

## ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall  
February 25, 2014

### CALL TO ORDER:

President Nemlowill called the meeting to order at 6:30 p.m.

### ROLL CALL:

Commissioners Present: President Zetty Nemlowill, Vice President McLaren Innes, David Pearson, Peter Gimre, and Sean Fitzpatrick

Commissioners Absent: Ron Williams and Thor Norgaard

Staff and Others Present: Community Development Director / Assistant City Manager Brett Estes and Planner Rosemary Johnson; Consultant Matt Hastie, Angelo Planning Group. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

President Nemlowill announced that the Traffic Safety Advisory Committee will now meet quarterly instead of monthly. Although she would take comments on traffic safety issues this evening the next Traffic Safety Committee meeting will be in April 2014.

### APPROVAL OF MINUTES:

Director Estes noted that two sets of minutes would be approved at the next meeting, February 27, 2014.

REPORTS OF OFFICERS/COMMISSIONERS: No reports.

### ADJOURNMENT:

There being no further business, the meeting was adjourned at 6:32 p.m. to convene the work session.

### ITEM 5(a): WORK SESSION: Riverfront Vision Plan – Civic Greenway

Director Estes noted this was the fourth work session with regard to implementation of the Civic Greenway Area of the Riverfront Vision Plan. Draft Code language presented during this work session is based on the issues discussed at prior work sessions. Mr. Hastie is looking for direction on items discussed at the December 2013 work session that the Planning Commission had requested more time to consider.

President Nemlowill noted that the public would be invited to speak after Mr. Hastie's presentation.

Matt Hastie, Angelo Planning Group, presented, via PowerPoint, the proposed Code amendments discussed in his memo dated February 18, 2014 that would implement the Code related recommendations from the Riverfront Vision Plan for the Civic Greenway Area. Other recommendations in the Riverfront Vision Plan not implemented by the Code would need to be implemented through other means. He also presented some recommendations for issues discussed at the December 2013 work session and reviewed next steps.

Discussion and feedback from the Commission was as follows with responses to Commissioner questions as noted:

- Mr. Hastie clarified that communication facilities are currently an allowed use in overwater development in the existing Code. Staff and the Planning Commission did not identify communication facilities as a red flag during the December 2013 work session, so the facilities were not discussed.
  - Planner Johnson explained that a communication facility has a broad definition to include any of the lines that carry communication, like buried cables, telephones, towers, and radio communications offices. The former KVAS station on 15<sup>th</sup> Street is one example. Structural and height restrictions still apply to these facilities.



