



# **AGENDA**

## **ASTORIA CITY COUNCIL SPECIAL SESSION**

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**Monday, September 24, 2018**

**6:00 PM**

**2<sup>nd</sup> Floor Council Chambers  
1095 Duane Street · Astoria OR 97103**

**1) CALL TO ORDER**

**2) ROLL CALL**

**3) CHANGES TO AGENDA**

**4) REGULAR AGENDA ITEMS**

- a) Re-Open Public Hearing: Appeal 18-02 by Barbara Bower, Cheryl Storey, and John Ryan of Design Review Request 17-03 at 2350 Marine Drive

**5) NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS (NON-AGENDA)**

<p><b>THE MEETINGS ARE ACCESSIBLE TO THE DISABLED. AN INTERPRETER FOR THE HEARING IMPAIRED MAY BE REQUESTED UNDER THE TERMS OF ORS 192.630 BY CONTACTING THE CITY MANAGER'S OFFICE AT 503-325-5824.</b></p>
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## CITY OF ASTORIA

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### MEMORANDUM • COMMUNITY DEVELOPMENT

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**DATE:** September 20, 2018  
**TO:** MAYOR AND CITY COUNCIL  
**FROM:**  BRETT ESTES, CITY MANAGER  
**SUBJECT:** APPEAL 18-02 BY BARBARA BOWER, CHERYL STOREY, AND JOHN RYAN OF DESIGN REVIEW REQUEST 17-03 AT 2350 MARINE DRIVE

#### Background

On May 3, 2018 the Design Review Committee (DRC) opened a public hearing and reviewed a request to construct a commercial facility for the Astoria Co-Op Grocery at 2350 Marine Drive. The application was approved on June 7, 2018. The location is within both the Civic Greenway and Gateway overlay zones, requiring review by DRC. The goal of Design Review is to carry out design objectives of the Gateway Overlay Zone in an effort to unify the Gateway area and encourage building styles characteristic of Uppertown's historic building types. Guidelines the DRC must follow appear in Article 14.020 through 14.030 of the City's Development Code.

An appeal of the Design Review Committee's decision was subsequently filed. A public hearing on the DRC Appeal was advertised and held at the July 30, 2018, City Council meeting. Oregon's "120-Day Rule" require that this land use decisions be completed by August 31, 2018. The appeal was tentatively denied at the July 30, 2018 meeting (upholding the DRC's decision). The City Council was scheduled to review and consider updated findings of fact at subsequent meetings through continuances of deliberation. The applicant has since submitted waivers to extend the 120 Day Rule to October 15, 2018.

Since the Council meeting on July 30<sup>th</sup>, the applicant and appellants have engaged in discussions to review an alternative vehicular access point to the site. Both the applicant and appellants requested the City Council reopen the public record to accept additional public testimony related to the site layout and northern building elevation. At the September 4, 2018 City Council meeting, the Council determined to re-open the hearing at a Special Meeting to be held on September 24, 2018. Testimony would be limited to the revised site design elements and the revised northern building elevation. The alternative layout is included with this memo for review, as well as a narrative from the applicant outlining the proposed changes.

Should Council approve the revised design, supplemental findings of fact would need to be prepared and adopted to address the applicable criteria raised in the appeal and the changes to the proposal design.

### **Appeal Procedures**

Article 9.040 G states:

#### *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.*

### **RECOMMENDATION**

It is recommended that the City Council re-open the public hearing on the appeal to review the alternative site layout and northern building elevation; review new testimony; and consider the Design Review Committee decision to approve the construction request. Regardless of the direction, the City Council will need to adopt applicable Findings of Fact which have the basis of their decision.

Sept. 14, 2018

Nancy Ferber  
Planner  
City of Astoria

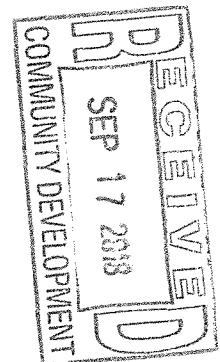
Changes to the proposed Astoria Coop store design in response to the Settlement Agreement of September 4, 2018 with Cheryl Story, John Ryan & Barbara Bowers.

1. Site Plan: The Coop will no longer be using Steam Whistle Way to access the store. As a result SWW will not be widened by 4' and will remain 20' wide. Access will be from 23<sup>rd</sup> Street via a 30' wide driveway serving a 20' wide driveway to the store and also a 12' wide loading bay on the north end of the site. The prior fenced in loading bay has been omitted from the drawings. A garbage/recycling enclosure will be located on the north property line in lieu of being located in the previous designed loading/delivery yard.
2. The north end of the building has been enlarged by 6.5' to accommodate some of the recycling and delivery activities that were to take place in the delivery yard. In addition, the building bump out on the north east corner of the building has been reduced in size from 22' x 25' to 22' x 10' to allow the new driveway road to access the parking lot. The north facing Exit door has been recessed in the building wall 3' to avoid any conflicts with adjacent truck deliveries.
3. The parking lot has remained essentially unchanged with the exception that ingress & egress now use a driveway behind the building rather than Steam Whistle Way.

Thanks You,

DonVallaster

Vallaster & Corl Architects  
711 SW Alder, Penthouse  
Portland, Oregon 97205  
voice 503.228.0311  
fax 503.228.0314  
www.vcarch.com







## Memo

**Date:** September 20<sup>th</sup>, 2018  
**To:** The Mayor and City Councilors  
**From:** Matt Stanley, Co-op General Manager  
**Subject:** Co-op Expansion

Dear Mayor and Councilors,

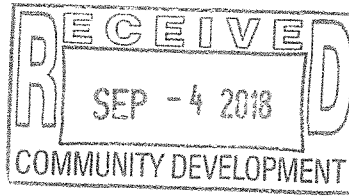
I am writing to extend a thank you for your patience while the Co-op worked to find a solution to the design concerns for our proposed development at Mill Pond. The solution we've worked out was not an intuitive one. Regardless, we are pleased that we have worked out a site plan that meets both Co-op needs and the needs of our soon to be new neighbors.

