

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall
May 27, 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, Kent Easom, Peter Gimre, and Sean Fitzpatrick

Commissioners Excused: David Pearson, Thor Norgaard

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

APPROVAL OF MINUTES:

ITEM 3(a): February 25, 2014

President Nemlowill asked for approval of the minutes of the February 25, 2014 meeting. Vice-President Innes moved that the Astoria Planning Commission approve the minutes, with the following correction:

Page 3, just below the halfway mark – "Commissioner Fitzpatrick Gimre believed the quotes could be interpreted two ways..."

Motion seconded by Commissioner Gimre. Commissioner Easom abstained. Motion passed 5 to 0 to 1.

ITEM 3(b): April 22, 2014

President Nemlowill asked for approval of the minutes of the April 22, 2014 meeting. Commissioners Fitzpatrick and Gimre noted the following corrections that needed to be made:

Page 3, two-thirds down on the page – The motion should reflect that Commissioner Norgaard voted for and Commissioner Fitzpatrick voted against CU14-04.

Page 2, at the bottom – "Commissioner Gimre appreciated Mr. Smithart's explanation..."

Page 3, the second and third paragraphs – References to Commissioner Norgaard should be changed to Commissioner Gimre.

Commissioner Gimre moved that the Astoria Planning Commission approve the minutes of April 22, 2014 with the corrections noted above; seconded by Vice-President Innes. Commissioner Easom abstained. Motion passed 5 to 0 to 1.

PUBLIC HEARINGS:

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

ITEM 4(a):

CU14-06 Conditional Use CU14-06 by Beth and David Fitch to operate a two bedroom bed and breakfast in one unit of an existing three unit dwelling at 1109 Harrison in the R-3, High Density Residential zone.

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

Commissioner Fitzpatrick declared a potential conflict of interest, as he owns 39 residential units within a block of the Applicant's property, another 8 residential properties two blocks away, and another 20 residential units located further from the property. He passes the property daily and his home and office have views of the property. He did not see this as a conflict because he and the applicants are not direct competitors; they have different products and price points, and approval of this application would reduce the supply of rental properties, which would indirectly create higher rents for his properties. However, he had concerns about the application. He offered to recuse himself and speak as a member of the public upon the request of the Applicants, City Attorney, or President Nemlowill.

City Attorney Henningsgaard said Commissioner Fitzpatrick would have a conflict of interest if he stood to benefit financially. If Commissioner Fitzpatrick believed the questions of proximity or similarities between the businesses would cause him to prejudge the application in an unfair manner, then bias becomes an issue. Commissioner Fitzpatrick could participate if he believed he could weigh the evidence and apply the criteria in a fair and even manner.

Commissioner Fitzpatrick said he believed he could be fair, but did have knowledge of some issues. City Attorney Henningsgaard said ex parte contacts could also be an issue if Commissioner Fitzpatrick had done any investigations of the application outside the scope of this hearing. Commissioner Fitzpatrick stated he had spoken to a few neighbors. Prior to seeing the application, he spoke with the current tenants. Earlier that day, he received emails from two of the tenants about unrelated matters. He had asked about the parking situation at the property and confirmed his beliefs about the parking by speaking with the adjoining property owner. He also spoke with the adjoining property owner about her feelings on the application.

City Attorney Henningsgaard said the Applicants would have the opportunity to discuss their concerns about those conversations. He asked Commissioner Fitzpatrick, given those conversations, if he believed he could weigh the evidence impartially. Commissioner Fitzpatrick confirmed that he believed he could.

Commissioner Gimre declared that he grew up in the house next door to the property. He still maintains the house and did not believe he had any kind of conflict. City Attorney Henningsgaard agreed.

President Nemlowill asked Staff to present the Staff report.

Planner Johnson reviewed the written Staff report. No correspondence had been received and Staff recommended approval of the request with the conditions listed in the Staff report.

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

David Fitch, 88916 Youngs River Road, Astoria, explained that he had been looking for space to house family visiting from out of town for extended periods. While it has worked fairly well in the past to have three long-term rentals, he wanted to try the bed and breakfast to see if it would help accommodate his family. During the periods when no family is visiting, income previously received from the long-term rental could be made up. He offered to answer any questions.

Commissioner Gimre noted the Applicant started to paint the house and asked if he had plans to complete the painting. Mr. Fitch said yes, he had been talking with a commercial painter.

President Nemlowill called for any testimony in favor of, impartial to, or opposed to the application. Hearing none, she called for closing comments of Staff. There were none. She closed the public hearing and called Commission discussion and deliberation.

Commissioner Gimre said the application met all of the criteria and he saw no reason to deny the request. Commissioner Easom and Vice-President Innes agreed.

President Nemlowill said she was concerned with the criteria that neighborhoods should be protected from unnecessary intrusions of incompatible uses, including large-scale commercial, industrial, and public uses or activities. She believed the volume of requests that the Astoria Planning Commission had been receiving for transient lodging in neighborhoods, collectively, were an unnecessary intrusion on neighborhoods and their sense of community. Therefore, she did not support the application.

Commissioner Fitzpatrick recalled that in previous votes, he was not opposed to residential properties being used as bed and breakfasts. He and his wife received approval to operate a bed and breakfast in his nearby apartment complex, which for unrelated reasons, they chose not to pursue. However, his property and the properties for which he voted in favor of all had adequate designated accessible off-street parking and this property did not. Harrison is a narrow street, with a 60-foot right-of-way and 22 feet of pavement. The current tenants park three vehicles on Harrison and one in the driveway. It appears as if it is legal to park on both sides of the street. With three or more vehicles being parked on the street, there is only room for a vehicle to travel in one direction. When fire trucks drive up 11th Street, he grabs his keys in case they are headed to his complex. When the fire trucks pass Grand, heading to Harrison, he watches to see which direction they go. He believed the fire trucks usually take Harrison just to practice threading the needle. If there is oncoming traffic, gridlock occurs, as there is no way to get through. There are very few driveways and places for a car to pull off the street. During evenings and weekends, the street can only accommodate one-way traffic. In the 10 years that he has owned the nearby properties, he has never seen a car go into or out of either of the two-car garages and he has never seen a car parked in what the Applicants claim is the parking space. He walked to the property about an hour ago to check one of his units around the corner. The Applicants have a garden with a bench and potted plants laid out there. He views the property from his home and office and walks and drives past the property several times each day. The alleged five off-street parking spaces are not and have not been used as parking for as long as he has been familiar with the property. While he has voted in favor of similar applications, he stated he was not in favor of this application.

Commissioner Gimre moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use 14-06 by Beth and David Fitch, with Conditions; seconded by Commissioner Easom. Ayes: Vice-President Innes, Commissioner Gimre, and Commissioner Easom. Nays: President Nemlowill and Commissioner Fitzpatrick Motion passed 3-2.