- Controversial feedback was received from the public at a prior work session about whether eating and drinking establishments met the intent of the Riverfront Vision Plan and Civic Greenway Area.
  - Eating and drinking establishments were included as allowed uses, but would be limited to those associated with other permitted uses. A marina could have a restaurant, but a stand-alone restaurant would not be allowed. A fish canning or smoking facility could have a restaurant where the canned and smoked fish were served. Mr. Hastie agreed there was controversy about this use, but he believed the draft Code language was consistent with what was discussed.
- Limiting building height to the bank height was a popular idea at previous work sessions; however this would prohibit building anything other than a marina or dock, and essentially eliminate the ability to have any kind of actual building. This could be what people are requesting, but it does not appear to be consistent with the Riverfront Vision Plan. The proposed height limit is 15 feet above the high water mark.
  - Director Estes noted the Riverfront Vision Plan does not state that there would be no development in the Civic Greenway Area, but that development would be limited. The committee that worked on the recommendations for the Plan agreed that small buildings associated with water-dependent and water-related uses would be acceptable in the Civic Greenway Area, such as a bait shop, snack shop, or smoke house. While the committee members had diverse opinions on some issues, this was one issue that the committee seemed to agree on at that time. As a result, Staff believed it was appropriate to allow these types of buildings over the water.
  - Director Estes agreed the Plan does not specifically state anything about building height. The proposed building height limit is a Staff recommendation based on discussions during the development of the Riverfront Vision Plan. The Planning Commission could choose an alternative.
- Codes regulating access to the water would apply to existing structures built over the water after a certain date. The Planning Commission was asked to consider a date that would be applicable to the Civic Greenway Area and possibly other areas. Setting a date would be easy if the codes were intended to not apply to the two existing buildings over the water. However, if a similar requirement is to be applied to other parts of the waterfront, the Commission should think carefully about what date would be appropriate. The next phase of this project is to review the Bridge Vista Area. A different date could be applied to other areas, but it might make sense to have one date that works across several areas. He confirmed that the current overwater structures could be grandfathered in to the existing code, except in the Overlay Zone.
  - This issue seems sensitive because the existing buildings are historic. Applying these standards could be cost prohibitive and the Commission would not want to discourage property owners from restoring these buildings.
  - Mr. Hastie suggested any buildings older than 50 years be exempt from the requirement as an option.
- Mr. Hastie summarized the draft code language by discussing the impact of implementing all of Staff's recommendations for overwater development. Maximum overwater development would cover no more than 17 percent of the waterfront in the Civic Greenway Area. He believed the actual impact would be significantly less, based on the cost-effectiveness and feasibility of building over the water in the Civic Greenway Area. The City or other property owners could lease properties specifically for view protection and determine that nothing be constructed over the water on many of the parcels.
  - Property owners in other parts of the City are leasing over water parcels for view protection. For example, the Ship Inn restaurant on 2<sup>nd</sup> Street leases the waterfront area from the Division of State Lands to protect the views. The Division of State Lands owns the entire waterfront and upland property owners have the first option to lease the overwater area.
  - Mr. Hastie said the Riverfront Vision Plan noted that where the City is the upland owner, the City has the option to lease the overwater parcels for view protection. This would significantly reduce overwater development in the Civic Greenway Area.
- Fence heights are addressed in the cottage cluster requirements. Limiting shrubs to 3 feet high if fences are allowed to be up to 6 feet tall would definitely not make sense on the river side of the River Trail, but a similar requirement would be appropriate on the land side of the trail. Mr. Hastie would return to the Planning Commission with some suggestions regarding fence heights.
- Landscaping in the proposed Compact Residential Zone is defined as plants and shrubs, which includes ground cover and trees. Residential areas are not currently required to have landscaping, so a property owner could put gravel on their lot.
- The 28-foot height requirement for the proposed Compact Residential Zone would also apply to the Cottage Cluster developments.



Mr. Hastie noted this is the last work session on the Civic Greenway Area, so the draft code amendments will be updated based on tonight's feedback. City Council will be briefed in March or April and adoption hearings with the Planning Commission and City Council will be scheduled for April and May. Once the Civic Greenway Area is complete, the Bridge Vista Area will be reviewed. The City and the Department of Land Conservation and Development (DLCD) must agree to move forward with this second phase of the project, as the DLCD is funding the project through a grant. The Bridge Vista Area will have different code and design issues than the Civic Greenway Area.

President Nemlowill called for a recess at 7:35 p.m. The work session reconvened at 7:41 p.m. and President Nemlowill opened the meeting to public comments.

Shell Cantor, 1189 Jerome, Astoria, said he recalled that the overwhelming majority of comments during discussions of overwater development in November and December 2013 were in favor of restricting new overwater structures to no higher than the riverbank. He believed the majority of the responses from the dais also supported limiting the height to the height of the riverbank. While he agreed with Mr. Hastie and Director Estes that the Riverfront Vision Plan does not specifically state that no new development could occur over the water, he believed what is stated in the Plan is more important than what is not stated in the Plan. Page 68 of the Riverfront Vision Plan specifically states the objectives of the Civic Greenway Area, which includes protecting river vistas in order to maintain physical and visual connections to the Columbia River and encouraging maritime related uses consistent with Astoria's working waterfront such as, docks, piers, marinas, and associated uses that provide jobs and maintain the historic connection to the river. Docks, piers, and marinas are generally no higher than the riverbank. These structures do not have to be built this way, but what is stated in the Plan is more important than what is not stated in the Plan.

- He referred to an article in the *Our Coast* magazine titled "The magic in Astoria is on the River Walk", in which Mayor Van Dusen was quoted as saying, "The true reason our River Walk is so beautiful is because of the Columbia River. We have the most beautiful river in the world right in front of us. So, by putting a River Walk next to it, it makes the River Walk special." and, "But you take that same trolley and go right next to the Columbia River; that's what makes the trolley great. That is what makes the River Walk. It is a spectacular river." He believed very few, if any, Astorians or visitors to Astoria would disagree with the sentiment expressed in the two quotes. To avoid any misunderstanding, he clarified that he interpreted the words "right in front", "next to", and the trolley "right next to" the Columbia River to mean that the river should be unobstructed, as opposed to right in front of buildings or right next to structures which the river is behind. He asked if anyone disagreed with his interpretation of the Mayor's quotes.

