

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall
December 3, 2013

CALL TO ORDER:

President Innes called the meeting to order at 7:00 p.m.

ROLL CALL:

Commissioners Present: President McLaren Innes, Vice-President Mark Cary, Thor Norgaard, David Pearson, and Zetty Nemlowill. Sean Fitzpatrick arrived at 7:30 p.m.

Commissioners Excused: Kera Huber

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

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 3(a):

CU13-09 Conditional Use CU13-09 by Gary M. Mauro to operate a two-bedroom home stay lodging with owner occupancy in an existing single-family dwelling at 1098 14th Street in the R-1 zone.

ITEM 3(b):

V13-17 Parking Variance 13-17 by Gary M. Mauro from the required two off-street parking spaces for a two-bedroom home stay lodging to provide zero off-street parking at an existing single-family dwelling at 1098 14th Street in the R-1 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 confirmed that Staff reports for Items 3(a) and 3(b) would be presented at the same time. She reviewed the written Staff reports. Correspondence has been received from a neighbor on Jerome who has concerns with the lack of on-street parking in the area and specifically, a potential increase in recreational vehicles. That neighbor called to inform Staff that they would be unable to attend tonight's meeting but confirmed their letter was received. Staff has conditioned the Applicant that if the Parking Variance is approved, the Applicant must advise guests that large trailers and RVs cannot be parked in the neighborhood. Staff recommends approval of both requests with the conditions listed in the Staff report.

President Innes stated that Item 3(a): CU13-09 would be discussed first, and then the Planning Commission would discuss Item 3(b): V13-17. She confirmed there were no questions for Staff and opened the public hearing for Item 3(a): CU13-09 and called for a presentation from the Applicant. Hearing none, she called for any testimony in favor of, impartial or opposed to the application.

Ernest Peterson, 1136 14th Street, Astoria, understood one of the owners must be at the residence while guests are present, but this has not been the case. He asked how the City would confirm whether the owners were staying in the home. Guests are at the residence often and sometimes the owners are present. More often, the owners are not present. He did not know how this would be monitored. Planner Johnson explained that the owner was not aware of any requirements or permits in the past. The Applicant has been informed of the requirements and Staff will monitor compliance. If complaints are received, Staff will implement enforcement of

the requirements. The permit can be withdrawn if the Applicant fails to comply. Mr. Peterson responded that this was fair.

President Innes confirmed there were no closing remarks from Staff, closed the public hearing for Conditional Use CU13-09.

President Innes opened the public hearing for Item 3(b): Parking Variance V13-17 and called for a presentation by the Applicant. Hearing none, she called for any testimony in favor of, impartial or opposed to the application.

Ernest Peterson, 1136 14th Street, Astoria, said that he is opposed, but he was almost impartial to the application. The parking is very tight in the neighborhood and there have been trailers and boats in the past. He understood this would change. Parking in the area, especially during holidays, is almost unusable because so many people park there. The Applicant parks on the one-way street in front of another house so that parking spaces within his block are not used. This allows the Applicant's guests to use parking on their block. Sometimes, there are three or four cars on the block, which he does not oppose. However, large numbers of cars are parked in the area often and because the Applicant has guests. He was concerned because police and fire vehicles already have a difficult time getting through. He did not know who was parking in his area, but some of drivers do not know how to park, which will become a problem when more than two cars are parked there because they will block emergency access. He was sure something could be done to alleviate this issue and did not want this to be a problem in the future because his house could be on fire one day. His opposition to the application was cautionary. There is a tight, narrow corner on this block. People cannot get through the streets and must drive around the block. It would be good if the application could include something to alleviate his concerns.

Mr. Peterson clarified that he was talking about 14th Street, adding that the fire trucks come through on Kensington. The Fire Department tests this route occasionally and must drive over a few yards to get through. The fire trucks would not be able to get through if cars were parked on the corners. If a car were parked where the emergency vehicles normally run over the grass, they would not be able to get through. He did not want to lose parking in his area, but also wanted emergency services to have access. People do park on the grassy strips. Generally, people who do not know the neighborhood will park spaced out and residents lose their parking spaces. He has to walk a block sometimes because drivers do not realize they can fit between cars. There is barely enough space for four vehicles in front of his house and the Applicant's house. Sometimes he parks differently because it is so tight and he is worried about cars scraping his. United Parcel Service (UPS) cannot get through half of the time. Snowplows cannot get through because the cars are too close together when they are parked along both sides of the street. The street is very narrow and will probably never be widened because it is in a historic district. He was concerned about this because it is a safety issue.

Planner Johnson noted that the Applicant had arrived. President Innes called for testimony by the Applicant.