President Nemlowill read the rules of appeal into the record.

ITEM 4(b):

A14-02 Amendment A14-02 by the Astoria Community Development Department to amend the Development Code and Zoning map to implement the Riverfront Vision Plan in the Civic Greenway Area (16th to 41st Streets, Marine Drive to the Columbia River); add Compact Residential Zone; add Civic Greenway Overlay Zone; add clear and objective design standards for residential development; renumber several zones and overlay zone; misc. related changes with new code references; and rezone the area on the north half of the blocks between Marine Drive and the Columbia River from 30th to 32nd Street, from the C-3 (General Commercial) zone to CR (Compact Residential) zone. Staff recommends that the Commission recommend adoption by the City Council. The City Council meeting is tentatively scheduled for July 7, 2014 at 7:00 pm in the City Hall Council Chambers.

President Nemlowill asked Staff to present the Staff report.

Planner Johnson briefly reviewed the written Staff report, noting that Matt Hastie would review the Code amendments. Instead of reviewing the entire Staff report, copies were made available to the Commissioners and the audience. She noted the Staff report addressed the various Comprehensive Plan sections that are applicable to the request, all of the sections concerning the Buildable Lands Inventory due to zone changes, and transportation issues pertaining to the change of uses in the area. She offered to answer any questions after Mr. Hastie's presentation. The only piece of correspondence received was a letter from Bob Goldberg, which was included in the Staff report.

President Nemlowill gave the Commissioners a moment to review the letter from Mr. Goldberg. She asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no

objections. She asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare. Hearing none, she opened the public hearing and called for a presentation by the Applicant.

Matt Hastie, Angelo Planning Group, 921 SW Washington Street, Suite 468, Portland, said his firm had been assisting the City with the proposed Code amendments. He highlighted the recommended Code amendments via PowerPoint, noting that the amendments were intended to implement land use recommendations in the Riverfront Vision Plan.

President Nemlowill called for questions from the Commission. Hearing none, she called for any testimony in favor of or impartial to the application. There were none. She called for testimony opposed to the application.

Floyd Holcom, 100 39th Street, Astoria, said he opposed the amendments for numerous reasons. Many things have been combined into two ordinances that affect a large portion of the east end of Astoria. At the last meeting he attended, three of the five people who testified did not live in the area. He left that meeting thinking that the opinions of those who live and work in the area did not matter. He constantly heard that the public supported the consultant's recommendations. All of the meetings he attended and the work he has done over the last 18 years was not included in the consultant's report or the Comprehensive Plan report from the Planner's office. Many people who work on the waterfront have very little time to defend their positions. However, he spent two days reading the ordinance changes. If 25 percent of the assessed value is used to change a building, the entire amount for everything a building owner does is affected. Clatsop County has kept assessed values down for so long because of Measure 51. The assessed value of Pier 39 is currently about \$650,000. This means if he spent \$65,000 to \$100,000 improving his historic building on Pier 39, he would trigger everything in the new zoning ordinance and his building and its use would be non-conforming. He recalled when his office was on 31st Street before Safeway came to town. Many people were planning the entire east end of Astoria. Many of the things they were able to move forward with were not done overnight. However, the Riverfront Vision Plan and the proposed ordinance amendments were done overnight in his opinion. All of a sudden, he must stop to read the documents. Now, his historic building is non-conforming even though it is included in the Comprehensive Plan. He questioned how to tell this to the bank, the Division of State Lands, and to all of the people he must work with to get approvals for what he does. He believed the Code amendments needed to be changed to accommodate his and the other building on Pier 39. Royal Nebeker's building was assessed at \$6,500, so if Mr. Nebeker wanted to put a new roof on his building, he would trigger a review and his building would be non-conforming as well. The Code amendments have nailed the only two buildings on the waterfront. He apologized that he was not 15 feet above the mean high water mark. The consultant did not conduct any engineering study for the development plan, with regard to the 15-foot height limit. He added that Planner Johnson was currently being challenged by Federal Emergency Management Agency (FEMA) on the flood plain maps. When the railroad laid track through Astoria in 1897, the 100-year flood plain was set at the elevation of the railroad track. Floodwaters have come close to the tracks a couple of times, but not over it. He questioned what would happen if he followed the new standards and FEMA told him his foundation could not be below the 100-year flood plain. Fifteen feet above the mean high water mark would put his foundation about eight feet above the 100-year flood plain and he would not have much room left. He questioned why the area included everything at the Maritime Museum and down through 41st Street. He was concerned about uses in conjunction with the Maritime Museum. For the last 10 years, he has hosted the Hanthorn Cannery Foundation's Bumble Bee Reunion. Now, he must call the Maritime Museum and host the event in conjunction with them. This is a public activity. He questioned what this had to do with his building in the Overlay Zone. Pier 39 has nothing to do with the Maritime Museum. He supports the museum, but the museum is not a government entity. He did not understand why he would have to work in conjunction with the museum. He believed the museum had enough going on right now. He believed there were many things in the proposed amendments that the City should spend more time on. Many things in the proposed amendment affect many people on the waterfront within the zone. Now, people will be educated. If the Planning Commission approves this, people will go to City Council. He did not believe the Code amendments deserved to go to City Council yet. He recommended that the Planning Commission go back through the documents, host more public workshops, and get all of the fine details aligned. He wanted people within the zone to have the opportunity to attend Planning Commission meetings to discuss how these Code amendments would affect them. He has spoken at public hearing twice and he has only one of two buildings on the waterfront. His concerns, which have been pretty well outlined, have not been heard. He did not believe the proposed changes were consistent with the Comprehensive Plan. While the Riverfront Vision Plan may have been adopted, it was not really adopted into the Comprehensive Plan. He questioned how the City could pass an ordinance that was not in the Comprehensive Plan. If he decides to spend \$300,000 on his building, he did not want to be subject to all of the proposed criteria all of a sudden. He believed the buildings should be grandfathered and building

owners should not have to explain what has happened on the waterfront over the last 145 years. He thanked the Planning Commission for their time and effort. Many things still needed work and he did not believe the proposed changes should be passed to City Council.

Planner Johnson clarified that the public use in conjunction with the Maritime Museum is a specific use. However, the requirement does not prohibit other uses in other buildings. Pier 39 is a private entity, not a public entity that would fall under other codes allowing water-related uses like marinas, fish retail outlets. The public use in conjunction with the Maritime Museum is specific to a public non-profit use.

Director Estes added that the language currently exists is Astoria's Code. The current Code language could be amended to refer just to public use.

Planner Johnson noted that the two historic buildings were exempt from design review in the draft; this was to encourage redevelopment and restoration of these buildings. She apologized that she was unable to find the exemption in the current draft and believed it may have been accidentally omitted. Buildings over the water constructed prior to a specific date should be exempt. The Planning Commission could vote to approve these amendments with corrections and changes and Staff would put the exemption back in to the draft.

