



AGENDA

ASTORIA CITY COUNCIL WORK SESSION

MONDAY, March 20, 2017

6:00 p.m.

2nd Floor Council Chambers
1095 Duane Street · Astoria OR 97103

1. CALL TO ORDER
2. ROLL CALL
3. PRESENTATION BY KEVIN CRONIN, COMMUNITY DEVELOPMENT DIRECTOR, CITY OF ASTORIA AND JIM LONG, AFFORDABLE HOUSING MANAGER, CITY OF BEND
(a) Construction Excise Tax – “Affordable Housing Update and Strategies”
4. ADJOURNMENT



AGENDA

ASTORIA CITY COUNCIL

March 20, 2017

APPROXIMATELY 7:00 p.m.

2nd Floor Council Chambers
1095 Duane Street · Astoria OR 97103

1. CALL TO ORDER
2. ROLL CALL
3. REPORTS OF COUNCILORS
4. CHANGES TO AGENDA
5. CONSENT CALENDAR

The items on the Consent Calendar are considered routine and will be adopted by one motion unless a member of the City Council requests to have any item considered separately. Members of the community may have an item removed if they contact the City Manager by 5:00 p.m. the day of the meeting.

 - (a) Resolution Designating Authorized Signers (Finance)
 - (b) Rural Grant for STEM programming in community award announcement. (Library)
 - (c) Ridge Line Combination Timber Harvest 2017 (Public Works)
6. REGULAR AGENDA ITEMS

All agenda items are open for public comment following deliberation by the City Council. Rather than asking for public comment after each agenda item, the Mayor asks that audience members raise their hands if they want to speak to the item and they will be recognized. In order to respect everyone's time, comments will be limited to 3 minutes.

- (a) Ordinance and Public Hearing - Article 3: ADU (1st reading) (Community Development)
- (b) Ordinance and Public Hearing - Article 9: Procedures (1st reading) (Community Development)
- (c) Trolley Trestle Repair – Authorization to Bid (Public Works)
- (d) Waterfront Bridges Replacement Project (6th – 11th Streets) – Update and Additional Funding Request (Public Works)
- (e) Resolution to Update City Administration and Development Review Fees (Community Development/Public Works/Finance)
- (f) Authorization to apply for an AmeriCorps RARE Service Grant with the University of Oregon (Finance)

7. NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS (NON-AGENDA)

**THIS MEETING IS ACCESSIBLE TO THE DISABLED. AN INTERPRETER FOR THE
HEARING IMPAIRED MAY BE REQUESTED UNDER THE TERMS OF ORS 192.630 BY
CONTACTING JENNIFER BENOIT WITH THE CITY MANAGER'S OFFICE
AT 503-325-5824**



CITY OF ASTORIA

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March 13, 2017

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: ASTORIA CITY COUNCIL WORK SESSION AND REGULAR MEETING OF MARCH 20, 2017

6:00 p.m. – WORK SESSION

PRESENTATIONS

Item 3(a): **Presentation by Kevin Cronin, Community Development Director, City of Astoria and Jim Long, Affordable Housing Manager, City of Bend**

The City Council held a work session on February 8, 2017 to discuss the 2015 Affordable Housing Study and the Affordable Housing Strategy. At the work session, the Council directed staff to review potential city owned properties for disposition that could be developed into workforce housing, continue studying the concept of a construction excise tax. Jim Long, Housing Program Manager for the City of Bend, will make a presentation on the success of the construction excise tax program in Bend at 6 pm and will be available for follow up discussion. City staff is requesting guidance from the City Council regarding next steps on policy choices.

APPROXIMATELY 7:00 p.m. – REGULAR MEETING

CONSENT CALENDAR

Item 5 (a): **Resolution Designating Authorized Signers (Finance)**

The person authorized by the City Council to sign checks and other bank withdrawal instruments on behalf of the City are designated by resolution. The attached resolution removes former Executive Secretary Julie Yuill and adds Jennifer Benoit as an authorized signer for bank transactions. It is recommended that City Council considers this resolution for adoption.

Item 5 (b): **Rural Grant for STEM programming in community award announcement (Library)**

Astoria Public Library applied for a Rural Gateways grant in March 2016 to fund STEM (Science, Technology, Engineering & Math) and STEAM (Science, Technology, Engineering, Art, & Math) for adults. The library has received the first installment of \$2,000 for 2017 programming and will receive \$1,500 for 2018 programming. The program will involve selection of a guest speaker who will lead a series of discussions relating to a STEM topic relevant to our area.

Item 5 (c): Ridge Line Combination Timber Harvest 2017 (Public Works)

A commercial timber thinning is proposed on 52 acres of the Bear Creek Watershed property for the summer of 2017. The harvest is located near the southwestern boundary of the property, and would include thinning of two overstocked stands that are primarily composed of Hemlock, while also completing a variable retention harvest on three other areas within the unit. The Douglas Fir in these stands is impacted by Swiss Needle Cast, a fungus that attacks the crowns of the trees and inhibits growth, potentially killing the trees. One of the thinning areas has also been subject to severe wind throw. The thinning activities will improve the wind firmness of the stand while and allow remaining trees to utilize the available growing space.

The harvest unit is bisected by a small spur road, which may require minor repairs. In addition, logs will be hauled out on the Bear Creek Mainline road, which will require the installation of 2 culverts as well as additional rock.

The net proceeds to the Capital Improvement Fund from this forest treatment are estimated to be \$200,000 after harvest and reforestation costs.

It is recommended that Council approve the solicitation of bids for Ridge Line Combination Harvest 2017. Bids received will be brought to Council for consideration.

REGULAR AGENDA ITEMS

Item 6(a): Ordinance and Public Hearing - Article 3: ADU (1st reading) (Community Development)

This Development Code update was initiated by the Community Development Department in January 2016 in response to an Affordable Housing Strategy endorsed by the City Council in November 2015. The City Council held a special work session on July 18, 2016 to discuss the strategy, which is part of implementing a FY 14-15/15-16 Council goal. At the work session, staff presented background information - including accessory dwelling units - as part of a larger Development Code amendment to increase the supply of housing options for all income levels. Subsequent to the work session, staff scheduled a public hearing on September 27 with the Planning Commission to consider amendments to Article 3 – Accessory Dwelling Units. The other code amendments (Article 2 – Zoning Designations) were tabled until staff received further direction from Council. The Planning Commission scheduled a work session for October 19 and continued the hearing until October 25. After considering the findings of fact, and public testimony, the Planning Commission recommended approval to the City Council on October 25. The full record for the plan amendment application (A16-02: Plan Amendment), including the findings of fact, is contained in the staff report. A public hearing has been properly noticed for March 20, 2017. It is recommended that the City hold a public hearing, take public testimony, and hold a 1st reading of proposed Ordinance.

Item 6(b): Ordinance and Public Hearing - Article 9: Procedures (1st reading) (Community Development)

The Development Code (Code) update was initiated by the Community Development Department in January 2016 in parallel with the affordable housing related amendments contained in A 16-02: Accessory Dwelling Units. Article 9 of the Development Code contains the administrative procedures for processing land use applications. The City

Council adopted a FY 15-16 goal to streamline the development review process. The procedures update is in direct response to this goal. Article 9 was last updated in 2014 (Ordinance 14-03). A public hearing was held on April 26, 2016 with the Planning Commission to consider amendments to Article 9. After considering the findings of fact, and public testimony, the Planning Commission recommended approval to the City Council. The public hearing before the City Council was delayed to allow the accessory dwelling unit proposal to come forward and be heard as a companion piece of legislation. The full record for the plan amendment application (A16-01: Plan Amendment), including the findings of fact, is contained in the staff report. A public hearing has been properly noticed for March 20, 2017. It is recommended the City Council hold a public hearing, take public testimony, and hold a 1st reading of the Ordinance.

Item 6(c): Trolley Trestle Repair – Authorization to Bid (Public Works)

At the October 17, 2016 City Council meeting, Council approved a design services contract with OBEC Consulting Engineers, Inc. (OBEC) to assist the City with completion of critical trestle maintenance work. In addition to the design work, Council authorized a supplemental inspection of the trestles on December 19, 2016 in order to allow the Trolley to safely operate during Spring Break in March. The results of the inspection were favorable, though one emergency repair was identified. Staff is currently working with Bergerson Construction to ensure the repair can be completed in a timely manner.

OBEC has now refined the repair and maintenance approach to most efficiently utilize the available funding. The result of this effort is a project that focuses solely on the two western trestles along the alignment (Columbia Ave. and 1st to 2nd Street). The construction estimate is \$370,800. During project development it became clear that the construction effort would be more significant than originally planned due to access, scheduling, etc. Staff recommends moving forward with the project as currently scoped. Since track maintenance and repair will not be included in this project, we will be addressing it on a case by case basis.

Funding is available for the project in the Promote Astoria Fund. However, a supplemental budget will need to be approved to appropriately fund construction of the trestle improvements prior to awarding a construction contract. A supplemental budget could be brought to Council for consideration in April 2017, with a construction contract anticipated in early May 2017.

It is recommended that City Council authorize Staff to solicit bids for the 2017 Trolley Trestle Repair Project.

Item 6(d): Waterfront Bridges Replacement Project (6th – 11th Streets) – Update and Additional Funding Request (Public Works)

Where each of the City's numbered streets between 6th and 11th Streets meet the Columbia River, a short bridge connects the solid-ground road to the over-water pier structure. These waterfront bridge structures are of utmost importance to the City as they provide access to critical portions of our waterfront.

In September 2014, the City entered into an Intergovernmental Agreement with the Oregon Department of Transportation (ODOT) for the design phase of the Bridges Replacement Project. In April 2015, OBEC Consulting Engineers, Inc. (OBEC) was hired by ODOT as the engineering design consultant for this project.

After reviewing the 60% complete design, it has been determined by ODOT that adjustments needed to be made to the project limits and design to comply with funding eligibility. There are three key project changes: rail bridge limits, rail bridge type and 11th Street sidewalk width.

Due to ODOT's design changes, the project will incur additional consultant fees from OBEC to redesign the 60% submittal documents. The additional fee is estimated at \$160,000.

It is important to remember there are two significant costs not reimbursed through the ODOT funding. The two major City expenses are utility relocations and repairs to the 11th Street extension east that are outside the project limits to achieve highway load capacity. These expenses are currently estimated at \$337,000 and this entire cost must be paid solely by the City.

The total estimated City funds contributed to this project is estimated to be \$1,711,775. To date, the City has contributed \$242,987 from Surface Transportation Program (STP) funds. The remaining match amount of \$1,468,788 will need to be a loan that will be paid back by the City's future STP funds. STP Funds, which are managed by ODOT, are federal fuel tax dollars that are available to local agencies for transportation projects.

Complexities associated with the design, funding eligibility, permitting and right-of-way acquisition have resulted in a shift in the project timeline to begin construction in fall of 2018 on 7th, 9th and 11th Street Bridges and fall of 2019 for 6th, 8th and 10th Street Bridges. Therefore, the bridges will be inspected to determine if there is any maintenance work necessary to keep them open to vehicular and trolley traffic for an additional year.

It is recommended that Council authorize Staff to submit a project change request to ODOT for additional Local Highway Bridge Program funding for the Waterfront Bridges Replacement Project.

Item 6(e): Resolution to Update City Administration and Development Review Fees (Community Development/Public Works/Finance)

Community Development: The Astoria City Council held a goal setting session in January 2017 for FY 17-18. The Community Development Department shared three priorities, one of which was to revise the fee schedule for development review. The fees have not been updated since 2005. In addition, the Engineering Division of the Public Works Department has never instituted a fee for development review. The proposed resolution will address both deficiencies in the current fee schedule. It is recommended the City Council adopt the resolution amending the Fee Schedule for the Community Development Department and Public Works Department.

Public Works: The Engineering Division development review fees are intended to cover staff time associated with plan review and construction coordination. Currently, the Engineering Division does not collect fees for development review and associated construction coordination. Residential subdivisions and large commercial developments can consume a significant amount of staff time and have a notable impact on our budget. Typical tasks include review of engineering plans (multiple versions), submittal review, utility coordination, inspection, utility testing assistance, and review of construction as-built and other final certifications.

The proposed development review fee is associated with the construction cost for the project as prepared by a Registered Professional Engineer. The plan review fee is

proposed to be 1% of the preliminary construction cost estimate, while the construction fee is proposed to be 2% of the final construction estimate. In addition to the plan review and construction coordination, the Engineering Division often provides input and technical support for land use and building permits. When these activities require a significant amount of staff time, we are recommending a fee to allow actual cost to be charged.

Finance: The fee schedule for Administrative Services has not been updated since 2005. Finance staff has reviewed the existing fee schedule to propose amendments which will cover costs and to add items which were not previously contained in the fee schedule. The addition of items provides information in one location for easier reference.

It is recommended that Council adopt this resolution amending fee schedules for Administrative Services, Community Development and Public Works.

Item 6(f): Authorization to apply for an AmeriCorps RARE Service Grant with the University of Oregon (Finance)

Resiliency is one of the 2017-2018 Council Goals it is desirable to ensure our emergency planning, inclusive of the City Continuity of Operations Plan (COOP) and Continuity of Government (COG) Plans, are fully developed and all necessary information has been identified and included in a plan to support essential functions and services in the event of emergency. To produce quality products, fully complete needs assessments, gain valuable feedback and to provide resources for training and implementation, staff proposes submitting an application to participate in the 2017-2018 Resource Assistance for Rural Environments (RARE) Program. The mission of the RARE Program is to increase the capacity of rural communities to improve their economic, social and environmental conditions, through the assistance of trained graduate-level participants who live and work in the communities for 11 months. Participants assist communities and agencies in the development and implementation of plans for achieving a sustainable natural resource base and improving rural economic conditions while gaining community building and leadership skills. A description of the proposed tasks for the RARE participant is included in the memo. It's recommended that council consider the application for the RARE AmeriCorps program.



CITY OF ASTORIA


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COMMUNITY DEVELOPMENT

MEMORANDUM

DATE: March 16, 2017

TO: MAYOR & CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: AFFORDABLE HOUSING STRATEGY – CONSTRUCTION EXCISE TAX

BACKGROUND

The City Council held a work session on February 8, 2017 to discuss the Affordable Housing Study and the Affordable Housing Strategy. At the work session, the Council directed staff to review potential city owned properties for disposition that could be developed into workforce housing, continue studying the concept of a construction excise tax (CET). This work session has been scheduled to further discuss the CET concept. The Mayor also directed city staff to schedule a public hearing for March 20 to review proposed changes to the accessory dwelling unit standards in the Development Code. The accessory dwelling unit portion for the affordable housing strategy is covered in a separate agenda item.

DISCUSSION/ANALYSIS

Construction Excise Tax: As described in previous progress reports, SB 1533 allows local governments to adopt a “construction excise tax” to fund affordable housing investments. The City already collects a small percentage for the Astoria School District Construction Excise Tax to support school facility improvements so the administration of the fee would be similar. Below is an excerpt from the League of Oregon Cities 2016 Legislative Session Summary of Bills.

SB 1533 lifts the preemption on construction excise taxes (CET). However, the bill limits the rate of a residential CET to 1 percent of permit valuation, a number set at the state level. Residential CETs must be spent in a specific manner: 15 percent is remitted to the state for the home ownership assistance program; 50 percent must be spent on the same types of financial offsets as can be used for an inclusionary housing program; and the remaining 35 percent must be used for a locally determined affordable housing

program. Any CET on industrial or commercial buildings is uncapped, and one-half of these funds must be used on a locally determined affordable housing program. The other half may be spent at the city's discretion, provided it is outlined in the enacting ordinance.

Based on this summary, the amount of funding that could be generated would largely depend on the percentage assessed on commercial and industrial projects. The residential portion would generate less revenue based on the 1 percent cap and the objective is to not burden the residential market so staff does not recommend a CET for residential building permits. Staff has reached out to the City of Cannon Beach who is also considering a CET to compare program approaches. Staff also invited Jim Long – Affordable Housing Manager for the City of Bend to make a presentation to Council on the success of the Bend CET program. In 2006, the City of Bend established a CET program and has successfully used this program to fund 770 units of affordable housing (80% or below Median Household Income). In addition, staff has reached out to the North Coast Building Industry Association and Clatsop Rental Owners to discuss the proposal and get feedback. However, at this time no feedback has been received.

The following is a summary of the last three fiscal year building permit valuations for commercial projects, the potential funds generated by a percentage rate, and three examples of recent projects where building permits were issued and the potential taxes that could be levied.

Fiscal Year	Commercial Building Value	Potential CET Funds (%)
14-15	\$12.9M	\$64,500 (0.5%) \$129,000 (1%) \$387,000 (3%) \$645,000 (5%)
15-16	\$25.4M	\$127,000 (0.5%) \$245,000 (1%) \$762,000 (3%) \$1,225,000 (5%)
16-17*	\$9.3M	\$46,500 (.5%) \$93,000 (1%) \$279,000 (3%) \$465,000 (5%)
Adaptive Reuse	\$993,000	\$4,965 (.5%) \$9,930 (1%) \$29,790 (3%) \$49,650 (5%)
Expansion	\$452,000	\$2,260 (.5%) \$4,520 (1%) \$13,560 (3%) \$22,600 (5%)
New Construction	\$8.2M	\$41,000 (.5%) \$82,000 (1%) \$246,000 (3%) \$410,000 (5%)

*Quarter 3 ends March 31

As the percentage rises, the potential for additional funds rises as does the impact to the project budget. These funds could be dedicated to a revolving loan fund to provide lower interest rate construction loans to qualified projects with funds returned with interest when the project secures permanent financing from the primary lender. As funds are returned and replenished, new projects can be funded. The City already has an established lending relationship with Craft 3 that could underwrite loans. To move forward, Council needs to provide guidance on this policy choice.



Kevin A Cronin, Community Development Director



CITY OF ASTORIA
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March 9, 2017

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

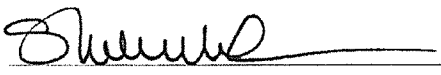
SUBJECT: RESOLUTION DESIGNATING AUTHORIZED SIGNERS

DISCUSSION/ANALYSIS

The persons authorized by the City Council to sign checks and other bank withdrawal instruments on behalf of the City are designated by resolution. The attached resolution removes former Executive Secretary Julie Yuill and adds Jennifer Benoit as an authorized signer for bank transactions.

RECOMMENDATION

It is recommended that City Council consider this resolution for adoption.

By: 
Susan Brooks, CPA
Director of Finance & Administrative Services

RESOLUTION NO. 17- _____

A RESOLUTION AUTHORIZING THE FOLLOWING PERSONS TO SIGN FOR THE WITHDRAWAL OF MONEY FROM AUTHORIZED DEPOSITORIES OF THE CITY OF ASTORIA.

BE IT RESOLVED BY THE CITY OF ASTORIA:

Section 1. That the following persons are authorized to sign for the withdrawal of funds from all City depositories:

_____ Arline LaMear Mayor

_____ R. Brett Estes City Manager

_____ Susan Brooks Director of Finance and
Administrative Services

_____ Jennifer Benoit Executive Secretary

Section 2. A stamped signature for Arline LaMear and/or Brett Estes is acceptable.

Section 3. Repeal of Resolution. Resolution 15-17 is hereby repealed.

Section 4. Effective Date. This Resolution is effective on the date of its passage.

ADOPTED BY THE CITY COUNCIL THIS _____ DAY OF _____, 2017.

APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2017.

Mayor

ATTEST:

City Manager

ROLL CALL ON ADOPTION

Councilor Nemlowill
Brownson
Price
Jones

Mayor LaMear

YEA

NAY

ABSENT



CITY OF ASTORIA

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March 10, 2017

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: **Astoria Public Library Receives Rural Gateways Grant for STEM Programming in Community**

DISCUSSION

Astoria Public Library is pleased to announce it has received a \$3,500 Rural Gateways grant from the Califa Library Group to provide science-based programs for adults. STEM (Science, Technology, Engineering & Math) and STEAM (Science, Technology, Engineering, Art, & Math) are popular topics for children's education, but rarely mentioned in relation to adults. The library has received the first installment of \$2,000 for 2017 programming and will receive \$1,500 for 2018 programming.

The programs funded by the grant are essentially "book club meets science café." Attendees read a pre-announced popular book selection, then come to the library for an event in which they discuss the book, and then watch and discuss a short human interest video where scientific ideas touched on in the book intersect everyday life.

"The videos are engaging. There are no scientists in white coats. They're people you would want to sit down and talk to," said previous grant recipient Dwight McInvaill, Director of the Georgetown County Library in Georgetown, SC.

Rural Gateways is funded through the National Science Foundation and was created through a collaboration of Dartmouth College, The Califa Library Group, the Association of Rural and Small Libraries, Dawson Media Group, and the Institute for Learning Innovation.

Submitted By _____
Jimmy Pearson, Library Director



CITY OF ASTORIA

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March 14, 2017

TO: MAYOR AND ASTORIA CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: RIDGE LINE COMBINATION TIMBER HARVEST 2017

BACKGROUND

A commercial timber thinning and variable retention treatment is proposed on 52 acres of the Bear Creek Watershed property for the summer of 2017. The harvest is located near the boundary of the property, and would include thinning of two overstocked stands that are primarily composed of Hemlock, while also completing a variable retention harvest on three other areas within the unit. The Douglas fir in these stands is impacted by Swiss Needle Cast, a fungus that attacks the crowns of the trees and inhibits growth, potentially killing the trees. One of the thinning areas has also been subject to severe wind throw. The thinning activities will improve the wind firmness of the stand while allowing the remaining trees to optimally utilize the available growing space.

Within the harvest unit, three areas of variable retention are also proposed. This type of treatment leaves large and wind-firm trees both dispersed throughout the stand and in a few small clumps. The treatment has the operational benefits of a patch cut while improving seed sources for natural regeneration of Spruce and Pacific Silver Fir. The variable retention areas are mixed stands of Spruce, Hemlock, Pacific Silver Fir, and Douglas Fir. The treatment will predominantly remove the Douglas Fir and Hemlock, leaving a Spruce and Pacific Silver Fir stand.

The harvest unit is bisected by a small spur road, which may require minor repairs. In addition, logs will be hauled out on the Bear Creek Mainline road, which will require the installation of 2 culverts as well as additional rock. Map showing the treatment area as well as the road work and location within the watershed attached.

The net proceeds to the Capital Improvement Fund from this forest treatment are estimated to be \$200,000 after harvest and reforestation costs.

RECOMMENDATION

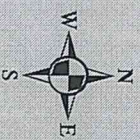
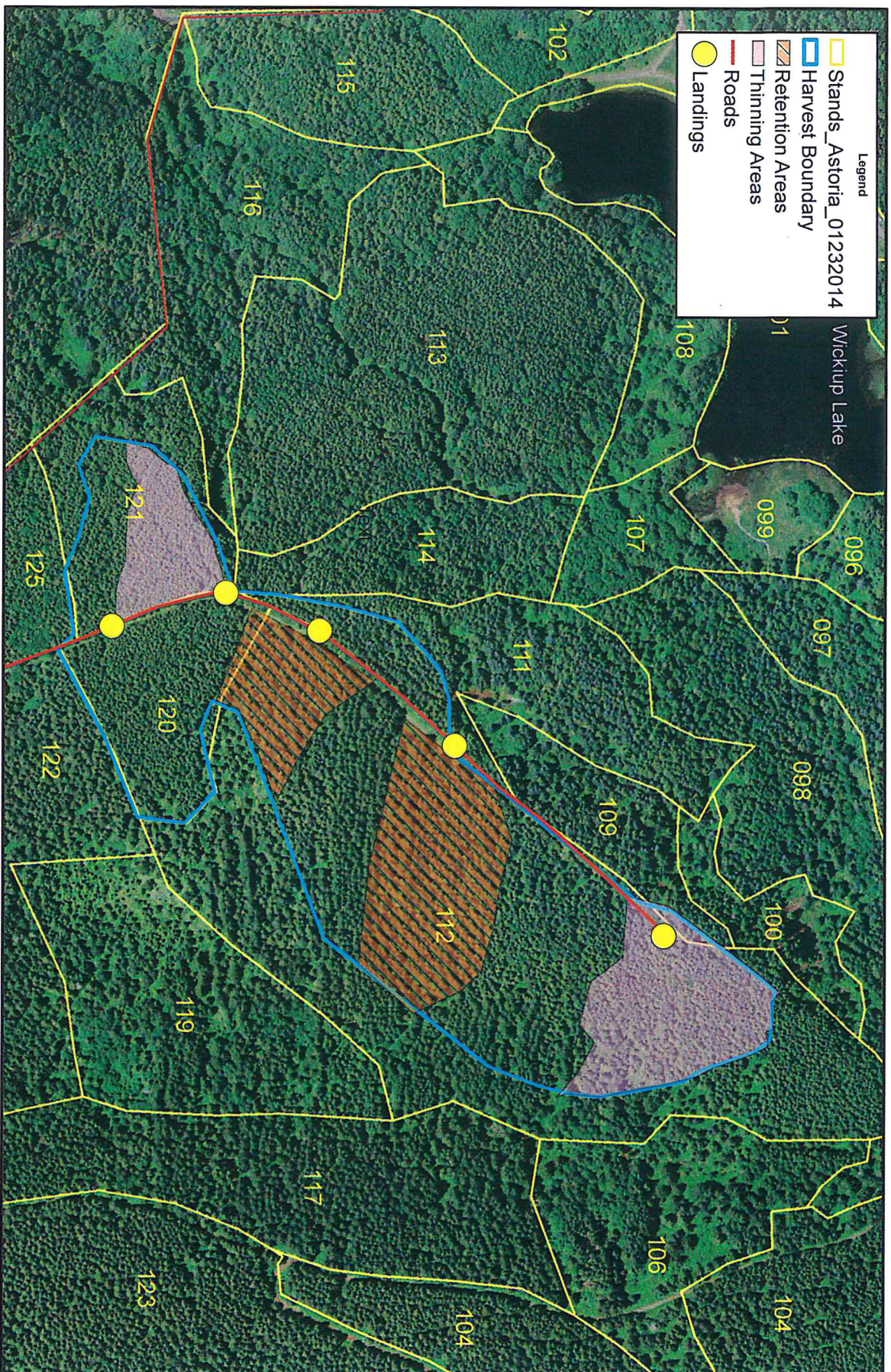
It is recommended that Council approve the solicitation of bids for Ridge Line Combination Harvest 2017. Bids received will be brought to Council for consideration.

Submitted by: 

Ken P. Cook, Public Works Director

Prepared by: 

Mike Barnes, City Forrester



2017 Bear Creek Harvest

0 100000000 200000000 400000000 Kilometers

Contact: Ben Hayes
971-678-9464



CITY OF ASTORIA


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COMMUNITY DEVELOPMENT

MEMORANDUM

DATE: March 16, 2017

TO: CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: A16-02: PLAN AMENDMENT APPLICATION: ARTILCE 3 - ACCESSORY DWELLING UNITS (SECTION 3.020) AND ARTICLE 1 – DEFINITIONS (Section 1.400)

BACKGROUND

This Development Code update was initiated by the Community Development Department in January 2016 in response to an Affordable Housing Strategy endorsed by the City Council in November 2015. The City Council held a special work session on July 18, 2016 to discuss the strategy, which is part of implementing a FY 14-15/15-16 Council goal. At the work session, staff presented background information and a discussion on different housing types the Planning Commission was considering – including accessory dwelling units - as part of a larger Development Code amendment to increase the supply of housing options for all income levels.

Subsequent to the work session, staff scheduled a public hearing on September 27 with the Planning Commission to consider amendments to Article 3 – Accessory Dwelling Units. The other code amendments (Article 2 – Zoning Designations) were tabled until staff received further direction from Council. The Planning Commission scheduled a work session for October 19 and continued the hearing until October 25. After considering the findings of fact, and public testimony, the Planning Commission recommended approval to the City Council on October 25. The full record for the plan amendment application (A16-02: Plan Amendment), including the findings of fact, is contained in the staff report.

DISCUSSION/ANALYSIS

Below is a summary of the proposed changes in Article 3 – Accessory Dwelling Units.

- Allows detached accessory dwelling units, such as garages, standalone living units, or tiny homes either built on site or manufactured off site;
- Reduces regulations on requirements for new units or renovating existing units;
- Clarifies allowance for number of units (1), size, and height.
- Adds a definition in Article 1 for “tiny homes” and amends the existing definition for “accessory dwelling unit.”
- Adds prohibition on new homestay lodging requests in new accessory dwelling units after the adoption of the ordinance and effective date is established.
- In addition to the code changes, the Planning Commission recommends an evaluation of the new codes after one year of practice to ascertain the successes and challenges have staff report back.

The proposed changes maintain the requirement for design review for new construction or substantial alterations of existing historic properties, adjacent to historic properties, and in the various “design overlay districts,” such as the Gateway Design Overlay.

It is also important to remember that the overall objective of the Affordable Housing Strategy is to provide more housing options for all Astorians. The proposed code amendments will allow residential property owners to invest in new living units that will provide more housing options targeted to singles, young couples, and single parents, or allow the property owner to live in the ADU and rent the main dwelling to a larger household.

The ADU proposal is by no means **the** solution to the affordable housing crisis, but is **a** tool to help alleviate a shortage in the local market and provide flexibility to property owners to make new investments. The Community Development Department continues to work on implementing the other provisions in the Affordable Housing Strategy and has made steady progress.


PROCESS

The public hearing is scheduled for March 20 and has been properly noticed in the newspaper and sent via email to interested parties. The City Council has several procedural options to move forward with the request. Following the public hearing it can:

- 1) Continue the hearing to a date certain and take additional testimony on the matter,
- 2) Vote to hold a 1st reading on the amendments as proposed by the Planning Commission,
- 3) Amend the code language and vote to hold a 1st reading, or
- 4) Table the proposal.

RECOMMENDATION

It is recommended that the Council hold a public hearing on the Planning Commission’s recommended code amendments.

By: 
Kevin A. Cronin, AICP
Community Development Director

Appendixes

Ordinance 17-XX: Amendment to Article 3 – Accessory Dwelling Units

A 16-02: APC Hearing Staff Report – Affordable Housing Text Amendment - April 2016
& October 2016

Cover Memo: APC Work Session – October 14, 2016

The ADU Gauntlet: Selected Restrictions and Requirements for Accessory Dwelling
Units (ADUs) in Cascadian Cities, 2013

ADU Example Graphics – October 2016

Astoria Planning Commission Minutes: April 26, 2016, September 27, 2016, and
October 25, 2016

Written Public Comments

A 16-02: Article 3 - Accessory Dwelling Unit Revisions – March 2017

2009-2015 Permit Research & Zoning Matrix Overview (April 2016)

ORDINANCE NO. 17-_____

AN ORDINANCE AMENDING THE ASTORIA DEVELOPMENT CODE SECTION 1.400 AND SECTION 3.020 PERTAINING TO ARTICLE 1 – DEFINITIONS AND ARTICLE 3 – ACCESSORY DWELLING UNITS

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. Astoria Development Code is amended by the addition to Section 1.400 pertaining to a new definition to read as follows:

“Article 1: Section 1.400

Tiny Home: An accessory dwelling unit that is less than 500 square feet, a manufactured dwelling constructed off site according to Section 1.400, and either certified by HUD manufactured dwelling standards for permanent living or through Recreation Vehicle Industry Association safety standards for temporary living. A minimum of 150 square feet per occupant shall be required up to two occupants maximum per tiny home.

Accessory Dwelling Unit: An accessory dwelling unit is one additional subordinate or auxiliary living unit, including kitchen facilities, in an existing house or detached from the main dwelling. A dwelling with an accessory dwelling unit is distinguished from a duplex by the retention of the appearance as a single-family dwelling.”

Section 2. Astoria Development Code is amended by the addition to Section 3.020 to read as follows:

“3.020. ACCESSORY DWELLING UNITS (ADUs).

A. Purpose.

The purpose of this Section is to promote more efficient use of large, older homes; provide more affordable housing; allow individuals and smaller households to retain large, older houses as residences; and maintain the single-family character of the house and neighborhood.

B. Standards.

1. Size.

a. Primary Structure.

A house with an Accessory Dwelling Unit must have at least 1,400 square feet of floor area prior to creation of the Accessory Dwelling Unit. The floor area of the garage or other non-living space, such as an unfinished basement, may not be used in the calculation of the total square footage.

b. Accessory Dwelling Unit.

An Accessory Dwelling Unit shall not exceed 40% of the primary structure or 800 square feet in size, whichever is smaller. Only one unit per single family lot is permitted.

2. Creation of the Unit.

- a. The Accessory Dwelling Unit may be created through an internal conversion of an existing living area, basement, attic, other existing attached accessory buildings, such as a garage, or areas over attached or detached garages. Construction of new units are also permitted and can be built over new detached or attached garages or as separate detached units.
- b. To differentiate an Accessory Dwelling Unit from a two-family dwelling, all utilities such as water, electric, or gas, shall remain as single service utilities. The Accessory Dwelling Unit shall not have its own utility services, except if the separate services existed prior to January 1, 2004. This does not apply to utilities providing service to communication devices such as telephone, television, and other communication devices.
- c. An Accessory Dwelling Unit shall be subordinate to the existing single-family dwelling and may not be subdivided or otherwise segregated in ownership from the primary residence structure.
- d. Tiny Homes: A tiny home as defined in Article 1, Section 1.400 may be located on a single family lot and treated as an accessory dwelling unit. A tiny home must be mounted on a foundation, anchored to the foundation with hurricane straps, tie-downs or other engineered measures to withstand wind load, and hooked up to city utilities.

3. Location of Entrances.

In addition to the main entrance, one entrance to the house for the ADU may be located on the side or rear of the house. An additional entrance on the main dwelling shall not alter the appearance in such a way that the structure appears to be a two-family dwelling, unless the house contained additional front doors prior to the conversion. The location of the entrance to a detached unit can be anywhere if it is placed behind the main dwelling. In cases where the new ADU is placed in front of the main dwelling, the entrance shall not face the street.

4. Zones in Which Permitted.

Accessory Dwelling Units are permitted outright or conditional as an accessory use to any existing single-family dwelling in all zones.

5. Owner Occupancy.

- a. The property owner shall occupy either the principal unit or the Accessory Dwelling Unit as their permanent primary residence, and at no time receive rent for the owner-occupied unit.
- b. The property owner shall provide a covenant or deed restriction in a form acceptable to the City and suitable for recording with the County, providing notice to future owners of the subject lot that the existence of the Accessory Dwelling Unit is predicated upon the occupancy of either the Accessory Dwelling Unit or the principal dwelling unit by the property owner.

6. Lot Size.

A home with an Accessory Dwelling Unit in the R-1 Zone (Low Density Residential) shall be located on a minimum lot size of 5,000 square feet. There is no minimum lot size for other zones.

7. Off-Street Parking Requirements.

In addition to the two spaces required for the primary unit, the Accessory Dwelling Unit shall have one additional off-street parking space. If on street parking is available on a city street built to a city standard identified in the Transportation System Plan, one space may be credited to the requirement of three total spaces.

8. Height: The height of new detached units shall not exceed 20 feet or 80% of the height of the main dwelling, whichever is less.

9. Homestay Lodging

Homestay lodging is prohibited in accessory dwelling units created after XXXX, 2017.

C. Permits.

1. Permit Required.

A Type I or Type III permit is required for the establishment of an Accessory Dwelling Unit. The property owner shall submit an application to the Community Development Department on a form provided by the City.

2. Expiration of Permit.

An Accessory Dwelling Unit permit shall automatically expire if any of the following occurs:

- a. The Accessory Dwelling Unit is substantially altered and is no longer in conformance with the plans as approved by the Astoria Planning

Commission, Community Development Director, and/or the Building Official; or

- b. The subject lot ceases to provide the approved number of parking spaces; or
- c. The property owner ceases to reside in either the principal or the Accessory Dwelling Unit.

D. Non-conforming Accessory Dwelling Units.

1. The portion of a single-family dwelling which meets the definition of Accessory Dwelling Unit which was in existence prior to January 1, 2004, may continue in existence provided the following requirements are met:
 - a. An application for an Accessory Dwelling Unit is submitted to the Community Development Department for review.
 - b. The Accessory Dwelling Unit complies with the minimum requirements of the Building Codes as adopted by the City of Astoria.
 - c. The Accessory Dwelling Unit complies with the requirements of this Section 3.020 concerning "Accessory Dwelling Units".
2. The Community Development Director may approve a permit submitted for a non-conforming unit that does not meet all of the above requirements, except those relative to building code requirements, as follows:
 - a. The permit review shall be in accordance with Article 9 concerning Type II administrative decisions. The Community Development Department shall notify property owners of record in accordance with 9.010 to 9.020 at least twenty (20) days prior to the issuance of a permit for a Non-conforming Accessory Dwelling Unit. The notice shall set forth the standards required and the nature of the non-conformity.
 - b. Permits for a Non-conforming Accessory Dwelling Unit may be issued after the notice period by the Community Development Director where the Director has made written findings as follows:
 - 1) That full compliance would be impractical; and
 - 2) That neither present nor anticipated future use of the unit reasonably require strict or literal interpretation and enforcement of the requirements of this code; and
 - 3) That the granting of the permit will not create a safety hazard.
3. A decision of the Community Development Director may be appealed to the Planning Commission in accordance with 9.040."

Section 4. Effective Date. This ordinance and its amendment will be effective 30 days following its adoption and enactment by the City Council.

ADOPTED BY THE COMMON COUNCIL THIS ____ DAY OF _____, 2017.

APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2017.

Mayor

ATTEST:

Brett Estes, City Manager

ROLL CALL ON ADOPTION:	YEA	NAY	ABSENT
Commissioner			
Mayor LaMear			

STAFF REPORT AND FINDINGS OF FACT

April 19, 2016

TO: PLANNING COMMISSION

FROM: KEVIN A CRONIN, AICP, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: AMENDMENT REQUEST (A16-02) BY COMMUNITY DEVELOPMENT DIRECTOR TO THE DEVELOPMENT CODE CONCERNING USES WITHIN THE R-x AND C-x Zones.

I. BACKGROUND SUMMARY

- A. Applicant: Kevin A. Cronin, AICP
Community Development Director
City of Astoria
1095 Duane Street
Astoria, OR 97103
- B. Request: Amend the Development Code to include definitions for tiny homes and townhouses, adding standards for attached single family units, adding flexibility for front yard setback for historic building patterns, removing restrictions for accessory dwelling units (ADUs), and allowing "tiny homes" as ADUs.
- Development Code Sections: Article 1: Definitions, Article 2: R-1, R-2, R-3, C-1, C-3, C-4, & Article 3: Accessory Dwelling Units
- C. Location: Citywide
- D. Zone: Multiple (see above)
- E. Previous Applications: A concurrent application (A16-01) is being heard by the Planning Commission to amend Article 9 – Procedures.

II. BACKGROUND

The Astoria Development Code (Code) outlines what is allowable in each zoning district with specific standards to implement the zone, including: density, lot size, setbacks, lot coverage, and height. In addition to purely residential zones (R-x), the Development Code encourages a compact urban form through mixed use development in traditional commercial zones (C-x) which is the historic building pattern in Astoria and the rest of the country prior to WW II. The Code also allows accessory

dwelling units - also called “mother-in-law units” or “granny flats” – in certain zones under strict conditions.

The City Council set a FY 15-16 goal: “Promote housing that Astorians can afford.” As a result, the Community Development Department conducted a full analysis of housing in Astoria to provide policymakers a baseline of information on the local housing crisis. The “Housing Study” (2015) outlines a range of issues from population, household income, demographics, housing production, housing costs, local examples of affordable housing, and recommendations. City staff presented the study to the Planning Commission in August 2015 and City Council in September 2015 in a special work session and followed it up with a list of recommendations in November 2015 referred to as the ‘affordable housing strategy.’ The strategy included a “Problem Definition” that the Council has adopted to address the lack of housing opportunities for local residents and employers.

Regional supply is at an all-time low in every housing category and demand is at an all-time high as a result of the North Coast’s historically low unemployment rate among other factors (City/County Building Permits 2011-2016). With this backdrop, the Community Development Department has proposed a set of new zoning standards to achieve the goal of creating more housing supply. The following objectives will help achieve this goal:

- Reduce the minimum lot size from 5,000 to 4,500 SF. This will create more developable lots through 2-3 lot partitions from land that typically has a single-family detached dwelling. In many cases this is already happening through granting of 122 variances since 2009. The change codifies what is happening in practice.
- Create clear and objective standards for single family attached units (rowhouses/townhouses) for R-x zones. A case study (Attachment 2) illustrates two examples of each attached unit building type.
- Reduce minimum lots sizes for duplexes and multi-family units under certain conditions.
- Provide more flexibility in C-x zones to facilitate mixed-use development.
- Reduce the restrictions on accessory dwelling units to encourage more basement and garage conversions as well as for construction of new units built above new garages or as part of new single family detached construction.
- Allow and encourage “tiny homes” to be placed on a single family lot under certain conditions.

A summary table of the code revisions can be found on Attachment 1. The Planning Commission has held two work sessions (February 23 and March 22) to review the proposed revisions. If the APC recommends approval, the proposal will be forwarded to the City Council for consideration tentatively at their May 16, 2016 meeting.

III. PUBLIC REVIEW AND COMMENT

Planning Commission

A public notice was mailed to Neighborhood Associations and interested parties on April 5, 2016. In accordance with Section 9.020, a notice of public hearing was published in the *Daily Astorian* on April 19, 2016. The proposed amendments are legislative as they apply citywide. Any comments received will be made available at the Planning Commission meeting.

IV. FINDINGS OF FACT

- A. Development Code Section 10.020(A) states that *"an amendment to the text of the Development Code or the Comprehensive Plan may be initiated by the City Council, Planning Commission, the Community Development Director, a person owning property in the City, or a City resident."*

Finding: The proposed amendment to the Development Code is being initiated by the Community Development Director.

- B. Section 10.050(A) states that *"The following amendment actions are considered legislative under this Code:*

1. *An amendment to the text of the Development Code or Comprehensive Plan.*
2. *A zone change action that the Community Development Director has designated as legislative after finding the matter at issue involves such a substantial area and number of property owners or such broad public policy changes that processing the request as a quasi-judicial action would be inappropriate."*

Finding: The proposed amendment is to amend the text of the Astoria Development Code concerning various zones to encourage housing opportunities. The Code is applicable citywide in any of the proposed zones. Processing as a quasi-judicial action would be inappropriate.