I know you have been busy reviewing several large projects recently. An expanded Co-op is sure to be a boon to the Astoria area. We have the work of the City Staff, Mayor, and City Councilors to thank. I will not be able to attend the hearing on Monday evening, so please consider this my public comment.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Stanley", with a long, sweeping underline.

Matt Stanley



Renee France  
[rfrance@radlerwhite.com](mailto:rfrance@radlerwhite.com)  
971-634-0217

September 4, 2018

VIA EMAIL

Mayor LaMear and City Councilors  
c/o Brett Estes, City Manager  
City of Astoria  
1095 Duane Street  
Astoria, OR 97103

RE: Joint request to reopen record  
AP 18-02

Dear Mayor LaMear and City Councilors:

The Applicant and appellants in the design review appeal for the proposed Astoria Co-op building (AP18-02) have been engaged in discussions related to an alternative site layout that limits the vehicular access point for the development to 23<sup>rd</sup> Street. The Applicant and appellants make this joint request for the City Council to reopen the record in AP18-02 at a date and time certain for the limited purposes of considering the alternative site layout and accepting public testimony related to the site layout.

Sincerely,

Renee France

cc: Cheryl Storey  
John Ryan  
Barbara Bower  
Carrie Richter  
Don Vallaster

## Tiffany Taylor

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**From:** Jennifer Benoit  
**Sent:** Tuesday, September 04, 2018 4:56 PM  
**To:** City Council  
**Cc:** Blair Henningsgaard; Nancy Ferber; Tiffany Taylor  
**Subject:** FW: AP 18-02 - Joint request to reopen the record

See the message below. Thanks  
jenn

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**From:** Renee France [<mailto:rfrance@radlerwhite.com>]  
**Sent:** Tuesday, September 4, 2018 4:40 PM  
**To:** Brett Estes  
**Cc:** 'Don Vallaster'; [castoria74@gmail.com](mailto:castoria74@gmail.com); [ryanscroft@earthlink.com](mailto:ryanscroft@earthlink.com); [barbbower@msn.com](mailto:barbbower@msn.com); Caroline A. Richter  
**Subject:** RE: AP 18-02 - Joint request to reopen the record

Brett-

As a point of clarification on the letter to the City Council I provided earlier today, the applicant in the above-referenced matter intends to submit an alternative site plan along with updated elevations for the building. The alternative site plan will require changes to the northern façade of the building. Therefore, we request that in addition to the alternative site layout, the scope of review for the reopened hearing include review and testimony related to the revisions to the northern elevation.

**RADLER WHITE PARKS      ALEXANDER LLP**  
ATTORNEYS AT LAW

**Renee M. France**  
Of Counsel  
111 SW Columbia Street, Suite 700  
Portland, OR 97201  
T [971.634.0200](tel:971.634.0200) F [971.634.0530](tel:971.634.0530) Direct [971.634.0217](tel:971.634.0217)

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**From:** Renee France  
**Sent:** Tuesday, September 4, 2018 3:56 PM  
**To:** 'bestes@astoria.or.us' <[bestes@astoria.or.us](mailto:bestes@astoria.or.us)>  
**Cc:** 'Don Vallaster' <[donv@vcarch.com](mailto:donv@vcarch.com)>; 'castoria74@gmail.com' <[castoria74@gmail.com](mailto:castoria74@gmail.com)>; 'ryanscroft@earthlink.com' <[ryanscroft@earthlink.com](mailto:ryanscroft@earthlink.com)>; 'barbbower@msn.com' <[barbbower@msn.com](mailto:barbbower@msn.com)>; Caroline A. Richter <[CRichter@dunncarney.com](mailto:CRichter@dunncarney.com)>  
**Subject:** AP 18-02 - Joint request to reopen the record

Brett-

Please see the attached letter addressed to the Council and provided for the City Council's consideration at the meeting this evening.

**RADLER WHITE PARKS**     **ALEXANDER** LLP  
ATTORNEYS AT LAW

**Renee M. France**

Of Counsel

111 SW Columbia Street, Suite 700

Portland, OR 97201

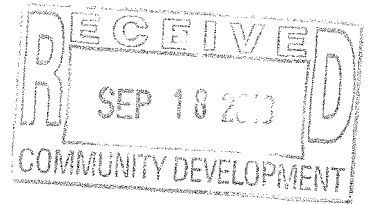
T 971.634.0200 F 971.634.0530 Direct 971.634.0217

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CITY OF ASTORIA  
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COMMUNITY DEVELOPMENT



**WAIVER OR EXTENSION OF 120 DAY RULE AT APPLICANT'S REQUEST**

Applicant: Astor Venture LLC

Application Request No.: DR17-03

Date of Original Request: 11.30.17

Pursuant to ORS 227.178\*, the Applicant:

X Waives its rights to a decision on the above application within 120 days of the date the application is deemed complete.

Extends the 120 day time period for a reasonable period of time of 15 days [ORS 227.178(4)] to October 15 / 18 Total period may not exceed 245 days.

Applicant signature

Date

Name:

Garry (Don) Vallaster

Address:

711 SW Alder St.

Portland, Or.

Phone:

503-880-4570

email: donv@vcarcoh.com

**\* 227.178 Final action on certain applications required within 120 days; procedure; exceptions; refund of fees.** (1) Except as provided in subsections (3) and (4) of this section, the governing body of a city or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete.

(4) The 120-day period set in subsection (1) of this section may be extended for a reasonable period of time at the request of the applicant.

(9) A city may not compel an applicant to waive the 120-day period set in subsection (1) of this section or to waive the provisions of subsection (7) of this section or ORS 227.179 as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.



CITY OF ASTORIA  
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COMMUNITY DEVELOPMENT

BUILDING CODES  
AUG 17 2018  
CITY OF ASTORIA

### WAIVER OR EXTENSION OF 120 DAY RULE AT APPLICANT'S REQUEST

Applicant: Garry Vallaster / Astor Venture, LLC

Application Request No.: DR17-03

Date of Original Request: 11.30.17

Pursuant to ORS 227.178\*, the Applicant:

\_\_\_\_\_ Waives its rights to a decision on the above application within 120 days of the date the application is deemed complete.

