria, Oregon, Development Code, Article 11, § 11.040 Special Conditions, A. Non-Residential, 3. states, "Reducing the required height and size of buildings." The proposed new construction by the Bethany Lutheran Church is overreaching in size, scale, and scope for the existing neighborhood. Stop comparing the Safeway and Hotel across the street from the proposed new construction vacant lot with a different existing zone. The existing commercial buildings should be demolished, and the property should be restored to its original historic use.

- Salmon populations are decimated from the copper brake dust that is consistently draining into the Salmon protected rivers, streams, lakebeds, and asphalt roads and the runoff that is produced is adding to the declining salmon populations.
- 8. Astoria, Oregon, Development Code, Article 11, § 11.140 Public or Semi-Public Use, states, "Traffic will not congest on the nearby streets, and structures will be designed so as to blend into the surrounding environment and be compatible with the adjacent neighborhood." Traffic is congested on Leif Erickson Drive/Highway 30. The proposed new construction does not blend in with the single and multifamily existing structures. Follow your City Code.
- Astoria, Oregon, Development Code, Article 6.070, New Construction, Section B.,
   of the Code states, "The design of the proposed structure is compatible with the design of adjacent historic structures considering scale, style, height, architectural detail and materials." The proposed building is not compatible with the surrounding adjacent structures.
- 10. Astoria, Oregon, Development Code, Article 6.070, New Construction, Section B., 2., of the Code states, "the location and orientation of the new structure is the typical location and orientation of adjacent structures considering setbacks, distances between structures location of entrances and similar siting considerations." The proposed structure is not typical with the adjacent structure's orientation.
- 11. Astoria, Oregon, Development Code, Article 6.070, New Construction, Section C. Historic Design Review in Overlay Zones of the Code states, "When reviewing a New Construction permit application within a Riverfront Vision Overlay Zone, the Historic Landmarks Commission shall apply to all historic designated buildings visible within three blocks of the project site not just the adjacent historic structure." The proposed building violates the Code.
- 12. Astoria, Oregon, Development Code, Article 14 Overlay Zones Definitions View Corridor states, "The unobstructed line of site of an observer looking toward an object of significance to the community, such as the River, historic site, ridgeline, etc. A view corridor shall be free of structural encroachments." This is City Code, and it is required to be followed.
- 13. Astoria, Oregon, Development Code, Article 14 Overlay Zones, 14.002 Resolving Conflicts within the Code. A. states, "This article shall control in the event of a conflict with other sections of the Astoria Development Code."
- 14. Astoria, Oregon, Development Code, Article 14 Overlay Zones, 14.002 C.2 states, "The following guidelines apply when reviewing visual impact to a historic building/structure:

- a) The relationship to historic buildings is more important than the relationship to historic structures.
- b) The visual impact upon a historic structure shall be considered rather than a simple comparison. Stop comparing the historic neighborhood to the commercial buildings of Safeway and the Hotel across from the proposed new construction site.
- c) The proposed construction should respect both the existing and the original historic spatial relationship between buildings. The proposed new construction is in violation of the open space alley that is designated on the original recorded subdivision plat.
- d) The proposed construction should be appropriately located and scaled with respect to an historic building to maintain the historic character of the site and setting. The proposed new construction dominates the existing historic replica of the Customs House and the surrounding existing historic structures. The proposed new construction is beyond overreach in scale and size.
- e) New construction should be located so that is will not negatively impact the character of a historic building. The proposed new construction negatively impacts the existing historic structures in the entire neighborhood with proposed garage doors as the entrances to an oversized modern not historic replica building."
- 15. Geologic Hazards Overlay GHO Faults, GHO Landslides Topography Landslide Information Deposits Landslide Identification; Landslide Susceptibility Overview of High for the vacant lot of the proposed new construction. Along with the GHO Faults and GHO Landslides Topography. The proposed new construction is located in the landslide hazard area and with the Federal legislation for the National Landslide Preparedness Act, any disturbance in soil and topography is not allowable.

The proposed new construction does not meet the City of Astoria Development Code, and Conditional Use Application needs to be denied.

Please do not hesitate to contact me directly with my information below.

Name: JWHE Waddell (AHO/maiden name)
Address: 6280-1410th PLSE.
Phone: Bellowe MA 98000 2006
Email address: JulieWaddell O MSn. com

From.

EGEIVE D

Community Development

VIA ELECTRONIC MAIL <a href="mailto:comdevadmin@astoria.or.us">comdevadmin@astoria.or.us</a>
VIA ELECTRONIC MAIL <a href="mailto:ttaylor@astoria.or.us">ttaylor@astoria.or.us</a>

City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183

Attn: Planning Commission

My name is Je IADET, address of 21/968 OLD HUY 38 AS TORIA OR 97103. I am writing to express my concerns and objection to the proposed new construction by the Bethany Lutheran Church at 420 34<sup>th</sup> Street, Astoria, Oregon 97103, as shown in the attached Conditional Use Application filed with the City of Astoria Community Development Department on November 30, 2020, under Conditional Use Application CU No. 20-10, and dated for a May 4, 2021, hearing date.

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The proposed new construction does not meet the City of Astoria Development Code, and Conditional Use Application needs to be denied.

Please do not hesitate to contact me directly with my information below.

41968 Old Hwy 30 Astoria, OR 97103



Community Development Hannah Frisk < hannahfrisk 94@gmail.com>

Sent: To:

Tuesday, May 4, 2021 6:04 PM

From:

Tiffany Taylor

Subject: Opposition to Conditional Use Request

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

Good Afternoon:

I am writing to express my opinion regarding the Conditional Use Request (CU20-10) by RDA Project Management LLC for Bethany Lutheran Church.

I am opposed to the conditional use request (CU20-10) by RDA Project Management LLC for Bethany Lutheran Church.

Please do not approve the request by RDA Project Management LLC for Bethany Lutheran Church for the Annex Building.

Respectfully submitted, Hannah Frisk



Community Development

From:

wilburguy12w <wilburguy12w@gmail.com>

Sent:

Tuesday, May 4, 2021 6:00 PM

To:

Tiffany Taylor

Subject:

Conditional Use Request (CU20-10) by RDA Project Management LLC for Bethany

Lutheran Church

#### \*\*\*\*\*EXTERNAL SENDER\*\*\*\*

I am writing to express my opinion regarding the Conditional Use Request (CU20-10) by RDA Project Management LLC for Bethany Lutheran Church.

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Please do not approve the request by RDA Project Management LLC for Bethany Lutheran Church for the Annex Building.

Thank you

William Hecksteden



Community Development

From:

emilia frisk <emiliafrisk@hotmail.com>

Sent:

Tuesday, May 4, 2021 5:57 PM

To:

Tiffany Taylor

Subject:

Conditional Use Request (CU20-10) by RDA Project Management LLC for Bethany

Lutheran Church

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

Good Evening,

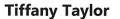
I am writing to express my opinion regarding the Conditional Use Request (CU20-10) by RDA Project Management LLC for Bethany Lutheran Church.

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Please do not approve the request by RDA Project Management LLC for Bethany Lutheran Church for the Annex Building.

Thank you,

Emilia Hecksteden





Community Development

CU20-10

From:

Barbara Fryer

Sent:

Tuesday, May 4, 2021 1:28 PM

To:

Tiffany Taylor; Rosemary Johnson (rosemaryjcurt@gmail.com)

Subject:

FW: Objection to Conditional Use Request (CU20-10)

From: Patricia Bugas Schramm [mailto:patricia@pbsconsultinginc.com]

Sent: Tuesday, May 4, 2021 12:20 PM
To: Barbara Fryer < BFryer@astoria.or.us>

Subject: FW: Objection to Conditional Use Request (CU20-10)

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

?? ??

From: Patricia Bugas Schramm <patricia@pbsconsultinginc.com>

Sent: Tuesday, May 4, 2021 12:19 PM

To: 'bfryer@astoira.or.us' <bfryer@astoira.or.us>

**Cc:** 'jherman@astoria.or.us' <jherman@astoria.or.us>; 'jherman@astoria.or.us' <jherman@astoria.or.us>; 'thilton@astoria.or.us' <thilton@astoria.or.us>; 'tbrownson@astoria.or.us' <thrownson@astoria.or.us>;

'rrocka@astoria.or.us' <rrocka@astoria.or.us>

Subject: Objection to Conditional Use Request (CU20-10)

?? ??

Dear Astoria Planning Commission,

I am writing to object to the Conditional Use Request (CU20-10) by RDA Project Management LLC for Bethany Lutheran Church to construct a building at 420 34th Street. As proposed, this would erect a 5030-square foot building as an accessory multi-use facility. My objection is based on the height and position of the proposed building???s affect on existing residential properties, their view and resale value. All views to the river would be blocked. No consideration has been given to existing properties, neighbors of the proposed facility and the negative impact the proposed facility blocking the view.

Please consider the proposed size and location of the facility and residents??? objection before making this decision. Alternatives should take into account view impacts of existing residential properties prior to the Planning Commission???s acceptance of this conditional use request.

Sincerely,??

Patricia Bugas-Schramm

Patricia Bugas-Schramm 3024 N.E. Bryce Street Portland, OR 97212 Cell: 503.320.3421

Email: patricia@pbsconsultinginc.com

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On May 4, 2021, at 7:01 AM, bob < bobbugas@gmail.com > wrote:

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

Dear Astoria Planning Commission,

Regarding the Conditional Use Request (CU20-10) by RDA Project Management LLC for Bethany Lutheran Church to construct a building at 420 34th Street:

I am writing to object to the proposal to erect a 5030 square foot building as an accessory multiuse facility. This objection is based on several important factors that I hope you will take in to consideration.

#### 1) Proximity To Homes

I am alarmed by the close proximity to the surrounding homes, specifically the Tadei home. There are acres and acres of space nearby that could be utilized without abutting homes and ruining views of several homes in the area. I do not see how it would have a significant impact on the Lutheran Church if the building was located in any of numerous commercial, non-residential locations nearby.

In fact I understand in other regions families in such close proximity to such construction have been duly compensated for giving up views.

## 2) Reduction In Property Value

Data demonstrates that wherever large multi-use facilities are placed near houses, property value in the area decreases. People simply do not want to live near these facilities, and those hoping to move away can no longer sell their homes for what they are worth. This is unacceptable!

#### 3) PROTEST

A grass roots group of local residents has formed to campaign against this multi use building being placed next to the Tadei home and the other homes near it, and I have proudly joined them. Please take us in to consideration when making this decision.

Sincerely,

**Bob Bugas** 



From:

Nick Frisk <nfrisk24@gmail.com>

Sent:

Tuesday, May 4, 2021 3:38 PM

To:

Tiffany Taylor

Subject:

Conditional Use Request (CU20-10) by RDA Project Management LLC for Bethany

Lutheran Church

#### \*\*\*\*\*EXTERNAL SENDER\*\*\*\*

Good Afternoon:

I am writing to express my opinion regarding the Conditional Use Request (CU20-10) by RDA Project Management LLC for Bethany Lutheran Church.

I am opposed to the conditional use request (CU20-10) by RDA Project Management LLC for Bethany Lutheran Church.

Please do not approve the request by RDA Project Management LLC for Bethany Lutheran Church for the Annex Building.

Respectfully submitted,

Nicklas Frisk

From:

Gail Dundas < gaildundas@gmail.com>

Sent:

Tuesday, May 4, 2021 9:17 AM

To:

Tiffany Taylor, Tiffany Taylor

Cc:

Gail

Subject:

Proposed Uppertown development on today's planning commission agenda

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

Dear Astoria Planning Commission:

I'm concerned about the proposed Bethany Lutheran development in Uppertown. My questions are around the process the development took. Is it typical to first take a proposed development through the Historic Landmark Commission? It seems like that would come after the planning commission reviewed and approved the project.

In addition, the project appears to have gone from a garage to a house three times the average size. That is a concern to me because with each iteration the project grew and I'm not sure the due diligence -establishing feasibility and need - accompanied the process.

Finally, I've heard that a consultant working on behalf of the developer used to work for the City of Astoria in planning. If true, that seems like a potential conflict of interest at worst and a perceived conflict of interest at best.

Thanks for reading my letter and addressing my concerns in today's meeting.

Best regards, Gail Dundas Gaildundas@gmail.com 503-816-2382

Sent from my iPhone

Roger Tofte 460 Myers St S Salem, OR 97302



April 26, 2021

Astoria Planning Commission 1095 Duane St Astoria, OR 97103

#### To Whom It May Concern:

I am writing this letter regarding my very good friend Vince Tedei, who I have known for over 80 years. His property has been in his family for generations, building a structure next to his property would block and obstruct his beautiful view that he has enjoyed for many years, and his ancestors before him. I feel that it is very disrespectful and inconsiderate to Vince and his family to build a structure that would change the atmosphere of his family property. Vince has lived in the same house his entire life and the house has been in his family for generations. Vince Tedei has been an upstanding citizen in the community which he cherishes. This project has been giving Vince a lot of heartache and to lose the serenity and the peacefulness of what he has always known as home, would be devastating to him and his family.

Please do not allow this project to go forward and I hope that you show compassion for a just outcome.

Respectfully,

Roger Tofte

Vince Tedei's longtime friend

200

460 Myers St. S Salem, OR 97302

CU20-10

Community Development

CITY OF ASTORIA

April 27, 2021

Astoria Planning Commission 1045 Duane Street Astoria, OR 97103

Attention: Member Tiffany Taylor

Re: Historical Homes

Ladies and Gentlemen:

I used to live in Astoria and I know of a historical home about two blocks away from the Columbia River that is being threatened by the building of a multi-story children's recreational center and is planned to block the view of this home. The address is  $540-34^{th}$  Street. It is over a hundred years old. The grandfather built the house and three generations have lived there since.

There is a church adjacent to the property, and the church is planning to do this. It is my understanding that this is just for the use of about a dozen children, and surely another location for this could be found without disturbing the view of this historical landmark.

I hope you will give this some serious thought and keep this from happening in the lovely town of Astoria. Thanking you in advance for your assistance in this matter.

Sincerely, Dan Garks

Don V. Parks

4055 Royal Avenue, Space #109

Eugene, OR 97402

My telephone number is 541-688-7787.

From:

Barbara Fryer

Sent:

Monday, May 17, 2021 2:07 PM

To:

Tiffany Taylor; 'Rosemary Johnson (rosemaryjcurt@gmail.com)'

Subject:

FW: The Bethany Lutheran protect

Another letter in my mailbox from May 3, 2021

From: Alex T [mailto:alexandertadei@gmail.com]

Sent: Monday, May 3, 2021 8:55 AM

To: Barbara Fryer <BFryer@astoria.or.us>
Subject: Fwd: The Bethany Lutheran protect

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

Hello I am opposed to the Bethany Lutheran Annex building project!!

This decision will make life changing events in peoples lives and can put them in danger of losing homes.Law suits.

The proposal project site is a slide designated area of the city of a story Astoria GEO map.

In stabilizing the ground beneath the foundation excavating part of the hillside the extreme potential for homes above the sides to shift, destabilize, alter foundations and change natural water run off is highly likely and should be anticipated.

This has already happened three blocks away where Hauke's Sentry mini market was proposed, began digging and was forced to stop. This affected Homes from Lief Erickson Drive up to Irving Avenue which resulted in extensive lawsuits.

Alexander G Tadei



# ROBIE G. RUSSELL

#### ATTORNEY AT LAW

77 South Main Street Seattle, Washington 98104-2513 Facsimile (206) 621-2104 (206) 621-2102 robielaw@gmail.com

Licensed in Washington and Idaho

May 2, 2021

City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 comdevadmin@astoria.or.us ttaylor@astoria.or.us

Re: Conditional Use Application CU No. 20-10

Dear Planning Commission Members:

I have practiced Environmental, Natural Resource, and Real Estate law in Idaho, Washington, Oregon, and Alaska for a good number of years. In addition, I headed the Natural Resource Division of the Idaho Attorney General's Office and also served as Regional Administrator of USEPA Region 10. Needless to say, I am very familiar with land use and environmental law.

I write in support of Vincent Tadei, 504-34th Street, Astoria, OR 97103 and his daughter, Susan Tadei. As you know, Mr. Tadei and his historic property will be severely impacted/injured by the proposed development sought by the parties to the Conditional Use Application ("CUP") filed with the City of Astoria Community Development Department on November 30, 2020, under Conditional Use Application CU No. 20-10, but dated for a May 4, 2021, hearing date.

It is not necessary for me to go into any great detail regarding the valid legal and moral objections to the CUP since those have been thoroughly covered by Ms. Tadei's letter of April 28, 2021. Suffice it to say that in my view, the proposed new construction does not meet the straightforward requirements of the City of Astoria Development Code, and as a result, the Conditional Use Application must be denied.

Sincerely,

/s/ RG Russell

Robie G. Russell

RGR/glf cc: Tadei Family

From:

Barbara Fryer

Sent:

Monday, May 17, 2021 2:06 PM

To:

Tiffany Taylor; 'Rosemary Johnson (rosemaryjcurt@gmail.com)'

Subject:

FW: The Bethany Lutheran protect

Just popped into my inbox - please note that it came in on May 3, 2021.

----Original Message----

From: Alfonzo Fontana [mailto:afontana@usacops.com]

Sent: Monday, May 3, 2021 9:11 AM To: Barbara Fryer <BFryer@astoria.or.us> Subject: The Bethany Lutheran protect

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

Hello:

I am opposed to the Bethany Lutheran Annex building project.

This decision will make life changing events in peoples lives and can put them in danger of losing homes, and law suits.

The proposal project site is a slide designated area of the city of a story Astoria GEO map.

In stabilizing the ground beneath the foundation excavating part of the hillside the extreme potential for homes above the sides to shift, destabilize, alter foundations and change natural water run off is highly likely and should be anticipated.

This has already happened three blocks away where Hauke's Sentry mini market was proposed, began digging and was forced to stop. This affected Homes from Lief Erickson Drive up to Irving Avenue which resulted in extensive lawsuits. Please consider canceling this project.

Respectfully Submitted,

Al Fontana



Community Development

CITY OF ASTORIA CUZO-10

From:

Tricia Frisk <tricia.frisk773@gmail.com>

Sent:

Sunday, May 2, 2021 4:37 PM

To:

Tiffany Taylor

Subject:

Conditional Use Request (CU20-10) by RDA Project Management LLC for Bethany

Lutheran Church

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

Good Afternoon:

I am writing to express my opinion regarding the Conditional Use Request (CU20-10) by RDA Project Management LLC for Bethany Lutheran Church.

I am opposed to the conditional use request (CU20-10) by RDA Project Management LLC for Bethany Lutheran Church.

Please do not approve the request by RDA Project Management LLC for Bethany Lutheran Church for the Annex Building.

Respectfully submitted,

Tricia Frisk,

2nd Grade Teacher Ramseur Elementary April 28, 2021

# VIA ELECTRONIC MAIL comdevadmin@astoria.or.us VIA ELECTRONIC MAIL ttaylor@astoria.or.us

City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183



Dear Planning Commission,

I am writing to express my concerns and objection to the proposed new construction by the Bethany Lutheran Church at 420 34<sup>th</sup> Street, Astoria, Oregon 97103, as seen in the Conditional Use Application filed with the City of Astoria Community Development Department on November 30, 2020, under Conditional Use Application CU No. 20-10, and dated for a May 4, 2021, hearing date.

