

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall
August 26, 2014

CALL TO ORDER:

President Nemlowill called the meeting to order at 6:34 pm.

ROLL CALL:

Commissioners Present: President Zetty Nemlowill, Thor Norgaard, Kent Easom, David Pearson, Peter Gimre, and Sean Fitzpatrick

Commissioners Excused: Vice President McLaren Innes

Staff Present: Planner Rosemary Johnson. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

APPROVAL OF MINUTES:

ITEM 3(a): July 22, 2014

President Nemlowill asked for approval of the minutes of the July 22, 2014 meeting. Commissioner Fitzpatrick requested the minutes be approved with the following correction:

- Page 5, under Item 3: "Straw vote 3 to 2 in favor of the proposed ordinance, with Commissioner Fitzpatrick ambivalent."

Commissioner Pearson moved that the Astoria Planning Commission approve the July 22, 2014 minutes 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 September 23, 2014 meeting.

President Nemlowill moved that the Astoria Planning Commission continue the public hearing for Parking Variance V14-06 by Jennie Hillard for Rod Gramson to the September 23, 2014 meeting; seconded by Commissioner Fitzpatrick. Motion passed unanimously.

ITEM 4(b):

CU14-09 Conditional Use CU14-09 by Leigh Oviatt to locate a wellness center as a professional service establishment in an existing industrial/residential building at 3930 Abbey Lane #108 in the GI Zone, General Industrial.

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 Easom declared a potential conflict of interest as the Applicant was a former tenant of his; however, the Applicant is no longer his tenant and he believed he could vote objectively on this request.

President Nemlowill asked Staff to present the Staff report.

Planner Johnson reviewed the written Staff report. She noted that a pending amendment to the Land Use and Zoning Map before City Council could result in rezoning the property to S2-A (Tourist Oriented Shoreland). The proposed use would also be a conditional use in the S2-A zone. Therefore, a conditional use permit would be required whether the zone change is approved or not. The only difference is that the S2-A zone does not limit non-industrial uses to a maximum of 20 percent. This conditional use permit would carry over to the new zone if the zone change were approved. Staff recommended approval of the request with the standard condition listed in the Staff report that any significant changes come back to the Commission for approval.

President Nemlowill asked if the Planning Commission had questions for Staff. Hearing none, she opened the public hearing and called for a presentation by the Applicant.

Leigh Oviatt, 5295 Birch, Astoria, stated she was available to answer questions.

President Nemlowill confirmed that the Planning Commission had no questions for the Applicant. She called for any testimony in favor of, impartial to, or opposed to the application. Hearing none, she confirmed there were no closing comments by Staff and closed the public hearing and called Commission discussion and deliberation.

Commissioner Norgaard believed the conditional use was a good use of the space. The application meets the criteria and he supported the request.

Commissioner Gimre stated he supported the request. He understood the wellness center would be the only business on the ground floor of the building and would promote business in an underutilized location.

Commissioner Pearson agreed that the application meets all of the criteria that the Planning Commission had been asked to review. The wellness center seems to be an appropriate use of the space and he supported the request.

Commissioner Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU14-09 by Leigh Oviatt, with Conditions; seconded by Commissioner Norgaard. Motion passed unanimously.

President Nemlowill read the rules of appeal into the record.

ITEM 4(c):

CU14-10	Conditional Use CU14-10 by Klean Astoria-OR, LLC, to locate a ten-bedroom group living facility in an existing single-family dwelling at 1188 Harrison Avenue in the R-3 Zone, High Density Residential.
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ITEM 4(d):

V14-08	Variance V14-08 by Klean Astoria-OR, LLC, from the required off-street parking requirements of 13 spaces to provide zero off-street parking for a proposed ten bedroom group living facility in an existing single-family dwelling at 1188 Harrison Avenue in the R-3 Zone, High Density Residential.
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Items 4(c) and 4(d) were addressed together.

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 conflict of interest and an ex parte contact. He stepped down from the dais and asked if he could ask questions from the floor. Planner Johnson replied he could not participate in the public hearing at all.

Commissioner Gimre declared an ex parte contact, noting that he is a member of the First Presbyterian Church, who received a letter from the clerk, but he believed he could vote objectively.

Commissioner Easom declared a possible conflict of interest. As a property manager, he rents to tenants in the same situation as the tenants of the Applicant. However, he believed he could vote objectively.

President Nemlowill confirmed there were no questions from Staff and asked Staff to present the Staff reports for CU14-10 and V14-08, as both applications were by the same Applicant for the same property.

Planner Johnson noted for the record that the conflicts of interest and ex parte contacts applied to both applications. She reviewed the written Staff reports for CU14-10 and V14-08. The City received four letters addressing both applications; she presented the letters to the Planning Commission at the dais. Staff recommended approval of the requests with the Conditions listed in the Staff reports.

President Nemlowill asked if Staff had ever requested annual reports from property owners. She wanted to know how the City would be able to enforce the requirement to submit annual reports. Planner Johnson stated that the John Jacob Astor Hotel Apartments (JJA) and a cat care center are currently required to submit annual reports. The Planning Commission granted the JJA a variance to allow a portion of the parking lot to be used for leased parking because the tenants do not generally drive. The JJA is required to report annually on how many tenants have vehicles and show it is providing those tenants with the opportunity to use parking space in the lot. Any excess parking can be leased. The cat care center is required to have an annual health inspection completed to ensure the cats are healthy and the facility is well kept. The inspection report is forwarded to Staff.

