



AGENDA

ASTORIA CITY COUNCIL

December 19, 2016

*****6:00 p.m.*****

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

6:00 P.M. CITY BOARDS AND COMMISSIONS RECEPTION

7:00 P.M. REGULAR SESSION

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) City Council Minutes of 11/21/16
- (b) Boards and Commission Minutes
 - (1) Planning Commission Minutes of 10/25/16
- (c) Authorization to Enter into a Two Year Consulting Agreement with Ellis and Associates (Parks)
- (d) Authorization to Designate Mill Pond and Apply for All Start Grant to Fund New Interpretive Panel (Community Development)
- (e) 33rd Street and Highway 30 Street Lights – Authorization to Approve Intergovernmental Agreement (IGA) Amendment (Public Works)
- (f) Fuel System Replacement Project – Leaking Underground Storage Tank (LUST) Cost Recovery Agreement (Public Works)
- (g) Authorization of Lease Agreement for Riverwalk (Community Development)

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) Public Hearing regarding Appeal of Conditional Use Permit for Marijuana Retail on Abbey Lane (Community Development)
- (b) Trolley Trestle Repair Project 2017 – Contract Amendment #1 (Public Works)

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 JULIE YUILL, CITY MANAGER'S OFFICE, 503-325-5824.



CITY OF ASTORIA

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December 16, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: ASTORIA CITY COUNCIL MEETING OF DECEMBER 19, 2016

6:00 P.M. CITY BOARDS AND COMMISSIONS RECEPTION

7:00 P.M. REGULAR SESSION

CONSENT CALENDAR

Item 5(a): City Council Minutes

The minutes of the City Council Meeting of November 21, 2016 are enclosed for review. Unless there are any corrections, it is recommended that Council approve these minutes.

Item 5(b)(1): Boards and Commissions Minutes

The minutes of the Planning Commission meeting of November 25, 2016 are enclosed. Unless there are any questions or comments regarding the contents of these minutes, they are presented for information only.

Item 5(c): Authorization to Enter into a Two Year Consulting Agreement with Ellis and Associates (Parks)

Since 2008, the City of Astoria has contracted with Ellis and Associates to provide professional aquatic safety and risk management services at the Astoria Aquatic Center. The current contract expires on December 31, 2016 and can be renewed with a two year term from January 1, 2017 – December 31, 2018. Ellis and Associate's Comprehensive Aquatic Risk Management Program provides licensed accountability, vigilance awareness, the unannounced audit program, and satisfaction of the Model Aquatic Health Code module 6.0.1. The Agreement has been reviewed and approved as to form by the City Attorney. It is recommended that Council enter into a two year consulting agreement for professional aquatic safety and risk management services through Ellis and Associates.

Item 5(d): Authorization to Designate Mill Pond and Apply for All Star Grant to Fund New Interpretive Panel (Community Development)

Astoria is one of six cities in Oregon designated as an All Star community by the Oregon Heritage Commission. Astoria is eligible to apply for an All Star Grant. On behalf of the Parks and Recreation Department, the Community Development Department has applied for a \$3,500 grant to fund the fabrication of an interpretative panel at Mill Pond Park. The sign will commemorate the history of the Astoria Plywood Mill, the redevelopment of a brownfield into an award winning urban neighborhood, and the leadership of Art DeMuro as a foremost expert and advocate in historic preservation. The City expects to hear back on the grant award by the end of this calendar year. Parks and Recreation is prepared to install the sign and a ribbon cutting ceremony is also planned to honor Historic Preservation Month in May 2017.

Item 5(e): 33rd Street and Highway 30 Street Lights - Authorization to Approve Intergovernmental Agreement (IGA) Amendment (Public Works)

The area around the intersection of 33rd Street and Highway 30 (Safeway) is in need of illumination enhancements. This intersection currently accommodates State highway traffic, Safeway grocery store access, pedestrian users, and links the area to a well-used bus stop. City staff worked with the Oregon Department of Transportation (ODOT) to secure \$34,512 in grant funding for the street light improvements. Upon completion, the project will provide better illumination in the area with the goal of improving pedestrian and vehicular safety. City Council approved an IGA with ODOT to utilize the funding in September 2015. A design contract for the work was approved by City Council in September 2016. Due to coordination challenges associated with crossing the State Highway with new infrastructure, the City is not able to meet the December 31, 2016 project deadline. Conflicting requirements between ODOT and some of the franchise utilities have been the primary reason for these challenges. City staff coordinated with ODOT to extend the completion date to June 1, 2017. It is recommended that Council approve IGA Amendment #1 with ODOT to extend the grant duration for the planned illumination improvements.

Item 5(f): Fuel System Replacement Project – Leaking Underground Storage Tank (LUST) Cost Recovery Agreement (Public Works)

At their August 1, 2016 City Council meeting, Council approved a contract for the Fuel System Replacement Project. This project provides the most cost effective, sustainable way to continue to provide fuel for the City fleet. The new fuel system includes new above ground fuel storage, associated piping and appurtenances, 2 new fuel pumps, and an updated fuel management system. During decommissioning of the existing underground storage tanks, the Contractor found evidence of contaminated soil. This contaminated material appears to be associated with the distribution piping or valves. The City and Contractor will work with Oregon DEQ to complete the necessary steps for appropriate testing and clean-up of the contamination. The first step in this process is approval of the Leaking Underground Storage Tank (LUST) Cost Recovery Agreement. This agreement is required by Oregon DEQ, and allows them to recover costs from the

City associated with their oversight of the LUST clean-up process. There will also be costs associated with the Contractor's effort to remove and dispose of contaminated material, coordination with DEQ, and follow up testing and reporting. The estimated contractor costs are \$20,000 and DEQ costs \$5,000. It is recommended that Council approve the LUST Cost Recovery Agreement with Oregon DEQ.

Item 5(g): Authorization of Lease Agreement for Riverwalk (Community Development)

In 1994, Englund Marine Supply granted a lease to the City to allow public access on their property for the creation of the Riverwalk. Newport Pacific Corp, dba Mo's Chowder, recently acquired the property and received approval in August 2016 to operate a restaurant and chowder production facility. Mo's has agreed to continue the lease arrangement. The lease does not expire but does have a 60 day notice to terminate the lease. The City Attorney has reviewed and approved as to form. It is recommended that Council authorize the Lease Agreement with Newport Pacific.

REGULAR AGENDA ITEMS

Item 6(a): Appeal (AP16-01) by Heather Hansen of Conditional Use Permit (CU16-10) at 3930 Abbey Lane Building A Unit 104 (Community Development)

On September 22, 2016, Daryl Bell applied for a Conditional Use permit (CU16-10) to the Astoria Planning Commission (APC) to locate a medical-recreational marijuana dispensary as a retail sales establishment at 3930 Abbey Lane in Building A Unit 104, zoned S-2A. "Tourist-Oriented Retail Sales" is an outright permitted use in the S-2A zone. A "Retail Sales Establishment" requires a conditional use permit in the S-2A zone. A Notice of Appeal on the APC decision was submitted by Heather Hansen on November 11, 2016. The Notice of Appeal which details the appellant's concerns can be found on Page 1 of the appeal packet. A complete record of the request has been compiled and itemized and is attached. It is recommended that the City Council hold the public hearing on the appeal and consider whether to uphold, reverse, or remand the Astoria Planning Commission decision for CU16-10.

Item 6(b): 2017 Trolley Trestle Repair Project – Contract Amendment #1 (Public Works)

At their October 17, 2016 meeting, the City Council approved a design services contract with OBEC Consulting Engineers, Inc., to assist the City with completion of critical trestle maintenance work. During the design process it became apparent that maintenance work will need to be postponed until early April. To allow the Trolley to safely operate during March, a supplemental inspection is needed to verify the condition of the critical portions of the trestles. OBEC provided an estimate for this work for a total not-to-exceed cost of \$12,665. The Riverfront Trolley Association has agreed to split the cost of the supplemental inspection in the amount of \$6,332.50. The additional inspection work does not guarantee Trolley operation but will assist staff in determining whether safe operation can be permitted. We anticipate being able to permit operation with only minor temporary repairs ahead of the larger maintenance project. Funding is

available for Contract Amendment #1 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. We anticipate bringing the supplemental budget for Council consideration in March 2017 with the construction contract anticipated in April 2017. It is recommended that Council approve Contract Amendment #1 for additional inspection services for the 2017 Trolley Trestle Repair Project.

A regular meeting of the Astoria Common Council was held at the above place at the hour of 7:00 pm.

Councilors Present: Warr, Price, Mayor LaMear, Ward 2 vacant.

Councilors Excused: Nemlowill

Staff Present: City Manager Estes, Community Development Director Cronin, Parks and Recreation Director Cosby, Finance Director Brooks, Fire Chief Ames, Police Chief Johnston, Library Director Pearson, City Engineer Harrington, City Support Engineer Moore, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

Staff Excused: Public Works Director Cook

REPORTS OF COUNCILORS

Item 3(a): Councilor Warr reported that Warrenton City Council recently approved a pay raise for Council members.

Item 3(b): Councilor Price said she was grateful to the current administration for standing up for the rights of all people.

Item 3(c): Mayor LaMear reported the Parks Department had recently won several awards.

Director Cosby said Parks staff and former Parks Planner Ian Sisson have received awards for their work on the Parks and Recreation Master Plan. The Oregon Chapter of the American Planning Association awarded Astoria with their Public Involvement and Participation Award after being nominated by Director Cronin. The Oregon Chapter of the Parks and Recreation Association also awarded Astoria with their Planning Award.

Councilor Price thanked staff for their work on the Master Plan, adding the awards and recognition were well deserved.

CHANGES TO AGENDA

City Manager Estes requested the addition of Item 6(f): The Rudy Bruner Award. City Council approved the agenda with the change.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 5(a) City Council Special Meeting Minutes of 11/9/16
- 5(b) Waiver of Fees for Holiday Downtown Parking
- 5(c) Intergovernmental Agreement (IGA) for Marijuana Tax Collection and Distribution with Oregon Department of Revenue (Finance)

City Council Action: Motion made by Councilor Warr, seconded by Councilor Price, to approve the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, and Mayor LaMear; Nays: None.

REGULAR AGENDA ITEMS

Item 6(a): An Ordinance Making Certain Determinations and Findings Related to and Approving the First Amendment to the Astor West Urban Renewal Plan (2nd Reading & Adoption) (Community Development)

The Astoria City Council held a hearing and first reading of this ordinance on November 7, 2016 to gain input regarding the Council's consideration and potential adoption of the proposed Astor West Urban Renewal Plan First Amendment (the Amendment). The Amendment is designed for the Astor West Urban Renewal Area (Area), an area of 217.55 acres. The reason for urban renewal is to provide a financing mechanism to fund improvements including transportation, storefront grants, and redevelopment and housing assistance.

The proposed amendment to the Plan would expand the Area to include right-of-way as well as City-owned land to widen Bond Street and permit the use of urban renewal funds for the new projects to be added in the Plan as identified in Table 11 of the "Report Accompanying the First Amendment". In addition to the street aspect, there are underinvested residential properties that potentially need assistance (i.e., grants/loans/technical assistance) to renovate and preserve as affordable housing, which is another Fiscal Year 2015-16 Council Goal. Staff has met with the Community Action Team about a targeted pilot program that would assist qualified property owners to renovate multi-family buildings while still meeting Development Code design requirements. A potential housing program will be brought to the Astoria Development Commission for review at a future date. The proposed Amendment requires an ordinance to implement the changes. It is recommended that the City Council hold the second reading of the ordinance and adopt the First Amendment to the Astor West Urban Renewal Plan.

City Council Action: Motion made by Councilor Price, seconded by Councilor Warr, to hold the second reading of the ordinance making certain determinations and findings related to the First Amendment to the Astor West Urban Renewal Plan. Motion carried unanimously. Ayes: Councilors Price, Warr, and Mayor LaMear; Nays: None.

Director Cronin conducted the second reading of the ordinance.

City Council Action: Motion made by Councilor Price, seconded by Councilor Warr, to adopt the First Amendment to the Astor West Urban Renewal Plan. Motion carried unanimously. Ayes: Councilors Price, Warr, and Mayor LaMear; Nays: None.

Item 6(b): Scandinavian Immigrant Monument – Further Direction Needed (Parks)

At its August 15, 2016 meeting, the City Council gave direction to establish an agreement that meets the needs of the Astoria Scandinavian Heritage Association (ASHA) and the Parks and Recreation Department to construct and maintain a Scandinavian Immigrant Monument at People Place Park. Since Council provided this direction, Parks Director Cosby has been working with Loran Mathews, ASHA President, to come to a mutually agreeable maintenance plan; however, this has been unattainable. Included in Director Cosby's agenda memo are the sequences of meetings and discussions that have occurred during 2016 regarding the development, construction, and maintenance of the proposed monument. It is recommended that Council provide direction regarding the Scandinavian Immigrant Memorial Monument at People Place Park and their intent for maintenance responsibilities.

City Manager Estes said the annual maintenance costs would be minimal with the low maintenance design proposed by ASHA; however, the requirements of the Parks Department would exceed current resources. Staff has prepared an analysis of the funds needed to sustain current levels of service and options for cuts to services should additional funds not be secured for the department. If City Council directs staff to maintain the monument, this will be factored into the analysis. The ASHA's proposal, included in the agenda packet, would provide some maintenance; however, additional costs would still be incurred by the City. Before City Council can approve the project, staff and ASHA still need to discuss who would manage construction of the monument, whether the State would require prevailing wages to be paid, and whether the project would need to be bid publicly.

Councilor Price stated corporate sponsorship opportunities for the maintenance of the monument were available. She agreed this park should have a very long-term maintenance agreement and the City should comply with the Parks Master Plan. Getting the Parks Department in line with budget resources will require some tough decisions to be made. She recommended this discussion be delayed until she and others had the chance to talk with the ASHA about the maintenance issues. Mayor LaMear and Councilor Warr agreed.

Loran Mathews, ASHA President, said the Association proposed to maintain the park for three years. He had assumed ASHA would be responsible for the costs, but ASHA has not proposed to raise the funds. Fundraising

is a ways off because the Association is still working on an agreement with the City. He was reluctant to move forward on this project until the Association has an agreement allowing the monument to be built on the proposed site. ASHA will need to raise funds before hiring an architect to develop a cost estimate. Several people have indicated they were willing to donate money, which he believed would provide enough funds to hire an architect. The Association has not yet considered corporate sponsorships, but were concerned about signing a long-term agreement because forever is a long time. He wanted to learn more about the City's agreement regarding Maritime Memorial Park. He asked what would happen if a long-term agreement was signed and 10 years later, ASHA was defunct. He was unsure what the City was looking for in an agreement.

Director Cosby explained the City's agreements with community groups vary greatly. Based on the Master Plan and feedback from the Parks Board, staff would propose this agreement be for more than ten years. People Place Park was maintained by community groups for about 25 years before the City became responsible. Staff is now trying to plan for a similar situation in the future.

Mr. Mathews said the Association had considered the 16th Street Park because the Rotary had indicated they would be removing the platform. The ASHA believed the monument would enhance the park and provide an economic benefit in the end by attracting more Scandinavians to the area. He understood the monument would need to be maintained and the Association is open to doing the work; however, they need some direction on what the City is looking for. He believed there was a misunderstanding between the Parks Department and City Council about ASHA's proposal. The Association can provide maintenance, but he was unsure for how long.

Mayor LaMear asked for the details of the ASHA's proposed maintenance plan.

Mr. Mathews said he believed ASHA has offered to do any necessary power washing and participate in Chip-In events for three years. They have not proposed to any grounds maintenance because that is already the City's responsibility. The monument would reduce the amount of grass at the park. The ASHA wants the entire monument to be located within the perimeter of the park.

Councilor Price said she could not support a three-year plan of that magnitude. She believed a corporate sponsorship, like the Holiday Inn Express's sponsorship of the Maritime Memorial, was possible.

Councilor Warr said the last time City Council discussed this agreement, he was concerned about the estimated maintenance costs. The proposed design will replace much of the grass with a hard surface, which should reduce maintenance. He asked why staff believed the monument would incur substantial additional costs. City Manager Estes explained staff anticipated an increase in the amount of garbage as more people would be visiting the park. Also, more trimming would need to be done with weed eaters, which costs more than mowing larger areas with mowers. Director Cosby said she had originally anticipated lower maintenance costs; however, the more concrete borders there are, the more weed eating necessary. Maintenance staff estimates they would be reducing mowing time by 10 minutes, but weed eating takes more time. Additionally, the hard surface would need to be blown off after weed eating. Staff anticipates that with the monument, the park would receive just as much traffic and garbage as the Riverwalk.

Councilor Warr said the park is already used by many people and he believed a monument would result in less garbage, not more. He did not believe the City should be supporting this issue. City Manager Estes noted that the Parks budget is minimal. Councilor Warr believed the people currently using the park would not continue to use the park after the monument was built. He agreed trimming would increase, but believed garbage would decrease. The City is splitting hairs, but he realized City Council would need to make some tough decisions about the Parks Department. City Manager Estes said staff and ASHA would like direction from Council about how to move forward. He asked what Council expected in an agreement between the City and ASHA and noted staff was willing to speak with others about possible corporate sponsorships.

Mr. Mathews said it would be beneficial to try to find a corporate sponsor, but it would delay the project. The ASHA is anxious to move forward. He believed Council was divided about how to move forward.

Mayor LaMear said when she first heard about this project, she was very excited. It is time for Astoria to have a Scandinavian immigrant monument; however, the City now has the Parks Master Plan, which took a lot of time and cost a lot of money. The Plan indicates that the City really needs to watch what is approved because maintenance costs are so high. She believed Councilor Price's idea was good and she offered to help move the

project forward. She and Councilor Price agreed to start scheduling corporate meetings immediately so that an agreement could be approved by the next City Council meeting.

Judi Lampi, 605 Alt. Highway 101, Warrenton, said she was a member of ASHA. She congratulated the Parks Department on their awards adding that master planning and visioning is very important. She thanked Councilor Price for offering to help find corporate sponsorships, which she believed was a great idea. She believed the park would result in great net gains for the city and a positive economic impact. A beautiful park in that location would be a great addition to the city and an improvement to an underutilized park. The location could be a magnet for economic development, which would raise the tax base. Community awareness and pride would increase, and the civic livability of the city would be enhanced. The park would be a place for families to gather and provide an urban plaza for people to enjoy. She would love to see families picnicking and viewing the river at that park. The space does not currently provide those opportunities. The park could also provide education to children, tourists, and the public. She asked City Council to look at the big picture and consider what this project could do for the city in the future.

Mayor LaMear thanked Mr. Mathews for all the work he had done on this project. She appreciated all of the ASHA members who attended. City Council wants to make this project happen, but they have to be fiscally responsible and would figure out a way to do both.

City Manager Estes confirmed staff had the direction they needed to move forward.

Item 6(c): Waterfront Bridges Replacement Project (6th – 11th Streets) Design Update (Public Works)

The Waterfront Bridges Replacement Project is currently in the design phase and the project team has developed alternatives for the visual design elements of the bridges. Due to the relatively small area of each bridge and the mandated restrictions, there are really only two components of the structure that can be modified; lighting and pedestals. Sketches of the two alternatives are included with the Council packet. It is recommended that Council approve submitting two options to ODOT and proceeding with final design of the ODOT-approved option.

City Support Engineer Cindy Moore displayed the images contained in the agenda packet and described the recommended lighting and materials. Staff preferred to use basalt instead of board formed concrete, but ODOT had some reservations about the basalt. Staff planned to present ODOT with information justifying the use of basalt, but they wanted Council's permission to present both options so a final plan could be developed.

Mayor LaMear said she could not tell the difference between the two options and encouraged staff to get their preferred option approved by ODOT.

Councilor Price stated this project would be a big change for the riverfront. She was concerned that no architect had been involved in creating the designs. City Manager Estes clarified that a landscape architect developed the conceptual designs included in the agenda packet. Staff used the same landscape architect that developed the Wayfinding Master Plan, so that the designs would be consistent with the Plan. He noted that the two options being presented were much less adventurous than the design staff originally presented ODOT, which was denied.

Councilor Price asked if ODOT had that much say about a city's character. City Manager Estes replied yes, when they are funding the project. He confirmed the City was paying for 10 percent of the project.

Councilor Price asked if the new European style crosswalk at 10th Street was necessary. Engineer Moore explained the City had to balance ADA requirements with historic requirements. ODOT wanted more striping and delineation because the crosswalk marks the transition from a roadway to an area with a trolley and many different conditions. ODOT will require that crosswalk. City Manager Estes added that ODOT also wanted yellow truncated domes throughout the entire area for ADA accessibility; however, the domes would not satisfy the historic requirements. The design being proposed is ODOT's negotiated compromise.

Councilor Price asked what the railings would be made of. Engineer Moore said they would be steel because staff must design for a 75-year lifespan. Councilor Price said it was interesting that staff had difficulty getting basalt approved, because it introduces a new element when the area is surrounded by rock, but, ODOT can

introduce steel, which is not found at all in that area. She asked if staff could do anything about that. Engineer Moore said they must design for 75-year lifespan and staff is trying to make the steel blend in with the wood by using a brown powder-coated steel and a similar configuration.

Councilor Price believed it was sad that Astoria's waterfront would look new with white and steel. Engineer Moore said staff has talked to ODOT about the concrete deck. Staff planned to color the concrete a dark grey to tone down the bright white of brand new concrete; however, the concrete will darken with time as it ages.

Mayor LaMear confirmed the steel would not be shiny. Engineer Moore added that once these design concepts are officially presented to ODOT, staff would get written feedback and commitments about what ODOT would allow.

Mayor LaMear called for public comments.

Doug Thompson, 342 14th Street, #602, Astoria, said the agenda packets were made available last Thursday, which was unfortunate because people only had four days to review the information. The Lower Columbia Preservation Society (LCPS) has not been able to discuss this project in such a short amount of time. He was troubled by the process. He understood the project was necessary, that it needed to be engineered, that staff only wanted to do the work once, and that staff wanted to use very durable materials. ODOT and the federal government will insist on durable materials. He attended the open house in March, which was the public's first opportunity to see the designs. He had indicated to ODOT's design consultants that many engineers were involved, but no architect or designer. He was told that a land use planner was on staff and that the engineers were working on the design phase of the project; however, no professional designer, landscape architect, or an architect was on the team at that time. He told staff that engineers design the structural components of a project, but they are not architects or landscape architects. He was thankful that staff hired a landscape architect, but no real public design session has taken place. He was most troubled with the minimal amount of public participation in this project. This is Astoria's historic riverfront, which is part of the Downtown National Registered Historic District, and the public needs to be involved. The City will get the best designs from public participation and input. The Smith Point roundabout, which has been very successful, was built in spite of ODOT, not because of ODOT. ODOT funded and built the roundabout after ODOT's project managers and engineers listened to the community and City Council. Good design takes time and public participation. These six bridges deserve the best public participation process.

Engineer Moore said the project is currently on schedule for construction to begin in the fall of 2017. Odd numbered streets would be constructed first during the in-water work period from October to March. In the fall of 2018, the even numbered streets would be constructed. This timeline will balance the needs of the businesses in the area and minimize disruption. Staff can allow for some public participation without disrupting the timeline, but the schedule is already pretty tight. While these designs are not critical to the structure, they are critical to the review process, which take a long time. Therefore, it is important that staff move the process forward as quickly as possible.

Councilor Price believed Council would not want to jeopardize the construction schedule. She asked if there was time for one more public meeting. Engineer Moore said if staff was directed to hold a public meeting, they would schedule a meeting as soon as possible. Staff would need time to notify the public in advance and work around the holidays. Staff confirmed that the public has had the opportunity to participate in this project at an open house and at every City Council and Historic Landmarks Commission (HLC) meeting that involved discussions about the design of the structures. There have also been multiple stakeholder meetings with residents, businesses, and property owners adjacent to the project area. Engineer Moore noted that the HLC had not yet seen the images in the agenda packet.

City Engineer Harrington agreed that ODOT was a complex entity to deal with and the process is very involved. He was concerned because the City has a very limited staff navigating an extremely difficult project. The City just spent \$185,000 on maintenance of the six structures. These structures will be demolished and he would hate to see that much in taxpayer dollars be wasted. All of money has been spent on temporary work at the lowest potential cost. When next year's structural reports are published, they could include more recommendations. Therefore, getting behind on this schedule would cost the taxpayers more money. The City has this great opportunity to use grant funds for 90 percent of the project and he did not want that to be taken for granted. He agreed it was critical to do the right thing. Staff wants to look back on this project and know they did the right thing for the community. He recommended that staff and the public take advantage of upcoming public meetings

that are already included in the project timeline. Staff cannot anticipate ODOT's response to these designs and they might say no to both. The City wants to make the area look like it once did, but wood is not allowed, nor is it feasible. The steel railing is required for vehicular loads and the crosswalk is required for pedestrian safety. Staff is trying to balance all of the state and federal requirements and keep the project moving forward, while dealing with the aesthetic and structural components, keeping costs down, and finding funding. He agreed staff could have taken more public input on the aesthetics, noting many cities and counties built these bridges with no input whatsoever. Staff took a lot of pride in the Riverwalk and he wants to do the right thing, and if having another public meeting and more public input would accomplish that, staff supports that 100 percent; however, everyone needs to understand staff's limitations. Were people willing to battle with ODOT's internal reviewers? If so, the City could lose the project. He clarified staff wanted Council's feedback on moving forward with the scenarios, and that public input needs to be taken parallel to the project timeline. The City may have some feedback from ODOT in time for the public meeting, which would likely be held after the holidays. Once the City received ODOT's response, designers would have time to adjust the design and incorporate changes before going to bid.

City Manager Estes asked if changes could be made later, even if City Council took action now. Engineer Harrington explained that staff would have problems introducing a new concept if the public preferred a design that was completely different or was not appealing to ODOT's historic review staff; however, he believed the public and ODOT wanted the same thing, structures that look like the originals. But, the City must also incorporate the required improvements. The public process has created the Wayfinding Master Plan and staff is trying to remain consistent with the plan. The existing street signs are not in line with the historic waterfront, so the recommended pedestals would provide wayfinding information to visitors in a more historically appropriate manner.

Mayor LaMear asked if the brown powder-coated steel could be presented to the public at future meetings. Engineer Harrington explained staff considered corten steel, but it rusts. Staff will make the powder-coated steel look as rustic as ODOT allows, but they still have to meet the requirements for vehicular and structural loads.

Mayor LaMear noted City Council was just voting to send the two design options to ODOT, not approving one of the designs.

Councilor Price added that Council needed to vote now, rather than waiting until after a public meeting. City Manager Estes explained that ODOT only responds to official submittals, so staff will not receive ODOT's official response until these designs have been submitted officially.

Councilor Price said she wanted to find out if the public was more interested in this project now than they have been in the past. She also wanted the public to have final input on the project before City Council moves forward. She could tell that all of the public input submitted so far had been incorporated and she thanked Engineers Moore and Harrington for being so willing to take input throughout the process. She preferred the basalt pedestal.

Engineer Harrington asked if Councilor Price believed the public wanted a design that was toned down from staff's designs. Councilor Price confirmed she would be looking for less. She wanted to see samples of the materials proposed for this project and materials used in existing wayfinding projects. Astoria is being inundated with changes to the City, which was difficult for her. She hoped that the approved design would fit in even if it included very different materials, like the new ferry at the Coast Guard dock.

Engineer Harrington noted the existing timber pier would be tied into the concrete structure. If the goal of the public process is to develop a design more in line with the existing character, he believed it was safe for staff to proceed with their proposed scenario because ODOT would love any design that minimizes impacts; however, staff cannot get around the ADA requirements and had already compromised after negotiating with ODOT.

City Council Action: Motion made by Councilor Warr seconded by Councilor Price to authorize staff to submit two design options to ODOT for the Waterfront Bridges Replacement Project and proceed with the option approved by ODOT. Motion carried unanimously. Ayes: Councilors Price, Warr, and Mayor LaMear; Nays: None.

City Manager Estes confirmed staff would schedule a public meeting to take more input from stakeholders and the entire community.

Item 6(d): Liquor License Application by Amanda Cordero, dba Northwest Wild Products, Located at 354 Industry Street, for a Greater Privilege for a Limited On-Premises Sales License (Finance)

A Liquor License Application has been filed by Amanda Cordero, doing business as Northwest Wild Products, located at 345 Industry Street, Astoria. The application is for a Greater Privilege for a Limited On-Premises Sales License. The appropriate departments have reviewed the application. A report provided by the Police Department, which conveys information gathered during the investigation, is attached to the application for reference. No objections to approval were noted. It is recommended that Council consider approval of the application.

Mayor LaMear confirmed there were no public comments.

City Council Action: Motion made by Councilor Price, seconded by Councilor Warr to approve the liquor license application by Amanda Cordero for a Greater Privilege for a Limited On-Premises Sales License. Motion carried unanimously. Ayes: Councilors Price, Warr, and Mayor LaMear; Nays: None.

Item 6(e): Change First and Second City Council Meeting Dates in January 2017 and Second City Council Meeting Date in February 2017 (City Council)

Astoria City Hall will be closed on Monday, January 2, 2017 for New Year's Day, Monday January 16, 2017 for Martin Luther King, Jr., Day, and Monday, February 20, 2017 for Presidents' Day; therefore, the first and second Council meeting dates in January and the second meeting date in February will need to be changed. In years prior, it has been the tradition to hold City Council meeting on the following day. It is recommended that Council set alternate meeting dates for the holidays noted above.

City Council Action: Motion made by Councilor Price, seconded by Councilor Warr, to reschedule both January City Council meetings and the second February City Council meeting dates from the first and third Mondays to the first and third Tuesdays. Motion carried unanimously. Ayes: Councilors Price, Warr, and Mayor LaMear; Nays: None.

Item 6(f): The Rudy Bruner Award

This item was added to the agenda during Item 4: Changes to the Agenda.

City Manager Estes said in 2014, Suen Ho, who was the architect of the Garden of Surging Waves, submitted an application nominating the garden for the Rudy Bruner Award for urban design. The City and co-applicant Ms. Ho were not selected for the award at that time. Ms. Ho would like to submit another application. The award recipient receives up to \$50,000 to be used in the community. Ms. Ho has suggested that the Clatsop County Historical Society (CCHS) receive some of the proceeds if Astoria and Ms. Ho win the award. Additionally she has recommended that funds be used to update online materials, to update the Garden's website, and develop educational materials that could be downloaded by teachers and others. He confirmed that Ms. Ho did not expect the Parks Department to take on this work. He noted he was on the board of the CCHS and quotes for the online materials were submitted by his ex-wife; however, he did not participate in any part of this project. He asked City Council to concur with the recommended use of award proceeds and that the City be listed as co-applicant for the award nomination.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Price to approve the application for the Rudy Bruner Award with Suenn Ho and the City of Astoria being listed as co-applicants, and if awarded, the disbursement and use of award proceeds as recommended by Suenn Ho. Motion carried unanimously. Ayes: Councilors Price, Warr, and Mayor LaMear; Nays: None.

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

There was none.

City Council recessed into Executive Session at 8:17 pm.

EXECUTIVE SESSION

Item 8(a): ORS192.660(2)(i) – Performance Evaluations of Public Officers and Employees

The City Council will meet in executive session to discuss a performance evaluation.

The regular session reconvened at 10:01 pm.

Mayor LaMear said City Council recommended that City Manager Estes attend an executive leadership program to be mutually agreed upon by City Manager Estes and City Council. Council also recommended a salary adjustment for City Manager Estes of 2.5 percent this fiscal year, retroactive to the anniversary of the date of his hiring.

City Manager Estes thanked Council and said he appreciated working with this administration. He would miss Councilor Warr, but also looked forward to working with new Councilors in the future.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:22.

ATTEST:

APPROVED:

Finance Director

City Manager

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.

Rachel Jensen, President of the Lower Columbia Preservation Society (LCPS), 389 12th Street, Astoria, said she was in favor of ADUs in general. The LCPS Board will submit written comments to Staff after this meeting. Astoria's residential neighborhoods have repeatedly responded to historic fluctuations in Astoria's housing demands. After the fire of 1922, many large homes were converted to apartments to help house people who had lost their homes and apartments downtown. When demand for housing increased again during World War II, the same residential neighborhoods remodeled older homes into apartments. Some of these remain multi-family dwellings and others have been converted to single-family homes. There is a way to provide more housing options in Astoria during this current surge in demand by allowing permitted ADUs in single-family homes, but the City needs to approach this in a way that does not undermine the spirit of the Comprehensive Plan or the Historic Preservation Ordinance, and does not negatively affect the character and livability of the historic neighborhoods. The LCPS Board has discussed this amendment in depth and recommended the following:

- Only one ADU per lot in all zones.
- Allow internal conversions that create a single ADU inside the current envelope of a single-family home in all zones, as long as criteria for parking and owner occupancy are met.
- Allow new attached and detached ADUs that extend beyond the existing envelope in all zones, subject to substantial design review. This design review should be in addition to any review done by the Historic Landmarks Commission (HLC). This issue was debated the most by LCPS.
 - It was stated at the work session that the only area of town not subject to design review standards was the south slope area. LCPS believes that statement is substantially misleading because large areas of Astoria have not been inventoried. Additionally, there are properties within historic districts that are not currently subject to reviews by the HLC. LCPS believes the current inventories of historic properties are inadequate to prevent incompatible infill on or near historic resources throughout the city. LCPS urges the City to continue their goal to survey the remaining neighborhoods as soon as possible.
- Restrict the siting of ADUs, requiring them to be placed in the rear or interior side yards and not adjacent to public rights-of-way.
- LCPS supports the recent prohibition of ADUs as home stay lodgings, but believes the ordinance was inadequately written. The current ordinance only prohibits the ADU from being used as a home stay and the LCPS believes the main dwelling should also be prohibited from being used as home stay. This will prevent a property owner from living in the ADU while renting out the main dwelling.
 - LCPS is also concerned about the specified date of creation. Currently, the Code states home stays are not allowed in ADUs created after January 1, 2017. The City has a backlog of ADUs that were never permitted and those ADUs could be used as home stays because they were built prior to January 1, 2017.
 - LCPS believes the design and building standards for tiny homes are ambiguous and requests that the definition of tiny homes and references to tiny homes be removed from the proposed amendments. LCPS commends the Commission and City Staff for making changes to the proposal throughout the process in response to public comments. She thanked the Commission for considering the LCPS's concerns. LCPS requested that the Commission ask Staff to make further changes based on their most recent recommendations before forwarding the amendments to City Council.

Nichole Williams, Chief Executive Officer, Clatsop Health District, 646 16th Street, Astoria, said lack of housing in Astoria has impacted Clatsop Health District's business. She explained that the district is a taxing district that serves about 160 residents primarily in Astoria and Warrenton and operates Clatsop Care Center, Clatsop Retirement Village, and Clatsop Care Memory Community. The District also provides in-home care services to about 50 people throughout Astoria, Warrenton, and the rural areas of the county. The District employs about 160 full time equivalent (FTE) positions, but has had issues keeping their facilities staffed. Lack of housing in the area has contributed to staffing issues. Caregiver positions make up the majority of the district's workforce and receive lower wages than other positions. The district recruits, hires, and trains for the caregiver positions only to have the new employees withdraw because they are unable to find permanent rental housing in the Astoria area. The district has also lost staff due to increases in rental rates. They recently hired a manager at \$58,000 per year and it took her over three weeks to find a permanent place to live. The manager would not have found a place if Ms. Williams had not assisted in her search for housing. The district began using a new food service management company last year. However, the contract had to be delayed by three months because the company was unable to find residences for the managers they would be relocating into the area. The district appreciated the City and Commission for taking on this issue. The district is trying to provide services to the community and serve vulnerable populations in the county.

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

neighborhoods and ensure that the consequences of the changes do not cause neighborhoods to deteriorate. Changes are being proposed without considering neighborhood livability or character and do not meet the requirements outlined in the Comprehensive Plan. She read on the City's website that it is the Commission's job to maintain the Comprehensive Plan. CP.051 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 CP.015. 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 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 in neighborhoods." She did not think anyone believed the Findings of Fact that state the income generated by ADUs would be used by property owners to restore and maintain historic homes. The proposed changes for detached ADUs, tiny, and stick built houses would have extreme detrimental effects on the livability and historic character of the neighborhoods. Changes would not be noticeable after one year, but after several years, the changes would be very noticeable. New owners will not always support, understand, or care about historic character. Over time, detached ADUs will deteriorate, become unsightly, and neighboring house values would be negatively affected. Tiny and stick built houses would not fit current design review guidelines because their proportion, scale, and size are not compatible. The 2015 Affordable Housing Study offers nine other excellent options for additional housing. However, the options are challenging and would not be completed quickly. One recommendation was to implement an ad hoc housing task force immediately to identify locations for affordable housing, recommend 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 and historic character of neighborhoods. It is not right or fair to those who have significantly invested in their homes. The changes do not meet the criteria stated in the Comprehensive Plan. She supported all of the recommendations made by LCPS except detached ADUs. She urged the Commission to refrain from acting on the proposed changes and instead, develop the ad hoc housing taskforce to include LCPS board members and others who own and live in historic homes. She urged the Commission to do this right so the City provides affordable housing and protects its historic homes and neighborhoods.

Judy Ronis, 475 Harrison, Astoria, said she moved to San Diego in 1970 to continue her college education. She fell in love with the little neighborhoods that were all over the city and very similar to the neighborhoods in Astoria. People had yards, gardens, and trees. Over the years, all that changed. Ordinances were approved allowing people to build in their back and front yards. The character of the city was no longer the same and parking became a nightmare. She purchased a 1926 bungalow and sometimes she had to walk three blocks after parking, which was dangerous at night. She would hate to see that happen in Astoria. She hoped decisions would be made in context and would preserve the character of Astoria.

Ted Osborn, 345 Alameda, Astoria, said he wrote a letter that was published in today's *Daily Astorian*. He commended the general desire to find more housing. When housing needs were identified about 18 months ago, the City considered itself somewhat responsible for the housing issues and was considering housing downtown as part of the library expansion. That seemed to hold some wisdom. When the plan for the library fell apart, the community heard nothing more about housing in large quantities downtown. Now, all of a sudden, homeowners up on the hill have to deal with additional families overtaking small lots. In his letter, he proposed residential infill along Duane and Marine, which would provide housing and establish a continuous downtown core. Developers would come to Astoria if they were incentivized. Incentives do not have to cost money and they allow Astoria to be receptive. Astoria can present itself as a city with a sense of being that can professionally support the work of the developers that want to build at the right cost, of the right quality, and within the right time schedule. He suggested the Community Development Department prequalify sites downtown by researching availability and the types of housing each property could support. A developer could come into Astoria and build quality products at the price point the City wants much more economically than individual homeowners scrambling to figure out what to do in their back yards. Astoria needs to go from being a city that is difficult to work with to being a professional and supportive team member.

Sarah Bardy, 1661 Irving, Astoria, said she was a member of LCPS and agreed with Ms. Jensen's comments. She also agreed with the concerns of those opposed to the amendments. Nobody wants to harm the historic character of the town, but everyone must seriously consider that developers are much scarier than carriage houses.

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.

Commissioner Spence moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report, approve Amendment A16-02 by the Community Development Department, and recommend adoption by City Council; seconded by Commissioner Innes. Motion passed unanimously.

President Pearson read the rules of appeal into the record.

Director Cronin confirmed he would need to speak with the Mayor before setting the date for the City Council public hearing, but once the date was set, public notices would be published.

ITEM 4(b):

CU16-10 Conditional Use CU16-10 by Daryl Bell to locate a medical-recreational marijuana dispensary and retail sales establishment in an existing commercial building at 3930 Abbey Lane, Building A, Unit 104 in the S-2A, Tourist Oriented Shorelands 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. Hearing none, he asked Staff to present the Staff report.

Planner Ferber reviewed the written Staff report, noting a lot of public comments had been received, but many addressed issues not applicable to the criteria being reviewed. She displayed a chart showing how the applicable criteria correlated to some of the publics' concerns. Staff recommended approval of the request with the conditions listed in the Staff report.

Commissioner Moore asked Staff to define adjacent uses. Director Cronin explained adjacent uses would be properties next door or adjacent to the Applicant's. In this case, there are multiple tenant spaces on the same lot.

Commissioner Moore understood that there were currently only seven available parking spaces for commercial use. Planner Ferber clarified that 11 parking spaces were allocated for the entire site and each tenant that moves in receives its own review depending on the use. For retail, the number of required parking spaces is determined by the square footage.

Commissioner Moore said the Commission needed to consider the building's parking policy, which states only seven parking spaces are available for commercial use. Planner Ferber understood the City's regulations were for 11 spaces. When the property was rezoned, Staff considered specific uses that could go into the tenant spaces. The additional regulations were imposed by the condominium's association. She confirmed the Commission was tasked with reviewing the City's criteria.

Commissioner Mitchell stated that no processing would be done and the products would not be used on site. She asked how odor nuisances could arise. Planner Ferber said odor nuisances have been an issue at other similar sites, so she included how the applicant proposed to mitigate the nuisance in this Staff report.

Commissioner Mitchell asked if other existing sites have had parking issues. Planner Ferber said the Commission has only approved conditional uses permits for grow operations. Parking for grow operations is limited to the number of employees. Director Cronin confirmed no complaints have been received about the grow operations.

Commissioner Moore asked how the Applicant estimated that 50 people per day would visit the store. Planner Ferber confirmed the estimate was part of the Applicant's proposal, and asked the applicant to elaborate in his forthcoming testimony.

President Pearson opened the public hearing and called for a presentation by the Applicant.

Daryl Bell, 2220 SE Ladd Avenue, Portland OR 97214, said marijuana sales could be discussed in perpetuity because it is a polarizing topic that ultimately results in diametric opposition. His company will be a good neighbor and a good steward of the community. The business intends to hire locally and pay taxes. He is considering dedicating a portion of the space to showcase local artists. However, this proposed use was withdrawn from the Conditional Use application. No smoking or consumption will be allowed on site and

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 Leroy, 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

issues for more than a year now. Construction of the retail units will not decrease values. She keeps hearing about a housing crisis, but the building has several units for sale and those units are not flying off the market. As a business owner, she was positive that the due diligence done for this dispensary was adequate.

President Pearson called for any testimony impartial to the application. Hearing none, he called for any testimony opposed to the application.

Nancy Walsh, 3990 Abbey Lane, Astoria, said she was concerned about having a pot shop in her home. It would be one thing if the product was given to people who medically needed it, but it is another thing to have products given to recreational users. Customers will not be allowed to smoke on the premises because the building has a no smoking policy. However, the customers could walk out to the Riverwalk to smoke, which could lead to arguments if they get a little bit high. A breeze could come off the river and waft up into her condominium. She is allergic to smoke and she would not care to have a smelly smoke in the area. Police have to come to the building when people argue because of drug deals. This pot shop would just aggravate the situation a little bit. Her nephews visit and many residents have grandchildren come to visit. She did not believe seeing these people would be a good example for the children. Federally, this is against the law and she did not care that Oregon has allowed marijuana dispensaries. Someday, this will come to haunt the community. Right now, the Applicant does not plan to manufacture, but they might decide to manufacture down the line. She asked how the residents could control this situation and stated the other dispensaries are not located in homes. She asked the Commission to think long and hard about this request because it is very upsetting to many of the residents. She also believed the residents should have more of a say.

Heather Hansen, 3990 Abbey Lane, Unit 208, Astoria, submitted a petition that was signed too late to have it included in the Staff report. She serves as Community Development Director for the County, and testified as staff many times. She rents her unit, so this request does not affect her over the long term in the same way it does owners. For two years, she rented a unit in Building A, where the dispensary is proposed to be located. Many of the owners have been through quite an ordeal since they purchased their units, including a lawsuit against the building contractor, a housing and economic downturn that affected property values, additional assessments to address construction defects, and living in a construction zone for over a year. The construction has made renting units difficult. The last thing the residents need is a new retail use that is likely to negatively affect property values and rental units. She was also concerned about impacts to personal safety and quality of life. If the store had been in the building when she first looked at the units, she would not have rented in that building.

- The criteria for conditional uses are not clear and objective and this is why the decision must be made by the Planning Commission instead of Staff. The Commission must decide if the proposed use could be approved with conditions that would adequately mitigate the negative impacts and the concerns raised by those most affected. She did not believe there was a reasonable or effective way to mitigate the negative effects of this use on existing residents. She did not care what would be sold, but was more concerned that this retail use would have people coming and going all day long. The Cannery Loft residents are a mix of retirees, local working families, couples, singles, renters, owners, full timers, and part timers. Since she has lived in the building, she has seen many units turned over to owners who live there full time.
- The standards for conditional uses address residential and non-residential, not mixed-use developments. Mixed-use developments have different impacts and different ways to address those impacts. This predominantly residential building already exists, so there is little that can be done now because the Development Code does not address this circumstance. This should be taken into account since 30 single-family residences will be directly impacted and 33 will be indirectly impacted by the Commission's decision. When the Code is unclear, the Commission must consider the purpose in the applicable section of the Code. In this case, the Code states that, "The purpose of the Conditional Use process is to allow, when desirable, uses that would not be appropriate throughout a zoning district or without the restrictions in that district, but would be beneficial to the City if their number, area, location, design, and relation to the surrounding property are controlled." She believed there was no effective way to control the negative impacts of the proposed retail use on the surrounding residential units since the existing building is predominately residential.
- There are already five marijuana dispensaries in Astoria and she did not believe the city needed another one so badly that it needed to go into a building with 30 residences. The use is not appropriate at the proposed location because the front doors of 30 residential units face the entrance to the retail space. The closest marijuana dispensary to the building is on 29th Street, so another one is not needed. Astoria only has three regular pharmacies and one liquor store. The Cannery buildings have no other retailers in the commercial spaces, but the other commercial uses in the buildings are appropriate and compatible because they provide personal services to a limited number of customers. These buildings are the last development on the east

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

would have to move her car after the store closed. She believed the dispensary would decrease the value of her home. Many people bought units when market prices were high and they cannot sell now. She did not want any more surveillance in the building. This is a quiet community with retired people and families. One family with a little girl just signed a lease for the unit right above the proposed dispensary. As a parent, she would not feel comfortable bringing her little girl around or allowing her to ride her bike in the parking lot with people going in and out all day. This situation is unique because we do not typically see this type of retail use with residential units above. She asked the Commission to read the information that was presented to them. She believed there would never be an agreement about the parking because the issues depended on the day and time. The condominiums have many part-time residents, but her building has mostly full-time residents. This means a lot more people are parking at that building. The people who spoke in favor of this permit live in Building B where there are a lot of part-time residents. She loved Astoria, but if she had to buy the condominium today with a dispensary, she would never consider it.

President Pearson confirmed there were no more public comments and called for the Applicant's rebuttal.

Dr. Forcum clarified that he did not simply take Mr. Bell's word about the impact to the community. He visited other communities with dispensaries in Oregon, Washington, California, and Colorado, where he spoke with neighbors of dispensaries to ask about the impacts. None of the people he spoke with had any complaints. One person who lived in a mixed-use complex was unaware that a dispensary existed in the neighborhood. The parking at the condominiums was garnered under the General Industrial zoning and the covered parking was allocated to the commercial units because of how the building was developed. The commercial square footage had to be of a certain footprint to accommodate the residential units above the commercial area. The seven parking spaces reserved for commercial use were reserved that way for tenants who signed contracts under the General Industrial zoning. The building is now zoned Shoreline Tourism, so the covered spaces are now open to both commercial and residential uses. The complex is currently undergoing construction remediation and there have been times when the contractor has used 70 percent of the available parking spaces. Obviously, construction will not go on forever and those spaces will be open again. Currently, a large percent of the lights are out at the complex because the board has not instigated maintenance during construction. He believed the lighting issue would be corrected soon. The intent of a mixed-use complex is to develop a walkable community, which improves the value and health of the city. Portland has reduced healthcare costs by increasing walkability. People will live in a space and use the services below and walk or bike along the Riverwalk. This reduces the parking load. Currently, the complex is compliant with the Code's parking requirements for both commercial and residential uses.

Commissioner Moore asked if the Applicant planned to package the products on site.

The Applicants confirmed some products would be received already packaged, but some products would be packaged on site.

Commissioner Moore asked what interaction the applicants had with residents in the building prior to this hearing. Mr. Bell said his only interaction has been with Dr. Forcum. However, he was aware of the residents' concerns.

Tyrell Buckner believed his proposal satisfied the criteria for the Conditional Use Permit. He took detailed notes during the public testimony because he believed the residents deserved to have their concerns alleviated. He does not like smoke, so he plans to reduce any type of smell. There were concerns about people walking in from the Riverwalk and entering the residential units. That could happen now without a dispensary, so that issue is not specific to his business at all. At least his dispensary could address those issues immediately. He is a father and understood the concerns about children. Someone stated the dispensary was federally illegal, but that is not the issue being discussed at this hearing. He believed the medicinal use of cannabis has been documented as a product that prevents and alleviates certain medical conditions that many of the residents may potentially have. The fire that was mentioned occurred at a processing facility that contained butane gas. His dispensary has not applied to do processing and he would not likely use any type of natural gas because there are safer alternatives. The current issues with people sleeping in vacant spaces and defecating on the property will not be exacerbated by the presence of a dispensary. Cannabis use does not encourage defecating on property or homelessness. The store would not be referred to as a pot shop because that term has negative connotations. His vision was to have a high class facility that would eliminate the unwanted crowd and he believed the price points would be too high for such a crowd to afford. He does not want certain guests there either, so they plan to do their best to

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.

Commissioner Moore moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report, approve Conditional Use CU16-10 by Daryl Bell; seconded by Commissioner Innes. Motion approved 4 to 1. Ayes: President Pearson, Commissioners Innes, Moore, and Mitchell. Nays: Commissioner Spence.

President Pearson read the rules of appeal into the record.

President Pearson called for a recess at 9:06 pm; the meeting reconvened at 9:14 pm.

ITEM 4(c):

Astor West Urban Renewal Plan First Amendment - The Astoria Planning Commission will review the proposed Astor-West Urban Renewal Plan First Amendment, including its relationship to the Comprehensive Plan, and make a recommendation to the Astoria City Council. This is not a land use action. However, ORS 457 requires Planning Commission review for consistency with the Comprehensive Plan.

Director Cronin briefly introduced the amendment, noting the public process that has taken place to date. Most of the comments received at the open houses pertained to the reopening of Bond Street. He planned to present the public's concerns to the Traffic Safety Committee. The Planning Commission is tasked with ensuring the amendment is consistent with the Comprehensive Plan.

Elaine Howard, Elaine Howard Consulting, presented the details of the amendment contained in the Staff report and described the State statutes that apply to the amendment. She and Director Cronin discussed the projects planned for the Astor-West Urban Renewal Area (AWURA) and explained how those projects would be funded. She also presented the impacts to the taxing districts within the AWURA and noted next steps.

Commissioner Innes asked if the Port of Astoria's Central Waterfront Master Plan was an existing document. Director Cronin said the plan is a historical document that no longer has value. The Port Commission is working on a new Central Waterfront Plan that would govern how the waterfront develops over time. He has been asked to partner with the Port on the master planning process.

Commissioner Innes said the AWURA Plan amendment implies the Port's Master Plan exists. She believed the language in the AWURA Plan was carried over from when the AWURA was first developed. Director Cronin confirmed this would be a good time to refresh the language in the Plan.

President Pearson called for public comments.

Ted Osborn, 345 Alameda, Astoria, asked how the money available to improve the blighted housing along Bond Street would be transferred. He wanted to know if the AWURA would purchase the properties and redevelop them or if grants would be given to certain property owners.

Director Cronin said the specific details of the program have not yet been established because the City is still discussing the program with the Community Action Team and Clatsop Community Action. Property improvements could be funded by block grants given to one of the organizations or by the City giving direct grants to recipients. Criteria also need to be developed. This amendment review is just to determine the amendment's consistency with the Comprehensive Plan. At some point, the Development Commission will want guidelines in place for the housing program. He encouraged Mr. Osborn to submit any ideas about how the program should work.

Daniel Carter, 100 W. Franklin, Astoria, stated his house sat at the top of the slide area indicated on the map. He was concerned about drainage and taxes. His taxes have increased and he pays a premium for a lot with a view. However, the City has not maintained its properties, so there are trees blocking his view. He wanted to know what would be built on the bump out that would create 12 additional lots. The property is still a slide and engineers need to address the drainage. Damming up the stream will cause the slide area to back up to his property. He did not know how much engineering had been done, if the City would take control of the property, or if the weeds and trees would be cleared so that he could have his view back.

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




CITY OF ASTORIA

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MEMORANDUM

DATE: DECEMBER 13, 2016

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: AUTHORIZATION TO ENTER INTO A TWO YEAR CONSULTING AGREEMENT WITH ELLIS AND ASSOCIATES

DISCUSSION/ANALYSIS

Since 2008, the City of Astoria has contracted with Ellis and Associates to provide professional aquatic safety and risk management services at the Astoria Aquatic Center. The current contract expires on December 31, 2016 and can be renewed with a two year term from January 1, 2017 – December 31, 2018. Ellis and Associate's Comprehensive Aquatic Risk Management Program provides licensed accountability, vigilance awareness, the unannounced audit program, and satisfaction of the Model Aquatic Health Code module 6.0.1.

As an Ellis and Associate client, we issue licenses versus certificates to lifeguards who complete the lifeguard course. Many other programs issue certifications, which state that the individual certified only met those certification requirements on the date that they were tested. Issuing a license is different because of license accountability, which means that at all times our lifeguards are "test" ready. This is achieved through rigorous monthly training sessions that are required through Ellis and Associates. Having license accountability helps to ensure that if an emergency should arise at our facility, lifeguards will be able to render aid both quickly and efficiently.

The Vigilance Awareness Training was developed to teach lifeguards how to systematically scan and validate zones of protection at aquatics facility. Ellis and Associates is the only risk management company who has the "10/20" zone of protection standard. This standard helps to ensure that all patrons in the water will be recognized if they go into aquatic distress within 10 seconds and a lifeguard will render aid within 20 seconds. Studies prove that if a person is in distress and the rescuer renders aid within the first 30 seconds, the likelihood of survival is much higher.

Ellis and Associates also has an unannounced audit program as part of their services. Each year our facility will have four unannounced audits. During these audits the facility is graded on the following criteria: individual lifeguard observation, supervisor observation, vigilance evaluation, simulated emergency observation, and a facility administration evaluation. These audits are very valuable to the City because they help identify areas for improvement.

Also by being an Ellis and Associates client for two more years, we will have satisfied module 6.0.1 of the newly adopted Model Aquatic Health Code as set forth by the Centers for Disease Control. This module specifically addresses how aquatic facilities should supervise and train lifeguards. The City Attorney has reviewed and approved of this agreement.

Fees are as follows:

	<u>2017</u>	<u>2018</u>
Annual Retainer Fee:	\$950	\$950
Audit Fees (4 audits annually):	\$950	\$950
Facility Inspection Fee (For New Attractions or as requested by the Client):	\$1,500	

RECOMMENDATION

It is recommended that City Council enter into a two year consulting agreement for professional aquatic safety and risk management services through Ellis and Associates.

By: Angela Cosby
Angela Cosby
Director of Parks & Recreation



COMPREHENSIVE AQUATIC RISK MANAGEMENT PROGRAM

JEFF ELLIS & ASSOCIATES, INC.

CLIENT SCHEDULE

Client Name: Astoria Aquatic Center

Business Address: 1997 Marine Dr, Astoria OR, 97103

Contract Term: January 1, 2017 – December 31, 2018

Facility Fees:

Annual Retainer Fee:	<u>2017</u>	<u>2018</u>
	\$950	\$950

Number of Audits: 4 audits per operating season

Audit Fees:	<u>2017</u>	<u>2018</u>
	\$950	\$950

Facility Inspection Fee (For New Attractions or as requested by Client): \$1500

License Fees 2017 – 2018:

ILTP Shallow Water Lifeguard License Fee*	\$105.00
ILTP Pool Lifeguard License Fee*	\$105.00
ILTP Renewal Lifeguard License Fee	\$70.00
ILTP Instructor License Fees (late registration penalties apply)	\$425.00
ILTP Renewal Instructor Fees (late registration penalties apply)	\$325.00

- **Electronic Textbooks included into the \$105 License Fee**

**CONSULTING AGREEMENT FOR PROFESSIONAL AQUATIC SAFETY
AND RISK MANAGEMENT SERVICES**

THIS CONSULTING AGREEMENT FOR PROFESSIONAL AQUATIC SAFETY AND RISK MANAGEMENT SERVICES ("Agreement") made and entered into as of the day and year last written herein below, by and between the client named in the Client Schedule, located at the address stated on the Client Schedule ("Client"), and JEFF ELLIS & ASSOCIATES, INC., a Texas corporation, with corporate offices located at 3506 Spruce Park Circle Kingwood, Harris County, Texas 77345-3033 ("Consultant").

RECITALS:

- A. Client owns and operates facilities that provide, amongst other things, aquatic activities.
- B. Consultant is in the business of providing a Lifeguard Training Program, Comprehensive Aquatic Safety Program and Services related to aquatic activities.
- C. Client desires Consultant to provide the aforementioned services to Client.