Gary Mauro, 1098 14th Street, Astoria, apologized for arriving late and thanked Planner Johnson for helping him prepare the application. His house is currently below its historic parking load. He and his wife are the only two living in his house. If there were more people in his family, the parking load would be higher as other family members would likely have vehicles. Having a few guests every now and then brings his household up to load. He has addressed the parking issue with his clients. As soon as he became aware of the parking and safety issues, he instructed his clients, through Airbnb, to park only in front of his house as a courtesy to the neighbors. His guests have complied and this is not an issue. If guests do not park in front of the house, they park up above in an overflow area that can accommodate up to six cars. Since his home stay began on October 23, 2013 he has only had singles or couples as guests, who have brought no more than two cars. The Airbnb also informs clients that recreational vehicles and boats cannot be accommodated. He offers to refer clients to locations in Astoria where these vehicles can be parked.

President Innes called for questions of the Applicant. Hearing none, she closed the public hearing Conditional Use CU13-09 and called for Commissioner comments.

Commissioner Nemlowill agreed with the neighbors' concerns about parking and was concerned about the impact of this type of tourist use in a residential neighborhood. She believed criteria could be applied to those concerns in both applications, including the section of the Comprehensive Plan that requires a use to be

appropriate for the proposed location. These uses are not appropriate for the location. Safety is also a concern regarding the parking variance.

President Innes said it appears that the Applicant has been operating without problems so far. Her experiences in a town where people offer home stays indicate the businesses are operating all right. She understood that Commissioner Nemlowill was concerned about the subtle changes such businesses make to neighborhoods.

Commissioner Nemlowill confirmed that this Conditional Use permit would apply to the next owner of the residence. The current owner has been operating in a manner that has not been disruptive to the neighborhood, but the next owner may not operate in the same way. While this is just one home stay in this particular neighborhood, homeowners all over town could start offering home stays.

President Innes believed this was already occurring and many have received permits. She hoped all of the home stays apply for permits.

Commissioner Nemlowill stated that not every home stay was in an R-1 zone or in a location with no off-street parking. There were issues of particular concern to her.

Vice-President Cary asked if the permit could include the condition that the permit stays with the owner, so that if the property was sold, the permit would go back to the Applicant. Planner Johnson confirmed that the permit could be limited to the current owner. Vice-President Cary said he had no problems with the proposal. Of the entire neighborhood, only one neighbor is against and one neighbor is impartial to the applications. Commissioner Nemlowill clarified Mr. Peterson did speak against the applications because there are issues with the parking variance. Vice-President Cary said he supported the applications, as he believed more people would have spoken against the Applicant if the issues were a big problem in the neighborhood.

Commissioner Norgaard agreed with the conditions that restrict parking. The business seems to have been operating with not many problems. If issues arise, the permit can be withdrawn. He had no problem approving the applications.

Commissioner Pearson appreciated Mr. Peterson's concerns. Parking in neighborhoods is a delicate balance, but it appears to him that all of the findings have been reviewed. He stated there was no reason to deny the applications based on the conditions. He supported the applications with the caveat that if the neighbors complain, the permit can be revoked.

President Innes also supported the applications. She has used these types of services and it is a privilege to be in a neighborhood. She has experienced parking stipulations while using home stays. She did not object to approving the permits, knowing that if any problems evolve they will be dealt with.

Vice-President Cary moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU13-09 by Gary M. Mauro with the conditions as stated in the Staff report; seconded by Commissioner Pearson. Motion passed 4 to 1 with Commissioner Nemlowill opposed.

Planner Johnson confirmed that the Planning Commission did not choose to add the condition that the permit was valid only for the current owner.

Commissioner Pearson moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Parking Variance V13-17 by Gary M. Mauro with the conditions as stated in the Staff report; seconded by Vice-President Cary. Motion passed 4 to 1 with Commissioner Nemlowill opposed.

President Innes read the rules of appeal, which applied to both applications, into the record

Planner Johnson noted for the record that Commissioner Fitzpatrick had arrived by 7:30 p.m.

ITEM 3(c):

V13-18 Sign Variance V13-18 by Double R Products from the required 20 percent landscaping to install approximately 14.2 percent landscaping; and from the maximum 150 square feet of signage to install approximately 209 square feet of signs; and from the maximum two signs per frontage to allow five signs on the south elevation of the existing commercial building at 2264 Marine in the LS, Local Service 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.

Vice-President Cary, Commissioner Norgaard, and Commissioner Nemlowill declared that they do business with the Applicant. Vice-President Cary stated he purchased gas for his business from the Applicant, but would not realize a direct financial gain from this application. Commissioner Fitzpatrick stated he sold products to the Applicant, but did not believe his relationship with the Applicant would affect his decision. Commissioner Nemlowill said that the Applicant is one of her clients who purchases beer from Fort George and was unsure if the application would result in a direct financial benefit to her company. She stated that she would abstain from the vote.