X Extends the 120 day time period for a reasonable period of time of 30 days [ORS 227.178(4)] to Sept 30, 2018 Total period may not exceed 245 days.

Applicant signature

Date

Name:

Address:

Phone:

Garry Vallaster

711 SW Alder St.

Portland, Or. 97205

503-880-4570

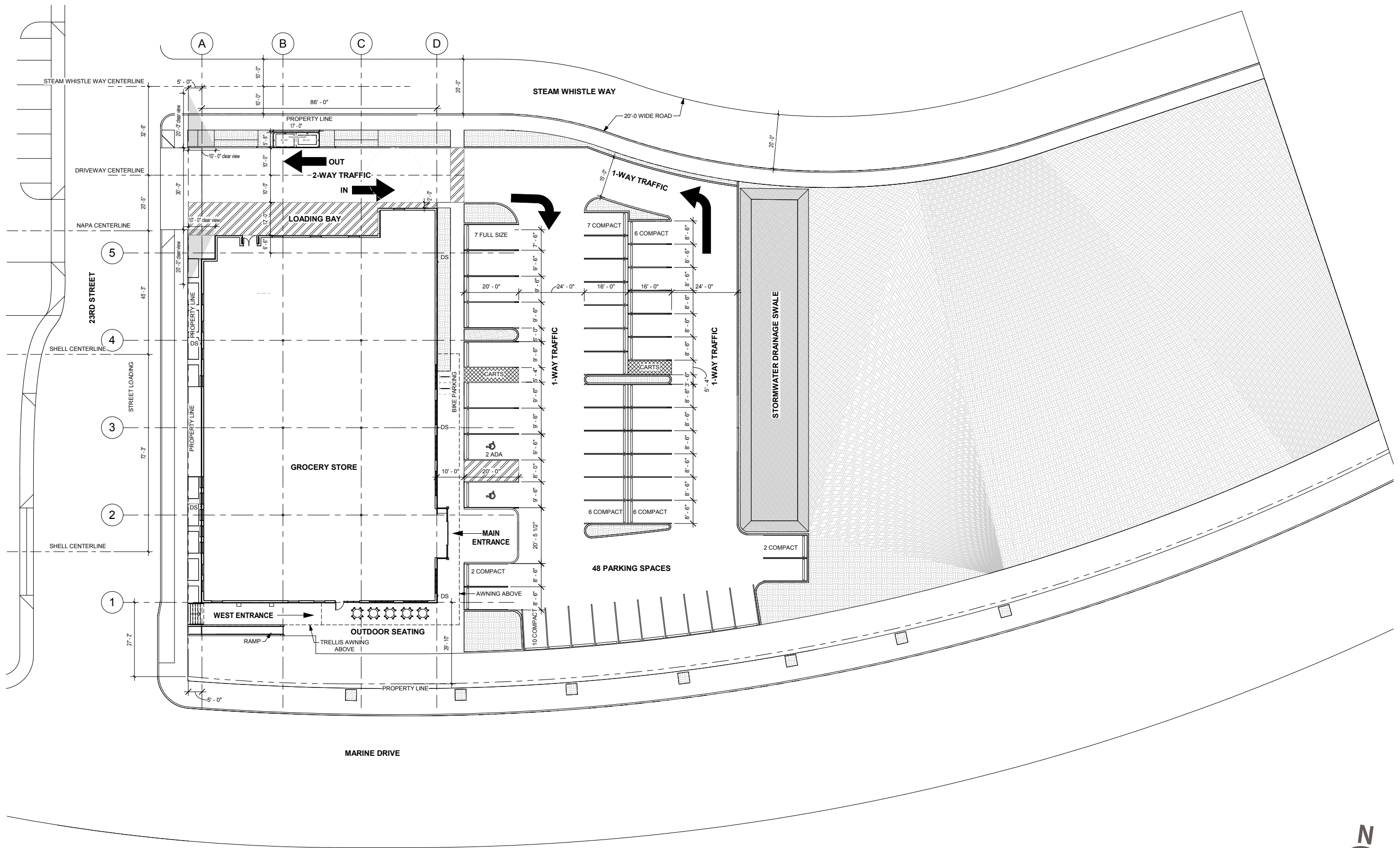
email: donv@ucacoh.com

**\* 227.178 Final action on certain applications required within 120 days; procedure; exceptions; refund of fees.** (1) Except as provided in subsections (3) and (4) of this section, the governing body of a city or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete.