NOW, THEREFORE, for and in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto, each intending to be legally bound, do hereby represent, warrant, covenant and agree as follows:

1. **RECITALS:** The foregoing recitals and Client Schedule are reaffirmed and made an integral part of this Agreement.

2. **CONSULTANT SERVICES:** Consultant shall perform the following services:

(A) **INTERNATIONAL LIFEGUARD TRAINING PROGRAM™**. Consultant shall provide authorization to Client for purposes of training lifeguards in the International Lifeguard Training Program™ on an "as needed" basis, which shall include the following:

- (i) Aquatic rescue technology;
- (ii) Victim identification training;
- (iii) Spinal injury management and extrication training for aquatic environments;
- (iv) Prevention/Scanning technology training;
- (v) Professional Lifeguard Development training;
- (vi) Consultant/Nationally Recognized Professional Rescuer CPR Training;
- (vii) Consultant/Nationally Recognized Lifeguard First Aid Training; and
- (viii) ILTP™ lifeguard licensing to be provided upon successful completion of training course for lifeguards employed at Client's facility by Client's employee Instructors.

(B) **INTERNATIONAL LIFEGUARD TRAINING PROGRAM™ INSTRUCTOR**. Consultant shall provide Instructor level training programs for the International Lifeguard Instructor Training Program on an "as needed" basis for Client's employees, which shall include the following:

- (i) Teaching methodology that includes communication and presentation techniques;
- (ii) Rescue skills enhancement training to develop "Instructor level" quality for ILTP™ course demonstrations;
- (iii) ILTP™ course philosophy;
- (iv) Course management and administrative procedures; and
- (v) Testing and evaluation procedures.

(C) **CONSULTANT AQUATIC SAFETY OPERATIONAL AUDITS**. Consultant shall perform its aquatic safety operational audits regarding each of the aquatic facilities operated by Client. Each year Consultant shall perform the number of audits stated in the Client Schedule for the fees specified in the Client Schedule. These audits shall include videotape and written documentation in support of evaluations rendered to Client regarding aquatic risk management issues and same shall be delivered to Client upon completion of the grading process.

(D) **ACCIDENT INVESTIGATION AND LITIGATION SUPPORT**. In the event of the occurrence of a fatal or catastrophic accident or any other legal proceeding regarding aquatic safety issues arising involving Client, Consultant shall make its records and documentation of the safety and training standards available to Client. Consultant shall be named lead investigator of any aquatic event by Client and shall conduct said investigations. Consultant shall provide Accident Investigation if required, to Client at no additional fee so long as Consultant determines, in its sole judgment, that Client followed all of the Consultant and/or International Lifeguard Training Program™ aquatic safety protocols failing which, Client shall pay an Additional Consulting Fee as provided in the Client Schedule for such accident investigation and/or litigation support services. Notwithstanding anything to the contrary contained in this paragraph, Client shall always be responsible for Consultant's out-of-pocket costs and expenses relating to any accident investigation and/or litigation support including, but not limited to, travel, couriers, document reproduction, long distance telephone, etc.

(E) **CONSULTANT'S INSURANCE**. Consultant shall carry professional liability insurance coverage in the amount of at least two million dollars (\$2,000,000.00) and Workers Compensation coverage in the amount of one million dollars (\$1,000,000).

3. **CLIENT'S RESPONSIBILITIES:** Client's duties and responsibilities under this Agreement are as follows:

(A) Adhere to and comply with the International Lifeguard Training Program™ standard of care for lifeguarding, CPR, safety and emergency procedures;

(B) Adhere to and comply with the aquatic risk management guidelines provided in the Comprehensive Aquatic Risk Management Handbook to Client;

(C) Respond in writing and implement auditor recommendations in accordance with the aquatic risk management protocols provided by Consultant;

(D) Make available all emergency action plans and staff certification and training records to Consultant's auditors within ten (10) days of Client's receipt of a written request for same from Consultant;

(E) Adhere to and comply with all aspects of the Comprehensive Aquatic Risk Management Program Handbook provided by Consultant. Client hereby agrees that failure to comply with the aquatic risk management requirements of Consultant as stated in the Comprehensive Aquatic Risk Management Program Handbook shall, in the sole judgment of Consultant result in an Event of Default under this Agreement. Client must submit, in writing, any variance request to Consultant to be exempt from any requirements set forth in the Comprehensive Aquatic Risk Management Program Handbook;

(F) **Consultant's Fees**. Client shall pay Consultant the fees set forth in the Client Schedule in addition to the out-of-pocket costs and expenses stated in this Agreement. Client shall pay the Annual Retainer Fee, Audit Fees and all remaining billed hourly fees, lifeguard/lifeguard instructor fees, other fees and/or costs and expenses on a NET 30 basis from date of invoice in accordance with the business practices of Consultant. All amounts owed and unpaid after 30 days will be assessed a \$100.00 late fee per invoice per month until paid in full.

4. **TERM:** The Term of this Agreement shall be as stated in the Client Schedule.

5. **DEFAULT AND TERMINATION:**

(A) **Events of Default.** Each of the following shall be an event of default ("Event of Default") under this Agreement for which the defaulting party shall be liable to the non-defaulting party for damages directly arising out of the default (the defaulting party shall not be liable for consequential or incidental damages of any kind whatsoever):

(i) if Client fails to make any payment due under this Agreement within thirty (30) days from the date said payment is due;

(ii) if either party shall default in the substantial performance of any term, covenant or condition of this Agreement (other than those relating to the payment of monies by Client) and the defaulting party fails to remedy such default within twenty-one (21) days after receipt of written notice from the non-defaulting party of such default, or if such default is of such nature that it cannot be reasonably remedied within said twenty-one (21) days (but is otherwise susceptible to cure), the defaulting party shall not within said twenty-one (21) days advise the non-defaulting party of its intention to institute all steps necessary to remedy such default and thereafter diligently pursue to completion all such steps necessary to remedy such default;

(iii) if, in the sole judgment of Consultant, Client fails to adhere to and comply with the aquatic risk management requirements identified in the Comprehensive Aquatic Risk Management Program Handbook and related communications ;

(iv) to the extent permitted by law, if either party admits, in writing, that it is generally unable to pay its debts as such become due;

(v) to the extent permitted by law, if either party makes an assignment for the benefit of creditors; and

(vi) to the extent permitted by law, if either party files a voluntary petition in bankruptcy, voluntarily or involuntarily goes into a liquidation, or a receiver is appointed with respect to substantially all of its assets, and the foregoing are not stayed or dismissed within one hundred and fifty (150) days after such filing or other action.

(B) **NOTICE OF EVENT OF DEFAULT.** The foregoing events of default shall not become effective and actionable (i.e., become an "Event of Default") until the non-defaulting party first sends written notice of same with sufficient detail regarding the nature of the default to the defaulting party and the defaulting party fails to cure said default within twenty-one (21) days from its receipt of said notice subject to the provisions of subparagraph 5(A)(ii) herein.

(C) **TERMINATION.**

(i) In the event this Agreement is terminated by operation of law or otherwise prior to the expiration of its Term (as defined in the Client Schedule), then, in that event, all finished documents, manuals, data, studies, surveys, drawings, maps, models and aquatic safety auditing reports prepared by Consultant under this Agreement shall remain the property of Client and Consultant shall be entitled to receive equitable compensation for any such finished and/or unfinished work and services provided up to the date of termination.

(ii) At the end of the Term of this Agreement, this Agreement shall terminate and all ILTP™ lifeguard licenses and the Comprehensive Aquatic Risk Management Program Handbook shall remain the property of Consultant and shall be immediately returned by Client to Consultant.

6. **NON-DISCLOSURE OF CONFIDENTIAL INFORMATION:**

(A) **CONFIDENTIAL INFORMATION.** For purposes of this Agreement, "Confidential Information" shall include all information or material that has or could have commercial value or other utility in the business or prospective business of Consultant. Confidential Information also includes all information of which unauthorized disclosure could be detrimental to the interest of Consultant whether or not such information is identified as Confidential Information by Consultant. By example and without limitation, Confidential Information includes, but is not limited to, any and all information of the following or similar nature, whether or not reduced to writing: the Comprehensive Aquatic Risk Management Program Handbook and documents, client memos, newsletters, manuals, data, studies, surveys, drawings, maps, models, ILTP™ lifeguard licenses and aquatic safety auditing reports prepared by Consultant under this Agreement, and any other information or procedures that are treated as or designated secret or confidential by Consultant.

(B) **EXCLUSIONS.** Confidential Information does not include information that Client can demonstrate: (i) is now, or hereafter becomes, through no act on the part of Client, generally known to the public; (ii) is rightfully obtained by Client from a third party, without breach of any obligation to Consultant; or (iii) is independently developed by Client without use of or reference to the Confidential Information.

(C) **CONFIDENTIALITY.** Client and Client's representatives shall not disclose any of the Confidential Information in any manner whatsoever, except as provided in paragraphs 6(D) and 6(E) of this Agreement, and shall hold and maintain the Confidential Information in strictest confidence. Client hereby agrees to indemnify and hold harmless Consultant against any and all losses, damages, claims, expenses, and attorney's fees, including those for appeals, incurred or suffered by Consultant as a result of a breach of this Agreement by Client or Client's representatives.

(D) **PERMITTED DISCLOSURES.** Client may disclose Consultant's Confidential Information to Client's responsible representatives and employees with a bona fide need to know such Confidential Information to the extent necessary to perform their employment responsibilities.

(E) **REQUIRED DISCLOSURES.** Client may disclose Consultant's Confidential Information if and to the extent that such disclosure is required by court order or by Oregon's Public Records Laws, provided that Client provides Consultant a reasonable opportunity to review the disclosure before it is made and to interpose its own objection to the disclosure.

(F) **USE.** Client and Client's representatives shall use the Confidential Information solely for the purpose of operating under this Agreement as it applies to the operation of Client's business and shall not in any way use the Confidential Information to the detriment of Consultant. Nothing in this Agreement shall be construed as granting any rights to Client, by license or otherwise, to any of Consultant's Confidential Information.

7. **MISCELLANEOUS:**

(A) **GOVERNING LAW AND VENUE.** This Agreement shall be governed by, and construed in accordance with, the laws of the State of Oregon, both substantive and remedial, without regard to principals of conflict of laws. The exclusive venue for any litigation arising out of this Agreement shall be Clatsop County Oregon, if in the state court, and the United States District Court, District of Oregon, if in the federal court.

(B) **CAPTIONS AND PARAGRAPHS.** Captions and paragraph headings in this Agreement are for convenience and reference only and in no way define, describe, extend or limit the scope or intent of this Agreement nor the intent of any provision hereof.

(C) **ENTIRE AGREEMENT; AMENDMENT; WAIVER.** This Agreement and any attachments hereto, if any, contain the entire agreement between the parties. There are no promises, agreements, conditions, undertakings, warranties, or representations, oral or written, express or implied, between the parties other than as herein set forth. No amendment or modification of this Agreement shall be valid unless the same is in writing and signed by the parties hereto. No waiver of any provision of this Agreement shall be effective unless it is in writing, signed by the party against whom it is asserted and any such written waiver shall only be applicable to the specific instance to which it related and shall not be deemed to be a continuing or future waiver.

(D) **SEVERABILITY.** If any provision of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Agreement is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision shall be deemed to be written and enforced as so limited.

(E) WAIVER OF JURY TRIAL. THE PARTIES HEREBY WAIVE TRIAL BY JURY IN ANY ACTION, PROCEEDING OR COUNTERCLAIM BROUGHT BY EITHER PARTY AGAINST THE OTHER REGARDING ANY MATTER WHATSOEVER ARISING OUT OF OR IN ANY WAY CONNECTED WITH THIS AGREEMENT, THE RELATIONSHIP OF THE PARTIES CREATED HEREBY, AND/OR A CLAIM FOR INJURY OR DAMAGE. CLIENT ACKNOWLEDGES AND AGREES THAT CONSULTANT HAS BEEN MATERIALLY INDUCED TO ENTER INTO THIS AGREEMENT BY THE INCLUSION OF THE PROVISIONS OF THIS PARAGRAPH IN THIS AGREEMENT.

(F) NOTICES. All notices, requests, demands, or other communications hereunder shall be in writing and deemed to have been given only if and when hand delivered or sent by nationally recognized overnight courier service (e.g., Federal Express, UPS) to the parties hereto at their respective addresses set forth at the outset of this Agreement or such other address as either party shall designate by notice pursuant to this paragraph. Copies of all notices, requests, demands or other communications hereunder to Consultant shall also be sent to Consultant's counsel: Joel N. Minsker, Esq., Bloom & Minsker, P.L., 1110 Brickell Avenue, Suite 700, Miami, Florida 33131-3107.

(G) CLIENT. The term "Client" shall mean the entity named in this Agreement and shall also include its officers, directors, employees, agents, representatives and the like.

(H) INDEPENDENT CONTRACTOR. Consultant, in performing its functions, duties and obligations herein, shall at all times be and act as an independent contractor. Nothing in this Agreement shall be construed as creating a partnership or joint venture between Client and Consultant, or as constituting Consultant as an agent or employee of Client.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the day and year last written herein below.


CLIENT

CONSULTANT

a _____ corporation

JEFF ELLIS & ASSOCIATES, INC.,
a Texas corporation

By: _____

By: 
RICHARD A. CARROLL, Senior Vice President/COO

Date: _____

Date: January 1, 2017

Approved as to form:



Digitally signed by
com.apple.idms.appleid.prd.49317566476d4a
3867754144546f59324e744d354e773d3d
DN:
cn=com.apple.idms.appleid.prd.49317566476
d4a3867754144546f59324e744d354e773d3d
Date: 2016.12.16 10:57:12 -08'00'



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

December 9, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: AUTHORIZATION TO DESIGNATE MILL POND AND APPLY FOR ALL STAR GRANT TO FUND NEW INTERPRETIVE PANEL

DISCUSSION/ANALYSIS

The Mill Pond Neighborhood is a redevelopment success story that features a small park and its namesake pond that been around since its days as the Astoria Plywood Mill. Art DeMuro with Venerable Properties, who redeveloped the property into the Mill Pond Neighborhood everyone knows today, was not only instrumental in revitalizing this part of Astoria, but also responsible for the restoration and rehabilitation of numerous historic resources in Oregon.

After Mr. DeMuro passed away in 2012, he bequeathed six overwater lots and funds to be used for the redevelopment of Heritage Square. When Mr. DeMuro left the donation to the City upon his death, the City pledged to the family that a sign commemorating his work would be installed at Mill Pond Park. Due to a lack of funds, the project has been stalled.

The City of Astoria is one of six Heritage All Star communities designated by the Oregon Heritage Commission. One of the benefits of this designation is eligibility to apply for small grants. The City has been encouraged to submit a grant request of \$3,500 that would fund the fabrication of the interpretive panel by Sea Reach Limited in Sheridan. This is the same vendor the Parks Department has used for other panels. The Parks Department will install the sign by May 2017 as part of Historic Preservation Month. Attached is a copy of the application that was submitted by the deadline of December 15 and a copy of the quote from Sea Reach Limited. If approved, the Parks Department would install the sign.

RECOMMENDATION

It is recommended that City Council authorize the grant application request for \$3500 to fund a new sign.

Prepared By



Kevin A. Cronin, Community Development Director

Heritage All Star Grant Application
December 2016
City of Astoria: Community Development Department
Project Narrative: DeMuro Mill Pond Interpretive Sign

Project Description: The DeMuro Mill Pond interpretative panel is a project to commemorate the heritage and transformation of the former Astoria Plywood Mill, the long term vision of the Mill Pond neighborhood, and recognition of Art DeMuro as a foremost advocate and developer of historic properties in Oregon.

Project Plan: Sea Reach Limited of Sheridan will fabricate the sign. The City of Astoria Parks & Recreation Department will be preparing the site and installing the sign. The timeline is to design and fabricate the sign in winter 2017 and install in time to celebrate Historic Preservation Month in May 2017. A ribbon cutting ceremony is planned to honor Venerable Properties (developer of Mill Pond) and the DeMuro family by designating the pond as the "DeMuro Mill Pond."

Oregon Heritage Plan Goal: The project is consistent with the "Economic Development / Tourism Goal and in particular "Goal 2: Help heritage organizations take advantage of the opportunities to engage in heritage tourism and Goal 3: Help heritage organizations to engage with relevant economic development opportunities in their communities. The interpretative panel complements a series of panels that are already in the community that acknowledge various aspects of heritage in Astoria such as the waterfront, fishing and maritime history, Lewis & Clark Expedition, US Custom House, and other important historical figures and locations with significant impacts on the history of Astoria and Oregon. The City's primary source of economic development is tourism and heritage tourism is a cornerstone of the overall tourism strategy. Visitors appreciate the City's attention to detail and execution of historic and cultural interpretation that rivals our State and National Parks. As a Certified Local Government (CLG) community, Astoria is proud to further its efforts to recognize another significant milestone in our long history as the oldest settlement west of the Rockies.

All-Star Designation: The project will help the City maintain the All Star designation through public education, grant funded projects, and heritage events. The City is planning to commemorate the new sign during Historic Preservation Month, invite local partners such as the Clatsop County Historical Society, Historic Landmarks Commission, Lower Columbia Preservation Society, and Mill Pond Homeowners Association and the DeMuro family. This new installation will educate local Astorians and visitors alike. The content of the sign is focused on the history of the plywood mill and its cultural and economic significance to Astoria. The content also describes the impact of the redevelopment into the Mill Pond neighborhood and Art DeMuro's leadership role in the project. It's important to recognize the significant contributions of the forest product industry in Clatsop County as well as the transformation of a former brownfield (environmental liability) into an award winning, urban redevelopment success story featuring a mixed-use, mixed income neighborhood. In summary, this opportunity to recognize our past is a testament to how Astoria has reinvented itself over the years from a blue collar town to a visitor and cultural hub of the North Coast. The site is located at Mill Pond Park, which is ADA accessible, and has direct views of the pond, the Riverwalk, and the Columbia River. The City also has plans to provide virtual access to interpretative panels and a social media platform to announce new features.

Budget: Grant Request: \$3,500. Total Budget: \$3,750. The funds will pay for the fabrication of the sign. Attached is a quote from Sea Reach which details the scope of work. The City will cover the cost of shipping, site preparation, and installation, which is valued at \$250. The City Council is expected to approve the grant request on December 19, 2016.

**Heritage All Star Grant Application
December 2016
City of Astoria: Community Development Department
Project Narrative: DeMuro Mill Pond Interpretive Sign**

Appropriate photos, maps, designs, work plans: As mentioned above, attached is a draft design of the content for the sign. There are historic photos of the plywood mill and a photo of Art DeMuro. In addition, the quote from Sea Reach provides a summary of the design that is consistent with previous panels that have been fabricated for Astoria.

Sea Reach Ltd.

quote sea-3451

12.06.16

Sea Reach Ltd.
146 NE Yamhill Street
Sheridan OR 97378

contact susan
phone 503-843-2005
fax 503-843-2744
email susan@seareach.com

due date not specified
job reference astoria, OR
rfq no mill pond neighborhood sign

prepared for

shipping to

city of astoria
Astoria City Hall
attn. kevin cronin
1095 Duane Street
Astoria OR 97103

to be determined

contact phone 503-338-5183
contact email kcronin@astoria.or.us.

items ordered

no.	item	description	unit	qty	total
1		professional services , review client materials	\$85.00	1	\$85.00
2		professional services , text, writing/editing notes edit client supplied exhibit text to fit.	\$85.00	3	\$255.00
3		professional services , design, layout exhibit notes three review and revisions of exhibit design	\$85.00	12	\$1,020.00
4		professional services , provide paper proof Put to three (3) review and revisions. notes Signature approval required on final proof prior to fabrication	\$170.00	3	\$510.00
5		panel , fabrication size 48"(w) x 18"(h) x 0.5"(d) high pressure laminate. 10 year life. (requires notes 6-8 weeks to fabricate, after signature approval)	\$620.00	1	\$620.00
6		custom , : weathering steel low profile base mounting in-ground mount finish no finish color to be determined. size 48"(w) x 18"(h) x 0.125"(d) notes see client supplied drawings.	\$720.00	1	\$720.00
7		services , packaging	\$85.00	1	\$85.00
				item(s) subtotal	\$3,295.00

shipping per

no.	company		cost
1	sea reach ltd. - delivery		\$0.00
		shipping subtotal	\$0.00
		total	\$3,295.00



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

December 8, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: 33RD ST. & HIGHWAY 30 STREET LIGHTS - AUTHORIZATION TO APPROVE IGA AMENDMENT

DISCUSSION/ANALYSIS

The area around the intersection of 33rd Street and Highway 30 (Safeway) is in need of illumination enhancements. This intersection currently accommodates State highway traffic, Safeway grocery store access, pedestrian users, and links the area to a well-used bus stop. City Staff worked with the Oregon Department of Transportation (ODOT) to secure funding for street light improvements, through ODOT's Quick Fix Grant program. The funding total secured is \$34,512. Upon completion, the project will provide better illumination in the area with the goal of improving pedestrian and vehicular safety.

City Council approved an intergovernmental agreement with ODOT to utilize the funding in September 2015. A design contract for the work was approved by City Council in September 2016. Due to coordination challenges associated with crossing the State Highway with new infrastructure, the City will not be able to meet the project deadline of December 31, 2016, specified in the IGA. Conflicting open cut requirements on Highway 30 between ODOT and some of the franchise utilities have been the primary reason for these challenges.

City Staff coordinated with ODOT to extend the completion date to June 1, 2017. This is reflected in the attached IGA Amendment #1. City Council will need to approve Amendment #1 to maintain compliance with the terms of the IGA. The City Attorney reviewed the agreement and has approved it as to form.

RECOMMENDATION

It is recommended that City Council approve IGA Amendment #1 with ODOT to extend the grant duration for the planned illumination improvements.

Submitted By 
Ken P. Cook, Public Works Director

Prepared By 
Nathan Crater, Assistant City Engineer

AMENDMENT NUMBER 01
WALKWAY/BIKEWAY PROJECT AGREEMENT
US 30 at 33rd Street (Astoria) Illumination
City of Astoria

This is Amendment No. 01 to the Agreement between the **STATE OF OREGON**, acting by and through its Department of Transportation, hereinafter referred to as "State," and the **CITY OF ASTORIA**, acting by and through its elected officials, hereinafter referred to as "Agency." The Parties entered into an Agreement on September 24, 2015.

It has now been determined by State and Agency that the Agreement referenced above shall be amended to extend the Project completion and expiration dates.

1. **Effective Date.** This Amendment shall become effective on the date it is fully executed and approved as required by applicable law.
2. **Amendment to Agreement.**
 - a. **TERMS OF AGREEMENT, Paragraph 3, Page 2, which reads:**
 3. The work is to begin upon execution of this Agreement by all Parties and shall be completed no later than December 31, 2016. This Agreement will terminate six (6) months after that date unless extended by a fully executed amendment. Maintenance responsibilities shall survive any termination of this Agreement.
- Shall be deleted in its entirety and replaced with the following:**

 3. The work is to begin upon execution of this Agreement by all Parties and shall be completed no later than June 1, 2017. This Agreement will terminate six (6) months after that date unless extended by a fully executed amendment. Maintenance responsibilities shall survive any termination of this Agreement.
3. **Counterparts.** This Amendment may be executed in two or more counterparts (by facsimile or otherwise) each of which is an original and all of which when taken together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.
4. **Original Agreement.** Except as expressly amended above, all other terms and conditions of the original Agreement are still in full force and effect. Agency certifies that the representations, warranties and certifications in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

City of Astoria / State of Oregon – Dept. of Transportation
Agreement No. 30854, Amendment No. 1

CITY OF ASTORIA, by and through its
elected officials

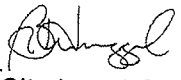
By _____
Mayor

Date _____

By _____
City Manager

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By  _____
City Legal Counsel

Date _____

Agency Contact:

Nathan Crater, P.E., Assistant City Engineer
City of Astoria Public Works Dept.
1095 Duane Street
Astoria, OR 97103
Phone: (503) 338-6173
Email: ncrater@astoria.or.us

State Contact:

Michael Schroeder, Sr. Project Coordinator
350 West Marine Drive
Astoria, OR 97103
Phone: (503) 325-8274
Email: michael.k.schroeder@odot.state.or.us

STATE OF OREGON, by and through
its Department of Transportation

By _____
Active Transportation Section Manager

Date _____

APPROVAL RECOMMENDED

By _____
Pedestrian and Bicycle Program Manager

Date _____

By _____
Region 2 Manager

Date _____

By _____
Region 2 Maintenance and Operations
Manager

Date _____

By _____
District 1 Manager

Date _____



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

December 8, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: BRETT ESTES, CITY MANAGER

SUBJECT: **FUEL SYSTEM REPLACEMENT PROJECT – LEAKING UNDERGROUND STORAGE TANK (LUST) COST RECOVERY AGREEMENT**

DISCUSSION/ANALYSIS

At the August 1, 2016 City Council meeting, Council approved a contract for the Fuel System Replacement Project. This project provides the most cost effective, sustainable way to continue to provide fuel for the City fleet. The new fuel system includes new above ground fuel storage (6,000 gallon unleaded and 4,000 gallon diesel), associated piping and appurtenances, 2 new fuel pumps, and an updated fuel management system. The existing fuel tanks are being decommissioned as part of the project.

During decommissioning of the existing underground storage tanks, the Contractor found evidence of contaminated soil. This contaminated material does not appear to be associated with a leaking tank, but instead from the distribution piping or valves. The City and Contractor will work with Oregon DEQ to complete the necessary steps for appropriate testing and clean-up associated with the contamination. One of the first steps in this process is approval of the Leaking Underground Storage Tank (LUST) Cost Recovery Agreement. This agreement is required by Oregon DEQ, and allows them to recover costs from the City associated with their oversight of the LUST clean-up process. Upon receipt of this signed agreement, DEQ will begin coordination with our team.


There will also be costs associated with the Contractor's effort to remove and dispose of contaminated material removal, coordination with DEQ, and follow up testing and reporting. The costs associated are not yet available, but based on the best information we have at this time it appears that the Contractor's clean-up effort will be around \$20,000 and the associated DEQ costs may be around \$5,000.

The City Attorney has reviewed the agreement and approves it as-to-form.

RECOMMENDATION

It is recommended that Council approve the LUST Cost Recovery Agreement with Oregon DEQ.

Submitted By 
Ken P. Cook, Public Works Director

Prepared By: 
Nathan Crater, P.E., Assistant City Engineer



State of Oregon
Department of
Environmental
Quality

OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY LEAKING UNDERGROUND STORAGE TANK PROGRAM

LUST Cost Recovery Agreement

This document serves as an agreement between the undersigned (hereinafter "you") and the Department of Environmental Quality (DEQ) regarding DEQ review and oversight of the investigation and/or cleanup of petroleum (hazardous substances) at the property located at:

Facility Name: Astoria City Shops
Address: 550 30th Street
Astoria, OR 97103
DEQ File No.: 04-16-1551

DEQ agrees to review environmental documents submitted by you or on your behalf regarding the investigation and/or cleanup of the above-referenced site. Additional details regarding DEQ oversight will be established upon review of the initial site data.

DEQ requires that persons requesting DEQ review and oversight of investigation and cleanup activities agree to the terms of this cost recovery agreement and pay project oversight costs.

DEQ project oversight costs will include direct costs and indirect costs. Direct costs include site-specific expenses and legal costs. Indirect costs are those general management and support costs of the DEQ, including the Land Quality Division (LQ), allocable to DEQ oversight of this agreement and not charged as direct, site-specific costs. Indirect charges are based on a percentage of direct personal services costs. Review and oversight costs shall not include any unreasonable costs or costs not otherwise recoverable by DEQ under ORS 465.255.

DEQ costs are due within thirty (30) days of issuance of the monthly statement, by a check made payable to the "Department of Environmental Quality". Nine percent interest shall be charged on past due accounts.

Electing not to enter into this agreement does not release you from any responsibility that you might have for any reporting requirements, investigation and/or cleanup of petroleum (hazardous substances) at the above – referenced facility. This does not preclude the DEQ from conducting audits or inspections of all or portions of the investigation and cleanup activities associated with this facility. Enforcement action may be initiated if any violation of Oregon Administrative Rules (OAR) or Oregon Revised Statutes (ORS) is found.

Either DEQ or you may terminate this agreement by giving 15 days advance written notice to the other. Only those costs incurred or obligated by DEQ prior to the effective date of any termination of the agreement shall be recoverable under this agreement. Termination of this agreement will not affect any other right DEQ may have for recovery of costs under any applicable law.

You will hold DEQ harmless for any claims (including but not limited to claims of property damage or personal injury) arising from DEQ review and/or oversight activities under this agreement.

This agreement is not and shall not be construed to be an admission by you of any liability under ORS 465.255 or any other law or as a waiver by you of any defense to such liability. This agreement is not and shall not be construed to be a waiver, release, or settlement of claims that DEQ may have against you or any other responsible person nor is this agreement a waiver of any enforcement authority that DEQ may have.

The DEQ Tanks Program will be responsible for the review and oversight of the investigation and cleanup activities associated with the property. Please refer all site-specific inquiries to the DEQ Regional Offices in Northwest Region – Portland, Western Region – Salem or Eastern Region – Bend. For locations and phone numbers of the regional offices, please see the DEQ Regional Office list at <http://www.deq.state.or.us/about/locations.htm>

All inquiries regarding cost recovery and/or invoices should be directed to Dawn Ismerio at 503-229-5812.

If the terms of this agreement are acceptable, please have it executed by an authorized officer in the space provided below. In order to more effectively schedule your project, please return this agreement within 30 days of receipt to the regional office responsible for your site.

Accepted and agreed to this _____ day of _____, 20____

By: _____

Title: Mayor

Please provide the following information as to where the invoices should be sent.

Individual Name: Nathan Crater

Title: Assistant City Engineer

Company Name: City of Astoria

Mail Address: 1095 Duane Street

City, State, Zip: Astoria, OR 97103

Phone Number: 503-338-5173

E-mail Address: ncrater@astoria.or.us



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

December 14, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: AUTHORIZATION OF LEASE AGREEMENT FOR RIVERWALK

DISCUSSION/ANALYSIS

The Astoria Planning Commission approved a Conditional Use Permit (CU 16-06) on August 2, 2016 for Newport Pacific Corporation (dba Mo's Chowder) for a new restaurant, chowder production facility, and gift shop at the foot of 15th St in Downtown Astoria. Newport Pacific has recently closed on the purchase of the property from Englund Marine Supply Co and will soon begin a renovation of the building.

A section of the Riverwalk crosses through two tax lots of the former Englund Marine property. The City of Astoria had an executed lease agreement with Englund Marine dated May 16, 1994 to allow public access on private property for the Riverwalk. With new ownership, the City has requested a new lease to continue legal public access for park users. There is no termination date in the lease agreement. However, the property owner can give the City 60 days' notice prior to termination of the agreement. The lease agreement includes an exhibit that illustrates the location and a legal description. The Community Development Department is coordinating the lease agreement on behalf of the Parks Department who manages the Riverwalk.

The lease agreement has been approved as to form by the City Attorney and Newport Pacific and is attached for reference.

RECOMMENDATION

It is recommended that the City Council authorize the lease agreement with Newport Pacific.

Prepared By 
Kevin A. Cronin, Community Development Director

CITY OF ASTORIA, OREGON

LEASE AGREEMENT

ASTORIA WATERFRONT: RIVERWALK, 14TH TO 17TH STREETS

THIS AGREEMENT, entered into this ____ day of ____, 2016, between the City of Astoria, hereinafter called 'CITY' and Newport Pacific Corporation, Foot of 15th Street, Astoria, hereinafter called 'LANDOWNER', an Oregon corporation.

WITNESSETH:

WHEREAS, LANDOWNER owns the real property along the Columbia River described in Exhibit A attached hereto, and hereinafter called the 'Mo's Chowder Property'; and

WHEREAS, CITY, as part of what is commonly referred to as the Murase Plan, intends to develop a riverwalk, hereinafter called the 'Riverwalk', along or near the bank line of the Columbia River from 14th Street to 17th Street to beautiful CITY and to promote the education and welfare of its citizens and visitors and to promote tourism; and

WHEREAS, LANDOWNER desires to lease a portion of the Mo's Chowder Property, hereinafter called 'Leased Premises', to CITY and CITY desires to lease the Leased Premises from LANDOWNER in connection with the development of the Riverwalk. The Leased Premises is described on Exhibit B attached hereto.

WHEREAS, CITY understands that the construction and maintenance by CITY of the Riverwalk is not intended by the CITY or LANDOWNER or by this instrument to impede or prohibit in any way any future use or any commercial or other development by LANDOWNER of the Mo's Chowder Property or to impede or prohibit any free and clear transfer of ownership of the Mo's Chowder Property by gift or sale to any individual, entity, or organization; and

WHEREAS, CITY and LANDOWNER are aware of and rely upon the provisions of ORS 105.655 to ORS 105.680 which provide that by entering into this Lease, LANDOWNER will incur no liability whatever to either the public or CITY, and runs no risk whatever that either the public or CITY gains, or will gain, any permanent rights, whatever in any part of the Leased Premises and/or the Mo's Chowder Property; and

WHEREAS, CITY and LANDOWNER are aware of and rely upon the provisions of ORS 307.112 which provide that the Leased Premises shall be exempt from taxation.

NOW, THEREFORE, CITY and LANDOWNER agree as follows:

1. Subject to Paragraph 5 below, LANDOWNER hereby leases the Leased Premises to CITY commencing as of the date of this Lease, hereinafter called 'Commencement Date', for purposes of developing and maintaining the Riverwalk on the Leased Premises. LANDOWNER acknowledges that use of the Leased Premises is for the passage and repassage of the citizens of Astoria and CITY'S visitors and tourists as part of the Riverwalk and that CITY may erect or place thereon, at CITY'S expense,

signage, street furniture, interpretive displays, and lighting (the Riverwalk and such improvements constructed thereon are hereinafter collectively referred to as the 'Riverwalk'). All plans for the construction of the Riverwalk on the premises leased therein shall be approved in writing by LANDOWNER before any construction work commences. CITY shall not permit any mechanics or other liens related to either the construction, maintenance, or use of the Riverwalk by the general public or by CITY to be placed on the Leased Premises or the Mo's Chowder Property; and CITY agrees to take all steps necessary to promptly remove any such lien or liens.

2. The consideration for this lease is the sum of \$1.00 (one dollar) payable by CITY on the Commencement Date.
3. The cost of periodic maintenance and necessary repairs to the Riverwalk shall be borne exclusively by CITY.
4. CITY shall indemnify, defend and hold harmless LANDOWNER, its officers, directors, shareholders, employees, and agents, hereinafter called "Protected Parties", from and against any and all claims, demands, actions, suits, and liabilities whatsoever, including, without limitation, court costs and attorney's fees and claims for personal injury or death, up to the limits of the Oregon Tort Claims Act or the limits of CITY liability insurance covering such matters, whichever is greater, which arise out of or are in any way related to the construction, maintenance, and use of the Riverwalk by CITY and/or members of the general public. CITY agrees to name the Protected Parties as additional insureds on CITY's liability insurance policies related to the Riverwalk.
5. This is a revocable Lease. LANDOWNER may terminate this Lease upon 60 days' notice to CITY, said notice to be in writing and delivered to: Community Development Director, City of Astoria, 1095 Duane Street, Astoria OR 97103. LANDOWNER'S ability to so terminate the Lease shall be unaffected by monies spent by CITY in constructing and maintaining the Riverwalk. Additionally, this Lease shall automatically terminate if CITY ceases to use the Leased Premises in the manner required by law for the exemption of such real property from taxation.
6. CITY and LANDOWNER hereto agree that this Lease:
 - a. Does not create either an expressed or an implied easement over any part of the Mo's Chowder Property, whether leased hereunder or not, by either the general public or by CITY.
 - b. Does not create any equitable interest, or any ownership interest in any part of the Mo's Chowder Property, whether leased hereunder or not, by either the general public or by CITY.
 - c. Does not create any interest of CITY in, or create any right in CITY to lease any bottomland property riverward from the Mo's Chowder Property to the pierhead line, whether leased on the date hereof by LANDOWNER from the State of Oregon or not.

7. CITY shall use the Leased Premises in the manner required by law for the exemption from taxation of such real property. It is expressly agreed that the rent payable by CITY hereunder has been established to reflect the savings resulting from the exemption from taxation. CITY shall comply, at its expense, with the provisions of ORS 307.112.
8. Upon receipt of a notice to terminate, CITY shall, within 60 days, remove from the Leased Premises such improvements as have been placed thereon by CITY and restore the Leased Premises to its original condition as of the Commencement Date, unless CITY and LANDOWNER agree to the contrary.
9. This lease constitutes the entire agreement between the CITY and LANDOWNER pertaining to its subject matter and supersedes all prior and contemporaneous agreements, representations, and understandings of the CITY and LANDOWNER. The provisions of this Lease shall be binding upon and inure to the benefit of the heirs, personal representatives, and successors of the CITY and LANDOWNER. No supplement, modification, or amendment of this Lease shall be binding unless executed in writing by CITY and LANDOWNER. All notices given hereunder shall be sent by first class mail and shall be deemed given when deposited in the United States mail, postage prepaid, return receipt requested, and addressed to the respective party at their last known address.

IN WITNESS WHEREOF, this Lease is made as of this date first above written.

THE CITY OF ASTORIA

NEWPORT PACIFIC CORPORATION

Arline LaMear, Mayor

Jolee Bancroft, President

THE CITY OF ASTORIA

Susan Brooks, Finance Director

APPROVED AS TO FORM:

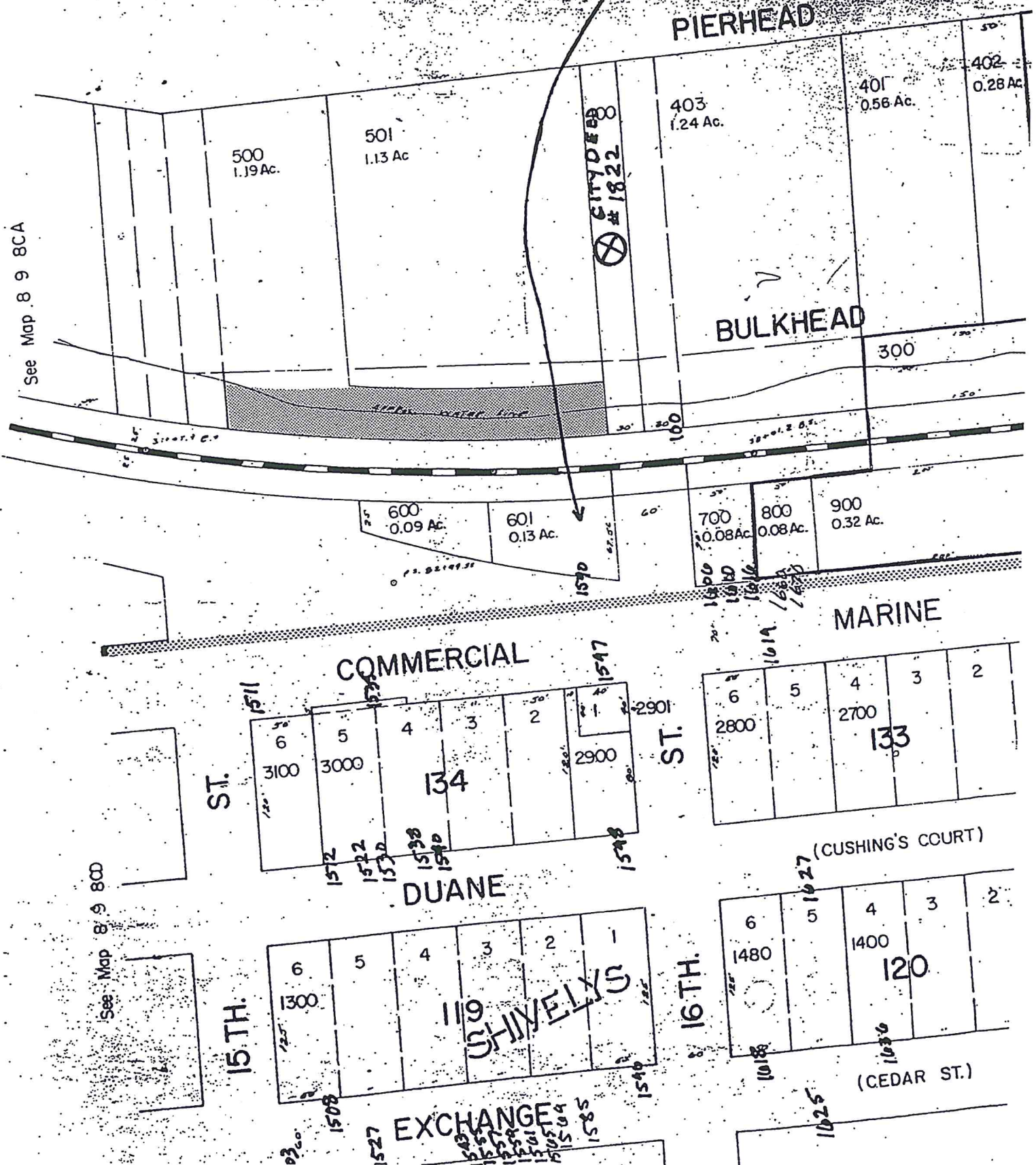
City Attorney

ENGLUND MARINE SUPPLY COMPANY
Map T8N-R9W Section 8DB
Tax Lot 500

COLUMBIA

SEE PLAT
MINUTY

ATTACHMENT A



LEGAL DESCRIPTION OF RIVERWALK ON ENGLUND PRPERTY

A ten-foot wide strip of land occupied by a ten-foot wide concrete sidewalk located in the NW 1/4, SE 1/4, Sec. 8, T.8 N., R. 9 W., W.M., Clatsop County, Oregon, The centerline of which is the centerline of the sidewalk and more paticularly described as follows:

Beginning at a point on the northerly extension of the west line of 16th Street and 51 feet, more or less, north of the centerline of the Burlington Northern Railroad; thence, westerly 241 feet, more or less, to an angle point in the sidewalk which is 49 feet, more or less, north of the centerline of the railroad; thence, 45 degrees to the left 22.3 feet, more or less, to the westerly terminus of the sidewalk which is 31 feet, more or less, north of the centerline of the railroad.

Said ten-foot wide strip of land containing 2633 square feet, more or less.

Mo's Clam Chowder/Newport Pacific Corp.
Map T8N-R9W Section 8DB
Tax Lot 500

EXHIBIT A

Map Source:
Clatsop County Web Maps

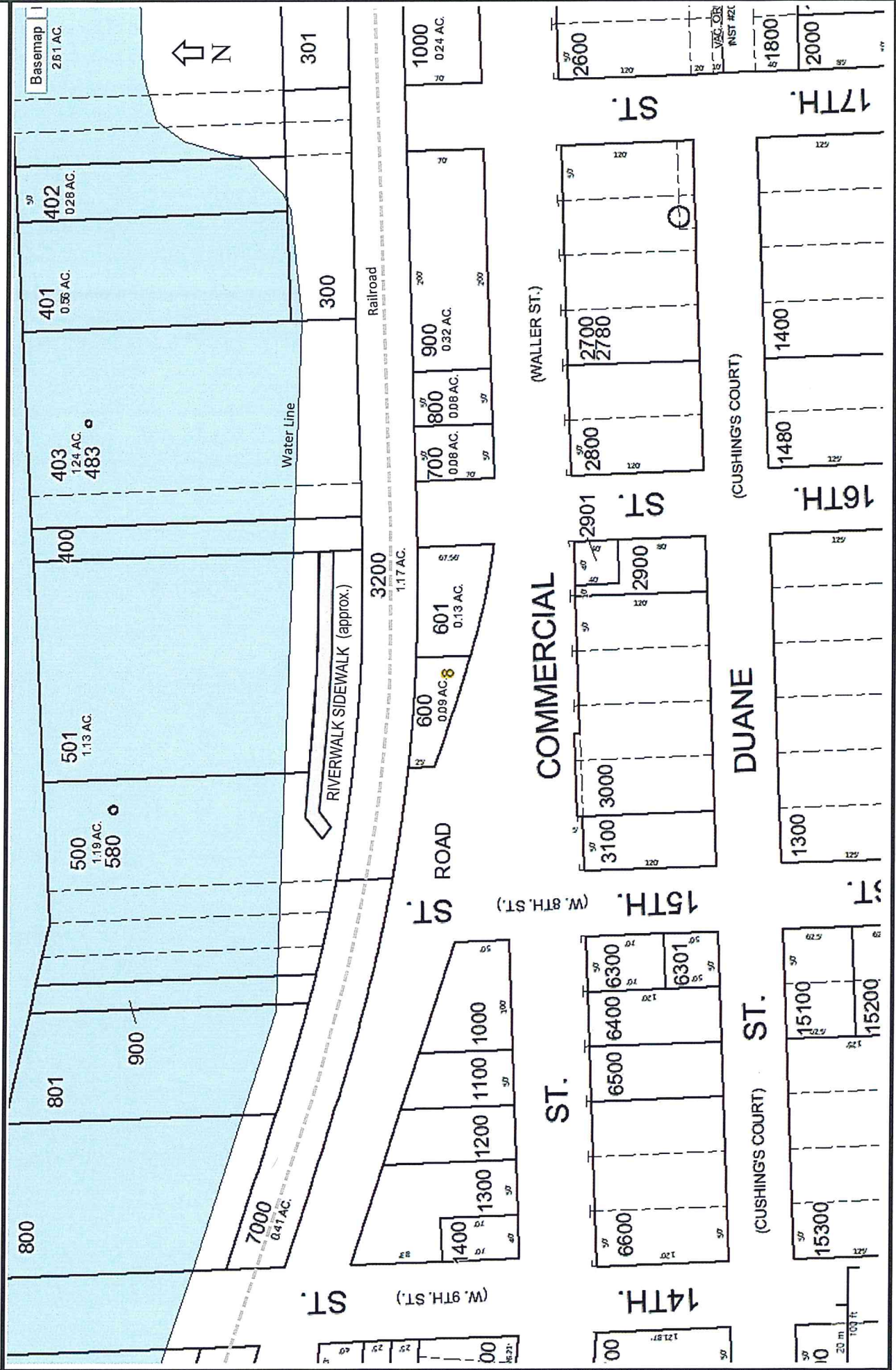


EXHIBIT B

LEGAL DESCRIPTION OF RIVERWALK ON NEWPORT PACIFIC CORP. PROPERTY

A ten-foot wide strip of land occupied by a ten-foot wide concrete sidewalk located in the NW 1/4, SE 1/4, Sec. 8, T.8 N., R. 9 W., W.M., Clatsop County; Oregon, The centerline of which is the centerline of the sidewalk and more particularly described as follows:

Beginning at a point on the northerly extension of the west line of 16th Street and 51 feet, more or less, north of the centerline of the Burlington Northern Railroad; thence, westerly 241 feet, more or less, to an angle point in the sidewalk which is 49 feet, more or less, north of the centerline of the railroad; thence, 45 degrees to the left 22.3 feet, more or less, to the westerly terminus of the sidewalk which is 31 feet, more or less, north of the centerline of the railroad.

Said ten-foot wide strip of land containing 2633 square feet, more or less.



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

December 15, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: APPEAL (AP16-01) BY HEATHER HANSEN OF CONDITIONAL USE PERMIT (CU16-10) AT 3930 ABBEY LANE BUILDING A UNIT 104

BACKGROUND

On September 22, 2016, Daryl Bell applied for a Conditional Use permit (CU16-10) to the Astoria Planning Commission (APC) to locate a medical-recreational marijuana dispensary as a retail sales establishment at 3930 Abbey Lane in Building A Unit 104. This location is zoned S-2A, Tourist Oriented Shoreland. On October 25, 2016, the APC held a public hearing and approved the request with conditions.

A Notice of Appeal on the APC decision was submitted by Heather Hansen on November 11, 2016 within the 15 day appeal period. Ms. Hansen has standing to appeal as she provided public testimony at the original hearing. The appeal states that the request should be denied based on the following issues (summarized by staff):

1. Development Code Standards Article 11 Section 11.010 on the purpose of the conditional use process.
2. Section 11.030A (1) appropriateness of the use at this location, availability of other existing similar uses, accessibility for users.
3. 11.030A (2) inadequate site layout for parking, and potential security impact to the residential use.
4. 11.030A (5) lack of buffer between retail and residential uses.

The Notice of Appeal which details the appellant's concerns can be found on Page 1 of the attached record. A complete record of the request has been compiled and itemized and is attached for your information. A public hearing on the Appeal has been advertised and is scheduled for the December 19, 2016 City Council meeting.

"Tourist-Oriented Retail Sales" is an outright permitted use in the S-2A zone. A *"Retail Sales Establishment"* requires a conditional use permit in the S-2A zone. The following chart provides definitions of these uses from the Development Code:

Tourist-Oriented Retail Sales	Retail Sales Establishment
<i>A use or business which devotes 50% or more of its gross floor area to uses or activities which are open or physically accessible to the public, and are reasonably expected to be interest to visitors</i>	<i>Business, including a restaurant or bar, which are primarily engaged in selling merchandise to customers for personal, household or farm use. Retail Sales Establishment does not include gasoline service station, automotive sales establishment, or other sales of large motorized vehicles, or mobile homes.</i>
Permitted Outright in S-2A	Requires Conditional Use Permit in S-2A

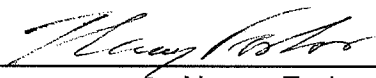
The appellant asserts that the proposed retail sales establishment does not meet criteria for a conditional use permit at this site. If Council supports the APC decision with the conditions, Council should adopt the Findings of Fact as approved by the APC. Should the Council determine that the proposed project does not meet the criteria for a conditional use permit, direction will be requested for staff to prepare supplemental Findings of Fact for Council consideration and adoption at a future meeting.

Pursuant to ORS 227.178 final action is required on a land use application within 120 days after the application is deemed complete. Without a waiver, the 120 day window for this application ends January 19, 2017.

RECOMMENDATION

It is recommended that the City Council hold the public hearing on the appeal and consider whether to uphold, reverse, or remand the Astoria Planning Commission decision for Conditional Use permit 16-10.

By: _____



Nancy Ferber, Planner

TABLE OF CONTENTS

**NOTICE OF APPEAL NO. AP16-01
BY
HEATHER HANSEN
ON
CONDITIONAL USE PERMIT CU16-10**

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NOTICE OF APPEAL

11-14-16 Notice of Appeal AP06-01 received November 14, 2016 by
Heather Hansen of Conditional Use Request CU16-10.....1



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

CITY OF ASTORIA

NOV 14 REC'D

BUILDING CODES

☒ Fee Paid Date 11-14-16 By NF 1170 ^{Check}
Fee: \$250.00

No. AP 16-01
for CU 16-10

NOTICE OF APPEAL

Property Address: 3930 ABBEY LN #104

Lot -

Block -

Subdivision Astoria Business Park

Map T8N R9W SEC 9AA Tax Lot 90108

Zone S-2A TOURIST ORIENTED
SHORELANDS

Appellant Name: HEATHER HANSEN

Appellant Mailing Address: 3990 ABBEY LN #208

Phone: 503-702-3100 Business Phone: _____ Email: hah_islands@yahoo.com

Issue Being Appealed: FINAL DECISION BY PLANNING COMMISSION ON #CU16-10

Signature of Appellant: Heather Hansen Date: 11-14-16

Name of Appellant's Attorney (if any): Mike Jacobs

Address of Appellant's Attorney (if any): Hart Wagner LLP 1000 SW Broadway Ste 200
Portland, OR 97205-3070

This Appeal is filed with the City of Astoria, in accordance with Development Code Section 9.040,
on a decision and/or ruling dated 10/27/2016 by the PLANNING CU16-10
Commission (Department/Commission/Committee/City Official) SEE ATTACHED

Specific Criteria Appealed: SEE ATTACHED

The specific grounds relied upon for review: SEE ATTACHED

(If additional space is needed, attach additional sheets.)

For office use only:

Application Received :	11-14-16	Standing to Appeal	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Appeal Criteria:	11.010, 11.030A (1), 11.030A (2), 11.030A (5) *					
Application Complete:	11-16-16	Permit Info Into D-Base:	11-17-16			
Labels Prepared:	11-17-16	Tentative CC Meeting Date:	12/19			
120 Days:	3-14-17					

* CU Purpose, Appropriateness of site, Availability other sites, access for users, site layout,

City Hall • 1095 Duane Street • Astoria OR 97103 • Phone 503-338-5183 • Fax 503-338-6538
planning@astoria.or.us • www.astoria.or.us

Security,
Parking &
buses

**NOTICE OF APPEAL
OF CITY OF ASTORIA PLANNING COMMISSION DECISION
File # CU16-10
Application for a Conditional Use for a Retail Store
November 14, 2016**

I wish to appeal the Planning Commission's decision to approve the Conditional Use for a recreational-medical marijuana dispensary in a vacant commercial space in Building A of the Cannery Loft Condominiums. The majority of the Planning Commission found that the proposed use complied with the applicable review criteria without consideration of any findings of fact regarding the potential impacts of the proposed retail use on the 30 existing residences in the same building, and the 33 existing residences in the adjacent building (Building B). The 63 residences are not even mentioned in the Background section of the Staff Report under a description of the "Adjacent Neighborhood."

The requirements for a Notice of Appeal are set out in City of Astoria Development Code, Article 9, Section 9.040 APPEALS:

Subsection D. Contents of Appeal:

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

- 1. An identification of the decision sought to be reviewed, including the date of the decision.**

I request review of the final decision of the City of Astoria Planning Commission on File CU16-10. Order No. CU16-10 was signed on October 25 and mailed on October 27, 2016. Development Code Section 9.040(B) stipulates that the Notice of Appeal must be filed within 15 days of the mailing of the decision Order. Fifteen days from October 27 is November 11, but since November 11 is Veterans Day and City offices are closed, the deadline is Monday November 14 (*see Attachment A-email from City Attorney Blair Henningsgaard to Planner Nancy Ferber*).

- 2. A statement of the interest of the person seeking review and that he was a party to the initial proceedings.**

I testified in person before the Planning Commission on October 25, 2016 and provided written testimony.

- 3. The specific grounds relied upon for the review, including a statement that the criteria against which review is being requested were addressed at the Commission or Committee hearing.**

When the Planning Commission reviewed and approved the Conditional Use for a recreational/medical marijuana store in a vacant commercial space in the Cannery Loft Condominiums, the findings and conclusions that the approval was based upon failed to address the fact that the proposed retail use is located in Building A with 30 residential units, which is adjacent to Building B with 33 residential units, and any potential impacts to the residents in those units were not evaluated (*see Attachment B-staff report*).

The commercial spaces are not in a standalone commercial building; they are on the ground floor of a building that is 80% residential with shared parking and entry areas. In applying the review criteria for the proposed use, the residential units in the same building were not even mentioned in the Findings of Fact and Conclusions. For example, in evaluating whether "the use is appropriate at the proposed location," the fact that the building contains 30 residences was not mentioned. And factors that would impact the residences at the proposed location, such as hours of operation, security, and location of a nonexistent door to access the business, which is immediately across from the secure main entrance to the residential units, were not addressed in the staff report.

In addition, the retail use was evaluated as if approval was a forgone conclusion and not a discretionary decision, merely because the spaces are intended for commercial uses. The fact that a Conditional Use is a Planning Commission decision rather than a staff decision indicates that the decision is indeed discretionary since the standards are not clear and objective. And not all commercial uses are compatible with residential uses in a mixed use context. For example, the State does not allow marijuana dispensaries in areas zoned exclusively for residential use. While this regulation does not apply to a vertical residential neighborhood, i.e., a predominantly residential condo building, it indicates that there are concerns about co-locating a marijuana dispensary with residences. While the S-2A zoning does permit a retail use conditionally, it does not require that all proposed retail uses be approved.

I am requesting that the City Council review this matter De Novo to enable consideration of new evidence, including evaluation of the impacts to the residential units in the condominium buildings before making a final decision. The following review criteria are the subject of this appeal:

1. **Article 11-CONDITIONAL USES:** Residents in the Cannery Loft condo buildings are a mix of retirees, local workforce, families with children, couples, singles, renters, owners, full-time and part-timers. The standards address "Residential" and "Non-Residential," not mixed use development. Mixed use development is a different animal with different impacts, and different ways to address them. And this predominantly residential building is already built so there's little that can be done at this point. The development code does not address this circumstance, but that does not mean that the residential units should be ignored when deciding whether the use is appropriate for the location. **This factor should be taken into account since there are 30 front doors to single-family residences that will be directly impacted, and 33 indirectly impacted, by the outcome of the decision.**
2. **Section 11.010-PURPOSE:** *"The purpose of the conditional use process is to allow, when desirable, uses that would not be appropriate throughout a zoning district or without the restrictions in that district, but would be beneficial to the City if their number, area, location, design, and relation to the surrounding property are controlled."* **There is no effective way to control for the negative impacts of the proposed retail use on the surrounding residential units since it's an existing building that is predominantly residential. There are already five operating marijuana dispensaries in Astoria, and two more in process, and this would make eight. Do we really need another one so badly that it needs to go into a "vertical neighborhood," i.e., a building with 30 existing residences?**
3. **Section 11.030(A)(1):** *"The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use."*

The use is NOT appropriate at the proposed location for the following reasons:

- (a) The condo building is U-shaped and there are 30 front doors that directly face the entrance to the proposed retail use. A statement was made at the Planning Commission hearing that "security has been addressed," as if all the extra lighting and security cameras in the passageways shared with residences is an acceptable outcome. The applicants also mentioned that they would patrol the parking lot and hallways to make sure customers are not loitering or using the products onsite. Even if this were added as a condition of approval, this alone should indicate that the retail use is not compatible with 30 residences in the same building (Building A), and the 33 residences in Building B.
- (b) We already have 5 operating marijuana dispensaries in Astoria, one as close as 29th Street, with two more in process. What valid argument can be made that another one is needed, and the other 5 dispensaries are "not available"? By comparison, there are 3 regular pharmacies and 1 liquor store in town.
- (c) There are other retail uses that would not be compatible for similar reasons, such as a convenience store. Currently, there are no other retail uses in the commercial spaces in the condo buildings; the commercial uses currently in the buildings ARE appropriate and compatible because they are mainly personal services that have a limited number of customers at any given time.