President Innes called for a presentation of the Staff report and recommendations.

Planner Johnson cited the substantive criteria applicable to the application and reviewed the written Staff report. An email from the Oregon Department of Transportation (ODOT) is included which addresses outdoor signage regulation. It appears that the Applicant complies with ODOT sign regulations, but the Applicant must contact ODOT for verification. Staff recommends approval of the request with conditions.

President Innes stated that after reading the letter from ODOT, she could not determine if the Applicant complied with the sign regulations. Commissioner Norgaard understood that this was between the Applicant and ODOT. Planner Johnson explained that one of ODOT's regulations states any sign visible from the outside on a state highway must be for a business or public activity. All of the Applicant's signs will be for his business. None of the signs will move, flash, blink, or draw attention. The LED (light emitting diode) light will be lit constantly and would not be blinking. The Applicant appears to have met the requirements, but one condition requires him to verify this with ODOT. ODOT usually sends confirmation directly to Staff.

President Innes opened the public hearing and called for testimony from the Applicant.

Don Patterson, 1635 SW 14th St., Warrenton, thanked Planner Johnson for her help, adding he is trying to abide by the rules and do his best. The property looks much better than it did with a fence around it. He offered to answer any questions.

President Innes called for questions of the Applicant. Hearing none, she 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, closed the public hearing, and called for Commissioner comments.

Vice-President Cary believed this was a great project. He was glad to see businesses in the building and supported the application. Commissioner Pearson also supported the application. The site is large, has multiple views, and is on a busy street.

Commissioner Norgaard moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff Report and approve Sign Variance V13-18 by Double R Products with the conditions stated in the Staff report, seconded by Commissioner Pearson. Motion passed 4 to 0 with Commissioners Nemlowill and Fitzpatrick abstaining.

President Innes read the rules of appeal into the record.

REPORTS OF OFFICERS/COMMISSIONERS: No reports.

OLD BUSINESS:

ITEM 5(a):

AP 13-01 on AP 13-02 Cannery Loft Holdings LLC to amend the Land Use and Zoning Map to rezone the property at 4050 Abbey Lane from GI Zone (General Industrial) to S-2A Zone (Tourist-Oriented Shoreland) – approved by City Council and appealed to the Land Use Board of Appeals (LUBA). LUBA upheld the decision. Appealed to Court of Appeals. Appellant withdrew the appeal.

Planner Johnson reviewed the details of request and appeal, noting that a resident of Cannery Loft condominiums appealed to LUBA. LUBA upheld the City's decision. The appellant then appealed to the Court of Appeals. Staff recently received notification that the appeal to the Court of Appeals has been withdrawn and the zone has been changed to S-2A.

NEW BUSINESS:

ITEM 6(a): Work Session on Riverfront Vision Plan Implementation – Development of Code and Comprehensive Plan Language for the Civic Greenway Plan Area.

Director Estes recalled the first work session on the Riverfront Vision Plan implementation at the Astoria Planning Commission meeting in October 2013, noting that once work is complete on the Civic Greenway Area, work will begin on the Bridge Vista Area on the west end of the Columbia River, from Smith Point to about 2nd or 3rd Street. He gave an overview of the feedback received from the Planning Commission at the last work session. This work session will address concerns with overwater development and landscape standards. Other issues will be addressed at future work sessions.

Matt Hastie, Angelo Planning Group, presented via PowerPoint an overview of the memorandum included in the Staff report, which focused on options associated with overwater development and landscaping regulations, and reviewed the assumptions and objectives included in the Riverfront Plan. He noted these regulations would only apply to the Civic Greenway Plan Area, but one or two regulations could apply elsewhere in the city or Riverfront. He requested feedback about the types of uses that should be allowed, limited or prohibited within the Civic Greenway Plan Area which would be used by him to move forward with finalizing the proposed Comprehensive Plan and Code amendments.

Staff explained currently, conditional uses in an A-2 zone are permitted when visual access is provided. Water dependent commercial and industrial businesses are a permitted use and defined as businesses that get their products from the water or transport their product out by water. For example, a business that makes cardboard boxes would be allowed as long as they ship those boxes by boat. Mr. Hastie reminded tonight's discussion primarily regarded overwater development, not on the land. The discussion on landscape requirements would apply to land.

Key considerations for the Planning Commission with regard to overwater development and building size included:

- How should eating and drinking establishments be restricted, whether or not they were associated with a water related use?
- Should water dependent commercial and industrial businesses remain in the list of permitted uses, and if so, should there be any limitations in light of other potential limitations on size, height, etc.?
- Refraining from restricting building size and implement other measures that would limit development.
- If limiting the building size is appropriate, options included limiting the gross floor area or building footprint, as well as the building height and width.
- If the requirements discussed in the Staff report are implemented, 15 to 17 percent of the view of the river would be blocked should maximum development occur.