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

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

Finding: The Comprehensive Plan and Development Code establish specific uses allowed in each zone. The evolving development pattern over the last 10 years has seen an increased need for affordable housing and a need for adaptive reuse of existing commercial properties. The

proposed amendments are aimed at addressing inconsistencies between residential and commercial zones to encourage more housing options.

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

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

Finding: The proposed amendment would allow for continued compact urban form development of an area currently serviced by City utilities and maximizes the recent investments in stormwater treatment. The R-x and C-x zones that are under review allows residential uses and the ability to utilize land more efficiently, including existing commercial buildings, and would encourage redevelopment of vacant properties and houses. It will also allow almost all parts of a commercial building to be used reducing the amount of vacant space. In addition, the City's Buildable Lands Inventory (2011) indicates the supply of residential land is at a deficit of 15 acres. The proposed changes will allow Astoria to maximize existing land within the urban growth boundary (UGB) by encouraging infill and redevelopment of underutilized properties.

3. CP.220.5 concerning Housing Policies states that *"Low and moderate income housing should be encouraged throughout the City, and should not be concentrated in one area."*

CP.220.8 concerning Housing Policies states that *"Astoria's historic neighborhoods are recognized as some of the City's most significant assets, and should be protected through the Historic Preservation Ordinance, and other City actions to protect individual structures and neighborhoods. Wherever possible, renovation of existing structures should be carried out in lieu of demolition or new construction."*

Finding: The ability to use land efficiently will allow property owners to partition lots and use the proceeds to finance improvements to existing historic structures. It would also allow adaptive reuse of existing buildings providing income for the building owners and in turn will facilitate restoration and maintenance of historic buildings in the various zones.

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

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

Finding: The proposed amendments in total encourage infill and redevelopment thereby encouraging a compact urban form that facilitates alternative transportation options. Residential use on most floors is allowed as an outright use in most zones. The amendments primarily would only change the parameters for lot sizes and density requirements. Therefore, the traffic impact would be minimal for any residential use regardless of the proposal as long as it is consistent with the zoning code. The proposed amendment codifies attached single family units that is already being built and apply it to R-x zones. Therefore it should not impact the transportation facilities in and adjacent to the proposed zones. Finally, the Transportation System Plan (2013) contemplated the development of a compact urban form on the overall service levels and by policy encourages infill and redevelopment. The amendment is not subject to review under the TPR.

- E. Section 10.070(A)(2) requires that *"The amendment will not adversely affect the ability of the City to satisfy land and water use needs."*

Finding: The proposed amendment would allow expanded residential use within the R-x and C-x zones that would be similar to other allowable uses within the zone. Existing utilities and services are available for this type of use. Reuse of the underutilized portions of properties and buildings would be consistent with the compact urban form of development the City needs to conserve land area for development within the UBG. The proposed amendment will not adversely affect the ability of the City to satisfy land and water use needs.

V. CONCLUSION AND RECOMMENDATION

The request is consistent with the Comprehensive Plan and Development Code.

Staff recommends that the Planning Commission recommend approval of the proposed amendment to the City Council for a public hearing, review, and adoption.

3.020. ACCESSORY DWELLING UNITS (ADUs).

A. Purpose.

The purpose of this Section is to promote more efficient use of large, older homes; provide more affordable housing; allow individuals and smaller households to retain large, older houses as residences; and maintain the single-family character of the house and neighborhood.

B. Standards.

1. Size.

a. Primary Structure.

A house with an Accessory Dwelling Unit must have at least 1,400 square feet of floor area prior to creation of the Accessory Dwelling Unit. The floor area of the garage or other non-living space, such as an unfinished basement, may not be used in the calculation of the total square footage. ~~Any finished area used to determine floor area of the primary unit must have been completed at least ten years prior to the application for an Accessory Dwelling Unit. This date shall be determined by proof to be submitted by the applicant, such as the final inspection report date of a building permit.~~

b. Accessory Dwelling Unit.

An Accessory Dwelling Unit shall not exceed 40% of the primary structure or 800 square feet in size, whichever is smaller.

2. Creation of the Unit.

a. The Accessory Dwelling Unit may be created ~~only~~ through an internal conversion of an existing living area, basement, attic, other existing attached accessory buildings, such as a garage, or areas over attached or detached garages. New units can be built in new garages. ~~Accessory Dwelling Units shall not be permitted in structures detached from the primary residence, including but not limited to guest cottages, detached garages, or workshops.~~

b. To differentiate an Accessory Dwelling Unit from a two-family dwelling, all utilities such as water, electric, or gas, shall remain as single service utilities. ~~The Accessory Dwelling Unit shall not have its own utility services, except if the separate services existed prior to January 1, 2004. This does not apply to utilities providing~~

service to communication devices such as telephone, television, and other communication devices.

- c. An Accessory Dwelling Unit shall be subordinate to the existing single-family dwelling and may not be subdivided or otherwise segregated in ownership from the primary residence structure.

- d. Tiny Homes: A tiny home as defined in Article 1, Section 1.400 may be located on a single family lot and treated as an accessory dwelling unit. A tiny home must be mounted on a foundation, anchored to the foundation with hurricane straps, tie-downs or other engineered measures to withstand wind load, and hooked up to city utilities.

3. Location of Entrances.

In addition to the main entrance, one entrance to the house for the ADU may be located on the side or rear of the house. An additional entrance shall not alter the appearance in such a way that the structure appears to be a two-family dwelling, unless the house contained additional front doors prior to the conversion.

4. Zones in Which Permitted.

Accessory Dwelling Units are permitted outright or conditional allowed as an accessory use to any existing single-family dwelling in all zones. Construction of new single family units with ADUs are also allowed and encouraged.

5. Owner Occupancy.

- a. The property owner shall occupy either the principal unit or the Accessory Dwelling Unit as their permanent primary residence, and at no time receive rent for the owner-occupied unit.
- b. The property owner shall provide a covenant or deed restriction in a form acceptable to the City and suitable for recording with the County, providing notice to future owners of the subject lot that the existence of the Accessory Dwelling Unit is predicated upon the occupancy of either the Accessory Dwelling Unit or the principal dwelling unit by the property owner.

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6. Lot Size.

A home with an Accessory Dwelling Unit in the R-1 Zone (Low Density Residential) shall be located on a minimum lot size of 5,000 square feet. There is no minimum lot size for other zones.

7. Off-Street Parking Requirements.

In addition to the two spaces required for the primary unit, the Accessory Dwelling Unit shall have one additional off-street parking space. If on street parking is available on a city street, one space may be credited to the requirement of three total spaces.

8. Age of Home.

~~An Accessory Dwelling Unit may be allowed in homes originally constructed a minimum of 50 years prior to the application for the Accessory Dwelling Unit.~~

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C. Permits.

1. Permit Required.

A Type I permit is required for the establishment of an Accessory Dwelling Unit. The property owner shall submit an application to the Community Development Department on a form provided by the City.

2. Expiration of Permit.

An Accessory Dwelling Unit permit shall automatically expire if any of the following occurs:

- a. The Accessory Dwelling Unit is substantially altered and is no longer in conformance with the plans as approved by the Astoria Planning Commission, Community Development Director, and/or the Building Official; or
- b. The subject lot ceases to provided the approved number of parking spaces; or
- c. The property owner ceases to reside in either the principal or the Accessory Dwelling Unit.

D. Non-conforming Accessory Dwelling Units.

1. The portion of a single-family dwelling which meets the definition of Accessory Dwelling Unit which was in existence prior to January 1, 2004, may continue in existence provided the following requirements are met:
 - a. An application for an Accessory Dwelling Unit is submitted to the Community Development Department for review.
 - b. The Accessory Dwelling Unit complies with the minimum requirements of the Building Codes as adopted by the City of Astoria.
 - c. The Accessory Dwelling Unit complies with the requirements of this Section 3.020 concerning "Accessory Dwelling Units".
2. The Community Development Director may approve a permit submitted for a non-conforming unit that does not meet all of the above requirements, except those relative to building code requirements, as follows:
 - a. The permit review shall be in accordance with Article 9 concerning Type II administrative decisions. The Community Development Department shall notify property owners of record in accordance with 9.010 to 9.020 at least twenty (20) days prior to the issuance of a permit for a Non-conforming Accessory Dwelling Unit. The notice shall set forth the standards required and the nature of the non-conformity.
 - b. Permits for a Non-conforming Accessory Dwelling Unit may be issued after the notice period by the Community Development Director where the Director has made written findings as follows:
 - 1) That full compliance would be impractical; -and
 - 2) That neither present nor anticipated future use of the unit reasonably require strict or literal interpretation and enforcement of the requirements of this code; and
 - 3) That the granting of the permit will not create a safety hazard.
3. A decision of the Community Development Director may be appealed to the Planning Commission in accordance with 9.040.

(Section 3.020 Added by Ordinance 04-10, 11/1/04)

Additions to Definitions Section of Development Code

Article 1: Section 1.400

Tiny Home: An accessory dwelling unit that is less than 500 square feet, a manufactured dwelling constructed off site according to Section 1.400, and either certified by HUD manufactured dwelling standards for permanent living or through Recreation Vehicle Industry Association safety standards for temporary living. A minimum of 150 square feet per occupant shall be required up to two occupants maximum per tiny home.

Townhouse: One of a continuous row of dwellings having at least three distinct architectural features and style, such as color, form, and massing, having at least one common wall with its neighbor and on a fee simple lot per unit.

Comment [KC1]: Proposed additions to the Development Code require additions to the definition section.

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STAFF REPORT AND FINDINGS OF FACT - AMENDED
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October 20, 2016

TO: ASTORIA PLANNING COMMISSION (APC)

FROM: KEVIN A CRONIN, AICP, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: AMENDMENT REQUEST (A16-02) BY COMMUNITY DEVELOPMENT
DIRECTOR TO THE DEVELOPMENT CODE – REVISIONS TO ACCESSORY
DWELLING UNITS.

I. BACKGROUND SUMMARY

- A. Applicant: Kevin A. Cronin, AICP
Community Development Director
City of Astoria
1095 Duane Street
Astoria, OR 97103
- B. Request: Amend the Development Code to include definitions for tiny
homes and revision to accessory dwelling unit, removing
restrictions for accessory dwelling units (ADUs), and allowing “tiny
homes” as ADUs.
- Development Code Sections: Article 1: Definitions, Article 3:
Accessory Dwelling Units
- C. Location: Citywide
- D. Zone: Multiple (see above)
- E. Previous Applications: A concurrent application (A16-01) was heard by the
Planning Commission on September 27 to amend Article 9 – Procedures. The
APC recommended approval to the City Council.

II. BACKGROUND

The Astoria Development Code (Code) outlines what is allowable in each zoning district with specific standards to implement the zone, including: density, lot size, setbacks, lot coverage, height, and building type. Currently, the Code allows accessory dwelling units - also called “mother-in-law units” or “granny flats” – only in certain zones under strict conditions. The provision was added in 2004, but has only produced one application and no new housing units.

Policy Context

The City Council set a FY 15-16 goal: "Promote housing that Astorians can afford." As a result, the Community Development Department conducted a full analysis of housing in Astoria to provide policymakers a baseline of information on the local housing crisis. The "Housing Study" (2015) outlines a range of issues from population, household income, demographics, housing production, housing costs, local examples of affordable housing, and recommendations. City staff presented the study to the Astoria Planning Commission (APC) in August 2015 and City Council in September 2015 in a special work session and followed it up with a list of recommendations in November 2015 referred to as the 'affordable housing strategy.' The strategy included a "Problem Definition" that the Council has adopted to address the lack of housing opportunities for local residents and employers.

Regional supply is at an all-time low in every housing category and demand is at an all-time high as a result of the North Coast's historically low unemployment rate among other factors (City/County Building Permits 2011-2016). With this backdrop, the Community Development Department proposed a set of zoning revisions to achieve the goal of creating more housing supply. With the exception of the ADU proposal, those provisions in Article 2 have been tabled until further direction from the Council.

Review Process

Beginning in February 2016, the APC held two work sessions (February 23 and March 22) to review the proposed revisions. In April, the APC was slated to hold a public hearing to officially take public comment, but the Commission opted to hold a "town hall style" work session where public comment was requested. On July 18, the City Council held a work session to get an update on the affordable housing strategy and study the code amendments, including the option to increase flexibility of ADUs and tiny homes. Based on the feedback from Council, the ADU portion was scheduled for a public hearing on September 27. (The APC did not hold their regular meeting in August). The APC continued the hearing until their next regular meeting on October 25. In order to process the comments from the public hearing, staff scheduled a work session on October 19, which was open to the public and comments were received. The staff report, recommendation, and revisions to the ADU proposal reflect the comments received at the work session.

Overview of Revisions

Staff presented a list of issues that were raised at the September hearing during a work session on October 19. Discussion of the issues is contained in a memo to the APC dated October 14, 2016 and enclosed of the record. Based on this feedback, staff has made the following revisions to Section 3.020 – Accessory Dwelling Units:

- Added a homestay lodging prohibition
- Clarified city street standard for on street parking credit
- Clarified allowable ADUs: detached vs. attached
- Clarified entrances for new detached units
- Added height standard for detached ADUs
- Revised definition of ADU (Article 1)

Next Steps

The APC has the option of closing the hearing, and then deliberating for as long as necessary. The other option is to continue the hearing until November 22. If the APC recommends approval, the proposal will be forwarded to City Council for consideration and a public hearing at a date to be determined.

III. PUBLIC REVIEW AND COMMENT

Planning Commission

A public notice was mailed to Neighborhood Associations and interested parties on October 6, 2016. In accordance with Section 9.020, a notice of public hearing was published in the *Daily Astorian* on October 10, 2016. The proposed amendments are legislative as they apply citywide. Any comments received will be made available at the Planning Commission meeting.

IV. FINDINGS OF FACT

- A. Development Code Section 10.020(A) states that *"an amendment to the text of the Development Code or the Comprehensive Plan may be initiated by the City Council, Planning Commission, the Community Development Director, a person owning property in the City, or a City resident."*

Finding: The proposed amendment to the Development Code is being initiated by the Community Development Director.

- B. Section 10.050(A) states that *"The following amendment actions are considered legislative under this Code:*

1. *An amendment to the text of the Development Code or Comprehensive Plan.*
2. *A zone change action that the Community Development Director has designated as legislative after finding the matter at issue involves such a substantial area and number of property owners or such broad public policy changes that processing the request as a quasi-judicial action would be inappropriate."*

Finding: The proposed amendment is to amend the text of the Astoria Development Code concerning ADUs to encourage more housing opportunities. The Code is applicable citywide in any of the proposed zones. Processing as a quasi-judicial action would be inappropriate.

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

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

Finding: The Comprehensive Plan and Development Code establish specific uses allowed in each zone. The evolving development pattern and market fluctuation over the last 10 years has seen an increased need for affordable housing. The proposed amendments are aimed at addressing the need for more housing options. The Housing Study 2015 clearly outlined a need for more housing options. In response, the Council directed staff to develop a strategy to address the lack of housing options. The ADU proposal is one small part of a larger strategy.

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

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

Finding: The proposed amendment would allow for continued compact urban form development of an area currently serviced by City utilities and maximizes the recent investments in stormwater treatment. The proposal will encourage redevelopment and reinvestment in vacant houses. In addition, the City's Buildable Lands Inventory (2011) indicates the supply of residential land is at a deficit of 15 acres. The proposed changes will allow Astoria to maximize existing land within the urban growth boundary (UGB) by encouraging infill and redevelopment of underutilized properties. An expansion of the UGB is not feasible nor is it warranted.

3. CP.220.5 concerning Housing Policies states that *"Low and moderate income housing should be encouraged throughout the City, and should not be concentrated in one area."*

CP.220.8 concerning Housing Policies states that *"Astoria's historic neighborhoods are recognized as some of the City's most significant assets, and should be protected through the Historic Preservation Ordinance, and other City actions to protect individual structures and*

neighborhoods. Wherever possible, renovation of existing structures should be carried out in lieu of demolition or new construction."

Finding: The ability to use land efficiently will allow property owners to use the proceeds to finance improvements to existing historic structures. It would also allow adaptive reuse of existing houses providing income for the building owners and in turn will facilitate restoration and maintenance of historic homes in the various zones.

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

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

Finding: The proposed amendment encourages infill and redevelopment thereby encouraging a compact urban form that facilitates alternative transportation options. The amendment would only change the allowable parameters for the construction of ADUs. Therefore, the traffic impact would be minimal for any residential use regardless of the proposal as long as it is consistent with the zoning code. Finally, the Transportation System Plan (2013) contemplated the development of a compact urban form on the overall service levels and by policy encourages infill and redevelopment. The amendment is not subject to review under the Transportation Planning Rule.

- E. Section 10.070(A)(2) requires that *"The amendment will not adversely affect the ability of the City to satisfy land and water use needs."*

Finding: The proposed amendment would allow expanded ADUs within the R-x zones. Existing utilities and services are available for this type of use. Reuse of the underutilized portions of properties and buildings would be consistent with the compact urban form of development the City needs to conserve land area for development within the UBG. The proposed amendment will not adversely affect the ability of the City to satisfy land and water use needs.

V. CONCLUSION AND RECOMMENDATION

The request is consistent with the Comprehensive Plan and Development Code.

Staff recommends that the Planning Commission recommend approval of the proposed amendment to the City Council for a public hearing, review, and adoption. Alternatively, the APC could continue the hearing to November 22 or close the hearing and deliberate at the November 22 meeting.

The Planning Commission recommendation includes an evaluation of the new standards after one year to study the production levels, efficacy, and determine if additional revisions are needed. In addition, the fee schedule to process ADU permits should be updated to reflect the true cost of administering the permit.

3.020. ACCESSORY DWELLING UNITS (ADUs).

A. Purpose.

The purpose of this Section is to promote more efficient use of large, older homes; provide more affordable housing; allow individuals and smaller households to retain large, older houses as residences; and maintain the single-family character of the house and neighborhood.

B. Standards.

1. Size.

a. Primary Structure.

A house with an Accessory Dwelling Unit must have at least 1,400 square feet of floor area prior to creation of the Accessory Dwelling Unit. The floor area of the garage or other non-living space, such as an unfinished basement, may not be used in the calculation of the total square footage. ~~Any finished area used to determine floor area of the primary unit must have been completed at least ten years prior to the application for an Accessory Dwelling Unit. This date shall be determined by proof to be submitted by the applicant, such as the final inspection report date of a building permit.~~

b. Accessory Dwelling Unit.

An Accessory Dwelling Unit shall not exceed 40% of the primary structure or 800 square feet in size, whichever is smaller. Only one unit per single family lot is permitted.

2. Creation of the Unit.

a. The Accessory Dwelling Unit may be created ~~only~~ through an internal conversion of an existing living area, basement, attic, other existing attached accessory buildings, such as a garage, or areas over attached or detached garages. Construction of new units are also permitted and can be built over new detached or attached garages or as separate detached units. ~~Accessory Dwelling Units shall not be permitted in structures detached from the primary residence, including but not limited to guest cottages, detached garages, or workshops.~~

b. To differentiate an Accessory Dwelling Unit from a two-family dwelling, all utilities such as water, electric, or gas, shall remain as

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single service utilities. -The Accessory Dwelling Unit shall not have its own utility services, except if the separate services existed prior to January 1, 2004. This does not apply to utilities providing service to communication devices such as telephone, television, and other communication devices.

- c. An Accessory Dwelling Unit shall be subordinate to the existing single-family dwelling and may not be subdivided or otherwise segregated in ownership from the primary residence structure.

- d. Tiny Homes: A tiny home as defined in Article 1, Section 1.400 may be located on a single family lot and treated as an accessory dwelling unit. A tiny home must be mounted on a foundation, anchored to the foundation with hurricane straps, tie-downs or other engineered measures to withstand wind load, and hooked up to city utilities.

3. Location of Entrances.

In addition to the main entrance, one entrance to the house for the ADU may be located on the side or rear of the house. An additional entrance on the main dwelling shall not alter the appearance in such a way that the structure appears to be a two-family dwelling, unless the house contained additional front doors prior to the conversion. The location of the entrance to a detached unit can be anywhere if it is placed behind the main dwelling. In cases where the new ADU is placed in from the main dwelling, the entrance shall not face the street.

4. Zones in Which Permitted.

Accessory Dwelling Units are permitted outright or conditional allowed as an accessory use to any existing single-family dwelling in all zones.

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5. Owner Occupancy.

- a. The property owner shall occupy either the principal unit or the Accessory Dwelling Unit as their permanent primary residence, and at no time receive rent for the owner-occupied unit.
- b. The property owner shall provide a covenant or deed restriction in a form acceptable to the City and suitable for recording with the County, providing notice to future owners of the subject lot that the existence of the Accessory Dwelling Unit is predicated upon the occupancy of either the Accessory Dwelling Unit or the principal dwelling unit by the property owner.

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6. Lot Size.

A home with an Accessory Dwelling Unit in the R-1 Zone (Low Density Residential) shall be located on a minimum lot size of 5,000 square feet. There is no minimum lot size for other zones.

7. Off-Street Parking Requirements.

In addition to the two spaces required for the primary unit, the Accessory Dwelling Unit shall have one additional off-street parking space. If on street parking is available on a city street built to a city standard identified in the Transportation System Plan, one space may be credited to the requirement of three total spaces.

~~8. Age of Home. Height~~

~~The height of new detached units shall not exceed 20 feet or 80% of the height of the main dwelling, whichever is less. An Accessory Dwelling Unit may be allowed in homes originally constructed a minimum of 50 years prior to the application for the Accessory Dwelling Unit.~~

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9. Homestay Lodging

Homestay lodging is prohibited in accessory dwelling units created after January 1, 2017.

C. Permits.

1. Permit Required.

A Type I or Type 3 permit is required for the establishment of an Accessory Dwelling Unit. The property owner shall submit an application to the Community Development Department on a form provided by the City.

2. Expiration of Permit.

An Accessory Dwelling Unit permit shall automatically expire if any of the following occurs:

- a. The Accessory Dwelling Unit is substantially altered and is no longer in conformance with the plans as approved by the Astoria Planning Commission, Community Development Director, and/or the Building Official; or

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- b. The subject lot ceases to provided the approved number of parking spaces; or
- c. The property owner ceases to reside in either the principal or the Accessory Dwelling Unit.

D. Non-conforming Accessory Dwelling Units.

1. The portion of a single-family dwelling which meets the definition of Accessory Dwelling Unit which was in existence prior to January 1, 2004, may continue in existence provided the following requirements are met:
 - a. An application for an Accessory Dwelling Unit is submitted to the Community Development Department for review.
 - b. The Accessory Dwelling Unit complies with the minimum requirements of the Building Codes as adopted by the City of Astoria.
 - c. The Accessory Dwelling Unit complies with the requirements of this Section 3.020 concerning "Accessory Dwelling Units".
2. The Community Development Director may approve a permit submitted for a non-conforming unit that does not meet all of the above requirements, except those relative to building code requirements, as follows:
 - a. The permit review shall be in accordance with Article 9 concerning Type II administrative decisions. The Community Development Department shall notify property owners of record in accordance with 9.010 to 9.020 at least twenty (20) days prior to the issuance of a permit for a Non-conforming Accessory Dwelling Unit. The notice shall set forth the standards required and the nature of the non-conformity.
 - b. Permits for a Non-conforming Accessory Dwelling Unit may be issued after the notice period by the Community Development Director where the Director has made written findings as follows:
 - 1) That full compliance would be impractical; -and
 - 2) That neither present nor anticipated future use of the unit reasonably require strict or literal interpretation and enforcement of the requirements of this code; and

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- 3) That the granting of the permit will not create a safety hazard.

3. A decision of the Community Development Director may be appealed to the Planning Commission in accordance with 9.040.

(Section 3.020 Added by Ordinance 04-10, 11/1/04)

Additions to Definitions Section of Development Code

Article 1: Section 1.400

Tiny Home: An accessory dwelling unit that is less than 500 square feet, a manufactured dwelling constructed off site according to Section 1.400, and either certified by HUD manufactured dwelling standards for permanent living or through Recreation Vehicle Industry Association safety standards for temporary living. A minimum of 150 square feet per occupant shall be required up to two occupants maximum per tiny home.

Accessory Dwelling Unit: An accessory dwelling unit is one additional subordinate or auxiliary living unit in an existing house or detached from the main dwelling. A dwelling with an accessory dwelling unit is distinguished from a duplex by the retention of the appearance as a single-family dwelling.

Comment [KC1]: Proposed additions to the Development Code require an addition and revision to the definition section.

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The Standards

Determining the Design Types of Mixed-Use Streets

Step 1: Determine if the street is located along a transit route. If so, the through lane width should be a minimum of 11 feet, or the minimum lane width as shown in the optimum street design, whichever is higher.

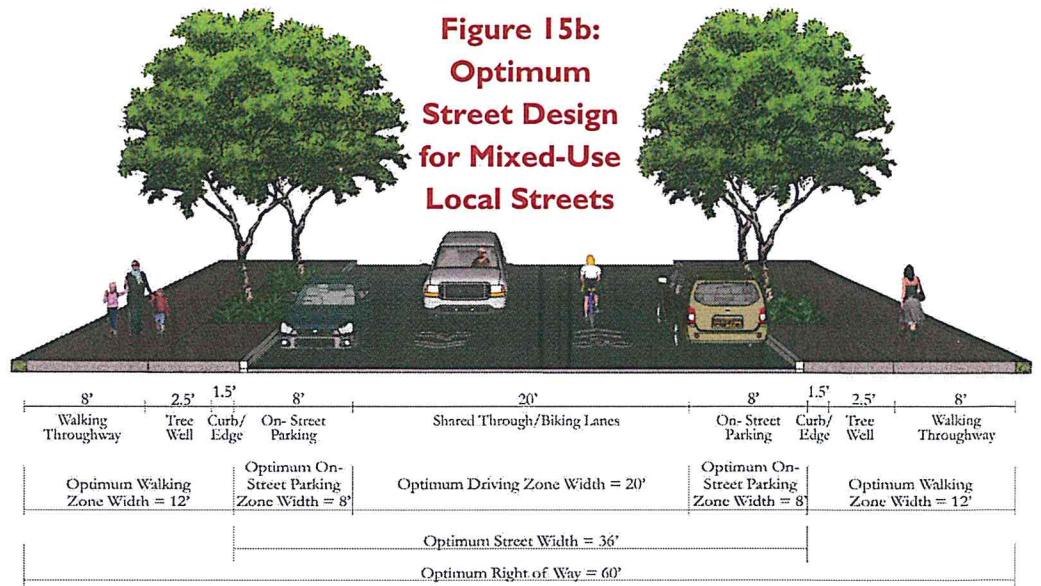
Step 2: Determine if left-turn lanes are needed at intersections. Intersection design should generally try to minimize pedestrian crossing distance. If turn-lanes are warranted, consider the trade-offs between improved driving mobility and increased crossing distance.

Step 3: Compare the optimum street design to the available right-of-way. If the cross-section is wider than the right-of-way, identify whether right-of-way acquisition is necessary or reduce the width of or eliminate lower-priority elements as determined by the City.

Figure 15a: Optimum Street Design for Mixed-Use Collector Streets



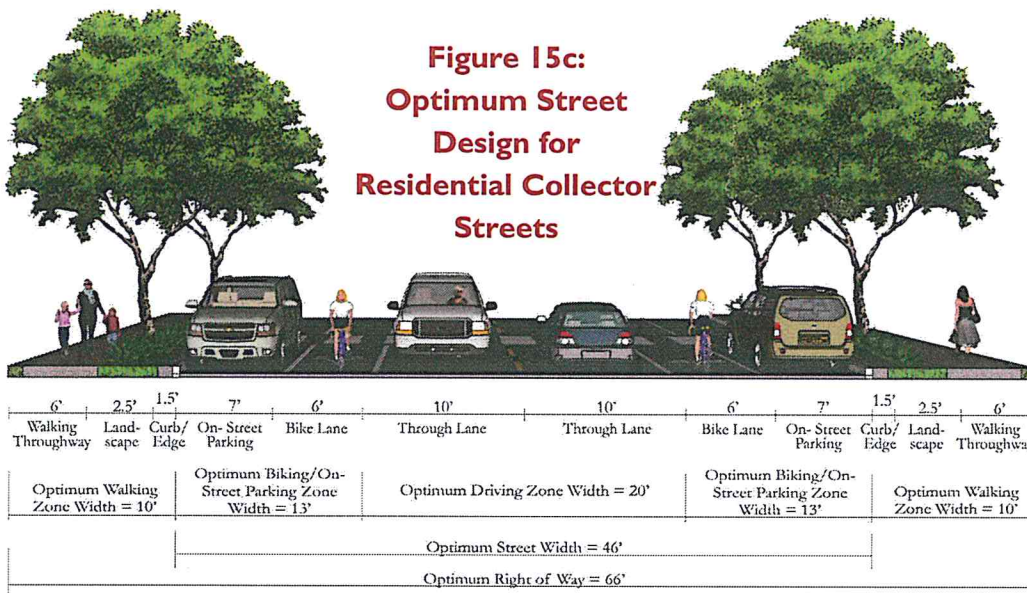
Figure 15b: Optimum Street Design for Mixed-Use Local Streets



The Standards

Determining the Design Types of Residential Streets

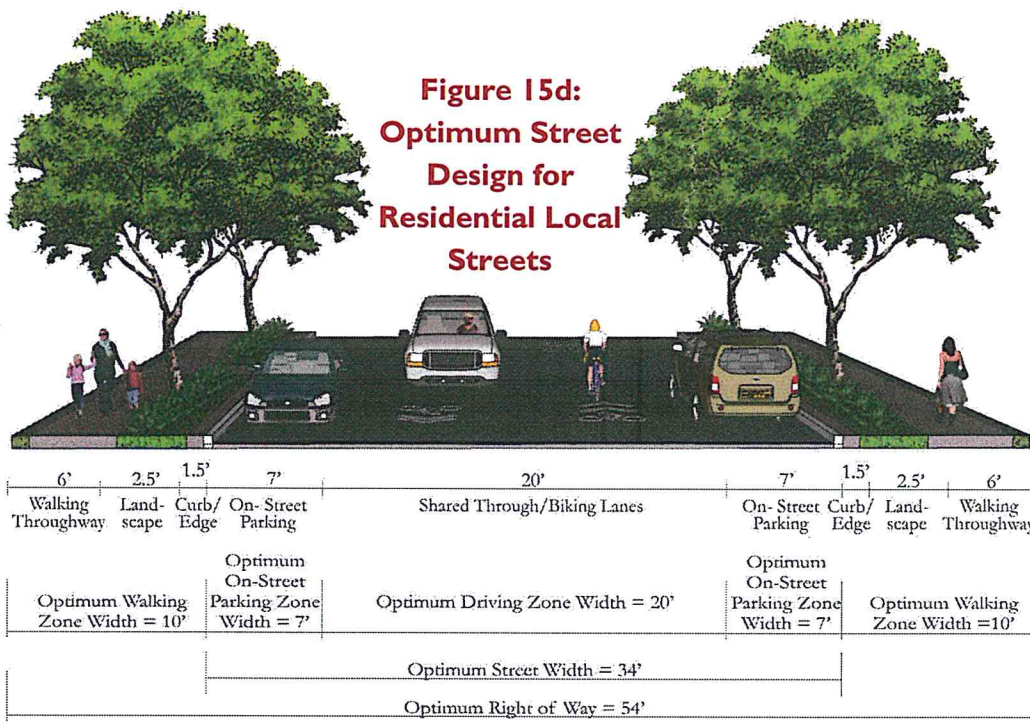
**Figure 15c:
Optimum Street
Design for
Residential Collector
Streets**



Step 1: Determine if the street is located along a transit route. If so, the through lane width should be a minimum of 11 feet, or the minimum lane width as shown in the optimum street design, whichever is higher.

Step 2: Determine if left-turn lanes are needed at intersections. Intersection design should generally try to minimize pedestrian crossing distance. If turn-lanes are warranted, consider the trade-offs between improved driving mobility and increased crossing distance.

**Figure 15d:
Optimum Street
Design for
Residential Local
Streets**



Step 3: Compare the optimum street design to the available right-of-way. If the cross-section is wider than the right-of-way, identify whether right-of-way acquisition is necessary or reduce the width of or eliminate lower-priority elements as determined by the City.

October 14, 2016

TO: ASTORIA PLANNING COMMISSION

FROM: KEVIN A CRONIN, AICP, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: AMENDMENT REQUEST (A16-02) BY COMMUNITY DEVELOPMENT DIRECTOR TO THE DEVELOPMENT CODE CONCERNING CHANGES TO ACCESSORY DWELLING UNITS SECTION 3.020.

Background

Accessory dwelling units are a popular housing type found in urbanized locations. They are subordinate to the main dwelling in size and appearance and offer a market rate, affordable option for renters while offering a supplemental income to the property owner. In Astoria, ADUs became legal under certain conditions in 2004, but has produced only one application. In an effort to incent construction of more ADUs, increase housing supply, and achieve a City Council FY 15-16 Goal the Community Development Director initiated a Development Code update (i.e. "plan amendment") in January 2016.

The Astoria Planning Commission (APC) has held three work sessions prior to the public hearing on September 27 to review a proposal by the Community Development Director. The focus of the hearing was to take public comment on amendments to the accessory dwelling unit provisions in the Astoria Development Code ("Code" - Section 3.020). The hearing was continued to October 25 to allow additional testimony and respond to comments received at the hearing. Subsequent to the hearing, the Community Development Director requested a work session with the APC to review comments. A work session has been scheduled for October 19 at 630 pm in Council Chambers.

The following memo outlines the issues raised at the hearing and provides direct responses to address the concerns.

First, the Director reviewed the Sightline Institute report "The ADU Gauntlet: Selected Restrictions and Requirements for Accessory Dwelling Units in Cascadian Cities" (March 2013). The report (enclosed) is a matrix of criteria that selected cities were graded on in terms of flexibility of constructing ADUs. Below is an assessment of Astoria based on staff's evaluation:

Astoria: Accessory Dwelling Units "Report Card"

Criteria	No. of ADUs per Lot	Off Street Parking Spaces Required	Owner Occupied Requirement	How many people may live on the lot?	How big can they be built?	Where can they be built?	Design Review
<i>Current</i>	Lot coverage	1 space	Yes	Up to 6 persons	800 SF 40% of primary	R-1, R-2, R-3	Yes
<i>Proposed</i>	TBD	On street credit	No change	No change	No change	No change	No change

1. **Density:** The number of ADUs per lot is currently regulated through lot coverage standards. For example, if a 1,000 SF single family home is located on a 5,000 SF minimum lot, then the lot coverage would be 20 percent assuming no other accessory structures (i.e. garage). The lot

- *Site Design:* The siting standards for ADUs are regulated by the zone. Each zone has setback standards for the front, side, and rear yard. In addition to setbacks, the size is regulated as described above. Depending on the location of main dwelling, most new detached ADUs would be sited in the rear yard where there is ample room. In the rare case where the main house is set back toward the back of the property, the new unit could be built in front with a 20 foot setback. In this scenario it would most likely appear as a garage or cottage similar to the property at 1590 Lexington adjacent to Clatsop Community College. Enclosed are diagrams of different house types that meet siting standards.
- *Height:* The height standard for the zone dictates the height of new structures. For example, the R-1 zone would allow 28 feet for a new structure. In response, a revised proposal will add a height standard of “20 feet or 80% of the main dwelling, whichever is less” to the proposal. For example, if the main dwelling is a single story at 20 feet high, the new ADU could be 16 feet high. If the existing house is 30 feet high, then 20 feet is the maximum.
- *Entrances:* The current standard requires a separate entrance to the ADU to be a side or rear yard entrance due to the nature of conversion type ADUs. New construction provides more flexibility in how to design the location of the entrance depending on a number of factors, including, solar, relationship to the main dwelling, street access, and privacy. The proposal does not contemplate any changes to the entrance requirement other than to allow flexibility to the designer for new construction type projects. Alternatively, specific provisions can be prescribed for corner lots or front yard facing units.
- *Vacation Rentals:* The Code allows “homestay lodging” and “bed and breakfasts” under certain conditions and in all zones either conditionally or as outright permitted uses. The ADU proposal does not alter this provision of the Code. If an owner builds a new ADU, they could rent out the new unit as homestay lodging if they met all the standards. Conversely, the APC can prohibit homestay lodging in ADUs.
- *Affordability & Tiny Homes:* The assertion that tiny homes are cheap or “low income” housing is a false premise. The cost estimate range for tiny homes vary widely from \$30,000 – \$100,000 depending on multiple factors: size, finishes, materials, green building versus salvaged materials, and contracted versus DIY labor. These costs do not include a foundation and utility hook ups which could run another \$10,000. The assertion that this proposal is being done to provide low income housing is completely false and misunderstood. The goal is simple: provide more housing options. In particular, ADUs provide affordable, market rate options to a demographic that is growing in Astoria; workforce housing for single people and young couples.

CITIES	NUMBER OF ADUS ALLOWED PER LOT	OFF-STREET PARKING SPACES REQUIRED PER ADU	MUST PROPERTY OWNER LIVE ON THE SITE?	HOW MANY PEOPLE MAY LIVE ON THE LOT?	HOW BIG MAY ADUS BE? (IN FLOOR AREA)	WHERE IN THE CITY ARE ADUS ALLOWED?	MUST ADU MATCH HOUSE IN EXTERIOR DESIGN?	CITY POPULATION	ADU-FRIENDLINESS SCORE (0-100)
Richmond, BC	1 AADU, 1 DADUs	1, if on arterial streets	no	Each unit gets its own occupancy quota (e.g., ≤6 unrelated persons in each unit).	AADUs: 355 - 969 sq. ft. and ≤40% of total floor area of both units. DADUs: 355 - 753 sq. ft., combined with main dwelling's floor area ratio for lot. ADU attached to garage (coach house): 355 - 646 sq. ft., ≥75% of floor area above a garage or ≤60% in certain zones.	AADU: In single-family houses large enough to accommodate them. DADUs (coach houses attached to garage and free standing "granny flats"): in specified zones, must have vehicle access to a rear lane/alley.	yes	190,000	70
Yakima, WA	1	1	no	Each unit gets its own occupancy quota (e.g., ≤5 unrelated persons in each unit).	≤800 sq. ft. and ≤50% of primary dwelling.	On residential lots with detached single-family dwellings and lots ≥10,890 sq. ft. (a quarter acre).	yes	162,000	45
Eugene, OR	1	1	yes	Each unit gets its own occupancy quota (e.g., ≤5 unrelated persons in each unit).	≤800 sq. ft. (more for certain flats)	AADUs: lots ≥4,500 sq. ft. (which includes most single-family lots in city). DADUs: lots ≤6,000 sq. ft.	no	156,185	56
Salem, OR	0	ADUs not allowed	ADUs not allowed	ADUs not allowed.	ADUs not allowed	Nowhere	ADUs not allowed	155,000	-
Abbotsford, BC	1 AADU, 0 DADUs	1	yes	?	AADUs ≤969 sq. ft. and ≤40% of floor area of entire house.	Residential lots in specified residential zones (mostly low to medium density zones).	Not applicable because DADUs banned.	133,000	28
North Vancouver, BC	1	1	yes	≤3 unrelated in main, ≤4 (must be related) in ADU.	AADUs: 400 - 969 sq. ft. and ≤40% of total floor area of house. DADUs: ≤800 sq. ft. and ≤15% of lot area	In single-family houses. DADU: lots ≥ 3,900 sq. ft.	yes	132,000	38
Langley, BC	1 AADU, 0 DADUs	1	yes	Each unit gets its own occupancy quota (e.g., ≤4 unrelated persons in each unit).	≤40% of total floor area of house and ≤969 sq. ft.	In single-family houses. No DADUs.	Not applicable because DADUs banned.	129,000	38
Coquitlam, BC	1 AADU, 0 DADUs	1	?	?	AADUs ≤40% of total floor area of house.	In single-family dwellings that have no lodgers or boarders. No DADUs.	Not applicable because DADUs banned.	126,000	22
Bellevue, WA	1	1	yes	Units share one occupancy quota (≤6, if any unrelated).	300 - 800 sq. ft. and ≤40% of combined floor area of units, not including garage.	In existing single-family houses where no home-based business is located, ≥3 years after final inspection approval. DADU: lots ≥ 3,900 sq. ft.	?	122,363	39
Grasham, OR	1	1 or more, depending on unit characteristics	yes	Each unit gets its own occupancy quota (e.g., ≤5 unrelated persons in each unit).	AADUs ≤900 sq. ft.; DADUs ≤750 sq. ft.	Lots with single-family houses in all residential zones. DADUs must attach to a garage.	yes	105,594	49
Everett, WA	1 AADU, 0 DADUs	1 (plus 2 for primary dwelling)	yes	Both units share one occupancy quota (e.g., ≤4 adults, if unrelated).	≤40% of total floor area of house and ≤800 sq. ft.	On lots of ≥5,000 sq. ft. where there is a single-family house.	yes	103,000	29
Kent, WA	1	1	yes	Each unit gets its own occupancy quota (e.g., ≤6 unrelated persons in each unit).	AADUs: ≤40% of primary unit. DADUs: ≤800 sq. ft. and ≤33% of primary unit.	On all lots with single-family dwellings.	no	92,000	53
Hillsboro, OR	1	1	yes	≤5 unrelated in primary dwelling + ≤3 related or unrelated in ADU.	250 - 750 sq. ft. and ≤75% of primary unit.	In most single-family residential zones.	yes	91,611	43
Vancouver, WA	1	1	yes	Each unit gets its own occupancy quota (e.g., ≤6 unrelated persons in each unit).	300 - 800 sq. ft. and ≤40% of primary unit.	Residential lots ≥4,500 sq. ft.	yes	91,000	38

CITIES	NUMBER OF ADUs ALLOWED PER LOT	OFF-STREET PARKING SPACES REQUIRED PER ADU	MUST PROPERTY OWNER LIVE ON THE SITE?	HOW MANY PEOPLE MAY LIVE ON THE LOT?	HOW BIG MAY ADUs BE? (IN FLOOR AREA)	WHERE IN THE CITY ARE ADUs ALLOWED?	MUST ADU MATCH HOUSE IN EXTERIOR DESIGN?	CITY POPULATION	ADU FRIENDLINESS SCORE (0-100)
Troutdale, OR	1	1	?	?	≤750 sq. ft. and ≤1 bedroom.	On lots with detached single-family dwellings, where the dwellings are ≥1,800 sq. ft., and the subdivision was recorded after July 27, 2000.	yes	15,595	28
Happy Valley, OR	1	1	yes, but owner may instead appoint a family member to live in one of the units as a caretaker	Both units share one occupancy quota (≤6, if any unrelated).	AADUs: ≤50% of primary unit. DADUs: ≤50% of primary unit and ≤1,000 sq. ft.	On lots with detached single-family dwellings. ADUs may not have their own garages, if the primary unit already has a garage.	yes	14,965	34
Cornelius, OR	1	1	yes	ADU: ≤2; or 1, if ADU is ≤500 sq. ft.	250 - 800 sq. ft. and ≤30% of primary unit and ≤1 bedroom and coverage of lot by all structures ≤50% of ground area.	?	no	12,000	28
Gladstone, OR	1	1	yes	?	≤400 sq. ft. and ≤1 bedroom.	On lots with detached, single-family units.	yes	11,500	28
Damascus, OR	1	0	yes, but owner may instead appoint a caretaker to live in one of the units and serve as manager of both	?	≤800 sq. ft. and ≤40% of primary unit	?	no	10,656	38

Cities listed above Idaho Falls are most-populous in Cascadia, in order of size. Beneath Idaho Falls are selected smaller cities. Sources: City land-use codes and other documents from each city, along with consultations with planners from many cities. Developed in collaboration with the green building team at the Oregon Department of Environmental Quality, Portland, Ore. Much of this information was gathered by volunteers, not by Sightline staff. Please let us know of any errors or additional information to include. A fuller version of this table, with more details and citations, is posted at: <http://www.deq.state.or.us/lup/sw/waste/prevention/greenbuilding.htm#current>.