Commissioner Gimre believed the quotes could be interpreted two ways. He interpreted the quotes to mean as a working waterfront. He finds it just as amazing to see the bare river and not an active waterfront, such as from 14<sup>th</sup> Street west, for example. He did not believe the quotes were about wide open spaces with nothing along the waterfront for the entire length of the trolley line.

Mr. Cantor reminded that this discussion was specific to the Civic Greenway Area. With the possible exception of allowing development outside of the Civic Greenway Area, he believes everyone agrees with the Mayor's adoration of the unobstructed river. There was no justification for allowing permitted or conditional new buildings and structures higher than the riverbank that would hide the river from the River Walk in the Civic Greenway Area, so structures higher than the riverbank should not be allowed.

Floyd Holcom, 100 39<sup>th</sup> Street, Astoria, said he was unable to attend prior work sessions, but has read some about the work sessions. He challenged people to live on the river for as long as he has. He is on Pier 39 for 14 to 18 hours each day. In the last 18 years, he has spent his time trying to bring as much money and development into Astoria as possible. It challenges him to hear people say they do not want development above the 100-year flood plain, which was the railroad track. The vision of Astoria has been here for over 200 years. The cannery at 39th Street was built in 1875 and it would not exist today if the vision prohibited the development of anything above the flood plain. He was challenged by some of the Civic Greenway Area activities. He believed the Civic Greenway Area should end at Safeway. It is difficult for individuals to consider things that they do not live with every day, but those who live and work on the waterfront every day must purchase their gas at Safeway. The trees in the Safeway parking lot are about 30 feet tall and the riverfront cannot be seen. The Planning Commission implemented these design standards years ago. Design standards for planting trees along the riverfront will result in the tree roots destroying the wall, which is currently disintegrating faster than money can be raised to fix it. He believed Planner Johnson made some inaccurate comments. He recalled Mr. Fenton's



vision about the Ship Inn, which was to build a marina on the waterfront. Mr. Fenton died before the marina was built and Columbia Condos were built next to Ship Inn. The waterfront was not leased at that time to preserve the view corridor, but to build a marina. He noted that in 1972, the Division of State Lands granted tide land property to individuals through the Astoria Act. This is still in dispute today as many property owners still believe they own a lot of waterfront land, because the property was purchased prior to Statehood.

Planner Johnson confirmed that some property owners in Astoria do own their tidelands.

Mr. Holcom noted issues exist with tideland ownership and the development of tidelands. While upland property owners do have first right of refusal, many property owners consider the tidelands as their own. Upland property owners are responsible for the development and protection of the tidelands. Millions of dollars were spent on the steel wave barrier at the east end of Astoria near the East End Mooring Basin, but very little has been spent to recoup the investment in the barrier. It is difficult to use the mean high tides of the Columbia River as an average. At Pier 39, the water almost went over the railroad trestle in earlier years and water is three or four feet from the top of the bank about 30 times each year. So, restricting building heights to the 15-foot water line does not seem appropriate. In the current conditions, houseboats and duck shacks would be at 28 feet. With regard to living and building on the waterfront, the Commission must consider that people cannot control what the tides do. The existing development was built for the railroad at the 100-foot tide line. He noted the issues Warrenton is currently having with the tidelands and wetlands. Some things in the Plan need to be tweaked a bit before the rules are implemented. He suggested the Civic Greenway Area stop at the East End Mooring Basin because most of the East End Mooring Basin has already been developed. People are spending money to increase lighting in an effort to deter vagrants and criminals that hide in the bushes. Citizens have taken on the task of cleaning up the area to make it safer. From 39<sup>th</sup> Street to 36<sup>th</sup> Street, the River Walk has been cleaned and brush has been removed. This needs to be done all the way to the Maritime Museum. He noted that ships cannot be seen from the Maritime Museum parking lot because the trees along the River Walk are so big. He asked the Commission to see the forest through the trees with regard to living on the waterfront. A new walkway was created on the west side of Pier 39 because people wanted to see the sea lions and walk around the pier. Many people use this walkway to get beyond the RiverWalk. Trees listed in the design standards, like the European beech and the Maidenhair will grow above the maximum height requirements, so the height requirements need to be reconsidered. He suggested using the same development criteria for both sides of the railroad tracks and make sure that some of the vessels that come in can comply. The cabs on some boats are over 28 feet and these boats could be as high as 35 feet during high tide. With a design standard of 15 feet on the north side of the River Walk, he was surprised that no fisherman was commenting on how parking their boats would block the views. It is easy to put in an overlay or to implement standards along the entire waterfront, but certain portions of the waterfront need to be protected for other aspects of development. He asked the Planning Commission to be sensitive to his concerns.