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

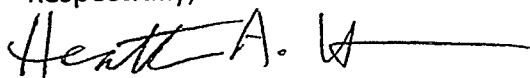
There is NOT adequate site layout for the following reasons:

- (a) There are no dedicated parking spaces for this use because the condominium bylaws do not allow dedicated parking spaces for new commercial uses. Customers, estimated at 50 per day, will try to park near the main entrance to the business which is directly across the passageway from the main entrance to the condo.
- (c) There are corridors and stairwells accessible to the public and a retail use would bring more of the public into these unsecured areas. But residents don't want to live in a building that requires video cameras, bright lighting, and other security measures just to access our homes – this isn't Portland!

5. Section 11.030(A)(5): *"The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses."*

Since the mixed use building is pre-existing, there are no effective "retrofits" to buffer the proposed retail use from existing residences. There is NOT an appropriate amount of buffers or other separation from the existing residential uses in the building.

Respectfully,



Heather A. Hansen
3990 Abbey Lane #208
Astoria, OR 97103

A.

Heather Hansen

Subject: FW: Veteran's Day

From: Nancy Ferber [<mailto:nferber@astoria.or.us>]

Sent: Monday, October 31, 2016 5:07 PM

To: Heather Hansen

Subject: RE: Veteran's Day

From Blair:

Nancy

If the 15 day period ends on a week end or holiday the appeal period should be extended to the next business day. This is the general rule and consistent with code section 1.045

Blair

Let me know if you have other questions. Nice to see you in Portland!

Nancy

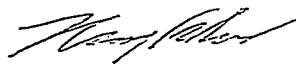
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B.

STAFF REPORT AND FINDINGS OF FACT

October 20, 2016

TO: ASTORIA PLANNING COMMISSION

FROM: NANCY FERBER, PLANNER 

SUBJECT: CONDITIONAL USE REQUEST (CU16-10) BY DARYL BELL TO LOCATE
RETAIL SALES AT 3930 ABBEY LANE, BUILDING A, UNIT 104

I. Background

A. Applicant: Daryl Bell
2220 SE Ladd Ave
Portland, OR 97214

B. Owner: Ted Forcum
Nomadic Properties, LLC
10139 NW Skyline Heights Drive
Portland OR 97229



C. Location: 3930 Abbey Lane; Map T8N-R9W Section 9AA, Tax Lot 90108;
Building A Unit 104, Cannery Loft Condominium, Astoria Business
Park

D. Zone: S-2A, Tourist Oriented Shoreland Zone

E. Lot Size: Proposed retail space is 950 Square Feet

F. Request: To locate a medical/recreational marijuana dispensary center as a
retail sales establishment in an existing mixed use
(commercial/residential) building

G. Previous

Applications: The condominium mixed residential and commercial use was
approved by the Planning Commission under Conditional Use
Permit (CUP) 04-04, and Amendment to Existing Permit AEP05-
05

- Variance 04-07 and 05-04 for building height and landscaping
- Conditional Use Permit 04-04 for condominium construction
- Conditional Use Permit 14-15 to locate professional offices in
units 101, 102, 109, approx. 1,050 square feet in existing building
first floor
- Conditional Use Permit 14-09 to locate a wellness center within
the maximum 20% allowable non-industrial use

- Amendment 14-03 for rezoning from GI General Industrial to S-2A Tourist Oriented Shoreland approved by City Council 9/2/2014 Ordinance 14-08

H. Comments from Public Notice

1. Heather Hansen
2. Randy Elliott
3. Jake Bakke
4. Katie Murry and Bill Colwill
5. Donna and Russel Calahan
6. Connie Spencer
7. Petition from condo residents (see attached).

Comments and a petition from the condominium residents are attached. All concerns voiced are not directly related to criteria reviewed by the Planning Commission. In summary, concerns that are applicable include: parking and traffic impacts, potential odor nuisance, and Cannery Loft Condo Association Policies that govern usage separate from what is reviewed by the City.

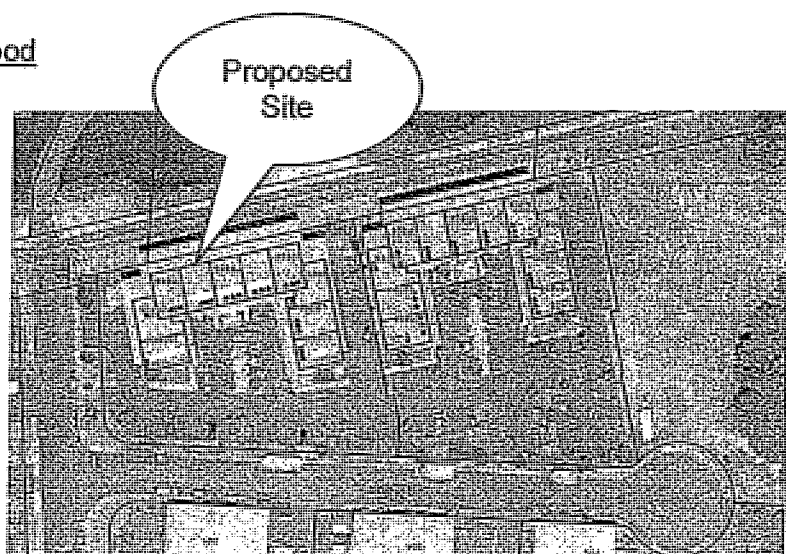
II. BACKGROUND

A. Subject Property

The property is located on the north side of Abbey Lane in Building A of the Cannery Loft Condominium complex. The structure, built in 2007, is four stories with mixed use spaces on the ground floor and residential use on the upper floors.

B. Adjacent Neighborhood

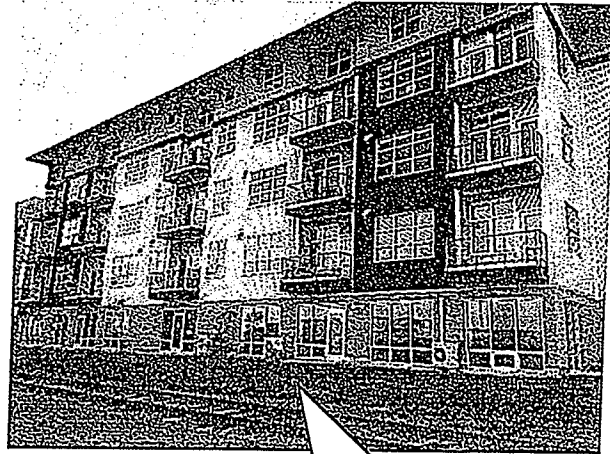
The neighborhood is developed with a mixture of industrial and commercial uses. To the south across Abbey Lane is the Astoria Business Park with construction supply retail sales, automotive repair/detailing, carpet store, and a gym. Most recently, a salon has moved into 103, which falls under "personal service establishment" and is an outright permitted use.



The parking spaces required for the salon were dictated by the number of stations available to customers. Parking for retail sales is determined by square footage of the site.

As a condominium, each unit is individually owned, but the building envelope, parking and other common areas are owned jointly by all condominium owners through a Condominium Owners Association.

To the north is the City Trolley line and Riverwalk Trail, Columbia River, and Pier 39 facility with Rogue Brewery, boat storage, offices, and marine related supplies. To the west across the 39th Street right-of-way is Hampton Inn & Suites; to the east is Building B of the condominium complex.



Proposed Site

Abbey Lane right-of-way is 50' wide with a paved area of approximately 35' wide and parking on the north side only.

C. Proposed Use

The applicant has requested a conditional use to locate a medicinal/recreational marijuana dispensary in one ground floor unit of the building. The proposed footprint is approximately 950 square feet.

The S2-A zone allows "Tourist Oriented Retail Sales" as an outright permitted use. "Non-Tourist Retail Sales Establishments" requires a conditional use permit. The definitions of both are as follows:

Tourist-Oriented Retail Sales	Non-Tourist Retail Sales Establishment
<i>A use or business which devotes 50% or more of its gross floor area to uses or activities which are open or physically accessible to the public, and are reasonably expected to be interest to visitors</i>	<i>Business, including a restaurant or bar, which are primarily engaged in selling merchandise to customers for personal, household or farm use. Retail Sales Establishment does not include gasoline service station, automotive sales establishment, or other sales of large motorized vehicles, or mobile homes.</i>
Permitted Outright in S-2A	Requires Conditional Use Permit in S-2A

Note that any retail sales establishment would come under Commission review in S2-A, this application should not be weighed solely on the fact the product sold is

marijuana. In an earlier draft of the application, the applicant included a business plan including the use of the space for a gallery and splitting the space to dedicate an area to accessories and art pieces. This portion of the proposal has since been withdrawn, and the general retail sales of medicinal/recreational marijuana is the proposed use for the space.

III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on September 30, 2016. A notice of public hearing was published in *The Daily Astorian* on October 18, 2016. Any comments received will be made available at the Planning Commission meeting.

IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

- A. Section 2.710 (4), Conditional Uses in the S-2A Zone, lists "*Non-Tourist Oriented Retail Sales Establishment*" as an allowable conditional use.

Finding: This district is intended to "*provide for mixed-use tourist oriented development that retains and takes advantage of the working waterfront character of the area. The uses permitted are intended to be compatible with pedestrian orientation. The emphasis is on the rehabilitation and reuse of existing structures.*"

The applicant proposes to locate a marijuana dispensary in approximately 950 square feet in the ground floor of an existing structure. The gross floor area of the ground level industrial/commercial includes 7,390 square feet (enclosed building area excluding parking and outdoor covered walkways) with the covered parking and communal areas of approximately 3,030 square feet for a total of 10,420 square feet.

Existing commercial/industrial uses at the site include a salon-an outright permitted use, mini-storage, and counseling offices, which were granted a Conditional Use Permit (CU 14-15) for "Professional and Business Offices."

Medicinal/recreational sales of marijuana falls under "Non-Tourist Oriented Retail Sales Establishment" as an allowable conditional use.

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Finding: The proposed use complies with the Comprehensive Plan.

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Finding: The proposed use is an appropriate use of an existing building. Customers can easily access the site as pedestrians coming off of the Riverwalk, or automobiles utilizing existing available parking.

The property is accessed from 39th Street, north of Lief Erikson Drive. There is an existing parking lot at the site with sufficient area for vehicle maneuvering. The nature of the applicant's business is similar to a professional services office with customers physically coming to and from the site for short periods of time. The applicant indicated that Oregon Health Authority policies restrict the number of customers that can be served at a time which would potentially minimize traffic and accessibility impacts on the site. Other zones which allow this type of use outright may be available. However, the property is available and otherwise appropriate for the use.

While there is *"availability of other appropriately zoned sites,"* Astoria is already home to five dispensaries, and two additional retail shops in the permitting process, not including this permit. These existing retail operations are located in commercial zones and near the downtown core. See the attached map for the distribution of dispensaries.

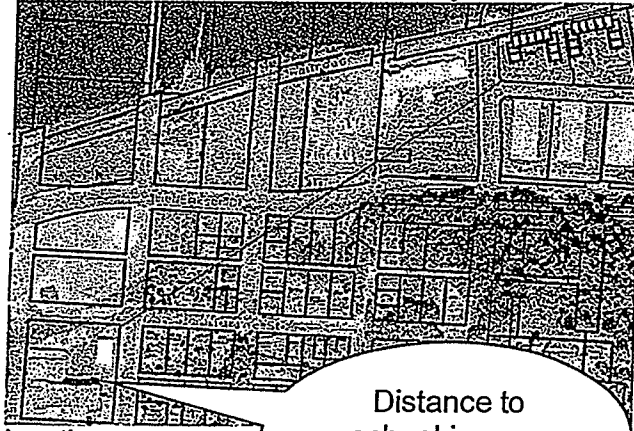
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Unlike other retail sales, marijuana dispensaries do have additional Oregon Revised Statutes which limit the locations where they can locate.

Oregon Revised Statutes 475B.110 require retail sale of marijuana items subject to regulation by the Oregon Liquor Control Commission.

This includes:

That the site "may not be located in an area that is zoned exclusively for residential use" and "may not be located within 1,000 feet of a school. The location at Abbey Lane is over 1,000 feet away from a school. See map above.



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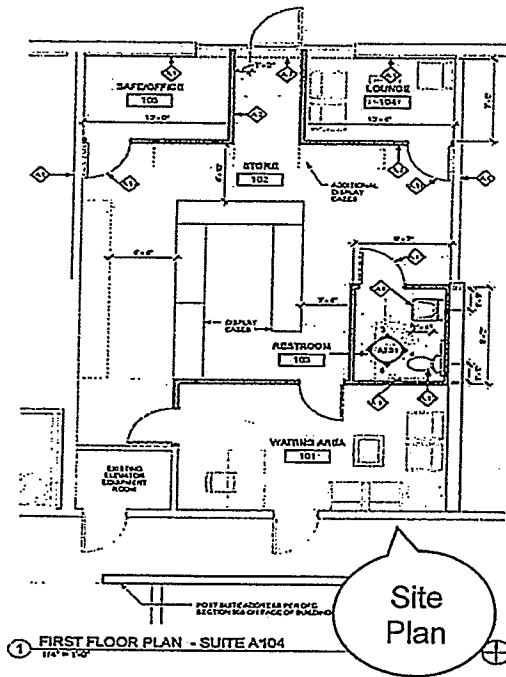
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The applicant has acknowledged their close proximity to residences, and included information about carbon filters they propose installing to mitigate any unwanted odors. See attached specifications.

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

Finding: There is ample area available for maneuvering of vehicles on the site. The 39th Street and Abbey Lane rights-of-way are improved to a width of approximately 35', with existing curbs and sidewalks. The site is easily accessible by bike and foot, via the Riverwalk. The site is located within walking distance of the trolley line.

Vehicular traffic on 39th Street is increasing yearly with the development at Pier 39, the occupancy of the Condominium buildings, and the Hampton Inn Hotel. However, the proposed use should not add a larger volume of vehicle trips to the site due to the nature of the number of clients that can be served at a time. The applicant approximates servicing 50 customers per day (12 hours) but has not indicated hours of operation. Emergency vehicles are stationed at 30th St Public Safety Building and are located in close proximity to the subject location.



With the rezone to S-2A Zone (A14-03), a Traffic Impact Study was completed by Lancaster Engineering, dated June 19, 2014, indicating that the proposed zone, which allows professional offices, retail, and other similar uses, would not have a major traffic impact.

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

Finding: All utilities are at the site and are capable of serving the use. The proposed additional surveillance may in fact increase the security at the site. As with all new or increased businesses and development, there will be incremental impacts to police and fire protection but it will not overburden these services. Marijuana dispensaries are a cash only business and therefore are a target for criminal activity. To address public safety concerns, the applicant will need to work with the Police Department on a security plan.

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

Finding: The site is not within 100' of a known geologic hazard as indicated on the City map. No new construction is proposed.

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

Finding: The site is landscaped and is buffered from other uses. No additional landscaping is required.

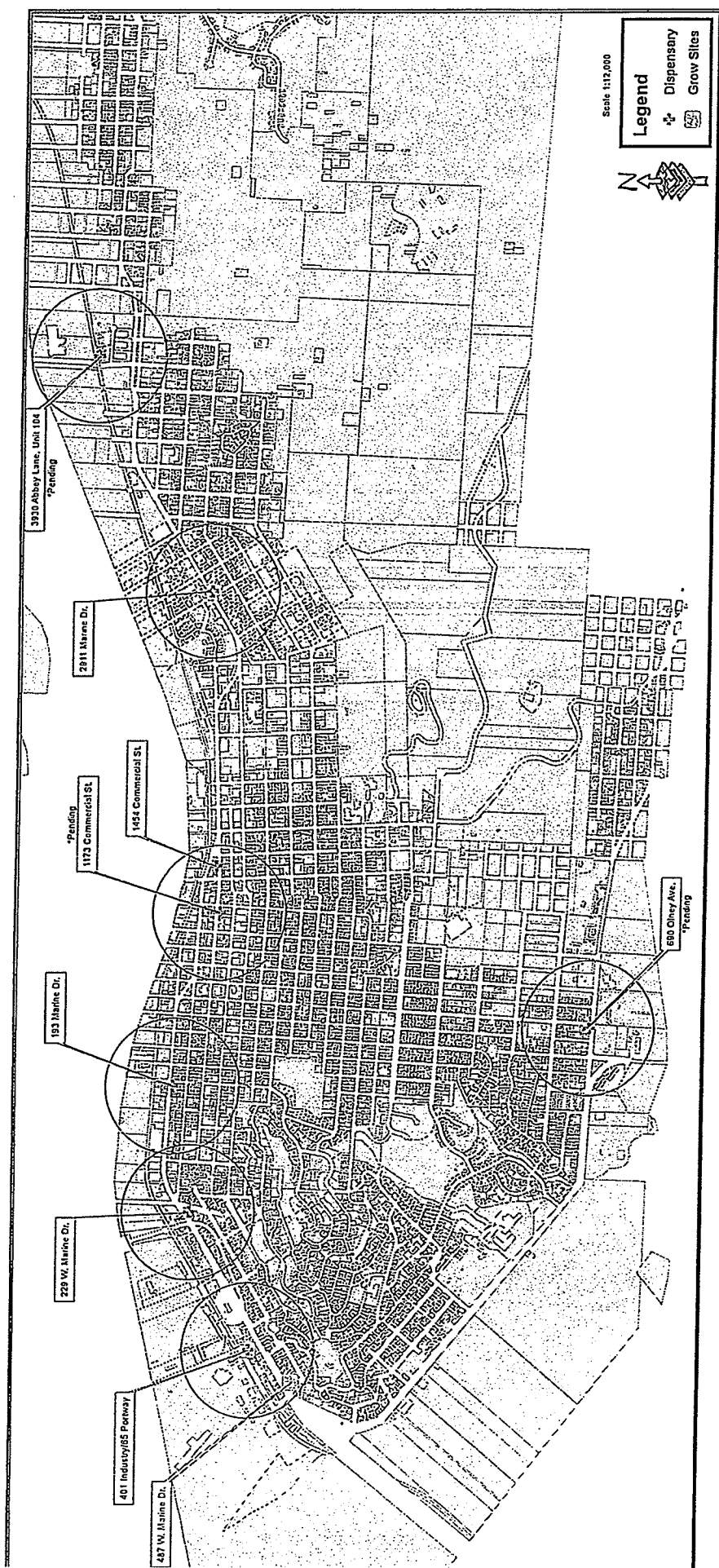
V. CONCLUSIONS AND RECOMMENDATIONS

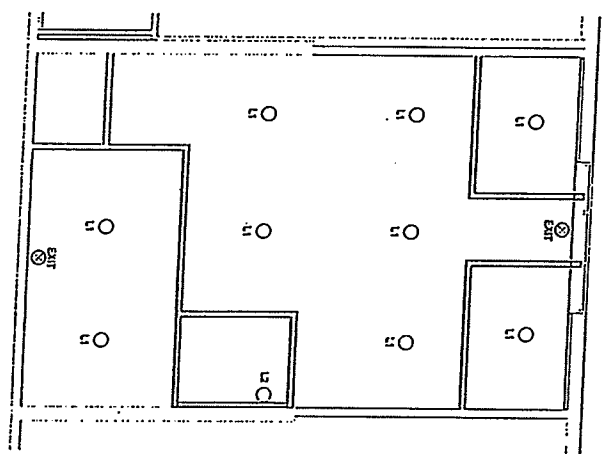
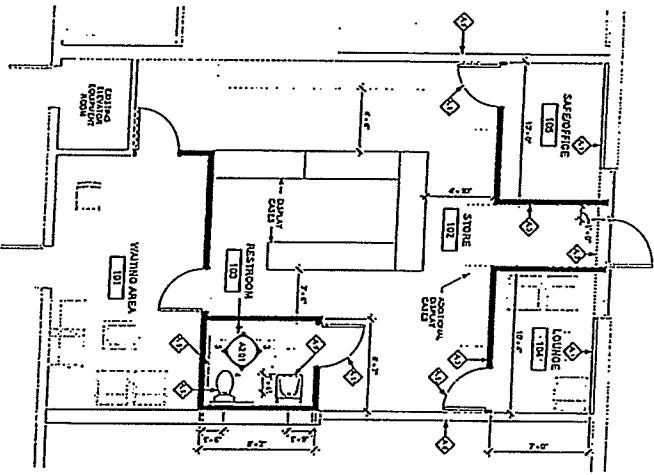
The request meets all applicable review criteria. Staff recommends approval of the request based on the findings of fact above with the following conditions:

1. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission.
2. Any signage shall require a sign permit and site plan per Article 8 requirements, including sandwich boards. Sign permits are required prior to installation of signage.
3. The applicant shall submit all necessary OLCC paperwork and a business license prior to opening.
4. Should odor nuisances arise, the applicant shall install additional air filtration systems or odor abatement techniques.
5. The applicant shall adhere to the condominium bylaws and any additional regulations imposed by the Cannery Loft Condo Association.
6. Should parking issues due to a greater number than 50 customers per day, the applicant shall submit a parking evaluation report after one year of operation to determine if parking is adequate. If more parking is needed, the applicant shall develop a parking demand management strategy with property owner, tenant, and COA and submit to the City.
7. To address public safety concerns, the applicant will need to work with the Police Department on a security plan.
8. The applicant shall work with Recology and the COA for locating garbage and recycling.

The applicant should be aware of the following requirements:

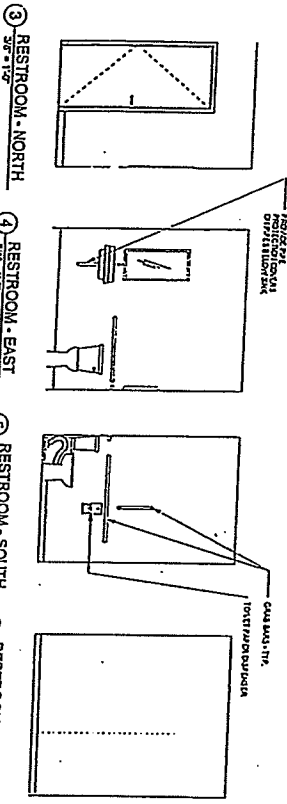
The applicant shall obtain all necessary City and building permits prior to the start of operation.





LIGHT FIXTURE SCHEDULE

SYMBOL	FIXTURE	LAMP TYPE	NO. OF LAMPS	TOTAL WATTS
1	LED DOWNLIGHT	LED SOURCE	1	2 WATTS



GENERAL NOTES:

1. ALL DIMENSIONS TO FACE OF STUD UNLESS OTHERWISE NOTED.
2. SEE MECHANICAL AND ELECTRICAL FOR ADDITIONAL INFORMATION.

- KEYNOTES:**
- A1. FINISHES: FLOORING, 2" X 12" STAIR TREADS AND RISERS, SEE MECHANICAL AND ELECTRICAL FOR ADDITIONAL INFORMATION.
 - A2. WALL TO STRUCTURE ABOVE - SEE MECHANICAL AND ELECTRICAL FOR ADDITIONAL INFORMATION.
 - A3. EXISTING WALL TO STRUCTURE ABOVE - SEE MECHANICAL AND ELECTRICAL FOR ADDITIONAL INFORMATION.
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CARLETON HART ARCHITECTURE P.C.
300 1st Avenue #300 Portland Oregon 97201
503 243 7231 www.carletonhart.com

SUITE A104 - TENANT IMPROVEMENT
3930 ABBEY LN - SUITE A104 - ASTORIA, OR
PERMIT ISSUE

PROJECT NO.
1004
2/20/2016

A2.01

STAFF REPORT AND ORDERS

11-25-16	Order and Findings of Fact for approval of Conditional Use CU16-10 by the Planning Commission on October 25, 2016.....	16
10-20-16	Staff Report and Findings of Fact, with mailing list, submitted to the Planning Commission for October 25, 2016 meeting	77

BEFORE THE ASTORIA PLANNING COMMISSION
OF THE CITY OF ASTORIA

IN THE MATTER OF A CONDITIONAL USE

FOR THE FOLLOWING PROPERTY: MAP T8N-R9W
SECTION 9; ASTORIA BUSINESS PARK;
3930 ABBEY LANE, BLDG A, UNIT 104, ASTORIA OR 97103

ZONING: S-2A, TOURIST ORIENTED SHORELANDS

APPLICANT: DARYL BELL, 2220 SE LADD AVENUE
PORTLAND OR 97214

ORDER NO. CU16-10

The above named applicant applied to the City for Conditional Use CU16-10 to locate a medical-recreational marijuana dispensary and retail sales establishment in an existing commercial building at 3930 Abbey Lane, Bldg A, Unit 104, Astoria, Oregon 97103.

A public hearing on the above entitled matter was held before the Astoria Planning Commission on October 25, 2016; and the Astoria Planning Commission closed the public hearing and rendered a decision at the October 25, 2016 meeting.

The Astoria Planning Commission orders that this application for a Conditional Use Request CU16-10 is approved and adopts the findings of fact and conclusions of law attached hereto.

The effective date of this approval is 15 days following the signing of this order, subject to any attached conditions. *A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.*

This decision may be appealed to the City Council by the applicant, party to the hearing, or a party who responded in writing by filing an appeal with the City within 15 days of this date (Section 9.040).

The permit will be void after two years unless substantial construction has taken place, or use has begun. However, the Planning Commission may extend the permit for an additional one year upon request by the applicant.

DATE SIGNED: OCTOBER 25, 2016

DATE MAILED: 10-27-16

ASTORIA PLANNING COMMISSION



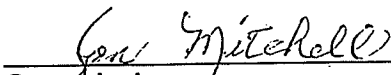
President



Commissioner

Commissioner

Commissioner



Commissioner

Commissioner



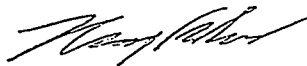
Commissioner

STAFF REPORT AND FINDINGS OF FACT

October 20, 2016

TO: ASTORIA PLANNING COMMISSION

FROM: NANCY FERBER, PLANNER

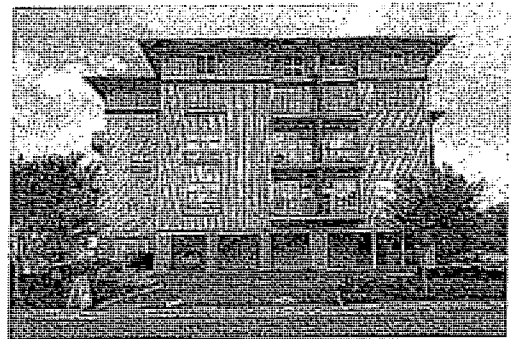


SUBJECT: CONDITIONAL USE REQUEST (CU16-10) BY DARYL BELL TO LOCATE
RETAIL SALES AT 3930 ABBEY LANE, BUILDING A, UNIT 104

I. Background

A. Applicant: Daryl Bell
2220 SE Ladd Ave
Portland, OR 97214

B. Owner: Ted Forcum
Nomadic Properties, LLC
10139 NW Skyline Heights Drive
Portland OR 97229



C. Location: 3930 Abbey Lane; Map T8N-R9W Section 9AA, Tax Lot 90108;
Building A Unit 104, Cannery Loft Condominium, Astoria Business
Park

D. Zone: S-2A, Tourist Oriented Shoreland Zone

E. Lot Size: Proposed retail space is 950 Square Feet

F. Request: To locate a medical/recreational marijuana dispensary center as a
retail sales establishment in an existing mixed use
(commercial/residential) building

G. Previous

Applications: The condominium mixed residential and commercial use was
approved by the Planning Commission under Conditional Use
Permit (CUP) 04-04, and Amendment to Existing Permit AEP05-
05

- Variance 04-07 and 05-04 for building height and landscaping
- Conditional Use Permit 04-04 for condominium construction
- Conditional Use Permit 14-15 to locate professional offices in
units 101, 102, 109, approx. 1,050 square feet in existing building
first floor
- Conditional Use Permit 14-09 to locate a wellness center within
the maximum 20% allowable non-industrial use

- Amendment 14-03 for rezoning from GI General Industrial to S-2A Tourist Oriented Shoreland approved by City Council 9/2/2014 Ordinance 14-08

H. Comments from Public Notice

1. Heather Hansen
2. Randy Elliott
3. Jake Bakke
4. Katie Murry and Bill Colwill
5. Donna and Russel Calahan
6. Connie Spencer
7. Petition from condo residents (see attached).

Comments and a petition from the condominium residents are attached. All concerns voiced are not directly related to criteria reviewed by the Planning Commission. In summary, concerns that are applicable include: parking and traffic impacts, potential odor nuisance, and Cannery Loft Condo Association Policies that govern usage separate from what is reviewed by the City.

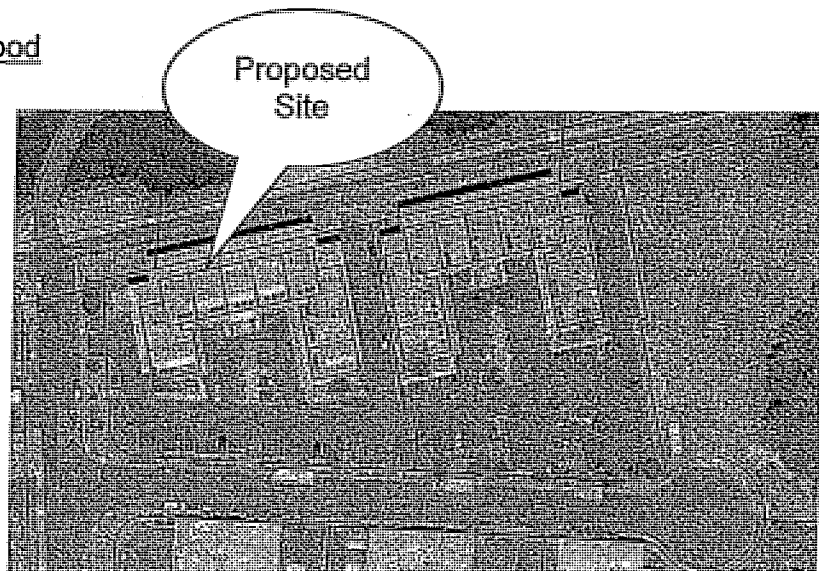
II. BACKGROUND

A. Subject Property

The property is located on the north side of Abbey Lane in Building A of the Cannery Loft Condominium complex. The structure, built in 2007, is four stories with mixed use spaces on the ground floor and residential use on the upper floors.

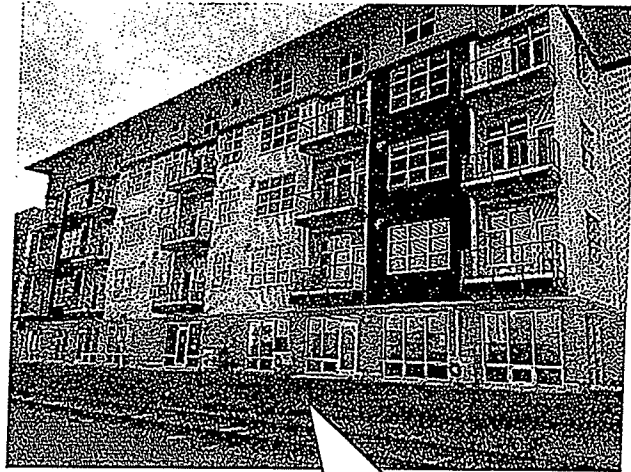
B. Adjacent Neighborhood

The neighborhood is developed with a mixture of industrial and commercial uses. To the south across Abbey Lane is the Astoria Business Park with construction supply retail sales, automotive repair/detailing, carpet store, and a gym. Most recently, a salon has moved into 103, which falls under "personal service establishment" and is an outright permitted use.



The parking spaces required for the salon were dictated by the number of stations available to customers. Parking for retail sales is determined by square footage of the site.

As a condominium, each unit is individually owned, but the building envelope, parking and other common areas are owned jointly by all condominium owners through a Condominium Owners Association.



To the north is the City Trolley line and Riverwalk Trail, Columbia River, and Pier 39 facility with Rogue Brewery, boat storage, offices, and marine related supplies. To the west across the 39th Street right-of-way is Hampton Inn & Suites; to the east is Building B of the condominium complex.

Proposed Site

Abbey Lane right-of-way is 50' wide with a paved area of approximately 35' wide and parking on the north side only.

C. Proposed Use

The applicant has requested a conditional use to locate a medicinal/recreational marijuana dispensary in one ground floor unit of the building. The proposed footprint is approximately 950 square feet.

The S2-A zone allows "Tourist Oriented Retail Sales" as an outright permitted use. "Non-Tourist Retail Sales Establishments" requires a conditional use permit. The definitions of both are as follows:

Tourist-Oriented Retail Sales	Non-Tourist Retail Sales Establishment
<i>A use or business which devotes 50% or more of its gross floor area to uses or activities which are open or physically accessible to the public, and are reasonably expected to be interest to visitors</i>	<i>Business, including a restaurant or bar, which are primarily engaged in selling merchandise to customers for personal, household or farm use. Retail Sales Establishment does not include gasoline service station, automotive sales establishment, or other sales of large motorized vehicles, or mobile homes.</i>
Permitted Outright in S-2A	Requires Conditional Use Permit in S-2A

Note that any retail sales establishment would come under Commission review in S2-A, this application should not be weighed solely on the fact the product sold is

marijuana. In an earlier draft of the application, the applicant included a business plan including the use of the space for a gallery and splitting the space to dedicate an area to accessories and art pieces. This portion of the proposal has since been withdrawn, and the general retail sales of medicinal/recreational marijuana is the proposed use for the space.

III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on September 30, 2016. A notice of public hearing was published in *The Daily Astorian* on October 18, 2016. Any comments received will be made available at the Planning Commission meeting.

IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

- A. Section 2.710 (4), Conditional Uses in the S-2A Zone, lists "*Non-Tourist Oriented Retail Sales Establishment*" as an allowable conditional use.

Finding: This district is intended to "*provide for mixed-use tourist oriented development that retains and takes advantage of the working waterfront character of the area. The uses permitted are intended to be compatible with pedestrian orientation. The emphasis is on the rehabilitation and reuse of existing structures.*"

The applicant proposes to locate a marijuana dispensary in approximately 950 square feet in the ground floor of an existing structure. The gross floor area of the ground level industrial/commercial includes 7,390 square feet (enclosed building area excluding parking and outdoor covered walkways) with the covered parking and communal areas of approximately 3,030 square feet for a total of 10,420 square feet.

Existing commercial/industrial uses at the site include a salon-an outright permitted use, mini-storage, and counseling offices, which were granted a Conditional Use Permit (CU 14-15) for "Professional and Business Offices."

Medicinal/recreational sales of marijuana falls under "Non-Tourist Oriented Retail Sales Establishment" as an allowable conditional use.

- B. Section 2.715 (2) Development standards and procedural requirements states "*Outdoor storage areas will be enclosed by appropriate vegetation, fencing or walls.*" 2.715 (4) *Signs will comply with requirements in Article 8*

Finding: The applicant has not proposed any additional outdoor storage areas, should any storage areas be developed in the future, they shall be enclosed by appropriate vegetation, fencing or walls.

Any signage shall require a sign permit and site plan submitted per Article 8 requirements, including signage for any sandwich boards.

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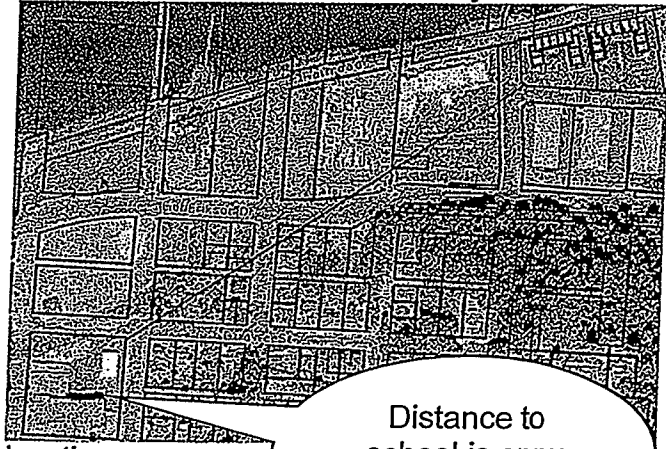
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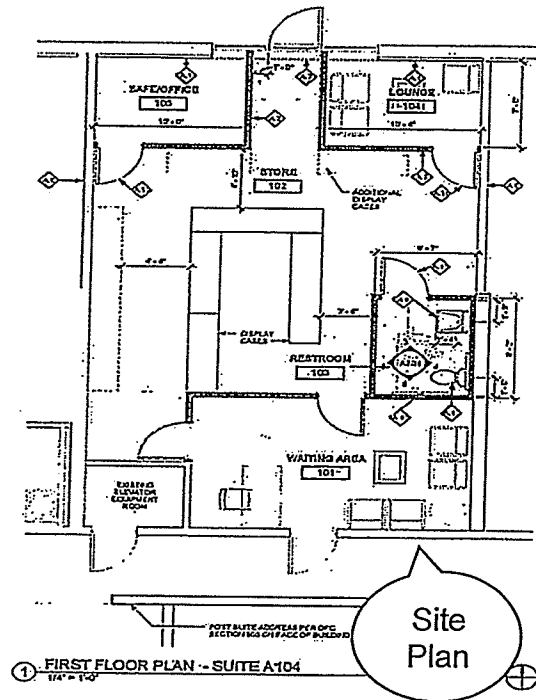
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The applicant has acknowledged their close proximity to residences, and included information about carbon filters they propose installing to mitigate any unwanted odors. See attached specifications.

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

Finding: There is ample area available for maneuvering of vehicles on the site. The 39th Street and Abbey Lane rights-of-way are improved to a width of approximately 35', with existing curbs and sidewalks. The site is easily accessible by bike and foot, via the Riverwalk. The site is located within walking distance of the trolley line.

Vehicular traffic on 39th Street is increasing yearly with the development at Pier 39, the occupancy of the Condominium buildings, and the Hampton Inn Hotel. However, the proposed use should not add a larger volume of vehicle trips to the site due to the nature of the number of clients that can be served at a time. The applicant approximates servicing 50 customers per day (12 hours) but has not indicated hours of operation. Emergency vehicles are stationed at 30th St Public Safety Building and are located in close proximity to the subject location.



With the rezone to S-2A Zone (A14-03), a Traffic Impact Study was completed by Lancaster Engineering, dated June 19, 2014, indicating that the proposed zone, which allows professional offices, retail, and other similar uses, would not have a major traffic impact.

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

Finding: All utilities are at the site and are capable of serving the use. The proposed additional surveillance may in fact increase the security at the site. As with all new or increased businesses and development, there will be incremental impacts to police and fire protection but it will not overburden these services. Marijuana dispensaries are a cash only business and therefore are a target for criminal activity. To address public safety concerns, the applicant will need to work with the Police Department on a security plan.

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

Finding: The site is not within 100' of a known geologic hazard as indicated on the City map. No new construction is proposed.

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

Finding: The site is landscaped and is buffered from other uses. No additional landscaping is required.

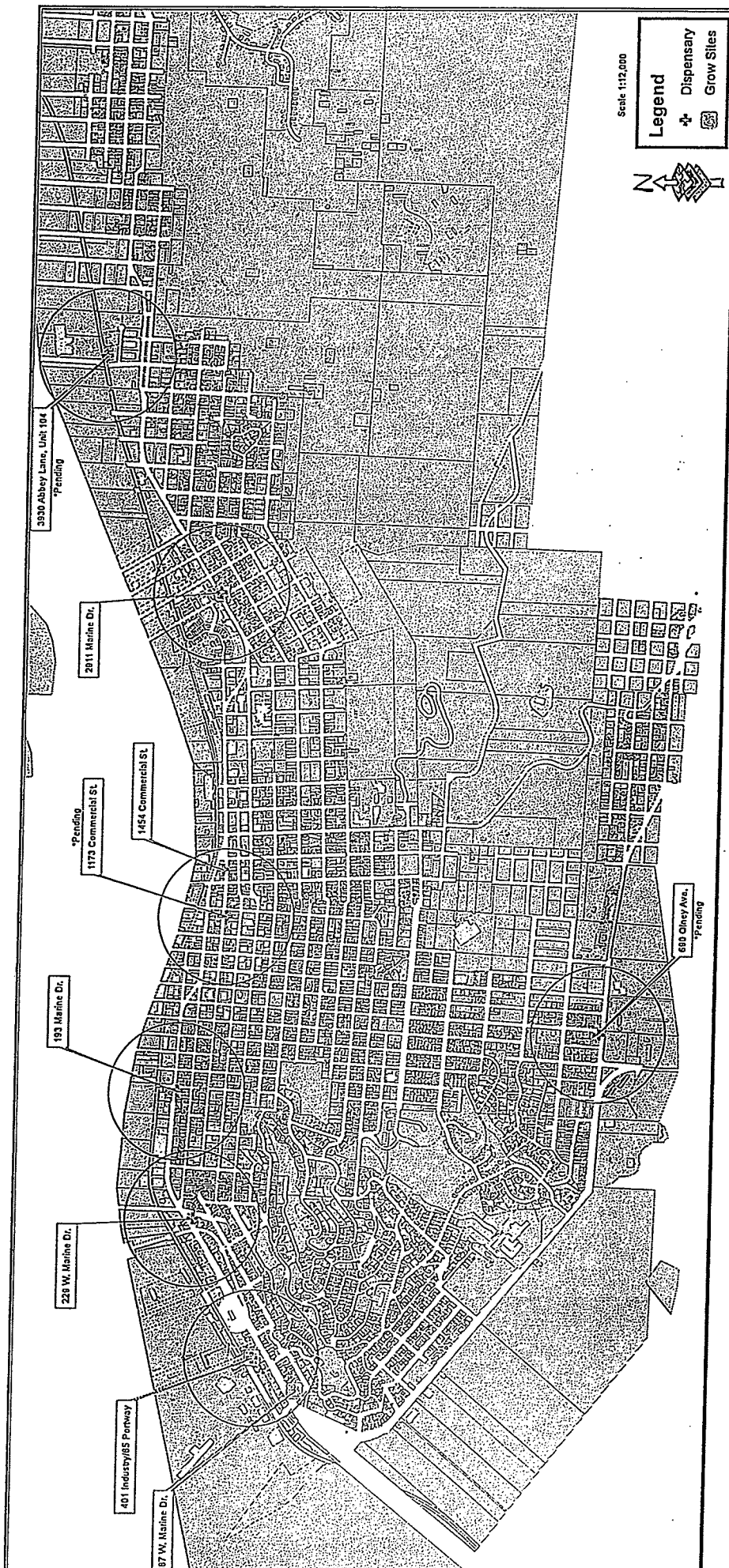
V. CONCLUSIONS AND RECOMMENDATIONS

The request meets all applicable review criteria. Staff recommends approval of the request based on the findings of fact above with the following conditions:

1. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission.
2. Any signage shall require a sign permit and site plan per Article 8 requirements, including sandwich boards. Sign permits are required prior to installation of signage.
3. The applicant shall submit all necessary OLCC paperwork and a business license prior to opening.
4. Should odor nuisances arise, the applicant shall install additional air filtration systems or odor abatement techniques.
5. The applicant shall adhere to the condominium bylaws and any additional regulations imposed by the Cannery Loft Condo Association.
6. Should parking issues due to a greater number than 50 customers per day, the applicant shall submit a parking evaluation report after one year of operation to determine if parking is adequate. If more parking is needed, the applicant shall develop a parking demand management strategy with property owner, tenant, and COA and submit to the City.
7. To address public safety concerns, the applicant will need to work with the Police Department on a security plan.
8. The applicant shall work with Recology and the COA for locating garbage and recycling.

The applicant should be aware of the following requirements:

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



Scale 1:12,000

Legend

- Dispensary
- Grow Sites



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

No. CU/16-10

☒ Fee Paid Date 9-21-16 By KC
Fee: \$250.00

CONDITIONAL USE APPLICATION

Property Address: 3930 Abbey Lane. Building A Unit 104. Astoria, Oregon

Lot N/A Block N/A Subdivision Cannery-Loft Astoria
Condo Stage 1- Business
Map 8009AA Tax Lot 80104 (90107) Zone S2a
90205
90305
90405

Applicant Name: Daryl Bell

Mailing Address: 2220 SE Ladd Ave. Portland. OR 97214

Phone: 503.867.5023 Business Phone: _____ Email: daryl.bell1@gmail.com

Property Owner's Name: Ted Forcum

Mailing Address: 10139 NW Skyline Heights Drive, Portland. OR 97229

Business Name (if applicable): Nomadic Properties, LLC

Signature of Applicant: [Signature] Date: 9-20-2016

Signature of Property Owner: [Signature] Date: 9-20-2016

Existing Use: Vacant

Proposed Use: Medical/Recreational Dispensary - retail sales establishment (#32)

Square Footage of Building/Site: 950 sq ft 2500 sq ft

Proposed Off-Street Parking Spaces: regs 1 space/500 sq ft (7.110) for a total of 2.710
3 spaces for building A are available at time of application 2 parking spaces

SITE PLAN: A Site Plan depicting property lines and the location of all existing and proposed structures, parking, landscaping, and/or signs is required. The Plan must include distances to all property lines and dimensions of all structures, parking areas, and/or signs. Scaled free-hand drawings are acceptable.

For office use only:	
Pre-app 9.21.16	
Application Complete: <u>9-22-16</u>	Permit Info Into D-Base: <u>9-26-16</u>
Labels Prepared: <u>9/20/16</u>	Tentative APC Meeting Date: <u>10/25/16</u>
120 Days: <u>1.19.17</u>	<u>6:30 PM</u>

City Hall • 1095 Duane Street • Astoria OR 97103 • Phone 503-338-5183 • Fax 503-338-6538
plannino@astoria.or.us • www.astoria.or.us

Pending addtl retail
info re: art + glass sales?

FILING INFORMATION: Planning Commission meets on the fourth Tuesday of each month. Completed applications must be received by the 20th of the month to be on the next month's agenda. A Pre-Application meeting with the Planner is required prior to acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Planning Commission meeting is recommended.

Briefly address each of the following criteria: Use additional sheets if necessary.

- 11.030(A)(1) The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use.

The use is appropriate at the proposed location:

- The proposed site is approximately 1 block west of Hwy 101 located at 3930 Abbey Lane. Traffic is relatively light exiting from Hwy 101 (Leif Erikson) resulting in easy fluid access to the proposed location which features two points of egress/ingress, making it very accessible to customers. Traffic studies were performed by Lancaster Engineering to support retail use with the rezoning from GI to S2a.
- There are additional dispensaries in Astoria – all located west of the proposed location. The Pharmacy located at 2911 Marine Drive is the closest in proximity. The proposed site will focus on and cater to residents east of 29th Street and potential customers that enter the city from the north.
- Given the number of dispensaries and respective location there are very few options in other appropriately zoned sites. In addition, there is a dearth of building owners/landlords able to or willing to accommodate cannabis based business. I have dedicated 16 months looking for desirable appropriately zoned locations in Astoria.
- Additional Considerations:
 - o Dispensary will provide discounts to veterans and the elderly
 - o Will act as a canvas for local artisans/artists
 - o Offer community support in an effort to be good stewards of the community
 - o Conduct parking lot sweeps/checks
 - o Be compliant with local and state regulations
 - o Be low profile, understated, rustic
 - o Offer robust surveillance
 - o Outfit proposed site with carbon charcoal filters to mitigate scent of marijuana
 - o Not allow consumption of cannabis products on site

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

Please see site layout and dispensary schematic.

- Proposed location will not adversely impact access points. There are two egress/ingress points.

- Proposed location has two dedicated spaces. There is additional street parking allocated to CLC.
- The complex parking lot has never exceeded 35% of capacity.
- Dispensary will service approximately 50 customers per day (12 hour day) – light traffic designation.
- Dispensary traffic will not impede and/or interrupt refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities.

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

Dispensary operation will be consistent with traditional retail operation and will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities. Robust surveillance will increase overall efficacy of security on site.

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

N/A – Proposed location in established commercial corridor

11.030(A)(5) The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.

N/A – Proposed location in established commercial corridor


11.030(B) Housing developments will comply only with standards 2, 3, and 4 above.

N/A – Proposed location in established commercial corridor

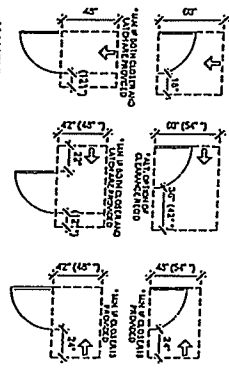
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3930 ABBEY LN - SUITE A104 - ASTORIA, OR

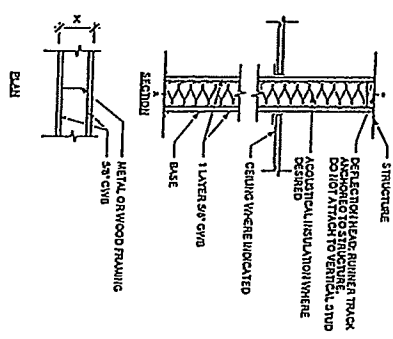
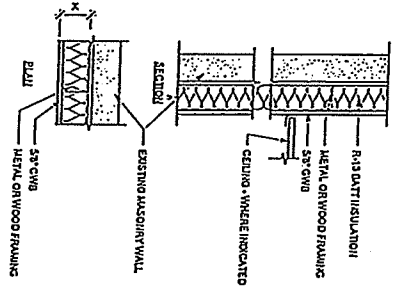
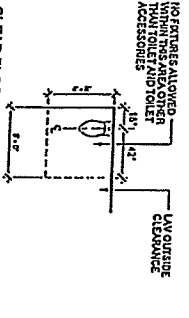
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COVER SHEET PROJECT NUMBER 1004 940300	ASTORIA DISPENSARY SUITE A104 - TENANT IMPROVEMENT 3930 ABBEY LN - SUITE A104 - ASTORIA, OR PERMIT ISSUE	 CARLETON HART ARCHITECTURE P.C. 630 W 10th Avenue #200 Portland Oregon 97205 503 763 3337 www.carletohart.com
	3000	

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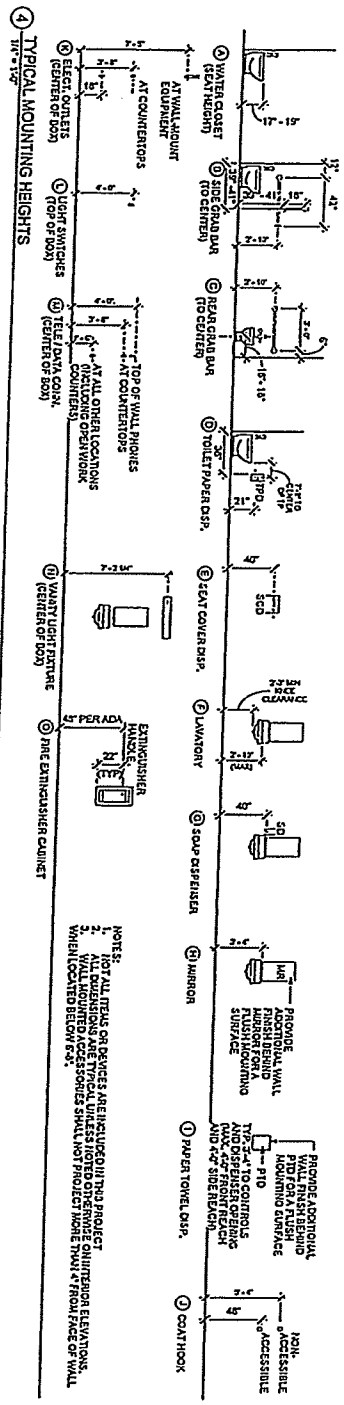
NOTE: CLEAR FLOOR SPACE OF 30"X48" REQUIRED ON PARALLEL APPROACH TO SINKS, LAVATORIES, AND EQUIPMENT. THE APPROACH SHALL BE MAINTAINED AT ALL TIMES.



1 REQUIRED CLEARANCES

2 FURRING WALL

3 PARTITION WALL



NOTE: 1. NOT ALL ITEMS OR SERVICES ARE MOUNTED IN THIS PROJECT. 2. ALL DIMENSIONS ARE TYPICAL UNLESS OTHERWISE SPECIFIED. 3. ALL DIMENSIONS ARE TYPICAL UNLESS OTHERWISE SPECIFIED. 4. ALL DIMENSIONS ARE TYPICAL UNLESS OTHERWISE SPECIFIED. 5. ALL DIMENSIONS ARE TYPICAL UNLESS OTHERWISE SPECIFIED. 6. ALL DIMENSIONS ARE TYPICAL UNLESS OTHERWISE SPECIFIED. 7. ALL DIMENSIONS ARE TYPICAL UNLESS OTHERWISE SPECIFIED. 8. ALL DIMENSIONS ARE TYPICAL UNLESS OTHERWISE SPECIFIED. 9. ALL DIMENSIONS ARE TYPICAL UNLESS OTHERWISE SPECIFIED. 10. ALL DIMENSIONS ARE TYPICAL UNLESS OTHERWISE SPECIFIED. 11. ALL DIMENSIONS ARE TYPICAL UNLESS OTHERWISE SPECIFIED. 12. ALL DIMENSIONS ARE TYPICAL UNLESS OTHERWISE SPECIFIED. 13. ALL DIMENSIONS ARE TYPICAL UNLESS OTHERWISE SPECIFIED. 14. ALL DIMENSIONS ARE TYPICAL UNLESS OTHERWISE SPECIFIED. 15. ALL DIMENSIONS ARE TYPICAL UNLESS OTHERWISE SPECIFIED. 16. ALL DIMENSIONS ARE TYPICAL UNLESS OTHERWISE SPECIFIED. 17. 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Subject: CLC Parking

From: Daryl Bell (daryl.bell1@gmail.com)

To: noella.nelson@yahoo.com;

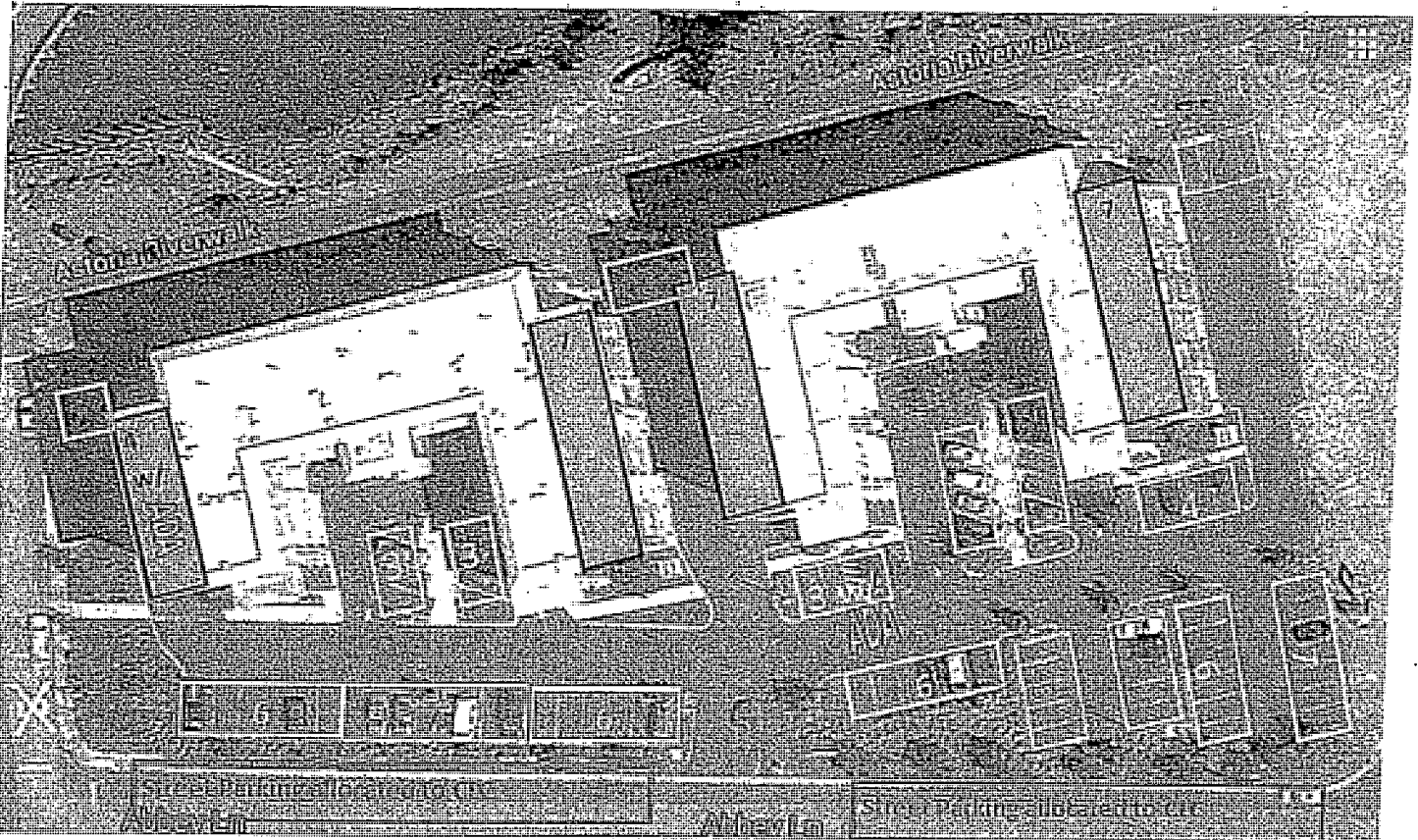
Date: Wednesday, September 21, 2016 12:23 AM

~~Parking spaces are allotted to the complex; 103 in the parking lot and 8 on Abbey lane.~~

*No 11 are allotted to bldg A,
8 are accounted for
This proposed use requires 2, leaving
1 available for future
commercial use.*

CANNERY LOFT CONDOMINIUM PARKING ALLOCATION

Page 3



25 common covered (6 reserved for commercial only for GI/oning)

Street Parking allocated to CLC

81 Common parking

33

Parking

- Photo below is from Wednesday April 9th from building B at 11:00am.