**Prototypical Residential Block:
Homes and Accessory Dwelling Units**

Allowable Lot Coverage by Zone
(including accessory structures)

R-1: 30%

R-2: 40%

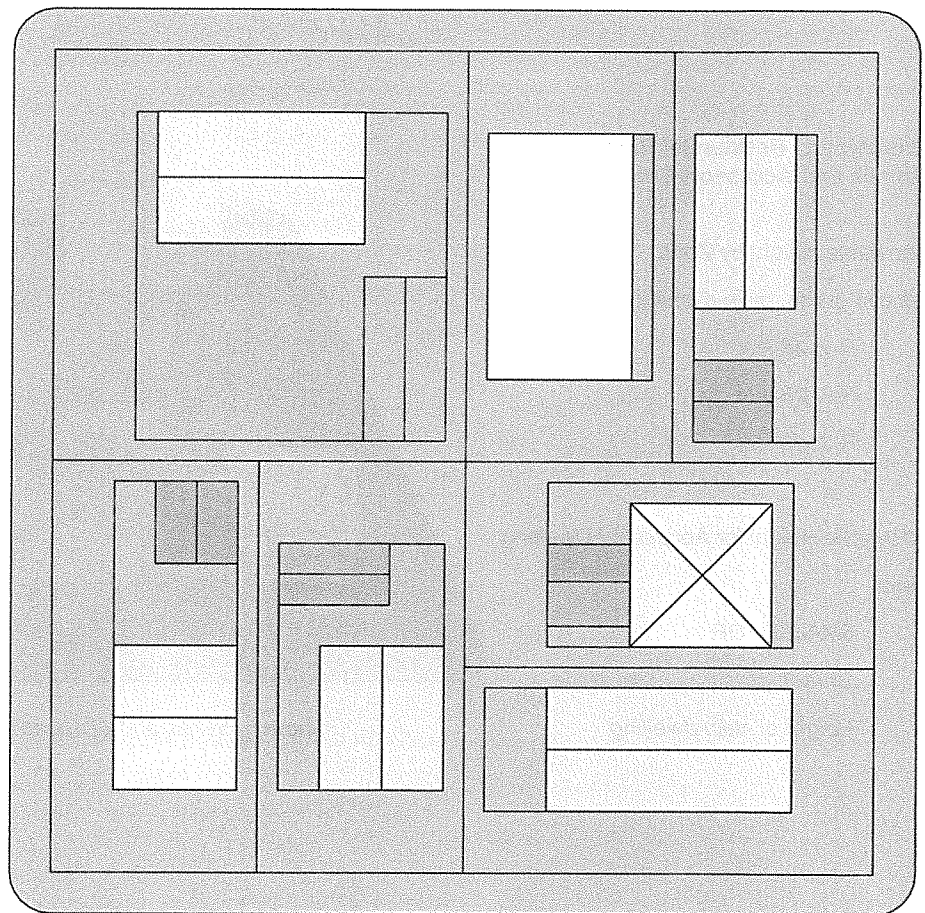
R-3: 50%

Maximum Square Footage of an
Accessory Structure

SMALLER OF:

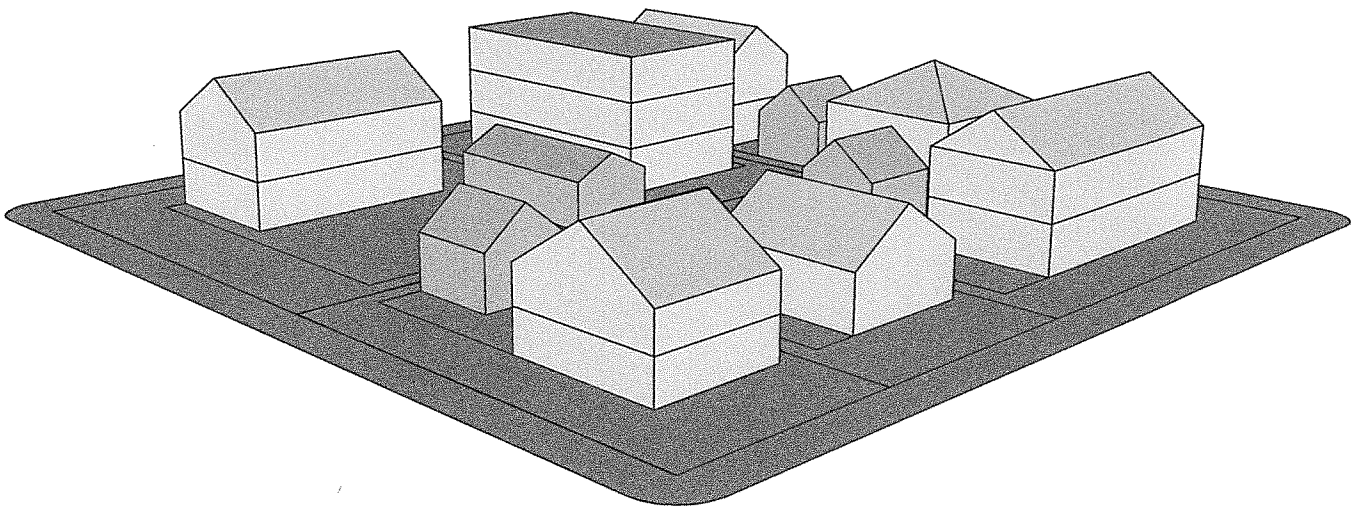
800 SF

40 % of main dwelling



Shown: Homes and ADUs as allowable in an R-3 zone (example)

Alternate View:



Shown: Homes and ADUs as allowable in an R-3 zone (example)

ASTORIA PLANNING COMMISSION WORK SESSION

Astoria City Hall
April 26, 2016

CALL TO ORDER:

Vice President Easom called the work session to order at 7:01 pm.

ROLL CALL:

Commissioners Present: Vice President Kent Easom, McLaren Innes, Sean Fitzpatrick, Daryl Moore, Jan Mitchell and Frank Spence

Commissioners Excused: President David Pearson

Staff Present: Planner Nancy Ferber, Community Development Director Kevin Cronin, and Parks Department Employee Ian Sisson. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

PARKS AND RECREATION DEPARTMENT MASTER PLAN:

Ian Sisson provided the Commissioners updated copies of the draft Parks and Recreation Comprehensive Master Plan and draft recommendations. He reviewed the master planning process, timeline, next steps, details of the draft Master Plan and draft recommendations, the Plan's impact to the Comprehensive Plan, and next steps. Director Cronin briefly described the public/private partnership between the City and the Senior Center and suggested the City needed to get smarter about its facilities. Mr. Sisson asked the Planning Commission to provide feedback and advise Staff about how to move forward. He noted that Commissioners were welcome to submit feedback at any other time, as some of the information presented was new.

The Commissioners agreed the draft documents were thorough. Commissioner Spence said he was surprised the Parks and Recreation Department was able to do so much with limited funding and personnel. Three full-time employees are not enough to cover all of the Parks. If the Plan is implemented, the Parks Department will need additional personnel.

Director Cronin explained that this Public Facility Plan would allow the City to accomplish several land use and planning goals required by the State. The final Plan will be presented to the Planning Commission in a public hearing as an attachment to the Comprehensive Plan. Parks play a big role in how the City determines its land needs as the City must plan for future growth. Therefore, the Parks Board, Planning Commission, and City Council must consider policies that accommodate Astoria's future needs. He recommended the City optimize what it already has.

Commissioner Spence noted the City owns 1,300 parcels of land and asked how many parks sites were included in the study. Staff replied the Parks Department has 63 facilities; 35 are parks and the rest are trails and indoor facilities. The Plan includes a diagram that shows the growth of the Parks system and the department's financial metrics since 1990.

Planner Ferber asked if there were any high priority areas that stood out in feedback from the most recent open houses. Mr. Sisson stated that feedback from open houses indicated the community's two highest priorities are to increase revenue and staffing and to improve existing properties before adding new properties. He told the Commission where this information could be found in the draft Plan and reminded that Commissioners could call or email him with comments.

The following Astoria Development Code Amendments were moved to the work session from the public hearings scheduled during the regular Planning Commission meeting.

Amendment A16-01 to Amend the Astoria Development Code, Article 9 – Administrative Procedures, City Wide

Director Cronin noted that one of City Council's goals was to streamline the permitting process and Article 9 has not been updated in a long time. He considered the Department of Land Conservation and Development (DLCD) model code for small cities to develop the proposed amendments. No major changes had been made since the

area. The industry is completely unregulated and structures are built without smoke alarms or egresses. Some of the tiny homes may not be structurally sound and he hoped tiny living could be done in a safe and regulated way. Astoria has an opportunity to make ground-breaking decisions, be on the forefront of these changes, and set precedence for other communities to follow. He believed tiny houses were a viable option for low-income families and people seeking alternative living. This is an opportunity to create local jobs. His business in Hammond is licensed, insured, bonded, and currently supports two fair paying jobs. If his company can build more, more jobs would be created. Astoria does not have a lot of land and tiny homes do not take up much space. Tiny homes make good use of the space that is available and provide people with a nice place to live. The novelty of tiny homes would be good for a community like Astoria, bringing in tourism and generating income for local businesses. He believed tiny homes would be healthy for the local economy. If Astoria made some changes, it would likely get media attention. Also, the City could collect land use taxes and permit fees. He confirmed that his tiny homes are all handmade structures built from the ground up. He invited the Commissioners to stop by his business to see the tiny home he was building.

Director Cronin explained that were quite a few new ADUs in Portland, which led the Multnomah County Assessor to reassess those properties. Property tax bills have increased significantly. He reminded Vice President Easom of the current minimum lot sizes that allowed 500 square foot ADUs and Staff's recommended reduction. Tiny homes would still have to meet setbacks, lot coverage requirements, and sometimes design standards. Staff could consider tiny home developments, as Article 3 of the Development Code includes a section on cottage clusters. This section of the Code has not been used outside of Mill Pond and Staff would have to make sure any changes were accessible for both the applicants and the City. In tiny home developments, the tiny houses would serve as the main dwellings. But, ADUs must accompany a primary structure.

Commissioner Moore said he was not opposed to cottage or cluster developments, but they could not be referred to as ADUs. Director Cronin added that those developments would require a large parcel of flat land, but land in Astoria is mostly sloped.

Dennis Covell, 1020 10th Street, Astoria, said he lived on the southwest corner of 10th and Jerome. His house and several others front the old school. He was concerned about what would be done on the old school property. When he and his wife visited Astoria 25 years ago, Commercial Street looked like their home in Whittier, California. They decided to retire in Astoria in 1991 because it was a neat community. At that time, the area was pretty depressed, but things have improved since then and he loves Astoria. His property is at the tail end of a historic district and a great deal of effort was necessary to designate the area as historic. Putting multi-family homes in would be very bothersome. If 20 or 30 units were put on the property, what impact would that have on affordable housing? He wanted to know why the City wanted to change the Codes now and just for a few sites. The proposed Code changes will make it easy for the old school site to be developed. He was not opposed to this as long as it was done right. He understood the property would be developed eventually and he would support a project that was reasonable. However, the proposed changes seemed radical. He understood building heights were measured at half the height of the arch in the crown of the building and anything above that was not figured in. This would mean the proposed 40-foot height limit to buildings in the R-3 zone would allow buildings up to 45 feet tall. This is an immense height, especially next to homes that are close to the street. He believed these issues were being handled the wrong way. Nice homes could be built in the area instead of multi-family units and all of the issues would pencil out. One reason for changing the Code is to address the large number of variances allowed, but the City is on the tail end of that issue. He recommended the City continue with the Codes as they are and use variances if they come up. It is very alarming to the community that these changes are being considered. The Commissioners are good stewards of the city and he hoped the Planning Commission would rethink the amendments.

Director Cronin displayed a map of Mr. Covell's neighborhood and explained he had referred to the Central School site, in the R-2 zone just south of Irving. The site has been vacant since the school was demolished and cannot be developed in its current state. He doubted that changing the property from an R-2 to an R-3 zone would generate enough interest for the owner to sell the site. The property has a lot of costs and a developer would have to build many units to get their cash back. Without an 8 to 10 percent return on their investment, developers will not put money into the property.

Commissioner Moore asked how the City could allay concerns about the property being developed. When changes were made to the Bridge Vista Area of the Riverfront Vision Plan, people expected the area to be built up despite the lack of developable land in the area. Director Cronin said public comments were based on the fear that a hotel economy would be developed. Hotels will continue to be built in Astoria, but it is not likely that

Mr. Rosen noted the school property was about one acre, so even if it were developed it would only account for six percent of the 15-acre shortage.

Mr. Covell said that would leave 14 acres, which is not that bad. Director Cronin stated he could not put a value on the shortage.

Mr. Rosen understood that meeting State standards through ADUs, tiny homes, and changes to heights have been proposed because there is not a lot of land. He believed Astoria should efficiently use what is currently available.

Vice President Easom clarified that no proposals had been made on the old school property. Director Cronin added the proposed amendments were not specifically designed to develop that property. Mr. Rosen understood, but said the amendments would still apply to the property.

Beth LaFleur, 938 Kensington, Astoria, said she has lived at her current residence for almost 17 years. She owns two lots that overlook the Central School site. She understood that the BLI and housing units were two separate things, but the BLI has been mentioned as justification for the proposed Code amendments. When a community runs out of buildable lands or has a deficit, an urban growth boundary or land reserve can allow for expansion. There are so many issues addressed by the proposed amendments that she has found it difficult to write a comment letter in response. Multi-family units are already allowed in the R-2 and R-3 zones, so she did not understand why different housing types were being referred to as a use. It is difficult to tease out what is really important because there is so much going on in the proposed amendments. This is a cannon ball approach to addressing affordable housing and the proposed changes are a big deal for Astoria. She wanted to know what other communities were doing to address affordable housing. Portland has more staff and resources, but they are struggling with the same issue. So, why is Astoria going through the same motions? She suggested Astoria look at communities with effective tools for dealing with affordable housing. Once the height limits are raised, they cannot be lowered. Some of the changes could have unintended consequences, like an increase in demolition requests. She was opposed to changing the height, lot coverage, setbacks, and density. Allowing more people on a single-family lot is still increasing density. The existing regulatory framework works well and can be used to target specific sites to provide housing opportunities. Astoria has planned unit development codes, variances, conditional uses, and the City could change institutional zones to residential zones. She wanted to know what variances had been granted for. She did not understand why the City would change everything if there were just one specific problem area. She was opposed to removing regulations to make it easier for out of town developers or speculators to develop at higher densities. Some companies buy a house, fix it up, and rent it out, which she agreed did not work in Astoria's zoning. The proposed amendments to the zones do not appear to have a direct benefit to Astoria's residents and seem to be targeted to the vacant, underutilized, or undeveloped lands. If the purpose is to add housing units to the market, perhaps the derelict building Code could be utilized more effectively and incentivize property owners to fix up or sell their properties. If the problem is landlords that rent low quality housing at market rates, landlords could be incentivized to invest in upkeep and upgrades. Increasing lot coverage will not impact Astoria's existing housing stock. The definition of an ADU should be broader and the community should discuss what makes sense in the current environment. Without very careful consideration, deliberation, and a much more visible and longer community conversation, these Code amendments will make Astoria look like a miniature Portland with outside investment, price out the working class community, and threaten the historic charm and character. Astoria has an authentic environment because of careful and deliberate development, planning, and community involvement. Increasing density while relaxing standards may result in increased demolitions and big ugly buildings everywhere.

Mike Sensenbach, 110 Kensington, Astoria, said tiny homes are cost effective in part because they are not subject to any building codes. He confirmed that they would still be considered a manufactured home and not subject to building codes even after being placed on a permanent foundation. Director Cronin added that tiny homes would have to be connected to utilities and must be built to recreational vehicle or Housing and Urban Development (HUD) standards that currently apply to manufactured homes. Tiny homes are built off site and it will be up to the private market to decide how to meet the standards. The City is allowing a property owner to locate a tiny home on their lot under certain conditions.

Andria Mazzearella, 875 Franklin, Astoria, said she was concerned that there is no definition of affordable or work force housing for the City to use when holding developers accountable. Director Cronin said the terms were defined in the housing study, which could be found on the City's housing project website. Ms. Mazzearella stated the median income of home owners was \$44,000 while the median income of renters was \$25,000. She was

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall

September 27, 2016

CALL TO ORDER:

President Pearson called the meeting to order at 6:30 pm.

ROLL CALL:

Commissioners Present: Commissioners Present: President David Pearson, Vice President Kent Easom, McLaren Innes, Daryl Moore, Jan Mitchell, Sean Fitzpatrick, and Frank Spence.

Staff Present: Community Development Director Kevin Cronin and Planner Nancy Ferber. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

APPROVAL OF MINUTES:

Item 3(a) July 26, 2016

Item 3(b) August 2, 2016

Commissioner Innes moved that the Astoria Planning Commission approve the minutes of July 26, 2016 and August 2, 2016, as presented; seconded by Vice President Easom. Motion passed unanimously.

PUBLIC HEARINGS:

President Pearson explained the procedures governing the conduct of public hearings to the audience and advised that handouts of substantive review criteria were available from Staff.

ITEM 4(a):

CU03-04 Permit Extension request for Conditional Use CU03-04 by Elisabeth Nelson for a temporary use permit for one year, to August 26, 2017 to operate the Astoria Conservatory of Music in the existing church structure at 1103 Grand Avenue in the R-3, High Density Residential zone.

President Pearson 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.

Vice President Easom declared that he was a member of the First Presbyterian Church, but this request would not affect his personal finances or his vote.

Commissioner Moore declared that his son is currently a student at the conservatory, but that would not affect his objectivity.

President Pearson called for the Staff report.

Planner Ferber reviewed the written Staff report.

President Pearson opened the public hearing and confirmed the Applicant was not present. He called for any testimony in favor of, impartial to, or opposed to the application. Hearing none, he closed the public hearing and called for Commission discussion and deliberation.

Commissioner Mitchell believed using an existing building for a non-obstructive use was great. All of the Commissioners confirmed they supported the request.

Commissioner Moore moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Permit Extension request for Conditional Use CU03-04 by Elisabeth Nelson; seconded by Commissioner Mitchell. Motion passed unanimously.

President Pearson read the rules of appeal into the record.

ITEM 4(b):

A16-01 Amendment A16-01 by Community Development Director to amend the Astoria Development Code, Article 9 Administrative Procedures, City Wide. Development Code Standards Articles 9 and 10 are applicable to the request.

President Pearson 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. Hearing none, he called for the Staff report.

Director Cronin reviewed the written Staff report and noted no significant changes had been made since April.

Commissioner Mitchell said she appreciated the level of detail that went into this work because it will solve problems down the road.

Commissioner Moore confirmed no major changes had been made since the last time the Planning Commission discussed the amendments.

Commissioner Fitzpatrick asked what changes had been made other than providing notices to people within 200 feet and posting notices at the site. Director Cronin clarified there were no other changes. He explained Staff had already been providing notices to people within 200 feet, but the current Code had only required a radius of 100 feet from the site.

President Pearson opened the public hearing and called for any testimony in favor of the application.

Jack Osterberg, 1711 Grand Ave., Astoria, stated he believed the proposed amendments made sense, added necessary information, and aligned the Code more with what the City has already been doing.

President Pearson called for any testimony impartial to the application.

Doug Thompson, 342 14th Street, #602, Astoria, said in theory he was supportive of streamlining administrative procedures regarding land use issues and he believed the proposed amendments looked good. He received information from Director Cronin that night that the Department of Land Conservation (DLCD) had a template for a model. He believed models were beneficial and he wanted to know in which areas Director Cronin had decided to vary from the model and why because that information did not appear to be included in the Staff report. He has known about this hearing for several weeks now, but the materials were not released until the middle of last week. He did not know the proposed language was almost identical to what was discussed last spring. He noted his concerns were not substantial. This issue quickly died last spring and now, six months later, the issue is being revisited. However, he only found out in the last several days that the language is identical to the previous work. Director Cronin has decided to link two chapters, so this hearing and the hearing on the Code amendments related to accessory dwelling units (ADU) should be continued. Many people have not had the opportunity to review the material.

President Pearson called for any testimony opposed to the application. Hearing none, he closed the public hearing and called for Commission discussion and deliberation.

Commissioner Mitchell asked why this hearing had been delayed. Director Cronin explained that this proposal was linked to the ADU proposal for efficiency and the two are not related in any way. He could have scheduled this hearing for April 2016, but Staff wanted to provide more opportunities for public comment. He apologized for not including the model code language in the Staff report and offered to provide the information to anyone who wanted it.

Commissioner Moore believed the Planning Commission was ready to move forward on Article 9 that last time they reviewed it and no changes have been made since then.

President Pearson said he supported the changes, particularly the higher standards for mailing notices because it increases transparency. Commissioner Moore added that the onsite notices will let renters know about what is going on.

Vice President Easom moved that the Astoria Planning Commission finds that Amendment A16-01 to be necessary and recommends approval to City Council; seconded by Commissioner Fitzpatrick. Motion passed unanimously.

ITEM 4(c):

A16-02 Amendment A16-02 by the Community Development Director to amend the Astoria Development Code, Article 3: Accessory Dwelling Units, Article 1: Definitions section to encourage more housing options as part of a larger affordable housing strategy, City Wide. Development Code Standards Articles 9 and 10 are applicable to the request.

President Pearson 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. Hearing none, he called for the Staff report.

Director Cronin reviewed the written Staff report and noted no significant changes had been made since April.

Commissioner Moore understood that an existing detached garage could not be converted to an ADU, but the space above a detached garage could be. He recommended allowing detached garages to be converted because Astoria has many small detached garages that are not useful as garages and adding another story would be prohibitively expensive. He also believed the location of entrances should state whether the requirements apply to detached structures.

Commissioner Mitchell believed the Code language should ensure normal doors are used on converted garages to prevent someone from using a garage door as an entrance.

Following discussion, the Commission agreed that ADUs should not be mentioned in the paragraph about the location of entrances.

Commissioner Moore asked how many units Staff expected to create. Director Cronin said he could not predict the market, noting this was also discussed at the Lower Columbia Preservation Society (LCPS) meeting held just before this Planning Commission meeting. However, he was sure no additional units would be created under the existing Codes. The City has only received one application in five years. Commissioner Moore understood the City was trying to open up some opportunities for some additional low rent units. Director Cronin confirmed that he did not expect more than two or three applications per year.

Commissioner Moore asked how many lots would be affected by the changes in the lot size requirements. Director Cronin said he did not have the answer, but noted Staff is not receiving requests for lot partitions because of the current requirements. Staff could run a GIS analysis to determine the number of lots, but it would be a small number. Placing a tiny home or ADU on a flat 9,000 square foot lot is a more attractive option than waiting on the City to do something about the lot sizes.

Commissioner Moore understood tiny homes had to be constructed off site and attached to a foundation when placed on site. Director Cronin clarified tiny homes are not required to be built off site, but they usually are. The Code would allow a tiny home to be built on the property. The proposed changes create the ability to add detached units, but define a tiny home as a manufactured dwelling built off site.

Vice President Easom said the recommendation discusses reducing lot sizes from 5,000 to 4,500 square feet. Director Cronin explained the Staff report in the packet was included to keep the Findings of Fact available from the original Staff report.

Commissioner Fitzpatrick said he was also concerned about the original Staff report. Director Cronin clarified the Commission would be recommending the amendments, not the Staff report, to City Council and a new Staff report would be provided to City Council.

Vice President Easom disagreed with eliminating garages, which can increase on-street parking. However, he supported putting an ADU above a garage.

Director Cronin confirmed that a garage counted as a parking space when a driveway was present. However, Staff has found that no one uses their garages for parking anymore; they are used for storage.

Vice President Easom understood that ADUs would have to provide adequate parking, but the Code allows that parking to be on the street. Astoria has neighborhoods with parking issues and increasing on-street parking by eliminating a garage is a mistake.

Commissioner Fitzpatrick agreed.

President Pearson opened the public hearing and called for any testimony in favor of the application. Hearing none, he called for any testimony impartial to the application.

Doug Thompson, 342 14th Street, #602, Astoria, stated he was generally in favor of the concept of increasing density in Astoria. He was also in favor of a variety of housing types in order to accomplish increased density because density is directly related to affordability. There is a lot of pressure to increase density. In the past few days, the Obama Administration just released a 32-page toolkit available online for cities and counties to use when increasing density. This is not a politically pain-free exercise, but he believed it was necessary to increase the supply and the affordability of housing of all types. He commended Director Cronin and the Planning Commission for dealing with this issue. However, this issue is moving forward very quickly. He realized the City dealt with this issue six months ago, but he did not know the Staff report that was issued and made available to the public just last week was the identical to the Staff report from last spring. Now, he has learned that Staff report could not be relied upon 100 percent. Earlier that day, he received a notice in the mail from the City. The notices were mailed last Friday, September 23rd. It was a Notice of Public Hearing for the Astoria City Council on Monday, October 17th to consider the two items being discussed now. The notice says the Planning Commission has already recommended approval of the two requests. He asked for an explanation.

Director Cronin said he had not reviewed the notice before it was sent out, but explained that the City is required to send the notices in advance.

President Pearson confirmed the Planning Commission had not approved anything when the notices were sent.

Mr. Thompson understood that errors happen, but this public notice did not allow the public to understand when they would have the opportunity to comment.

Commissioner Mitchell stated the point of the public notice is to get people to attend the meeting and this notice worked.

President Pearson apologized for the mistake.

Mr. Thompson added that he was speaking as an individual, but he was also a member of the Lower Columbia Preservation Society (LCPS) Board of Directors and has been designated by that board to advocate for the LCPS. However, he was not present in that role because the board has not reviewed, discussed, or taken a position on these two requests. He asked the Planning Commission to continue this hearing to give the public the opportunity to look at the recommendations from today, not six months ago. The Sightline Institute in Seattle states on their website that they did an exhaustive study on ADUs within the last two years. The study included a survey of about 36 cities of all sizes in the northwest and the survey results were summarized in a 4-page matrix that he printed from the website, which he had available. The matrix identifies the seven criteria that those cities wrestled with to come to conclusion on as follows: the number of ADUs allowed per mile; off-street parking spaces required per ADU; must property owner live on site; how many people may live on the lot; how big may the ADUs be; where will ADUs be allowed; and must the exterior design of the ADU match the house. The Staff report addresses each of these points. It is possible that the Planning Commission held work sessions to deal with the issues in detail, but that would have been done six months ago. He questioned whether the public was engaged in the process. He understood a public engagement process would be time consuming and costly. The City did this with the Riverfront Vision Plan by dividing the process into bite sized chunks. He read in the newspaper that the City is now struggling to continue the process. He understood time was money, but believed this proposal to allow ADUs in every zone would affect every citizen in the city. He advised the Commission to engage the public. An education process is necessary because there were things in the Staff report he did not understand even though he served on this Commission for three years and on City Council for 11 years. He believed the public should have the opportunity to think about this proposal. As a Planning Commissioner, he was advised early on that the Commission's job is to sweat the details and deal with the minutia of the issues, allowing the Commission to tell Council that a lot of work went into their recommendation. If the Planning Commission has not looked at other cities, dealt with all of the issues, and tried to learn lessons from other jurisdictions through a thorough public discussion, then he urged the Commission to take the time to do this right.

Sarah Jane Bardy, 1661 Irving, Astoria, said she agreed with much of what Mr. Thompson said. She was not opposed to ADUs and understood they could address the housing crisis. People are moving to Astoria, but there is nowhere for them to go. However, she believed the amendments needed to be narrowed to ensure that they do fulfill housing needs before being approved. It is very important to include a clause ensuring that converted garages and newly built structures are rented at least on a month-to-month basis. This will prevent people from renting the units out as nightly vacation rentals. She was also concerned about the parking requirements. Some neighborhoods already have a parking shortage. Cars park on the sidewalk along one stretch of Irving because there are no driveways. The Code could prevent people in that neighborhood from having ADUs because the

parking is not adequate for more tenants. She believed new construction should not be visible from the street because the beauty of the town is a huge part of its charm. She has never seen a town this well preserved. The Planning Commission should not just say no to everything, so she believes the amendments are a good idea, but they need to be narrowed. She also wants new construction to match or be congruent with the style of the house. Years ago, she was thinking about converting her garage. The City told her no codes were in place for that type of project at the time. Her garage and house were built in 1905 and her converted unit would have matched the house. She believed all of her suggestions could be written in and the amendments have the potential to make the city more affordable to live in.

Katy Rathmell, Astoria, said she was speaking as a member of LCPS. She believed the comments made so far were correct. She wanted the process slowed down so that the issues could be discussed. She did not believe the community had enough information about how the amendments would impact the neighborhoods. The community has no idea how much density can be increased and it would be nice to know how many more housing units could be put in Astoria without overwhelming the system. She asked the Commission to continue the hearing and let the public have more time to discuss and think about the issues.

Dave Pollard, 1676 Jerome, Astoria, said he has lived in Astoria all his life. His family came to Astoria in 1900 and they have had a deep commitment to the city for a long time. He lives in a National Historic District and a designated historic home in an area that he believed would be significantly impacted by the proposed changes. He believed Astoria was experiencing a renaissance and much of the change is positive. However, he also believed the changes made were fragile. The number of vacant buildings downtown indicates there is a lot of potential for growth, but that growth has not yet occurred in the commercial areas. The people who come to Astoria are people who can go anywhere they want and their income is portable. If these people find another place that is exciting, they will go there instead of Astoria. He hated to say he was opposed to a proposal designed to create affordable housing, but he did not believe the proposal would actually create affordable housing. Last night, he looked online and found 13 vacation rentals by owners in Astoria, and Airbnb listed 35. There are also other homeowners who are renting out their properties without being officially listed on Airbnb. This has resulted in a tremendous demand for transient housing and recreational housing in Astoria. He has been very interested in how many homes are empty in his neighborhood. About a year ago, he walked the neighborhood. Clatsop Community College is on the south side of his house. There were 31 houses that were used for recreational housing and were not lived in full-time. Within the last 24 hours he passed by those same properties and found that there are now 29 houses not lived in full-time. This means people are buying the houses, but not living in them full-time or participating in Astoria's economy. These people own the properties but are not really a part of the community. He was afraid this proposal would become a Petri dish for creating Airbnb properties and transient housing. The government has problems enforcing the rules that have been established, especially because there is no system in place to enforce the rules. Can the City control who parks where or how many cars a person owns? Can the City control who lives in a house with an accessory dwelling? Those are pretty difficult to do. People may or may not live in the house or they may rent under the radar. People could be parking cars in spaces that could be used by residents or other individuals. He was concerned that this proposal would eventually cause the situation that occurred in Cannon Beach, where the number of vacation rentals ended up overwhelming them. The same thing has happened in Seaside and Gearhart. He was also concerned about density and parking. At about 11:00 am on weekdays, he must park several blocks away from his house. On Irving between 16th and 17th Streets, there are eight homes. On his street, there are three homes. All of those homes except one could have an accessory dwelling unit. What we're really talking about is increasing densities in areas that cannot handle higher densities because there is no parking. He appreciates when people have to come to the City Planning Department to get variances because there are controls set to limit how much the density would impact the neighborhoods and how it would impact the quality of life in those neighborhoods. He was also concerned about what these changes would do to the historic neighborhoods. Converting a basement into an accessory dwelling unit would not have a visual impact on how the neighborhood presents itself. One block from his house is an area where large houses are turned into five-plexes, duplexes, and rental units. He was not categorically opposed to those types of changes. However, he was concerned about what tiny houses would do to historic districts. He goes to every historic district he can find in every town he has traveled to and has never seen an area that successfully presented itself well with things like tiny houses and trailers. If his community is going to present itself to the City, the State, and to the world as a wonderful town that supports historic preservation and historic districts, the City needs to be very careful about the types of structures built into the Development Code. He also believed it was very important to protect the quality of life and ensure the changes will really do what the City hopes they will do. He asked the Commission to consider whose needs would be met by this proposal.

President Pearson called for any testimony opposed to the application.

Linda Oldenkamp, 1676 Jerome, Astoria, stated she was opposed to the proposal, particularly the tiny house concept. The Comprehensive Plan's general land and water use goals state the primary goal is to maintain Astoria's existing character by encouraging compact urban form, strengthening the downtown core and waterfront areas, and protecting the residential and historic character of the city. The intent of the Plan is to promote Astoria as a commercial, industrial, tourist, and cultural center. The Plan's housing policies state the historic neighborhoods are recognized as some of the City's most significant assets and should be protected through the Historic Preservation Ordinance and other actions. Wherever possible, renovation of existing structures should be carried out in lieu of demolition or new construction. If the Commission plans to vote in favor of the proposal, she wanted to hear from each Commissioner how tiny houses in all of the neighborhoods would protect the historic character of neighborhoods. The historic homes and residential areas are the most wonderful things about Astoria and they need to be protected. She did not believe tiny houses were the answer. Nothing could convince her that tiny homes would end up being affordable housing. The Findings of Fact state the ability to use land efficiently would allow property owners to partition lots, use proceeds to finance improvements to existing historic structures, and allow reuse of existing buildings. This will provide income for the building owners and facilitate restoration and maintenance of historic buildings. This is not a fact. People will not necessarily use money from tiny houses to work on their homes. She was concerned because people in Astoria do not know about this proposal. She knew the City held meetings, but people do not know what the meetings are about. She encouraged the City to do all it could to get the information out to people. The City needs to hold a meeting with the community before going any further because these are sweeping changes. It is not fair or right that people do not know about this proposal. Property owners and renters need to know what is being proposed.

Pamela Alegria, 1264 Grand Ave., Astoria, said Astoria's charm and economic engine are its historic buildings and vistas. Astoria is a destination, but the proposed amendments might negate this accomplishment. She was concerned about tiny homes. The housing study seemed to indicate there were other strategies that have been proposed and would be more effective at increasing affordable housing. If tiny houses are approved, she suggested they be approved as a Type 2 permit to provide opportunities for comments. She also recommended tiny homes be a conditional use, not a permitted use in any zone. She preferred tiny homes only be permitted in a manufactured home or recreational vehicle park. Design guidelines should be required, particularly in historic areas, because every home should have its own aesthetics. Many of Astoria's streets have parking problems and many people have two cars. The parking ordinance is too wishy-washy because there are no criteria for determining how to credit parking spaces. This creates a lot of contention. She wanted the location of entrances and the location of the tiny house to be part of the design guidelines. She also wanted tiny homes limited to a cluster zone. She hoped the Commission would consider the effect of tiny homes on the character of the city and whether they will actually increase affordable housing.

LaRee Johnson, 1193 Harrison Ave., Astoria, said she supported protecting and maintaining Astoria's historic neighborhoods. She agreed with the speakers before her. The historic neighborhoods are the charming parts of Astoria. She wanted to know how a tiny house would fit into affordable criteria. She had no idea how much tiny houses cost to build, but she was interested in looking it up. Her apartments are lower income apartments and she could not understand how she could rent a tiny house after the building costs, taxes, and other expenses. She wanted to see some of the empty downtown buildings reutilized, improved, and made into affordable housing. She was also concerned about parking. There are three churches within a block of her house and there is no parking on Sundays between 10:00 am and 1:00 pm, even for the residents. She believed this process was moving too quickly and she wanted a community discussion on this proposal. She questioned whether these amendments would help tax-paying residents with historic homes or people who move into the area without jobs and need affordable housing.

Jack Osterberg, 1711 Grand Ave., Astoria, said he had not prepared any comments because he just noticed the email about the hearing earlier that afternoon when he returned home from vacation. He stated he was a member of the LCPS and the Historic Landmarks Commission (HLC), but he did not believe his position on the HLC had any bearing on this testimony. He opposed the amendments and agreed with the comments made impartial to the proposal. He was concerned about the overall impact to historic districts. He believed the amendments included many shades of grey. He supported many aspects, but he was troubled by other elements. The existence and placement of tiny houses in historic districts could never be placed without adverse or negative impacts. Perhaps some locations could be allowed under certain circumstances. However, in general, he was in opposition because of the way the Staff report was presented. He must speak against the application because he did not support the entire proposal. He lives in a historic district and parks his cars in his garage. He agreed that parking was an issue and that more time should be spent on this request. The Commission might believe they had already done their work, but several committed individuals have brought up some good points. He urged the Commission to listen to the testimony given at this hearing and consider a continuance.

Mike Sensenbaugh, 110 Kensington, Astoria, said he did not own a historic property, but he was a member of the LCPS. He did own a lot that could potentially be subdivided and had enough area to build an ADU or a tiny home. However, he was opposed to the proposed amendments. This would start a slippery slope in the community. About a year ago, he relocated to Astoria from a neighborhood in Portland with many smaller homes, which were removed and replaced with skinny homes or larger homes that were out of place in the neighborhood. He was very concerned when he first saw this proposal six months ago because a lot of the changes that are taking place in Portland could start here. When the packet was first posted online about a week ago, he believed some of the Commissioners were confused about why the April Staff report was being reviewed again. However, he did appreciate that City Council would receive an updated Staff report. This proposal might be a good start, but the Code needs a number of revisions. This is an opportunity to prevent the destruction of the visual appeal of the neighborhoods. He and his wife came to Astoria for 10 years before deciding to move. If ADUs could be incorporated while preserving the appearance of the neighborhoods, and the amendments could be tweaked before they are passed, then he would favor the proposal. He did not see that the amendments addressed the number of ADUs. The proposal addresses size, but does not say there can only be one ADU. He was afraid a number of tiny houses would show up on a larger property. The Commission needs to make sure that the proposed changes are for affordable housing, not vacation rentals or Airbnb.

President Pearson closed the public hearing and called for Commission discussion and deliberation.

Commissioner Fitzpatrick thanked everyone for speaking because people voiced many of the concerns he had as well. He asked which of the seven issues mentioned by Mr. Thompson applied to the Planning Commission.

Director Cronin stated he did not have the list, so he could not say. He confirmed he would look into it.

Commissioner Fitzpatrick believed all seven of the issues were valid considerations. He agreed that each application should be reviewed individually. He was also concerned about how units would be used and how those uses would affect neighbors and the community. Parking is a major concern. He had sent an email discussing the infill of housing in his neighborhood over the past two years. There are many parking issues on Sundays. A number of chronic vacancies have been filling in. He listed two houses that had once been chronic vacancies and are now occupied with people who have at least one car each. The cars have spilled out into his block on Grand and in front of his house and church. These parking issues did not exist five years ago. It is important to realize how serious the parking issues are getting with existing residences. Allowing more residences and offering an on-street parking space will increase the issues and seriously impact the neighborhoods. He was in favor of a continuance since it seemed to be the consensus of the audience.

Commissioner Moore thanked everyone who commented. He believed it was obvious that everyone who attended wanted more information and he believed an informational session would benefit many people. During public testimony, he heard many questions that had already been addressed, like the questions about vacation rentals. Astoria does not currently have good enforcement, but Staff has not proposed anything that would make vacation rentals any more legal. It would still be illegal to have a nightly or weekly vacation rental, even in an ADU. He appreciated the design review process because the Commission certainly would not want to see pop-up shanties on the side of a house. He was unsure if this had already been addressed through the building permitting process and wanted more information. He proposed a work session or an informational session. He liked most of the proposed amendments, but did have some concerns. He preferred to spend more time on these issues.

Commissioner Mitchell said she could not think of any reason not to take more time to involve the public. Some of the issues mentioned at this hearing were things she had not considered in great detail. She lives in an 1890 house, but it is not in a historic district. The streets in her neighborhood are all dead ends and they have parking problems. Her neighborhood has single-family homes that were converted to multi-family or have units over the garage. Affordable housing has not been discussed as part of this hearing. She wants to protect the area from second home owners who do not participate in the community, but this proposal does not deal with that issue. She has lived in Astoria for more than 20 years and remembers when this was the affordable resource for people who were working in Cannon Beach and Gearhart. This was one of the arguments for keeping the community college in Astoria because there was affordable student housing. This is not the case anymore. She did not want to write off the people who contribute to the community. The City needs to find a way for people who work here to also live here, and that may not be through tiny homes, but she believed that is what Staff and City Council had in mind when they prepared this proposal. Astoria does not have a lot of vacant land for apartments. She understood that some people cared deeply about the issues. Parking is an issue, but some value choices will have to be made. She was happy to continue this discussion and possibly get more people to speak about the issues. She noted

she was also a member of the LCPS, but the community needs to recognize that Astoria is becoming so cute and popular that people from the cruise ships with a lot of money decide to buy houses; that is not what makes Astoria. The community needs to struggle to find ways for all income groups to live here.