Commissioner Easom asked if the City monitored parking. Planner Johnson explained that parking is not monitored, but Staff responds to complaints by contacting the Applicant to find out if the excess vehicles belong to their tenants. It is difficult for Staff to verify or prove who is driving the vehicles. The Applicant would be asked to verify the ownership of the vehicles by the license plate.

Commissioner Easom asked if visitors to the residence were considered an impact to the neighborhood. Planner Johnson replied the Planning Commission would need to determine if visitors would impact the neighborhood and whether the impact would be greater than the impact of visitors to a single-family dwelling with nine residents. The Code does not require visitor or guest parking, but it is a consideration for the impact to traffic and the safety of the neighborhood with a conditional use request.

President Nemlowill called for a brief recess to allow the Planning Commission to review the correspondence received. The Planning Commission meeting was reconvened at approximately 7:05 pm.

President Nemlowill announced that during the recess, the Planning Commission received a letter signed by 11 neighbors who were concerned about parking and impacts to public safety. She asked if the Planning Commission had questions for Staff after reading the correspondence. Hearing none, she opened the public hearing for CU14-10 and V14-08 and called for a presentation by the Applicant.

Milt Parham, Chief Business Development Officer, Klean Astoria, LLC, 211 Pioneer Road, Long Beach WA 98631, stated that Klean Astoria is a private, for-profit treatment center for people dealing with chemical dependency. The company does not accept court or jail referrals, but does have tenants who generally have legal issues related to driving. In order to be a good neighbor within the community, Klean provides several community beds in Astoria and Long Beach, WA. Their treatment facility is located in Long Beach. Experience in dealing with chemically dependent people in early recovery has indicated that the longer they can stay engaged in treatment, the better the treatment is. Klean does not provide treatment at the house on Harrison, only a highly structured, rule-specific living environment. Clients who live at the house will be required to attend intensive outpatient treatment three times a week at their facility on Marine Drive. While living at the house, residents are required to pursue job opportunities, school opportunities, and transition back into life. One program that many of his clients have taken advantage of in the past is Lives in Transition at the college. Limiting parking to two

spaces is more than reasonable because the majority of his clients have very limited capacity to drive and/or afford a vehicle with insurance. In the last year, the house with five residents has averaged one or two vehicles at the most. Klean would be happy to comply with this requirement and would have no problem requesting a variance, should a problem ever arise. However, he doubted there would be any issues. When clients check in to the Harrison house, they generally agree to accept visitors from 11:00 am to 2:00 pm on Sundays only. The highly structured life required of the tenants involves things that most people take for granted, like getting up in the morning, making breakfast, and doing normal things. The tenants must relearn to do these things. Rooms are checked. Staff is checked. Urine analyses (UAs) are conducted. Tenants with a positive UA are discharged from the program and evicted from the house. People who are using drugs or alcohol do not get the opportunity to live in the house. He confirmed that all of the residents would be graduates of a drug and alcohol program. It does no good to take people who have not gone through prior treatment. Klean does not receive reimbursements from the State, Federal, or any other public agency. When Klean provides a community bed at its Long Beach facility, it is to the aid of the community, not the other way around. Last year, at Klean Long Beach, they gave away over \$1 million in treatment. Half of those patients were residents of Astoria and the other half were residents of the Long Beach peninsula. This program is needed to help women transition back into an ability to live a clean lifestyle. He concluded by saying he was available for questions.

President Nemlowill confirmed that Mr. Parham had read the four letters presented to the Planning Commission.

Planner Johnson provided Mr. Parham a copy of the letter submitted during the recess so he could respond at the end of the public hearing.

President Nemlowill asked why Klean chose a neighborhood in a zone where group housing is not an outright use. Mr. Parham replied that finding a home that is large enough is difficult. Klean looked at a number of locations and facilities. The Harrison house is currently large enough for five beds.

Commissioner Gimre asked if the facility in Long Beach was located in a high-density residential zone. Mr. Parham stated that the facility is now, but was not when it first opened. The facility is an old nursing home that has been converted. Building is going on around the facility, so the zone will become high-density residential. There is adequate on and off-street parking.

Commissioner Norgaard asked where Klean receives its applicants. Mr. Parham said they receive referrals from counselors, alumni, the Alcoholics Anonymous community, and many different places. Many applicants are from the Seattle, WA and Portland areas. Applicants must have the ability to pay.

Commissioner Norgaard asked if the facility in Long Beach had staff on site full time, how often staff would be at the Harrison house, and how long the Harrison house has been operating with five beds. He also asked if Mr. Parham anticipated any problems or had problems in the past. Mr. Parham said no, the facility in Long Beach is a treatment center that staffs about two, full-time employees for each patient in the facility, seven days a week and 24 hours a day. Staff will be on site at the Harrison house periodically Monday through Friday, primarily working out of the facility on Marine Drive. Staff will drop in, unannounced. Klean has operated a facility at another location with five beds for about a year. The Harrison house provided Klean the opportunity to operate five beds. The average length of stay is 10 to 12 weeks. He said Klean plans for problems, which is why they require routine UA tests three times a week at their facility. Clients can only stay in the facility if they are participating in the program.

