



# AGENDA

## ASTORIA PLANNING COMMISSION

May 28, 2019

6:30 p.m.

2<sup>nd</sup> Floor Council Chambers

1095 Duane Street • Astoria OR 97103

1. CALL TO ORDER

2. ROLL CALL

3. MINUTES

a) April 23, 2019

4. PUBLIC HEARINGS

a) Conditional Use Request (CU19-04) by Stewardship Homes LLC to locate a 5-room, short term lodging facility in an existing apartment building at 641 Commercial Street (Map T8N R9W Section 8CB, Tax Lot 7300, Lot 2, Block 29, McClures) in the C-4 (Central Commercial) Zone.

b) *\*Continued from April 23, 2019 meeting:* Amendment Request (A19-01B) by Community Development Director to amend Development Code sections concerning issues relative to height, maximum gross square footage, setbacks, and overwater development in the Bridge Vista Overlay Area (exempted sections from A19-01A), as well as continued discussions regarding potential sub-areas within the BVO.

5. REPORT OF OFFICERS

6. STAFF/STATUS REPORTS

a) Save the Dates:

i. Tuesday, June 4, 2019 @ 6:30pm – APC Meeting (as needed)

ii. Tuesday, June 25, 2019 @ 6:30pm – APC Meeting

7. PUBLIC COMMENT (Non-Agenda Items)

8. ADJOURNMENT

## ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall

April 23, 2019

### CALL TO ORDER:

President Fitzpatrick called the meeting to order at 6:00 pm.

### ROLL CALL:

Commissioners Present: President Sean Fitzpatrick, Vice President Daryl Moore, Jennifer Cameron-Lattek, Patrick Corcoran, Cindy Price, Chris Womack, and Brookley Henri.

Staff Present: Contract Planner Rosemary Jonson, City Attorney Blair Henningsgaard and Administrative Assistant Tiffany Taylor. City Manager Estes arrived at approximately 9:30 pm. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

### APPROVAL OF MINUTES:

President Fitzpatrick called for approval of the March 26, 2019 minutes. He noted the following correction needed to be made:

- Page 2, Item 4(b), second paragraph, second sentence – "~~Wacoma Properties Limited~~ **Wecoma Partners** is a private property management company..."

Vice President Moore moved to approve the minutes of March 26, 2019 as corrected; seconded by Commissioner Cameron-Lattek. Motion passed unanimously.

### PUBLIC HEARINGS:

President Fitzpatrick 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):

MR19-01

*Continued from March 26, 2019 meeting:* Miscellaneous Review (MR19-01) by Jeremy Lumachi for an interpretation as to whether a retail store that sells cannabis and related materials is classified as a "tourist-oriented retail sales and service establishment" per the Astoria Development Code. This review is limited to the interpretation of the terminology of the use and does not include review of the applicant's ability to meet the requirements for development within the S-2A zone or at a specific location.

President Fitzpatrick called for presentation of the Staff report.

Planner Johnson reviewed the written Staff report. All correspondence received was included in the Staff report. Staff recommended the Planning Commission determine that a cannabis retail sales establishment be subject to retail sales establishment standards and not consider the use a tourist-oriented sales and service use.

President Fitzpatrick opened the public hearing and called for a presentation by the Applicant. There was none. He called for any testimony in favor of the application.

Brian Jespersen, 3930 Abbey Lane, Unit 203, Astoria, clarified he was in favor of the interpretation and said he lives in an S-2A zone. He decided to purchase the condominium after the 2016 ruling that he believed would result the adoption of laws prohibiting cannabis stores in mixed occupancy buildings. He agreed with the Staff's findings and interpretation. The S-2A zone includes buildings like his, which are vertical neighborhoods with predominately residential uses. He understood the State's cannabis laws as protecting horizontal neighborhoods but does not address condominium buildings. Other cities do not allow cannabis retail stores in mixed occupancy buildings. He had hoped that the outcome of City Council's 2016 approval of the appeal of a Planning

Commission decision on a conditional use permit for a cannabis related store would be that City Council would reconsider regulations related to allowing cannabis in mixed occupancy buildings. However, that has not yet happened. He was not opposed to the use of marijuana products. However, mixing cannabis retail stores in with residential units with occupants of all ages does not belong. Children play in his complex and they should not have to live in the shadow of a cannabis shop. Many residents have lived in the condominium building for ten years and they did not sign up for having cannabis stores in the neighbor. Without permanent regulations or codes preventing cannabis stores in mixed use buildings, present and future condominium owners will find themselves in this situation again. He spoke to several real estate agents who all agree that a cannabis retail store in the same building will negatively affect property values, diminish the attractiveness of the complex, and reduce the number of potential buyers for residential units.

Katie Murray, 3930 Abbey Lane, Astoria, stated she also supported Staff's recommendations, adding she wanted to add five signatures to the petition that had already been submitted to the City and handed them to Staff.

John Darby 3930 Abbey Lane, Unit 402A, Astoria, said he was concerned that the tourist-oriented destination would be located directly above the proposed area with families, doctors, and museum directors. Marijuana has a strong odor that penetrates through floors and walls. He originally paid \$440,000 for his unit 12 years ago and the taxes have increased since the economy crashed. A cannabis store in a tourist-oriented destination with families directly involved is not what he would call a good idea for a small town that constantly tries to get Best U.S. Small Town year after year. It would not be viable for the community and would not be appropriate. A cannabis store in a tourist-oriented destination with residences above would bring pollution, noise, excessive crime, and litter.

Ester Cordova Cromwell 939 Clatsop Avenue, Astoria, said she agreed with the previous speaker and has seen what he described. She has three family members who were shot and died because of drugs. Astoria needs to stay like it is.

Jane Domani 6347 Duane, Astoria, stated cannabis belongs in commercial areas, not in residential areas close to schools. Several years ago, Sheriff Bergan advised her to oppose a certain application because he said she would not want strangers coming in and out by a school where there are school children. She urged the Commission to put the cannabis in the commercial zone and not by the children.

Peggy Mills 305 Alameda, Astoria, said she agreed that cannabis should not be allowed in a residential mixed-use building. She used to have a shop on 39<sup>th</sup> and when the condominiums were built, traffic problems occurred as they attempted to transport loads of heavy steel. She moved the business closer to her home in Uniontown. She lived above El Tapatio and could smell the cannabis from the restaurant. It would be insidious to mix residential with cannabis and it would ruin property values. Cannabis stores need to remain in commercial areas.

President Fitzpatrick confirmed there was no public testimony opposed to Staff's recommendation and noted that because the Applicant was not present, there would be no rebuttal. He called for closing comments of Staff.

Planner Johnson noted that most of the testimony was about a specific location. She reminded that this interpretation would be city-wide on the classification of the use. A location would only be reviewed as part of a conditional use permit application if the Planning Commission determined the use was a retail sales establishment. If the Planning Commission determines the use to be a tourist-oriented establishment, the use would be allowed outright with no public comments.

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

Vice President Moore stated the Development Code addressed marijuana sales in three different places, but as both non-tourist-oriented sales and as retail sales. He believed it was reasonable to assume that marijuana sales are, more often than not, for personal use. The definition of retail sales refers to personal use, which he believes applies to marijuana sales. He did not believe the definition of tourist-oriented sales had been met by this use because it would not be reasonable to assume that any randomly selected visitor to Astoria would purchase marijuana. The Oregon Health Advisory recently suggested one in five adults in Oregon have used marijuana in the last 30 days, which is far from a majority. Visitors from out of state should not be purchasing marijuana in Astoria and taking it home with them because that is a federal crime. That further implies that marijuana purchases in Astoria are for personal use. He was in favor of Staff's recommendations.

Commissioner Cameron-Lattek stated she supported Staff's interpretation. Tourists may use a certain type of business, but that does make the business tourist-oriented. Business owners might create a tourist-oriented business, but that would not make it appropriate for the Planning Commission to classify cannabis retail as tourist-oriented.

Commissioner Henri said she agreed with Staff's findings. Cannabis dispensaries fit the definition of a retail sales establishment.

Commissioner Womack stated he agreed as well.

Commissioner Price said she believed the Staff report was clear and robust. She agreed with Staff's interpretation. In the future, she wanted the Planning Commission to consider prohibiting marijuana shops in mixed-use residential buildings, as suggested by City Council in 2016.

Commissioner Corcoran stated he was in favor of Staff's findings and recommendations.

President Fitzpatrick said he agreed and did not believe the use was tourist-oriented.

Commissioner Corcoran moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report for MR19-01 by Jeremy Lumachi and determine that a cannabis retail sales establishment be subject to retail sales establishment standards and not consider the use a tourist-oriented sales and service use; seconded by Commissioner Price. Motion passed unanimously.

President Fitzpatrick read the rules of appeal into the record.

ITEM 4(b):

A19-01                      *Continued from March 26, 2019 meeting:* Amendment Request (A19-01) by Community Development Director to amend Development Code sections concerning Riverfront overlay zone requirements, reduce height in Bridge Vista Overlay to 28', add definitions for mass and scale, add standards for Outdoor Storage Area Enclosures, clarify how to apply various sections of the code for design review, clarify exceptions to building height, expand responsibilities of Design Review Committee, and other miscellaneous updates.

President Fitzpatrick asked Staff to present the Staff report.