Name: <u>FORNNE BRO</u>WM Address: <u>589 HARRISON</u> C7

Phone: 1.533.791.0588

Email address: SISTAHPAINT @ HOTMAIL. COM

Tiffany Taylor CU20-10

From:

Barbara Fryer

Sent:

Monday, May 3, 2021 8:18 AM

To:

Tiffany Taylor; Rosemary Johnson (rosemaryjcurt@gmail.com)

Subject:

FW: The Bethany Lutheran protect - testimony

From: Fontana Outdoors [mailto:nadiafontana70@gmail.com]

**Sent:** Monday, May 3, 2021 7:58 AM **To:** Barbara Fryer <BFryer@astoria.or.us> **Subject:** The Bethany Lutheran protect



#### \*\*\*\*\*EXTERNAL SENDER\*\*\*\*

Hello I am opposed to the Bethany Lutheran Annex building project!!

This decision will make life changing events in peoples lives and can put them in danger of losing homes.Law suits.

The proposal project site is a slide designated area of the city of a story Astoria GEO map.

In stabilizing the ground beneath the foundation excavating part of the hillside the extreme potential for homes above the sides to shift, destabilize, alter foundations and change natural water run off is highly likely and should be anticipated.

This has already happened three blocks away where Hauke's Sentry mini market was proposed, began digging and was forced to stop. This affected Homes from Lief Erickson Drive up to Irving Avenue which resulted in extensive lawsuits.

Fontana Nadia

From:

Matt Romine <matttromine1@yahoo.com>

**Sent:** Friday, April 30, 2021 11:40 PM

**To:** Tiffany Taylor

**Subject:** building project on 34th street

MAY U3 2021

Community Development
CITY OF ASTORIA CU20-10

# \*\*\*\*\*EXTERNAL SENDER\*\*\*\*

I oppose the construction of the recreation building submitted by Bethany Lutheran church on 34th street

April 28, 2021

VIA ELECTRONIC MAIL <a href="mailto:comdevadmin@astoria.or.us">comdevadmin@astoria.or.us</a>
VIA ELECTRONIC MAIL <a href="mailto:ttaylor@astoria.or.us">ttaylor@astoria.or.us</a>

MAY 03 2021

Community Development
CITY OF ASTORIA
CU20-10

City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183

Dear Planning Commission,

I am writing to express my concerns and objection to the proposed new construction by the Bethany Lutheran Church at 420 34<sup>th</sup> Street, Astoria, Oregon 97103, as seen in the Conditional Use Application filed with the City of Astoria Community Development Department on November 30, 2020, under Conditional Use Application CU No. 20-10, and dated for a May 4, 2021, hearing date.

Name: Faith Brown

Address: 9310 St. Helens ave Vancouver WA. 98664

Phone: 503-816-3744

Email address: recordingyou@hotmail.com



Community Development

CITY OF ASTORIA CU20-10

From:

Per Frisk <pofrisk@ncsu.edu>

Sent:

Monday, May 3, 2021 11:05 AM

To:

Tiffany Taylor

Subject:

Conditional Use Request (CU20-10) by RDA Project Management LLC for Bethany

Lutheran Church

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

Good Afternoon:

I am writing to express my opinion regarding the Conditional Use Request (CU20-10) by RDA Project Management LLC for Bethany Lutheran Church.

I am opposed to the conditional use request (CU20-10) by RDA Project Management LLC for Bethany Lutheran Church.

Please do not approve the request by RDA Project Management LLC for Bethany Lutheran Church for the Annex Building.

Respectfully submitted, Per Frisk United States Forest Service Wildland Firefighter

Sent from my iPhone

City of Astoria – Planning Commission May 1, 2021 Page Two

The proposed new construction is a svailable for this purpose in Astoria. There is no purpose in adding another building at the expense of destroying the pristine unspoiled area of historic Astoria and loss to surrounding property owners.

Please consider these objections to the Conditional Use Application filed by RDA Project Management, LLC on behalf of Bethany Lutheran Church.

Very truly yours,

Patsy A. Chandler

12197 Sunrise Drive N.E.

Bainbridge Island, WA 98110

pchandler 12197@gmail.com

/pac Enc.

VIA ELECTRONIC MAIL VIA ELECTRONIC MAIL

MAY 03 2021

Community Development

City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183

Attn: Planning Commission

My name is Mile It address of STOG-JEMINE SCATTLE OF STATE OF STAT

Attached you will find the City of Astoria Development Code Article 11 Conditional Use, along with the Clatsop County Zoning Map showing the Landslide Susceptibility Overview of High, along with numerous additional code and concerns that this proposed new construction application will violate.

- Astoria, Oregon, Development Code, Article 11, § 11.010 Purpose, states, "The
  purpose of the conditional use process is to allow, when desirable, uses that
  would not be appropriate throughout a zoning district or without the restrictions
  in that district..." The proposed new construction is not desirable in this historic
  neighborhood.
- 2. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.1. states, "The use is appropriate at the proposed location. Several factors that should be considered in determining whether or not the use is appropriate include...similar existing uses, availability of other appropriately zoned sites and the desirability of other suitably zoned sites for the use." The use is **not** appropriate at the proposed location. The Astor School has two gymnasiums, which are located a very short distance from the existing Bethany Lutheran Church and already provide for the public the desired use that is being presented as a need for the proposed new construction. The Catholic Church on Grand Avenue in Astoria has a school, playground, gymnasium, church outbuildings, pastor house, garage, ball fields in a suitable zoned area that are all available to the public to use. There is no shortage of available gymnasiums in the City of Astoria for the proposed use by the Bethany Lutheran Church.

- Salmon populations are decimated from the copper brake dust that is consistently draining into the Salmon protected rivers, streams, lakebeds, and asphalt roads and the runoff that is produced is adding to the declining salmon populations.
- 8. Astoria, Oregon, Development Code, Article 11, § 11.140 Public or Semi-Public Use, states, "Traffic will not congest on the nearby streets, and structures will be designed so as to blend into the surrounding environment and be compatible with the adjacent neighborhood." Traffic is congested on Leif Erickson Drive/Highway 30. The proposed new construction does not blend in with the single and multifamily existing structures. Follow your City Code.
- 9. Astoria, Oregon, Development Code, Article 6.070, New Construction, Section B., 1. of the Code states, "The design of the proposed structure is compatible with the design of adjacent historic structures considering scale, style, height, architectural detail and materials." The proposed building is not compatible with the surrounding adjacent structures.
- 10. Astoria, Oregon, Development Code, Article 6.070, New Construction, Section B., 2., of the Code states, "the location and orientation of the new structure is the typical location and orientation of adjacent structures considering setbacks, distances between structures location of entrances and similar siting considerations." The proposed structure is not typical with the adjacent structure's orientation.
- 11. Astoria, Oregon, Development Code, Article 6.070, New Construction, Section C. Historic Design Review in Overlay Zones of the Code states, "When reviewing a New Construction permit application within a Riverfront Vision Overlay Zone, the Historic Landmarks Commission shall apply to all historic designated buildings visible within three blocks of the project site not just the adjacent historic structure." The proposed building violates the Code.
- 12. Astoria, Oregon, Development Code, Article 14 Overlay Zones Definitions View Corridor states, "The unobstructed line of site of an observer looking toward an object of significance to the community, such as the River, historic site, ridgeline, etc. A view corridor shall be free of structural encroachments." This is City Code, and it is required to be followed.
- 13. Astoria, Oregon, Development Code, Article 14 Overlay Zones, 14.002 Resolving Conflicts within the Code. A. states, "This article shall control in the event of a conflict with other sections of the Astoria Development Code."
- 14. Astoria, Oregon, Development Code, Article 14 Overlay Zones, 14.002 C.2 states, "The following guidelines apply when reviewing visual impact to a historic building/structure:

From: Sent:

Subject:

Ahles <ahles0328@gmail.com> Monday, May 3, 2021 11:12 AM Cancel the Bethany Lutheran Project



Community Development

# \*\*\*\*\*EXTERNAL SENDER\*\*\*\*

Astoria's Uppertown neighborhood is a HISTORIC neighborhood. Article 11 and 11.010 of the Astoria, Oregon, Development Code says "The purpose of the conditional use process is to allow, when desirable, uses that would be appropriate throughout a zoning district or without the restrictions in that district... I live in this neighborhood and the proposed new construction is NOT desirable here in this historic neighborhood.

Thomas Ahles 3729 Duane Street

EGEIVE D

From:

Krystyna Miller-Ahles < krystyna 1216@gmail.com>

Sent:

Monday, May 3, 2021 11:10 AM

Subject:

Cancel the Bethany Lutheran Project

Community Development

# \*\*\*\*\*EXTERNAL SENDER\*\*\*\*

Astoria's Uppertown neighborhood is a HISTORIC neighborhood. Article 11 and 11.010 of the Astoria, Oregon, Development Code says "The purpose of the conditional use process is to allow, when desirable, uses that would be appropriate throughout a zoning district or without the restrictions in that district... I live in this neighborhood and the proposed new construction is NOT desirable here in this historic neighborhood.

Krystyna Miller-Ahles 3729 Duane Street

# Attention City of Astoria,

4-28-2021

I oppose the Bethany Lutheran Annex building project.

The Size and design are not in compliance with the historical neighborhood.

The proposed project Site is in a SLIDE Designated area on the city of Astoria's EEO map.

Thank you for your time to Careful consideration.

Regards, Lisa Romine Gioa Promine



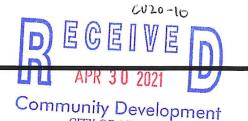
Community Development

CU20-10

P.O. Box II Astoria, OR97103

AP-373

From:



CITY OF ASTORIA

hawkwife@aol.com

**Sent:** Friday, April 30, 2021 10:45 AM

**To:** Tiffany Taylor; Tiffany Taylor **Subject:** Bethany Lutheran Church Proposal

Attachments: Vincent Tadei House on landslide map.pdf; Bethany Lutheran Church property in

landslide area.pdf

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

April 30, 2021

Delivered to <a href="mailto:comdevadmin@astoria.or.us">comdevadmin@astoria.or.us</a>
Delivered to <a href="mailto:taylor@astoria.or.us">taylor@astoria.or.us</a>

City of Astoria Attn: Planning Commission 1095 Duane Street

Astoria, OR 97103 503-338-5183

April 30, 2021

Delivered to <a href="mailto:comdevadmin@astoria.or.us">comdevadmin@astoria.or.us</a>
Delivered to <a href="mailto:ttaylor@astoria.or.us">ttaylor@astoria.or.us</a>

City of Astoria

**Attn: Planning Commission** 

1095 Duane Street

Astoria, OR 97103

503-338-5183

**Attn: Planning Commission** 

My name is Richard Pavlat, along with Lynda Pavlat, my wife, address of 8392 E Mapledale Lane, Huntington Beach, CA 92646. We are writing to express our concerns and objection to the proposed new construction by the Bethany Lutheran Church at 420 34<sup>th</sup> Street, Astoria, Oregon 97103, as shown in the attached Conditional Use Application filed with the City of Astoria Community Development Department on November 30, 2020, under Conditional Use Application CU No. 20-10, and dated for a May 4, 2021, hearing date.

I have known Vince Tadei and his family my entire life. I am a former resident of Astoria and I was so surprised when I talked to him to hear about the proposed new construction by the church. This is not any of Vince's financial responsibility and he

should not bear any responsibility at all for this proposed project. Your attention to this matter would be greatly appreciated.

The proposed new construction does not meet the City of Astoria Development Code, and Conditional Use Application needs to be denied.

Please do not hesitate to contact me directly with my information below.

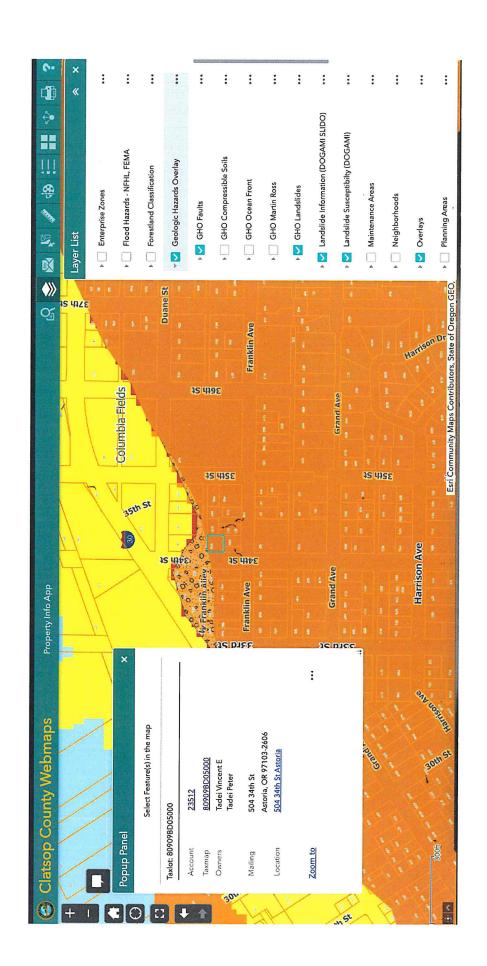
From, Richard Pavlat

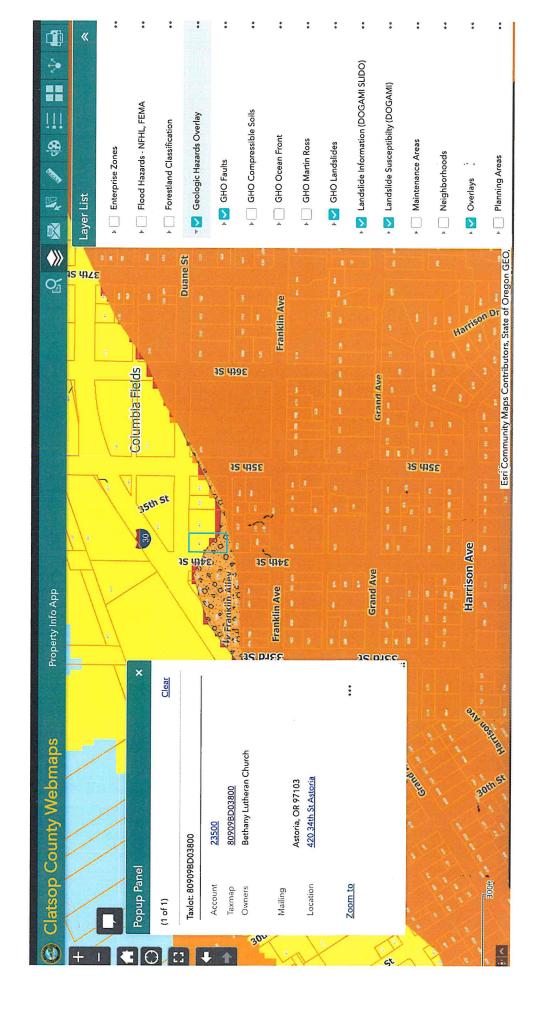
Name: Richard Pavlat

Address: 8392 Mapledale Lane, Huntington Beach, CA 92545

Phone: 714-847-8456

Email address: hoyhoypav@aol.com





\_\_\_\_, 2021

VIA ELECTRONIC MAIL <a href="mailto:comdevadmin@astoria.or.us">comdevadmin@astoria.or.us</a>
VIA ELECTRONIC MAIL <a href="mailto:ttaylor@astoria.or.us">ttaylor@astoria.or.us</a>



City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183

Attn: Planning Commission

My name is <u>Ginny Utti</u>, address of <u>1000 N. Holladay</u> <u># 110</u>, <u>Seasial</u> <u>91138</u>. I am writing to express my concerns and objection to the proposed new construction by the Bethany Lutheran Church at 420 34<sup>th</sup> Street, Astoria, Oregon 97103, as shown in the attached Conditional Use Application filed with the City of Astoria Community Development Department on November 30, 2020, under Conditional Use Application CU No. 20-10, and dated for a May 4, 2021, hearing date.

Attached you will find the City of Astoria Development Code Article 11 Conditional Use, along with the Clatsop County Zoning Map showing the Landslide Susceptibility Overview of High, along with numerous additional code and concerns that this proposed new construction application will violate.

- Astoria, Oregon, Development Code, Article 11, § 11.010 Purpose, states, "The
  purpose of the conditional use process is to allow, when desirable, uses that
  would not be appropriate throughout a zoning district or without the restrictions
  in that district..." The proposed new construction is not desirable in this historic
  neighborhood.
- 2. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.1. states, "The use is appropriate at the proposed location. Several factors that should be considered in determining whether or not the use is appropriate include...similar existing uses, availability of other appropriately zoned sites and the desirability of other suitably zoned sites for the use." The use is <u>not</u> appropriate at the proposed location. The Astor School has two gymnasiums, which are located a very short distance from the existing Bethany Lutheran Church and already provide for the public the desired use that is being presented as a need for the proposed new construction. The Catholic Church on Grand Avenue in Astoria has a school, playground, gymnasium, church outbuildings, pastor house, garage, ball fields in a suitable zoned area that are all available to the public to use. There is no shortage of available gymnasiums in the City of Astoria for the proposed use by the Bethany Lutheran Church.

- 3. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.2. states, "Suitability, in part, should be determined by the potential impact these facilities on safety, traffic flow and control and emergency vehicle movements." With the proposed new construction, there will be a tremendous new impact on the already congested use of Leif Erickson Drive/Highway 30 and the larger concern that emergency vehicles will not be able to access the East side of the adjacent historic structures. Historic structures are more vulnerable to the current climate change and the threat of a fire with no ability for emergency vehicles to access the area of concern for the historic structures is a huge concern for a City that is lacking in providing enough emergency services for the population.
- 4. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.3. states, "The use will not overburden existing water, sewer facilities, storm drainage, fire and police protection or other utilities." The City is currently not able to provide for the adequate fire protection services needed in the East end of the City limits. Density housing is a fireman's nightmare, with the inadequate spacing between homes that does not allow for enough green and open space between structures new, and existing. As all the global temperatures rise, setbacks between buildings are not something that can be reduced and ignored;
- 5. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.4. states, "The topography, soils, other physical characteristics of the site are appropriate for the use." The topography, soils, other physical characteristics of the site are not appropriate for any type of construction in the High Landslide Area location. The National Landslide Preparedness Act is new Federal legislation that will not be ignored for the location of the proposed new construction by the Bethany Lutheran Church. The site of the proposed new construction is directly on top of the High Landslide Activity Location Area. See attached landslide map.
- 6. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.5. states, "The use does contain an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses." The adjacent structures are single and multi-family use structures.
- 7. Astoria, Oregon, Development Code, Article 11, § 11.040 Special Conditions, A. Non-Residential, 3. states, "Reducing the required height and size of buildings." The proposed new construction by the Bethany Lutheran Church is overreaching in size, scale, and scope for the existing neighborhood. Stop comparing the Safeway and Hotel across the street from the proposed new construction vacant lot with a different existing zone. The existing commercial buildings should be demolished, and the property should be restored to its original historic use.

