

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall
September 26, 2017

CALL TO ORDER:

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

ROLL CALL:

Commissioners Present: President David Pearson, Vice President Kent Easom, Jennifer Cameron-Lattek, Sean Fitzpatrick, Daryl Moore, Jan Mitchell and Brookley Henri.

Staff Present: Community Development Director Kevin Cronin, and Consultant Hannah Dankbar. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

APPROVAL OF MINUTES:

The minutes of the August 22, 2017 and September 6, 2017 meetings were not available.

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):

CU17-08 & ADU17-02 Conditional Use CU17-08 and Accessory Dwelling Unit ADU17-02 by John and Janet Niemi to locate an accessory dwelling unit in an existing basement at 266 W Irving in the R-1, Low Density Residential 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.

Vice President Easom declared that he knew the Applicants, confirmed he had not discussed the project, and stated he did not believe his vote would be impacted.

Commissioner Fitzpatrick declared that he socialized with the Applicants, had not discussed the project, and could be impartial.

President Pearson asked Staff to present the Staff report.

Director Cronin introduced Hannah Dankbar, Columbia River Estuary Study Taskforce (CREST) and explained that she was helping Staff with permits.

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

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

Janet Niemi, 266 W Irving, Astoria, stated Staff prepared an excellent report on all of the parameters involved in the request. The ADU fulfills a need in the City of Astoria. She offered to answer questions.

President Pearson called for any testimony in favor of or impartial to the application. There were none. He called for any testimony opposed to the application.

Eric Anderson, 270 W Irving, Astoria, gave a PowerPoint presentation. He stated all of the properties in the neighborhood were on a hilltop with views to the south of Young's Bay. The parcels are narrow and their views are highly dependent on their neighbors' actions. He displayed an aerial view of the area taken prior to the Applicant's redevelopment in 2009, showing that the neighbor to the east had a clear view of Young's Bay. At that time, he had a view of green space from his front door. After the redevelopment, the east neighbor had a view of the Applicant's garage and he had a view of the office structure. He showed before and after photos of the Applicants' building footprints and said he believed the five-foot setback had been violated after the building was expanded. The Applicant desires rezoning from R-1 Low Density to a higher density multi-family apartment use. He was raising a property line dispute due to the proposed apartment's property line setback issue. His front door now faces a proposed apartment 30 feet ahead. Therefore, he requested the Planning Commission delay or deny the Conditional Use and ADU permits until the current property line setback dispute had been resolved. He thanked the Commission for hearing his testimony and said he would likely appeal the finding if necessary. He planned to survey the property boundary line between his property and the Applicant's to check the setback of the proposed apartment. If the ADU is not denied, he planned to construct a six-foot tall privacy wall or fence as shown in his presentation. His neighbors did a nice job redeveloping the property and expanding their structure. When the Applicants built the garage, it destroyed their neighbor's view, but they had the right. They also added a den or office so that Mr. Niemi could conduct business. He was opposed to converting the den into an apartment.

Mrs. Anderson, 270 W Irving, Astoria, stated her house was zoned R-1 and they pay very high taxes. Once the Niemi's have a rental, their value would increase while hers would decrease. People forget about those who have worked to get their homes in Astoria and spent a lot of money on taxes and a house to live in R-1 zoning. She specifically picked an R-1 zone so that she would not have this issue. Once a rental is allowed, the area turns into a rental area, which decreases the value of the R-1 zoned houses.

Mr. Anderson asked the Commission to review his proposal for a six-foot privacy wall. The wall was not an optimal solution and he did not want to wall off the city. However, the wall would block his view of the apartment, extend to the backyard, and wrap around to the front of the Niemi's property where the apartment entrance and parking would be. The wall would not be as pretty as the existing landscape, but would be the least bad outcome for the new apartment zoning.

President Pearson called for the Applicant's rebuttal.

Mrs. Niemi stated she was surprised by her neighbor's response. She had no idea they had any objections and wondered if they had a dispute about the property line when construction began. The Andersons did not voice any disputes at that time or since. She believed a six-foot privacy fence would impact the Andersons more than her. Commissioner Fitzpatrick asked if there would be changes. She confirmed that no changes would be made to the building footprint or exterior. She also confirmed that the lease would be at least a 12-month lease, but nothing had been put in writing yet.

President Pearson called for closing comments of Staff.

Director Cronin stated he did not expect any opposition or a property line dispute. Site plan reviews are typically done when building permit applications are submitted, but not at this stage. Staff was not aware of any setback issues with this application. A setback of less than five feet would be non-conforming and this project would not add to the nonconformance because the footprint of the building would not be changed. Existing basement space will be converted to a long-term rental. He encouraged the Andersons to find out where the property line is located prior to installing a fence. The City does not require a permit for fencing unless it is above six-feet high. The Commission could require a fence as a condition of approval. However, he believed the findings were solid and recommended approval of the request.

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

Vice President Easom clarified that the request was for an allowed conditional use in an R-1 zone, not a zoning change.

