

AGENDA
HISTORIC LANDMARKS COMMISSION

Astoria City Hall Council Chambers, 1095 Duane Street, Astoria

Tuesday, August 20, 2013, 5:15 p.m.

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES
 - a. July 16, 2013
4. PUBLIC HEARINGS
 - a. Historic Designation HD13-03 by Jared Rickenbach, Rickenbach Construction for Bornstein Seafoods, Inc. to designate the Bornstein Cannery Building (formerly the New England Fish Co.) as a historic landmark at 2 - 7th Street in the A-2, Aquatic Two Development zone. The designation would be of the proposed configuration of the building as indicated in the plans submitted with the application. Staff recommends approval of the request with conditions.
5. REPORT OF OFFICERS
 - a. Adair-Uppertown Historic Inventory – The City has been notified by the State Historic Preservation Office that the Adair-Uppertown Reconnaissance Level Survey has been approved and accepted as complete.
6. ADJOURNMENT
7. WORK SESSION
 - a. Solar Energy Ordinance Draft – The HLC will discuss the proposed Solar Energy Ordinance as it relates to historic design review.

HISTORIC LANDMARKS COMMISSION MEETING

City Council Chambers

July 16, 2013

CALL TO ORDER – ITEM 1:

A regular meeting of the Astoria Historic Landmarks Commission was held at the above place at the hour of 5:17 p.m.

ROLL CALL – ITEM 2:

Commissioners Present: President LJ Gunderson, Vice President Michelle Dieffenbach, Commissioners Jack Osterberg, Thomas Stanley, and Mac Burns.

Commissioners Excused: Kevin McHone

Commissioners Absent: Paul Caruana

Staff Present: Community Development Director Brett Estes, City Attorney Blair Henningsgaard and Planner Rosemary Johnson.

APPROVAL OF MINUTES – ITEM 3(a):

President Gunderson called for any changes to the June 18, 2013 minutes. There were none. Commissioner Stanley moved to approve the minutes of the June 18, 2013 Historic Landmarks Commission meeting; seconded by Commissioner Burns. Motion passed unanimously.

PUBLIC HEARINGS:

President Gunderson explained the procedures governing the conduct of public hearings to the audience and advised that the substantive review criteria were listed in the Staff report.

ITEM 4(a):

HD 13-02 Historic Designation HD13-02 by Jerry Ostermiller and Lynn Johnson to designate the existing single family dwelling as historic at 390 Franklin in the R-2, Medium Density Residential zone.

President Gunderson asked if anyone objected to the jurisdiction of the Historic Landmarks Commission (HLC) to hear this matter at this time. There were no objections. President Gunderson asked if any member of the HLC had a conflict of interest, or any ex parte contacts to declare. President Gunderson declared that she is a neighbor and friend of the Applicants. She and the Applicants have not discussed the application and her relationship with the Applicants will not affect her decision. Commissioner Burns declared that he and Mr. Ostermiller had been colleagues when Mr. Ostermiller was at the Columbia River Maritime Museum, but he can be impartial in this matter. President Gunderson requested a presentation of the Staff report.

Planner Johnson presented the Staff report, noting one letter of objection had been received from George McCartin that was not received in time to include in the Staff report. Copies of the letter were distributed to the Commissioners. Mr. McCartin objects to the alterations that have been done to the building, including the carport, and does not consider this style of building to be historic. Staff recommends approval of the request.

The Commission reviewed the letter of objection from Mr. McCartin. President Gunderson opened public testimony for the hearing and asked for the Applicant's presentation.

Lynn Johnson, 390 Franklin, Astoria, believed the house is historic because it is one of the first passive solar houses in Astoria. The design is from an Astoria architect and the first female architect in Oregon. The house looks like a doublewide mobile home from the street; however, the interior of the house is amazing. The interior includes Douglas fir beams, mahogany paneling, and huge windows. The Applicants believe it is a historic house by now in Astoria. She believes the carport was part of the original design as it was included in the blueprints and

the builder's specifications. The deck that is visible from the street was replaced when the Applicants moved into the house. The original deck was an enclosed deck located in the small area in between the two wings. Another deck located to the east was falling apart when the Applicants moved in, so they replaced that deck. A new roof has been installed, but it has not changed anything about the house. The Applicants have done some painting, added new carpet, and installed a new furnace and water heater, but everything else is essentially as they found it; they are the second owners of the house. They were surprised to find the blueprints and builder's specifications in the house when they moved in.

Commissioner Osterberg asked if the Applicant believed the carport conforms to the plans included in the Staff report labeled South Elevation. Ms. Johnson answered yes, noting Blair Henningsgaard was in Astoria when the house was built and should remember whether the carport was built with the house or added later. She confirmed that the carport looks exactly like the plans. Commissioner Osterberg understood that the carport was built some time after the house, but was constructed according to the original architectural plans. Ms. Johnson believed the carport was built at the same time as the house because it is connected with stairs that go up to the house. Also, a 6 foot by 20 foot storage area was built on the carport. The original plans called for a doorway and walkway from the southwest bedroom to the top of the carport and a deck on top of the carport, which was not constructed. She is certain that the carport and storage area were built at the same time because they are connected with the sloping driveway.

President Gunderson called for any presentations by persons in favor of, impartial to, or against the application.

Blair Henningsgaard, 1482 Jerome, Astoria, spoke impartial to the application. He said he remembered when the house was built. The construction was of note in the community because of its location, and because the architect and the owner of the house were famous in the community. As a child, he would watch the construction of the house because there was a lot of public interest in it, as the house does not look like other houses in Astoria. The carport has always been part of the property. During that time, cars were longer, and a longer car would not be able to drive up the driveway on the east side.

Elaine Saunders, 2854 Grand, Astoria, asked if the house had sliding windows. Ms. Johnson replied the house has one sliding door that opens to the patio. Ms. Saunders said her issue was trying to adhere to other homes that are historic in the area where she would be building, and one item was no sliding windows. She asked how approving the designation may affect someone wanting to build something in Ms. Johnson's neighborhood. Could another house of the same style be built in the neighborhood or one that looks like homes that one would normally consider historic? Planner Johnson explained that new construction in a historic neighborhood must be compatible with adjacent historic properties. Staff considers specific features of multiple historic properties in an area. Sliding windows would not be approved in the Adair-Uppertown neighborhood, which is Ms. Saunders' neighborhood, as there are no mid-century designated homes in that area. In the Hobson-Flavel neighborhood, a more modern house compatible with Ms. Johnson's home would be acceptable. Criteria are specific to each neighborhood and building, not to the entire city. Ms. Saunders noted that unfortunately, the home next to hers has sliding windows, but it is not a historic property. Director Estes added that historic homes that are more modern require a different approach. Homes built in the 1950s and 1960s are now eligible to become designated as historic. Any home at least 50 years old and of historic significance is eligible for historic designation.

President Gunderson called for any closing remarks from Staff. Planner Johnson noted that she only included one page of the plans in the Staff report; there were other parts to the permits. Also, everything displayed on the computer monitor is included in the Staff report, so there is nothing to add to the record.

President Gunderson closed the public testimony portion of the hearing and called for Commission discussion and deliberation.

Commissioner Stanley stated the HLC has approved historic designations of homes that have had changes and additions over time, which became part of the history of the house. He appreciated the letter of objection as it shows concern for Astoria's heritage. However, part of Astoria's heritage is changes. He sees changes and additions to this property as part of the history of the home therefore, he supports the application.

Vice President Dieffenbach believes the house, because of its history and style, is a wonderful example of the Pacific Northwest Regional style. The home has a place in history and she supports the application.

Commissioner Osterberg supported the application as all the requirements for being included as a historic landmark have been met. He disagreed with comments in the letter of opposition about the style of the home. Including mid-century modern architecture and not focusing on Victorian and Craftsman era homes is good for Astoria. He hopes to see more good examples of mid-century modern architecture. Regarding Mr. McCartin's objection to the carport, he stated that the carport appears to have been originally conceived by the architect and appears to be built exactly as planned. While he appreciates Mr. McCartin's thoughtful letter, he does believe the historic designation is appropriate.

Commissioner Burns agreed, adding that it is exciting to recognize historic styles other than Victorian. Ebba Wicks Brown is significant to the history of Oregon and he supports the application.

President Gunderson echoed the comments made, adding it is exciting to start considering different styles of architecture. She supports the application.

Vice President Dieffenbach moved that the Historic Landmarks Commission adopt the Findings and Conclusions contained in the Staff report and approve Historic Designation HD13-02 by Jerry Ostermiller and Lynn Johnson; seconded by President Gunderson. Motion passed unanimously.

President Gunderson read the rules of appeal into the record.

ITEM 4(b):

NC 13-03 New Construction NC13-03 by Elaine Saunders to construct a two-car garage with a studio above for an existing two-family dwelling at 2854 Grand in the R-2, Medium Density Residential zone.

President Gunderson asked if anyone objected to the jurisdiction of the Historic Landmarks Commission (HLC) to hear this matter at this time. There were no objections. President Gunderson asked if any member of the Historic Landmarks Commission had a conflict of interest, or any ex parte contacts to declare. None declared. President Gunderson requested a presentation of the Staff report.

Planner Johnson presented the Staff report, which recommends approval with conditions. Because the 5-foot or 10-foot setback would be compatible with the other setbacks of historic and non-historic properties in the area, Staff recommends that the approval include either the 5-foot or 10-foot setback, depending on the variance approval. One piece of correspondence has been received, which is included in the packet.

Commissioner Osterberg noted that Franklin Avenue was referenced on Page 3 of the Staff report. Planner Johnson agreed the sentence "The rear yard is not visible from Franklin but is visible from the alley." should be removed.

Commissioner Osterberg understood why Staff recommended Conditions 1 and 2; however the Finding for Criterion B is that the proposed structure is compatible. He asked if Staff meant that the proposed structure would be compatible upon the adoption of Conditions 1 and 2. Planner Johnson confirmed that is correct and added language to the last paragraph of Criterion B on Page 6 stating, "With the conditions noted, the proposed structure".

President Gunderson opened public testimony for the hearing and asked for the applicant's presentation.

Elaine Saunders, 7541 SW Capitol Hill Rd, Portland, OR stated she was available to answer questions.

Commissioner Osterberg noted that two different garage styles appear to be shown on Page 2 of the Staff report. He asked which style is being proposed, or if the Applicant is asking the HLC to consider both styles. Ms. Saunders explained the elevation drawing was taken from a packaged plan, which she discussed with Planner Johnson. She clarified that she wants lights so she is proposing that shown in the bottom drawing.

Commissioner Osterberg recalled Ms. Saunders describing how she would paint or treat the door in some way to make it appear to be two smaller doors. Ms. Saunders answered yes, she would have done that; she was unsure what type of doors would be available, but would like the 16-foot door to appear as two separate doors, as shown

in the picture. Commissioner Osterberg said she would have to find out what the manufacturer can produce or just paint the door.

Ms. Saunders asked what Condition 2 stated. Planner Johnson replied that the windows must be installed to the same historic depth, how far in the windows are from the plane of the house, so that the glass is not in line with the plane of the house, but setback.

President Gunderson called for any presentations by persons in favor of, impartial to, or against the application. Seeing none, she closed the public testimony portion of the hearing and called for Commission discussion and deliberation.

The Commissioners concurred with the recommendations by Staff.

Commissioner Osterberg moved that the Historic Landmarks Commission adopt the Findings and Conclusions contained in the Staff report with the following corrections: Page 3, Paragraph 1, delete Sentence 2. Page 6, Paragraph 4, add: "With the conditions noted, the proposed structure", and approve New Construction NC13-03 by Elaine Saunders; seconded by Commissioner Burns. Motion passed unanimously.

President Gunderson read the rules of appeal into the record.

Ms. Saunders asked if her house on Grand was considered historic. Planner Johnson replied the house is designated as historic. Ms. Saunders asked why the house at 390 Franklin was not automatically designated as historic. Planner Johnson explained that entire neighborhoods are inventoried periodically. The Adair-Uppertown neighborhood was recently inventoried and about 170 buildings were designated as historic. In addition to designations resulting from an inventory, an individual property owner can apply for the historic designation. The Hobson-Flavel neighborhood has not been inventoried, so the prior agenda item applicant, Ms. Johnson, requested an individual designation.

Ms. Saunders asked if Staff would deal with the variance, noting she believes her neighbors were concerned about the garage being 5-feet from the sidewalk. Planner Johnson replied Staff would discuss the variance issues with Ms. Saunders separately. Director Estes added that variances are approved via a separate process.

ITEM 4(c):

ITEM 4(c):

A 13-03 Amendment A 13-03 by Brett Estes, Community Development Director, City of Astoria, to amend Development Code Article 6, Historic Properties, to include the new State classification terms for historic properties; to establish Type I, II, and III permit levels of review to allow more administrative review, City Wide. Staff recommends that the Historic Landmarks Commission forward the amendment to the City Council for adoption.

President Gunderson asked if anyone objected to the jurisdiction of the Historic Landmarks Commission (HLC) to hear this matter at this time. There were no objections. President Gunderson asked if any member of the HLC had a conflict of interest, or any ex parte contacts to declare. None declared. President Gunderson requested a presentation of the Staff report and recommendations.

Planner Johnson presented the Staff report along with additional amendments that she made after the meeting packets were distributed. Copies of the amendments, which were based on Commissioner comments over the last few days, were distributed to the HLC.

- She explained that in response to Commissioner comments, Staff worked to tighten up some of the more subjective Code sections that did not have clear and concise criteria so they were more in line with land use regulations. She reviewed some the new Code changes with these comments:
 - Criteria were added for Historic Designation. These criteria, which were taken from the evaluation sheet used when doing historic designations, must be in compliance with the Comprehensive Plan.
 - Section 6.050.C.2 regarding Type I permits was amended to clarify that criteria must be addressed.

- In Section 6.050.C.2(a)(1), the term “highly visible” which is discretionary, has been removed. Language was also added stating, “Mechanical equipment or other items on a street elevation may be up to one square foot.” Therefore, anything larger would have a more detailed review.
- Section 6.050.C.2(a)(3) was amended to state, “Will not result in an increase in the envelope.” Envelope is now defined as the exterior of the enclosed building, which would exclude decks and stairs.
- In Section 6.050.C.2(f), the reference to T1-11 skirting was removed as it is a product name brand. Because more modern buildings are coming in that may have used more contemporary materials, language was added stating, “Skirting must be compatible with the structure.”
- Section 6.050.D clarified that all of the criteria must be met and the first sentence amended to state, “Projects that are limited in scope or an alteration of less than 10% of the footprint that meets the criteria below are classified as Type II Certificate of Appropriateness permits.” Footprint is defined to include all structures built 12 inches above grade; therefore, footprint would include stairs, decks, and anything on the outside of the building.
 - Type II permits come before the Historic Preservation Officer for review and allow for up to a 10% increase in footprint on the rear or non-visible elevations. Additionally, the envelope of the building cannot be increased.
- Section 6.050.D.2(e) was amended to allow the Historic Preservation Officer to review changes to an existing, non-conforming deck of less than 10%; otherwise, changes will come to the HLC.
- Section 6.050.D.2(j) was amended to allow a Type II review through the Historic Preservation Officer for improvements, including new design, size or material, that are consistent with existing historic features, including those that are an improvement compared to what currently exists. Currently, the Code requires any proposals that are a historical improvement to come before the HLC.
 - Public review will still be required.
 - “Consistent with” is now defined, per the Historic Preservation Ordinance, as, “Similar to the original historic feature in design, size, and raw material, or would meet the commonly acceptable intent of the original feature.” Department of Land Conservation and Development (DLCD) representative Patrick Wingard advised Staff that this definition would be appropriate to remove the discretionary element while still provide flexibility.
- In Section 6.050.F, a sentence was deleted from the second paragraph about the criterion/guidelines/standards for exterior alteration is not an exclusive list as this opens up the number of things that can be reviewed.
- Staff recommends that the HLC forward the proposed amendments to the City Council with a recommendation for approval.
- Additional correspondence has been received that is not contained in the packet; a letter from George McCartin citing concerns with solar energy and requesting that the HLC require disclosure of historic designations as part of real estate transactions.
 - She explained that concerns regarding solar energy will be addressed under a separate Code amendment. A solar energy code will be presented to the Astoria Planning Commission in the next few months for consideration and recommendation to City Council. The proposed code includes criteria for applying solar energy to historic properties. These criteria, which are based on National Park Service and State Historic Preservation Office recommendations regarding applications of solar energy, were reviewed by the HLC in 2012.
 - Real estate laws require disclosure of any information that is known about a property. However, some realtors and property owners are unaware of historic designations. State law prohibits the addition of historic designation to the deed or the assessor records. The City is currently working toward getting the new Geographic Information System (GIS), which would note the historic designations of each property, on the City’s website and therefore, accessible to all realtors, property owners, and citizens. The City cannot require or codify that realtors advise about historic designations.

Commissioner Osterberg understood Mr. McCartin was requesting that installing solar panels on a historic structure be made easier for homeowners. He asked where solar panels were referenced in the ordinance. Planner Johnson reiterated that a separate solar ordinance addressing the installation of solar panels on historic structures would come before the HLC and Planning Commission for review and adoption separately. The solar ordinance has not been finalized and Staff did not want to postpone the amendments currently being proposed.

Commissioner Osterberg noted that Oregon State Law regulates real estate transaction disclosures. Neither the HLC nor City Council can require disclosure of historic designations. He asked for clarification of the terms "design review" and "historic design review." Planner Johnson replied that both terms, as used in Article 6 of the Development Code, refer to historic properties. Article 14 of the Development Code, regards non-historic design review codes, which fall under the jurisdiction of the Design Review Committee. Commissioner Osterberg suggested the term "historic" be added to "design review", "design review criteria" and "design review process" throughout Article 6. City Attorney Henningsgaard agreed, noting other examples. Consistency with the language will make the Code more clear that it only refers to historic properties. Commissioner Osterberg suggested that Staff update the language prior to presenting the Code amendment to City Council.

President Gunderson opened public testimony for the hearing, noting that presentation of the Staff report served as the Applicant's presentation. She called for any presentations by persons in favor of, impartial to, or against the application. Hearing none, she closed the public testimony portion of the hearing and called for Commission discussion and deliberation.