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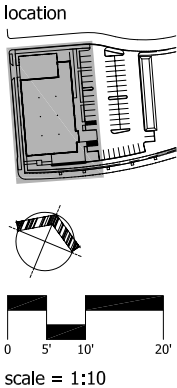
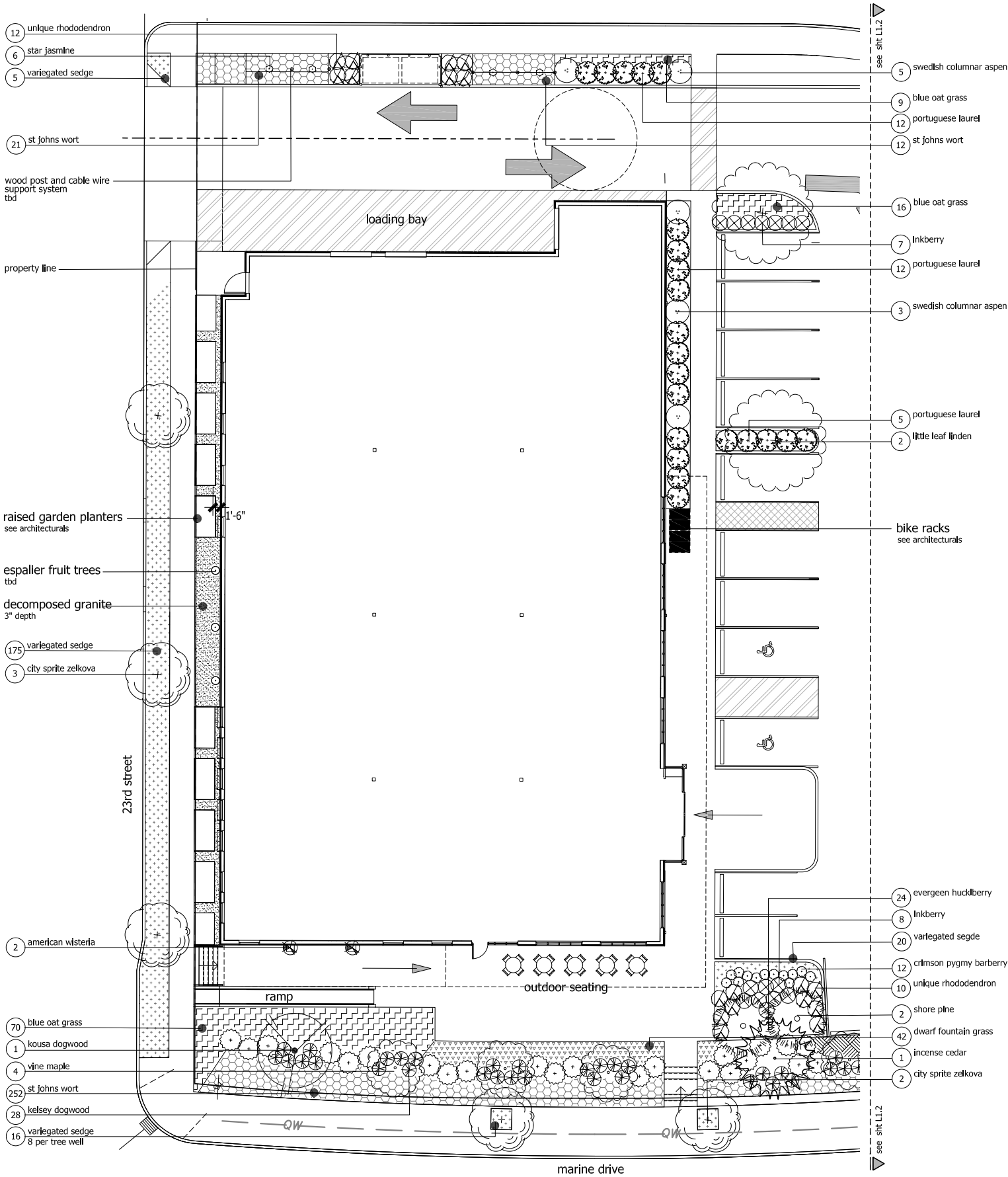
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general notes: landscape plan

- the contractor shall verify with owner and utility companies the locations of all utilities prior to construction. the contractor shall determine in the field the actual locations and elevations of all existing utilities whether shown on the plans or not. the contractor shall call utility protection service 72 hours prior to construction.
- the contractor shall examine finish surface, grades, topsoil quality and depth. do not start any work until unsatisfactory conditions have been corrected. verify limits of work before starting.
- contractor to report all damages to existing conditions and inconsistencies with plans to designated representative.
- all plant masses to be contained within a bark mulch bed, unless noted otherwise.
- bed edge to be no less than 12" and no more than 18" from outer edge of plant material branching, where ground-cover occurs, plant to limits of area as shown.
- contractor shall maintain positive drainage in all landscape beds and all lawn areas.
- contractor to fine grade and rock-hound all turf areas prior to seeding, to provide a smooth and continual surface, free of irregularities (bumps or depressions) & extraneous material or debris.
- quantities shown are intended to assist contractor in evaluating their own take-offs and are not guaranteed as accurate representations of required materials. the contractor shall be responsible for his bid quantities as required by the plans and specifications. if there is a discrepancy between the number labeled on the plant tag and the quantity of graphic symbols shown, the graphic symbol quantity shall govern.
- coordinate landscape installation with installation of underground sprinkler and drainage systems.
- with the exception of those trees indicated on the tree removal plan, contractor shall not remove any trees during construction without the express written consent of the designated representative. existing vegetation to remain shall be protected as directed by the designated representative.
- where proposed tree locations occur under existing overhead utilities or crowd existing trees, notify designated representative to adjust tree locations.
- landscape maintenance period begins immediately after the completion of all planting operations and written notification to the designated representative. maintain trees, shrubs, lawns and other plants until final acceptance or 90 days after notification and acceptance, whichever is longer.
- remove existing weeds from project site prior to the addition of organic amendments and fertilizer. apply amendments and fertilizer per the recommendations of the soil analysis from the site.
- back fill material for tree and shrub planting shall contain: one part fine grade compost to one part topsoil by volume, bone meal per manufacture's recommendation, and slow release fertilizer per manufacturer's recommendation.
- ground covers and perennials shall be planted with a maximum 2 inch cover of bark mulch with no foliage covered.
- contractor shall obtain written approval for all plant material substitutions from the landscape architect prior to installation. plant substitutions without prior written approval that do not comply with the drawings and specifications may be rejected by the landscape architect at no cost to the owner. these items may be required to be replaced with plant materials that are in compliance with the drawings.
- all plant materials shall be nursery grown with healthy root systems and full branching, disease and insect free and without defects such as sun scald, abrasions, injuries and disfigurement.
- all plant material shall be installed at the size and quantity specified. the landscape architect is not responsible for sub-standard results caused by reduction in size and/or quantity of plant materials.