Planner Johnson reviewed the written Staff report. Correspondence received that day was available at the dais and Staff recommended approval of the request.

President Fitzpatrick opened the public hearing and called for any testimony in favor of the application.

Robert Wilson, 340 Bond Street, Astoria, said he purchased his property in 1977 because of the view. He built a deck and installed sliding glass doors on the second level so he could get inspiration from the view. He is a local artist and plans on spending the rest of his life in his current home. The proposed building site of the Marriott hotel will block much of that view from the Columbia River bar to Chinook. Losing that view overnight is more than he can deal with.

Jan Mitchell, 362 Duane, Astoria, said she was recently disposing of old papers and checkbooks. Many of the local businesses she used to write checks to are no longer in Astoria. The community changes over time and the application in front of the Planning Commission deals with what has changed. The Astoria of 1995 is different from the Astoria of 2005, which is different from what it will be in 2020. She had been a professional planning manager and served on the County and City Planning Commissions. She had a great appreciation for the work done by Planner Johnson and noted Astoria is fortunate to have her depth of history, knowledge, and experience. She and the City Manager have tackled many Comprehensive Plan clarifications and issue and the Staff report amazes her. A few people have expressed concerns about the consistency of the proposal with the Comprehensive Plan. The findings in the Staff report provide the underpinning analysis and lay out a path for the Planning Commission to follow. Out of area attorneys have warned of the rights of their clients and some

property owners like the Riverfront Vision Plan because it contained no definable standards. The Port and some property owners have asked that things remain flexible. This flexibility meant a hotel was approved because standards were unclear and unenforceable. The City Attorney has reviewed the findings and has told the Planning Commission the proposal does not constitute a taking unless the City deprives an owner of all economically viable uses. Staff has included options where a variance can result in modifications to the standards. Over 400 local people signed a petition asking for protection of the waterfront. Signatures were gathered during snow, so more signatures could be gathered if it would make a difference. Residents have contributed things that make this a good place to live. Property owners ask that no changes be made. So far, deciding for Astoria has attracted others who want to live and contribute. There can be a middle place between protecting the waterfront and allowing property owners an appropriate use, but not just anything or uses allowed when the zoning code was adopted. She asked the Planning Commission to adopt the changes proposed by Staff.

President Fitzpatrick called for any other testimony on the application.

Debra Dunnigan 1241 Duane Street, Astoria, said it does not take much to notice that the waterfront is Astoria's best asset. Keeping building heights down is critical. She has seen communities achieve long-term goals of freeing up waterfront. The waterfront is not just for tourists, but also for those who live here. Residents do not want to see obstruction.

Olinks Alevey 509 Kensington Avenue, Astoria, stated the petition was sent out in a short amount of time. With more time, thousands more signatures could have been collected. Business owners are a small percentage of what most people in Astoria love. People come to Astoria because it does not look like the rest of America, which is all starting to look the same. Astoria is a living museum. The dollar is not always the answer. She asked the Planning Commission to protect what Astoria has.

President Fitzpatrick clarified that the comments need to be about the Staff report and whether one agrees with the proposed changes.

Scott McMullen 864 Irving Avenue, Astoria, said Astoria was built on the fishing and marine industries. Fishermen need fish processing plants and he was concerned that the proposed amendments would hamper investment in the fishing industry. He had seen several fires destroy fisher processors and when that occurs, the plants need the ability to rebuild. Without fish processors, Astoria will lose the industry. Pacific Seafood just spent millions on a processing facility in Warrenton. Fish plants also need an ice house. Ice is delivered to the boats via a gravity fed vertical structure, so height is necessary for a fish processing plant. This amendment would have unintended consequences that would hamper the fishing industry. He asked that the amendments be worked on further before being adopted.

Elizabeth Menetrey, 3849 Grand Avenue, Astoria, stated the proposal talked about variances for water-dependent, water-related uses and affordable housing. Astoria needs affordable housing, not luxury housing. She thanked the Commission for all the work they had done on these amendments over the years. The Comprehensive Plan says that plans shall be regularly reviewed, and revised if necessary, to keep them consistent with the changing needs and desires of the public. At the last meeting, the City Attorney said the Commission should not anticipate law suits during planning because the goal should be the betterment of Astoria.

Jim Knight, Port of Astoria Executive Director, displayed a map of Port property on the screen. He was concerned about future development opportunities on Port's property, which should provide public benefits that expand throughout the county and ensure the Port is a viable operation that creates jobs and opportunities. The vacant area and expansive marina in front of the Pier 1 building provides a lot of beneficial opportunities. He proposed that the Planning Commission pause the code amendments. It is important for the Port to have an opportunity to create a special district because the Port is an economic driver and community engine for community benefits, so things more than just profit need to be considered. View corridors and open spaces are important. This is the perfect time for the City to consider how the Port can engage with Uniontown and open spaces to create boardwalks and open space for special events in existing areas. The Port is about more than just developing businesses. It is about the opportunities to create a beautiful neighborhood. The rumor that all he wanted to do was build hotels along the waterfront is not true. The Port only has one hotel tenant who has not executed their plan for three years now. He confirmed the Port would like to consider a district similar to what

has been proposed by Astoria Warehousing. He wanted to engage with neighbors and the Uniontown development to create an area conducive to public access with views and entertainment. However, he would have to figure out a way to pay for that. One way to finance such a project would be to lease Port property.

President Fitzpatrick said the Planning Commission could consult with Staff and consider that suggestion during their deliberation on this request.

John Orr, 175 South Place, Astoria, stated the more he dives into the proposed Code amendments, the more complicated they seem. He liked the idea of considering the Port because they have had financial difficulties. Additionally, the Port has been responsive to the public and could be an economic engine for the community. The City must strike a balance between economic development and the rights of residents. On his radio show, Planner Johnson said that for most people in the city, Exchange Street and above, will not have compromised views from building heights of 35 feet. The Port needs a better tax base to ensure that infrastructure, river views, and the needs of the city and residents are protected.

President Fitzpatrick called for a recess at 7:02 pm. The meeting reconvened at 7:11 pm.

Bob Levine P.O. Box 1082, Astoria, said he lived above Exchange Street and the proposed development of the Marriott would not bother him. He sees the Holiday Inn Express and it does not block his distant views, but he cannot see the smaller ships that pass behind the building. The Commission should be very concerned about what is allowed along the riverfront because it will destroy views.

Steve Fick P.O. Box 715, Astoria, stated he was confused about whether the City responded within seven days to the information presented regarding the Staff report.

Planner Johnson explained that the original Staff report was ready seven days prior to the first public hearing. The second Staff report was an addendum to the first one, which was not ready seven days prior.

Mr. Fick said this was a complex issue for him, so he would like a continuance. The Staff report contained a letter from Astoria Warehousing, which he was not sure had been addressed. He had not heard any legal opinions from counsel on the concerns contained in the letter. The restrictions on the waterfront include wood products and he believed wood products should be defined. He was also concerned about medical offices being a prohibited use, as there are already several medical offices on the water because the waterfront is therapeutic for patients. Doctors make money and can afford to keep the docks maintained. The waterfront does not need to be lined with restaurants and coffee shops. The way the Code amendments are written would not allow him to have a hotel like the old plant above Buoy Beer. He should have the same right if he decided to develop in the future. He wants fairness in the codes. If the Commission is worried about affordable housing, a mitigation plan could be developed to provide housing in a district.

Planner Johnson clarified that this is a legislative matter, so the 120-day rule does not apply.

City Attorney Henningsgaard confirmed that the Planning Commission was not obligated to grant a request for a continuance.

President Fitzpatrick stated the Commission would discuss a continuance during their deliberations.

Peggy Mills, 305 Alameda, Astoria, asked if the proposed amendments would only apply to properties below West Exchange Street.

Planner Johnson explained that part of the Riverfront Vision Plan considered views of the river from up on the hillside. It was determined that anything above Exchange Street could still see most of the river if building heights were limited to 35 feet. The one building that is 45 feet tall blocks ships passing by, but not views of the river or Washington.

Ms. Mills said she agreed that the City should be more involved with the Port. She has a wonderful view from where she lives and would like to continue having the view. She urged the Commission to contact the Port Director regarding the strategic plan of 2010, which was never completed. She wanted to gain property value and made a lot of changes based on that plan. However, she believes she has been losing property value. She



liked the Holiday Inn Express and Cannery Pier Hotel because they are beautiful buildings that do not affect her view. She wanted the City to use the pilings in the river. Astoria has contractors who can make something happen and ice storage for Astoria Warehousing is a great idea. The City should work with what it has.

Pamela Mattsen McDonald 22 Nimitz, Astoria, stated she had attended meetings on the Riverfront Vision Plan that focused on the minutia of Code, but the City should focus on the big picture. People have a fundamental yearning for great bodies of water, but the movement of people towards it can also destroy marine resources. Land along the water's edge must be preserved for common use. She asked that the Planning Commission allow dense settlements to come down to the water at infrequent intervals and allow visual access to the river. Astoria has a lovely assemblage of buildings to view from the water. She believed that City planning could contribute to mental illnesses like Wall Disease. Europe has studied the effects of Wall Disease for 40 years and discovered that psychiatric hospital admissions, therapists, and suicides are associated with this type of city planning.