- 36.5% of building B commercial space is occupied.
- 97% of building B residences are occupied.
- 5 vehicles in the 14 commercial spaces, one of which is residential.
- 10 vehicles in the common 50 spaces surrounding building B, (4 east, 10 courtyard, 36 south, 14 commercial).
- On this day at standard business hours only 23.4% of parking is consumed with office space commercial use.

Parking 7:30pm Friday April 25th, 2014 Wine and Seafood Festival

(not part of BOD presentation)

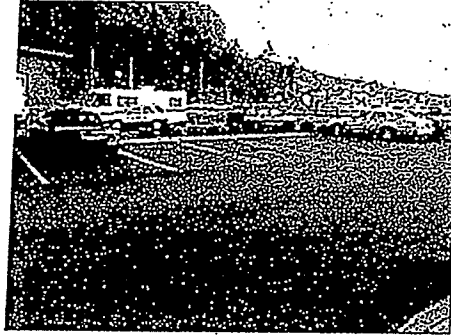
- 42 vehicles / 103 parking lot spaces
- 5 vehicles on Abbey lane
 - 3 walked to Pier 39
 - 2 vehicles allotted to CLC
 - 8 spaces on Abbey Lane allotted for Cannery Lofts.
- On one of the busier weekends only 39.6% of allowable spaces are being used



Parking 3:30pm Sunday May 25, 2014

Memorial Weekend

- 38 vehicles in the 103 parking lot spaces.
- 1 vehicle on Abbey Lane. 8 spaces on Abbey Lane allotted for Cannery Lofts.
- 111 Total allotted spaces.
- On one of the busier weekends only 34% of allowable spaces are being used.



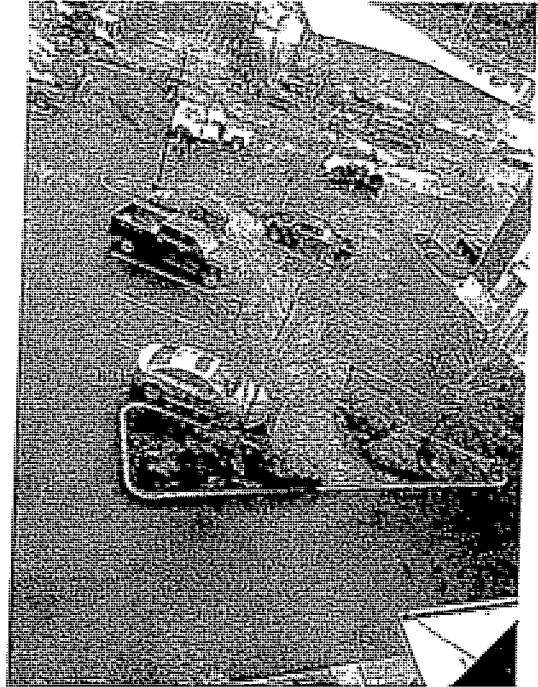
Parking 5pm Saturday June 7th, 2016

- 27 vehicles in the 103 parking lot spaces. 0 vehicle on Abbey Lane. 8 spaces on Abbey Lane allotted for Cannery Lofts.
- 111 Total allotted spaces.
- 24% of allowable spaces are being used.



Friday 4/22/16 10:26am

- During Construction
- Building B
 - Greatest amount of commercial occupancy
 - West covered parking was closed off.
 - 40% (26 of 64) building B spaces closed for construction.



1 Forcum, DC, DACBSP, CES, PES, CSCS

1land Winterhawks, Team Chiropractor

5 USATF World Championship Sports Medicine Team

it Commission on Sports Medicine and Science, Board Member

08 US Olympic Sports Medicine Team Member

A Sports Council, Past President 2008-2010

uadic Properties, LLC

39 NW Skyline Heights Drive

land, OR 97229

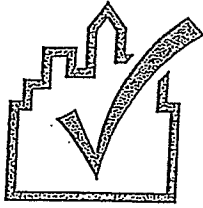
816-6581

c In Motion Chiropractic and Sports Rehab Center

5 SW Scholls Ferry Road

erton, Oregon 97008

i24.9040



Generated by COMcheck-Web Software
Envelope Compliance Certificate

Section 1: Project Information

Energy Code: 2014 Oregon Energy Efficiency Specialty Code
Project Title: Astoria Dispensary
Project Type: Addition
Envelope Compliance Method: Simplified Trade-Off

Construction Site:
3930 Abbey Lane, Suite A104
Astoria, Oregon

Owner/Agent:

Designer/Contractor:

Corey Morris
Carleton Hart Architecture

Building Location (for weather data):

Astoria, Oregon

Climate Zone:

4c

Vertical Glazing / Wall Area Pct.:

7%

Building Use: Area Type

1-Office : Nonresidential

Floor Area

950

Section 2: Envelope Assemblies and Requirements Checklist

Envelope PASSES Design 0.1% better than code.

Envelope Assemblies:

Component Name/Description	Gross Area or Perimeter	Cavity R-Value	Cont. R-Value	Proposed U-Factor	Budget U-Factor(a)
Ext. Wall: Concrete Block, 8in., Solid Grouted, Light Density, Furring: Wood, [Bldg. Use 1 - Office]	450	13.0	0.0	0.074	0.150
Window: , Perf. Specs.: Product ID Existing, SHGC 0.70, [Bldg. Use 1 - Office] (b)	80	---	---	0.350	0.450
Ext. Wall: Steel-Framed, 16in. o.c., [Bldg. Use 1 - Office]	640	13.0	0.0	0.124	0.064
Floor: Unheated Slab-On-Grade, [Bldg. Use 1 - Office]	90	---	---	---	---

(a) Budget U-factors are used for software baseline calculations ONLY, and are not code requirements.

(b) Fenestration product performance must be certified in accordance with NFRC and requires supporting documentation.

In the following requirements, blank checkboxes identify requirements that the applicant has not acknowledged as being met. Checkmarks identify requirements that the applicant acknowledges are met or excepted from compliance. 'Plans reference page/section' identifies where in the plans/specs the requirement can be verified as being satisfied.

Fenestration Product Rating:

- ✓ 1. U-factors of fenestration products (windows, doors and skylights) are determined in accordance with NFRC 100 by an accredited, independent laboratory, and labeled and certified by the manufacturer or are determined using the commercial size category values listed in Chapter 15 of the 2009 ASHRAE Handbook of Fundamentals, Table No.4 and shall include the effects of the window frame. The temporary label affixed to the fenestration products must not be removed prior to inspection.

Plans reference page/section: _____

- ✓ 2. Solar heat gain coefficient (SHGC) of glazed fenestration products (windows, glazed doors and skylights) shall be determined in accordance with NFRC 200 by an accredited, independent laboratory, and labeled and certified by the manufacturer or be determined using the Solar Heat Gain Coefficients (SHGC) in Chapter 15 of the 2009 ASHRAE Handbook of Fundamentals, Table No.10. The overall values must consider type of frame material and operator for the SHGC at normal incidence.

Plans reference page/section: _____

Air Leakage, Insulation, and Component Certification:

- ✓ 3. Sealing of the building envelope. Openings and penetrations in the building envelope are sealed with caulking materials or closed with gasketing systems compatible with the construction materials and location. Joints and seams are sealed in the same manner or taped

or covered with a moisture vapor-permeable wrapping material. Sealing materials spanning joints between construction materials allow for expansion and contraction of the construction materials.

Plans reference page/section: _____

- ✓ 4. Window and door assemblies. The air leakage of window and sliding or swinging door assemblies that are part of the building envelope are determined in accordance with AAMA/WDMA/CSA 101/I.S.2/A440, or NFRC 400 by an accredited, independent laboratory, and labeled and certified by the manufacturer.

Plans reference page/section: _____

- ✓ 5. Curtain wall, storefront glazing and commercial entrance doors. Curtain wall, storefront glazing and commercial-glazed swinging entrance doors and revolving doors are tested for air leakage in accordance with ASTM E 283. For curtain walls and storefront glazing, the maximum air leakage rate is 0.3 cubic foot per minute per square foot of fenestration area. For commercial glazed swinging entrance doors and revolving doors, the maximum air leakage rate is 1.00 cfm/ft² of door area.

Plans reference page/section: _____

- ✓ 6. Building thermal envelope insulation. An R-value identification mark is applied (by manufacturer) to each piece of insulation 12 inches or greater in width. Alternately, the insulation installers have provided a signed, dated and posted certification listing the type, manufacturer and R-value of insulation installed. Refer to code section for blown or sprayed insulation installation/settling depths and marker requirements.
- ✓ 7. Insulation mark installation. Insulating materials are installed such that the manufacturer's R-value mark is readily observable upon inspection.
- ✓ 8. Insulation product rating. The thermal resistance (R-value) of insulation has been determined in accordance with the U.S. FTC R-value rule.
- ✓ 9. Installation. All material, systems and equipment are installed in accordance with the manufacturer's installation instructions and the International Building Code.
- ✓ 10. Outdoor air intakes and exhaust openings. Stair and elevator shaft vents and other outdoor air intakes and exhaust openings integral to the building envelope shall be equipped with not less than a Class I motorized, leakage-rated damper with a maximum leakage rate of 4 cfm per square foot at 1.0 inch water gauge when tested in accordance with AMCA 500D. Stair and shaft vent dampers shall be capable of being automatically closed during normal building operation and interlocked to open as required by fire and smoke detection systems.

Requirement is not applicable.

Plans reference page/section: _____

- ✓ 11. Loading dock weatherseals. Cargo doors and loading dock doors are equipped with weather seals to restrict infiltration when vehicles are parked in the doorway.

Requirement is not applicable.

Plans reference page/section: _____

- ✓ 12. Recessed lighting. Recessed luminaires installed in the building thermal envelope are sealed to limit air leakage between conditioned and unconditioned spaces. All recessed luminaires are IC-rated and labeled as meeting ASTM E 283. All recessed luminaires are sealed with a gasket or caulk between the housing and interior wall or ceiling covering.

Requirement is not applicable.

Plans reference page/section: _____

- ✓ 13. Vestibules. Doors that separate conditioned space from the exterior are protected with an enclosed vestibule, with all doors of the vestibule equipped with self-closing devices. Vestibules are designed so interior and exterior doors to not operate simultaneously.

✓ Exception applies: Doors that open directly from a space less than 3000 sq. ft. in area.

Plans reference page/section: _____

- ✓ 14. 'Other' components have supporting documentation for proposed U-Factors.

Requirement is not applicable.

Plans reference page/section: _____

Section 3: Compliance Statement

Compliance Statement: The proposed envelope design represented in this document is consistent with the building plans, specifications and other calculations submitted with this permit application. The proposed envelope system has been designed to meet the 2014 Oregon Energy Efficiency Specialty Code requirements in COMcheck-Web and to comply with the mandatory requirements in the Requirements Checklist.

Cory Morris

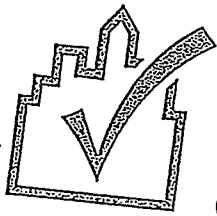
Architect

9.20.2016

Name - Title

Signature

Date



Generated by COMcheck-Web Software Interior Lighting Compliance Certificate

Section 1: Project Information

Energy Code: 2014 Oregon Energy Efficiency Specialty Code
Project Title: Astoria Dispensary
Project Type: Addition
Envelope Compliance Method: Simplified Trade-Off
Construction Site:
3930 Abbey Lane, Suite A104
Astoria, Oregon

Owner/Agent:

Designer/Contractor:
Corey Morris
Carleton Hart Architecture

Section 2: Interior Lighting and Power Calculation

A Area Category	B Floor Area (ft ²)	C Allowed Watts / ft ²	D Allowed Watts (B x C)
Lobby (Common Space Types:Lobby) (Ceiling Height 10 ft.)	193	0.9	174
Safe/Office (Common Space Types:Office - Enclosed) (Ceiling Height 10 ft.)	69	0.99	68
Restroom (Common Space Types:Restrooms) (Ceiling Height 10 ft.)	47	0.82	39
Lounge (Common Space Types:Office - Enclosed) (Ceiling Height 10 ft.)	71	0.99	70
Store (Retail:Sales Area) (Ceiling Height 10 ft.)	514	1.5	771
Total Allowed Watts =			1122

(a) Allowed watts per sq. ft. adjusted for ceiling height.

Section 3: Interior Lighting Fixture Schedule

A Fixture ID : Description / Lamp / Wattage Per Lamp / Ballast	B Lamps/ Fixture	C # of Fixtures	D Fixture Watt.	E (C X D)
Lobby (Common Space Types: Lobby, 193 sq.ft.) LED: LED Other Fixture Unit 6.5W:	1	2	6	12
Safe/Office (Common Space Types: Office - Enclosed, 69 sq.ft.) LED: LED Other Fixture Unit 6.5W:	1	1	6	6
Restroom (Common Space Types: Restrooms, 47 sq.ft.) LED: LED Other Fixture Unit 6.5W:	1	1	6	6
Lounge (Common Space Types: Office - Enclosed, 71 sq.ft.) LED: LED Other Fixture Unit 6.5W:	1	1	6	6
Store (Retail: Sales Area, 514 sq.ft.) LED: LED PAR 7W:	1	5	6	30
Total Proposed Watts =				60

Section 4: Requirements Checklist

In the following requirements, blank checkboxes identify requirements that the applicant has not acknowledged as being met. Checkmarks identify requirements that the applicant acknowledges are met or excepted from compliance. 'Plans reference page/section' identifies where in the plans/specs the requirement can be verified as being satisfied.

Lighting Wattage:

- ✓ 1. Total proposed watts must be less than or equal to total allowed watts.
Allowed Wattage: 1122 Proposed Wattage: 60
Complies: YES

Mandatory Requirements:

- ✓ 2. Exit signs. Internally illuminated exit signs shall not exceed 5 watts per side.

Plans reference page/section: _____

- ✓ 3. Daylight zone control. All daylight zones are provided with individual controls that control the lights independent of general area lighting in the non-daylight zone. In all individual daylight zones larger than 350 sq.ft., automatic daylight controls is provided. Automatic daylight sensing controls reduce the light output of the controlled luminaires at least 50 percent, and provide an automatic OFF control, while maintaining a uniform level of illumination. Contiguous daylight zones adjacent to vertical fenestration may be controlled by a single controlling device provided that they do not include zones facing more than two adjacent cardinal orientations (i.e., north, east, south, west). Daylight zones under skylights shall be controlled separately from daylight zones adjacent to vertical fenestration.

Plans reference page/section: _____

- ✓ 4. Interior lighting controls. At least one local shutoff lighting control has been provided for every 2,000 square feet of lit floor area and each area enclosed by walls or floor-to-ceiling partitions. The required controls are located within the area served by the controls or are a remote switch that identifies the lights served and indicates their status.

Plans reference page/section: _____

- ✓ 5. Sleeping unit controls. Master switch at entry to hotel/motel guest room.

Plans reference page/section: _____

- ✓ 6. Egress lighting. Egress illumination is controlled by a combination of listed emergency relay and occupancy sensors to shut off during periods that the building space served by the means of egress is unoccupied.

✓ Exception applies: Building exits as defined in Section 1002 of the Oregon Structural Specialty Code.

Plans reference page/section: _____

- ✓ 7. Additional controls. Each area that is required to have a manual control shall have additional controls that meet the requirements of Sections 505.2.2.1 and 505.2.2.2.

Plans reference page/section: _____

- ✓ 8. Light reduction controls. Each space required to have a manual control also allows for reducing the connected lighting load by at least 50 percent by either 1) controlling (dimming or multi-level switching) all luminaires; or 2) dual switching of alternate rows of luminaires, alternate luminaires, or alternate lamps; or 3) switching the middle lamp luminaires independently of other lamps; or 4) switching each luminaire or each lamp.

✓ Exception applies: Areas that use less than 0.6 Watts/sq.ft.

Plans reference page/section: _____

- ✓ 9. Buildings larger than 2,000 square feet are equipped with an automatic control device to shut off lighting in those areas. This automatic control device shall function on either: 1) a scheduled basis, using time-of-day, with an independent program schedule that controls the interior lighting in areas that do not exceed 10,000 square feet and are not more than one floor; or 2) an occupant sensor that shall turn lighting off within 30 minutes of an occupant leaving a space; or 3) a signal from another control or alarm system that indicates the area is unoccupied.

Plans reference page/section: _____

- ✓ 10. Occupancy sensors in rooms that include daylight zones are required to have Manual ON activation.

Plans reference page/section: _____

- ✓ 11. An occupant sensor control device is installed that automatically turns lighting off within 30 minutes of all occupants leaving a space.

Plans reference page/section: _____

- ✓ 12. Additional controls. An occupant sensor control device that automatically turns lighting off within 30 minutes of all occupants leaving a space or a locally activated switch that automatically turns lighting off within 30 minutes of being activated is installed in all storage and supply rooms up to 1000 square feet.

Plans reference page/section: _____

- ✓ 13. Occupant override. Automatic lighting shutoff operating on a time-of-day scheduled basis incorporates an override switching device that: 1) is readily accessible, 2) is located so that a person using the device can see the lights or the area controlled by that switch, or so that the area being lit is annunciated, 3) is manually operated, 4) allows the lighting to remain on for no more than 2 hours when an override is initiated, and 5) controls an area not exceeding 2,000 square feet.

Plans reference page/section: _____

- ✓ 14. Holiday scheduling. Automatic lighting shutoff operating on a time-of-day scheduled basis has an automatic holiday scheduling feature that turns off all loads for at least 24 hours, then resumes the normally scheduled operation.

Plans reference page/section: _____

- ✓ 15. Exterior lighting controls. Lighting not designated for dusk-to-dawn operation shall be controlled by either a combination of a photosensor and a time switch, or an astronomical time switch. Lighting designated for dusk-to-dawn operation shall be controlled by an astronomical time switch or photosensor.

Plans reference page/section: _____

- ✓ 16. Tandem wiring. The following luminaires located within the same area shall be tandem wired: 1. Fluorescent luminaires equipped with one, three or odd-numbered lamp configurations, that are recess-mounted within 10 feet center-to-center of each other. 2. Fluorescent luminaires equipped with one, three or any odd-numbered lamp configuration, that are pendant- or surface-mounted within 1 foot edge-to-edge of each other.

Plans reference page/section: _____

- ✓ 17. Medical task lighting or art/history display lighting claimed to be exempt from compliance has a control device independent of the control of the nonexempt lighting.

Plans reference page/section: _____

- ✓ 18. Each dwelling unit in a building is metered separately.

Plans reference page/section: _____

Interior Lighting/PASSES: Design 95% better than code

Section 5: Compliance Statement

Compliance Statement: The proposed lighting design represented in this document is consistent with the building plans, specifications and other calculations submitted with this permit application. The proposed lighting system has been designed to meet the 2014 Oregon Energy Efficiency Specialty Code requirements in COMcheck-Web and to comply with the mandatory requirements in the Requirements Checklist.

<u>Cory Morris</u>	<u>Architect</u>	<u>9.20.2016</u>
Name - Title	Signature	Date

3990 Abbey Ln #401B
Astoria, Oregon 97103



CITY OF ASTORIA

OCT 6 REC'D

BUILDING CODES

October 3, 2016

Planning Commission

1095 Duane St.

Astoria, Oregon 97103

To whom it may concern,

I have just received a proposed land use application near our property in Astoria, Oregon, being that of Cannery Lofts. The proposal is for conditional use CU16-10 by Daryl Bell to locate a medical-recreational marijuana dispensary and retail sales establishment in an existing commercial space at 3930 Abbey Lane, Bldg A, Unit 104, being that of Cannery Lofts. I am against this request for the following reasons:

1. Cannery Lofts, located at 3930 Abbey Lane and 3990 Abbey Lane is mixed use, where businesses are located on the bottom floor and residences are located on floors 2, 3, and 4. Having a "Marijuana dealer" is not something that I had envisioned when buying my condominium, and I would not have purchased if knowing that we were going to have a legal drug dealer downstairs.
2. Families live in these Condominiums, where there are seniors, young families, and middle aged group people. Having gone through a 2 year mitigation repair to both buildings, and then find out a marijuana dispensary is unacceptable.
3. There is a grade school just down the street from the Cannery Lofts.
4. Marijuana is not something that I wish to be smelling, for I college roommate was always smoking the stuff and it just makes you sick to have to have that smell linger.
5. Values of our condominiums will not be helped, but I am afraid that our condo values will be harmed. As stated above, we have gone through a 2 year mitigation repair on our buildings and Cannery Lofts condominium values have been devastated. Having a marijuana dispensary in our building is going to do nothing but discourage future buyers into our condominium. If

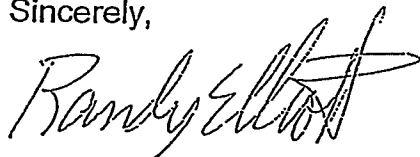


this Conditional Use CU16-10 is allowed, our Cannery Lofts will be perceived as a less than desirable location to purchase a condominium, and will plague condo owners for years.

6. Marijuana is still a federal crime, period. There are two marijuana shops throughout Astoria, and I just cannot imagine there being a need to have a third in a mixed use condominium where families are living on the coast due to what they perceived as a nice and pleasant coastal community and not a bunch of drug attics with a marijuana shop on every two or three blocks.

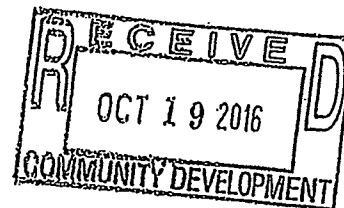
Please do not let this happen, and vote against the Conditional Use CU16-10 by Daryl Bell to locate a medical-marijuana dispensary.

Sincerely,

A handwritten signature in black ink that reads "Randy Elliott". The signature is stylized with a large, sweeping "R" and a long, horizontal stroke at the end.

Randy Elliott

The City of Astoria
Planning Commission
1095 Duane Street
Astoria, OR 97103



Re: Conditional Use CU16-10 Medical-Recreational Marijuana Dispensary Application for
3930 Abbey Lane, Building A, Unit 104

Dear Planning Commission:

I am NOT in favor of a marijuana dispensary in our living community. Here are my reasons:

1. A marijuana dispensary would **bring crime & loitering** to Cannery Lofts necessitating police calls. We already have experienced crime (unit 404B's car was broken into 3 times), and this would invite more.
2. Cannery Lofts is a quiet community of mostly older adults, and a pot shop would bring **traffic and noise after dark** (the other dispensary shops are open in the evening).
3. Cannery Lofts has community regulations that **prohibit smoking** on the premises (inside and outside). Selling some products that are smoked doesn't make sense, and enforcing the community rules would fall to homeowners policing strangers on the property, a recipe for unruly confrontations.
4. The **smell of marijuana smoke is annoying** to some and pollution to others. Police won't be able to assist us with this problem putting the policing, again, upon our small community. (<http://bit.ly/2ehe1sC>)
5. Oregon is already the booziest state in the union (<http://bit.ly/2e2e48G>). Astoria is the 2nd "drunkiest city in the state". (<http://bit.ly/2ddsnIO>) Do we want to be known as the most "**pot friendly**" too? We have a population of about 9,500 and we have 3 marijuana dispensaries (1 shop for every 3,200 people). Do we really need a shop for 1 in every 2,375 people (some of whom are children and ineligible)?
6. Cannery Lofts is a **pet-friendly** community. Our pet (14 pound mutt) has already inadvertently ingested marijuana found on a trail and had to be hospitalized at great expense. Fortunately, she lived, but with the potency of new marijuana and people accidentally dropping their butts, the next occurrence could prove fatal.
7. **Children and grandchildren** are welcome in our community and selling something that only adults can consume is exposing our young people to unnecessary risks.

Thank you for not ruling in favor of this ordinance and finding a new home for the 4th dispensary, or better yet, welcoming another kind of business to our fair city.

Sincerely,

Kristy Schnabel

Kristy Schnabel
3990 Abbey Lane, #405
Astoria, OR 97103

45 P.S. As a cancer survivor, I welcome medical marijuana, but one dispensary is enough.

From: Jill Bakke [mailto:jillbakke@ymail.com]
Subject: Re: Proposed West Cannabis Craft at 3930 Abbey Lane
Date: Oct 15, 2016, 10:41:35 AM
To: Katie Murray [mailto:katie.murray@astoria.gov]

I am in Portland at the moment do to the storm. My only objection to a pot shop below is the parking. I live in Colorado and there is one at the bottom of my hill, which always has a crowded parking lot. It is one of a number of pot shops in the area, so the fact there will be others in Astoria is no guarantee we, who live there, will not be seeking parking for our vehicles.

I have no ability at this time to print and scan in a signed petition and I am not returning to Astoria until late on Monday morning. If this email will suffice for my opinion, feel free to print and utilize as apposition to it's placement in our building.

Jill Bakke, Unit 4A
CANNERY LOFT CONDOS

4/6

NAME

SIGNATURE

ADDRESS

Kymie Darby
~~Kymie Darby~~

3930 ABBEY LANE #402A
ASTORIA, OR 97103

John Darby
~~John Darby~~

3930 ABBEY LANE #402A
ASTORIA OR 97103

October 14, 2016

Astoria Planning Commission:

This is to express strong objection to Daryl Bell's application for a conditional use permit for the proposed West Cannabis and Craft at the Cannery Loft Condos in Astoria.


The condos are residential and not an appropriate place for such a business. It would dramatically effect safety, car traffic, cleanliness of the property, the serene atmosphere of the area, and possibly increase crime in our neighborhood. It would also impact appraisal values. We would not have purchased here if a marijuana retail shop was on the ground floor.

We do not object to the legality of recreational marijuana. We just do not think that a retail establishment of this type would make the best neighbor.

Such an establishment is certainly not an appealing one to have adjacent to Astoria's cherished Riverwalk. We as owners and residents value the quiet neighborly atmosphere. This area attracts many visitors and locals who cherish the safe and quiet Riverwalk.

We request that you deny this application.

Thank you.


Katie Murray and Bill Colwill
3930 Abbey Lane, A305
Astoria, OR 97103

BUILDING CODES

OCT 17 REC'D

CITY OF ASTORIA

48

To: City of Astoria Planning Commission
Re: Public Hearing October 25, 2016

16-10

In opposition to Conditional Use CU ~~12510~~ by Daryl Bell re: medical-recreational marijuana dispensary and retail sales establishment

Daryl Bell is applying to locate a medical-recreational marijuana dispensary and retail sales establishment in our mostly residential building. He may not be offering a service suitable for "Our Home." Neither Mr. Bell nor Ted Forcum reside on the premises.

Cannery Lofts:

- * Two four story buildings sharing one address on Abbey Lane and 39th Street in Astoria, Oregon 97103
- * Three floors of thirty plus residential family units in each building.
- * Resident owned and occupied or rentals and occupied.
- * Governed by one HOA following Fair Housing Rules.
- * Retired seniors, professionals with jobs in the city (with the city, with the county) and working families with children live here.
- * The school bus stops at the door.
- * The first floor of the Cannery Lofts is one of commercial units. Existing commercial tenants are professional businesses that are compatible with residents with children.
- * No buffer area exists to avoid direct contact with the proposed retail outlet.
- * Parking spaces are not promised. Parking is at a premium for present home owners, tenants in the commercial units and other businesses on the corner of 39th Street.

Thank you for your consideration,

Donna Calahan

*Donna L. Calahan 10-14-16 3990 Abbey Lane #204B
Astoria, Oregon 97103*

*Russell L. Calahan 10-14-16 3990 Abbey Lane #24B
Russell Calahan Astoria, Oregon 97103*

BUILDING CODES

OCT 17 REC'D

CITY OF ASTORIA

Nancy Ferber

From: Heather Hansen <hah_islands@yahoo.com>
Sent: Monday, October 17, 2016 12:01 PM
To: Nancy Ferber
Subject: CUP-16-10 Cannery Loft Parking Regs
Attachments: Cannery Loft Condo Bylaws.pdf

For the record -- Please see attached copies of Cannery Loft Condo Association general parking regulations and covered parking policy.

I can provide a copy of the complete documents so their context is more clear if that would be helpful.

Thank you!

Heather Hansen
990 Abbey Ln #208
Astoria, OR 97103

CITY OF ASTORIA
OCT 17 REC'D
BUILDING CODES

50

PARKING⁹

- A. Parking spaces are general common elements assigned to either residential or commercial use.
- a. Parking in the Cannery Lofts parking lot is, in general, open to any owner (commercial or residential), residential renter, commercial lessee, commercial customer or any guest on

⁸ NOISE — See also: Bylaws, Article 7, Maintenance and Use of Condo Property; Sec 7.5(c): Offensive or unlawful activities.

⁹ PARKING — See also: Bylaws, Article 7, Maintenance and Use of Condo Property; Sec 7.5(g): Parking of Vehicles.

Page 9

- a first come, first-served basis. However, a limited number of spaces in the covered parking areas are reserved for commercial use only. These spaces are marked with "Reserved" placards on the walls.¹⁰
- b. Commercial owners are requested to instruct their tenants and employees to park in remote areas of the parking lot or on the public street.
- B. Parking is permitted only in marked designated spaces. Vehicles must be parked within the marked lines; no vehicle may occupy more than one designated space.¹¹ Any vehicle taking up more than one parking space will be considered in violation.¹² All other areas of the parking lot must be kept open for fire access and safety. Vehicles may not be parked or stopped in any way that blocks traffic flow through the parking lot or access to the buildings.
- C. Backing vehicles into parking spaces is not allowed, as this can cause damage to the landscaping.
- D. Only wheeled motorized vehicles shall be parked or kept in parking spaces. Parking stalls shall not be used for storage of household goods, auto

¹⁰ PARKING Section A.6.: Prior wording replaced with the current text, above, by the Board of Directors, 09/26/15.

¹¹ PARKING Section B: Additional wording "Vehicles must be parked within the marked lines; no vehicle may occupy more than one designated space" adopted by the Board of Directors, 03/05/15. See Minutes of the Board Meeting of the Cannery Lofts Homeowners' Association, March 5, 2015.

¹² PARKING Section B: Additional wording "Any vehicle taking up more than one parking space will be considered in violation." adopted by the Board of Directors, 04/23/15.

Covered Parking Space Board Policy

The Cannery Loft Board of Directors ("Board") held a meeting with the Association's legal counsel, Stuart K. Cohen, of Landye Bennett Blumstein LLP on September 24, 2014. All Board members attended the meeting. The Board was advised that several of the leases for the commercial spaces within the condominium complex have been leased with assigned covered parking spaces. After reviewing the Parking Committee report and with advice from the Association's legal counsel, the Board voted to allow the continued reserved use of seven of the twenty four covered parking spaces consistent with the terms and conditions of the existing leases. The leases will be reviewed and verified by the Association's legal counsel.

After the initial five year lease expires or the lease terminates for any reason, the allocated covered parking spaces will be made available to any owner (commercial or residential), residential renter, commercial lessee, commercial customer or any guest on a first come first served basis. The leased commercial units with assigned covered parking described above are as follows:

Building A: (3930 Abbey Lane)

Business 1 (Ben's Computer Store, Inc.) – One covered parking space allocated

Business 2 (Prana Wellness Center) – One covered parking space allocated

Building B: (3990 Abbey Lane)

Business 1 (Polly Pope Counselling) – One covered parking space allocated

Business 2 (Coastal Family Health Center) – Four covered parking space allocated

The owner of the commercial units currently leased by the above tenants is Nomadic Properties, LLC. The covered parking spaces previously allocated to all other properties, including Cannery Loft Storage, LLC, will be available to any owner (commercial or residential) on a first come first served basis.

The Commercial tenant or commercial owner shall be solely responsible for the enforcement of the reserved parking space. The Association shall not be responsible for monitoring or enforcement of the seven reserved covered spaces.

The Board further approved the creation of two "Active Loading Zones" by setting aside the parking stall located in front of the rear doors to the trash room in each building. This area will be marked with paint on the concrete surface to indicate this designated use. The Association will monitor parking at this location and address as needed parking outside of its restricted use. The definition of "Active Loading Zone" is that the driver must be present at or very near the vehicle at all times so the vehicle can be moved when another vehicle arrives to remove garbage, recycling items, to make deliveries, etc. No person shall stand or park a vehicle for any purpose or length of time, other than for the expeditious loading or unloading of persons or materials, in a place designated as a loading zone.

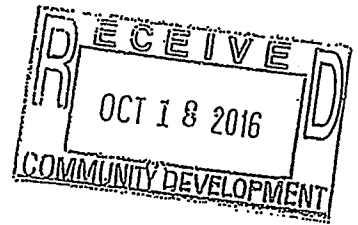
All remaining covered parking spaces will be available to any owner (commercial or residential), residential renter, commercial lessee, commercial customer or any guest on a first come first served basis. The ADA covered parking spaces at Building A shall remain at this time. These are for use by anyone visiting or living at the Cannery Lofts with a valid handicap placard displayed on the windshield of their vehicle. The Board reserves the right to amend or supplement these parking regulations in the future regarding parking at all open or covered parking spaces at the Cannery Lofts.

This policy will become effective on Friday October 3, 2014 at 12:01 AM.

The Board will modify the language in Resolution 4 ("Parking, Section A") once all of the parking regulations are approved by the Directors. As of the effective date of the zone change, this notice will supersede language in the House Rules, "Parking" sub-section "A. a".

Respectfully,

Cannery Loft Board of Directors



Astoria Planning Commissioners and Astoria City Council Members

1095 Duane Street, Astoria, Oregon 97103

October 15, 2016

Please distribute this to each Astoria Planning Commissioner and to each City Council Member in preparation for the Public Hearing to be held October 25, 2016 regarding request #1 (Conditional Use CU16-10 by Daryl Bell). I am opposed to the medical-recreational marijuana dispensary and retail sales establishment, ~~etc.~~ for the following reasons:

1. see the enclosed items 1-5. and

2. The Cannery Loft Declarations and By Laws, Article 10.2 states "Commercial Units. Commercial units shall be used for any retail, commercial or professional purposes permitted by applicable zoning regulations; provided, however, that Commercial Units may not be used for sales of pornographic or erotic videos, adult literature, objects or similar merchandise, used as a gym, nightclub, bar, or any other facility providing nighttime entertainment."

Planning Commission, the proposed establishment would be selling adult literature, objects, and similar merchandise.

3. This establishment would no doubt adversely affect our property values.

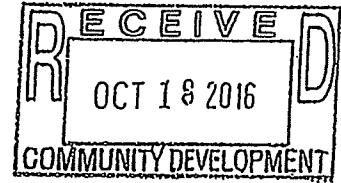
4. Children live in and visit our Cannery Loft Condominiums.

Sincerely,

Connie Spencer

Connie Spencer 3930 Abbey Lane A307; Astoria, Oregon 97103

October 14, 2016



Dear City of Astoria Planning Commissioners:

We, the undersigned residents of the Cannery Loft Condos respectfully request that you deny the proposed conditional use application (CU-16-10) for the following reasons, which are based on the applicable criteria in the City's Development Code:

1. **Article 11-CONDITIONAL USES:** The Conditional Use Standards do not address mixed use buildings. The standards address "Residential" and "Non-Residential," not mixed use development. This factor should be taken into account since there are 63 front doors to single-family residences that will be directly or indirectly impacted by the outcome of your decision. We are a mix of retirees, local workforce, families with children, couples, singles, renters, owners, full-time and part-time residents.
2. **Section 11.010-PURPOSE:** There is no effective way to control the negative impacts of the proposed retail use on the surrounding residential units since it's an existing mixed use building. *"The purpose of the conditional use process is to allow, when desirable, uses that would not be appropriate throughout a zoning district or without the restrictions in that district, but would be beneficial to the City if their number, area, location, design, and relation to the surrounding property are controlled."*
3. **Section 11.030(A)(1):** The use is NOT appropriate at the proposed location. (a) The condo building is U-shaped and there are 30 front doors that directly face the entrance to the proposed retail use; (b) There are already six marijuana dispensaries in the City of Astoria, one as close as 29th Street; (c) Commercial uses currently in the buildings ARE appropriate because they are mainly personal services that have a limited number of customers at any given time.
4. **Section 11.030(A)(2):** There is NOT adequate site layout. (a) There are no dedicated parking spaces for this use because the condominium bylaws do not allow dedicated parking spaces for new commercial uses; (b) The parking lot is regularly close to capacity and residents cannot park near their building or in a sheltered area out of the rain, and as the commercial spaces fill up the problem will only worsen; (c) There are dark corridors and stairwells accessible to the public and a retail use would bring more of the public into these unsecured areas; and we don't want to live in a building that requires security cameras, extra lighting, etc for our safety (this isn't Portland!)
5. **Section 11.030(A)(4):** There is NOT an appropriate amount of buffers or other separation from the residential uses in the building. Since the mixed use building is pre-existing, there are no effective "retrofits" to buffer the proposed retail use from existing single-family residences.

55. Connie Spencer 3930 Abbey Lane A 307, Astoria, Oregon
97103

October 14, 2016

CITY OF ASTORIA

OCT 17 REC'D

BUILDING CODES

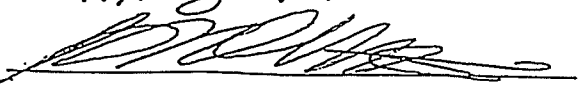

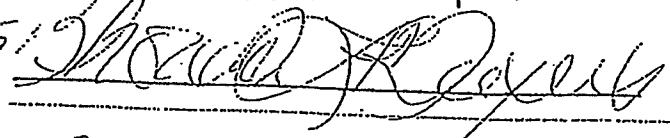

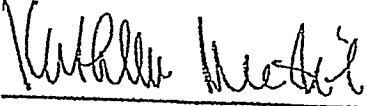
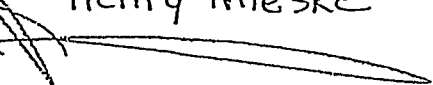
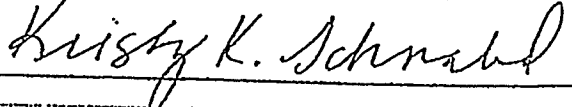
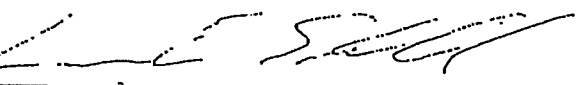
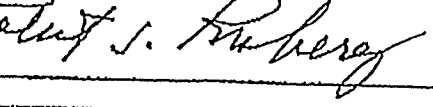
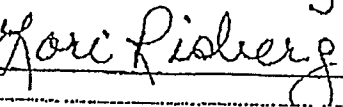
Dear City of Astoria Planning Commissioners:

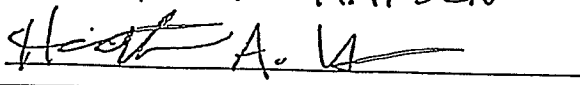

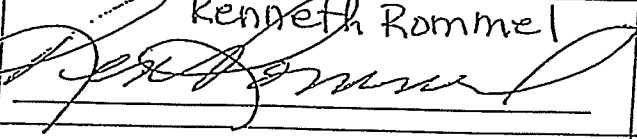
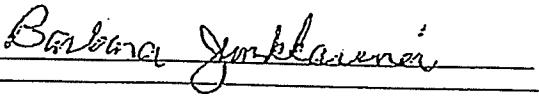

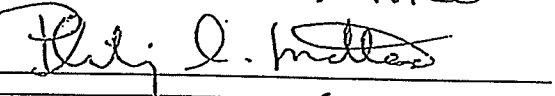
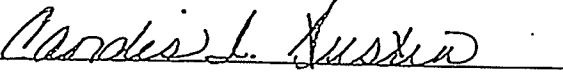
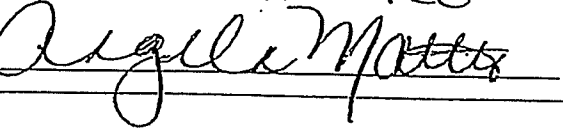
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56

NAME	ADDRESS
SIGNATURE	
Shelley von Colditz Shelley von Colditz	3930 Abbey Ln #303A Astoria, OR 97103
Eleanor Green Eleanor Green	3930 Abbey Ln #306A Astoria OR 97103
Edna H. Vane	3930 ABBEY LN # 401 ASTORIA OR 97103
4. Sandra Sandel	3930 Abbey Ln #401 Astoria OR 97103
5. Margaret M. Dunn	3930 Abbey Lane #205 Astoria, OR 97103
Lampfullman	3930 Abbey Lane #304 Astoria OR 97103
Catherine Murray	3930 Abbey Lane #305 A
6. William C. Church	3930 Abbey Lane #305 Astoria OR 97103
Margaret A. Brown	3930 Abbey Ln #304A Astoria OR 97103
7. Aaron Sasaki Dan J. Sasaki	3930 Abbey Ln #309A
P. Evelyn Dahn	3930 Abbey Lane Unit #05A Astoria OR 97103
2. Dan E. Van	3930 Abbey Lane Unit 202A Astoria OR 97103

	NAME SIGNATURE	ADDRESS
13	Shirley A. Dahlstrom 	3990 Abbey Ln (403B) Astoria, OR 97103
14	Jul Bakke 	3930 Abbey Lane Unit 406A Cannery Loft Condos Astoria, OR 97103
	Scott and Rhonda Meyers 	3930 Abbey Ln #202A Astoria, Oregon
		3930 Abbey Ln #202A Astoria, Oregon
	Viktor Mieske 	3930 Abbey Lane #407A Astoria, OR 97103
	Henry Mieske 	3930 Abbey Lane #407A Astoria, OR 97103
	Kristy Schnabel 	3990 Abbey Lane #405 Astoria OR 97103
		3990 Abbey Lane #405 Astoria, OR 97103
	Greg S. Risberg 	3930 ABBEY LANE #203 ASTORIA, OREGON 97103
	Gori Risberg 	3930 ABBEY LANE #203 ASTORIA, OREGON 97103

NAME SIGNATURE	ADDRESS
HEATHER A. HANSEN 	3990 Abbey Ln #208 Astoria 97103
Linh Oefledge 	3990 Abbey Ln 202B Astoria 97103
Kenneth Rommel 	3990 Abbey Lane B# 208 Astoria 97103
Barbara Jankausen 	3990 Abbey Ln 302B Astoria 97103
John Jankausen 	3990 Abbey Ln 302B Astoria, OR 97103
PHILIP A. MATTEO 	3990 ABBEY LN 210 B ASTORIA, OR 97103
CANDIS I. AUSTIN 	3990 Abbey Lane 211B Astoria, OR 97103
ANGELA MATTEO 	3990 Abbey Lane Astoria OR 97103

NAME

SIGNATURE

ADDRESS

Lisa Ackerman

Lisa Ackerman

3930 Abbey Ln #210A

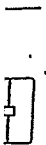
Astoria, OR 97103

Canney Loft. Astoria
301 A

Signature -

Anne M. Hulme

10/16/16



ME

SIGNATURE

Jim and Trece Gurrad
Jim and Trece Gurrad

ADDRESS

3930 Abbey Lane #403, Astoria Oregon 97103

Carbon Filter info 10/18/16

CAN FILTER 150

CUBIC FOOTAGE / THREE = CFM NEEDED TO EFFICIENTLY CONTROL ODOR

Max **Recirculating (Scrubbing)** CFM: 2520 cfm / 4200 m³/h

Max **Exhaust** CFM: 1260 cfm / 2100 m³/h

@ 0.1 sec contact time

Recommended Min Airflow: 630 cfm / 1056 m³/h

Prefilter: Yes

Flange: 10", 12", 14"

Dimensions: (with pre-filter)

• Outside Diameter: 42cm / 16.5"

• Height: 150cm / 60"

• Total Weight: 71kg / 156lbs

• Carbon Weight: 56kg / 123lbs

• Carbon Bed Depth: 6.5cm / 2.56"

Max Operating Temp: 80°C

Pressure drop at max cfm: 180pa / .75"wg

CITY OF ASTORIA

OCT 18 REC'D

BUILDING CODES

ODOR FREE 700 OZONE GENERATOR

- Coverage: Up to 2,000 Square Feet or 20,000 Cubic Feet
- Timer: Up to 60 Minutes or Continuous On
- Fan: 100 CFM
- Volts/Watts: 110/32
- Amps/Hertz: .35/60
- Variable Output: 100 to 900 mg/h
- Ozone Plates: 2
- Size: 7.5"H 9"W 12.5"D
- Weight: 9.75 lbs

Outdoors, nature eliminates odors and microorganisms using both UV light and O₃. Indoors, most places that generate odors receive very little UV light or O₃. The Odor-Free purifier creates O₃, or ozone, in a special process that utilizes an electrical current. Ozone sanitizes by breaking down odors, microorganisms and other pollutants at their source.

Nature creates O₃ as a natural cleaner during thunderstorms, and also from sunlight striking the earth's atmosphere. As an example, we've all taken a walk after a thunderstorm and experienced the clean, fresh smell in the air. That's O₃, or ozone, at work.

Normal oxygen (O₂) is converted to O₃, which is commonly called

ozone. It reverts back to O₂ in about an hour if the O₃ is unused. This leaves the air fresh and clean because the source of the odor has been permanently removed. And there are no artificial odors so the space becomes free of odors, as nature intended.

October 25, 2016

RE: CU-16-10

Dear City of Astoria Planning Commissioners:

I have been renting a unit at the Cannery Loft Condos for about two and a half years now. The first 2 years I was in Building A where the retail use is proposed. Many of the owners, who have become close friends of mine, have been through quite an ordeal since they purchased their units, including dealing with a lawsuit against the building contractor, a housing and economic downturn that affected property values, additional assessments to address construction defects, and living in a construction zone for over a year, which has also made it difficult to find and keep renters for the units being rented. The last thing they need is a new retail use that is likely to affect property values and their ability to rent out units. There are also major concerns about impacts to our personal safety and quality of life. I know that if the store were there when I first looked at the units, I would not have rented in that building.

But I'll focus on the review criteria that apply to your decision. As you know, the criteria for conditional uses are not clear and objective, which is why the decision is before the Planning Commission rather than it being a staff decision. And it is up to you to decide if the proposed use can be approved with conditions that would adequately mitigate for the negative impacts of the proposed retail use and for the valid concerns raised by those who are most affected. I respectfully propose that there is not a reasonable or effective way to mitigate for the impacts of the proposed retail use on the thirty existing residences in the mixed use building.

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This factor should be taken into account since there are 30 front doors to single-family residences that will be directly impacted, and 33 indirectly impacted, by the outcome of your decision.
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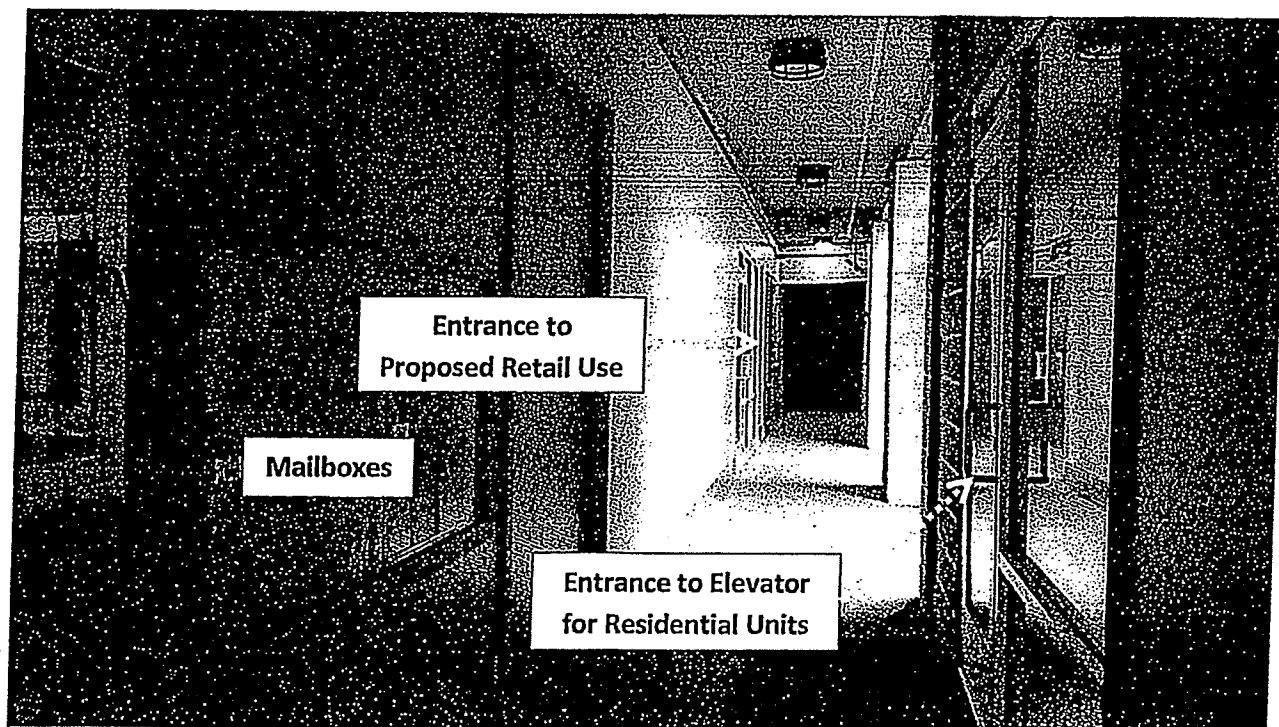
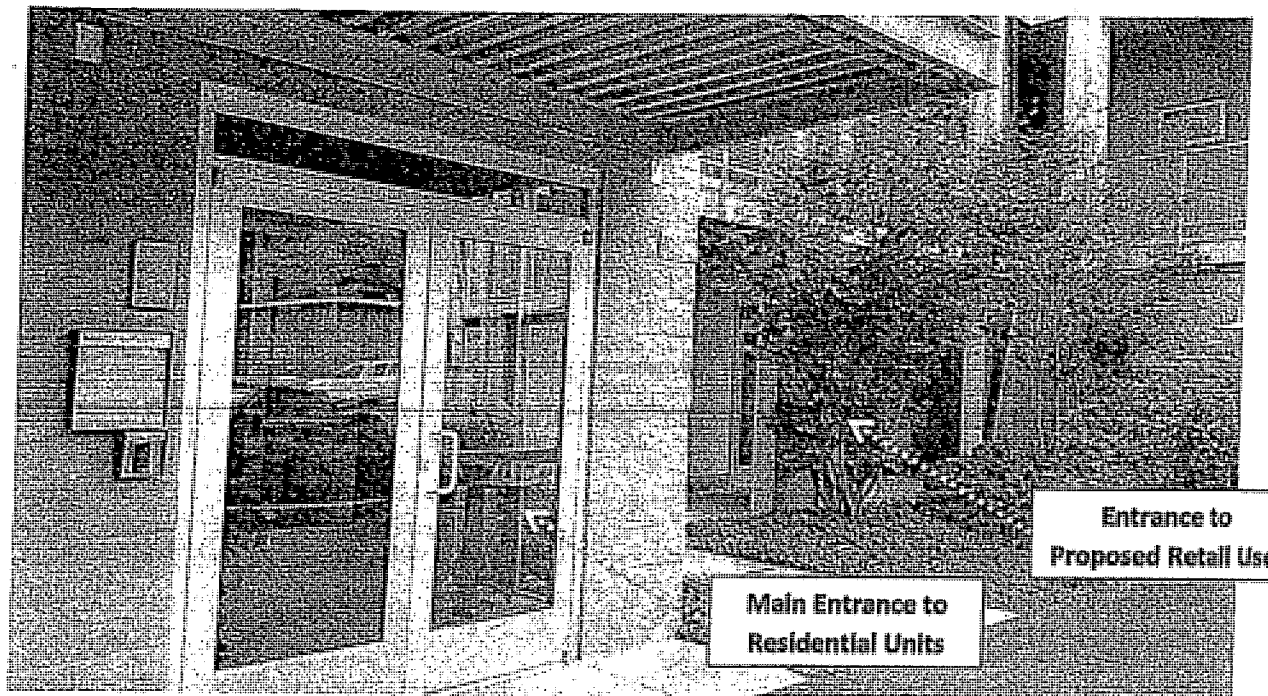
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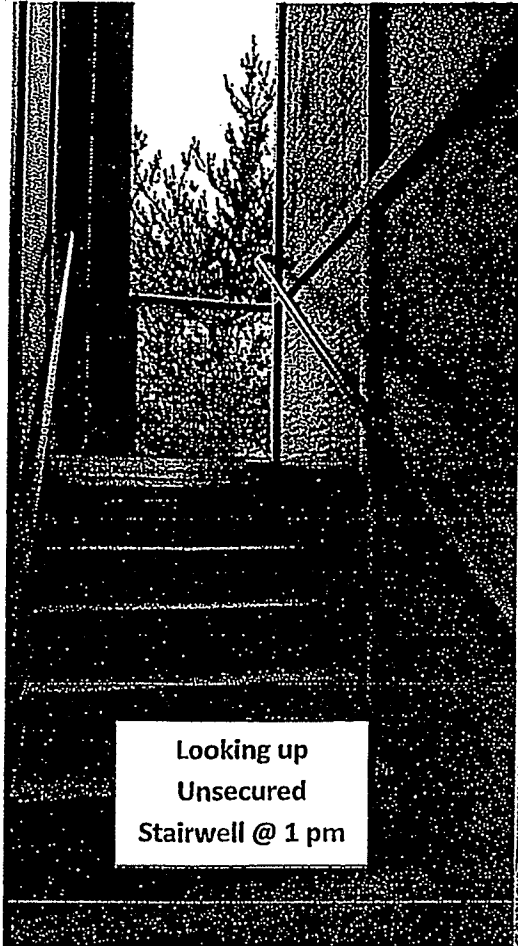
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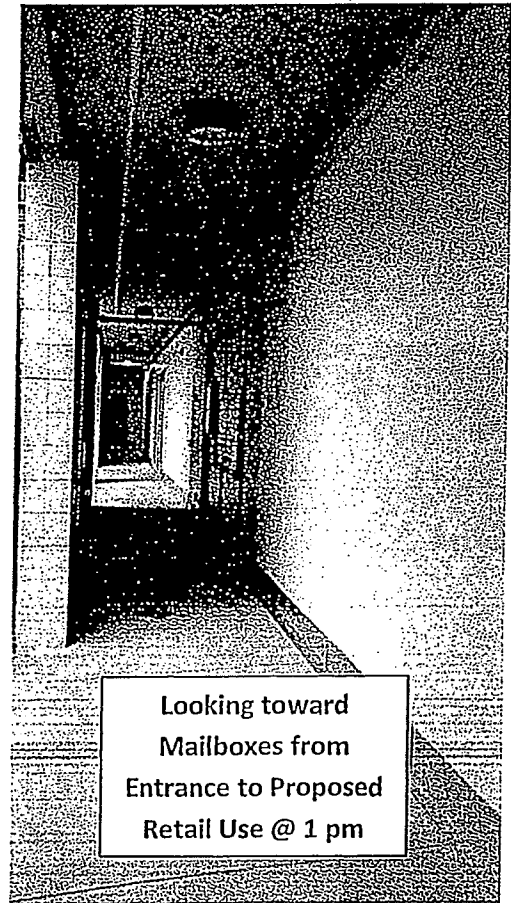
Heather A. Hansen