Mike Weston, Executive Director, Port of Astoria, thanked Staff. He said that as a former planner, he understood all of the hard work that went into these amendments. Angelo Planning Group has done a great job. Currently, the zone at the Port is Marine-Related Industrial Use, which does not include a height restriction. There is a difference between a typical overlay and Astoria's zoning code. The proposed amendments put an overlay on top of a zoning code. Overlays are usually more in line with design review criteria and serve as guidelines that promote the kind of development the City is seeking. However, the proposed amendments place restrictions on height and size that could devalue property. This could cause property owners to face economic hardships in the future. There are currently multiple things going on at the Port, some development, some concepts, and some proposals. The Code amendments would conflict with those uses, preventing the Port from doing certain things. He believed Astoria was built on its working waterfront, which is a key feature for the city. Putting restrictions on the waterfront is not a good idea as the unpredictable economic ramifications this would create would be numerous. Jobs would be lost. Properties would be impacted, as they would not be developable. Property owners would be put into a stalemate, unable to move forward on anything. He recommended the Planning Commission do more work on the amendments. The proposed height limit is better because it is above the ordinary high water mark. However, this height limit results in a 7-foot high building, which is not sufficient to meet the need. The maximum gross floor area of 4,000 square feet would not do anything for him. He has garages at the Port larger than 4,000 square feet and he is unable to do anything with them. Direct limitations do not need to be applied. He suggested more of a constructive design review criteria that would allow creativity to make things look nice. The proposed standards would devalue the economic possibilities on public land and for the waterfront owners. He recommend Staff be directed to develop a more creative and fluid document that allows more creativity.

Tim Ramis, 2 Center Point, Lake Oswego, said his law firm serves as general counsel for the Port of Astoria and represents Pier 39. He presented a letter, on behalf of the Port, opposing the proposed amendments. Limiting height, size, use, and the distance between buildings, as proposed, completely undermines the Port's use of its property. This proposition is difficult for the Port, given its responsibility as a steward of public land. It is not unknown in Oregon for Planning Commissions to face situations where one set of values is argued by one constituent group, while a port has economic development and employment interests. Examples of this include the development of lands in northeast Portland where the Port of Portland went against environmental regulations and the Port of Hood River where the recreational uses of the waterfront needed to be balanced against employment uses. In each of those cases, the entities have not ended up in conflict to the point that lawyers were arguing with each other because there has been a reasonable balancing of interests. The resolutions in those cases were not as one sided as what is proposed in Astoria. The proposed amendments leave no serious economic ability to use land in a way that meets the public mission of the Port. As stated in its letter, the Port suggests the City take time to focus on the design issues and allow development to take place in the area so the Port can pursue its mission. The current design solution is 4,000 square foot buildings, 25-feet wide, spaced 75 feet apart, with certain limitations on use. This seems to be a blunt instrument way of designing a waterfront and does not seem effective for anyone. He suggested other solutions be explored. The harbors in Sydney and San Francisco are places where interests have been balanced in an effective way, allowing all users to enjoy the use of those areas. He asked the Planning Commission to remember that the Riverfront Vision Plan

has no legal status under Oregon law because it is not a legally adopted document; its policies are not legally binding in any way. The binding policies are found in the Comprehensive Plan and Zoning Code. The Comprehensive Plan states that major Port development will be encouraged at the existing Port docks and the East End Mooring Basin. The policy of the City, as presented to the State of Oregon in order to obtain acknowledgment of the plan, stated that major development by the Port would be encouraged. The overlay does not accomplish this and is not consistent with the policy. The Development Code for the A-1 Zone states that the purpose of the Aquatic 1 Development Zone is to provide for the maintenance, enhancement, and expansion of areas, activities, and structures needed for navigation and water-dependent industrial, commercial, and recreational uses. The adopted policies that are legally binding do not support the plan as it has been presented. Therefore, he asked that the Planning Commission take time to focus on design issues and address the legal policies, rather than just the policies of the Riverfront Vision Plan, which is not a legally binding document.

Jan Faber, 3015 Harrison Avenue, Astoria, said he has had many visitors. He takes his visitors to the Riverwalk, which he is proud of because the City put so much effort into building it. The Riverwalk is used by countless numbers of people during the day, as it is a great attraction in the city and makes the city more useable. He spent part of his winter in Fort Meyers, Florida, where the City Council indicated that riverfront land was too valuable to be a park and should be developed. Parks and forests are not built by developers; they are set aside from development. He was proud of Astoria and ashamed of Fort Meyers. Last month, he was at Central Park in Manhattan, New York, where the park land is priceless. The park had been set aside for non-development and is a focus for all of the residents. All of the housing near the park has gone up in value because they have access to the park. One neighborhood has a green path that divides the housing and runs south along the Hudson River. This riverfront land is too valuable to be a park. When the green path was preserved as a park, the apartment buildings along the path went up in value. Preserving land for citizens and for development does not mean development needs to be in the park. The reason people want to build on the riverfront is because Astoria has created things like the Riverwalk. Once the area gets crowded with houses and view corridors, the city will no longer have that appeal. The entire downtown area of Montevideo, Uruguay is on the riverfront, where there is no housing or development on the river. One side of the river is a public park and the other side is apartments with a view of the river, facing the park, and not blocking anyone. The apartments are very valuable because of their access to the river and the park. The proposed amendments allow for 10 foot corridors, little alleyways where people can go to see the river. What will happen to the wow factor when people come to Astoria? Currently, people think the view is beautiful. He believed the land was too valuable to be a park. Little housing clusters and little buildings along the side seem good for development in the short term. However, Astoria will lose future visitors. A 12-foot building along the Riverwalk might as well be 30 feet because the river cannot be seen. It is not great to peak between buildings to see the river. The condominiums east of 39th Street created a canyon along the Riverwalk, preventing views of the hills in Astoria. Omitting setbacks on the land side of the trail is incredible. You don't get the feeling of being blocked in when you get to the Hampton Inn. The plan is basically development; it includes housing clusters, but does not address preservation of greenways. He wanted a greenway for walking along the river, not exceptions, corridors, and viewing stands. Portland's Waterfront Park and the Mackenzie River in Eugene, Oregon were created this way. He was disappointed that he did not see this in the plan. He asked the Planning Commission to think about his concerns as they consider adopting the amendments.