Commissioner Gimre noted that the facility would have a daytime manager, but no nighttime manager. He believed it would be more important to have a nighttime manager to watch who comes and goes at night. Mr. Parham clarified the Harrison house is not a treatment facility. Klean tries to walk a careful line. The program is about reintegration back into living. Clients have spent between 90 and 120 days in a residential setting that is fairly intensive and very expensive. Making the step to the Harrison house is one more step along the way.

President Nemlowill asked how many staff members the Harrison house would have if residency were increased to nine people. She also wanted to know if staff parking had been included in his calculation that two parking spots were adequate. Mr. Parham stated the house would have one staff member, the manager. He did not include staff parking because the staff person would be in and out of the home, dropping in for visits. Staff would

not park at the residence all day and he confirmed staff would be in the office from 8:00 am to 5:00 pm and could be contacted anytime in the evening.

Commissioner Easom noted that the visiting hours were from 11:00 am to 2:00 pm on Sundays, which could be in direct conflict with other uses in the neighborhood. He asked if the Applicant would be willing to change the visiting hours. Mr. Parham answered absolutely, noting that Klean has made an effort to be a good neighbor.

President Nemlowill called for any testimony in favor of the applications. Hearing none, she called for testimony impartial to the applications.

Gina Hocken, 1150 Harrison, Astoria, stated that she is up at unusual hours. Her house has been broken into four times this year. She never knows who belongs on the property and who does not. She has seen residents of the facility up between 11:30 pm and 5:00 am, usually fraternizing with male companions. She has a helper dog that she adopted for her medical conditions and she takes the dog out because she felt safe in the neighborhood until recently. Other people have had their homes broken into, but no one is saying anything about it. She becomes concerned when she sees the couples out after the hours that most people should be sleeping and in bed. The couples are fraternizing more than they would be allowed to in public. She has no opinions about whether the residents of the facility are meeting their obligations because she does not know the individuals. She just knew that some of the fraternizing that is going on is keeping sensor lights shining on neighborhood homes. A lot of male companionship is going on at the house. She understood from talking with people that this would not be the situation. She did not know if the house had male and female residents. She was not able to attend their open house and has very little information. She was completely unaware of the situation until four weeks ago. She and some of her neighbors are concerned because they do not know who belongs at the house and the residents are out during hours when there is usually no activity. The residents are sometimes loud and are doing things that would not be approved of in public. She did not know if management was aware of this, but she has observed these activities on a regular basis. In the last six weeks, her home was broken into, and then her neighbor's home was broken into twice. Right now, there is activity going on that should not be going on in the middle of the night. The parking is a problem. She did not believe anyone in the neighborhood wanted to lose the little bit of property that is available for parking because it is much needed. Most of the lots have zero clearance and there is not much room in the neighborhood. Parking has always been a problem. She believed the churches were built before homes were built with shared driveways. Pastor Lloyd and his wife are very good about making sure that their guests are well known to her. When people have a home invasion, it would be nice to know where it came from. There have been quite a few home invasions in the last two months. The males that she observes with the females are not what she would regard as upstanding people. She said she felt bad saying anything because it is not her place to judge or to say who belongs and who does not. She worked for 36 years as a physician's assistant, mostly in trauma. A person can pass a drug test, but what is the rest of the program asking of that person and is it being respected?

President Nemlowill called for testimony opposed to the applications.

LaRee Johnson, 1193 Harrison Avenue, Astoria, said she lives right across the street from the facility and asked the Planning Commission to deny the requests. She did not understand why Klean was listed as an Astoria LLC with a Long Beach address and she hoped Mr. Parham could explain this. Parking is already an issue on Harrison Avenue. Many times, she has arrived home to find no parking near her home or someone has parked in front of her back gate, making it impossible to access her backyard. Her husband depends on his truck for work. He needs to load and unload materials and equipment. She needs to load and unload her van for programs that she does in Portland and elsewhere. She understood the street is public parking and that the surrounding churches were built before her home, which was built in 1922. A few years ago, the house at 12th and Irving caught fire. Fire trucks had difficulties accessing the house because cars were parked on both sides of 12th Street, between Harrison and Irving. At one time, a long haul truck had been parked in this area. Now, there is no parking on the east side of 12th Street, between Harrison and Irving. Parking has been a problem when another neighbor rented their home on Harrison during the summer months of 2013. There were between 10 and 12 people working on the river. Although the tenants were very cooperative, the situation still created a parking nightmare for the neighborhood residents. The streets are completely full during large community events like the Regatta. Parking extends all the way to Irving and is at a premium in the neighborhood.

- She believed every family has been touched by alcohol or drug abuse in some way and she commends anyone who makes the effort to become a productive citizen. Everyone must deal with the results of their

behavior. If the Applicant limits the visiting hours to 11:00 am to 3:00 pm on Sundays, these hours have not been observed. On a recent afternoon, she saw a car with four men sit in front of the Harrison house for two minutes until a young lady came out of the house. The car had a loud muffler and the music was blaring. She also saw a car arrive at the house at 10:20 pm. She was able to note the time because her lights were out and she heard the car drive up. She did not know what the situation was and could not judge the women who live in the house. She commended the women for participating in the program, trying to clean up their lives, and be contributing citizens.

