

STAFF REPORT AND FINDINGS OF FACT

April 19, 2016

TO: PLANNING COMMISSION

FROM: KEVIN A CRONIN, AICP, COMMUNITY DEVELOPMENT DIRECTOR

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

I. BACKGROUND SUMMARY

A. Applicant: Kevin A. Cronin, AICP
Community Development Director
City of Astoria
1095 Duane Street
Astoria, OR 97103

B. Request: Amend the Development Code to include definitions for tiny homes and townhouses, adding standards for attached single family units, adding flexibility for front yard setback for historic building patterns, removing restrictions for accessory dwelling units (ADUs), and allowing “tiny homes” as ADUs.

Development Code Sections: Article 1: Definitions, Article 2: R-1, R-2, R-3, C-1, C-3, C-4, & Article 3: Accessory Dwelling Units

C. Location: Citywide

D. Zone: Multiple (see above)

E. Previous Applications: A concurrent application (A16-01) is being heard by the Planning Commission to amend Article 9 – Procedures.

II. BACKGROUND

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

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

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

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

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

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

III. PUBLIC REVIEW AND COMMENT

Planning Commission

A public notice was mailed to Neighborhood Associations and interested parties on April 5, 2016. In accordance with Section 9.020, a notice of public hearing was published in the *Daily Astorian* on April 19, 2011. The proposed amendments are legislative as they apply citywide. Any comments received will be made available at the Planning Commission meeting.

IV. FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

V. CONCLUSION AND RECOMMENDATION

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

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