

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall
September 16, 2015

CALL TO ORDER:

President Pearson called the meeting to order at 6:30 pm.

ROLL CALL:

Commissioners Present: President David Pearson, Vice President McLaren Innes, Kent Easom, Sean Fitzpatrick, Daryl Moore, and Frank Spence.

Commissioners Excused: Jan Mitchell

Staff Present: Interim Planner Mike Morgan, Special Projects Planner Rosemary Johnson, Community Development Director Kevin Cronin, Parks Director Angela Cosby, Police Chief Brad Johnston, City Attorney Blair Henningsgaard, and Consultant Matt Hastie, Angelo Planning Group. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

APPROVAL OF MINUTES:

President Pearson noted there were no minutes to approve for the July 28, 2015 meeting.

PUBLIC HEARINGS:

President Pearson 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):

CU15-02 Conditional Use CU15-02 by Frank Linza to operate a bed and breakfast in an existing single family dwelling at 364 Floral in the R-3, High Density Residential zone. This item was continued from the August 25, 2015 meeting.

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

Commissioner Fitzpatrick declared he had spoken with a couple of the Applicant's neighbors. He explained to the neighbors that he was unable to discuss this matter, but they shared their concerns.

President Pearson asked Staff to present the Staff report and make a recommendation.

Interim Planner Morgan reviewed the written Staff report. Additional information was received after the Staff report had been published. This information was available at the dais and for the audience. City Attorney Henningsgaard added that he had received information earlier that day indicating Mr. Linza was currently using the residence as a rental house. The house is advertized through VRBO as an independent rental house, not an owner occupied bed and breakfast. It has been rented as recently as last week and it appears that the owner intends to use the house as a transient rental facility. President Pearson confirmed the Commission had received correspondence on this application.

President Pearson opened the public hearing and called for a presentation by the Applicant.

Frank Linza, 364 Floral Street, Astoria, clarified that while he did advertise on VRBO, the advertisement clearly states the house is a lodging and that the owner is on premises. The City has already approved a lodging permit for two rooms and he just wants to add one more room in the downstairs. Both rooms have been occupied for

the last two months. He has been able to acquire the property at 376 Floral Street, which has covered parking. He plans on using 376 Floral for assigned parking for his bed and breakfast guests, which will eliminate any traffic. Right now, he plans on only one car on the premises, at the most. The fences have been moved back away from the curb to allow emergency vehicle access. He and his wife believe they have completely solved the traffic problems and relieved the burden on their neighbors. He was unsure how much more he could do because there is no traffic issue in the area now. The purchase of the new property just fell into his lap and it is the perfect solution to the problems expressed at the last Planning Commission meeting. He wants to make the house a quiet little bed and breakfast at the end of a street and the new parking will help him achieve this. He believed he had fulfilled the City's requirements and made the street safer for his neighbors. His guests receive a welcome letter that specifically states Floral Street is a quiet, family-run community and requests guests drive a maximum of 10 miles per hour and watch for children. He is trying to make the area safe for everyone and wants the bed and breakfast to provide an enjoyable experience that Astoria can be proud of. The house has a European feel and he believed Astoria could be proud of it.

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

Cherry Chadney, 350 Floral Street, Astoria, said she and her husband have lived in the last house on the street for about five years. She understood there had been a lot of discussion about turning around in front of the houses being discussed. The end of the street is the turn-around. She and her husband have done a lot to widen the area so that large trash trucks can turn around. However, in the last two years, a smaller trash truck has been coming to the neighborhood because it was so difficult for the larger truck to turn around. Cement trucks, UPS trucks, and fire trucks are able to turn around. She had opposed renting the house because every other rental on the street has messes in front of the houses, kids that run out into the street, and the houses are not maintained. When 364 Floral was rented, there were up to eight cars parked along the street. Cars would park all the way down to her house and in front of her neighbor's house. Her neighbor had to call the owner to request the cars be moved. In the last two months, 364 Floral has been so quiet and she was impressed with what the Linza's had done to fix the property and provide off-street parking. Rental houses lower the values of properties in a neighborhood because owners cannot control the types of people who rent their houses. But, a bed and breakfast can be controlled. She supported the application.

President Pearson called for any testimony impartial to the application. Hearing none, he called for any testimony opposed to the application.

Thomas Gill, 407 Floral Street, Astoria, said as an educator, he was familiar with a MacGuffin, which he defined as an object, event or character in a film or story that serves to set and keep the plot in motion despite usually lacking intrinsic importance. Many students learn to use the MacGuffin principle to distract instructors from fundamental shortcomings in their work by inserting intentional and obvious errors that divert the teacher's attention from the important inadequacies of the work. He believed in this application, the parking issues have become the MacGuffin, distracting the Commission from weighing more substantial shortcomings in the application for a Conditional Use as a bed and breakfast. Section 11.030(a)(2) of the Development Code requires an adequate site layout be used for transportation activities, with consideration given to the suitability of access points. He noted the word 'points' is plural, but the street only has one access point, the one-way street from Alameda near the end of the road. There is no other point of access. On site drives are probably suitable for the current permitted use. While the Applicant is trying to address the parking issues, the new parking solution will require renters to walk 50 feet on a roadway without sidewalks to their destination. This parking is not adjacent to the facility, which is a safety problem. He believed the Planning Commission had already heard testimony on access points for the disposal and collection of refuse. The large trucks will no longer use the entire road. The nearest sidewalk is several hundred yards to the southwest and there are no bike paths close to the property. The nearest bike path is about 200 feet above Marine Drive and involves the negotiation of a significant hill. The bus runs 200 vertical feet below the property and is only reachable by circuitous routes. The Code says suitability should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements. However, the bed and breakfast will have a delirious effect on safety. The Planning Commission has heard testimony about the frequency of small children in the street, especially in the vicinity of the S curve at the 400 block of Floral. More children can be expected as the neighborhood changes and elderly residents sell or rent to young families. The narrowness of the road requires one of two vehicles driving toward each other to pause while the other passes. This is of special significance for emergency vehicles. Those who live or walk their dogs within the 300 block of Floral are aware of the microclimate that causes part of the street to frost over long before other parts of the street and other streets in the city. When frost occurs,