1017 SW Morrison, Suite 608  
Astoria, OR 97103  
www.simp.l  
t: 503-841-6315  
c: 503-504-6587

**simp.l**  
a land design workshop

REGISTERED  
349

JEFFREY K. SIMPSON  
OREGON  
03/31/19  
LANDSCAPE ARCHITECT






astoria coop  
23rd street & marine drive  
astoria, oregon 97103

project no.  
VCA0217  
sheet title  
landscape  
plan  
date  
09.05.18  
designed  
trh  
drawn  
trh  
checked  
jks  
rev.  
date  
by  
sheet  
L1.1










plant materials schedule

common name	botanical name	size	spacing	remark
<b>trees</b>				
city spruce zelkova	zelkova serrata "jfs-kv1"	2" cal.	30'-0" o.c.	similar cultivar acceptable, all plants must be the same cultivar.
shore pine	pinus contorta var. contorta	6'-8'	as shown	
incense cedar	calocedrus decurrens	6'-8'	as shown	
honey locust	gleditsia triacanthos	2" cal.	26'-0" o.c.	
little leaf linden	tilia cordata	2" cal.	as shown	
columnar swedish aspen	populus tremula 'erecta'	2" cal.	as shown	
kousa dogwood	cornus kousa	2" cal.	as shown	
vine maple	acer drdnatum	6' hgt. multistem	as shown	
<b>shrubs</b>				
kelsey dogwood	cornus serclea "kelsey"	5 gal.	2'-0" o.c.	
inkberry	ilex glabra 'shamrock'	3 gal.	as shown	
portuguse laurel	prunus lusitanica	5 gal.	4'-0" o.c.	
evergreen huckleberry	vacinium ovatum	5 gal.	as shown	
unique rhododendron	rhododendron 'unique'	5 gal.	2'-6" o.c.	
crimson pygmy barberry	berberis thunbergii	3 gal.	as shown	
<b>vine</b>				
star jasmine	trachelospermum jasminoides	3 gal.	as shown	
american wisteria	wisteria frutescens	3 gal.	as shown	

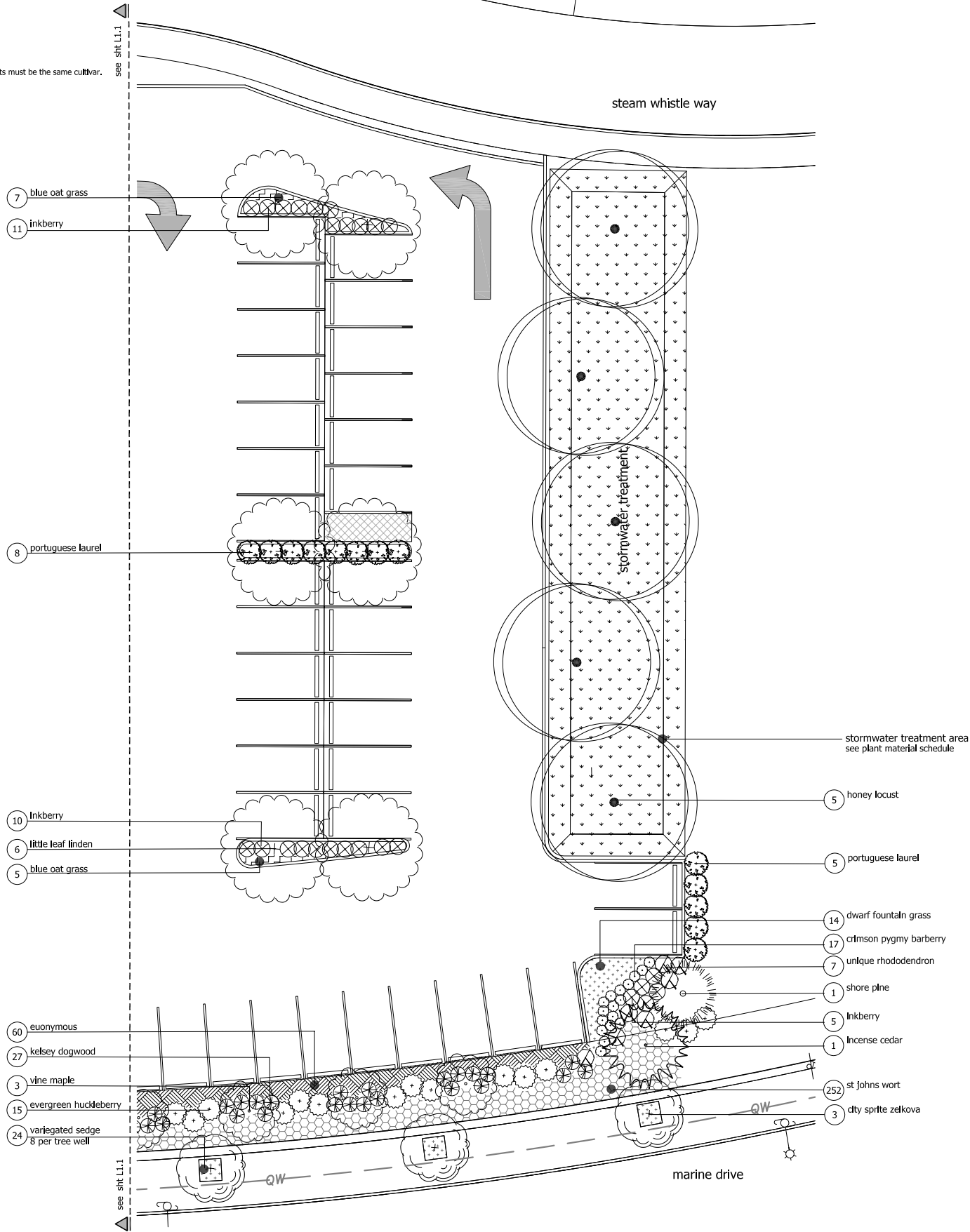
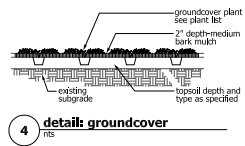
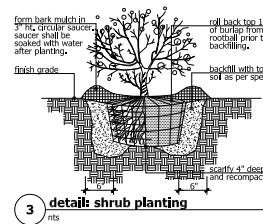
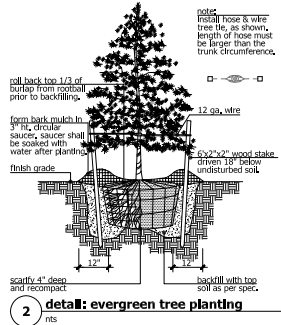
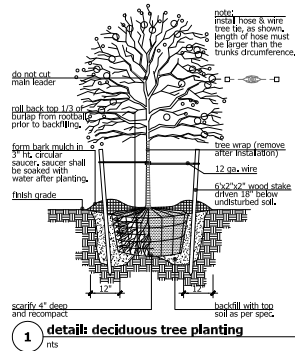
<b>groundcover</b>				
	st. john's wort	hypericum calycinum "aaron's beard"	1 gal.	24" o.c. tri.
	blue oat grass	helictotrichon sempervirens	1 gal.	24" o.c. tri.
	dwarf fountain grass	pennisetum alopecuroides 'hameln'	1 gal.	24" o.c. tri.
	euonymus	euonymus fortunei	1 gal.	24" o.c. tri.
	variegated sedge	carex morrowii 'ice dance'	1 gal.	24" o.c. tri.