President Gunderson appreciated Commissioner Osterberg's suggestion and favored forwarding the amendments to City Council for approval. Commissioner Stanley appreciated the reduction of bureaucracy. Commissioner Osterberg added that he appreciates the amendments as other jurisdictions have had success with the Type I, II, and III process. Some property owners may believe the new process is more cumbersome. However, Staff can easily explain the simplicity and cost savings of the new process. Staff's consideration of the entire ordinance was very thorough and comprehensive.

Vice President Dieffenbach supported the amendments. Several of the issues addressed by the amendments have been discussed over the years and it is good to see them revised and placed in the Code. Commissioner Burns said he supports any changes that simplify the process, so he supports the amendments. President Gunderson agreed the amendments make the process more user-friendly.

Commissioner Osterberg moved that the Historic Landmarks Commission adopt the Findings and Conclusions contained in the Staff report with the clarifications and amendments presented by Planner Rosemary Johnson, approve Amendment A 13-03 as requested by Brett Estes, Community Development Director, City of Astoria to amend Development Code Article 6, Historic Properties and forward the revised amendment to City Council for adoption; seconded by Commissioner Burns. Motion passed unanimously.

Planner Johnson announced the amendments were scheduled for public hearing at the August 5, 2013 City Council meeting.

REPORTS OF OFFICERS/COMMISSIONERS – ITEM 5:

No reports.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 6:20 p.m.

ATTEST:

APPROVED:

Secretary

Community Development Director /
Assistant City Manager

STAFF REPORT AND FINDINGS OF FACT

August 13, 2013

TO: HISTORIC LANDMARKS COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER



SUBJECT: HISTORIC DESIGNATION (HD13-03) BY JARED RICKENBACH FOR
ANDREW BORNSTEIN TO DESIGNATE 2 7TH STREET AS A LOCAL
LANDMARK

I. BACKGROUND SUMMARY

- A. Applicant: Jared Rickenbach
Rickenbach Construction
37734 Eagle Lane
Astoria OR 97103
- B. Owner: Andrew Bornstein (application)
PO Box 1290
Astoria OR 97103

Bornstein Seafoods Inc.
PO Box 188
Bellingham WA 98227-0188
- C. Request: To designate an individual property as a Local Landmark
with the building condition/configuration as proposed in the
attached plans
- D. Location: 2 7th Street; Map T8N-R9W Section 8CB, Tax Lot 700

II. BACKGROUND

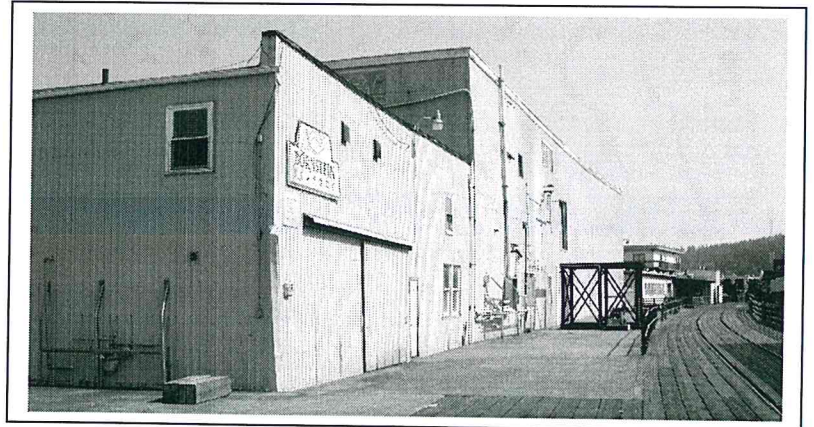
The structure is within the Downtown Historic Inventory Area (not within the National Register Historic District) and was classified as Historic Non-contributing.

Year Built: 1924; 1942 Addition

Style: Industrial Vernacular

Historic Name:
New England Fish Company

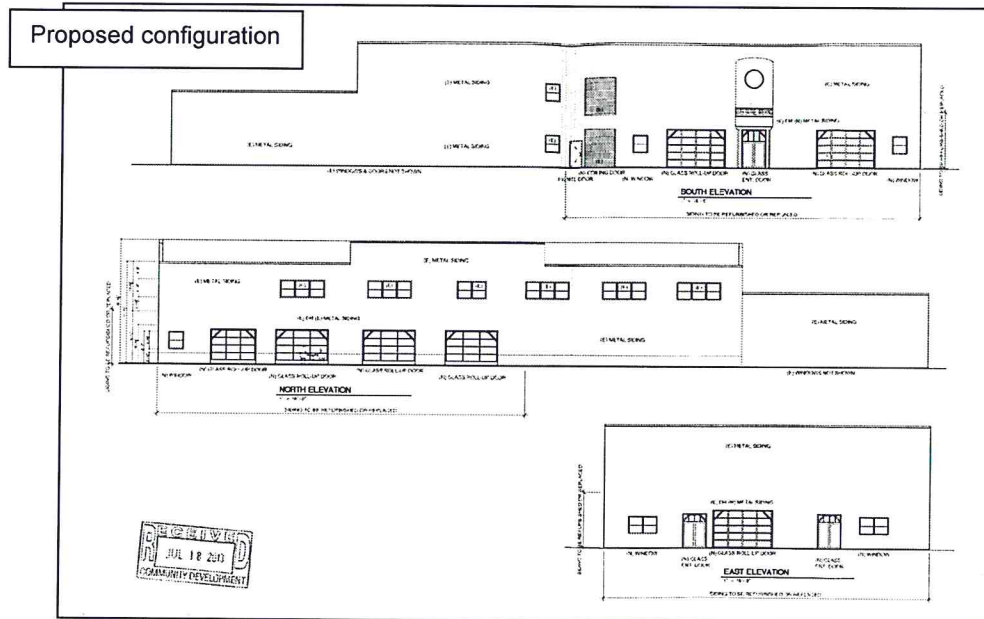
Common Name:
Bornstein Seafood



The structure is located over the water on the north side of the trolley tracks between 7th and 8th Streets. It was classified as Historic Non-Contributing in the Downtown Historic Inventory. It was not designated in 1990 as historic due to the corrugated metal siding that obscured the original windows and siding. This portion of the Downtown Inventory Area was omitted from the Downtown National Register District as most of the buildings did not contribute to the 1924 period of primary construction of the District.

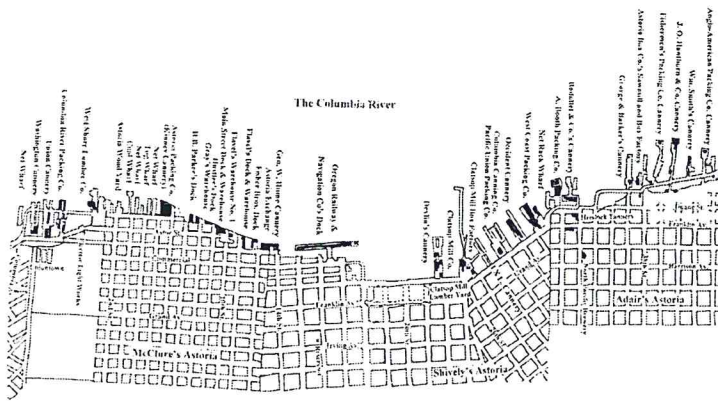
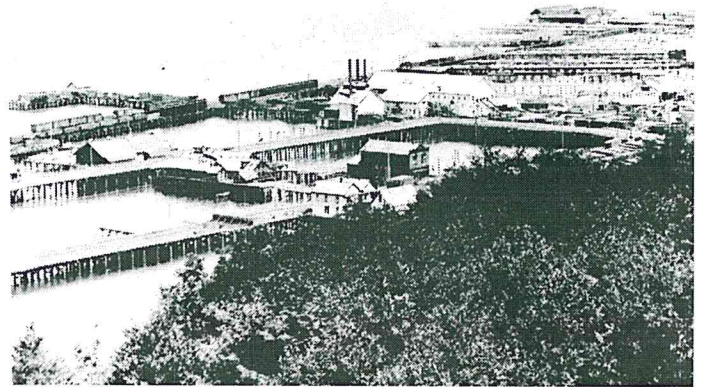
The metal siding was added circa 1950's which is over 50 years old and therefore, the alterations may have acquired historic significance as they are over 50 years old and the building could be designated as historic for the 1950's / 1960's period. The building was remodeled in 1942 with a large east addition.

The building originally had multiple windows and large bay door openings. These were covered over with corrugated metal siding as the nature of the processing industry changed and the multiple openings were no longer needed. The applicant has submitted plans for the building which include installation of several windows and openings to allow more natural light into the building and open up views to the River. These alterations are part of the proposal before the HLC and would be the design proposed for designation. The applicant would not be required to submit a separate Exterior Alteration Request for these features.



The Astoria waterfront has slowly lost most of its waterfront industrial / seafood processing buildings. In 1892, there were over 40 waterfront fishing industry buildings. These buildings changed as the industry evolved. They went from wood "over the water" buildings to metal sided buildings with concrete floors to accommodate the weight of the machinery, cold storage, and fish processing. Windows originally needed for human production line work were covered over as the mechanical processing became more prevalent.

Canneries, docks, & piers

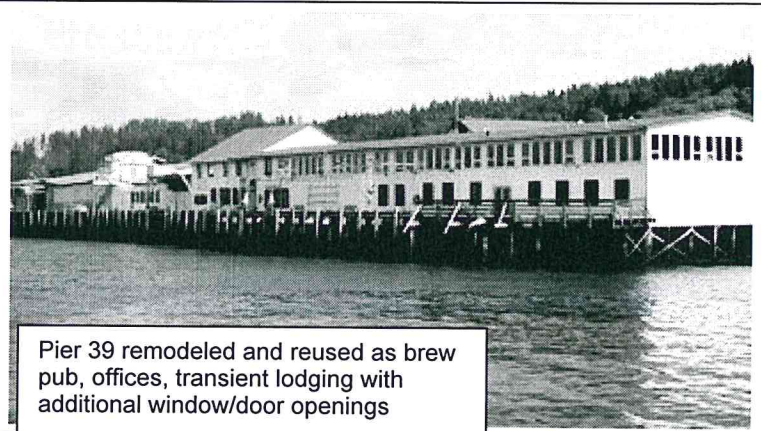
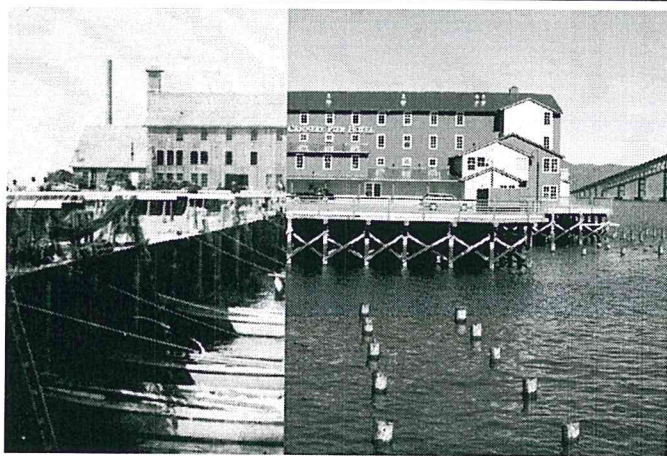


Astoria's Waterfront in 1892

From the Sanborn Insurance map on microfilm at the Astoria Public Library. By 1892, many of these canneries were no longer in operation and were used mainly as warehouse. Astoria Packing and Columbia River Packing companies had taken over many of them. There were other canneries along the waterfront in Astoria to the west and east of the area shown. The Sanborn Insurance maps of Astoria from 1884 and 1896 are also on microfilm at the library.

The applicant has researched the structure history and photographs and has included that information with the application. The history of the waterfront seafood industry in Astoria is the primary focus of this application rather than the actual architectural style of the building. With the continued loss of the earlier waterfront industrial buildings, the waterfront no longer displays the same "activity" it once did. Deteriorating pile fields, for the most part, are the only remaining indication that the waterfront was once a thriving seafood processing area. The applicant wishes to preserve some of this "working waterfront" appearance by the designation of the Bornstein Seafood plant building. However, preservation of the building would require finding an adaptive reuse for the building. The applicant proposes to locate a brewery and restaurant in the eastern half of the building which would require providing openings for views of the River. The interior of the building is proposed to be left in its "industrial" design with open beams, exposed wood structure, concrete floors, and incorporating the existing fish processing equipment such as the fish ladder into the architecture.

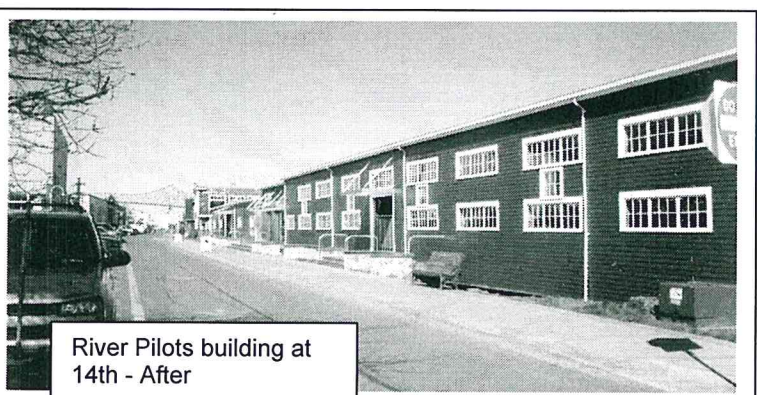
While precedence is not set by previous decisions, the following are provided just as examples of how adaptive reuse of buildings has been accomplished along the waterfront. In some cases, building have been lost and new ones designed to reflect the historic character of the waterfront.



Pier 39 remodeled and reused as brew pub, offices, transient lodging with additional window/door openings



River Pilots building at 14th - Before



River Pilots building at 14th - After

Distinctive Stylistic Features of an Industrial Vernacular: There is no specific style to these buildings. Industrial buildings were unique to the operation within the building. Most are void of any decoration and generally are either wood sided or have been covered with corrugated metal through the years. Windows and large door openings were prevalent until mechanized equipment replaced lines of human workers. The buildings evolved as the uses and processes within the building changed.

Occupants: The original use was by Owen-Peeke Feed and Grain Company for the manufacture of animal feed until 1939. New England Fish Company of Oregon purchased the building and built the 1942 addition to process and package large quantities of fish. In 1958, the building sold to Northwest Fur Breeders for the production of mink feed until 1982. Bornstein Seafoods operated a fish processing plant at the location until construction of their new facility on Pier 2 at the Port of Astoria in 2006. Since that time, the building has been vacant except for use as storage by Bornstein Seafoods.

Alterations: The building was originally constructed as a wood building in 1924 and a large east addition was constructed in 1942. The corrugated metal siding was added circa 1950's at which time many of the window and door openings were covered.

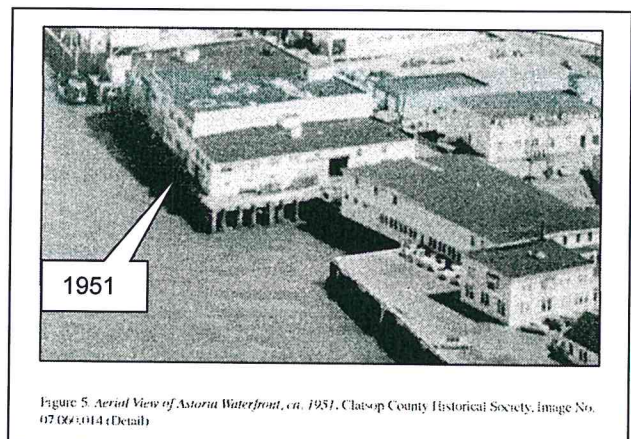
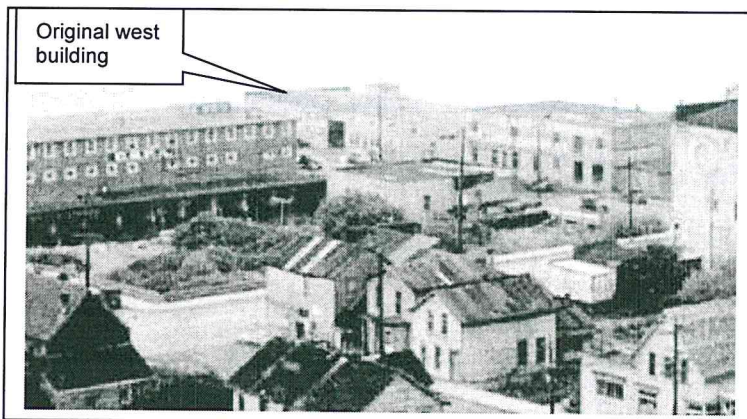
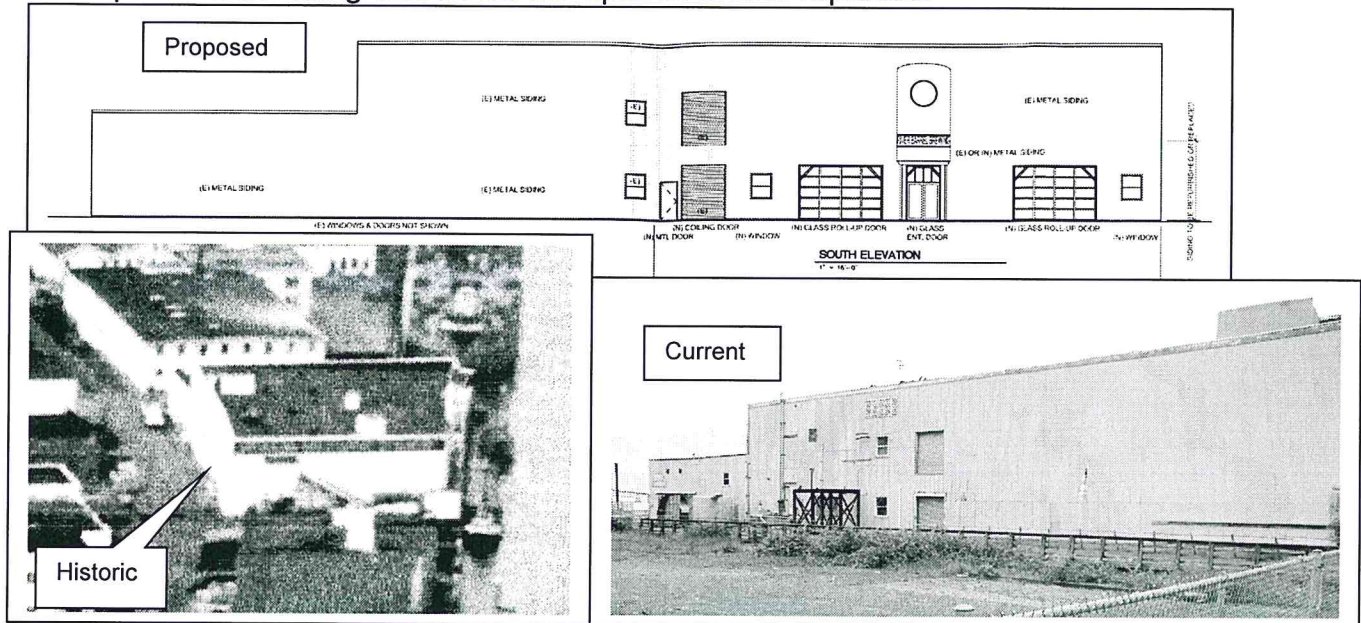