residents often park in the 400 block of Floral and walk the shoulder to get home. Leaving during frost is often treacherous and the City treats this part of the street last or not at all. Safety, traffic flow and control, and emergency vehicle movements are affected by placing a bed and breakfast near the end of a narrow dead end road, leaving only a single egress. There are no other outlets, not even an established footpath. In 2007, a large maple tree fell across Floral just west of 276 Floral and vehicles to the east were trapped for several days. Walking required climbing over or under the trunk of the tree. Section 11.30(a)(4) requires topography, soil, and other physical characteristics of the site be adequate for the use. A determination by the City Engineer, and engineering or geological study by a qualified individual might be required prior to construction. The Staff report indicates no exterior construction has been proposed as part of this request. However, the application for the Conditional Use permit was not responsive to this and most of the conditions listed in the Staff report. He did not understand where Staff would get the idea that nothing else had been planned. After the last public hearing, the Applicant constructed exterior amenities to the property. He wanted to know why the application was being considered when it is not completely responsive. He asked the Planning Commission to consider the deficiencies in meeting the criteria for this conditional use in their entirety and find that the proposal does not conform to the conditions required by the ordinances. He confirmed for Commissioner Fitzpatrick that he had lived on Floral for about 10 years.

Thomas Stanley, 416 Floral, Astoria, said Mr. Linza had done a beautiful job on both of his houses. The houses were in bad shape when Mr. Linza purchased them and he has turned them into lovely cottages. Mr. Linza is truly a craftsman. He did not oppose bed and breakfasts, vacation rentals, hotels, motels, campgrounds, or anything necessary to bring visitors into Astoria. The town is growing with tourism and Astoria needs places for the visitors to stay. However, the community needs these places to be in appropriate areas and the Planning Commission must decide what areas are appropriate for bed and breakfasts. He questioned whether Floral Street was an appropriate location for a vacation rental. The testimonies, letters, emails, and petitions have given the Planning Commission an idea of how the neighbors in the area feel. He was concerned about traffic and children. Most people do not spend much time in their hotel or bed and breakfast rooms when on vacation. This means people are coming and going, which adds additional traffic. Floral is already a crowded street and vacationers are not familiar with the neighborhood or aware of the children playing in and out of the streets. A person goes on vacation to have a good time. A visitor might go back to the room to get ready for dinner and maybe have a couple of cocktails. Then, there could be children playing near the S curve on the way down Floral towards Alameda. This is an unnecessary risk to the people who live on Floral Street. He showed a photograph to the Commissioners of chalk art done by the kids who live on Floral. The photograph shows the flavor of the neighborhood. He hoped the Commission would consider this application for its appropriateness of Floral Street. Parking is not the only issue.

Karen Gill, 407 Floral, Astoria, said the application for the bed and breakfast states Mr. Linza has an owner-occupied single family home. At the last hearing, Mr. Linza had said he lived in the blue house and his wife lived in the basement of the red house, or vice versa. She came to the first public hearing in August to get information because she does not know much about bed and breakfasts, except that she likes to stay in them. She knew Mr. Linza had changed his mind sometime during the summer from renting the red house to using it as a bed and breakfast. She had heard from neighbors that there were some concerns about the proposal and she signed a petition not to oppose the proposal, but for clarification about what was happening. During the last nine years, she has walked to the end of Floral at least three times a day with her dog. She has met all of her neighbors and their dogs. She has visited Mr. Linza often as he worked on both of his houses. Information he shared during these visits did not ring true to what she heard him say at the last hearing. She wanted to speak with Mr. Linza about her concerns, but he has not been home during her walks. During her walk on Sunday morning, she noticed he had guests in the red house and he was in the blue house. However, it was too early for her to knock on his door, so she returned after church. The guests were still in the red house but no one was at the blue house. Mr. Linza was not there on Sunday evening, Monday morning, or at noon on Monday. The guest with the motorcycle was at the red house until after her Monday morning visit. On Monday morning, she spoke with Planner Morgan about the definition of owner-occupied. He had clarified the ordinance states owner or manager occupied and that occupied meant the house is a person's permanent residence. For months, as she has walked past, she has seen that when there are guests in the red house, Mr. Linza comes out of the blue house to say hello. She has never seen Mr. or Mrs. Linza come out of the red house while there are guests. An internet search using Google shows Mr. Linza's business contact information is a property in Oregon City and does include the address of his Astoria residence. If the ordinance means the owner must have this address as their permanent address, there must be a misunderstanding on Mr. Linza's part regarding what owner or manager occupied means or he is not being honest regarding his purpose. While preparing the two-bedroom red house