President Nemlowill appreciated Mr. Holcom's perspective and noted the provisions in the Civic Greenway Overlay Zone would only apply to new construction or a major renovation on an existing structure. She asked for Mr. Holcomb's thoughts on the options that were discussed, since he owns one of the two existing over water structures in the Civic Greenway Area.

Mr. Holcom stated the applicability for existing structures should be removed. He spends a lot of money on the maintenance of Pier 39 and no one wants to be told how to cut their grass after spending so much money. There are only two overwater buildings in the area and he hoped the requirements for those buildings would be deleted.

Elizabeth Menetrey, 3849 Grand Avenue, Astoria, said that only the Civic Greenway Area is being discussed. The visioning committee, of which Ms. Menetrey was a member, chose the Civic Greenway Area as being an area where over water development would be limited. Other parts of the riverfront will be discussed, like the Bridge Vista Area, which would be more appropriate for over water development. The Planning Commission is not considering the restriction of overwater development along the entire waterfront, just a part of the riverfront that seemed to be the best place to preserve the view. She did not understand much about the tides, but believed she heard from the public that an area that preserved the views was desired. She was happy to see the height limits for overwater development. Boats do not bother her, and Pier 39 and the Cannery Pier Hotel are great because they are far enough out in the water that the view is not blocked. This is different than a building right up against the shore.



Mike Weston, Interim Port Director, said he was representing the Port of Astoria. He agreed with Mr. Holcom that the working waterfront is what makes Astoria great. The attractions to downtown are the breweries that are out on the waterfront and the restaurants. Visitors love taking the trolley, watching the fishing on 7<sup>th</sup> or 8<sup>th</sup> Street and seeing the activity and culture that is Astoria. The Port of Astoria is here to keep that momentum going, keep that culture growing, and keep those jobs. Placing restrictions that limit the ability to develop the waterfront and promote economic development hinders the ability to get where the Port wants to be and to enhance the culture that has made Astoria so great. There is currently no height restriction. Since the Hanthorn Cannery (100 39th Street) was built in 1875, there has been no development on that portion of the river because, as John Englund pointed out at the last meeting, development is not possible in this area. Development would involve coordinating with the Department of State Lands to install pilings and there would be so many issues to overcome that development of that area is nearly impossible. He did not see the need for height or size restrictions. If height restrictions must be implemented, 15 feet is a little low. Arch Cape had an 18-foot height restriction for the first story of a building and 28 feet for the second story. A 15-foot height restriction will result in buildings with flat roofs that blow off in a storm. He believed it would be better not to have height restrictions. He believed the Riverfront Vision Plan would be good for the community in the long run, but the height and size restrictions will hinder the possibility of enhancing Astoria's culture.

President Nemlowill asked why the East Mooring Basin was closed.

Mr. Weston explained the stringers underneath the dock, which attach the handrail to the dock, are rotted. Work will continue for the next couple of months to replace the stringers and handrail. The repair work will allow foot traffic in and out of the East End Mooring Basin. However, pile caps must be modified before vehicle traffic will be allowed.

Carol Scott, 3930 Abbey Lane, Astoria, expressed concerns about the lighting of the landscape and cityscape throughout Astoria, which can make a difference in a person's experience. She recalled that someone spoke about lighting at a meeting in October 2013, but at this meeting, lighting was only mentioned during discussion of the Cottage Clusters. She wanted lighting to be considered and studied in depth. Lighting guidelines, restrictions, and suggestions should be written because it can make or break an experience.