Figure 5. Aerial View of Astoria Waterfront, ca. 1951, Clatsop County Historical Society. Image No. 07.066.014 (Detail)

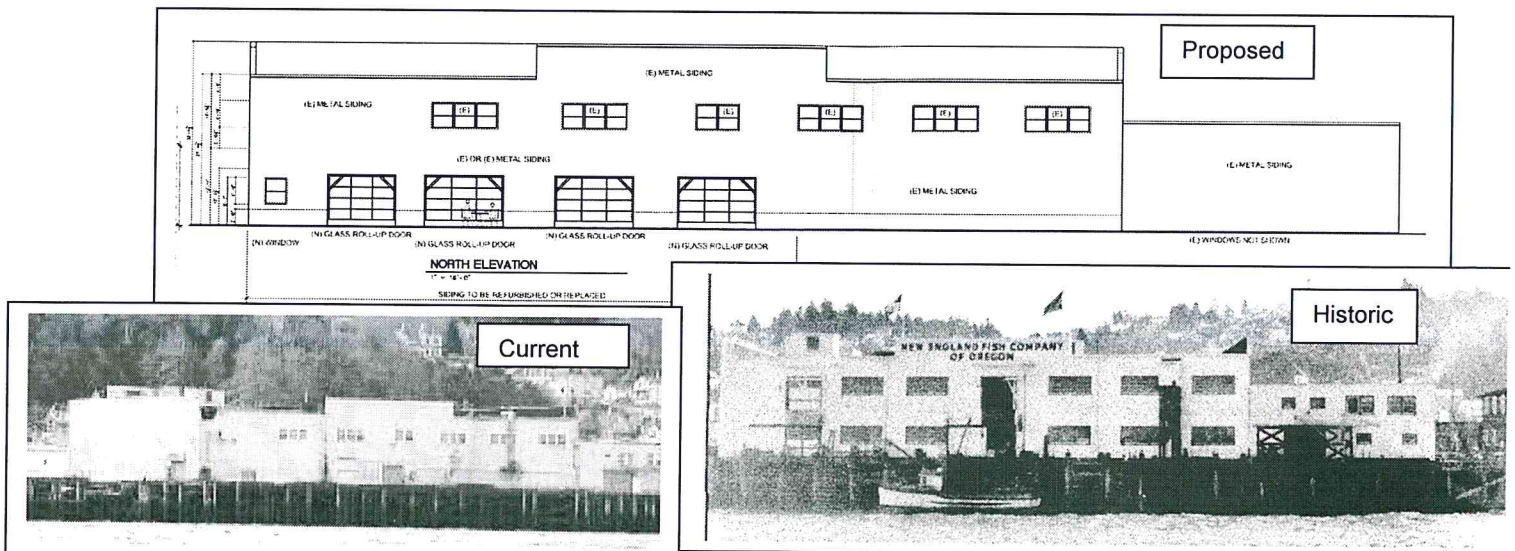
SOUTH ELEVATION:

The south elevation currently has two roll-up doors and windows on the first and second floor. Historic photos of the south elevation are very poor and it is not easy to determine what was there originally. The proposed configuration would retain the existing windows and doors and would install two recessed glass roll-up doors and a main entry doorway with grain silo canopy. The majority of the facade would remain plain metal siding that would be repaired and/or replaced.

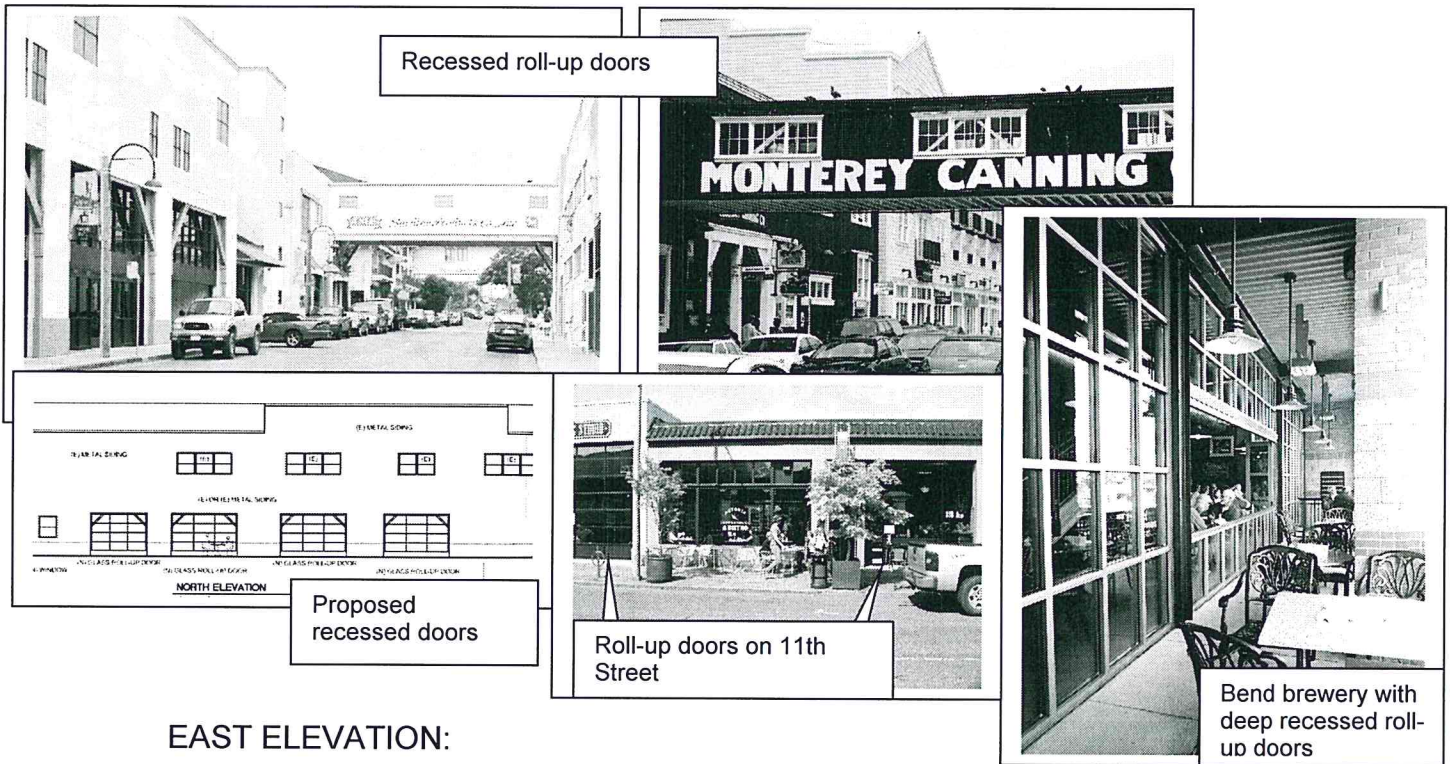


NORTH ELEVATION:

The north elevation faces the River and is not visible except by boat. This elevation is proposed to be opened up to allow viewing of the river from the proposed brewery / restaurant. Historically, there were several windows and large roll-up doors on the north elevation for the delivery and shipping of the fish and feed. The proposal is to open up several of the existing historic windows and doors with contemporary windows and doors. The original window opening size and general location would be retained.

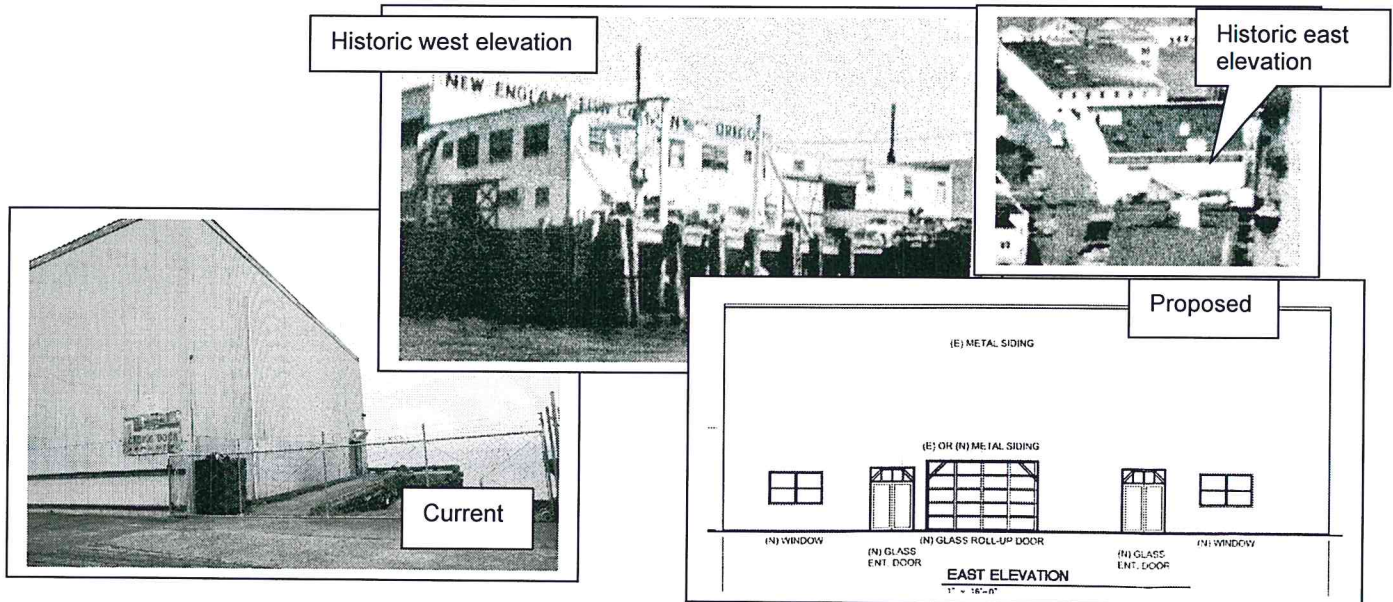


The roll-up doors on all elevations would be of glass and would be recessed to identify them as a newer addition. This is a common technique used on similar waterfront buildings in other cities. This allows for the contemporary opening while retaining the original plane of the facade.



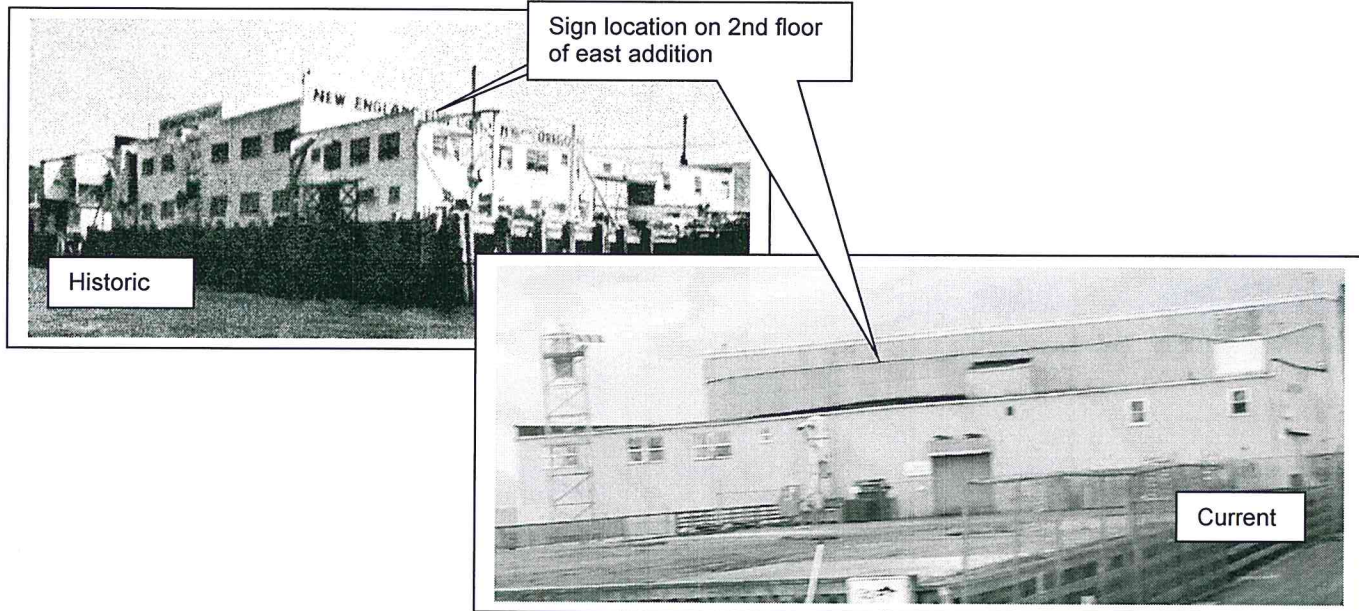
EAST ELEVATION:

The east elevation currently is a blank wall. Historic photos of the east elevation are poor but do show what appears to be a window. The historic west elevation had several windows and doors. The proposed east elevation would have a roll-up door, two entry doors, and two windows.



WEST ELEVATION:

The proposed changes to the building are mainly on the east half of the building except for siding repair and/or replacement. The applicant has indicated that when they remove the siding from the west side second floor during the repair/replacement of siding, if it reveals the New England Fish Company sign still intact, they propose to relocate the sign to the interior of the building within the restaurant area.



The HLC would be designating the building with the understanding it is being remodeled with the addition of windows and doors. These alterations are part of the proposal before the HLC and would be the design proposed for designation. The applicant would not be required to submit a separate Exterior Alteration Request for these features. Once the building is designated, any work that would deviate from the design as presented with this application would need to be reviewed by the HLC for compatibility with the historic design.

HLC Rating: The following ratings were submitted by members of the Historic Landmarks Commission for consideration of the nomination.

1. Physical Integrity	6.0	7.5	1.5	4.5	3.0
2. Architectural Significance	5.0	5.0	5.0	12.5	7.5
3. Historical Significance	12.5	12.5	10.0	12.5	12.5
4. Importance to Neighborhood	7.5	7.5	4.5	7.5	7.5
5. Symbolic Value	7.5	7.5	4.5	7.5	7.5
6. Chronology	1.5	2.5	1.0	2.5	2.5
TOTAL	40.0	42.5	26.5	47.0	40.5

AVERAGE: 39.3 (Noteworthy)

III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on July 26, 2013. A notice of public hearing was published in the Daily Astorian on August 13, 2013. Any comments received will be made available at the Historic Landmarks Commission meeting.

IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

A. The following Comprehensive Plan Policies and Goals are applicable to the request:

1. CP.250.1, Historic Preservation Goals, states that the City will *"Promote and encourage, by voluntary means whenever possible, the preservation, restoration and adaptive use of sites, areas, buildings, structures, appurtenances, places and elements that are indicative of Astoria's historical heritage."*

Finding: The Bornstein Seafood building is one of the few remaining fish processing buildings on the waterfront. It is indicative of the fishing industry and the development of Astoria's waterfront and heritage. The owners want to save the building to preserve this heritage and allow people to experience the interior of the building and its construction. They propose an adaptive use of the building as a brewery and restaurant that would generate the financial support needed to allow the building to be preserved. The owner is voluntarily asking for the designation and all of the restrictions that come with owning a historic building in order to help preserve this part of Astoria's history.

2. CP.250.2, Historic Preservation Goals, states that the City will *"identify and encourage the inclusion of as many qualified buildings and structures as possible on the National and/or State register of historic places, and maintain a City registry under the stewardship of the Historical Buildings and Sites Commission."*

Finding: The City of Astoria maintains a register of historic places. The City encourages property owners to include their properties on the register. The building has had some alterations over the years. However, the alterations are now 50 years old and could be designated as historic in their own right. The history of the use of the building for fish animal feed processing is significant to the development of Astoria. As one of the few remaining waterfront industrial buildings, the structure warrants inclusion as a Local Landmark.

3. CP250.3, Historic Preservation Goals, states that the City will *"Encourage the application of historical considerations in the beautification of Astoria's Columbia River waterfront."*

Finding: The current condition of the building is in deteriorating condition. It has not been used for other than storage since Bornstein Seafoods moved out in 2006. The proposed alterations and historic designation would preserve an older waterfront building while improving the appearance and condition of the building drawing people to the waterfront.

4. CP250.5, Historic Preservation Goals, states that the City will *“Document the social, economic, cultural, educational and other public benefits to be derived from Astoria historic preservation efforts.”*

Finding: The applicant requests designation of the building to preserve the history of the social and economic importance of the fishing industry in Astoria. He proposes to retain many of the original interior features so that people may enjoy the construction details and history of the fishing processes. Displays of original equipment and photos are proposed for the restaurant. However, these are not a requirement of the historic designation and are noted here to indicate the intent of the applicant.

5. CP.255.1, Historic Preservation Policies, states that *“The City will use its Historic Properties Section of the Development Code, an educational and technical assistance program, the tax incentives available at the Federal, State, and local levels, and the cooperative efforts of local organizations as the means to protect identified historic buildings and sites.”*

CP.255.2, Historic Preservation Policies, states that *“The City will establish procedures for regular financing of historic projects through public and private sources of funds.”*

Finding: The applicant has requested historic designation to assist with the financial burden of renovating the building for a viable adaptive use. With historic designation, the City Building Official may apply exceptions to certain building code requirements in order to preserve the historic character of the building. The City has worked to develop a process whereby the building permit may be reviewed and approved based on the historic designation of the property. However, should the work not be completed as proposed and/or the historic designation is denied, then all work would then need to be in full compliance with the building codes. The applicant is aware of this condition. While not a direct source of financing funding, this process is one way the City can assist property owners in preserving potentially historic properties.