Vice President Easom said he was concerned about parking. He did not believe the proposed amendments would serve as an affordable home remedy. Tiny homes and ADUs would be rented at the full market rates, not reduced rates. The units might not be seen from the street, but they will still be seen by the neighbors. The visual impact matters to all surrounding properties and the street. Adding an ADU to take care of a sick mother seems legitimate, but if the mother dies or something happens to the homeowner, it will become another rental unit. Instead of putting money into an ADU, that money could be put into maintaining the main house. An 800 square foot ADU is larger than most studio or one-bedroom apartments by 300 to 400 square feet, which is substantial. At least two people could be added to the ADU, which would definitely impact the neighborhood. He believed the Commission should take more time to consider the proposal.

Commissioner Innes agreed with much of what had been said. She thanked everyone for attending and speaking. She believed there was nothing to lose by continuing the hearing. She was pleased with all of the energy put into the various editions of the Staff reports. The audience has some good suggestions, adding that coping with affordable housing has only just begun.

Commissioner Spence thanked everyone for clearly identifying their concerns. He supported Mr. Thompson's presentation and said he wanted to see a copy of the matrix. It is important for Staff and the Commission to see what other cities have gone through. He did not believe adding mini houses to a historic district would be compatible. Historic districts must be preserved. Any accessory units must comply with design requirements and neighbors are allowed to participate. He was in favor of a continuance. Implementation of the Riverfront Vision Plan was very successful because the community was involved, the City received feedback and made adjustments, and it was supported in the end. It is important for the community to support what the Commission is trying to do. Astoria has important historic districts that must be preserved, but the City's boundaries are extensive. There are opportunities outside of the historic districts, so maybe an exclusion could be added. This definitely needs more work, more input, and more dialogue between neighbors and the Commission.

President Pearson thanked everyone for attending because the Commission appreciates all feedback, for and against. As Staff pointed out in the beginning, there has only been one ADU in the last five years. To many people, that could seem like something is not working right. This is a vital community that has to move forward and there should be more going on. Only one ADU means the Development Code is not healthy and is not working. He supported finding a way to make ADUs work. Historic preservation is never supposed to be a moment frozen in time. Astoria is about so much more and the community has always defied the odds because they have never allowed historic preservation to define the city. Astoria loves its historic buildings and this is just a small section of the Development Code that does not preempt anything else. The proposed amendments will not stop the good work of the HLC or the protections already in place. None of the on-street parking rules will be changed. This section is just about ADUs. The Planning Commission has always had to make difficult decisions and it is very rare that everyone agrees. The perception that the Commission has rushed a decision is unacceptable, so he favored a continuance. However, the Commission must move forward and present something to City Council, where there will be another opportunity for the public to speak during a hearing.

President Pearson moved that the Astoria Planning Commission continue the public hearing on Amendment A16-02 by the Community Development Director to October 25, 2016 at 6:30 pm; seconded by Commissioner Fitzpatrick. Motion passed unanimously.

Director Cronin confirmed that the on-street parking standard will not change. He explained he was trying to provide an on-street credit for property owners with an actual City street in front of their home; but the Commission can strike that from the proposal and require that the extra parking be an off-street space. He was just trying to creatively maximize space. The vacation rental dwelling standards will not change with an accessory dwelling unit. A homeowner could have a home stay lodging through an ADU, but the Commission could decide not to allow this. Astoria requires a design review in most of the city and if an ADU were proposed, the design would be reviewed by the Design Review Committee or the HLC. The Planning Commission was not being asked to review design standards. The proposed amendments do not include changes to the review types, which are determined by zoning categories.

REPORTS OF OFFICERS/COMMISSIONERS:

Commissioner Innes reported that she recently attended a civic leadership training session that focused on planning. She asked for specific information on affordable housing, tiny housing, distrust at public meetings, and transparency. They discussed the Planning Commission's relationship to City Council, hearing processes, ethics, and community relations. No conclusions were drawn, but experiences were shared. She learned that land use and planning guidelines were adopted by the State when farming and forestry were the focus. The guidelines lack terminology related to urban development. She also learned that other communities have had success with pre-hearing training sessions, where the Community Development Director explains procedures, the issues being discussed at upcoming meetings, and the criteria that the Commission is required to review. Commissioners should always be gracious hosts because remaining open, welcoming, and pleasant allows for the best result.

Director Cronin announced the following upcoming events:

- Economic Development Strategy presentation at Fort George on Wednesday at 6:00 pm.
- Astor West Expansion open house, which will be proposed to the Planning Commission on October 25, 2016.

Commissioner Fitzpatrick asked if the Commissioners should take public comments on the proposed amendments. Director Cronin explained the differences between a legislative hearing and a quasi-judicial public hearing. He confirmed Commissioners could discuss the amendments outside of public hearings because they are simply forwarding recommendations to City Council.

Commissioner Fitzpatrick asked if the microphones in the audience could be turned off because they magnify the sounds in the audience. Director Cronin explained those microphones are used to record the minutes.

PUBLIC COMMENTS:

There were none.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:20 pm.

APPROVED:

Community Development Director

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall
October 25, 2016

CALL TO ORDER:

President Pearson called the meeting to order at 6:36 pm.

ROLL CALL:

Commissioners Present: President David Pearson, McLaren Innes, Daryl Moore, Jan Mitchell and Frank Spence

Commissioners Excused: Vice President Kent Easom and Commissioner Sean Fitzpatrick

Staff Present: Community Development Director Kevin Cronin, Planner Nancy Ferber, City Attorney Blair Henningsgaard, and consultant Elaine Howard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

APPROVAL OF MINUTES:

President Pearson asked for approval of the minutes of the June 28, 2016 and September 27, 2016 meetings. Commissioner Innes noted the following corrections:

- June 28, 2016 minutes, page 6, 4th paragraph, 2nd sentence – The first letter of the sentence needs to be capitalized.
- September 27, 2016, page 6, 3rd paragraph, 1st sentence – Laree Johnson's name was misspelled.

Commissioner Innes moved that the Astoria Planning Commission approve the minutes of June 28, 2016 and September 27, 2016 as corrected; seconded by Commissioner Mitchell. Motion passed unanimously.

PUBLIC HEARINGS:

President Pearson 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):

A16-02 Amendment A16-02 by the Community Development Department to amend the Article 3: Accessory Dwelling Units. This is a continuance of a Public Hearing from September 27th. The Astoria Planning Commission will take public testimony, review the Staff report, and make a recommendation based on criteria in Article 10 of the Development Code.

President Pearson 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. Hearing none, he asked Staff to present the Staff report.

Director Cronin reviewed the written Staff report, noting that the most recent revisions were a result of the work session. Staff recommended that the Planning Commission approve the amendment, forward it to City Council for adoption, and require Staff to report on the effectiveness of the amendment after one year. He recommended the Commissioners read the housing series articles recently published in the *Daily Astorian* because they provide context and background information. Clerical errors in the original Staff report were corrected as follows: Jack Osterberg's comments were moved to the correct section of the Staff report, and historical data regarding accessory dwelling unit (ADU) applications was corrected to reflect that six applications have been submitted since 2004, only one of which received building permits. The unit is currently being used by a family member. One other applicant is actively working through the building permit process.

President Pearson confirmed the Commission did not have any questions for Staff and opened the public hearing. He called for public testimony in favor of the application.

Kevin Leahy, 3560 Irving Avenue, Astoria, said he was speaking as Executive Director of Clatsop Economic Development Resources (CEDR) and Clatsop Community College Small Business Development Center (SBDC). Both entities support ADUs and detached ADUs, but wanted to emphasize the housing issues facing Astoria and the region. Over the last 14 years, occupied housing units in Clatsop County have gone up seven percent, but in Astoria, they have remained flat. Vacant housing units, vacation, and second homes have increased 19 percent in the county and 15 percent in Astoria. Total housing units in Clatsop County have gone up 10 percent and in Astoria up two percent over the last 14 years. The SBDC worked with over 120 businesses last year and housing and workforce training issues were discussed at almost every meeting with businesses of all sizes. Larger employers are not attracting talent because they cannot find homes. He is a fourth generation Astorian and serves on the Astoria Downtown Historic District Association (ADHDA). Astoria needs a vibrant downtown core. Every community in the county is working very diligently on the housing issues. We all need to work together collaboratively. This impacts all types of housing stock at every price. The average home price in Astoria is \$285,750 according to Zillow. In 2012, it was under \$225,000. People cannot afford to buy homes in Astoria. Clatsop Community College is working on a new strategic plan so they can attract more students from outside the area. These students could live in ADUs. Enrollment in the Astoria School District has also been impacted by housing issues. CEDR has been asked to serve on the Advance Astoria Committee, but housing is necessary for economic growth. We need to work together to honor Astoria's heritage and get this gridlock moving forward.

Loren Cross, 145 Duane St., Astoria, said she supported development and believed balance between housing and economic growth was necessary. People need a place to live, whether they own or rent. She was glad housing issues were being discussed.

President Pearson called for any testimony impartial to the application. There were none. He called for any testimony opposed to the application.

Linda Oldenkamp, 1676 Jerome, Astoria, said she would read an email from Kim Angelis because Ms. Angelis was unable to attend the meeting. The email was about Arcata, CA, where Ms. Angelis sister, Berta, and brother-in-law, Jaime lived. The email was as follows:

"Dear Linda, I just got off the phone with Berta. She told me that one of the most annoying negative impacts from tiny houses and rentals in garages has been the glut of cars parked on the streets. Parking spaces are at a premium and many times she and Jaime have had access to their own garage blocked. The house next door to them was sold in 2005 for \$365,000. Eleven years later, it is on the market for \$340,000. Unlike Astoria, property values in Arcata have not recovered. Investors from the bay area buy these units to rent out to students. There is no pride of ownership. A neighborhood that was formerly middle class has turned into a slum. Because people are allowed to live in garages, one of Berta's neighbors sheet rocked and paneled the garage but did not put in any plumbing. I am not going to tell you how they dealt with the lack of plumbing because it is pretty gross. Needless to say, the quality of life has dramatically diminished and the neighborhood is no longer a haven of owner-occupied residences. The historic character of the neighborhood has also been ruined. On one side of Berta and Jaime's house, a darling bungalow occupied a standard 50 ft by 100 ft lot. In the late 1980s, a matching bungalow was stuffed in front of the original home. It has T1-11 siding, sliding glass doors, and a deck. The only nods to historic detailing are the paint colors and the tiny knee braces. We don't want Astoria to go down the same path that Arcata took."

- After reading the email, Ms. Oldenkamp gave her own testimony. Almost all of her life, she has worked in poverty programs trying to help low-income people change their lives so they can enjoy some of the American dream. In 1976, she was hired by the college under the Comprehensive Employment and Training Act (CETA), which was a program to hire low income and unemployed people. Over the years, she loved working to help change peoples' lives. She wanted the Commission to know that she was aware of, sympathetic to, and supportive of expanding affordable housing. This is not a matter of aloofness or an uncaring attitude. She understood the problem. As a 40-year resident of Astoria, she believed Astoria's two big draws were the physical environment and the historic architecture, a combination impossible to beat anywhere. She sees herself as an evangelist for those who support preserving Astoria's historic houses and commercial buildings. Astoria is an attractive and authentic community that still has neighborhoods with old houses and real downtown. This community was so well planned and designed that after all these years it still feels good and right to live here. People come by the droves to visit, live, to buy second homes, and to retire. It is the Commission's job to ensure that the planning and changes proposed enhance the

President Pearson confirmed there no more public testimony, closed the public hearing, and called for Commission discussion and deliberation, as well as comments from Staff.

Director Cronin confirmed the City had very in depth conversations with the community about doing a mixed-use project at Heritage Square and there was no consensus that housing was a solution at that site. None of the choices are easy and there is not a lot of low hanging fruit the City can bite off. These amendments are just one small piece of an overall strategy to solve the housing crisis. This proposal will not solve all of the problems and City Council has other options to consider. Tonight, ADUs are being considered as one solution, not the solution.

Commissioner Moore reminded the Commission that these changes only regarded ADUs. The Commission was not trying to solve the housing problem, just ease the problem by adding a few options. He liked the proposed amendments as presented and the prohibition of home stay lodgings. The changes do not incentivize anyone to build a structure they do not love. Historic preservation is essential to the character of Astoria. Currently, property owners could build a garage or shed, but this proposal would limit those owners to building detached ADUs. Therefore, he did not believe detached ADUs would create a huge problem or change the character. It would be more difficult to rent a garage than a unit, but there have been so few ADUs since 2004 and these amendments would not create a huge demand. Additionally, properties in the urban core are not likely to have the footprint to support an ADU.

Commissioner Mitchell asked for Staff's opinion on requiring a design review process for detached ADUs. Director Cronin reminded that the map displayed during the work session showed where design reviews were required. There are some areas of Astoria that have not been inventoried, but property owners on the south slope have requested their neighborhood be inventoried.

Commissioner Mitchell said the City has not received a significant number of ADUs proposals and she wanted to consider a review period so the Commission could determine how well the amendments were working. This was one small tool for a big problem and the City must continue to make small improvements. Staff has made a great effort and she appreciated those who spoke. She supported the amendments as proposed by Staff.

Commissioner Spence said he was primarily concerned with preserving historic districts. Some cities prohibit ADUs in historic districts. Astoria has a limited number of small lot sizes and the proposed amendments require ADUs to be compatible with the original dwelling structure and have one off-street parking spot. For those who use their garages for storage, this might be an incentive to clean out the garage and convert it to a unit. There is a need for additional dwelling units and the amendments contain safeguards. Additionally, there has only been one ADU in the last several years. People are worried about density and parking, but he believed the Commission needed to move forward one step at a time. Housing issues will not go away, but this will be one step in the right direction.

Commissioner Innes said she believed these amendments were a good start on the housing issues even though they would not draw a huge number of applications for ADUs. She hoped the amendments would attract some people to begin creating dwelling units. She agreed the amendments contained protections and it is up to everyone to keep dialoguing with the decision makers to ensure those protections are followed. Everyone needs to continue thinking of new ideas about where to put people who want to live and work in Astoria. She planned to vote in favor of the amendments.

President Pearson thanked everyone who attended the work session and public hearings because public participation is vital to the process. Along the way, some significant compromises have been made and he believed the document was better now because of the dialogue. This amendment is consistent with the Comprehensive Plan and he believed it would encourage more housing opportunities. He was pleased to see that home stay lodgings would be prohibited because the City is trying to create housing, not Airbnb units. This is one small part of a larger strategy. There has been a lot of testimony about historic preservation and he believed this proposal was compatible with the historic nature of Astoria. There is nothing in the amendment that supersedes the good work of the Historic Landmarks Commission or the design review process. This conversation started almost eight months ago and he believed this document was ready for the City Council to consider.

employees will patrol the parking lot to ensure compliance. The entire premises will be more secure because they will implement surveillance that exceeds the State's requirements. As a parent, he understood the public's concerns about the store's impact to the neighborhood, odors, and the demographics of the customers. The store will offer medicinal products that do not generate a psychoactive response. Their intent is to maintain a tasteful image by creating a floor plan similar to the Bridgewater Bistro. He hoped the Commission would consider the store less of an intrusion and more of a partnership to create an inclusive community.

Tyrell Buckner, 3930 Abbey Lane, Astoria, confirmed he knew there were a lot of concerns from the residents in the community. Marijuana is a new business in Oregon and he hoped those with concerns would be willing to speak with him. He attempted to estimate a realistic number of daily visitors to the store. The average time a person spends in a dispensary is about seven minutes. With the two parking spots allotted based on square footage, it is reasonable to assume there would be no increase in traffic. A steady and safe flow of traffic is expected. In the 10 hours the store would be open each day, each parking spot could accommodate six people if each person spent 10 minutes in the store. This would exceed the estimate of 50 visitors per day. He knew not every visitor would drive to the store. Additionally, there is plenty of on street parking, as shown on the map of the area. The company would like to work with the residents who are concerned about or have issues with odors. They take the issue very seriously and have proposed a very strong ventilation system that uses carbon filters and distributes fresh air into the retail space and outside. Other types of filtration systems can also be used to freshen the air. The products will be packaged and sealed, so very little smell will permeate from the products as customers leave the store. No processing or production has been proposed. The company has not received all of the residents' concerns, so he was unable to address those concerns at this time. However, he understood many residents believed the dispensary would diminish their property values. He believed property values would increase because the store would make the community safer by monitoring the property 24 hours a day. Residents and visitors will know there are cameras on site, which will make everyone feel safer. The store will create an environment of diverse commercial tenants, which will encourage property sales at that location. He looked forward to address any other concerns that arise.

Dr. Ted Forcum, 3990 Abbey Lane, Astoria, said he understood the condominium owners' apprehension and concerns. He worked hard to enhance the community by supporting the rezoning from General Industrial, which would have allowed less desirable businesses in the bottom floor of the complex. He would much rather have a dispensary than a chemical manufacturer. He does not use marijuana and has no interest in the business. Additionally, he has declined more than a dozen offers to put dispensaries into the complex. However, he decided to do some due diligence on Mr. Bell's offer after one of his patients encouraged him to look into marijuana. Cannabinoids are typically used for anxiety, PTSD, chronic pain, and cancer. Some of the condominium residents fit this demographic and are likely to use marijuana for medicinal purposes. He recently heard an Army medical doctor lecture on the use of cannabinoids in sports medicine, which is an emerging market. He researched security issues for dispensaries. A RAND study done in California found no significant increases in crimes around dispensaries. Several of his patients work for Oregon Liquor Control Commission (OLCC) and after asking them about OLCC's security concerns, he was satisfied that security would not be an issue. Additionally, he could require additional security measures that exceed OLCC's requirements. There have been several incidents on the property where cameras would have been helpful, so this will benefit the complex. He agreed to consider Mr. Bell's proposal because of the possibility that an artist space would be created. He appreciated that Mr. Bell wanted to help fill other needs in the area besides just the dispensary. An artist space could be permitted in the zone if it involved tourist-oriented retail sales. When the property was rezoned, a parking study was done, which indicated low use of parking spaces. Residents leave in the morning and return in the evening while some of the businesses use the spaces in the interim. Since the rezone, it has been difficult for him to find tenants for the bottom floor because all but one space has water leaks from the residential showers above. The space for the dispensary is the only space without leaks. He wants to make the spaces buildable and marketable. Odor mitigation will include an odor binding agent that is also used in locker rooms.

President Pearson called for any testimony in favor of the application.

Zita Nyitrai, 3990 Abbey Lane, Unit 1205, Astoria, said as a condominium owner, she knew there was a lot of opposition. However, the commercial units have been experiencing challenges for several years now. She supported the dispensary because it would add security. The building has had problems in the past with transient residents living in the garages and in vacant units. She has never experienced any parking issues at the site and was shocked that parking is still discussed. She was also surprised to hear that the dispensary could diminish property values. The values were overstated when the building was built and the owners have had construction

end of town before the Alderbrook neighborhood. Residents already deal with people coming from the Riverwalk and wooded areas east of town who are found sleeping in stairwells and rooms that do not lock securely, having sex in the stairwells, and urinating and defecating in the hallways and covered parking areas. The proposed use will only exacerbate the problem by bringing a stream of customers through the building each day, some of whom are likely to hang out around the building and along the Riverwalk.

- She did not believe the site layout was adequate because there are no dedicated parking spaces for the dispensary. The condominium bylaws do not allow dedicated parking spaces for commercial uses. Customers, estimated at 50 per day, will try to park near the main entrance to the building, which is adjacent to the main entrance to the condominiums. She displayed photographs of the entrances and the hallway with the mailboxes. Security cameras have been proposed, but she did not want to live in a place with cameras and lights everywhere. This is not Portland. The parking lot is close to capacity and residents cannot park near the building. As the commercial spaces fill up, the problem will only get worse. Parking issues are seasonal because some residents only come to Astoria on weekends or for part of the year. However, on most days she cannot find any parking close to the building. The Applicant does not have the authority to designate parking for the dispensary without the approval of the Condominium Association Board. She believed the City's parking standards were out of date because parking is based on square feet without regard to the type of retail space. A yarn shop will not have the same parking needs as a convenience store.
- The Staff report recommends the Applicant abide by the condominium's bylaws as a condition of approval. There are dark corners and stairwells accessible to the public and a retail use would bring more of the public into those unsecure areas. She showed photographs of a stairwell and the hallway to the elevator, which are dark even during the day. There is no onsite management and the management company is located in the Portland metro area. Many lights are burned out, exterior doors do not latch properly, and elevators are out of commission. The residents would appreciate better property management, but not video cameras, bright lights, and other security measures. The Applicant does not have the authority to add any improvements to the common areas without Condominium Association Board approval. She did not believe this use would contain an appropriate amount of landscaping buffering, setbacks, berms, or other separations from adjacent uses. Since the mixed-use building already exists, there are no effective retrofits to buffer the retail space from residences. The buildings are not in an established commercial quarter, but are on the edge of town with 63 residences. This is no amount of buffer or separation from existing residential uses in the same building. This is not an urban environment.

Katie Murray, 3930 Abbey Lane, A305, Astoria, said she has lived in Astoria for over 20 years and at the Cannery Loft for just over a year. She and her husband submitted a written statement that was included in the agenda packet. The proposed retail establishment is not in keeping with the guidelines of the Astoria Riverfront Plan. The condominiums are in the Neighborhood Greenway area. The Plan states "respect and protect the visual character of the Alderbrook neighborhood and minimize the impacts of pedestrians and neighborhood residents." The impacts of a pot shop on this area are likely to be severe. She has researched police calls on existing pot shops in Astoria and there have been many. Having the police called to her neighborhood regularly is not what she wants. By federal law, pot shops are not permitted to deposit their cash to banks so they keep large amounts of cash on premises making them attractive to burglars. Last week's fire at a manufacturing facility on the other end of town was evidence that they are not appropriate tenants for residential buildings because Oregon and other regulators do not check marijuana facilities for compliance with fire safety.

Shelly Von Colditz, 3930 Abbey Lane, Unit 303, Astoria, said she moved to Astoria from Denver, CO about a year and a half ago. Denver also had issues establishing places to allow the sale of marijuana. She was not opposed to pot shops or a mixed-use art gallery/dispensary. She was concerned about the type of clients that would come to this type of retail establishment. She believed transients would come from the Riverwalk and people would be driving or walking in to buy marijuana. There are a lot of homeless people in the area and she often sees them sleeping in the stairwells. Increased surveillance will not be appropriate. She did not buy a unit in this building so she could have robust surveillance and she did not want to come home to bright lights. She currently felt safe walking around at night, but this would be compromised if she had to look over her shoulder to see who was coming and going. She comes and goes during the day and there have been many times that she returned home and could not find a place to park. This does not happen often, but the numbers presented to the Commission were not representative of the parking. The residents do not have any assigned parking and she did not believe so many parking spaces could be dedicated to the retail space. She noted the only reason Dr. Forcum was allowed to serve on the property's board was because he owned so many retail spaces. No one can dictate what time of day people would come to buy marijuana, so the applicant cannot claim they would have a customer every six minutes. She did not want to have to park at the next building or in the street because she

eliminate any external presence that could be detrimental to the business. No examples were given about how the dispensary would negatively impact the space. He offered to speak privately with anyone who had concerns.

President Pearson closed the public hearing and called for Commission discussion and deliberation.

Commissioner Moore said he read all of the public comments and the Staff report. The applicants have addressed all of his concerns, including odors and parking. The residential section of the building exists as a result of the commercial space. The Planning Commission cannot review the type of shop that goes into the retail space, so the concerns specific to marijuana cannot be used as review criteria. The odor mitigation, parking, and retail use seem reasonable.

Commissioner Spence stated that all of the marijuana facilities in Astoria are in commercial or industrial zones and he considered this dispensary to be proposed for a residential area. The Code has not kept up with this. Each of the condominiums are individually owned, but the building envelope, parking, and other common areas are owned jointly by all through the condominium owners' association. In most cases, the association controls the entire property. In this case however, he did not believe the owners were aware that the commercial spaces would be controlled by an absentee owner, that they would not have any power, or that marijuana would be legalized. He believed this was a landmark case because the location is so unique. He did not believe the proposed use was appropriate at the proposed location because it was a residential area zoned for tourist related uses. The Code says, "Businesses including a restaurant or bar, which are engaged in selling merchandise to customers for personal, household, or farm use." The Code needs to be updated to take this particular circumstance into consideration. There are additional facilities and appropriate zones available throughout the city. However, the applicants have chosen to go into a residential building because they can get a nice arrangement. This type of business will be a disadvantage to the residents. He was opposed to the proposed location.

Commissioner Moore clarified that the proposed location was in a Shoreland Tourist zone, not a residential zone. Therefore, the Commission must review the criteria for the Shoreland Tourist zone. The State of Oregon does not allow marijuana dispensaries in residential zones.

Commissioner Spence stated that in his opinion, the residents do not negate the fact that the building is not zoned properly. He believed this needed to be addressed and the Code needed to be updated to address this situation.

Commissioner Moore explained the Commission needed to make its decision based on the Code as it is today.

Commissioner Innes said she viewed the residential units as individual homes, not just one location that is being affected. She was satisfied that the applicants have met the conditions that the Commission is asked to review. She has read every page of the Staff report and she believed odors, parking, and security would not be a problem. She planned to vote in favor of the application.

Commissioner Mitchell said she struggled with this request because conditions have changed since this building was built. She did not believe anyone considered what commercial uses would go in and marijuana dispensaries were not an issue at that time. The current Code does not define dispensaries as being different from normal commercial uses and the Commission must act within certain limitations. She could not find any reason to deny this request. She was pleased to hear that the applicants were trying to mitigate the concerns of the neighbors. The beauty salon could be more of a problem than the dispensary because it could create more noise. She supported the request. Some of the photographs indicated there was less space between the residential and commercial entrances that she originally thought and it would be interesting to see how signage prevents the public from entering the residential areas. She did not believe it was a good idea to have specified zoning for particular kinds of uses.

President Pearson said the building has been a mixed-use site since the day it was built. The first floor is intended for commercial use. He understood the concerns and frustrations of the residents above, but the building is doing exactly what it was intended to do on the waterfront. The proposal meets all of the requirements the Commission has been asked to review for a conditional Use. The conditions are extensive and there are many controls in place to make sure the project goes as promised. He supported the request.

Director Cronin said the City does not expect to acquire any additional property through this amendment. The City already owns a lot of property it does not know what to do with right now. The displays of Bond Street were very preliminary and were only intended to start a conversation between the City and the public. This amendment needs to be approved before funding will be available to do any engineering work on Bond Street. Once the designs and engineering are complete, the public will have the opportunity to view the designs. He confirmed which 12 lots Mr. Carter was referring to.

Ms. Howard explained the property would be added to the AWURA and it was already owned by the City. Director Cronin added that the property needed to be added to the AWURA in order to improve Bond Street. The City has no interest in developing the property because it is a slide zone.

Mr. Carter said he understood everyone loved trees, but they were a serious issue. Director Cronin suggested Mr. Carter talk with Mr. Kuehl at 96 W. Commercial, Astoria, to improve the area.

Jim Coolie, 194 Commercial, Astoria, said the presentation showed a small slide zone, but the map showed a larger slide zone. Director Cronin explained the crude circle he drew was just to indicate a general area. City Hall has GIS maps available that show the specific location of the slide zone.

Mr. Coolie asked if the new retaining wall would address the entire slide zone. Director Cronin said the retaining wall would just hold back one part of the slide zone to allow two-way traffic. The engineering done to date indicates the wall would hold up over time.

Mr. Coolie added that 3rd and Bond should be a four-way stop. He asked if any issues on Commercial would be addressed as part of this project. Director Cronin said no, but the commercial district would be revitalized.

Mr. Coolie did not believe a bike lane should be added to Bond Street because increased traffic, increased speed, narrower lanes, and freezing temperatures would be too dangerous for cyclists. Director Cronin explained the lane shown in the picture was a shared lane called a sharrow. There will be a sidewalk for pedestrians, but drivers need to be reminded to share the road with cyclists.

Commissioner Innes moved that the Astoria Planning Commission find that the First Amendment to the Astor-West Urban Renewal Plan conforms with the Astoria Comprehensive Plan and further recommends that the Astoria City Council adopt the proposed First Amendment to the Astor-West Urban Renewal Plan with the following amendment:

- Exhibit A, Page 2 – Remove the reference to the Port of Astoria's Central Waterfront Master Plan.

Motion seconded by Commissioner Mitchell. Motion passed unanimously.

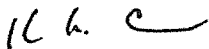
REPORTS OF OFFICERS/COMMISSIONERS:

The Commission agreed to reschedule their December meeting to December 6, 2016.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:43 pm.

APPROVED:



Community Development Director

To: Astoria Planning Commission; Kevin Cronin, Community Development Director

From: Jack Osterberg

Subject: Comment related to Accessory Dwelling Units and Tiny Houses, to be added to the public record for Amendment A16-02

Date: October 11, 2016

I support infill development in residential areas, including historic districts. However, the City needs to make sure that such development will be compatible with the character of the City.

Public Need for Affordable Housing

While I support the City providing adequate affordable housing for low income citizens, it is not clear that the proposal to change the Development Code to encourage more ADT's and to add tiny houses would accomplish the goal. I believe it is unknown what number of affordable housing units is needed in the City or the income levels of citizens that the City is trying to accommodate. It is possible that the proposed Code changes would be helpful in achieving the City's housing goals, but without adequate data, I don't know what Code changes are needed. A housing analysis of the City is necessary to determine the scope of the problem and then recommend solutions to address it. When I hear that there are college students, low income workers and employers who are all in search of affordable housing, I am concerned about the City's viability as a desirable place to live and work. That is why the City should undertake a thorough housing analysis to identify existing conditions, problems and strategies toward reaching solutions.

Cost of ADT's and Tiny Houses

At the hearing, there was discussion and some agreement that ADT's and tiny houses would probably not provide low cost rents. These housing types are expected to be fairly expensive and rental rates set by the property owner will need to recoup the costs of building, permits and site improvements. Staff suggested that owners could use the rent for any purpose whether it be investing the money in home repairs or using it for their own enjoyment. I don't disagree with staff's observation on this, but it won't help much if new housing units are likely to be expensive. Owners must recoup their costs and there is no reason to believe that rental costs will be below market rates.

Size and location of Tiny Houses and ADT's

There are no size limitations on houses, except for related Development Code setbacks and as the requirements of the Building Code dictate. I don't believe there should be specific size restrictions for any home, whether they be 'tiny homes' or 'McMansions'. Residential development in Astoria appears to have a wide variation in the sizes and styles of homes, especially in the historic districts where homebuilding is characterized by the efforts of small-scale individual builders in contrast to large subdivision tracts that feature similar houses. Even so, tiny houses could be dramatically small, such as 800 sq. ft, and probably would 'stand out' in most historic district locations.

In my testimony at the hearing, I had stated that tiny houses could be located so they would not be easily seen from the street. In later remarks by one of the Commissioners, he stated disagreement with my comment; in that if a tiny house was incompatible as viewed from the street, then it would likely also be incompatible as viewed by any neighbor. After consideration, I now agree with the Commissioner and his opinion. My original opinion was not well thought-out.

My main concern over tiny houses is whether their size and likely location in historic districts will be inherently incompatible with those neighborhoods. If the historic districts function merely as a collection of preserved historic structures in close proximity, then a case for tiny house compatibility could be made, as each structure would be subject to review by the historic landmarks ordinance. However, if historic districts function to create a unique character and preserve a cohesive historic neighborhood, then tiny houses, by the fact of their very unusual size, would tend to not be compatible.

As for other ADT's, I find them generally to be smaller additions and/or garage conversions. Without knowing any details of the building styles, but relying on other ADT's I have seen elsewhere, I believe ADT's are more likely than tiny houses to be compatible with their surroundings and in historic districts.

Vacant houses and absent owners

There was testimony at the hearing about the surprising number of houses that appear to be vacant. I agree that this problem exists in Astoria and that it leads to problems. The City has an ordinance that can address, through a long process, houses that are substantially dilapidated. Hopefully the City will be active in pursuing this issue. Some houses are simply vacant or rarely occupied by out of town owners. With respect to testimony about absent owners who leave houses vacant for rental purposes, I don't believe the City can do much about this. I don't think there is any feasible way in which to limit the rights of ownership and to require owner-occupancy for any dwelling unit. Even if these problems went away I doubt that it would do much to provide affordable housing.

Parking

From testimony, it appears that many are not satisfied with the parking conditions found on city streets. Generally, some residential areas are experiencing a problem with excessive numbers of vehicles. Many streets have homes with no garage or only a one-car garage and many homeowners have multiple vehicles and/or simply opt to park their cars on the street in order to use their garage for household storage. In either case, I don't believe those issues can be feasibly addressed by the City. I doubt that the city wants to venture into residential parking permits and establishing parking rights.

People are concerned that more dwelling units will simply add to the parking problem. Some suggest that a cap on the number of residents or vehicles can be established per dwelling unit. I feel that such solutions are inappropriate for government regulation and would also be difficult to monitor and enforce. The desire for increased residential density might lead the Commission to consider deleting the requirement for off-street parking spaces. However, a reasonable compromise might be to simply follow the existing Code provisions for off-street parking.

Other alternatives to increase housing units

Without a housing analysis that focuses on the matters of affordability and the housing market, I'm left to offering a couple of basic suggestions.

- (1) The City could encourage housing development on vacant lands that permit residential uses. The City could create a data-base of these properties that would list important development factors such as lot size and zoning, plus development constraints such as wetlands, tsunami inundation zones, slopes, lands determined to be active landslide areas or abutting such areas, or any site where a geotechnical study is likely to be required. Park properties or designated open space areas would not be included on the list. Then, this vacant residential lands list could be provided to area homebuilders to encourage new construction. However, such new construction is likely to be expensive. There may be limited opportunity to achieve economies of scale such as where a developer/builder would construct a new subdivision. Individual lot, custom-built detached homes may provide few affordable housing units, but small scale multi-family developments might provide more.

- (2) Has the City considered annexing rural or low density residential lands for the purpose of creating sites for housing development? Perhaps there are sites to the east and south that would be suitable. Rezoning lower density annexed lands could help create the conditions that would encourage affordable multi-family housing development. Depending on the type of urban service and planning area agreements that the City has with the County, the annexation planning process could be worth the effort. Hopefully, new housing would include a mix of housing types, with an affordable multi-family component and would be part of a planned unit development that included a small scale commercial node.

Jack Osterberg
1711 Grand Avenue
Astoria, OR 97103

TO: Astoria Planning Commission

FR: Linda Oldenkamp
1676 Jerome Avenue
Astoria, Or. 97103

RE: Proposed Housing Code Changes

DT: October 25, 2016

President Pearson, Commissioners Innes, Fitzpatrick, Easom, Mitchell, Moore, and Spence

I Understand the Problem

Almost all of my life, I have worked in poverty programs, trying to help low income people change their lives to enjoy some of the American dream. In 1976, I was hired by the College under the Comprehensive Employment and Training Act, (CETA), a program to hire those who were low income/unemployed. I loved working to help change lives. I say that because I want you to know that I'm aware of, sympathetic to, and supportive of expanding affordable housing. This isn't a matter of aloofness, not in my backyard, or an uncaring attitude. I understand the problem.

Preserve It and They Will Come

As a 40 year resident of Astoria and one who has believed that Astoria's two big draws are its physical environment (with the mighty Columbia at our door step), and its built environment, or its historic architecture. It's a combination impossible to beat anywhere. I recognized myself in the Daily Astorian's description as an evangelist for those who support the cause of preserving our historic houses and commercial buildings. Somehow I've always known that "if you preserve it, they will come" – meaning not just tourists, but people who would want to live, work, and retire here because Astoria is an attractive and authentic community that still has neighborhoods with old houses and a real downtown -- a community that was so well planned and designed that, after all these years, it still feels good and right to live here. For a while, we called this "a sense of place". People have come, by the droves, to visit, to live, buy second homes, and retire.

Now it is your job to ensure that the planning and changes before you not only enhance our neighborhoods but also to ensure that the consequences of your changes aren't detrimental and cause neighborhoods to deteriorate.

Comprehensive Plan

Changes are being proposed without considering neighborhood livability or character and do not meet the following requirements outlined in the Comprehensive Plan. I read today on the City's website that it is your job to "maintain the Comprehensive Plan.

CP015 (1) on General Land Use states **"It is the primary goal of the Comprehensive Plan to maintain Astoria's existing character by.....protecting the residential and historic character of the City's neighborhoods."**

There are no findings of fact addressed for C)015, meaning no facts have been presented that prove how these changes will protect the residential and historic character of the City's neighborhoods.

CP.220.8 on Housing Policies states..."**Astoria's historic neighborhoods are recognized as some of the City's most significant assets, and should be protected through the Historic Preservation Ordinance, and other City actions to protect individual structures and neighborhoods."**

I don't think anyone believes the "findings of fact" which states that income generated from ADU's will be used by property owners to restore and maintain their historic homes.

Effects of Proposed Changes

The proposed changes with regard to detached accessory dwelling units – Tiny and Stick Built Houses -- would have extreme detrimental effects on the livability and historic character of our neighborhoods. They probably would not be noticeable in a year, but year after year, they will be very noticeable. Changes in ownership will come, new owners will not always support, understand, or care about historic character. Over time, detached ADU's will deteriorate, become unsightly and neighboring house values will be negatively affected.

Although design review would not affect many neighborhoods, Tiny and Stick Houses would not fit current guidelines under design review. The proportion, scale, and size are not compatible.

2015 Affordable Housing Study

The 2015 Affordable Housing Study offers nine excellent options for additional housing. But the options are challenging and won't be done quickly. The first recommendation, an ad hoc Housing Task Force, should be implemented immediately for the purpose of identifying locations for affordable housing, as well as regulatory changes and other ideas to stimulate affordable housing.

Putting the onus on homeowners to address the affordable housing issues might be the easiest option for City staff, but it is not good for the livability or historic character of neighborhoods, it is not right or fair to those who have significantly invested in their homes, and importantly, the changes do not meet the criteria stated in the Comprehensive Plan.

I support the Lower Columbia Preservation Society's recommendations regarding the housing code changes. I urge the Planning Commission not to act on the proposed changes, but to develop the ad hoc Housing Task Force, to include board members of the Lower Columbia Preservation Society as well as others who own and live in historic homes. Let us do this right

so that our City provides both affordable housing and protects its historic homes and neighborhoods. We must do both.

Planning commission, housing codes, 10.16

A16-02

From: linda [mailto:lindavid@pacifier.com]
Sent: Sunday, October 30, 2016 4:54 PM
To: Kevin Cronin
Subject: testimony

Kevin,

Please add my statement and the email (below) from Kim Angelis on the housing code changes you are recommending. The email refers to the impacts on neighborhoods in Arcata, CA., which made similar changes. I read this email at the hearing.

Thank you,
Linda Oldenkamp

Dearest Linda,

I just got off the phone with Berta. She told me that one of the most annoying negative impacts from tiny houses and rentals in garages has been the glut of cars parked on the streets. Parking spaces are at a premium, and many times, she and Jamie have had their access to their own garage blocked!! The house next door to them was sold in 2005 (during the real estate bubble, unfortunately) for \$365,000. Eleven years later, it is on the market for \$340,000. Unlike Astoria, property values in Arcata have not recovered. Investors from the Bay Area buy these units to rent out to students; there is no pride of ownership. A neighborhood that was formerly middle class has turned into a slum. Because people are allowed to live in garages, one of Berta's neighbors sheet rocked and paneled the garage, but didn't put in any plumbing. The tenants were defecating in the yard!!!!!!!!!!!!!! Needless to say, the quality of life has dramatically diminished, and the neighborhood is no longer a haven of owner-occupied residences. The historic character of the neighborhood has also been ruined. On one side of B & J's house, a darling bungalow occupied a standard 50x100 lot. In the late 1980s, a "matching" bungalow was stuffed *in front* of the original home. It has T-1-11 siding, sliding glass doors, and a deck. The only nods to historic detailing are the paint colors and the tiny knee braces.

We don't want Astoria to go down the same path that Arcata took!

Thank you so, so much for attending the meeting and speaking out!!!!
Bravo!!!!

Much love,
Kim

3.020. ACCESSORY DWELLING UNITS (ADUs).

A. Purpose.

The purpose of this Section is to promote more efficient use of large, older homes; provide more affordable housing; allow individuals and smaller households to retain large, older houses as residences; and maintain the single-family character of the house and neighborhood.

B. Standards.

1. Size.

a. Primary Structure.

A house with an Accessory Dwelling Unit must have at least 1,400 square feet of floor area prior to creation of the Accessory Dwelling Unit. The floor area of the garage or other non-living space, such as an unfinished basement, may not be used in the calculation of the total square footage. ~~Any finished area used to determine floor area of the primary unit must have been completed at least ten years prior to the application for an Accessory Dwelling Unit. This date shall be determined by proof to be submitted by the applicant, such as the final inspection report date of a building permit.~~

b. Accessory Dwelling Unit.

An Accessory Dwelling Unit shall not exceed 40% of the primary structure or 800 square feet in size, whichever is smaller. Only one unit per single family lot is permitted.

2. Creation of the Unit.

a. The Accessory Dwelling Unit may be created ~~only~~ through an internal conversion of an existing living area, basement, attic, other existing attached accessory buildings, such as a garage, or areas over attached or detached garages. Construction of new units are also permitted and can be built over new detached or attached garages or as separate detached units. ~~Accessory Dwelling Units shall not be permitted in structures detached from the primary residence, including but not limited to guest cottages, detached garages, or workshops.~~

b. To differentiate an Accessory Dwelling Unit from a two-family dwelling, all utilities such as water, electric, or gas, shall remain as

6. Lot Size.

A home with an Accessory Dwelling Unit in the R-1 Zone (Low Density Residential) shall be located on a minimum lot size of 5,000 square feet. There is no minimum lot size for other zones.