Stan Johnson 92732 Fern Hill Road, Astoria, said the amendments need to include an exemption for fish processing plants and maritime uses. Astoria is a maritime town. None of the former canneries would qualify under the proposed amendments.

Phil Garillo said he represented Astoria Warehousing. He wanted to give the Planning Commission the opportunity to ask questions about his letter dated April 9, 2019. He believed Staff did a good job under time constraints to try to address issues. The clear and objective standards are helpful, but not all of the standards are clear and objective. However, the amendments are moving the Code in the right direction. The potential Astoria Warehousing district is a good concept, but the concept should be flushed out before any of the amendments are adopted. Height and lot coverage will be major changes to the current Code. His property is for sale and the district has not yet been formed, so he does not know what the regulations are. The changes proposed in the new Staff report, Page 18, Section 14.113(d) regarding the gross floor area of on land development is much more restrictive than the existing Code, which only applies to commercial uses. His property would be nonconforming and could not add square footage.

Mike Brune 562 17<sup>th</sup> Street, Astoria, said it sounded like the city would have a lot of hotels no matter what size they are and the Commission wants to do housing along the river. However, signs along the riverfront indicate that anytime there is a lot of rain raw sewage pours into the river. He asked what was being done to improve the infrastructure to accommodate the hotels and children playing along the river. Residents pay a sewer surcharge every pay period but the City is still dumping raw sewage into the river where everyone will be building and playing.

Sarah Jane Bardy, 250 11<sup>th</sup> Street, Astoria, agreed that the infrastructure needs to be improved and that there is a sewage problem. Even though buildings of a certain height do not necessarily block views from above Exchange Street, those buildings would still be in view. She was in favor of the proposed height limit, but without exemptions for Astoria Warehousing and the Port. If those properties want to develop in the future, they could apply for exemptions. Exempting them now would not leave much land affected by the new Codes. She was happy to hear that the Port wanted a more integrated space. However, integrated spaces do not need buildings that exceed two stories. If the Port did not intend to have large hotels, it would not need an exemption.

Debra Dunnigan 1241 Duane Street, Astoria, stated the State was considering giving Astoria land. Astoria could purchase buildings for transfer development credits to help those up river do what they want to do and develop housing for people who need housing. The City should require the hotel owners to buy land and build housing.

Will Johnson 509 Kensington Avenue, Astoria, said he was a river boat captain and he wanted to continue seeing the town the way it is now. He asked the Planning Commission to keep things as low as possible. Astoria has to take care of what it has now. The traffic issues need to be resolved before anything big is brought in. Astoria is a gem and the community does not want to screw it up. He asked the Commission to consider the view from the river, as well as the view from land.

Matt Gillis 5965 West A Street, West Linn, stated he owned the building right behind the new Marriott. His views are getting blocked. The new 28-foot height restriction is very low and limits building usage. However, he believed 45 feet was too high. He recommended 32 feet from the top or one foot above the 100-year flood plain, and without variances. This would allow options for anyone who wants to build in the affected zones. Astoria

Warehousing has an interesting site and liked seeing the Maritime Museum as he drives through Astoria. A 25-foot corridor should be required every 200 feet so people can see the water as they drive down Marine Drive.

Planner Johnson noted that view corridors are already built into the Code and no changes to those have been proposed.

Ted Thomas 398 Atlantic Avenue, Astoria, asked that the record be held open for written testimony to the statutory limit. Vancouver and New York have expensive properties adjacent to parks. The cities do not sell the parks for high rise developments because the communities would object and say the real estate is expensive because of the parks and views. If the properties along the river are parceled out and privatized, real estate values in adjacent areas will decline.

Eric Anderson 270 West Irving, Astoria, said he was not a developer and did not live near any of the affected properties. He enjoys charming places when he travels. He did not like the large condominium building in Seaside at the end of the promenade. Astoria can build high density areas that are charming. This would take more money, but the developments would look nice. High density does not need to be tall. As long as the Astoria Warehousing property remains low altitude, he would be flexible on high density development that was charming.

Lorrie Johnson 1193 Harrison Avenue, Astoria, said she was concerned about destroying what the residents love. She and her husband have no plans to go somewhere else. A few years ago, she visited Myrtle Beach and could not find a place to look at the ocean. There were view corridors but no place to park. The city was noisy and had traffic. She did not want to see that kind of over development in Astoria. People tell her they love to come to Astoria because of the small town feel, access to the river, and views. Once a structure is built, it cannot be unbuilt in 10 years. The needs of future generations are changing and in 50 years this discussion will not matter. Young people are coming in without knowing what they missed. She asked that the Planning Commission slow down and try to allow the residents to have a view.

Mike Sensenbach 110 Kensington, Astoria, thanked Planner Johnson for doing good work. He believed the proposed amendments accurately reflected what the Planning Commission and City Council wanted. It is time to approve the proposal tonight. Pieces do not need to be cut out for the Port or Astoria Warehousing because that only leaves the property already approved for the Fairfield. The City has already spent a lot of time on this and he wanted the new Codes approved so that future development does not take advantage of loopholes. He did not want future generations to ask what he was thinking when he moved to Astoria.

President Fitzpatrick called for closing comments of Staff.

Planner Johnson clarified that these amendments would only apply to the Bridge Vista Area. The Urban Core Area amendments are still being developed by Staff. A planned district would not allow for exemptions but would allow a master plan to be approved by City Council in the future. Staff has drafted a planned district for the Port and the Planning Commission could consider approving the plan. She confirmed with City Attorney Henningsgaard that this hearing was not subject to the request to keep the record open for seven days.

President Fitzpatrick closed the public hearing and called for Commission discussion and deliberation. He asked if the Commission wanted to consider the request for a continuance.

All of the Commissioners agreed a continuance was favorable because more discussion was necessary, there were still issues with the application, and there was a lot of minutia for the Commission to go through.

President Fitzpatrick asked if the Commission wanted to consider the Port's request for a special district.

Commissioner Price suggested that three areas be exempted from the proposed amendments, the section of Port property east of the bridge water, the Astoria Warehousing area, and the State building. She preferred the State building expand towards Marine Drive and disguise the existing façade.

Planner Johnson reminded that the State office building is in the Urban Core Area, not the Bridge Vista Area which was being discussed.



Most of the Commissioners agreed that the districts should be discussed because they could serve as useful tools for dealing with specific situations. However, Vice President Moore preferred that the issues created by the proposed amendments be addressed rather than considering special districts created to avoid those issues. The Planning Commission has an opportunity to implement the vision for the entire Bridge Vista, which was appropriately designed.

President Fitzpatrick requested the Port provide information as soon as possible on the proposed district so that the Commission can make a timely and informed decision. He commended Planner Johnson for developing the report in anticipation of the Commission's decision to consider the request for a special district. He asked if the Commission wanted to consider a special district for the Astoria Warehousing property.

Vice President Moore was the only Commissioner opposed to discussing the district because the issues with the proposed Code amendments would be discussed later.

Planner Johnson said the Commission could continue the discussion of the special districts and approve the rest of the proposed Code amendments.

President Fitzpatrick called for a motion to that effect.

Vice President Moore recommended the application be discussed before making that motion. If the Commission decides to consider special districts, a motion can be at that time.

Commissioner Price believed the findings clearly laid out that the amendments could be accepted as written. The 28-foot height limit was proposed to City Council during public testimony. The community is really saying they prefer no new development, only the repurposing of existing development. Allowing 28 feet is a compromise and she did not believe the difference between 28 and 35 feet should be argued because the seven-foot difference would be unnoticeable. She asked the Planning Commission to consider no new over water development above bank height unless the use is water-dependent, in which case the height should be 28 feet and the maximum floor area should be at least the same as the shore land development maximum floor area. Lowering buildings on land to 28 feet while allowing 30,000 square feet is a big mistake because this will result in a wall of low flat buildings along the Riverwalk and Marine Drive. Additionally, not including garages is also a mistake. Moving forward with the proposed amendments would not be doing the community any favors. She believed both the economic and river access objectives of the Comprehensive Plan could be met by restricting over water development and reducing the overall size of projects. She did not believe the Commission had any interest in restricting all development to repurposing.

Vice President Moore believed lowering building heights would lead to wider buildings, which would block more views than a narrower building. The Riverfront Vision Plan recommended narrower, taller buildings because that would open more views of the river from ground level. The hillside is steep, so a 35-foot building does not block many views. Instead of a fixed floor size, he recommended greater setbacks or east/west width limits along Marine Drive. This would allow for the opportunity to develop a campus-style site on larger properties and the ability to see the river without restricting development or economic opportunities for the property owner. There is no value in lowering the heights from the current standards, but he did want narrower buildings. The rest of the recommended Code updates are important and necessary. If more discussion on the heights was necessary, the Commission could move forward on the other proposed amendments.

Commissioner Corcoran agreed that all of the proposed amendments except the height and floor area limits were fine. There could be unintended consequences of the request for a 28-foot height limit, so he preferred to separate the height and mass issues from the rest of the Code updates. He encouraged Commissioners to consider the value of the local businesses and said he believed the Commission would need to continue the hearing in order to find creative solutions.