President Innes called for discussion, questions, and comments regarding overwater development.

Tom Burgess, Astoria, hoped that any final draft would clearly state who is responsible for the water areas. Once developers build on the shoreline, what are the City and citizens required to do? The waterline is a junk pile and Astoria has been through two major fires. The area is full of wrecked cars, steel work, woodwork, and pieces of buildings. He believed an undersea engineering system should be built to survey the riverbed before any overwater or shoreline development takes place. This survey would reveal where the junk is located in the river. He explained that he fell off a pier piling at low tide, hit a pile of junk in the water that was not visible and almost damaged one eye and other body parts. Knowing what is under the water should be established for the City's financial well-being. The City should try to build away from the junk or have it hauled away. He also suggested posting warning signs and noted this issue should be addressed in writing.

Shel Cantor, 1189 Jerome, Astoria, thanked Sherri Williams for keeping the public informed about meetings by mail and email, and the Planning Commission for allowing the public to express their views at the meetings. At the Planning Commission on October 22, 2013, a member of the audience raised a concern about permitting new development in an area that will be directly in harm's way from a major earthquake and the resulting tsunami that is expected to occur. Lessons learned from past earthquakes indicate that structures are especially prone to destruction if built on saturated sandy silts because this type of soil liquefies during the shaking of an earthquake. The soil along the river is obviously saturated sandy silt. The City could accept that tremendous destruction will occur and choose not to require developers to build for surviving an earthquake and tsunami. Alternatively, the City could require developers to build for survival, and if this were not possible, at least the City would not be complicit in aggravating the problem. This issue is being debated in other areas prone to natural disasters, like the floodplains of the Midwest, the low-lying areas of the Atlantic shoreline and Gulf coast. Even if this issue is not openly discussed, the City is choosing whether to allow new development that will add to the effects of an earthquake and tsunami. In addition, at the October 22, 2013 meeting, potential new development designs were shown, including one relatively attractive design that would essentially extend the Rivertrail around new development on the riverside. He saw this design at one of the open public steering committee meetings and was told that developers would not be required to provide this extension to mitigate the fact that the view from the existing trail would be blocked by development. He was also told that the City would not be paying for this extension. He stated it is misleading to suggest that the extension would be built, and then say it is possible to get developers to do something like this if the City gives them variances from the Code in exchange. In fact, on Page 55 of the December 2009 report the potential new development designs are shown with the following statement: "In order to implement these concepts, there may need to be trade-offs between access and intensity of development, e.g. extra height or density for expanded public and visual access to the river edge." He believed it would be more accurate to state "recovered public and visual access to the river edge." He asked if the City had the option to require developers to give back the trail that would be blocked without having to bribe the developers with variances.

Director Estes stated those same images were displayed and the Planning Commission indicated that they wanted to move forward with the Blueway concept, rather than the overwater pier structures in the subject illustrations. He believed those scenarios would be reconsidered for implementation within the Bridge Vista Area and Urban Core Area, specifically with regard to the effects of development on access points. However, these design concepts were not preferred within the Civic Greenway Area. Mr. Hastie recalled the Planning Commission had indicated that these design trade-offs may not be necessary within the Civic Greenway Area depending on how the Blueway zone is implemented. Limiting the amount of overwater development that occurs, either by use, width, or height, the trade-offs between developments or river access may be less necessary in the Civic Greenway Area. He suggested continuing the discussion about the limitations currently being suggested, then determine if those trade-offs need to be considered, either for the Civic Greenway Area or other areas.

Director Estes stated the topics of this work session, defining a Blueway and appropriate codes within a Blueway, were a result of feedback given at the last meeting about the images. Mr. Hastie added that requirements and incentives related to access would be discussed.

Mr. Cantor understood that the Planning Commission would have the option to consider requiring developers to provide access without offering incentives to the developers. He noted the Civic Greenway Zone is the zone that is planned to have the least development and most available public access. Therefore, limiting building height to the height of the riverbank, Option 3 in the Staff report, seems to be the obvious answer.

