

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall
November 26, 2013

CALL TO ORDER:

President Innes called the meeting to order at 7:22 p.m.

ROLL CALL:

Commissioners Present: President McLaren Innes, Vice-President Mark Cary, David Pearson, and Zetty Nemlowill

Commissioners Excused: Al Tollefson, Thor Norgaard, and Kera Huber.

Staff Present: Community Development Director / Assistant City Manager Brett Estes, Planner Rosemary Johnson, City Attorney Blair Henningsgaard, and City Engineer Jeff Harrington. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

APPROVAL OF MINUTES:

ITEM 3(a): October 22, 2013 APC Meeting

President Innes noted that on Page 4, under Item 5(b), Carol's last name is Scott.

Vice-President Cary moved to approve the minutes of October 22, 2013 with changes as noted; seconded by Commissioner Nemlowill. Motion passed unanimously.

PUBLIC HEARINGS:

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

ITEM 4(a):

CU03-04 Permit Extension for Conditional Use CU03-04 by Elisabeth Nelson for a temporary use permit for one year, to August 26, 2014, to operate the Astoria Conservatory of Music in the existing church structure at 1103 Grand Avenue in the R-3, High Density Residential zone.

President Innes asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. President Innes asked if any member of the Planning Commission had a conflict of interest or any ex parte contacts to declare.

Commissioner Nemlowill declared that her daughter takes a music class at the Astoria Conservatory of Music, but she does not believe it will influence her in the review of the application.

Planner Johnson reviewed the written Staff report. No correspondence has been received and Staff recommends approval of the request with conditions.

President Innes called for questions of Staff. Hearing none, she opened the public hearing and noted the Applicant was not present to give testimony.

President Innes called for any testimony in favor of, impartial or opposed to the application. Hearing none, she closed the public hearing and called for Commissioner comment.

Vice-President Cary said this was his eighth time voting on this permit extension. There have been no complaints, so the application should be approved. President Innes and Commissioner Nemlowill stated they have voted on this permit extension several times as well.

Commissioner Pearson moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and grant Elisabeth Nelson a temporary use permit for one year, to August 26, 2014, to operate the Astoria Conservatory of Music in the existing church structure at 1103 Grand Avenue in the R-3, High Density Residential zone; seconded by Commissioner Nemlowill. Motion passed unanimously.

ITEM 4(b):

CU13-06 Conditional Use CU13-06 by William and Pamela Myers to locate and live in a motor home as a temporary use for up to one year while renovating the adjacent house at 218 Franklin. The motor home would be parked in the driveway within the 2nd Street right-of-way on the west side of the dwelling at 218 Franklin in the R-2, Medium Density Residential zone.

President Innes asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. President Innes asked if any member of the Planning Commission had a conflict of interest or any ex parte contacts to declare. There were none.

Planner Johnson reviewed the written Staff report. An email, included in the Staff report, from Arline and Cliff LaMear, supported the request. Staff recommends approval of the request with conditions.

President Innes called for questions of Staff. Hearing none, she opened the hearing for public testimony and called for a presentation by the Applicant.

Pam Myers, 6046 SE Holgate, Portland, stated she and her husband have been married 49 years and neither of them have ever smoked, drank, or taken illegal drugs. They adopted their youngest granddaughter, who is a junior at Franklin High School in Portland, Oregon. She and her husband plan to come to Astoria as often as possible, but cannot relocate to Astoria until their granddaughter graduates from high school. They would like to put the motor home on their property in Astoria because they will not be living in it all of the time. Her husband will be able to come to work on the house often. While school is out, she and her granddaughter joined Mr. Myers. On December 12th, Mr. Myers will have carpal tunnel surgery on both of his hands, so not much work will be completed during the month of December. They were at the house all day and Mr. Myers has been at the house often. She has nicknamed the house money pit because they had to pay a huge water bill the day after they purchased the home. They were told they were not responsible for the water bill, but paid it because they did not want the bill to become a lien against the house. She noted the house had to be shoveled out, the condition was so bad. There has been a five-ton dumpster at the house for five days. Any items of use were set at the end of the driveway to be given away instead of sending them to the landfill. Any items not taken by November 27th will be taken to the landfill. Everyone in the neighborhood is friendly. They have been visiting Astoria for almost 20 years. Every month when they come to fish they stay at Kampers West, where the motor home is currently located. This is extremely expensive, but easier than traveling back and forth every day. They have never been apart during their marriage, but Mr. Myers has been coming to Astoria because they are dedicated to making the house what it can be. She feels like the house is happy that she and her husband are there doing something that is not destructive. They are trying to do the best they can. The wall will be fixed in the spring. Currently, they are working on the unit they plan on living in, which is the unit near the street. While they are living in the house, they will work on the other unit. They are not party people; they are old and love Astoria. They plan to make Astoria their permanent home, but right now; they will come to town as often as possible, which is why they want to leave the motor home on the property. She assured that they will not be living in the motor home 7 days a week, 24 hours a day.