Commissioner Henri believed the Astoria Warehousing site presented unique challenges and a special district allowing a master plan would be a good idea. A special district would allow standards to be applied to that site and not the entire Bridge Vista. The Commission does not have the capacity to consider every potential ramification of applying standards to the entire zone that also fit the Astoria Warehousing site. She believed a special district should be considered separately from the rest of the proposed updates. Reducing height and mass will result in fewer burdens on traffic and parking, lower density, and preserving the character of the town,

as well as views. The setbacks preserve view corridors, but she questioned whether that was enough. She needed more time to think about the Port's issues. She was in favor of the 35-foot height and 30,000 square foot limits and did not want to prohibit the possibility of building an ice house.

Commissioner Price stated over water development needed to have a maximum gross floor area. Planner Johnson clarified that over water development is limited by the width and percentage, rather than the gross square footage.

Commissioner Womack confirmed that Vice President Moore's proposal would not include the existing step backs and setbacks because they might not apply. He agreed with Commissioner Price that there was no appreciable difference between 28 and 35 feet, but he did not want to create large long buildings that do not speak to the visualization. He believed the Commission needed more time find creative solutions.

Commissioner Cameron-Lattek noted the Riverfront Vision Plan recommended trade offs for the Bridge Vista area that allow more height and smaller footprints to maintain views. She was glad to hear new suggestions for addressing that. She wanted the Commission to move ahead on the amendments they all agree with and continue discussing the rest. Even though a lot of time had already been spent on these updates, the process should not be rushed.

Planner Johnson explained that in order to consider height and square footage separately, Staff would only need to remove five sections of the 48 pages of proposed amendments and continue to the next meeting. Amendments not related to height and square footage could be approved tonight.

President Fitzpatrick called for a straw poll and confirmed the Commission wanted to proceed with removing the sections on height and square footage so they could be discussed separately.

Planner Johnson stated for the record that the following sections would be removed from the Code amendments currently being proposed:

- Page 15, Section 14.100.C.2
- Page 16, Item 14.113.A
- Page 16, Item 14.100.D2
- Page 17, Item 14.113.C2
- Page 18, Section 14.113.D

President Fitzpatrick called for a recess at 8:30 pm. The meeting reconvened at 8:35 pm.

Commissioner Price confirmed that Vice President Moore had proposed the smaller of 90 feet wide from east to west or 60 percent of the lot size as the maximum building size for on land development. She asked how that would apply to new construction on the Astoria Warehousing site.

Vice President Moore explained that site contained multiple parcels. He wanted to ensure that no structure exceeded a width limit and that the sum of all structures on a site not exceed 60 percent of the parcel width. He confirmed that he was fine with the existing height limits, but he would also be okay with no step backs.

Commissioner Cameron-Lattek said Vice President Moore's recommendation seemed useful but wanted to know why uses were not being discussed. She believed the Commission wanted to prohibit lots of large hotels.

Planner Johnson said the intent of the amendments was to correct ambiguous issues in the Code. However, City Council directed Staff to include a reduction to the height limit, which complicated Staff's original task. Changing uses would complicate the process even further, so the Commission could continue the hearing and discuss a recommendation to Council to change uses. Staff has not proposed any changes in uses at this time. She recommended this hearing be continued to May 28<sup>th</sup> to discuss the height and mass restrictions and the proposed special districts.

Vice President Moore moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report, approve Amendment Request A19-01 by the Community Development Director, and recommend adoption by the City Council, excluding the following:

- Page 15, Section 14.100.C.2 – Height in the BVO
- Page 16, Item 14.113.A – Height in the BVO
- Page 16, Item 14.100.D2 – Over water square footage
- Page 17, Item 14.113.C2 – Step back for height
- Page 18, Section 14.113.D – Square footage in the BVO

Commissioner Price proposed amending the motion by including Page 17, Item 14.060.C to the exceptions.

Planner Johnson explained that Item 14.060.C clarified step backs in the Civic Greenway and does not change heights in the Bridge Vista.

Commissioner Price seconded the motion as stated by Vice President Moore. Motion passed unanimously.

Commissioner Price asked if the Planning Commission could continue their ongoing discussions at a work session held prior to the next regularly scheduled meeting.

Planner Johnson recommended a work session be scheduled on May 28<sup>th</sup> because the Planning Department is currently short staffed.

Commissioner Henri suggested public testimony be allowed during the work session.

Vice President Moore moved to continue the discussion on the proposed special district concept for the Port of Astoria and Astoria Warehousing sites and the following exempted portions of Amendment Request A19-01:

- Page 15, Section 14.100.C.2 – Height in the BVO
- Page 16, Item 14.113.A – Height in the BVO
- Page 16, Item 14.100.D2 – Over water square footage
- Page 17, Item 14.113.C2 – Step back for height
- Page 18, Section 14.113.D – Square footage in the BVO

Commissioner Womack seconded the motion, which passed unanimously.

The Planning Commission proceeded to Item 4(d) at this time.

#### ITEM 4(c):

A19-02                      Amendment Request (A19-02) by Community Development Director to amend Development Code sections concerning Transient Lodging, amend and add definitions, add reference to City Code Home Stay Lodging regulations, establish standards for transient lodging in conjunction with Home Stay Lodging, allow administrative conditional use permits, limit transition of residential units in commercial zones to transient lodging, and other miscellaneous updates.

This item was addressed immediately following Item 4(d).

President Fitzpatrick asked Staff how the Commission should proceed given the late time. Planner Johnson advised that the Commission at least hear the Staff report and take public testimony.

Commissioner Price recommended that Commission discussion and deliberation take place prior to public testimony so that the public knows where the Commission stands.

Planner Johnson reminded that the public hearing could be kept open and continued.

Vice President Moore believed it was important for Commissioners to refrain from drawing conclusions before hearing public testimony. He was opposed to taking public testimony after Commission discussion and deliberation.

President Fitzpatrick agreed and reminded that Commissioners are not supposed to make decisions without public input.

President Fitzpatrick 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.

President Fitzpatrick declared that several people have spoken to him about this topic over the past few years, but not directly related to this request.

Commissioner Price declared that she was on City Council when the proposed amendments were discussed at a work session. She approved of them at that time.

President Fitzpatrick called for a presentation of the Staff report and recommendation.

Planner Johnson presented the written Staff report and recommended approval of the request.

Vice President Moore understood that a timeshare was the right to use a property and did not consist of ownership of a property. Planner Johnson clarified that timeshares with stays of less than 30 days would be prohibited.

Vice President Moore asked if one of multiple owners of a property would be allowed to use the property for less than 30 days.

Planner Johnson explained that timeshares include owners who loan out their time on the property. Anytime occupancy is less than 30 days, the building is considered a hotel. So, stays of less than 30 days are only allowed in areas where hotels are allowed. She confirmed that multiple owners could not each occupy their own house for less than 30 days because that would be considered a timeshare and the residency would not be permanent. However, the owners could stay in their home for two months at a time because the fact that it is owned by more than one family prevents it from becoming a short-term rental. The intent is to prevent transient lodging in residences that could help with the housing shortage.

President Fitzpatrick opened the public hearing and called for public testimony.

Proyce Olitzky 270 W Exchange St, Astoria, said he understood the housing shortage in Astoria. He has three rentals adjacent to his residence and he has not had good luck getting them rented. He wanted the option to have a vacation home as an alternative to renting.

Planner Johnson said vacation rentals would not be allowed and the issue would need to be resolved by managing tenants. Vacation rentals change the character of neighborhoods.

Walt Postlewait 36468 Riverpoint Dr, Astoria, said he understood that converting units in a residential use to a short-term rental, whether occupied or unoccupied, and located in a commercial zone, would be completely prohibited. Projects must be economically feasible and transient lodging has the ability to produce more revenue for property owners. Remodels and redevelopments of vacant buildings will only occur if the new uses revenue can cover the debt service. Therefore, instead of a complete moratorium on conversions, he recommended allowing a percentage of units in a building to be converted to short-term rentals if they are vacant. He asked how the City's definition of a timeshare would impact several families that own a vacation rental together in Astoria. He understood that a single-family residence in a residential zone owned by multiple families would not be allowed.

Bob Levine P.O. Box 1082, Astoria, said he was concerned about transient lodging and people renting out rooms in their homes. He purchased his home in an R-1 zone intended for single families. The house next to him rents out two rooms long term. Another house near his rents out the basement long term. There is a 5<sup>th</sup> wheel trailer on Franklin with people living in it and another trailer on 3<sup>rd</sup> Street with people living in it. He did not want any of this next to him. He did not want people to have multiple cars or have different people in their homes. He did not want long term rentals to be allowed because he must deal with them. The renters next to him smoke on the porch all the time. He believed long-term rentals were prohibited. He objected to long- and short-term rentals.

Matt Gillis 5965 W 8<sup>th</sup> St, West Linn, asked the Planning Commission not to approve the limitations on short term rentals in the C-3 and C-4 zones because those zones were designed for transient lodging and commercial businesses. Not every visitor wants to stay in a hotel and people want to walk to town. He asked that other options for housing be considered. Other cities have reduced parking in commercial and high-density residential zones, so changing the zoning could be a solution. By 2050, Astoria will have a lot of R-1 and lower density residential zones further out, which makes sense. But limiting short-term rentals in commercial zones now does not make sense because Astoria already has very limited commercial space in the central part of town. A better solution for affordable housing would be to eliminate parking requirements for studios and one-bedroom units or buildings with less than 10 units.