Mike Weston stated he was speaking on behalf of the Port of Astoria, a landowner on the East End Mooring Basin. The Port owns properties on 36th and 37th Streets, a marina, and a causeway. The marina, a critical property for the port, is currently zoned S-1 or S-2, which does not have any height restrictions. Cruise vessels arrive in sets of two and the marina cannot accommodate them, so they moor out in the river. The East Mooring Basin could be a potential cruise ship location where the ships could dock and unload passengers. He believed the Riverfront Vision Plan was a good plan. The Port did not have any complaints with the landscaping requirements suggested in the plan, but cautioned the Planning Commission on building height, width, and size restrictions that may reduce options for development. The Port currently has a hotel on one side of its property and the other side of the property has potential for a conference center for the city. He asked that the Planning Commission consider the potential impacts to the value of public properties. The City is basically rezoning and adding restrictions to its own lands and there is a lot of potential for development that could benefit the community. The Port does not currently have plans for development, but development should be considered as the Commission looks at the suggested restrictions because the restrictions could affect the value of the properties. He referred to Figure 3 on Page 6 of the draft report, and asked why many of the uses for the A-1 Zone are not permitted at South Tongue Point. Planner Johnson replied there were some goal exceptions that were required when the South Tongue Point area was rezoned. At that time, the Code limited the uses allowed in the area. She was unsure if the intent was to prevent fish processing in the area, but recalled that uses were being added to the A-1, A-2, and Shoreland Zones. She offered to show Mr. Weston some of the documentation regarding these zoning changes that were implemented in the 1980s.

Mr. Weston stated his biggest concern was #10 New dike construction. Currently, the flood zones are rising on the Port's properties and new dikes may become necessary. He was also concerned about #5 Flow lane disposal of dredged material off that side, which is one of the last remaining sites available for industrial development in the flow lane. He understood that no additional dredge material could be put in the area because Mott and Lois Islands were the original dredge material sites. Unless the restriction was lifted of those islands, the types of disposal options would be really limited. Planner Johnson said these restrictions were not being proposed for change, but were existing codes that are not being discussed during the Riverfront Vision Plan. She offered to have a separate discussion with the Port about these issues. Director Estes added that the South Tongue Point area is within the Neighborhood Greenway Zone of the Riverfront Vision Plan and the notes were included in the draft as a reference.

Mr. Weston said he noticed the language that was up for adoption. He reiterated that the Port was particularly concerned with building size restrictions and allowed uses, both overwater and on land. He wanted the Planning Commission to consider these concerns as they move forward.

President Innes confirmed that Mr. Weston was referring to potential development on the shoreland side and did not want limits on overwater uses. Mr. Weston noted that the Port's most valuable asset was their overwater properties because these properties supply all of the revenue and employ the most people. Opportunities on the east side would be commercial, but the Port may need to develop a cruise terminal off the East Mooring Basin in the future. This would require a building to process passengers, bags, and equipment to keep them out of the weather. Some of the suggested height restrictions may allow for this type of building if equipment was narrowed. There are many overwater options that may provide a service. A footprint expansion would probably be necessary because the causeway is already at the end. The land would have to be purchased from the State, a mitigation plan developed, and the area flooded out, which would cost millions of dollars. This is one of the last few remaining industrial sites in Astoria. Currently, there are no plans for development, but the options should be kept open.

Elizabeth Menetrey, 3849 Grand Avenue, Astoria, explained that everyone at one of the public input sessions was instructed to place a green sticker on the displayed photographs they liked and a red sticker on the photograph they disliked. She noted the pictures at the end of the draft plan gave a good idea of what the public liked. Most of the preferred pictures included open waterfront. She has overwhelmingly heard that people want open waterfront with a fantastic view. She asked the Planning Commission to consider the example of a cardboard box manufacturer that transports its products by boat, and decide if this type of use should be allowed. A business like this would be water related and larger in size. She asked why the eating and drinking establishments were included in the A-1 zone and if a restaurant could only serve seafood. Director Estes stated eating and drinking establishments that provide a viewing area of the water are currently listed as a conditional use in the zoning district. He noted the existing zone structure was included as an overview, not as recommendations.

Ms. Menetrey believed eating and drinking establishments were not water related. The City could decide if it would like to allow only permitted uses and no conditional uses, but the water dependent industrial uses and restaurants are interesting to think about. Eating and drinking establishments are also included in the A-2 Zone as a permitted use. Hotels, other restaurants, indoor amusement parks and other uses are allowed as conditional uses; many of these do not seem appropriate for a Blueway Zone. This space has maximum views. She believed she represents those who attended the public meetings and those views were important. Discussions about limiting the size of commercial buildings were irrelevant because most of the use is permitted only conditionally and a mechanism to limit size already exists. While she understood Mr. West on's comments about industrial uses, she did not understand why there would be buildings in the area. Money and quality usually make a decision like this difficult, but this is one section of the riverfront where the decision is clear.

Drew Herzig, 628 Klaskanine Avenue, Astoria, thanked Planner Johnson for the example of the cardboard box factory. He suggested that the permitted uses also be made conditional so the City would have the option to vote against a factory in the area, for example. The eastern section of the Riverwalk is the last open stretch of water and he wanted to make sure as many protections as possible were implemented. He agreed with limiting the height of development to the height of the riverbank and appreciated the nightmare scenario of cruise ships docking at the East End Mooring Basin. He approved of docks and piers, but any structures built on those docks and piers would be above the riverbank and would impede the view. He believed people were opposed to structures that would block the view.