Heather A. Hansen
3990 Abbey Lane #208
Astoria, OR 97103

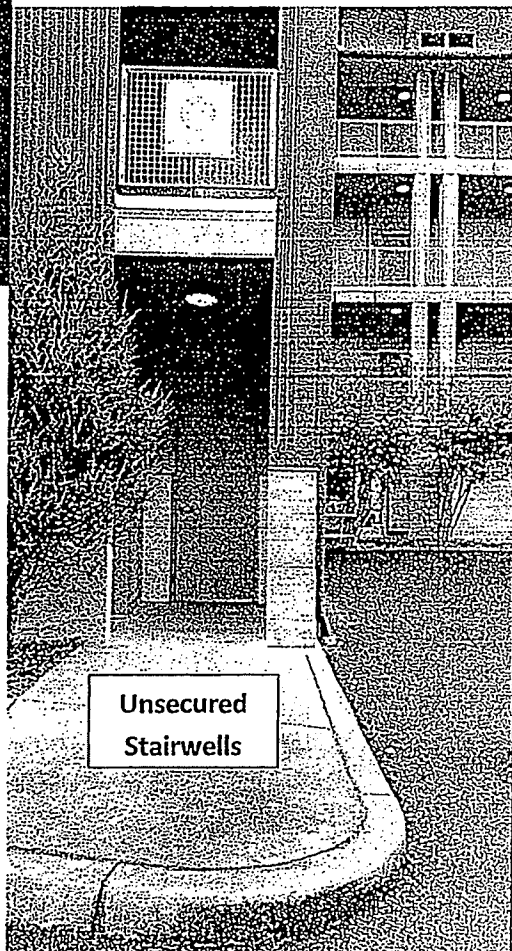




Looking up
Unsecured
Stairwell @ 1 pm



Looking toward
Mailboxes from
Entrance to Proposed
Retail Use @ 1 pm



Unsecured
Stairwells

ADDITIONAL SIGNATORS TO
THIS PETITION PREVIOUSLY
SUBMITTED

October 14, 2016

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<u>NAME</u> <u>SIGNATURE</u>	<u>ADDRESS</u>
✓ William F. BROUSSARD <i>William F. Broussard</i>	3930 Abbey Lane #204A Astoria, OR 97103
NATHY R. BROUSSARD <i>Nathy R. Broussard</i>	3930 Abbey Lane #204A Astoria, OR 97103

<u>NAME</u> <u>SIGNATURE</u>	<u>ADDRESS</u>
✓ Sherie A. Moen <i>Sherie A. Moen</i>	3930 Abbey Lane Unit A310 Astoria OR 97103

ASTORIA PLANNING COMMISSION

DATE: October 25, 2016

NAME OF APPLICANT: DARYL BELL

REQUEST NO.: CONDITIONAL USE CU16-10

Please sign in if you wish to speak. (Please Print)

X Name: TED FORCUM
Email: tf@nomadicdr.com
Mail: _____
For ☒ Against ☐ Impartial ☐

X Name: Daryl Bell
Email: daryl.bell1@gmail.com
Mail: _____
For ☐ Against ☐ Impartial ☐

✓ Name: Nancy Walsh
Email: nncp-wlsh@yahoo.com
Mail: 3990 Abbey Ln # 305B
Astoria
For ☐ Against ☒ Impartial ☐

✓ Name: TED OSBORN
Email: TKO 320 @ GMAIL.COM
Mail: _____
For ☐ Against ☐ Impartial ☐

✓ Name: Shelley van Colditz
Email: rocky 97103 @ gmail.com
Mail: 3930 Abbey Ln #303
For ☐ Against ☒ Impartial ☐

✓ Name: HEATHER HANSEN
hah-islands@yahoo.com
Email: hah-islands@yahoo.com
Mail: 3990 Abbey Ln #208
For ☐ Against ☒ Impartial ☐

✓ Name: Katie Murray
Email: cam 9007 @ yahoo.com
Mail: 3930 Abbey Ln #305A
For ☐ Against ☒ Impartial ☐

✓ Name: Dave Pollard
Email: linwood@pacifiar.com
Mail: 6676 Seaview Astoria OR
For ☐ Against ☒ Impartial ☐

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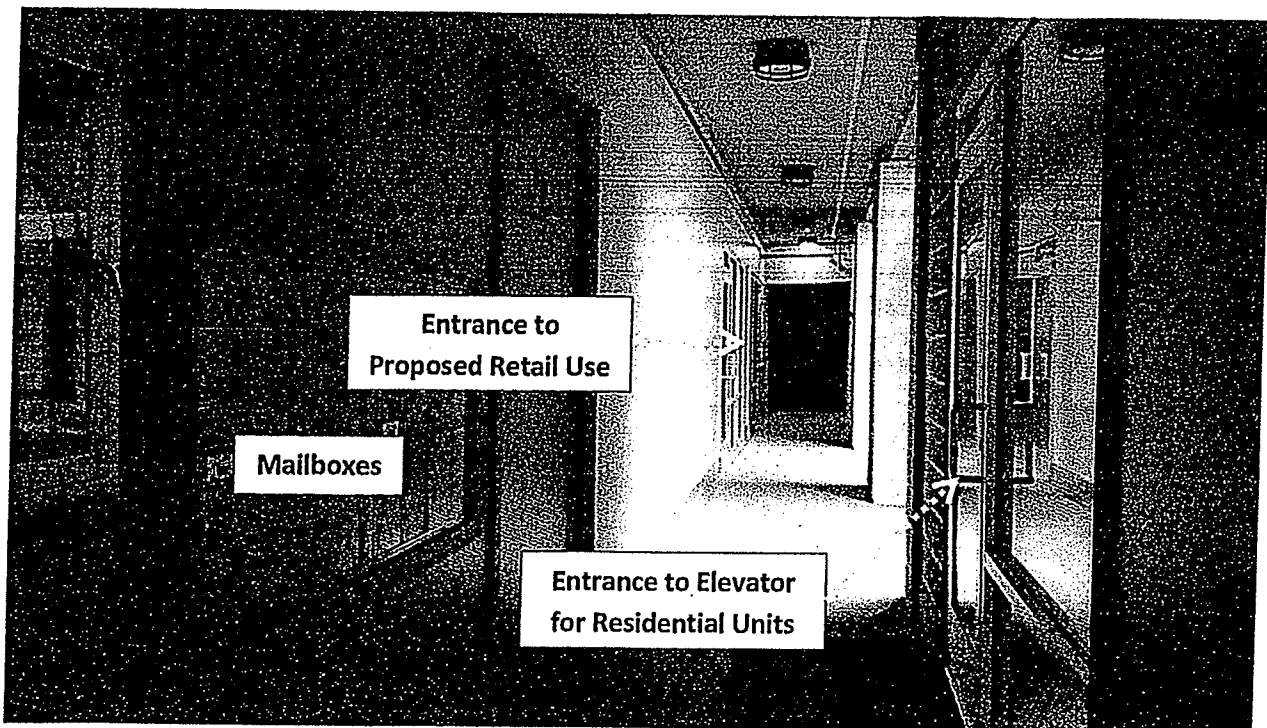
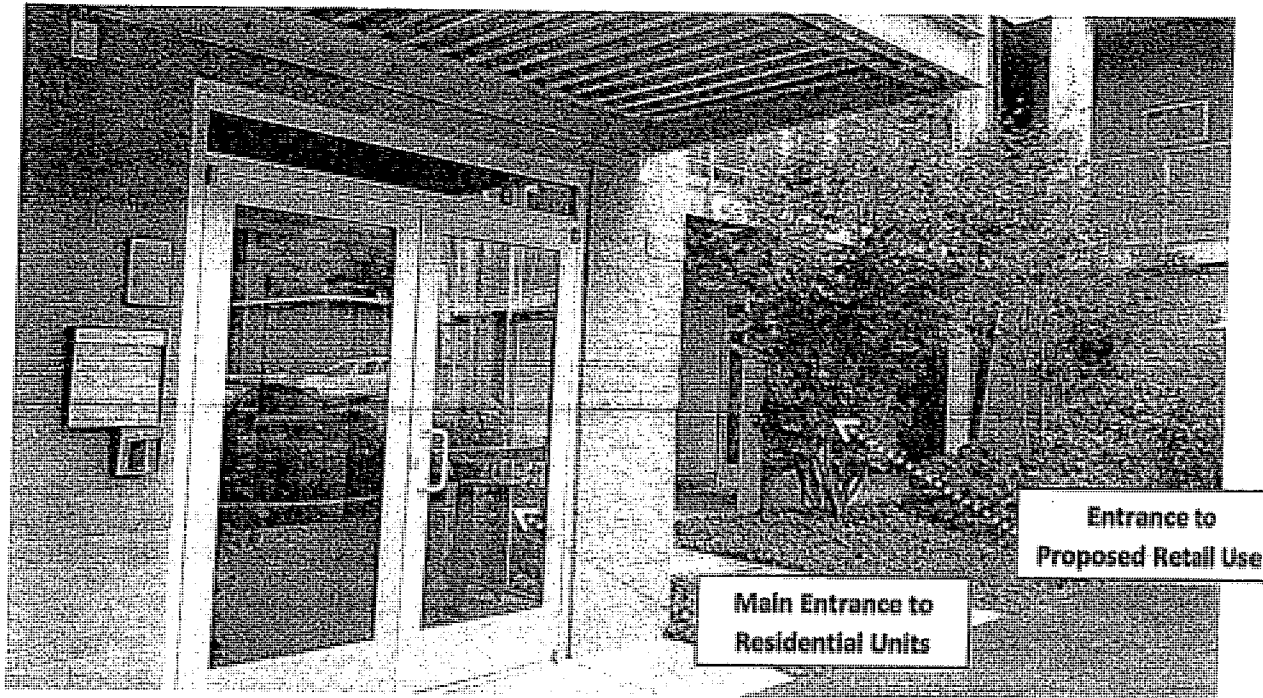
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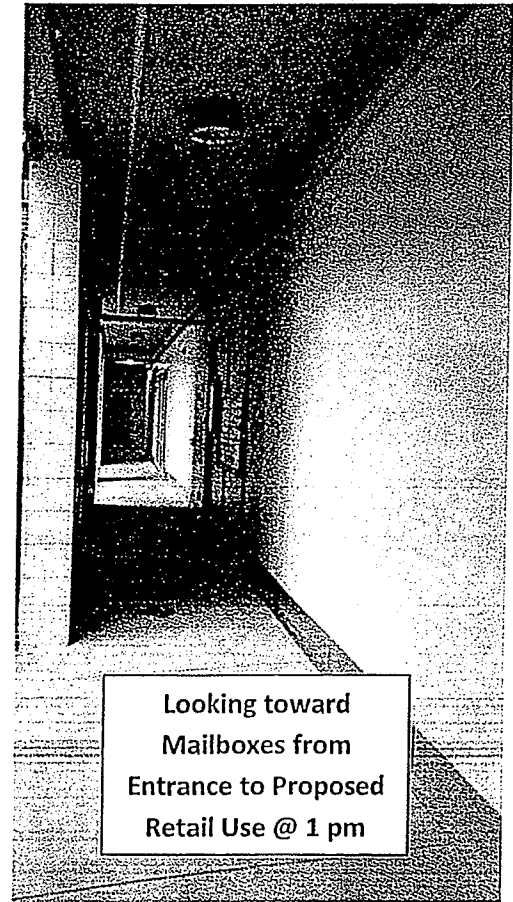
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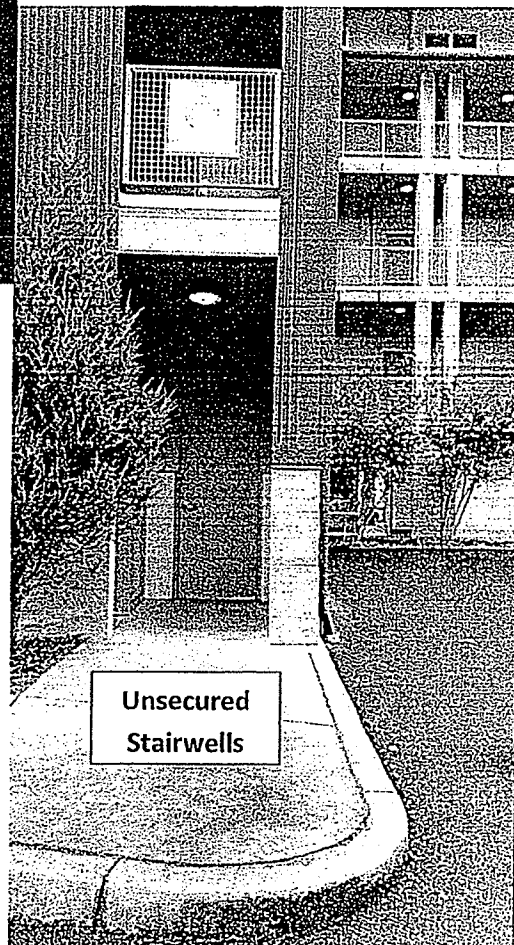




Looking up
Unsecured
Stairwell @ 1 pm



Looking toward
Mailboxes from
Entrance to Proposed
Retail Use @ 1 pm



Unsecured
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October 14, 2016

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SUBMITTED

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We, the undersigned residents of the Cannery Loft Condos respectfully request that you deny the proposed conditional use application (CU-16-10) for the following reasons, which are based on the applicable criteria in the City's Development Code:

1. **Article 11-CONDITIONAL USES:** The Conditional Use Standards do not address mixed use buildings. The standards address "Residential" and "Non-Residential," not mixed use development. This factor should be taken into account since there are 63 front doors to single-family residences that will be directly or indirectly impacted by the outcome of your decision. We are a mix of retirees, local workforce, families with children, couples, singles, renters, owners, full-time and part-time residents.
2. **Section 11.010-PURPOSE:** There is no effective way to control the negative impacts of the proposed retail use on the surrounding residential units since it's an existing mixed use building. *"The purpose of the conditional use process is to allow, when desirable, uses that would not be appropriate throughout a zoning district or without the restrictions in that district, but would be beneficial to the City if their number, area, location, design, and relation to the surrounding property are controlled."*
3. **Section 11.030(A)(1):** The use is NOT appropriate at the proposed location. (a) The condo building is U-shaped and there are 30 front doors that directly face the entrance to the proposed retail use; (b) There are already six marijuana dispensaries in the City of Astoria, one as close as 29th Street; (c) Commercial uses currently in the buildings ARE appropriate because they are mainly personal services that have a limited number of customers at any given time.
4. **Section 11.030(A)(2):** There is NOT adequate site layout. (a) There are no dedicated parking spaces for this use because the condominium bylaws do not allow dedicated parking spaces for new commercial uses; (b) The parking lot is regularly close to capacity and residents cannot park near their building or in a sheltered area out of the rain, and as the commercial spaces fill up the problem will only worsen; (c) There are dark corridors and stairwells accessible to the public and a retail use would bring more of the public into these unsecured areas; and we don't want to live in a building that requires security cameras, extra lighting, etc for our safety (this isn't Portland!)
5. **Section 11.030(A)(4):** There is NOT an appropriate amount of buffers or other separation from the residential uses in the building. Since the mixed use building is pre-existing, there are no effective "retrofits" to buffer the proposed retail use from existing single-family residences.

<u>NAME</u>	<u>ADDRESS</u>
<u>WILLIAM F BROUSSARD</u> <u>WFBroussard</u>	3930 Abbey Lane #204A Astoria, OR 97103
<u>KATHY R. BROUSSARD</u> <u>Kathy R. Broussard</u>	3930 Abby Lane #204 A Astoria, OR 97103

<u>NAME</u>	<u>ADDRESS</u>
<u>Shenice A. Moen</u>	3930 Abbey Lane Unit A310 Astoria OR 97103

STAFF REPORT AND FINDINGS OF FACT

October 20, 2016

TO: ASTORIA PLANNING COMMISSION

FROM: NANCY FERBER, PLANNER



SUBJECT: CONDITIONAL USE REQUEST (CU16-10) BY DARYL BELL TO LOCATE
RETAIL SALES AT 3930 ABBEY LANE, BUILDING A, UNIT 104

I. Background

A. Applicant: Daryl Bell
2220 SE Ladd Ave
Portland, OR 97214

B. Owner: Ted Forcum
Nomadic Properties, LLC
10139 NW Skyline Heights Drive
Portland OR 97229



C. Location: 3930 Abbey Lane; Map T8N-R9W Section 9AA, Tax Lot 90108;
Building A Unit 104, Cannery Loft Condominium, Astoria Business
Park

D. Zone: S-2A, Tourist Oriented Shoreland Zone

E. Lot Size: Proposed retail space is 950 Square Feet

F. Request: To locate a medical/recreational marijuana dispensary center as a
retail sales establishment in an existing mixed use
(commercial/residential) building

G. Previous

Applications: The condominium mixed residential and commercial use was
approved by the Planning Commission under Conditional Use
Permit (CUP) 04-04, and Amendment to Existing Permit AEP05-
05

- Variance 04-07 and 05-04 for building height and landscaping
- Conditional Use Permit 04-04 for condominium construction
- Conditional Use Permit 14-15 to locate professional offices in
units 101, 102, 109, approx. 1,050 square feet in existing building
first floor
- Conditional Use Permit 14-09 to locate a wellness center within
the maximum 20% allowable non-industrial use

- Amendment 14-03 for rezoning from GI General Industrial to S-2A Tourist Oriented Shoreland approved by City Council 9/2/2014 Ordinance 14-08

H. Comments from Public Notice

1. Heather Hansen
2. Randy Elliott
3. Jake Bakke
4. Katie Murry and Bill Colwill
5. Donna and Russel Calahan
6. Connie Spencer
7. Petition from condo residents (see attached).

Comments and a petition from the condominium residents are attached. All concerns voiced are not directly related to criteria reviewed by the Planning Commission. In summary, concerns that are applicable include: parking and traffic impacts, potential odor nuisance, and Cannery Loft Condo Association Policies that govern usage separate from what is reviewed by the City.

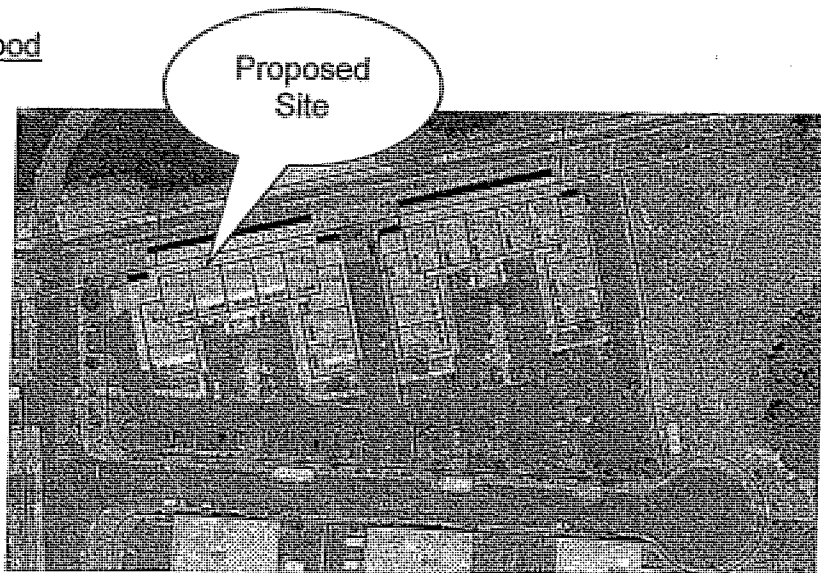
II. BACKGROUND

A. Subject Property

The property is located on the north side of Abbey Lane in Building A of the Cannery Loft Condominium complex. The structure, built in 2007, is four stories with mixed use spaces on the ground floor and residential use on the upper floors.

B. Adjacent Neighborhood

The neighborhood is developed with a mixture of industrial and commercial uses. To the south across Abbey Lane is the Astoria Business Park with construction supply retail sales, automotive repair/detailing, carpet store, and a gym. Most recently, a salon has moved into 103, which falls under "personal service establishment" and is an outright permitted use.



The parking spaces required for the salon were dictated by the number of stations available to customers. Parking for retail sales is determined by square footage of the site.

As a condominium, each unit is individually owned, but the building envelope, parking and other common areas are owned jointly by all condominium owners through a Condominium Owners Association.



Proposed Site

To the north is the City Trolley line and Riverwalk Trail, Columbia River, and Pier 39 facility with Rogue Brewery, boat storage, offices, and marine related supplies. To the west across the 39th Street right-of-way is Hampton Inn & Suites; to the east is Building B of the condominium complex.

Abbey Lane right-of-way is 50' wide with a paved area of approximately 35' wide and parking on the north side only.

C. Proposed Use

The applicant has requested a conditional use to locate a medicinal/recreational marijuana dispensary in one ground floor unit of the building. The proposed footprint is approximately 950 square feet.

The S2-A zone allows "Tourist Oriented Retail Sales" as an outright permitted use. "Non-Tourist Retail Sales Establishments" requires a conditional use permit. The definitions of both are as follows:

Tourist-Oriented Retail Sales	Non-Tourist Retail Sales Establishment
<i>A use or business which devotes 50% or more of its gross floor area to uses or activities which are open or physically accessible to the public, and are reasonably expected to be interest to visitors</i>	<i>Business, including a restaurant or bar, which are primarily engaged in selling merchandise to customers for personal, household or farm use. Retail Sales Establishment does not include gasoline service station, automotive sales establishment, or other sales of large motorized vehicles, or mobile homes.</i>
Permitted Outright in S-2A	Requires Conditional Use Permit in S-2A

Note that any retail sales establishment would come under Commission review in S2-A, this application should not be weighed solely on the fact the product sold is

marijuana. In an earlier draft of the application, the applicant included a business plan including the use of the space for a gallery and splitting the space to dedicate an area to accessories and art pieces. This portion of the proposal has since been withdrawn, and the general retail sales of medicinal/recreational marijuana is the proposed use for the space.

III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on September 30, 2016. A notice of public hearing was published in *The Daily Astorian* on October 18, 2016. Any comments received will be made available at the Planning Commission meeting.

IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

- A. Section 2.710 (4), Conditional Uses in the S-2A Zone, lists "*Non-Tourist Oriented Retail Sales Establishment*" as an allowable conditional use.

Finding: This district is intended to "*provide for mixed-use tourist oriented development that retains and takes advantage of the working waterfront character of the area. The uses permitted are intended to be compatible with pedestrian orientation. The emphasis is on the rehabilitation and reuse of existing structures.*"

The applicant proposes to locate a marijuana dispensary in approximately 950 square feet in the ground floor of an existing structure. The gross floor area of the ground level industrial/commercial includes 7,390 square feet (enclosed building area excluding parking and outdoor covered walkways) with the covered parking and communal areas of approximately 3,030 square feet for a total of 10,420 square feet.

Existing commercial/industrial uses at the site include a salon-an outright permitted use, mini-storage, and counseling offices, which were granted a Conditional Use Permit (CU 14-15) for "Professional and Business Offices."

Medicinal/recreational sales of marijuana falls under "Non-Tourist Oriented Retail Sales Establishment" as an allowable conditional use.

- B. Section 2.715 (2) Development standards and procedural requirements states "*Outdoor storage areas will be enclosed by appropriate vegetation, fencing or walls.*" 2.715 (4) *Signs will comply with requirements in Article 8*

Finding: The applicant has not proposed any additional outdoor storage areas, should any storage areas be developed in the future, they shall be enclosed by appropriate vegetation, fencing or walls.

Any signage shall require a sign permit and site plan submitted per Article 8 requirements, including signage for any sandwich boards.

Section 7.100(C), Minimum Parking Space Requirements, Retail Sales Establishment parking requirements are determined by square footage of the proposed space. Retail Sales requires one off-street parking space per 500 square feet of gross floor area. With a proposed floor plan of 950 square feet, two parking spaces are required for the use as a retail sales.

Finding: The Cannery Loft Condominium complex was constructed with parking in the common areas. Covered parking within the two buildings is limited to the ground floor industrial uses as per conditions of the original Conditional Use Permit (CU04-04) and Amendment to Existing Permit (AEP05-05) and may not be used for residential parking. The building was developed with 11 covered parking spaces allocated for uses within the ground floor of Building A. The proposed 950 square feet of floor space would require one space per 500 square feet of space for a total of two parking spaces. Currently, 8 of the 11 available spaces for commercial use are accounted for. This proposal requires 2 spaces, which leaves 1 available for additional commercial/professional service use in Building A.

The site was developed with 30 residential units in Building A requiring 40 parking spaces, and 33 units in Building B requiring 45 parking spaces. With the completion of construction of Building B, 85 common area parking spaces are available.

The applicant has submitted additional traffic and parking information with the application.

- C. Section 11.020(B.1) states that *"the Planning Commission shall base their decision on whether the use complies with the applicable policies of the Comprehensive Plan."*
1. CP.200, Economic Development Goal 1, states *"The City of Astoria will strengthen improve, and diversify the area's economy to increase local employment opportunities."*
- CP.200, Economic Development Goal 1 Policies, states:
4. *"Encourage private development such as retail, restaurants, commercial services, transient lodging.*
 5. *Provide a supportive environment for new business.*
 6. *Encourage a diversity of businesses, target firms to add to the business mix and strengthen the overall economic base.*
 7. *Encourage and support local industrial development in order to diversify beyond the City's predominant industrial sectors, while maintaining strong support for these sectors."*

Finding: The proposed retail sales establishment is a new business to Astoria. The existing industrial/commercial spaces in the two condominium buildings have availability for commercial tenants. They were constructed as small condominium units that are not conducive to heavy industrial operations. As such, the site was rezoned from General Industrial to the current S-2A to allow for more flexibility of uses. The proposed business helps diversify the commercial site, and strengthens the City's economic base.

Finding: The proposed use complies with the Comprehensive Plan.

D. Section 11.030(A) requires that *"before a conditional use is approved, findings will be made that the use will comply with the following standards:"*

1. Section 11.030(A)(1) requires that *"the use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use."*

Finding: The proposed use is an appropriate use of an existing building. Customers can easily access the site as pedestrians coming off of the Riverwalk, or automobiles utilizing existing available parking.

The property is accessed from 39th Street, north of Lief Erikson Drive. There is an existing parking lot at the site with sufficient area for vehicle maneuvering. The nature of the applicant's business is similar to a professional services office with customers physically coming to and from the site for short periods of time. The applicant indicated that Oregon Health Authority policies restrict the number of customers that can be served at a time which would potentially minimize traffic and accessibility impacts on the site. Other zones which allow this type of use outright may be available. However, the property is available and otherwise appropriate for the use.

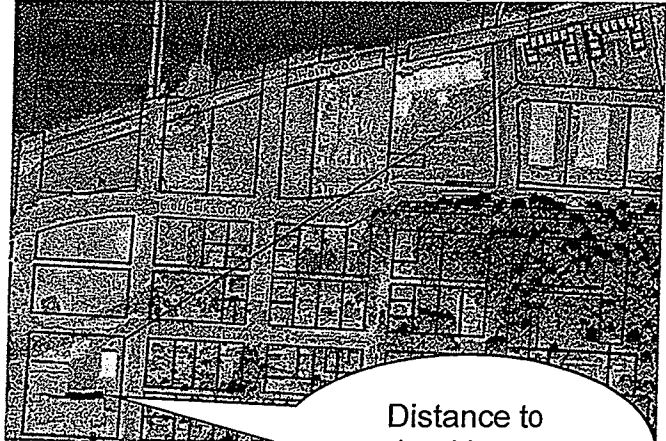
While there is *"availability of other appropriately zoned sites,"* Astoria is already home to five dispensaries, and two additional retail shops in the permitting process, not including this permit. These existing retail operations are located in commercial zones and near the downtown core. See the attached map for the distribution of dispensaries.

Three grow operations have also been permitted in commercial areas. Marijuana grow operations and dispensaries are already located in the downtown core and in commercial areas along the west end of Marine Drive. The location at Abbey Lane would allow for an equal distribution of dispensaries around the City, and avoids a clustering of these operations in any one specific neighborhood.

Unlike other retail sales, marijuana dispensaries do have additional Oregon Revised Statutes which limit the locations where they can locate. Oregon Revised Statutes 475B.110 require retail sale of marijuana items subject to regulation by the Oregon Liquor Control Commission.

This includes:

That the site "may not be located in an area that is zoned exclusively for residential use" and "may not be located within 1,000 feet of a school. The location at Abbey Lane is over 1,000 feet away from a school. See map above.



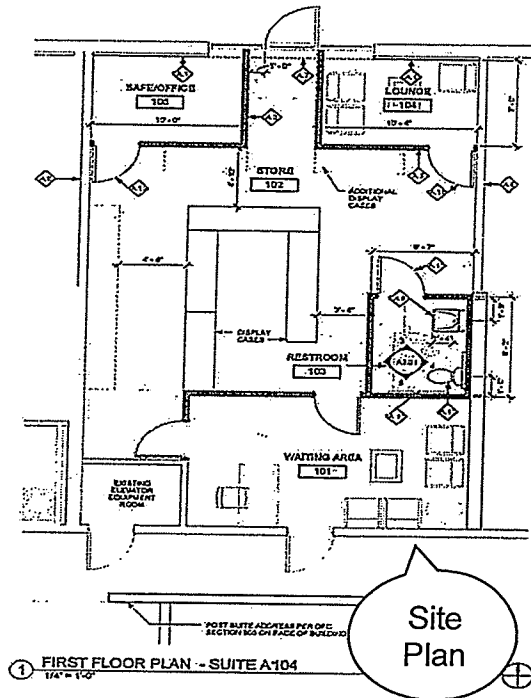
The governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of businesses located at premises for which a license has been issued under ORS 475B.070, 475B.090, 475B.100 or 475B.110. At the time of this permit, the City of Astoria has not added adopted additional provisions beyond the ORS regulations.

The applicant has acknowledged their close proximity to residences, and included information about carbon filters they propose installing to mitigate any unwanted odors. See attached specifications.

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

Finding: There is ample area available for maneuvering of vehicles on the site. The 39th Street and Abbey Lane rights-of-way are improved to a width of approximately 35', with existing curbs and sidewalks. The site is easily accessible by bike and foot, via the Riverwalk. The site is located within walking distance of the trolley line.

Vehicular traffic on 39th Street is increasing yearly with the development at Pier 39, the occupancy of the Condominium buildings, and the Hampton Inn Hotel. However, the proposed use should not add a larger volume of vehicle trips to the site due to the nature of the number of clients that can be served at a time. The applicant approximates servicing 50 customers per day (12 hours) but has not indicated hours of operation. Emergency vehicles are stationed at 30th St Public Safety Building and are located in close proximity to the subject location.



With the rezone to S-2A Zone (A14-03), a Traffic Impact Study was completed by Lancaster Engineering, dated June 19, 2014, indicating that the proposed zone, which allows professional offices, retail, and other similar uses, would not have a major traffic impact.

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

Finding: All utilities are at the site and are capable of serving the use. The proposed additional surveillance may in fact increase the security at the site. As with all new or increased businesses and development, there will be incremental impacts to police and fire protection but it will not overburden these services. Marijuana dispensaries are a cash only business and therefore are a target for criminal activity. To address public safety concerns, the applicant will need to work with the Police Department on a security plan.

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

Finding: The site is not within 100' of a known geologic hazard as indicated on the City map. No new construction is proposed.

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

Finding: The site is landscaped and is buffered from other uses. No additional landscaping is required.

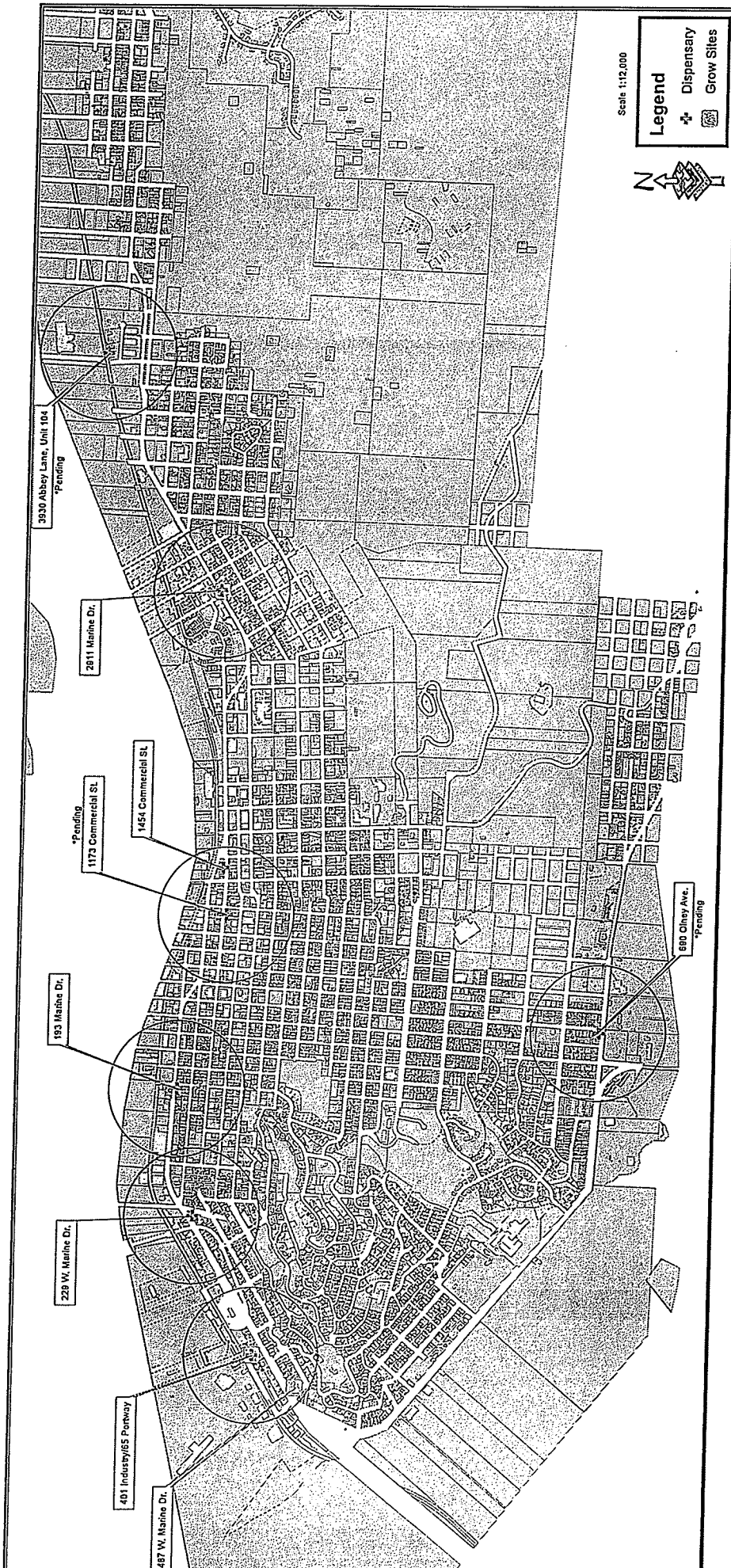
V. CONCLUSIONS AND RECOMMENDATIONS

The request meets all applicable review criteria. Staff recommends approval of the request based on the findings of fact above with the following conditions:

1. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission.
2. Any signage shall require a sign permit and site plan per Article 8 requirements, including sandwich boards. Sign permits are required prior to installation of signage.
3. The applicant shall submit all necessary OLCC paperwork and a business license prior to opening.
4. Should odor nuisances arise, the applicant shall install additional air filtration systems or odor abatement techniques.
5. The applicant shall adhere to the condominium bylaws and any additional regulations imposed by the Cannery Loft Condo Association.
6. Should parking issues due to a greater number than 50 customers per day, the applicant shall submit a parking evaluation report after one year of operation to determine if parking is adequate. If more parking is needed, the applicant shall develop a parking demand management strategy with property owner, tenant, and COA and submit to the City.
7. To address public safety concerns, the applicant will need to work with the Police Department on a security plan.
8. The applicant shall work with Recology and the COA for locating garbage and recycling.

The applicant should be aware of the following requirements:

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





CITY OF ASTORIA
Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

No. CU/16-10

☒ Fee Paid Date 9-21-16 By KC

Fee: \$250.00

CONDITIONAL USE APPLICATION

Property Address: 3930 Abbey Lane. Building A Unit 104. Astoria, Oregon

Lot N/A

Block N/A

Subdivision Cannery-Loft Astoria
Condo Stage 1 Business Park

Map 8009AA

Tax Lot 80104 (90104)

Zone S2a

Applicant Name: Daryl Bell

90205
90305
90405

Mailing Address: 2220 SE Ladd Ave. Portland. OR 97214

Phone: 503.867.5023

Business Phone: _____

Email: daryl.bell1@gmail.com

Property Owner's Name: Ted Forcum

Mailing Address: 10139 NW Skyline Heights Drive, Portland. OR 97229

Business Name (if applicable): Nomadic Properties, LLC

Signature of Applicant: [Signature]

Date: 9-20-2016

Signature of Property Owner: [Signature]

Date: 9-20-2016

Existing Use: Vacant

Proposed Use: Medical/Recreational Dispensary - retail sales establishment (#221)

Square Footage of Building/Site: 950 sq ft

Proposed Off-Street Parking Spaces: reqs 1 space/500 sq ft (7.110) for a total of 2.710
3 Spaces for building A are available at time of application 2 parking spaces

SITE PLAN: A Site Plan depicting property lines and the location of all existing and proposed structures, parking, landscaping, and/or signs is required. The Plan must include distances to all property lines and dimensions of all structures, parking areas, and/or signs. Scaled free-hand drawings are acceptable.

For office use only:	
Pre-app 9.21.16	
Application Complete: <u>9-22-16</u>	Permit Info Into D-Base: <u>9-26-16</u>
Labels Prepared: <u>9/26/16</u>	Tentative APC Meeting Date: <u>10/25/16</u>
120 Days: <u>11.19.16</u>	<u>6:30 PM</u>

City Hall • 1095 Duane Street • Astoria OR 97103 • Phone 503-338-5183 • Fax 503-338-6538
planning@astoria.or.us • www.astoria.or.us

Pending addtl retail
info re: art + glass sales?

FILING INFORMATION: Planning Commission meets on the fourth Tuesday of each month. Completed applications must be received by the 20th of the month to be on the next month's agenda. A Pre-Application meeting with the Planner is required prior to acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Planning Commission meeting is recommended.

Briefly address each of the following criteria: Use additional sheets if necessary.

- 11.030(A)(1) The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses;★ availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use.

The use is appropriate at the proposed location:

- The proposed site is approximately 1 block west of Hwy 101 located at 3930 Abbey Lane. Traffic is relatively light exiting from Hwy 101 (Leif Erikson) resulting in easy fluid access to the proposed location which features two points of egress/ingress, making it very accessible to customers. Traffic studies were performed by Lancaster Engineering to support retail use with the rezoning from GI to S2a.
- There are additional dispensaries in Astoria – all located west of the proposed location. The Pharmacy located at 2911 Marine Drive is the closest in proximity. The proposed site will focus on and cater to residents east of 29th Street and potential customers that enter the city from the north.
- Given the number of dispensaries and respective location there are very few options in other appropriately zoned sites. In addition, there is a dearth of building owners/landlords able to or willing to accommodate cannabis based business. I have dedicated 16 months looking for desirable appropriately zoned locations in Astoria.
- Additional Considerations:
 - o Dispensary will provide discounts to veterans and the elderly
 - o Will act as a canvas for local artisans/artists
 - o Offer community support in an effort to be good stewards of the community
 - o Conduct parking lot sweeps/checks
 - o Be compliant with local and state regulations
 - o Be low profile, understated, rustic
 - o Offer robust surveillance
 - o Outfit proposed site with carbon charcoal filters to mitigate scent of marijuana
 - o Not allow consumption of cannabis products on site

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

Please see site layout and dispensary schematic.

- Proposed location will not adversely impact access points. There are two egress/ingress points.

- Proposed location has two dedicated spaces. There is additional street parking allocated to CLC.
- The complex parking lot has never exceeded 35% of capacity.
- Dispensary will service approximately 50 customers per day (12 hour day) – light traffic designation.
- Dispensary traffic will not impede and/or interrupt refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities.

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

Dispensary operation will be consistent with traditional retail operation and will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities. Robust surveillance will increase overall efficacy of security on site.

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

N/A – Proposed location in established commercial corridor

11.030(A)(5) The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.

N/A – Proposed location in established commercial corridor

11.030(B) Housing developments will comply only with standards 2, 3, and 4 above.

N/A – Proposed location in established commercial corridor

39

3930 ABBEY LN - SUITE A104 - ASTORIA, OR


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COVER SHEET
PROJECT NUMBER
10054
9402010

ASTORIA DISPENSARY

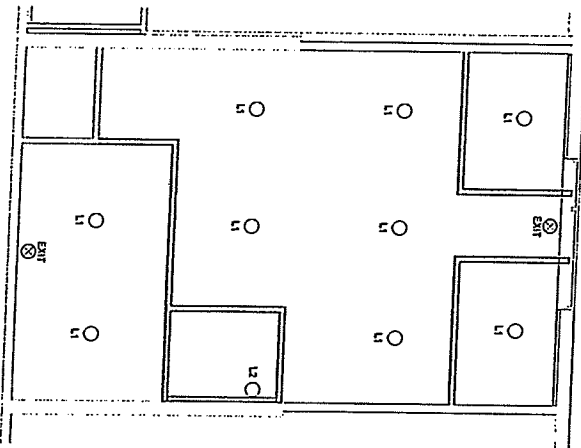
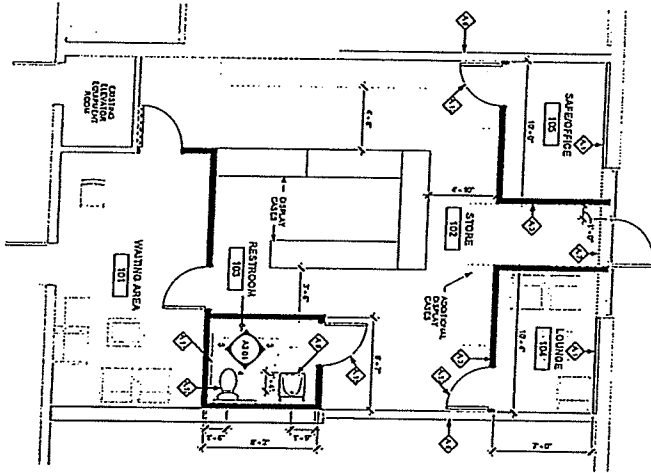
SUITE A104 - TENANT IMPROVEMENT

3930 ABBEY LN - SUITE A104 - ASTORIA, OR



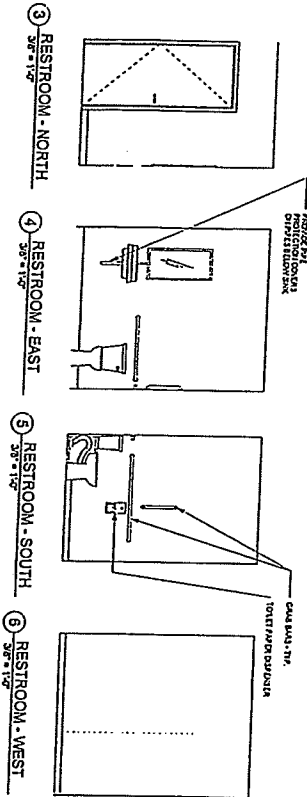
CARLETON HART ARCHITECTURE P.C.
420 SE 101st Avenue #200 Portland Oregon 97203
503 243 2357 | www.CarletonHart.com

PERMIT ISSUE



LIGHT FIXTURE SCHEDULE

SYMBOL	FIXTURE	NO. OF LUMENS	TOTAL WATTS
1	LED SCENE	1	2 WATTS



GENERAL NOTES:

1. ALL DIMENSIONS TO FACE OF STUD UNLESS OTHERWISE NOTED.
2. SEE MECHANICAL AND ELECTRICAL FOR ADDITIONAL INFORMATION.

KEYNOTES:

- A1. FULL-HIGH FLOORING 3.1/2" x 3.1/2" x 3.1/2" WITH 1/2" BATT INSULATION AND 1/2" GYPSUM BOARD - SEE DETAIL 302.02
- A2. FLOORING - SEE ABOVE - SEE DETAIL 302.02
- A3. EXISTING CEILING W/ 1/2" GYPSUM BOARD - SEE ABOVE - SEE DETAIL 302.02
- A4. R-13 BATT INSULATION
- A5. MECHANICAL SYSTEM - SEE MECHANICAL FOR DETAILS
- A6. R-13 BATT INSULATION AND GYPSUM BOARD
- A7. WALL PLANT FINISH WITH PIPE PROTECTION - SEE DETAIL 302.02
- A8. FLOOR-HIGH TOILET
- A9. SEE AND ASSESS ELEVATIONS FOR 3.5" x 5.5" DOOR WITH VISUAL PRIVACY INDICATOR LOCK
- A10. 3.5" x 5.5" DOOR WITH VISUAL PRIVACY INDICATOR LOCK
- A11. 3.5" x 5.5" DOOR WITH VISUAL PRIVACY INDICATOR LOCK
- A12. 3.5" x 5.5" DOOR WITH VISUAL PRIVACY INDICATOR LOCK
- A13. 3.5" x 5.5" DOOR WITH VISUAL PRIVACY INDICATOR LOCK
- A14. 3.5" x 5.5" DOOR WITH VISUAL PRIVACY INDICATOR LOCK
- A15. 3.5" x 5.5" DOOR WITH VISUAL PRIVACY INDICATOR LOCK
- A16. 3.5" x 5.5" DOOR WITH VISUAL PRIVACY INDICATOR LOCK
- A17. 3.5" x 5.5" DOOR WITH VISUAL PRIVACY INDICATOR LOCK
- A18. 3.5" x 5.5" DOOR WITH VISUAL PRIVACY INDICATOR LOCK
- A19. 3.5" x 5.5" DOOR WITH VISUAL PRIVACY INDICATOR LOCK
- A20. 3.5" x 5.5" DOOR WITH VISUAL PRIVACY INDICATOR LOCK

NOTE: DIMENSIONS ARE AT HALF SCALE WHEN PRINTED AT 1/8" = 1'-0"

A2.01

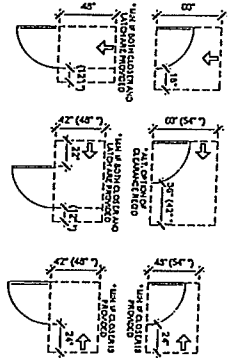
ROOM NO.
PROJECT NO.
9202016

SUITE A104 - TENANT IMPROVEMENT
3930 ABBEY LN - SUITE A104 - ASTORIA, OR
PERMIT ISSUE

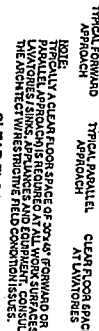


CARLETON HART ARCHITECTURE P.C.
220 10th Avenue • 700 Portland Oregon 97205
503 243 2252 www.carletonhart.com





MANEUVERING CLEARANCES AT SWINGING DOORS



NOTE: PROVIDE A CLEAR FLOOR SPACE OF 36" x 48" FORWARD OR PARALLEL TO THE DOOR SWING, MEASURED AT ALL WORK SURFACES, LAVATORIES, SINKS, AND OTHER WORK SURFACES. IF CONSULT THE ARCHITECT WHEN THE FIELD CONDITION IS NOT CLEAR.

CLEAR FLOOR SPACE

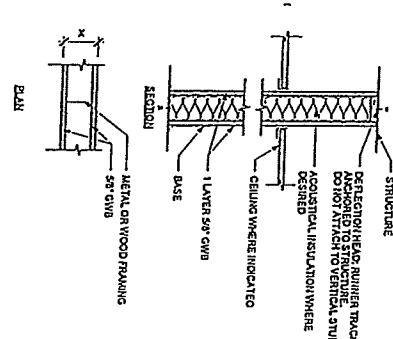
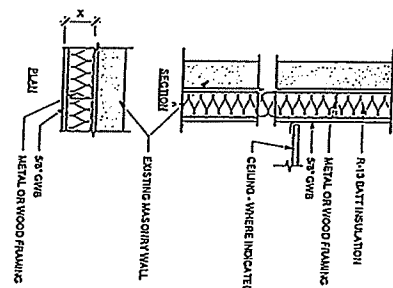
NO FEATURES ALLOWED WITHIN THIS AREA OTHER THAN THE TOILET AND TOLERANCE CLEARANCE

CLEAR FLOOR SPACE AT WATER CLOSETS

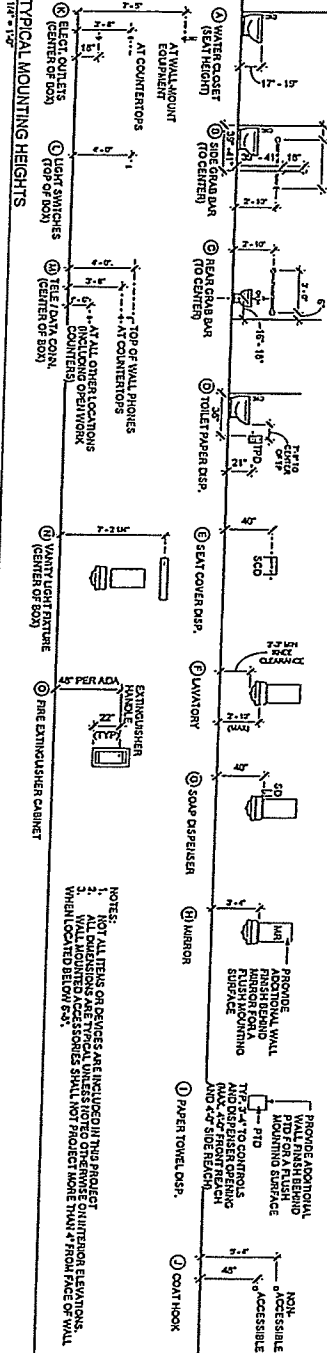
1 REQUIRED CLEARANCES

2 FURRING WALL

3 PARTITION WALL



4 TYPICAL MOUNTING HEIGHTS



NOTE: 1. ALL ITEMS ON DEVICES ARE INCLUDED IN THIS PROJECT. 2. ALL OTHERS ARE NOT INCLUDED. 3. ALL OTHERS ARE NOT INCLUDED. 4. ALL OTHERS ARE NOT INCLUDED. 5. ALL OTHERS ARE NOT INCLUDED. 6. ALL OTHERS ARE NOT INCLUDED. 7. ALL OTHERS ARE NOT INCLUDED. 8. ALL OTHERS ARE NOT INCLUDED. 9. ALL OTHERS ARE NOT INCLUDED. 10. ALL OTHERS ARE NOT INCLUDED. 11. ALL OTHERS ARE NOT INCLUDED. 12. ALL OTHERS ARE NOT INCLUDED. 13. ALL OTHERS ARE NOT INCLUDED. 14. ALL OTHERS ARE NOT INCLUDED. 15. ALL OTHERS ARE NOT INCLUDED. 16. ALL OTHERS ARE NOT INCLUDED. 17. ALL OTHERS ARE NOT INCLUDED. 18. ALL OTHERS ARE NOT INCLUDED. 19. ALL OTHERS ARE NOT INCLUDED. 20. ALL OTHERS ARE NOT INCLUDED. 21. ALL OTHERS ARE NOT INCLUDED. 22. ALL OTHERS ARE NOT INCLUDED. 23. ALL OTHERS ARE NOT INCLUDED. 24. ALL OTHERS ARE NOT INCLUDED. 25. ALL OTHERS ARE NOT INCLUDED. 26. ALL OTHERS ARE NOT INCLUDED. 27. ALL OTHERS ARE NOT INCLUDED. 28. ALL OTHERS ARE NOT INCLUDED. 29. ALL OTHERS ARE NOT INCLUDED. 30. ALL OTHERS ARE NOT INCLUDED. 31. ALL OTHERS ARE NOT INCLUDED. 32. ALL OTHERS ARE NOT INCLUDED. 33. ALL OTHERS ARE NOT INCLUDED. 34. ALL OTHERS ARE NOT INCLUDED. 35. ALL OTHERS ARE NOT INCLUDED. 36. ALL OTHERS ARE NOT INCLUDED. 37. ALL OTHERS ARE NOT INCLUDED. 38. ALL OTHERS ARE NOT INCLUDED. 39. ALL OTHERS ARE NOT INCLUDED. 40. ALL OTHERS ARE NOT INCLUDED. 41. ALL OTHERS ARE NOT INCLUDED. 42. ALL OTHERS ARE NOT INCLUDED. 43. ALL OTHERS ARE NOT INCLUDED. 44. ALL OTHERS ARE NOT INCLUDED. 45. ALL OTHERS ARE NOT INCLUDED. 46. ALL OTHERS ARE NOT INCLUDED. 47. ALL OTHERS ARE NOT INCLUDED. 48. ALL OTHERS ARE NOT INCLUDED. 49. ALL OTHERS ARE NOT INCLUDED. 50. ALL OTHERS ARE NOT INCLUDED. 51. ALL OTHERS ARE NOT INCLUDED. 52. ALL OTHERS ARE NOT INCLUDED. 53. ALL OTHERS ARE NOT INCLUDED. 54. ALL OTHERS ARE NOT INCLUDED. 55. ALL OTHERS ARE NOT INCLUDED. 56. ALL OTHERS ARE NOT INCLUDED. 57. ALL OTHERS ARE NOT INCLUDED. 58. ALL OTHERS ARE NOT INCLUDED. 59. ALL OTHERS ARE NOT INCLUDED. 60. ALL OTHERS ARE NOT INCLUDED. 61. ALL OTHERS ARE NOT INCLUDED. 62. ALL OTHERS ARE NOT INCLUDED. 63. ALL OTHERS ARE NOT INCLUDED. 64. ALL OTHERS ARE NOT INCLUDED. 65. ALL OTHERS ARE NOT INCLUDED. 66. ALL OTHERS ARE NOT INCLUDED. 67. ALL OTHERS ARE NOT INCLUDED. 68. ALL OTHERS ARE NOT INCLUDED. 69. ALL OTHERS ARE NOT INCLUDED. 70. ALL OTHERS ARE NOT INCLUDED. 71. ALL OTHERS ARE NOT INCLUDED. 72. ALL OTHERS ARE NOT INCLUDED. 73. ALL OTHERS ARE NOT INCLUDED. 74. ALL OTHERS ARE NOT INCLUDED. 75. ALL OTHERS ARE NOT INCLUDED. 76. ALL OTHERS ARE NOT INCLUDED. 77. ALL OTHERS ARE NOT INCLUDED. 78. ALL OTHERS ARE NOT INCLUDED. 79. ALL OTHERS ARE NOT INCLUDED. 80. ALL OTHERS ARE NOT INCLUDED. 81. ALL OTHERS ARE NOT INCLUDED. 82. ALL OTHERS ARE NOT INCLUDED. 83. ALL OTHERS ARE NOT INCLUDED. 84. ALL OTHERS ARE NOT INCLUDED. 85. ALL OTHERS ARE NOT INCLUDED. 86. ALL OTHERS ARE NOT INCLUDED. 87. ALL OTHERS ARE NOT INCLUDED. 88. ALL OTHERS ARE NOT INCLUDED. 89. ALL OTHERS ARE NOT INCLUDED. 90. ALL OTHERS ARE NOT INCLUDED. 91. ALL OTHERS ARE NOT INCLUDED. 92. ALL OTHERS ARE NOT INCLUDED. 93. ALL OTHERS ARE NOT INCLUDED. 94. ALL OTHERS ARE NOT INCLUDED. 95. ALL OTHERS ARE NOT INCLUDED. 96. ALL OTHERS ARE NOT INCLUDED. 97. ALL OTHERS ARE NOT INCLUDED. 98. ALL OTHERS ARE NOT INCLUDED. 99. ALL OTHERS ARE NOT INCLUDED. 100. ALL OTHERS ARE NOT INCLUDED.

NOTE: DRAWINGS ARE AT HALF SCALE UNLESS NOTED AT 1/8" = 1'-0"

A2.02

REVISIONS

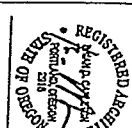
PROJECT NO.