President Fitzpatrick called for closing comments of Staff.

Planner Johnson noted that the prohibition on converting residential structures was directed by City Council.

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

All of the Commissioners stated they supported Staff's recommendations, but Vice President Moore wanted to discuss allowing transient lodging in the C-4 zone. He did not believe there were many single residential units in the C-4 zone and the downtown core could benefit from transient lodging.

Commissioner Price believed the downtown core was a great place for people to live. Housing in a downtown area was one of the best ways to create vitality. Commissioner Henri agreed the downtown core should be reserved for long-term housing.

Vice President Moore asked that his comments be stricken as they were not supported.

Commissioner Corcoran moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report, approve Amendment Request A19-02 by Community Development Director, and recommend adoption by City Council; seconded by Commissioner Price. Motion passed unanimously.

The Planning Commission proceeded to Reports of Officers/Commissioners at this time.

ITEM 4(d):

A19-04                      Amendment Request (A19-04) by Community Development Director to amend Development Code sections concerning miscellaneous issues, allow additional administrative variances, allow additional front and street side setback averaging, allow certain stairs as an exception to setback, allow arbor and gateways in fences, amend lighting standards, amend outdoor storage area enclosure standards, amend and add definitions, allow residential use behind commercial use in C-4 zone, codify several legal interpretations of code application, add 15' setback for parking from top of bank, expand non-conforming uses and structures to allow continuation of certain residential use, clarify off-street parking requirements, and other miscellaneous updates.

This item was addressed immediately following Item 4(b).

President Fitzpatrick 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.

President Fitzpatrick declared that he owned properties that may be affected by the proposed amendments. However, he believed he could be impartial in his decision.

President Fitzpatrick asked Staff to present the Staff report.

Planner Johnson reviewed the written Staff report and said Staff recommended approval of the request.

Commissioner Cameron-Lattek confirmed with Staff that the text with strike through on Pages 23, 26, and 27 of the Staff report was not a mistake. Planner Johnson explained she had to track all changes and the text had been through several iterations. After sharing the draft amendments with the Department of Land, Conservation, and Development (DLCD), Staff decided to remove some text at this time and address certain definitions and language as part of a future amendment because additional work is necessary.

Vice President Moore asked what would trigger the Planning Department to bring a conditional use request to the Planning Commission. Planner Johnson said non-contentious issues would be done at the Staff level with public input. Staff's decision can be appealed to the Planning Commission. Additionally, if Staff believes there will be opposition to a request, Staff would forward the request to the Planning Commission.

Vice President Moore noted a typographical error at the top of Page 9 of the Staff report. Staff confirmed that would be corrected. Vice President Moore referred to the proposed parcel access requirement and noted that several lots in Uppertown were landlocked and could only be accessed by an alley. Planner Johnson clarified that if a parcel can be accessed by an alley, it is not considered landlocked. Any right-of-way adjacent to the property is considered legal access. The proposed amendment would prohibit the alley from being used as an easement because the alley makes up part of the right-of-way. This change was proposed based on past interpretations of the Code. In many cases, alleys are not wide enough for emergency service access, so a 25-foot easement would meet the legal definition of access. This would only apply to new lots. Preexisting, nonconforming lots could redevelop.

Vice President Moore asked why a residential structure would be allowed to have more units than the Code allowed even if the use ceased for one year. Planner Johnson said the current Code requires nonconforming uses to conform if the use ceases for one year and the nonconforming use could not be reestablished. The proposed amendment was intended to address the housing shortage and would allow nonconforming residential uses to be reestablished.

Commissioner Price asked if the Planning Commission needed to answer the three questions in the Staff report.

Planner Johnson confirmed that the questions were posed by Staff for the Planning Commission to consider in case the Commission wanted to respond to those particular issues.

Commissioner Price responded to the question on Page 12 of the Staff report, stating she believed charging stations should be considered an accessory to a parking lot use. She asked for an explanation on the question on Page 13 about the 50 percent gross floor area requirement for tourist-oriented sales and service uses. Planner Johnson explained that Staff wanted to know if the Planning Commission believed certain uses met the intent of the zoning. The Commission should consider whether it was appropriate to require that 50 percent of the gross floor square footage had to be devoted to tourist-oriented uses.

Commissioner Price asked if the Commission had ever discussed eliminating the category. Planner Johnson said the City has shoreland tourist-oriented and tourist commercial zones because the City has areas that focus on tourism. The tourist related uses and definitions will be necessary as long as there are tourist related zones.

Commissioner Price asked how the Planning Commission could address this tonight. Planner Johnson advised the Commission could recommend that a higher percentage of the gross floor area must be dedicated to tourism in order to be considered a tourist-oriented use.

Commissioner Price responded to the question on Page 29 regarding the completed zoning checklist, stating she believed it would be easiest to require the checklist for all applications.

Commissioner Womack asked which tourist-oriented businesses had been approved administratively. Planner Johnson explained that tourist-oriented uses are allowed outright, so they are not necessarily approved by Staff. Certain zones were created to encourage tourism when the city was economically depressed and wanted to bring new businesses to the area. Today, the need for tourist-oriented businesses is no longer as great in certain areas because the city's economic environment has changed.

Commissioner Price asked if there was any distinction between tourist-oriented zones and tourist-oriented retail sales. Planner Johnson said retail sales include all sales other than automotive. The tourist-oriented zones are



intended to eliminate more intense retail sales like furniture and encourage sales more attractive to tourists. As the City moves away from tourist-oriented zones, there will be less need for the tourist related definitions and uses.

President Fitzpatrick opened the public hearing and called for public testimony.

Stan Johnson 92732 Fern Hill Rd, Astoria, said he was generally in favor of this request. He builds houses and anything that makes the Development Code easier is a wonderful thing. It is not fun to deal with the bureaucracy in any jurisdiction and this is a huge step forward. He asked if the new requirement regarding access for parking, on Page 10 of the Staff report, would apply to the residences in the Eagle Ridge development.

Planner Johnson clarified the requirement would not apply to residential lots.

Mr. Johnson referred to the diagram on Page 11 and asked if a parking lot with more than 10 spaces would need a landscape divider.

Planner Johnson clarified that the amendment would give Staff the ability to allow one extra parking space as an exception to the required landscaping. This would eliminate the variance process for 11 parking spaces.

Mr. Johnson recommended the Planning Commission liberalize the parking requirements even more because parking areas also have to accommodate emergency service access, access for garbage pickup, fire hydrants, and mail boxes. He preferred less landscaping.

Bob Levine P.O. Box 1082, Astoria, said he believed all properties in an R-1 zone should be R-1. An R-1 zone should not have duplexes.

President Fitzpatrick called for closing comments of Staff.

Planner Johnson said units would need to have been created legally and be allowed outright or conditionally in the R-1 zone.

Mr. Levine said he knew of duplexes in R-1 zones.

Planner Johnson confirmed those were existing nonconforming and not created after the Code went into effect. Existing nonconforming uses are allowed to continue. Once the use ceases, the home must be brought into compliance with existing Codes.

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

Vice President Moore wanted electrical charging stations to be easy to implement and install in the downtown core because he believed they would continue to become more and more common.

Commissioner Henri agreed and said she supported the limits on signage. She and Vice President Moore confirmed with Staff that a parking lot full of charging stations would still be allowed in areas where automotive service stations are not and that parking lots with charging stations would still be subject to landscaping standards. Commissioner Henri did not believe parking lot landscaping standards should be relaxed, but it would be reasonable to allow extra parking spaces as long as landscaping is not reduced. Reducing landscaping would be environmentally unfriendly and compromise the character of Astoria.

Planner Johnson asked if the Commission wanted electric charging stations defined differently so they could be an allowed use downtown. While this would allow an entire lot to be devoted to charging stations, she reminded that downtown was pedestrian oriented.

Commissioner Womack asked what the problem was with automotive stations in downtown. Planner Johnson said automotive service stations are prohibited in downtown because downtown is pedestrian oriented.

Commissioner Womack asked what the distinction was between filling a vehicle with a liquid versus electronic energy.

Commissioner Henri believed this was a difficult decision to make on the fly. Electric cars take time to charge, so she believed the site would have less traffic in and out than a drive-through service station and the lot would be landscaped.

Commissioner Cameron-Lattek said she was comfortable with the amendment as written because the Planning Commission could consider conditional use requests on a case-by-case basis. Commissioner Henri agreed.

Commissioner Price did not want to push development outside of the downtown core. She preferred standards that applied throughout the city, so that the city is cohesive. The charging stations could be considered an accessory to parking lots.

Vice President Moore and Commissioner Henri agreed.

Commissioner Price moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report, approve Amendment Request A19-04 by Community Development Director, and recommend adoption by City Council; seconded by Commissioner Cameron-Lattek. Motion passed unanimously.

City Manager Estes arrived at approximately 9:30 pm.

The Planning Commission proceeded to Item 4(c) at this time.

#### REPORTS OF OFFICERS/COMMISSIONERS:

This item was addressed immediately following Item 4(c).

Commissioner Henri reported that she was working with Rickenbach Construction on the sailing pond at the Columbia River Maritime Museum. She will recuse herself when that project comes before the Planning Commission since she has an economic interest.