Drew Herzig, 628 Klaskanine Avenue, Astoria, thanked the Commissioners for wading through all of the details of the amendments. He recalled Mr. Hastie's comments that indicated everything should be fine as long as no one pushes the guidelines to their maximum limits. He would be concerned about this if he were on the Planning Commission because there are always unintended consequences. Matter always expands to fill the available space. There is always the possibility of taking something to its maximum limits. It is always easier to allow a variance than it is to require a property owner to remove the top 10 feet from a building. He urged the Commission to err on the side of caution with the Code language and thanked them for volunteering so much time on this project. He clarified he had referenced over water height restrictions hypothetically. It would be easier to set a limit and allow for variances than to say the City has changed its mind and require a property owner to remove 10 feet from the height of a building because it does not look good.

Yvonne Hughes, 1390 Jerome Avenue, Astoria, recalled that shrub height would be limited to three feet, but she believed fencing, especially on the water side of the River Trail, needs to be addressed. Walking along the River Walk will not do anyone any good if there is a six foot fence in front of a building along the river front. She has not had time to go through the entire proposal, but wanted to know what bike stations might look like. Bikes are a big mode of transportation in Astoria and there are not many adequate places to lock up a bike.

Director Estes explained that bike racks are included in the draft code as one of the streetscape amenities that serve as landscaping credits. The City tries to include bike racks any time new parking lots are constructed. Planner Johnson added that the proposed draft Transportation System Plan (TSP) recommends minimum bike requirements; currently, the City does not have any minimum bike requirements. New development will be required to install bike parking or lockers. Director Estes noted the TSP requirements would be considered at a public hearing on Thursday, February 27, 2014.

President Nemlowill confirmed there were no other comments from the public and asked Mr. Hastie to respond.

Mr. Hastie addressed comments raised during public comment and noted items still requiring the Commission's feedback. His comments and discussion from the Commission are as follows:



- Language on lighting has been proposed for the new Compact Residential Zone. Lighting restrictions would prevent lighting from casting a glare on adjacent properties or projecting light up into the sky. The language may not be as broad as Ms. Scott preferred, but the Planning Commission could request that lighting restrictions be added to the rest of the Code.
  - Vice President Innes recalled seeing examples of walkways lit in a manner that preserved views of the night sky.
  - Mr. Hastie and Staff believed that applying lighting restrictions to the entire Civic Greenway Overlay Zone would be most appropriate. The residential design standards suggested for the Compact Residential Zone could be applied to the entire Riverfront Vision Plan or to a specific area, like the Civic Greenway Area, depending on where the language was included in the Code. Either option would result in the same effect. The same standards should apply to the entire Civic Greenway Area, so Mr. Hastie and Staff would recommend where language should go in the Code.
- Most of the public comments regarded the overwater development standards. The Planning Commission was asked for feedback on the permitted and conditional uses suggested for overwater development.
  - President Nemlowill did not believe eating and drinking establishments should be part of the Civic Greenway Area.
  - Vice President Innes said she was trying to envision what the area would look like in general, with and without buildings; she requested more time to consider the proposed Code language.
  - Commissioner Gimre said he did not share President Nemlowill's issues about eating and drinking establishments because the requirements were pretty restrictive.
  - Commissioners Pearson and Fitzpatrick had no issues with eating and drinking establishments.
  - Mr. Hastie clarified that eating and drinking establishments would have to be part of another development and therefore tied to a water-related use. The development of just an eating and drinking establishment would not be allowed. A marina or fish smoking with an eating or drinking establishment would be allowed. He believed administrative judgment of the requirement would be straight forward.
  - Director Estes explained that this is where the Planning Commission must interpret the goals as adopted in the Riverfront Vision Plan. The Riverfront Vision Plan does not include specific uses, such as eating and drinking establishments within the Civic Greenway Area, but proposes examples of possible uses without identifying prohibited uses.
  - Mr. Hastie reminded that all of the limitations on size, height, and use work together.
  - President Nemlowill said she does not oppose development or a working waterfront, but her interpretation of the Riverfront Vision Plan and the concept of a Blueway Zone with no development does not include eating and drinking establishments out on the water in this area. This is a natural area. The Riverfront Vision Plan clearly states that the intention of the Civic Greenway Area is to protect views and limit development to water-related uses. She understood that the other Commissioners did not agree with her. She believed public comments at all work sessions indicated that the public supported her view.
  - Director Estes responded that Staff and Mr. Hastie were looking for direction from the Planning Commission on Code language in order to move forward with further Code amendments, but things could change as a result of the public hearing.
  - Commissioner Gimre noted that in his 50+ years in Astoria, there has been no development between KVAS and the East End Mooring Basin. He believed it was unlikely that development would occur along this section of the river, agreeing that it would likely be cost prohibitive. He did not anticipate development, regardless of the restrictions. It is good to have code, but he did not believe development would be an issue. Therefore, he had no concerns.
  - Commissioner Fitzpatrick agreed. He believed the proposed height limits would not result in any feasibility issues.
- President Nemlowill reminded that the Planning Commission has not been tasked with predicting what kind of development would occur in the future. The Commission's job is to interpret the Riverfront Vision Plan and implement the Plan into Code. It did not matter if someone built a restaurant in the Civic Greenway Area, but she did not see that the Riverfront Vision Plan allowed for restaurants in the area, nor did she hear support for restaurants in the Civic Greenway Area from those who have addressed the Planning Commission. She was unsure how to proceed with the process because the Planning Commission would not agree on everything. There is no consensus on the issue of eating and drinking establishments. She did not believe it was fair to say that one Commissioner believed one way while the others believed differently without accounting for everyone who gave testimony at the work sessions. The Commission may not come to a