- Salmon populations are decimated from the copper brake dust that is consistently draining into the Salmon protected rivers, streams, lakebeds, and asphalt roads and the runoff that is produced is adding to the declining salmon populations.
- 8. Astoria, Oregon, Development Code, Article 11, § 11.140 Public or Semi-Public Use, states, "Traffic will not congest on the nearby streets, and structures will be designed so as to blend into the surrounding environment and be compatible with the adjacent neighborhood." Traffic is congested on Leif Erickson Drive/Highway 30. The proposed new construction does not blend in with the single and multifamily existing structures. Follow your City Code.
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- 12. Astoria, Oregon, Development Code, Article 14 Overlay Zones Definitions View Corridor states, "The unobstructed line of site of an observer looking toward an object of significance to the community, such as the River, historic site, ridgeline, etc. A view corridor shall be free of structural encroachments." This is City Code, and it is required to be followed.
- 13. Astoria, Oregon, Development Code, Article 14 Overlay Zones, 14.002 Resolving Conflicts within the Code. A. states, "This article shall control in the event of a conflict with other sections of the Astoria Development Code."
- 14. Astoria, Oregon, Development Code, Article 14 Overlay Zones, 14.002 C.2 states, "The following guidelines apply when reviewing visual impact to a historic building/structure:

- a) The relationship to historic buildings is more important than the relationship to historic structures.
- b) The visual impact upon a historic structure shall be considered rather than a simple comparison. Stop comparing the historic neighborhood to the commercial buildings of Safeway and the Hotel across from the proposed new construction site.
- c) The proposed construction should respect both the existing and the original historic spatial relationship between buildings. The proposed new construction is in violation of the open space alley that is designated on the original recorded subdivision plat.
- d) The proposed construction should be appropriately located and scaled with respect to an historic building to maintain the historic character of the site and setting. The proposed new construction dominates the existing historic replica of the Customs House and the surrounding existing historic structures. The proposed new construction is beyond overreach in scale and size.
- e) New construction should be located so that is will not negatively impact the character of a historic building. The proposed new construction negatively impacts the existing historic structures in the entire neighborhood with proposed garage doors as the entrances to an oversized modern not historic replica building."
- 15. Geologic Hazards Overlay GHO Faults, GHO Landslides Topography Landslide Information Deposits Landslide Identification; Landslide Susceptibility Overview of High for the vacant lot of the proposed new construction. Along with the GHO Faults and GHO Landslides Topography. The proposed new construction is located in the landslide hazard area and with the Federal legislation for the National Landslide Preparedness Act, any disturbance in soil and topography is not allowable.

The proposed new construction does not meet the City of Astoria Development Code, and Conditional Use Application needs to be denied.

Please do not hesitate to contact me directly with my information below. From,

1	
15/ Prany Htt	
Name: Clinny Uttl	
Address:	_
Phone:	
Fmail address:	



To whom it may concern,

Community Development

As a 5th generation Tadei to have the opportunity to grow up in the quaint town of Astoria, I was disgusted to hear of the plans the neighboring church. To build a 34 foot high building next to my Grandfarther's house seems very unneighborly. To me I am proud to say I grew up in Astoria and Seaside. I have childhood memories of spending the night at my Grandparents and listening to the sea lions on the dock near their house, barking through out the evening. Whenever some one asked me where my grandparents lived, I proudly explained it was one of the last buildings right before you head out of town across from Safeway and behind the historic Custom's house. You can never miss that little building as it provides a historic monument that stands tall when you first drive into town and as you drive out. By building a 34 foot building right behind it, it will take away the charm of this corner of Astoria. This little corner of town feels like home to me and the rest of the Tadei family.

You maybe thinking, we are only one family and why do we matter? The Tadei's have been proud citizens of Astoria from what I feel like was the beginning. My Grandfather's Grandfather built the house that my Grandfather still lives in to this day. The same one the neighboring church wishes to build next to. My Grandfather gave back to the town being one of the few Mailman that walked the hills of Astoria delivering mail to the neighboring community. He and his wife raised 10 children that all have played important roles in the Astoria community to this day. One of these children being my dad, who raised me to be respectful of my heritage. My cousin (another Tadei) and I both contributed as Regatta princesses and Queen for the annual festival. To this day, my Grandpa still continues to go to Astoria, Knappa, and Seaside High School sporting events to cheer on the local students. To feel that his town wants to repay our families contribution makes us feel preyed upon.

Whenever I arrive to visit my Grandfather, I can find him sitting at the dining room table that faces the window and overlooks the river. He always has binoculars to take a look at the passing cargo ships or tug boats. For all of his life, all of his kid's life, and all of my life we gather around this table during the holidays to say our prays for how lucky we are to have a small home with a beautiful view. So to say we don't matter to the community and our opinion doesn't matter, is saying that Astoria doesn't care about its founding members who cherish the town for what it is. Please considered this choice carefully.

I feel by building this large community center, it will not only effect my family but the neighborhood. Driving into Astoria, will not have the same old town feel. This building will bring new age that does not fit into its surroundings. I feel there has to be another solution, then to build this large building. I am sure there is a way we can work this out so all party's feel they are winning. Please consider my letter to appeal this building and keep Astoria's Heritage and founding members happy.

Thank you,

Riley Tadei

riley tadei 550 gmail. com

April 30, 2021

# VIA ELECTRONIC MAIL <a href="mailto:comdevadmin@astoria.or.us">comdevadmin@astoria.or.us</a> VIA ELECTRONIC MAIL <a href="mailto:taylor@astoria.or.us">taylor@astoria.or.us</a>



City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183

Dear Planning Commission,

I am writing to express my concerns and objection to the proposed new construction by the Bethany Lutheran Church at 420 34<sup>th</sup> Street, Astoria, Oregon 97103, as seen in the Conditional Use Application filed with the City of Astoria Community Development Department on November 30, 2020, under Conditional Use Application CU No. 20-10, and dated for a May 4, 2021, hearing date.

/s/Andrew Rasmussen	
Name:Andrew Rasmussen	
Address:1403 3 <sup>rd</sup> St, Astoria, OR 97103	
Phone:202-913-3800	10
Email address: ronnypooter@gmail.com	

April 28, 2021

<u>comdevadmin@astoria.or.us</u> <u>ttaylor@astoria.or.us</u>

City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183

Dear Planning Commission,



Please consider this letter as an objection to the proposed recreation center / 'bus barn' by the Bethany Lutheran Church at 420 34<sup>th</sup> Street, Astoria, Oregon 97103, as seen in the Conditional Use Application filed with the City of Astoria Community Development Department on November 30, 2020, under Conditional Use Application CU No. 20-10, and dated for a May 4, 2021, hearing date.

Below is a shortened list of the reasons and unanswered questions that support denying this project's advancement:

- Slide issues from ground disturbance required for new construction have very real potential to affect many of the neighboring homes and families.
- The area South of Leif Erickson Drive should not have new construction that is nonresidential.
- My family and the neighbors of the proposed construction site simply do not want this project.
- The trend for church membership is statistically on the decline. If the Bethany Church were to dissolve in 5, 10, or 20 years, what type of repurposing could this building possibly serve, given its location? Whatever the answer may be, it's probably going to be commercially related (wrong zoning!), or does this become an abandoned building the city will get to take care of? Either way, this building does not fit.

Closing, I believe the City of Astoria has done an outstanding, and even an under recognized, job of preserving the heritage and feel of the community over the decades. All the while allowing for new building and construction along the river to bring much needed jobs and economic opportunity to the area. A decision to allow this project to move forward will most likely end up as a regrettable mistake for the planning commission and community as a whole. The fact is, this building project brings very little to no value to the community at large. Almost anyone passing by this area will certainly have their attention drawn to a new building of this size, but only a handful of people will ever use it. Do the right thing and preserve this area as it is, a vote against the approval of this project is the right decision for the future of this area.

Sincerely,
Bold Therupe

Bobby Thompson 606 SE 94<sup>th</sup> Ave

Vancouver, WA 98664

360-281-4523

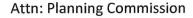
bobbyvthompson@gmail.com

Former Astorian and resident of 504 34th St, and current visitor to Astoria Uppertown.

# April 30, 2021

Delivered to comdevadmin@astoria.or.us Delivered to ttaylor@astoria.or.us

Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183





My name is Martin Bue, address of 13685, MAIN AVE, WAVEN FON OR 91146 . I am writing to express my concerns and objection to the proposed new construction by the Bethany Lutheran Church at 420 34th Street, Astoria, Oregon 97103, as shown in the attached Conditional Use Application filed with the City of Astoria Community Development Department on November 30, 2020, under Conditional Use Application CU No. 20-

10, and dated for a May 4, 2021, hearing date.
I graw up in the Franklin Avenue Area and Attended Astor
Schoolfor 9 years. In addition I have relatives who Still live in the
Aren where the proposal by Bethany Lutherm Church. It is my
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The proposed new construction does not meet the City of Astoria Development Code, and Conditional Use Application needs to be denied.

Please do not hesitate to contact me directly with my information below.

From,

1s/ Uno Bue

Name: Martin But Address: PD Box 546 WArrenton, Ore. 97146

Phone: 503-338-9973

Email address: bue, martine y phoo com

CU20-10

4/30\_\_, 2021

Delivered to traylor@astoria.or.us

Delivered to <a href="mailto:ttaylor@astoria.or.us">ttaylor@astoria.or.us</a>

City of Astoria

Attn: Planning Commission

1095 Duane Street Astoria, OR 97103 503-338-5183

Attn: Planning Commission



My name is 12 mars Sext maddress of 3711 UNY 26, Seaside or, 97118
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Please do not hesitate to contact me directly with my information below.

/s/\_\_\_\_

and Conditional Use Application needs to be denied.

Name: Tange Stofm

Address: 37115 1404 26

Phone: 903 44029121

Email address:\_

From,

pasible on griss

Danil von

, 2021

VIA ELECTRONIC MAIL comdevadmin@astoria.or.us VIA ELECTRONIC MAIL ttaylor@astoria.or.us



City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183

Attn: Planning Commission	4
My name is TOM, address of 1000, N. Holladay	110
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Please do not hesitate to contact me directly with my information below. From,

Name: TOM Utti Address: 1000 N. Holladay 110 Seaside, OR Phone:

Email address: Funtant and a comenst net

# April 28, 2021

APR 3 0 2021

Community Development

VIA ELECTRONIC MAIL <u>comdevadmin@astoria.or.us</u>
VIA ELECTRONIC MAIL <u>ttaylor@astoria.or.us</u>

City of Astoria
Attn: Planning Commission
1095 Duane Street
Astoria, OR 97103
503-338-5183

Attn: Planning Commission

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Please do not hesitate to contact me directly with my information below.

From,

Name: Parker Riser Address: 1375 Suncise Rilge rd. George, OR 97138

Phone: 503-440-6474
Email address: piriter Omsa. com

# April 30, 2021

VIA ELECTRONIC MAIL <u>comdevadmin@astoria.or.us</u>
VIA ELECTRONIC MAIL <u>ttaylor@astoria.or.us</u>



City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183

**Attn: Planning Commission** 

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Please do not hesitate to contact me directly with my information below. From,

/s/Charles Ruenbrugge
Name: C R Verbrugge
Address: 321 Ave I Soaside ar 91138

122 3 1 12

Phone: 971 286 0693
Email address: dog\_wood\_101@yahoo.com

April 29 \_, 2021

Delivered to comdevadmin@astoria.or.us

Delivered to ttaylor@astoria.or.us

City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103

Attn: Planning Commission

503-338-5183



My name is Amy Rahl, address of 667 Creekside, Gearhart, OR
I am writing to express my concerns and objection to the proposed new
construction by the Bethany Lutheran Church at 420 34 <sup>th</sup> Street, Astoria, Oregon 97103, as shown
in the attached Conditional Use Application filed with the City of Astoria Community
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The Tade family are personal friends of nine
and forever long residents of Adair uppertown
and specifically this home. It saddens me to hear of
the building plans Bethany Lutheran Church (420 34th St.)
have Submitted. They are not following the historic nature
of the reighborhood the building is not compatible and
of Volida across at 1 has a selection of the literal land

The proposed new construction does not meet the City of Astoria Development Code, and Conditional Use Application needs to be denied.

Please do not hesitate to contact me directly with my information below.

From,

Name: AMY RAHL

Address: UG7 Creekside Pr., POBOX 2714, OREE COOK 47138

Phone: 801 - 554-4563

Email address: amyrabl 10@ gmail. com

	CU20-10
Delivered to comdevadmin@astoria.or.us  Delivered to ttaylor@astoria.or.us	DEGEIVED  APR 3 0 2021
City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183	Community Development CITY OF ASTORIA
Attn: Planning Commission	
My name is AND SPENST address of 3600 address	ons and objection to the proposed new the Street, Astoria, Oregon 97103, as shown with the City of Astoria Community
THIS SHOUCH'T	HADDEN !!!
WE NEED TO RESPECT	OTHER DEOPLES RIGHTS
The proposed new construction does not meet to and Conditional Use Application needs to be denied.	he City of Astoria Development Code,
Please do not hesitate to contact me directly wit	th my information below.
Name: SANCIRA Spenst	
Address: 360 N FOREST CT Phone: 503-468-9427	
Email address: SSS PENSTO (FMALL) (COA)	

CU20-10 Delivered to comdevadmin@astoria.or.us Delivered to ttaylor@astoria.or.us Community Development CITY OF ASTORIA City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183 Attn: Planning Commission My name is Peteto, address of 245 23vol St. AStovia, OR \_\_\_\_. I am writing to express my concerns and objection to the proposed new construction by the Bethany Lutheran Church at 420 34th Street, Astoria, Oregon 97103, as shown in the attached Conditional Use Application filed with the City of Astoria Community Development Department on November 30, 2020, under Conditional Use Application CU No. 20-10, and dated for a May 4, 2021, hearing date. The proposed new construction does not meet the City of Astoria Development Code, and Conditional Use Application needs to be denied. Please do not hesitate to contact me directly with my information below. From, NOSOMOR

1

Astoria, OR.

Address

Phone:

Email address:



Wednesday April 28, 2021

Tiffang Taylor, Community Development Department

To: Pertinent Parties

I am writing to state my Support for the Todeis' Stand AGAINST Bethany Sutheron's plan to build on adjacent property.

Thank you for your Attention Low And I adai

342 14th St. #603 Astoria, OR 97103

450 McClure av. Astoria, On 97103

CU20-10

DEGEIVED

APR 3 0 2021

Community Development

CITY OF ASTORIA

Astoria Planning Commission 1095 Exchange St. attn: Tiffæny Taylor

My letter is in reference to Tadei Historical Property at 504 38th Street in Castoria,

Aftermony years of attending Planning Commission meetings on the corner of Commercial - 9th Street in Astoria usually in regard to Union town some Downtown plans was very surprised to hear of lack of response to river view on 38 th Street.

Over the many years of previous meetings view was very much in the lead. If the building would block view - space was given to the river view. The findings of the Cety Council surprised me as in the post both sides front about were given thought a consideration.

This very old 88 year astorian thanks you for your

enterest + help,

Sincerely, Darline P. Story

# **Tiffany Taylor**

From:

Sue Tadei <suetadei@gmail.com>

Sent:

Wednesday, April 28, 2021 5:59 PM

To:

Tiffany Taylor; Tiffany Taylor; Paul Tadei; Gail Dundas

Subject:

Re: For 4-28-2021

**Attachments:** 

Bethany Lutheran Church property in landslide area.pdf; Vincent Tadei House on

landslide map.pdf

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

Tiffany -

My apologies, attached are the 2 maps that I would like presented with the additional materials. Please delete the prior 2 maps.

Thank you.

Sue

On Wed, Apr 28, 2021 at 5:53 PM Sue Tadei < suetadei@gmail.com > wrote:

Hello Tiffany -

Attached please find my letter and supporting documents for the Conditional Use Application submitted for the new construction by Bethany Lutheran Church, which is the topic of the Planning Commission meeting set for May 4th.

Please present all my materials and let me know if I need to send hard copies to your attention.

Thank you.

Susan Tadei <u>suetadei@gmail.com</u> 360-930-1429 P O Box 228 Indianola, WA 98342

**AP-405** 

CU20-10

APR 29 2021

Community Development

April 28, 2021

VIA ELECTRONIC MAIL <a href="mailto:comdevadmin@astoria.or.us">comdevadmin@astoria.or.us</a>
VIA ELECTRONIC MAIL <a href="mailto:teaylor@astoria.or.us">ttaylor@astoria.or.us</a>



City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183

**Attn: Planning Commission** 

My name is Susan Tadei, address of 9631 NE Midway Avenue, Indianola, WA 98342. I am the youngest daughter of my father Vincent Tadei, address of 504-34<sup>th</sup> Street, Astoria, OR 97103. My father is 88 years old, and this proposed new construction by the Bethany Lutheran Church is causing my father undue stress and I am worried for him, so I am writing to express my concerns and objection to the Conditional Use Application ("CUP") filed with the City of Astoria Community Development Department on November 30, 2020, under Conditional Use Application CU No. 20-10, but dated for a May 4, 2021, hearing date.

Attached you will find the City of Astoria Development Code Article 11 Conditional Use, along with the Clatsop County Zoning Map showing the Landslide Susceptibility Overview of High, along with numerous additional code and concerns that this proposed new construction application will violate.

- Astoria, Oregon, Development Code, Article 11, § 11.010 Purpose, states, "The
  purpose of the conditional use process is to allow, when desirable, uses that
  would not be appropriate throughout a zoning district or without the restrictions
  in that district..." The proposed new construction is not desirable in this historic
  neighborhood.
- 2. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.1. states, "The use is appropriate at the proposed location. Several factors that should be considered in determining whether or not the use is appropriate include...similar existing uses, availability of other appropriately zoned sites and the desirability of other suitably zoned sites for the use." The use is **not** appropriate at the proposed location. The Astor School has two gymnasiums, which are located a very short distance from the existing Bethany Lutheran Church and already provide for the public the desired use that is being presented as a need for the proposed new construction. The Catholic Church on Grand Avenue in Astoria has a school, playground, gymnasium, church outbuildings, pastor house, garage, ball fields in a suitable zoned area that are all

- available to the public to use. There is no shortage of available gymnasiums in the City of Astoria for the proposed use by the Bethany Lutheran Church.
- 3. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.2. states, "Suitability, in part, should be determined by the potential impact these facilities on safety, traffic flow and control and emergency vehicle movements." With the proposed new construction, there will be a tremendous new impact on the already congested use of Leif Erickson Drive/Highway 30 and the larger concern that emergency vehicles will not be able to access the East side of the adjacent historic structures. Historic structures are more vulnerable to the current climate change and the threat of a fire with no ability for emergency vehicles to access the area of concern for the historic structures is a huge concern for a City that is lacking in providing enough emergency services for the population.
- 4. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.3. states, "The use will not overburden existing water, sewer facilities, storm drainage, fire and police protection or other utilities." The City is currently not able to provide for the adequate fire protection services needed in the East end of the City limits. Density housing is a fireman's nightmare, with the inadequate spacing between homes that does not allow for enough green and open space between structures new, and existing. As all the global temperatures rise, setbacks between buildings are not something that can be reduced and ignored.
- 5. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.4. states, "The topography, soils, other physical characteristics of the site are appropriate for the use." The topography, soils, other physical characteristics of the site are not appropriate for any type of construction in the High Landslide Area location. The National Landslide Preparedness Act is new Federal legislation that will not be ignored for the location of the proposed new construction by the Bethany Lutheran Church. The site of the proposed new construction is directly on top of the High Landslide Activity Location Area. See attached landslide map.
- 6. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.5. states, "The use does contain an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses." The adjacent structures are single and multi-family use structures.
- 7. Astoria, Oregon, Development Code, Article 11, § 11.040 Special Conditions, A. Non-Residential, 3. states, "Reducing the required height and size of buildings." The proposed new construction by the Bethany Lutheran Church is overreaching in size, scale, and scope for the existing neighborhood. Stop comparing the

Safeway and Hotel across the street from the proposed new construction vacant lot with a different existing zone. The existing commercial buildings should be demolished, and the property should be restored to its original historic use. Salmon populations are decimated from the copper brake dust that is consistently draining into the Salmon protected rivers, streams, lakebeds, and asphalt roads and the runoff that is produced is adding to the declining salmon populations.