City Manager Estes asked Commissioner Henri to let Staff know so they can ensure a quorum for the hearing.

Commissioner Henri announced she was pregnant and anticipated maternity leave in October.

#### STAFF UPDATES/STATUS REPORTS:

##### ITEM 6(a): Save the Dates:

- i. Tuesday, May 7, 2019 at 6:30 pm – APC Special Meeting
- ii. Tuesday, May 28, 2019 at 6:30 pm – APC Meeting and TSAC meeting

#### PUBLIC COMMENTS:

There were none.

#### ADJOURNMENT:

There being no further business, the meeting was adjourned at 10:18 pm.

#### **APPROVED:**

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Community Development Director

## STAFF REPORT AND FINDINGS OF FACT

May 21, 2019

TO: ASTORIA PLANNING COMMISSION

FROM: MIKE MORGAN, PLANNER

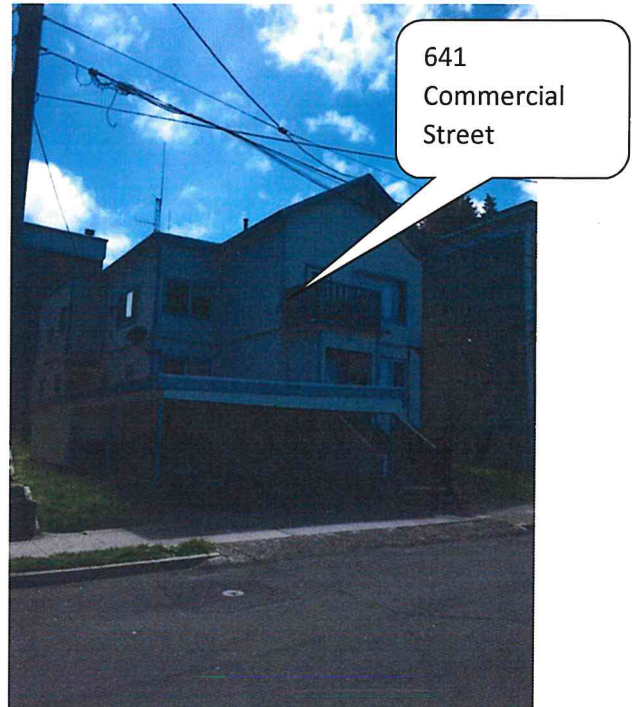
SUBJECT: CONDITIONAL USE REQUEST (CU19-04) BY STEWARDSHIP HOMES LLC TO LOCATE A 5-ROOM SHORT TERM LODGING FACILITY IN AN EXISTING APARTMENT BUILDING AT 541 COMMERCIAL STREET IN THE C-4 CENTRAL COMMERCIAL ZONE.

### I. SUMMARY

- A. Applicant: Stewardship Homes LLC  
11650 SW 67<sup>th</sup> Ave #210  
Tigard, Or 97223
- B. Owner: Stewardship Homes LLC  
11650 SW 67<sup>th</sup> Ave #210  
Tigard, Or 97223
- C. Location: 641 Commercial Street; Map T8N R9W Section 8CB, Tax Lot 7300; Lot 2, 29, McClures,
- D. Zone: C-4, Central Commercial
- E. Lot Size: 50 ' by 100' (5,000 square feet)
- F. Proposal: To convert a five unit apartment building into a five unit tourist lodging facility.

### II. BACKGROUND INFORMATION

- A. Site:  
The two-story building is currently occupied by four long term tenants. One unit appears to be vacant. The 5,000 square foot lot contains a small yard in the rear adjacent to the Clatsop County Jail, and a covered parking area with two off street spaces. The building faces the City Park at 6<sup>th</sup> and Commercial.







B. Neighborhood:

The building is adjacent to the Clatsop County Jail to the south, the Baptist Church to the east, an apartment building to the west and the park/playground across Commercial Street. The general area is mixed use with State Court facilities, several County buildings and parking lots, single family dwellings and offices.

Commercial Street is a two-lane, two-way street with parking on both sides, and sidewalks.

C. Proposal:

The applicant is proposing to locate an AirBnB style, short term lodging facility with five units. It would not have an on-site manager or resident manager; reservations would be taken on the web. Cleaning and maintenance would be done on a contract basis.

### III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on May 7, 2019. A notice of public hearing was published in the Astorian on May 21<sup>st</sup>, 2019. Any comments received will be made available at the Planning Commission meeting.

### IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

- A. Section 2.435(4) concerning Conditional Uses Permitted in the C-4 Zone lists *“Motel, hotel, bed and breakfast, inn, or other tourist lodging facility and associated uses.”*

Finding: The applicant intends to locate a tourist lodging facility in the C-4 zone. The use proposed use requires review as a conditional use. A conditional use is, by definition, a use that is not appropriate without restrictions relating to its relation to the surrounding property. Section 11.010.

- B. Section 2.445(6) for the C-4 Zone requires that all uses with access, parking, or loading areas will comply with standards in Article 7.

Section 7.180 of the Development Code states, *“Uses in the C-4 Zone are not required to provide off-street parking or loading”*.

Section 11.040(A.5), concerning Special Conditions for a Conditional Use, states that *“In permitting a conditional use or the modification of an existing conditional use not involving a housing development (e.g. multi-family development, manufactured dwelling park), the Planning Commission may impose, in addition to those standards and requirements expressly specified in this Code, other conditions which it considers necessary to protect the best interest of the surrounding property or the City as a whole. These conditions are: . . . (5) Increasing the required off-street parking spaces. . .”*

Finding: Off-street parking is not generally available in this neighborhood. Because off-street parking is not required for permitted uses in the C-4 Zone the demand for on street parking in this neighborhood is at a premium. The demand for off street parking is exacerbated by nearby commercial, County, State Court and residential uses. Since this is a conditional use permit, the need for off-street parking should be considered during the conditional use review. Therefore parking should be required by the APC if it is deemed to be necessary.

The C-4 zone is designed to promote pedestrian oriented uses. Section 2.425. It is staff’s opinion that the parking impact of the lodging facility is higher than multifamily housing, particularly lower cost housing close to the downtown, which are generally occupied by single persons or couples who do not have cars. Guests from out of town generally drive to Astoria and require parking near the facility. The existing facility has two off street parking spaces. It is reasonable to assume that five parking spaces would be needed. Commercial Street is utilized by employees of Clatsop County as well as residents of the two multifamily buildings west of the applicant’s property. Conversion of this residential use to short term rental use is not appropriate in the C-4 zone without the provision of off street parking.

- C. Section 2.445(8) requires that signs will comply with requirements in Article 8.

Finding: No signs are proposed as part of this request. Any future sign installation shall comply with the requirements of Article 8, specifically regulations pertaining to the C-4 Zone.

D. Section 11.020(B)(1) requires that the use comply with policies of the Comprehensive Plan.

1. Section CP.055(4) concerning Downtown Area Policies states that *"The City encourages the reuse of existing buildings prior to the expansion of commercial zones."*

Finding: The applicant is proposing to reuse an existing building.

2. CP.015(1) concerning General Land and Water Use Goals states that *"It is the primary goal of the Comprehensive Plan to maintain Astoria's existing character by encouraging a compact urban form, by strengthening the downtown core and waterfront areas, and by protecting the residential and historic character of the City's neighborhoods. It is the intent of the plan to promote Astoria as the commercial, industrial, tourist, and cultural center of the area."*

Finding: The proposed facility would allow for conversion of a residential use to a tourist use. Astoria is becoming the cultural center of the region with its numerous historic properties and districts, and with the increase of breweries and distilleries, the downtown is becoming a destination for tourists. However, there is a severe shortage of affordable housing to support the tourism industry and other businesses, and loss of five affordable housing units could have an impact on the economy. The City is considering zoning requirements that would prevent the conversion of long term to short term housing as part of its affordable housing strategy.

3. CP.200(6) concerning Economic Development Goals states that *"Encourage the preservation of Astoria's historic buildings, neighborhoods and sites and unique waterfront location in order to attract visitors and new industry."*

Finding: The existing building is not designated as historic but was constructed in 1897 and has been heavily altered.

4. CP.205(1) concerning Economic Development Policies states that *"The downtown core of Astoria, generally extending from Sixth to Sixteenth Streets, and from the waterfront to Exchange Street is the retail, service and governmental center of the area. The City, through its zoning actions and support of the Astoria Downtown Development Association, will promote the Downtown."*

Finding: The remaining residential units are part of the economic fabric of downtown, and contribute to the diversity of the community.

- E. Section 11.030(A)(1) requires that *"the use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use."*

Finding: The site is easily accessible to the downtown area and the Columbia River for pedestrians and bicyclists. However, the lack of parking for three of the proposed units will mean guests must compete with local residents, Court employees and patrons and County



employees for on street parking, so accessibility will be difficult. The applicant has not provided an analysis of other appropriately zoned sites that do not require a conditional use, or that do not displace existing residents.

- F. Section 11.030(A)(2) requires that *“an adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements.”*

Finding: The site contains two parking spaces, and proposes to utilize on-street parking for three other units. The existing on-street parking spaces are heavily utilized by the historic residential buildings on Commercial and 6<sup>th</sup> Street that do not provide parking.