7. Off-Street Parking Requirements.

In addition to the two spaces required for the primary unit, the Accessory Dwelling Unit shall have one additional off-street parking space. If on street parking is available on a city street built to a city standard identified in the Transportation System Plan, one space may be credited to the requirement of three total spaces.

~~8. Age of Home- Height~~

~~The height of new detached units shall not exceed 20 feet or 80% of the height of the main dwelling, whichever is less. An Accessory Dwelling Unit may be allowed in homes originally constructed a minimum of 50 years prior to the application for the Accessory Dwelling Unit.~~

9. Homestay Lodging

Homestay lodging is prohibited in accessory dwelling units created after XXXX, 2017^(kc1).

C. Permits.

1. Permit Required.

A Type I or Type III permit is required for the establishment of an Accessory Dwelling Unit. The property owner shall submit an application to the Community Development Department on a form provided by the City.

2. Expiration of Permit.

An Accessory Dwelling Unit permit shall automatically expire if any of the following occurs:

- a. The Accessory Dwelling Unit is substantially altered and is no longer in conformance with the plans as approved by the Astoria Planning Commission, Community Development Director, and/or the Building Official; or

- 3) That the granting of the permit will not create a safety hazard.

3. A decision of the Community Development Director may be appealed to the Planning Commission in accordance with 9.040.

(Section 3.020 Added by Ordinance 04-10, 11/1/04)

Additions to Definitions Section of Development Code KCZ

Article 1: Section 1.400

Tiny Home: An accessory dwelling unit that is less than 500 square feet, a manufactured dwelling constructed off site according to Section 1.400, and either certified by HUD manufactured dwelling standards for permanent living or through Recreation Vehicle Industry Association safety standards for temporary living. A minimum of 150 square feet per occupant shall be required up to two occupants maximum per tiny home.

Accessory Dwelling Unit: An accessory dwelling unit is one additional subordinate or auxiliary living unit, including kitchen facilities, in an existing house or detached from the main dwelling. A dwelling with an accessory dwelling unit is distinguished from a duplex by the retention of the appearance as a single-family dwelling.

Attachment 1: A 16-02: Development Code Update

Affordable Housing Text Amendment

Number of related permits issued

- Number of variances issued for lot size or coverage standard: 122 since 2009
- Number of ADUs permitted: 3
- Number of code violations for illegal ADUs: 1 in 2009
- Number of requests received for info on tiny homes: 5 phone calls or email inquiries
- Number of permitted rowhouses: 20 townhomes @ Columbia Landing; 1 remodel of apartment building on Exchange St into four townhomes

Zoning Matrix Overview: Existing v. Proposed Standard

Residential Zone/ Type	Existing Standard	Proposed Standard	Notes
<i>R-1: Low Density</i>			
SFR Lot Size	5,000	5,000	No change
Duplex	None	5,000	Conditional use
Townhouses	N/A	No change	Limited lots available
Height*	28 feet	No change	
<i>R-2: Medium Density</i>			
SFR Lot Size	5,000	4,500	Encourage partitions
Duplex	7,500	5,000	Encourage partitions
Multi-family	5,000 (1 st), 2,500 (2 nd ...)	5,000 (1 st), 1,000 (2 nd ...)	Up to 16 units/acre
Townhouses/Rowhouses	N/A	4,000 (1 st), 1,500 (2 nd ...)	Up to 16 units/acre
	28 feet	36 feet	Up to 3 stories
<i>R-3: High Density</i>			
SF Detached Lot Size	5,000	4,500	Encourage partitions
Duplex (Two Family)	7,500	5,000	Encourage partitions
Multi-family	5,000 (1 st), 1,500 (2 nd ...)	5,000 (1 st), 1,000 (2 nd ...)	26 units/acre
Townhouses/Rowhouses	N/A	4,000 (1 st), 1,000 (2 nd ...)	16 units/acre
Height	35 feet	42 feet	Up to 4 stories
ADUs	R-1 (CUP), R-2, & R-3	Outright in all R Zones	More flexibility with types and conversions
Townhouses	N/A	R-2 (CUP) & R-3	New building type
Rowhouses	N/A	R-2 (CUP) & R-3	New building type outside Mill Pond
<i>Short Term Rentals</i>			
Homestay Lodging	R-1 (CUP), R-2, R-3	No change	Owner occupied
Bed & Breakfast	R-2/R-3 CUP	No change	Owner or manager with breakfast meal served
Vacation Rental	None (Commercial Zones only)	No change	No owner occupied requirement

*Building story = 10' 6" per floor for multifamily



CITY OF ASTORIA
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COMMUNITY DEVELOPMENT

MEMORANDUM

DATE: March 15, 2017

TO: CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: A16-01: PLAN AMENDMENT APPLICATION: ARTILCE 9 –
ADMINISTRATIVE PROCEDURES (Section 9.010, 9.015, 9.020)

BACKGROUND

The Development Code (Code) update was initiated by the Community Development Department in January 2016 in parallel with the affordable housing related amendments contained in A 16-02: Accessory Dwelling Units. Article 9 of the Development Code contains the administrative procedures for processing land use applications. The City Council adopted a FY 15-16 goal to streamline the development review process. The procedures update is in direct response to this goal. Article 9 was last updated in 2014 (Ordinance 14-03).

A public hearing was held on April 26, 2016 with the Planning Commission to consider amendments to Article 9. After considering the findings of fact, and public testimony, the Planning Commission recommended approval to the City Council. The public hearing before the City Council was delayed to allow the accessory dwelling unit proposal to come forward and be heard as a companion piece of legislation.

The full record for the plan amendment application (A16-01: Plan Amendment), including the findings of fact, is contained in the staff report dated April 19, 2016.

DISCUSSION/ANALYSIS

Below is a summary of the proposed changes in Article 9 – Administrative Procedures.

- Adds a new reference table that categorizes all land use applications from Type I through Type IV with differing levels of review requirements. For example, this proposal is considered a Type IV application because it is legislative in nature –

an amendment to the Development Code – and requires review and approval by City Council. Currently, this section is silent on types of applications and does not list the various zoning related applications that are required for review.

- Adds a section that specifies the Community Development Director's roles and responsibilities. Although these roles are commonplace in planning departments, not all customers are aware of these expectations. This change provides an additional level of transparency to the process for applicants.
- Adds a "zoning checklist" for incoming applicants to encourage a thorough and smooth application submittal creating a shared set of expectations from the pre-application phase to when the applicant submits a full application. A checklist does not exist and was identified as a simple tool to help both staff and applicants track requirements for each application that may have different needs. An example is attached for reference.
- Increases the notice radius requirement from 100 to 200 feet for most applications and adds an onsite notice provision to encourage transparency and communication in the land use process. Currently, only property owners receive notice. On site notice conveys information to renters and the larger neighborhood and allows them to engage in the city planning process.
- Makes miscellaneous "housekeeping" amendments related to references to the above noted amendments.

All proposed amendments appear in the first three sections of Article 9. The remainder of Article 9 remains unchanged and no revisions are needed or requested.

PROCESS

The public hearing is scheduled for March 20 and has been properly noticed in the newspaper and sent via email to interested parties. The City Council has several procedural options to move forward with the request. Following the public hearing it can:

- 1) Continue the hearing to a date certain and take additional testimony on the matter,
- 2) Vote to hold a 1st reading on the amendments as proposed by the Planning Commission,
- 3) Amend the code language and vote to hold a 1st reading, or
- 4) Table the proposal.

RECOMMENDATION

It is recommended that the Council hold a public hearing to take public testimony, conduct a 1st Reading of the Ordinance, consider the Planning Commission endorsement, and if necessary, provide feedback on the proposed Code amendments.

By: 

Kevin A. Cronin, AICP
Community Development Director

Appendixes

Ordinance 17-XX: Amendment to Article 9 – Administrative Procedures

A 16-01: APC Hearing Staff Report – Administrative Procedures Text Amendment - April 2016

A 16-01: Article 9 – Administrative Procedures Revisions – March 2017

Astoria Planning Commission Minutes: April 26, 2016, September 27, 2016

Example: Zoning Checklist

ORDINANCE NO. 17-_____

AN ORDINANCE AMENDING THE ASTORIA DEVELOPMENT CODE SECTION
PERTAINING TO ARTICLE 9 - ADMINISTRATIVE PROCEDURES

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. Astoria Development Code is amended by the addition of Section 9.010 pertaining to Application Information and General Review Procedures to read as follows:

“9.010. APPLICATION INFORMATION AND GENERAL REVIEW PROCEDURES.

A. Purpose

The purpose of this Article is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 9.010 provides a key for determining the review procedure and the decision-making body for particular approvals.

B. Applicability of Review Procedures. All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this article. The procedure “type” assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures as described in subsections 1-4 below. Table 9.010 lists the City’s land use and development approvals and corresponding review procedure(s).

1. Type I Procedure (Staff Review – Zoning Checklist). Type I decisions are made by the Community Development Director , or his or her designee, without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., there are clear and objective standards).
2. Type II Procedure (Administrative/Staff Review with Notice). Type II decisions are made by the Community Development Director , with public notice and an opportunity for appeal to the Planning Commission. Alternatively, the Community Development Dreictor may refer a Type II application to the Planning Commission for its review and decision in a public meeting.
3. Type III Procedure (Quasi-Judicial Review – Public Hearing). Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal

to the City Council. In the case of a Quasi-Judicial zone change, a Type III decision is made by the City Council on recommendation of the Planning Commission. Quasi-Judicial decisions involve discretion but implement established policy.

4. Type IV Procedure (Legislative Review). The Type IV procedure applies to the creation or revision, or large-scale implementation, of public policy (e.g., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Type IV reviews are considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.

Table 9.010 – Summary of Approvals by Type of Review Procedure		
Approvals**	Review Procedures	Applicable Regulations
Zoning Checklist Review*	Type I	Applicants are required to complete a Zoning Checklist before applying for any permit or approval. See Section 9.010.A.4
Access to a Street	Type I	Article 3.005 and the standards of the applicable roadway authority (City/County/ODOT)
Accessory Dwelling Unit	Type I, III	Section 3.020
Annexation	Type IV	See Oregon Revised Statute 222
Appeal	Type II-IV	Article 9.040
Code Text Amendment	Type IV	Article 10.070
Comprehensive Plan Amendment	Type IV	Article 10.050
Conditional Use Permit	Type III	Article 11
Design Review (Gateway Overlay)	Type III	Article 14
Historic Properties		
Demolition	Type II, III	Article 6.080
Exterior Alteration	Type II, III	Article 6.050
Landmark Designation	Type III	Article 6.040
Historic District Establishment	Type IV	Article 6.030
Historic Designation Removal	Type I	ORS 197.772
New Construction	Type III	Article 6.070
Erosion Control & Grading	Type I	Article 3.305
Extension Request	Type I, II, III	Article 9.100
Home Occupation	Class A: No permit Class B: Type II See Article 3.095	

Table 9.010 – Summary of Approvals by Type of Review Procedure

Approvals**	Review Procedures	Applicable Regulations
Homestay Lodging	Type I, Type III	
Legal Lot Determination	Type I	Article 1.350
Master Planned Development Preliminary Plan Final Detailed Plan	Type III Type III	Article .14.575 Article .14.580
Miscellaneous Review	Type III	Article 8.080
Modification to Approval or Condition of Approval	Type I, II or III	Article 10
Non-Conforming Use or Structure, Expansion of	Type I, II or III	Article 3.180-3.200
Parking Exception	Type II	Article 7.062
Partition or Re-plat of 2-3 lots Preliminary Plat Final Plat	Type III Type I	Article 13.200 & 13.300 Article 13.120
Planned Development Overlay Preliminary Plan Final Plan (Zone Change)	Type III Type III	Article 14.560
Property Line Adjustments, including Lot Consolidations*	Type I	Article 13.
Microwave Satellite Dish	Type I, III	Article 3.150
Sign	Type I, II, III	Article 8.060
Solar Array/Wind	Type I, II, III	Article 16
Subdivision or Replat of >3 lots Preliminary Plat Final Plat	Type III Type I	Article 13.100 Article 13.130
Wireless Communication Facility	Type II, III	Article 15.090
Variance Zoning Map Change	Type II Type III or IV	Article 12.060 Article 10.050, 10.070

**New Additions to Administrative Procedures

*The applicant may be required to obtain building permits and other approvals from other agencies, such as a road authority or natural resource regulatory agency. The City's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the City under this Code.

A. Content.

An application for a land use action or permit shall consist of:

1. A complete application form and all supporting documents and evidence, including a site plan, elevations, and other pertinent information related to the subject property or structure.
2. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all parties in ownership of the affected property. A notarized signature of the property owner may be required to verify consent.
3. Legal description of the property affected by the application.
4. City staff shall provide a zoning checklist to an applicant that identifies all required submittal information during a pre-application conference. The applicant is required to submit the completed zoning checklist with an application.

B. Submittal.

A complete application and all supporting documents and evidence must be submitted at least 28 days prior to the date of a hearing. Exceptions may be made to this requirement by the Community Development Director on a case-by-case basis.

C. Complete Application.

If the application is complete when first submitted, or the applicant submits the requested additional information within 180 days from the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time a complete application was first submitted.

D. Incomplete Application.

If an application for a permit or zone change is incomplete, the City shall notify the applicant of the additional information required within 30 days of the receipt of the application. The applicant shall be given the opportunity to submit the additional information required. The application shall be deemed complete upon receipt of the additional information required. If the applicant refuses to submit the required additional information, the application shall be deemed complete on the 31st day after the governing body first received the application.

E. Multiple Requests.

Where a proposed development requires more than one development permit or zone change request from the City, the applicant may request that the City consider all necessary permit and zone change requests in a consolidated manner referred to as a concomitant application. If the applicant requests that the City consolidate its review of

the development proposal, all necessary public hearings before the applicable Commission should be held on the same date if possible.

(Section 9.010.E amended by Ordinance 14-03, 4-21-14)

F. Staff Report.

Any staff report used at the hearing shall be available at least seven (7) days prior to the hearing. If additional documents or evidence is provided in support of the application, any party shall be entitled to a continuance of the hearing. Such a continuance shall not be subject to the limitations of ORS 227.178.

(Section 9.010.F amended by Ordinance 14-03, 4-21-14)

G. Pre-Application Meeting.

Prior to submittal of a Type II-IV application, a pre-application meeting with the Community Development Director and/or the Planner is required. The Community Development Director shall determine the classification and appropriate process for any application.

(Section 9.010.G added by Ordinance 13-10, 11-4-13; Amended by Ordinance 14-03, 4-21-14)

H. Determination of Permit Process.

The Community Development Director may determine that a permit should be reviewed by a Commission/Committee in lieu of an Administrative Review to protect the best interests of the surrounding property or neighborhood or the City as a whole.

(Section 9.010.H added by Ordinance 13-10, 11-4-13; amended by Ordinance 14-03, 4-21-14)

I. Applications for Development Review.

1. Applications for development review may be initiated by one or more of the following:

- a. One or more owners of the property which is the subject of the application; or
- b. One or more purchasers or representatives of such property who submit a written approval of the property owner; or
- c. One or more lessees in possession of such property who submits written consent of one or more owner's to make such application; or
- d. Person or entity authorized by the Board or Commission; or

- e. A Department of the City of Astoria when dealing with land involving public works, parks, economic development, or other City projects; or
- f. A public utility or transportation agency, when dealing with land involving the location of facilities necessary for public service; or
- g. Any of the above may be represented by an agent who submits written authorization by his principal to make such application.

(Section 9.010.I added by Ordinance 14-03, 4-21-14)

J. Coordinated Review.

- 1. In addition to the general notice provisions set forth in Section 9.020, the City shall invite the Oregon Department of Transportation (ODOT) and/or any other transportation facility and public and utility service providers potentially affected by the application to pre-application conferences, as applicable. The City shall provide notice of a public hearing or an administrative action to potentially affected transportation facility and service providers.
- 2. Coordinated review of applications with ODOT and/or any other applicable transportation facility and service providers may also occur through Traffic Impact Study provisions, pursuant to Subsection 3.015.A.5."

Section 2. Astoria Development Code is amended by the addition of Section 9.015 to read as follows:

"9.015. Community Development Director Duties. The Community Development Director, or designee, shall perform all of the following duties with regard to administration of this Code:

- A. Prepare application forms based on the provisions of this Code and applicable state law;
- B. Prepare required notices and process applications for review and action;
- C. Assist the Historic Landmarks Commission, Design Review Commission, Planning Commission and City Council in administering the hearings process;
- D. Answer questions from the public regarding the City's land use regulations;
- E. Prepare staff reports summarizing pending applications, including applicable decision criteria;
- F. Prepare findings consistent with City decisions on land use and development applications;

G. Prepare notices of final decisions, file the notices in the City's records, and mail a copy of the notices to all parties entitled to notice under this Code; and

H. Maintain and preserve the file and public record for each application."

Section 3. Astoria Development Code is amended by the addition of Section 9.020 to read as follows:

"9.020. PUBLIC NOTICE.

A. Mailed Notice - Content.

A notice of a public hearing or an administrative action shall contain the following information:

1. The name of the applicant.
2. The date, time, place of hearing and who is holding the public hearing, or conducting the administrative action.
3. The street address or other easily understood geographical reference to the subject property.
4. The nature of the application and the proposed use or uses which could be authorized.
5. A list of the applicable criteria from the Development Code and Comprehensive Plan that apply to the application at issue.
6. A statement that a failure to raise an issue in person or by letter precludes appeal and that failure to specify which criterion the comment is directed precludes an appeal based on that criterion.
7. A statement describing where the complete application, criteria and other relevant information is available for review, how written comments may be submitted, applicable appeal procedures, and the name of a representative to contact and the telephone number where additional information may be obtained.
8. A statement that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.
9. A statement that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost.

10. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

B. Mailed Notice - Distribution, Time Requirements.

1. Mailed notice shall be sent to property owners within the following distances from the exterior boundary of the subject property:
 - a. Legislative amendment to the Development Code text or Land Use and Zoning Map - None.
 - b. Quasi-judicial amendment to the Development Code text or Land Use and Zoning Map - 200 feet.
 - c. Conditional Use - 200 feet.
 - d. Variance - 200 feet.
 - e. Miscellaneous Review - 200 feet.
 - f. Historic Property Exterior Alterations, New Construction, Demolition or Moving Permits - 200 feet.
 - g. Historic District Establishment - Owners of property abutting or within the boundaries of the proposed District.
(Section 9.020(B.1.g) amended by Ordinance 13-10, 11-4-13)
 - h. Appeals - Parties to the record.
 - i. Design Review - 200 feet.
(Section 9.020(B.i) added by Ordinance 98-04, 5-4-98)
 - j. Wireless Communication Facility – 500 feet.
(Section 9.020(B.1.j) added by Ordinance 13-10, 11-4-13)
 - k. Solar Facility, Administrative Conditional Use – 100 feet.
(Section 9.020(B.1.k) added by Ordinance 13-10, 11-4-13)
 - l. Solar Facility, Planning Commission Conditional Use – 250 feet.”
(Section 9.020(B.1.l) added by Ordinance 13-10, 11-4-13)
2. Addresses for a mailed notice required by this Code shall be obtained from the County Assessor's real property tax records. Failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to

comply with the requirements of this Code for notice. In addition to persons to receive notice as required by the matter under consideration, the Community Development Director may provide notice to others he has reason to believe are affected or otherwise represent an interest that may be affected by the proposed action.

3. Notice shall be mailed not less than 20 days prior to the hearing requiring the notice; or if two or more evidentiary hearings are allowed, 10 days prior to the first evidentiary hearing.

(Section 9.020(B.2.3 & 4) amended and renumbered by Ordinance 13-10, 11-4-13)

C. Published Notice.

Notice shall be given for any proposed quasi-judicial (Type III) or legislative (Type IV) land use action by publication in a newspaper of general circulation in the City of Astoria.

- D. For Type III applications, at least 14 days before the first hearing, the Community Development Director or designee shall post notice of the hearing on the project site in clear view from a public right-of-way. Posting near the main entryway inside a storefront window of a commercial or industrial building visible to the public is allowable."

Section 4. Effective Date. This ordinance and its amendment will be effective 30 days following its adoption and enactment by the City Council.

ADOPTED BY THE COMMON COUNCIL THIS ____ DAY OF _____, 2017.

APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2017.

Mayor

ATTEST:

Brett Estes, City Manager

ROLL CALL ON ADOPTION:

Commissioner Nemlowill
 Brownson
 Price
 Jones

YEA

NAY

ABSENT

Mayor LaMear



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

April 19, 2016

TO: ASTORIA PLANNING COMMISSION

FROM: KEVIN A. CRONIN, AICP, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: AMENDMENT REQUEST (A16-01) BY COMMUNITY DEVELOPMENT
DIRECTOR TO AMEND ARTICLE 9 – ADMINISTRATIVE REVIEW
PROCEDURES IN DEVELOPMENT CODE

I. BACKGROUND SUMMARY

- A. Applicant: Kevin A. Cronin, AICP
Community Development Department
City of Astoria
1095 Duane Street
Astoria OR 97103
- B. Request: Amend the Astoria Development Code to update and streamline the
administrative review procedures for types of land use applications.
- C. Location: Citywide
- D. Concurrent Application: A16-02 Affordable Housing Amendments

II. BACKGROUND

Article 9 of the Development Code describes administrative procedures for reviewing land use applications. This section has not been substantially updated, but has had specific amendments to implement other adopted plans such as a historic preservation ordinance (2013), solar energy standards (2013), and the Transportation System Plan (2014). The City Council adopted a FY 15-16 goal to... "promote positive economic development through strengthening partnerships and streamlining processes." The proposed amendments streamline and categorize types of applications for easier processing. Specifically, it creates a shared set of expectations between the applicant and city staff for how the City processes certain applications from "over the counter" review to legislative amendments such as this request.

The proposed Development Code text amendments include:

Council, Planning Commission, the Community Development Director, a person owning property in the City, or a City resident."

Finding: The proposed amendments to the Development Code are being initiated by the Community Development Director.

- B. Section 10.050(A) states that *"The following amendment actions are considered legislative under this Code:*

1. *An amendment to the text of the Development Code or Comprehensive Plan.*

Finding: The proposed amendment is to amend the text of the Astoria Development Code Article 9 concerning Administrative Procedures. The amendment would create new categories for all land use applications and streamline the development review process. The proposed amendments are applicable to the entire Development Code and therefore a citywide regulation. Processing as a legislative action is required.

- C. Section 10.070(A)(1) concerning Text Amendments, requires that *"The amendment is consistent with the Comprehensive Plan."*

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

Finding: The City Council adopted a FY 15-16 goal to streamline the development process. As part of a larger evaluation of the development review process, the Community Development Director identified needed changes to Article 9 to implement the goal and has initiated the text amendment.

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

Finding: The proposed amendments create streamlined development review standards to encourage a compact urban form. The proposed ordinance is intended to provide the guidance to help achieve these goals through the overall development review process.

3. CP.470(1), Citizen Involvement states that *"Citizens, including residents and property owners, shall have the opportunity to be involved in all phases of the planning efforts of the City, including collection of data and the development of policies."*

ARTICLE 9

ADMINISTRATIVE PROCEDURES

9.010	Application Information and <u>General Review</u> Procedures	9 - 1
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9.010. APPLICATION INFORMATION AND GENERAL REVIEW PROCEDURES.

A. Purpose

The purpose of this Article is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 9.010 provides a key for determining the review procedure and the decision-making body for particular approvals.

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B. Applicability of Review Procedures. All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this article. The procedure "type" assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures as described in subsections 1-4 below. Table 9.010 lists the City's land use and development approvals and corresponding review procedure(s).

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1. Type I Procedure (Staff Review – Zoning Checklist). Type I decisions are made by the City Planning Official, or his or her designee, without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., there are clear and objective standards).

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2. Type II Procedure (Administrative/Staff Review with Notice). Type II decisions are made by the City Planning Official, with public notice and an opportunity for appeal to the

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Table 9.010 – Summary of Approvals by Type of Review Procedure		
Approvals**	Review Procedures	Applicable Regulations
Zoning Checklist Review*	Type I	Applicants are required to complete a Zoning Checklist before applying for any permit or approval. See Section 9.010.A.4
Access to a Street	Type I	Article 3.005 and the standards of the applicable roadway authority (City/County/ODOT)
Accessory Dwelling Unit	Type I	Section 3.020
Annexation	Type IV	See Oregon Revised Statute 222
Appeal	Type II-IV	Article 9.040
Code Text Amendment	Type IV	Article 10.070
Comprehensive Plan Amendment	Type IV	Article 9.X 10.050
Conditional Use Permit	Type III	Article 11.X
Design Review (Gateway Overlay)	Type III	Article 14
<u>Historic Properties</u>	Type II, III	Article 6.080
Demolition	Type II, III	Article 6.050
Exterior Alteration	Type III	Article 6.040
Landmark Designation	Type IV	Article 6.030
Historic District Establishment	Type I	ORS 197.772
Historic Designation Removal	Type III	Article 6.070
New Construction		
Erosion Control & Grading	Type I	Article 3.305
Extension Request	Type I, II, III	Article 9.100
Home Occupation	Class A: No permit Class B: Type II See Article 3.095	
Legal Lot Determination	Type I	Article 1.350
Master Planned Development*		
— Concept Plan	Type III	Article X
— Detailed Plan	Type III	Article X
Miscellaneous Review	Type III	Article 8.080

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City of Astoria
Development Code

A. Content.

An application for a land use action or permit shall consist of:

1. A complete application form and all supporting documents and evidence, including a site plan, elevations, and other pertinent information related to the subject property or structure.
2. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all parties in ownership of the affected property. A notarized signature of the property owner may be required to verify consent.
3. Legal description of the property affected by the application.
4. City staff shall provide a zoning checklist to an applicant that identifies all required submittal information during a pre-application conference. The applicant is required to submit the completed zoning checklist with an application.

B. Submittal.

A complete application and all supporting documents and evidence must be submitted at least 28 days prior to the date of a hearing. Exceptions may be made to this requirement by the Community Development Director on a case-by-case basis.

C. Complete Application.

If the application is complete when first submitted, or the applicant submits the requested additional information within 180 days from the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time a complete application was first submitted.

D. Incomplete Application.

If an application for a permit or zone change is incomplete, the City shall notify the applicant of the additional information required within 30 days of the receipt of the application. -The applicant shall be given the opportunity to submit the additional information required. -The application shall be deemed complete upon receipt of the additional information required. -If the applicant refuses to submit the required additional information, the application shall be deemed complete on the 31st day after the governing body first received the application.

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application; or

- b. One or more purchasers or representatives of such property who submit a written approval of the property owner; or
- c. One or more lessees in possession of such property who submits written consent of one or more owner's to make such application; or
- d. Person or entity authorized by the Board or Commission; or
- e. A Department of the City of Astoria when dealing with land involving public works, parks, economic development, or other City projects; or
- f. A public utility or transportation agency, when dealing with land involving the location of facilities necessary for public service; or
- g. Any of the above may be represented by an agent who submits written authorization by his principal to make such application.

(Section 9.010.I added by Ordinance 14-03, 4-21-14)

J. Coordinated Review.

1. In addition to the general notice provisions set forth in Section 9.020, the City shall invite the Oregon Department of Transportation (ODOT) and/or any other transportation facility and public and utility service providers potentially affected by the application to pre-application conferences, as applicable. The City shall provide notice of a public hearing or an administrative action to potentially affected transportation facility and service providers.
2. Coordinated review of applications with ODOT and/or any other applicable transportation facility and service providers may also occur through Traffic Impact Study provisions, pursuant to Subsection 3.015.A.5.

(Section 9.010.J added by Ordinance 14-03, 4-21-14)

9.015. Community Development Director Duties. The Community Development Director, or designee, shall perform all of the following duties with regard to administration of this Code:

A. Prepare application forms based on the provisions of this Code and applicable state law;

B. Prepare required notices and process applications for review and action;

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submitted, applicable appeal procedures, and the name of a representative to contact and the telephone number where additional information may be obtained.

8. A statement that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.
9. A statement that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost.
10. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

B. Mailed Notice - Distribution, Time Requirements.

1. Mailed notice shall be sent to property owners within the following distances from the exterior boundary of the subject property:
 - a. Legislative amendment to the Development Code text or Land Use and Zoning Map - None.
 - b. Quasi-judicial amendment to the Development Code text or Land Use and Zoning Map - 4200 feet.
 - c. Conditional Use - 2400 feet.
 - d. Variance - 2400 feet.
 - e. Miscellaneous Review - 2400 feet.
 - f. Historic Property Exterior Alterations, New Construction, Demolition or Moving Permits - 2400 feet.
 - g. Historic District Establishment - Owners of property abutting or within the boundaries of the proposed District.

(Section 9.020(B.1.g) amended by Ordinance 13-10, 11-4-13)
 - h. Appeals - Parties to the record.
 - i. Design Review - 2400 feet.

(Section 9.020(B.i) added by Ordinance 98-04, 5-4-98)

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The following procedural entitlements shall be provided at the public hearing:

1. An impartial review as free from potential conflicts of interest and prehearing *ex parte* contact as is reasonably possible.
2. No member of a hearing body shall participate in a discussion of the proposal or vote on the proposal when any of the following conditions exist:
 - a. Any of the following have a direct or substantial financial interest in the proposal: the hearing body member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
 - b. The member has a direct private interest in the proposal.
 - c. For any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner.
3. Body Members shall reveal any prehearing or *ex parte* contacts with regard to any matter and shall state the parties right to rebut the substance of the communication at the commencement of the first public hearing following the prehearing or *ex parte* contact where action will be considered or taken on the matter. If such contacts have not impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall participate in the public hearing. If the member determines that such contact has affected his impartiality or ability to vote on the matter, the member shall remove himself from the deliberations.
4. A party to a hearing, or a member of a hearing body, may challenge the qualifications of a member of the hearing body to participate in the hearing and decision regarding the matter. The challenge shall state the facts relied upon by the challenger relating to a person's bias, prejudgment, personal interest, *ex parte* contact or other facts from which the challenger has concluded that the member of the hearing body cannot participate in an impartial manner. The hearing body shall deliberate and vote on such a challenge. The person who is the subject of the challenge may not vote on the motion.
5. No officer or employee of the City who has a financial or other private interest in a proposal shall participate in discussion with or give an official opinion to the hearing body on the proposal without first declaring for the record the

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- 1) Testimony and evidence must be directed toward the applicable criteria.
 - 2) Failure to address a criterion during the hearing precludes an appeal based on that criteria.
- d. Staff, in the context of a staff report, will describe the applicable criteria against which the application will be reviewed.
2. Presentations and Evidence.
 - a. The presiding officer shall preserve order at the public hearing and shall decide questions of order subject to a majority vote.
 - b. The presiding person may set reasonable time limits for oral presentations. The presiding person may determine not to receive cumulative, repetitive, immaterial or abusive testimony.
3. Evidence shall be received from staff and from proponents and opponents.
 - a. Evidence shall be admissible if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of serious affairs.
 - b. Members of the hearing body may take official notice of judicially cognizable facts of a general, technical or scientific nature. Such notice shall be stated and may be rebutted.
 - c. The presiding officer may approve or deny a request from a person attending the hearing to ask a question. If the request to ask a question is approved, the presiding officer will direct the question to the relevant person, unless the presiding officer specifies otherwise.
4. The hearing body may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. The time and date when the hearing is to resume may be announced.
5. When the hearing has been closed the hearing body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.
 - a. No testimony shall be accepted after the close of the public hearing unless the hearing body provides an opportunity for review and rebutting of that testimony.
6. Unless there is a continuance, if a participant so requests before the

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2. The findings shall be included in the record.
3. A person shall have access to the record of proceedings at reasonable times, places and circumstances. A person shall be entitled to make copies of the record at the person's own expense.

G. Notice of Decision.

Notice of decision by a hearing body shall be provided to all parties to the hearing. The notice of the decision shall include:

1. A brief description of the decisions reached.
2. A statement that the decision may be appealed by filing an appeal within 15 calendar days of the date that the final order was mailed.
3. A description of the requirements for an appeal, including the type of appeal that may be requested.
4. A statement that an appeal may only be filed concerning criteria that were addressed at the initial public hearing.
5. A statement that the complete case, including the final order is available for review at the City.

9.040. APPEALS.

A. Administrative Permit.

A decision on the issuance of an administrative permit or action concerning a land use matter may be appealed to the Commission by the applicant or by a party who responded in writing to the notice of the proposed development by filing an appeal with the Community Development Director within 15 days of the mailing of the decision Order. The notice of appeal that is filed with the City shall indicate the interpretation that is being appealed. The matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

B. Commission or Committee Decision.

A decision of the Commission or Committee concerning a quasi-judicial land use matter 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 an appeal within 15 days of the mailing of the Order. The notice of appeal filed with the City shall contain the information outlined in Section 9.040(D).

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3. The reviewing body shall make its decision based upon the record after first granting the right of argument, but not the introduction of additional evidence, to parties to the hearing.
4. In considering the appeal, the reviewing body need only consider those matters specifically raised by the appellant. The reviewing body may consider other matters if it so desires.
5. The appellant shall bear the burden of proof.

F. Review Consisting of Additional Evidence or De Novo Review.

1. The reviewing body may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing.
2. Hearings on appeal, either de novo or limited to additional evidence on specific issues, shall be conducted in accordance with the requirements of Section 9.030.

G. Review Body Decision.

1. Upon review, the reviewing body may affirm, reverse, or modify the decision of the lower body or staff.
2. Notice of the reviewing body decision shall be provided to all parties to the hearing. The notice of the decision shall include:
 - a. A brief description of the decision reached.
 - b. A statement that the decision may be appealed to the Land Use Board of Appeals by filing a notice of intent to appeal within 21 days.
 - c. A statement that the complete case, including the final order is available for review at the City.

9.050. FINAL ACTION ON APPLICATION FOR PERMIT OR ZONE CHANGE REQUEST.

The City shall take final action on an application for a permit or zone change within 120 days of the receipt of a complete application including resolution of all appeals. The 120 day period does not apply to an amendment to the Comprehensive Plan or Development Code, or the adoption of a new land use regulation. At the request of the applicant, the 120 day period may be extended for a reasonable period of time.

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- c. No additional building and/or use permits associated with the permit may be issued until an extension has been granted.

2. Phased Permits.

- a. The initial phase of a phased permit and/or project shall expire two years from the date of Final Decision unless substantial construction or use has begun.
- b. Additional phases of an approved phased permit and/or project shall expire two years from the date of completion of construction for the previous phase, unless substantial construction or use has begun on that subsequent phase. Completion of construction of a phase shall be determined by issuance of a temporary and/or final Certificate of Occupancy from the Building Official.

B. Permit Extensions.

Permit extension may be granted for all land use permits. Extensions may also be granted for time limits applicable to non-conforming buildings and/or non-conforming uses located over water between 16th and 41st Streets as described in Sections 3.180.D and 3.190.F. One year extensions may be granted in accordance with the requirements of this Section as follows:

(Section 9.100.B amended by Ord 14-09, 10-6-14)

1. Permit Extension Time Limit.

- a. The Community Development Director may grant the first one-year permit extension.
- b. Following the first one-year permit extension by the Community Development Director, the original granting authority may grant subsequent one-year extensions.
- c. No more than three permit extensions may be granted. -No variances may be granted from this provision. -Temporary Use Permit extensions are exempt from this requirement and may exceed the three extensions limitation.
- d. This Ordinance shall apply to all permit extensions requested after the date of enactment regardless of the date of the original permit Final Decision. -If a permit has been granted extensions prior to adoption of this Ordinance, subsequent extension requests shall be reviewed by the granting authority. Three additional extensions may be granted.

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(Adopted 10-8-92)

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for a permit extension.

4. Appeals.

The decision concerning a permit extension may be appealed. Appeals shall be made in accordance with Administrative Procedures in Article 9. Appeals on permit extensions shall be limited to the issues relevant to the permit extension criteria only and not to issues relevant to the original permit approval.

C. Amendments to Existing Permits.

When an approved permit is amended, the following shall apply concerning the Final Decision date for the permit:

1. If the amendment requires public notice as a land use decision, the Final Decision date of the amendment shall apply to the entire permit; or
2. If the amendment is a minor administrative decision and does not require public notice as a land use decision, the Final Decision date of the original permit, including any extensions, shall continue as the Final Decision date for the entire permit.

(Section 9.100, amended by Ordinance 10-06, 4-19-10)

ARTICLE 9

ADMINISTRATIVE PROCEDURES

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9.010. APPLICATION INFORMATION AND GENERAL REVIEW PROCEDURES.

A. Purpose

The purpose of this Article is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 9.010 provides a key for determining the review procedure and the decision-making body for particular approvals.

B. Applicability of Review Procedures. All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this article. The procedure "type" assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures as described in subsections 1-4 below. Table 9.010 lists the City's land use and development approvals and corresponding review procedure(s).

1. Type I Procedure (Staff Review – Zoning Checklist). Type I decisions are made by the Community Development Director ~~ity Planning Official~~, or his or her designee, without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., there are clear and objective standards).
2. Type II Procedure (Administrative/Staff Review with Notice). Type II decisions are made

Table 9.010 – Summary of Approvals by Type of Review Procedure

Approvals**	Review Procedures	Applicable Regulations
Zoning Checklist Review*	Type I	Applicants are required to complete a Zoning Checklist before applying for any permit or approval. See Section 9.010.A.4
Access to a Street	Type I	Article 3.005 and the standards of the applicable roadway authority (City/County/ODOT)
Accessory Dwelling Unit	Type I, III	Section 3.020
Annexation	Type IV	See Oregon Revised Statute 222
Appeal	Type II-IV	Article 9.040
Code Text Amendment	Type IV	Article 10.070
Comprehensive Plan Amendment	Type IV	Article 9.050
Conditional Use Permit	Type III	Article 11.050
Design Review (Gateway Overlay)	Type III	Article 14
Historic Properties		
Demolition	Type II, III	Article 6.080
Exterior Alteration	Type II, III	Article 6.050
Landmark Designation	Type III	Article 6.040
Historic District Establishment	Type IV	Article 6.030
Historic Designation Removal	Type I	ORS 197.772
New Construction	Type III	Article 6.070
Erosion Control & Grading	Type I	Article 3.305
Extension Request	Type I, II, III	Article 9.100
Home Occupation	Class A: No permit Class B: Type II See Article 3.095	
Homestay Lodging	Type I, Type III	
Legal Lot Determination	Type I	Article 1.350
Master Planned Development [‡]		
Concept Preliminary Plan	Type III	Article 14.575
Final Detailed Plan	Type III	Article 14.580

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A. Content.

An application for a land use action or permit shall consist of:

1. A complete application form and all supporting documents and evidence, including a site plan, elevations, and other pertinent information related to the subject property or structure.
2. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all parties in ownership of the affected property. A notarized signature of the property owner may be required to verify consent.
3. Legal description of the property affected by the application.
4. City staff shall provide a zoning checklist to an applicant that identifies all required submittal information during a pre-application conference. The applicant is required to submit the completed zoning checklist with an application.

B. Submittal.

A complete application and all supporting documents and evidence must be submitted at least 28 days prior to the date of a hearing. Exceptions may be made to this requirement by the Community Development Director on a case-by-case basis.

C. Complete Application.

If the application is complete when first submitted, or the applicant submits the requested additional information within 180 days from the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time a complete application was first submitted.

D. Incomplete Application.

If an application for a permit or zone change is incomplete, the City shall notify the applicant of the additional information required within 30 days of the receipt of the application. -The applicant shall be given the opportunity to submit the additional information required. -The application shall be deemed complete upon receipt of the additional information required. -If the applicant refuses to submit the required additional information, the application shall be deemed complete on the 31st day after the governing body first received the application.

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application; or

- b. One or more purchasers or representatives of such property who submit a written approval of the property owner; or
- c. One or more lessees in possession of such property who submits written consent of one or more owner's to make such application; or
- d. Person or entity authorized by the Board or Commission; or
- e. A Department of the City of Astoria when dealing with land involving public works, parks, economic development, or other City projects; or
- f. A public utility or transportation agency, when dealing with land involving the location of facilities necessary for public service; or
- g. Any of the above may be represented by an agent who submits written authorization by his principal to make such application.

(Section 9.010.I added by Ordinance 14-03, 4-21-14)

J. Coordinated Review.

- 1. In addition to the general notice provisions set forth in Section 9.020, the City shall invite the Oregon Department of Transportation (ODOT) and/or any other transportation facility and public and utility service providers potentially affected by the application to pre-application conferences, as applicable. The City shall provide notice of a public hearing or an administrative action to potentially affected transportation facility and service providers.
- 2. Coordinated review of applications with ODOT and/or any other applicable transportation facility and service providers may also occur through Traffic Impact Study provisions, pursuant to Subsection 3.015.A.5.

(Section 9.010.J added by Ordinance 14-03, 4-21-14)

9.015. Community Development Director Duties. The Community Development Director, or designee, shall perform all of the following duties with regard to administration of this Code:

- A. Prepare application forms based on the provisions of this Code and applicable state law;
- B. Prepare required notices and process applications for review and action;

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submitted, applicable appeal procedures, and the name of a representative to contact and the telephone number where additional information may be obtained.

8. A statement that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.
9. A statement that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost.
10. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

B. Mailed Notice - Distribution, Time Requirements.

1. Mailed notice shall be sent to property owners within the following distances from the exterior boundary of the subject property:
 - a. Legislative amendment to the Development Code text or Land Use and Zoning Map - None.
 - b. Quasi-judicial amendment to the Development Code text or Land Use and Zoning Map - 4200 feet.
 - c. Conditional Use - 2400 feet.
 - d. Variance - 2400 feet.
 - e. Miscellaneous Review - 2400 feet.
 - f. Historic Property Exterior Alterations, New Construction, Demolition or Moving Permits - 2400 feet.
 - g. Historic District Establishment - Owners of property abutting or within the boundaries of the proposed District.

(Section 9.020(B.1.g) amended by Ordinance 13-10, 11-4-13)
 - h. Appeals - Parties to the record.
 - i. Design Review - 2400 feet.