for the bed and breakfast, Mr. Linza told her Mrs. Linza was making sure it met the high standards they set for the vacation rental property they also own in Bend. Now, it appears the Linzas have acquired another property. She was curious about the purpose, in addition to parking, of that property. The letter from Mr. Linza states future parking spaces for 367 Floral will be built working with the City Engineers and erosion control to properly provide additional off-street parking. At the last hearing, Mr. Linza said he would investigate the use of City owned property and/or the vacated street at the end of Floral for parking. If it is possible for Mr. Linza or anyone else to use the property and/or street for parking, all of the residents on Floral should be notified by the City and be given the same opportunity to bid for leasing or owning the property and street. After the last hearing, Mrs. Linza told her she was disappointed in the outcome of the hearing and she told Mrs. Linza she was concerned that Floral would turn into a Cannon Beach-like street full of vacation rental properties. That morning, a neighbor showed her the Linza's advertisement for the red house on VRBO. Their home is listed as a vacation rental home, not a bed and breakfast. The calendar on the VRBO website allows guests to book the home at least one year out for two days or longer. Up to seven guests are allowed in the house. She was concerned about this for many reasons. She was unsure if it was legal for the house to be listed as a vacation rental. The advertisement ironically states the home is at the end of a quiet, dead end road with only local traffic. She found it interesting that the home being advertised is bringing the traffic that disturbs the quietness of the street for local residents that do not want extra traffic. Many of her other concerns have already been addressed by others. Floral is a beautiful street and every house has a view of the river. The homes were built by workers in Uniontown and Astoria. Children who live on the street or visit grandparents that live on the street swing on a rope swing down the hill, play on a swing set built by neighbors above her house, and skateboard on the winding, narrow road. Many people in the neighborhood still work in Astoria. The neighborhood is a small community of people who borrow sugar, share plants, sorrow in death, and help in times of sickness. They enjoy seeing eagles fly and new fawns born each spring. The Planning Commission had photographs of a party she had several years ago. She had entered a Breyers contest for the best neighborhood in America and her story about Floral Street won. The Federal Express Truck delivered ice cream for 100 people. Residents of Floral Street work in Astoria, serve in civic organizations, churches, the art community, and volunteer for the cruise ships, radio station, the Flavel House, and the Trolley. All of the residents want to do their best to make the community great. She asked the Planning Commission to consider keeping Floral as Astoria owned and rented as possible.

Ellen Levy, 420 Floral Street, Astoria, said she has lived on Floral for 12 ½ years. She was concerned about traffic. She shares a driveway with Mr. Stanley and their visibility is severely limited by a high retaining wall. Their first sight of traffic coming from the east end of Floral is when they are at the street. Tourists barrel down the street. On her way home at about 6 pm or 7 pm Saturday night, a car with bikes came barreling down the street. The egress was blocked by her car, but she had the right of way and the car just came charging down. This has been going on with people who are unfamiliar with the street. When making a turn from Alameda, it is not possible to see what is coming from the east on Floral. People drive way too fast. There is only one lane plus a foot or two because the people on the west side of the S curve park up to five cars on the street. Someone will really get hurt one day. She has seen enough fender benders when drivers are not careful. No one parks on the inner part of the S curve, but if a car is not in first gear during frost or a driver does not know how to drive on ice, the car will sail straight down into the river. The street has black ice all of the time in the winter. She was worried about the traffic, the extra unneeded traffic, and drivers who are unfamiliar with the area and do not know they need to slow down. On the S curves, it is not possible to see deer or mothers with their children coming down the street. When the fire inspector came to the neighborhood on Sunday, no one was on the street. She asked the Planning Commission to keep this in mind when they read the fire inspector's report. She was concerned about the control of bed and breakfasts versus long-term rentals. Managers seem to have a grip on doing background checks on long-term renters, which is necessary for the stability of the neighborhood. She did not want transients turning over every two nights. She did not understand what control of the renters was about. She asked if Mr. Linza's newly acquired property at 376 Floral would be another bed and breakfast. She had heard both of his other properties were going to become bed and breakfasts and the residents at the end of Alameda want a bed and breakfast. She asked if she could turn her house into a bed and breakfast as well. She has enough parking space on her driveway and could rent out two bedrooms for some much needed additional income. She wanted to know if all of the residents could turn their homes into bed and breakfasts, or just some. The Planning Commission's decision will affect all of the residents. If the Planning Commission does for one, it must do for everybody. Everyone should have the option to get the City owned land at the end of the block. She was fine with long-term rentals because the renter will be a person in the neighborhood. Neighbors get together for ice cream socials, picnics, and barbeques and the neighborhood does not want to be part of Motel Row. If the residents are going to be on Motel Row, they should all be allowed to have bed and breakfasts.

Cheryl Allen, 368 Floral, Astoria, said she has owned her house since 1994 and lives directly adjacent to one of Mr. Linza's houses. Mr. Linza had stated the house was a party house before he owned it. However, the residents were teachers and radiologists who were well mannered. There were parking issues, but those issues did not measure up to the parking problems of this last summer. The large garbage truck turns around on Elsie, which is directly across from her entry. The garbage truck almost took out her garbage can when the driver made an eight point turn. The impact on her has been completely negative. Mr. Linza did an outstanding job when he first came to the neighborhood by cleaning up the fire hazard in the neighborhood. The house was going to be a retirement house, but at some point that changed. Over the weekend, the motorcycle remained at the house while everyone was gone. She did not understand how someone could live in a house full time and not be there. All of the other speakers have shared what she feels. She has unfinished drainage and there is a bunch of dirt and sand on her property. She feels like this is an invasion. She did not know where the City got the idea to put on its website that this application has the support of the street because the impact is completely negative. As a new grandma, she would be freaked out by people coming down the street in trucks. At the last public hearing, someone asked if every guest would be interviewed and told not to bring skiffs. She thought the property recently purchased for parking was owned by the City. City property should be sold in auction. She wanted to know if the property was a slide area. She planned to die in her house, but did not want to die early because someone does not know the street.