President Innes clarified that the Applicants would not be able to move in for two years because their granddaughter, a junior in high school, plans to graduate from Franklin High School in Portland. However, the application is for a one-year permit. Mrs. Myers stated that when she submitted the application, she told Planner Johnson that they would not be there with the motor home for one year. She said Planner Johnson helped them fill out the application and told them not to worry. Planner Johnson explained that once the Applicants have repaired the house to a state that they can move into it, they would be able to stay in the house while visiting Astoria. The motor home will only be necessary until they get the house to a certain condition. Mrs. Myers added

that they did not anticipate it would take a year to get the house to a livable condition, but it is nice to know they have some place to stay that is near their house.

President Innes called for any testimony in favor of, impartial or opposed to the application. There were none. She called for closing remarks from Staff. Hearing none, she closed the public hearing and called for Commissioner comment.

Vice-President Cary thanked the Applicant for cleaning up the property and stated he fully supports the application. Commissioner Pearson stated the Applicants have their work cut out for them, but he applauds them for the project. He was pleased to read the email from Mr. and Mrs. LaMear, which demonstrates that the neighbors support the application as well. Commissioner Nemlowill agreed the letter of support helps. No neighbors spoke against the application, which is part of the criteria that must be considered.

Commissioner Nemlowill moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use Permit CU13-06 by William and Pamela Myers to locate and live in a motor home as a temporary use for up to one year; seconded by Vice-President Cary. Motion passes unanimously.

President Innes read the rules of appeal into the record.

Agenda Items 4(c) and 4(d) were addressed at the same time.

ITEM 4(c):

CU13-07 Conditional Use CU13-07 by Anthony Deluz to operate a one-bedroom bed and breakfast with an on-site manager in an existing multi-family dwelling at 1320 Franklin in the R-3, High Density Residential zone.

ITEM 4(d):

V13-16 Parking Variance V13-16 by Anthony Deluz for Barbara and Stephen Lee from the required one off-street parking space for a one bedroom bed and breakfast to provide one leased space within 300 feet of the site for an existing multi-family dwelling at 1320 Franklin in the R-3, High Density Residential zone.

President Innes asked if anyone objected to the jurisdiction of the Planning Commission to hear these matters at this time. There were no objections. President Innes asked if any member of the Planning Commission had a conflict of interest or any ex parte contacts to declare. There were none.

Planner Johnson noted that the Applicant also has a Parking Variance, Item 4(d), and confirmed that the Staff reports for both applications could be presented at the same time. She reviewed the written Staff reports for Items 4(c) and 4(d). The only correspondence received was submitted by the Applicant with the applications. One letter was from Jack Harris of Fort George Brewery. The second letter was the lease letter for parking from Hughes-Ransom Mortuary. Staff recommends approval of both requests with conditions.

Commissioner Nemlowill asked how the Conditional Use permit would be affected should the Applicant move and stop managing the property. Planner Johnson said the permit could pass to the next manager. The property owner has been part of the application and in contact with Planner Johnson but is working through her property manager. The owner does not live at the property. She would need to verify with Planner Johnson that the future property manager would manage the bed and breakfast and be on site on the same days as the current manager. Conditional Use permits go with the property, but the conditions of approval would remain the same.

