

## **ASTORIA PLANNING COMMISSION MEETING**

Astoria City Hall  
December 11, 2018

### CALL TO ORDER:

President Fitzpatrick called the meeting to order at 6:30 pm.

### ROLL CALL:

Commissioners Present: President Sean Fitzpatrick, Jennifer Cameron-Lattek, Daryl Moore, Jan Mitchell, Joan Herman, and Brookley Henri (via speaker phone).

Commissioners Excused: Vice President Kent Easom

Staff Present: City Manager Brett Estes, Planner Nancy Ferber, Contract Planner Robin Scholetzky, and Assistant City Engineer Cindy Moore. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

### APPROVAL OF MINUTES:

President Fitzpatrick noted the minutes of the November 27, 2018 meeting were not available.

### PUBLIC HEARINGS:

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

### ITEM 4(a):

SP18-01                      Subdivision (SP18-01) by Stan Johnson and Cary Johnson for a Preliminary Plat application for a 22-lot subdivision (no address) located off of Old Highway 30: Map T8N-R09W Section 20, Tax Lot 107. The site is zoned R-3 (High Density Residential). The following Astoria Development Code standards are applicable to the request: Article 2 (Use Zones), Article 3 (Vehicle Access), Article 9 (Administrative Procedures) and Article 13 (Subdivision) and Comprehensive Plan Sections CP.005 to CP.028 (Land and Water Use and General Development).

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

Commissioner Moore declared that his wife, Cindy Moore, worked on the application as City Staff. He and his wife made a conscious effort to refrain from talking about this application and he could remain unbiased.

Commissioner Cameron-Lattek declared that she purchased her home from Stan Johnson, but she did not have an ongoing contract with him. She had not spoken to Mr. Johnson about this application and she had no financial interest in the proposed subdivision. She believed she could be impartial.

President Fitzpatrick declared a potential conflict. He owns rental properties in Astoria and discussion of a 120-unit apartment complex was included in the traffic report on the 22-lot subdivision. He did not believe this was a direct conflict of interest and that he could be impartial.

President Fitzpatrick asked Staff to present the Staff report.

City Manager Estes and Planner Scholetzky reviewed the written Staff report via PowerPoint. No correspondence had been received and Staff recommended approval of the request with the conditions listed in the Staff report.

Commissioner Moore asked for clarification on the conditions of approval for Tracts A and B. City Manager Estes explained the required plat note would be dealt with during the building permit phase when geotechnical conditions are reviewed in more detail. He recommended that the Applicants address the future ownership and maintenance of Tracts A and B. Planner Scholetzky added that much of the information provided on the preliminary plat is not included on the final plat document. In order to confirm the location of the no-build areas on the plat, Staff recommended that the Applicants include a note referencing the geotechnical report.

Commissioner Herman asked what businesses and residences in the area are currently accessed via Marine Drive. She also wanted to know if the traffic impact study was valid, considering that traffic was currently far less than it would be after a multi-family complex was developed. Engineer Moore confirmed that Marine Drive did not access any residential area, just the subject property and Tongue Point.

Commissioner Herman asked how a traffic impact study could be done when there is no large multi-family housing development on the property. Engineer Moore explained that the analysis would use the density of the development to determine the number of trips that would be made. She confirmed that the study did not analyze current traffic conditions in that area, but estimated future conditions. Oregon Department of Transportation (ODOT) did not recommend a turn lane from Marine Drive into the development.

Commissioner Herman said her main concern was that the development would generate a lot of traffic and Marine Drive gets very congested already, particularly in the summer months. She asked how traffic would safely enter the development without turn lanes.

Ken Shonkwiler, ODOT, 1426 8<sup>th</sup> Street, Astoria, clarified that the crash data in the traffic study analyzed crash history, not an estimated future crash rate. There is no logical way to predict how many crashes are likely to occur at an intersection. ODOT's All Roads Transportation Safety Program constantly monitors five years of crash data and uses the data to make recommendations about the State's highways.

Commissioner Mitchell noted a prediction has been made about the number of trips generated and how those would meld with the traffic that would be generated on Highway 30. She asked what ODOT recommended for managing the traffic in a safe manner.