- 8. Astoria, Oregon, Development Code, Article 11, § 11.140 Public or Semi-Public Use, states, "Traffic will not congest on the nearby streets, and structures will be designed so as to blend into the surrounding environment and be compatible with the adjacent neighborhood." Traffic is congested on Leif Erickson Drive/Highway 30. The proposed new construction does not blend in with the single and multifamily existing structures. Follow your City Code.
- 9. Astoria, Oregon, Development Code, Article 6.070, New Construction, Section B., 1. of the Code states, "The design of the proposed structure is compatible with the design of adjacent historic structures considering scale, style, height, architectural detail and materials." The proposed building is not compatible with the surrounding adjacent structures.
- 10. Astoria, Oregon, Development Code, Article 6.070, New Construction, Section B., 2., of the Code states, "the location and orientation of the new structure is the typical location and orientation of adjacent structures considering setbacks, distances between structures location of entrances and similar siting considerations." The proposed structure is not typical with the adjacent structure's orientation.
- 11. Astoria, Oregon, Development Code, Article 6.070, New Construction, Section C. Historic Design Review in Overlay Zones of the Code states, "When reviewing a New Construction permit application within a Riverfront Vision Overlay Zone, the Historic Landmarks Commission shall apply to all historic designated buildings visible within three blocks of the project site not just the adjacent historic structure." The proposed building violates the Code.
- 12. Astoria, Oregon, Development Code, Article 14 Overlay Zones Definitions View Corridor states, "The unobstructed line of site of an observer looking toward an object of significance to the community, such as the River, historic site, ridgeline, etc. A view corridor shall be free of structural encroachments." This is City Code, and it is required to be followed.
- 13. Astoria, Oregon, Development Code, Article 14 Overlay Zones, 14.002 Resolving Conflicts within the Code. A. states, "This article shall control in the event of a conflict with other sections of the Astoria Development Code."

- 14. Astoria, Oregon, Development Code, Article 14 Overlay Zones, 14.002 C.2 states, "The following guidelines apply when reviewing visual impact to a historic building/structure:
  - a) The relationship to historic buildings is more important than the relationship to historic structures.
  - b) The visual impact upon a historic structure shall be considered rather than a simple comparison. Stop comparing the historic neighborhood to the commercial buildings of Safeway and the Hotel across from the proposed new construction site.
  - c) The proposed construction should respect both the existing and the original historic spatial relationship between buildings. The proposed new construction is in violation of the open space alley that is designated on the original recorded subdivision plat.
  - d) The proposed construction should be appropriately located and scaled with respect to an historic building to maintain the historic character of the site and setting. The proposed new construction dominates the existing historic replica of the Customs House and the surrounding existing historic structures. The proposed new construction is beyond overreach in scale and size.
  - e) New construction should be located so that is will not negatively impact the character of a historic building. The proposed new construction negatively impacts the existing historic structures in the entire neighborhood with proposed garage doors as the entrances to an oversized modern not historic replica building."
- 15. Geologic Hazards Overlay GHO Faults, GHO Landslides Topography Landslide Information Deposits Landslide Identification; Landslide Susceptibility Overview of High for the vacant lot of the proposed new construction. Along with the GHO Faults and GHO Landslides Topography. The proposed new construction is located in the landslide hazard area and with the Federal legislation for the National Landslide Preparedness Act, any disturbance in soil and topography is not allowable.

16. Astoria, Oregon, Development Code, Article 14 Overlay Zones, 14.600 Sensitive Bird Habitat Overlay Zone. The proposed new construction has sensitive bird habitat nesting occurring and any type of disturbance is not allowed on the property. There are conservancy groups that will purchase property from landowners to compensate for the inability to complete any sort of improvements on the property.

The proposed new construction does not meet the City of Astoria Development Code, and Conditional Use Application needs to be denied.

Please do not hesitate to contact me directly with my information below.

From,

/s/Susan Tadei

Susan Tadei 360-930-1429 suetadei@gmail.com

14.001

shall be free of structural encroachments. Parking within a view corridor is allowed unless otherwise specified.

(Added by Ord 19-14, 10-21-2019)

(Section 14.001 added by Ord 15-09, 12-7-2015)

APR 2 9 2021

14.002. RESOLVING CONFLICTS WITHIN THE CODE. (Section 14.002 added by Ord 19-06, 7-1-2019)

Community Development
CITY OF ASTORIA

8. Tadei attachment

- A. This article shall control in the event of a conflict with other sections of the Astoria Development Code.
- B. The more stringent provision shall control in the event of a conflict between Article 14 and any overlay zone.
- C. When applying design review guidelines, the following rules apply:
  - The terms building and structure may be used interchangeably in the Riverfront overlay zones (Gateway Overlay, Bridge Vista Overlay, Neighborhood Greenway Overlay, Civic Greenway Overlay, and Urban Core Overlay).
  - 2. The following guidelines apply when reviewing visual-impact to a historic building/structure:
    - a. The relationship to historic buildings is more important than the relationship to historic structures, sites, or objects.
    - b. The visual impact upon an historic structure, site, or object shall be considered rather than a simple comparison of the relative mass, scale and/or size.
    - c. The proposed construction should respect both the existing and/or the original historic spatial relationship between buildings.
    - d. The proposed construction should be appropriately located and scaled with respect to an historic building/structure, site, or object to maintain the historic character of the site and setting.
    - e. New construction should be located so that it will not negatively impact the character of an historic building, site, or setting.

14.002

f. The design and materials of any proposed construction should include elements that relate favorably to, but do not need to replicate, the design and materials of the historic structure.

(Section 14.002 added by Ord 19-06, 7-1-2019)

#### 14.003. APPLICABILITY.

The provisions of the Gateway and Riverfront Vision Overlay Zones shall apply to all new construction or major renovation as noted in the specific code Sections, unless otherwise specified by the provisions in the Sections and as follows:

- Landscaping standards in Article 14 and in Section 3.120 and 3.125 of this code shall apply to all new development and to the entire site when major renovations are proposed.
- 2. In the case of major renovation, only the proposed work shall be required to comply with standards of this Article not related to landscaping. Existing structural features not proposed to be altered are not required to be brought into compliance with non-landscaping standards at that time.

(Section 14.003 added by Ord 20-02, 1-21-2020)

S. Tadei attachment

CU20-10

SBHO: SENSITIVE BIRD HABITAT OVERLAY ZONE

E C EHV1€61 APR 2 9 2021

14.600.

PURPOSE AND AREA INCLUDED.

Community Development

The purpose of this overlay zone is to establish additional requirements for habitat areas identified as critical for the Great Blue Heron, Northern Bald Eagle, Osprey, or other sensitive bird species to insure that the areas are protected from the effects of conflicting uses or activities.

The areas subject to the requirements of the Sensitive Bird Habitat Overlay Zone include nest trees, vegetative buffers, perching and fledgling trees, and other key habitat components associated with Bald Eagles, Osprey, and Great Blue Herons. When sensitive bird habitats are identified and a decision is made to protect an identified habitat under Statewide Planning Goal 5, then the Sensitive Bird Habitat Overlay shall be added to the Comprehensive Plan, mapped on the Astoria Land Use and Zoning Map, and become subject to the requirements of the Sensitive Bird Habitat Overlay Zone.

The requirements of the SBHO Zone will be implemented through a site specific management plan developed to insure that potential uses and activities will neither destroy nor result in the abandonment of sensitive bird habitat areas.

(Section 14.600 renumbered by Ord 14-09, 10-16-14; Section 14.600 formerly 2.930 added by Ordinance 94-11, 9-19-94)

# 14.605. <u>GENERAL PROVISIONS</u>.

- A. Once a sensitive bird habitat has been identified, Oregon Department of Fish and Wildlife shall be consulted to determine that the area is an actively used habitat for a sensitive bird species.
- B. A site specific management plan shall be developed when the City of Astoria and Oregon Department of Fish and Wildlife identify a sensitive bird habitat area as described in Section 2.930.
- C. The management plan shall clearly map the sensitive habitat area, appropriate buffers, nests, and roosts. The management plan will consider measures to address critical nesting periods.
- D. Site specific management plans may need to be periodically reviewed and updated to address potential impacts not considered during the initial plan development.

(Section 14.605 renumbered by Ord 14-09, 10-16-14; Section 14.605 formerly 2.935 added by Ordinance 94-11, 9-19-94)

Article 14 - Page 244

SBHO 14.610

#### 14.610. <u>USES PERMITTED OUTRIGHT AND CONDITIONAL USES.</u>

- A. Uses and activities listed in the underlying zone are allowed subject to the procedures and requirements specified in the underlying zone and additionally to any Development Standards and Procedural Requirements which may be identified in the site specific management plan referred to in Section 14.605.
- B. The SBHO Zone does not regulate Forest Practices on forest lands outside the Urban Growth Boundary. Requirements of the Forest Practices Act will be applied to sensitive bird habitats located on forest lands outside the Urban Growth Boundary through the requirements of the Oregon Department of Forestry.

(Section 14.610 renumbered by Ord 14-09, 10-16-14; Section 14.610 formerly 2.940 added by Ordinance 94-11, 9-19-94)

SBHO 14.620

# MANAGEMENT PLAN FOR THE YOUNGS BAY/BROWN CREEK GREAT BLUE HERON ROOKERY

#### 14.620. <u>DEFINITIONS</u>.

As used in Sections 14.600 through 114.630, unless the context requires otherwise, the following words and phrases shall mean:

<u>PRIMARY NEST ZONE</u>: The area encompassing the next trees of the Great Blue Heron Rookery. The primary nest zone is delineated by identifying the nest trees on the outer perimeter.

<u>BUFFER ZONE</u>: The buffer is an area extending 300 feet around the primary nest zone, measured from the nest trees on the perimeter of the primary nest zone.

(Section 14.620 renumbered by Ord 14-09, 10-16-14; Section 14.620 formerly 2.950 added by Ordinance 94-11, 9-19-94)

#### 14.625. BACKGROUND SUMMARY.

The Youngs Bay/Brown Creek Heron Rookery is located on the City's South Slope in a drainage area commonly known as Brown Creek. The Rookery is approximately half within Astoria City limits and half within the unincorporated area of Clatsop County.

A May 1993 survey of the Heron Rookery, conducted by Oregon Department of Fish and Wildlife (ODFW), found 135 active nests and six inactive nests. The active nests were located in 31 trees. Oregon Department of Transportation (ODOT) and ODFW mapped the primary nesting area, identifying the nest trees on the outside perimeter of the nest zone (see attached map).

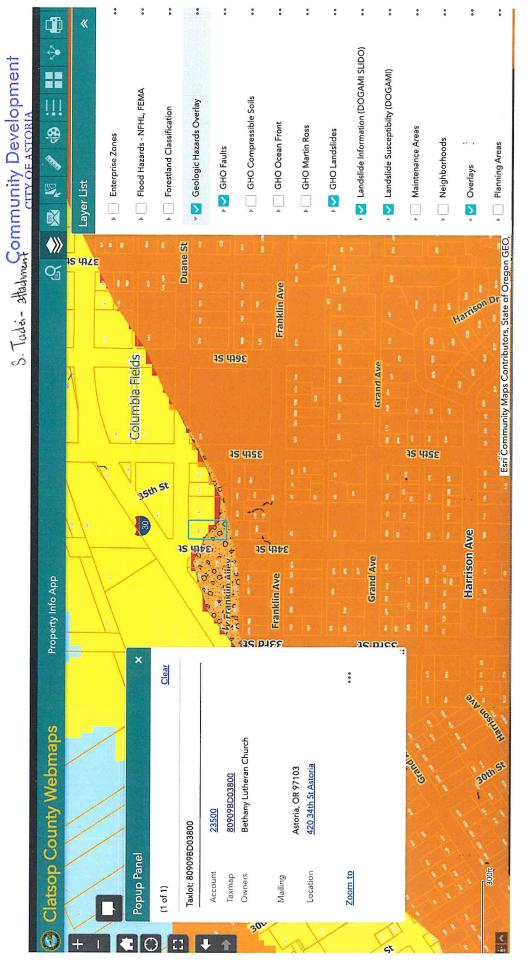
In accordance with ODFW's guidelines for heron rookeries, all trees within a primary nest zone (area encompassed by a boundary drawn to enclose all nest trees) will be protected, and a buffer zone 300 feet around the primary nest zone will be designated to provide alternate nest trees, allow colony growth, and minimize wind damage. Wind throw at the site is high. Activities that could result in major disturbances during the nesting season, February 1 through July 31, shall be avoided within this buffer zone unless reviewed and authorized by the City of Astoria.

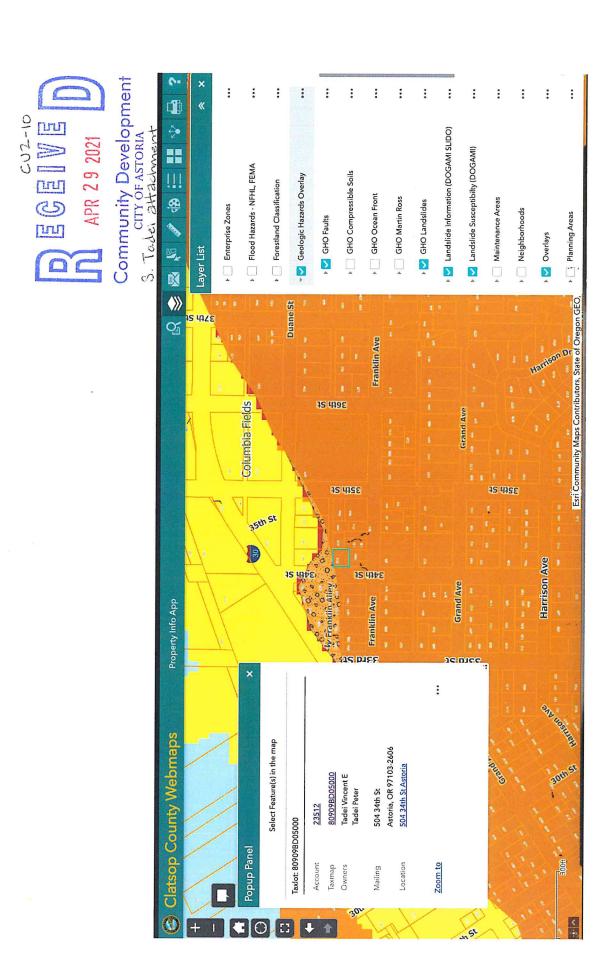
The City of Astoria has determined, through the Goal 5 process (ESEE Analysis), that the benefits to the area gained from construction of the proposed Astoria By-Pass out-weigh the anticipated adverse impacts and support construction of the proposed Astoria By-Pass.

(Section 14.625 renumbered by Ord 14-09, 10-16-14; Section 14.625 formerly 2.955 added by Ordinance 94-11, 9-19-94)

Article 14 - Page 246







#### **ARTICLE 11**



#### **CONDITIONAL USES**

#### 11.010. PURPOSE.

The purpose of the conditional use process is to allow, when desirable, uses that would not be appropriate throughout a zoning district or without the restrictions in that district, but would be beneficial to the City if their number, area, location, design, and relation to the surrounding property are controlled.

#### 11.020. APPLICATION AND PROCEDURES.

#### A. Procedures.

1. Application.

A request for a new, enlarged or otherwise altered development listed in the Development Code as a conditional use shall be made on forms provided by the Community Development Department. The Community Development Director shall specify what information is required for the application; additional information may be required where determined by the Director and reviewed by the Astoria Planning Commission or Community Development Director.

Public Notice.

Public notice and procedures on applications shall be in accordance with the Administrative Procedures in Article 9 except as noted in Section 11.022.

(Section 11.020.A amended by Ord 19-07, 7-1-2019)

#### B. Decision.

The Community Development Director and/or Planning Commission shall base their decision on whether the use complies with:

- 1. Applicable policies of the Comprehensive Plan.
- 2. Applicable aquatic and shoreland standards in Article 4.

11.020

- 3. For aquatic areas, whether the use or activity meets the resource capability and purpose of the zone in which it is proposed when such a determination is required in accordance with Article 5.
- 4. For aquatic uses, the findings of an Impact Assessment where required by Article 5.
- 5. Development standards of the applicable zone.
- 6. Basic conditional use standards of Section 11.030.
- 7. Appropriate conditional use standards of Section 11.130 to 11.170.

(Section 11.020.B amended by Ord 19-07, 7-1-2019)

11.022. <u>CLASSIFICATION OF CONDITIONAL USE REVIEW</u>. (Section 11.022 added by Ord 19-07, 7-1-2019)

Permits shall be processed and reviewed as a Type II or Type III permit in accordance with the procedures specified in Sections 9.020 to 9.030 as follows:

A. Type II Procedure (Administrative/Staff Review with Notice).

Type II includes minor conditional uses which are minimal uses and which will have little or no impact on adjacent property or users. Administrative approval by the Community Development Director of Type II conditional uses may be granted.

Type II conditional uses include:

- 1. Home Stay Lodging in conjunction with an Accessory Dwelling Unit.
- 2. Accessory Dwelling Unit in R-1 Zone.
- B. Type III Procedure (Quasi-judicial with Public Hearing).

Type III includes conditional uses which are significant and are likely to create impacts on adjacent property or users. A Type III conditional use may be granted by the Planning Commission.

(Section 11.022 added by Ord 19-07, 7-1-2019)

11.030

#### 11.030. BASIC CONDITIONAL USE STANDARDS.

- A. Before a conditional use is approved, findings will be made that the use (except for housing developments) will comply with the following standards:
  - 1. The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use.
  - 2. An adequate site layout will be used for transportation activities.

    Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements.
  - 3. The use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.
  - 4. The topography, soils, and other physical characteristics of the site are appropriate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.
  - 5. The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.
- B. Housing developments will comply only with standards 2, 3, and 4 above.

### 11.040. SPECIAL CONDITIONS.

#### A. Non-Residential.

In permitting a conditional use or the modification of an existing conditional use not involving a housing development (e.g. multi-family development, manufactured dwelling park), the Planning Commission may impose, in addition to those standards and requirements expressly specified in this Code, other conditions which it considers necessary to protect the best interest of the surrounding property or the City as a whole. These conditions are:

1. Controlling the location or placement of buildings on land or over aquatic area;

11.040

- 2. Increasing the required lot size or yard dimensions;
- 3. Reducing the required height and size of buildings;
- 4. Controlling the location and number of vehicle access points;
- 5. Increasing the required off-street parking spaces;
- 6. Increasing the required street width;
- 7. Limiting the number, size, location, and lighting of signs;
- 8. Requiring diking, fencing, screening, landscaping, berms, or other items to protect adjacent or aquatic areas;
- 9. Designating sites for open space;
- 10. Specifying the types of materials to be used;
- 11. Specifying the hours of operation and/or time of year the activity may occur;
- 12. Completion of a monitoring program.