Finding: The proposed nomination is consistent with the Comprehensive Plan.

- B. Development Code Section 6.040(A) states the *“Historic Landmarks Commission, City Council or a property owner may initiate the proceedings for designation of a Historic Landmark. Upon receipt of a complete application*

requesting that a building or site be designated historic, the Historic Landmarks Commission shall consider the request. The Historic Landmarks Commission shall hold a public hearing on the request in accordance with the procedures set forth in Article 9. The Historic Landmarks Commission may approve, modify or reject such request in accordance with Section 9.030.”

Finding: The proposed designation as historic local landmark is being nominated by the property owner. A public hearing is scheduled before the Historic Landmarks Commission to consider the request at their meeting of August 20, 2013.

- C. Development Code Section 6.040(B) states *“for the purposes of Historic Landmark designation, the buildings, structures, appurtenances, objects, signs, sites and districts which are listed on the National Register of Historic Places shall be automatically considered a Historic Landmark.”*

Finding: The building is not listed on the National Register of Historic Places, therefore cannot be automatically considered a Historic Landmark.

- D. Development Code Section 6.040(C) states *“for the purposes of Historic Landmark designation, the buildings, structures, appurtenances, objects, signs, sites and districts which are classified as Primary or Secondary shall be automatically considered an Historic Landmark.”*

Finding: The building is listed as “Historic Non-contributing” on the Downtown Historic Inventory. Therefore it cannot be automatically considered a Historic Landmark.

VI. CONCLUSION

The request meets the applicable review criteria. Staff recommends that the Historic Landmarks Commission approve the request based on the Findings of Fact above with the following conditions:

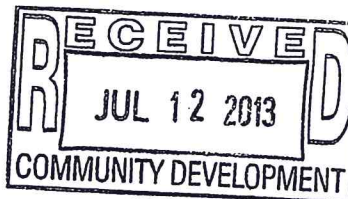
1. The designation of the building as historic is based on the proposed alterations submitted with the application. Failure to complete the alterations as proposed could result in the decertification of the building as historic.
2. If the building is decertified as no longer designated as historic, any work completed on the building would need to comply with the building codes as required by the Building Official.
3. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Historic Landmarks Commission.

The applicant should be aware of the following requirements:

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



**CITY OF ASTORIA
COMMUNITY DEVELOPMENT
DEPARTMENT**



Pd. 7/15/13 by Rickenbach

HD 13-03

Fee: \$50.00

HISTORIC DESIGNATION

Property Location: 2-7th St. Address: Foot of 7th Street Astoria 97103

Lot — Block — Subdivision —
Map 8CB Tax Lot 700 Zone A-2
(0.53 acres)

Applicant Name: Jared Rickenbach

Mailing Address: 37734 Eagle Lane Astoria 97103

Phone: 503-741-0853 Business Phone: 503-325-3749

Property Owner's Name: Andrew Bornstein

Mailing Address: P.O. Box 1290 Astoria 97103

Business Name (if applicable): Bornstein Seafood (owner)

Signature of Applicant: [Signature]

Signature of Property Owner: [Signature]

HISTORIC INFORMATION: Briefly give a history and architectural description of the building or site requested for Historic Designation and state why this request should be approved. The City may be able to provide some historic technical assistance on your proposal.

to designate the Bornstein Cannery Building (formerly The New

FILING INFORMATION: Historic Landmarks Commission meets at 5:15 pm on the third Tuesday of each month. Applications must be received by the 20th of the month to be on the next month's agenda. A pre-application meeting with the Associate Planner is required prior to the acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Historic Landmarks Commission meeting is recommended.

England Fish Co) as a historic landmark at 2-7th Street

PROPERTY OWNER RIGHTS: ORS 197.772(3) states that "A local government shall allow a property owner to remove from the property a historic property designation that was imposed on the property by the local government." This does not apply to properties listed on the National Register of Historic Places, or properties located within a National Register Historic District. It also does not apply to an application for Historic Designation initiated by the property owner as it is not "imposed" by the City.

appl. compl. 7/18/13

8/20/13 HLC

Labels done 7/22/13

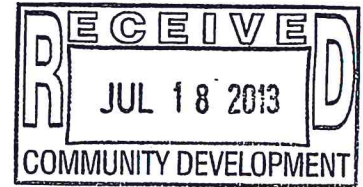
City Hall • 1095 Duane Street • Astoria, OR 97103 • Phone 503-338-5183 • Fax 503-338-6538

johnson@astoria.or.us • www.astoria.or.us

7/22/13 - D. Base



General Contracting • Design Build • Construction Management • Restoration



July 15, 2013

Historical Designation request for the Bornstein Cannery Building formerly The New England Fish Company of Oregon located in Astoria between 7th and 8th street along the water front.

Since Astoria became a community, fishing has been a critical and predominant industry. The history of Astoria shows numerous fishing associated buildings lining the water front. These buildings were used for various tasks within the fishing industry including the preparation and canning of seafood. Most of the canneries were built on piling systems over the water as was The New England Fish Company of Oregon.

The history of canneries is not very exciting. These buildings were most often constructed with heavy timber, built by the same crews that placed the piling and built in structurally adequate yet crude methods. They were simple large buildings with open spaces and lots of room for storage. The structures were built to withstand the heavy loads from equipment and the seafood product. The design was based solely on function and use with no attention to detail or exterior appearance.

In the early 1900s the cannery facades were typically some type of wood siding. They had adequate windows to provide light where it was needed and large façade areas with no windows or breaks. As the industry changed and the buildings aged, they were often remodeled to accommodate new fishing and canning techniques as well as upgraded with newer and economically feasible materials, such as metal siding, windows covered up due to electric lights, and exterior equipment omitted or added. It is evident that The New England Fish Company of Oregon Building has experienced these changes.

When the Columbia River water front is compared during the early 1900 to now, there are numerous canneries that have been torn down and no longer exist. The New England Fish Company of Oregon, more recently the Bornstein Seafood Cannery is the only one still partially in use along Astoria's water front. In the history of this cannery it was originally built with wood siding. At an undefined date, metal siding was placed over the wood siding and numerous windows removed and covered over. The pictures date the metal siding back to at least 1950. The remainder of the building has received very few other modifications.

We feel that the changes within the fishing industry and the functionality of the buildings over time are simple but tell part of the story of our community and the fishing industry. The building is a simple box with a few cut in windows. The metal and wood siding is also part of the history. These characteristics of the building need to be kept showing the simplicity and functionality of the building. The intent is to restore or replace the metal siding on all the facades. The large windows on the north façade will remain. They are not original to the building but the pictures show that the style and frame profiles are very similar to the original.

Due to the revised use of the building, production and canning of beer in lieu of seafood, and with the restaurant, additional windows and entrances will need to be added. Some of the additional windows will replicate the simple windows that are original to the building. The larger openings needed at the entrances, production areas and restaurant, will be treated in a way to look totally different from the historic elements. These sections will appear modern with glass and metal as the primary materials. The idea is that the historic building will remain as the main



building with modern sections as needed. The new areas will be set back from the original façade creating a look of a new building within the old building. This treatment will clearly distinguish which portions of the building are new and which are the historically significant features.

The interior will retain as much of the original building as possible. The heavy timber and steel construction will be preserved, painted and visible. The old wood and concrete flooring will be refinished and visible in all areas where this is possible. The fish ladder that was used and is still in the building will be retained in its original position and part of the restaurant. Numerous pieces of equipment used in the canning industry will be on display along the pedestrian paths in the building. The new brewing and canning industry will be visible and contribute to the ambiance of the historic building retaining the intent of a "Working Waterfront".

The current portion of the building to be remodeled and occupied by River Barrel Brewing and Restaurant is about half of the first floor. The revisions discussed above will be performed on the facades and interior spaces of this area. The Owners intent is to over time and as budget allows, occupy the remaining first floor of the building as additional brewing and restaurant space. The second floor will be developed and used as additional brewery space and other uses as economically possible. The existing second floor cannery office space in the west end of the building will be remodeled to house River Barrel Brewing offices. As these spaces are developed and occupied, the same design intent will be followed as outlined above. Large windows along the restaurant and waterfront will be added. Additional production doors will be added on the south and west facades of the building. The second floor of the west portion of the building will be remodeled to house River Barrel Brewing offices in place of the existing cannery offices. The west façade will be revised to accommodate production and commercial business space as needed. All of this will be done in a manner to retain the historic cannery appearance and the distinction between old and new.

The west façade of the taller building has been covered with plywood instead of metal siding. A portion of the plywood has fallen off and the original New England Fish Company of Oregon sign can be seen behind the plywood. The Owners intend to remove the plywood and refurbish the wood siding and sign when financially feasible. It is very possible that the original sign on the north side is under the metal siding. If so the owners would like to remove this and reuse it as part of the inside decor and history at some time in the future.

Cannery buildings are a critical part of the fishing industry and the history of Astoria. These buildings are very simple, non-discrete but by so being, tell their own story within the fabric of our community. The New England Fish Company of Oregon building celebrates the fishing culture, deserves to be preserved and considered historically important within our community.



General Contracting • Design Build • Construction Management • Restoration

July 15, 2013

River Barrel Brewing

Dining occupancy – 2160 square feet – maximum 144 occupants

Projected Dining occupancy – 123 occupants

Tap Room occupancy – 900 square feet – maximum 60 occupants

Projected Tap Room occupancy – 56 occupants



NEW ENGLAND FISH COMPANY OF OREGON
(Owen-Peeke Company)

Location: Foot of 7th Street, Astoria, Clatsop County, Oregon.

The New England Fish Company of Oregon building is located on the Columbia River waterfront, between 7th and 8th streets.

Present Owner: Bornstein Seafoods Inc.
PO Box 188
Bellingham, WA 98227

Occupant: River Barrel Brewing, Inc.
42 7th Street
Astoria, OR 97103

Historic Use: Warehouse, animal feed mill, fish processing plant.

Future Use: Brewery, tap room and restaurant.

Significance: The New England Fish Company of Oregon building is a working industrial building that has continuously adapted to change as industry standards and building use shifted. Its location, massing and structure has remained consistent throughout its history.

Many fish processing plants and warehouses once lined the waterfront of Astoria. Built for Owen-Peeke Company after their original warehouse was destroyed in the 1922 fire, the oldest portion of the building survived massive blazes that destroyed adjacent buildings to both the east and the west--the Burke Packing Plant fire of 1928 and the destruction of #10 6th Street in 2010.

After the 1942 plant expansion, New England Fish Company of Oregon became the principal receiver and filleter of bottom fish. This corresponds with the height of the bottom fish market, between 1945 and 1948. Although changes in the seafood market required businesses to continuously adapt their product to remain competitive, the New England Fish Company of Oregon building has served several businesses well as an industrial building and its adaptive reuse will help Astoria maintain its "working waterfront" character.

PART I. HISTORICAL INFORMATION

A. Physical History:

1. Date of erection: Owen-Peeke structure was built in 1924, large east addition was constructed in 1942.
2. Architect/Builder: Owen-Peeke building was constructed by E.V. Westersund.
3. Original and subsequent owners:

Property at the foot of 7th Street, north of the Fisher Brothers Warehouse was purchased from Fisher Brothers Co. by Owen-Peeke Feed and Grain Co. in 1924. During the 1920s, Burke Packing Company owned and operated a barreled fish plant in the remaining waterfront space, east to 8th Street. Burke Packing was destroyed by a massive 1928 fire that left vacant wharf space east of the Owen--Peeke building.

The Owen-Peeke Company retired from the manufacture of animal feed in 1939 and sold the building to New England Fish Company of Oregon (NEFCO) as a receiving station. In 1942, NEFCO built the larger addition in order to process and package larger quantities of fish. NEFCO operated the plant until 1955 and closed their Astoria offices in 1958. At that time, Northwest Fur Breeders purchased the building and began producing mink feed. Northwest Fur Breeders closed their Astoria plant in 1982. The building has since been owned and operated by current owner, Bornstein Seafoods.

B. Historical Context:

Owen-Peeke Co. purchased the property from Fisher Brothers in 1924.¹ An earlier Owen-Peeke building, located at 11th Street, had been destroyed in the 1922 fire.² The company was temporarily housed in the Sanborn Building at the foot of Eleventh St. during the construction of the new facility.³ The approximate cost of construction for the new building was \$5,500 and was constructed by E. V. Westersund to be 50' x 128' in dimension with 20 foot ceilings. The building conformed to all building code, was mill construction and had a sheet iron exterior.⁴ It was used as a feed and grain warehouse but was later altered in 1928 to grind and mix feed. Owen-Peeke produced O. & P. brand poultry and dairy

¹ "Owen-Peeke Moves to New Building, Foot of 7th." *Astorian Budget*, March 31, 1924.

² "Owen-Peeke Destroyed by Fire," *Morning Astorian*, December 9, 1922.

³ "In New Quarters" *Morning Astorian*, April 1, 1924.

⁴ "Work Started on New Building for Owen and Peeke Co." *Morning Astorian*, February 13, 1924.

feed at the facility.⁵ In 1928, the building narrowly missed being destroyed by a massive blaze at the adjacent Burke Packing Plant.⁶ An animal hospital--operated by veterinarians Dr. Rankin and Dr. Seagraves--during the 1924-1938 period.⁷ Owen-Peeke Company retired from the feed and grain business in 1938, selling the building and shifting their focus to the sale of farm equipment from a showroom at 468 Bond St.

New England Fish Company of Oregon (NEFCO) purchased the Owen-Peeke building in 1939, and used it as a receiving station for ground fish brought in by halibut schooners.⁸ The area of wharf that had been vacated by the Burke Packing Plant fire remained vacant until NEFCO built the large east addition in 1942 to house a packaging plant.⁹ They produced *Belle-anna* brand frozen halibut and *Pillar Rock* brand salmon.¹⁰ NEFCO had purchased the *Pillar Rock* brand in 1930.¹¹

NEFCO expanded its facilities in 1942, in response to increased demand for their product during wartime. The height of the bottom fish market was during the years 1945-1948, and during this time, NEFCO was the principal filleter of these fish.¹² After the war, demand declined and fishing regulations tightened. NEFCO was no longer processing much local product. However, in 1952, a major smelt run in the Cowlitz River kept the plant humming in the winter. NEFCO briefly employed

⁵ "Owen-Peeke's Mill Operates: Advance Orders Numerous as Machinery Grinds Out Own Brand." *Morning Astorian*, November 18, 1928; "Owen-Peeke Install Own Feed Machinery: O. & P. Brand of Dairy and Poultry Food Will Be Put on Market," *Morning Astorian*, November 4, 1928.

⁶ \$100,000 Fire Guts Burke Plant: Firemen, 50 Sailors, Promptly Strangle Spectacular Blaze." *Morning Astorian*, April 4, 1928.

⁷ Polk City Directories, Astoria, Oregon.

⁸ New England Fish Co. Starts Work: Obtains Building Permit for Foundation Repair." *Astorian Budget*, January 23, 1939.

⁹ New England Fish Co. to Expand to Meet War Needs," *Astorian Budget*, January 22, 1942.

¹⁰ Advertisement, *Astorian Budget*, March 16, 1953 Advertisement "Belleanna Brand frozen fish, Pillar Rock Brand canned salmon."

¹¹ "In 1930, the New England Fish Company (NEFCO) purchased the cannery at Pillar Rock. Despite diminishing runs, the new firm continued to pack salmon at the plant until the 1940s. The cannery languished and was eventually sold, but NEFCO kept the Pillar Rock brand. The firm folded in 1980, but the brand lived on. Ocean Beauty-an international seafood company based in Seattle-still cans wild Alaskan salmon under the Pillar Rock brand and markets it in the Midwest and southern reaches of the United States. The label still features sailboats circling the basaltic column in the rich waters of the Columbia River." Source: Northwest Coast Magazine, online website (2009), "Canned History: A Tale of Two Labels".

¹² Fish Commission of Oregon, Research Briefs, May 1963. Volume 9—Number 1, p 23.

130 people during this run.¹³

NEFCO closed their plant in 1955 and left Astoria in 1958. Subsequent history of the building includes use of the plant by Northwest Fur Breeders for the production of mink feed. Northwest Fur Breeders also operated a subsidiary at the plant, Astoria Fish Factors, producing *NET* and *Sea Pantry* branded fish for human consumption. Bornstein Seafoods purchased the processing facilities after Northwest Fur Breeders closed the Astoria Fish Factors plant in 1982.¹⁴ The building has remained in use by Bornstein Seafood until River Barrel Brewing, Inc. took possession in 2013.

¹³ "Crew of 130 Pack Smelt for Market," *Astorian Budget*, March 22, 1952.

¹⁴ "Astoria Fish Factors to Close Operations; Lay Off 37," *Daily Astorian*, February 6, 1982.

PART II. SOURCES OF INFORMATION

A. Early Views and Images:

Sanborn Fire Insurance Maps of Astoria, Oregon, from 1924, 1934, and 1954.

New England Fish Company advertisement from “*This is Astoria, Oregon*” publication, 1949 (inside back cover).

New England Fish Company (from the river), undated but likely ca. 1948. Clatsop County Historical Society Archives, Photo No. 2030.330.

Detail from photo of waterfront, ca. 1951. Clatsop County Historical Society Archives, Photo No. 07.060.014.

Advertisement for NEFCO, *Astoria Budget*, March 16, 1953 (insert). Photo by attributed to Richard H. Ball.

C. Bibliography:

“\$100,000 Fire Guts Burke Plant: Firemen, 50 Sailors, Promptly Strangle Spectacular Blaze.” *Morning Astorian*, April 4, 1928.

“Astoria Fish Factors to Close Operations; Lay Off 37.” *Daily Astorian*, February 6, 1982.

“Canned History: A Tale of Two Labels,” *Northwest Coast Magazine*, online website April 16, 2009. Accessed June 20, 2013, <http://www.nwcmagazine.com/2009/04/canned-history-a-tale-of-two-labels/>.