Mr. Shonkwiler stated that the traffic study reports trip generation numbers based on the number of lots. Trips generated are compared with the capacity of the roadway. This development will not increase capacity enough that the City will need to build anything. ODOT does not have the jurisdiction to require the developer to improve their facility.

City Manager Estes clarified that State statutes prohibit ODOT from requiring improvements on its system when the proposed development does not have direct access on to a highway.

Commissioner Mitchell asked for confirmation on the exact location of the property. City Manager Estes explained the parcel was the grassy field that was on the way to Tongue Point Job Center.

Commissioner Herman asked how residents would access the development. City Manager Estes stated residents would use the existing roadway, Maritime Road, where there is a flashing beacon light. Residents would drive towards Tongue Point Job Center to a new roadway into the development. He displayed a map and indicated the exact location of the flashing beacon at the intersection of Highway 30 and Maritime Road. Ownership of a section of Maritime Road has not yet been confirmed. A section of Old Highway 30 is owned by the federal government. The City has received a grant from the Infrastructure Finance Authority (IFA) to clarify the ownership issues in the area. The County surveyor has stated that until the ownership has been clarified, the plat cannot be recorded. Therefore, a condition of approval prohibits infrastructure construction or recommendation of a final plat until ownership has been determined. This issue affects the proposed subdivision as well as other property owners in the area.

President Fitzpatrick asked if there were any disputes over who owned the roadway. City Manager Estes replied the ownership was simply unclear.



Commissioner Herman said she was concerned that no turn lanes would be built on Highway 30 to access the 200-unit apartment complex via Maritime Road.

Commissioner Cameron-Lattek understood that certain portions of certain lots would be unbuildable. Planner Scholetzky clarified that portions of a certain lot would be unbuildable, but Tracts A and B would have the largest portions of unbuildable areas.

Commissioner Mitchell believed sewer and other urban services would be difficult to provide to the area. City Manager Estes said providing utilities to the area would be difficult. New infrastructure would have to be constructed and installed, including a bio-waste. The first phase of development would be limited to 20 units until a looped water line is constructed.

Commissioner Cameron-Lattek asked Staff to explain the difference between a looped and not looped water line. Engineer Moore stated an unlooped water line would be a dead end. A looped water line connects to two different areas of the water system. She displayed a map and indicated the location of the existing water line. She added the looped line ensured reliable water service. A few units can be served by a dead-end line.

Commissioner Cameron-Lattek asked if the street trees were required in the easement or on private land. City Manager Estes said the plat shows planter strips between the sidewalk and curb. However, if the Planning Commission wanted the street trees outside of the right-of-way, an easement would be necessary. Conditions of approval require a street tree plan to be provided.

President Fitzpatrick confirmed the planting strip would be 3 ½ feet wide.

Commissioner Henri asked how stormwater management would be addressed when the final site plans are designed for each site. City Manager Estes explained that final site plans are reviewed and approved by the City Engineer.

Commissioner Henri asked how stormwater going into the City's system would be treated and if there were any drawbacks to adding additional stormwater to the City's system. Engineer Moore explained the proposed bio-waste are only intended to handle runoff from the proposed roadways and infrastructure that will support the individual lots. The City cannot predict what will be proposed on each lot, so individual lots would be dealt with as they are developed under the building permit, as well as the grading and erosion control permit. Staff did not anticipate a large burden on the City's system. As building permits are pulled, utility fees address typical burdens.

Commissioner Henri asked if setbacks on the tracts were determined by data in the geotechnical report. Planner Scholetzky explained that a notation on the preliminary plat would reference the no-build areas on another document. The final plat document cannot include no-build areas. City Manager Estes added that the purpose of the plat note is to alert Staff when reviewing future building permits.

Commissioner Henri confirmed with staff that land dedicated for public use and street trees could be maintained by a homeowner's association. She also confirmed that the Planning Commission could require this as a condition of approval.

Commissioner Herman asked if there were streets in Astoria with a 14 percent grade or a grade similar to the road proposed in the development. She also wanted to know if a road with such a grade would be prone to sliding. Engineer Moore stated some streets in Astoria were at a 28 percent grade, for example 8<sup>th</sup> Street. A 14 percent grade street is accessible by emergency services. One condition of approval requires all buildings to have sprinklers because the 14 percent grade would impact what equipment the Fire Department could bring to the area.