Jennifer Kirk, 411 Floral, Astoria, said she rents the house she lives in. She was concerned about this application because she has five children, ages six to 13. The children do not go into the yard unsupervised, but they do like to play with chalk on the sidewalk and road. Most of the neighbors know about the corner and drive by very slow. It is very difficult to drive on Floral because there is off-street parking and it only accommodates one car at a time. Guests staying at the bed and breakfast could barrel down the road, fail to see her kids, and run into them. She moved to the neighborhood because it had a dead end and it is a nice quiet neighborhood. She does not have to worry about riff-raff and it would be terrible to have to move because people barrel up and down the road all the time.

Dennis Cranston, 403 Floral, Astoria, described a scene in the movie *Short Circuit*, which was filmed on Floral Street in Astoria. In this scene, a robot goes careening down the street and crashes into garbage cans. The people who live on Floral do not have traffic issues. The people he sees coming and going all the time are generally people from out of town that are not familiar with how narrow the road is. He did not want to see the kids or the deer get hit by someone who is not familiar with the area. The scene in *Short Circuit* provides a good visual of what happens.

President Pearson called for the Applicant's rebuttal.

Mr. Linza said he believed Planner Morgan clarified the first issue right away. The City is not interested in allowing him to use their property for parking. His attempt to acquire the parking was a long shot. That property was 225 feet away, so he knew he would not be able to use the City's property for parking. His acquisition of 376 Floral will not become a bed and breakfast. People do not understand how much it takes to have a bed and breakfast. A house must be molded for people to come in. He plans to stripe the parking and use the duplex at 376 Floral, which is zoned R-3. Some speakers have claimed he is not around, however he is currently in the process of moving to Astoria. He lives in quarters underneath 364 Floral, separate from the main house. This allows his guests to use the two upstairs rooms while he occupies the basement. He believed the situation was safe. Google shows that Floral goes through and he believed his neighbors were seeing people who think they can drive through to Columbia. However, Google does not show the dead end. The majority of the traffic in the area is because of Google. He is just trying to make the area safe for everybody. He is not trying to put in a Super 8 or Holiday Inn, but just wants to minimize the number of people. For three years, he knew what it was like to have four or five people in the house and it was no fun. The bed and breakfast will minimize the amount of traffic and applicants will be screened. Several people have asked to bring their truck and fishing boats. So, he sent out a welcome letter explaining that Floral is a tiny street that cannot accommodate large trucks or fishing boats. He is just trying to keep the house a small, intimate, romantic getaway. So far, he has achieved this. He hoped people realized he was trying to do the right thing for the end of Floral. He does not want the house to return to rental space that causes parking problems and parties. He thanked the Planning Commission for listening to him on both occasions.

President Pearson closed the public hearing and called for closing comments of Staff. There were none. He called for Commission discussion and deliberation.

Commissioner Easom asked if a bed and breakfast required a permit from the City. Director Cronin explained that the business license, which is issued over the counter, allows the City to track the transient tax. The Planning Commission is being asked to grant the Conditional Use permit.

Commissioner Easom understood that based on City Attorney Henningsgaard's disclosure and the advertisement that the house is a long-term rental, meaning the Applicant was in violation of City Code. Planner Morgan said when Mr. Linza first approached the City, he explained that anyone in the R-3 zone can have up to two rooms as a home stay lodging because it is a permitted use in that zone. The advertisement on VRBO was based on this use. Home stay lodgings must be occupied by the property owner. Mr. Linza told Staff he was living in 364 Floral and that enabled him to get the occupational license for the home stay lodging. Mr. Linza has adequate parking for the residents and two spaces at 364 Floral.

Vice President Innes asked for clarification about which properties were being used for parking. Planner Morgan used a map to show that 364 Floral had two parking spaces in the driveway and two parking spaces in front of the house. He also showed the parking spaces at 368 Floral, which included two spaces between the buildings. Mr. Linza has indicated his purchase of 376 Floral will provide adequate parking for guests staying at 364 Floral if he is allowed to have three or more rental units. A bed and breakfast is defined as having between three and seven units. This proposed Conditional Use permit will allow Mr. Linza to add a third unit.

Vice President Innes confirmed that a bed and breakfast could have three to seven units and must be owner or manager occupied while a home stay must have two or less units and be owner occupied. She also confirmed that Mr. Linza has stated he lives in the basement of 364 Floral, which is the home stay property that he wants as a bed and breakfast.

Commissioner Moore asked how many parking spaces were on 376 Floral. Planner Morgan said the property had an off-street parking area with room for about four parking spaces. The building, which is partially in the right-of-way, could be converted to accommodate three parking spaces for 364 Floral. The property provides adequate parking, but it is 200 feet from 364 Floral.

Commissioner Fitzpatrick asked how many street lights were between 376 and 364 Floral. Staff confirmed street lights were not considered, but there may be one or two between the properties.

President Pearson said the parking is not the criteria he was considering. Of the criteria the Planning Commission has been asked to review, he was most concerned with Section CP 220.6, which asks if this use would be an unnecessary intrusion of incompatible uses. He believed adding one more room of lodging at this facility would overtax the neighborhood. Floral is a small dead end street with no easy turn around. Regardless of the Applicant's best intentions, it would be very difficult to ensure what vehicles come to the bed and breakfast. Adding three rooms to the space would make a large difference. Therefore, he would vote to deny the request. Even if the parking requirements are met, the bed and breakfast seems to be an incompatible use in a residential neighborhood on a narrow dead end road.