Jon Englund, 90274 Peter Johnson Road, Astoria, stated he could no longer sit and listen to comments opposed to overwater development. He understood the concerns, but noted that the East End Mooring Basin is a valuable piece of land. The section of the river that extends from the Maritime Museum almost up to the basin is shallow, which would make development difficult. He cautioned the Planning Commission on restrictions. The option to restrict buildings to the height of the riverbank is ridiculous. He appreciated people walking up and down the Riverwalk. Property owners along the Riverwalk gave the City permission to use their properties for the Riverwalk, which was a mistake because property owners can no longer use their properties. He asked the Planning Commission to be careful and remember the Department of State Lands (DSL) owns the water, not the City. The City leases the piece of ground from 16th Street to 15th Street from the State for \$11,000 each year. The City must be careful about the development restrictions implemented in this area. Some of the Civic Greenway Zone is great for use as a public viewing area and could not be used for development anyway because of the way the river sits. Dredging would be expensive and permitting would be impossible. He urged the Planning Commission to use common sense when considering where good economic development would be appropriate. To say no to everything is a bit ridiculous.

Ms. Menetrey asked if Mr. Hastie had spoken with people who know the river and considered these conversations in the draft plan. Director Estes said these types of discussions were sought out during the Riverfront Vision Plan. The plan has been developed and now the City must implement appropriate codes. There are different interpretations of how the plan could be adopted, which is why various options are being introduced. The Planning Commission can consider the options and provide recommendations to City Council. President Innes added that a long period of study went into the Riverfront Vision Plan.

Mr. Hastie stated a variety of limitations could be implemented and noted one of the main recommendations was to maintain riverfront views to a significant degree in this area. He reviewed the options before the Commission, stating no changes could be made to the list of outright allowed conditional uses; conditional uses currently allowed in Code could be prohibited or limited, or a combination of permitted and conditional uses could be implemented. Other options not offered in the draft plan may be available.

President Innes called for a vote.

Commissioner Pearson stated that he was not ready to vote, as there were many details in the draft plan. He recently had the opportunity to walk along the river from the East End Mooring Basin down to the Maritime Museum, which was full of people. The Riverwalk was exactly as he envisioned it was intended. He was not part of the Planning Commission that created the four different planning areas, but commended them for their work. The name Civic Greenway indicates the intent of this area, which is relatively restricted in size, and is to preserve as much as possible. He was not opposed to carefully managing and regulating the area for development over the water. He believes it should be discussed separately from the south side of the river. He also respected the

concerns of the Port regarding the East End Mooring Basin. He was unsure how to work through these issues as he believes they are two different topics. The East End Mooring Basin is a maritime use that would have different qualifications from a greenway or blue zone.

Vice-President Cary stated he had a difficult time implementing restrictions on specific areas and preferred to consider development on a case-by-case basis. For example, 95 percent of people would be opposed to a 45-foot building on the water. However, Cannery Pier Hotel, which is a 45-foot tall building on the water, looks good. He cannot say that a certain height is appropriate for a particular area because it depends on the project. The river dictates what will occur and he does not want to limit development too much. The City does not really know what the land should be used for and use depends on the project. He did not know how to suggest this in writing, but wanted the fewest limitations possible. President Innes asked if Vice-President Cary was speaking about the Civic Greenway Area. Vice-President Cary said he was simply giving a specific example and reiterated that he found it difficult to implement restrictions.

Commissioner Norgaard agreed with Vice-President Cary and added he was still trying to digest all of the information. He has not worked on this project as much as other Commissioners, but he did not believe it was appropriate to limit building height to the height of the riverbank if a taller structure could be beneficial. This could limit revenue for the City or jobs for the citizens in this area. He recalled that Commissioner Nemlowill once said, "Astoria for Astorians." Astoria needs to offer places of work so that people can live in Astoria. Commissioner Nemlowill clarified the restrictions would not be implemented throughout Astoria. Commissioner Norgaard understood and added the restrictions would still be implemented in a particular space, making the space financially unproductive. Many times, it comes down to dollars and cents, but he does like walking the Riverwalk and there are places where buildings are set back a little bit so that people can still walk in front of them. When he wants to see a view of the river, he parks and walks down to the Riverwalk or out on the pier. He does not try to see the river from his vehicles while driving, as this is dangerous. He asked if the goal was to allow people to walk down to the Riverwalk to see the river completely.

President Innes reminded that this discussion was specific to the Civic Greenway Area, which is one of four areas of the Riverwalk. Commissioner Norgaard reiterated he was still trying to digest much of the information. President Innes clarified that the restrictions being discussed would not be implemented along the entire Riverwalk. She likes to see the river as much as possible, but believed the Civic Greenway Area would be able to tolerate a Blueway zone with few buildings. She supported working through the issues one-step at a time.