President Fitzpatrick asked for clarification on the timeline. He asked if Phase 2 would expire after two years. Staff stated that the Phase 2 permit would expire two years from the date of completion of Phase 1. Additionally, a variance from the time limit could provide an extension.

Commissioner Cameron-Lattek noted an incomplete sentence on the bottom of Page 20 of the Staff report. City Manager Estes confirmed the sentence should read, "The submittal shall be approved by the City Engineer."



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

Cary Johnson, 92080 John Day River Road, Astoria, said he had been working with Staff since March to complete the application. He previously developed property off of Williamsport Road, which was the last subdivision in Astoria with a residential development. This property is approximately 18 acres of high-density zoned property that he proposed to develop. He wants to create lots that could be developed into housing in the future. He was not sure what that housing would look like, but the lots needed to be established first. The development costs for this neighborhood will be significant because there are no adequate sewer or water facilities to the site. He proposed a brand new sewer line from the site to the existing lagoon, which will be an engineering feat. He had been in long discussions with City engineers and Staff about how to accomplish that and he believed he had a path forward. He was in agreement with the conditions of approval in the Staff report. However, he was concerned about the requirement to put in street trees. The site is surrounded on three sides by trees and he intended to leave some large tracts filled with trees. The initial purchase and ongoing maintenance of the trees will be a problem and he has not been required to do this in residential developments in the past. He wanted the landscaping requirements to be included in each individual large lot. He could have divided the property into much smaller lots, but the larger lots have room for their own landscaping. He asked that the requirement to provide street trees be removed. He did not believe this was a big ask considering the unique location of the site, which is already surrounded by trees on three sides. He was also concerned about the possibility of the Planning Commission requiring areas be dedicated for parks and playgrounds. He had already set aside an area for a park, but he had not planned to have a homeowner's association (HOA) in the subdivision. Staff has said the City is not interested in taking on a park. It would be a burden on the property owner to be required to own and maintain a park into the foreseeable future. He wanted to give property to the City so they could have a park. The development will have City streets and City utilities and there will be millions of dollars of tax revenue. If a park is required, he believed that the City would be best equipped to handle it. He would set aside a piece of ground that can be used for a park, but the details about what happens to that area remains to be seen. He had conversations with the North Coast Land Conservancy about possibly donating Tracts A and B, which are each several acres in size. The organization is not interested in taking on those properties, but he is looking for others interested in taking ownership of the tracts. They are wooded areas and one tract has drainage. He would like to see them remain in their current condition.

Commissioner Mitchell asked if Mr. Johnson planned to sell the lots before the multi-family dwellings are built. Mr. Johnson said his plan was to retain ownership of the lots and anything developed on the lots.

Commissioner Mitchell stated that since it was likely families would be living there, a playground would be an appropriate amenity for multi-family structures. Mr. Johnson agreed and clarified that there was a question about who should own and maintain the public park. His opinion was that the City would be best equipped to maintain and own the parks. He understood there have been difficulties paying for park maintenance. However, he believed the additional tax revenue generated by the new development would more than adequately cover any new parks. He confirmed he intended to remain the property owner.

Commissioner Herman asked if the 22 lots were approximately the size of a single-family home lot. Mr. Johnson stated the lots were considerably larger.

Commissioner Herman asked if he planned to build 200 multi-family homes. Mr. Johnson explained that 200 would not be practical because of the parking other criteria, which would limit the size of the structures that can practically be built on the property. He confirmed it was his intention to develop multi-family housing, not single-family housing.

Commissioner Moore acknowledged the effort and expense Mr. Johnson was going through to bring more homes to Astoria, which is greatly needed. This is a complicated and difficult process. He noted that about 2,000 square feet was allocated for Tract C. He asked if this was just left over space or if any surveys were involved. Mr. Johnson stated Tract C was centrally located in the middle of the property, so he believed the area would be suitable for a park. The tract is not large, but there is quite a bit of unbuildable space that creates a field. Tract A is also unbuildable, which also provides the potential for recreational facilities. He is required to have a park, so he chose a spot that was centrally located.