Vice President Innes agreed with President Pearson and said she planned to vote to deny the request as well.

Commissioner Easom said he planned to vote to deny the request because the Applicant has stated in his advertisement that he lives next door to the property advertised as a vacation rental.

Commissioner Spence said he drove the narrow street and it is extremely difficult to get through because of how the residents and visitors park. There is no cul-de-sac at the end of the dead end street and he had to pull into a driveway to turn around. Public safety would be difficult and traffic would be generated. Additional traffic in such a restricted area is not in the best interest of the city.

Commissioner Moore said he was not entirely convinced that there would be a huge influx of traffic. Three cars three times a day is only nine trips. He was not convinced that everyone who visits Astoria drives after two cocktails and recklessly. However, he was concerned about the parking. A visitor might be likely to squeeze their car adjacent to the house instead of parking 180 feet away, even if it crowded the street. He was also concerned about the consistency of the messages given to the Planning Commission. Mr. Linza just testified that he owned investment property at 376 Floral on one side of his house, and another one at 364 Floral on the other side of his house. This implies that Mr. Linza considers 366 Floral his home, not the bed and breakfast, which does not line

up with the rest of his message that he lives in 364 Floral. Input from the neighbors indicates this use is not consistent with the neighborhood. Therefore, he planned to vote for denial of the request.

Commissioner Fitzpatrick said all of his concerns had already been discussed by the neighbors and Commissioners. He was concerned about the parking and believed the use did not seem appropriate for the neighborhood. Therefore, he is not in favor the request.

Director Cronin said Staff would need time to write Findings that more strongly supported denial of the request based on the criteria identified by the Planning Commission. Currently, the Staff report supports denial based on parking criteria. However, the Applicant meets the parking criteria. Staff could also write conditions of approval that address impacts to the neighborhood if the Commission would like to approve the request.

Interim Planner Morgan noted the original Staff report contained Findings for denial based on the lack of width in the street. Director Cronin added that Staff would like to write Findings that address traffic concerns based on the Transportation System Plan (TSP). Staff does not have traffic counts for Floral. It would be necessary to determine the baseline and compare that to the number of trips generated in order to write Findings that support the traffic concerns. Staff would be happy to write Findings based on Comprehensive Plan policies; however, Findings based on the Development Code create a much stronger case for the City if the request is appealed to City Council and/or the Land Use Board of Appeals (LUBA).

Commissioner Spence noted Page 4, Paragraph D of the Staff report finds that the use does not comply with two Sections of the Comprehensive Plan by overtaxing the capacity of the property and neighborhood with a lack of parking and maneuvering area.

Planner Morgan advised the Planning Commission to vote on the request, pending adoption of the Findings at the next meeting. The application date was July 10, 2015, so Staff still had time to write the appropriate Findings.

President Pearson moved that the Astoria Planning Commission tentatively deny Conditional Use CU15-02 by Frank Linza, pending presentation of the Findings of Fact for denial, by Staff; seconded by Commissioner Easom. Motion passed unanimously.

ITEM 4(b):

CU15-04 Conditional Use CU15-04 by Bruce C. Jones to allow indoor family entertainment at The Armory, 1636 Exchange in the MH, Maritime Heritage zone.

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

Commissioner Fitzpatrick declared he is a founding member and Vice President on the Board of the Friends of the Astoria Armory. This is a clear conflict of interest, so he recused himself and stepped down from the dais.

Commissioner Easom declared that he knows several of the Board members and is Vice President of the Historical Society adjacent to the Armory building. However, he believed he could vote impartially.

President Pearson declared that the Applicant is a trustee of the Columbia River Maritime Museum, which is a volunteer position. However, he is an employee of the Museum. He and the Applicant have never discussed the project and he has no role in the project. Therefore, he believed he could make an impartial decision.

President Pearson asked Staff to present the Staff report and make a recommendation.

Interim Planner Morgan reviewed the written Staff report and recommended approval of the request with the conditions listed in the Staff report. The Applicant received one letter, which he would speak about during the public hearing.

Director Cronin added that he and Planner Morgan met with the Applicant on site to tour the building and grounds.

President Pearson opened the public hearing and called for a presentation by the Applicant.

Bruce Jones, 455 45th Street, Astoria, President of the Friends of the Astoria Armory Board of Directors, introduced fellow Board member Dan Stein and Walt Postlewait of Craft3. In the 15 months since the Armory opened, the Friends have made great progress towards their goal of transforming the historic and long neglected Armory into a vibrant hub of community activity and entertainment that improves the quality of life for all Astorians and contributes to economic development. Strong community support and the extraordinary efforts of dedicated volunteers, one paid staff member, Board members, and Craft3 have given the Armory a new lease on life. Three weeks after receiving the keys from Craft3, the Armory held its first public event, a roller derby, attended by 500 people. The success of this event was made possible by hundreds of volunteer hours. The Armory was a United Service Organization (USO) venue that hosted Bob Hope and other big entertainers and the Board is excited to bring the Armory back to that use. Since the roller derby, the Armory has held over 175 events, including soccer practices, roller derbies family skate nights, symphony concerts, free medical clinics, free dental clinics, Goonies Central, physical fitness assessments of Clatsop Community College students, a skate park in the basement, and live bands. The Armory is trying to provide venues for community programs and activities that serve all of the diverse populations in the greater community. All of the events are done on the backs of their volunteers. In the first nine months, over 7200 hours of volunteer work allowed the Armory to host these events. This does not include the volunteer hours of the Board members. He believes the Armory has a bright future and the Board is excited about the potential to do more for the community. One day, the Armory will be a cornerstone of the downtown business community. He looks forward to formalizing the Armory's status as a community center in the Maritime Heritage zone through the approval of the Conditional Use application. He received a letter from the Clatsop County Sherriff's Office, tenant of the Lum's property located across the street from the Armory. The letter states the Sherriff's Office agrees to continue to allow guests of the Armory to use their parking lot for overflow parking during hours or after hours.