Commissioner Nemlowill said she has put a lot of thought into this and believed Commissioner Norgaard's comments about potential job prospects in Astoria are important. She has walked the Civic Greenway Area of the Riverwalk a lot recently. She understood it can be irritating to see so many jobless people who just want to walk along the Riverwalk, enjoying the view. However, she believed there were lands that were more conducive to offering employment opportunities. She supported all of the options that maximize the views, as this would be special and proactive. She confirmed that she does believe in "Astoria for Astorians" and noted that every Astorian she has spoken to wants the City to maximize the views.

Mr. Hastie summarized that the comments so far regarded some of the options associated with limitations on specific uses as well as potential height and size. He encouraged the Commission to provide further comment and direction regarding options related to building size, height, and width. He confirmed the options and limitations presented were specific to overwater development in the Civic Greenway zone, which is designed to be balanced by other areas where more overwater development could occur.

Commissioner Pearson believed 3,000 square feet was a too large for a building on the water in the Civic Greenway zone. He supported the restrictions in Option 3 or less; Commissioner Nemlowill agreed. He added that he considered the Civic Greenway Zone and the East End Mooring Basin to be very different uses.

Commissioner Fitzpatrick asked for clarification of the specific location of the Civic Greenway Zone and its proximity to the East End Mooring Basin. Commissioner Nemlowill agreed that the East End Mooring Basin and Civic Greenway zone had different uses and believed this should be researched further. Director Estes confirmed the Commission would be willing to allow a higher level of development around the East End Mooring Basin. Commissioner Nemlowill added that the scope of the Civic Greenway Zone could potentially be different. She was not sure if this could be discussed at this point in the process. Mr. Hastie stated previous comments indicate any requirements should be applied to the entire Civic Greenway Zone, rather than just a portion. City

Attorney Henningsgaard explained that the Commissioner's job at this meeting was to recommend zoning that complies with the Riverfront Vision Plan, which was adopted by City Council and part of the Comprehensive Plan, the law of the land. This meeting is not about rewriting the plan. The Planning Commission must implement the plan into an ordinance that complies with the Comprehensive Plan. The Commission can let the City Council know about anything in the plan that they disagree with, but only City Council can approve any changes. The Planning Commission must create an ordinance that is in compliance with the Comprehensive Plan.

Commissioner Nemlowill understood that the Planning Commission did not have the option to consider the Port property separate from the rest of the Civic Greenway Zone.

City Attorney Henningsgaard replied the Commission has options, but is tasked now to recommend a set of ordinances that comply with the Comprehensive Plan. If the Commission wants to change any part of the plan, changes can be included as part of their recommendations to City Council. The Comprehensive Plan is like the Constitution and serves as the over-arching set of policies that controls land use actions. Currently, the zoning ordinances are not in complete compliance with the plan. The Riverfront Vision Plan still needs to be implemented as part of the Comprehensive Plan. Rather than discussing what the Commission would like to see, the discussion should be about how to implement each aspect of the Riverfront Vision Plan. Commissioner comments have indicated that there is some disagreement with the Riverfront Vision Plan, but the Commission's job is to implement that plan as adopted. Mr. Hastie added that any Code recommendations must be consistent with the Riverfront Vision Plan. This does not mean that the Planning Commission does not have options, but recommendations must be supported with findings.

Commissioner Nemlowill asked if the Port had to be considered as part of the Civic Greenway Zone when considering development restrictions that enhance the view in an effort to implement the Riverfront Vision Plan. City Attorney Henningsgaard said the entire Civic Greenway Zone does not have to be zoned exactly the same or have the same restrictions. However, any restrictions that the Commission recommends must be grounded in the plan that was adopted. The Commission would have to refer to the plan and support their recommendations.

Mr. Hastie believed limiting the width of buildings was a key set of potential requirements, and asked for further feedback on the options, especially with regard to limiting width.

Commissioner Pearson said that the Civic Greenway Zone was designed to have more restrictions on the width of a building, which seemed to be a concern in the community when the Riverfront Vision Plan was approved.

Mr. Hastie continued his presentation, discussing options for landscaping standards. He noted objectives in the Riverfront Vision Plan that related to open space, recreation, and landscaping. Images in the presentation included photos of the types of landscaping the community preferred during public meetings. He reviewed his recommended potential changes to the Code's landscaping requirements.

President Innes recalled comments at the last meeting about keeping the area darker and asked if this was the appropriate time to consider lighting options. Mr. Hastie believed lighting could be addressed in a couple different ways. The Commission could recommend an expanded set of trail amenities that did not include lighting, or recommend lighting for improved safety, but require that lighting be focused downward to preserve the darkness and view of the night sky. Director Estes believed the Commission should discuss lighting as part of the landscaping improvements.

President Innes called for public comments on landscaping and trail amenities.