- As a resident on Harrison, she and her husband object to the conditional use application. The John Wicks historic home at 1188 Grand was allowed as a conditional use for the bed and breakfast from the former owner with three guest rooms. She knew and liked the owners and did not have any problem with the bed and breakfast. She did not understand how a conditional use could be approved based on square footage alone. There are four bedrooms on the second floor and two bathrooms. The attic space, which she has been in, is hot in the summer and cold in the winter. There are no bathrooms on the third floor. She was concerned about fire code and safety issues. She did not understand how 10 women could live in four bedrooms and two bathrooms.
- She understood that if a resident does not comply with all the rules and regulations, they will be required to move out of the facility. She asked how those rules were monitored without a 24-hour manager. The Applicant had stated the manager drops in periodically. She has met the manager, who said Klean had an office downtown. She believed a full time manager should be at the house. Without a full time manager on site, the facility does not seem to be a good fit for the neighborhood. There have been five women at the house since April 2014, with other women coming and going. The women currently in the house might be abiding by the rules, but next week or next month could be different if there is a turnover in residents. She does see three vehicles usually parked at the house, two black cars, and a black vehicle similar to a sport utility vehicle (SUV). She was concerned about having an itinerant population moving into a historic neighborhood of homeowners. She has owned her home for 21 years and plans to stay in her home. She wants to contribute to the neighborhood and the community and is invested in keeping the neighborhood safe and peaceful. Allowing a business of this nature seems to set a precedent for other residential neighborhoods in Astoria. She read some of the sober living duties and house rules contained in the Staff report, noting that she was concerned about having this situation in her neighborhood. She wanted to preserve the safety and quality of the historic neighborhood. She understood the recidivism for a treatment facility is about 75 percent. She thanked the Planning Commission for evaluating the situation.

Pamela Alegria, 1264 Grand Avenue, Astoria, said she was concerned that there was no night manager at the house. She did not understand the mission of the house. If the house is transitional, it seems as if the residents would need someone to talk to at night. Problems do not go from 9:00 am to 5:00 pm or on a drop-in basis. Near Star of the Sea on Grand, there is a church and daycare center, but no parking. One of the two apartments on 14th and Grand, the house at 1242 Grand with two cars, and a duplex on the south side all have no parking. From the Star of the Sea to 14th and Grand, and to the Presbyterian Church on 11th and Harrison, many events need parking spaces that do not exist. Patrons of the Astoria Sunday Market park on Grand Avenue. Even if the manager is spending short amounts of time at the house, she would still have to park on the street. Residents will have friends and family visiting. Therefore, she does not support the applications.

Frank Loyd, 1140 Harrison, Astoria, stated he was the pastor of the Christian church at 1151 Harrison. He was unsure if he was fully opposed to the conditional use application because he liked the idea of a program like Klean's program. He was concerned about having nine or ten people in the facility because the number of visitors will bring nine or ten cars. In an already crowded condition, this could be a problem. He was also concerned that there was no on-site manager; the larger the group of people, the more potential for problems. A manager could help alleviate and deal with those problems. He appreciated Planner Johnson's recommendation for two parking spaces because the parking gets crazy, especially on Sunday mornings and Wednesday evenings. Parking is also an issue when the churches have weddings, funerals, and other events. On Sunday mornings, about 50 people come to his church. On Wednesday nights, between 40 and 80 people come to his church, all of which requires a lot of parking. He is concerned about what will happen with on-street parking. When cars are on both sides of the street, the road becomes one lane. He shares a driveway with Ms. Hocken. When he tries to exit his driveway, he must swing way over to Ms. Hocken's side of the driveway to make the turn without hitting any cars. Sometimes, people park over the ends of this extra large driveway, which becomes a problem. He liked the idea of the program and understood that the facility had to be located somewhere; however, the Planning Commission should consider the existing uses.

Linda Oldenkamp, 1676 Jerome, Astoria, noted Item 3 on Page 5 of the Staff report states neighborhoods should be protected from the unnecessary intrusions of incompatible uses. While the group home may not be considered an incompatible use, the house, along with the surrounding churches, combine to create a large group. Neighborhoods need to be protected from these incompatible uses and unnecessary intrusions. The block is so tiny and short that it creates a difficult situation. The second paragraph of Item 4 on Page 6 of the Staff report states that the City will encourage the preservation of Astoria's historic buildings, neighborhoods, and sites in order to attract visitors and new industry. When the neighborhood became a historic district, she received signatures from neighbors who supported the neighborhood as a historic district. The Harrison house is a large historic building and one of Astoria's beautiful properties. Astoria has a lot of large houses. She was concerned about using these properties for these types of facilities because this would not be protecting Astoria's resources and maintaining the local character of the buildings that would attract visitors. When considering the important work being done in this group facility, concerns about historic preservation may seem shallow. However, historic preservation is an important part of the community. Astoria receives a lot of job opportunities and economic development because of historic preservation. The City has said it promotes historic preservation.