stormwater treatment

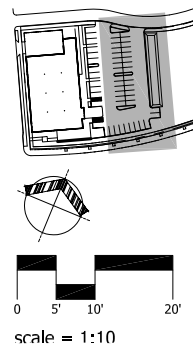
	vegetated swale schedule (3,140 sf approx.)	qty / per 10sf		
	mahonia nervosa	dwarf oregon grape	1 gal.	24" o.c. (group*) triangular spacing
	bay blue rush	juncus effusus 'bay blue'	4" pots	16" o.c. (group*) triangular spacing
	ovate spikled rush	eleocharis ovata	1-1/2" plugs	16" o.c. (group*) triangular spacing
	berkeley sedge	carex tumulicola	1-1/2" plugs	16" o.c. (group*) triangular spacing
	rossi sedge	carex rossi	1-1/2" plugs	16" o.c. (group*) triangular spacing
	elks blue rush	juncus patens	1-1/2" plugs	16" o.c. (group*) triangular spacing

\* "group" can include up to 12 plants. contractors discretion.

note: quantities shown are intended to assist contractor in evaluating their own take-offs and are not guaranteed as accurate representations of required materials, the contractor shall be responsible for his bid quantities as required by the plans and specifications. if there is a discrepancy between the number labeled on the plant tag and the quantity of graphic symbols shown, the graphic symbol quantity shall govern



location



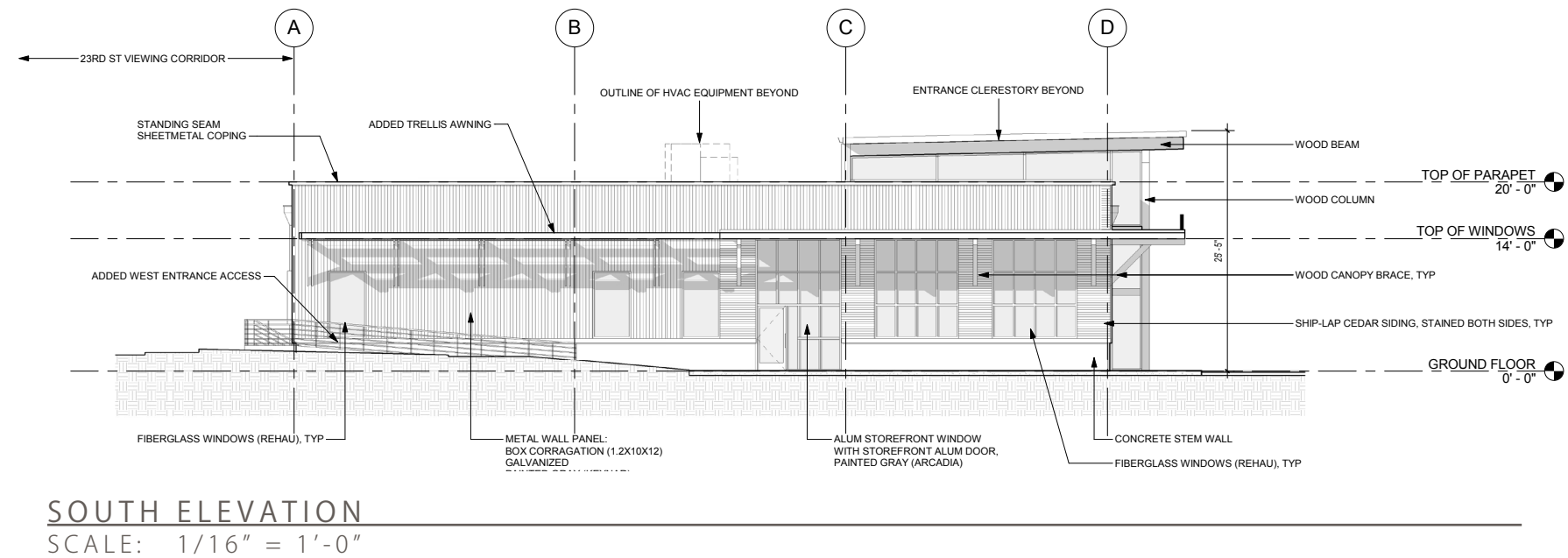
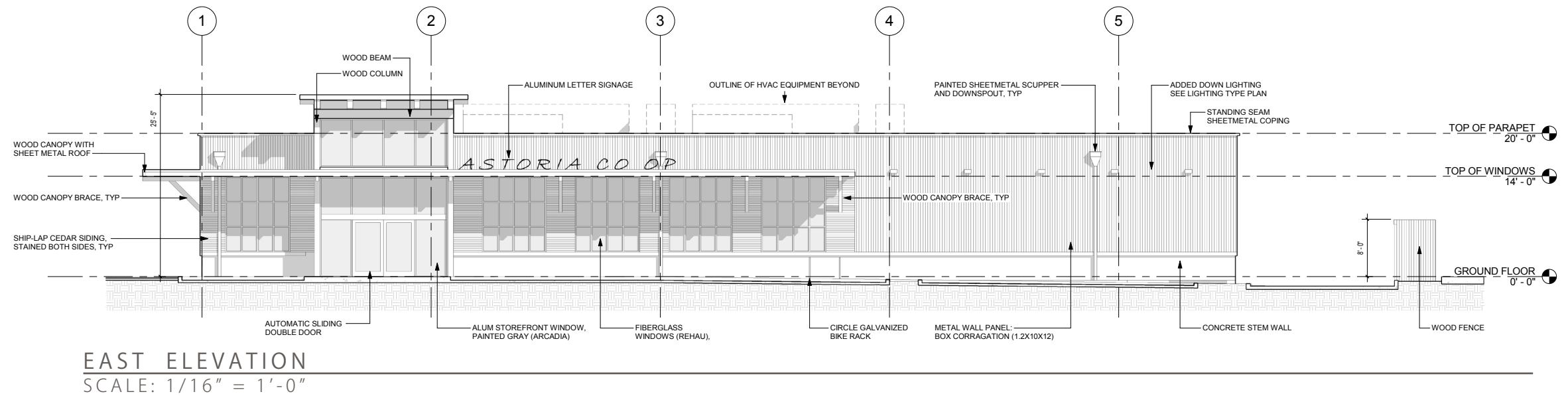
astoria coop  
23rd street & marine drive  
astoria, oregon 97103

