

## **ASTORIA PLANNING COMMISSION MEETING**

Astoria City Hall

July 22, 2014

### CALL TO ORDER:

President Nemlowill called the meeting to order at 6:39 pm.

### ROLL CALL:

Commissioners Present: President Zetty Nemlowill, Vice President McLaren Innes, Thor Norgaard, Kent Easom, David Pearson, and Sean Fitzpatrick

Commissioners Excused: Peter Gimre

Staff Present: City Manager Pro Tem/Community Development Director Brett Estes and Planner Rosemary Johnson. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

### APPROVAL OF MINUTES:

#### ITEM 3(a): May 27, 2014

President Nemlowill, Commissioner Easom, and Commissioner Fitzpatrick noted the following corrections:

- Page 4, Paragraph 3, line 19: " ... \$6,500, so if Mr. Nebeker wanted to put a new roof on his building..."
- Page 12, Paragraph 3: "Mr. Holcom said that for the last 18 years, he has planned to build ..."
- Page 12, last sentence: "... recalled discussing the height restriction again where his understanding of it was ..."
- Page 13, Paragraph 4: "Planner Johnson suggested that overwater development be limited to the height of the riverbank from 16<sup>th</sup> to 35<sup>th</sup> Streets, ..."

President Nemlowill moved that the Astoria Planning Commission approve the minutes of the May 27, 2014 meeting as corrected; seconded by Vice President Innes. Motion passed unanimously.

#### ITEM 3(b): June 24, 2014

Commissioner Fitzpatrick noted the following corrections:

- Page 14, Paragraph 3: "Commissioner Fitzpatrick said he was surprised that he had not heard ..."
- Page 14, Last Sentence: "Commissioner Fitzpatrick asked what the consequences of this would be."

Vice President Innes moved that the Astoria Planning Commission approve the minutes of the June 24, 2014 meetings as corrected; seconded by Commissioner Easom. Motion passed unanimously.

### 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):

V14-06                      Parking Variance V14-06 by Jennie Hillard for Rod Gramson, from the required two off-street parking spaces to increase the existing single-family dwelling to a two-family dwelling with zero off-street parking at 1626 Grand in the R-3, High Density Residential zone. The Applicant has requested that this item be continued to the August 26, 2014 meeting.

Commissioner Pearson moved that the Astoria Planning Commission continue the public hearing for Parking Variance V14-06 by Jennie Hillard to August 26, 2014; seconded by Commissioner Easom. Motion passed unanimously.

ITEM 4(b):

CU14-08                      Conditional Use CU14-08 by Rickenbach Construction, Inc. for Columbia River Maritime Museum to locate professional offices in an approximate 2,600 square foot portion of an existing commercial structure at 1777 Marine in the FA, Family Activities 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 Pearson declared that he was employed by the Columbia River Maritime Museum and would stand down from the dais. He stated he had not spoken to any of the Commissioners about the application. He stepped down from the dais.

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 Pearson, 3595 Franklin Street, Astoria, said the Columbia River Maritime Museum appreciates the work of Staff when creating the Staff report. The Museum agrees with all of the conditions and has a bike rack ready to be installed. He said he was available to answer questions.

Vice President Innes confirmed there were no elevators in the building, but noted that medical offices were proposed on the second floor. Mr. Pearson stated there were no Americans with Disabilities Act (ADA) accessibility for the second floor. The medical offices would be business offices for a medical business, so all of their public offices would remain at their main facility.

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 Norgaard said he had no problems with the application and believed this would be a great use of the building. He planned to move forward with the application.

Vice President Innes and Commissioners Fitzpatrick and Easom indicated they also supported the application.

Commissioner Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU14-08 by Rickenbach Construction, Inc. for Columbia River Maritime Museum; seconded by Commissioner Fitzpatrick. Motion passed unanimously.

President Nemlowill read the rules of appeal into the record.

Commissioner Pearson returned to the dais at this time.



ITEM 4(c):

A14-03                      Amendment A14-03 by Stefanie Slyman of Harper Houf Peterson Righells, Inc for Nomadic Properties LLC, and Cannery Loft Condominium Owners Association to amend the land use and zoning map to rezone an area from GI (General Industrial) zone to S-2A. Staff recommends the Astoria Planning Commission recommend that City Council adopt the ordinance.

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. Hearing none, she asked Staff to present the Staff report.

Planner Johnson reviewed the written Staff report. One letter had been received regarding the application, which was presented at the dais. Although the letter referred to the Riverfront Vision Plan, it was actually discussing the condominium rezone. Staff recommended approval of the request.