Cindy Price, 1219 Jerome, Astoria, said she lives two blocks from the facility, adding she may be speaking impartially. Astoria needs sober living facilities because they fill a need in mental health treatment. Despite comments that there is no treatment at this facility, she believed that living under such rules and regulations with testing is treatment and is a type of living arrangement that people in this circumstance need. She was surprised that the facility has been able to operate since April 2013 as a sober living facility without seeking permission. She was concerned about changing the beautiful building into a facility; it does not seem like the right thing to do. She understood that the interior of the building was quite lovely and a lot of work has gone into keeping it beautiful. If the facility does not work out, the neighborhood is left with a commercial property. Research on sober living facilities shows they can be quite successful. However, the facilities that succeed have full time managers on site day and night. Without full time managers, the facilities seem to be more beneficial to the owners who receive significant rent from the tenants. She understood that parking was an issue in the neighborhood.

Yvonne Hughes, 1390 Jerome, Astoria, said she walks through the neighborhood often and attends the First Presbyterian Church. Parking is already an issue. She chooses to walk to church rather than try to find parking in the area on Sundays, during the same hours the facility will accept visitors. She was also concerned about preserving the historic neighborhood. The house has been well maintained. She believed it was absolutely critical to have programs that help people reintegrate back into life and become self-sustaining. She asked for clarification about the duties of the manager and house lead. She also wanted to know how the manager and house lead were chosen and how rules were enforced. She had not had any issues with vandalism and just learned about vandalism in the neighborhood.

Di Stuppe, 1169 Harrison, Astoria, said she rents a beautiful historic home. She supports the idea of people becoming productive members of society and going through treatment. Klean recently held an open house that she attended with LaRee Johnson. She was impressed with the women and what they are trying to accomplish. However, she was concerned about oversight by a manager at the facility. The pictures in the Staff report show a street that does not look very crowded. As a renter, she has four pages of house rules. She is not allowed to park in the driveway, but she does every day. The property owner is out of state. She negotiated with the pastor and agreed with her next-door neighbor to try to get one car off the street. There are a lot of elderly people that try to get into the church and it is difficult for them to park and walk down the sidewalk. She and some of her neighbors choose not to leave on Sunday mornings until after church is out because the street is so narrow. She must swing wide to get out of her driveway. She loves the home she is in and lives there because of the safety and ambiance of the neighborhood. Even though she rents, she treats her house like it is her home. As a renter, she would like to see her neighborhood as a safe and beautiful place. She supports what Klean is trying to do, but believed the program needed structure and oversight.

Gina Hocken, 1150 Harrison, Astoria, said one of the problems she has discovered this year is water being diverted from the street on to her property when parking areas are created. She has spoken to the Planning Department (ed. should be Engineering Department) about this issue over the phone. Since the Dixon's installed their driveway, the water flows from the street into their driveway and washed against her property. The foundation of her house dropped four feet in the last two years. The water also undermines the sidewalk that

goes into her driveway. She has had her driveway sealed. The City Engineer was unaware of this issue until he visited the neighborhood. Designating that area for parking will divert more water down the sidewalk. Therefore, she opposed putting parking in the area.

President Nemlowill called for a rebuttal from the Applicant.

Mr. Parham thanked those who commented for expressing their concerns. Klean wants to be a good neighbor and provide the highest level of care in the community. Klean is licensed as a private facility in Long Beach and is organized as a private facility in Astoria. Klean operates in several states and having licensure in Astoria is part of the company's plan. He understood parking was a major concern. When a client leaves treatment and wants to bring their car into the area, they must show proof of insurance and a current registration. He stated he would be happy to use stickers so a vehicle can be identified as being owned by a Klean client or to make other accommodations. He believed two vehicles was a reasonable restriction. The visiting hours can be revisited so that they do not conflict with other things going on in the area. One thing that attracted Klean to the Harrison house was the beauty of the historical district and the property. Klean has made a commitment to keep the house in its current condition and in a condition consistent with the neighborhood. He understood there were concerns about on site management.

Ms. Hughes explained she wanted clarification about the duties of the manager and the sober living house lead mentioned in the Staff report. It appears as if the duties are for two separate positions and that the house lead would live at the facility. She understood the house lead would be a participant in the program living in the facility and has been chosen to oversee the other residents.

Mr. Parham explained that the house lead is someone in the program with the greatest sobriety, the oldest tenant in the house at the time. The house lead is a transitory position with one responsibility: monitoring and contacting the house manager if there is a problem.

Ms. Hughes believed in encouraging people to grow, especially in a program like this. However, some of the problems are occurring after 10:00 pm. She wanted to know if the manager, who is at the office from 8:00 am to 5:00 pm, was overseeing the house lead.

Mr. Parham said when residents are required to attend AA meetings, they frequently attend evening meetings that are usually scheduled from 8:00 pm to 9:30 pm. The residents will go for coffee and are supposed to be back in the facility by 11:00 pm. The house lead works with the house manager and keep the house manager apprised on what is going on. He does not want a tattletale in the house calling the manager every ten minutes. However, when an issue occurs, he needs someone who will let the house manager know so the issue can be addressed. He has tried to get his phone number to as many of the neighbors as possible, noting he was willing to deal with any issues neighbors may have. When Klean first put people in the house, one tenant relapsed and was evicted. This tenant believed she should have been allowed to stay. The issue was dealt with very quickly. He believed all of the questions were legitimate and there were solutions to the questions. At the time the application was submitted, Klean met the criteria to allow ten unrelated people to reside in the house. However, only nine people are allowed because of fire sprinkler issues. The house would not have nine residents for about the next two or three months because Klean needs to get permits and make interior modifications to the attic to accommodate two or three more bedrooms.