(Section 9.020(B.i) added by Ordinance 98-04, 5-4-98)

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The following procedural entitlements shall be provided at the public hearing:

1. An impartial review as free from potential conflicts of interest and prehearing *ex parte* contact as is reasonably possible.
2. No member of a hearing body shall participate in a discussion of the proposal or vote on the proposal when any of the following conditions exist:
 - a. Any of the following have a direct or substantial financial interest in the proposal: the hearing body member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
 - b. The member has a direct private interest in the proposal.
 - c. For any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner.
3. Body Members shall reveal any prehearing or *ex parte* contacts with regard to any matter and shall state the parties right to rebut the substance of the communication at the commencement of the first public hearing following the prehearing or *ex parte* contact where action will be considered or taken on the matter. If such contacts have not impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall participate in the public hearing. If the member determines that such contact has affected his impartiality or ability to vote on the matter, the member shall remove himself from the deliberations.
4. A party to a hearing, or a member of a hearing body, may challenge the qualifications of a member of the hearing body to participate in the hearing and decision regarding the matter. The challenge shall state the facts relied upon by the challenger relating to a person's bias, prejudgment, personal interest, *ex parte* contact or other facts from which the challenger has concluded that the member of the hearing body cannot participate in an impartial manner. The hearing body shall deliberate and vote on such a challenge. The person who is the subject of the challenge may not vote on the motion.
5. No officer or employee of the City who has a financial or other private interest in a proposal shall participate in discussion with or give an official opinion to the hearing body on the proposal without first declaring for the record the

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- 1) Testimony and evidence must be directed toward the applicable criteria.
 - 2) Failure to address a criterion during the hearing precludes an appeal based on that criteria.
- d. Staff, in the context of a staff report, will describe the applicable criteria against which the application will be reviewed.
2. Presentations and Evidence.
 - a. The presiding officer shall preserve order at the public hearing and shall decide questions of order subject to a majority vote.
 - b. The presiding person may set reasonable time limits for oral presentations. The presiding person may determine not to receive cumulative, repetitive, immaterial or abusive testimony.
3. Evidence shall be received from staff and from proponents and opponents.
 - a. Evidence shall be admissible if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of serious affairs.
 - b. Members of the hearing body may take official notice of judicially cognizable facts of a general, technical or scientific nature. Such notice shall be stated and may be rebutted.
 - c. The presiding officer may approve or deny a request from a person attending the hearing to ask a question. If the request to ask a question is approved, the presiding officer will direct the question to the relevant person, unless the presiding officer specifies otherwise.
4. The hearing body may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. The time and date when the hearing is to resume may be announced.
5. When the hearing has been closed the hearing body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.
 - a. No testimony shall be accepted after the close of the public hearing unless the hearing body provides an opportunity for review and rebutting of that testimony.
6. Unless there is a continuance, if a participant so requests before the

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2. The findings shall be included in the record.
3. A person shall have access to the record of proceedings at reasonable times, places and circumstances. A person shall be entitled to make copies of the record at the person's own expense.

G. Notice of Decision.

Notice of decision by a hearing body shall be provided to all parties to the hearing. The notice of the decision shall include:

1. A brief description of the decisions reached.
2. A statement that the decision may be appealed by filing an appeal within 15 calendar days of the date that the final order was mailed.
3. A description of the requirements for an appeal, including the type of appeal that may be requested.
4. A statement that an appeal may only be filed concerning criteria that were addressed at the initial public hearing.
5. A statement that the complete case, including the final order is available for review at the City.

9.040. APPEALS.

A. Administrative Permit.

A decision on the issuance of an administrative permit or action concerning a land use matter may be appealed to the Commission by the applicant or by a party who responded in writing to the notice of the proposed development by filing an appeal with the Community Development Director within 15 days of the mailing of the decision Order. The notice of appeal that is filed with the City shall indicate the interpretation that is being appealed. The matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

B. Commission or Committee Decision.

A decision of the Commission or Committee concerning a quasi-judicial land use matter 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 an appeal within 15 days of the mailing of the Order. The notice of appeal filed with the City shall contain the information outlined in Section 9.040(D).

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3. The reviewing body shall make its decision based upon the record after first granting the right of argument, but not the introduction of additional evidence, to parties to the hearing.
4. In considering the appeal, the reviewing body need only consider those matters specifically raised by the appellant. The reviewing body may consider other matters if it so desires.
5. The appellant shall bear the burden of proof.

F. Review Consisting of Additional Evidence or De Novo Review.

1. The reviewing body may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing.
2. Hearings on appeal, either de novo or limited to additional evidence on specific issues, shall be conducted in accordance with the requirements of Section 9.030.

G. Review Body Decision.

1. Upon review, the reviewing body may affirm, reverse, or modify the decision of the lower body or staff.
2. Notice of the reviewing body decision shall be provided to all parties to the hearing. The notice of the decision shall include:
 - a. A brief description of the decision reached.
 - b. A statement that the decision may be appealed to the Land Use Board of Appeals by filing a notice of intent to appeal within 21 days.
 - c. A statement that the complete case, including the final order is available for review at the City.

9.050. FINAL ACTION ON APPLICATION FOR PERMIT OR ZONE CHANGE REQUEST.

The City shall take final action on an application for a permit or zone change within 120 days of the receipt of a complete application including resolution of all appeals. The 120 day period does not apply to an amendment to the Comprehensive Plan or Development Code, or the adoption of a new land use regulation. At the request of the applicant, the 120 day period may be extended for a reasonable period of time.

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- c. No additional building and/or use permits associated with the permit may be issued until an extension has been granted.

2. Phased Permits.

- a. The initial phase of a phased permit and/or project shall expire two years from the date of Final Decision unless substantial construction or use has begun.
- b. Additional phases of an approved phased permit and/or project shall expire two years from the date of completion of construction for the previous phase, unless substantial construction or use has begun on that subsequent phase. Completion of construction of a phase shall be determined by issuance of a temporary and/or final Certificate of Occupancy from the Building Official.

B. Permit Extensions.

Permit extension may be granted for all land use permits. Extensions may also be granted for time limits applicable to non-conforming buildings and/or non-conforming uses located over water between 16th and 41st Streets as described in Sections 3.180.D and 3.190.F. One year extensions may be granted in accordance with the requirements of this Section as follows:

(Section 9.100.B amended by Ord 14-09, 10-6-14)

1. Permit Extension Time Limit.

- a. The Community Development Director may grant the first one-year permit extension.
- b. Following the first one-year permit extension by the Community Development Director, the original granting authority may grant subsequent one-year extensions.
- c. No more than three permit extensions may be granted. -No variances may be granted from this provision. -Temporary Use Permit extensions are exempt from this requirement and may exceed the three extensions limitation.
- d. This Ordinance shall apply to all permit extensions requested after the date of enactment regardless of the date of the original permit Final Decision. -If a permit has been granted extensions prior to adoption of this Ordinance, subsequent extension requests shall be reviewed by the granting authority. Three additional extensions may be granted.

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(Adopted 10-8-92)

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for a permit extension.

4. Appeals.

The decision concerning a permit extension may be appealed. Appeals shall be made in accordance with Administrative Procedures in Article 9. Appeals on permit extensions shall be limited to the issues relevant to the permit extension criteria only and not to issues relevant to the original permit approval.

C. Amendments to Existing Permits.

When an approved permit is amended, the following shall apply concerning the Final Decision date for the permit:

1. If the amendment requires public notice as a land use decision, the Final Decision date of the amendment shall apply to the entire permit; or
2. If the amendment is a minor administrative decision and does not require public notice as a land use decision, the Final Decision date of the original permit, including any extensions, shall continue as the Final Decision date for the entire permit.

(Section 9.100, amended by Ordinance 10-06, 4-19-10)

ASTORIA PLANNING COMMISSION WORK SESSION

Astoria City Hall

April 26, 2016

CALL TO ORDER:

Vice President Easom called the work session to order at 7:01 pm.

ROLL CALL:

Commissioners Present: Vice President Kent Easom, McLaren Innes, Sean Fitzpatrick, Daryl Moore, Jan Mitchell and Frank Spence

Commissioners Excused: President David Pearson

Staff Present: Planner Nancy Ferber, Community Development Director Kevin Cronin, and Parks Department Employee Ian Sisson. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

PARKS AND RECREATION DEPARTMENT MASTER PLAN:

Ian Sisson provided the Commissioners updated copies of the draft Parks and Recreation Comprehensive Master Plan and draft recommendations. He reviewed the master planning process, timeline, next steps, details of the draft Master Plan and draft recommendations, the Plan's impact to the Comprehensive Plan, and next steps. Director Cronin briefly described the public/private partnership between the City and the Senior Center and suggested the City needed to get smarter about its facilities. Mr. Sisson asked the Planning Commission to provide feedback and advise Staff about how to move forward. He noted that Commissioners were welcome to submit feedback at any other time, as some of the information presented was new.

The Commissioners agreed the draft documents were thorough. Commissioner Spence said he was surprised the Parks and Recreation Department was able to do so much with limited funding and personnel. Three full-time employees are not enough to cover all of the Parks. If the Plan is implemented, the Parks Department will need additional personnel.

Director Cronin explained that this Public Facility Plan would allow the City to accomplish several land use and planning goals required by the State. The final Plan will be presented to the Planning Commission in a public hearing as an attachment to the Comprehensive Plan. Parks play a big role in how the City determines its land needs as the City must plan for future growth. Therefore, the Parks Board, Planning Commission, and City Council must consider policies that accommodate Astoria's future needs. He recommended the City optimize what it already has.

Commissioner Spence noted the City owns 1,300 parcels of land and asked how many parks sites were included in the study. Staff replied the Parks Department has 63 facilities; 35 are parks and the rest are trails and indoor facilities. The Plan includes a diagram that shows the growth of the Parks system and the department's financial metrics since 1990.

Planner Ferber asked if there were any high priority areas that stood out in feedback from the most recent open houses. Mr. Sisson stated that feedback from open houses indicated the community's two highest priorities are to increase revenue and staffing and to improve existing properties before adding new properties. He told the Commission where this information could be found in the draft Plan and reminded that Commissioners could call or email him with comments.

The following Astoria Development Code Amendments were moved to the work session from the public hearings scheduled during the regular Planning Commission meeting.

Amendment A16-01 to Amend the Astoria Development Code, Article 9 – Administrative Procedures, City Wide

Director Cronin noted that one of City Council's goals was to streamline the permitting process and Article 9 has not been updated in a long time. He considered the Department of Land Conservation and Development (DLCD) model code for small cities to develop the proposed amendments. No major changes had been made since the

area. The industry is completely unregulated and structures are built without smoke alarms or egresses. Some of the tiny homes may not be structurally sound and he hoped tiny living could be done in a safe and regulated way. Astoria has an opportunity to make ground-breaking decisions, be on the forefront of these changes, and set precedence for other communities to follow. He believed tiny houses were a viable option for low-income families and people seeking alternative living. This is an opportunity to create local jobs. His business in Hammond is licensed, insured, bonded, and currently supports two fair paying jobs. If his company can build more, more jobs would be created. Astoria does not have a lot of land and tiny homes do not take up much space. Tiny homes make good use of the space that is available and provide people with a nice place to live. The novelty of tiny homes would be good for a community like Astoria, bringing in tourism and generating income for local businesses. He believed tiny homes would be healthy for the local economy. If Astoria made some changes, it would likely get media attention. Also, the City could collect land use taxes and permit fees. He confirmed that his tiny homes are all handmade structures built from the ground up. He invited the Commissioners to stop by his business to see the tiny home he was building.

Director Cronin explained that were quite a few new ADUs in Portland, which led the Multnomah County Assessor to reassess those properties. Property tax bills have increased significantly. He reminded Vice President Easom of the current minimum lot sizes that allowed 500 square foot ADUs and Staff's recommended reduction. Tiny homes would still have to meet setbacks, lot coverage requirements, and sometimes design standards. Staff could consider tiny home developments, as Article 3 of the Development Code includes a section on cottage clusters. This section of the Code has not been used outside of Mill Pond and Staff would have to make sure any changes were accessible for both the applicants and the City. In tiny home developments, the tiny houses would serve as the main dwellings. But, ADUs must accompany a primary structure.

Commissioner Moore said he was not opposed to cottage or cluster developments, but they could not be referred to as ADUs. Director Cronin added that those developments would require a large parcel of flat land, but land in Astoria is mostly sloped.

Dennis Covell, 1020 10th Street, Astoria, said he lived on the southwest corner of 10th and Jerome. His house and several others front the old school. He was concerned about what would be done on the old school property. When he and his wife visited Astoria 25 years ago, Commercial Street looked like their home in Whittier, California. They decided to retire in Astoria in 1991 because it was a neat community. At that time, the area was pretty depressed, but things have improved since then and he loves Astoria. His property is at the tail end of a historic district and a great deal of effort was necessary to designate the area as historic. Putting multi-family homes in would be very bothersome. If 20 or 30 units were put on the property, what impact would that have on affordable housing? He wanted to know why the City wanted to change the Codes now and just for a few sites. The proposed Code changes will make it easy for the old school site to be developed. He was not opposed to this as long as it was done right. He understood the property would be developed eventually and he would support a project that was reasonable. However, the proposed changes seemed radical. He understood building heights were measured at half the height of the arch in the crown of the building and anything above that was not figured in. This would mean the proposed 40-foot height limit to buildings in the R-3 zone would allow buildings up to 45 feet tall. This is an immense height, especially next to homes that are close to the street. He believed these issues were being handled the wrong way. Nice homes could be built in the area instead of multi-family units and all of the issues would pencil out. One reason for changing the Code is to address the large number of variances allowed, but the City is on the tail end of that issue. He recommended the City continue with the Codes as they are and use variances if they come up. It is very alarming to the community that these changes are being considered. The Commissioners are good stewards of the city and he hoped the Planning Commission would rethink the amendments.

Director Cronin displayed a map of Mr. Covell's neighborhood and explained he had referred to the Central School site, in the R-2 zone just south of Irving. The site has been vacant since the school was demolished and cannot be developed in its current state. He doubted that changing the property from an R-2 to an R-3 zone would generate enough interest for the owner to sell the site. The property has a lot of costs and a developer would have to build many units to get their cash back. Without an 8 to 10 percent return on their investment, developers will not put money into the property.

Commissioner Moore asked how the City could allay concerns about the property being developed. When changes were made to the Bridge Vista Area of the Riverfront Vision Plan, people expected the area to be built up despite the lack of developable land in the area. Director Cronin said public comments were based on the fear that a hotel economy would be developed. Hotels will continue to be built in Astoria, but it is not likely that

Mr. Rosen noted the school property was about one acre, so even if it were developed it would only account for six percent of the 15-acre shortage.

Mr. Covell said that would leave 14 acres, which is not that bad. Director Cronin stated he could not put a value on the shortage.

Mr. Rosen understood that meeting State standards through ADUs, tiny homes, and changes to heights have been proposed because there is not a lot of land. He believed Astoria should efficiently use what is currently available.

Vice President Easom clarified that no proposals had been made on the old school property. Director Cronin added the proposed amendments were not specifically designed to develop that property. Mr. Rosen understood, but said the amendments would still apply to the property.

Beth LaFleur, 938 Kensington, Astoria, said she has lived at her current residence for almost 17 years. She owns two lots that overlook the Central School site. She understood that the BLI and housing units were two separate things, but the BLI has been mentioned as justification for the proposed Code amendments. When a community runs out of buildable lands or has a deficit, an urban growth boundary or land reserve can allow for expansion. There are so many issues addressed by the proposed amendments that she has found it difficult to write a comment letter in response. Multi-family units are already allowed in the R-2 and R-3 zones, so she did not understand why different housing types were being referred to as a use. It is difficult to tease out what is really important because there is so much going on in the proposed amendments. This is a cannon ball approach to addressing affordable housing and the proposed changes are a big deal for Astoria. She wanted to know what other communities were doing to address affordable housing. Portland has more staff and resources, but they are struggling with the same issue. So, why is Astoria going through the same motions? She suggested Astoria look at communities with effective tools for dealing with affordable housing. Once the height limits are raised, they cannot be lowered. Some of the changes could have unintended consequences, like an increase in demolition requests. She was opposed to changing the height, lot coverage, setbacks, and density. Allowing more people on a single-family lot is still increasing density. The existing regulatory framework works well and can be used to target specific sites to provide housing opportunities. Astoria has planned unit development codes, variances, conditional uses, and the City could change institutional zones to residential zones. She wanted to know what variances had been granted for. She did not understand why the City would change everything if there were just one specific problem area. She was opposed to removing regulations to make it easier for out of town developers or speculators to develop at higher densities. Some companies buy a house, fix it up, and rent it out, which she agreed did not work in Astoria's zoning. The proposed amendments to the zones do not appear to have a direct benefit to Astoria's residents and seem to be targeted to the vacant, underutilized, or undeveloped lands. If the purpose is to add housing units to the market, perhaps the derelict building Code could be utilized more effectively and incentivize property owners to fix up or sell their properties. If the problem is landlords that rent low quality housing at market rates, landlords could be incentivized to invest in upkeep and upgrades. Increasing lot coverage will not impact Astoria's existing housing stock. The definition of an ADU should be broader and the community should discuss what makes sense in the current environment. Without very careful consideration, deliberation, and a much more visible and longer community conversation, these Code amendments will make Astoria look like a miniature Portland with outside investment, price out the working class community, and threaten the historic charm and character. Astoria has an authentic environment because of careful and deliberate development, planning, and community involvement. Increasing density while relaxing standards may result in increased demolitions and big ugly buildings everywhere.

Mike Sensenbach, 110 Kensington, Astoria, said tiny homes are cost effective in part because they are not subject to any building codes. He confirmed that they would still be considered a manufactured home and not subject to building codes even after being placed on a permanent foundation. Director Cronin added that tiny homes would have to be connected to utilities and must be built to recreational vehicle or Housing and Urban Development (HUD) standards that currently apply to manufactured homes. Tiny homes are built off site and it will be up to the private market to decide how to meet the standards. The City is allowing a property owner to locate a tiny home on their lot under certain conditions.

Andria Mazzarella, 875 Franklin, Astoria, said she was concerned that there is no definition of affordable or workforce housing for the City to use when holding developers accountable. Director Cronin said the terms were defined in the housing study, which could be found on the City's housing project website. Ms. Mazzarella stated the median income of home owners was \$44,000 while the median income of renters was \$25,000. She was

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall

September 27, 2016

CALL TO ORDER:

President Pearson called the meeting to order at 6:30 pm.

ROLL CALL:

Commissioners Present: Commissioners Present: President David Pearson, Vice President Kent Easom, McLaren Innes, Daryl Moore, Jan Mitchell, Sean Fitzpatrick, and Frank Spence.

Staff Present: Community Development Director Kevin Cronin and Planner Nancy Ferber. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

APPROVAL OF MINUTES:

Item 3(a) July 26, 2016

Item 3(b) August 2, 2016

Commissioner Innes moved that the Astoria Planning Commission approve the minutes of July 26, 2016 and August 2, 2016, as presented; seconded by Vice President Easom. Motion passed unanimously.

PUBLIC HEARINGS:

President Pearson explained the procedures governing the conduct of public hearings to the audience and advised that handouts of substantive review criteria were available from Staff.

ITEM 4(a):

CU03-04 Permit Extension request for Conditional Use CU03-04 by Elisabeth Nelson for a temporary use permit for one year, to August 26, 2017 to operate the Astoria Conservatory of Music in the existing church structure at 1103 Grand Avenue in the R-3, High Density Residential zone.

President Pearson 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.

Vice President Easom declared that he was a member of the First Presbyterian Church, but this request would not affect his personal finances or his vote.

Commissioner Moore declared that his son is currently a student at the conservatory, but that would not affect his objectivity.

President Pearson called for the Staff report.

Planner Ferber reviewed the written Staff report.

President Pearson opened the public hearing and confirmed the Applicant was not present. He called for any testimony in favor of, impartial to, or opposed to the application. Hearing none, he closed the public hearing and called for Commission discussion and deliberation.

Commissioner Mitchell believed using an existing building for a non-obstructive use was great. All of the Commissioners confirmed they supported the request.

Commissioner Moore moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Permit Extension request for Conditional Use CU03-04 by Elisabeth Nelson; seconded by Commissioner Mitchell. Motion passed unanimously.

President Pearson read the rules of appeal into the record.

ITEM 4(b):

A16-01 Amendment A16-01 by Community Development Director to amend the Astoria Development Code, Article 9 Administrative Procedures, City Wide. Development Code Standards Articles 9 and 10 are applicable to the request.

President Pearson 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. Hearing none, he called for the Staff report.

Director Cronin reviewed the written Staff report and noted no significant changes had been made since April.

Commissioner Mitchell said she appreciated the level of detail that went into this work because it will solve problems down the road.

Commissioner Moore confirmed no major changes had been made since the last time the Planning Commission discussed the amendments.

Commissioner Fitzpatrick asked what changes had been made other than providing notices to people within 200 feet and posting notices at the site. Director Cronin clarified there were no other changes. He explained Staff had already been providing notices to people within 200 feet, but the current Code had only required a radius of 100 feet from the site.

President Pearson opened the public hearing and called for any testimony in favor of the application.

Jack Osterberg, 1711 Grand Ave., Astoria, stated he believed the proposed amendments made sense, added necessary information, and aligned the Code more with what the City has already been doing.

President Pearson called for any testimony impartial to the application.

Doug Thompson, 342 14th Street, #602, Astoria, said in theory he was supportive of streamlining administrative procedures regarding land use issues and he believed the proposed amendments looked good. He received information from Director Cronin that night that the Department of Land Conservation (DLCD) had a template for a model. He believed models were beneficial and he wanted to know in which areas Director Cronin had decided to vary from the model and why because that information did not appear to be included in the Staff report. He has known about this hearing for several weeks now, but the materials were not released until the middle of last week. He did not know the proposed language was almost identical to what was discussed last spring. He noted his concerns were not substantial. This issue quickly died last spring and now, six months later, the issue is being revisited. However, he only found out in the last several days that the language is identical to the previous work. Director Cronin has decided to link two chapters, so this hearing and the hearing on the Code amendments related to accessory dwelling units (ADU) should be continued. Many people have not had the opportunity to review the material.

President Pearson called for any testimony opposed to the application. Hearing none, he closed the public hearing and called for Commission discussion and deliberation.

Commissioner Mitchell asked why this hearing had been delayed. Director Cronin explained that this proposal was linked to the ADU proposal for efficiency and the two are not related in any way. He could have scheduled this hearing for April 2016, but Staff wanted to provide more opportunities for public comment. He apologized for not including the model code language in the Staff report and offered to provide the information to anyone who wanted it.

Commissioner Moore believed the Planning Commission was ready to move forward on Article 9 that last time they reviewed it and no changes have been made since then.

President Pearson said he supported the changes, particularly the higher standards for mailing notices because it increases transparency. Commissioner Moore added that the onsite notices will let renters know about what is going on.

Vice President Easom moved that the Astoria Planning Commission finds that Amendment A16-01 to be necessary and recommends approval to City Council; seconded by Commissioner Fitzpatrick. Motion passed unanimously.

ITEM 4(c):

A16-02 Amendment A16-02 by the Community Development Director to amend the Astoria Development Code, Article 3: Accessory Dwelling Units, Article 1: Definitions section to encourage more housing options as part of a larger affordable housing strategy, City Wide. Development Code Standards Articles 9 and 10 are applicable to the request.

President Pearson 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. Hearing none, he called for the Staff report.

Director Cronin reviewed the written Staff report and noted no significant changes had been made since April.

Commissioner Moore understood that an existing detached garage could not be converted to an ADU, but the space above a detached garage could be. He recommended allowing detached garages to be converted because Astoria has many small detached garages that are not useful as garages and adding another story would be prohibitively expensive. He also believed the location of entrances should state whether the requirements apply to detached structures.

Commissioner Mitchell believed the Code language should ensure normal doors are used on converted garages to prevent someone from using a garage door as an entrance.

Following discussion, the Commission agreed that ADUs should not be mentioned in the paragraph about the location of entrances.

Commissioner Moore asked how many units Staff expected to create. Director Cronin said he could not predict the market, noting this was also discussed at the Lower Columbia Preservation Society (LCPS) meeting held just before this Planning Commission meeting. However, he was sure no additional units would be created under the existing Codes. The City has only received one application in five years. Commissioner Moore understood the City was trying to open up some opportunities for some additional low rent units. Director Cronin confirmed that he did not expect more than two or three applications per year.

Commissioner Moore asked how many lots would be affected by the changes in the lot size requirements. Director Cronin said he did not have the answer, but noted Staff is not receiving requests for lot partitions because of the current requirements. Staff could run a GIS analysis to determine the number of lots, but it would be a small number. Placing a tiny home or ADU on a flat 9,000 square foot lot is a more attractive option than waiting on the City to do something about the lot sizes.

Commissioner Moore understood tiny homes had to be constructed off site and attached to a foundation when placed on site. Director Cronin clarified tiny homes are not required to be built off site, but they usually are. The Code would allow a tiny home to be built on the property. The proposed changes create the ability to add detached units, but define a tiny home as a manufactured dwelling built off site.

Vice President Easom said the recommendation discusses reducing lot sizes from 5,000 to 4,500 square feet. Director Cronin explained the Staff report in the packet was included to keep the Findings of Fact available from the original Staff report.

Commissioner Fitzpatrick said he was also concerned about the original Staff report. Director Cronin clarified the Commission would be recommending the amendments, not the Staff report, to City Council and a new Staff report would be provided to City Council.

Vice President Easom disagreed with eliminating garages, which can increase on-street parking. However, he supported putting an ADU above a garage.

Director Cronin confirmed that a garage counted as a parking space when a driveway was present. However, Staff has found that no one uses their garages for parking anymore; they are used for storage.

Vice President Easom understood that ADUs would have to provide adequate parking, but the Code allows that parking to be on the street. Astoria has neighborhoods with parking issues and increasing on-street parking by eliminating a garage is a mistake.

Commissioner Fitzpatrick agreed.

President Pearson opened the public hearing and called for any testimony in favor of the application. Hearing none, he called for any testimony impartial to the application.

Doug Thompson, 342 14th Street, #602, Astoria, stated he was generally in favor of the concept of increasing density in Astoria. He was also in favor of a variety of housing types in order to accomplish increased density because density is directly related to affordability. There is a lot of pressure to increase density. In the past few days, the Obama Administration just released a 32-page toolkit available online for cities and counties to use when increasing density. This is not a politically pain-free exercise, but he believed it was necessary to increase the supply and the affordability of housing of all types. He commended Director Cronin and the Planning Commission for dealing with this issue. However, this issue is moving forward very quickly. He realized the City dealt with this issue six months ago, but he did not know the Staff report that was issued and made available to the public just last week was the identical to the Staff report from last spring. Now, he has learned that Staff report could not be relied upon 100 percent. Earlier that day, he received a notice in the mail from the City. The notices were mailed last Friday, September 23rd. It was a Notice of Public Hearing for the Astoria City Council on Monday, October 17th to consider the two items being discussed now. The notice says the Planning Commission has already recommended approval of the two requests. He asked for an explanation.

Director Cronin said he had not reviewed the notice before it was sent out, but explained that the City is required to send the notices in advance.

President Pearson confirmed the Planning Commission had not approved anything when the notices were sent.

Mr. Thompson understood that errors happen, but this public notice did not allow the public to understand when they would have the opportunity to comment.

Commissioner Mitchell stated the point of the public notice is to get people to attend the meeting and this notice worked.

President Pearson apologized for the mistake.

Mr. Thompson added that he was speaking as an individual, but he was also a member of the Lower Columbia Preservation Society (LCPS) Board of Directors and has been designated by that board to advocate for the LCPS. However, he was not present in that role because the board has not reviewed, discussed, or taken a position on these two requests. He asked the Planning Commission to continue this hearing to give the public the opportunity to look at the recommendations from today, not six months ago. The Sightline Institute in Seattle states on their website that they did an exhaustive study on ADUs within the last two years. The study included a survey of about 36 cities of all sizes in the northwest and the survey results were summarized in a 4-page matrix that he printed from the website, which he had available. The matrix identifies the seven criteria that those cities wrestled with to come to conclusion on as follows: the number of ADUs allowed per mile; off-street parking spaces required per ADU; must property owner live on site; how many people may live on the lot; how big may the ADUs be; where will ADUs be allowed; and must the exterior design of the ADU match the house. The Staff report addresses each of these points. It is possible that the Planning Commission held work sessions to deal with the issues in detail, but that would have been done six months ago. He questioned whether the public was engaged in the process. He understood a public engagement process would be time consuming and costly. The City did this with the Riverfront Vision Plan by dividing the process into bite sized chunks. He read in the newspaper that the City is now struggling to continue the process. He understood time was money, but believed this proposal to allow ADUs in every zone would affect every citizen in the city. He advised the Commission to engage the public. An education process is necessary because there were things in the Staff report he did not understand even though he served on this Commission for three years and on City Council for 11 years. He believed the public should have the opportunity to think about this proposal. As a Planning Commissioner, he was advised early on that the Commission's job is to sweat the details and deal with the minutia of the issues, allowing the Commission to tell Council that a lot of work went into their recommendation. If the Planning Commission has not looked at other cities, dealt with all of the issues, and tried to learn lessons from other jurisdictions through a thorough public discussion, then he urged the Commission to take the time to do this right.

Sarah Jane Bardy, 1661 Irving, Astoria, said she agreed with much of what Mr. Thompson said. She was not opposed to ADUs and understood they could address the housing crisis. People are moving to Astoria, but there is nowhere for them to go. However, she believed the amendments needed to be narrowed to ensure that they do fulfill housing needs before being approved. It is very important to include a clause ensuring that converted garages and newly built structures are rented at least on a month-to-month basis. This will prevent people from renting the units out as nightly vacation rentals. She was also concerned about the parking requirements. Some neighborhoods already have a parking shortage. Cars park on the sidewalk along one stretch of Irving because there are no driveways. The Code could prevent people in that neighborhood from having ADUs because the

parking is not adequate for more tenants. She believed new construction should not be visible from the street because the beauty of the town is a huge part of its charm. She has never seen a town this well preserved. The Planning Commission should not just say no to everything, so she believes the amendments are a good idea, but they need to be narrowed. She also wants new construction to match or be congruent with the style of the house. Years ago, she was thinking about converting her garage. The City told her no codes were in place for that type of project at the time. Her garage and house were built in 1905 and her converted unit would have matched the house. She believed all of her suggestions could be written in and the amendments have the potential to make the city more affordable to live in.

Katy Rathmell, Astoria, said she was speaking as a member of LCPS. She believed the comments made so far were correct. She wanted the process slowed down so that the issues could be discussed. She did not believe the community had enough information about how the amendments would impact the neighborhoods. The community has no idea how much density can be increased and it would be nice to know how many more housing units could be put in Astoria without overwhelming the system. She asked the Commission to continue the hearing and let the public have more time to discuss and think about the issues.

Dave Pollard, 1676 Jerome, Astoria, said he has lived in Astoria all his life. His family came to Astoria in 1900 and they have had a deep commitment to the city for a long time. He lives in a National Historic District and a designated historic home in an area that he believed would be significantly impacted by the proposed changes. He believed Astoria was experiencing a renaissance and much of the change is positive. However, he also believed the changes made were fragile. The number of vacant buildings downtown indicates there is a lot of potential for growth, but that growth has not yet occurred in the commercial areas. The people who come to Astoria are people who can go anywhere they want and their income is portable. If these people find another place that is exciting, they will go there instead of Astoria. He hated to say he was opposed to a proposal designed to create affordable housing, but he did not believe the proposal would actually create affordable housing. Last night, he looked online and found 13 vacation rentals by owners in Astoria, and Airbnb listed 35. There are also other homeowners who are renting out their properties without being officially listed on Airbnb. This has resulted in a tremendous demand for transient housing and recreational housing in Astoria. He has been very interested in how many homes are empty in his neighborhood. About a year ago, he walked the neighborhood. Clatsop Community College is on the south side of his house. There were 31 houses that were used for recreational housing and were not lived in full-time. Within the last 24 hours he passed by those same properties and found that there are now 29 houses not lived in full-time. This means people are buying the houses, but not living in them full-time or participating in Astoria's economy. These people own the properties but are not really a part of the community. He was afraid this proposal would become a Petri dish for creating Airbnb properties and transient housing. The government has problems enforcing the rules that have been established, especially because there is no system in place to enforce the rules. Can the City control who parks where or how many cars a person owns? Can the City control who lives in a house with an accessory dwelling? Those are pretty difficult to do. People may or may not live in the house or they may rent under the radar. People could be parking cars in spaces that could be used by residents or other individuals. He was concerned that this proposal would eventually cause the situation that occurred in Cannon Beach, where the number of vacation rentals ended up overwhelming them. The same thing has happened in Seaside and Gearhart. He was also concerned about density and parking. At about 11:00 am on weekdays, he must park several blocks away from his house. On Irving between 16th and 17th Streets, there are eight homes. On his street, there are three homes. All of those homes except one could have an accessory dwelling unit. What we're really talking about is increasing densities in areas that cannot handle higher densities because there is no parking. He appreciates when people have to come to the City Planning Department to get variances because there are controls set to limit how much the density would impact the neighborhoods and how it would impact the quality of life in those neighborhoods. He was also concerned about what these changes would do to the historic neighborhoods. Converting a basement into an accessory dwelling unit would not have a visual impact on how the neighborhood presents itself. One block from his house is an area where large houses are turned into five-plexes, duplexes, and rental units. He was not categorically opposed to those types of changes. However, he was concerned about what tiny houses would do to historic districts. He goes to every historic district he can find in every town he has traveled to and has never seen an area that successfully presented itself well with things like tiny houses and trailers. If his community is going to present itself to the City, the State, and to the world as a wonderful town that supports historic preservation and historic districts, the City needs to be very careful about the types of structures built into the Development Code. He also believed it was very important to protect the quality of life and ensure the changes will really do what the City hopes they will do. He asked the Commission to consider whose needs would be met by this proposal.

President Pearson called for any testimony opposed to the application.

Linda Oldenkamp, 1676 Jerome, Astoria, stated she was opposed to the proposal, particularly the tiny house concept. The Comprehensive Plan's general land and water use goals state the primary goal is to maintain Astoria's existing character by encouraging compact urban form, strengthening the downtown core and waterfront areas, and protecting the residential and historic character of the city. The intent of the Plan is to promote Astoria as a commercial, industrial, tourist, and cultural center. The Plan's housing policies state the historic neighborhoods are recognized as some of the City's most significant assets and should be protected through the Historic Preservation Ordinance and other actions. Wherever possible, renovation of existing structures should be carried out in lieu of demolition or new construction. If the Commission plans to vote in favor of the proposal, she wanted to hear from each Commissioner how tiny houses in all of the neighborhoods would protect the historic character of neighborhoods. The historic homes and residential areas are the most wonderful things about Astoria and they need to be protected. She did not believe tiny houses were the answer. Nothing could convince her that tiny homes would end up being affordable housing. The Findings of Fact state the ability to use land efficiently would allow property owners to partition lots, use proceeds to finance improvements to existing historic structures, and allow reuse of existing buildings. This will provide income for the building owners and facilitate restoration and maintenance of historic buildings. This is not a fact. People will not necessarily use money from tiny houses to work on their homes. She was concerned because people in Astoria do not know about this proposal. She knew the City held meetings, but people do not know what the meetings are about. She encouraged the City to do all it could to get the information out to people. The City needs to hold a meeting with the community before going any further because these are sweeping changes. It is not fair or right that people do not know about this proposal. Property owners and renters need to know what is being proposed.

Pamela Alegria, 1264 Grand Ave., Astoria, said Astoria's charm and economic engine are its historic buildings and vistas. Astoria is a destination, but the proposed amendments might negate this accomplishment. She was concerned about tiny homes. The housing study seemed to indicate there were other strategies that have been proposed and would be more effective at increasing affordable housing. If tiny houses are approved, she suggested they be approved as a Type 2 permit to provide opportunities for comments. She also recommended tiny homes be a conditional use, not a permitted use in any zone. She preferred tiny homes only be permitted in a manufactured home or recreational vehicle park. Design guidelines should be required, particularly in historic areas, because every home should have its own aesthetics. Many of Astoria's streets have parking problems and many people have two cars. The parking ordinance is too wishy-washy because there are no criteria for determining how to credit parking spaces. This creates a lot of contention. She wanted the location of entrances and the location of the tiny house to be part of the design guidelines. She also wanted tiny homes limited to a cluster zone. She hoped the Commission would consider the effect of tiny homes on the character of the city and whether they will actually increase affordable housing.

LaRee Johnson, 1193 Harrison Ave., Astoria, said she supported protecting and maintaining Astoria's historic neighborhoods. She agreed with the speakers before her. The historic neighborhoods are the charming parts of Astoria. She wanted to know how a tiny house would fit into affordable criteria. She had no idea how much tiny houses cost to build, but she was interested in looking it up. Her apartments are lower income apartments and she could not understand how she could rent a tiny house after the building costs, taxes, and other expenses. She wanted to see some of the empty downtown buildings reutilized, improved, and made into affordable housing. She was also concerned about parking. There are three churches within a block of her house and there is no parking on Sundays between 10:00 am and 1:00 pm, even for the residents. She believed this process was moving too quickly and she wanted a community discussion on this proposal. She questioned whether these amendments would help tax-paying residents with historic homes or people who move into the area without jobs and need affordable housing.

Jack Osterberg, 1711 Grand Ave., Astoria, said he had not prepared any comments because he just noticed the email about the hearing earlier that afternoon when he returned home from vacation. He stated he was a member of the LCPS and the Historic Landmarks Commission (HLC), but he did not believe his position on the HLC had any bearing on this testimony. He opposed the amendments and agreed with the comments made impartial to the proposal. He was concerned about the overall impact to historic districts. He believed the amendments included many shades of grey. He supported many aspects, but he was troubled by other elements. The existence and placement of tiny houses in historic districts could never be placed without adverse or negative impacts. Perhaps some locations could be allowed under certain circumstances. However, in general, he was in opposition because of the way the Staff report was presented. He must speak against the application because he did not support the entire proposal. He lives in a historic district and parks his cars in his garage. He agreed that parking was an issue and that more time should be spent on this request. The Commission might believe they had already done their work, but several committed individuals have brought up some good points. He urged the Commission to listen to the testimony given at this hearing and consider a continuance.

Mike Sensenbaugh, 110 Kensington, Astoria, said he did not own a historic property, but he was a member of the LCPS. He did own a lot that could potentially be subdivided and had enough area to build an ADU or a tiny home. However, he was opposed to the proposed amendments. This would start a slippery slope in the community. About a year ago, he relocated to Astoria from a neighborhood in Portland with many smaller homes, which were removed and replaced with skinny homes or larger homes that were out of place in the neighborhood. He was very concerned when he first saw this proposal six months ago because a lot of the changes that are taking place in Portland could start here. When the packet was first posted online about a week ago, he believed some of the Commissioners were confused about why the April Staff report was being reviewed again. However, he did appreciate that City Council would receive an updated Staff report. This proposal might be a good start, but the Code needs a number of revisions. This is an opportunity to prevent the destruction of the visual appeal of the neighborhoods. He and his wife came to Astoria for 10 years before deciding to move. If ADUs could be incorporated while preserving the appearance of the neighborhoods, and the amendments could be tweaked before they are passed, then he would favor the proposal. He did not see that the amendments addressed the number of ADUs. The proposal addresses size, but does not say there can only be one ADU. He was afraid a number of tiny houses would show up on a larger property. The Commission needs to make sure that the proposed changes are for affordable housing, not vacation rentals or Airbnb.

President Pearson closed the public hearing and called for Commission discussion and deliberation.

Commissioner Fitzpatrick thanked everyone for speaking because people voiced many of the concerns he had as well. He asked which of the seven issues mentioned by Mr. Thompson applied to the Planning Commission.

Director Cronin stated he did not have the list, so he could not say. He confirmed he would look into it.

Commissioner Fitzpatrick believed all seven of the issues were valid considerations. He agreed that each application should be reviewed individually. He was also concerned about how units would be used and how those uses would affect neighbors and the community. Parking is a major concern. He had sent an email discussing the infill of housing in his neighborhood over the past two years. There are many parking issues on Sundays. A number of chronic vacancies have been filling in. He listed two houses that had once been chronic vacancies and are now occupied with people who have at least one car each. The cars have spilled out into his block on Grand and in front of his house and church. These parking issues did not exist five years ago. It is important to realize how serious the parking issues are getting with existing residences. Allowing more residences and offering an on-street parking space will increase the issues and seriously impact the neighborhoods. He was in favor of a continuance since it seemed to be the consensus of the audience.

Commissioner Moore thanked everyone who commented. He believed it was obvious that everyone who attended wanted more information and he believed an informational session would benefit many people. During public testimony, he heard many questions that had already been addressed, like the questions about vacation rentals. Astoria does not currently have good enforcement, but Staff has not proposed anything that would make vacation rentals any more legal. It would still be illegal to have a nightly or weekly vacation rental, even in an ADU. He appreciated the design review process because the Commission certainly would not want to see pop-up shanties on the side of a house. He was unsure if this had already been addressed through the building permitting process and wanted more information. He proposed a work session or an informational session. He liked most of the proposed amendments, but did have some concerns. He preferred to spend more time on these issues.

Commissioner Mitchell said she could not think of any reason not to take more time to involve the public. Some of the issues mentioned at this hearing were things she had not considered in great detail. She lives in an 1890 house, but it is not in a historic district. The streets in her neighborhood are all dead ends and they have parking problems. Her neighborhood has single-family homes that were converted to multi-family or have units over the garage. Affordable housing has not been discussed as part of this hearing. She wants to protect the area from second home owners who do not participate in the community, but this proposal does not deal with that issue. She has lived in Astoria for more than 20 years and remembers when this was the affordable resource for people who were working in Cannon Beach and Gearhart. This was one of the arguments for keeping the community college in Astoria because there was affordable student housing. This is not the case anymore. She did not want to write off the people who contribute to the community. The City needs to find a way for people who work here to also live here, and that may not be through tiny homes, but she believed that is what Staff and City Council had in mind when they prepared this proposal. Astoria does not have a lot of vacant land for apartments. She understood that some people cared deeply about the issues. Parking is an issue, but some value choices will have to be made. She was happy to continue this discussion and possibly get more people to speak about the issues. She noted

she was also a member of the LCPS, but the community needs to recognize that Astoria is becoming so cute and popular that people from the cruise ships with a lot of money decide to buy houses; that is not what makes Astoria. The community needs to struggle to find ways for all income groups to live here.