“Cannery Putting Up Frozen Smelt,” *Astorian Budget*, February 8, 1952.

“Closure of Firm Expected Cut Trawlers’ Take by One-Third,” *Astorian Budget*, April 19, 1955.

“Crew of 130 Pack Smelt For Market,” *Astorian Budget*, March 22, 1952.

Fish Commission of Oregon, Research Briefs from May 1963. Volume 9—No. 1. Accessed via the Oregon State University Scholars Archive website, <http://hdl.handle.net/1957/17362>.

“Freezing of Smelt Gives Winter Jobs,” *Astorian Budget*, February 8, 1946.

“In New Quarters,” *Morning Astorian*, April 1, 1924.

“New England Fish Co. Starts Work: Obtains Building Permit for Foundation Repair.”
Astorian Budget, January 23, 1939.

“New England Fish Co. to Expand to Meet War Needs,” *Astorian Budget*, January 22,
1942.

“New England Will Close Doors Soon,” *Astorian Budget*, April 15, 1955.

“Owen-Peeke Destroyed by Fire,” *Morning Astorian*, December 9, 1922.

“Owen-Peeke Install Own Feed Machinery: O. & P. Brand of Dairy and Poultry Food
Will Be Put on Market,” *Morning Astorian*, November 4, 1928.

“Owen-Peeke’s Mill Operates: Advance Orders Numerous as Machinery Grinds Out Own
Brand.” *Morning Astorian*, November 18, 1928.

“Owen-Peeke Moves to New Building, Foot of 7th.” *Astorian Budget*, March 31, 1924.

Polk City Directories, Astoria, Oregon. R.L. Polk & Co. Publishers, 1924-1981.

“Work Started on New Building for Owen and Peeke Co.” *Morning Astorian*, February
13, 1924.

PART IV. PROJECT INFORMATION

This report was prepared by Rachel Jensen, MA Historic Preservation (rajen@marlboro.edu)

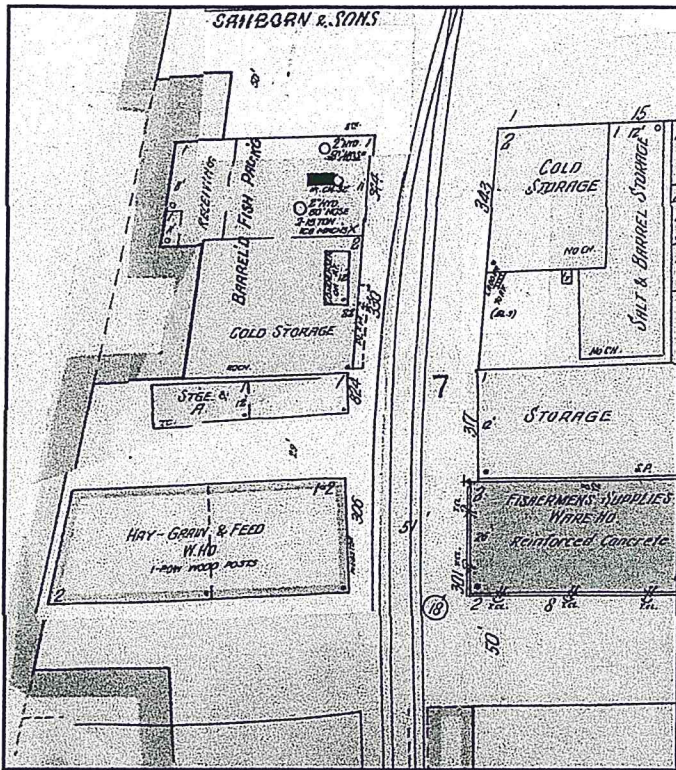


Figure 1. Sanborn Fire Insurance Map, Astoria, Oregon, 1924.

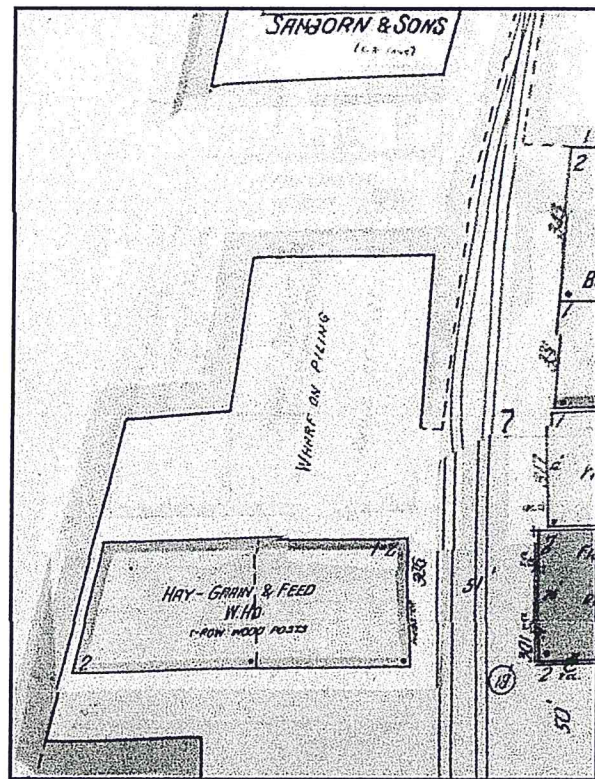


Figure 2. Sanborn Fire Insurance Map, Astoria, Oregon, 1934.



Figure 3. Cannery District, Astoria, Oregon, 1938.

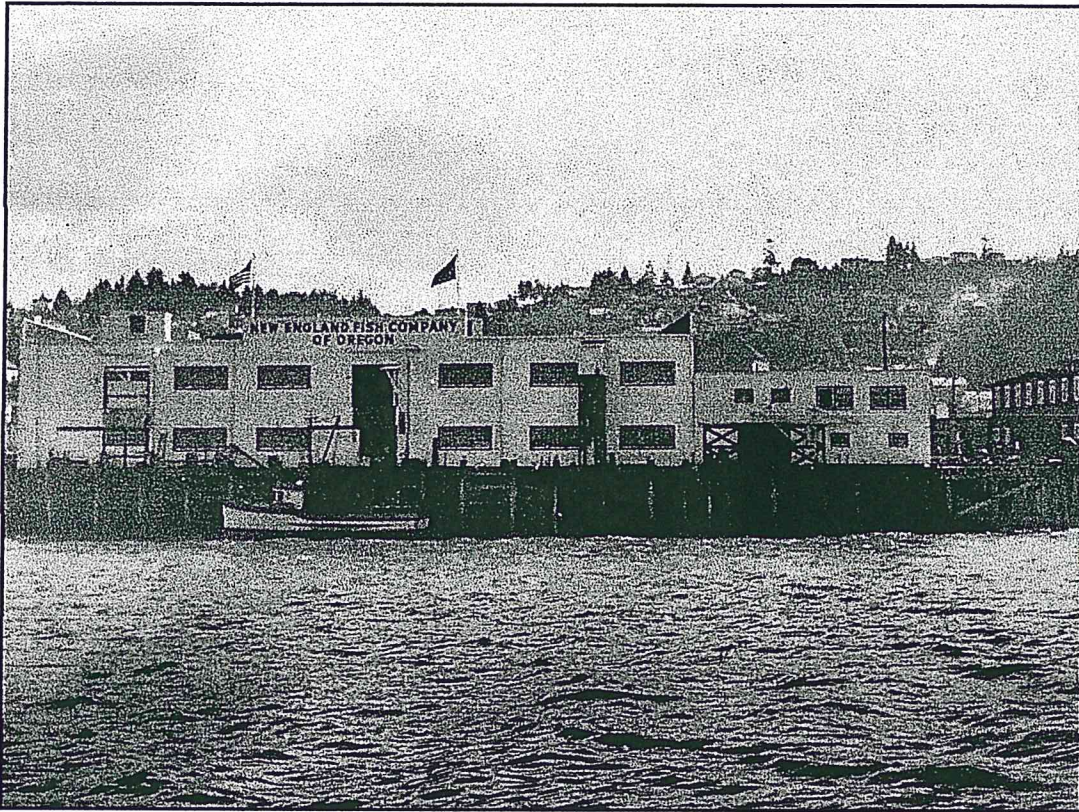


Figure 4. *View of New England Fish Company of Oregon, ca. 1948.* Clatsop County Historical Society, Image No. 2030.330.

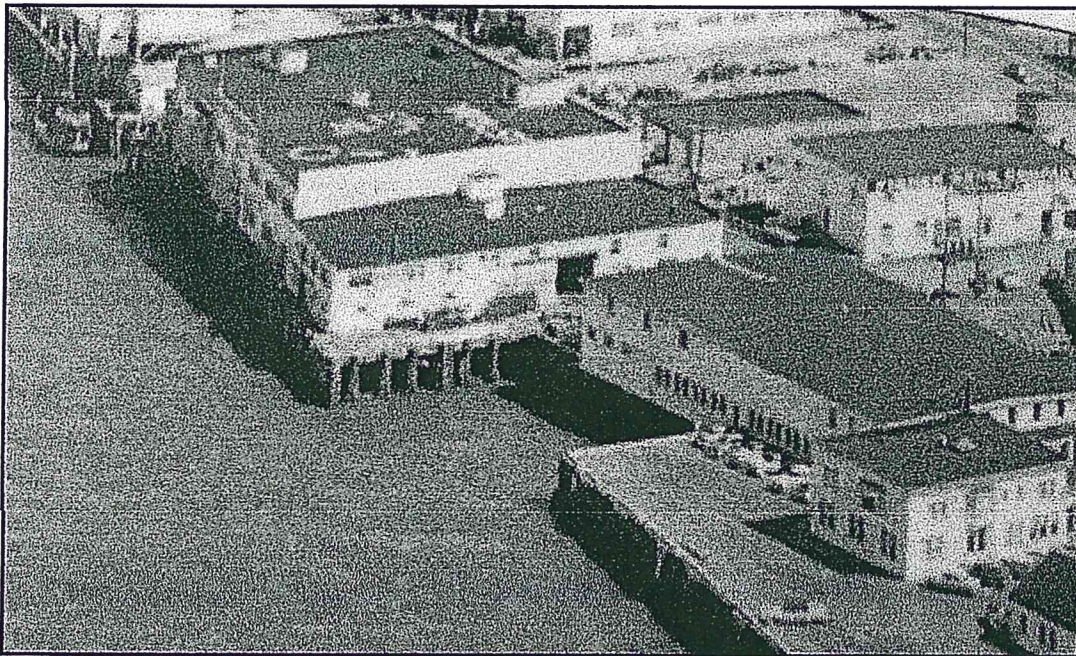


Figure 5. *Aerial View of Astoria Waterfront, ca. 1951.* Clatsop County Historical Society, Image No. 07.060.014 (Detail).

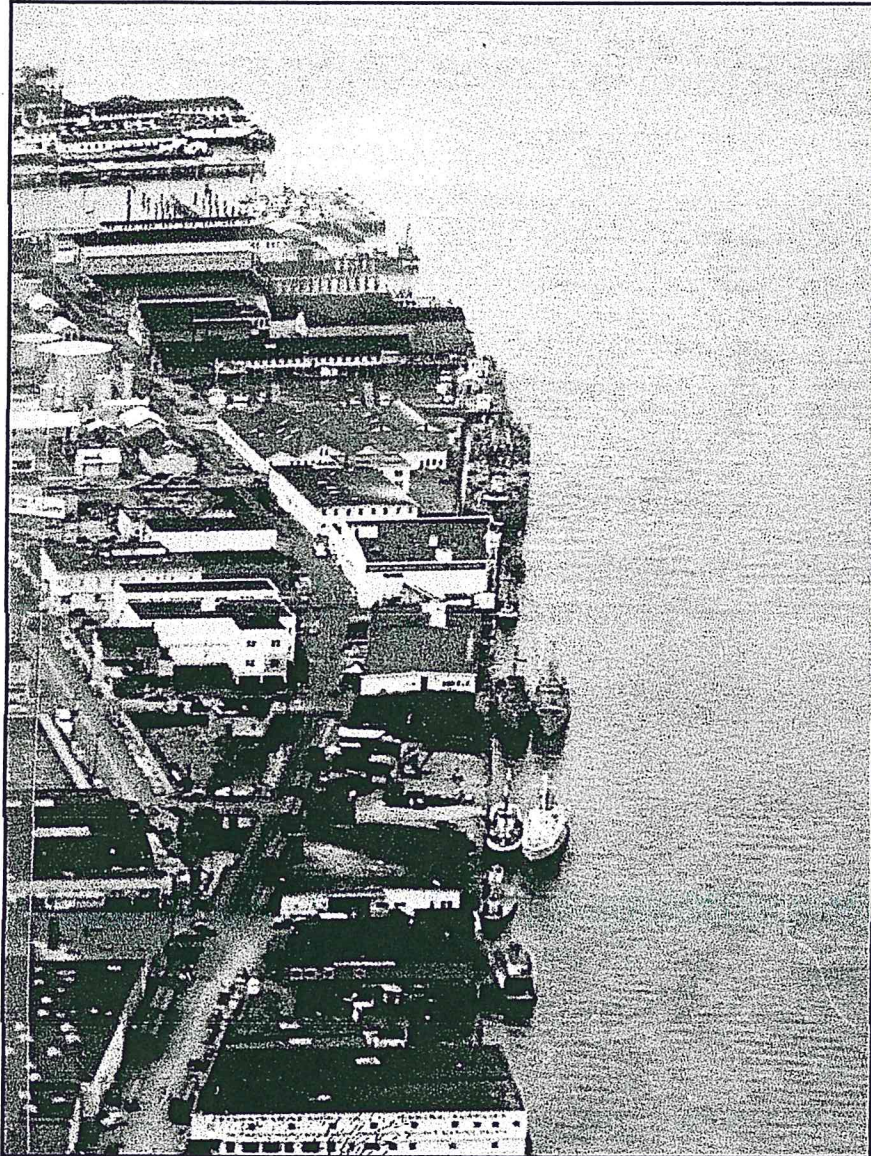


Figure 6. *Astoria Waterfront*, ca. 1948, *Daily Astorian* Archives, Clatsop County Historical Society (detail).

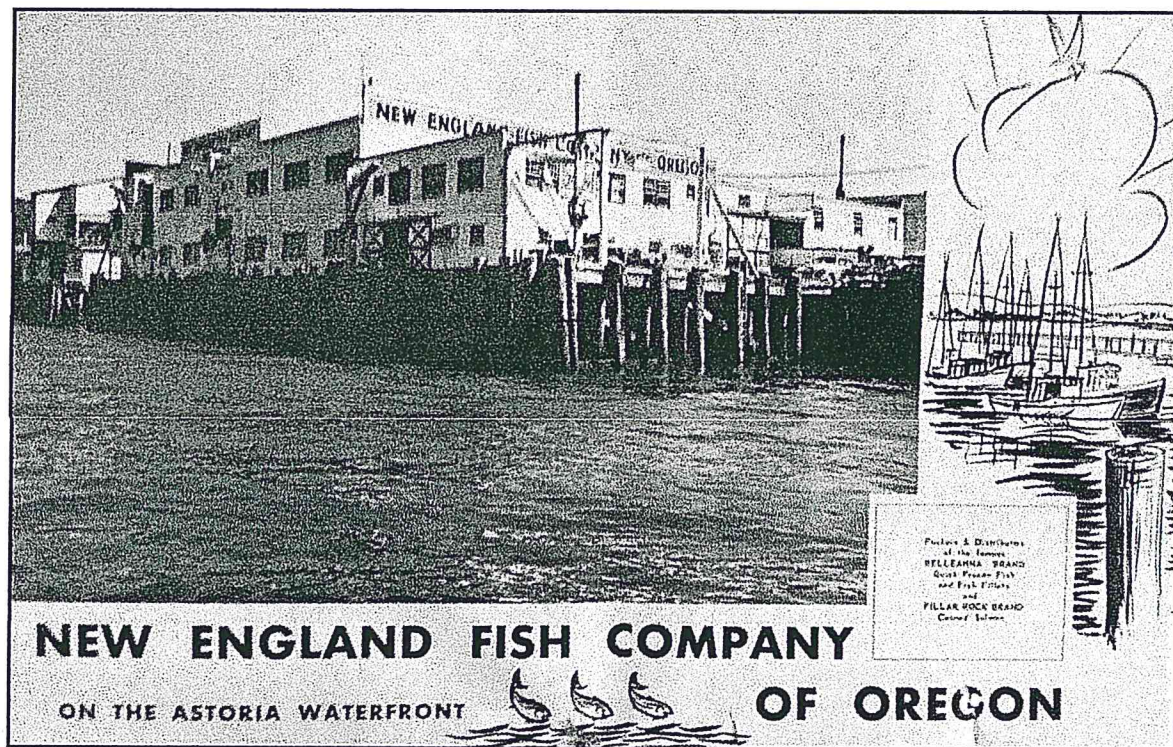


Figure 7. Full-page NEFCO advertisement from inside cover of 1949 publication "This is Astoria, Oregon."

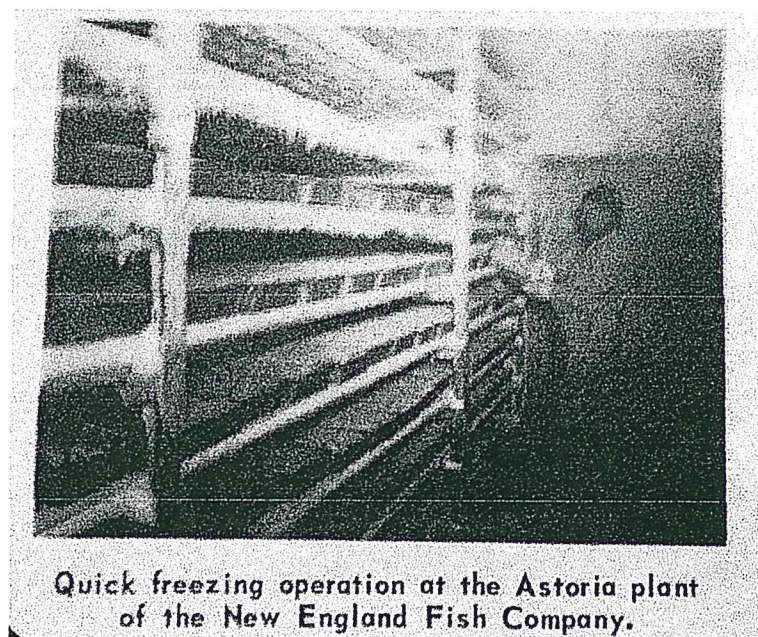


Figure 8. Quick Freezer Photo, 1949, "This is Astoria Oregon."