Commissioner Norgaard asked why Mr. Parham wanted more tenants in the house. Mr. Parham replied he wanted more tenants to offset the cost of the house. He believed residents were currently paying between \$400 and \$500, which just covers the basic cost of the house.

President Nemlowill called for closing comments of Staff.

Planner Johnson explained the house's current use is classified as a single-family dwelling. The house is not considered a facility because no specific care is given on the site. Therefore, the existing use is an outright use with no special requirements. The group living facility is a conditional use that is only allowed in the R-2 and R-3 zones. The house is located in an R-3 zone, which is a high-density zone. The property's exterior is protected under the historic properties ordinance, to which the property owner would have to comply. The City's ordinance does not protect the interior of buildings, so the property owner could remodel the interior. The Applicant met with

the building inspector and the home is capable of being remodeled to accommodate the bedrooms as planned. Staff has not received any specific plans yet. An increase to ten people would have required a fire sprinkler system to be installed in the home. Building codes and zoning regulations limit the maximum number of residents to nine people. The pictures submitted by Staff show empty streets. However, she was not able to get to the neighborhood when traffic was heavy in the area, such as on Wednesday evenings and Sundays. She acknowledged that other photographs taken when traffic was heavy are legitimate. After listening to public comments, she is prepared to present findings for denial of the applications if the APC wishes.

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

Commissioner Pearson appreciated the concerns of the neighborhood. It is a testament to the community that neighbors attended this meeting to testify that they care about what is happening in the community. This is important and he appreciates this as a homeowner in Astoria. However, he believed the Staff report presented a fair compromise to an existing business that is already in the neighborhood. He did not believe it was unreasonable for a 4,400 square foot building to be allowed to park two cars in front of the house, regardless of the house's operation. He did not believe a preexisting use of a public street negates this owner's use of the public street in front of the house. The street being crowded on Wednesday evenings and Sundays does not affect his decision about whether the residents can park two cars in front of the house. The property is historic; however, there is no proposal for altering the historic facade. This is an adaptive reuse of one of the community goals to get large houses back in use for residential living, as originally intended. The use as a group home is currently an outright use for five residents. The house is in an R-3 zone, which allows for a higher occupancy. An additional four occupants in such a large house does not make a difference to what the Planning Commission has been asked to review in the Criteria. He understood there were a lot of emotions and the use is one that no one honestly appreciates in their neighborhood. However, the proposal is allowed. Therefore, he supports the applications as presented.

Commissioner Easom said he had concerns about the number of cars that would be at the house. He agreed with Commissioner Pearson that the conditional use application met the criteria, but he had concerns with the parking variance application.

President Nemlowill stated the neighbors who testified said they supported this type of transitional facility and she supported them too. She understood there are places in the City where this use would be an outright use. She believed the Planning Commission needed to protect Astoria's neighborhoods and this would be an unnecessary intrusion on a neighborhood, given its commercial nature. This facility does not need to be in a residential neighborhood. Neighbors have expressed concerns about parking being a big problem on Harrison. The street is already too crowded. A variance from the 11 parking spaces that would be required in a group home to two parking spaces seems like a big stretch. The Applicant has said that with five people currently in the home, over the last year, he has observed the residents having one to two cars. If the amount of people increases to nine, the amount of vehicles could increase. She did not believe parking for the manager was accounted for and people would be visiting. The street is already congested and this is an unnecessary intrusion on the neighborhood. Neighbors have said they observed residents failing to adhere to the visiting hours and there are concerns about lack of oversight from a full time manager. She did not believe it was the Planning Commission's job to decide whether or not an alcohol treatment facility is an appropriate use at this site. However, she does believe it is acceptable for the Commission to reject the applications based on any commercial use that would be an unnecessary intrusion on the neighborhood. She believed these applications were unnecessarily intrusive.

Commissioner Gimre thanked everyone for being so civil, despite the differences of opinions. The neighborhood is tightly grouped with people who do not have businesses in their homes. Commissioner Pearson had stated the facility is an existing business. However, in his opinion, an existing business is not the best compatible use for the house or the neighborhood. He was concerned about people being up all night, cars showing up at different times, and parking. He grew up in the neighborhood and understood the difficulties of getting out of a driveway; it is nearly impossible to turn one way or the other, especially in a truck. He was also concerned that there would not be a full time manager on site. He believed night was the most important time to have a full time staff person. The Applicant is doing a good job in Long Beach and he supported what Klean does. However, because of all of the issues raised at this meeting and his knowledge of the neighborhood, he did not believe a group home was a compatible use. Therefore, he would deny the requests.

Commissioner Norgaard said it was nice to see a neighborhood come out to voice their opinions. He wondered if a family of four with three cars lived in the house, would the neighbors want them out of the house because they had three vehicles parked in front of their residence. He would be upset if he was unable to leave his house until church let out on Sunday because of parking. He agreed with Commissioner Pearson that two cars would not make a difference, and questioned whether a family with two cars would have to get a variance; he believed the variance was very reasonable. He was undecided on the conditional use application because he would be concerned if such a facility came into his neighborhood. He would want to know who was living in the house and who was coming and going. Obviously rules are being violated and he did not know if these violations were being documented at Klean. He believed there should be more oversight at the house and would like to see a 24-hour manager on site. He has dealt with addiction in his family and understood that when an addict is coming out of treatment, they need someone to show them the right way. If they are just put into a house, checked on periodically, and told to do the right thing, it is not always going to happen. He believed five residents were appropriate, but he did not think he could support adding more people. The parking would not matter, but he would have trouble supporting the conditional use.