Shel Cantor, 1189 Jerome, Astoria, said he did not live on the river, but believed he was entitled to speak because many people have access to the river and the Riverwalk is available to everyone. He read the following testimony into the record:

Three months ago, during your February 25 meeting, while debating a one-story allowance versus a riverbank height restriction for new construction over the river in the Civic Greenway, the two Commissioners who favored a one-story allowance supported that position by asserting no one would ever build there. According to the minutes from that meeting, Commissioner Gimre "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. [in favoring the one-story allowance] "Commissioner Fitzpatrick agreed. He believed the proposed [one-story] height limit would not result in any feasibility issues."

The minutes recount President Nemlowill's response as follows:

"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?" If, for argument's sake, we presume that it would be foolish to try to build new construction over the river in this area, then the only people who could conceivably be inhibited by a riverbank height restriction would be those who would have otherwise tried to do

such a foolish thing. One of the strongest rationales for implementing any restriction is to prevent people from trying to do something foolish, leaving the rest of us to deal with the consequences.

In addition, getting back to this lack of concern, if a resident, as opposed to a Planning Commissioner, truly believes no one would build above the riverbank height in this area, that resident should not be concerned with whatever restriction there might be. But a Planning Commissioner does not have that luxury. With all due respect, the obligations of a Commissioner go unfulfilled when a Commissioner takes a position and claims his ability to predict the future excuses him from his responsibility to justify his position. Furthermore, you've been tasked to implement the Riverfront Vision Plan. Whether or not any of the code you approve for that purpose ends up being superfluous and whether you can infallibly predict that outcome are both irrelevant to your task. So now turning to that task, again from the minutes of your February 25 meeting, where Mr. Hastie's opening presentation to you is summarized, comes the following: "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 looking for, but [Mr. Hastie] and Staff did not believe this was consistent with the Riverfront Vision Plan. 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." I can corroborate that. Because the Plan explicitly calls out what that allowable, limited development could be, giving three, and only three, examples: "docks, piers, marinas," all structures routinely below riverbank height. That is the limited development the Plan's actual words allow, not one-story buildings.

The meeting minutes continue: "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 like a bait shop, snack shop or smoke shop." I was not able to corroborate that. I don't doubt that was discussed by the Steering Committee as they formulated the Vision Plan. Yet, when I searched for the words "bait" or "snack," or "smoke" in the Vision Plan appendix, which includes the Steering Committee meeting minutes, I didn't find any mention of those words. What I found there, however, is that Steering Committee meeting #8 (on April 21, 2009) was the only meeting wherein the minutes included any decision by the committee regarding over-water development in the Civic Greenway.

Here is the relevant excerpt on that subject. "The committee also agreed that several types of improvements should be allowed in these areas, such as piers, docks, marinas and repairs or renovations to existing structures."

Incidentally, the minutes of the subsequent Steering Committee meeting, on June 9, 2009, include the following: "Steve Faust gave a brief summary of results from the Civic Greenway and Neighborhood Greenway open house. Approximately 40 people attended the open house, [several of Faust's comments were included here, finishing with] They do not want to see overwater development in these areas.

"Steering committee members who attended reported on their conversations with open house attendees. They generally confirmed Steve's summary and also noted that people want to see open spaces and broad vistas in these areas... Some participants also say they have concerns about their voices being heard." If you reviewed the Vision Plan appendix, you observed that the theme of we "do not want to see [new] overwater development" predominated, and the concern about our "voices being heard" was often repeated in the feedback documented in that appendix.

Returning to your task now, Staff has instructed you on several occasions that you are not allowed to change the Vision Plan, because this Plan was approved by the City Council as written. The Plan states, "such as docks, piers, marinas;" not, "such as bait shops, snack shops, smoke shops," nor any other example of a building above the riverbank height which would block our river vistas. The Vision Plan also states the primary objective for the Civic Greenway is to protect our river vistas. You do not protect a view by allowing it to be blocked. Therefore, it is the one-story allowance which does not comply with the approved Plan. In contrast, the Riverbank height restriction protects our river vistas and allows precisely the limited development specifically called out in the Plan "such as docks, piers, marinas." The riverbank height restriction is consistent with the spirit and objective of the Plan, consistent with what residents who participated in the Visioning process overwhelmingly wanted, consistent with the documented decision of the Steering Committee in formulating the Plan, and, most importantly for your task, consistent with the actual words in the approved Plan.

Commissioners Nemlowill and Innes staunchly understood this. As a result, to date, according to your minutes, there has not been a single working session when a majority of the Commissioners present endorsed the one-story allowance. I urge you to poll yourselves this evening. Let each commissioner, in turn, state clearly for the record which of the two options meets your requirement of complying with the approved Vision Plan, and please justify your position.

George Brugh, Astoria OR said he has lived in the community for 45 or 46 years. He owns a parcel that is proposed to be rezoned as Compact Residential. He believed this zone should be at Mill Pond, not on his commercial parcel. At one time, he had barge loads of rock and sand delivered to this parcel, which required a water-dependent use. He has since sold this business. He commended Mr. Holcom and Mr. Weston for what they have attempted to convey to the Planning Commission. Mr. Holcom had the opportunity to spend two days going over the proposed code amendments, but he has not done the same. He believed there would be an appeal if the Planning Commission is unable to see the light at the end of the tunnel. The greenway Astoria currently has at the river is enjoyed every day and he could not see how it would go anywhere else or be built on. He owns about six parcels in the water on the other side of the Riverwalk and he did anticipate he would not own them much longer because there is no future for those parcels. The Riverwalk views must be protected. Maybe we could keep from getting into a cluster.

Cindy Price, 1219 Jerome, Astoria, said a lot of history was being discussed at this meeting. She believed what Mr. Cantor did was very important, going back over the history of what had been promised, said, and discussed. Citizens elect people based on what they say. Elected officials appoint Planning Commission members based on how the public has voted for them. There is a lot in the record, but she was not able to find anything about bait shacks, snack shop, sea lions, dogs, or baby carriages. The record does reflect that virtually everyone, except for the few people who own property in the area, want to protect broad vistas and views. This is in the minutes of the various meetings. She was attending meetings from the beginning in early 2008. At a recent meeting, Mr. Cantor spoke about the Civic Greenway Area being the bone that was thrown to the people who wanted much less development than the current Plan allows. She believed Mr. Holcom had some good points and she agreed that it was too early to send the code amendments to City Council. There is a lot that needs to be looked at. She believed Pier 39 was a marvelous addition to the waterfront and she did not believe the owner should be limited to \$100,000 in improvements; this seemed nutty to her. When she first came to Astoria in 1996, there was a landscape architect, Robert Murasse, who spoke about the riverfront as being a gem that needs polishing. Mr. Murasse has said that in life and in art, people can become so engrossed in history that it becomes limiting. You can learn from history, but you also have to fight for a path beyond it. She believed this was what Astoria has done over and over again, trying to get away from the fact that Astoria used to be filled with canneries and a working waterfront that everyone supported at the time. Astoria has not been this way for a long time and we need to move beyond this. If the only people who have a say about what goes on along the waterfront are the property owners there, then we have all been wasting a lot of time. Everyone owns the waterfront. Everyone has a say in it, so let's have more discussion about it. She believed that the Riverfront Vision Plan was a good plan. For two years, there was massive amounts of public comment and the Plan is a very nice compromise that needs a little tweaking. She suggested another meeting before moving.