Commissioner Moore said he was concerned with Tracts A and B being considered public use because they are not accessible to everyone. The tracts are behind private property. Even if only 100 units are built, there will still



be a substantial number of children and dogs that need exercise. Two thousand square feet is not enough room for the population that will be living there, so residents would have to go all the way to Birch Field in Alderbrook. Birch Field is not managed by the City anymore. All over the state, private groups are being formed to manage parks because giving the General Funds to manage parks is difficult. He asked if any research had been done to determine that 2,000 square feet would be appropriate for 100 units. Mr. Johnson said no, he just found a likely spot for a park.

Commissioner Moore asked if Mr. Johnson intended to create an HOA. Mr. Johnson said no, he intended to remain the sole owner of the property until they found a suitable owner for Tracts A, B, and C.

City Manager Estes stated that based on the Applicant's testimony about property ownership of Tracts A, B, and C, Staff recommended a condition of approval requiring that "the final plat shall indicate that the ownership of Tracts A, B, and C shall be in the name of the developer or, if accepted by another entity, the name shall be provided on the final plat."

President Fitzpatrick called for any testimony in favor of the application. There were none. He called for any testimony impartial to the application.

Guy Rivers 1438 Jerome Avenue, Astoria, said he worked for MTC Corporation, the federal subcontractor for Tongue Point Job Corps Center. He is the Finance and Administration Director at Tongue Point. He is impartial to the development but was concerned about protecting access to Tongue Point. The roadway beyond the first section off of Highway 30 is owned by the Federal Department of Labor. He has spent taxpayer money improving that road, so he was interested in the access to the parcel through the area and through other areas the federal government has been maintaining.

City Manager Estes believed Mr. Johnson could speak to the coordination that has occurred with the Department of Labor. As the federal government sold off parcels in the area, they retained ownership of the roadway and provided access rights to the property owners without specifying anything other than, in this case, Mr. Johnson having to coordinate with the Department of Labor. City Staff and the Department of Labor have discussed big picture issues in the area. Staff has been dealing with people in Arlington, Virginia who are the real estate specialists for the Department of Labor's holdings nationwide. However, Staff has not been working with MTC. There could be interest in allowing the City the opportunity to accept the roads as public rights-of-way, but not until the federal government upgrades the roadways to meet City standards. The ownership maps for this development will state the roadway is owned by the United States of America. A much larger coordination will be necessary to get the road upgrade to City standards before conveying the road as a City right-of-way. After ownership issues are resolved, Public Works Director Harrington plans to continue conversations with the Department of Labor and other partners to find federal grant dollars for some of the upgrades. The project is a long-term project, but it is becoming more and more critical as opportunities for residential development and industrial development increase.

President Fitzpatrick called for any testimony opposed to the application. Hearing none, he called for the Applicant's rebuttal.

Mr. Johnson stated the property is unique because the roadway does not access a City street, but it does access a road owned by the federal government. He had been trying to figure out who to talk to at the federal government. He had been through a long permitting process for the ability to do work in the federally owned road. He coordinated with the Department of Labor and they will receive a copy of the final engineering plans.

President Fitzpatrick called for closing comments of Staff.

City Manager Estes asked for clarification on the issue of street trees. The Applicant requested that the condition of approval requiring street trees be removed. Staff also wanted direction on whether improvements should be made to the park, and if so, when; he reminded that Staff had not recommended any conditions of approval on the park.

President Fitzpatrick closed the public hearing and called for a recess at 7:53 pm. The meeting reconvened at 7:58 pm.



President Fitzpatrick called for Commission discussion and deliberation.

Commissioner Moore stated his questions of the Applicant indicated he was very concerned about the playground space being too small for the subdivision. He recognized that it is extremely difficult and expensive to develop the property, so he wanted to balance the owner's abilities with the intended use. The Comprehensive Plan focuses on ensuring that developed areas are livable and parks play a big role in that. The Parks Master Plan identifies pocket parks, which are suggested to be ½-acre to 2-acres. The proposed park is only about 2,000 square feet, which he believed was too small. He would be willing to relax the street tree requirement in exchange for a larger playground area. A larger playground is more important than street trees. As each lot is developed in the future, they will have their own landscaping and the area will still look nice. Staff did a fantastic job highlighting all of the requirements and recommending conditions. An HOA seems like the most likely way to ensure a park is maintained or the Planning Commission could require the property owner to maintain a 5,000 square foot park. The lot lines of the properties to the south of the park area could be adjusted enough to add 3,000 square feet to the park without changing the size of the lots enough to change their intended use. He confirmed that the minimum lot size for a multi-family dwelling in the R-3 zone was 5,000 square feet for the first unit plus 1,500 square feet for each additional unit. If a larger playground is required, the developer may have to build fewer units. But for the livability of the neighborhood, a larger playground would be necessary.