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

Walt Postlewait, 36468 River Point Drive, Astoria, said he was speaking on behalf of Craft3, the property owner of the Armory. When Craft3 acquired the property from the Maritime Museum in June 2014, they leased it to the Friends of the Armory for two reasons. The Friends wanted to prove that the community needed the Armory as a community asset and Craft3 wanted the Friends to prove the community wanted the Armory as an asset. The Armory is a unique space. There is no other place in Clatsop County that fits the property. The variety of events held in the Armory has proven to Craft3 that the community needs it. The thousands of volunteer hours invested in the Armory have proven to Craft3 that the community wants it as well. While the Liberty Theatre is a huge asset to the community, more people have been to the Armory than the Liberty in the last 15 months. He believed the community needs and wants the Armory as an asset. He asked the Planning Commission to approve the Conditional Use permit.

Dan Stein, 16 Skyline Avenue, Astoria, said he was in favor of the Conditional Use permit and was available to answer any questions.

President Pearson called for any testimony impartial or opposed to the application. Hearing none, he called for closing comments of Staff. There were none. He closed the public hearing and called for Commission discussion and deliberation.

Commissioner Spence asked why the Armory was already hosting events allowed under the Conditional Use permit. He understood the permit would formalize what the Armory is doing and give it full legal status to proceed. Planner Morgan believed the Navy had filed a Conditional Use application in 1942, but Staff has not been able to find a permit in their files. Director Cronin believed the Armory has proven their concept and it is time to formalize the use so that it is legal. He had not heard any opposition, which indicated the Armory was working well in the neighborhood. If the Armory had more of an impact to the neighborhood, the Staff report would have contained many more conditions of approval for such a large event center. This could be revisited if neighborhood impacts increase in the future. But for now, Staff is impressed with the amount of work that has been done.

Commissioner Spence said he supported the request and complemented the Armory's management for doing such a great job over the last year. The Armory is a great asset to the city.

Commissioner Easom noted the Armory's most formal event was the Mayor's Ball. The Armory has had great community support and a diverse variety of events. He supported the request. The building was used as a skate center in the 1990s, but he did not know if there was a Conditional Use permit at that time, nor did he know the parking requirements.

Vice President Innes said she was in favor of the application. She has been impressed by the work of the already overtaxed volunteers who have done a wonderful job.

President Pearson agreed with Staff's recommendations. It is great to see the Armory return to its original intended use after all these years.

Commissioner Moore said he was in favor of the request.

Commissioner Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU15-04 by Bruce C. Jones, with the conditions listed in the Staff report; seconded by Commissioner Moore. Motion passed unanimously.

President Pearson read the rules of appeal into the record.

Commissioner Fitzpatrick returned to the dais.

Planner Morgan left the meeting.

President Pearson called for a recess at 7:56 pm. He reconvened the meeting at 8:04 pm.

The Planning Commission addressed Items 4(c) and (d) simultaneously.

ITEM 4(c):

WCF15-02 Wireless Communication Facilities WCF15-02 by Sharon Gretch, Lexcom for Verizon Wireless (VAW), LLC dba, Verizon Wireless to construct a 150' high wireless communication facility at 3850 Reservoir Road in the LR, Land Reserve zone.

ITEM 4(d):

V15-02 Variance V15-02 by Sharon Gretch, Lexcom for Verizon Wireless (VAW), LLC dba, Verizon Wireless from the maximum 45' height to construct a 150' high wireless communication facility at 3850 Reservoir Road in the LR, Land Reserve zone.

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

Commissioner Fitzpatrick declared that he has owned Verizon stock in the past and may again in the future. While he does not currently own Verizon stock, he and his wife are Verizon customers and own shares in their competitors, AT&T and Century Link. The numbers of shares he has, does, and may own are small. This will not affect his decision and he believed he could vote impartially.

Vice President Innes declared that she has a Verizon account, but this would not affect her decision.

President Pearson asked Staff to present the Staff reports.

Special Projects Planner Johnson reviewed the written Staff reports for WCF15-02 and V15-02. No correspondence had been received for either request and Staff recommended approval of both requests with the conditions listed in the Staff reports.

President Pearson opened the public hearing for WCF15-02 and V15-02 and called for a presentation by the Applicant.

Sharon Gretch, 31649 Sexton Road, Philomath OR 97370, Lexcom Development, thanked the Planning Commission for hearing the proposal. She gave a PowerPoint presentation about the proposed project, which included aerial photographs and coverage maps. She explained that with the removal of the tower at the Column, three new sites will be required to provide what the Column site was capable of. The Reservoir site is in the middle of nowhere and will be accessed from Pipeline Road. The tower will be at least 700 feet from all property lines. She described the design of the tower, which would include a six-foot chain link fence and two equipment shelters. One equipment shelter will be used by the City and one by Verizon and both will be made of a brown aggregate material. The tower will be 150 feet tall, which is necessary for the facilities to reach the coverage area and provide services. All of the facilities currently on the Column tower will be moved to this tower. She explained the current coverage provided by the tower at the Column, noting that once the tower comes down, there will be no coverage in the area. Towers at the Reservoir site, City Park site, and on the JJ Astor building downtown will fill in that coverage area and in some cases provide better coverage than the tower at the Column. Verizon tried to minimize impacts to the Reservoir site. The towers are a passive use and do not create a lot of traffic. This tower will be built to the minimum height needed to achieve coverage objectives. The tower will not be reflective, so there will be no glare or additional light. Tree coverage will prevent the tower from being seen from a low area, but it will be visible from a distance. She added that Planner Johnson did a great job with the Staff reports and asked the Planning Commission to approve the applications. She offered to answer questions.