Commissioner Nemlowill asked how the request for a bed and breakfast differed from a home stay or vacation rental. Planner Johnson explained that a home stay is where the owner lives in the structure, rather than a manager. A vacation rental does not have anyone living in the structure as the same time as the guest.

President Innes opened the public hearing for Items 4(c) and 4(d) and called for testimony from the Applicant.

Anthony Deluz, Pilot Home Apartments, 1320 Franklin Avenue, Astoria, believed his letter attached to the application expounded on his proposal. He offered to answer any questions from the Planning Commission. He added that he has lived at the property for almost two years and that he and his daughter live on-site seven days a week, 24 hours a day. They do not plan on moving and the owner has indicated that she would like Mr. Deluz to remain on the property for five years or more. He did not believe he and his daughter would be leaving the property any time soon.

President Innes called for testimony in favor of, impartial or opposed to the application.

Drew Herzig, 628 Klaskanine Avenue, Astoria, spoke impartial to the application, stating there has been some confusion between the home stay and bed and breakfast classifications. The Airbnb, a relatively new phenomenon, is unsure if this business fell under the bed and breakfast category and would be required to provide the one off-street parking spot. Bed and breakfasts are usually a one-bedroom in a residence where the owners are also living. He asked if Staff could clarify and refine these definitions for the future because this has been an issue. The rentals on Airbnb are owners renting out a single bedroom. Planner Johnson explained that Airbnb is an advertising website, like Vacation Rentals By Owner. These websites are just advertising tools. In the City of Astoria, anyone who rents out a room is considered a home stay, a bed and breakfast, or an inn. A home stay is defined as a one or two-bedroom house with the owner living in the home. A bed and breakfast can have up to seven bedrooms with an owner or manager living in the property. An inn can have up to 11 bedrooms with an owner or manager living in the property. Astoria does not allow any transient lodging, no matter how small, without completion of the permitting process for one of the three types of room rentals. In most cases, a Conditional Use Permit is required. Some outright uses are allowed, depending on the zone. Even a one-bedroom rental with the owner living on-site requires a permit, business license, and payment of transient room taxes. Transient room taxes are paid to the City to support the Chamber of Commerce and Promote Astoria. The City did receive a complaint about Airbnb because they advised their clients that no permits were required. She contacted all of Airbnb's clients in Astoria and has been working with them. Director Estes added the Commission would have some cases coming up because of Airbnb's erroneous advice.

President Innes confirmed there was no further public testimony or comments from Staff. She closed the public hearing and called for Commissioner comment.

Commissioner Nemlowill said she could support the applications because this bed and breakfast model, with an on-site manager, has been proven to work in Astoria. She is concerned about what could occur if the property changed managers, but was glad that Mr. Deluz planned to remain on the property for a long time. Because the entire property is not being used as a bed and breakfast, she questioned the City's ability to ensure the property retains its nature as a bed and breakfast with a new manager. Planner Johnson believed the conditions were adequate to meet Commissioner Nemlowill's concerns because the owner is responsible. Like any other code or condition enforcement, the owner would be required to notify Staff of a new manager, which could be done through the transient room tax. She believed this was manageable for Staff.

Commissioner Nemlowill believed Astoria had a good thing going with strong neighborhoods, year-round communities, and low second home ownership rates, which is different than many coastal communities that shut down in the winter time when 60 or 70 percent of the population leaves for warmer climates. Astoria has residents who live in the community year-round. She is concerned that changing neighborhoods into vacation rentals could erode one of Astoria's biggest assets and sense of community. These applications were acceptable because a manager will be on-site, but she is concerned about more property owners coming forward in an attempt to circumvent the system currently in place, claiming to have on-site managers or a bed and breakfast model, when, in fact, the property is not truly a bed and breakfast.

Commissioner Pearson believed the Staff report was complete and answered all of his questions and concerns. He supported both the parking variance and conditional use permit applications.