1504

02/20/18

SUITE A104 - TENANT IMPROVEMENT
3930 ABBEY LN - SUITE A104 - ASTORIA, OR
PERMIT ISSUE

CARLETON HART ARCHITECTURE P.C.
230 W. 10th Avenue #200 Portland Oregon 97203
503 243 2252



Subject: CANNERY LOFT CONDOMINIUM PARKING

From: Daryl Bell (daryl.bell1@gmail.com)

To: noella.nelson@yahoo.com;

Date: Wednesday, September 21, 2016 12:23 AM

11 Parking spaces are allotted to the complex; 103 in the parking lot and 8 on Abbey lane.

ed

No

11 are allotted to bldg A,

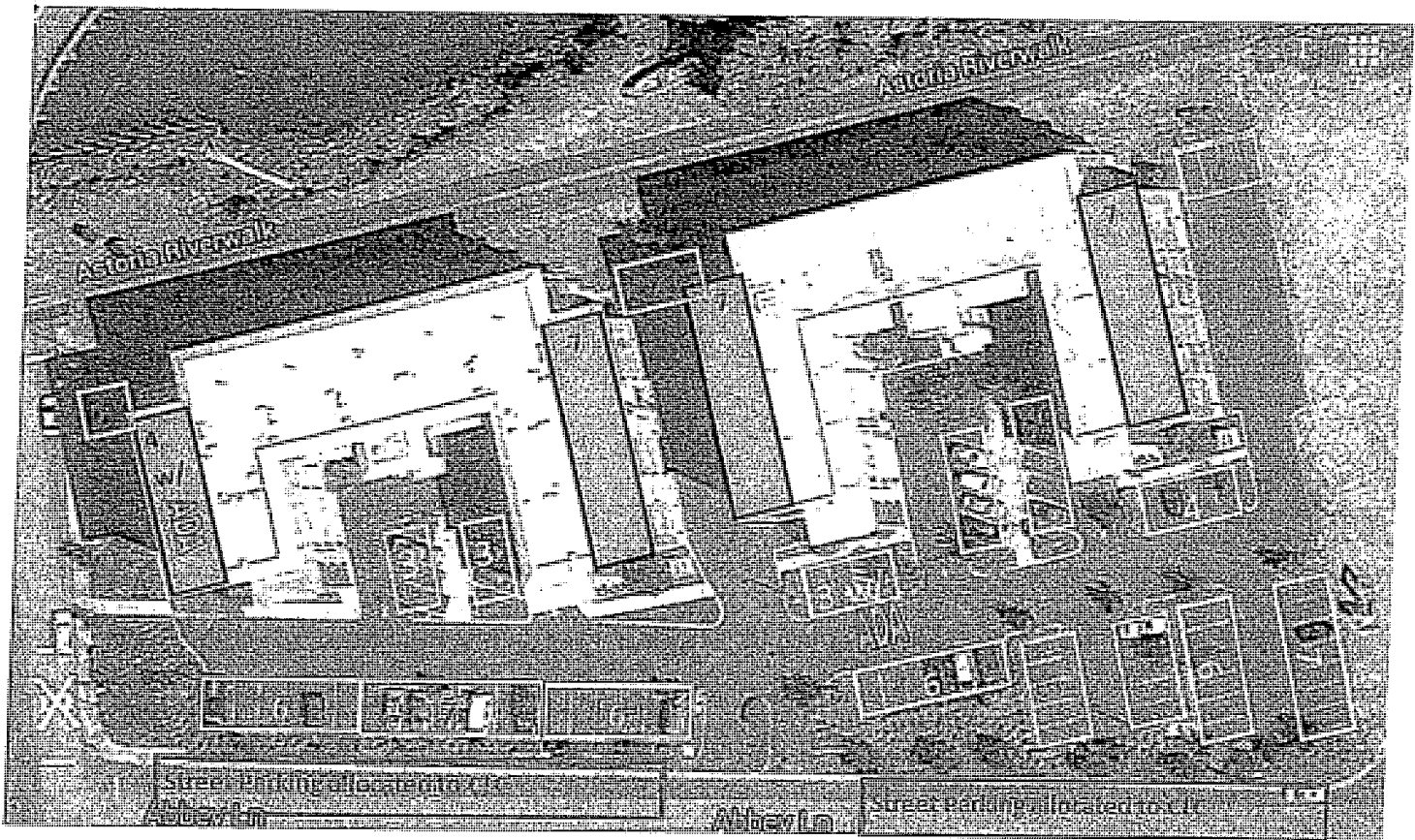
8 are accounted for

This proposed use requires 2, leaving

1 available for future commercial use.

CANNERY LOFT CONDOMINIUM PARKING ALLOCATION

Page 3



25 common covered (6 reserved for commercial only for G1 Zoning)

Street Parking allocated to CLC

81 Common parking

13

Parking

- Photo below is from Wednesday April 9th from building B at 11:00am.



- 36.5% of building B commercial space is occupied.
- 97% of building B residences are occupied.
- 5 vehicles in the 14 commercial spaces, one of which is residential.
- 10 vehicles in the common 50 spaces surrounding building B, (4 east, 10 courtyard, 36 south, 14 commercial).
- On this day at standard business hours only 23.4% of parking is consumed with office space commercial use.

Parking 7:30pm Friday April 25th, 2014 Wine and Seafood Festival

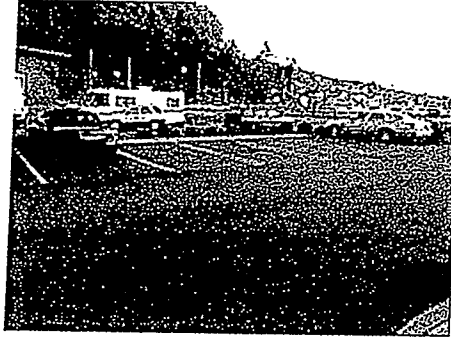
(not part of BOD presentation)

- 42 vehicles / 103 parking lot spaces
- 5 vehicles on Abbey lane
 - 3 walked to Pier 39
 - 2 vehicles allotted to CLC
 - 8 spaces on Abbey Lane allotted for Cannery Lofts.
- On one of the busier weekends only 39.6% of allowable spaces are being used



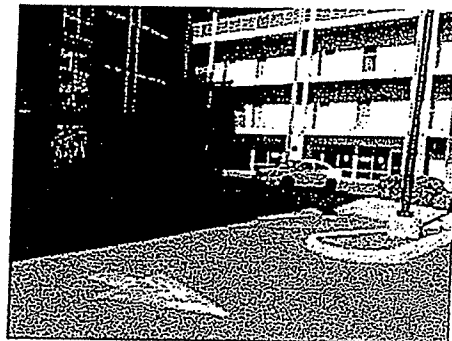
Parking 3:30pm Sunday May 25, 2014 Memorial Weekend

- 38 vehicles in the 103 parking lot spaces.
- 1 vehicle on Abbey Lane. 8 spaces on Abbey Lane allotted for Cannery Lofts.
- 111 Total allotted spaces.
- On one of the busier weekends only 34% of allowable spaces are being used.



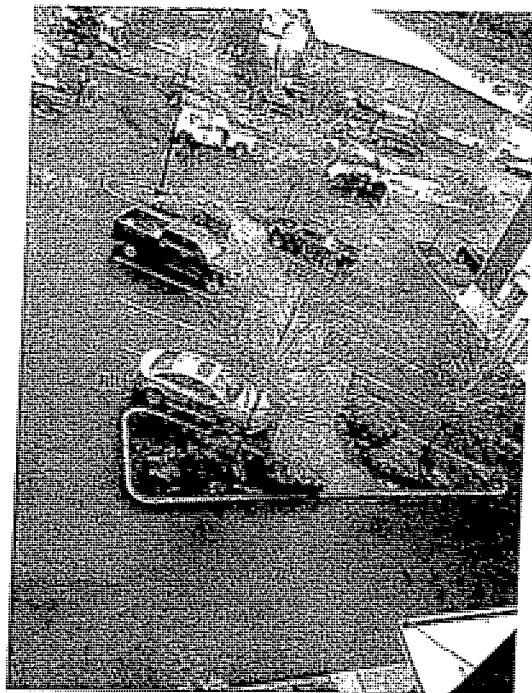
Parking 5pm Saturday June 7th, 2016

- 27 vehicles in the 103 parking lot spaces. 0 vehicle on Abbey Lane. 8 spaces on Abbey Lane allotted for Cannery Lofts.
- 111 Total allotted spaces.
- 24% of allowable spaces are being used.



Friday 4/22/16 10:26am

- During Construction
- Building B
 - Greatest amount of commercial occupancy
 - West covered parking was closed off.
 - 40% (26 of 64) building B spaces closed for construction.



d Forcum, DC, DACBSP, CES, PES, CSCS

land Winterhawks, Team Chiropractor

15 USATF World Championship Sports Medicine Team

at Commission on Sports Medicine and Science, Board Member

08 US Olympic Sports Medicine Team Member

A Sports Council, Past President 2008-2010

nadic Properties, LLC

39 NW Skyline Heights Drive

land, OR 97229

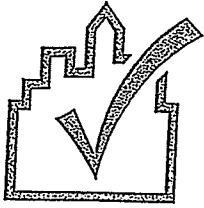
816-6581

c In Motion Chiropractic and Sports Rehab Center

5 SW Scholls Ferry Road

erton, Oregon 97008

24.9040



Generated by COMcheck-Web Software
Envelope Compliance Certificate

Section 1: Project Information

Energy Code: 2014 Oregon Energy Efficiency Specialty Code
Project Title: Astoria Dispensary
Project Type: Addition
Envelope Compliance Method: Simplified Trade-Off

Construction Site:
3930 Abbey Lane, Suite A104
Astoria, Oregon

Owner/Agent:

Designer/Contractor:
Corey Morris
Carleton Hart Architecture

Building Location (for weather data): Astoria, Oregon
Climate Zone: 4c
Vertical Glazing / Wall Area Pct.: 7%

Building Use: Area Type

1-Office : Nonresidential

Floor Area

950

Section 2: Envelope Assemblies and Requirements Checklist

Envelope PASSES Design 0.1% better than code

Envelope Assemblies:

Component Name/Description	Gross Area or Perimeter	Cavity R-Value	Cont. R-Value	Proposed U-Factor	Budget U-Factor ^(a)
Ext. Wall: Concrete Block, 8in., Solid Grouted, Light Density, Furring: Wood, [Bldg. Use 1 - Office]	450	13.0	0.0	0.074	0.150
Window: , Perf. Specs.: Product ID Existing, SHGC 0.70, [Bldg. Use 1 - Office] (b)	80	---	---	0.350	0.450
Ext. Wall: Steel-Framed, 16in. o.c., [Bldg. Use 1 - Office]	640	13.0	0.0	0.124	0.064
Floor: Unheated Slab-On-Grade, [Bldg. Use 1 - Office]	90	---	---	---	---

(a) Budget U-factors are used for software baseline calculations ONLY, and are not code requirements.

(b) Fenestration product performance must be certified in accordance with NFRC and requires supporting documentation.

In the following requirements, blank checkboxes identify requirements that the applicant has not acknowledged as being met. Checkmarks identify requirements that the applicant acknowledges are met or excepted from compliance. 'Plans reference page/section' identifies where in the plans/specs the requirement can be verified as being satisfied.

Fenestration Product Rating:

- ✓ 1. U-factors of fenestration products (windows, doors and skylights) are determined in accordance with NFRC 100 by an accredited, independent laboratory, and labeled and certified by the manufacturer or are determined using the commercial size category values listed in Chapter 15 of the 2009 ASHRAE Handbook of Fundamentals, Table No.4 and shall include the effects of the window frame. The temporary label affixed to the fenestration products must not be removed prior to inspection.

Plans reference page/section: _____

- ✓ 2. Solar heat gain coefficient (SHGC) of glazed fenestration products (windows, glazed doors and skylights) shall be determined in accordance with NFRC 200 by an accredited, independent laboratory, and labeled and certified by the manufacturer or be determined using the Solar Heat Gain Coefficients (SHGC) in Chapter 15 of the 2009 ASHRAE Handbook of Fundamentals, Table No.10. The overall values must consider type of frame material and operator for the SHGC at normal incidence.

Plans reference page/section: _____

Air Leakage, Insulation, and Component Certification:

- ✓ 3. Sealing of the building envelope. Openings and penetrations in the building envelope are sealed with caulking materials or closed with gasketing systems compatible with the construction materials and location. Joints and seams are sealed in the same manner or taped

or covered with a moisture vapor-permeable wrapping material. Sealing materials spanning joints between construction materials allow for expansion and contraction of the construction materials.

Plans reference page/section: _____

- ✓ 4. Window and door assemblies. The air leakage of window and sliding or swinging door assemblies that are part of the building envelope are determined in accordance with AAMA/WDMA/CSA 101/I.S.2/A440, or NFRC 400 by an accredited, independent laboratory, and labeled and certified by the manufacturer.

Plans reference page/section: _____

- ✓ 5. Curtain wall, storefront glazing and commercial entrance doors. Curtain wall, storefront glazing and commercial-glazed swinging entrance doors and revolving doors are tested for air leakage in accordance with ASTM E 283. For curtain walls and storefront glazing, the maximum air leakage rate is 0.3 cubic foot per minute per square foot of fenestration area. For commercial glazed swinging entrance doors and revolving doors, the maximum air leakage rate is 1.00 cfm/ft² of door area.

Plans reference page/section: _____

- ✓ 6. Building thermal envelope insulation. An R-value identification mark is applied (by manufacturer) to each piece of insulation 12 inches or greater in width. Alternately, the insulation installers have provided a signed, dated and posted certification listing the type, manufacturer and R-value of insulation installed. Refer to code section for blown or sprayed insulation installation/settling depths and marker requirements.
- ✓ 7. Insulation mark installation. Insulating materials are installed such that the manufacturer's R-value mark is readily observable upon inspection.
- ✓ 8. Insulation product rating. The thermal resistance (R-value) of insulation has been determined in accordance with the U.S. FTC R-value rule.
- ✓ 9. Installation. All material, systems and equipment are installed in accordance with the manufacturer's installation instructions and the International Building Code.
- ✓ 10. Outdoor air intakes and exhaust openings. Stair and elevator shaft vents and other outdoor air intakes and exhaust openings integral to the building envelope shall be equipped with not less than a Class I motorized, leakage-rated damper with a maximum leakage rate of 4 cfm per square foot at 1.0 inch water gauge when tested in accordance with AMCA 500D. Stair and shaft vent dampers shall be capable of being automatically closed during normal building operation and interlocked to open as required by fire and smoke detection systems.

Requirement is not applicable.

Plans reference page/section: _____

- ✓ 11. Loading dock weatherseals. Cargo doors and loading dock doors are equipped with weather seals to restrict infiltration when vehicles are parked in the doorway.

Requirement is not applicable.

Plans reference page/section: _____

- ✓ 12. Recessed lighting. Recessed luminaires installed in the building thermal envelope are sealed to limit air leakage between conditioned and unconditioned spaces. All recessed luminaires are IC-rated and labeled as meeting ASTM E 283. All recessed luminaires are sealed with a gasket or caulk between the housing and interior wall or ceiling covering.

Requirement is not applicable.

Plans reference page/section: _____

- ✓ 13. Vestibules. Doors that separate conditioned space from the exterior are protected with an enclosed vestibule, with all doors of the vestibule equipped with self-closing devices. Vestibules are designed so interior and exterior doors to not operate simultaneously.

✓ Exception applies: Doors that open directly from a space less than 3000 sq. ft. in area.

Plans reference page/section: _____

- ✓ 14. 'Other' components have supporting documentation for proposed U-Factors.

Requirement is not applicable.

Plans reference page/section: _____

Section 3: Compliance Statement

Compliance Statement: The proposed envelope design represented in this document is consistent with the building plans, specifications and other calculations submitted with this permit application. The proposed envelope system has been designed to meet the 2014 Oregon Energy Efficiency Specialty Code requirements in COMcheck-Web and to comply with the mandatory requirements in the Requirements Checklist.

Corey Morris

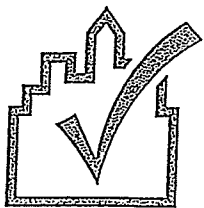
Architect

9.20.2016

Name - Title

Signature

Date



Generated by COMcheck-Web Software
**Interior Lighting Compliance
Certificate**

Section 1: Project Information

Energy Code: 2014 Oregon Energy Efficiency Specialty Code
Project Title: Astoria Dispensary
Project Type: Addition
Envelope Compliance Method: Simplified Trade-Off

Construction Site:
3930 Abbey Lane, Suite A104
Astoria, Oregon

Owner/Agent:

Designer/Contractor:
Corey Morris
Carleton Hart Architecture

Section 2: Interior Lighting and Power Calculation

A Area Category	B Floor Area (ft ²)	C Allowed Watts / ft ²	D Allowed Watts (B x C)
Lobby (Common Space Types:Lobby) (Ceiling Height 10 ft.)	193	0.9	174
Safe/Office (Common Space Types:Office - Enclosed) (Ceiling Height 10 ft.)	69	0.99	68
Restroom (Common Space Types:Restrooms) (Ceiling Height 10 ft.)	47	0.82	39
Lounge (Common Space Types:Office - Enclosed) (Ceiling Height 10 ft.)	71	0.99	70
Store (Retail:Sales Area) (Ceiling Height 10 ft.)	514	1.5	771
Total Allowed Watts =			1122

(a) Allowed watts per sq. ft. adjusted for ceiling height.

Section 3: Interior Lighting Fixture Schedule

A Fixture ID : Description / Lamp / Wattage Per Lamp / Ballast	B Lamps/ Fixture	C # of Fixtures	D Fixture Watt.	E (C X D)
Lobby (Common Space Types: Lobby, 193 sq.ft.) LED: LED Other Fixture Unit 6.5W:	1	2	6	12
Safe/Office (Common Space Types: Office - Enclosed, 69 sq.ft.) LED: LED Other Fixture Unit 6.5W:	1	1	6	6
Restroom (Common Space Types: Restrooms, 47 sq.ft.) LED: LED Other Fixture Unit 6.5W:	1	1	6	6
Lounge (Common Space Types: Office - Enclosed, 71 sq.ft.) LED: LED Other Fixture Unit 6.5W:	1	1	6	6
Store (Retail: Sales Area, 514 sq.ft.) LED: LED PAR 7W:	1	5	6	30
Total Proposed Watts =				60

Section 4: Requirements Checklist

In the following requirements, blank checkboxes identify requirements that the applicant has not acknowledged as being met. Checkmarks identify requirements that the applicant acknowledges are met or excepted from compliance. 'Plans reference page/section' identifies where in the plans/specs the requirement can be verified as being satisfied.

Lighting Wattage:

- ✓ 1. Total proposed watts must be less than or equal to total allowed watts.
Allowed Wattage: 1122 Proposed Wattage: 60
Complies: YES

Mandatory Requirements:

- ✓ 2. Exit signs. Internally illuminated exit signs shall not exceed 5 watts per side.

Plans reference page/section: _____

- ✓ 3. Daylight zone control. All daylight zones are provided with individual controls that control the lights independent of general area lighting in the non-daylight zone. In all individual daylight zones larger than 350 sq.ft., automatic daylight controls is provided. Automatic daylight sensing controls reduce the light output of the controlled luminaires at least 50 percent, and provide an automatic OFF control, while maintaining a uniform level of illumination. Contiguous daylight zones adjacent to vertical fenestration may be controlled by a single controlling device provided that they do not include zones facing more than two adjacent cardinal orientations (i.e., north, east, south, west). Daylight zones under skylights shall be controlled separately from daylight zones adjacent to vertical fenestration.

Plans reference page/section: _____

- ✓ 4. Interior lighting controls. At least one local shutoff lighting control has been provided for every 2,000 square feet of lit floor area and each area enclosed by walls or floor-to-ceiling partitions. The required controls are located within the area served by the controls or are a remote switch that identifies the lights served and indicates their status.

Plans reference page/section: _____

- ✓ 5. Sleeping unit controls. Master switch at entry to hotel/motel guest room.

Plans reference page/section: _____

- ✓ 6. Egress lighting. Egress illumination is controlled by a combination of listed emergency relay and occupancy sensors to shut off during periods that the building space served by the means of egress is unoccupied.

✓ Exception applies: Building exits as defined in Section 1002 of the Oregon Structural Specialty Code.

Plans reference page/section: _____

- ✓ 7. Additional controls. Each area that is required to have a manual control shall have additional controls that meet the requirements of Sections 505.2.2.1 and 505.2.2.2.

Plans reference page/section: _____

- ✓ 8. Light reduction controls. Each space required to have a manual control also allows for reducing the connected lighting load by at least 50 percent by either 1) controlling (dimming or multi-level switching) all luminaires; or 2) dual switching of alternate rows of luminaires, alternate luminaires, or alternate lamps; or 3) switching the middle lamp luminaires independently of other lamps; or 4) switching each luminaire or each lamp.

✓ Exception applies: Areas that use less than 0.6 Watts/sq.ft.

Plans reference page/section: _____

- ✓ 9. Buildings larger than 2,000 square feet are equipped with an automatic control device to shut off lighting in those areas. This automatic control device shall function on either: 1) a scheduled basis, using time-of-day, with an independent program schedule that controls the interior lighting in areas that do not exceed 10,000 square feet and are not more than one floor; or 2) an occupant sensor that shall turn lighting off within 30 minutes of an occupant leaving a space; or 3) a signal from another control or alarm system that indicates the area is unoccupied.

Plans reference page/section: _____

- ✓ 10. Occupancy sensors in rooms that include daylight zones are required to have Manual ON activation.

Plans reference page/section: _____

- ✓ 11. An occupant sensor control device is installed that automatically turns lighting off within 30 minutes of all occupants leaving a space.

Plans reference page/section: _____

- ✓ 12. Additional controls. An occupant sensor control device that automatically turns lighting off within 30 minutes of all occupants leaving a space or a locally activated switch that automatically turns lighting off within 30 minutes of being activated is installed in all storage and supply rooms up to 1000 square feet.

Plans reference page/section: _____

- ✓ 13. Occupant override. Automatic lighting shutoff operating on a time-of-day scheduled basis incorporates an override switching device that: 1) is readily accessible, 2) is located so that a person using the device can see the lights or the area controlled by that switch, or so that the area being lit is annunciated, 3) is manually operated, 4) allows the lighting to remain on for no more than 2 hours when an override is initiated, and 5) controls an area not exceeding 2,000 square feet.

Plans reference page/section: _____

- ✓ 14. Holiday scheduling. Automatic lighting shutoff operating on a time-of-day scheduled basis has an automatic holiday scheduling feature that turns off all loads for at least 24 hours, then resumes the normally scheduled operation.

Plans reference page/section: _____

- ✓ 15. Exterior lighting controls. Lighting not designated for dusk-to-dawn operation shall be controlled by either a combination of a photosensor and a time switch, or an astronomical time switch. Lighting designated for dusk-to-dawn operation shall be controlled by an astronomical time switch or photosensor.

Plans reference page/section: _____

- ✓ 16. Tandem wiring. The following luminaires located within the same area shall be tandem wired: 1. Fluorescent luminaires equipped with one, three or odd-numbered lamp configurations, that are recess-mounted within 10 feet center-to-center of each other. 2. Fluorescent luminaires equipped with one, three or any odd-numbered lamp configuration, that are pendant- or surface-mounted within 1 foot edge-to-edge of each other.

Plans reference page/section: _____

- ✓ 17. Medical task lighting or art/history display lighting claimed to be exempt from compliance has a control device independent of the control of the nonexempt lighting.

Plans reference page/section: _____

- ✓ 18. Each dwelling unit in a building is metered separately.

Plans reference page/section: _____

Interior Lighting/PASSES: Design 95% better than code

Section 5: Compliance Statement

Compliance Statement: The proposed lighting design represented in this document is consistent with the building plans, specifications and other calculations submitted with this permit application. The proposed lighting system has been designed to meet the 2014 Oregon Energy Efficiency Specialty Code requirements in COMcheck-Web and to comply with the mandatory requirements in the Requirements Checklist.

<u>Cory Morris</u>	<u>Architect</u>	<u>9.20.2016</u>
Name - Title	Signature	Date

3990 Abbey Ln #401B
Astoria, Oregon 97103



CITY OF ASTORIA

October 3, 2016

OCT 6 REC'D

Planning Commission
1095 Duane St.
Astoria, Oregon 97103

BUILDING CODES

To whom it may concern,

I have just received a proposed land use application near our property in Astoria, Oregon, being that of Cannery Lofts. The proposal is for conditional use CU16-10 by Daryl Bell to locate a medical-recreational marijuana dispensary and retail sales establishment in an existing commercial space at 3930 Abbey Lane, Bldg A, Unit 104, being that of Cannery Lofts. I am against this request for the following reasons:

1. Cannery Lofts, located at 3930 Abbey Lane and 3990 Abbey Lane is mixed use, where businesses are located on the bottom floor and residences are located on floors 2, 3, and 4. Having a "Marijuana dealer" is not something that I had envisioned when buying my condominium, and I would not have purchased if knowing that we were going to have a legal drug dealer downstairs.
2. Families live in these Condominiums, where there are seniors, young families, and middle aged group people. Having gone through a 2 year mitigation repair to both buildings, and then find out a marijuana dispensary is unacceptable.
3. There is a grade school just down the street from the Cannery Lofts.
4. Marijuana is not something that I wish to be smelling, for I college roommate was always smoking the stuff and it just makes you sick to have to have that smell linger.
5. Values of our condominiums will not be helped, but I am afraid that our condo values will be harmed. As stated above, we have gone through a 2 year mitigation repair on our buildings and Cannery Lofts condominium values have been devastated. Having a marijuana dispensary in our building is going to do nothing but discourage future buyers into our condominium. If

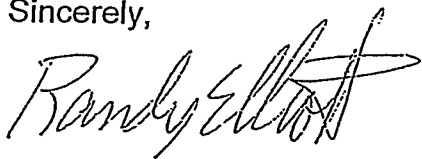


this Conditional Use CU16-10 is allowed, our Cannery Lofts will be perceived as a less than desirable location to purchase a condominium, and will plague condo owners for years.

6. Marijuana is still a federal crime, period. There are two marijuana shops throughout Astoria, and I just cannot imagine there being a need to have a third in a mixed use condominium where families are living on the coast due to what they perceived as a nice and pleasant coastal community and not a bunch of drug attics with a marijuana shop on every two or three blocks.

Please do not let this happen, and vote against the Conditional Use CU16-10 by Daryl Bell to locate a medical-marijuana dispensary.

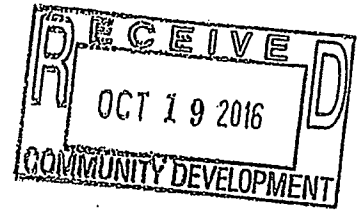
Sincerely,

A handwritten signature in cursive script that reads "Randy Elliott". The signature is fluid and stylized, with a long horizontal stroke at the end of the last name.

Randy Elliott



The City of Astoria
Planning Commission
1095 Duane Street
Astoria, OR 97103



Re: Conditional Use CU16-10 Medical-Recreational Marijuana Dispensary Application for
3930 Abbey Lane, Building A, Unit 104

Dear Planning Commission:

I am NOT in favor of a marijuana dispensary in our living community. Here are my reasons:

1. A marijuana dispensary would **bring crime & loitering** to Cannery Lofts necessitating police calls. We already have experienced crime (unit 404B's car was broken into 3 times), and this would invite more.
2. Cannery Lofts is a quiet community of mostly older adults, and a pot shop would bring **traffic and noise after dark** (the other dispensary shops are open in the evening).
3. Cannery Lofts has community regulations that **prohibit smoking** on the premises (inside and outside). Selling some products that are smoked doesn't make sense, and enforcing the community rules would fall to homeowners policing strangers on the property, a recipe for unruly confrontations.
4. The **smell of marijuana smoke is annoying** to some and pollution to others. Police won't be able to assist us with this problem putting the policing, again, upon our small community. (<http://bit.ly/2ehe1sC>)
5. Oregon is already the booziest state in the union (<http://bit.ly/2e2e48G>). Astoria is the 2nd "drunkiest city in the state". (<http://bit.ly/2ddsn1Q>) Do we want to be known as the most "**pot friendly**" too? We have a population of about 9,500 and we have 3 marijuana dispensaries (1 shop for every 3,200 people). Do we really need a shop for **1 in every 2,375 people** (some of whom are children and ineligible)?
6. Cannery Lofts is a **pet-friendly** community. Our pet (14 pound mutt) has already inadvertently ingested marijuana found on a trail and had to be hospitalized at great expense. Fortunately, she lived, but with the potency of new marijuana and people accidentally dropping their butts, the next occurrence could prove fatal.
7. **Children and grandchildren** are welcome in our community and selling something that only adults can consume is exposing our young people to unnecessary risks.

Thank you for not ruling in favor of this ordinance and finding a new home for the 4th dispensary, or better yet, welcoming another kind of business to our fair city.

Sincerely,

Kristy Schnabel
3990 Abbey Lane, #405
Astoria, OR 97103

P.S. As a cancer survivor, I welcome medical marijuana, but one dispensary is enough.

105

From: Jill Bakke [mailto:jillbakke@astoriacondos.com]
Subject: Re: Proposed West Cannabis Craft at 3930 Abbey Lane
Date: Oct 15, 2016, 10:41:35 AM
To: Katie Murray [mailto:katie@murraylaw.com]

I am in Portland at the moment due to the storm. My only objection to a pot shop below is the parking. I live in Colorado and there is one at the bottom of my hill, which always has a crowded parking lot. It is one of a number of pot shops in the area, so the fact there will be others in Astoria is no guarantee we, who live there, will not be seeking parking for our vehicles.

I have no ability at this time to print and scan in a signed petition and I am not returning to Astoria until late on Monday morning. If this email will suffice for my opinion, feel free to print and utilize as apposition to its placement in our building.

Jill Bakke, Unit 4A
CANNERY LOFT CONDOS

NAME

SIGNATURE

ADDRESS

Kymie Darby
~~Kymie Darby~~

3930 Abbey Lane #402A
Astoria, OR 97103

John Darby

3930 Abbey Lane #402A
Astoria OR 97103

October 14, 2016

Astoria Planning Commission:

This is to express strong objection to Daryl Bell's application for a conditional use permit for the proposed West Cannabis and Craft at the Cannery Loft Condos in Astoria.

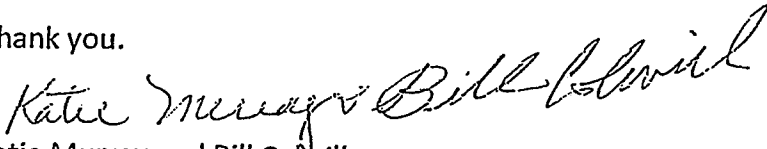
The condos are residential and not an appropriate place for such a business. It would dramatically effect safety, car traffic, cleanliness of the property, the serene atmosphere of the area, and possibly increase crime in our neighborhood. It would also impact appraisal values. We would not have purchased here if a marijuana retail shop was on the ground floor.

We do not object to the legality of recreational marijuana. We just do not think that a retail establishment of this type would make the best neighbor.

Such an establishment is certainly not an appealing one to have adjacent to Astoria's cherished Riverwalk. We as owners and residents value the quiet neighborly atmosphere. This area attracts many visitors and locals who cherish the safe and quiet Riverwalk.

We request that you deny this application.

Thank you.



Katie Murray and Bill Corwill
3930 Abbey Lane, A305
Astoria, OR 97103

BUILDING CODES

OCT 17 REC'D

CITY OF ASTORIA

To: City of Astoria Planning Commission
Re: Public Hearing October 25, 2016

16-10

In opposition to Conditional Use CU ~~12-30~~ by Daryl Bell re: medical-recreational marijuana dispensary and retail sales establishment

Daryl Bell is applying to locate a medical-recreational marijuana dispensary and retail sales establishment in our mostly residential building. He may not be offering a service suitable for "Our Home." Neither Mr. Bell nor Ted Forcum reside on the premises.

Cannery Lofts:

- * Two four story buildings sharing one address on Abbey Lane and 39th Street in Astoria, Oregon 97103
- * Three floors of thirty plus residential family units in each building.
- * Resident owned and occupied or rentals and occupied.
- * Governed by one HOA following Fair Housing Rules.
- * Retired seniors, professionals with jobs in the city (with the city, with the county) and working families with children live here.
- * The school bus stops at the door.
- * The first floor of the Cannery Lofts is one of commercial units. Existing commercial tenants are professional businesses that are compatible with residents with children.
- * No buffer area exists to avoid direct contact with the proposed retail outlet.
- * Parking spaces are not promised. Parking is at a premium for present home owners, tenants in the commercial units and other businesses on the corner of 39th Street.

Thank you for your consideration,

Donna Calahan

*Donna L. Calahan 10-14-16 3990 Abbey Lane #204B
Astoria, Oregon 97103*

*Russell L. Calahan 10-14-16 3990 Abbey Lane #24B
Russell Calahan Astoria, Oregon 97103*

BUILDING CODES

OCT 17 REC'D

CITY OF ASTORIA

109

Nancy Ferber

From: Heather Hansen <hah_islands@yahoo.com>
Sent: Monday, October 17, 2016 12:01 PM
To: Nancy Ferber
Subject: CUP-16-10 Cannery Loft Parking Regs
Attachments: Cannery Loft Condo Bylaws.pdf

For the record -- Please see attached copies of Cannery Loft Condo Association general parking regulations and covered parking policy.

I can provide a copy of the complete documents so their context is more clear if that would be helpful.

Thank you!

Heather Hansen
990 Abbey Ln #208
Astoria, OR 97103

CITY OF ASTORIA
OCT 17 REC'D
BUILDING CODES

PARKING⁹

- A. Parking spaces are general common elements assigned to either residential or commercial use.
- a. Parking in the Cannery Lofts parking lot is, in general, open to any owner (commercial or residential), residential renter, commercial lessee, commercial customer or any guest on

⁸ NOISE — See also: Bylaws, Article 7, Maintenance and Use of Condo Property; Sec 7.5(c): Offensive or unlawful activities.

⁹ PARKING — See also: Bylaws, Article 7, Maintenance and Use of Condo Property; Sec 7.5(g): Parking of Vehicles.

Page 9

- a first come, first-served basis. However, a limited number of spaces in the covered parking areas are reserved for commercial use only. These spaces are marked with "Reserved" placards on the walls.¹⁰
- b. Commercial owners are requested to instruct their tenants and employees to park in remote areas of the parking lot or on the public street.
- B. Parking is permitted only in marked designated spaces. Vehicles must be parked within the marked lines; no vehicle may occupy more than one designated space.¹¹ Any vehicle taking up more than one parking space will be considered in violation.¹² All other areas of the parking lot must be kept open for fire access and safety. Vehicles may not be parked or stopped in any way that blocks traffic flow through the parking lot or access to the buildings.
- C. Backing vehicles into parking spaces is not allowed, as this can cause damage to the landscaping.
- D. Only wheeled motorized vehicles shall be parked or kept in parking spaces. Parking stalls shall not be used for storage of household goods, auto

¹⁰ PARKING Section A.a.: Prior wording replaced with the current text, above, by the Board of Directors, 09/26/15.

¹¹ PARKING Section B: Additional wording "Vehicles must be parked within the marked lines; no vehicle may occupy more than one designated space" adopted by the Board of Directors, 03/05/15. See Minutes of the Board Meeting of the Cannery Lofts Homeowners' Association, March 5, 2015.

¹² PARKING Section B: Additional wording "Any vehicle taking up more than one parking space will be considered in violation." adopted by the Board of Directors, 04/23/15.

Covered Parking Space Board Policy

The Cannery Loft Board of Directors ("Board") held a meeting with the Association's legal counsel, Stuart K. Cohen, of Landye Bennett Blumstein LLP on September 24, 2014. All Board members attended the meeting. The Board was advised that several of the leases for the commercial spaces within the condominium complex have been leased with assigned covered parking spaces. After reviewing the Parking Committee report and with advice from the Association's legal counsel, the Board voted to allow the continued reserved use of seven of the twenty four covered parking spaces consistent with the terms and conditions of the existing leases. The leases will be reviewed and verified by the Association's legal counsel.

After the initial five year lease expires or the lease terminates for any reason, the allocated covered parking spaces will be made available to any owner (commercial or residential), residential renter, commercial lessee, commercial customer or any guest on a first come first served basis. The leased commercial units with assigned covered parking described above are as follows:

Building A: (3930 Abbey Lane)

Business 1 (Ben's Computer Store, Inc.) – One covered parking space allocated

Business 2 (Prana Wellness Center) – One covered parking space allocated

Building B: (3990 Abbey Lane)

Business 1 (Polly Pope Counselling) – One covered parking space allocated

Business 2 (Coastal Family Health Center) – Four covered parking space allocated

The owner of the commercial units currently leased by the above tenants is Nomadic Properties, LLC. The covered parking spaces previously allocated to all other properties, including Cannery Loft Storage, LLC, will be available to any owner (commercial or residential) on a first come first served basis.

The Commercial tenant or commercial owner shall be solely responsible for the enforcement of the reserved parking space. The Association shall not be responsible for monitoring or enforcement of the seven reserved covered spaces.

The Board further approved the creation of two "Active Loading Zones" by setting aside the parking stall located in front of the rear doors to the trash room in each building. This area will be marked with paint on the concrete surface to indicate this designated use. The Association will monitor parking at this location and address as needed parking outside of its restricted use. The definition of "Active Loading Zone" is that the driver must be present at or very near the vehicle at all times so the vehicle can be moved when another vehicle arrives to remove garbage, recycling items, to make deliveries, etc. No person shall stand or park a vehicle for any purpose or length of time, other than for the expeditious loading or unloading of persons or materials, in a place designated as a loading zone.

All remaining covered parking spaces will be available to any owner (commercial or residential), residential renter, commercial lessee, commercial customer or any guest on a first come first served basis. The ADA covered parking spaces at Building A shall remain at this time. These are for use by anyone visiting or living at the Cannery Lofts with a valid handicap placard displayed on the windshield of their vehicle. The Board reserves the right to amend or supplement these parking regulations in the future regarding parking at all open or covered parking spaces at the Cannery Lofts.

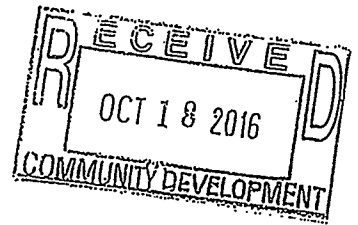
This policy will become effective on Friday October 3, 2014 at 12:01 AM.

The Board will modify the language in Resolution 4 ("Parking, Section A") once all of the parking regulations are approved by the Directors. As of the effective date of the zone change, this notice will supersede language in the House Rules, "Parking" sub-section "A. a".

Respectfully,

Cannery Loft Board of Directors

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Astoria Planning Commissioners and Astoria City Council Members

1095 Duane Street, Astoria, Oregon 97103

October 15, 2016

Please distribute this to each Astoria Planning Commissioner and to each City Council Member in preparation for the Public Hearing to be held October 25, 2016 regarding request #1 (Conditional Use CU16-10 by Daryl Bell). I am opposed to the medical-recreational marijuana dispensary and retail sales establishment, ~~etc.~~ for the following reasons:

1. see the enclosed items 1-5. and
2. The Cannery Loft Declarations and By Laws, Article 10.2 states "Commercial Units. Commercial units shall be used for any retail, commercial or professional purposes permitted by applicable zoning regulations; provided, however, that Commercial Units may not be used for sales of pornographic or erotic videos, adult literature, objects or similar merchandise, used as a gym, nightclub, bar, or any other facility providing nighttime entertainment."

Planning Commission, the proposed establishment would be selling adult literature, objects, and similar merchandise.

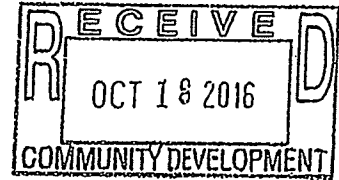
3. This establishment would no doubt adversely affect our property values.
4. Children live in and visit our Cannery Loft Condominiums.

Sincerely,

Connie Spencer

Connie Spencer 3930 Abbey Lane A307, Astoria, Oregon 97103

October 14, 2016



Dear City of Astoria Planning Commissioners:

We, the undersigned residents of the Cannery Loft Condos respectfully request that you deny the proposed conditional use application (CU-16-10) for the following reasons, which are based on the applicable criteria in the City's Development Code:

1. **Article 11-CONDITIONAL USES:** The Conditional Use Standards do not address mixed use buildings. The standards address "Residential" and "Non-Residential," not mixed use development. This factor should be taken into account since there are 63 front doors to single-family residences that will be directly or indirectly impacted by the outcome of your decision. We are a mix of retirees, local workforce, families with children, couples, singles, renters, owners, full-time and part-time residents.
2. **Section 11.010-PURPOSE:** There is no effective way to control the negative impacts of the proposed retail use on the surrounding residential units since it's an existing mixed use building. *"The purpose of the conditional use process is to allow, when desirable, uses that would not be appropriate throughout a zoning district or without the restrictions in that district, but would be beneficial to the City if their number, area, location, design, and relation to the surrounding property are controlled."*
3. **Section 11.030(A)(1):** The use is NOT appropriate at the proposed location. (a) The condo building is U-shaped and there are 30 front doors that directly face the entrance to the proposed retail use; (b) There are already six marijuana dispensaries in the City of Astoria, one as close as 29th Street; (c) Commercial uses currently in the buildings ARE appropriate because they are mainly personal services that have a limited number of customers at any given time.
4. **Section 11.030(A)(2):** There is NOT adequate site layout. (a) There are no dedicated parking spaces for this use because the condominium bylaws do not allow dedicated parking spaces for new commercial uses; (b) The parking lot is regularly close to capacity and residents cannot park near their building or in a sheltered area out of the rain, and as the commercial spaces fill up the problem will only worsen; (c) There are dark corridors and stairwells accessible to the public and a retail use would bring more of the public into these unsecured areas; and we don't want to live in a building that requires security cameras, extra lighting, etc for our safety (this isn't Portland!)
5. **Section 11.030(A)(4):** There is NOT an appropriate amount of buffers or other separation from the residential uses in the building. Since the mixed use building is pre-existing, there are no effective "retrofits" to buffer the proposed retail use from existing single-family residences.

115
Connie Spence 3930 Abbey Lane A 307, Astoria, Oregon
97103

CITY OF ASTORIA

OCT 17 REC'D

BUILDING CODES

October 14, 2016


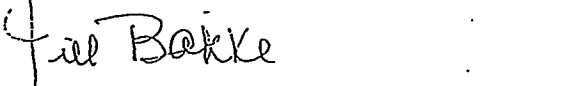
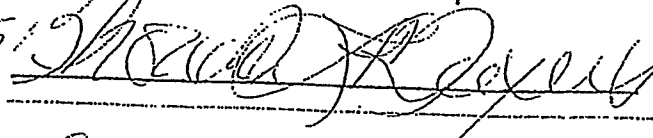
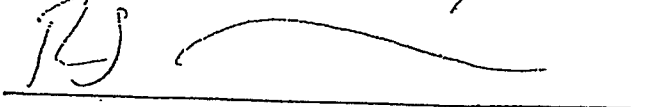
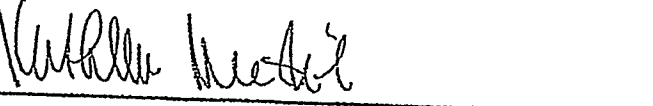
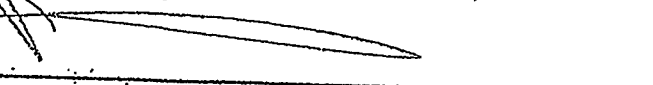
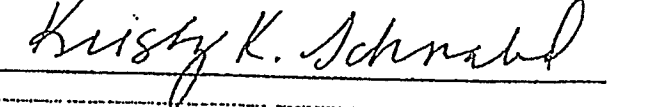
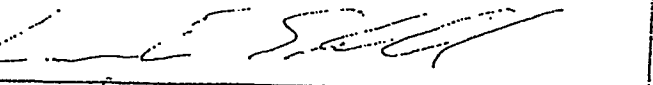
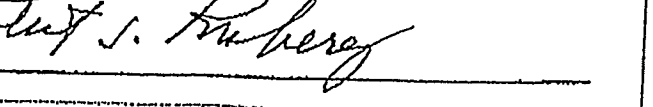
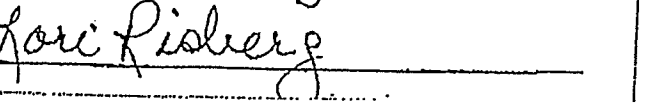
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We, the undersigned residents of the Cannery Loft Condos respectfully request that you deny the proposed conditional use application (CU-16-10) for the following reasons, which are based on the applicable criteria in the City's Development Code:

1. **Article 11-CONDITIONAL USES:** The Conditional Use Standards do not address mixed use buildings. The standards address "Residential" and "Non-Residential," not mixed use development. This factor should be taken into account since there are 63 front doors to single-family residences that will be directly or indirectly impacted by the outcome of your decision. We are a mix of retirees, local workforce, families with children, couples, singles, renters, owners, full-time and part-time residents.
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116

	NAME SIGNATURE	ADDRESS
	Shelley von Colditz Shelley von Colditz	3930 Abbey Ln #303A Astoria, OR. 97103
	Eleanor Green Eleanor Green	3930 Abbey Ln #306A Astoria OR 97103
3.	Paul H. Vanaaf	3930 ABBEY LN # 401 ASTORIA OR 97103
4.	Sandra Sandel	3930 Abbey Ln #401 Astoria OR 97103
5.	Margaret M. Wain	3930 Abbey Lane #205 Astoria, OR 97103
6.	Lampfullwin	3930 Abbey Lane #304 Astoria OR 97103
7.	Catherine Munnaf	3930 Abbey Lane #305 A
8.	William C. Chowell	3930 Abbey Lane #305 Astoria OR 97103
9.	Margaret A. Brom	3930 Abbey Ln #304A Astoria OR 97103
10	Garon Sasaki Barry J. Sasaki	3930 Abbey Ln #309A
11P	Cheryl N. Dahn	3930 Abbey Lane Unit #05A Astoria OR 97103
12	Don E. Van	3930 Abbey Lane Unit 202A Astoria OR 97103

	NAME SIGNATURE	ADDRESS
13	Shirley A. Dalston 	3990 Abbey Ln (403B) Astoria, OR, 97103
14	Fel Bakke 	3930 Abbey Lane Unit 406A Cannery Loft Condos Astoria, OR 97103
	Scott and Rhonda Meyers 	3930 Abbey Ln #202A Astoria, Oregon
		3930 Abbey Ln #202A Astoria Oregon
		3930 Abbey Lane #407A Astoria, OR 97103
	Henry Mieske 	3930 Abbey Lane #407A Astoria, OR 97103
	Kristy Schnabel 	3990 Abbey Lane #405 Astoria OR 97103
		3990 Abbey Lane #405 Astoria, OR 97103
	ERT S. RISBERG 	3930 ABBEY LANE #203 ASTORIA, OREGON 97103
	ori Risberg 	3930 ABBEY LANE #203 ASTORIA, OREGON 97103

NAME SIGNATURE	ADDRESS
3 HEATHER A. HANSEN <i>Heather A. Hansen</i>	3990 Abbey Ln #208 Astoria 97103
1 Linh Oefledge <i>Linh Oefledge</i>	3990 Abbey Ln 202B Astoria 97103
<i>Kenneth Rommel</i> <i>Kenneth Rommel</i>	3990 Abbey Ln B# 201 Astoria 97103
<i>Barbara Janklaenen</i> <i>Barbara Janklaenen</i>	3990 Abbey Ln 302B Astoria 97103
<i>John J. J. J.</i> <i>John J. J. J.</i>	3990 Abbey Ln 302B Astoria, OR 97103
PHILIP A. MATTEO <i>Philip A. Matteo</i>	3990 ABBEY LN 210 B ASTORIA, OR 97103
CANDIS I. AUSTIN <i>Candis I. Austin</i>	3990 Abbey Lane 211B Astoria, OR 97103
ANGELA MATTEO <i>Angela Matteo</i>	3990 Abbey Lane Astoria OR 97103

NAME	ADDRESS
SIGNATURE	
<i>Lisa Ackerman</i>	3930 Abbey Ln #210A
LISA ACKERMAN	Astoria, OR 97103

Canney Loft. Astoria
301 A

Signature: *Anne M. Hulme*
10/16/16



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ME

NATURE

ADDRESS

Jim and Trece Gurrad
Jim and Trece Gurrad

3930 Abbey Lane #403, Astoria Oregon 97103

CAN FILTER 150

CUBIC FOOTAGE / THREE = CFM NEEDED TO EFFICIENTLY CONTROL ODOR

Max **Recirculating (Scrubbing)** CFM: 2520 cfm / 4200 m³/h

Max **Exhaust** CFM: 1260 cfm / 2100 m³/h

@ 0.1 sec contact time

Recommended Min Airflow: 630 cfm / 1056 m³/h

Prefilter: Yes

Flange: 10", 12", 14"

Dimensions: (with pre-filter)

• Outside Diameter: 42cm / 16.5"

• Height: 150cm / 60"

• Total Weight: 71kg / 156lbs

• Carbon Weight: 56kg / 123lbs

• Carbon Bed Depth: 6.5cm / 2.56"

Max Operating Temp: 80°C

Pressure drop at max cfm: 180pa / .75"wg

CITY OF ASTORIA

OCT 18 REC'D

BUILDING CODES

ODOR FREE 700 OZONE GENERATOR

- Coverage: Up to 2,000 Square Feet or 20,000 Cubic Feet
- Timer: Up to 60 Minutes or Continuous On
- Fan: 100 CFM
- Volts/Watts: 110/32
- Amps/Hertz: .35/60
- Variable Output: 100 to 900 mg/h
- Ozone Plates: 2
- Size: 7.5"H 9"W 12.5"D
- Weight: 9.75 lbs

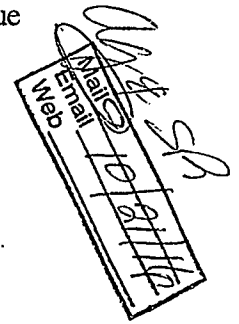
Outdoors, nature eliminates odors and microorganisms using both UV light and O₃. Indoors, most places that generate odors receive very little UV light or O₃. The Odor-Free purifier creates O₃, or ozone, in a special process that utilizes an electrical current. Ozone sanitizes by breaking down odors, microorganisms and other pollutants at their source.

Nature creates O₃ as a natural cleaner during thunderstorms, and also from sunlight striking the earth's atmosphere. As an example, we've all taken a walk after a thunderstorm and experienced the clean, fresh smell in the air. That's O₃, or ozone, at work.

Normal oxygen (O₂) is converted to O₃, which is commonly called

ozone. It reverts back to O₂ in about an hour if the O₃ is unused. This leaves the air fresh and clean because the source of the odor has been permanently removed. And there are no artificial odors so the space becomes free of odors, as nature intended.

CU16-10 Bell



Daryl Bell
2220 SE Ladd Ave
Portland OR 97214

Ted Forcum
Nomadic Properties LLC
10139 NW Skyline Heights Drive
Portland OR 97229

Jack Osterberg
1711 Grand Avenue
Astoria OR 97103

Randy Elliott
3990 Abbey Lane
401B
Astoria OR 97103

Kristy Schnabel
3990 Abbey Lane
405
Astoria OR 97103

Jill Bakke
3990 Abbey Lane
406A
Astoria OR 97103

Kimmie – John Darby
3930 Abbey Lane
402A
Astoria OR 97103

Katie Murray
Bill Colwill
3930 Abbey Lane
A305
Astoria OR 97103

Donna – Russell Calahan
3990 Abbey Lane
204B
Astoria OR 97103

Heather Hansen
3990 Abbey Lane
208
Astoria OR 97103

Connie Spencer
3930 Abbey Lane
A307
Astoria OR 97103

Shelley von Colditz
3930 Abbey Lane
303A
Astoria OR 97103

Eleanor Green
3930 Abbey Lane
306A
Astoria OR 97103

Donald – Sandra Samuel
3930 Abbey Lane
401
Astoria OR 97103

Margaret Wall
3930 Abbey Lane
205
Astoria OR 97103

Larry Sullivan
3930 Abbey Lane
304
Astoria OR 97103

Margaret Brom
3930 Abbey Lane
304A
Astoria OR 97103

Aaron Sasaki
3930 Abbey Lane
309A
Astoria OR 97103

Carolyn Zahn
3930 Abbey Lane
405A
Astoria OR 97103

Resident
3930 Abbey Lane
208A
Astoria OR 97103

Shirley Dahlsten
3930 Abbey Lane
403B
Astoria OR 97103

Scott-Rhonda Meyers
3930 Abbey Lane
402A
Astoria OR 97103

Resident
3930 Abbey Lane
202A
Astoria OR 97103

Kathleen – Henry Mieske
3930 Abbey Lane
407A
Astoria OR 97103

Resident
3930 Abbey Lane
405
Astoria OR 97103

Robert – Lori Risberg
3930 Abbey Lane
203
Astoria OR 97103

Linh Depledge
3990 Abbey Lane
202B
Astoria OR 97103

Kenneth Rommel
3990 Abbey Lane
3201
Astoria OR 97103

Barbara – John J.
3990 Abbey Lane
302B
Astoria OR 97103

Philip – Angela Matteo
3990 Abbey Lane
210B
Astoria OR 97103

124

Candis Austin
3990 Abbey Lane
210B
Astoria OR 97103

Lisa Ackerman
3930 Abbey Lane
210A
Astoria OR 97103

Anne Hulme
3930 Abbey Lane
301A
Astoria OR 97103

Jim – Trece Gurrad
3930 Abbey Lane
403
Astoria OR 97103

Buoy Beer Company
~~27th Street~~
Astoria OR 97103

Luke Colvin
~~42 7th Street~~
Astoria OR 97103

Jared Rickenbach
~~37734 Eagle Lane~~
Astoria OR 97103

Bornstein Seafoods
~~P.O. Box 188~~
Bellingham WA 98227-0188

MINUTES

10-25-16	Excerpt of Minutes of Planning Commission meeting October 25, 2016 approving Conditional Use CU16-10	126
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Excerpt from the 10-25-16 Astoria Planning Commission meeting minutes:

ITEM 4(b):

CU16-10 Conditional Use CU16-10 by Daryl Bell to locate a medical-recreational marijuana dispensary and retail sales establishment in an existing commercial building at 3930 Abbey Lane, Building A, Unit 104 in the S-2A, Tourist Oriented Shorelands 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. Hearing none, he asked Staff to present the Staff report.

Planner Ferber reviewed the written Staff report, noting a lot of public comments had been received, but many addressed issues not applicable to the criteria being reviewed. She displayed a chart showing how the applicable criteria correlated to some of the publics' concerns. Staff recommended approval of the request with the conditions listed in the Staff report.

Commissioner Moore asked Staff to define adjacent uses. Director Cronin explained adjacent uses would be properties next door or adjacent to the Applicant's. In this case, there are multiple tenant spaces on the same lot.

Commissioner Moore understood that there were currently only seven available parking spaces for commercial use. Planner Ferber clarified that 11 parking spaces were allocated for the entire site and each tenant that moves in receives its own review depending on the use. For retail, the number of required parking spaces is determined by the square footage.

Commissioner Moore said the Commission needed to consider the building's parking policy, which states only seven parking spaces are available for commercial use. Planner Ferber understood the City's regulations were for 11 spaces. When the property was rezoned, Staff considered specific uses that could go into the tenant spaces. The additional regulations were imposed by the condominium's association. She confirmed the Commission was tasked with reviewing the City's criteria.

Commissioner Mitchell stated that no processing would be done and the products would not be used on site. She asked how odor nuisances could arise. Planner Ferber said odor nuisances have been an issue at other similar sites, so she included how the applicant proposed to mitigate the nuisance in this Staff report.

Commissioner Mitchell asked if other existing sites have had parking issues. Planner Ferber said the Commission has only approved conditional uses permits for grow operations. Parking for grow operations is limited to the number of employees. Director Cronin confirmed no complaints have been received about the grow operations.

Commissioner Moore asked how the Applicant estimated that 50 people per day would visit the store. Planner Ferber confirmed the estimate was part of the Applicant's proposal, and asked the applicant to elaborate in his forthcoming testimony.

President Pearson opened the public hearing and called for a presentation by the Applicant.

Daryl Bell, 2220 SE Ladd Avenue, Portland OR 97214, said marijuana sales could be discussed in perpetuity because it is a polarizing topic that ultimately results in diametric opposition. His company will be a good neighbor and a good steward of the community. The business intends to hire locally and pay taxes. He is considering dedicating a portion of the space to showcase local artists. However, this proposed use was withdrawn from the Conditional Use application. No smoking or consumption will be allowed on site and 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 Leroy, 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 issues for more than a year now. Construction of the retail units will not decrease values. She keeps hearing about a housing crisis, but the building has several units for sale and those units are not flying off the market. As a business owner, she was positive that the due diligence done for this dispensary was adequate.

President Pearson called for any testimony impartial to the application. Hearing none, he called for any testimony opposed to the application.

Nancy Walsh, 3990 Abbey Lane, Astoria, said she was concerned about having a pot shop in her home. It would be one thing if the product was given to people who medically needed it, but it is another thing to have products given to recreational users. Customers will not be allowed to smoke on the premises because the building has a no smoking policy. However, the customers could walk out to the Riverwalk to smoke, which could lead to arguments if they get a little bit high. A breeze could come off the river and waft up into her condominium. She is allergic to smoke and she would not care to have a smelly smoke in the area. Police have to come to the building when people argue because of drug deals. This pot shop would just aggravate the situation a little bit. Her nephews visit and many residents have grandchildren come to visit. She did not believe seeing these people would be a good example for the children. Federally, this is against the law and she did not care that Oregon has allowed marijuana dispensaries. Someday, this will come to haunt the community. Right now, the Applicant does not plan to manufacture, but they might decide to manufacture down the line. She asked how the residents could control this situation and stated the other dispensaries are not located in homes. She asked the Commission to think long and hard about this request because it is very upsetting to many of the residents. She also believed the residents should have more of a say.