President Nemlowill stated that it sounded like the Planning Commission was leaning towards denial of the applications. She asked Planner Johnson to present the Findings and Conclusions recommending denial of the applications.

Planner Johnson presented the following changes to the Staff report for CU14-10:

- Page 8, paragraph 3: Replace the last sentence with: "However, the existing church has increased its use to other days and therefore has impacted the traffic and parking in the neighborhood."
- Page 8, paragraph 4, third sentence: "While the Applicant has indicated that most tenants either do not drive or do not own vehicles, the additional impact of the associated vehicles would be hard to monitor and could be a potential traffic and safety issue."
- Page 8, paragraph 4: Delete the seventh and eighth sentences.
- Page 8, paragraph 4, ninth sentence, change: "It is anticipated that the proposed use would generate more traffic than a large single-family dwelling."
- Page 8, paragraph 4: Delete the tenth through thirteenth sentences.
- Page 10, VI. Conclusion: "The request does not meet all applicable review criteria. Based on the Findings of Fact above, the Planning Commission denies the request."

Planner Johnson presented the following changes to the Staff report for V14-08:

- Page 5: paragraph 1, add: "However, the existing church has increased its use to other days and therefore has impacted the traffic and parking in the neighborhood."
- Page 5: paragraph 1, delete last sentence.
- Page 5, paragraph 2, third sentence: : "While the Applicant has indicated that most tenants either do not drive or do not own vehicles, the additional impact of the associated vehicles would be hard to monitor and could be a potential traffic and safety issue."
- Page 5, paragraph 2, delete the seventh and eighth sentences.
- Page 5, ninth sentence, change: "It is anticipated that the proposed use would generate more traffic than a large single-family dwelling."
- Page 5, paragraph 2, delete remainder of paragraph.
- Page 6: Replace the second sentence with, "With the frequent turnover of tenants every 10 to 12 weeks, there would be an increase in loading and unloading on the streets."
- Page 6, delete third sentence.
- Page 6, sixth sentence: "Even with the limitation of two resident vehicles, the manager, and guest/visitor parking, and the anticipated loading/unloading for the proposed turnover of tenants would be more than that of a large single-family living in the house for extended periods."
- Page 6: Add the following sixth sentence: "However, the number of visitors could exceed the number of vehicles that parking can accommodate on a regular basis, and enforcement could be problematic."
- Page 6, seventh sentence: "Parking would materially interfere with the traffic flow and potentially could cause a safety hazard, more than the other residential parking in the neighborhood."
- Page 6, last sentence: "It is anticipated that the street will not be able to accommodate future traffic generated by the nine-bedroom group home."

- Page 7, Item 3, Finding, first sentence: "As noted above, Harrison Avenue is not developed to its full width but has parking on both sides creating a narrow travel lane for one vehicle only."
- Page 7, Item 3, Finding, fourth sentence: "Even with the limited number of tenant vehicles associated with the proposed use, the associated traffic generated by site could create a safety hazard due to the reduced travel lane width caused by parked vehicles on a more regular basis than that of a single-family dwelling."
- Page 7, Item 3, Finding, last sentence: "Granting the variance could create a safety hazard."
- Page 7, Conclusion, delete all and revise to read: "The request does not meet all of the applicable review criteria. Based on the Findings of Fact above, the Planning Commission denies the request."

Planner Johnson confirmed for President Nemlowill that she was adequately prepared for the Planning Commission to adopt the Findings and Conclusions of denial in the amended Staff reports.

President Nemlowill moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the amended Staff report, as noted above, and deny Conditional Use CU14-10 by Klean Astoria-OR, LLC; seconded by Commissioner Norgaard. Motion passed 4 to 1. Ayes: President Nemlowill, Commissioners Easom, Gimre, and Norgaard. Nays: Commissioner Pearson.

President Nemlowill moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the amended Staff report, as noted above, and deny Variance V14-08 by Klean Astoria-OR, LLC; seconded by Commissioner Norgaard. Motion passed 4 to 1. Ayes: President Nemlowill, Commissioners Easom, Gimre, and Norgaard. Nays: Commissioner Pearson.

President Nemlowill read the rules of appeal into the record.

Commissioner Fitzpatrick returned to the dais at this time.

ITEM 4(e):

CU14-11 Conditional Use CU14-11 by Nicole Keller to locate a retail sales establishment in an existing commercial building at 1820 SE Front Street in the S-2 Zone, General Development Shoreland.

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 that he served on a board with the property owner and has spoken with him about uses of the property. When the current owner gained possession of the property, Commissioner Fitzpatrick toured the property and the owner had told him that he wanted to do a certain type of use in the building. He did not believe there was a conflict and believed he could vote impartially.

President Nemlowill asked Staff to present the Staff report.