Elizabeth Menetrey, 3849 Grand Avenue, Astoria, said she became involved in this process when the condominiums near 39th Street were built. She is always walking on the Riverwalk. When the condominiums were built, she began to ask Staff how it happened and how to prevent more from being built. She began discussing ways to change the Development Code many years ago. These conversations have been going on for a while and the process has been very emotional. She understood that the historic buildings, like Pier 39, are not part of the code amendments.

Planner Johnson explained that the intent was to exempt the existing buildings from restoration percentages, so they would not be required to comply with the Civic Greenway Overlay Zone during renovations

Ms. Menetrey knew that this had been discussed before, so she was surprised that she did not hear it. She agreed with Mr. Cantor and Mr. Faber, who both spoke eloquently. She believed she was speaking for a lot of people who feel strongly about the riverfront. You have to work hard to preserve things. Before the economy tanked, there was talk about building projects. If the City does not have a strict guideline, things will be built. Restrictions must be laid out. Variances and vague code language allow things to be built. This is why the Planning Commission needs to restrict development to riverbank height. She was surprised to see eating and drinking establishments had been included, referring to Page 10, Item 15(f) of the Staff report. She recalled discussing that these establishments would not be allowed and she opposed them. She noted that she was a member of the Riverfront Vision Plan Steering Committee. This area was meant to be clear and have wide open vistas. The Port has come late to this discussion and she questioned where they were over the years spent working on the Plan. Suddenly, at the last moment, the Port has decided to give input, which confuses her. This seems to be skewing things a certain way. She recalled City Attorney Henningsgaard say that legally, the code amendments must follow the Plan and the Port is part of the Civic Greenway Area.

City Attorney Henningsgaard said the Port has property in the Civic Greenway area.

Ms. Menetrey agreed and understood that the Port would be included in any decisions made about the whole area. She was concerned about what the Port wanted as opposed to the rest of the area and whether decisions would be based on what the Port wanted. She clarified that the Port was not considered during discussions of the Civic Greenway Area; the East End Mooring Basin was considered separate. The Port did not come forward, so it was not part of the discussion during the Riverfront Vision planning process. Someone from the Port came forward at a Planning Commission meeting to express their concerns, but the Plan had already been developed. She questioned whether City Council could deal with this separately.

President Nemlowill asked if Ms. Menetrey was suggesting the scope of this stretch of the Riverfront Vision Plan be changed.

Ms. Menetrey said if the Civic Greenway Area was going to be based on what the Port needs, then the Civic Greenway Area and the Port must be separate. She asked if the Port would be limited to the riverbank side, no higher than the riverbank. This could be tricky and the Port might need to be considered separately. Astoria has a gem that must be preserved for future generations. This is absolutely vital.

Sylvia Davis, 2775 Steam Whistle Way, Astoria, said the trolley and Riverwalk are superb. She noted that several bushes along the Riverwalk were over one-story high, blocking part of the river. She believed the Riverwalk should be left alone.

Chris Farrar, 3023 Harrison Avenue, Astoria, appreciated all of the comments that had been given. Upon reviewing the proposed amendments, he agreed with Mr. Holcom that the amendments were too comprehensive to implement as a simple amendment. The amendments should have been separated into parts, as the changes to the plan are radical. He cared about the green, the view, and the open space. He commended Mr. Faber for his comments, which reflected his feelings closely. The riverfront view is worth something; it is worth more than a business that sells French fries and has lasting value. What business has been in Astoria for 200 years in the same building? The edge of the river will remain for thousands of years, even after a tsunami cleans out all of the development built in the flat land. The river is a lasting piece of value and we should not obscure it from people. People are getting too far removed from nature. Many children don't look at flowing water; they look at a picture of it on a screen to try to get in touch with it. We need to be taking children down to the river to get them in tune with the environment and use the great asset to the community. The river is what makes this a fine community. Astoria has commercial areas, but needs open space. People need the opportunity to get their brains back in focus after being immersed in development and noise by walking on the river. He asked the Planning Commission to promise not to pass the amendments on to City Council at this meeting because the amendments are not ready. The amendments throw out the essential greenway entry way to the town. The Planning Commission cannot just throw that out and say that Astoria is not going to have a vision of the river from that location anymore. The basic idea of this part of the Plan was the dog bone thrown to the community. The City would give Astoria a little bit of view down at the east end of town and Astoria would like to keep this view, as this was the deal that the citizens expected the City to keep. He wants the view to be preserved and wants the Planning Commission to walk the full length of the river to get an appreciation for it. Maybe the Commissioners had been away from the river too long. Blocking the view is a bad idea.

LaRee Johnson, 1193 Harrison Avenue, Astoria, said she did not own property on the river, but hearing all of the comments has reminded her of the saying about selling your soul to the devil. She recalled working on the Lewis and Clark Bicentennial, noting that she was on the board for many years. One of the board's first trips was to Great Falls, Montana, where she was impressed with their Lewis and Clark Interpretive Center, which included 17 miles of a river trail along the riverfront. Nothing was on the trail and it was open to the public. People were biking, walking, and enjoying the outdoors. She believed there were health benefits to the community because the open green space encouraged people to get out and walk. People are not as interested in walking down a concrete tunnel, like Seaside created in their downtown. She echoed the previous comments about the amendments not being ready and keeping the area green. Looking down at the river from the Column, it is difficult not to imagine the small canoe that Lewis and Clark came down the river in. When you see the river, you appreciate what the 33 men did to explore the area and establish the community. Astoria has an historic view shed that needs to be preserved without obstructions for generations to come.

Charlene Goldking, Marine Drive, Astoria, said she has lived in Astoria for two and a half years. The vista is absolutely priceless. The view from Jerome is the same as the view from the Column. She can see the view from her apartment. Along the Riverwalk, the weeds are as tall as she is in some areas. Keep what we have, but let's also start maintaining it. Don't sell the vista short because it is priceless.

Tracy Black, 2505 Mill Pond Lane, Astoria, said he and his wife recently moved to Astoria from California. The wow factor of Astoria led to their decision to make it their permanent home. After doing some due diligence, they believed there might be a pier out on the water. However, this seemed to go into the toilet overnight. He wished he had known more about this issue before digging a hole in the ground. It is a shame. He and his wife love the community and the people in Astoria are so friendly and nice. He lived in the same California town for 55 years in the same home and no one said hello when you walked down the street, unless they wanted something. In Astoria, people say hello when he walks down the street. He asked that Astoria be kept the way it is.