Housing Units on Commercial & 6th St			
Address	# of Units	Rent	Parking
591 Commercial	5	\$500-\$900	no
617 - 623 Commercial	4	\$700.00	no
641 Commercial	5	unk	2 spaces

### Adjacent Uses



- G. Section 11.030(A)(3) requires that the use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.

Finding: Public facilities are available to the site. The use will not overburden water, sewer, or storm drainage, police and fire protection. The Building Official and Fire Chief has indicated that the change of occupancy from residential to commercial could require changes to the building for exiting and fire protection.

- H. Section 11.030(A)(4) requires that the topography, soils and other physical characteristics of the site are adequate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.

Finding: No exterior construction is proposed as part of this request. The site is not within 100' of a known geologic hazard area. Additional studies are not required.

- I. Section 11.030(A)(5) requires that the use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.

Finding: The building is existing and encompasses the entire parcel. No additional landscaping requirements may be imposed as part of this request.

VI. CONCLUSIONS AND RECOMMENDATIONS

The request does not meet all applicable review criteria. The lack of parking would place pressure on the availability of parking for local residents, and others. Although a ban on conversion of residential to lodging units has not yet been enacted, the proposed ban underscores issues that short term rentals pose to the City. Staff concludes that the applicant has failed to demonstrate compliance with Section 11.030(A)(1) and that the conversion of this residential use to short term rentals is not appropriate at this location.

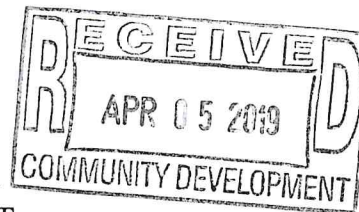
Staff recommends denial of the Conditional Use request CU19-04 based on the findings of fact above.



# CITY OF ASTORIA

Founded 1811 • Incorporated 1856

## COMMUNITY DEVELOPMENT



No. CU 19-04

☒ Fee Paid Date 4/5/19 By ck# 2218  
Fee: \$500.00

### CONDITIONAL USE APPLICATION

Property Address: 641 Commercial St. Astoria OR

Lot 2 Block 29 Subdivision McClures

Map P.09.08.C.B Tax Lot 80908CB07300 Zone C4

Applicant Name: Stewardship Homes LLC

Mailing Address: 11650 SW 67th Ave #210 Tigard OR 97223

Phone: [redacted] Business Phone: 503 207-2055 Email: vgillie@prodigy.net

Property Owner's Name: Stewardship Homes LLC

Mailing Address: Same as above

Business Name (if applicable):

Signature of Applicant: Matthew Gillis Date: 4-4-19

Signature of Property Owner: Matthew Gillis Date: 4-4-19

Existing Use: 5 plex multifamily

Proposed Use: Hotel / short term rental

Square Footage of Building/Site: 3,388, 5,000

Proposed Off-Street Parking Spaces: 2

**SITE PLAN:** A Site Plan depicting property lines and the location of all existing and proposed structures, parking, landscaping, and/or signs is required. The Plan must include distances to all property lines and dimensions of all structures, parking areas, and/or signs. Scaled free-hand drawings are acceptable.

For office use only:

Application Complete:		Permit Info Into D-Base:	
Labels Prepared:		Tentative APC Meeting Date:	
120 Days:			

**FILING INFORMATION:** Planning Commission meets on the fourth Tuesday of each month. Completed applications must be received by the 20th of the month to be on the next month's agenda. A Pre-Application meeting with the Planner is required prior to acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Planning Commission meeting is recommended.

Briefly address each of the following criteria: Use additional sheets if necessary.

11.030(A)(1) The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use.

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11.030(A)(2) An adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements.

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11.030(A)(3) The use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.

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11.030(A)(4) The topography, soils, and other physical characteristics of the site are appropriate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.

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11.030(A)(5) The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.

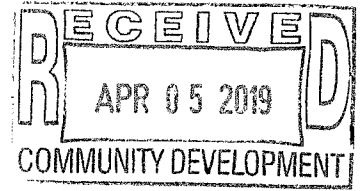
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11.030(B) Housing developments will comply only with standards 2, 3, and 4 above.





11.030A1

The proposed use of a hotel/ motel is appropriate due to location, accessibility, and availability of other sites. The location is ideal for this use due to walking distance to downtown, the boardwalk, and the park across the street. This location is ideal for tourists and corporate travelers to be able to walk downtown and reduce the parking demand in the middle of downtown compared to a location where tourists would drive into the middle of downtown. The church and jail are ideal neighbors that would be difficult to disturb. Other locations would create more of a disturbance. The added units would make up for some of the tourism housing that is being removed through code enforcement proceedings, and the tourism drives the Astoria economy. We looked into the net loft building as an option, but it is not feasible due to current zoning and cost. There are no other small multifamily buildings available for sale within commercial zones in Astoria.

11.030A2

The proposed project would not create any more traffic or parking demand for the building. It would actually reduce the parking demand by 1 parking spot. The driveways, parking and loading areas, and garbage collection would not change. The zoning does not require parking, but we have 2 off street spaces. There are typically 5-6 street parking spaces available on commercial st near the house, but we should be reducing the parking demand due to vacancy, and 1 less parking spot due to change of use. Access points would remain the same. The traffic control side walks, and emergency vehicle movements should not be affected. Upgrades to the building would improve safety. We would add demsglass on bump out with no setback and we would sprinkler the building to reduce risk of fire and increase the safety of the building.

11.030A3

The new use would not add burden on water and sewer or stormwater or any other utilities. It would actually reduced the burden due to some vacancy within the building. It should not impact police in a negative way. The project would reduce fire risk, by adding fire protection measures. Upgrades to the building would improve safety. We would add demsglass on west bump out with no setback and we would sprinkler the building to reduce risk of fire and increase the safety of the building.

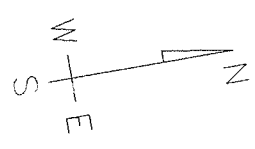
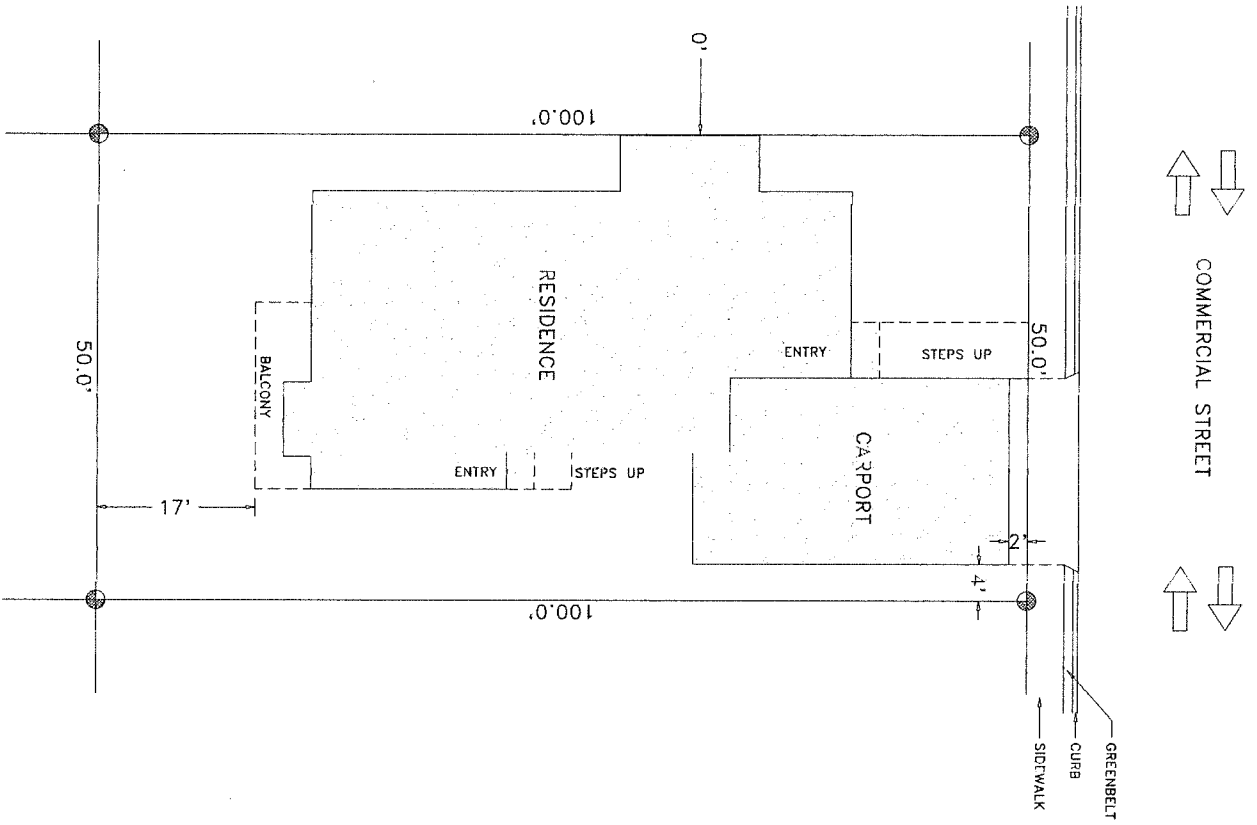
11.030A4

The building is existing, and is not in a geologic hazard zone.