conclusion at this meeting. She understood that she may be outnumbered, but there would be opportunity for more public testimony on this issue.

- Mr. Hastie said if there was no consensus, he and Staff would discuss public testimony and feedback from the Commission and decide whether to recommend something different at the adoption hearing. A consensus on every issue is not necessary.
- President Nemlowill noted a consensus would make the process easier. She believed the issues were important. After listening to the public and looking at the Riverfront Vision Plan, she gets the sense that eating and drinking establishments should not be allowed in that context.
- Commissioner Pearson confirmed house boats were not allowed at the Port of Astoria and asked if there were concerns about a floating home community. Director Estes replied that floating home communities were not included in the Code; house boats were not included as a permitted use in the proposed Code. Commissioner Pearson understood floating home communities were prohibited. Mr. Hastie clarified that if a use is not permitted, that use is prohibited. Commissioner Pearson did not agree.
- President Nemlowill reminded that this process is not complete and more discussions would occur. The definition of prohibited can be discussed outside of Planning Commission meetings and revisited if necessary.
- Feedback was requested from the Commission regarding the maximum size and width requirements. Mr. Hastie noted that he and Staff tried to develop size and width requirements that fell in the middle of sizes and widths discussed at the last work session, as they did not have specific direction on numbers. General direction from the Planning Commission indicated that sizes and widths be minimized.
  - President Nemlowill said she was comfortable with the size and width, as long as the water-dependent uses are truly water-dependent. Again, she disagreed with restaurants being a water-dependent use. She did have an issue with the proposed height.
  - The wording about building width in the presentation was different from the wording in the draft code and the difference in the wording resulted in different meanings.
    - Planner Johnson clarified the same message is conveyed in both sets of wording. Maximum building width on a lot 100 feet wide is 25 percent. Lots more than 100 feet wide can have a building no wider than 50 feet. She confirmed that lots less than 100 feet wide did exist.
    - Mr. Hastie added there were about five lots that are about 70 to 80 feet wide; and buildings could be 25 feet wide on these lots. The intention of the Code is to limit building width to the smaller of 25 percent or 50 feet. There are some very wide parcels and 25 percent would be much more than 50 feet.
  - A 1,000-foot wide parcel could be partitioned. However, it would not make sense to have 50 25-foot wide buildings. Therefore, a percentage of lot coverage would be more appropriate.
  - Vice President Innes said she was comfortable with the width and size requirements, but not with the allowance of eating and drinking establishments.
- Feedback was requested on the recommendations for building height. The recommendation was to limit building heights to 15 feet above the mean high water mark.
  - The mean high high water line would not change seasonally as the line marks the highest point the water would go. There are places where the bank is about 15 feet above the water. So, in many areas, buildings would be flush with the bank and in other places, buildings could be 10 feet above the bank. Buildings will not be 15 feet above the River Trail because the bank coming down to the mean high high water line is below the trail. The height is measured from the water line, not from the floor level of the building. Even pilings will be measured from the water line. The top of buildings would be anywhere from even with the shoreline to 10 feet above the River Trail.
    - Director Estes noted the mean high high water line was marked by the vegetation line at the riverbank and used as a base line for these types of calculations.
- Commissioner Fitzpatrick confirmed Mr. Holcom's comment about there being very high tides in the morning. The area next to the Baked Alaska with the concrete slabs was covered with water. Standing at Baked Alaska, there was at least 10 feet between the water line and the bank.
- Construction in flood zones would limit development because the base floor must be constructed so many feet above the flood line. In Astoria, the flood line is higher than the mean high high water level. Since the height of the roof line is limited, the height of the building above the flood line would be limited.
- President Nemlowill understood the Commission is tasked with implementing the Plan. She understood and respected the consultant and Staff's rationale behind the recommendations, but believed the Riverfront Vision Plan stated the views in the Civic Greenway Area needed to be protected while allowing development along other parts of the river. Public comments have indicated the views should be