Commissioner Henri stated she believed street trees were an important aspect of a neighborhood. She described her experience living in a neighborhood without street trees, which made the neighborhood look stark even though it was surrounded by forest. She understood this was a matter of preference. Trees are good for the environment and they are psychologically beneficial to people. However, she recognized the maintenance issues and she understood that homeowners could plant their own trees. Apartment complexes would be required to plant trees on their sites. She believed the Commission would struggle with the park issue because of maintenance. HOAs provide benefits, but they also have draw backs.

Commissioner Mitchell asked if there was any way to guarantee that the existing forest would remain. City Manager Estes said there was no publicly-owned forest land in the area. Tracts B and C would have forested areas, but all of the adjacent properties are owned privately.

Commissioner Mitchell believed the development would not likely be subsidized housing. However, if housing is going to be developed for families, playgrounds should be part of the development. Astoria does not charge developers fees, so the City does not have a mechanism for requiring the developer to put money towards parks in an amount based on the number of units built. However, a playground area is a basic need when building a lot of housing for families.

Commissioner Moore clarified that he questioned whether the park area designated by the Applicant was large enough.

Commissioner Mitchell agreed the park needed to be larger. She also believed it was reasonable to require playground equipment.

Commissioner Moore noted he would not recommend playground equipment. He just wanted a larger space.

President Fitzpatrick added that the criteria did not define playground.

City Manager Estes understood that the Planning Commission could require the Applicant to provide the land area. However, the Development Code does not define playground, so it is up to the Planning Commission to interpret the requirement. The Code is silent on whether the Commission can require as a condition of approval that the Applicant install playground equipment.

Commissioner Cameron-Latteck noted the Code used the word area, not developed or improved.

Commissioner Moore interpreted the Code to indicate the Commission is free to require playground equipment and the Applicant is free to appeal any decision the Commission makes.

Commissioner Mitchell wanted to see Lots 18, 17, 16, and 15 adjusted so there is a larger area for park space and allow the developer to decide what amenities to install.



Commissioner Moore said he preferred to require a playground of a certain size. He was not qualified to tell engineers how to adjust the lot lines. Commissioner Mitchell supported that recommendation.

Commissioner Herman stated City Staff and Mr. Johnson had put in a tremendous amount of work. A good sized, multi-family housing complex in this spot is good because Astoria desperately needs more housing. She agreed that a larger space was needed for a park and she believed it would be reasonable to require the developer to install and maintain playground equipment. The development could seem stark without street trees even though it is surrounded by trees. She did not believe the requirement for street trees was onerous and she recommended native species be planted to reduce maintenance costs.

Commissioner Cameron-Lattek agreed that the park space should be larger. She was comfortable trading more park space for street trees, especially since the lot sizes will accommodate a decent amount of landscaping. She asked if it would be possible to create an easement to provide access to Tracts A and B, so they could be used as park space. City Manager Estes confirmed that access ways and access easements through lots could provide access to Tracts A and B and those would need to be established as part of this plat.

President Fitzpatrick stated he agreed the playground should be larger. Requiring playground equipment would be a bad thing. He asked if the playground equipment could be required in a later phase after a certain number of units had been built. He was undecided on the street trees and asked Staff to provide examples of street trees in a subdivision in Astoria. City Manager Estes stated Mill Pond had street trees. In the Eagle Ridge subdivision, which was also developed by the Applicant, the Planning Commission required the street trees to be installed by the developers of the individual lots and they would be maintained by the adjacent property owner. However, Eagle Ridge has single-family residences. He confirmed the park in Mill Pond was maintained by the HOA. He explained that the Planning Commission could not require a larger playground area as a condition of approval. The Commission will need to continue this hearing and provide direction to the Applicant so they can present a revised plat for the Commission to review, because the Commission reviews and approves a specific lot configuration. Staff can look into the ability of the Commission to require playground equipment and make a recommendation. Staff can also provide details about conditions of approval requiring street trees in other subdivision. If the Commission wants to require access easements to Tracts A and B, direction should be provided to the Applicant and Staff.