Figure 9. Newspaper photo from
 "Crew of 130 Pack Smelt For
 Market," *Astoria Evening Budget*,
 March 22, 1952.



Figure 10. Newspaper photo from
 "Freezing of Smelt Gives Winter
 Jobs," *Astoria Evening Budget*,
 February 8, 1946

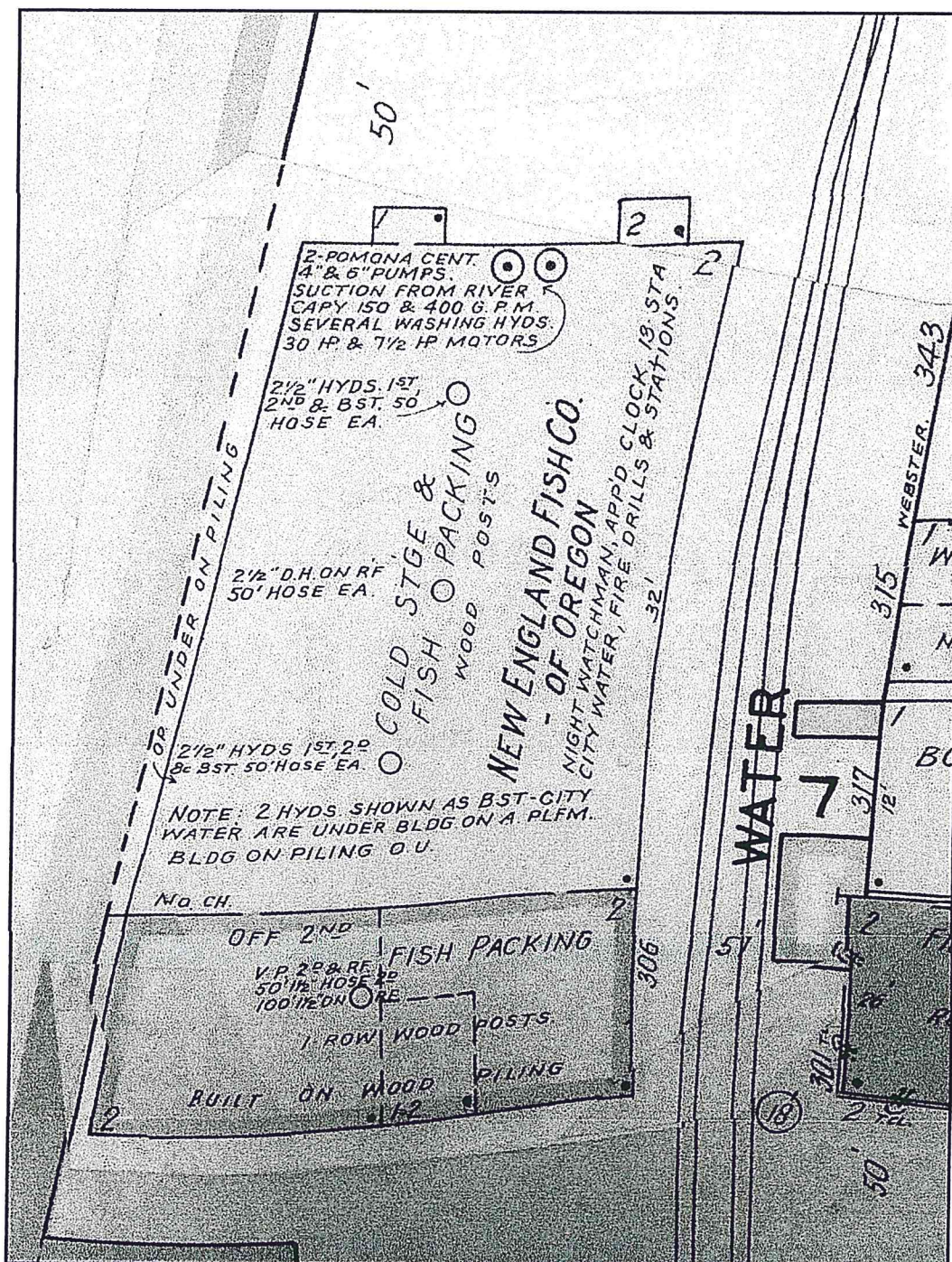


Figure 11. Sanborn Fire Insurance Map, 1954.



August 14, 2013

TO: HISTORIC LANDMARKS COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER

SUBJECT: SOLAR ENERGY ORDINANCE DRAFT WORK SESSION

Over the last two years, the Astoria Planning Commission has held several work sessions concerning the draft Solar Energy Ordinance. At its August 28, 2012 meeting, the APC discussed the draft with the inclusion of recent legislation (HB 3516) that requires cities and counties to allow certain solar energy facilities as outright uses. The APC directed staff to develop a code that would make the process easy, comply with State regulations, and address historic concerns. At its July 23, 2013 meeting, the APC accepted the draft ordinance as ready to be presented at a public hearing. At the April 20, 2010 HLC meeting, staff reviewed an earlier draft of the ordinance and how it related to historic design review. The attached draft was emailed to the HLC on August 12, 2013 for review.

The attached revised draft addresses many of the issues raised by the APC, Historic Landmarks Commission, and citizens who have responded to the draft documents. There are several sections with notations by staff that are *{italicized and bracketed}* that will need further discussion or specific direction from the APC, HLC, and/or City Council concerning the draft language or requirement. These notes would be removed from the final draft.

Also attached are the amendments to Article 9 which is the Administrative Procedures for all permits to address procedures for processing a solar permit. Only requirements unique to solar facilities is included in the Solar Ordinance. Amendments to Article 6, Historic Properties Ordinance, which reference the Solar Ordinance historic design review are also attached. The APC requested that staff prepare some scenarios to show how permits would be processed. Three scenarios that show how some of the issues would be processed for zoning is attached for HLC information. It is anticipated that a public hearing would be scheduled before the APC at their September 24, 2013 meeting. There will not be a public hearing before the HLC on the proposed amendments.

Scenario 1:

Applicant wants to install a solar panel on the roof of a single-family dwelling.

It will not exceed the peak height of the portion of the roof on which it is installed.

The panel is mounted so that the plane of the system is parallel to the slope of the roof.

Process:

Solar permit issued free over-the-counter.

Building permit may be required per International Building Code.

If structure is designated historic, there may be Historic Landmarks Commission or Historic Preservation Officer permit review. If not a primary elevation and is less than 25% of the roof, may be free over-the-counter review.



Scenario 2:

Applicant wants to install a solar panel on the roof of a single-family dwelling.

It will exceed the peak height of the portion of the roof on which it is installed.

The panel is mounted so that the plane of the system is parallel to the slope of the roof.

Process:

Administrative solar permit reviewed by Community Development Department after public notice.

Building permit may be required per International Building Code.

If structure is designated historic, there may be Historic Landmarks Commission or Historic Preservation Officer permit review.



Scenario 3:

Applicant wants to install a **ground mounted** solar panel for a single-family dwelling.

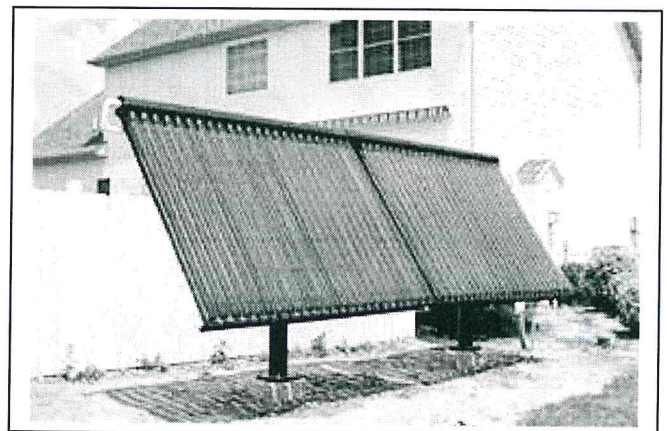
It will exceed 200 square feet.

Process:

Solar permit reviewed by Planning Commission at public hearing.

Building permit required per International Building Code.

If structure is designated historic, there may be Historic Landmarks Commission or Historic Preservation Officer permit review.



ARTICLE 9
Draft Amendments related to Solar Ordinance
July 19, 2013

9.010. APPLICATION INFORMATION AND PROCEDURES.

F. Pre-Application Meeting.

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

G. Determination of Permit Process.

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

9.020. PUBLIC NOTICE.

B. Mailed Notice - Distribution, Time Requirements.

1. Mailed notice shall be sent to property owners within the following distances from the exterior boundary of the subject property:
 - a. Legislative amendment to the Development Code text or Land Use and Zoning Map - None.
 - b. Quasi-judicial amendment to the Development Code text or Land Use and Zoning Map - 100 feet.
 - c. Conditional Use - 100 feet.
 - d. Variance - 100 feet.
 - e. Miscellaneous Review - 100 feet.
 - f. Historic Property Exterior Alterations, New Construction, Demolition or Moving Permits - 100 feet.
 - g. Historic District Establishment - Owners of property ~~abutting~~lying on or within the boundaries of the proposed District.
 - h. Appeals - Parties to the record.
 - i. Design Review - 100 feet.

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

j. Wireless Communication Facility – 500 feet.

k. Solar Facility, Administrative Conditional Use – 100 feet.

l. Solar Facility, Planning Commission Conditional Use – 250 feet.

{Since admin permits are limited, the 100' would conform with standard CU and Variance permits. The 250' would expand the area slightly since solar facilities should not be tall. For wind, the notice distance could be larger due to the visual impact.}

2. Addresses for a mailed notice required by this Code shall be obtained from the County Assessor's real property tax records. Failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this Code for notice. In addition to persons to receive notice as required by the matter under consideration, the Community Development Director may provide notice to others he has reason to believe are affected or otherwise represent an interest that may be affected by the proposed action.
3. ~~In establishing historic preservation districts notices shall be sent by mail to the owners of property abutting the proposed district.~~
- 4. Notice shall be mailed not less than 20 days prior to the hearing requiring the notice; or if two or more evidentiary hearings are allowed, 10 days prior to the first evidentiary hearing.

C. Type I Certificate of Appropriateness - Immediate Approval.

Projects that are limited in scope or minor alterations that meet the criteria listed below are classified as Type I Certificate of Appropriateness permits. Historic Design review performed by the Historic Preservation Officer or designee shall be administrative and shall not require public hearing nor public notice.

1. The Historic Preservation Officer shall review and approve the following Type I permit requests:
 - a. There is no change in historic character, appearance or material composition from the existing structure or feature; or
 - b. The proposed alteration duplicates the affected building features as determined from a photograph taken during either the Primary or Secondary development periods, original building plans, or other evidence of original building features; or
 - c.. The proposed alteration is required for the public safety due to an unsafe or dangerous condition; or
 - d. The proposed alteration relates to signage in scale to the architectural style of the building.
2. In addition to the Type I permit reviews listed in Section 1 above, the Historic Preservation Officer shall review and approve the following Type I permit requests if it meets the following:
 - a. Criteria.
 - 1) Located on the rear or interior side yard, not adjacent to a public right-of-way, except as noted below; and/or
 - 2) Reconstruction and/or replacement of porch and/or stairs on any elevation; and/or
 - 3) Will not result in an increase in building footprint or envelope except for mechanical venting.
 - b. Type I Permit Requests:
 - 1) Installation of mechanical equipment and venting located on other than the primary facade or street scape, or of less than one square foot if located on a non-primary facade street side. Ground mounted equipment shall be screened from view to the maximum extent practicable if visible from a City right-of-way.
 - 2) Installation of contemporary composite material on the flat decking area of porches, decks, and/or stair treads.

- 3) Replacement of roofing material as follows:
 - a) With similar material and/or composition shingles.
 - b) Flat roofing not visible from the street scape may be a contemporary material.
 - c) Original roof wood shingle or shakes, should be maintained in place whenever possible. Composition roofing is allowed as a substitute for wood shingles in a complete replacement.
 - d) Original roof tile, slate, or rolled composition roofing should be maintained in place whenever possible. Imitation slate and wood are allowed as a substitute for original materials in a complete replacement.
- 4) Removal of an utilitarian chimney that is not a character defining feature.
- 5) Replacement of skirting material with fiber cement material or other compatible contemporary material.
- 6) Installation of roof and/or soffit vents.
- 7) Replacement of existing columns with similar design and dimension of contemporary material other than vinyl material.
- 8) Installation of television microwave receiving dish.
- 9) Construction of stairs and railings on any elevation that are not attached to a building.
- 10) Solar energy facilities as listed in Development Code Section 16.030.A.1 as a Solar Permit Type I, Administrative Review.

{These would be residential or non-residential facilities that: don't increase footprint, does not exceed peak of roof, is mounted parallel to slope of roof, create power for that structure, less than 25% of roof, not on a primary elevation, and not highly visible from street scape.}

{These would be residential or non-residential facilities that: heat water for that structure, less than 25% of the roof area, not on a primary elevation, and not highly visible from street scape.}

D. Type II Certificate of Appropriateness - Administrative Review

Projects that are limited in scope or minor alterations that meet the criteria below are classified as Type II Certificate of Appropriateness permits. Historic Design review performed by the Historic Preservation Officer or designee shall be administrative and shall not require public hearing before the Historic Landmarks Commission. These reviews shall be considered as a limited land use decision and shall require a public notice and opportunity for appeal in accordance with Article 9 of the Astoria Development Code.

The Historic Preservation Officer shall review and approve the following Type II permit requests if it meets the following:

1. Criteria.
 - a. Located on the rear or interior side yard, not adjacent to a public right-of-way, except as noted below; and/or
 - b. Reconstruction and/or replacement of porch and/or stairs on any elevation; and/or
 - c. May result in an increase in building footprint of no more than 10%, and will not result in an increase in building envelope except for mechanical venting.
2. Type II Permit Requests:
 - a. Construction of outbuildings or enclosures (less than 200 square feet).
 - b. Awnings on residential property.
 - c. Awnings on any elevation of a commercial property.
 - d. Handicap accessible ramps on any elevation.
 - e. Reconfiguration with not more than 10% increase in footprint, and/or reconstruction of existing decks or porches with similar materials and/or with a change in materials.
 - f. Reconstruction of existing stairs and balustrades with a historic design.
 - g. Replacement and/or reconfiguration of basement windows on any elevation.
 - h. Installation of flat mounted skylight located on other than the primary facade or street scape.
 - i. Changes to fences, retaining walls, and/or landscaping features that are noted in the historic designation as contributing features to the historic property.

- j. Replacement of non-historic features such as aluminum or vinyl windows or siding, steel or fiberglass doors, etc. with a design, size, and material that is consistent with the existing historic features of the structure.
- k. Removal of a chimney that is considered as a character defining feature as noted in the historic designation.
- l. Solid waste disposal area enclosure.
- m. Construction of stairs and railings on any elevation that are attached to a building.
- n. Freestanding solar facility as listed in Development Code Section 16.A.2 as a Solar Permit Type I, Administrative Review.

{These would be residential or non-residential facilities that: create power for that structure or an adjacent structure, less than 100 square feet, do not exceed 6' high in residential and 10' high in non-residential, not on a primary elevation, and not highly visible from street scape.}

{This is a working draft. Formatting and numbering have not been done as sections are still being moved around. Italic notes will be removed from final code.}

{HB 3516 concerning solar facilities for cities has been incorporated into this draft.}

ARTICLE 16

STANDARDS FOR SMALL SCALE SOLAR ENERGY SYSTEMS

16.005. PURPOSE.

The purpose of this ordinance is to promote renewable energy resources and provide a framework for the construction and operation of small scale solar energy systems in the City of Astoria, subject to standards which address the public health and safety of its residents. This ordinance will allow small scale solar energy systems with specific standards to protect the general public and preserve the historic, environmental, and aesthetic qualities of the City.

16.010. APPLICABILITY.

- A. All small scale solar systems located within the City of Astoria, whether upon private or public lands shall comply with the requirements of Article 16.
- B. Except as noted in Section 16.025.B, "Zoning Permit", the provisions of this Article do not apply to the following facilities. However, if located on a historic property, the facility would still require historic design review.
 - 1. A solar facility meeting all of the following:
 - a. less than four (4) square feet; and
 - b. mounted parallel to the slope of the roof on which it is installed (less than 1' above the plane of the roof); and
 - c. located on a non-primary elevation of a structure that is not highly visible from the streetscape.
 - 2. A solar facility of less than one (1) square foot each mounted on a structure to produce light such as a fence post or landscape/walkway lighting.



DEFINITIONS.

{Industry definitions refer to kWh. The technology is changing quickly and the kWh is not what is being controlled by this ordinance. The key issues are impacts on neighborhoods, aesthetic qualities, and the environment. Therefore, this code defines the features by visual size as there may be ways to increase kW with smaller units in the near future.}

CAMOUFLAGE: A way of painting and mounting a solar facility and/or support structure, resulting in the structure being reasonably difficult for the naked eye to detect or observe.

GRANTING AUTHORITY: The Community Development Director or designee, Astoria Planning Commission, Historic Landmarks Commission, and/or the Design Review Committee who review and approve land use requests.

GUYED TOWER: A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

HIGHLY VISIBLE: The degree by which a facility is visible from the street shall be determined by whether the facility can be seen from a moving vehicle traveling at the posted speed limit at a distance of greater than 100' from the subject property. Initial visibility at a shorter distance shall be deemed not to be highly visible.

LATTICE TOWER: A vertical support structure consisting of a network of crossed braces, forming a tower which may be three, four, or more sided.

MONOPOLE: A vertical support structure consisting of a single vertical metal, concrete, or wooden pole, pipe, tube, or cylindrical structure, typically round or square, and driven into the ground or mounted upon or attached to a foundation.