Commissioner Moore stated that during the most recent Oregon legislative session, ADUs were approved as outright or conditional uses in all residential zones. Municipalities cannot forbid ADUs, the zoning is not affected, and this would not be considered multi-family. The home would still be a single-family home with an ADU.

Commissioner Mitchell said she did not believe the assumption that an apartment would change the value of housing for this situation. Astoria's neighborhoods are mixed and this had not caused the value of homes to drop. The City is trying to find housing for people who work in Astoria. She did not believe a home would lose value if someone were staying in a basement next door. State and City ordinances make this a reasonable use.

Commissioner Cameron-Lattek stated she understood the Anderson's plan to build the fence and were not asking the Commission to require a fence as a condition of approval.

Commissioner Henri said she sympathized with the situation and was sorry hear about what was going on. However, the Commission's job was to look at City codes objectively and determine whether the proposed use is compliant and appropriate. She did not see any noncompliance. The house and remodel looked nice and she was sure the Applicant wanted nice and tidy people living on their property. Adding the right terms to the lease can require a certain level of cleanliness. She hoped some type of good neighborly solution could be achieved.

Commissioner Moore stated he believed the application met all of the reviewable criteria. He encouraged the neighbors to resolve their suspected boundary dispute as a separate item.

Commissioner Fitzpatrick said he believed the application met the criteria. The code was changed to allow ADUs in R-1 zones so he planned to vote in favor of the request. He did not believe the fence was within the Commission's jurisdiction.

President Pearson agreed that the application met all of the criteria the Commission had been asked to review. He also agreed with the City's explanation of the R-1 zone.

Commissioner Moore moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU17-08 and Accessory Dwelling Unit ADU17-02 by John and Janet Niemi; seconded by Commissioner Mitchell. Motion passed unanimously.

President Pearson read the rules of appeal into the record.

ITEM 4(b):

CU17-11 Conditional Use CU17-11 by Camille Holland to locate a psychotherapy office (professional services) at 1044 Marine Drive in the S-2A, Tourist Oriented Shorelands 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. Hearing none, he asked Staff to present the Staff report.

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

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

Camille Holland, 34951 Patterson Ln., Astoria, said when looking at reasons why the space was better than others for starting her practice, she found two amenities that she considered very important to successful therapy. The first amenity is ease of access to the office. Public transportation is directly across the street and she rented parking spaces. The office is centrally located without the need to drive through congested traffic. One can drive to the office from any direction without the stress of parallel parking. The second amenity is noise reduction. A quiet environment is necessary to provide clients with peace of mind necessary to process painful issues. She did her internship in the building across from the Post Office, so was familiar with lack of parking and the abundance of honking horns and Harley Davidsons. Very few of the offices that she looked at would provide clients with a clean public restroom just down the hall from the office. The building is locked after business hours, which provides an additional layer of security for safekeeping of her confidential files. The square footage is

perfect for her to successfully launch a private practice. Most of the vacant spaces she looked at are much larger than this one at 350 square feet. The office space is located in a corner building that provides clients with a choice of entry from 10th Street or Marine Drive. The care and forethought of the interior is unmatched. Building maintenance is provided, so there is no need for individual accounts for electricity or garbage services. The terms of her lease are good for the tenant and allow the flexibility of a month-to-month lease after the first six months. The only comparable location for this office would be on the Columbia Memorial Hospital (CMH) campus, but there are no vacancies in either of the professional buildings behind the hospital or on the CMH pavilion. Those offices are also more expensive than the proposed office space.

President Pearson called for any testimony in favor of, impartial to, 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 Mitchell believed it was commendable that the Applicant was starting a practice by providing services to people who might be marginally able to pay for mental health counseling. She also believed this was a great use of the building.

Commissioner Cameron-Lattek agreed and said she believed the business would be great for Astoria. The building is an interesting nook and it will be a nice private space where clients can feel that they are not too exposed as they go in and out.

Vice President Easom said he believed the use fit the building, as there were other professional offices in the building. He had no issues with the application.

President Pearson agreed and supported the application.

Commissioner Moore believed the application met all of the reviewable criteria.

Vice President Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU17-11 by Camille Holland; seconded by Commissioner Fitzpatrick. Motion passed unanimously.

President Pearson read the rules of appeal into the record.

REPORTS OF OFFICERS/COMMISSIONERS:

There were none.

STAFF UPDATES:

Staff updated the Commission on the following:

- Astoria Planning Commission Training Opportunities
- Train station Growth Management Updates – Riverfront Vision Plan Urban Core and Uniontown Reborn
- Planning Department Project Updates: Shooting Stars, Holler Investments, the Riviera Building, and Astoria Makers
- Advance Astoria – Oregon State University seafood laboratory commercial kitchen upgrade and rental opportunities

MISCELLANEOUS:

President Pearson thanked Director Cronin for all of his hard work and wished him luck in his next venture. Director Cronin made parting comments and said he hoped to work with the Commission again from the private sector.

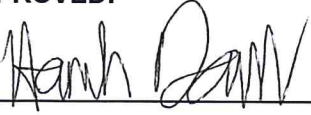
PUBLIC COMMENTS:

There were none.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:16 pm.

APPROVED:



Hannah Dankbar CREST Planner