Heather Hansen, 3990 Abbey Lane, Unit 208, Astoria, submitted a petition that was signed too late to have it included in the Staff report. She serves as Community Development Director for the County, and testified as staff many times. She rents her unit, so this request does not affect her over the long term in the same way it does owners. For two years, she rented a unit in Building A, where the dispensary is proposed to be located. Many of the owners have been through quite an ordeal since they purchased their units, including a lawsuit against the building contractor, a housing and economic downturn that affected property values, additional assessments to address construction defects, and living in a construction zone for over a year. The construction has made renting units difficult. The last thing the residents need is a new retail use that is likely to negatively affect property values and rental units. She was also concerned about impacts to personal safety and quality of life. If the store had been in the building when she first looked at the units, she would not have rented in that building.

- The criteria for conditional uses are not clear and objective and this is why the decision must be made by the Planning Commission instead of Staff. The Commission must decide if the proposed use could be approved with conditions that would adequately mitigate the negative impacts and the concerns raised by those most affected. She did not believe there was a reasonable or effective way to mitigate the negative effects of this use on existing residents. She did not care what would be sold, but was more concerned that this retail use would have people coming and going all day long. The Cannery Loft residents are a mix of retirees, local working families, couples, singles, renters, owners, full timers, and part timers. Since she has lived in the building, she has seen many units turned over to owners who live there full time.
- The standards for conditional uses address residential and non-residential, not mixed-use developments. Mixed-use developments have different impacts and different ways to address those impacts. This predominantly residential building already exists, so there is little that can be done now because the Development Code does not address this circumstance. This should be taken into account since 30 single-family residences will be directly impacted and 33 will be indirectly impacted

by the Commission's decision. When the Code is unclear, the Commission must consider the purpose in the applicable section of the Code. In this case, the Code states that, "The purpose of the Conditional Use process is to allow, when desirable, uses that would not be appropriate throughout a zoning district or without the restrictions in that district, but would be beneficial to the City if their number, area, location, design, and relation to the surrounding property are controlled." She believed there was no effective way to control the negative impacts of the proposed retail use on the surrounding residential units since the existing building is predominately residential.

- There are already five marijuana dispensaries in Astoria and she did not believe the city needed another one so badly that it needed to go into a building with 30 residences. The use is not appropriate at the proposed location because the front doors of 30 residential units face the entrance to the retail space. The closest marijuana dispensary to the building is on 29th Street, so another one is not needed. Astoria only has three regular pharmacies and one liquor store. The Cannery buildings have no other retailers in the commercial spaces, but the other commercial uses in the buildings are appropriate and compatible because they provide personal services to a limited number of customers. These buildings are the last development on the east 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 would have to move her car after the store closed. She believed the dispensary would decrease the value of her home. Many people bought units when market prices were high and they cannot sell now. She did not want any more surveillance in the building. This is a quiet community with retired people and families. One family with a little girl just signed a lease for the unit right above the proposed dispensary. As a parent, she would not feel comfortable bringing her little girl around or allowing her to ride her bike in the parking lot with people going in and out all day. This situation is unique because we do not typically see this type of retail use with residential units above. She asked the Commission to read the information that was presented to them. She believed there would never be an agreement about the parking because the issues depended on the day and time. The condominiums have many part-time residents, but her building has mostly full-time residents. This means a lot more people are parking at that building. The people who spoke in favor of this permit live in Building B where there are a lot of part-time residents. She loved Astoria, but if she had to buy the condominium today with a dispensary, she would never consider it.

President Pearson confirmed there were no more public comments and called for the Applicant's rebuttal.

Dr. Forcum clarified that he did not simply take Mr. Bell's word about the impact to the community. He visited other communities with dispensaries in Oregon, Washington, California, and Colorado, where he spoke with neighbors of dispensaries to ask about the impacts. None of the people he spoke with had any complaints. One person who lived in a mixed-use complex was unaware that a dispensary existed in the neighborhood. The parking at the condominiums was garnered under the General Industrial zoning and the covered parking was allocated to the commercial units because of how the building was developed. The commercial square footage had to be of a certain footprint to accommodate the residential units above the commercial area. The seven parking spaces reserved for commercial use were reserved that way for tenants who signed contracts under the General Industrial zoning. The building is now zoned Shoreline Tourism, so the covered spaces are now open to both commercial and residential uses. The complex is currently undergoing construction remediation and there have been times when the contractor has used 70 percent of the available parking spaces. Obviously, construction will not go on forever and those spaces will be open again. Currently, a large percent of the lights are out at the complex because the board has not instigated maintenance during construction. He believed the lighting issue would be corrected soon. The intent of a mixed-use complex is to develop a walkable community, which improves the value and health of the city. Portland has reduced healthcare costs by increasing walkability. People will live in a space and use the services below and walk or bike along the Riverwalk. This reduces the

parking load. Currently, the complex is compliant with the Code's parking requirements for both commercial and residential uses.

Commissioner Moore asked if the Applicant planned to package the products on site.

The Applicants confirmed some products would be received already packaged, but some products would be packaged on site.

Commissioner Moore asked what interaction the applicants had with residents in the building prior to this hearing. Mr. Bell said his only interaction has been with Dr. Forcum. However, he was aware of the residents' concerns.

Tyrell Buckner believed his proposal satisfied the criteria for the Conditional Use Permit. He took detailed notes during the public testimony because he believed the residents deserved to have their concerns alleviated. He does not like smoke, so he plans to reduce any type of smell. There were concerns about people walking in from the Riverwalk and entering the residential units. That could happen now without a dispensary, so that issue is not specific to his business at all. At least his dispensary could address those issues immediately. He is a father and understood the concerns about children. Someone stated the dispensary was federally illegal, but that is not the issue being discussed at this hearing. He believed the medicinal use of cannabis has been documented as a product that prevents and alleviates certain medical conditions that many of the residents may potentially have. The fire that was mentioned occurred at a processing facility that contained butane gas. His dispensary has not applied to do processing and he would not likely use any type of natural gas because there are safer alternatives. The current issues with people sleeping in vacant spaces and defecating on the property will not be exacerbated by the presence of a dispensary. Cannabis use does not encourage defecating on property or homelessness. The store would not be referred to as a pot shop because that term has negative connotations. His vision was to have a high class facility that would eliminate the unwanted crowd and he believed the price points would be too high for such a crowd to afford. He does not want certain guests there either, so they plan to do their best to 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.

Commissioner Moore moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report, approve Conditional Use CU16-10 by Daryl Bell; seconded by Commissioner Innes. Motion approved 4 to 1. Ayes: President Pearson, Commissioners Innes, Moore, and Mitchell. Nays: Commissioner Spence.

President Pearson read the rules of appeal into the record.

President Pearson called for a recess at 9:06 pm; the meeting reconvened at 9:14 pm.

CORRESPONDENCE & MISCELLANEOUS DOCUMENTS

10-26-16	Letter from Administrative Assistant Williams to 'Interested Parties' notifying of Planning Commission approval of Conditional Use CU16-10 dated October 26, 2016, with mailing list	133
10-25-16	Letter to Planning Commission from Donna L. and Russell L. Calahan addressing concerns regarding Conditional Use CU16-10, dated October 25, 2016	136
10-19-16	Letter to Planning Commission from Kristy Schnabel addressing her concerns regarding Conditional Use CU16-10, received October 19, 2016	137
10-17-06	Email from Heather Hansen to Nancy Ferber submitting Cannery Loft Condo Association general parking regulations and covered parking policy, dated October 17, 2016	138
10-15-16	Letter to Planning Commissioners and City Council Members from Connie Spencer addressing concerns regarding Conditional Use CU16-10, dated October 15, 2016	142
10-14-16	Petition to Planning Commissioners signed by Cannery Loft Condo residents requesting denial of Conditional Use CU16-10, dated October 14, 216	143
10-14-16	Letter to Planning Commission from Katie Murray and Bill Colwill requesting denial of Conditional Use CU16-10, dated October 14, 2016	152
10-3-16	Letter to Planning Commission from Randy Elliott requesting denial of Conditional Use CU16-10, dated October 3, 2016	153
9-22-16	Oregon Liquor Control Commission Request Land Use Compatibility Statement signed by Nancy Ferber, dated September 22, 2016	155
9-21-16	Copy of Email from Daryl Bell to noella.nelson@yahoo.com depicting Cannery Loft Condominium parking allocation, dated September 21, 2016	157



CITY OF ASTORIA
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COMMUNITY DEVELOPMENT



October 26, 2016

TO: Interested Parties
FROM: Planning Division
RE: NOTICE OF DECISION
Astoria Planning Commission Conditional Use
File No. CU16-10 by Daryl Bell

This letter is to inform you of the decision of the Astoria Planning Commission concerning a request for a Conditional Use CU16-10 to locate a medical-recreational marijuana dispensary and retail sales establishment in an existing commercial building at 3930 Abbey Lane, Bldg A, Unit 104 in Astoria in the S-2A, Tourist Oriented Shorelands zone. The property can be specifically identified as Tax Lot 90104 on Clatsop County Assessor's Tax Map 8099AA. The decision of the Astoria Planning Commission is to approve the request with conditions.

A copy of the decision of the Astoria Planning Commission is enclosed for your information.

Any person with standing may appeal the Astoria Planning Commission decision and request a public hearing before the City Council by filing a completed Notice of Appeal with the Community Development Department within 15 days of the Date of Decision. The appeal deadline is 5:00 p.m., November 11, 2016. The notice should include all requested information and should state the reasons for the appeal. A fee is required to cover the cost of the appeal. If no appeal is filed within the 15-day period, the decision of the Astoria Planning Commission becomes final. Approval shall be void after two years, on October 25, 2018 unless the purpose for which the application was submitted has been vested.

If you have any questions, please call the Planning Division at (503) 338-5183.

Sincerely,

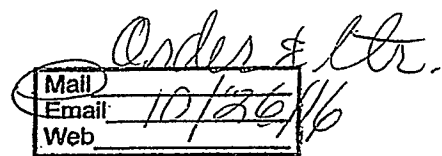
THE CITY OF ASTORIA

Sherri Williams,
Administrative Assistant

/sw

Enclosures: Order CU16-10

CU16-10 – Daryl Bell:



Daryl Bell 2220 SE Ladd Ave Portland OR 97214	Ted Forcum Nomadic Properties LLC 10139 NW Skyline Heights Drive Portland OR 97229	Jack Osterberg 1711 Grand Avenue Astoria OR 97103
Randy Elliott 3990 Abbey Lane 401B Astoria OR 97103	Kristy Schnabel 3990 Abbey Lane 405 Astoria OR 97103	Jill Bakke 3990 Abbey Lane 406A Astoria OR 97103
Kimmie – John Darby 3930 Abbey Lane 402A Astoria OR 97103	Katie Murray Bill Colwill 3930 Abbey Lane A305 Astoria OR 97103	Donna – Russell Calahan 3990 Abbey Lane 204B Astoria OR 97103
Heather Hansen 3990 Abbey Lane 208 Astoria OR 97103	Connie Spencer 3930 Abbey Lane A307 Astoria OR 97103	Shelley von Colditz 3930 Abbey Lane 303A Astoria OR 97103
Eleanor Green 3930 Abbey Lane 306A Astoria OR 97103	Donald – Sandra Samuel 3930 Abbey Lane 401 Astoria OR 97103	Margaret Wall 3930 Abbey Lane 205 Astoria OR 97103
Larry Sullivan 3930 Abbey Lane 304 Astoria OR 97103	Margaret Brom 3930 Abbey Lane 304A Astoria OR 97103	Aaron Sasaki 3930 Abbey Lane 309A Astoria OR 97103
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Scott-Rhonda Meyers 3930 Abbey Lane 202A Astoria OR 97103	Resident 3930 Abbey Lane 202A Astoria OR 97103	Kathleen – Henry Mieske 3930 Abbey Lane 407A Astoria OR 97103
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Ted Osborn
345 Alameda
Astoria OR 97103
tko320@gmail.com

Judy Ronis
75 Harrison
Astoria OR 97103

Katy Rathmell
765kjr@gmail.com

To: City of Astoria Planning Commission
Re: Public Hearing October 25, 2016

16-10

In opposition to Conditional Use CU ~~1250~~ by Daryl Bell re: medical-recreational marijuana dispensary and retail sales establishment

Daryl Bell is applying to locate a medical-recreational marijuana dispensary and retail sales establishment in our mostly residential building. He may not be offering a service suitable for "Our Home." Neither Mr. Bell nor Ted Forcum reside on the premises.

Cannery Lofts:

- * Two four story buildings sharing one address on Abbey Lane and 39th Street in Astoria, Oregon 97103
- * Three floors of thirty plus residential family units in each building.
- * Resident owned and occupied or rentals and occupied.
- * Governed by one HOA following Fair Housing Rules.
- * Retired seniors, professionals with jobs in the city (with the city, with the county) and working families with children live here.
- * The school bus stops at the door.
- * The first floor of the Cannery Lofts is one of commercial units. Existing commercial tenants are professional businesses that are compatible with residents with children.
- * No buffer area exists to avoid direct contact with the proposed retail outlet.
- * Parking spaces are not promised. Parking is at a premium for present home owners, tenants in the commercial units and other businesses on the corner of 39th Street.

Thank you for your consideration,

Donna Calahan

*Donna L. Calahan 10-14-16 3990 Abbey Lane #204B
Astoria, Oregon 97103*

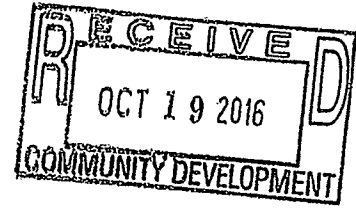
*Russell L. Calahan 10-14-16 3990 Abbey Lane #24B
Russell Calahan Astoria, Oregon 97103*

BUILDING CODES

OCT 17 RECD

CITY OF ASTORIA

The City of Astoria
Planning Commission
1095 Duane Street
Astoria, OR 97103



Re: Conditional Use CU16-10 Medical-Recreational Marijuana Dispensary Application for
3930 Abbey Lane, Building A, Unit 104

Dear Planning Commission:

I am NOT in favor of a marijuana dispensary in our living community. Here are my reasons:

1. A marijuana dispensary would **bring crime & loitering** to Cannery Lofts necessitating police calls. We already have experienced crime (unit 404B's car was broken into 3 times), and this would invite more.
2. Cannery Lofts is a quiet community of mostly older adults, and a pot shop would bring **traffic and noise after dark** (the other dispensary shops are open in the evening).
3. Cannery Lofts has community regulations that **prohibit smoking** on the premises (inside and outside). Selling some products that are smoked doesn't make sense, and enforcing the community rules would fall to homeowners policing strangers on the property, a recipe for unruly confrontations.
4. The **smell of marijuana smoke is annoying** to some and pollution to others. Police won't be able to assist us with this problem putting the policing, again, upon our small community. (<http://bit.ly/2ehe1sC>)
5. Oregon is already the booziest state in the union (<http://bit.ly/2e2e48G>). Astoria is the 2nd "drunkiest city in the state". (<http://bit.ly/2ddsnIO>) Do we want to be known as the most "**pot friendly**" too? We have a population of about 9,500 and we have 3 marijuana dispensaries (1 shop for every 3,200 people). Do we really need a shop for **1 in every 2,375 people** (some of whom are children and ineligible)?
6. Cannery Lofts is a **pet-friendly** community. Our pet (14 pound mutt) has already inadvertently ingested marijuana found on a trail and had to be hospitalized at great expense. Fortunately, she lived, but with the potency of new marijuana and people accidentally dropping their butts, the next occurrence could prove fatal.
7. **Children and grandchildren** are welcome in our community and selling something that only adults can consume is exposing our young people to unnecessary risks.

Thank you for not ruling in favor of this ordinance and finding a new home for the 4th dispensary, or better yet, welcoming another kind of business to our fair city.

Sincerely,

A handwritten signature in cursive script that reads "Kristy Schnabel".

Kristy Schnabel
3990 Abbey Lane, #405
Astoria, OR 97103

P.S. As a cancer survivor, I welcome medical marijuana, but one dispensary is enough.

Nancy Ferber

From: Heather Hansen <hah_islands@yahoo.com>
Sent: Monday, October 17, 2016 12:01 PM
To: Nancy Ferber
Subject: CUP-16-10 Cannery Loft Parking Regs
Attachments: Cannery Loft Condo Bylaws.pdf

For the record -- Please see attached copies of Cannery Loft Condo Association general parking regulations and covered parking policy.

I can provide a copy of the complete documents so their context is more clear if that would be helpful.

Thank you!

Heather Hansen
3990 Abbey Ln #208
Astoria, OR 97103

CITY OF ASTORIA
OCT 17 REC'D
BUILDING CODES

PARKING⁹

- A. Parking spaces are general common elements assigned to either residential or commercial use.
 - a. Parking in the Cannery Lofts parking lot is, in general, open to any owner (commercial or residential), residential renter, commercial lessee, commercial customer or any guest on

⁸ NOISE — See also: Bylaws, Article 7, Maintenance and Use of Condo Property; Sec 7.5(c): Offensive or unlawful activities.

⁹ PARKING — See also: Bylaws, Article 7, Maintenance and Use of Condo Property; Sec 7.5(g): Parking of Vehicles.

Page 9

- a first come, first served basis. However, a limited number of spaces in the covered parking areas are reserved for commercial use only. These spaces are marked with "Reserved" placards on the walls.¹⁰
 - b. Commercial owners are requested to instruct their tenants and employees to park in remote areas of the parking lot or on the public street.
 - B. Parking is permitted only in marked designated spaces. Vehicles must be parked within the marked lines; no vehicle may occupy more than one designated space.¹¹ Any vehicle taking up more than one parking space will be considered in violation.¹² All other areas of the parking lot must be kept open for fire access and safety. Vehicles may not be parked or stopped in any way that blocks traffic flow through the parking lot or access to the buildings.
 - C. Backing vehicles into parking spaces is not allowed, as this can cause damage to the landscaping.
 - D. Only wheeled motorized vehicles shall be parked or kept in parking spaces. Parking stalls shall not be used for storage of household goods, auto

¹⁰ PARKING Section A.a.: Prior wording replaced with the current text, above, by the Board of Directors, 09/26/15.

¹¹ PARKING Section B: Additional wording "Vehicles must be parked within the marked lines; no vehicle may occupy more than one designated space" adopted by the Board of Directors, 03/05/15. See Minutes of the Board Meeting of the Cannery Lofts Homeowners' Association, March 5, 2015.

¹² PARKING Section B: Additional wording "Any vehicle taking up more than one parking space will be considered in violation." adopted by the Board of Directors, 04/23/15.

Covered Parking Space Board Policy

The Cannery Loft Board of Directors ("Board") held a meeting with the Association's legal counsel, Stuart K. Cohen, of Landye Bennett Blumstein LLP on September 24, 2014. All Board members attended the meeting. The Board was advised that several of the leases for the commercial spaces within the condominium complex have been leased with assigned covered parking spaces. After reviewing the Parking Committee report and with advice from the Association's legal counsel, the Board voted to allow the continued reserved use of seven of the twenty four covered parking spaces consistent with the terms and conditions of the existing leases. The leases will be reviewed and verified by the Association's legal counsel.

After the initial five year lease expires or the lease terminates for any reason, the allocated covered parking spaces will be made available to any owner (commercial or residential), residential renter, commercial lessee, commercial customer or any guest on a first come first served basis. The leased commercial units with assigned covered parking described above are as follows:

Building A: (3930 Abbey Lane)

Business 1 (Ben's Computer Store, Inc.) – One covered parking space allocated

Business 2 (Prana Wellness Center) – One covered parking space allocated

Building B: (3990 Abbey Lane)

Business 1 (Polly Pope Counselling) – One covered parking space allocated

Business 2 (Coastal Family Health Center) – Four covered parking space allocated

The owner of the commercial units currently leased by the above tenants is Nomadic Properties, LLC. The covered parking spaces previously allocated to all other properties, including Cannery Loft Storage, LLC, will be available to any owner (commercial or residential) on a first come first served basis.

The Commercial tenant or commercial owner shall be solely responsible for the enforcement of the reserved parking space. The Association shall not be responsible for monitoring or enforcement of the seven reserved covered spaces.

The Board further approved the creation of two "Active Loading Zones" by setting aside the parking stall located in front of the rear doors to the trash room in each building. This area will be marked with paint on the concrete surface to indicate this designated use. The Association will monitor parking at this location and address as needed parking outside of its restricted use. The definition of "Active Loading Zone" is that the driver must be present at or very near the vehicle at all times so the vehicle can be moved when another vehicle arrives to remove garbage, recycling items, to make deliveries, etc. No person shall stand or park a vehicle for any purpose or length of time, other than for the expeditious loading or unloading of persons or materials, in a place designated as a loading zone.

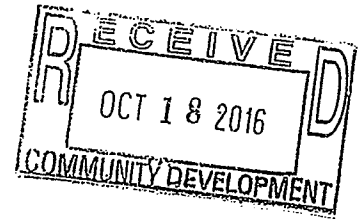
All remaining covered parking spaces will be available to any owner (commercial or residential), residential renter, commercial lessee, commercial customer or any guest on a first come first served basis. The ADA covered parking spaces at Building A shall remain at this time. These are for use by anyone visiting or living at the Cannery Lofts with a valid handicap placard displayed on the windshield of their vehicle. The Board reserves the right to amend or supplement these parking regulations in the future regarding parking at all open or covered parking spaces at the Cannery Lofts.

This policy will become effective on Friday October 3, 2014 at 12:01 AM.

The Board will modify the language in Resolution 4 ("Parking, Section A") once all of the parking regulations are approved by the Directors. As of the effective date of the zone change, this notice will supersede language in the House Rules, "Parking" sub-section "A. a".

Respectfully,

Cannery Loft Board of Directors



Astoria Planning Commissioners and Astoria City Council Members

1095 Duane Street, Astoria, Oregon 97103

October 15, 2016

Please distribute this to each Astoria Planning Commissioner and to each City Council Member in preparation for the Public Hearing to be held October 25, 2016 regarding request #1 (Conditional Use CU16-10 by Daryl Bell). I am opposed to the medical-recreational marijuana dispensary and retail sales establishment, etc. for the following reasons:

1. see the enclosed items 1-5. and
2. The Cannery Loft Declarations and By Laws, Article 10.2 states "Commercial Units. Commercial units shall be used for any retail, commercial or professional purposes permitted by applicable zoning regulations; provided, however, that Commercial Units may not be used for sales of pornographic or erotic videos, adult literature, objects or similar merchandise, used as a gym, nightclub, bar, or any other facility providing nighttime entertainment."

Planning Commission, the proposed establishment would be selling adult literature, objects, and similar merchandise.

3. This establishment would no doubt adversely affect our property values.
4. Children live in and visit our Cannery Loft Condominiums.

Sincerely,

Connie Spencer

Connie Spencer 3930 Abbey Lane A307, Astoria, Oregon 97103

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October 14, 2016

CITY OF ASTORIA
OCT 17 REC'D
BUILDING CODES


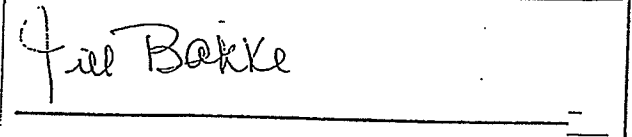
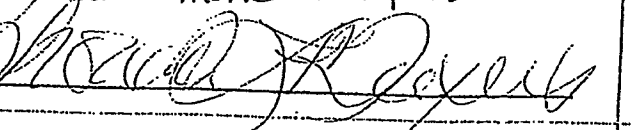
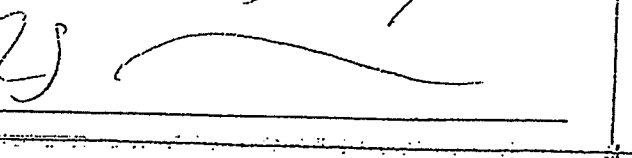
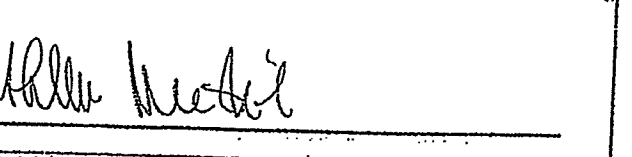
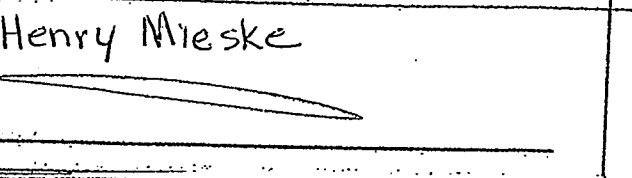
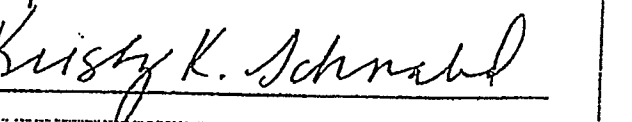
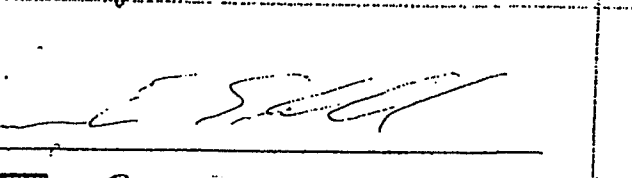
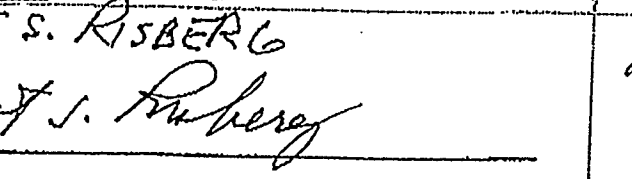
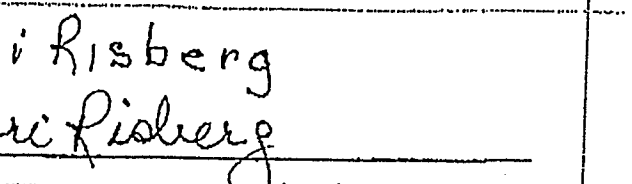
Dear City of Astoria Planning Commissioners:

We, the undersigned residents of the Cannery Loft Condos respectfully request that you deny the proposed conditional use application (CU-16-10) for the following reasons, which are based on the applicable criteria in the City's Development Code:

1. **Article 11-CONDITIONAL USES:** The Conditional Use Standards do not address mixed use buildings. The standards address "Residential" and "Non-Residential," not mixed use development. This factor should be taken into account since there are 63 front doors to single-family residences that will be directly or indirectly impacted by the outcome of your decision. We are a mix of retirees, local workforce, families with children, couples, singles, renters, owners, full-time and part-time residents.
2. **Section 11.010-PURPOSE:** There is no effective way to control the negative impacts of the proposed retail use on the surrounding residential units since it's an existing mixed use building. *"The purpose of the conditional use process is to allow, when desirable, uses that would not be appropriate throughout a zoning district or without the restrictions in that district, but would be beneficial to the City if their number, area, location, design, and relation to the surrounding property are controlled."*
3. **Section 11.030(A)(1):** The use is NOT appropriate at the proposed location. (a) The condo building is U-shaped and there are 30 front doors that directly face the entrance to the proposed retail use; (b) There are already six marijuana dispensaries in the City of Astoria, one as close as 29th Street; (c) Commercial uses currently in the buildings ARE appropriate because they are mainly personal services that have a limited number of customers at any given time.
4. **Section 11.030(A)(2):** There is NOT adequate site layout. (a) There are no dedicated parking spaces for this use because the condominium bylaws do not allow dedicated parking spaces for new commercial uses; (b) The parking lot is regularly close to capacity and residents cannot park near their building or in a sheltered area out of the rain, and as the commercial spaces fill up the problem will only worsen; (c) There are dark corridors and stairwells accessible to the public and a retail use would bring more of the public into these unsecured areas; and we don't want to live in a building that requires security cameras, extra lighting, etc for our safety (this isn't Portland!)
5. **Section 11.030(A)(4):** There is NOT an appropriate amount of buffers or other separation from the residential uses in the building. Since the mixed use building is pre-existing, there are no effective "retrofits" to buffer the proposed retail use from existing single-family residences.

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	NAME SIGNATURE	ADDRESS
1.	Shelley von Colditz <i>Shelley von Colditz</i>	3930 Abbey Ln #303A Astoria, OR. 97103
2.	Eleanor Green <i>Eleanor Green</i>	3930 Abbey Ln #306A Astoria OR 97103
3.	<i>Donald H. Vaneaf</i>	3930 ABBEY LN # 401 ASTORIA OR 97103
4.	<i>Sandra Sandel</i>	3930 Abbey Ln #401 Astoria OR 97103
5.	<i>Margaret M. Wau</i>	3930 Abbey Lane #205 Astoria, OR 97103
6.	<i>Lampfullwin</i>	3930 Abbey Lane #304 Astoria OR 97103
7.	<i>Catherine Murray</i>	3930 Abbey Lane #305 A
8.	<i>William C. Church</i>	3930 Abbey Lane #305 Astoria OR 97103
9.	<i>Margaret A. Brom</i>	3930 Abbey Ln #304A Astoria OR 97103
10.	Garon Sasaki <i>Garon Sasaki</i>	3930 Abbey Ln #309A
11.	<i>Cheryl N. Dahn</i>	3930 Abbey Lane Unit #05A Astoria OR 97103
12.	<i>Don E. Vin</i>	3930 Abbey Lane unit 202A Astoria OR 97103

NAME	ADDRESS
SIGNATURE	
13 Shirley A. Dalster 	3990 Abbey Ln (403B) Astoria, OR, 97103
14 Joe Bakke 	3930 Abbey Lane Unit 406A Cannery Loft Condos Astoria, OR 97103
Scott and Rhonda Meyers 15 	3930 Abbey Ln #202A Astoria, Oregon
16 	3930 Abbey Ln #202A Astoria, Oregon
17 	3930 Abbey Lane #407A Astoria, OR 97103
Henry Mieske 	3930 Abbey Lane #407A Astoria, OR 97103
Kristy Schnabel 18 	3990 Abbey Lane #405 Astoria OR 97103
	3990 Abbey Lane #405 Astoria, OR 97103
ROBERT S. RISBERG 	3930 ABBEY LANE #203 ASTORIA, OREGON 97103
Lori Risberg 2 	3930 ABBEY LANE #203 ASTORIA, OREGON 97103

	<u>NAME</u> <u>SIGNATURE</u>	<u>ADDRESS</u>
23	HEATHER A. HANSEN <i>Heather A. Hansen</i>	3990 Abbey Ln #208 Astoria 97103
24	<i>Linh Oefledge</i>	3990 Abbey Ln 202B Astoria 97103
25	Kenneth Rommel <i>Kenneth Rommel</i>	3990 Abbey Lane B# 201 Astoria 97103
26	<i>Barbara Janklaener</i>	3990 Abbey Ln 302B Astoria 97103
27	<i>John Janklaener</i>	3990 Abbey Ln 302B Astoria, OR 97103
28	PHILIP A. MATTEO <i>Philip A. Matteo</i>	3990 ABBEY LN 210 B ASTORIA, OR 97103
29	CANDIS I. AUSTIN <i>Candis I. Austin</i>	3990 Abbey Lane 211B Astoria, OR 97103
30	ANGELA MATTEO <i>Angela Matteo</i>	3990 Abbey Lane Astoria OR 97103

NAME

SIGNATURE

ADDRESS

11.

Lisa Ackerman

Lisa Ackerman

3930 Abbey Ln #210A

Astoria, OR 97103

Canney Lofte Astoria
301 A

32.

Signature

Anne M. Hulme
10/16/16

1/8



ME

NATURE

ADDRESS

Jim and Trece Gurrad
Jim and Trece Gurrad

3930 Abbey Lane #403, Astoria Oregon 97103

From: Jill Bakke [mailto:jillbakke@astoria.com]
Subject: Re: Proposed West Cannabis Craft at 3930 Abbey Lane
Date: Oct 15, 2016, 10:41:35 AM
To: Katie Murray [mailto:katie@murray.com]

I am in Portland at the moment due to the storm. My only objection to a pot shop below is the parking. I live in Colorado and there is one at the bottom of my hill, which always has a crowded parking lot. It is one of a number of pot shops in the area, so the fact there will be others in Astoria is no guarantee we, who live there, will not be seeking parking for our vehicles.

I have no ability at this time to print and scan in a signed petition and I am not returning to Astoria until late on Monday morning. If this email will suffice for my opinion, feel free to print and utilize as apposition to its placement in our building.

Jill Bakke, Unit 4A
CANNERY LOFT CONDOS

NAME

SIGNATURE

ADDRESS

Kimmie Darby

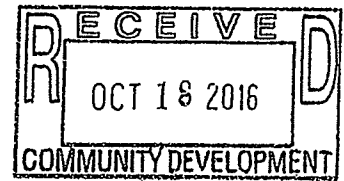
~~Kimmie Darby~~

John Darby

3930 Abbey Lane #402 A
Astoria, OR 97103

3930 Abbey Lane #402 A
Astoria OR 97103

October 14, 2016



Dear City of Astoria Planning Commissioners:

We, the undersigned residents of the Cannery Loft Condos respectfully request that you deny the proposed conditional use application (CU-16-10) for the following reasons, which are based on the applicable criteria in the City's Development Code:

1. **Article 11-CONDITIONAL USES:** The Conditional Use Standards do not address mixed use buildings. The standards address "Residential" and "Non-Residential," not mixed use development. This factor should be taken into account since there are 63 front doors to single-family residences that will be directly or indirectly impacted by the outcome of your decision. We are a mix of retirees, local workforce, families with children, couples, singles, renters, owners, full-time and part-time residents.
2. **Section 11.010-PURPOSE:** There is no effective way to control the negative impacts of the proposed retail use on the surrounding residential units since it's an existing mixed use building. *"The purpose of the conditional use process is to allow, when desirable, uses that would not be appropriate throughout a zoning district or without the restrictions in that district, but would be beneficial to the City if their number, area, location, design, and relation to the surrounding property are controlled."*
3. **Section 11.030(A)(1):** The use is NOT appropriate at the proposed location. (a) The condo building is U-shaped and there are 30 front doors that directly face the entrance to the proposed retail use; (b) There are already six marijuana dispensaries in the City of Astoria, one as close as 29th Street; (c) Commercial uses currently in the buildings ARE appropriate because they are mainly personal services that have a limited number of customers at any given time.
4. **Section 11.030(A)(2):** There is NOT adequate site layout. (a) There are no dedicated parking spaces for this use because the condominium bylaws do not allow dedicated parking spaces for new commercial uses; (b) The parking lot is regularly close to capacity and residents cannot park near their building or in a sheltered area out of the rain, and as the commercial spaces fill up the problem will only worsen; (c) There are dark corridors and stairwells accessible to the public and a retail use would bring more of the public into these unsecured areas; and we don't want to live in a building that requires security cameras, extra lighting, etc for our safety (this isn't Portland!)
5. **Section 11.030(A)(4):** There is NOT an appropriate amount of buffers or other separation from the residential uses in the building. Since the mixed use building is pre-existing, there are no effective "retrofits" to buffer the proposed retail use from existing single-family residences.

Connie Spencer 3930 Abbey Lane A 307, Astoria, Oregon 97103

October 14, 2016

Astoria Planning Commission:

This is to express strong objection to Daryl Bell's application for a conditional use permit for the proposed West Cannabis and Craft at the Cannery Loft Condos in Astoria.

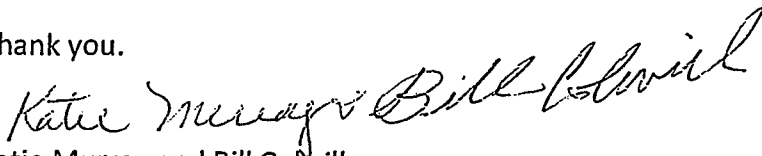
The condos are residential and not an appropriate place for such a business. It would dramatically effect safety, car traffic, cleanliness of the property, the serene atmosphere of the area, and possibly increase crime in our neighborhood. It would also impact appraisal values. We would not have purchased here if a marijuana retail shop was on the ground floor.

We do not object to the legality of recreational marijuana. We just do not think that a retail establishment of this type would make the best neighbor.

Such an establishment is certainly not an appealing one to have adjacent to Astoria's cherished Riverwalk. We as owners and residents value the quiet neighborly atmosphere. This area attracts many visitors and locals who cherish the safe and quiet Riverwalk.

We request that you deny this application.

Thank you.

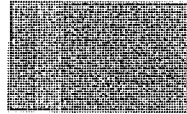


Katie Murray and Bill Colwill
3930 Abbey Lane, A305
Astoria, OR 97103

CITY OF ASTORIA
OCT 17 REC'D
BUILDING CODES

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3990 Abbey Ln #401B
Astoria, Oregon 97103



CITY OF ASTORIA

October 3, 2016

OCT 6 REC'D

Planning Commission
1095 Duane St.
Astoria, Oregon 97103

BUILDING CODES

To whom it may concern,

I have just received a proposed land use application near our property in Astoria, Oregon, being that of Cannery Lofts. The proposal is for conditional use CU16-10 by Daryl Bell to locate a medical-recreational marijuana dispensary and retail sales establishment in an existing commercial space at 3930 Abbey Lane, Bldg A, Unit 104, being that of Cannery Lofts. I am against this request for the following reasons:

1. Cannery Lofts, located at 3930 Abbey Lane and 3990 Abbey Lane is mixed use, where businesses are located on the bottom floor and residences are located on floors 2, 3, and 4. Having a "Marijuana dealer" is not something that I had envisioned when buying my condominium, and I would not have purchased if knowing that we were going to have a legal drug dealer downstairs.
2. Families live in these Condominiums, where there are seniors, young families, and middle aged group people. Having gone through a 2 year mitigation repair to both buildings, and then find out a marijuana dispensary is unacceptable.
3. There is a grade school just down the street from the Cannery Lofts.
4. Marijuana is not something that I wish to be smelling, for I college roommate was always smoking the stuff and it just makes you sick to have to have that smell linger.
5. Values of our condominiums will not be helped, but I am afraid that our condo values will be harmed. As stated above, we have gone through a 2 year mitigation repair on our buildings and Cannery Lofts condominium values have been devastated. Having a marijuana dispensary in our building is going to do nothing but discourage future buyers into our condominium. If



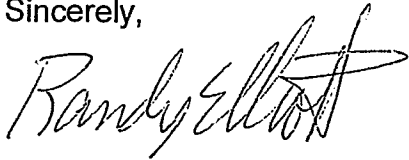
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this Conditional Use CU16-10 is allowed, our Cannery Lofts will be perceived as a less than desirable location to purchase a condominium, and will plague condo owners for years.

6. Marijuana is still a federal crime, period. There are two marijuana shops throughout Astoria, and I just cannot imagine there being a need to have a third in a mixed use condominium where families are living on the coast due to what they perceived as a nice and pleasant coastal community and not a bunch of drug attics with a marijuana shop on every two or three blocks.

Please do not let this happen, and vote against the Conditional Use CU16-10 by Daryl Bell to locate a medical-marijuana dispensary.

Sincerely,

A handwritten signature in cursive script that reads "Randy Elliott". The signature is fluid and stylized, with a long horizontal stroke at the end.

Randy Elliott





OREGON LIQUOR CONTROL COMMISSION REQUEST Land Use Compatibility Statement

Submitted to Daryl 9/23/16

CITY/COUNTY USE ONLY
Date delivered by license applicant:

Received by (print):

9-22-16

Initial:

MS

What is a land use compatibility statement (LUCS)? The LUCS is a form used by a state agency and local government to determine whether a land use proposal is consistent with local government's comprehensive plan and land use regulations.

Why is a LUCS required? OLCC and other state agencies with permitting or approval activities that affect land use are required by Oregon law to be consistent with local comprehensive plans and to have a process for determining consistency. Section 34(4)(a) of 2015 Oregon Laws, Chapter 614, requires OLCC to request and obtain the LUCS and have a positive LUCS prior to issuing a license.

When is a LUCS required? A LUCS is required for all proposed marijuana facilities before an OLCC license can be obtained.

How to complete a LUCS:

- **Step 1: Applicant** completes Section 1 of this form and submits it to the appropriate city or county planning office. Applicant verifies with local jurisdiction whether additional forms, applications, or permits are required.
- **Step 2: Local jurisdiction** completes Section 2 of this form indicating whether the proposed use is compatible with the acknowledged comprehensive plan and land use regulations and returns signed and dated form to the applicant.
 - Applicant completes payment to local jurisdiction for processing application.
 - Local jurisdictions are **NOT required** to begin processing LUCS forms until **January 4, 2016 at 8:30 AM.**
- **Step 3: Applicant** submits this date-stamped form and any supporting information provided by the city or county to the OLCC with the license application. This form may be submitted while Section 2 is in process with the local governing body.

Section 1 - To be completed by Applicant

See disclaimer with instructions should be verified with the local planning department prior to submitting this form.

Applicant Name: Daryl Bell

Phone: 503.867.5023

Mailing Address: 2220 SE Ladd Ave

Rm/Ste:

City: Portland

State: OR

ZIP: 97214

☒ Site plan of the subject property and proposed development attached? *(required)*

Proposed
Premises Address: 3930 Abbey Lane

Rm/Ste: A104

City: Astoria

County: Clatsop

ZIP: 97103

Tax Lot #: 90104

Range/
Section*: 9W

Latitude: 46.19

Township*: 8N

Map*: 9AA

Longitude: -123.79

Proposed use/permit type sought *(A separate LUCS may be necessary for each proposed use even if it is on the same property):*

☐ Producer ☐ Wholesaler ☐ Processor ☒ Retailer ☐ Laboratory ☐ Research Certificate
Note indoor or outdoor below List endorsements below

Details of proposed use (note any attachments):

155

SECTION 2 - To be completed by Local Jurisdiction

Site Location:

☒ Inside city limits ☒ Inside UGB ☐ Outside UGB

Name of Jurisdiction: City of Astoria

Property Zoning of
Proposed Premises: S-2 (tourist oriented shoreland)

- ☐ The proposed land use has been reviewed and is prohibited.
☒ The proposed land use has been reviewed and is not prohibited.

If the proposed land use is allowable only as a conditional use, permits are required as noted below.

Comments: Requires a conditional use permit for retail sales in S-2 Zone. Applicant has submitted a conditional use permit to be reviewed by Planning Commission at their October 25th meeting, 6:30pm.

Name of Reviewing Local Official (print):

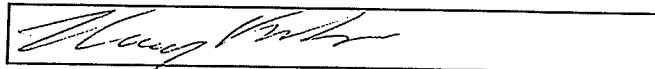
Title: Planner

Date: 9-22-16

Email: nferber@astoria.or.us

Phone: 503.338.5183

Signature:



Check this box if there are attachments to this form: ☐

REMINDER: Local jurisdictions are NOT required to begin processing LUCS forms until January 4, 2016 at 8:30 AM

Subject: Fwd: CLC Parking

From: Daryl Bell (daryl.bell1@gmail.com)

To: noella.nelson@yahoo.com;

Date: Wednesday, September 21, 2016 12:23 AM

11 Parking spaces are allotted to the complex; 103 in the parking lot and 8 on Abbey lane.

Ted 11 are allotted to bldg A, 8 are accounted for. This proposed use requires 2 leaving 1 available for another Commercial use.

CANNERY LOFT CONDOMINIUM PARKING ALLOCATION

Page 3



25 common covered (6 reserved for commercial only for G1 zoning)

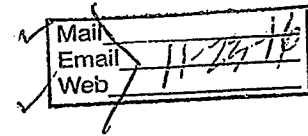
Street Parking allocated to CLC

81 Common parking

PUBLIC NOTICES

11-23-16	Notice of Public Hearing for December 19, 2016 City Council meeting with mailing list	158
11-22-16	Emailed Notice of Public Hearing to the <u>Daily Astorian</u> for the December 19, 2016 City Council meeting.....	162
10-18-16	Affidavit of Notice of Public Hearing published in <u>Daily Astorian</u> October 18, 2016 for October 265, 2016 Planning Commission meeting	163
9-30-16	Mailed Notice of Public Hearing for the October 25, 2016 Planning Commission meeting with mailing list	164
9-30-16	Emailed Notice of Public Hearing to the <u>Daily Astorian</u> for the October 25, 2016 Planning Commission meeting	171

CITY OF ASTORIA
NOTICE OF PUBLIC HEARING



The Astoria City Council will hold a public hearing on Monday, December 19, 2016 at 7:00 p.m., in the City Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

1. Appeal AP16-01 by Heather Hansen for Conditional Use Permit CU16-10 to locate a medical/recreational marijuana dispensary as a retail sales establishment in an existing mixed use (commercial/residential) building (Map T8N-R9W Section 9AA, Tax Lot 90108; Building A Unit 104, Cannery Loft Condominium, Astoria Business Park) in the S-2A, Tourist Oriented Shoreland zone. The appeal is of the Astoria Planning Commission approval with conditions to locate the retail sales establishment at the site. The appellant identified the following items as grounds for the appeal: Development Code Standards Article 11 Section 11.010 on the purpose of the conditional use process; Section 11.030A (1) appropriateness of the use at this location, availability of other existing similar uses, accessibility for users; 11.030A (2) inadequate site layout for parking, potential security impact to the residential use; 11.030A (5) lack of buffer between retail and residential uses. Development Code Sections 2.700-2.715, Articles 7, 9 and 11, and Comprehensive Plan Sections CP.005-CP.025, CP.070-CP.075, CP.130-CP.186, and CP.190-CP.210 are applicable to the request.

A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available at least seven days prior to the hearing and are available for inspection at no cost and will be provided at reasonable cost. All such documents and information are available at the Community Development Department at 1095 Duane Street, Astoria. If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance of the hearing. Contact Nancy Ferber, Planner, at 503-338-5183 for additional information.

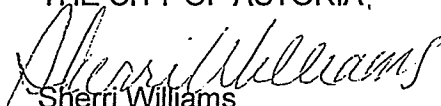
The location of the hearing is accessible to the handicapped. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting the Community Development Department at 503-338-5183 48 hours prior to the meeting.

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

The Astoria City Council's ruling may be appealed to the City Council by the applicant, a party to the hearing, or by a party who responded in writing, by filing a Notice of Appeal within 15 days after the Astoria City Council's decision is mailed. Appellants should contact the Community Development Department concerning specific procedures for filing an appeal with the City. If an appeal is not filed with the City within the 15 day period, the decision of the Astoria City Council shall be final.

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

THE CITY OF ASTORIA,


Sherri Williams
Administrative Assistant

MAIL: November 23, 2016

158

Division of State Lands
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Salem OR 97301-1279

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ALDERBROOK GROUP
jstoffer@charter.net **E-MAIL**

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Coastal Services Representative
DLCD
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Mark Hedeon **E-MAIL**
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Uniontown Neighborhood Assoc
c/o 165 W. Bond
Astoria OR 97103

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COMMANDING OFFICER
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WARRENTON OR 97146-9693

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Mill Pond Village Home Owners' Assoc
2735 Mill Pond Lane
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Port of Astoria
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AP16-01 / CU16-10
Hansen / Bell

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Portland OR 97214

Ted Forcum
Nomadic Properties LLC
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Portland OR 97229

Randy Elliott
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401B
Astoria OR 97103

Kristy Schnabel
3990 Abbey Lane
405
Astoria OR 97103

Jill Bakke
3990 Abbey Lane
406A
Astoria OR 97103

Kimmie – John Darby
3930 Abbey Lane
402A
Astoria OR 97103

Katie Murray
Bill Colwill
3930 Abbey Lane
A305
Astoria OR 97103

Donna – Russell Calahan
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204B
Astoria OR 97103

Heather Hansen
3990 Abbey Lane
208
Astoria OR 97103

Connie Spencer
3930 Abbey Lane
A307
Astoria OR 97103

Shelley von Colditz
3930 Abbey Lane
303A
Astoria OR 97103

Eleanor Green
3930 Abbey Lane
306A
Astoria OR 97103

Donald – Sandra Samuel
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401
Astoria OR 97103

Margaret Wall
3930 Abbey Lane
205
Astoria OR 97103

Larry Sullivan
3930 Abbey Lane
304
Astoria OR 97103

Margaret Brom
3930 Abbey Lane
304A
Astoria OR 97103

Aaron Sasaki
3930 Abbey Lane
309A
Astoria OR 97103

Carolyn Zahn
3930 Abbey Lane
405A
Astoria OR 97103

Resident
3930 Abbey Lane
208A
Astoria OR 97103

Shirley Dahlsten
3930 Abbey Lane
403B
Astoria OR 97103

Scott-Rhonda Meyers
3930 Abbey Lane
202A
Astoria OR 97103

Resident
3930 Abbey Lane
202A
Astoria OR 97103

Kathleen – Henry Mieske
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407A
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Resident
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405
Astoria OR 97103

Robert – Lori Risberg
3930 Abbey Lane
203
Astoria OR 97103

Linh Depledge
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202B
Astoria OR 97103

Kenneth Rommel
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Astoria OR 97103

Barbara – John J.
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302B
Astoria OR 97103

Philip – Angela Matteo
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210B
Astoria OR 97103

160

Candis Austin
3990 Abbey Lane
210B
Astoria OR 97103

Lisa Ackerman
3930 Abbey Lane
210A
Astoria OR 97103

Anne Hulme
3930 Abbey Lane
301A
Astoria OR 97103

Jim – Trece Gurrad
3930 Abbey Lane
#403
Astoria OR 97103

William – Kathy Broussard
3930 Abbey Lane #204A
Astoria OR 97103

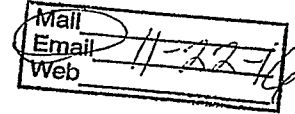
Sherrie A Moen
3930 Abbey Lane
#A310
Astoria OR 97103

Nancy Walsh
3990 Abbey lane #305B
Astoria OR 97103

Ted Osborn
345 Alameda
Astoria OR 97103

Dave Pollard
1676 Jerome
Astoria OR 97103

November 22, 2016



E-MAILED TO: LEGAL ADS, DAILY ASTORIAN,
VIA E-MAIL legals@dailyastorian.com
FROM: SHERRI WILLIAMS, COMMUNITY DEVELOPMENT, 338-5183
SUBJECT: PLEASE PUBLISH THE FOLLOWING PUBLIC NOTICE

CITY OF ASTORIA
NOTICE OF PUBLIC HEARING

The Astoria City Council will hold a public hearing on Monday, December 19, 2016 at 7:00 p.m., in the City Hall Council Chambers, 2nd Floor, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following:

1. Appeal AP16-01 by Heather Hansen for Conditional Use Permit CU16-10 to locate a medical/recreational marijuana dispensary as a retail sales establishment in an existing mixed use (commercial/residential) building (Map T8N-R9W Section 9AA, Tax Lot 90108; Building A Unit 104, Cannery Loft Condominium, Astoria Business Park) in the S-2A, Tourist Oriented Shoreland zone. The appeal is of the Astoria Planning Commission approval with conditions to locate the retail sales establishment at the site. The appellant identified the following items as grounds for the appeal: Development Code Standards Article 11 Section 11.010 on the purpose of the conditional use process; Section 11.030A (1) appropriateness of the use at this location, availability of other existing similar uses, accessibility for users; 11.030A (2) inadequate site layout for parking, potential security impact to the residential use; 11.030A (5) lack of buffer between retail and residential uses.

A copy of the application is available for inspection at no cost and will be provided at reasonable cost. All documents and information are available for review at the office of the Community Development Director at 1095 Duane Street, Astoria. Contact the Community Development Department, at 503-338-5183 for additional information.

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

All interested persons are invited to submit comments at the hearing or by letter addressed to the City Council, 1095 Duane St., Astoria OR 97103. The Astoria City Council reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

THE CITY OF ASTORIA
Sherri Williams, Administrative Assistant

PUBLISH: December 12, 2016

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State Of Oregon
County Of Clatsop } ss.

Paid \$143.73
11-28-16 # 89779
Check
Copy Of Advertisement

Affidavit of
PUBLICATION

I, **Jamie Ramsdell** being duly sworn, depose and say that I am the principal clerk of the manager of the **DAILY ASTORIAN**, a newspaper of general circulation, as defined by section ORS 193.010 and 193.020 Oregon Compiled Laws, Annotated, printed and published daily at Astoria in the aforesaid county and state; the Legal Notice: **AB6020 Notice of Public Hearing** a printed copy of which is hereto attached, was published in the entire issue of said newspaper for one successive and consecutive time(s) in the following issues: **October 18th, 2016**

AB6020
CITY OF ASTORIA
NOTICE OF PUBLIC HEARING

The City of Astoria Planning Commission will hold a public hearing on Tuesday, October 25, 2016 at 6:30 p.m., in the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

1. Conditional Use CU16-10 by Daryl Bell to locate a medical-recreational marijuana dispensary and retail sales establishment in an existing commercial building at 3930 Abbey Lane, Bldg A, Unit 104 in the S-2A, Tourist Oriented Shorelands zone.
2. The Astoria Planning Commission will review the proposed Astor-West Urban Renewal Plan First Amendment, including its relationship to the Comprehensive Plan, and make a recommendation to the Astoria City Council. This is not a land use action. However, ORS 457 requires Planning Commission review for consistency with the Comprehensive Plan. Documents may be found on the City of Astoria website www.astoria.or.us or by contacting the Planning Office at 503-338-5183.

For information, call or write the Community Development Department, 1095 Duane St., Astoria OR 97103, phone 503-338-5183.

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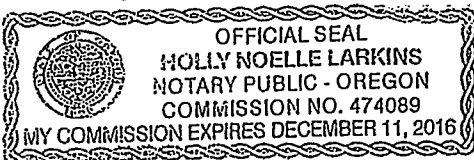
THE CITY OF ASTORIA
Sherri Williams, Administrative Assistant

Published: October 18th, 2016

Signed and attested before me on
the 18th day of October, 2016

by:

[Signature]



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

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

**CITY OF ASTORIA
NOTICE OF PUBLIC HEARING**

Mail	9/20/16
Email	
Web	

The City of Astoria Planning Commission will hold a public hearing on Tuesday, October 25, 2016 at 6:30 p.m., at the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

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- 2.. The Astoria Planning Commission will review the proposed Astor-West Urban Renewal Plan First Amendment, including its relationship to the Comprehensive Plan, and make a recommendation to the Astoria City Council. This is not a land use action. However, ORS 457 requires Planning Commission review for consistency with the Comprehensive Plan. Documents may be found on the City of Astoria website www.astoria.or.us or by contact the Planning Office at 503-338-5183.

A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available at least seven days prior to the hearing and are available for inspection at no cost and will be provided at reasonable cost. All such documents and information are available at the Community Development Department at 1095 Duane Street, Astoria. If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance of the hearing. Contact the Planner at 503-338-5183 for additional information.