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

Stefanie Slyman stated that Dr. Ted Forcum has been authorized by the Cannery Loft Condominium Owners Association to make the application for the zone change. Dr. Forcum is the Applicant and she was representing the Applicant.

Dr. Ted Forcum, 3930 Abbey Lane, Astoria, thanked the Planning Commission for their time. As an owner of a condominium at the Cannery Loft Condominiums, he found the vacancies in the commercial spaces unappealing and obvious. The General Industrial zoning has not been a viable application of this zone for businesses in this particular use; after all, who would want a fish processing plant underneath their home? The intent is to create a more livable rezone application that would allow businesses in the east Astoria community. As an owner, he wants to see the vibe and community maintained in the region. He has businesses there that he has been able to convert. However, he has only been able to convert less than 20 percent of the spaces based on conditional use applications for the zone. Those businesses have shown a track record of being good neighbors to the community. He has made multiple attempts through emails, phone calls, and meetings to educate the owners about the rezoning process. He has met with several owners individually and conducted a survey to determine the level of support for the rezone. Of the 70 percent of owners who participated in the survey, 98 percent were in favor of the rezone. Planner Johnson met with the Association's board and the general membership to answer questions. He also published a 22-minute video online, which recapped much of what transpired during the rezoning of a lot next door to the condominiums. The owners have received an overwhelming amount of information to make an educated decision on the rezoning. The homeowners association conducted a vote and with just over 84 percent of the owners participating in the vote, 93 percent of those voters approved of the rezoning. He would like the Application for the rezone submitted to City Council.

Ms. Slyman thanked Staff for recommending approval of the application. The zone change would make two parcels consistent with the surrounding zoning, helping to revitalize the area and activate some currently underused spaces within the buildings. The rezoning will help the City with its overall commercial deficit without changing the Buildable Lands Inventory. The rezone is consistent with the 2011 Economic Opportunities Analysis. The site is already developed and is fully served by public services. As Planner Johnson stated, a thorough traffic study was completed, which indicated that the zone change would have no significant impacts on the transportation facilities. There will be no need for any mitigation, there are no safety concerns, and all intersection sight distances are still met. The only impact will be a positive change for the site and for the community. She asked the Planning Commission to recommend the zone change to City Council. She offered to answer questions.

President Nemlowill called for any testimony in favor of the application.

Leslie Moorehead, 3990 Abbey Lane, Building B, Unit 406, Astoria, stated she was Vice Chair of the Board of Directors and Chair of the Governance Committee. She was responsible for administering the vote that was conducted in early May 2014. She read into the record the Board's report of the affirmative vote from the owners.



The vote was held among our owners from May 9, 2014 through May 19, 2014. It was a mail-in ballot. They had an 84 percent response rate, which was extraordinarily good for remote voting. Of the 84 percent of the total membership interests, the final tally of votes was 92.7 percent in favor and 7.3 percent opposed. That is 64 votes in favor and 4 votes opposing. They had votes per unit and the voting was done by square footage. Different units have different percentages of voting rights. She wanted to make sure the Planning Commission understood that an overwhelming number of members voted and an overwhelming number of voters approved of the application.

President Nemlowill called for any testimony 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 Pearson stated the application appears to have overwhelming support from the condominium owners at the site. The application meets all of the criteria that the Commission has been asked to review the request which meets the Comprehensive Plan and Development Code. He supported the application as presented.

Commissioner Fitzpatrick agreed, adding the new use seems to make much more sense than the current use.

Vice President Innes and Commissioner Norgaard said they were in favor of the application.

Commissioner Easom agreed, noting that the Applicants gave an informative presentation, did their homework.

Commissioner Norgaard moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report, approve Amendment A14-03 by Stefanie Slyman of Harper Houf Peterson Righells, Inc for Nomadic Properties LLC, and Cannery Loft Condominium Owners Association, and recommend that City Council adopt the ordinance; seconded by Commissioner Easom. Motion passed unanimously.

#### ITEM 4(d):

A14-02

Amendment A14-02 by the City of Astoria Community Development Department to amend the Development Code and Zoning map to implement the Riverfront Vision Plan in the Civic Greenway Area (16<sup>th</sup> to 41<sup>st</sup> Streets, Marine Drive to the Columbia River); add Compact Residential zone; add Civic Greenway Overlay zone; and clear and objective design standards for residential development; renumber several zones and overlay zone; miscellaneous related changes with the new code references; and rezone the area on the north half of the blocks between Marine Drive and the Columbia River from 30<sup>th</sup> to 32<sup>nd</sup> Streets from the C-3 (General Commercial) zone to CR (Compact Residential) zone. Staff recommends that the Astoria Planning Commission recommend adoption by City Council. The City Council meeting is tentatively scheduled for August 26, 2014 at 7:00 pm in City Hall Council Chambers. This item was continued from the June 24, 2014 Planning Commission meeting. The public hearing was closed at the June 24, 2014 Planning Commission meeting and Commission deliberation was continued to the July 22, 2014 meeting.