Vice President Easom said he was concerned about parking. He did not believe the proposed amendments would serve as an affordable home remedy. Tiny homes and ADUs would be rented at the full market rates, not reduced rates. The units might not be seen from the street, but they will still be seen by the neighbors. The visual impact matters to all surrounding properties and the street. Adding an ADU to take care of a sick mother seems legitimate, but if the mother dies or something happens to the homeowner, it will become another rental unit. Instead of putting money into an ADU, that money could be put into maintaining the main house. An 800 square foot ADU is larger than most studio or one-bedroom apartments by 300 to 400 square feet, which is substantial. At least two people could be added to the ADU, which would definitely impact the neighborhood. He believed the Commission should take more time to consider the proposal.

Commissioner Innes agreed with much of what had been said. She thanked everyone for attending and speaking. She believed there was nothing to lose by continuing the hearing. She was pleased with all of the energy put into the various editions of the Staff reports. The audience has some good suggestions, adding that coping with affordable housing has only just begun.

Commissioner Spence thanked everyone for clearly identifying their concerns. He supported Mr. Thompson's presentation and said he wanted to see a copy of the matrix. It is important for Staff and the Commission to see what other cities have gone through. He did not believe adding mini houses to a historic district would be compatible. Historic districts must be preserved. Any accessory units must comply with design requirements and neighbors are allowed to participate. He was in favor of a continuance. Implementation of the Riverfront Vision Plan was very successful because the community was involved, the City received feedback and made adjustments, and it was supported in the end. It is important for the community to support what the Commission is trying to do. Astoria has important historic districts that must be preserved, but the City's boundaries are extensive. There are opportunities outside of the historic districts, so maybe an exclusion could be added. This definitely needs more work, more input, and more dialogue between neighbors and the Commission.

President Pearson thanked everyone for attending because the Commission appreciates all feedback, for and against. As Staff pointed out in the beginning, there has only been one ADU in the last five years. To many people, that could seem like something is not working right. This is a vital community that has to move forward and there should be more going on. Only one ADU means the Development Code is not healthy and is not working. He supported finding a way to make ADUs work. Historic preservation is never supposed to be a moment frozen in time. Astoria is about so much more and the community has always defied the odds because they have never allowed historic preservation to define the city. Astoria loves its historic buildings and this is just a small section of the Development Code that does not preempt anything else. The proposed amendments will not stop the good work of the HLC or the protections already in place. None of the on-street parking rules will be changed. This section is just about ADUs. The Planning Commission has always had to make difficult decisions and it is very rare that everyone agrees. The perception that the Commission has rushed a decision is unacceptable, so he favored a continuance. However, the Commission must move forward and present something to City Council, where there will be another opportunity for the public to speak during a hearing.

President Pearson moved that the Astoria Planning Commission continue the public hearing on Amendment A16-02 by the Community Development Director to October 25, 2016 at 6:30 pm; seconded by Commissioner Fitzpatrick. Motion passed unanimously.

Director Cronin confirmed that the on-street parking standard will not change. He explained he was trying to provide an on-street credit for property owners with an actual City street in front of their home; but the Commission can strike that from the proposal and require that the extra parking be an off-street space. He was just trying to creatively maximize space. The vacation rental dwelling standards will not change with an accessory dwelling unit. A homeowner could have a home stay lodging through an ADU, but the Commission could decide not to allow this. Astoria requires a design review in most of the city and if an ADU were proposed, the design would be reviewed by the Design Review Committee or the HLC. The Planning Commission was not being asked to review design standards. The proposed amendments do not include changes to the review types, which are determined by zoning categories.

REPORTS OF OFFICERS/COMMISSIONERS:

Commissioner Innes reported that she recently attended a civic leadership training session that focused on planning. She asked for specific information on affordable housing, tiny housing, distrust at public meetings, and transparency. They discussed the Planning Commission's relationship to City Council, hearing processes, ethics, and community relations. No conclusions were drawn, but experiences were shared. She learned that land use and planning guidelines were adopted by the State when farming and forestry were the focus. The guidelines lack terminology related to urban development. She also learned that other communities have had success with pre-hearing training sessions, where the Community Development Director explains procedures, the issues being discussed at upcoming meetings, and the criteria that the Commission is required to review. Commissioners should always be gracious hosts because remaining open, welcoming, and pleasant allows for the best result.

Director Cronin announced the following upcoming events:

- Economic Development Strategy presentation at Fort George on Wednesday at 6:00 pm.
- Astor West Expansion open house, which will be proposed to the Planning Commission on October 25, 2016.

Commissioner Fitzpatrick asked if the Commissioners should take public comments on the proposed amendments. Director Cronin explained the differences between a legislative hearing and a quasi-judicial public hearing. He confirmed Commissioners could discuss the amendments outside of public hearings because they are simply forwarding recommendations to City Council.

Commissioner Fitzpatrick asked if the microphones in the audience could be turned off because they magnify the sounds in the audience. Director Cronin explained those microphones are used to record the minutes.

PUBLIC COMMENTS:

There were none.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:20 pm.

APPROVED:

Community Development Director



CITY OF ASTORIA
founded 1811 incorporated 1892

Community Development Department

Applicant Checklist (Print, Copy to File)

Application			
Required <input type="checkbox"/>	Complete <input type="checkbox"/>	Signed Application, Narrative of Applicable Criteria, Supporting Documentation (letter of support, title report, appraisal, etc)	
Site Plan			
Required <input type="checkbox"/>	Complete <input type="checkbox"/>	11 x 17 inch paper drawn to scale	Notes
<input type="checkbox"/>	<input type="checkbox"/>	Site plan: including all relative details such as trees, access, building footprints, signs, setbacks, lot coverage, property lines, solid waste/recycling, and adjacent structures	
<input type="checkbox"/>	<input type="checkbox"/>	Elevations: Architectural details of each side of the structure with topographic info and heights	
Building Materials (photos of samples or similar materials is strongly encouraged)			
Required <input type="checkbox"/>	Complete <input type="checkbox"/>	Materials: size, type, dimensions, and product specifications	Notes
<input type="checkbox"/>	<input type="checkbox"/>	Doors	
<input type="checkbox"/>	<input type="checkbox"/>	Siding	
<input type="checkbox"/>	<input type="checkbox"/>	Roofing	
<input type="checkbox"/>	<input type="checkbox"/>	Railing	
<input type="checkbox"/>	<input type="checkbox"/>	Balustrades	
<input type="checkbox"/>	<input type="checkbox"/>	Windows	
<input type="checkbox"/>	<input type="checkbox"/>	Trim	
<input type="checkbox"/>	<input type="checkbox"/>	Decorative Elements	
<input type="checkbox"/>	<input type="checkbox"/>	Other: Porches, decks, and accessory buildings	
Photographs			
Required <input type="checkbox"/>	Complete <input type="checkbox"/>	Color or Black & White	Notes
<input type="checkbox"/>	<input type="checkbox"/>	Historic: Check LCPS, Heritage Museum, City files	
<input type="checkbox"/>	<input type="checkbox"/>	Current Conditions: Digital photos accepted	
Site Conditions			
Required <input type="checkbox"/>	Complete <input type="checkbox"/>	11 x 17 inch paper drawn to scale	Notes
<input type="checkbox"/>	<input type="checkbox"/>	Utility Plan	
<input type="checkbox"/>	<input type="checkbox"/>	Landscape Plan	
<input type="checkbox"/>	<input type="checkbox"/>	Transportation/Parking Plan (Traffic Analysis/Study)	
<input type="checkbox"/>	<input type="checkbox"/>	Professional Survey (Lot Lines, Easements, Right of Way)	
<input type="checkbox"/>	<input type="checkbox"/>	Geologic/Geotechnical Survey (Slide Zone)	
<input type="checkbox"/>	<input type="checkbox"/>	Preliminary Engineering (Civil, Environmental, or Structural)	

Applicant Name:

Site Address:

File #:



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

March 9, 2017

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: **2017 TROLLEY TRESTLE REPAIR PROJECT – AUTHORIZATION TO BID**

DISCUSSION/ANALYSIS

At the October 17, 2016 City Council meeting, Council approved a design services contract with OBEC Consulting Engineers, Inc. (OBEC) to assist the City with completion of critical trestle maintenance work. Their scope of work includes design, permit review, bid support and construction assistance

In addition to the design work, Council authorized a supplemental inspection of the trestles on December 19, 2016 in order to allow the Trolley to safely operate during Spring Break in March. The results of the inspection were favorable, though one emergency repair was identified. Bergerson Construction recently completed the repair and the Trolley is now able to operate over the entire alignment.

Using the recent inspection results, OBEC refined the repair and maintenance approach to most efficiently utilize the available funding. The result of this effort is a project that focuses solely on the two western trestles along the alignment (Columbia Ave. and 1st to 2nd Street). The construction estimate is \$366,900 and includes consultant fees and a contingency. The repairs were previously targeted at \$319,500 and included track work. During project development it became clear that the construction effort would be more significant than originally planned due to access, scheduling, etc. Staff recommends moving forward with the project as currently scoped. We have structured the project in a way that will allow flexibility to reduce or increase scope based on the bids received.

Since track maintenance and repair will not be included in this project, we will be addressing it on a case by case basis. The City will consider a more comprehensive repair and maintenance effort at the end of the RTA operational season.

The annual maintenance cost necessary to keep the rail infrastructure and associated portions of River Trail serviceable over the next ten years has not been fully developed yet. It is likely that future maintenance projects will, at a minimum, need funding similar to the current project. Because this level of funding will only address very critical maintenance needs, the level of deferred maintenance will increase in the future leading to the need for additional funding. A budgetary number of at least \$4 million dollars should be considered

over the next ten years for maintenance. This funding level would need to increase substantially to cover a more proactive maintenance approach.

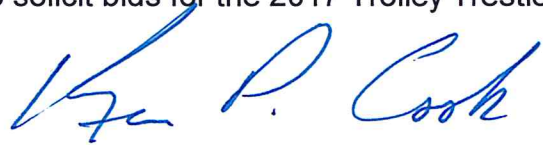
On July 18, 2016 City Council authorized staff to proceed with a project to address critical maintenance items in 2017, primarily funded by the City. City Staff and the Riverfront Trolley Association will be working together to develop sustainable funding opportunities for future maintenance needs and associated participation.

Funding for the 2017 Trolley Trestle Repair Project is available for the project in the Promote Astoria Fund. However, a supplemental budget will need to be approved to appropriately fund construction of the trestle improvements prior to awarding a construction contract. A supplemental budget could be brought to Council for consideration in April 2017, with a construction contract anticipated in early May 2017.

RECOMMENDATION

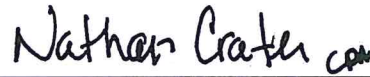
It is recommended that City Council authorize Staff to solicit bids for the 2017 Trolley Trestle Repair Project.

Submitted By



Ken P. Cook, Public Works Director

Prepared By



Nathan Crater, Assistant City Engineer




CITY OF ASTORIA
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March 10, 2017

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: **WATERFRONT BRIDGES REPLACEMENT PROJECT (6TH – 11TH STREETS)
UPDATE AND ADDITIONAL FUNDING**

DISCUSSION

Where each of the City's numbered streets between 6th and 11th Streets meet the Columbia River, a short bridge connects the solid-ground road to the over-water pier structure. These waterfront bridge structures are of utmost importance to the City as they provide access to critical portions of our waterfront. They provide both pedestrian, vehicular, and trolley access to many businesses and attractions. In addition, they provide essential emergency vehicle access to the waterfront. Currently the structures are all vehicular load limited.

In March 2013, the City was notified by the Oregon Department of Transportation (ODOT) that the six Waterfront Bridges had received grant funding for replacement through the Local Highway Bridge Program with only a City match requirement of 10.27%. In September 2014, the City entered into an Intergovernmental Agreement with ODOT for the design phase of this project. Then in April 2015, OBEC Consulting Engineers, Inc. (OBEC) was hired by ODOT as the engineering design consultant for this project. Since that time, OBEC has performed design to 60% completion.

After reviewing the 60% complete design submittal from OBEC, it has been determined by ODOT that adjustments needed to be made to the project limits and design to comply with funding eligibility. There are three key project changes: rail bridge limits, rail bridge type and 11th Street sidewalk width.

Rail Bridge Limits – ODOT recently determined that portions of the proposed rail bridge footprint at each of the bridge sites (except 7th Street) need to be reduced. The project team has worked with ODOT to determine new limits that are eligible for funding and the team will strategize the best approach to maximize the current vehicular uses of the bridges as the design advances to 90% completion.

Rail Bridge Type – ODOT has determined that the proposed rail bridge type, precast T-beam, is not eligible for funding. The design team has been informed that precast slabs meet eligibility requirements and will redesign the structures to use precast slabs for the superstructure. A

disadvantage of using precast slabs is the inability to upgrade the structure for increased loads if it becomes necessary in the future.

11th Street Sidewalk – Another design feature that was determined by ODOT to be ineligible for funding is the 12-foot sidewalks on the 11th Street Waterfront Bridge. ODOT funding will support a maximum 8-foot sidewalk on this project. The additional cost to extend 8-foot sidewalk to 12-foot sidewalk on the 11th Street Waterfront Bridge is estimated at \$39,000 (including construction contingency). It is recommended that the City fund the additional cost to construction 12-foot sidewalks on the 11th Street Bridge for consistency with the existing alignment on this major pedestrian route between the multimodal Riverwalk Trail and Downtown core.

Due to the timing of the above described ODOT comments, the project will incur additional consultant fees from the OBEC team to redesign the 60% submittal documents. The additional fee is estimated at \$160,000 for this work.

As discussed at the February 6th Council meeting, it is important to remember there are two significant costs not reimbursed through the ODOT funding. The two major City expenses are utility relocations (sewer and water) and repairs to the 11th Street extension east that are outside the project limits to achieve highway load capacity. These expenses are currently estimated at \$337,000 and this entire cost must be paid solely by the City. This cost is included in the “City Funds” numbers below.

The total estimated City funds contributed to this project is estimated to be \$1,728,205. To date, the City has contributed \$242,987 from Surface Transportation Program (STP) funds. The remaining match amount of \$1,485,217 will need to be a loan that will be paid back by the City’s future STP funds. STP Funds, which are managed by ODOT, are federal fuel tax dollars that are available to local agencies for transportation projects. Since 2008 the City has received between \$100,000 and \$112,000 annually in STP funds.

	ODOT Published STIP	30% Design Cost Estimate	60% Design Cost Estimate	Revised 60% Design Cost Estimate
ODOT Bridge Program Grant	\$8,512,685	\$10,702,097	\$11,018,975	\$10,814,260
City Funds	\$974,315	\$1,224,903	\$1,698,548	\$1,728,205
PROJECT COST	\$9,487,000	\$11,927,000	\$12,717,523	\$12,542,465
Annual Payment on 25-year Loan, 3.5% Interest	\$54,000	\$79,000	\$89,000	\$90,000

As requested by ODOT, City staff will prepare and submit a request for additional funding from the Local Highway Bridge Program using project costs that are being finalized by the consultant team using the revised design that is eligible for ODOT funding. The request for additional ODOT funding will include additional consultant fees of about \$320,000 and additional construction cost of about \$2,725,000 (includes the City’s 10.27% match).

Complexities associated with the design, funding eligibility, permitting and right-of-way acquisition have resulted in a shift in the project timeline to begin construction in fall of 2018 on 7th, 9th and 11th Street Bridges and fall of 2019 for 6th, 8th and 10th Street Bridges. Therefore,

the bridges will be inspected to determine if there is any maintenance work necessary to keep them open to vehicular and trolley traffic for an additional year.

RECOMMENDATION

It is recommended that Council authorize Staff to submit a project change request to ODOT for additional Local Highway Bridge Program funding for the Waterfront Bridges Replacement Project.

Submitted By:



Ken P. Cook, Public Works Director

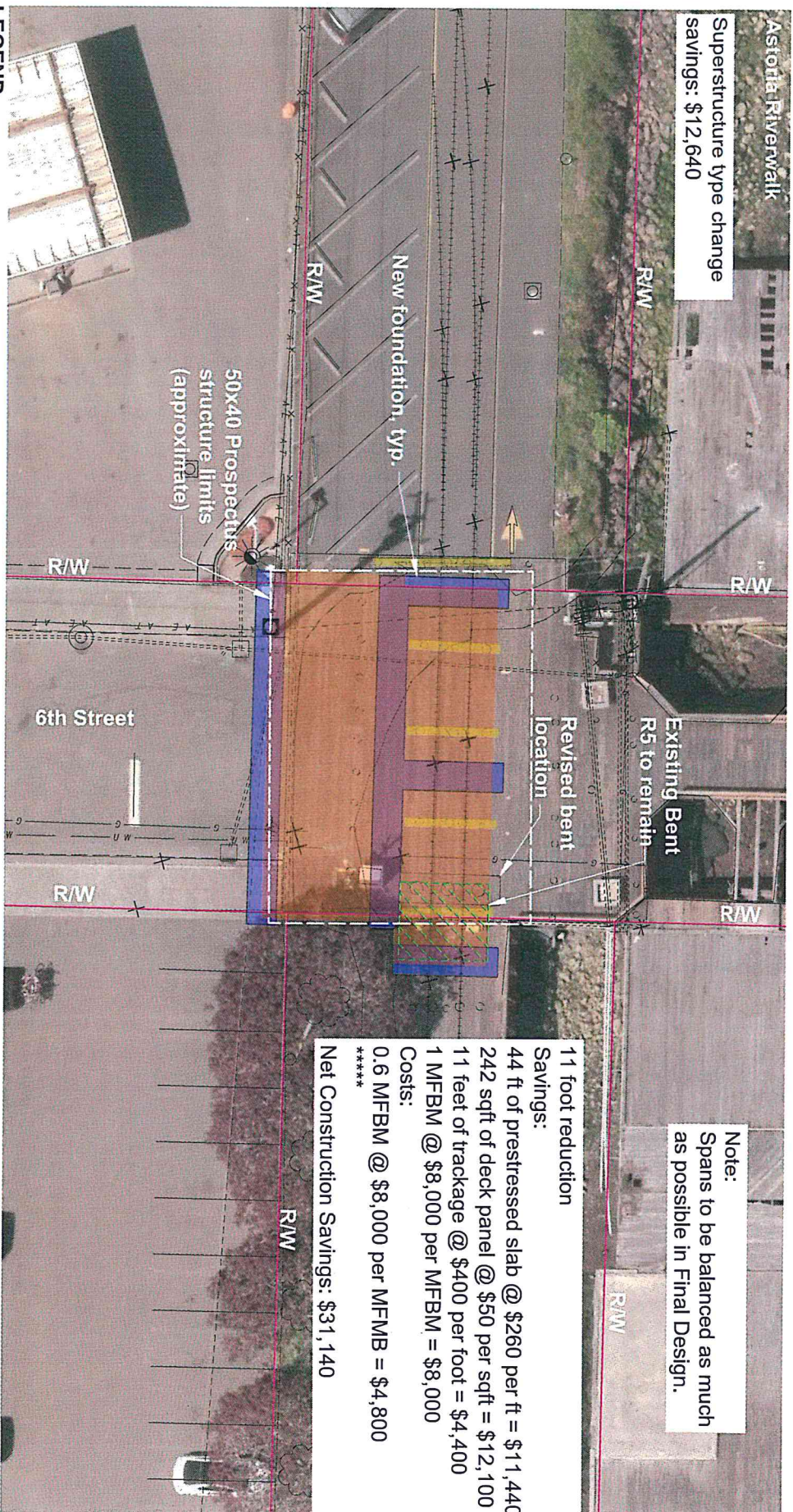
Prepared By:



Cindy D. Moore, City Support Engineer

Astoria Riverwalk
Superstructure type change
savings: \$12,640

Note:
Spans to be balanced as much
as possible in Final Design.



11 foot reduction
Savings:
44 ft of prestressed slab @ \$260 per ft = \$11,440
242 sqft of deck panel @ \$50 per sqft = \$12,100
11 feet of trackage @ \$400 per foot = \$4,400
1 MFBM @ \$8,000 per MFBM = \$8,000
Costs:
0.6 MFBM @ \$8,000 per MFBM = \$4,800

Net Construction Savings: \$31,140

LEGEND

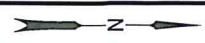
- New foundation
- New structure
- Existing NBI inventoried bents

- Approximate budgeted Prospectus bridge limit
- Potential Bridge Area Reduction



Corporate Office:
920 Country Club Road Suite 1008
Eugene, Oregon 97401-6089

WATERFRONT BRIDGES REPLACEMENT PROJECT (KN 18426)
6TH STREET



Astoria Riverwalk

Superstructure type change
savings: \$11,040

R/W

New foundation, typ.

R/W

No Deck Area
Reduction Proposed

U W

R/W

R/W

R/W

50x40 Prospectus structure
limits (approximate)

R/W

R/W

7th Street

R/W

LEGEND

 New foundation

 New structure

 Existing NBI inventoried bents

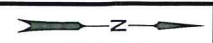
 Approximate budgeted
Prospectus bridge limit

 Potential Bridge
Area Reduction



Corporate Office:
920 County Club Road, Suite 100B
Eugene, Oregon 97401-6089

WATERFRONT BRIDGES REPLACEMENT PROJECT (KN 18A26)
7TH STREET



9 foot reduction
Savings:
36 ft of prestressed slab @ \$260 per ft = \$9,360
198 sqft of deck panel @ \$50 per sqft = \$9,900
9 feet of trackage @ \$400 per foot = \$3,600
1.9 MFBM @ \$8,000 per MFBM = \$15,200
Costs:
0.7 MFBM @ \$8,000 per MFBM = \$5,600

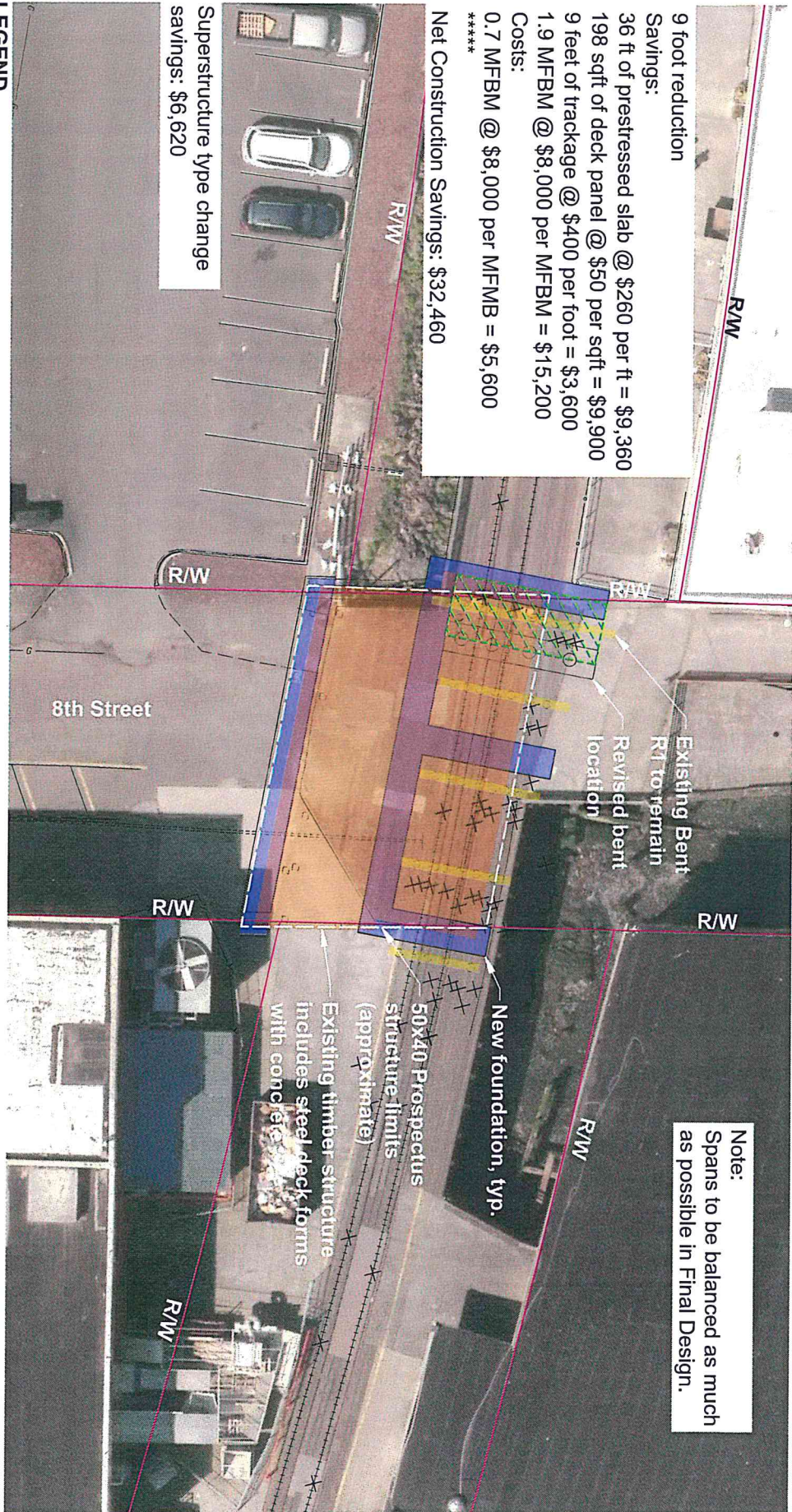
Net Construction Savings: \$32,460

Superstructure type change
savings: \$6,620

LEGEND

-  New foundation
-  New structure
-  Existing NBI inventoried bents

-  Approximate budgeted Prospectus bridge limit
-  Potential Bridge Area Reduction

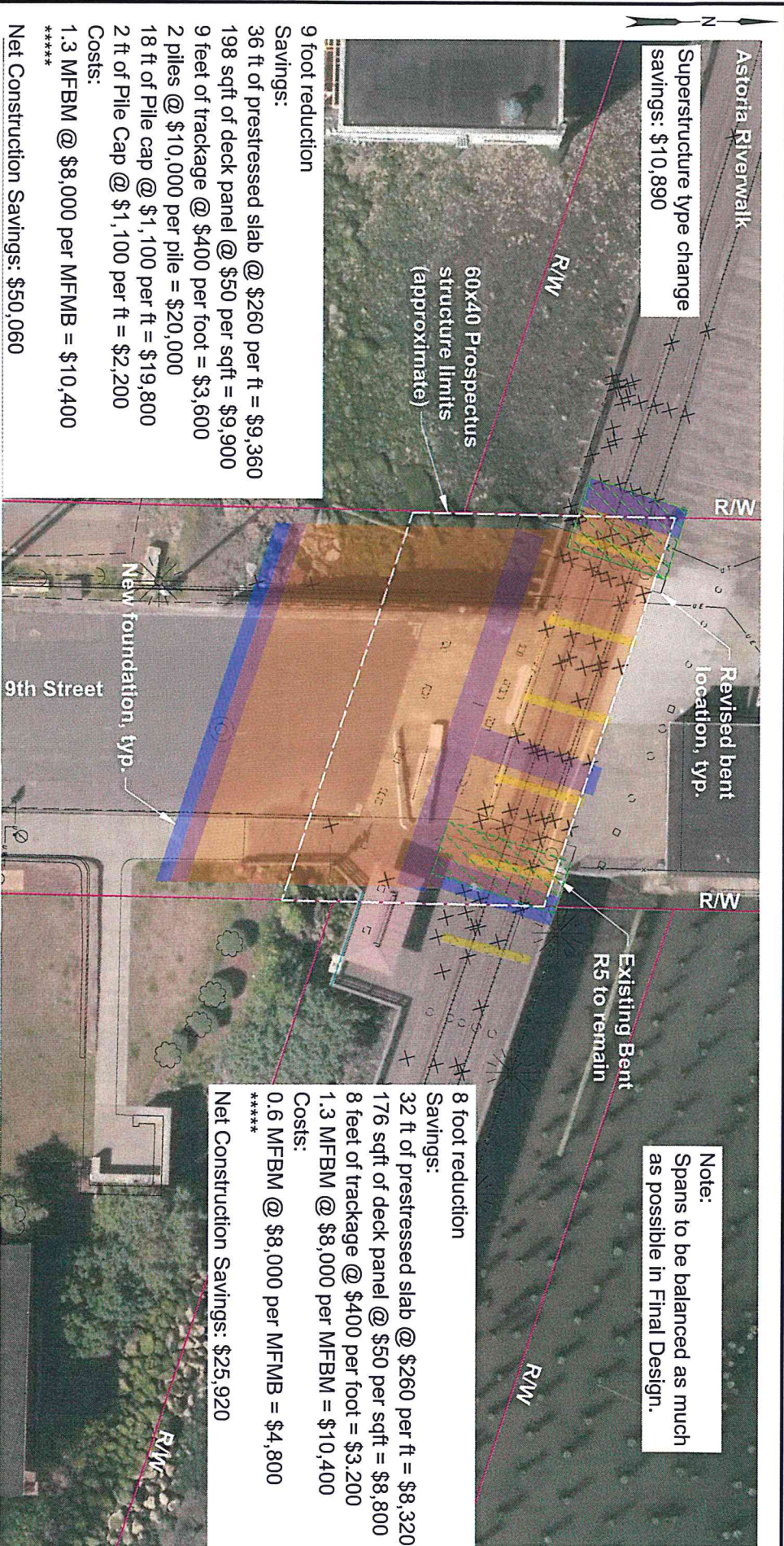


Note:
Spans to be balanced as much
as possible in Final Design.



BRIDGING
Corporate Office:
920 Country Club Road, Suite 100B
Eugene, Oregon 97401-6089

WATERFRONT BRIDGES REPLACEMENT PROJECT (KN 18A26)
8TH STREET



LEGEND

New foundation

New structure

Existing NBI inventoried bents

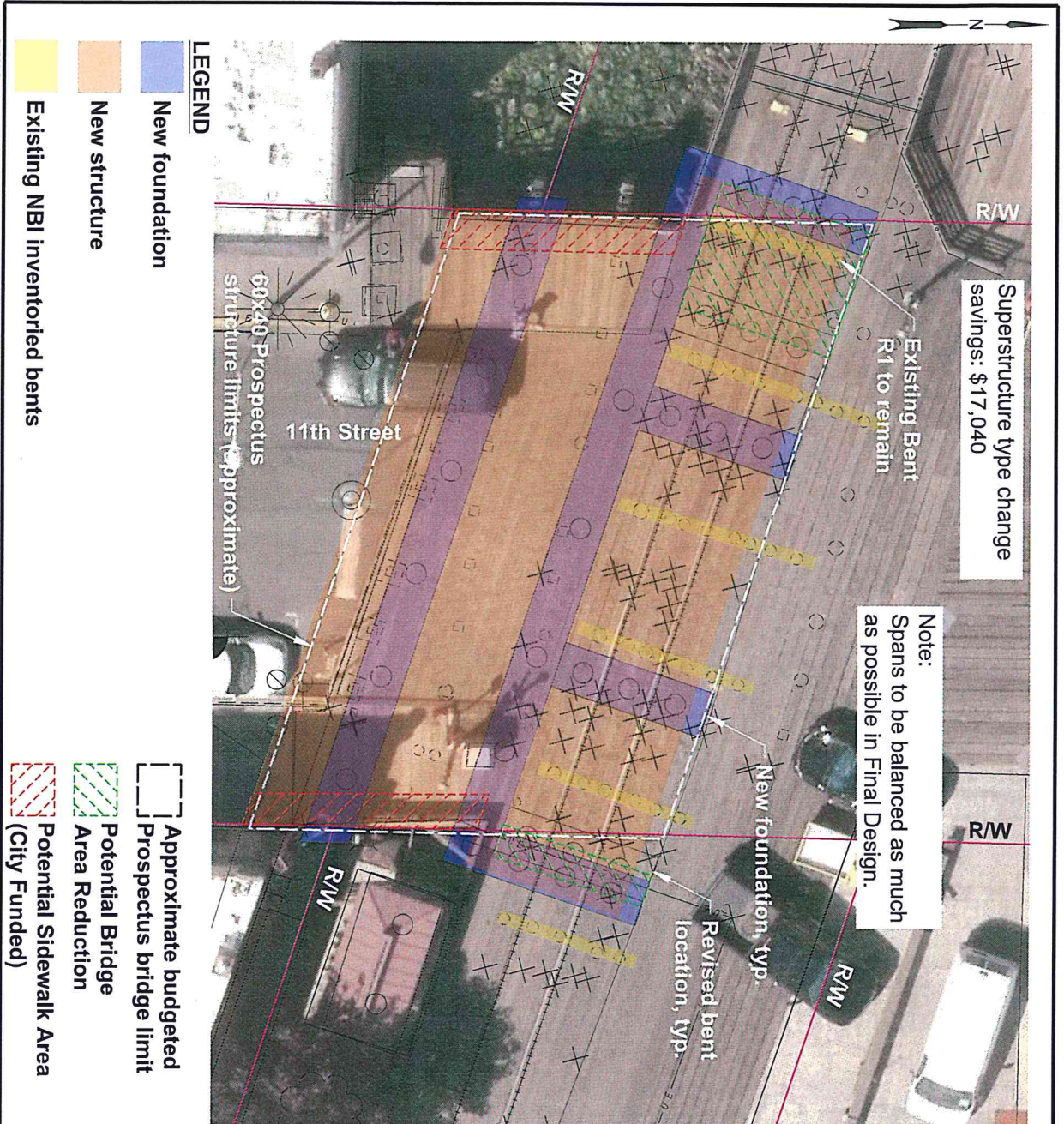
Approximate budgeted Prospectus bridge limit

Potential Bridge Area Reduction



WATERFRONT BRIDGES REPLACEMENT PROJECT (KN 18426)
 9TH STREET

Corporate Office:
 920 County Club Road, Suite 1008
 Eugene, Oregon 97403-0889



Superstructure type change
savings: \$17,040

Note:
Spans to be balanced as much
as possible in Final Design.

60x40 Prospectus
structure limits (approximate)

11th Street

LEGEND

New foundation

New structure

Existing NBI inventoried bents

Approximate budgeted
Prospectus bridge limit

Potential Bridge
Area Reduction

Potential Sidewalk Area
(City Funded)

Trestle west side:

13 foot reduction
Savings:

52 ft of prestressed slab @ \$260 per ft = \$13,520
286 sqft of deck panel @ \$50 per sqft = \$14,300
13 feet of trackage @ \$400 per foot = \$5,200
2.4 MFBM @ \$8,000 per MFBM = \$19,200

Costs:
1.3 MFBM @ \$8,000 per MFBM = \$10,400

Net Construction Savings: \$41,820

Trestle east side:

2.5 foot reduction
Savings:

10 ft of prestressed slab @ \$260 per ft = \$2,600
55 sqft of deck panel @ \$50 per sqft = \$2,750
2.5 feet of trackage @ \$400 per foot = \$1,000

Costs:
0.4 MFBM @ \$8,000 per MFBM = \$3,200

Net Construction Savings: \$3,150

4 foot sidewalk reduction each side:

Savings:
30 ft of prestressed slab @ \$260 per ft = \$7,800
32 sqft of deck panel @ \$50 per sqft = \$1,600
1 cubic yard of concrete @ \$500 per foot = \$500
12 feet of pile cap @ \$1,100 per foot = \$13,200
1 piles @ 10,000 per pile = \$10,000

Costs:
16 feet of handrail @ \$200 per foot = \$3,200

Net Construction Savings: \$29,900



Corporate Office:
920 Country Club Road, Suite 100B
Eugene, Oregon 97401-6089
WATERFRONT BRIDGES REPLACEMENT PROJECT (KN 18426)
11TH STREET



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

Date FEBRUARY 24, 2017

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: REVISION OF CITY ADMINISTRATION FEES – SCHEDULE B

DISCUSSION/ANALYSIS

The proposed amendment to the City Administration Fees – Schedule B is necessary in order to more accurately recover costs associated with providing the described services. The City Administration Fee schedule has not been updated since 2005. Items located below the blue line have been added to the Administrative Fee Schedule to facilitate location of information by the public.

Finance staff has reviewed the administrative fees over the past year and is making the attached recommendations in order to ensure cost recovery of service. In determining the proposed fees, consideration has been given to the amount charged for services in the past and the full costs associated with providing the services currently. A resolution has been included which incorporates these proposed amendments as well as changes from the Community Development and Public Works Departments.

RECOMMENDATION

It is recommended that Council consider the updated Fee Resolution. Since the resolution includes two sets of revisions one motion is suggested to include the Community Development and Public Works changes.

By: 
Susan Brooks, CPA
Director of Finance & Administrative Services

City Administration Fees

Schedule B

	Current	Proposed
Astoria City Code	\$ 30.00	\$ 35.00
Budget Detail Document	\$ 8.00	\$ 20.00
Financial Statements - Bound/per year	\$ 8.00	\$ 20.00
City Council agendas and minutes subscription rate by mail	\$ 3.50 per issue \$ 42.00 per year	\$ 5.00 per issue \$ 60.00 per year
By e-mail (Effective 1/1/98 - no charge to press, government agencies, or one per Neighborhood Association)	No charge	No charge
Copy of any code or publication purchased by the City for resale	\$ 0.30 per page	\$ 0.50 per page
Copy of any ordinance, resolution or report, already prepared & stock on hand, or photocopy	\$ 0.30 per page	\$ 0.50 per page
Copy of tape recording of meeting	\$ 15.00 per tape	per tape
NSF (Non-Sufficient Fund) Check Return Processing	\$ 15.00	\$ 35.00
One-time, special event liquor license application	\$ 25.00	\$ 35.00
Parking Lot Fees		
US Bank Parking Lot Spaces	\$ 27.00 per month	\$ 30.00
13th Street Parking Lot	\$ 30.00 per month	\$ 30.00
Staff time for record search, review for exempt material and supervise citizen's record inspection (hourly rate plus benefits)	\$ 15.00 to \$ 30.00 per hour	\$ 20.00 to \$ 50.00 per hour
Transportation Services Vehicle Fee	\$ 35.00	\$ 35.00 per vehicle
Transportation Services Vehicle Driver Application plus processing fee	\$ 35.00 \$ 15.00	\$ 35.00 \$ 15.00
Liquor License Application - New Outlet	\$ 100.00	\$ 150.00
Change to current liquor License Application	\$ 75.00	\$ 100.00
"No Parking" Block Deposit	\$ 20.00	\$ 30.00
Parking Block Permits		
Per Day	\$ 2.00	\$ 5.00
Per Week	\$ 10.00	\$ 25.00
Per Month	\$ 30.00	\$ 40.00
Per Quarter	\$ 80.00	\$ 100.00
Per Half Year	\$ 140.00	\$ 180.00
Annual	\$ 250.00	\$ 330.00
Replacement Fees		
Parking Block	\$ 20.00	\$ 30.00
Annual Service Permit		
Per Quarter Per Vehicle	\$ 25.00	\$ 50.00
Project Permit		
Per Month Per Vehicle	\$ 25.00	\$ 40.00

City Administration Fees

Schedule B

Dumpster Permit

Per Day	\$ 2.00	\$ 5.00
Per Week	\$ 10.00	\$ 25.00
Per Month	\$ 30.00	\$ 40.00
Per Quarter	\$ 80.00	\$ 100.00
Per Half Year	\$ 140.00	\$ 180.00
Annual	\$ 250.00	\$ 330.00

Annual License Fee for Lodging Establishments

\$ 1.00	\$ 25.00
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Attorney Review of Materials

\$ 190.00 per hour

Items below the blue line have been added to the schedule to facilitate location of information



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

March 15, 2017

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: REVISED FEE SCHEDULE – DEVELOPMENT REVIEW

PURPOSE

The Astoria City Council held a goal setting session in January 2017 for FY 17-18. The Community Development Department shared three priorities, one of which was to revise the fee schedule for development review. The purpose of this memo is to illustrate the reasons for the increase, methodology behind the fees, and the types of development that will be impacted and the financial implications.

BACKGROUND

The Community Development Department administers the Astoria Development Code and a small portion of the City Code (i.e. sidewalk signs). There are various zoning and land use related permits that are required for development. The fee schedule identifies the type of permit and the cost for each permit and is a companion document to the Development Code that describes the cost of doing business to process the permits. The fee schedule for the Community Development Department has not been revised since 2005. In addition, the Engineering Division has never instituted a fee schedule to recover the costs of development review.

The following table illustrates a comparison of the existing and proposed fees using four distinct development types: infill, infill with utility extension, adaptive reuse, and new construction. The Community Development fees are based on an average per hour cost of staff time - \$45/hr. The Engineering review fees are based on a percentage of construction cost associated with new infrastructure in the public right-of-way or improvements accepted by the City for maintenance (see below for additional details). As you'll see, the proposed increases will not affect smaller scale development, but will impact new construction because this has the most impact on staff time and city owned infrastructure. The table does not include building permit fees or utility connect fees, which are historically low as well. The proposed fee schedule will "right size" our fees to the cost of doing business while remaining relatively low or commensurate with neighboring cities in the County. Enclosed is the Community Development proposal compared to existing fees and neighboring cities. Staff has requested time to present the proposal to the North Coast Building Industry Association (NCBIA) and emailed the proposal to the NCBIA Board for comment. NCBIA Board member

Jared Rickenbach expressed concerns around impacts to the workforce housing market and finding solutions that achieve city goals without driving the cost of new housing that would prevent or inhibit new construction. The table below clearly illustrates that the cost of new fees will be assigned to new construction while other development types will see no increase or a small increase in overall fees.