Ted Thomas, 398 Atlantic, Astoria, said he agreed with almost all of the other comments, especially Mr. Cantor. He has heard that if the Riverwalk were developed, there would be nothing left but view corridors. He questioned how big the view corridors would be. It is easy to understand that the Civic Greenway Area and the view shed of the Riverwalk is a commons that enriches the entire community. Property values are very tangible, but will be eroded, just like when Central Park in New York City was developed. Enabling development is a taking of public wealth and a closure of the commons.

Jim Wolcott, 2735 Mill Pond Lane, Astoria, said he recently moved to Astoria after spending 45 years looking for a place in Oregon to retire. He noted that he was from Anaheim, California where there is no downtown area. Anaheim is almost as old as Astoria. Everything was moved as the town focused on Disneyland and the downtown declined. The history that existed there disappeared. He was concerned that focusing too much on the east side of town, a Compact Residential zone, high density development, and fish and chip stands over the river would suck more vitality from downtown. We still have an opportunity to do something with downtown as there are still many vacancies. Water-related businesses obviously need to be on the water, but fish and chip shops could be on land. He encouraged the Planning Commission to look comprehensively at what the City wanted to do. It is great to go after tax revenue and development, building 24 units per acre and creating a nifty residential area. However, this creates parking issues and problems with egress. The public hearing for Item 4(a): CU14-06 indicated that parking was 1½ parking spaces per unit. This means 36 parking spaces would be needed to accommodate 24 units per acre. In many cases, the streets are substandard for the existing traffic. He did not believe that enough practical energy had been spent looking at development of the area and its impact on the rest of the community. He urged the Planning Commission to step back and take a look at all of Astoria and consider how major development on the east side would impact the rest of the town.

Pamela Alegria, 1264 Grand Avenue, Astoria, said she had not thoroughly read the proposed amendments, but attended the meeting because she loves the Columbia River. The river is a magnificent river and an economic engine for Astoria. Once development occurs, the river will be gone and Astoria will be just like any other town. Sometimes, people who have lived here all their lives forget the beauty of the river. There are a few clusters. She understood that the Plan had been well thought out, but perhaps not always agreed upon. She could not see using the Plan to develop residences. There are other places to develop and redevelop. She agreed that something should be done about the Port and was not sure 4,000 square feet was appropriate for economic viability. She did not agree with allowing a few people in the cluster development to enjoy the river, as opposed to every resident and visitor. She said she would try to address this, as it pertains to the criteria, in a letter. She asked that the river be preserved.

President Nemowill called for rebuttal.

Planner Johnson recalled comments that the flood elevation could impact how far over the river a building would be allowed. Currently, buildings are to be 12 feet above the bank. This is based on current flood maps. The proposed flood maps are not adopted. Any changes in those maps would be considered in the future. The Plan is based on existing adopted flood maps, not proposed maps.

Director Estes noted that many people at the meeting had not been involved in the process that the Planning Commission had been working on for over six months. Several people commented that they wanted the area to be left as is. Currently, some areas along the river do not have any height limits, which would allow development to occur. The Planning Commission is proposing a new set of guidelines that would establish height limits within

the area, both over water and on land. The proposed code amendments are based on discussions Staff had with the Planning Commission and feedback from the public. At this meeting, the Planning Commission can discuss items they would like to adjust. The new residential area between Mill Pond and Safeway has been proposed because it was part of the adopted Riverfront Vision Plan. This residential area would be compact, consisting of smaller single-family homes on small lots with low heights. This plan reduces the height in some zones, so a developer could not build as tall as the apartment complexes in Mill Pond. This was done at the direction of the Planning Commission.

President Nemlowill closed the public hearing and called Commission discussion and deliberation.

The Planning Commission and Staff discussed the possibility of considering the Port property separately from the rest of the Civic Greenway area. Staff explained how this could be done in accordance with the Riverfront Vision Plan, noting that uses could be changed, but design standards needed to remain consistent. However, recommendations could be made to City Council to amend the Riverfront Vision Plan.

City Attorney Henningsgaard explained that the task of the Planning Commission was to implement the Riverfront Vision Plan and the Riverfront Vision Plan does not segregate the Port property, public properties, or private properties. The Plan does not include a separate set of standards for each type of property. The Planning Commission could make a recommendation that the Plan include such differentiations, but this would likely result in a situation where the Port had no building height limits or other restrictions on the size and scope of the structures.

Director Estes noted for President Nemlowill that the Blueway Zone was a concept that was applied to the entire Civic Greenway Area.

City Attorney Henningsgaard responded to Mr. Ramis' argument that the Riverfront Vision Plan was never officially adopted as part of the Comprehensive Plan. He had not looked into this statement in depth, but it could be true. If the Riverfront Vision Plan was never adopted and it conflicts with the current Comprehensive Plan, the City may need to officially adopt the Plan or portions of it into the Comprehensive Plan.

Director Estes confirmed for Commissioner Fitzpatrick that different types of zoning could be allowed in different areas along the waterfront. Commissioner Fitzpatrick believed the area in front of the Barbey Center was very different from the area near Pier 39. Director Estes said the Planning Commission could consider different sets of uses in different areas, like restaurants and gift shops in one area and residential units in another. City Attorney Henningsgaard said different development standards could be implemented to the extent that they were consistent with the Riverfront Vision Plan. The Riverfront Vision Plan does not specifically mention heights, but does state views should be protected and any overwater uses should be maritime uses. It is up to the Planning Commission to decide how to implement this direction.

President Nemlowill recalled discussion that she did not want buildings higher than the riverbank and did believe uses like eating and drinking establishment should be allowed, as they are not water-dependent uses. Those statements have not been reflected in this application. However, there is real potential for the public to make use of public economic land, like the Port of Astoria, with water-dependent uses that could be small enough to preserve the views and provide more balance and viability to the land. The Port has a mission to create economic development for the public, despite what everyone thinks. Allowing the Port to create jobs could balance the Riverfront Vision Plan well if most of the areas in the Civic Greenway Area had such reduced height limits that there would be no development. She did not have enough information, nor had she received feedback from the public as to whether she supported two or three story buildings over the water along the riverfront on Port property. She supported forwarding a plan to City Council that would reduce development below bank height from the Maritime Museum to the Port property and prohibit uses like eating and drinking establishments.

Commissioner Gimre agreed that the view of the waterfront should be protected for future generations. He did not have a problem with the residential use as proposed because the zone is more height restricted than Mill Pond. He believed the residential zone would bring more people to Astoria. He was concerned with what occurred on the waterfront, but did not want to prohibit what occurred on 39th Street. Therefore, he supported separating the waterfront.

President Nemlowill clarified that she had been speaking about residences over the water, not the proposed Compact Residential zone.