Planner Johnson reviewed the written Staff report. Staff received a phone call from the Applicant just prior to this meeting, stating she was unable to attend due to an emergency and requested the hearing be continued if the Planning Commission is inclined to deny the request based on limited information. No correspondence has 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 any testimony in favor of, impartial to, or opposed to the application. Hearing none, she closed the public hearing and called Commission discussion and deliberation.

President Nemlowill and Commissioner Easom stated they had no problems with the application.

Commissioners Pearson and Norgaard stated they supported the use. Commissioner Norgaard said he lives a few blocks from the buildings and it is nice to see the buildings being used.

Commissioner Fitzpatrick believed the location was good for the use. The site has very good access. Generally, someone who is buying feed will have a large truck and/or trailer and the site had room for these vehicles. The other feed store does not provide convenient access to Highway 202 and he believed there was a lot of need for a feed store in that area.

Commissioner Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU14-11 by Nicole Keller, with Conditions; seconded by Commissioner Pearson. Motion passed unanimously.

President Nemlowill read the rules of appeal into the record.

REPORTS OF OFFICERS/COMMISSIONERS:

Commissioner Fitzpatrick reported that the Armory is now open. The Armory hosts public skating on Fridays from 5:00 pm to 9:00 pm. A concert, held a couple of weeks before, demonstrated how well the acoustics of the building worked. The Armory will host a Mayor's Ball on October 4, 2014. The ball is a combined fundraiser for the Armory and a retirement party for Mayor Van Dusen. The dress code for the event is black tie optional and tickets are \$100 per person. Tickets are currently on sale.

President Nemlowill congratulated Planner Johnson on her retirement. She asked if this was Planner Johnson's last Planning Commission meeting. Planner Johnson said she met with City Manager Pro Tem Estes earlier that day. She will continue working for the City as a full time temporary employee through the end of the year to assist with the transition to a new planner. After the first of the year, she will transition down to just a few hours a month. Her hours have been cut back to regular full time with no overtime, so she will have limited time to work on additional tasks.

President Nemlowill stated she did not attend the City Council meeting to hear Council consider the Planning Commission's recommendation for the Riverfront Vision Plan. She read in the newspaper that at least one aspect of the recommendation would return to the Planning Commission and asked for the details of City Council's decision.

Planner Johnson explained that at the City Council meeting, Council reconsidered the Port's recommendation to include an East Basin Plan District. City Council determined that the Port's recommendation was reasonable and directed Staff to incorporate Plan District adoption criteria into the proposed Code amendments which would establish the concept of a planned area district. The City Council proposed adopting the Plan along with regulations for that Plan District. The criteria states that the area is unique with existing development and the needs of the Port. City Council stated they could amend the Code at any time in the future. The Port's recommendation establishes a process for City Council to consider a Plan by the Port and does not establish a Plan at this time. If the Port does present a Plan in the future, there would be a public hearing before the Planning Commission and the City Council to amend the Development Code, adopt the Plan, and adopt the Code amendments. Then, the Port would have to come back to implement the Plan once they had a specific project. City Council also had issues with allowing restaurants over the water and removed it as an allowable use. After the City Council meeting, citizens asked if variances from the 500-foot setback would negate the bank height restriction. Therefore, City Council requested the additional clarification that no variance from the bank height restriction would be granted within 500 feet of the shoreline. Property owners of existing overwater buildings had expressed concerns that the buildings and their uses could be nonconforming. City Council directed Staff to incorporate language allowing existing buildings to be rebuilt and existing uses to be reestablished should those buildings be destroyed. City Council received opposition to the proposed Compact Residential Zone being located between 30th and 32nd Streets. City Council liked the Code for the Compact Residential Zone and cluster housing; however, they believed additional discussion and review was necessary before implementation of the Zone because two property owners would be affected. Therefore, City Council withdrew the zone amendments that would have applied the Compact Residential Zone to the two privately owned lots. City Council did not determine when those additional discussions would take place. The Port had requested the Plan District be located from 35th to 41st Streets including the land area. City Council agreed the Plan District area would be from Lief Erikson Drive to the water, including the water area between 35th to 39th, and only over the water from 39th to 41st. The condominium buildings and vacant lot east of the condominiums were not included, as the Port had requested. Because there were so many changes to the ordinance, City

Council held the first reading, but all of the changes were not read verbatim. Therefore, City Attorney Henningsgaard advised that another first reading would need to be conducted. The public hearing has been closed and the revised draft ordinance has been made available to the public. The ordinance, with the new language, will be included in the agenda packet for the September 2, 2014 City Council meeting, where another first reading will be conducted. The ordinance could be adopted at the second City Council meeting in September.

Commissioner Fitzpatrick commended Planner Johnson for giving the summary from memory. He described how thoroughly she has done her job over the years. Other cities do not have planners that give such complete reports. Astoria has been blessed to have Planner Johnson on Staff. It will be very difficult to find a replacement. He has been extremely impressed with how she provided so much information off the top of her head.


STATUS REPORTS:

Planner Johnson has included status report photographs of the following: 1270 Duane for CU13-03; #1 – 8th Street for V13-15 and CU13-05; 1195 Irving for V13-11. All projects are complete or near completion and conditions have been met. These status report photographs are for Commission information.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:41 pm.

ATTEST:


Secretary

APPROVED:


Community Development Director/
Assistant City Manager