Project	Existing Fee	Proposed	Notes
Infill	Plan Review: \$0 Engineering: \$0 Total: \$0	Plan Review: \$0 Engineering: \$0 Total: \$0	Single-family infill lots Existing utilities
Infill with Utility Extension	Plan Review: \$0 Engineering: \$0 Total: \$0	Plan Review: \$0 Engineering: \$500 Total: \$500	Some lots are buildable but do not have utilities to serve the lot
Building Expansion	Exterior Alteration: \$100 Plan Review: \$0 Engineering: \$0 Total: \$100	Exterior Alteration: \$250 Plan Review: \$25 Engineering: \$0 Total: \$275	Adaptive Reuse of Historic Building or Existing Buildings
New Construction	Design Review: \$250 Variance: \$250 Plan Review: \$0 Engineering: \$0 Total: \$500	Design Review: \$750 Variance: \$500 Plan Review: \$75 Engineering: \$5,700 Total: \$7,025	Largest Net Increase

ENGINEERING DIVISION DEVELOPMENT REVIEW FEE DETAILS

The Engineering Division development review fees are intended to cover staff time associated with plan review and construction coordination. Currently, the Engineering Division does not collect fees for development review and associated construction coordination. Residential subdivisions and large commercial developments can consume a significant amount of staff time and have a notable impact on our budget. Typical tasks include review of engineering plans (multiple versions), submittal review, utility coordination, inspection, utility testing assistance, and review of construction as-built and other final certifications.

The proposed development review fee is associated with the construction cost for the project as prepared by a Registered Professional Engineer. The plan review fee is proposed to be 1% of the preliminary construction cost estimate, while the construction fee is proposed to be 2% of the final construction estimate. This fee structure is used by numerous other Cities in the State and is modeled after the fee schedule utilized by the City of St. Helens. As an example, construction of \$50,000 of public infrastructure to serve a development will result in a development review fee of \$1,500. Staff is also recommending a \$500 minimum fee to cover the cost of small public infrastructure improvements.

In addition to the plan review and construction coordination, the Engineering Division often provides input and technical support for land use and building permits. When these activities require a significant amount of staff time, we are recommending a fee to allow actual cost to be charged.

RECOMMENDATION

Based on the above analysis, staff is recommending adoption of a resolution to approve the new fee schedule for development review. As fee changes are proposed with the Finance Department one draft resolution has been prepared for Council consideration.

By:



Nathan Crater, Assistant City Engineer



Kevin A. Cronin, Community Development Director

FEE COMPARISON 2016

	A	B	C	D	E	F	G
1	Proposed		Current Astoria	Warrenton	Seaside	Cannon Beach	Clatsop County
2	APPLICATION						
3	Accessory Dwelling Unit - Admin	\$100	\$50				
4	Accessory Dwelling Unit - APC	\$500	\$50				
5	Accessory Dwelling Unit - Non-Conforming	\$350	\$50				
6	Plan/Map Amendment	\$750	\$400	\$1000 to \$5000	\$1,400 / \$1,600	\$1,000	Map - \$3681 Text - \$4131
7	Amendment to Existing Permit	No change	Same as original permit fee	Admin \$350 PC \$700			
8	Appeal	\$500	\$250	\$250	\$580 Type 2 \$625	Admin \$400 De Novo \$400 On Record	\$250- \$3160
9	Conditional Use	\$500	\$250	PC \$900	Admin \$430 PC \$675	\$450	\$649- \$910
10	Conditional Use - Temporary Use	\$500	\$250	\$175	\$40 / \$670		
11	Demolition / Moving (Historic)	\$500	\$100				
12	Design Review	< \$25,000 \$350 > \$25,000 \$750	\$250	\$600 - \$2,000		<3000 SF \$400 >3000 SF \$500 Major Modify \$200	Minor \$554 Major \$711
13	Exterior Alteration	< \$25,000 \$350 > \$25,000 \$750	\$100				
14	Preapplication Conference	\$150	\$0	\$150	\$160		\$239
15	General Development Plot Plan Review - Building Permit Stage	10% of Original Zoning Fee	\$0		20% Permit Fee		
16	Historic Designation	\$100	\$50				
17	Historic Designation Removal	\$100	\$0				
18	Home Occupation, Class B	\$200	\$100	\$350			
19							
20	Lot Line Adjustment	w/o survey \$50 w/ survey \$100	\$50	\$100	\$140	\$100	\$154
21	Measure 37	delete	\$250				
22	Misc. Review	Admin \$200 Comm \$350	Admin \$100 APC/HLC \$250	\$250			

FEE COMPARISON 2016

	A	B	C	D	E	F	G
1		Proposed	Current Astoria	Warrenton	Seaside	Cannon Beach	Clatsop County
23	New Construction (Adjacent to Historic)	\$350	\$100				
24	Parking Exemption	\$200	\$100				
25	Land Partition (Admin)	\$300 + Actual costs	\$150 + actual costs	\$475 Final Plat Review \$200		\$400	\$432
26	LUCS	\$50	\$0	\$50			
27	Permit Extension & Renewal	Admin \$100 Comm \$200	\$100			\$400-\$450	\$94 - \$97
28	Planned Development	\$500 + actual costs	\$300	\$1200 + \$50/lot Final Plat Review \$500	\$670	\$2,000	\$3,980
29	Retail Street Vendor	\$100	\$100				
30	Satellite Dish	\$100	\$100				
31	Sign Permit (Admin)	\$25 minimum plus \$10/ \$1,000 value Face Change Only - Free	\$10-\$40 Face Change Only - Free	\$200		\$50 Freestanding \$100	\$50
32	Sign Permit (Building Permit)	\$50 + Building Permit Fees	\$25 minimum and per Bldg Permit Fees				
33	Site Design Review	\$250	\$0	\$600- \$2000			\$196
34	Wind/Solar Array	\$250	\$0				
35	Subdivision	\$500 + \$20 per lot + actual costs	\$150 + actual costs	\$1000 + \$30/lot Final Plat \$400		w/PUD Extension \$450	\$1,560
36	Variance (Admin)	\$300	\$150	\$400	\$55 / \$430	\$400	
37	Variance (PC)	\$500	\$250	\$900	\$670	\$400	\$1,652
38	Wireless Communication	No change	\$3,000 deposit / actual costs				
39	Wireless Communication - After the Fact	No change	\$1,000 + actual costs w/ \$3,000 deposit				

FEE COMPARISON 2016

	A	B	C	D	E	F	G
1		Proposed	Current Astoria	Warrenton	Seaside	Cannon Beach	Clatsop County
59							
60	PERMITS NOT USED BY ASTORIA						
61							
62	Annexation	N/A		\$1,250		\$1,000	
63	Enlargement or Expansion of Non-Conforming Structure	\$350		\$250	\$675		
64	Landscape Review	See Site review			\$670		
65	Site Design Review <10,000SF w/Pub Ntc			\$400			
66	Site Inspection Per Half Hour				\$30		\$130
67	Violation	Double Application Fee	\$0.00				Double Application Fee
68	Zone Verification Letter	\$50	\$0.00		\$40		

RESOLUTION NO. 17-__

A RESOLUTION OF THE CITY OF ASTORIA RELATING TO FEES FOR SERVICES.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASTORIA:

Section 1 Authority for Fees. The various departments of the City incur expenses in searching for and furnishing copies of records, reports and documents, and providing special services for private individuals and private concerns. The City Council deems it advisable, for the efficient conduct of the affairs of the various departments, that reasonable fees be charged for furnishing such records, reports, documents and services. A deposit may be requested in advance of providing the requested information.

Section 2. Schedule of Fees. The fee schedules for the various Departments of the City of Astoria are attached to this Resolution and identified as follows:

INDEX

<u>Schedule</u>	<u>Department</u>	<u>Pages</u>
A	Building Inspection	A1 – A7
B	City Administration	B1 – B2
C	Community Development Department	C1 – C2
D	Fire Department	D1
E	Library	E1
F	Parks and Recreation Department	
	• Aquatic Center Fees	F1
	• Maritime Memorial Fees	F2
	• Ocean View Cemetery Fees	F3
	• Recreation Division Rental Fees	F4
	• Astoria Column	F5
G	Police Department.....	G1
H	Public Works/Engineering Department	H1 – H2

Section 3. Application of Fees. The fees shall be charged whether the request for the service is made in person, by telephone or in writing.

Section 4. Exceptions to the Payment. No law enforcement agency, Civil Service Commission or department of the Armed Forces is required to pay the fees established in Section 1 of this resolution.

Section 5. Fees Remitted to Finance Department. Fees collected under the provisions of this resolution shall be remitted to the Finance Department. The Finance Director shall deposit the fees received in the appropriate established fund.

Section 6. Repeal. Resolution No. 16-20 adopted December 5, 2016 is repealed.

Section 7. Effective Date. The provisions of this resolution shall be 30 days upon passage.

ADOPTED BY THE CITY COUNCIL THIS 20TH DAY OF MARCH 2017.

APPROVED BY THE MAYOR THIS 20TH DAY OF MARCH, 2017.

ATTEST:

Mayor

City Manager

ROLL CALL ON ADOPTION		YEA	NAY	ABSENT
Commissioner	Nemlowill			
	Brownson			
	Price			
	Jones			
Mayor	LaMear			

Building Inspection Schedule A

CITY OF ASTORIA MECHANICAL PERMIT FEES	
Fee Description	Fees
Plan Check Fees	25% of mechanical permit fees when plan review is performed
Minimum Permit Fee	\$65.00
Permit Fees for One- and Two-Family Dwellings: Mechanical Equipment: * Clothes dryer, exhaust fan, kitchen hood Fuel burning (incl. vents, chimney, flues, etc) All other appliances and equipment Gas Piping: One to four outlets Additional outlets (each) Alteration to mechanical equipment or system <i>*Mechanical equipment for one- and two-family dwellings includes, but is not limited to: wood stove, fireplace insert, furnace and its attached add-ons (e.g. cooling coil and air filter), pellet stove, heat pump condenser unit, log lighter, portions of boiler not regulated by the State, pool heater, sauna.</i> <i>The following items are included in the base fee, separate fees will not be assessed: filter, volume damper, fresh air intakes, electric water heater regulated by plumbing code, duct work, control units or thermostats and similar equipment.</i>	\$15.00 each \$30.00 each \$30.00 each \$12.00 \$ 2.50 each \$24.00
Permit Fees for Commercial, Industrial and Multi-Family Residential: <i>Use the total value of mechanical construction work to calculate the Mechanical permit fee.</i> \$1 - \$2,000 \$2,001 - \$25,000 \$25,001 - \$50,000 \$50,001 - \$100,000 \$100,001 and up	\$65.00 minimum \$65.00 for the first \$2,000 plus \$7.80 for each additional \$1,000 or fraction thereof \$244.40 for the first \$25,000 plus \$5.85 for each additional \$1,000 or fraction thereof \$390.65 for the first \$50,000 plus \$3.50 for each additional \$1,000 or fraction thereof \$565.65 for the first \$100,000 plus \$3.50 for each additional \$1,000 or fraction thereof

**CITY OF ASTORIA
MECHANICAL PERMIT FEES**

Fee Description	Fees
Additional Plan Review Fee <i>For consultation, coordination and inquiries related to changes, additions or revisions after initial application submittal.</i>	\$65.00/hr (minimum charge \$65.00)
Inspections for Which No Fee is Specifically Indicated	\$65.00/hr (\$65.00 minimum)
Inspections Outside of Normal Business Hours	\$65.00/hr (\$65.00 minimum)
Permit Renewal (Expired Permit Reinstatement Fee) <i>Fee for renewal of a permit that has been expired for one year or less, provided no changes have been made in the original plans and specifications for the work. A permit may only be renewed once.</i> <i>Permits that have been expired longer than one year cannot be renewed. You must reapply for new permits.</i>	½ of total permit fees using permit rates at time of renewal
Investigation Fee – Expired Permits <i>Hourly rate charged for research, travel time and time spent on site ensuring fire and life safety requirements are satisfied.</i> <i>Fee is in addition to permit renewal fee.</i>	\$65.00/hr (minimum charge \$65.00)
Re-inspection Fee	\$65.00 each
Investigation Fee A <i>Low effort to determine compliance.</i>	\$97.50
Investigation Fee B <i>Medium effort to gain compliance. Stop Work order posted. Applicant obtains required permit within 10 business days.</i>	\$130.00
Investigation Fee C <i>High effort to gain compliance. Applicant failed to meet deadline or has had more than one documented violation in 12 months for starting work without permits.</i>	\$250.00 or hourly rate whichever is greater.
State Surcharge and Training Fees* <i>*The amount of the State surcharge is established by the State of Oregon on building permit fees, electrical permit fees, mechanical permit fees, plumbing permit fees, manufactured home permit fees, grading fees, and the hourly fees charged under the Master Permit program. The surcharge is subject to change by the State and is collected by the City and passed through to the State.</i> <i>(12 percent as of October, 2010)</i>	Per State established fee

CITY OF ASTORIA PLUMBING PERMIT FEES

Fee Description	Fees
Plan Check Fees	25% of plumbing permit fees when plan review is performed
Minimum Permit Fee	\$65.00
Commercial, Industrial and Multi-Family Residential Permits, and Alterations to Existing One and Two-Family Dwelling Systems*	\$175.00
*Fixtures include: water closet, lavatory, tub/shower, sink, bidet, laundry tubs, disposal, dishwasher, clothes washer, water heater, floor sink/drain, through drain, drinking fountain, hose bib, sump pump/ejector, urinal, roof drain/overflow, catch basin, interceptor/grease trap, dental units and receptors.	\$20.00 per fixture
One or Two-Family Dwelling, New Construction : *	
Fee includes first 100 feet of water, storm and sewer service	
One bathroom	\$213.00
Two bathrooms	\$282.00
Three bathrooms	\$351.00
Each additional bathroom above three & kitchen above one	\$69.00
Fixture	\$20.00 each
*Base fee includes: kitchen, hose bibs, icemakers, underfloor low point drains, and rain drain packages that include piping, gutters, downspouts, and perimeter systems.	
Additional Plan Review Fee For consultation, coordination and inquiries related to changes, additions or revisions after initial application submittal.	\$65.00/hr (minimum charge \$65.00)
Expired Application Processing Fee Hourly rate charged for actual time spent processing and reviewing applications for which a permit is never issued. Credit is given for paid plan check fees.	\$65.00/hr (minimum charge \$65.00)
Water Heater Permit, One and Two-Family Residential Only Replacement of water heater of similar size and location that it is replacing. (Includes one inspection)	\$65.00
Inspections for Which No Fee is Specifically Indicated	\$65.00/ea
Inspections Outside of Normal Business Hours	\$65.00/hr (1.5 hr minimum)
Medical Gas System Calculate the total value of system equipment and installation costs, including but not limited to inlets, outlets, fixtures and appliances. Apply the value of work to the medical gas system permit fee table below.	
\$1 - \$2,000	\$65.00 minimum
\$2,001 - \$25,000	\$65.00 for the first \$2,000 plus \$7.80 for each additional \$1,000 or fraction thereof
\$25,001 - \$50,000	\$244.40 for the first \$25,000 plus \$5.85 for each additional \$1,000 or fraction thereof
\$50,001 - \$100,000	\$390.65 for the first \$50,000 plus \$3.50 for each additional \$1,000 or fraction thereof
\$100,001 and up	\$565.65 for the first \$100,000 plus \$3.50 for each additional \$1,000 or fraction thereof

CITY OF ASTORIA PLUMBING PERMIT FEES

Fee Description	Fees
Miscellaneous Permits: Reverse plumbing Solar units (potable water) Swimming pool piping to equipment	 \$61.00 \$65.00 \$65.00
Permit Renewal (Expired Permit Reinstatement Fee) <i>Fee for renewal of a permit that has been expired for one year or less, provided no changes have been made in the original plans and specifications for the work. A permit may only be renewed once.</i> <i>Permits that have been expired longer than one year cannot be renewed. You must reapply for new permits.</i>	½ of total permit fees using permit rates at time of renewal
Investigation Fee – Expired Permit <i>Hourly rate charged for research, travel time and time spent on site ensuring fire and life safety requirements are satisfied.</i> <i>Fee is in addition to permit renewal fee.</i>	\$65.00/hr
Re-inspection Fee	\$65.00/ea
Removal, Abandonment, or Cap Off of Fixtures as Listed Above	\$ per fixture
Sanitary Service: First 100 feet Each additional 100 feet or fraction thereof	 \$48.00 \$26.00
Storm Sewer Service: First 100 feet Each additional 100 feet or fraction thereof	 \$48.00 \$26.00
Water Service: First 100 feet Each additional 100 feet or fraction thereof	 \$48.00 \$26.00
Investigation Fee A <i>Low effort to determine compliance.</i>	\$97.50
Investigation Fee B <i>Medium effort to gain compliance. Stop Work Order posted. Applicant obtains required permit within 10 business days.</i>	\$130.00
Investigation Fee C <i>High effort to gain compliance. Applicant failed to meet deadline or has had more than one documented violation in 12 months for starting work without permits.</i>	\$250.00 or hourly rate whichever is greater.
State Surcharge and Training Fees* <i>*The amount of the State surcharge is established by the State of Oregon on building permit fees, electrical permit fees, mechanical permit fees, plumbing permit fees, manufactured home permit fees, grading fees, and the hourly fees charged under the Master Permit program. The surcharge is subject to change by the State and is collected by the City and passed through to the State.</i> <i>(12 percent as of October, 2010)</i>	Per State established fee.

CITY OF ASTORIA STRUCTURAL PERMIT FEES

Fee Description	Fee
<p>Building Permit Fees:</p> <p>The International Code Council Building Valuation Data Table, current as of April 1 each year, is used to calculate the project value and is based on the type of construction and proposed building use. Project value is then applied to the table below to determine the building permit fee.</p> <p>Use total value of construction work determined above to calculate the Building Permit Fee below:</p> <p>\$1 - \$2,000</p> <p>\$2,001 - \$25,000</p> <p>\$25,001 - \$50,000</p> <p>\$50,001 - \$100,000</p> <p>\$100,001 and up</p> <p><i>*Definition of Valuation: The valuation to be used in computing the permit fee and plan check fee shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and other permanent work or equipment, and the contractor's profit as determined by the Building Official.</i></p>	<p>\$65.00 minimum fee</p> <p>\$65.00 for the first \$2,000 plus \$10.53 for each additional \$1,000 or fraction thereof</p> <p>\$307.19 for the first \$25,000 plus \$7.90 for each additional \$1,000 or fraction thereof</p> <p>\$504.69 for the first \$50,000 plus \$5.27 for each additional \$1,000 or fraction thereof</p> <p>\$768.19 for the first \$100,000 plus \$4.39 for each additional \$1,000 or fraction thereof</p>
Building Plan Check Fee	65% of building permit fees
<p>Manufactured Dwelling Permits:</p> <p>Installation permit <i>Fee includes: concrete slab, code compliant runners or foundations, electrical feeder, first 100 lineal feet of plumbing connections, all cross-over connections and Administrative fee.</i></p> <p><i>**Accessory structure fees will be assessed based on the value of construction determined under the Building Permit Fee section above.</i></p> <p><i>*Utility connections beyond 100 lineal feet will be assessed separate plumbing fees determined under the Plumbing Permit, Plan Check & Inspection Fee section of this Schedule.</i></p>	\$190.00* includes Administrative fee
<p>Additional Plan Review Fee <i>For consultation, coordination and inquiries related to changes, additions or revisions after initial application submittal.</i></p>	<p>\$65.00/hr One hour minimum</p>
<p>Alternative Materials and Methods <i>Hourly rate charged per person involved in review.</i></p>	\$65.00/hr
Building Demolition Permit Fee	Apply Building Permit Fees (above) based on total project value. Minimum fee \$65.00/hr. One hour minimum.

CITY OF ASTORIA STRUCTURAL PERMIT FEES

Fee Description	Fee
Residential Fire Sprinklers <i>Fee includes inspections and plan review</i> <i>Fee determined by square footage of work covered.</i>	
0 to 2,000 sq ft	\$150.00
2,001 to 3600 sq ft	\$200.00
3,601 to 7,200 sq ft	\$300.00
>7,200 sq ft	\$400.00
Expired Application Processing Fee <i>Hourly rate charged for actual time spent processing and reviewing applications for permits that are never issued.</i> <i>Credit is given for paid plan check fees.</i>	\$65.00/hr
Fire/Life Safety (F/LS) Plan Check Fee	40% of building permit fees when F/LS plan review is required
Foundation Only Permit	Apply Building Permit fees (above) based on 20% of total project value + deferred fee
Inspections for Which No Fee is Specifically Indicated	\$65.00/hr One hour minimum
Inspections Outside of Normal Business Hours	\$65.00/hr One hour minimum
Permit Extension (first one free)	\$50.00
Permit Renewal (Expired Permit Reinstatement Fee) <i>Fee for renewal of a permit that has been expired for one year or less, provided no changes have been made in the original plans and specifications for the work. A permit may only be renewed once.</i> <i>Permits that have been expired longer than one year cannot be renewed, you must reapply for new permits.</i>	½ of total permit fees using permit rates at time of renewal
Investigation Fee – Expired Permits <i>Hourly rate charged for research, travel time and time spent on site ensuring fire and life safety requirements are satisfied.</i> <i>Fee is in addition to permit renewal fee.</i>	\$65.00/hr
Phased Permit Fee <i>Coordination fee charged in addition to normal plan review and permit fees; base fee includes required predevelopment meeting.</i> <i>Fee assessed on each phase of a project</i>	\$275.00 + 10% of the total building permit fee for each phase of work. Not to exceed \$1,500 for each phase
Re-inspection Fee	\$65.00/hr
Change of Occupancy Permit/No other work being done	\$65.00/hr
Commercial Deferred Submittal Fee	65% of the value of the building permit fee calculated & using the value of the deferred portion + \$150

CITY OF ASTORIA STRUCTURAL PERMIT FEES

Fee Description	Fee
Residential Deferred Submittal Fee	65% of the value of the building permit fee calculated & using the value of the deferred portion + \$150
<p>Solar Installation Permit</p> <p>Installations in compliance with section 305.4 of the Oregon Solar Installation Specialty Code</p> <p>All other installations <i>*Valuation includes structural elements of solar panels including racking, mounting elements, rails, and the cost of labor to install. Valuation does not include the cost of solar equipment, including collector panels and inverters.</i></p> <p><i>Separate electrical fees also apply.</i></p>	<p>\$99.00 includes one inspection</p> <p>Apply building permit fees (above)</p> <p>Additional Inspections \$65 each</p>
Temporary Certificate of Occupancy – Residential – first 30 day - free	\$65.00
Temporary Certificate of Occupancy – Commercial – first 30 day - free	\$100.00
Appeal to City Council	\$25.00
<p>School District Construction Excise Tax <i>(Authorized by ORS 320.170 thru ORS 320.189)</i></p> <p><i>Applies to construction within Astoria School District in the City of Astoria.</i></p>	The construction excise tax is assessed as a dollar rate per square foot of construction which is collected by the City of Astoria and forwarded to the school district assessing the tax for capital improvement project funding.
<p>Investigation Fee A <i>Low effort to deter-mine compliance.</i></p>	\$97.50
<p>Investigation Fee B <i>Medium effort to gain compliance. Stop Work order posted. Applicant obtains required permit within 10 business days</i></p>	\$130.00
<p>Investigation Fee C <i>High effort to gain compliance. Applicant failed to meet deadline or has had more than one documented violation in 12 months for starting work without permits.</i></p>	\$250.00 or hourly rate whichever is greater
<p>State Surcharge and Training Fees*</p> <p><i>*The amount of the State surcharge is established by the State of Oregon on building permit fees, electrical permit fees, mechanical permit fees, plumbing permit fees, manufactured home permit fees, grading fees, and the hourly fees charged under the Master Permit program. The surcharge is subject to change by the State and is collected by the City and passed through to the State.</i></p> <p><i>(12 percent as of October, 2010)</i></p>	Per State established fee.

City Administration Fees

Schedule B

Astoria City Code	\$ 35.00
Budget Detail Document	\$ 20.00
Financial Statements - Bound/per year	\$ 20.00
City Council agendas and minutes subscription rate by mail	\$ 5.00 per issue
	\$ 60.00 per year
By e-mail	No charge
<i>(Effective 1/1/98 - no charge to press, government agencies, or one per Neighborhood Association)</i>	
Copy of any code or publication purchased by the City for resale	\$ 0.50 per page
Copy of any ordinance, resolution or report, already prepared & stock on hand, or photocopy	\$ 0.50 per page
Copy of tape recording of meeting	per tape
NSF (Non-Sufficient Fund) Check Return Processing	\$ 35.00
One-time, special event liquor license application	\$ 35.00
Parking Lot Fees	
US Bank Parking Lot Spaces	\$ 30.00
13th Street Parking Lot	\$ 30.00
Staff time for record search, review for exempt material and supervise citizen's	\$ 20.00 to
record inspection (hourly rate plus benefits)	\$ 50.00 per hour
Transportation Services Vehicle Fee	\$ 35.00 per vehicle
Transportation Services Vehicle Driver Application	\$ 35.00
plus processing fee	\$ 15.00
Liquor License Application - New Outlet	\$ 150.00
Change to current liquor License Application	\$ 100.00
"No Parking" Block Deposit	\$ 30.00
Parking Block Permits	
Per Day	\$ 5.00
Per Week	\$ 25.00
Per Month	\$ 40.00
Per Quarter	\$ 100.00
Per Half Year	\$ 180.00
Annual	\$ 330.00
Replacement Fees	
Parking Block	\$ 30.00
Annual Service Permit	
Per Quarter Per Vehicle	\$ 50.00
Project Permit	
Per Month Per Vehicle	\$ 40.00

City Administration Fees

Schedule B

Dumpster Permit	
Per Day	\$ 5.00
Per Week	\$ 25.00
Per Month	\$ 40.00
Per Quarter	\$ 100.00
Per Half Year	\$ 180.00
Annual	\$ 330.00
Annual License Fee for Lodging Establishments	\$ 25.00
Attorney Review of Materials	\$ 190.00 per hour

Items below the blue line have been added to the schedule to facilitate location of information

**Community Development Department
Schedule C**

Astoria Planning Commission, Historic Landmarks..... \$ 3.50/issue or
Commission, or Design Review Committee agendas \$ 42.00/year
and minutes subscription rate by mail
By e-mail..... No charge
(No charge to press, government agencies, or one per
Neighborhood Association).

Copy of Development Code \$ 35.00

Copy of Comprehensive Plan \$ 35.00

Copy of Land Use & Zoning Map (approximately 6 square feet)..... \$ 6.00

Copy of Land Use & Zoning Map (approximately 20 square feet)..... \$ 20.00

Postage and handling for mailing Development Code or
Comprehensive Plan, each \$ 10.00

Postage and handling for mailing 20 square foot Zoning map \$ 3.50

Copy of audio tapes, each \$ 20.00

Copy of CD's, each \$ 10.00

Permit Applications

Accessory Dwelling Unit Permit \$ 50.00

Amendment to Comprehensive Plan or Development Code \$400.00

Amendment to Existing Permit..... Same fee as
existing permit fee

Appeal..... \$250.00

Class B Home Occupation \$100.00

Conditional Use \$250.00

Conditional Use – Temporary Use Renewal \$100.00

Demolition or Moving (Historic) \$100.00

Design Review	\$250.00
Exterior Alteration (Historic)	\$100.00
Historic Designation	\$ 50.00
Lot Line Adjustment	\$ 50.00
Major or Minor Partition (in addition to fees noted in Development Code 13.720)	\$100.00 + actual costs
Measure 37 Claim Application.....	\$250.00
Miscellaneous Review.....	\$100.00 Admin
.....	\$250.00 APC/HLC
New Construction (Historic)	\$100.00
Parking Exemption	\$ 100.00
Permit Extensions	\$100.00
Planned Development.....	\$300.00 + actual costs
Retail Street Vendor.....	\$100.00
Satellite Dish/Commercial	\$100.00
Sign Permits (not requiring building permit)	\$ 10.00 - \$40.00
Subdivision (in addition to fees noted in Development Code 13.720).....	\$150.00 + actual costs
Variance (Administrative or for Planning Commission)	\$150.00 Admin
.....	\$250.00 APC
Wireless Communication Facility Application	\$3,000.00
Wireless Communication Facility additional non-refundable fee for After-the-Fact Application.....	\$1,000.00

***Fire Department
Schedule D***

Any Fire Department record (including fire report/
investigation report \$ 10.00

Burn barrel permit fee, initial inspection by Department for
2 year permit \$ 50.00
Renewal of permit for additional 2 years thereafter \$ 35.00

Special burn permit fee-issues for no more than a one week period \$ 35.00

The Fire Department with offer fire safety inspection to all City
businesses free of charge once every other year. If inspection of a
business results in findings of fire hazards,
A second inspection to survey mitigation of hazard \$ 25.00
If a third inspection is necessary to check for hazards \$ 50.00

The City of Astoria will administer a cost-recovery program to
recover costs from those incidents that require services
from the Astoria Fire Department on its transportation route sand in
areas where there is no other fire service protection.

Residents, business owners, and/or taxpayers of the City of Astoria
and its service-contract areas (Tongue Point Job Corps), and any
citizens of areas where the Astoria Fire Department has mutual aid
agreements will not be billed for services as described in this
program.

Rates for recovering costs shall be those established in accordance
with the Oregon State Fire Marshal's standardized costs schedule
as specified in ORS 478.310(2)(a), and as hereinafter amended.

Fees will be based on both direct (apparatus, personnel, and
miscellaneous supplies and services) and indirect (billing and
collection costs). No fees will be charged for the direct provision of
emergency medical treatment and supplies.

Charges to all parties will include a minimum 30-minute response
charge.

Astoria Public Library

Schedule E

Research conducted by staff	Historical records or other searches and document preparation including scan/email: hourly wage plus fringe benefits. Copies and scan/emails billed at 30 cents per page. Postal fees as accrued.
Room Rental <i>Clean up and/or damage fees may be required by the City prior to the use of facilities.</i>	Non – profit organizations: \$35 per hour
	Commercial use: \$50.00 per hour
Library Cards Those who reside outside Astoria city limits and do not pay City of Astoria property tax can purchase a library card.	\$10.00 per month.
	\$45.00 for a six-month period.
	\$80.00 for a 12-month period.
	Libraries ROCC, Reading Outreach in Clatsop County, provides no fee Library cards to all Clatsop County children ages birth through 19 as per intergovernmental agreement through 2021 unless amended.
	Non-resident owners of property within the City, and members living in their households, are eligible to have library cards by annually showing proof of having paid Astoria property taxes.
replace lost or stolen card	\$3.00
Materials	Overdue Materials are charged at the following rates: Following a three day grace period, patrons will be charged \$.25 cents per day per item.
	Damaged or lost library materials -- replacement cost plus a \$5.00 processing fee.

**Parks and Recreation Department
Astoria Aquatic Center
Schedule F1**

Drop In

Youth	\$5.50
Adult	\$7.50
Family	\$18.00

Aquatic Center Monthly Pass

	<u>Reg. Rate</u>	<u>Cont. ACH Rate</u>
Youth & Senior	\$50.00	\$40.00
Family	\$60.00	\$50.00
Adult.....	\$80.00	\$70.00

Joint Aqua Center & Rec Center Monthly Pass

	<u>Reg. Rate</u>	<u>Cont. ACH Rate</u>
Youth & Senior	N/A	N/A
Adult	\$80.00	\$70.00
Family	\$100.00	\$90.00

Punch Pass Redemption

Youth	\$5.00
Adult	\$7.00
Family	\$18.00

**The sale of punch passes have been discontinued; however, previously sold passes are still honored at the listed redemption*

Swim Lessons

Group Lessons	\$50.00
Private Lessons	\$150.00

Monthly Locker Rentals

	<u>Reg. Rate</u>	<u>Cont. ACH Rate</u>
.....	\$15.00	\$5.00

Rentals/Misc.

Lane rental (per lane, per hr.).....	\$25.00
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**Includes admission for up to 5 individuals*

Youth Swim Team Lane Rental (per lane, per hr.).....	\$5.00
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**Contingent upon youth swim team renting a minimum of 100 hours of lap-lane space for the purpose of practicing per fiscal year, and all participants purchasing a monthly or daily pass (effective 11/8/16)*

After hours rental (per hr., min. 4 hrs.)	\$175.00
Showers.....	\$3.00

	<u>Reg. Rate</u>	<u>Cont. ACH Rate</u>
Towel Rental.....	\$3.00	\$0.00

Birthday Party (lobby rental, 20 guests)	\$150.00
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***Parks and Recreation Department
Astoria Maritime Memorial
Schedule F2***

Fee for one engraved memorial 4" x 12"

Standard Fee without customized graphic\$500.00

Name of person limited to 18 characters, including spaces

- Inscription is limited to 23 characters, including spaces
- Optional: small stock graphic illustration or second line of
Inscription limited to 23 characters, including spaces

Fee for Customized Graphic/Art Work\$150.00

- Includes customized graphic illustration/artwork (other than stock
artwork that has already been engraved on the Memorial Wall)

**Parks and Recreation Department
Oceanview Cemetery
Schedule F3**

Graves-Ground Only (w/perpetual care)

Infant/Child plots	\$212
Block 68, Cremation only	\$390
All other blocks.....	\$1,169

Interments

Adult (opening and closing).....	\$1,169
Cremation	\$584
Cremated remains (Saturdays)	\$169
Adult, Saturdays.....	\$339
Late funerals (after 3:00 pm) add'l/hr.	\$68

Disinterment

Adult.....	\$551
Child under 7.....	\$424
Cremated remains removed	\$169

Liner and Installation

Liner Fee.....	\$339
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Monument/Marker Permits

Monument Permit (Not over 62" in length)	\$203
Marker Permit-Double (2 people)	\$169
Marker Permit-Single	\$136
Marker Permit-Veteran.....	\$68
Marker Permit-Baby grave cover.....	\$85

<u>Casket Burial</u>	\$2,812
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<u>Cremation</u>	\$1,110
Other Work.....	Cost +25%
Chapel Reservation.....	\$75/hr.

***Parks and Recreation Department
Astoria Recreation Division Rental Fees
Schedule F4***

FACILITY RENTALS	Non-Profit			Less than 25 (Private Use)			More than 25+ (Commercial/Event Use)		
	Per Hour	1/2 Day	Day	Per Hour	Per 1/2 Day	Per Day	Per Hour	Per 1/2 Day	Per Day
<u>Community Halls</u>									
Shively Hall	50% off on weekdays			\$39	\$109	\$159	\$69	\$209	\$299
Alderbrook Hall	50% off on weekdays			\$29	\$89	\$119	\$59	\$179	\$239
ARC Classroom	50% off on weekdays			\$29	\$89	\$149	\$69	\$199	\$319
ARC East Wing	50% off on weekdays			\$89	\$209	\$349	\$159	\$299	\$499
<u>Special Events/Park Rentals</u>	No Discount			\$45	\$180	\$360	\$65	\$260	\$520
<u>Fields & Courts</u>									
Tennis Courts	50% off on weekdays			\$19	\$59	\$99	\$39	\$119	\$199
Basketball Courts	50% off on weekdays			\$19	\$59	\$99	\$39	\$119	\$199
Fields	\$12/hour/2 hour minimum								
<u>Concession Stand Rental</u>	\$75/day/site								

***Parks and Recreation Department
Astoria Column
Schedule F5***

Annual Parking Pass \$5.00

***Police Department
Schedule G***

Unless otherwise stated, Police Department hourly charges are billed in 30 minute increments. Deposit prior to copying may be required.

Arrest record, per name	\$ 6.00
Attorneys fees for consultation	\$150.00/hour
Certified (notarized) copy of police records \$5.00 for each page (single sheet or back-to-back)	\$ 6.00
Copy of audio recording minimum charge.....	\$ 35.00/hour
Copy of Communications Center log.....	\$ 6.00/page
Copy of photograph (4" x 5")	\$ 6.00
Copy of photograph (8" x 10")	\$ 12.00
Copy of police report	\$ 15.00
Copy of video recording minimum charge.....	\$ 35.00/hour
Fingerprints for individuals who retain cards	\$ 6.00/card
Fingerprints forwarded by police	\$ 17.00
Additional fingerprint cards	\$ 6.00/each
Impound vehicle release	\$100.00
Police Officer – special events minimum charge.....	\$ 40.00/hour
Additional charge made for equipment and vehicle	
Staff review of public records	\$ 35.00/hour
Vehicle identification number inspection	\$ 35.00

**Public Works Department
Schedule H**

Public Works Administration Fees

Custom Mapping.....	\$ 45.00/hr
Multiple Legal, Letter and Ledger size prints, each sheet	
BW	\$ 0.50
Color	\$ 1.00
Large format 18" x 24" up to 24" x 36" copies, each sheet	
BW	\$ 15.00
Color	\$ 25.00
Geologic Hazard Map (60" x 24" = 10 SF)	\$ 40.00
Electronic File (via electronic mail)	\$ 15.00
Electronic File (via digital media; CD, DVD or flash drive)	\$ 30.00

Property Use/Acquisition Fees

Property Use/Acquisition Application	\$ 75.00
Application for Property Purchase	
Application Fee	\$450.00
Appraisal, Advertising & Recording Fee.....	Actual Cost
Application for Vacation or Easement	
Application Fee	\$500.00
Advertising & Recording Fee	Actual Cost
Application for Lease or License to Occupy	
Application Fee	\$425.00
Recording Fee.....	Actual Cost

Development Review Fees

Land Use & Building Permit Review	Actual Cost
Infrastructure Plan Review and Construction Coordination	
Public Works Plan Review.....	1% of preliminary construction cost**
Public Works Construction Permit	2% of final construction cost**
Minimum	\$500

***Estimated preliminary and final construction costs shall be provided by an Oregon Registered Professional Engineer and shall include all improvements in the public right-of-way and/or publically maintained infrastructure improvements.*

Public Works Permit Fees

Application to Fell/Cut Tree(s)	
Firewood	\$ 20.00
Right-of-Way	\$ 60.00
City Property	\$250.00
Arborist Report (if required).....	Actual Cost

Grading and Erosion Control Permit

Ground disturbance of less than 1 acre	\$110.00
Ground disturbance of greater than 1 acre	\$275.00
Permit extension	\$ 30.00
Geotechnical/Geological Review.....	Actual Cost

Fees double for permit issued after work has started or been completed.

Utility Service Application

Application fee.....	\$ 60.00
Sanitary sewer, storm drainage & water connection fee	Per Resolution

Right-of-Way Permit Application..... \$100.00

Plus street cut fee (if applicable)

Up to 50 Square Feet \$100.00

Over 50 Square Feet \$3.00 per Sq.Ft.

Application for Sidewalk/Driveway repair only..... No Fee

Fees double for permits issued after work has started or been completed. The charge for sidewalk/ driveway repair after work has commenced is \$200.

Garden Permit

Application \$ 40.00

Renewal per year \$ 20.00

Watershed Road Access Fee \$250.00/yr

Traffic Control Device Rental Fee

Description

Each Per Day

Wooden Barricades (31½" X 31½")
Wooden Barricades w/ sign attached
Type III Barricade
18" Traffic Cones
Traffic Control Signs

\$ 3.50
\$ 5.00
\$ 5.00
\$ 1.00
\$ 15.00

Lost or damaged traffic control devices will be charged at the current list price for replacement.

Water & Sanitary Sewer Resolutions

Water and sanitary sewer fees are established in specific resolutions that are periodically updated and reissued. Water and sewer resolutions and fee information are available from the Public Works Department at (503) 338-5173.



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

March 13, 2017

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: AUTHORIZATION TO APPLY FOR AN AMERICORPS RARE SERVICE GRANT
WITH THE UNIVERSITY OF OREGON

DISCUSSION/ANALYSIS

As Resiliency is one of the 2017-2018 Council Goals it is desirable to ensure our emergency planning, inclusive of the City Continuity of Operations Plan (COOP) and Continuity of Government (COG) Plans, are fully developed and all necessary information has been identified and included in a plan to support essential functions and services in the event of emergency. To produce quality products, fully complete needs assessments, gain valuable feedback and to provide resources for training and implementation, staff proposes submitting an application to participate in the 2017-2018 Resource Assistance for Rural Environments (RARE) Program. The mission of the RARE Program is to increase the capacity of rural communities to improve their economic, social and environmental conditions, through the assistance of trained graduate-level participants who live and work in the communities for 11 months. Participants assist communities and agencies in the development and implementation of plans for achieving a sustainable natural resource base and improving rural economic conditions while gaining community building and leadership skills. Astoria Downtown Historic Development (ADHDA) and the County have used RARE participants in recent years. Additionally, Ian Sisson was selected by the City as a RARE participant to create the Parks Mater Plan.

During review of CIS insurance best practices with John Zakariassen, Senior Risk Management Consultant, it was identified the Continuity of Operations Plans (COOP)/ Continuity of Government (COG) Plans should be completed and information regarding these plans and required resources should be identified and information compiled and information provided through the Agility Recovery Solutions. Agility is a continuity of operations planning tool and includes a program to assist with identification of necessary equipment and resources which need to be available for disaster recovery. The Agility service is provided through CIS and is factored into the property premiums paid by the City but is a service the City has not had resources to implement. Agility provides a catalog of all necessary information for continuity of operations and mobilizes identified resources to support critical activities including power, space, technology and connectivity. Identification of the necessary resources in advance and processes required is key to successfully dealing with emergencies and requires sufficient time and energy with all partners to implement.

Staff will propose completion of the following tasks with RARE program:

- Completion of the City Continuity of Operations Plan (COOP) and Continuity of Government (COG) Plans
- Coordination to identify and document essential functions, services assets and inventory along with the critical locations, partners and resources required for short term implementation and emergency management given a wide array of scenarios
- Integrate accumulated information into the Agility Recovery Solutions website
- Enhance ability to be prepared for disaster recovery through active participation in each operation area for plan implementation, resource requirements and critical training
- Coordinate and identify appropriate training resources and coordination for City employees and community partners
- Identify critical information and develop resources to provide public education which may include web and social media and develop materials to hand out or have available for public awareness/preparedness

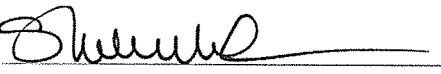
The cost to the City of Astoria for a RARE participant is \$ 23,500 which is used to place, train and support the participant will be budgeted in the proposed FY 2017-18 Capital Improvement Fund. In return the City of Astoria will receive a full-time RARE AmeriCorps participant who will provide community service for 11 months.

The planning process must include substantial citizen involvement, inventory of existing conditions and facilities, analysis of issues, City and community needs and specific recommendations to include specific actions, priorities and associated costs.

The application is due by April 14, 2017.

RECOMMENDATION

It is recommended that Council consider approving the application for the RARE AmeriCorps Program.

By: 
Susan Brooks, CPA
Director of Finance & Administrative Services