Commissioner Gimre continued, stating that he had no opposition to what was proposed for the south side of the Riverwalk. There is a reason no development, including docks and marinas, has occurred on the north side over the last 50 years; it is cost prohibitive, regardless of height restrictions. He believed all development on the river should be prohibited because he did not anticipate anyone trying to build with the proposed limits.

Mr. Holcom said that for the last 18 years, he has planned to build an additional marina in the area he owns. If these amendments pass, he would not be able to continue with this plan.

Vice President Innes said the Planning Commission has had a lot of meetings about each part of this plan. The Planning Commission thought they had heard from people who were concerned, interested, and informed. Apparently, there were many more. She has become lost in the details, but hoped the City would end up with a Civic Greenway Area that could be enjoyed as parks and a lot of visuals across the river. She believed the Planning Commission was doing well at finding middle ground on height limits. Throughout the process she felt accountable to some level of development and no level of development and believed the plan had accomplished this. She indicated that she was unsure how to vote.

Commissioner Fitzpatrick understood that the waterfront from 16th to 41st Streets was required to have one set of restrictions. He did not understand how different zoning or uses could be applied to the parcels on the south side, but the entire waterfront had to be considered as one parcel. He had strong feelings about what should and should not be allowed in the area beginning at 16th Street and heading east. He also understood the importance of property rights and allowing a certain level of development on Port property and Mr. Holcom's property. Public input at this meeting clearly indicated that no one liked the proposed amendments. He was aware of this as he left the Planning Commission meeting on February 25, 2014 and there was some misunderstanding about the comments that he and Commissioner Gimre made. He recalled that the height limit would allow a shack that could be used for something like renting kayaks to be built on a floating dock. He was clear that no one could build a building over the water. He did not believe anyone in the audience was suggesting no development at Pier 39, nor did he believe that Mr. Holcom or the Port was suggesting condominiums or any other development be built in front of the Barbey Center. Therefore, he hoped the areas could be divided in some way to allow different height limits in different areas. He was not comfortable with a blanket for the entire area. He wanted to reconsider the proposed housing in the current commercial zone, as at least two people opposed the residential area. He also wanted to know what the Port had planned for their property.

The Planning Commission and Staff discussed where and how to divide the riverfront. The on-land portion of the Civic Greenway Area already allows for different zoning restrictions and varying height restrictions. Therefore, the overwater portion of the Civic Greenway Area was being considered for division. However, this division needed to be done in compliance with the Riverfront Vision Plan.

- Commissioner Fitzpatrick believed the wording indicated that large scale development was not anticipated in the area, rather than prohibiting development in the area. He primarily wanted to change the height and use of various areas on the water, not the landscaping or design review. However, some landscaping might need to be changed as well.
- Proposed use and height restrictions over-water within the area between 16th and 34th Streets, excluding the Port property, was discussed.
 - Commissioner Gimre reminded that building over the water allows public access out on the river, which he believed people would support. He did not have a problem with the height limitation on the river and the proposed uses because those restrictions get more people out where they enjoy being and enhance the waterfront more than no development would. He supported the use and height restrictions as written.
 - Commissioner Fitzpatrick recalled his understanding that the 12-foot height limit would only allow a shack to be built on a floating dock. No one could build a fixed 12-foot structure on piling. He said he defaulted to the height restriction he discussed on February 25, 2014.
 - Planner Johnson clarified that the proposed height limit did not restrict permanent structures. The amendment did not require structures to be built on a floating dock; it only required a height limit of 12 feet above the bank.
 - Commissioner Fitzpatrick noted that this was not his understanding. He and Staff recalled the discussion, noting that Mr. Holcom had brought up issues with tides and base flood elevations. He recalled discussing the height restriction again where his understanding of it was different from the

discussion on February 25, 2014. He confirmed that he did not agree with height restrictions and uses as outlined in the current draft of proposed code amendments, especially after the public input at this meeting.

- Vice President Innes was uncomfortable proceeding with the entire draft. Parts of the draft are okay, but there were inconsistencies and lack of information. She was okay with the use and height restriction for over-water development because the Port was excluded and there were no current plans for development.
- Commissioner Easom was opposed to the use and height limit. He believed the use should be more broad and the height limit should be higher. Limiting development by zoning allows for broad view corridors and some development.

Director Estes understood that the biggest issue was overwater heights and uses. The Planning Commission has a variety of opinions, but there seemed to be interest in splitting up the waterfront into areas with low height limitations and areas near the Port with higher height limitations. He asked the Planning Commission to specifically define those areas and set a height threshold.

Mr. Hastie noted that the Compact Residential zoning recommendations in the Riverfront Vision Plan are pretty clear. He believed the proposed code amendments were consistent with the Plan and did not contain as much ambiguity. He heard a few comments about the residential zone, but not many. He agreed that most comments were about the over-water development height and use restrictions.

President Nemlowill said that without a proposal, it was difficult for her to decide what the threshold should be. However, the Riverfront Vision Plan preserves vistas and limits development in this area, but doesn't necessarily preclude water-dependent development.

Planner Johnson suggested that over-water development be limited to the height of the riverbank from 16th to 35th Streets, and 38th to 41st Streets. Over-water development in the area from 35th to 38th Streets could be limited to 28 feet high.

President Nemlowill, Vice President Innes, and Commissioner Fitzpatrick agreed they would be comfortable with limiting over-water development to bank height from 16th to 34th or 35th Streets. Commissioner Gimre said he would support the height restriction to 30th or 31st Streets.

Staff understood that the Planning Commission was not able to determine appropriate height limits at this meeting and asked if they believed the other proposed building restrictions were appropriate for over-water development in the area that includes the Port property. Staff wanted more direction on the Commission's threshold for development within the area before making recommendations.

Commissioner Fitzpatrick did not like the proposed building restrictions for maximum square footage, height, and width. He believed these restrictions were a bad compromise that would not be effective. He and Vice President Innes wanted to know what the Port considered feasible.

President Nemlowill re-opened the public hearing.

Commissioner Fitzpatrick said he would not be opposed to allowing the Port and Mr. Holcom to prepare a presentation to be given at a later time.

President Nemlowill confirmed that the meeting would be continued, but the Planning Commission currently needed to provide Staff with some direction. She invited the public to speak about the Port in an effort to help guide this direction.

Floyd Holcom, 100 39th Street, Astoria, said he agreed with Commissioner Fitzpatrick that he should be given time to prepare a more detailed presentation. He noted past public hearings indicate his plans have not changed over the last 15 years. He would like to continue with these plans. At this meeting, he was focused on whether or not the Planning Commission would forward the code amendments to City Council. His recommendation was to vote against forwarding the amendments and schedule another work session.