#### B. Residential.

In permitting a conditional use, or the modification of a conditional use, involving a housing development, the Planning Commission may impose Conditions 4, 6, 7, 8, and 9 above.

#### 11.050. EXISTING CONDITIONAL USES.

In the case of a use existing prior to its present classification by this Code as a conditional use, any change in use or in lot area or any alteration of a structure will conform with the requirements dealing with conditional uses.

#### 11.060. EXPANSION OF AN EXISTING CONDITIONAL USE.

- A. The Community Development Director may authorize the expansion of an existing conditional use not to exceed 10% of the gross floor area of the use, or, where a use does not involve a structure, 10% of the gross site area of the use, in accordance with Article 9.
- B. The Planning Commission may authorize the expansion of an existing conditional use in excess of 10% of the gross floor area of the use, or, where a use does not involve a structure, 10% of the gross site area of the use, in accordance with Article 9.

Article 11 - Page 4

11.070

### 11.070. PERFORMANCE BOND.

The Planning Commission may require that the applicant for a conditional use furnish to the City a performance bond up to, and not to exceed, the value of the cost of the required improvements in order to assure that the conditions imposed are completed in accordance with the plan and specifications as approved by the Planning Commission and that the standards established in granting the conditional use are observed.

11.080

#### SPECIAL CONDITIONAL USE STANDARDS

#### 11.080. ANIMAL HOSPITAL OR KENNEL.

Pens shall be enclosed to the extent that noise and odor does not affect adjacent property. Kennels shall be connected to City sewers for animal waste disposal. No more than 50 animals shall be kept on site at any time.

#### 11.090. <u>AUTOMOTIVE SALES AND SERVICE.</u>

Service stations shall be located on a site of at least 20,000 square feet. Body and paint shops shall contain all noise, fumes, odors or other emissions on site. Materials or parts shall be stored in an enclosed structure or behind a fence or hedge.

#### 11.100. <u>DRIVE-THRU PURCHASE OR SERVICE FACILITIES.</u>

No use with a drive-thru purchase or service facility which makes it possible for a person to transact business from a vehicle will be permitted unless the City Engineer determines that the access is adequate, and will not unduly restrict traffic flow.

#### 11.110. <u>LIGHT MANUFACTURING</u>.

#### A. <u>Nuisances</u>.

No use shall generate odor, dust, gas, fumes, glare or vibration beyond the property line or site boundary.

#### B. Storage.

Storage of materials and equipment shall be screened from adjacent properties or public streets by sight-obscuring fencing, landscaping or both. Clear vision areas shall not be obscured.

#### C. Buffer.

Where a use abuts a residential zone, or other sensitive use (regardless of the presence of a street) a buffer of at least 10 feet shall be established. Such buffer may include plantings, berms, walls, and fencing adequate to provide a separation of the use from the residential area.

#### D. Lighting.

All uses shall comply with applicable lighting standards in Section 3.128.

Article 11 – Page 6

(Adopted 10-8-92)

11.120

(Section 11.110.D amended by Ord 19-05, 6-17-2019)

#### E. <u>Parking</u>.

Uses shall have adequate parking, loading, maneuvering, and vehicle storage areas so as not to impact adjacent public streets or parking facilities. Ingress and egress shall be limited so as to direct parking onto arterial or collector streets.

#### 11.120. MANUFACTURED DWELLING PARK.

Before a manufactured dwelling park is approved as a conditional use, findings will be made that the use will comply with the following standards:

#### A. State Standards.

A manufactured dwelling park shall conform to State standards in effect at the time of construction.

#### B. <u>Size of Spaces</u>.

Spaces in the parks shall be sized as follows:

- 1. Spaces for doublewide units (24 to 28 feet wide) shall be a minimum of 4,000 square feet.
- 2. Spaces for singlewide units (14 to 16 feet wide) shall be a minimum of 3,500 square feet.
- 3. Spaces for "park units" (8 feet wide) shall be a minimum of 3,000 square feet.

#### C. Use of Spaces.

Spaces shall be clearly defined and shall be exclusively used for the private use of the tenant of the space.

#### D. Setbacks.

Manufactured dwellings shall be located within their designated spaces with the following setbacks:

- 1. Front yard: 15 feet.
- 2. Side yard: 5 feet.

Article 11 – Page 7

11.120

3. Rear yard: 15 feet.

#### E. Park Setbacks.

Manufactured dwellings shall be located at least 25 feet from the property lines of the manufactured dwelling park.

#### F. Flood Hazard Protection Standards.

Manufactured dwellings placed in the manufactured dwelling park shall conform to the provisions of the Flood Hazard Protection Standards Sections 2.800 through 2.825.

#### G. Streets.

Streets in a manufactured dwelling park may be dedicated to the City or may be retained in private ownership. Private streets shall be constructed to City standards, except that two-way streets may be 24 feet wide, and one-way lanes may be 18 feet wide. Storm drain facilities shall be installed throughout the manufactured dwelling. Streets dedicated to the City shall meet City standards. All streets shall be approved by the Public Works Director.

#### H. <u>Street Frontage</u>.

Each space shall abut a street for a minimum distance of 20 feet.

#### I. Easements.

Easements necessary for public utilities and installation of fire hydrants shall be required by the Public Works Director at appropriate locations.

#### J. Buffers.

The Planning Commission may require buffers of sight obscuring fences, hedges, and/or berms, between the park and adjacent property, and between potentially conflicting uses such as campgrounds or accessory uses. Buffering may be waived where it is unnecessary due to topographical features or existing tree cover.

#### K. Open Space.

A minimum of 20% of the overall area of the park shall be devoted to common open space. Open space may also include playgrounds, natural areas, streams and wetlands, but shall not include individual setback areas, streets or utility areas.

#### L. Oregon Insignia of Compliance.

Article 11 – Page 8

Manufactured dwellings shall bear the Oregon Insignia of Compliance and conform to the standards of the Buildings Codes Agency.

#### M. Skirting.

Manufactured dwellings shall have a continuous skirting of non-decaying, non-corroding material which shall be installed within 30 days of placement of the unit.

#### N. Tie-Downs.

All manufactured dwellings shall be installed with tie-downs to protect the manufactured dwelling against wind and storm damage. Tie-downs shall be installed prior to occupancy of the unit.

#### O. Parking.

- 1. Manufactured dwellings shall conform to the parking requirements for single-family dwellings, as specified in Article 7.
- 2. There shall be two (2) vehicle parking spaces for each manufactured dwelling space; parking spaces may be designed end-to-end, side-to-side, or provided in off-street parking areas as approved by the Community Development Director.

#### P. Signs.

Signs shall be in conformance with Article 8.

#### Q. On-Site Storage.

Furniture, tools, equipment, building materials, or supplies belonging to the management of the park stored outdoors shall be screened. Screening shall be sight-obscuring and shall blend with the park environment.

#### R. Walks.

Provisions shall be made for hard-surfaced, well-drained walks, not less than 48 inches in width, from each manufactured dwelling space to the park buildings, and to a public street or park roadway.

#### S. <u>Lighting</u>.

11.120

Roadways and walkways designed for the general use of the park residents shall be lighted during the hours of darkness. Such lighting shall not be under control of the manufactured dwelling occupant.

All uses shall comply with applicable lighting standards in Section 3.128. (Section 11.120.S amended by Ord 19-05, 6-17-2019)

#### T. Driveway.

Each manufactuared dwelling space within the park shall have direct access to a park roadway or to a public street which the park abuts on both sides. The driveway shall be an unobstructed area, not less than ten (10) feet in width, and shall be constructed of hard surface materials and well drained.

#### U. Decks and Patios.

Each manufactured dwelling space shall be provided with one or more slabs or decks adjacent to the manufactured dwelling stand, constructed of concrete, asphalt, flag stone, wood, or other equivalent surface material which singly or in combination, total not less than 100 square feet of area and are not less than four (4) feet in width in their least dimension.

#### 11.130. MULTI-FAMILY DWELLING.

(Section 11.130 renumbered as 3.155 and amended by Ordinance 95-05, 2-6-95)

#### 11.140. PUBLIC OR SEMI-PUBLIC USE.

Traffic will not congest nearby streets, and structures will be designed or landscaped so as to blend into the surrounding environment and be compatible with the adjacent neighborhood. The activities or hours of operation will be controlled to avoid noise or glare impacts on adjacent uses.

#### 11.160. <u>CLUSTER DEVELOPMENT PROVISIONS.</u>

#### A. Purpose.

The purpose of cluster development is to achieve the following objectives:

- 1. Maintain open space;
- 2. Reduce street and utility construction, and maintenance;
- 3. Separate automobile traffic from residential areas; and

Article 11 – Page 10

4. Reduce site development and housing costs.

#### B. Description.

Cluster Development is a development technique wherein house sites or structures are grouped closer together with the remainder of the tract left in its natural state or as landscaped open space. Clustering can be carried out in the context of a major or minor partition, subdivision, or through a conditional use. It differs from a Planned Development in that it may be done on a smaller site, does not necessarily have a mixture of housing types and uses, and is done in a unit, rather than planned phases. Cluster Developments may incorporate single-family structures and their associated uses. Steep slopes, stream banks or other sensitive lands should remain in their natural condition, but may be used in density calculations.

(Section 11.160(B) amended by Ordinance 95-05, 2-6-95)

#### C. Streets.

Streets and roads will not be used for density calculations, and will conform to city standards. The planning commission may allow for reductions in street width where the land is steep, the street serves a limited number of dwellings, and off-street parking requirements are met.

#### D. Open Space.

Provisions for the long-term maintenance of open space shall be provided through a homeowners' association or other legal instrument.

#### E. Other Code Standards.

1. Cluster developments shall adhere to all of the standards of the zone, except that a reduction of lot size and yard requirements is permitted so long as overall lot coverage, open space, and density requirements are met.

(Section 11.160(E) amended by Ordinance 95-05, 2-6-95)

- 2. Structures may be in single ownership, be individually owned, or in condominium ownership.
- 11.170. WHOLESALE TRADE, WAREHOUSE, MINI-STORAGE, AND/OR DISTRIBUTION ESTABLISHMENTS IN THE CENTRAL COMMERCIAL ZONE.

#### A. Location.

Article 11 - Page 11

(Adopted 10-8-92)

11.170

Where such establishments are located in the C-4 Zone (Central Commercial), they shall be restricted to the basement of buildings.

### B. Loading and Unloading.

Such establishments shall provide off-street loading and unloading space capable of accommodating projected traffic.



N- CH 20-10

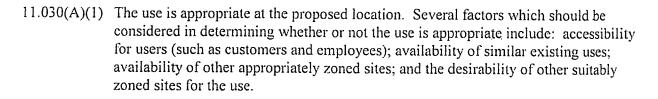
Fee Paid Date	11/30/20	_By_ck#7765

No. CU 20 10	**	Fee: \$500.00
CONDITIONAL USE APPLIC	CATION	
Property Address: 420 34th street		
1, 2, and west Lot 18.75' Lot 3 Block 18	Subdivision	Adairs Port of Upper Astoria
Map T8N-R9W 9BD Tax Lot 3800 & 3900	Zone	R2
Applicant Name: RDA Project Management LLC		
Mailing Address: PO BX 1417 Astoria OR 97103		
Phone:503 440 0059 Business Phone:	Email: rai	ndystemper@gmail.co
Property Owner's Name: Bethany Lutheran Church		
Mailing Address: 451 34th st Astoria OR 9710	)3	
Business Name (if applicable):		
Signature of Applicant: Date:	3 4 2021 Date	: March 3,2021
Existing Use: vacant lot		
Proposed Use: New construction 5000 sqr foot multi use annex footch	or the church v	with 1,845 sqft covere
Square Footage of Building/Site: 25311 sqr ft	.58 a	cres
Proposed Off-Street Parking Spaces:18		<u>_</u>
SITE PLAN: A Site Plan depicting property lines and the location tructures, parking, landscaping, and/or signs is required. The Plantoperty lines and dimensions of all structures, parking areas, and/or acceptable.	n must include	distances to all
For office use only:		

Application Complete:	Permit Info Into D-Base:	11-5-20
Labels Prepared:	Tentative APC Meeting Date:	Man 4,2021
120 Days:		

**FILING INFORMATION**: Planning Commission meets on the fourth Tuesday of each month. Completed applications must be received by the 20th of the month to be on the next month's agenda. A Pre-Application meeting with the Planner is required prior to acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Planning Commission meeting is recommended.

Briefly address each of the following criteria: Use additional sheets if necessary.



The property is a flat lot across the street from the church. It was purchased in the 1980's for expansion of the church facilities. The current zoning allows such use as a conditional use. The church and its accessory uses are classified as a semi-public use. Semi-public use is a conditional use in all zones, so location on the lot adjacent to the existing church is appropriate.

11.030(A)(2) An adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements.

We are requesting a conditional use to place a 5100 sqr foot building on a flat lot of .58 acres. The access point is an existing driveway on the NW corner of the property. 18 marked parking sites will be on site with area to add over flow parking if needed. The structure would generally not be used at the same time as the church functions and both facilities would share use of all parking spaces on this lot and the church site. The refuse collection is proposed for the SE corner of the property accessed thru the parking area. Existing site layout and the proposed site plan are included with the application. 4 bicycle parking spaces will be provided (one is required). The adjacent properties legal access is by way of a city owned ally.

11.030(A)(3) The use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.

The building will connect to existing city utilities. The site plan will be reviewed by the city public works for connection points. Astoria Fire department will review the final plans and add comments before the building permit is issued. The Church pastor/congregation has always self-policed their property. In doing so they have had very little need for police protection in the past. The covered area will have sufficient lighting and measures to discourage the use of the area by individuals without the permission of the church. Lighting fixture types and locations will be shown on the electrical permit. Lighting will be shielded from adjacent property per city requirements.

11.030(A)(4)	The topography, soils, and other physical characteristics of the site are appropriate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.
crat · ·	
	s a flat lot at the base of the hill. The foundation is slab on grade which requires minimal
excavation. A	ny requirements for a geologic study requested by the city will be provided.
11.030(A)(5)	The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.
All cathooks v	•
	vill be maintained. Proposed landscape areas shown on the site plan are on all four sides property. Landscape plan will be provided with the permit application as required by the
<del></del>	_

.. .

From: Sent:

loana Olaru <joanasbestcare@aol.com> Wednesday, April 28, 2021 7:16 PM

To:

Tiffany Taylor

Cc:

ty.pettit@unionbank.com

Subject:

Attachments:

Bethany Lutheran proposed community center

Opposition Letter to Bethany Lutheran Community Center Development -April 28 -

2021.docx

### \*\*\*\*\*EXTERNAL SENDER\*\*\*\*

My husband Ty, and I are planning our retirement to Astoria - the house we own on Franklin Ave. is our dream spot in every way.

That's why we are very concerned about the proposed building by the Bethany Lutheran Church - yet a very noble idea and gesture!

Please find attached our formal objection to the development of the project.

VTY,

# Joana Olaru

F 503.892.1885 C 503.577.4292 P 503.646.9068



SENIOR SKILLED CARE LIVING

www.alpinehousecare.com

Like us on Facebook

April 28, 2021



CITY OF ASTORIA

Attn: PLANNING DIVISION COMMUNITY DEVELOPMENT DEPT 1095 Duane Street Astoria, OR 97103 503-338-5183 comdevadmin@astoria.or.us

Community Development: Joana Olaru and Ty Pettit 3406 Franklin Ave Astoria, OR 97106 503-314-6241 ty.pettit@unionbank.com

# RE: Conditional Use Request (CU20-10) by RDA Project Management LLC for Bethany Lutheran Church

Attn: **Planning Commission Tiffany Taylor** 

We, Joana Olaru and Tyram Pettit, are writing to express our opposition to Conditional Use Request (CU20-10) by RDA Project Management LLC for Bethany Lutheran Church.

A huge primary concern is that the proposed project site is in a DESIGNATED SLIDE AREA on the City of Astoria's GIS Map and website. So is our house: within 100 feet of known movement. Destabilizing the ground beneath the foundation and excavating part of the hillside and property, there is EXTREME potential for the homes above the site - like ours - to shift, destabilize, alter the foundations and change natural water runoff. A new slide is highly likely to occur and should be anticipated. This has already happened two blocks away where a Hauke's Sentry Market / Mini Market was proposed, began digging and was forced to stop. This affected homes and properties from Leif Erickson Drive up to Irving Avenue (5 Blocks) - which resulted in extensive lawsuits. Same as in Safeway's case. The City of Astoria does not need a repeat of such happenings.

An in-depth Geological Study and Environmental Impact Study are the least requirements for this kind of project - and not even that would be a guarantee that in the future our house would not tip or slide down the hill (I am sending a copy of this letter to my Insurance Company as a warning of potential disaster). If any information is available, homeowners should have a right to review the results of such studies.

The potential fire hazard also raises safety concerns. The fire department and other first responders are unable to access the properties on the East side of the proposed structure adequately. This is another issue not to be overlooked: those are designated historic homes & properties with senior residents.

Another issue that also has to be considered is the noise.

The area is naturally shaped in a concave manner and any noise produces a natural echoing and amplification effect which raises the intensity and volume of sound created on the proposed site up hill. The noise of an actively used facility would be a problem for this small, tight-knit community.

While the project is a generous community involvement one, we are strongly opposed to the new building by Bethany Lutheran Church in such a slide zone of Astoria.

Thank you,

/s/ Joana Olaru

/s/ Tyram Pettit

April 29, 2021

Delivered to <a href="mailto:comdevadmin@astoria.or.us">comdevadmin@astoria.or.us</a>
Delivered to <a href="mailto:ttaylor@astoria.or.us">ttaylor@astoria.or.us</a>

City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183

**Attn: Planning Commission** 



My name is Linda Blanchard, address of 271 Shepard Way, Bainbridge Island, Washington. I am writing to express my concerns and objection to the proposed new construction by the Bethany Lutheran Church at 420 34<sup>th</sup> Street, Astoria, Oregon 97103, as shown in the attached Conditional Use Application filed with the City of Astoria Community Development Department on November 30, 2020, under Conditional Use Application CU No. 20-10, and dated for a May 4, 2021, hearing date.

This seems totally unnecessary and disruptive to neighbors in the area by blocking views and creating much more traffic.

The proposed new construction does not meet the City of Astoria Development Code, and Conditional Use Application needs to be denied.

1

Please do not hesitate to contact me directly with my information below.

From,

## /s/Linda J. Blanchard

Name: Linda Blanchard

Address: 271 Shepard Way NW, Bainbridge Island, WA 98110

Phone: (206) 851-7400

Email address: bainbridge271@outlook.com

AP-438

From:

Mm Tadei <mmtadei6@gmail.com> Thursday, April 29, 2021 2:30 PM

Sent: To:

Tiffany Taylor

Subject:

Bethany Lutheran Annex



\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

City of Astoria Planning Commission 1095 Duane Astoria OR

I am opposed to the proposed Bethany Lutheran Annex building project!

The design of the building doesn't fit in with the historical homes of this historical neighborhood.