NON-RESIDENTIAL UTILIZED PROPERTY: Property within a residential, neighborhood commercial, or attached-housing zone that is not used for residential purposes. Such property includes, but is not limited to, schools, churches, public parks, public safety facilities, and streets and highways. A public or privately owned vacant lot in a residential zone shall be not be considered non-residentially utilized property as the capacity for residential use exists.

PHOTOVOLTAIC PANEL: A device used for the collection and/or production of electric power through the conversion of light to electric power by semiconductor devices. For the purposes of this Code, it will also refer to tubular designs. *{need to either define separately or add here for tubular.}*

PRIMARY ELEVATION: For the purposes of the Solar Energy Ordinance, the primary elevation shall be any elevation (front, side and/or rear) that has frontage on an improved public right-of-way.

RESIDENTIAL UTILIZED PROPERTY: Property within any zone that is used primarily for residential purposes such as, single-family dwelling, two-family dwelling, multi-family dwelling, condominium, townhome, etc.

SHOULD: A requirement, unless it can be shown that to comply with the requirement would be unreasonable, impractical, or unfeasible. Economic hardship alone shall not be justification for noncompliance with the requirement, but may be considered in conjunction with other reasons for noncompliance.

SOLAR FACILITY: Small scale solar energy system.

{This definition is included to avoid repeating "small scale solar energy system" throughout the entire document.}

SMALL SCALE SOLAR ENERGY SYSTEM: Facility for the collection of solar energy either ground mounted facilities of less than 1,000 square feet combined total area, or roof mounted of less than the square footage of the total roof area. Solar water heater and solar thermal energy system is included in this definition.

SOLAR THERMAL ENERGY: Technology which harnesses solar energy to produce useful heat for residential, commercial, and industrial uses. Solar thermal systems absorb the sun's radiation in flat plate collectors, much like the road absorbs sunlight. There, a heat transfer fluid is circulated through the collectors, heating it to temperatures as high as 200° Fahrenheit. The heated fluid can be used for domestic hot water, industrial process heat. or for space heating. Solar thermal systems do not produce electricity.

SOLAR WATER HEATER: Facility for heating water that generally contains a solar collector and a storage tank for water.

SPECULATION ("SPEC") TOWER / SUPPORT STRUCTURE: A solar facility support structure designed for the purpose of providing location mounts for solar facility without a binding commitment or option to lease a location upon the tower by a licensed service provider at the time of initial application.

16.020. **PERMITTED LOCATIONS FOR SMALL SCALE SOLAR ENERGY SYSTEMS**

A. Solar facilities are permitted in all zones established as of July 2013 within the City through the Conditional Use and/or Administrative Review process in accordance with Astoria Development Code Article 9 except the following.

1. Prohibited Zones.
 - a. Natural Shorelands (S-5)
 - b. Sensitive Bird Habitat Overlay (SBHO)
2. Restricted Zones.

a. Aquatic Conservation (A-3)

Solar facilities may be located on residential and commercial buildings allowed within the zone. Freestanding solar facilities are prohibited.

b. Aquatic Natural (A-4)

Solar facilities may be located on commercial buildings allowed within the zone. Freestanding solar facilities are prohibited.

{With HB 3516, we must allow solar facilities wherever we allow residential and commercial buildings. These zones are conservation and natural but have limited development allowable uses. HB 3516 does allow some limitations in areas designated as “significant scenic resources” with certain design limitations. We do not have any significant scenic resources designated at this time. This would also be consistent with the goals of the existing Comprehensive Plan and the Riverfront Vision Plan for these areas.}

B. Large Scale Solar Energy Systems.

Solar Energy systems that do not meet the definition of “small scale” as defined in this Code are prohibited within the City.

C. Location, Siting, and Designs in Preferred Priority Order.

1. Camouflaged / Concealed Design;
2. Location on Existing Support Structure or Existing Alternative Support Structure;
3. Location on New Support Structure;
4. Location within Restricted Zones.

D. Prohibited Structures.

The following structures are prohibited:

1. Lattice and guyed wire towers and support structures.
2. Speculation (“spec”) support structures.

~~2. Freestanding solar facilities exceeding 20’ in height to the highest point are prohibited.~~

{The APC determined that a specific height should not be prohibited and to deal with the taller facilities on a case by case basis. Solar does not need the height associated with wind turbines. See the examples below.}



Examples of freestanding solar units that could possibly be prohibited based on height.

E. Number of Facilities.

Only one solar facility, other than those listed in 16.030.A.1 below, *{HB 3516 exemptions}* is allowed per site of less than one acre. Sites of greater than one acre may have multiple facilities at a ratio of one facility per 0.25 acre. Sites may contain both a solar and wind facility.

16.025. PERMITS REQUIRED.

A. Building Permit.

A building permit is required for each solar facility in accordance with the requirements of the Building Codes as adopted by the City. A building permit will not be issued until all land use approvals have been obtained; any associated conditions have been met; and all other applicable local, State, and Federal approvals have been secured.

B. Zoning Permit.

A Solar Energy Permit is required for each solar facility regardless of outright or conditional use classification.

*{HB 3516 allows for permit review but no fee for the exempt facilities listed in 16.** B applicability above. This permit process will allow for verification of compliance with codes and for tracking locations of facilities for emergency services safety.}*

C. Historic Design Review.

All solar facilities proposed to be located on or adjacent to properties designated as historic or within or adjacent to a historic district shall obtain approval from the Historic Preservation Officer or the Historic Landmarks Commission (as applicable) prior to the

issuance of a building permit. Historic design review shall be in accordance with Development Code Article 6 and Section 16.040.B.

{May need to amend Historic Preservation Ordinance to allow staff review of some facilities. Draft amendment is attached.}

D. Exception.

Solar facilities installed by the City, County, and/or Oregon Department of Transportation for traffic control devices to which they are attached are exempt from the permit requirements. Other solar facilities are still subject to the standards of this Code.

16.030. ZONING PERMIT REVIEW.

A. **Type I Permit, Administrative Review – Outright Use.**

The following solar permit applications may be reviewed administratively in accordance with Article 16 as an outright use permit.

{“Highly visible” is generally discretionary but with the definition provided, it clarifies what is and is not considered as highly visible. The APC determined that “not highly visible from a street scape” is clear and concise enough for administrative outright review based on the definition.}

1. Roof-mounted Facilities.

A solar facility may be approved as an outright use if it complies with the following criteria. Historic design review may be required.

a. Photovoltaic panels or solar thermal energy system.

Roof-mounted photovoltaic panels and solar thermal energy systems located on any residential structure, or on any non-residential structure in a zone that allows non-residential structures that:

- a) does not increase the footprint of the structure; and
- b) does not exceed the peak height of the portion of the roof on which it is installed; and
- c) is mounted so that the plane of the system is parallel to the slope of the roof.

{HB 3516 allows the restriction to “a residential zone” but if a property is developed as residential, the APC determined it does not matter if it is a non-conforming use in that zone. As opposed to “residential” non-

conforming structures, commercial non-conforming structures could be an intrusion into a residential zone and it may be best to keep the allowable language per HB 3516}

{HB 3516 language – they use the term “commercial” which could be limiting when looking at other uses such as public or industrial. Suggest using the same term we use in Wireless Communication Facility Ordinance which is “non-residential”}

- b. Roof-mounted solar water heaters located on any structure that:
 - 1) heat water for that structure; and
 - 2) are less than 25% of the roof area on which they are located; and
 - 3) are not on a primary elevation; and
 - 4) are not highly visible from the street scape.

2. Freestanding Facilities:

A freestanding solar facility mounted on poles or the ground may be approved as an outright use if it complies with the following criteria. Historic design review may be required.

- a. Photovoltaic panels and solar thermal energy systems mounted on poles or the ground that:
 - 1) generate power for that structure or adjacent uses; and
 - 2) do not exceed 100 square feet in area; and
 - 3) do not exceed a maximum height of 6’ on residential structures or residential developed areas and zones; or do not exceed a maximum height of 10’ in non-residential areas or zones; and
 - 4) are not located on the primary elevation of the site; and
 - 5) are not highly visible from a street scape.

{The 6’ for residential was used based on the allowable 6’ height for a fence in that zone. The 10’ height and 100 sqft are based on the size of small utility buildings allowed in residential areas.}

- b. Solar water heaters mounted on poles or the ground that:
 - 1) heat water for that structure or adjacent uses; and
 - 2) do not exceed 100 square feet in area; and
 - 3) do not exceed a maximum height of 6’ on residential structures or residential developed areas and zones; or do not exceed a maximum height of 10’ in non-residential areas or zones; and
 - 4) are not located on the primary elevation of the site; and
 - 5) are not highly visible from a street scape.

3. Historic Design Review.

Historic design review is required for any solar facility located on a structure designated as historic, or is located in or adjacent to a designated historic district, or is located in an area designated as a significant scenic resource. For Type I Administrative Review solar permits, historic design review shall be as follows:

a. Type I Certificate of Appropriateness – Roof-mounted Facilities.

An administrative Type I Certificate of Appropriateness may be issued for roof-mounted facilities in compliance with Section A.1 above that also complies with the following:

- 1) generate power for that structure; and
- 2) are less than 25% of the roof area on which they are located; and
- 3) are not on a primary elevation; and
- 4) are not highly visible from a street scape.

b. Type II Certificate of Appropriateness – Freestanding Facilities.

An administrative Type II Certificate of Appropriateness may be issued for freestanding facilities in compliance with Section A.2 above.

B. Type II, Administrative Review – Conditional Use.

A Solar Energy Permit application may be reviewed administratively in accordance with Article 9 as a conditional use permit. The Community Development Director may determine that a permit should be reviewed by the Planning Commission in lieu of an Administrative Review.

1. Roof-mounted Facilities.

A roof-mounted solar facility may be approved as a conditional use if it complies with the following criteria. Historic design review may be required.

a. Photovoltaic panels or solar thermal energy system.

Installation of a solar photovoltaic energy system or solar thermal energy system located on any residential structure, or on any non-residential structure in a zone that allows non-residential structures that meets the following:

{These are the ones HB 3516 does not exempt. As noted above, the APC determined that solar facilities on non-conforming residential

properties are allowed. It would be important to review non-conforming commercial structures in residential areas more than non-conforming residential noted above. }

- 1) increases the footprint of the structure; or
- 2) exceeds the peak height of the portion of the roof on which it is installed; or
- 3) is mounted so that the plane of the system is not parallel to the slope of the roof; or
- 4) is located on a non-residential structure in a zone that does not allow non-residential structures.

b. Solar water heaters.

Installation of a solar water heater system located on any residential structure, or on any non-residential structure in a zone that allows non-residential structures that meets the following:

- 1) heat water for that structure; and
- 2) are less than 50% of the roof area on which they are located.

2. Freestanding Facilities.

A freestanding solar facility mounted on poles or the ground may be approved as a conditional use if it complies with the following criteria. Historic design review may be required.

a. Photovoltaic energy system or solar thermal energy system.

Installation of a solar photovoltaic energy system or solar thermal energy system located adjacent to any residential structure, or any non-residential structure in a zone that allows non-residential structures that meets the following:

- 1) generate power for that structure or adjacent uses; and
- 2) do not exceed 100 square feet in area; and
- 3) do not exceed a maximum height of 10' on residential structures or residential developed areas and zones; or do not exceed a maximum height of 20' in non-residential areas or zones; and
- 4) are not located on the primary elevation of the site.

{The APC determined to allow pole mounted facilities and limit the height, but allow for variances on a case by case basis. The 10' height and 100 sqft are based on the size of small utility buildings allowed in residential zones. The 20' height in non-residential zones is similar to a two story building which is the most common height of non-residential buildings in Astoria.}

b. Solar water heaters.

Installation of a freestanding solar water heater system located adjacent to any residential structure, or any non-residential structure in a zone that allows non-residential structures that meets the following:

- 1) heat water for that structure; and
- 2) do not exceed 100 square feet in area; and
- 3) do not exceed a maximum height of 10' on residential structures or residential developed areas and zones; or do not exceed a maximum height of 20' in non-residential areas or zones; and
- 4) are not located on the primary elevation of the site.

3. Historic Design Review.

Historic design review is required for any solar facility located on a structure designated as historic, or is located in or adjacent to a designated historic district, or is located in an area designated as a significant scenic resource. For Type II Administrative Conditional Use Review solar permits, historic design review shall be as follows:

a. Type II Certificate of Appropriateness.

An administrative Type II Certificate of Appropriateness may be issued for roof-mounted and/or solar water heater facilities in compliance with Section B.1 and B.2 above that also complies with the following:

- 1) are not highly visible from a street scape.

C. Type III, Commission Review.

1. Planning Commission.

All solar permit applications that do not meet the criteria noted above to be reviewed administratively, shall be reviewed by the Planning Commission in accordance with Article 9 as a conditional use permit.

{Type III review would allow for review of facilities not specifically identified above. This allows for changes in the industry and for different applications such as a community solar facility.}

2. Historic Landmarks Commission.

Historic design review is required for any solar facility located on a structure designated as historic, or is located in or adjacent to a designated historic

district, or is located in an area designated as a significant scenic resource. In addition to the required conditional use permit review, all solar permit applications that do not meet the criteria noted above to be reviewed administratively as a Type I or Type II Certificate of Appropriateness, shall be reviewed by the Historic Landmarks Commission in accordance with Article 6 as an Exterior Alteration or New Construction permit, as applicable.

16.035. APPLICATION SUBMITTAL REQUIREMENTS.

- A. All applications for permits for the placement and construction of solar facilities, except those listed in Section 16.010.B shall be accompanied by the following:
1. A complete description of the proposed solar facility system including use of concealment technology, height, location, siting/site plan, color, and design, and description of services the applicant intends to provide from the facility. Manufacturer specification sheets on the equipment shall be provided.
 2. Proof of ownership of the land upon which the solar facility is proposed; or evidence of an appropriate easement, lease, rental agreement, or land use application signed by the applicant and signed by the underlying property owner.
 3. If mounted on a tower, data pertaining to the tower's safety and structural stability, including safety results from test facilities.
 4. An accurate and scaled site plan, scaled elevation views, and other supporting drawings illustrating the location and dimensions of the proposed solar facility, including but not limited to:
 - a. Support structure(s)
 - b. Alternative support structure(s)
 - c. Equipment enclosures
 - d. Any and all other devices and attachments.
- Not required for facilities listed as Outright in Section 16.030.A. {HB 3516}
5. If Federal funds are involved, evidence demonstrating that the applicant has filed a request with the State Historic Preservation Office (SHPO) to review the application under Section 106 of the National Historic Preservation Act (NHPA), or evidence demonstrating that the applicant has complied with all State Historic Preservation Office requirements as a result of the Section 106 consultation.
 6. Payment of fees.

Not required for facilities listed as Outright in Section 16.030.A. {HB 3516}

7. All such additional information as the Community Development Director may identify as being relevant to the permitting process.
8. No small scale solar energy systems shall be constructed or operated within the City limits until all necessary City, State, and Federal approvals have been secured. Evidence of approvals shall be provided to the City.
9. Manufacturer information on the reflective nature of the solar facility to evaluate the potential light reflection into adjacent properties and rights-of-way.

Not required for facilities listed as Outright in Section 16.030.A.

{This is to determine the impact of different facilities relative to the light reflected from the material used onto adjacent properties.}

10. Visual impact analysis and demonstrations including mock-ups and/or photo simulations from at least three (3) directional perspectives. Simulations should include:
 - a. Perspectives from all directions that could impact view corridors;

{If we eliminate the tall freestanding facilities, we could eliminate Section 10.a and avoid the reference to view corridor, and just deal with the roof mounted facilities in 10.b.}
 - b. Perspectives from above the site for roof mounted facilities;

Not required for facilities listed as Outright in Section 16.030.A. {HB 3516}

{Outright Use Consideration: These perspectives would assist in the determination of whether a facility is "highly visible" for outright uses. If the "highly visible" criteria is removed from the outright use section, this Item should state "Not required for facilities listed as Outright in Section 16.030.A.". . .}

OR, . . . Should this just apply to freestanding facilities and those on roofs that exceed the height of the roof? Somehow need to determine the visibility of the facility.}

11. Landscape and/or screening plan as required by Section 16.040.E.
12. Applicant shall submit the fee, copies of a complete application and plans, and other required information in accordance with Article 16. Only one copy shall be submitted for Type I and Type II applications reviewed administratively as an Outright Use and/or Administrative Conditional Use. For Type III applications

requiring Planning Commission Conditional Use review, ten (10) copies shall be submitted. Digital copies of plans and required information is encouraged.

{Some cities are requiring an energy audit prior to installation of wind turbines or solar facilities as the energy efficiency impact is sometimes greater by performing interior conservation methods such as insulation of attics. The APC determined that "efficiency" should not be a requirement to have alternative energy facilities.}

- B. All applications for solar facilities specified in Section 16.010.B.1 shall be accompanied by the following:
1. A complete description of the proposed solar facility system including use of concealment technology, height, location, siting/site plan, color, and design, and description of services the applicant intends to provide from the facility. Manufacturer specification sheets on the equipment shall be provided.
 2. Proof of ownership of the land upon which the solar facility is proposed; or evidence of an appropriate easement, lease, rental agreement, or land use application signed by the applicant and signed by the underlying property owner.
 3. Photo of the proposed location as viewed from the street.

16.040. STANDARDS AND REVIEW CRITERIA FOR SOLAR FACILITIES.

All applications for solar facilities, including solar water heaters, shall demonstrate compliance and conformity with the following requirements. The burden of proof is on the applicant to demonstrate such compliance and conformity. Section 16.040.B shall be reviewed by the Historic Landmarks Commission. All other standards and review criteria shall be reviewed by the Community Development Director and/or the Astoria Planning Commission, as applicable.