Mike Weston, Port of Astoria, said he agreed with the comments regarding the area between 35th and 16th Streets. He did not believe anything would be developed in that area, but did suggest Royal Nebeker's building be exempt from the building restrictions. He explained that the Port has two cruise ships come in at a time and the Port will need a place to put the second cruise ship. He would like to establish a dock, a welcoming center or convention center, and possibly an aquatic center. It was his intention to develop tourist friendly and industry based projects that would promote jobs. The Port has the potential to support manufacturers as well. The Columbia River is developing into one of the top 10 traffic highways in the world. He asked the Planning Commission to consider what the Port does for the community economically. For every dollar donated to the Port, about \$300 is generated. The Port generates about \$550 million in economic return for the community and cruise ships and logging are a big part of this. The Port employs many people and serves as a great economic engine. He asked the Planning Commission to consider what the Port could do with an extra six acres of developable land.

President Nemlowill asked why the Port was not involved in the Riverfront Vision planning process in 2008 and 2009.

Mr. Weston said he did not work for the Port at that time; He was working as a planner for Clatsop County.

Director Estes said the Port was involved in the Vision planning process and there have been some changes in their perspective over time. Mr. Weston confirmed that.

Mr. Weston confirmed for Vice President Innes that the Port was specifically concerned with the property between 35th and 38th Streets.

Director Estes continued, explaining that during the visioning process, the Port was interested in preserving the ability to continue to maintain the East End Mooring Basin. The Riverfront Vision Plan addressed this interest in its provision to include waterfront areas for maritime-related uses, including marinas, etc.

President Nemlowill reiterated that this meeting would be continued and called for more public testimony.

Elizabeth Menetrey, 3849 Grand Avenue, Astoria, said during the planning process, she did not believe the Port had any specific plans and wanted to leave their options open. There is currently a view of the river from the parking lot and she anticipated this view would be blocked by buildings. The ability to see part of the river while driving was part of the discussion. She did not envision large buildings along both sides, changing the entire nature of what she had been trying to talk about. The spirit of the Riverfront Vision Plan is that the Civic Greenway, from 16th to 41st Street, have very limited over-water development. She anticipated the Port asking for an exception for a specific project, which City Council could consider. However, allowing 28-foot buildings through the entire area is not appropriate. She believed the entire Civic Greenway Area should be a park and encouraged the Planning Commission to keep the bank height restriction. She suggested the Planning Commission suggest to City Council that the Port have some say in getting some variances when they have a project planned.

Jan Faber, 3015 Harrison, Astoria, understood the Planning Commission and the audience agreed that a large part of the area would be free of over-water development above the bank. He did not agree with the argument that the 12-foot height limit would be appropriate because development would not be economically feasible. If the city wants heights limited to bank height, then go ahead and set that limit.

Commissioner Fitzpatrick clarified that he was not just throwing something out there, saying it would not happen. As a business person and a real estate developer, he knows what is feasible and what is not. He reiterated that he had been speaking about a structure on a floating dock that would be a shack to rent or sell something out of. He was not taking this issue lightly, but wanted to make it clear that he had an understanding of the repercussions of a bad decision. He hoped that Mr. Faber and the audience understood. Every one of the Commissioners takes this seriously.

Mr. Faber said he was not suggesting that Commissioner Fitzpatrick had not taken the issue seriously. After sitting through the meeting and reading the Staff report, he understood and commended the Planning Commission for their work.

Shel Cantor, 1189 Jerome, Astoria, understood that Ms. Menetrey suggested the City wait until the Port has a project before considering a variance or exception. He believed the City should also consider whether the Port had funding for the project.

Connie Spencer, 3930 Abbey Lane, A307, Astoria, asked where Mr. Holcom's property was located.

Staff described the exact location of his property using a map, explaining that it was over the water. When Mr. Holcom applied for the zone change to build the Hampton Inn, he had also discussed the concept of a marina.

Chris Farrar, 3023 Harrison Avenue, Astoria, said he believed the wording in any amendments or recommendations to City Council must be definite. Basing restrictions on the idea that no one would build anyway is ridiculous. He was sorry if this offended Commissioner Fitzpatrick. If the City does not want 12-foot high buildings, this should be unarguably stated. It is too risky to simply hope that no one would build 12-foot tall building. He believed Mr. Hastie's comment that large amounts of development were not expected was too nebulous. He wanted to discuss how many lots on land could be developed and asked how wide the lots between 16th and 41st Streets were. He believed some lots were quite large. The proposed restrictions would allow 50 percent of the area to be covered by buildings. He did not want a concrete canyon, like the one near 39th Street. Density should be considered, as well as the height. He hoped the wording would be made legally tight.

Cindy Price, 1219 Jerome, Astoria, said she now understood why Ms. Menetrey fought so hard during the planning process to have zoning as part of the plan. She believed most of the people involved in the planning knew this issue would come up and would take a long time to resolve because it is so complex. She believed the Planning Commission had been doing great and had come to a decision. The decision tonight is whether to send the draft amendments to City Council for approval. She understood that the Planning Commission did not agree with the amendments for one reason or another. She believed allowing the Port exemptions and variances made the most sense because it follows the intent of the Riverfront Vision Plan.

Planner Johnson explained that variances were for numeric issues, like height limits, building width, and square footage. Conditional Use permits allow a specific use under certain conditions if criteria for approval have been met. The use must be listed in the code; it is not a use that is added after the fact.

Director Estes said height could be limited to bank height and a variance could be granted to allow something higher. Usually, variances are requested when there are extenuating circumstances. He confirmed that Staff would present some recommendations at the next Planning Commission meeting on June 24, 2014. He would like to get documents from the Port in advance so they could be included in the Staff report.

Commissioner Gimre said he had commented that 12-foot high buildings might never be built. It is ludicrous to say that he was suggesting this statement be included in the wording of a document and he did not appreciate this accusation.

President Nemlowill asked if the Planning Commission unanimously agreed that over-water building heights should be limited to bank height and the Port property should be considered separately, while still reflecting the values as outlined in the Riverfront Vision Plan. Commissioner Fitzpatrick did not agree.

Staff understood there was not a consensus among the Planning Commission, but believed they had all of the information and direction they could get for the time being. Staff would prepare a recommendation for the Planning Commission to respond to.

President Nemlowill thanked the audience for speaking, noting that the Planning Commission was listening to their comments and concerns. She continued the public hearing to June 24, 2014 at 6:30 pm. and reminded that any comments about this application needed to be done at the meeting.

City Attorney Henningsgaard clarified that the Commissioners were entitled to visit the property, speak to constituents, and conduct their own investigation because this was more like passing a law, as opposed to a judicial matter.

REPORTS OF OFFICERS/COMMISSIONERS: No reports.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:27 pm.

ATTEST:


Secretary

APPROVED:


Community Development Director /
Assistant City Manager