Also, the proposed project is in a SLIDE DESIGNATED AREA on the City of Astoria's GEO Map.

It is your responsibility to protect the longtime taxpayers of the historical homes in this neighborhood!

Sincerely,

Mary Tadei PO box 11 Astoria OR

### **Tiffany Taylor**

From:

Mark Utti <markutti@q.com>

Sent:

Wednesday, April 28, 2021 8:28 PM

To:

Tiffany Taylor

Subject:

Planning commission bethany lutheran church



Community Development

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

Astoria Planning Commission,

I, Mark Utti, strongly oppose the "conditional use permit" request CU20-10 by RDA project management LLC for Bethany Lutheran Church. Born & raised in Astoria, OR, I strongly believe this project takes away for the character of our unique city. Please refuse this application.

Truly Yours,

Mark Utti (503)338-2231

BEGEIVE D APR 2 8 2021

Community Development / 26/2021

To: PLANING COMMISION MEMBERS
ASTORIA, DR. 97103

DEAR MEMBERS:

I Am WRITING IN RESPONCE TO THE

PROPOSED NEW BUILDING BY MEMERS OF

BE THANK LUTHERAN CHUCK AT 420-34 ST.

MY NAME IS VINCE TADE! THE BUNER

OF THE HOME AT 504-34 ST.; THE HOUSE

BND PROPERTY MOST IMPRETED BY THIS

PROPOSAL.

THERE ARE SEVERAL REASONS FOR MY

REJECTION OF THIS BUILDING. FIRST AND

FORE MOST IS THE DRICINAL LOCATION

OF THE BLDE, WHICH WOULD BE RIGHT

IN FRONT OF BUR VIEW LOOKING NORTH TO

LEIF EL. DR. AND BUR BREAT COLUMBIA

RIDER WHICH WE BLL EN BY EVERY DAY,

THESE VIEWS WOULD BE COMPLETELY BLOCKED

BUT AND NON EXISTENT.

SECOND THE EROUND ELPON WHICH IT WOULD

BE BULIT IS UNDERMINDED WITH ACTIVE CREEKS

AND TOPFILLED WITH DREEE SPOILS FROM THE

1

FORMER ASTORIA PLYNOOD MILL POND

OF WHICH I HAVE WITNESSEE TO.

THIRDLY IS THE HOME LESS POPULATION

WHICH IS EVENTENT EVERY DRY & NIGHT,

IN THE VICINTY OF THE LITTLE LEAGUE

BALL PARK, THE CUSTOM HOUSE AND THE

BETHANY CHURCH ENTRY WAY AND STAIRWELL.

THESE AND SEVERAL MORE REASONS WHICH

WILL BE MADE AVAILABLE AND ARE INFORTANT

REASONS WHY THIS BUILD IN & SHOULD NOT BE

ALLOWED TO BE BUILT IN MY OPINION.

IN ALL DUE RESPECT I HOPE YOU WILL

REVIEW THEM CLOSELY AND RULE AREONDMICLY

AND DENY APPORUAL OF SUCH BAR COING.

THANK YOU! SINEERELY!

Vince Tealer

88 YEARS OLD

AND THIRD GENERATION

BWAER OF 504-3457.

ASTORIA, DR. 97167

PH. 4503-298-1830

, 2021

VIA ELECTRONIC MAIL <a href="mailto:comdevadmin@astoria.or.us">comdevadmin@astoria.or.us</a>
VIA ELECTRONIC MAIL <a href="mailto:taylor@astoria.or.us">taylor@astoria.or.us</a>

APR 2 8 2021

Community Development

CITY OF ASTORIA

City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183

Attn: Planning Commission

My name is RAU, address of 90055 Maxion Dr. Commented 1 am writing to express my concerns and objection to the proposed new construction by the Bethany Lutheran Church at 420 34th Street, Astoria, Oregon 97103, as shown in the attached Conditional Use Application filed with the City of Astoria Community Development Department on November 30, 2020, under Conditional Use Application CU No. 20-10, and dated for a May 4, 2021, hearing date.

Attached you will find the City of Astoria Development Code Article 11 Conditional Use, along with the Clatsop County Zoning Map showing the Landslide Susceptibility Overview of High, along with numerous additional code and concerns that this proposed new construction application will violate.

- 1. Astoria, Oregon, Development Code, Article 11, § 11.010 Purpose, states, "The purpose of the conditional use process is to allow, when desirable, uses that would not be appropriate throughout a zoning district or without the restrictions in that district..." The proposed new construction is not desirable in this historic neighborhood.
- 2. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.1. states, "The use is appropriate at the proposed location. Several factors that should be considered in determining whether or not the use is appropriate include...similar existing uses, availability of other appropriately zoned sites and the desirability of other suitably zoned sites for the use." The use is <u>not</u> appropriate at the proposed location. The Astor School has two gymnasiums, which are located a very short distance from the existing Bethany Lutheran Church and already provide for the public the desired use that is being presented as a need for the proposed new construction. The Catholic Church on Grand Avenue in Astoria has a school, playground, gymnasium, church outbuildings, pastor house, garage, ball fields in a suitable zoned area that are all available to the public to use. There is no shortage of available gymnasiums in the City of Astoria for the proposed use by the Bethany Lutheran Church.

- 3. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.2. states, "Suitability, in part, should be determined by the potential impact these facilities on safety, traffic flow and control and emergency vehicle movements." With the proposed new construction, there will be a tremendous new impact on the already congested use of Leif Erickson Drive/Highway 30 and the larger concern that emergency vehicles will not be able to access the East side of the adjacent historic structures. Historic structures are more vulnerable to the current climate change and the threat of a fire with no ability for emergency vehicles to access the area of concern for the historic structures is a huge concern for a City that is lacking in providing enough emergency services for the population.
- 4. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.3. states, "The use will not overburden existing water, sewer facilities, storm drainage, fire and police protection or other utilities." The City is currently not able to provide for the adequate fire protection services needed in the East end of the City limits. Density housing is a fireman's nightmare, with the inadequate spacing between homes that does not allow for enough green and open space between structures new, and existing. As all the global temperatures rise, setbacks between buildings are not something that can be reduced and ignored;
- 5. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.4. states, "The topography, soils, other physical characteristics of the site are appropriate for the use." The topography, soils, other physical characteristics of the site are not appropriate for any type of construction in the High Landslide Area location. The National Landslide Preparedness Act is new Federal legislation that will not be ignored for the location of the proposed new construction by the Bethany Lutheran Church. The site of the proposed new construction is directly on top of the High Landslide Activity Location Area. See attached landslide map.
- 6. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.5. states, "The use does contain an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses." The adjacent structures are single and multi-family use structures.
- 7. Astoria, Oregon, Development Code, Article 11, § 11.040 Special Conditions, A. Non-Residential, 3. states, "Reducing the required height and size of buildings." The proposed new construction by the Bethany Lutheran Church is overreaching in size, scale, and scope for the existing neighborhood. Stop comparing the Safeway and Hotel across the street from the proposed new construction vacant lot with a different existing zone. The existing commercial buildings should be demolished, and the property should be restored to its original historic use.

- Salmon populations are decimated from the copper brake dust that is consistently draining into the Salmon protected rivers, streams, lakebeds, and asphalt roads and the runoff that is produced is adding to the declining salmon populations.
- 8. Astoria, Oregon, Development Code, Article 11, § 11.140 Public or Semi-Public Use, states, "Traffic will not congest on the nearby streets, and structures will be designed so as to blend into the surrounding environment and be compatible with the adjacent neighborhood." Traffic is congested on Leif Erickson Drive/Highway 30. The proposed new construction does not blend in with the single and multifamily existing structures. Follow your City Code.
- Astoria, Oregon, Development Code, Article 6.070, New Construction, Section B.,
   of the Code states, "The design of the proposed structure is compatible with the design of adjacent historic structures considering scale, style, height, architectural detail and materials." The proposed building is not compatible with the surrounding adjacent structures.
- 10. Astoria, Oregon, Development Code, Article 6.070, New Construction, Section B., 2., of the Code states, "the location and orientation of the new structure is the typical location and orientation of adjacent structures considering setbacks, distances between structures location of entrances and similar siting considerations." The proposed structure is not typical with the adjacent structure's orientation.
- 11. Astoria, Oregon, Development Code, Article 6.070, New Construction, Section C. Historic Design Review in Overlay Zones of the Code states, "When reviewing a New Construction permit application within a Riverfront Vision Overlay Zone, the Historic Landmarks Commission shall apply to all historic designated buildings visible within three blocks of the project site not just the adjacent historic structure." The proposed building violates the Code.
- 12. Astoria, Oregon, Development Code, Article 14 Overlay Zones Definitions View Corridor states, "The unobstructed line of site of an observer looking toward an object of significance to the community, such as the River, historic site, ridgeline, etc. A view corridor shall be free of structural encroachments." This is City Code, and it is required to be followed.
- 13. Astoria, Oregon, Development Code, Article 14 Overlay Zones, 14.002 Resolving Conflicts within the Code. A. states, "This article shall control in the event of a conflict with other sections of the Astoria Development Code."
- 14. Astoria, Oregon, Development Code, Article 14 Overlay Zones, 14.002 C.2 states, "The following guidelines apply when reviewing visual impact to a historic building/structure:

- a) The relationship to historic buildings is more important than the relationship to historic structures.
- b) The visual impact upon a historic structure shall be considered rather than a simple comparison. Stop comparing the historic neighborhood to the commercial buildings of Safeway and the Hotel across from the proposed new construction site.
- c) The proposed construction should respect both the existing and the original historic spatial relationship between buildings. The proposed new construction is in violation of the open space alley that is designated on the original recorded subdivision plat.
- d) The proposed construction should be appropriately located and scaled with respect to an historic building to maintain the historic character of the site and setting. The proposed new construction dominates the existing historic replica of the Customs House and the surrounding existing historic structures. The proposed new construction is beyond overreach in scale and size.
- e) New construction should be located so that is will not negatively impact the character of a historic building. The proposed new construction negatively impacts the existing historic structures in the entire neighborhood with proposed garage doors as the entrances to an oversized modern not historic replica building."
- 15. Geologic Hazards Overlay GHO Faults, GHO Landslides Topography Landslide Information Deposits Landslide Identification; Landslide Susceptibility Overview of High for the vacant lot of the proposed new construction. Along with the GHO Faults and GHO Landslides Topography. The proposed new construction is located in the landslide hazard area and with the Federal legislation for the National Landslide Preparedness Act, any disturbance in soil and topography is not allowable.

The proposed new construction does not meet the City of Astoria Development Code, and Conditional Use Application needs to be denied.

\_\_\_\_\_ \_\_\_\_ \_\_\_\_ 2021



VIA ELECTRONIC MAIL <a href="mailto:comdevadmin@astoria.or.us">comdevadmin@astoria.or.us</a>
VIA ELECTRONIC MAIL <a href="mailto:taylor@astoria.or.us">taylor@astoria.or.us</a>

City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183

Attn: Planning Commission

My name is Muthub, address of 35 bb 16 bb, In Astoria, OR

\_\_\_\_\_\_. I am writing to express my concerns and objection to the proposed new construction by the Bethany Lutheran Church at 420 34th Street, Astoria, Oregon 97103, as shown in the attached Conditional Use Application filed with the City of Astoria Community Development Department on November 30, 2020, under Conditional Use Application CU No. 20-10, and dated for a May 4, 2021, hearing date.

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- 1. Astoria, Oregon, Development Code, Article 11, § 11.010 Purpose, states, "The purpose of the conditional use process is to allow, when desirable, uses that would not be appropriate throughout a zoning district or without the restrictions in that district..." The proposed new construction is not desirable in this historic neighborhood.
- 2. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.1. states, "The use is appropriate at the proposed location. Several factors that should be considered in determining whether or not the use is appropriate include...similar existing uses, availability of other appropriately zoned sites and the desirability of other suitably zoned sites for the use." The use is <u>not</u> appropriate at the proposed location. The Astor School has two gymnasiums, which are located a very short distance from the existing Bethany Lutheran Church and already provide for the public the desired use that is being presented as a need for the proposed new construction. The Catholic Church on Grand Avenue in Astoria has a school, playground, gymnasium, church outbuildings, pastor house, garage, ball fields in a suitable zoned area that are all available to the public to use. There is no shortage of available gymnasiums in the City of Astoria for the proposed use by the Bethany Lutheran Church.

- 3. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.2. states, "Suitability, in part, should be determined by the potential impact these facilities on safety, traffic flow and control and emergency vehicle movements." With the proposed new construction, there will be a tremendous new impact on the already congested use of Leif Erickson Drive/Highway 30 and the larger concern that emergency vehicles will not be able to access the East side of the adjacent historic structures. Historic structures are more vulnerable to the current climate change and the threat of a fire with no ability for emergency vehicles to access the area of concern for the historic structures is a huge concern for a City that is lacking in providing enough emergency services for the population.
- 4. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.3. states, "The use will not overburden existing water, sewer facilities, storm drainage, fire and police protection or other utilities." The City is currently not able to provide for the adequate fire protection services needed in the East end of the City limits. Density housing is a fireman's nightmare, with the inadequate spacing between homes that does not allow for enough green and open space between structures new, and existing. As all the global temperatures rise, setbacks between buildings are not something that can be reduced and ignored;
- 5. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.4. states, "The topography, soils, other physical characteristics of the site are appropriate for the use." The topography, soils, other physical characteristics of the site are not appropriate for any type of construction in the High Landslide Area location. The National Landslide Preparedness Act is new Federal legislation that will not be ignored for the location of the proposed new construction by the Bethany Lutheran Church. The site of the proposed new construction is directly on top of the High Landslide Activity Location Area. See attached landslide map.
- 6. Astoria, Oregon, Development Code, Article 11, § 11.030 Basic Conditional Use Standards, A.5. states, "The use does contain an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses." The adjacent structures are single and multi-family use structures.
- 7. Astoria, Oregon, Development Code, Article 11, § 11.040 Special Conditions, A. Non-Residential, 3. states, "Reducing the required height and size of buildings." The proposed new construction by the Bethany Lutheran Church is overreaching in size, scale, and scope for the existing neighborhood. Stop comparing the Safeway and Hotel across the street from the proposed new construction vacant lot with a different existing zone. The existing commercial buildings should be demolished, and the property should be restored to its original historic use.

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The proposed new construction does not meet the City of Astoria Development Code, and Conditional Use Application needs to be denied.

Please do not hesitate to contact me directly with my information below.

Name: Mathew David Address: 35 bby Dow Un Phone: 503-739-2246 Email address:

From.

# April 28\_, 2021

VIA ELECTRONIC MAIL <a href="mailto:comdevadmin@astoria.or.us">comdevadmin@astoria.or.us</a>
VIA ELECTRONIC MAIL <a href="mailto:ttaylor@astoria.or.us">ttaylor@astoria.or.us</a>



City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183

Attn: Planning Commission

My name is APPLY FORD address of 131 Knapp on MSCIPE, Was a shown in the attached Conditional Use Application filed with the City of Astoria Community Development Department on November 30, 2020, under Conditional Use Application CU No. 20-10, and dated for a May 4, 2021, hearing date.

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Please do not hesitate to contact me directly with my information below.

From,

Address:

Phone:

Email address: Chantausmama a hotmail.com

\_\_\_\_, 2021

VIA ELECTRONIC MAIL <a href="mailto:comdevadmin@astoria.or.us">comdevadmin@astoria.or.us</a>
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City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183

Attn: Planning Commission

My name is Wydt, address of 1811 SE 2nd St Astona, OR My name is Wydt, address of 1811 SE 2nd St Aston

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Please do not hesitate to contact me directly with my information below.

Name: Wyat Oson
Address: 1811 SE 2nd st astoria or Phone: 503-741-5884
Email address:

From,

From:

Sent: To: Chad Romine <chaddromine1@yahoo.com>

Wednesday, April 28, 2021 12:00 PM

Tiffany Taylor

Subject: Bethany Lutheran Church



Community Development

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

Bethany Lutheran Church 34th street project is hard to comprehend as it looks out of place in the historic neighborhood. I speak for many as I feel the project is not needed

Sent from my iPhone

	2021
/	

VIA ELECTRONIC MAIL <a href="mailto:comdevadmin@astoria.or.us">comdevadmin@astoria.or.us</a>
VIA ELECTRONIC MAIL <a href="mailto:taylor@astoria.or.us">taylor@astoria.or.us</a>



City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183

Attn: Planning Commission

My name is KORY K., address of <u>92861 WALLSKI LOOP ASTORIA</u> OR <u>97103</u>. I am writing to express my concerns and objection to the proposed new construction by the Bethany Lutheran Church at 420 34<sup>th</sup> Street, Astoria, Oregon 97103, as shown in the attached Conditional Use Application filed with the City of Astoria Community Development Department on November 30, 2020, under Conditional Use Application CU No. 20-10, and dated for a May 4, 2021, hearing date.

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Please do not hesitate to contact me directly with my information below.

From,

Name: KORY KNUTINEN
Address: 92810 WALLUKI LOOP
Phone: 503 440 5779
Email address: KNUTIMONK & GMAIL. 60M

	2021
 /	

VIA ELECTRONIC MAIL <a href="mailto:comdevadmin@astoria.or.us">comdevadmin@astoria.or.us</a>
VIA ELECTRONIC MAIL <a href="mailto:taylor@astoria.or.us">taylor@astoria.or.us</a>



City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183

Attn: Planning Commission

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The proposed new construction does not meet the City of Astoria Development Code, and Conditional Use Application needs to be denied.

Please do not hesitate to contact me directly with my information below. From,

/\$/\_\_\_\_

Name: Frank WKKO

Email address: Tark 10 KOO MSN. COM

# APr: 28 2021





City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183

Attn: Planning Commission

My name is 1950. address of 6/7 Norman Development Department on November 30, 2020, under Conditional Use Application CU No. 20-10, and dated for a May 4, 2021, hearing date.

Attached you will find the City of Astoria Development Code Article 11 Conditional Use, along with the Clatsop County Zoning Map showing the Landslide Susceptibility Overview of High, along with numerous additional code and concerns that this proposed new construction application will violate.

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The proposed new construction does not meet the City of Astoria Development Code, and Conditional Use Application needs to be denied.

Please do not hesitate to contact me directly with my information below.

From,

J

Name: <u>195</u>0

Address: 617 1

Phone: 303-440 Email address: 1956 Dr seasine GR

jasonpadria ( hmr. (. 10 M

4-28\_,2021

VIA ELECTRONIC MAIL <a href="mailto:comdevadmin@astoria.or.us">comdevadmin@astoria.or.us</a>
VIA ELECTRONIC MAIL <a href="mailto:taylor@astoria.or.us">taylor@astoria.or.us</a>



City of Astoria Attn: Planning Commission 1095 Duane Street Astoria, OR 97103 503-338-5183

Attn: Planning Commission

My name is <u>Den My</u>, address of <u>YZIB</u>, <u>3RD AUL</u>, <u>Jews Me</u> 2000 9713 B. I am writing to express my concerns and objection to the proposed new construction by the Bethany Lutheran Church at 420 34th Street, Astoria, Oregon 97103, as shown in the attached Conditional Use Application filed with the City of Astoria Community Development Department on November 30, 2020, under Conditional Use Application CU No. 20-10, and dated for a May 4, 2021, hearing date.