protected in the Civic Greenway Area. The proposed building height is higher than the bank height. She believed lowering the building height to no higher than the river bank would honor the spirit of the Riverfront Vision Plan. Some Commissioners did not believe building height mattered because development would not occur in the Civic Greenway Area anyway, so, why not lower the building height?

- Vice President Innes advised to be cautious about how the Code language is written to avoid surprises. She wanted to preserve the view and did not want new development in the Civic Greenway Area. She recommended the height be limited to bank height.
- Commissioner Pearson stated it is not the Planning Commission's job to decide what will be developed in the Civic Greenway Area. This area is meant to be the most restrictive in the Riverfront Vision Area, according to the definition of civic and preserved as community space for the good of the community, not commercial property. He agreed with minimizing the impact of buildings out on the waterfront and on the water side of the trail. However, he did not believe this issue was as clear as the Commission would like and suggested looking at other ways of interpreting the height of a single-story building. He wanted to explore the issue more before deciding what height would be appropriate. He did not believe prohibiting development in the Civic Greenway Area would be appropriate, but agreed that restrictions should be set.
- Commissioner Fitzpatrick believed all of the recommendations are extremely restrictive, which would result in minimal development. A 15-foot building would be a shack that rents kayaks and not much else could be built, given the height limit and flood requirement. He supported the 15-foot height limit.
- Commissioner Gimre supported the 15-foot building height limit.
- Regarding the recommendations requiring access to the water, Mr. Hastie recalled the Commission did not want the requirements to apply to existing buildings, as the requirements may prevent buildings from being maintained or remodeled. The Commissioners had no issues regarding these recommendations.
- Discussion and feedback regarding the standards for on-land development was as follows:
  - Commissioner Fitzpatrick said that considering the two, approximately 45-foot tall buildings along Marine Drive, a 45-foot building height is too tall. Even the 35-foot tall house in Mill Pond, which was constructed to the maximum allowable limits, did not fit the spirit of the neighborhood, so 35-feet was also too tall.
  - The proposed 70-foot view corridor and minimum 10-foot step back were appropriate.
  - Commissioner Pearson added the 45-foot building height would restrict the view the Planning Commission is trying to preserve.
  - Director Estes clarified his suggestion to not limit building height below 45 feet in Mill Pond was for the one remaining parcel that is located west of the workforce housing development. Mill Pond was looking for a particular intensity of development with an urban feel along the frontage of Mill Pond. Floor area ratio requirements indicate that the City expects a minimum amount of development. He also considers how a site transitions towards the hospital, where there are additional height requirements. He believed the height limit should remain at 45 feet only on the one parcel. Further east of Mill Pond along Marine Drive, lower height limits would be very reasonable.
    - Concerns were expressed about the height requirements being so out of scale. Director Estes replied it was not a huge issue for him. He was just looking at urban form or the cityscape and what was planned for Mill Pond, which is adjacent to an area that has more intensive development and higher buildings.
  - Commissioner Fitzpatrick said he would not have any issues if the requirement applied to buildings on the south side of the road, but heading west from Safeway or the Police Department, 45-foot tall buildings just did not work.
  - President Nemlowill said she was torn on the height requirements. She agreed with Commissioner Fitzpatrick, but was also considering what would be best overall for the entire community.
  - Commissioner Pearson noted that the buildings being discussed did not have setbacks, which can make a significant difference on the street scape and how it feels at a pedestrian level.
  - Planner Johnson confirmed the view corridor on the corner of 29<sup>th</sup> Street and Marine Drive, going northwest across the pond, is 70 to 75 feet wide.
    - President Nemlowill noted the view is difficult to find.
  - Commissioner Fitzpatrick stated 45 feet would be appropriate for an embellishment, like a clock tower. The idea in Mill Pond was for the buildings to have a certain look. Some buildings could be 45 feet tall, but were not required to be 45 feet tall. Instead of building to scale with the opportunity to build up to 45 feet to achieve an architectural design, the two buildings in Mill Pond were built as tall as possible. He advised the Planning Commission to err on the side of caution. When considering the 45-foot height limit 10 years ago, he envisioned buildings being built to scale with the possibility of 45-foot tall building