Commissioner Moore said easements do not guarantee access to private property, so the Commission would need to ensure the property was publicly accessible. He wanted a larger playground area of at least 5,000 square feet, and in lieu of that, the street tree requirement could be relaxed. If the playground is larger, access easements to Tracts A and B would not be necessary.

City Manager Estes understood the Commission was divided on whether to require street trees. He reminded that new Commissioners would be taking office before the next meeting in January, so Staff would confirm with the City Attorney that the new Commissioners would be allowed to participate in this hearing.

Commissioner Mitchell said she wanted the playground to be accessible without going out on to the street.

Commissioner Herman asked if there was a place on the property for a pocket park larger than 5,000 square feet.

Commissioner Moore pointed to a lot on the map that was 21,000 square feet, noting that was almost half of one acre and a substantial part of the subdivision.

Commissioner Herman confirmed she would be happy with a 5,000 square foot park.

Commissioner Cameron-Lattek said she would also be happy with a 5,000 square foot park. It would not make sense to create an access easement to a piece of private property.

Commissioner Moore understood that a public access easement could be placed over the tracts so that public access on those tracts could be required. He did not believe that was necessary in lieu of a larger playground.

Commissioner Cameron-Lattek agreed and added she was comfortable with 5,000 square feet.

Commissioners Mitchell and Henri also agreed that 5,000 square feet would be appropriate.

City Manager Estes recommended options for proceeding with the public hearing and explained that if the hearing was continued, Staff would present a revised preliminary plat and additional information about playground equipment and street trees at the next Planning Commission meeting on January 8, 2019.

President Fitzpatrick reopened the public hearing and called for a response from the Applicant.

Mr. Johnson stated he could increase the size of Tract C to 5,000 square feet by shifting some lot lines around. That would be a good compromise in lieu of the street trees. He did not want to get into mandating playground equipment because of the liabilities associated with a privately-owned public park. He asked that the decision be left up to him and Staff. He confirmed that the map could be redrawn by the next meeting, but he would have to confirm which members of his team would be available for the meeting. The change seemed relatively simple, but he was concerned about the new Commissioners that would be reviewing the application in January.

City Manager Estes said the other alternative was to meet between Christmas and New Year's. Staff, Commissioners, and the Applicant discussed possible meeting dates relative to their personal schedules, the holidays, and the 120-day rule. The consensus was to continue the hearing to December 27, 2018.

City Manager Estes confirmed Staff did not have clear direction from the Commission on the street trees. However, he believed that providing the Commission with additional data would help Commissioners make a decision at the next meeting.

Commissioner Moore moved that the Astoria Planning Commission continue the hearing on Subdivision SP18-01 by Stan Johnson and Cary Johnson to December 27, 2018 at 6:30 pm in City Council Chambers; seconded by Commissioner Cameron-Lattek. Motion passed unanimously.

#### REPORTS OF OFFICERS/COMMISSIONERS:

There were none.

#### STAFF UPDATES/STATUS REPORTS:

##### **Meeting Schedule**

- December 26, 2018 – APC Meeting Cancelled
- January 8, 2019 – APC Meeting at 6:30 pm (with Riverfront Vision Plan Urban Core work session)
- January 29, 2019 – Discuss possible APC meeting

Planner Ferber noted the Boards and Commission Reception was scheduled for December 17, 2018 at 6:00 pm. The next Planning Commission meeting has been scheduled for December 27, 2018 at 6:30 pm.

#### PUBLIC COMMENTS:

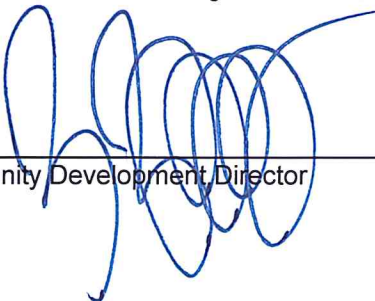
There were none.

#### ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:46 pm.

#### **APPROVED:**

*at the 1/8/2019 APC meeting with minor changes*



Community Development Director