Elizabeth Menetrey, 3849 Grand Avenue, Astoria said she liked the dark, but found it disconcerting as a woman, so she supported minimal lighting. She asked if landscaping tied in to setbacks. Director Estes stated that setbacks of buildings on land would be discussed at the next work session meeting. The landscaping currently being discussed refers to vegetation along the river or between the Riverwalk and any adjacent buildings that would be on the land side. Ms. Menetrey believed setbacks should be required for large hedges on the river front. Director Estes explained the landscaping would be used to fill in any recommended setback.

Ms. Menetrey asked if the Commission was done discussing overwater development. Mr. Hastie believed discussion regarding the subtopics presented at tonight's meeting was over. President Innes confirmed that the discussion would continue.

Mr. Hastie requested feedback from the Planning Commission about landscaping on the river side of the trail.

President Innes wanted to comment on the potential requirements in a way that makes sense with regard to their enforcement. She was unsure what would work best or be the most simple because there were so many choices. Planner Johnson explained that landscaping is enforced when a developer presents their landscape plan to Staff. The only issue with enforcement is trimming because property owners must be contacted and reminded to trim their bushes. This task can be done and is not overwhelming, so she did not believe enforcement of landscaping requirements would be a big problem if regulations were created. Currently, there are no regulations that prevent overgrowth of the riverfront, so Staff cannot ask property owners to trim overgrown bushes on the river side of the trail. Once a Code has been implemented, it will be easy for Staff to enforce it. Director Estes added that landscape plans could be reviewed to make sure the species being planted will not grow over 30 inches in height. Planner Johnson supported offering a list of recommended plants so that developers and property owners know which plants will be appropriate. When reviewing landscaping plans for trees, Staff considers how much the trees will branch, grow, and whether the trees will produce fruit.

President Innes understood that the list of options was tuned to some native plants that landscapers would be expected to accommodate. Mr. Hastie suggested the list of plants be tuned to meet the requirements so that property owners will not have to trim hedges, making enforcement easier. Trees should be planted so that they do not block the view along an entire parcel. Planner Johnson recalled when evergreen trees were planted between 16th and 17th Streets. As the trees grew, they blocked the view of the Coast Guard dock. Citizens began asking Staff if the trees could be removed. The Maritime Museum and the City worked to eliminate the trees and planted fewer trees. Trees can be planted in a variety of ways without blocking the view. The Planning Commission needs to consider hedge height and tree spacing.

The Planning Commission discussed the recommendations regarding landscape regulations and consented to support the following options:

- Height and Spacing:
 - River Side of the Trail: Option 3, a low hedge height restriction and minimum spacing of trees.
 - Land Side of the Trail: Option 3, for landscaping the edges of parking lots adjacent to the Rivertrail
- Native Plants: Option 2, provide a suggested list of plants that encourage native plants to allowing some flexibility and more variety.
- Trail Amenities: Option 1, maintain existing landscaping requirements that allow amenities to be counted toward landscaping requirements to provide more flexibility.
- Landscaping Credits/Reductions: Option 2, Allowing up to 10 percent of required landscaping to be non-vegetative features.
- Applicability:
 - Eliminate change of use as a trigger for requiring compliance with landscaping requirements.
 - Option 3, trigger should be based on the value of the exterior remodeling with the remodeling being at least 33 percent of the structure's assessed value.

Director Estes reminded the applicability trigger could still be changed before a recommendation was made to City Council.

Commissioner Nemlowill believed lower thresholds would encourage more compliance with the landscaping requirements; perhaps this is one area of the Riverwalk where the threshold should be lower. Planner Johnson noted the threshold in the Gateway area is 25 percent instead of 33 percent which would trigger a design review quicker. Commissioner Nemlowill believed it was important to trigger landscaping in the Civic Greenway Zone, especially in places where there is no landscaping.

Director Estes understood that the landscaping issues were tedious, but some of these options can be implemented in other areas. The issues can be revisited again in future discussions, but there was a lot of discussion in the Riverfront Vision Plan about landscaping in the Civic Greenway zone. The issues that still need to be discussed involve structures and setbacks.

Mr. Hastie said draft amendments would be updated based on the feedback from the Planning Commission tonight. On topics that had no clear consensus, judgment will be used to balance the varying views with regard to consistency with the Riverfront Vision Plan. A special session on January 7, 2014 will discuss building height,

setbacks, step backs on land, and requiring access to water. The work session on January 28, 2014 will discuss the idea of a new residential zone between Mill Pond and Safeway and the issue of building and architectural design standards within the Civic Greenway Zone. Once the work sessions are complete, a revised set of amendments that cover all of the topics will be presented to the Planning Commission.


ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:40 p.m.

ATTEST:


Secretary

APPROVED:


Community Development Director /
Assistant City Manager