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 Pearson declared that he is employed by the Columbia River Maritime Museum. However, the museum has no role in this application and he will be making a decision as an individual. He believed he could make an unbiased decision.

President Nemlowill declared that she did not believe she had a conflict, adding she had previously consulted with the City Attorney, who agreed. She noted that her husband is co-owner of Fort George Brewery. She asked Staff to present the Staff report.



Planner Johnson reviewed the written Staff report, which had been updated with new meeting dates. The proposed City Council meeting would be on August 18, 2014. Page 18 of the Staff report, Item 14, Findings, the last sentence has been corrected to state, "City ownership of these properties would allow protection as possible public access areas." She also reviewed the comments and discussions made during the public hearing at the previous Planning Commission meeting, noting the conclusions drawn by Staff of those discussions. Correspondence had been received, but was not available for presentation because the correspondence was received after the public hearing closed. However, this correspondence will be presented to City Council at their public hearing. Staff recommended approval of the request.

President Nemlowill called for questions of Staff. Hearing none, she called for Commission discussion and deliberation. She noted that Staff had broken down each issue in the memo and a straw vote was taken on each one with additional comments as noted.

1. No variances for height of development over water: Straw vote was 5 to 1 in favor of the proposed ordinance.
  - Commissioner Pearson was opposed because he believed variances are a useful tool.
2. Development of the East End Mooring Basin: Straw vote was 5 to 1 in favor of the proposed ordinance.
  - Commissioner Pearson believed it was a good compromise to provide development in certain areas while also protecting the Greenway.
  - Vice President Innes stated she opposed the proposal because it could be the beginning of future view-blocking development in the area.
  - President Nemlowill believed this proposal provided great balance in the Riverfront Vision Plan, which states, "promote physical and visual access to the river" and "encourage a mix of uses that support Astoria's working water front and the City's economy." The City's Comprehensive Plan also encourages development in the East End Mooring Basin, which she also supported.
3. Allow restaurants associated with a water dependent use: Straw vote was 3 to 2 in favor of the proposed ordinance, with Commissioner Fitzpatrick ambivalent.
  - President Nemlowill was opposed because she did not believe eating and drinking establishments are maritime related uses, which is the only type of development she saw in the Civic Greenway portion of the Riverfront Vision Plan.
  - Vice President Innes was also opposed because restaurants would introduce activities and a different type of population or experience. She wanted a calm, open-viewed environment in the area.
4. Land development north of the railroad/Rivertrail property: Straw vote was 6 to 0 in favor of the proposed ordinance.
  - President Nemlowill read from the Staff report noting the ordinance had been amended to state, "The Overwater Development Standard shall also apply to on land development north of the Rivertrail 50 ft wide railroad line property between 19<sup>th</sup> and 41<sup>st</sup> Streets. This draft would exclude the land area between 16<sup>th</sup> and 19<sup>th</sup> Street from the Overwater Standards. All other standards for development of that site would apply.

President Nemlowill moved that the Astoria Planning Commission find the proposed amendment to be necessary and recommend to the Astoria City Council that the proposed amendment A14-02 be approved; seconded by Commissioner Norgaard. Motion passed unanimously.

#### REPORTS OF OFFICERS/COMMISSIONERS:

Vice President Innes reported there was a lot of interest in this meeting; many people had talked to her about it.

Planner Johnson announced that she would retire on September 1, 2014. The Planning Commission congratulated her and expressed their appreciation for her work.

Director Estes explained the next steps regarding the implementation of the Riverfront Vision Plan, noting that the Planning Commission's recommendation would be forwarded to City Council, for a public hearing on August 18, 2014 during the regular City Council meeting which starts at 7:00 pm. Any testimony received since the last Planning Commission meeting will be forwarded to City Council in addition to any testimony received over the next few weeks. The hearing will be a de novo hearing, a fully open hearing where the Planning Commission's recommendation will be considered and testimony will be received from all interested parties.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 7:25 pm.

**ATTEST:**

  
Secretary

**APPROVED:**

  
Community Development Director/  
Assistant City Manager