11.030A5

Although there are no required setbacks in this zone, This building has adequate outdoor space. The footprint is not expected to change.



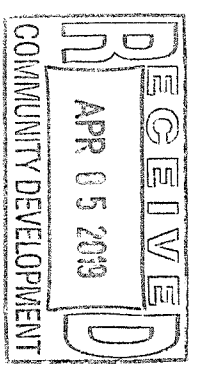


○ — PROPERTY CORNER, TYPICAL

SITE DESCRIPTION:

641 COMMERCIAL STREET  
ASTORIA, OR 97103

ACCOUNT NO.: 22555  
PARCEL NO: 80908C307300  
ZONED: C4  
LOT SIZE: 5,000 SQ-FT  
FLAT LOT ELEVATION: 100ft



<p><b>SUNRISE DESIGN SERVICES</b> PHONE: (360) 356-1362 LONGVIEW, WA 98632 SUNRISEDESIGN@GMAIL.COM</p>	<p>STEWARDSHIP HOMES LLC</p>	<p>PROJECT NO: 6490404</p>	<p>SITE PLAN</p>	<p>SCALE: 1" = 20' SHEET TITLE: C1.0</p>
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CITY OF ASTORIA  
Founded 1811 • Incorporated 1856



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441 Commercial (CA)

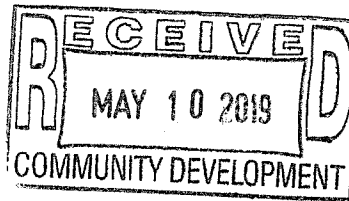


64 Commercial (C4)





May 10, 2019



**Michael C. Robinson**  
Admitted in Oregon  
T: 503-796-3756  
C: 503-407-2578  
mrobinson@schwabe.com

**VIA E-MAIL**

Mr. Mike Morgan  
Interim Planner  
Astoria Planning Department  
1095 Duane Street  
Astoria, OR 97103

RE: My Client, Stewardship Homes, LLC; Application for Hotel in the C-4, "Central Commercial", Zone; City of Astoria File No. CU19-04

Dear Mr. Morgan:

This office represents Stewardship Homes, LLC (the "Applicant"). The Applicant has submitted an application for a conditional use to establish a five-room, short-term lodging facility ("lodging facility") in the C-4 zone at 641 Commercial Street. A lodging facility is a conditional use in the C-4 zone pursuant to Astoria Development Code (the "ADC") 2.435.4.

I am writing on behalf of my client to respond to the City's request that it provide off-street parking for the proposed conditional use. For the reasons explained in this letter, the City may not require off-street parking for a conditional use in the C-4 zone.

The purpose statement for the C-4 zone at ADC 2.425 includes the following:

**"The uses permitted are intended to be compatible with the locale's pedestrian orientation and, as a result, off-street parking is not required." (emphasis added)**

ADC 2.445, "Other Applicable Use Standards", for the C-4 zone does not require that a conditional use comply with the parking and loading standards in ADC Article 7. ADC 2.445.6 simply provides:

**"All uses with access, parking, or loading areas will comply with the standards in Article 7."**

In other words, the regulations implement the purpose statement of the C-4 zone by not requiring off-street parking for conditional uses in the C-4 zone. ADC 2.445.6 requires only that a C-4 use with existing parking comply with ADC Article 7. Further, ADC 2.445.7 requires that conditional uses meet the requirements of Article 11.

Mr. Mike Morgan  
May 10, 2019  
Page 2

ADC Article 11 is entitled "Conditional Uses." A conditional use, such as a lodging facility in the C-4 zone, is subject to the provisions in ADC 11.020.B, including ADC 11.020.B.5, which provides that the Astoria Planning Commission shall base its decision on whether the proposed conditional use complies with "development standards of the applicable zone." As noted above, no development standard in the C-4 zone requires compliance with ADC Article 7, "Parking and Loading", by providing new off-street parking.

Additionally, ADC 11.020.B.7 requires that the Planning Commission consider "appropriate conditional use standards Section 11.130 to 11.170." ADC 11.040 is entitled, "Special Conditions." ADC 11.040.A.5 applies to non-residential uses, such as a lodging facility, and provides that the Planning Commission may impose certain conditions, including "increasing the *required* off-street parking spaces;". (*emphasis added*)

Because the C-4 zone does not require any off-street parking spaces for the lodging facility, the Planning Commission may not impose a condition under ADC 11.040.A.5 since the condition provides for *increasing required* off-street parking spaces. Where no off-street parking spaces are required, the Astoria City Council has limited the Planning Commission's authority to require off-street parking spaces. Only those uses which are required to have off-street parking spaces may be subject to ADC 11.040.A.5.

My client respectfully requests that the City approve the conditional use application without a condition of approval requiring off-street parking spaces because such a requirement is contrary to the plain language of the relevant provisions of the ADC.

Please place this letter in the official Planning Department file for this Application and before the Astoria Planning Commission at the initial evidentiary hearing on May 28, 2019.

Very truly yours,



Michael C. Robinson

MCR:jmhi

Cc Mr. Matthew Gillis (*via email*)  
Mr. Garrett Stephenson (*via email*)  
Mr. Blair Henningsgaard (*via email*)

PDX\134608\247999\MCR\25366824.1

**YOU ARE RECEIVING THIS NOTICE BECAUSE THERE IS A  
PROPOSED LAND USE APPLICATION NEAR YOUR PROPERTY IN ASTORIA**

**CITY OF ASTORIA  
NOTICE OF PUBLIC HEARING**

Mail 5-7-19  
Email 5-7-19  
Web 5-7-19  
Pub 5-21-19

The City of **Astoria Planning Commission** will hold a public hearing on Tuesday, May 28, 2019 immediately following the **Traffic Safety Advisory Committee** meeting at 6:30 p.m. in the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

1. Conditional Use Request (CU19-04) by Stewardship Homes LLC to locate a 5-room, short term lodging facility in an existing apartment building at 641 Commercial Street (Map T8N R9W Section 8CB, Tax Lot 7300, Lot 2, Block 29, McClures) in the C-4 (Central Commercial Zone). The following Astoria Development Code standards are applicable to the request: Article 1 (Basic Provisions); Article 2 (Use Zones); Article 9 (Administrative Procedures), Article 11 (Conditional Uses) and Comprehensive Plan Sections CP.005 to CP.028 (General Development Policies), CP.030 to CP.105 (Area Descriptions and Policies), and CP.190 to CP.210 (Economic Element).

A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available at least seven days prior to the hearing and are available for inspection at no cost and will be provided at reasonable cost. All such documents and information are available at the Community Development Department at 1095 Duane Street, Astoria. If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance of the hearing. Contact the Planner at 503-338-5183 for additional information.

The location of the hearing is accessible to the handicapped. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting the Community Development Department at 503-338-5183 48 hours prior to the meeting.

All interested persons are invited to express their opinion for or against the request(s) at the hearing or by letter addressed to the Planning Commission, 1095 Duane St., Astoria OR 97103. Testimony and evidence must be directed toward the applicable criteria identified above or other criteria of the Comprehensive Plan or land use regulation which you believe apply to the decision. Failure to raise an issue with sufficient specificity to afford the Planning Commission and the parties an opportunity to respond to the issue precludes an appeal based on that issue.

The Planning Commission's ruling may be appealed to the City Council by the applicant, a party to the hearing, or by a party who responded in writing, by filing a Notice of Appeal within 15 days after the Planning Commission's decision is mailed. Appellants should contact the Community Development Department concerning specific procedures for filing an appeal with the City. If an appeal is not filed with the City within the 15 day period, the decision of the Planning Commission shall be final.

The public hearing, as conducted by the Planning Commission, will include a review of the application and presentation of the staff report, opportunity for presentations by the applicant and those in favor of the request, those impartial to the request, and those in opposition to the request, and deliberation and decision by the Planning Commission. The Planning Commission reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

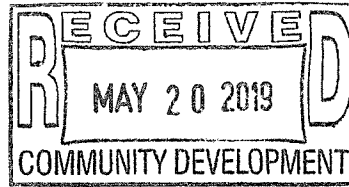
THE CITY OF ASTORIA

MAILED: May 7, 2019



Tiffany Taylor  
Administrative Assistant





Astoria Planning Commissioners :

May 19, 2019

I know that I have already expressed my opinions, but have more, of course.

There are two potential areas which Planner Johnson has suggested might benefit from design and execution at a planned unit development level---the Astoria Warehouse site and Port of Astoria properties. I know that there has been some discussion of setting standards for view corridors, lot coverage, etc. for these areas. Only one of you, as far as I know, has design experience. It is not easy to imagine all possibilities and to set standards for what is not in front of you, particularly if a parcel allows for a complex project. If the property owner or the Port is asked to hire a "Robert Jacob" or an "Art DeMuro" to prepare their proposed project, we may benefit from their creativity, and staff and the Commission can then evaluate the totality of the designed project on the site and its surroundings and approve or deny.

Astoria's only example of such a project is the Mill Pond area. It does have some issues, but is clearly a success, and has allowed us to learn from the experience. It is a template that could be used for our remaining significant developable parcels.

Jan Mitchell , AICP  
362 Duane  
Astoria, OR 97103