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The proposed new construction does not meet the City of Astoria Development Code, and Conditional Use Application needs to be denied.

Please do not hesitate to contact me directly with my information below. From,

/s/	
Name: Dennis Hanley Address: 421 B 3RD AVE. Seesife, ORGON. Phone: 503-278-97138 Email address: Abanley 60 5194 8195.com	97138

#### **Tiffany Taylor**

From:

dkru822188@aol.com

Sent:

Wednesday, April 28, 2021 9:30 AM

To:

Tiffany Taylor

Subject:

conditional use request for Bethany Lutheran Church

CU20-10

\*\*\*\*\*EXTERNAL SENDER\*\*\*\* April 28,2021

Attn: Planning Division Community Development 1095 Duane Street Astoria Oregon 97103



Community Development
CITY OF ASTORIA

RE: Conditional Use Request Project Management for Bethany Lutheran Church

I, Debra Krueger, am writing to express my opposition to the Conditional Use Request by RDA Project Mgmt. for Bethany

I am strongly opposed to the new building for the church being built in a neighborhood with historic homes . I am also concerned that the proposed project site is in a Slide Designated Area on the city of Astoria's GIS Map.

Thank you, Debra Krueger

#### **Tiffany Taylor**

From:

Natalie Romine <natalie.mromine@gmail.com>

Sent:

Tuesday, April 27, 2021 2:45 PM

To:

Tiffany Taylor; comedevadmin@astoria.or.us

Subject:

**Building Opposition** 

CU20-10

Community Development

\*\*\*\*\*EXTERNAL SENDER\*\*\*\*

Hi,

I would like to oppose the Bethany Lutheran Church building project on 34th Street, Astoria Oregon. The building size and design is not appropriate for this historical neighborhood. Please consider the long-term residents and consider building elsewhere.

Thank you.

-Natalie Romine

April 27, 2021

Attn: PLANNING DIVISION

COMMUNITY DEVELOPMENT DEPARTMENT

1095 Duane Street Astoria, OR 97103 503-338-5183

comdevadmin@astoria.or.us

Juli Carroll 4214 NE 73<sup>rd</sup> Seattle, WA 98115 206-999-6915 carrollje@comcast.net



RE: Conditional Use Request (CU20-10) by RDA Project Management LLC for Bethany Lutheran Church

Attn: Planning Commission Tiffany Taylor

I, Juli Carroll, am writing to express my strong opposition to Conditional Use Request (CU20-10) by RDA Project Management LLC for Bethany Lutheran Church.

First of all, as a previous resident, frequent visitor & historic preservation advocate, the proposed project would directly touch the property line of the neighboring resident at 504 34<sup>th</sup> St. I am shocked and somewhat suspicious that as some of the people that would be most affected by this proposal, our concerns have not been understood with deeper intention.

A primary concern is the fire hazard, and other safety concerns. The fire department and other first responders are unable to access the properties on the East side of the proposed structure adequately. This is a significant issue to not over look as these are designated historic homes & properties with many elderly individuals living in them.

On a more serious note, the proposed project site is in a DESIGNATED SLIDE AREA on the City of Astoria's GIS Map and website.

In stabilizing the ground beneath the foundation and excavating part of the hillside and property, the EXTREME potential for the homes above the site to shift, destabilize, alter the foundations and change natural water runoff is highly likely and should be anticipated. This has already happened two blocks away where a Hauke's Sentry Market / Mini Market was proposed, began digging and was forced to stop. This affected homes and properties from Leif Erickson Drive up to Irving Avenue (5 Blocks) which resulted in extensive lawsuits. The City of Astoria does not need a repeat of that happening.

Another issue that also has not been considered is the noise of an active use facility. Our area which is naturally shaped in a concave manner, produces a natural echoing and amplification effect which raises the intensity, volume & distance of sound created on the proposed developed site up hill. The noise would be unacceptable for this community.

Finally, what is the environmental impact for this historic community? We have yet to see an Environmental Impact Study for the proposed site. If any information is available, our community should have a right to review the results of such studies.

Those in direction of the future of Astoria's charm, preservation and vision should take special consideration for the heritage, history and message of how it treats it's loyal and lifetime Astorian's.

I am opposed to the new building by Bethany Lutheran Church.

Do not consider approving the proposed building any further.

Thank you, /s/ Juli Carroll

Juli Carroll 206-999-6915 carrollje@comcast.net

August 19, 2021

VIA ELECTRONIC MAIL <a href="mailto:comdevadmin@astoria.or.us">comdevadmin@astoria.or.us</a>
VIA ELECTRONIC MAIL <a href="mailto:ttaylor@astoria.or.us">ttaylor@astoria.or.us</a>

City of Astoria
Attn: Planning Commission
1095 Duane Street
Astoria, OR 97103
503-338-5183

Community Development

Attn: Planning Commission

My name is Linda Blanchard, address of 271 Shepard Way NW, Bainbridge Island, WA 98110. I am writing to express my concerns and objection to the proposed new construction by the Bethany Lutheran Church at 420 34<sup>th</sup> Street, Astoria, Oregon 97103, as shown in the attached Conditional Use Application filed with the City of Astoria Community Development Department on November 30, 2020, under Conditional Use Application CU No. 20-10.

Attached as supporting documentation, you will find a page from the City of Astoria Comprehensive Plan Section CP.070 amended by Ordinance 11-07, 7-5-11, CP.075. Uppertown Area Policies, along with the Clatsop County Zoning Map showing the Landslide Susceptibility Overview of High, code that this proposed new construction application will violate.

- (i) CP.075. Uppertown Area Policies.
  - Refer to policies regarding housing, historic preservation, parks and recreation, transportation, shorelands and estuary, and geologic hazards. [Section CP.070.1 amended by Ordinance 11-07, 7-5-11]
  - 2. The predominantly residential character of the area upland of Marine Drive/Lief Erikson Drive will be preserved.
  - 3. New or expanded commercial or industrial uses along Marine Drive between 23rd and 33rd Street will, whenever feasible, limit their traffic access points to side streets or common driveways.
  - 4. The City should cooperate with the school district to improve the recreational opportunities at Columbia Field near Astor School, possibly in conjunction with the improvements at Gray School.
- Geologic Hazards Overlay GHO Faults, GHO Landslides Topography Landslide Information Deposits Landslide Identification; Landslide Susceptibility Overview of

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The proposed new construction does not meet the City of Astoria Development Code, it is a proposed commercial scale sized building in a Historic Residential Zone, that is not needed as there are two (2) gymnasiums within 1,500 feet of the Church readily available, and as a non-profit a Church is not to attempt to influence legislation at the federal, state or local level. This means contacting, or urging the public to propose, support or oppose legislation. The Conditional Use Application needs to be denied.

Since the June 22<sup>nd</sup> meeting before the Planning Commission, the CU No.20-10 Application received a tentative denial, and the Planning Commission re-opened the hearing to allow for additional testimony, this letter is to be presented to the Planning Commission for the August 24th Planning Meeting.

Please do not hesitate to contact me directly with my information below. From,

#### /s/Linda J. Blanchard

Name: Linda Blanchard

Address: 271 Shepard Way NW, Bainbridge Island, WA 98110

Phone: 206-851-7400

Email address: bainbridge271@outlook.com

City of Astoria Comprehensive Plan CP.070 Area Descriptions and Policies - 15 CP.070. Uppertown Area.

The Uppertown Area, traditionally the Norwegian, Swedish, and Danish section of the City, extends from 23rd Street to 40th Street, and from Irving Street to the pierhead line. A large publicly owned area lies between 18th and 23rd Streets, generally north of Jerome. Although a few scattered residences still exist here, this is the site of the massive 1954 landslide. Single-family residences predominate east of 23rd. South of Irving is the large land reserve owned variously by the City, County, and State. A mixture of industrial, commercial, and public uses lie between Marine Drive and the waterfront. New residential and commercial development has occurred north of Lief Erikson Drive since 2005. Public uses in the area consist of the hospital, the fire and police station, the City shops, Astor School, and the East End Mooring Basin. Open space includes the land reserve, the old landslide area, and Columbia Field.

Zoning in the residential areas is Medium Density Residential (R-2). Marine Drive, which is the commercial center of the area, is mostly zoned General Commercial (C-3), and the area east of 35th Street between the waterfront and Marine Drive is industrial either Marine Industrial Shoreland (S-1), or General Industrial (GI), except for the area between 38th and 39th Street which is zoned Tourist-Oriented Shoreland (S-2A).

Amenities include a stable neighborhood character, a neighborhood grade school, views of the River, good police and fire protection, and extensive commercial services. Problems include landslide hazards and increased traffic through the residential neighborhood due to the single main transportation route along Marine Drive through town.

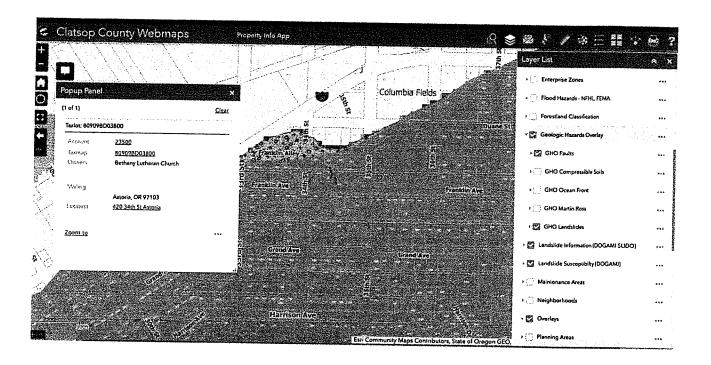
[Section CP.070 amended by Ordinance 11-07, 7-5-11]

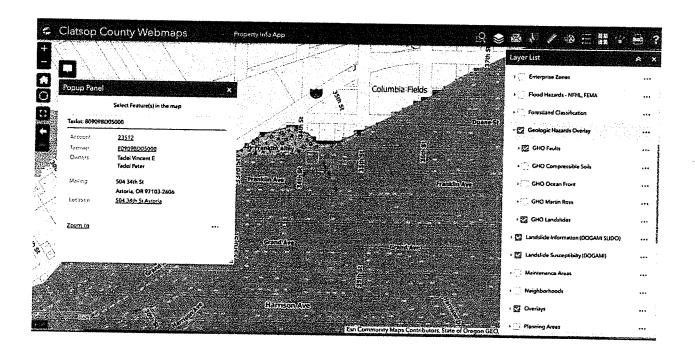
CP.075. Uppertown Area Policies.

 Refer to policies regarding housing, historic preservation, parks and recreation, transportation, shorelands and estuary, and geologic hazards. [Section CP.070.1 amended by Ordinance 11-07, 7-5-11]

### 2. The predominantly residential character of the area upland of Marine Drive/Lief Erikson Drive will be preserved.

- 3. New or expanded commercial or industrial uses along Marine Drive between 23rd and 33rd Street will, whenever feasible, limit their traffic access points to side streets or common driveways.
- 4. The City should cooperate with the school district to improve the recreational opportunities at Columbia Field near Astor School, possibly in conjunction with the improvements at Gray School.





DATE: August 24, 2021

## **PUBLIC COMMENTS**

			500 E
(in person Name: Email:	Magahanks d Sagnard. com  35079 Reth Lann Lave  Colona 97103	Name: Email: Address: City/Zip:	Enc taulson ericultantes mail. Com PO Box 307 / 830 Rienies Lone
Name: Email: Address: City/Zip:	Meckey Cereghino		Katrlynn Cosner Kcosner Zz@astor. akit bra Qossy Peter Juhassa Rel Astoria, OR 97103 CU20-10/in Favor
Name: Email: Address: City/Zip:	RANDY STENDER  POBL 1417  ASTORS DI 97/03 -  CUZO-10/in favor	Name: Email:	Nevach Miche  Nevach Miche  Nevach miche Quinail.com  48 no date are  Worrenton UR, 97146
Name: Email: Address: City/Zip:	SUPPLIENT (15 at 6 Mal. 3936 ABBOXTA, 100 Applicant for CU21-05 /didn't speak	Name:  Email: ( Address: 6 City/Zip:	Andy of Crystal Wintersteen crystaldmother of 30gmail.com

DATE: August 24, 2021

## **PUBLIC COMMENTS**

(ià	Please Sig	gn-In if you wish to speak. (PLEASE PRINT)		
(10	Name:	JACK POWELL		0 1 0 1
	Email:			Rebecca Reid
		129 VEGAS Jack Quallacen 200 NEHALEN AVE		
			Address:	
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(1)	46) 200m	co 20-10/opposed		CU20-10/in favor
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	Name:	Jim Lupancic PPT presentation	Name:	Angie Cereghino
	Email:	jim@ Zuparoup.com	Email:	
	Address:	16580 Fair Mile Rd.	Address:	91248 Ranch Rd.
	City/Zip:	Sisters, OR 97759-9756	City/Zip:	Astoria, OR 97103
		CU20-10/in favor		CU20-10/in favor
(1)				
U	Name:	Melissa Reid -	(13)	1 +
	Email:	Melisse Meid	Name:	Avslin
	Address:		Email:	
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	Name:	Samuel Reid	Name:	Alama Tala
	Email:	Campor 17614	Email:	Alexander Tadei
	Address:			00 11-1 1 - A-1-
	City/Zip:		Address:	ν .
	/r - · P·		City/Zip: _	Astoria, DR 97103
		CU20-10/in favor		ΔΡ-487

**AP-487** 

DATE: August 24, 2021

## **PUBLIC COMMENTS**

	Please Sign-In if you wish to speak. (PLEASE PRINT)  Name: LSU Tude! Romine  Email: LSU Tude! Cowca St. Net  Address: D. O. Box 11  City/Zip: ASTOVIA 01257103	Name: Keyn Com  Email: Kung 2 lahs (a yahou can  Address: 33219 Deerfreld Land  City/Zip: Warentan (h 97/46  CU20-10/in favor
(22)	Name: Jan Jades  Email:  Address: 89563 Lake Side  City/Zip: Was surfand, OR  CU20-10/opposed	Name: Darin Utt.  Email: darin & Sign I signs - com  Address: 27 t/11) top  City/Zip: Seaside 97138  CU20/10 - opposed
	Name: Por Williams Octatsepper.com  Address: 303 Charsop AUB  City/Zip: ASTORIA OR 97103	Name: Riley Pitis  Email: <u>(iley pitis @lotro; locon</u> Address: 3481 Duane ST  City/Zip: <u>Astoria</u> 97/03  cu20-10/opposed
(iv)	Name: Jason E. Hall Email: Jason hall 16 Oyahoo con Address: 3473 Duane St. City/Zip: Astoric of 97103 CU20-10/opposed	Name: Jude Maylich-//a// Email: 73473 Dugne St. Address: Jude a gnail. con City/Zip: Astoria, OR 97/03 CU20-10/opposed AP-488

DATE: August 24, 2021

#### **PUBLIC COMMENTS**

Please Sign-In if you wish to speak. (PLEASE PRINT) (20) Name: F Joana Olaru Name: Email: Email: Address: Address: City/Zip: Astoria, OR 97103 City/Zip: CU20-10/opposed 2) 200m svetadei agmail.com Name: Name: -Email: 9631 NE Midway Ave. Email: Address: Indianola, WA 98342 Address: City/Zip: also: P.O. Box 228 City/Zip: CU20-10 lopposed Name: Name: Email: Email: Address: Address: City/Zip: City/Zip: Name: Name: Email: Email: Address: Address: City/Zip: City/Zip:

DATE: June 22, 2021

	Please Sign-In if you wish to speak. (PLEASE PRINT)	
(2) 11	n person Applicant	3 in person
	Name: Kang Stzanger	Name: Mickey Cerephino
	Address: 70 Bx 1417	Address: 91248 Wallyski Ranch Rd
	City/Zip: Aseria De	City/Zip: Astoria, 012 97103
	Email: CONSTITUEDER COMPARCON	Email: mickeu cereahino Egmail.com
	☐ For ☐ Against ☐ Impartial CU2D-\D	For Against Impartial
a) in	person T L	didn't speak
	Name: Nadia Taulong Fontana	Name: \ M Fortane
	Address: 117 15 the one	Address: 7/7 154 Aug
	City/Zip: Seowlele, OR 97138	City/Zip: Sparse OP 97130
	Email: nadiatortana 70@amail.com	Email:
	☐ For ☐ Against ☐ Impartial	☐ For 🎢 Against ☐ Impartial
67		
	Name: Susan Tadei	Name:
	Address: 9631 NE Midway Ave PO Box 228	Address:
	City/Zip: Indianola, WA 98342	City/Zip:
	Email: Suetadei@amail.com	Email:
	☐ For ☐ Against ☐ Impartial CV20-10	☐ For ☐ Against ☐ Impartial
(x)	Name:	Name:
	Address:	Address:
	City/Zip:	City/Zip:
	Email:	Email:
	☐ For ☐ Against ☐ Impartial	☐ For ☐ Against ☐ Impartial

DATE: June 22, 2021

Please Sign-In if you wish to speak. (PLEASE PRINT)

Name: JOE TAPED dichit speak	Name:
Address: P. O. Box //	Address
City/Zip: ASTORIA	City/7:
Email:	Email:
☐ For ☐ Against ☐ Impartial	☐ For ☐ Against ☐ Impartial
D in person Applicant	P 1
Name: JASON LZIUCSON	Name:
Address: 1619 Masine DR	Address:
City/Zip: ASIOTUA OR 9703	City/Zip:
Email: BIERHBOH HISTAKERCE.	Email:
For Against Impartial	☐ For ☐ Against ☐ Impartial
Name:	Name:
Address:	Address:
City/Zip:	City/Zip:
Email:	Email:
☐ For ☐ Against ☐ Impartial	☐ For ☐ Against ☐ Impartial
	(Din person
Name:	Name: Paul Tadei
Address:	
City/Zip:	Address: 89563 Lakeside Ct
Email:	City/Zip: Warrenton, OR 97146
☐ For ☐ Against ☐ Impartial	Email:
☐ For ☐ Against ☐ Impartial	□ For □ Against □ Impartial CU20-10
	presented phographs AP-491



#### CITY OF ASTORIA Founded 1811 • Incorporated 1856



of the applicant.

\* 227.178 final action on certain applications required within 120 days;

procedure; exceptions; refund of fees. (1) Except as provided in subsections(3)

final action on an application for a permit,

limited land use decision or zone change.

including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete.

(4) The 120-day period set in subsection

(1) of this section may be extended for a

reasonable period of time at the request

and (4) of this section, the governing body of a city or its designee shall take

#### WAIVER OR EXTENSION OF 120 DAY RULE AT APPLICANT'S REQUEST

COMMUNITY DEVELOPMENT

State law requires the City to issue a final decision on land use reviews within 120 days of receiving a complete application. State law also allows an applicant to request in writing an extension of the 120-day review period for up to an additional 245 days.

When extensions are requested, it is important to ensure that there is adequate time to accommodate the required public review. drafting the decision, and any required hearings (including appeals) within the extended review period.