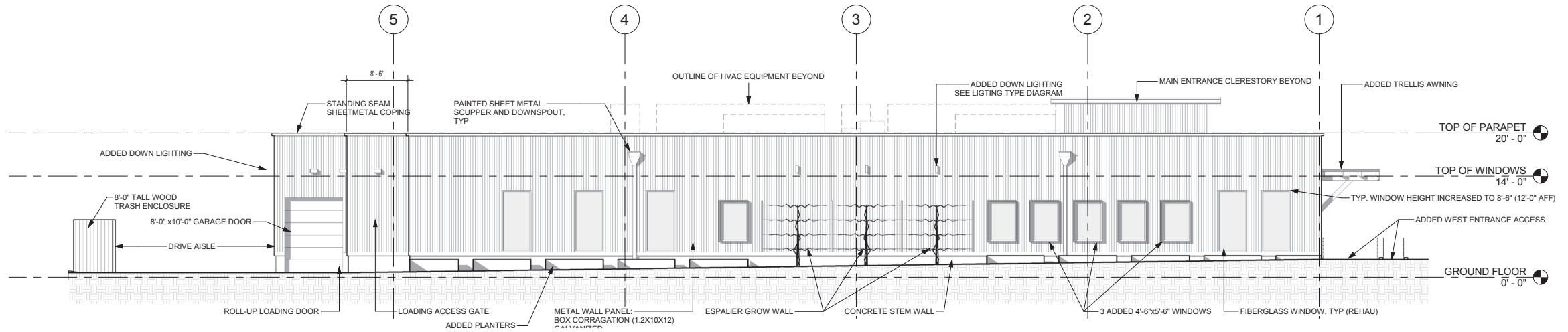
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**simp.l**  
A Land design workshop

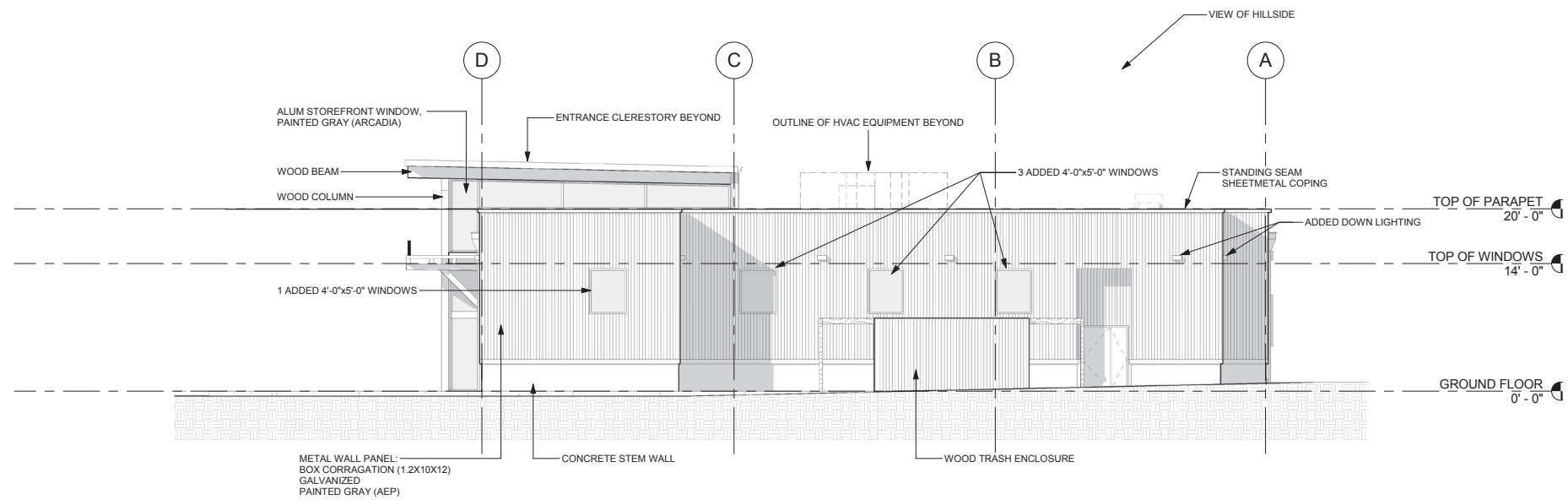
REGISTERED  
349  
JEFFREY K. SIMPSON  
OREGON  
03/31/19  
LANDSCAPE ARCHITECT

project no.		VCA0217	
sheet title			
landscape plan			
date		09.05.18	
designed		_____	
drawn		_____	
checked		_____	
rev.		date	
○	_____	_____	
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sheet		L1.2	