President Pearson called for any testimony in favor of, impartial to, or opposed to the applications. Hearing none, he called for closing comments of Staff. There were none. He closed the public hearing and called for Commission discussion and deliberation.

Commissioner Fitzpatrick said as a Verizon customer, he has been affected by spotty coverage. He described his experience with less than adequate coverage when he owned a home on the South Slope. Calls would have to be answered and made from the front yard and he was concerned that he and his wife would not be able to make emergency calls from inside their home. A couple of the vendors that work for him carry two phones serviced by different providers because they must have coverage wherever they go. They often lose calls when they are in areas where Verizon does not provide coverage. It is important to have better coverage than what Astoria has now.

Commissioner Moore noted that everyone has a cell phone, but no one wants a tower in their backyard. He believed the reservoir site was a great solution to that problem. The Staff reports seem complete and all necessary issues have been addressed.

Commissioner Spence said he visited the reservoir site on Monday with the assistance of a Public Works Supervisor and a four-wheel drive vehicle. The tract of land is 82 acres accessed only through a locked gate by an authorized person. The site is the most desolate area one can imagine in Astoria. He was not able to see any houses and the public will not be able to view the tower, which makes this the perfect site. He supported the Findings in the Staff reports.

President Pearson agreed with Commissioner Spence and appreciated all of the work that was done on the Staff reports. This is a great solution to get the tower away from the Column, which is a National Historic Landmark. This also increases coverage in the City. He supported the requests.

Vice President Innes said she supported the requests.

Commissioner Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Wireless Communication Facilities WCF15-02 by Verizon Wireless; seconded by Commissioner Fitzpatrick. Motion passed unanimously.

Commissioner Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Variance V15-02 by Verizon Wireless; seconded by Commissioner Spence. Motion passed unanimously.

President Pearson read the rules of appeal into the record.

The Planning Commission addressed Items 4(e) and (f) simultaneously.

ITEM 4(e):

WCF15-03 Wireless Communication Facility WCF15-03 by Sharon Gretch, Lexcom for Verizon Wireless (VAW), LLC dba, Verizon Wireless construct a 150' high wireless communication facility at 1580 Shively Park Road in the IN Institutional zone.

ITEM 4(f):

V15-03 Variance V15-03 by Sharon Gretch, Lexcom for Verizon Wireless (VAW), LLC dba, Verizon Wireless from the maximum 45' height and 150' setback to construct a 150' wireless communication facility at 1580 Shively Park Road in the IN, Institutional zone.

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

Commissioner Fitzpatrick reiterated his prior declaration; that he has owned Verizon stock in the past and may again in the future. While he does not currently own Verizon stock, he and his wife are Verizon customers and own shares in their competitors, AT&T and Century Link. The numbers of shares he has, does, and may own are small. This will not affect his decision and he believed he could vote impartially.

President Pearson asked Staff to present the Staff reports for WCF15-03 and V15-03.

Planner Johnson reviewed the written Staff reports for both requests. One letter was received, from Ron Zilli, which was made available at the dais. Staff recommended approval of both requests with the conditions listed in the Staff reports.

President Pearson opened the public hearing and called for a presentation by the Applicant.

Sharon Gretch, 31649 Sexton Road, Philomath OR 97370, said this site is one of three required to replace the tower at the Column. The tower will be nestled into a bunch of trees at the far end of the Park and accessed via Shively Park Road. The lease area is 18 feet by 40 feet and the equipment will sit at a lower level, which will require a retaining wall surrounded by a 6-foot chain link fence with brown slats. The 10-foot landscape buffer will include additional trees and native plants. The ground equipment will be a natural brown color. The tower will be a monopole, 150 feet tall, and painted a non-reflective shade of grey to blend in with the sky and trees. The mature trees near the tower are of a similar height and bulk, ranging from 120 to 150 feet tall and are a blend of deciduous and conifers. In a PowerPoint presentation, she showed the coverage that will be provided by this tower. Once this tower is integrated with the network, Astoria will be covered with high RS signal, which is a tremendous improvement in coverage. The tower is a passive use that will create one or two visits a month from a technician to maintain the facilities. Verizon is using the minimum height necessary to achieve its coverage objective; any height lower than 150 feet will severely impact their coverage ability for the area. A significant amount of landscaping at ground level will help minimize the view. This secluded location was chosen to minimize the visual impact outside of the Park. Verizon conducted an off-site visual study to find out what would be visible from surrounding areas outside of the Park. She showed examples of the views from various locations, noting the facility cannot be seen due to topography and tree cover.

Vice President Innes asked what an ice bridge was. Ms. Gretch explained that the cables coming out of the equipment run to the tower. The ice bridge is a shield that goes over the cables to protect them.

President Pearson called for any testimony in favor of, impartial to, or opposed to the applications. Hearing none, he closed the public hearing and called for Commission discussion and deliberation and closing comments of Staff.