Commissioner Nemlowill moved to adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU13-07 by Anthony Deluz to operate a one-bedroom bed and breakfast with an on-site manager in an existing multi-family dwelling at 1320 Franklin in the R-3, High Density Residential zone; seconded by Vice-President Cary. Motion passes unanimously.

Vice-President Cary moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Parking Variance V13-16 by Anthony Deluz for Barbara and Stephen Lee from the required one off-street parking space for a one bedroom bed and breakfast to provide one leased space within 300 feet of the site for an existing multi-family dwelling at 1320 Franklin in the R-3, High Density Residential zone; seconded by Commissioner Pearson. Motion passes unanimously.

President Innes read the rules of appeal for Items 4(c) and 4(d) into the record.

ITEM 4(e):

CU13-08 Conditional Use CU13-08 by Marty Burnstead to repair the existing radio towers at 1002 W. Marine and 1006 W. Marine in the A-4, Aquatic Natural, and C-3, General Commercial zones.

President Innes asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. President Innes asked if any member of the Planning Commission had a conflict of interest or any ex parte contacts to declare. There were none.

Planner Johnson reviewed the written Staff Report. She noted that the Planning Commission granted a similar extended Conditional Use Permit when Pacific Power wanted to clean up the power plant on West Marine Drive. Staff would review the plans as work is necessary. No correspondence has been received and Staff recommends approval of the permit request as conditioned. She clarified that Page 3 of the Staff report confirmed that the work had already been completed.

President Innes opened the public hearing and called for testimony from the Applicant. Planner Johnson noted the Applicant was not present.

President Innes called for any testimony in favor of, impartial or opposed to the application. There were none. She confirmed there were no closing remarks from Staff and closed the public hearing.

Commissioner Nemlowill moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU13-08 extending the time period for maintenance of the radio towers until 2031; seconded by Commissioner Pearson. Motion passes unanimously.

REPORTS OF OFFICERS/COMMISSIONERS: There were none.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:05 p.m. to convene the work session.

WORK SESSION – Transportation System Plan Update

Director Estes introduced Kevin Chewuk with DKS & Associates, who has been working on Astoria's Transportation System Plan (TSP) update as a consultant. He noted this presentation of the TSP Update was the same presented to City Council at their November 4th meeting. Staff sought to receive final comments from the Council and Planning Commission. If the TSP Committee makes a final recommendation at their meeting in December, the updated plan would be presented to the Planning Commission for a public hearing in February 2014.

Commissioner Nemlowill asked if City Council had any significant final comments. Director Estes replied there were a few projects Staff would be looking into further, particularly the proposed roundabout near Fultano's Pizza; however, City Council did not indicate any major red flags.

Director Estes presented the TSP Update via PowerPoint, noting the Plan's purpose and how the TSP functioned as a living document to meet Astoria's transportation needs through 2035. He also discussed the key issues revealed through public input and reviewed the key projects proposed along with funding resources. President Innes said she had not heard much about enhanced transit stops. Mr. Chewuk explained that enhanced transit stops were a general project to improve the shelters and upgrade amenities, like adding

benches. Funding has already been allocated to this project and the City will work with the transit provider to install amenities at the bus stops. The project also includes getting sidewalks to the bus stops to ensure connections from neighborhoods without people having to go out into the street. Director Estes added one question that has been raised was how the TSP dovetails with the Sunset Empire Transit District's planning process. The TSP would provide the necessary infrastructure to get people from their homes and places of work to the transit system stops.

Commissioner Nemlowill asked how the TSP projects would be prioritized, given the large number of projects in proportion to the funds available. Mr. Chewuk replied that project evaluation criteria have been developed to measure the progress in achieving each goal. The criteria were applied to each project, which was given a score. Projects that scored the highest are prioritized for funding. A priority project list is included in the TSP. Director Estes added the criteria included livability, capacity, and safety, and the TSP Committee ranked the projects according to the criteria. Commissioner Nemlowill asked if the Irving/Nimitz Extension was on the priority list. Mr. Chewuk noted the Nimitz Extension would cost more than \$6.4 million and was ranked as a high priority project, but was not included in the funded plan. Director Estes explained the list of funded projects was based on what the City can afford based on current funding sources.