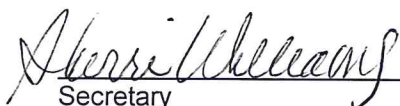
- Director Estes believed there is an opportunity to do something at that corner and confirmed Commissioner Fitzpatrick would be comfortable with the concept of changing the height limit for the property to the west, reducing the majority of the height to a lower limit and allowing a smaller portion of the building to have a higher level that could accommodate a tower element, for example. Part of the building would have a higher height limit with a stepped down height limit on the sides.
- President Nemlowill believed the parcel is zoned differently than the two monolithic complexes being discussed. Planner Johnson confirmed the entire Mill Pond area was zoned for attached housing, which allows commercial and residential uses.
- Vice President Innes stated she was not comfortable with 45 feet, especially for monolithic buildings.
- With regard to the landscaping requirements, Mr. Hastie appreciated public comments about considering the fence heights on the river side of the trail.
  - Riverfronts in other areas have trees right along the edge of the river, but not a wall of trees, which indicated that planting some trees in the Civic Greenway Area should be allowed, while making sure that the view is not blocked. Trees could be pruned up to a certain height so the view from the trail is maintained.
    - Mr. Hastie confirmed the minimum tree spacing of 20 feet could be increased.
  - President Nemlowill said she was okay with the recommendations. Pruning the trees sounds like a good idea, but she was unsure how the requirement would be enforced. There must be an assumption that the trees would not be pruned.
  - Trees distract from the aesthetics of the view and tend to make their way into the water.
  - Vice President Innes said she was concerned about the maintenance of the River Trail, as it progressively slides into the river. Trees would prevent equipment from reaching the River Trail to install barricade rocks.
  - Mr. Hastie understood the Planning Commission wanted to increase minimum spacing if trees would be allowed on the river side of the trail. The Riverfront Vision Plan stated open spaces should be maintained or enhanced with native vegetation.
    - Planner Johnson noted that public comments indicated many people liked the trees because they offer visual variety rather than just a flat waterfront.
- Feedback regarding the Compact Residential Zone included the following discussion items:
  - The Planning Commission agreed with prohibiting bed and breakfasts as a conditional use in the zone.
  - President Nemlowill commented that home stay lodging was touristy for a residential neighborhood, but she did not believe anyone else would agree.
  - The Planning Commission supported the maximum footprint, lot size, and dwelling size requirements.
  - Commissioner Fitzpatrick added that he hoped every unit would not end up being 1,800 square feet. He liked the maximum average size requirement for Cottage Cluster developments. He confirmed the Building Code would reflect the 6-foot minimum between the cottages to address fire and building code issues. He recommended smaller Cottage Cluster units be built closer to the street. Mr. Hastie said this would be included.

Mr. Hastie stated the next step would be to consult with Staff to review the feedback received at this meeting. Additional code revisions will be suggested, City Council would be briefed, and a public hearing with the Planning Commission will be scheduled for late April 2014. He believed only one hearing would be scheduled with the Planning Commission because there has been so much discussion during the work sessions. He asked the Planning Commission to forward any additional comments to Planner Johnson or Director Estes.

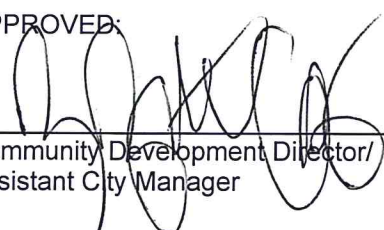
President Nemlowill thanked Mr. Hastie, Staff, the audience, and the Planning Commission for participating in such an important issue. She reminded the APC that the next Planning Commission meeting would be on February 27, 2014 at 6:30 pm to work on the TSP.

There being no further business, President Nemlowill adjourned the work session at 9:07 p.m.

ATTEST:

  
Secretary

APPROVED:

  
Community Development Director/  
Assistant City Manager