Planner Johnson said over the last 10 years, multiple sites were considered, both private and City-owned. The City will lease the sites to Verizon. She confirmed for Commissioner Easom that the trees at the site are a combination of deciduous and evergreen trees. He suggested the bottom of the tower be painted green or brown to blend in with the trees. Staff explained that Verizon has found dark colored towers do not wear very well and

the light grey blends in better, even in the forested areas. This issue was discussed at the Historic Landmarks Commission meeting. Darker colors draw more attention to the tower.

Vice President Innes said she liked that Verizon will be required to replace any damaged or blown down trees that camouflage the tower. However, replacement trees will likely be lower than any trees blown down. Planner Johnson agreed any time trees are removed, new trees take years to grow back, but least the trees will be replanted. If there is a catastrophic storm like the one in 2007, trees will be replanted so that they eventually grow back. There will not be an immediate mitigation.

President Pearson said he supported the applications as presented. He believed the monopole would create the least impact and the site is one of the more remote sites at the Park. The tower will not be seen from the parking lot or playground and it will be difficult to see from the community.

Commissioner Spence noted that Mr. Zilli's letter of objection stated he was concerned about the view from the picnic area. However, Page 9 of the Staff report states, "the 150-foot high monopole would be located within the tree area on the western edge of the Park and not in direct alignment of the picnic area view corridor. While the location is within a designated historic and park area, it is approximately 500 feet from Shively Hall and approximately 175 feet from the picnic area." He believed this issue had been adequately addressed and supported Staff's Findings.

Commissioner Moore said a lot of work and attention to detail had been put into this project. He supported the requests.

Commissioner Fitzpatrick said he recognized concerns about the Park and believed no one wanted to see a monopole there. However, he also recognized Astoria has a need. He has followed this project over the last 10 years and knew that a lot of work had been done. The Parks Department, Police Department, and City Staff have put a lot of time into the project. He trusted that this was the best location with a minimal impact and was in favor of the requests.

Commissioner Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Wireless Communication Facility WCF15-03 by Verizon Wireless; seconded by Commissioner Fitzpatrick. Motion passed unanimously.

Commissioner Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Variance V15-03 by Verizon Wireless; seconded by Commissioner Spence. Motion passed unanimously.

President Pearson read the rules of appeal into the record.

REPORTS OF OFFICERS/COMMISSIONERS:

Director Cronin gave an update on the Affordable Housing Study Work Session with City Council. He anticipated Council would direct Staff to recommend Development Code amendments, which would be reviewed by the Planning Commission.

He noted he would be interviewing applicants for the Planner position over the next two weeks, with second interviews being conducted in the next three or four weeks. He planned to have a Planner on Staff in the next month or two.

ADJOURNMENT TO WORK SESSION:

Riverfront Vision Plan – Neighborhood Greenway Area

Planner Johnson gave a brief overview of the changes made to the recommendations since the last work session. She noted the changes, which were based on input from the public and Planning Commission and public, were as follows:

- Eliminated all references to residential accessory structures.
- Established clear and objective design review standards for multi-family dwellings.
- Established design guidelines similar to the Gateway Master Plan Area for multi-family dwellings and non-residential structures.
- Included roof design and materials in the standards and guidelines.

She noted the area contains very few lots that could be developed. However, some lots could have multi-family, commercial, semi-public, or public facilities. Staff is still fine-tuning the code language to ensure all of the recommendations meet legal requirements for guidelines and standards. The final draft will be presented to the Planning Commission in a public hearing on October 27, 2015, and then to City Council in a public hearing in November.

Director Cronin added that the City did not have any plans to make changes to the sewage treatment plant or City property. He has requested demographic information about the area to understand how residents use the parks in the area. However, Staff has not had time yet to collect that information.

Planner Johnson made maps available that show which lots are currently vacant and could be developed.

Commissioner Easom believed Staff's changes were complete and accurate. Vice President Innes and President Pearson agreed.

Commissioner Moore referred to Page 4, Design Standards B.1(a) noting that squares are rectangles. He asked if there was something more to the standard that he did not understand. Planner Johnson explained the wording used was typical language. A square and rectangle have slight differences and the Code is written for the common person to understand.

President Pearson invited public comments.

Josie Peper, 5276 Ash Street, Astoria, said the draft states the aquatic area east of 41st Street has been designated Natural instead of Conservation. She asked if the zone, which is A-4, should be added in parenthesis. Planner Johnson explained Ms. Peper was referring to the Comprehensive Plan amendment on the last page of the ordinance document. The Comprehensive Plan just describes areas and does not assign zone numbers. Zoning designations are part of the Development Code. The Ordinance that amends the Comprehensive Plan therefore does state A-4 in parenthesis.

Ms. Peper asked why the Institutional, IN zone would not be changed, specifically the Alderbrook Beach area. Planner Johnson said the Institutional zone allows park facilities. Staff considered the Shoreland Natural, S-5 zone, but that zone would not allow all of the park uses. If any changes were made, a new Park Overlay Zone would need to be implemented. The Parks and Recreation Department is in the process of creating a master plan, which will consider the need for any overlay zones or additional restrictions for park areas. At this time, the Institutional zone allows the best uses for the beach area.

Director Cronin added that the Community Development Department will work with the Parks Department on the Parks Master Plan. When the master planning process reaches a certain point, Staff will make a presentation to the Planning Commission and gather input from the public.

There being no further business, the meeting was adjourned at 9:03 pm.

APPROVED:

A handwritten signature in black ink, appearing to be 'Ka' followed by a stylized flourish.

Community Development Director