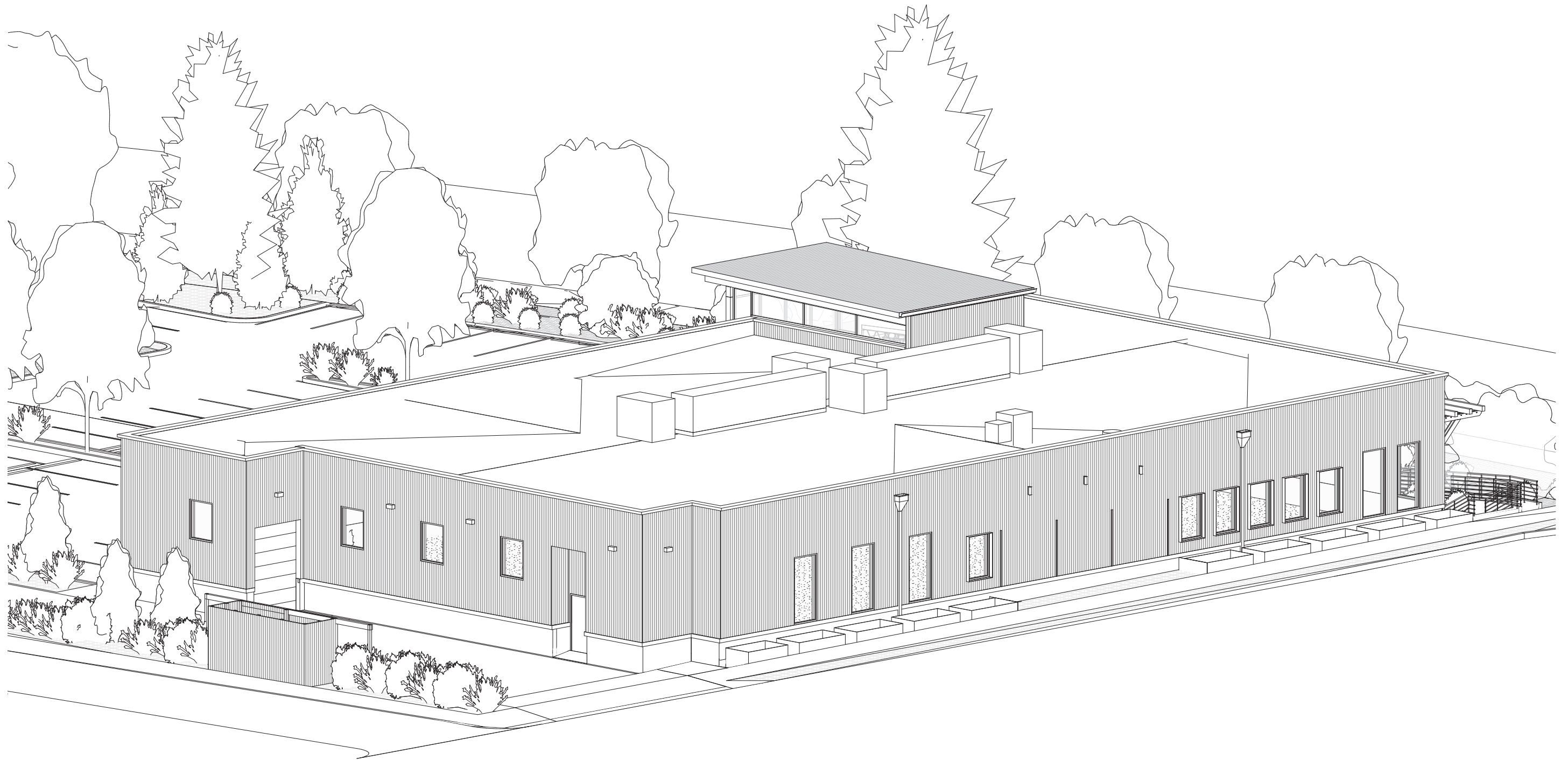




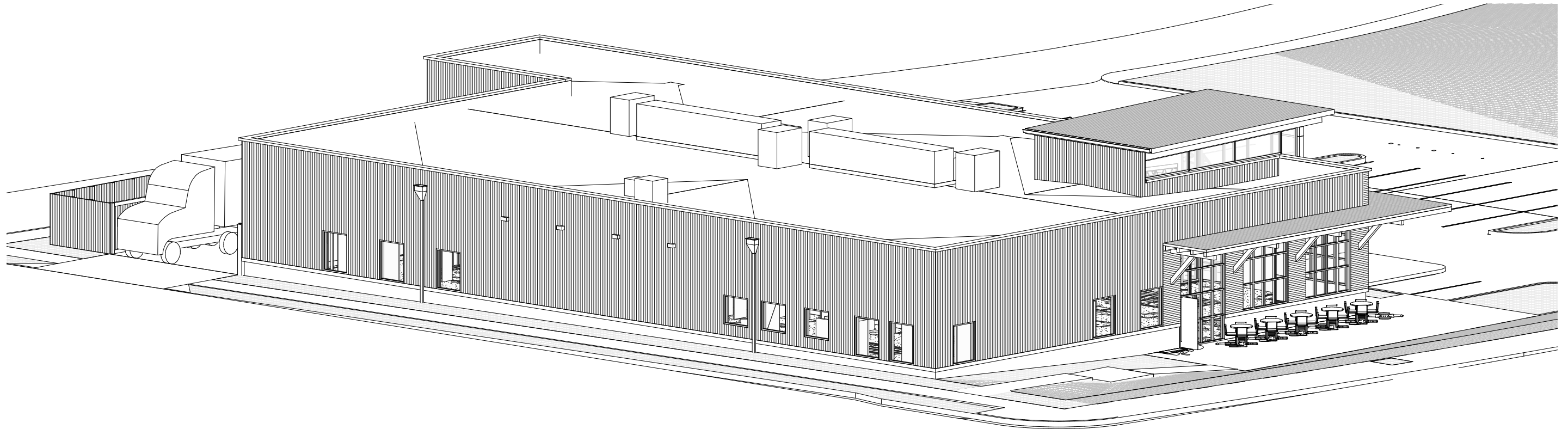
WEST ELEVATION  
SCALE: 1/16" = 1'-0"



NORTH ELEVATION  
SCALE: 1/16" = 1'-0"







ORIGINAL SW CORNER VIEW



REVISED SW CORNER VIEW





WINDOW SURROUND EXAMPLE



PLANTER EXAMPLE



ESPALIER EXAMPLE



WISTERIA TRELLIS EXAMPLE





SW CORNER PERSPECTIVE VIEW