To request an extension of the 120-day review period, submit this

form to the Community Development Department.	(9) A city may not compel an applicant to waive the 120-day period set in		
Applicant: RDA Project Management LLCC	subsection (1) of this section or to waive the provisions of subsection (7) of this section or ORS 227.179 as a condition		
Application Case Number:CU20-10	for taking any action on an application for a permit, limited land use decision or		
Date of Complete Application: 3-11-21 120 days: 9-9-21	zone change except when such applications are filed concurrently and considered jointly with a plan		
Pursuant to ORS 227.178*, the Applicant requests to (check one):	amendment.		
⊠ Extend the 120-day period for an additional days	s to date of12-8-21		
☐ Extends the 120 day period to the maximum extension of 245 days to date of			
Note: The total number of extension requests may not exceed 245	days.		
By signing this form, the applicant acknowledges that the 120-day review application will be extended for the number of days specified	review period for this land use d.		
183			
Applicant signature 7-28  Applicant signature Date	-2021		
	=		
Name: Randy Stemper			
Address: PO Box 1417, Astoria OR 97103			
Phone:503-440-0059 email: randystempe	r@gmail.com		





#### WAIVER OR EXTENSION OF 120 DAY RULE AT APPLICANT'S REQUEST

Applicant:	RDA P	roject Managemen	IT LLC		
Application R	equest No.: _	CU20-10			
Date of Origin	nal Request: _	March 11,2	2021		
Pursuant to C	DRS 227.178*,	the Applicant:			
		its to a decision or is deemed compl		application within 120 days of th	ne date
				onable period of time of <u>30</u> o Total period may not exceed	
	183		_	6/23/2021	
Applicant sign	nature			Date	
Name:	Randy	y Stemper			
Address:	РО В	X 1417	100		
	Asto	ria OR 97103			
Phone:	503 440-0	059	_ email:	randystemper@gmail.com	

- \* 227.178 Final action on certain applications required within 120 days; procedure; exceptions; refund of fees. (1) Except as provided in subsections (3) and (4) of this section, the governing body of a city or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete.
- (4) The 120-day period set in subsection (1) of this section may be extended for a reasonable period of time at the request of the applicant.
- (9) A city may not compel an applicant to waive the 120-day period set in subsection (1) of this section or to waive the provisions of subsection (7) of this section or ORS 227.179 as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.

City Hall •1095 Duane Street • Astoria OR 97103 • Phone 503-338-5183 • Fax 503-338-6538 planning@astoria.or.us • www.astoria.or.us]



Applicant signature

Address:

Name: Randy Stemper

# CITY OF ASTORIA Founded 1811 • Incorporated 1856



# Community Development CITY OF ASTORIA

of the applicant.

4/29/2021

Date

\* 227.178 final action on certain applications required within 120 days;

procedure; exceptions; refund of fees. (1) Except as provided in subsections(3)

final action on an application for a permit,

limited land use decision or zone change,

including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete.

(4) The 120-day period set in subsection

(1) of this section may be extended for a reasonable period of time at the request

(9) A city may not compel an applicant to

subsection (1) of this section or to waive

waive the 120-day period set in

and (4) of this section, the governing body of a city or its designee shall take

#### COMMUNITY DEVELOPMENT

# WAIVER OR EXTENSION OF 120 DAY RULE AT APPLICANT'S REQUEST

State law requires the City to issue a final decision on land use reviews within 120 days of receiving a complete application. State law also allows an applicant to request in writing an extension of the 120-day review period for up to an additional 245 days.

When extensions are requested, it is important to ensure that there is adequate time to accommodate the required public review, drafting the decision, and any required hearings (including appeals) within the extended review period.

To request an extension of the 120-day review period, submit this form to the Community Development Department.

review application will be extended for the number of days specified.

PO Box 1417, Astoria OR 97103

Phone: \_\_\_\_\_\_503-440-0059\_email: \_\_\_\_\_randystemper@gmail.com

Applicant: RDA Project Management LLCC			the provisions of subsection (7) of this section or ORS 227.179 as a condition
Application Case Number:	CU20-10		for taking any action on an application for a permit, limited land use decision or zone change except when such
Date of Complete Application:_	3-11-21	120 days: 9-9-21	applications are filed concurrently and considered jointly with a plan amendment.
Pursuant to ORS 227.178*, the Applicant requests to (check one):			
⊠ Extend the 120-day period for an additional60 days to date of11-9-21			
Extends the 120 day period to the maximum extension of 245 days to date of			
Note: The total number of extension requests may not exceed 245 days.			
By signing this form, the applicant acknowledges that the 120-day review period for this land use			

City Hall • 1095 Duane Street • Astoria OR 97103 • Phone 503-338-5183 • Fax 503-338-6538 planning@astoria.or.us • www.astoria.or.us]

## State Of Oregon

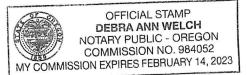
# County Of Clatsop \ ss.

Affidavit of PUBLICATION

I, Lauren McLean, being duly sworn, depose and say that I am the principal clerk of the manager of THE ASTORIAN, a newspaper of general circulation, as defined by section ORS 193.010 and 193.020 Oregon Compiled Laws, Annotated, printed and published tri-weekly at Astoria in the aforesaid county and state; the Legal Notice: AB8188 Notice of Public Hearing printed copy of which is hereto attached, was published in the entire issue of said newspaper One successive and consecutive time(s) in the following issues: April 24th, 2021.

Signed and attested before me on the 30th day of April, 2021 by:

Deken awelch



Notary Public for the State of Oregon, Residing at Astoria, Oregon, Clatsop County.

#### Copy Of Advertisement

#### AB8188 CITY OF ASTORIA NOTICE OF PUBLIC HEARING

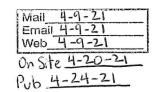
Due to the COVID-19 Pandemic, public hearings will be conducted in the City Council Chambers with a limited seating arrangement. Masks are required. To adhere to the social distancing recommendation, you may also participate in the public hearing remotely. Go to https://www.astoria.or.us/LIVE\_STREAM.aspx for connection options and instructions. You may also use a telephone to listen in and provide public testimony. At the start of the meeting, call (253) 215-8782 and when prompted enter meeting ID# 503 325 5821.

The City of Astoria **Planning Commission** will hold a public hearing on **Tuesday**, **May 4**, **2021** immediately following the **Traffic Safety Advisory Committee** meeting at 5:30 p.m. in the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

- Variance Request (V21-06) by Bill Hunsinger, for Astoria School District, to install two signs on the west, front elevation of the CMH Field structure at 1800 Williamsport Road (Map 17, Tax Lot 783) in the IN (Institutional) Zone. The signs would exceed the maximum two signs per frontage for a total of three signs, and the maximum of 24 square feet total of all signs to allow an additional 198 square feet plus the existing 160 square feet for a total of 358 square feet. Development Code Sections 2.835 to 2.860 (IN Zone), Articles 8 (Signs), 9 (Administrative Procedures), 12 (Variances), and Comprehensive Plan Sections CP.005 to CP.028 (General Policies), CP.060 to CP.065 (South Slope Area) are applicable to the request.
- 2. Conditional Use Request (CU20-10) by RDA Project Management LLC for Bethany Lutheran Church to construct a 5,030 square foot structure at 420 34th Street (Map T8N R9W Section 9BD, Tax Lots 3800 & 3900; Lots 1, 2, and west 18.75' Lot 3, Block 18, Adair's Port of Upper Astoria), as an accessory multi-use building to the existing adjacent church facility at 451 34th Street in the R-2 (Medium Density Residential) Zone. Development Code Standards in Sections 2.060 to 2.095 (R-2 Zone), Articles 6 (Historic Properties), 9 (Administrative Procedures), 11 (Conditional Use), Comprehensive Plan Sections CP.005 to CP.028 (General Policies), CP.047 to CP.048 (East Gateway Overlay), CP.070 to CP.075 (Uppertown Area), CP.240 to CP.255 (Historic Preservation) are applicable to the request.

For information, contact the Community Development Dept by writing to: 1095 Duane St., Astoria OR 97103, by email: comdevadmin@astoria.or.us or by phone: (503) 338-5183. The location of the hearing is accessible to the handicapped. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting the Community Development Department 48 hours prior to the meeting at (503) 338-5183. The Astoria Planning Commission reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

THE CITY OF ASTORIA
Tiffany Taylor, Administrative Assistant
PUBLISHED: April 24, 2021.





# CITY OF ASTORIA

Founded 1811 • Incorporated 1856

1095 Duane Street • Astoria, OR 97103 • Phone 503-338-5183 • www.astoria.or.us • comdevadmin@astoria.or.us

#### **NOTICE OF PUBLIC HEARING**

# YOU ARE RECEIVING THIS NOTICE BECAUSE THERE IS A PROPOSED LAND USE APPLICATION NEAR YOUR PROPERTY IN ASTORIA

Due to the COVID-19 Pandemic, public hearings will be conducted in the City Council Chambers with a limited seating arrangement. Masks are required. To adhere to the social distancing recommendation, you may also participate in the public hearing remotely. Go to <a href="https://www.astoria.or.us/LIVE\_STREAM.aspx">https://www.astoria.or.us/LIVE\_STREAM.aspx</a> for connection options and instructions (included on Page 3 of this notice as well). You may also use a telephone to listen in and provide public testimony. At the start of the meeting, call (253) 215-8782 and when prompted enter meeting ID# 503 325 5821.

The City of Astoria **Planning Commission** will hold a public hearing on **Tuesday, May 4, 2021** immediately following the **Traffic Safety Advisory Committee** meeting at 5:30 p.m. in the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

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A copy of the application, all documents and evidence relied upon by the applicant, the staff report (published seven days prior to the hearing), and applicable criteria, are available for inspection at no cost and will be provided at reasonable cost. All such documents and information are available by contacting the Community Development Department by mail at 1095 Duane Street, Astoria, OR 97103, by email at <a href="mailto:comdevadmin@astoria.or.us">comdevadmin@astoria.or.us</a> or by phone at (503) 338-5183.

The location of the hearing is accessible to the handicapped. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting the Community Development Department at (503) 338-5183 48 hours prior to the meeting.

All interested persons are invited to express their opinion for or against the request(s) at the hearing or by letter addressed to the Planning Commission, 1095 Duane St., Astoria OR 97103. Testimony and evidence must be directed toward the applicable criteria identified above or other criteria of the Comprehensive Plan or land use regulation which you believe apply to the decision. Failure to raise an issue with sufficient specificity to afford the Planning Commission and the parties an opportunity to respond to the issue precludes an appeal based on that issue.

The Planning Commission's ruling may be appealed to the City Council by the applicant, a party to the hearing, or by a party who responded in writing, by filing a Notice of Appeal within 15 days after the Planning Commission's decision is mailed. Appellants should contact the Community Development Department concerning specific procedures for filing an appeal with the City. If an appeal is not filed with the City within the 15-day period, the decision of the Planning Commission shall be final.

The public hearing, as conducted by the Planning Commission, will include a review of the application and presentation of the staff report, opportunity for presentations by the applicant and those in favor of the request, those in opposition to the request, and deliberation and decision by the Planning Commission. The Planning Commission reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

The City Council's ruling may be appealed to the State Land Use Board of Appeals by the applicant, appellant, a party to the hearing, or by a party who responded in writing, by filing a Notice of Intent to Appeal within 21 days after the City Council's decision. Appellants should contact the Oregon Land Use Board of Appeals (LUBA) concerning specific procedures for filing an appeal with the LUBA. If an appeal is not filed with LUBA within the 21-day period, the decision of the City Council shall be final.

The public hearing, as conducted by the Astoria City Council, will include a review of the application and presentation of the staff report, opportunity for presentations by the applicant/appellant and those in favor of the request, those in opposition to the request, and deliberation and decision by the Astoria City Council. The Astoria City Council reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

THE CITY OF ASTORIA

Tiffany Taylor

Administrative Assistant

MAILED: April 9, 2021

Due to the COVID-19 Pandemic, public meetings will be conducted in the City Council Chambers with a limited seating arrangement. Masks are required. To adhere to the social distancing recommendation, you may also fully participate in the meeting remotely using the connection options listed below:

# ONLINE MEETING ZOOM

At start of our Public Meetings you will be able to join our online ZOOM meeting using your **mobile or desktop device** and watch the live video presentation and provide public testimony.

Step #1: Use this link: https://www.astoria.or.us/zoom/

Step #2: Install the Zoom software on your mobile device, or join in a web browser

Step #3: If prompted, enter the Meeting ID number: 503 325 5821

Note: Your device will automatically be muted when you enter the online meeting. At the time of public testimony, when prompted you may choose to select the option within the ZOOM software to "raise your hand" and notify staff of your desire to testify. Your device will then be un-muted by the Host and you will be called upon, based on the name you entered within the screen when you logged in.

# TELECONFERENCE ZOOM

At start of our Public Meetings you will be able to **dial-in using your telephone** to listen and provide public testimony.

Step #1: Call this number: 253-215-8782

Step #2: When prompted, enter the Meeting ID number: 503 325 5821

Note: Your phone will automatically be muted when you enter the conference call. At the time of public testimony, when prompted, you may dial \*9 to "raise your hand" and notify staff of your desire to testify. Your phone will then be un-muted by the Host and you will be called upon based on your phone number used to dial-in.

## AUDIO-ONLY LIVE®STREAM

At start of our Public Meetings you will be able to access the Audio only to listen to the meeting.

Step #1: Use this link to access the online audio: <a href="http://audio.coao.us">http://audio.coao.us</a>



# CITY OF ASTORIA Founded 1811 • Incorporated 1856

#### COMMUNITY DEVELOPMENT

	Fee Paid Date 1/30/20 By CK#7765
No. CU 20-10	Fee: \$500.00
CONDITIONAL	USE APPLICATION
Property Address: 420 34th street	
1, 2, and west Lot 18.75' Lot 3 Block	Adairs Port of  Subdivision Upper Astoria
Map T8N-R9W 9BD Tax Lot 3	Zone R2
Applicant Name: RDA Project Manageme	ent LLC
Mailing Address: PO BX 1417 Ast	toria OR 97103
Phone: 503 440 0059 Business Phone	e: Email: randystemper@gmail.com
Property Owner's Name: Bethany I	Lutheran Church
Mailing Address: 451 34th s	st Astoria OR 97103
Business Name (if applicable):	
Signature of Applicant: Signature of Property Owner:	Date: 3 4 2021  Date: March 3,2021
Existing Use:vacant lot	
Proposed Use: New construction 5000 sqr foot porch	multi use annex for the church with 1,845 sqft covered
Square Footage of Building/Site: 25	311 sqr ft .58 acres
Proposed Off-Street Parking Spaces:	18
structures, parking, landscaping, and/or signs is property lines and dimensions of all structures, pare acceptable.	ines and the location of all existing and proposed required. The Plan must include distances to all parking areas, and/or signs. Scaled free-hand drawings
For office use only:	

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Application Complete:	3/11/21	Permit Info Into D-Base:	11-5-20
Labels Prepared:		Tentative APC Meeting Date:	May 4,2021

**FILING INFORMATION**: Planning Commission meets on the fourth Tuesday of each month. Completed applications must be received by the 20th of the month to be on the next month's agenda. A Pre-Application meeting with the Planner is required prior to acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Planning Commission meeting is recommended.

Briefly address each of the following criteria: Use additional sheets if necessary.

11.030(A)(1) The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use.

The property is a flat lot across the street from the church. It was purchased in the 1980's for expansion of the church facilities. The current zoning allows such use as a conditional use. The church and its accessory uses are classified as a semi-public use. Semi-public use is a conditional use in all zones, so location on the lot adjacent to the existing church is appropriate.

11.030(A)(2) An adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements.

We are requesting a conditional use to place a 5100 sqr foot building on a flat lot of .58 acres. The access point is an existing driveway on the NW corner of the property. 18 marked parking sites will be on site with area to add over flow parking if needed. The structure would generally not be used at the same time as the church functions and both facilities would share use of all parking spaces on this lot and the church site. The refuse collection is proposed for the SE corner of the property accessed thru the parking area. Existing site layout and the proposed site plan are included with the application. 4 bicycle parking spaces will be provided (one is required). The adjacent properties legal access is by way of a city owned ally.

11.030(A)(3) The use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.

The building will connect to existing city utilities. The site plan will be reviewed by the city public works for connection points. Astoria Fire department will review the final plans and add comments before the building permit is issued. The Church pastor/congregation has always self-policed their property. In doing so they have had very little need for police protection in the past. The covered area will have sufficient lighting and measures to discourage the use of the area by individuals without the permission of the church. Lighting fixture types and locations will be shown on the electrical permit. Lighting will be shielded from adjacent property per city requirements.

	The topography, soils, and other physical characteristics of the site are appropriate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.  In a flat lot at the base of the hill. The foundation is slab on grade which requires minimal
	ny requirements for a geologic study requested by the city will be provided.
11.030(A)(5)	The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.
All setbacks v	vill be maintained. Proposed landscape areas shown on the site plan are on all four sides
	property. Landscape plan will be provided with the permit application as required by the
City.	
11.030(B)	Housing developments will comply only with standards 2, 3, and 4 above.



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This fixture's 5500 lumens brightly illuminates a wide area without glare.



#### DURABLE

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AP-506



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<b>Product Overview</b>	
 CHILINGS INCHIN	

Specifications

Questions & Answers

Customer Reviews

#### **Dimensions**

Product Depth (in.)	9.57
Product Height (in.)	3.98
Product Length (in.)	11.61
Product Width (in.)	11.61

#### Details

Actual Color Temperature (K)	4000

70 Color Rendering Index (CRI)

**Bright White** Color Temperature

Detection Range (ft.)

Exterior Lighting Product Type Flood and Spot Lights

Fixture Color/Finish Bronze

Fixture Material Aluminum

Glass/Lens Type **Textured** 

Included Hardware Included

180 Light Beam Angle

5000 Lumens

Number of Lights 2 Lights

**Outdoor Lighting Features** Adjustable Lamp Head, Dark Sky, Dusk to Dawn, Rust

Resistant, Switch Controlled, Weather Resistant

Pack Size 2 Pack

Hardwired Power Type

5.39 Product Weight (lb.)

**AP-507** 

# 350-Watt Equivalent Integrated LED Flood Light with Wall Pack Mount 5, package \$176.11 by Commercial Electric \*\*\*\* (280) \$\sigma 156\$



**Product Overview** 

Specifications

Questions & Answers

**Customer Reviews** 

Watt Equivalence

350

## Warranty / Certifications

Certifications and Listings

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Manufacturer Warranty

5-year limited warranty

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### **Outdoor Lighting Features**

Dimmable Replaceable LED Module Wall Wash Water Resistant Waterproof Weather Resistant

Show Less ^

## **Number of Lights**

1 Light

See Similar Items

#### **Product Size**

Medium

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#### **Fixture Material**

**Aluminum** 

See Similar Items **AP-509** 

#### Lumens

1740

See Similar Items

## **Power Type**

Hardwired

See Similar Items

## **Dimensions**

Product Depth (in.)	12	Feedb
Product Height (in.)	3.88	
Product Width (in.)	12	

#### **Details**

Actual Color Temperature (K)	3000
Color Rendering Index (CRI)	90
Color Temperature	Soft White
Compatible Bulb Type	Integrated LED,LED
Exterior Lighting Product Type	Flush Mounted
Fixture Color/Finish	Black
Fixture Material	Aluminum
Glass/Lens Type	Frosted
Included	Bulbs Included, Hardware Included, Includes Light Kit, Light Bulb(s) Included, Light Kit Included, Mounting Hardware Included
Light Bulb Type Included	Integrated LED
Lumens	1740 <b>AP-510</b>