A. Environmental Resource Protection.

All solar facilities shall be sited so as to minimize the effect on environmental resources. To that end, the following measures shall be implemented for all small scale solar energy systems:

1. The solar facility shall comply with all applicable local, State, and Federal regulations, including but not limited to the Columbia River Estuary Shoreland Overlay (CRESO), Sensitive Bird Habitat Overlay (SBHO), National Environmental Policy Act (NEPA), and Endangered Species Act (ESA);

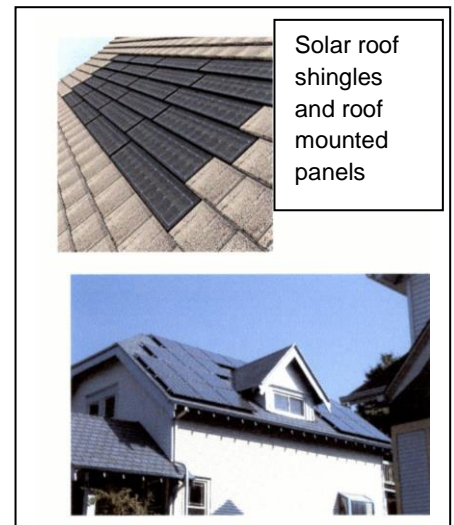
B. Historic Resource Protection.

{These standards are based on recommended standards from the National Trust for Historic Preservation, National Park Service, and National Alliance of Preservation Commissions.}

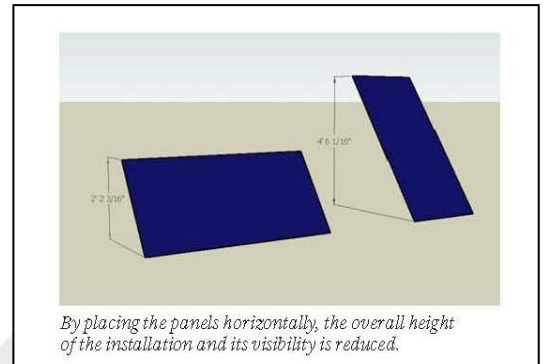
All solar facilities shall be sited so as to minimize the impact on historic resources both structurally and visually. To that end, the following measures shall be implemented for all solar facilities and shall be reviewed by the Historic Landmarks Commission or Historic Preservation Officer, as applicable:

1. The solar facility shall comply with all applicable local, State, and Federal regulations, including but not limited to the Astoria Historic Properties Ordinance and National Historic Preservation Act (NHPA).
2. Roof mounted solar facilities should be located on non-primary roof elevations of historic buildings, and shall be located back from the eave of the roof so as to be as inconspicuous as possible. If location on a primary elevation is proposed as the only alternative, the facility should be hidden behind existing architectural features when possible.
3. Freestanding solar facilities shall not be located on a primary elevation of a historic site nor within the historic streetscape of the neighborhood regardless of the historic status of the individual site. Freestanding solar facilities shall be considered prior to proposal for alteration to a historic structure. They shall be screened from view of the streetscape by fence or landscaping.
4. Solar facilities shall be located on newer additions or accessory buildings before location on the historic structure.
5. Consideration should first be given to alternative solar facilities such as shingle cells or other materials that are less intrusive. The applicant shall provide information concerning the other materials considered and the reason why they are not being proposed.

{this has been an issue in other cities in that solar shingles are less visible and may have been a better solution than large roof mounted panels. we should look at whether we want to consider these options first.}



6. Roof mounted solar facilities shall be mounted horizontal and not vertical to reduce the visual impact from the ground. The vertical tilt shall be the minimum needed to obtain efficiency of the facility. For facilities with multi-tilt angles, the maximum angle at any given time shall maintain minimal visibility from the ground level.



7. Solar facilities may be incorporated into architectural features such as awnings or other building features on non-primary elevations.



8. The color of the solar facility including mounting equipment and mechanical equipment shall be compatible with the historic material background color so as to blend in with the historic character of the site, and/or landscaping.
9. Mechanical equipment necessary for solar facilities such as solar water heaters, etc. shall be screened from view.
10. Historic material and architectural features shall not be removed or damaged with the installation of a solar facility.

{Need to amend Article 6 to allow these reviews and by what granting authority.}

C. Color and Materials.

1. All buildings, poles, support structures, and other associated components of each solar facility site shall be initially coated and thereafter recoated as necessary with a non-reflective neutral color in muted tones.
2. The color selected shall be one that will minimize visibility of the solar facility to the greatest extent feasible. To this end, improvements which will be primarily viewed against soils, trees, or grasslands shall be coated with colors matching those landscapes (i.e. green, brown, tan, etc.), while elements which rise above the horizon shall be coated a color that matches the typical overcast sky (i.e. white, light gray, etc.), or the background color at that location.
3. The color and coating shall be reviewed and approved by the granting authority.

4. Upon a clear showing by the applicant that compliance with the requirements of this Section would void a manufacturer's warranty on any specific equipment, or that natural aging of the material would provide greater concealment, the granting authority may waive the requirements of this Section for such specifically identified equipment.

D. Height.

Solar facilities shall comply with the maximum structure height limitations of the underlying zone and shall comply with the following height requirements, unless a variance is obtained:



1. The height of the facility shall be calculated from grade level to the maximum height of all elements including a fully extended solar panel.
- ~~2. A variance from height may not be granted for a solar facility on a single or two-family dwelling site, or in a residential developed area or zone.~~

(Solar units do not need to be as tall as wind and therefore should not need variances as often, if ever. The APC determined that variances could be considered on a case by case basis.)

2. Maximum height.
 - a. Residential.

Freestanding solar facilities shall not exceed a maximum height of 10' on residential utilized properties or in residential developed areas or zones.
 - b. Non-Residential.

Freestanding solar facilities shall not exceed a maximum height of 20' in non-residential developed areas or zones.
 - c. If there is not a height limit in the underlying zone, the maximum height of a facility on a structure shall be 45' feet.
3. Building or other structure-mounted solar facilities shall not project more than ten (10) additional feet above the highest ridge of the roof on the building or structure.

E. Landscape and Screening.

Ground mounted solar facility sites greater than 100 square feet in area shall be improved with native vegetation, suitable landscaping, and/or fencing installed to screen the facility, where it is necessary for visual and/or security buffering. To this end, the following requirements shall be implemented for all freestanding solar facilities which are installed on ground support structures:



1. Landscaping.

- a. A landscape plan, meeting the requirements of Development Code Sections 3.105 to 3.120, shall be submitted as part of the application.
- b. Any proposed or required fenced area is to be surrounded, where feasible, by a landscaped strip of sufficient width (minimum five feet wide) and height to create a visual screen. Required landscaping shall be located outside of the fenced area.
- c. A majority of the planted vegetation shall be of an evergreen variety.
- d. The location of the landscape buffer may be at any distance from the facility to create a visual buffer. The landscaping does not need to be directly adjacent to the facility.
- e. The landscape plan shall be subject to review and approval of the Community Development Director.

2. Fences.

A fence may be needed for security and/or to enclose ground mounted equipment to minimize the visual impact on surrounding properties. If it is determined that a fence is required, it shall comply with the following:

- a. The fence shall be a maximum of six (6') feet in height.
- b. The fence shall, where feasible, be installed and maintained around the entire perimeter of the site and surround the solar facility and equipment shelter.

- c. If the granting authority determines that a fence surrounding support structures is not feasible, such structures may be exempted from the fencing requirements of this Section.
- d. Chain link fences shall be powder coated with a non-reflective color. If a chain link fence is used for visual buffering, it shall contain slats in the chain linking.
- e. Electric, barbed wire, and concertina wire fences are prohibited.

F. Setback.

All solar facilities shall comply with the required setback area of the underlying zone, unless a variance is obtained.

G. Access Driveways and Parking.

New or additional access driveways and parking areas shall not be allowed for solar facilities for single or two-family dwellings, or within a residential developed area or zone. When an access driveway or parking area is needed for installation, maintenance, or operation of a solar facility in other than residential applications, the following shall apply:

(The APC determined it applies to residential zones and any residentially “developed” area regardless of zone.)

- 1. All access drives and parking areas shall be no longer or wider than necessary and be improved to comply with the requirements of the City’s Engineering Department Standards, Development Code, and City Codes.
- 2. Existing driveways shall be used for access whenever possible.
- 3. New parking areas shall, whenever feasible, be shared with other solar facilities and/or other permitted uses.

H. Lighting.

- 1. Solar facilities shall only be illuminated as necessary to comply with FAA or other applicable State and Federal requirements. Documentation from such State and Federal agencies describing required compliance measures is required.
- 2. Required exterior lighting shall not glare onto other properties or rights-of-way.
- 3. Strobe lights are prohibited unless required by FAA.

I. Signs and Advertising.

1. Appropriate warning signage shall be placed on solar facilities, electrical equipment, and facility entrances, as needed.
2. For emergency purposes, equipment information limited to the solar facility provider(s) name and contact phone number shall appear at the facility in a discreet yet visible location, either on the equipment cabinet or supporting structure.
3. The use of any portion of a solar facility for signs or advertisements other than warning or equipment information signs is strictly prohibited.

J. Underground Utilities.

All wiring between solar facilities and a structure or energy facility substation, shall be installed underground.

K. Safety and Insurance.

For freestanding solar facilities of 20' or greater in height, the following shall apply:

1. Prior to issuance of a building permit, the applicant shall provide the City proof of a level of insurance in an amount established by the City, to cover damage or injury that might result from the failure of a tower or towers or any other part or parts of the generation and transmission facility. The facility owner shall maintain the required insurance as long as the solar facility is located at the site.
2. Prior to expiration of the policy, the applicant/owner shall submit proof of insurance to the Community Development Department periodically as the insurance policy is renewed.

(should the City be named on the insurance policy when in close proximity to a City right-of-way or facility? We will check with the City Attorney on this. We do require insurance on private use of our facilities such as the trolley line.)

16.045. MONITORING AND MAINTENANCE.

A. Compliance Testing.

All solar facilities shall comply with all Federal, State, and local regulations. The City at any time may require evidence of testing of a facility to determine if the facility is in compliance with all applicable Federal, State, and local regulations. Such measurements shall be signed and certified by a registered engineer, stating that measurements or calculations are accurate and meet the standards of this Code.

All testing shall be at the cost of the solar facility owner(s). Failure to cooperate with the City in performing such testing shall be adequate basis for revocation of the permit.

{This is similar to the requirement for wireless communication facilities. It gives the City the ability to require the owner to have the facility tested should the City question if there are problems with its operation. With the production of electricity there is a greater threat to safety should the facility short or fail.}

B. Maintenance.

The applicant, co-applicant, and/or property owner shall maintain the solar facility. Such maintenance shall include, but shall not be limited to, painting/coating, maintaining structural integrity, landscaping, and other conditions of approval. In the event the applicant, co-applicant, and/or property owner fails to maintain the facility in accordance with permit conditions, the City of Astoria may undertake the maintenance at the expense of the applicant or underlying property owner. Violations of the facility required maintenance conditions shall be declared a nuisance and abated in accordance with the City Code Sections 5.700 to 5.728. Enforcement of the continued maintenance of the structure shall be processed as a nuisance or by any other manner provided by law.

~~Failure of the applicant, co-applicant, and/or property owner to reimburse the City for the required work completed shall become a lien on the property and shall be subject to a 7% interest per year plus administrative costs.~~

{The APC agreed that violations should be declared a nuisance and be subject to the City Code Nuisance Abatement ordinance.}

C. Revocation of Permit.

Any facility not in compliance with all applicable Federal, State, and local regulations shall be removed, upon failure to bring the facility into compliance within thirty (30) days after written notice. The permit may be suspended or revoked for non-compliance.

16.050. GENERAL AND OPERATING REQUIREMENTS.

A. Owner and Applicant Responsibilities.

The owner and applicant of the solar facility and his or her successors and assigns at all times shall have the following responsibilities:

1. The owner shall coordinate planning for energy projects with public and privately-owned electric utility companies, with independent developers, and with State and Federal agencies, including but not limited to the Oregon

Department of Energy (ODOE), the Oregon Water Resources Department (OWRD), the Northwest Power Planning Council (NPPC), Bonneville Power Administration (BPA), the Bureau of Land Management (BLM), and the United States Forest Service (USFS).

2. The applicant shall ensure that sufficient anti-climbing measures have been incorporated into the solar facility, as needed to reduce potential for trespass and injury.
3. To limit climbing access, a fence six (6') feet high with a locking portal shall be placed around the facility's tower base or the tower climbing apparatus shall be limited to no lower than twelve (12') feet from the ground or the facility's tower may be mounted on a roof top.

16.055. ABANDONMENT.

A. Notice of Abandonment.

1. City Issued Notice of Abandonment.

A solar facility that is out-of-service for a continuous twelve (12) month period shall be deemed to have been abandoned. The Community Development Director shall issue a Notice of Abandonment to the owner of a solar facility that is deemed to have been abandoned. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from the date the Notice is mailed.

The Community Development Director shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the solar facility has not been abandoned.

2. Abandonment by Owner.

At such time that a solar facility provider plans to abandon or discontinue, or is required to discontinue, the operation of a solar facility, such provider shall notify the Community Development Director by Certified United States Postal Service mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations.

B. Removal of Abandoned Facility.

Upon abandonment or discontinuation of use, the owner shall physically remove the solar facility within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

1. Removal of solar panels, towers, mounts, equipment cabinets, security barriers, and foundations including entirety of depth of the foundation located below ground surface.
2. Restoring the location of the solar facility to a condition acceptable to the Community Development Director, except any remaining landscaping and grading. During such 90 days, the owner may apply, and for good reason, be granted an extension of time on such terms as the Community Development Director or Building Official shall determine appropriate.

C. Failure to Remove Abandoned Facility.

If such structure and equipment enclosure are not removed, as indicated in this Section, the facility may be deemed to be a nuisance, and the City may remove the facility and/or may seek and obtain a court order directing such removal and impose a lien upon the real property upon which the structure(s) are situated in an amount equal to the cost of removal, including any administrative costs in accordance with City Code Sections 5.700 to 5.728 concerning Nuisances and Abatement.

D. Penalties.

Recognizing the extremely hazardous situation presented by abandoned and unmonitored support structures, failure to remove an abandoned facility as required by this Section shall constitute a violation and be subject to the penalties prescribed in Astoria City Code "Penalty and Violation Provisions" in Sections 1.008 to 1.015, in addition to any other methods of enforcement available to the City.

16.060. FEES.

Applicant shall pay the filing fee as set by the City at the time of submission of an application. Actual costs incurred in processing the application shall be billed from the filing fee. Should actual costs exceed the application fee, the City shall bill the applicant for the difference.

In accordance with ORS 227.175, no zoning permit fees shall be charged for applications for solar facilities listed in Section 16.030.A.1. *{HB 3516 prohibits fees for these}*

The City shall determine all expenses and return any remaining filing fee as follows:

1. Approved Permit.

Upon final inspection and after all conditions have been met.

2. Denied and/or Withdrawn Application.

After all appeals have been exhausted and a final determination made.

{It is recommended that exempt permits listed in 16.030.A.1 be free in accordance with HB 3516; an administrative outright use permit be a fee of \$250; administrative conditional use and Planning Commission conditional use permits should be a fee of \$400 plus a \$600 deposit.}

16.065. BONDING.

The City may require that the applicant for a solar facility furnish to the City a performance bond up to, and not to exceed, the anticipated cost to dismantle the facility and restore the site. The bond may be required to assure that the approval criteria and conditions imposed are completed in accordance with the plan and specifications as approved, and that the facility would be removed if the project is not completed as approved.

The bond shall be released only after final inspection and all conditions have been met.

Not required for facilities listed as Outright in Section 16.030. *{HB 3516}*

{A bond should be held until the facility is fully installed, meets all conditions of the permit, and is operational.}

16.070. TECHNICAL EXPERT SUPPORT.

- A. The Community Development Director may employ, on behalf of the City, an independent technical expert to review any technical materials submitted including, but not limited to:
1. materials required under Article 16; or
 2. technical demonstration of unavoidable need or unavailability of alternatives, if required; or
 3. to determine the condition of an existing solar facility.
- B. The costs associated with the independent technical expert review shall be at the expense of the solar facility owners and/or applicants.

16.075. PROCEDURES. *{This section will refer to Article 9 which is the chapter that deals with all land use procedures. Specific items unique to solar permits are included here and not in Article 9.}*

A. Application.

Applicant shall submit the fee, copies of a complete application and plans, and other required information in accordance with Section 16.035.

B. Mailed and Published Notice.

For applications reviewed as a Type II Conditional Use or Type III Conditional Use, public notice and procedures on applications shall be in accordance with the Administrative Procedures in Article 9.

1. Notice to Other Agencies.

In addition to the notices required in Article 9, for applications reviewed as a Type II Conditional Use or Type III Conditional Use, public notice to other agencies shall be sent to the City of Astoria Fire Department, United States Fish and Wildlife, Columbia River Estuary Study Taskforce, and any special districts, and local, State, or Federal agency that may have an interest in the proposed application. Written comments will be incorporated into the record of the public hearing.

2. Display Ad.

For Type II applications, in addition to the required public notice in Article 9, the City shall publish a display ad of not less than four (4) square inches in a newspaper of general circulation in the City of Astoria at the expense of the applicant. The notice shall set forth the required information pertinent to the application.

{The APC was split on whether a display ad should be required. They finally agreed to include the requirement to provide as much public notification as possible.}

C. Decision.

1. Type I Permit - Outright Use Review.

A decision shall be made by the Community Development Director after a determination is made that the requirements of Article 16 have been met.

2. Type II Permit – Administrative Conditional Use Review.

A decision shall be made by the Community Development Director after the notice period and after findings of fact are made that the requirements of Article 16 and the Conditional Use standards in Article 11 have been met. A decision of the Community Development Director may be appealed to the Planning Commission in accordance with Article 9.

3. Type III Permit – Conditional Use Review and Historic Landmarks Commission Review.

A decision shall be made by the Commission after a public hearing is held and after findings of fact are made that the requirements of Article 16 and the Conditional Use standards in Article 11 have been met. In addition to the requirements of Article 16, historic design review shall also include findings of fact that the applicable requirements of Article 6, Historic Properties Ordinance, have been met. A decision of the Commission may be appealed to the City Council in accordance with Article 9.

D. Notice of Decision.

For all permit applications, in addition to the requirements of Article 9, written notice of the decision shall be provided to the Clatsop County Assessment and Taxation Department, and the Astoria Fire Department.

{AFD is included so that they can start an inventory of properties with solar energy facilities. These facilities continue to produce electricity while firefighters are at the scene and can cause electrical shocks. This will allow the fire department to prepare and know before they arrive on the scene of the presence of electrical current.}

16.080. APPEALS.

A decision of the Granting Authority made pursuant to this Article may be appealed in accordance with Astoria Development Code Article 9.