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THE CITY OF ASTORIA

Sherri Williams

Sherri Williams

Administrative Assistant

MAIL: September 30, 2016

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Mark Hedeon **E-MAIL**
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Leroy Aldolphson
Uniontown Neighborhood Assoc
c/o 165 W. Bond
Astoria OR 97103

ATTN: HOUSING OFFICER
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WARRENTON OR 97146-9693

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Mill Pond Village Home Owners' Assoc
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166

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Manitou Springs, CO 80829

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Bauer Clifford H Trustee
Bauer Wanda D Trustee
P.O. Box 605
Scappoose, OR 97056

80909AA90208
Bellingham Rev Liv Trust
Bellingham Marjorie L Tr
5711 SW Multnomah Blvd #233
Portland, OR 97219-3145

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Broussard William F
Broussard Kathy R
15924 SW Breccia Dr
Beaverton, OR 97007

80909AA80204
Calahan Russell L
Calahan Donna L
3990 Abbey Ln Unit #204
Astoria, OR 97103-2241

80909AA00505
Cannery Loft Partners LLC
244 Pine Ave
Long Beach, CA 90802

80909AA80108
Cannery Loft Storage LLC
10139 NW Skyline Heights Dr
Portland, OR 97229-2641

80909AA90210
Ackerman Lisa Marie
3108 SE 300th Ave
Washougal, WA 98671

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Charles T Jessell
Linda J Jessell
1651 SW 61st Dr
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Columbia Lutheran Charities
2111 Exchange St
Astoria, OR 97103-3329

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Colwill William C
Murray Catherine A
3930 Abbey Ln #305
Astoria, OR 97103

80909AA80403
Dahlsten John W
Dahlsten Shirley A
3990 Abbey Ln Bldg B #403
Astoria, OR 97103-2237

80909AA90308
Danforth PJ Living Trust
Danforth Patricia Jean Trustee
3930 Abbey Ln #308
Astoria, OR 97103

80909AA90402
Darby John R/Brashler Kimberly
P.O. Box 231117
Portland, OR 97281-1117

80909AA80404
Day Kenoyer Peggy Rev Lv Trust
Day Peggy Kenoyer Trustee
4320 Deltona Dr
Punta Gorda, FL 33950

80909AA80202
DePledge Derrick
3990 Abbey Ln #202B
Astoria, OR 97103

80909AA80309
Dixon Wayne E Trustee
Viljak Ingrid Marika Trustee
Viljak-Dixon Revocable Living Trust
18600 Zielinski Rd
Sheridan, OR 97378-9641

80909AA90409
Durrani Quratulain
3930 Abbey Ln #409
Astoria, OR 97103

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Dyroff Terrence E.
Dyroff Sondra Y.
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Austin, TX 78717

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Mickey Edwards Edwards Mickey A
Mickey Edwards Edwards 1999 Rev Trst
Yvonne J
3862 Franklin Ave
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80909AA90302
Ferguson Root Lynne
8809 SE 11th Ave
Portland, OR 97202

80909AA80401
Elliott Randy
Elliott Teresita
14116 NW Greenwood Dr
Portland, OR 97229-2344

80909AA80203
Fay John A trustee
Fay Pam R Trustee
Fay Family Trust
3701 Birch St
Washougal, WA 98671-8910

80909AA90201
Ferguson Scott W
3122 SW Dolph Ct
Portland, OR 97219

80909AA80301
Floth Steven
Brodie Paul
4618 Auburn Ln
Lake Oswego, OR 97035-1502

80909AA80302
Forcum Theodore L
Coughlin Laura
10139 NW Skyline Heights Dr
Portland, OR 97229-2641

80909AA80307
French Joint Revocable Trust
French III Alfred J Trustee
French Yen T Trustee
13025 SE Winston Rd
Damascus, OR 97089-7605

80909AA90306
Green Eleanor J
3930 Abbey Ln Unit #302
Astoria, OR 97103-2238

167

80909AA90403
Gurrad James S
3930 Abbey Ln
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Astoria, OR 97103

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Monserud Robert A
Morehead Leslie A
8210 SW Woods Creek Ct
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80909AD00904
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Osburn Blake
P.O. Box 2468
Gearhart, OR 97138-2468

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Hoyer Lorine J
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Seaside, OR 97138-7714

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Hulme Annie M
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Alexandria, VA 22309

80909AA80304
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Kenney Debbie S
Kenney Gregory S
6600 SE Montego Bay St
Milwaukie, OR 97267-1960

80909AA90206
Kenny Gregory S Trustee
Kenny Family Trust
6600 SE Montego Bay
Milwaukie, OR 97267

80909AA80405
Lawrence E Schnabel
Kristy Kulberg Schnabel
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80909AA80402
Lyons Ronald G
Polidori Gregory C
3990 Abbey Ln #402B
Astoria, OR 97103

80909AA90401
MacDonald William
7316 SE 162nd Ave
Portland, OR 97236-4852

80909AA80210
Matteo Philip A
Matteo Angela
400 W 8th St Unit #322
Vancouver, WA 98660-3443

80909AA80306
McBride Robert S
McBride Donna L
14300 NW Charlton Rd
Portland, OR 97231-1402

80909AA90309
Menashe Shawn N
Sasaki Nathan M Rev Trust
Sasaki Nathan M Trustee
412 NW Couch St Ste #201
Portland, OR 97209-3880

80909AA90202
Meyers Robert S
Meyers Rhonda L
3930 Abbey Ln Unit #202
Astoria, OR 97103-2238

80909AA90407
Mieske Henry Robert
Mieske Kathleen Ann
28203 N Tamarack Ln
Santa Clarita, CA 91390-4026

80909AA90310
Moen Sherrie A
60718 Golf Village Loop
Bend, OR 97702

80909AA90104
Nomadic Properties LLC
10139 NW Skyline Heights Dr
Portland, OR 97229

80909AA80103
Nomadic Properties LLC
Coastal Family Health Center
10139 NW Skyline Heights Dr
Portland, OR 97229-2641

80909AA80308
Nomadic Properties LLC
Witty Carolyn S Trust
Witty Carolyn Trustee
3737 N Commercial Ave
Portland, OR 97227-1311

80909AA80407
Perry Alan G
Perry Janice E
P.O. Box 13845
Palm Desert, CA 92255

80909AA80205
Nyitrai Katalin
Nyitrai Zita
P.O. Box 554
Longview, WA 98632

80909AD00501
Oregon State Dept Of Transport
350 Marine
Astoria OR 97103

80909AD00100
Pier 38 Marina and RV Park LLC
12010 NE Airport Way
Portland, OR 97220-1080

80909AA00200
Pier 38 Marina and RV Park LLC
Patel K
12010 NE Airport Way
Portland, OR 97220-1080

80909AA80303
Payne John I
Sims Jennifer A
Payne and Sims Revocable Trust
3203 NE 169th Way
Ridgefield, WA 98642-8024

80909AA80206
Pope Terry
Wutzke Janyce Rae
P.O. Box 1800
Homeland, CA 92548-1800

80909AA80408
Rankin Thomas
Rankin Sandra
2135 Ridge Pointe Dr
Lake Oswego, OR 97034-7576

80909AA90203
Risberg Robert S Trustee
Risberg Robert Rev Trust
8168 Avenida Navidad Apt #42
San Diego, CA 92122-4412

168

80909AA80207
Rogers David A
Miller Tina M
P.O. Box 566
Troutdale, OR 97060-0566

80909AA80201
Rommel Kenneth C
16699 SE Austin
Milwaukie, OR 97267

80909AA80411
Savage Woodrow A
Savage Sandra J
412 Isaqueena Dr
Greer, SC 29651

80909AA90205
Savage Woodrow A
Savage Sandra J
412 Isaqueena Dr
Greer, SC 29651

80909AA90404
Scott Larry D
Scott Carol Ellen
19 Pin Oak Estates Ct
Bellaire, TX 77401-4225

80909AA90307
Spencer Constance Living Trust
Spencer Constance Ellen Trstee
10 El Toro Dr
Rancho Mirage, CA 92270-4737

80909AA90408
Sticksel Donald R
Sticksel Amy V
4350 Owl Ct
West Linn, OR 97068

80909AA90304
Sullivan L Martin
Brom Margaret A
3930 Abbey Lane ##304A
Astoria, OR 97103

80909AA90209
Sullivan L Martin
Brom Margaret Ann
1000 Blue Gentian Rd Ste #300
Eagan, MN 55121

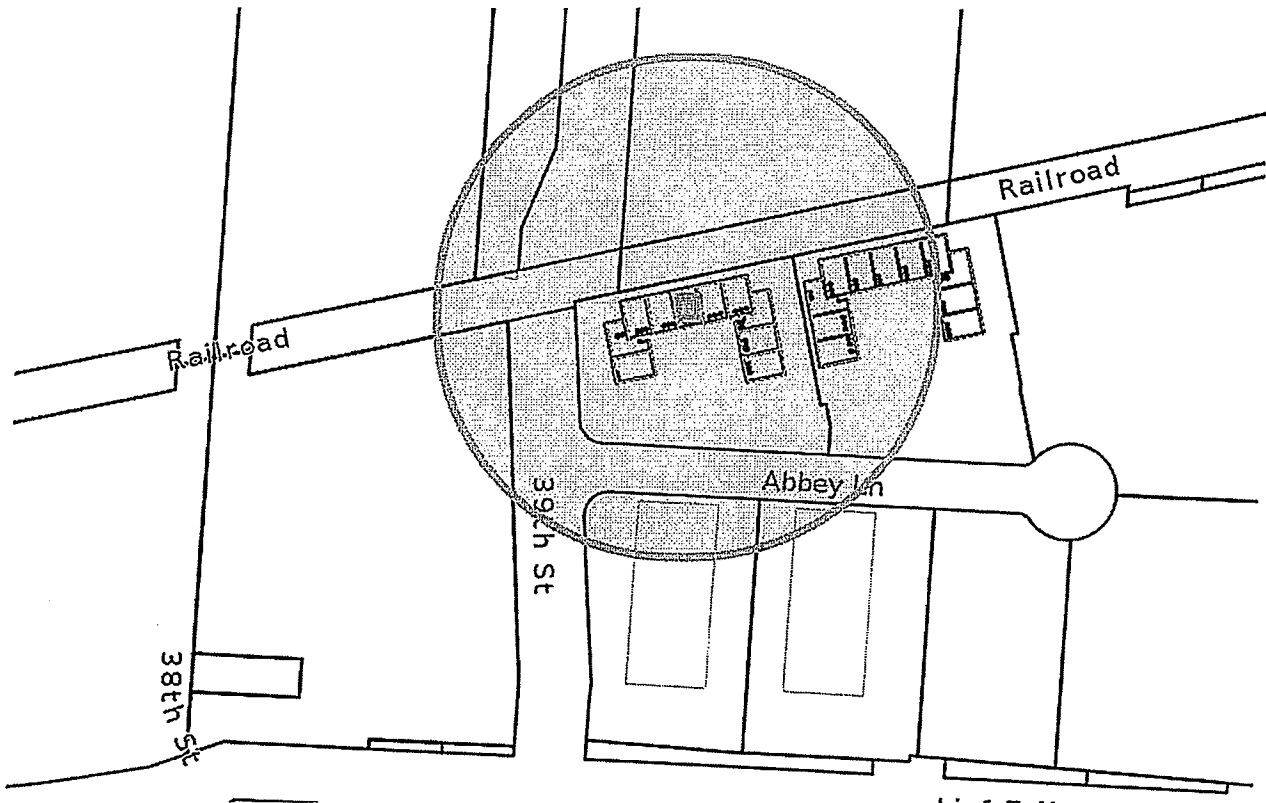
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Thomason Scott A/Alison M
P.O. Box 53
Ilwaco, WA 98624-0029

80909AA90303
VonColditz Rochelle
3930 Abbey Ln #303
Astoria, OR 97103

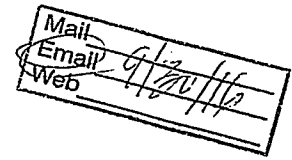
80909AA80305
Walsh John F
Walsh Nancy D
3990 Abbey Ln #B305
Astoria, OR 97103-2237

80909AA90405
Zalon Carolyn Lee Trustee
Zalon Carolyn Lee Family Trust
3930 Abbey Ln Unit #405
Astoria, OR 97103-2239

Daryl Bell
2220 SE Ladd Avenue
Portland OR 97214



September 30, 2016



E-MAILED TO: LEGAL ADS, DAILY ASTORIAN VIA E-MAIL legals@dailyastorian.com
FROM: SHERRI WILLIAMS, COMMUNITY DEVELOPMENT, 338-5183
SUBJECT: PLEASE PUBLISH THE FOLLOWING PUBLIC NOTICE ONE TIME

CITY OF ASTORIA
NOTICE OF PUBLIC HEARING

The City of Astoria Planning Commission will hold a public hearing on Tuesday, October 25, 2016 at 6:30 p.m., in the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

1. Conditional Use CU16-10 by Daryl Bell to locate a medical-recreational marijuana dispensary and retail sales establishment in an existing commercial building at 3930 Abbey Lane, Bldg A, Unit 104 in the S-2A, Tourist Oriented Shorelands zone.
2. The Astoria Planning Commission will review the proposed Astor-West Urban Renewal Plan First Amendment, including its relationship to the Comprehensive Plan, and make a recommendation to the Astoria City Council. This is not a land use action. However, ORS 457 requires Planning Commission review for consistency with the Comprehensive Plan. Documents may be found on the City of Astoria website www.astoria.or.us or by contacting the Planning Office at 503-338-5183.

For information, call or write the Community Development Department, 1095 Duane St., Astoria OR 97103, phone 503-338-5183.

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

The Astoria Planning Commission reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

THE CITY OF ASTORIA
Sherri Williams, Administrative Assistant

PUBLISH: October 18, 2016

APPLICATION

9-21-16	Conditional Use Application CU16-10 by Daryl Bell to locate a medical-recreational marijuana dispensary and retail sales establishment at 3930 Abbey Lane, Unit A104	172
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CITY OF ASTORIA
Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

☒ Fee Paid Date 9-21-16 By KC
Fee: \$250.00

No. CU16-10

CONDITIONAL USE APPLICATION

Property Address: 3930 Abbey Lane, Building A Unit 104, Astoria, Oregon

Lot N/A

Block N/A

Subdivision Cannery Loft Astoria
Condo Stage 1 Business Park

Map 8009AA

Tax Lot 80104 90104

Zone S2a

Applicant Name: Daryl Bell

90205
90305
90405

Mailing Address: 2220 SE Ladd Ave. Portland, OR 97214

Phone: 503.867.5023

Business Phone: _____ Email: daryl.bell1@gmail.com

Property Owner's Name: Ted Forcum

Mailing Address: 10139 NW Skyline Heights Drive, Portland, OR 97229

Business Name (if applicable): Nomadic Properties, LLC

Signature of Applicant: [Signature]

Date: 9-20-2016

Signature of Property Owner: [Signature]

Date: 9-20-2016

Existing Use: Vacant

Proposed Use: Medical/Recreational Dispensary - retail sales establishment (#22)

Square Footage of Building/Site: 950 sq ft 2000

Proposed Off-Street Parking Spaces: reqs 1 space / 500 sq ft (7.110) for a total of 2.710

3 spaces for building A are available at time of application 2 parking spaces

SITE PLAN: A Site Plan depicting property lines and the location of all existing and proposed structures, parking, landscaping, and/or signs is required. The Plan must include distances to all property lines and dimensions of all structures, parking areas, and/or signs. Scaled free-hand drawings are acceptable.

For office use only:	
Pre-app 9-21-16	
Application Complete: <u>9-22-16</u>	Permit Info Into D-Base: <u>9-26-16</u>
Labels Prepared: <u>9/20/16</u>	Tentative APC Meeting Date: <u>10/25/16</u>
120 Days: <u>11-19-17</u>	<u>6:30 PM</u>

City Hall • 1095 Duane Street • Astoria OR 97103 • Phone 503-338-5183 • Fax 503-338-6538
planning@astoria.or.us • www.astoria.or.us

↓
Pending addtl retail
info re: art + glass sales?

FILING INFORMATION: Planning Commission meets on the fourth Tuesday of each month. Completed applications must be received by the 20th of the month to be on the next month's agenda. A Pre-Application meeting with the Planner is required prior to acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Planning Commission meeting is recommended.

Briefly address each of the following criteria: Use additional sheets if necessary.

- 11.030(A)(1) The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use.

The use is appropriate at the proposed location:

- The proposed site is approximately 1 block west of Hwy 101 located at 3930 Abbey Lane. Traffic is relatively light exiting from Hwy 101 (Leif Erikson) resulting in easy fluid access to the proposed location which features two points of egress/ingress, making it very accessible to customers. Traffic studies were performed by Lancaster Engineering to support retail use with the rezoning from GI to S2a.
- There are additional dispensaries in Astoria – all located west of the proposed location. The Pharmacy located at 2911 Marine Drive is the closest in proximity. The proposed site will focus on and cater to residents east of 29th Street and potential customers that enter the city from the north.
- Given the number of dispensaries and respective location there are very few options in other appropriately zoned sites. In addition, there is a dearth of building owners/landlords able to or willing to accommodate cannabis based business. I have dedicated 16 months looking for desirable appropriately zoned locations in Astoria.
- Additional Considerations:
 - o Dispensary will provide discounts to veterans and the elderly
 - o Will act as a canvas for local artisans/artists
 - o Offer community support in an effort to be good stewards of the community
 - o Conduct parking lot sweeps/checks
 - o Be compliant with local and state regulations
 - o Be low profile, understated, rustic
 - o Offer robust surveillance
 - o Outfit proposed site with carbon charcoal filters to mitigate scent of marijuana
 - o Not allow consumption of cannabis products on site

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

Please see site layout and dispensary schematic.

- Proposed location will not adversely impact access points. There are two egress/ingress points.

- Proposed location has two dedicated spaces. There is additional street parking allocated to CLC.
- The complex parking lot has never exceeded 35% of capacity.
- Dispensary will service approximately 50 customers per day (12 hour day) – light traffic designation.
- Dispensary traffic will not impede and/or interrupt refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities.

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

Dispensary operation will be consistent with traditional retail operation and will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities. Robust surveillance will increase overall efficacy of security on site.

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

N/A – Proposed location in established commercial corridor

11.030(A)(5) The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.

N/A – Proposed location in established commercial corridor

11.030(B) Housing developments will comply only with standards 2, 3, and 4 above.

N/A – Proposed location in established commercial corridor

3930 ABBEY LN - SUITE A104 - ASTORIA, OR

GO.01

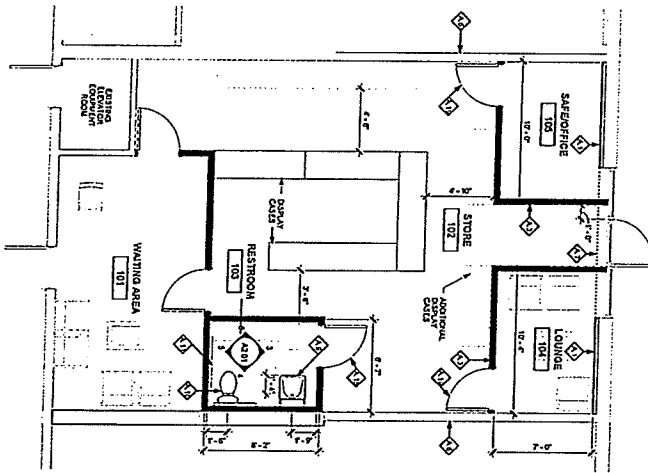
ASTORIA DISPENSARY
 SUITE A104 - TENANT IMPROVEMENT
 3930 ABBEY LN - SUITE A104 - ASTORIA, OR

CARLETON HART ARCHITECTURE P.C.
 820 W 10th Avenue #200 Portland Oregon 97205
 503 243 2252 | www.carletonhart.com

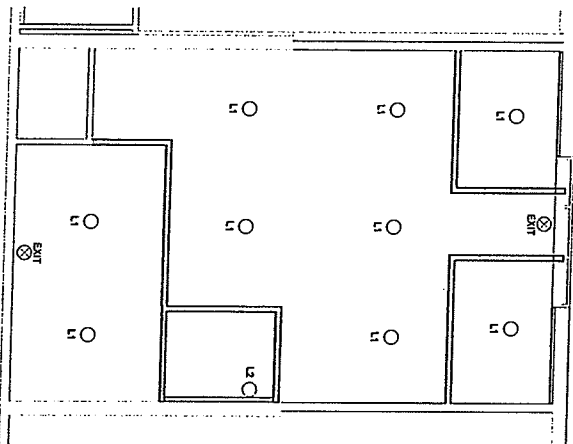
COVER SHEET

PROJECT NUMBER
16054
9/30/2016

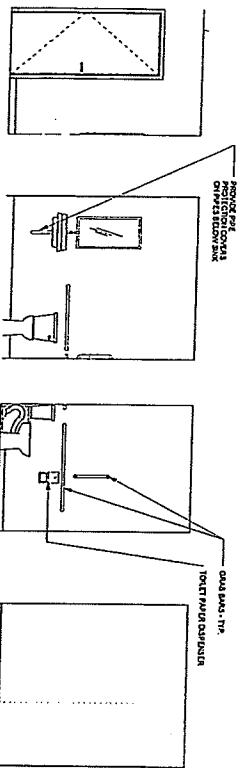
DATE OF DESIGN
PERMIT LAST DESIGN
AND
REVISION



1 FIRST FLOOR PLAN - SUITE A104
1/8" = 1'-0"



2 ARCHITECTURAL LIGHTING PLAN
1/8" = 1'-0"



3 RESTROOM - NORTH
3/8" = 1'-0"

4 RESTROOM - EAST
3/8" = 1'-0"

5 RESTROOM - SOUTH
3/8" = 1'-0"

6 RESTROOM - WEST
3/8" = 1'-0"

LIGHT FIXTURE SCHEDULE

FIXTURE	LAMP TYPE	NO. CELLS	TOTAL WATTS
1	LED DOWNLIGHT	1	8 WATTS
2	LED DOWNLIGHT	2	16 WATTS

NOTE: ALL FIXTURES TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITION OF THE IBC AND ALL APPLICABLE CODES.

GENERAL NOTES:

1. ALL DIMENSIONS TO FACE OF STUD UNLESS OTHERWISE NOTED.
2. SEE MECHANICAL AND ELECTRICAL FOR ADDITIONAL INFORMATION.

KEYNOTES:

- A1 FULL HEIGHT BARRING 3.1/2" STD WITH R-13 BATT INSULATION AND GYPSUM BOARD - SEE DETAIL 302.22
- A2 FULL HEIGHT BARRING ABOVE - SEE DETAIL 302.22
- A3 EXISTING DEMISING WALL - VERIFY R-13 BATT INSULATION
- A4 EXISTING DEMISING WALL - VERIFY R-13 BATT INSULATION AND GYPSUM BOARD
- A5 FLOOR MOUNT TOILET
- A6 FLOOR MOUNT TOILET
- A7 FLOOR MOUNT TOILET
- A8 FLOOR MOUNT TOILET
- A9 FLOOR MOUNT TOILET
- A10 FLOOR MOUNT TOILET
- A11 FLOOR MOUNT TOILET
- A12 FLOOR MOUNT TOILET
- A13 FLOOR MOUNT TOILET
- A14 FLOOR MOUNT TOILET
- A15 FLOOR MOUNT TOILET
- A16 FLOOR MOUNT TOILET
- A17 FLOOR MOUNT TOILET
- A18 FLOOR MOUNT TOILET
- A19 FLOOR MOUNT TOILET
- A20 FLOOR MOUNT TOILET

NOTE: DRAWINGS ARE AT HALF SCALE WHEN PRINTED AT 11X17



CARLETON HART ARCHITECTURE P.C.
810 SW 10th Avenue • 200 Portland Oregon 97205
503 243 2252

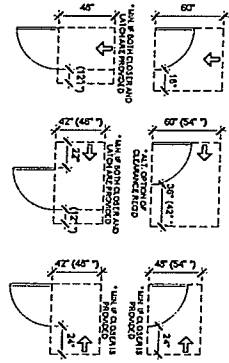


SUITE A104 - TENANT IMPROVEMENT
3930 ABBEY LN - SUITE A104 - ASTORIA, OR
PERMIT ISSUE

FLOOR PLAN
PROJECT NO.
1554
8/20/2016
REVISIONS: A

A2.01

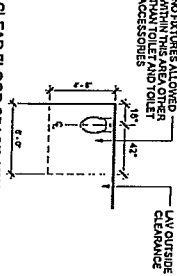
176



MANEUVERING CLEARANCES AT SWINGING DOORS

NOTE: MINIMUM CLEAR FLOOR SPACE OF 3'-0" FORWARD OR PARALLEL APPROACH REQUIRED FOR ALL TOILETS, LAVATORIES, AND EQUIPMENT. CONSULT THE ARCHITECT FOR RESTRICTIVE FIELD CONDITIONS.

CLEAR FLOOR SPACE

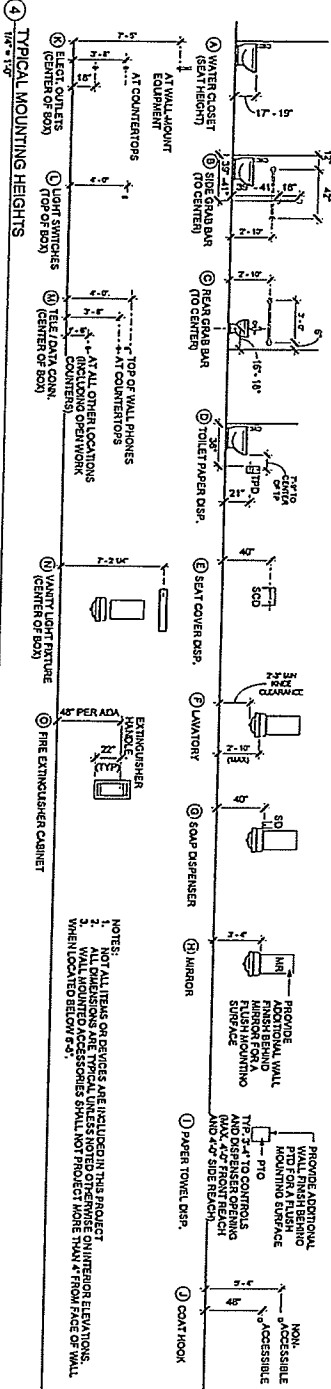
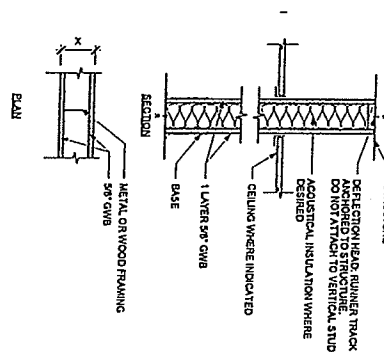
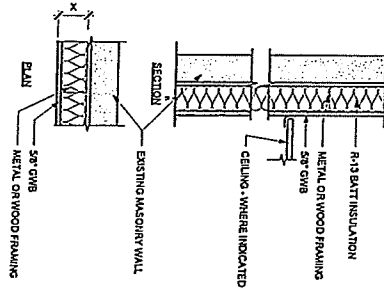


CLEAR FLOOR SPACE AT WATER CLOSETS

1 REQUIRED CLEARANCES

2 FLOORING WALL

3 PARTITION WALL



NOTE: DIMENSIONS ARE AT HALF SCALE UNLESS NOTED AT 1/4" = 1'-0"

A2.02

SUITE A104 - TENANT IMPROVEMENT
3930 ABBEY LN - SUITE A104 - ASTORIA, OR
PERMIT ISSUE

CARLETON HART ARCHITECTURE P.C.
830 W. 10th Avenue #200 Portland, Oregon 97203
503.243.2252



Subject: New CLC Parking

From: Daryl Bell (daryl.bell1@gmail.com)

To: noella.nelson@yahoo.com;

Date: Wednesday, September 21, 2016 12:23 AM

~~11 Parking spaces are allotted to the complex; 103 in the parking lot and 8 on Abbey lane.~~

Ted

No →

11 are allotted to bldg A,
8 are accounted for
This proposed use requires 2, leaving
1 available for future
Commercial use.

CANNERY LOFT CONDOMINIUM PARKING ALLOCATION

Page 3



25 common covered (6 reserved for commercial only for G1 Zoning)

Street Parking allocated to CLC

81 Common parking

Parking

- Photo below is from Wednesday April 9th from building B at 11:00am.
 - 36.5% of building B commercial space is occupied.
 - 97% of building B residences are occupied.
 - 5 vehicles in the 14 commercial spaces, one of which is residential.
 - 10 vehicles in the common 50 spaces surrounding building B, (4 east, 10 courtyard, 36 south, 14 commercial).
 - On this day at standard business hours only 23.4% of parking is consumed with office space commercial use.



Parking 7:30pm Friday April 25th, 2014 Wine and Seafood Festival

(not part of BOD presentation)

- 42 vehicles / 103 parking lot spaces
- 5 vehicles on Abbey lane
 - 3 walked to Pier 39
 - 2 vehicles allotted to CLC
 - 8 spaces on Abbey Lane allotted for Cannery Lofts.
- On one of the busier weekends only 39.6% of allowable spaces are being used



Parking 3:30pm Sunday May 25, 2014 Memorial Weekend

- 38 vehicles in the 103 parking lot spaces.
- 1 vehicle on Abbey Lane. 8 spaces on Abbey Lane allotted for Cannery Lofts.
- 111 Total allotted spaces.
- On one of the busier weekends only 34% of allowable spaces are being used.



Parking 5pm Saturday June 7th, 2016

- 27 vehicles in the 103 parking lot spaces. 0 vehicle on Abbey Lane. 8 spaces on Abbey Lane allotted for Cannery Lofts.
- 111 Total allotted spaces.
- 24% of allowable spaces are being used.



Friday 4/22/16 10:26am

- During Construction
- Building B
 - Greatest amount of commercial occupancy
 - West covered parking was closed off.
 - 40% (26 of 64) building B spaces closed for construction.



Ted Forcum, DC, DACBSP, CES, PES, CSCS

Portland Winterhawks, Team Chiropractor

2015 USATF World Championship Sports Medicine Team

Joint Commission on Sports Medicine and Science, Board Member

07-08 US Olympic Sports Medicine Team Member

ACA Sports Council, Past President 2008-2010

Nomadic Properties, LLC

10139 NW Skyline Heights Drive

Portland, OR 97229

503-816-6581

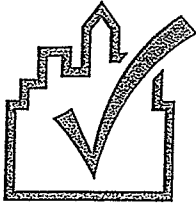
Jack In Motion Chiropractic and Sports Rehab Center

1385 SW Scholls Ferry Road

Beaverton, Oregon 97008

503.524.9040

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Generated by COMcheck-Web Software
Envelope Compliance Certificate

Section 1: Project Information

Energy Code: 2014 Oregon Energy Efficiency Specialty Code
Project Title: Astoria Dispensary
Project Type: Addition
Envelope Compliance Method: Simplified Trade-Off

Construction Site:
3930 Abbey Lane, Suite A104
Astoria, Oregon

Owner/Agent:

Designer/Contractor:

Corey Morris
Carleton Hart Architecture

Building Location (for weather data): Astoria, Oregon
Climate Zone: 4c
Vertical Glazing / Wall Area Pct.: 7%

Building Use: Area Type

Floor Area

1-Office : Nonresidential

950

Section 2: Envelope Assemblies and Requirements Checklist

Envelope PASSES Design 0.17% better than code

Envelope Assemblies:

Component Name/Description	Gross Area or Perimeter	Cavity R-Value	Cont. R-Value	Proposed U-Factor	Budget U-Factor(a)
Ext. Wall: Concrete Block, 8in., Solid Grouted, Light Density, Furring: Wood, [Bldg. Use 1 - Office]	450	13.0	0.0	0.074	0.150
Window: , Perf. Specs.: Product ID Existing, SHGC 0.70, [Bldg. Use 1 - Office] (b)	80	---	---	0.350	0.450
Ext. Wall: Steel-Framed, 16in. o.c., [Bldg. Use 1 - Office]	640	13.0	0.0	0.124	0.064
Floor: Unheated Slab-On-Grade, [Bldg. Use 1 - Office]	90	---	---	---	---

(a) Budget U-factors are used for software baseline calculations ONLY, and are not code requirements.

(b) Fenestration product performance must be certified in accordance with NFRC and requires supporting documentation.

In the following requirements, blank checkboxes identify requirements that the applicant has not acknowledged as being met. Checkmarks identify requirements that the applicant acknowledges as met or excepted from compliance. 'Plans reference page/section' identifies where in the plans/specs the requirement can be verified as being satisfied.

Fenestration Product Rating:

- ✓ 1. U-factors of fenestration products (windows, doors and skylights) are determined in accordance with NFRC 100 by an accredited, independent laboratory, and labeled and certified by the manufacturer or are determined using the commercial size category values listed in Chapter 15 of the 2009 ASHRAE Handbook of Fundamentals, Table No.4 and shall include the effects of the window frame. The temporary label affixed to the fenestration products must not be removed prior to inspection.

Plans reference page/section: _____

- ✓ 2. Solar heat gain coefficient (SHGC) of glazed fenestration products (windows, glazed doors and skylights) shall be determined in accordance with NFRC 200 by an accredited, independent laboratory, and labeled and certified by the manufacturer or be determined using the Solar Heat Gain Coefficients (SHGC) in Chapter 15 of the 2009 ASHRAE Handbook of Fundamentals, Table No.10. The overall values must consider type of frame material and operator for the SHGC at normal incidence.

Plans reference page/section: _____

Air Leakage, Insulation, and Component Certification:

- ✓ 3. Sealing of the building envelope. Openings and penetrations in the building envelope are sealed with caulking materials or closed with gasketing systems compatible with the construction materials and location. Joints and seams are sealed in the same manner or taped

182

or covered with a moisture vapor-permeable wrapping material. Sealing materials spanning joints between construction materials allow for expansion and contraction of the construction materials.

Plans reference page/section: _____

- ✓ 4. Window and door assemblies. The air leakage of window and sliding or swinging door assemblies that are part of the building envelope are determined in accordance with AAMA/WDMA/CSA 101/I.S.2/A440, or NFRC 400 by an accredited, independent laboratory, and labeled and certified by the manufacturer.

Plans reference page/section: _____

- ✓ 5. Curtain wall, storefront glazing and commercial entrance doors. Curtain wall, storefront glazing and commercial-glazed swinging entrance doors and revolving doors are tested for air leakage in accordance with ASTM E 283. For curtain walls and storefront glazing, the maximum air leakage rate is 0.3 cubic foot per minute per square foot of fenestration area. For commercial glazed swinging entrance doors and revolving doors, the maximum air leakage rate is 1.00 cfm/ft² of door area.

Plans reference page/section: _____

- ✓ 6. Building thermal envelope insulation. An R-value identification mark is applied (by manufacturer) to each piece of insulation 12 inches or greater in width. Alternately, the insulation installers have provided a signed, dated and posted certification listing the type, manufacturer and R-value of insulation installed. Refer to code section for blown or sprayed insulation installation/settling depths and marker requirements.
- ✓ 7. Insulation mark installation. Insulating materials are installed such that the manufacturer's R-value mark is readily observable upon inspection.
- ✓ 8. Insulation product rating. The thermal resistance (R-value) of insulation has been determined in accordance with the U.S. FTC R-value rule.
- ✓ 9. Installation. All material, systems and equipment are installed in accordance with the manufacturer's installation instructions and the International Building Code.
- ✓ 10. Outdoor air intakes and exhaust openings. Stair and elevator shaft vents and other outdoor air intakes and exhaust openings integral to the building envelope shall be equipped with not less than a Class I motorized, leakage-rated damper with a maximum leakage rate of 4 cfm per square foot at 1.0 inch water gauge when tested in accordance with AMCA 500D. Stair and shaft vent dampers shall be capable of being automatically closed during normal building operation and interlocked to open as required by fire and smoke detection systems.

Requirement is not applicable.

Plans reference page/section: _____

- ✓ 11. Loading dock weatherseals. Cargo doors and loading dock doors are equipped with weather seals to restrict infiltration when vehicles are parked in the doorway.

Requirement is not applicable.

Plans reference page/section: _____

- ✓ 12. Recessed lighting. Recessed luminaires installed in the building thermal envelope are sealed to limit air leakage between conditioned and unconditioned spaces. All recessed luminaires are IC-rated and labeled as meeting ASTM E 283. All recessed luminaires are sealed with a gasket or caulk between the housing and interior wall or ceiling covering.

Requirement is not applicable.

Plans reference page/section: _____

- ✓ 13. Vestibules. Doors that separate conditioned space from the exterior are protected with an enclosed vestibule, with all doors of the vestibule equipped with self-closing devices. Vestibules are designed so interior and exterior doors to not operate simultaneously.

✓ Exception applies: Doors that open directly from a space less than 3000 sq. ft. in area.

Plans reference page/section: _____

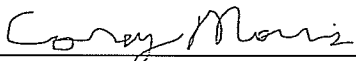
- ✓ 14. 'Other' components have supporting documentation for proposed U-Factors.

Requirement is not applicable.

Plans reference page/section: _____

Section 3: Compliance Statement

Compliance Statement: The proposed envelope design represented in this document is consistent with the building plans, specifications and other calculations submitted with this permit application. The proposed envelope system has been designed to meet the 2014 Oregon Energy Efficiency Specialty Code requirements in COMcheck-Web and to comply with the mandatory requirements in the Requirements Checklist.



Architect

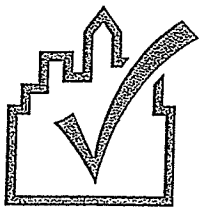
9.20.2016

Name - Title

Signature

Date

184



Generated by COMcheck-Web Software

Interior Lighting Compliance Certificate

Section 1: Project Information

Energy Code: 2014 Oregon Energy Efficiency Specialty Code
Project Title: Astoria Dispensary
Project Type: Addition
Envelope Compliance Method: Simplified Trade-Off

Construction Site:
3930 Abbey Lane, Suite A104
Astoria, Oregon

Owner/Agent:

Designer/Contractor:
Corey Morris
Carleton Hart Architecture

Section 2: Interior Lighting and Power Calculation

A Area Category	B Floor Area (ft ²)	C Allowed Watts / ft ²	D Allowed Watts (B x C)
Lobby (Common Space Types:Lobby) (Ceiling Height 10 ft.)	193	0.9	174
Safe/Office (Common Space Types:Office - Enclosed) (Ceiling Height 10 ft.)	69	0.99	68
Restroom (Common Space Types:Restrooms) (Ceiling Height 10 ft.)	47	0.82	39
Lounge (Common Space Types:Office - Enclosed) (Ceiling Height 10 ft.)	71	0.99	70
Store (Retail:Sales Area) (Ceiling Height 10 ft.)	514	1.5	771
Total Allowed Watts =			1122

(a) Allowed watts per sq. ft. adjusted for ceiling height.

Section 3: Interior Lighting Fixture Schedule

A Fixture ID : Description / Lamp / Wattage Per Lamp / Ballast	B Lamps/ Fixture	C # of Fixtures	D Fixture Watt.	E (C X D)
Lobby (Common Space Types: Lobby, 193 sq.ft.) LED: LED Other Fixture Unit 6.5W:	1	2	6	12
Safe/Office (Common Space Types: Office - Enclosed, 69 sq.ft.) LED: LED Other Fixture Unit 6.5W:	1	1	6	6
Restroom (Common Space Types: Restrooms, 47 sq.ft.) LED: LED Other Fixture Unit 6.5W:	1	1	6	6
Lounge (Common Space Types: Office - Enclosed, 71 sq.ft.) LED: LED Other Fixture Unit 6.5W:	1	1	6	6
Store (Retail: Sales Area, 514 sq.ft.) LED: LED PAR 7W:	1	5	6	30
Total Proposed Watts =				60

Section 4: Requirements Checklist

In the following requirements, blank checkboxes identify requirements that the applicant has not acknowledged as being met. Checkmarks identify requirements that the applicant acknowledges are met or excepted from compliance. 'Plans reference page/section' identifies where in the plans/specs the requirement can be verified as being satisfied.

Lighting Wattage:

- ✓ 1. Total proposed watts must be less than or equal to total allowed watts.
Allowed Wattage: 1122 Proposed Wattage: 60
Complies: YES

Mandatory Requirements:

- ✓ 2. Exit signs. Internally illuminated exit signs shall not exceed 5 watts per side.

Plans reference page/section: _____

- ✓ 3. Daylight zone control. All daylight zones are provided with individual controls that control the lights independent of general area lighting in the non-daylight zone. In all individual daylight zones larger than 350 sq.ft., automatic daylight controls is provided. Automatic daylight sensing controls reduce the light output of the controlled luminaires at least 50 percent, and provide an automatic OFF control, while maintaining a uniform level of illumination. Contiguous daylight zones adjacent to vertical fenestration may be controlled by a single controlling device provided that they do not include zones facing more than two adjacent cardinal orientations (i.e., north, east, south, west). Daylight zones under skylights shall be controlled separately from daylight zones adjacent to vertical fenestration.

Plans reference page/section: _____

- ✓ 4. Interior lighting controls. At least one local shutoff lighting control has been provided for every 2,000 square feet of lit floor area and each area enclosed by walls or floor-to-ceiling partitions. The required controls are located within the area served by the controls or are a remote switch that identifies the lights served and indicates their status.

Plans reference page/section: _____

- ✓ 5. Sleeping unit controls. Master switch at entry to hotel/motel guest room.

Plans reference page/section: _____

- ✓ 6. Egress lighting. Egress illumination is controlled by a combination of listed emergency relay and occupancy sensors to shut off during periods that the building space served by the means of egress is unoccupied.

✓ Exception applies: Building exits as defined in Section 1002 of the Oregon Structural Specialty Code.

Plans reference page/section: _____

- ✓ 7. Additional controls. Each area that is required to have a manual control shall have additional controls that meet the requirements of Sections 505.2.2.1 and 505.2.2.2.

Plans reference page/section: _____

- ✓ 8. Light reduction controls. Each space required to have a manual control also allows for reducing the connected lighting load by at least 50 percent by either 1) controlling (dimming or multi-level switching) all luminaires; or 2) dual switching of alternate rows of luminaires, alternate luminaires, or alternate lamps; or 3) switching the middle lamp luminaires independently of other lamps; or 4) switching each luminaire or each lamp.

✓ Exception applies: Areas that use less than 0.6 Watts/sq.ft.

Plans reference page/section: _____

- ✓ 9. Buildings larger than 2,000 square feet are equipped with an automatic control device to shut off lighting in those areas. This automatic control device shall function on either: 1) a scheduled basis, using time-of-day, with an independent program schedule that controls the interior lighting in areas that do not exceed 10,000 square feet and are not more than one floor; or 2) an occupant sensor that shall turn lighting off within 30 minutes of an occupant leaving a space; or 3) a signal from another control or alarm system that indicates the area is unoccupied.

Plans reference page/section: _____

- ✓ 10. Occupancy sensors in rooms that include daylight zones are required to have Manual ON activation.

Plans reference page/section: _____

- ✓ 11. An occupant sensor control device is installed that automatically turns lighting off within 30 minutes of all occupants leaving a space.

Plans reference page/section: _____

- ✓ 12. Additional controls. An occupant sensor control device that automatically turns lighting off within 30 minutes of all occupants leaving a space or a locally activated switch that automatically turns lighting off within 30 minutes of being activated is installed in all storage and supply rooms up to 1000 square feet.

Plans reference page/section: _____

- ✓ 13. Occupant override. Automatic lighting shutoff operating on a time-of-day scheduled basis incorporates an override switching device that: 1) is readily accessible, 2) is located so that a person using the device can see the lights or the area controlled by that switch, or so that the area being lit is annunciated, 3) is manually operated, 4) allows the lighting to remain on for no more than 2 hours when an override is initiated, and 5) controls an area not exceeding 2,000 square feet.

Plans reference page/section: _____

- ✓ 14. Holiday scheduling. Automatic lighting shutoff operating on a time-of-day scheduled basis has an automatic holiday scheduling feature that turns off all loads for at least 24 hours, then resumes the normally scheduled operation.

Plans reference page/section: _____

- ✓ 15. Exterior lighting controls. Lighting not designated for dusk-to-dawn operation shall be controlled by either a combination of a photosensor and a time switch, or an astronomical time switch. Lighting designated for dusk-to-dawn operation shall be controlled by an astronomical time switch or photosensor.

Plans reference page/section: _____

- ✓ 16. Tandem wiring. The following luminaires located within the same area shall be tandem wired: 1. Fluorescent luminaires equipped with one, three or odd-numbered lamp configurations, that are recess-mounted within 10 feet center-to-center of each other. 2. Fluorescent luminaires equipped with one, three or any odd-numbered lamp configuration, that are pendant- or surface-mounted within 1 foot edge-to-edge of each other.

Plans reference page/section: _____

- ✓ 17. Medical task lighting or art/history display lighting claimed to be exempt from compliance has a control device independent of the control of the nonexempt lighting.

Plans reference page/section: _____

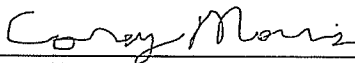
- ✓ 18. Each dwelling unit in a building is metered separately.

Plans reference page/section: _____

Interior Lighting PASSES Design 95% better than code

Section 5: Compliance Statement

Compliance Statement: The proposed lighting design represented in this document is consistent with the building plans, specifications and other calculations submitted with this permit application. The proposed lighting system has been designed to meet the 2014 Oregon Energy Efficiency Specialty Code requirements in COMcheck-Web and to comply with the mandatory requirements in the Requirements Checklist.

	Architect	9.20.2016
Name - Title	Signature	Date

CAN FILTER 150

CUBIC FOOTAGE / THREE = CFM NEEDED TO EFFICIENTLY CONTROL ODOR

Max **Recirculating (Scrubbing)** CFM: 2520 cfm / 4200 m³/h

Max **Exhaust** CFM: 1260 cfm / 2100 m³/h

@ 0.1 sec contact time

Recommended Min Airflow: 630 cfm / 1056 m³/h

Pre-filter: Yes

Flange: 10", 12", 14"

Dimensions: (with pre-filter)

• Outside Diameter: **42cm / 16.5"**

• Height: **150cm / 60"**

• Total Weight: **71kg / 156lbs**

• Carbon Weight: **56kg / 123lbs**

• Carbon Bed Depth: **6.5cm / 2.56"**

Max Operating Temp: 80°C

Pressure drop at max cfm: 180pa / .75"wg

CITY OF ASTORIA

OCT 18 REC'D

BUILDING CODES

ODOR FREE 700 OZONE GENERATOR

- Coverage: Up to 2,000 Square Feet or 20,000 Cubic Feet
- Timer: Up to 60 Minutes or Continuous On
- Fan: 100 CFM
- Volts/Watts: 110/32
- Amps/Hertz: .35/60
- Variable Output: 100 to 900 mg/h
- Ozone Plates: 2
- Size: 7.5"H 9"W 12.5"D
- Weight: 9.75 lbs

Outdoors, nature eliminates odors and microorganisms using both UV light and O₃. Indoors, most places that generate odors receive very little UV light or O₃. The Odor-Free purifier creates O₃, or ozone, in a special process that utilizes an electrical current. Ozone sanitizes by breaking down odors, microorganisms and other pollutants at their source.

Nature creates O₃ as a natural cleaner during thunderstorms, and also from sunlight striking the earth's atmosphere. As an example, we've all taken a walk after a thunderstorm and experienced the clean, fresh smell in the air. That's O₃, or ozone, at work.

Normal oxygen (O₂) is converted to O₃, which is commonly called

ozone. It reverts back to O₂ in about an hour if the O₃ is unused. This leaves the air fresh and clean because the source of the odor has been permanently removed. And there are no artificial odors so the space becomes free of odors, as nature intended.



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

December 8, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: **2017 TROLLEY TRESTLE REPAIR PROJECT – CONTRACT AMENDMENT #1**

DISCUSSION/ANALYSIS

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

During the design process it became apparent that maintenance work will need to be postponed until early April for the following reasons.

1. Contractor availability for a late January and February construction period is not ideal, based on the limited in-water work period and prior obligations. This would likely result in reduced project interest and much higher bid prices.
2. Work commencing in March will directly conflict with the beginning of the Trolley's operational season. March is particularly important to Trolley operation because of Spring Break ridership.

To allow the Trolley to safely operate during March, a supplemental inspection is needed to verify the condition of the critical portions of the trestles. OBEC provided an estimate for this work for a total not-to-exceed cost of \$12,665. Additional details are delineated in Contract Amendment #1, attached. The Riverfront Trolley Association has agreed to split the cost of the supplemental inspection (\$6,332.50) because it is a necessary step to allow operation for Spring Break.

The additional inspection work does not guarantee Trolley operation, but will assist Staff in determining whether safe operation can be permitted. Based on the information available, we anticipate being able to permit operation with only minor temporary repairs, ahead of the larger maintenance project.

The supplemental inspection work will also provide City staff and the Consultant with information necessary to structure the project in the most cost effective way possible. While an exact figure has not been determined, this is critical because it is appearing the initial cost estimate may be higher than anticipated.

Funding is available for Contract Amendment #1 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. The final construction cost estimate is anticipated to be available in February 2017 and will be presented prior to consideration of a supplemental budget. A supplemental budget could be brought to Council for consideration in March 2017, with a construction contract anticipated in April 2017.

The City Attorney has reviewed Contract Amendment #1 and approved it as to form.

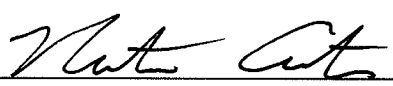
RECOMMENDATION

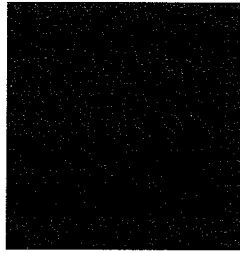
It is recommended that City Council approve Contract Amendment #1 for additional inspection services for the 2017 Trolley Trestle Repair Project.

Submitted By


Ken P. Cook, Public Works Director

Prepared By


Nathan Crater, Assistant City Engineer



**CONTRACT AMENDMENT #1
BETWEEN
THE CITY OF ASTORIA AND OBEC CONSULTING ENGINEERS
FOR
TROLLEY TRESTLE REPAIR PROJECT 2017**

The AGREEMENT dated October 10, 2016, by and between THE CITY OF ASTORIA, hereinafter called "THE CITY" and OBEC Consulting Engineers, Inc., hereinafter called "CONSULTANT", is hereby amended as follows:

Amend Scope of Services of the AGREEMENT for additional short term evaluation and inspection, see attached scope and fee in Attachment A.

Amend the terms of the AGREEMENT to include additional contract time as follows. All work shall be completed prior to September 30, 2017.

Amend Compensation of the AGREEMENT to increase contract amount by \$12,665.

IN WITNESS WHEREOF, THE CITY AND CONSULTANT have executed this AMENDMENT as of _____, 2017.

THE CITY OF ASTORIA a municipal
corporation of the State of Oregon

CONSULTANT:
OBEC Consulting Engineers

BY: _____
Arline LaMear Date
Mayor

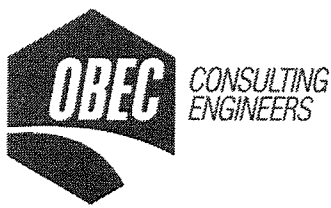
BY: _____
Consultant Date

BY: _____
Brett Estes Date
City Manager

Approved as to form:

Digitally signed by
com.apple.idms.appleid.prd.49317566476d4a3
867754144546f59324e744d354e773d3d
DN:
cn=com.apple.idms.appleid.prd.49317566476d
4a3867754144546f59324e744d354e773d3d
Date: 2016.12.09 10:24:34 -0800

Attachments: A



Attachment A

EUGENE, OR
Corporate Office
541.683.6090

LAKE OSWEGO, OR
503.620.6103

SALEM, OR
503.589.4100

MEDFORD, OR
541.774.5590

VANCOUVER, WA
360.314.2391

www.obec.com

November 10, 2016

Nathan Crater, PE
Assistant City Engineer
City of Astoria
1095 Duane Street
Astoria, OR 97103

RE: Astoria Trolley Trestle Short Term Evaluation Project, Proposal P848-0005

Dear Mr. Crater:

OBEC Consulting Engineers (OBEC) is pleased to present this proposal for engineering services related to the Astoria Trolley Trestle Short Term Evaluation Project. OBEC staff is currently working on the design and preparation of ACAD drawings for a package to solicit bids for the first phase of permanent repairs for the deteriorated timber trestle structures between Columbia Ave and the Mill Pond. The City had planned to complete the first phase of repairs in time for the March spring break tourist season, when the trolley normally opens for the season. It has become evident procurement for and execution of these repairs will require more time than is available to meet the March opening dates. The City now wishes to evaluate the deteriorated condition of each critical structural element of the trestles to determine if the trolley can safely run for only the spring break season with no or minimal repairs. We recommend the following scope of work to perform this evaluation:

Scope of Work

- **Task 1 – Project Management and Coordination:** The major objectives of this task are to establish the lines of communication and set forth the priorities between Consultant and the City, coordinate and attend meetings between Consultant and the City as needed, and ensure all contract document preparation is submitted and approved in a timely manner.

Deliverable:

A monthly invoice including a Project progress report.

- **Task 2 – Analysis:** Using the data from the inspection completed in June of 2016, OBEC will determine which elements may be in a state of deterioration that is critical for Trolley operations. We will then analyze those critical elements utilizing the existing reduced cross sectional properties to determine the trestle load carrying capacity in the short term. The only loads to be considered are the trolley and an ODOT Type 3 truck (if the trestle is accessible to a truck). Elements that are not found acceptable for the short term will be designated for further inspection. This additional inspection will focus on the exact location of the deterioration and more precise measurements of cross sectional loss. The analysis will then be re-visited to see if the deteriorated cross section can be approved



for the short term. If not, OBEC will consider options for practical temporary repairs to allow the City to open the trolley for the spring break season.

○ Assumptions and Clarifications:

- No allowance is included here for design or drawings for the temporary repairs. If temporary repairs are required, OBEC will immediately provide a fee proposal to the City to perform that work.
- It is important to note that the June 2016 inspection was based on visual observation, representative hammer soundings and core sampling. The possibility exists that latent or hidden defects were not detected during the course of the inspection.
- Latent or hidden deficiencies may be discovered during construction of any potential required temporary repairs and may require a change or expansion of the repair design.

Deliverable:

Structural calculations stamped by an engineer registered in the state of Oregon.
One (1) electronic PDF will be provided.

- Task 3 – Inspection : Under this task, OBEC will perform an on-site inspection of the critical structural elements identified in Task 2 to ascertain the current condition and more precise extents of deterioration to accommodate further analysis for load capacity. An Oregon DOT/FHWA-certified Bridge Inspection Team Leader and assistant will perform this inspection in accordance with the current Manual for the Condition Evaluation of Bridges as published by the American Association of State Highway and Transportation Officials (AASHTO) as well as the Federal Highway Administration (FHWA) Bridge Inspector's Reference Manual.

○ Assumptions and Clarifications:

- The allowance for inspection time is one day with round trip travel time for two people, or 24 hours, with additional prep time of 4 hours.
- The inspection will take place from land and by boat as tides permit.

Deliverable:

Summary inspection report

- Task 4 – Summary Report: Prepare report summarizing OBEC's analysis results and recommendations for the short term operation of the Trolley

Deliverable:

Summary Report



Services Excluded

The following services are not included in this Scope of Work:

- Geotechnical design
- Seismic Analysis
- Cost estimating
- Environmental permitting
- Application for a building permit
- Construction Management

Schedule

OBEC can begin analysis work immediately upon Notice to Proceed. The analysis, inspection, and summary report will be complete within six weeks of notice to proceed.

Fee Estimate

The estimated fees for these engineering services are detailed in the attached spreadsheet. Labor rates are based on OBEC's 2016 salary rate table, attached for your reference. OBEC proposes to complete the services outlined in our scope of work on a time-and-materials basis for an estimated fee not to exceed (NTE) **\$12,665**. The estimated fee will not be exceeded without prior written authorization from The City of Astoria. Any changes to the scope of work, whether requested by the City or due to other circumstances, will be documented in writing and promptly communicated to the City.

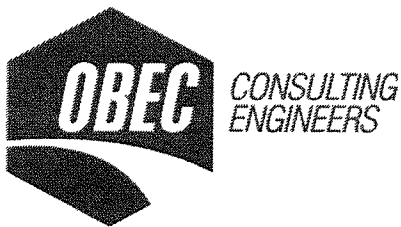
We trust this proposal provides you with the information required for this Trolley Trestle Evaluation project and hope that it meets with your approval. If you have any questions, please do not hesitate to contact me at 360-334-3250.

Sincerely,

X *Jennifer Carlson*

Signed by: Jenny Carlson

Jenny Carlson, PE, SE
Senior Project Manager



2016 Salary Grade & Hourly Rates

Personnel Classification

Principal/President \$255

Design

Division Manager 3	\$215
Division Manager 2	\$198
Project Manager 3	\$198
Engineer 8	\$198
Division Manager 1	\$166
Project Manager 2	\$166
Engineer 7	\$166
Project Manager 1	\$154
Engineer 6	\$154
Utility Coordinator 3	\$133
Transportation Planner	\$133
Engineer 5	\$133
Designer 4	\$116
Engineer 4	\$116
Sr. Environmental Specialist	\$116
Utility Coordinator 2	\$116
Utility Coordinator 1	\$102
Designer 3	\$102
Engineer 3	\$102
Environmental Specialist 3	\$102
Designer 2	\$90
Engineer 2	\$90
Environmental Specialist 2	\$90
Designer 1	\$82
Engineer 1	\$82
Environmental Specialist 1	\$82
Drafting Supervisor	\$133
Sr. CAD Drafter	\$102
CAD Drafter 4	\$90
CAD Drafter 3	\$82
CAD Drafter 2	\$72
CAD Drafter 1	\$60

Surveying

Division Manager 1	\$166
Project Surveyor-Team Lead	\$133
Project Surveyor	\$116
Survey Tech 3	\$90
Survey Tech 2	\$72
Survey Tech 1	\$60

Travel/Reimbursable Expenses:

Mileage: ODOT Current Rate
Reimbursable job costs will be invoiced at cost.

Personnel Classification

Principal/Vice President \$245

Construction

Division Manager 3	\$215
Division Manager 2	\$198
Construction Project Manager 3	\$198
Division Manager 1	\$166
Construction Project Manager 2	\$166
Construction Project Manager 1	\$154
Assistant Project Manager 1	\$133
Construction Engineer 5	\$154
Construction Engineer 4	\$133
Construction Engineer 3	\$116
Construction Engineer 2	\$102
Engineering Tech 4	\$116
Engineering Tech 3	\$90
Engineering Tech 2	\$72
Engineering Tech 1	\$66
CECOP	\$60

Administration

IT Manager/HR Manager/Marketing Manager	\$166
Proposal Manager	\$116
Contract Administrator	\$116
Database Controller	\$102
Sr. Proposal Coordinator	\$102
Project Accountant/Project Controller	\$102
Proposal Coordinator/Sr. Graphic Artist	\$90
Network Administrator 1	\$90
Administrative Assistant 4/Sr. Billing Clerk	\$82
Marketing Coordinator 1/Graphic Artist	\$82
Administrative Assistant 3/Sr. Accounting Clerk	\$72
Administrative Assistant 2/Accounting Clerk 2	\$66
HS Interns/File Clerks	\$40

Equipment Charges:

Special equipment @ direct rental cost