Commissioner Nemlowill did not understand why the Irving/Nimitz Extension is included in the TSP, but not the by-pass. ODOT has stated funding for the by-pass is not available; however, there is no possibility of building the by-pass unless it is included in the TSP. The City's main goal has been to build a by-pass. Mr. Chewuk explained that the by-pass would involve the entire county. Director Estes added that the County has begun to update their TSP. Commissioner Nemlowill asked why the by-pass has been a goal of City Council. The City plays a role and the TSP is the process by which the City would participate. Director Estes replied the City Council is interested in getting trucks off the downtown core. Some Clatsop County Planning Commissioners are pushing to include the by-pass in the County TSP. The by-pass has not been included in the City's TSP because it generally would not go through the City. ODOT has told the County that they did not believe funding for the by-pass would be available within the 20-year time frame. Clatsop County could build the by-pass themselves, but the cost would be a factor. Mr. Chewuk stated the by-pass would be referred to as a regional project. He believed City Council's goal was to support the project, not that Astoria would take on the project. The TSP does state that City Council supports a by-pass. Because funding would not be available within the planning horizon, the TSP reflects best practices for Astoria if the by-pass is never built, which prevents the inclusion of projects that could not be implemented without the by-pass. The projects included in the TSP allow the traffic system to work without the by-pass.

Commissioner Nemlowill said Mr. Chewuk's explanation made sense. She questioned the accuracy of the road diet traffic simulations because traffic flow in Astoria is seasonal. Weekend traffic is heavy and congested in the summertime, but other times of the year, traffic is light. Increases in population and tourism would affect traffic flow. Mr. Chewuk explained that traffic volumes are collected and factored up to represent the highest traffic levels of the year, which is what ODOT bases their designs on. Traffic simulations represent the fourth worst weekend of the year. Director Estes added that on the busiest weekends, there could be more congestion on roads that have undergone a road diet. However, the road diet will work on a typical day. This trade-off is necessary to achieve improved pedestrian connectivity. Mr. Chewuk said the improved connectivity would include bike lanes on the roads, which currently are lacking, improved crossings, and turn lanes that improve traffic flow.

Commissioner Nemlowill said she supports pedestrian amenities on roadways, but is concerned that road diets would slow traffic more often than one weekend each year. She believed traffic stopped, east to west through town, during most summer weekends. There does not seem to be any viable options for having an alternate route through town. Director Estes recalled a statement by Council Warr that City Council would need to vote to apply for grants to fund each project included in the TSP. The City cannot apply for grants to fund projects not included in the TSP.

Commissioner Nemlowill asked if everyone agreed the traffic simulations are accurate and that a road diet will improve traffic flow. Engineer Harrington explained that driving into town from the south, there is a lot of jockeying when left turns are made on the two through lanes and this affects capacity. The traffic simulation indicates that one through lane with an uninterrupted left turn lane could allow just as much traffic to get through. Every time a truck must slow down to make a turn at 8th and Commercial, another driver attempts to jockey into a position that requires the truck to stop and wait for the car to move. Other drivers will follow the first and the

truck becomes stuck. The single lane scenario will allow trucks to move uninterrupted, except at crosswalks. He has confidence in the people who created the traffic simulations, but understood that it is intuitively difficult to grasp the concept. The simulations show that congestion would not be as bad as he anticipated. He understood that congestion could have a financial affect on truck drivers, but believed the issue was relative, as congestion is worse in other locations. On the worst days, it only takes a few extra minutes to get through town. Traffic congestion can be frustrating, especially for emergency vehicles. Director Estes said that not all TSP Committee members supported the road diet, but a majority did. Vice-President Cary stated he opposed the road diet. Director Estes added that getting feedback from the Planning Commission allows Staff to address any concerns and answer questions prior to bringing the TSP back to the Planning Commission.

There being no further business, President Innes adjourned the work session at 8:52 p.m.

ATTEST:


Secretary

APPROVED:


Community Development Director /
Assistant City Manager

