

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall

June 25, 2019

CALL TO ORDER:

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

ROLL CALL:

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

Commissioners Excused: President Sean Fitzpatrick and Chris Womack.

Staff Present: Contract Planner Robin Scholetzky, Contract Planner Rosemary Johnson, Contract Planner Mike Morgan, Planner Nancy Ferber, and City Attorney Blair Henningsgaard. Contract Planner Scholetzky attended via telephone for Item 4(d) beginning at 8:48 pm. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

APPROVAL OF MINUTES:

Item 3(a): May 7, 2019

Vice President Moore called for approval of the May 7, 2019 minutes.

Commissioner Price moved to approve the minutes of May 7, 2019 as presented; seconded by Commissioner Cameron-Lattek. Motion passed unanimously.

Item 3(b): May 28, 2019

Vice President Moore called for approval of the May 28, 2019 minutes.

Commissioner Price moved to approve the minutes of May 28, 2019 as presented; seconded by Commissioner Cameron-Lattek. Motion passed unanimously.

PUBLIC HEARINGS:

Vice President Moore 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):

CU19-04 *APC discussion and deliberation continued from the May 28, 2019 meeting.* 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.

Vice President Moore 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 Moore declared that earlier in the day, he received an email with comments on the conditional use. The public hearing had already been closed and no discussion occurred. He did not read the comments completely and the comments were not applicable.

City Attorney Henningsgaard confirmed that Commissioners Price and Cameron-Lattek received the same email from Andrea Mazzerella. Commissioner Price stated she read the email. Commissioner Cameron-Lattek said she glanced through the email but did not read it. City Attorney Henningsgaard explained that the email created two issues in the process. First, it constitutes ex parte contact. Second, in any land use application, the Applicant has the right to submit the final argument. The Applicant was allowed two weeks to submit their final argument. The email could be construed as a final argument, so it would be appropriate to allow the Applicant to address the email.

Matthew Gillis, 11650 SW 67th Ave. #210, Tigard, said the comments in the email were about the Applicant's, what they would do with the money, and how that would affect the City. Stewardship does a lot of long-term rentals in Astoria and plans to continue. This permit would help them fund other projects flipping vacant houses and putting them back on the housing market as rentals. They have already brought eight rentals back on to the housing market in Astoria. This property is zoned commercial and is in a walkable area that is zoned for a hotel type situation.

Vice President called for presentation of the Staff report.

Planner Morgan reviewed the written Staff report and a memorandum containing additional materials for consideration. He noted the findings in the original Staff report were for denial of the request. If the Commission approves the request, new findings would need to be written.

Vice President Moore noted the public hearing had already been closed and called for Commission discussion and deliberation.

Commissioner Price stated she continued to agree with Staff that the request does not meet all applicable review criteria.

Commissioner Corcoran said he believed the requested use on this particular property would not be beneficial to the city.

Commissioner Cameron-Lattek agreed with Staff's findings. The request would not comply with the Comprehensive Plan's housing goals and policies to maintain existing housing stock in neighborhoods.

Commissioner Henri stated she was leaning towards denying the application because she did not believe there was any benefit to the conditional use. Property use and parking could improve the property, but she could not justify that it would benefit the community.

Vice President Moore said historically this Planning Commission and Council has interpreted the parking requirements as an ability to increase parking for any conditional use. However, arguments against that aside, the housing element of the Comprehensive Plan CP218.2 clearly states "maintain and rehabilitate the community's existing housing stock." Approving this application would reduce existing housing stock. Therefore, he was against the request.

Commissioner Price moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and deny Conditional Use CU19-04 by Stewardship Homes LLC; seconded by Commissioner Cameron-Lattek. Motion passed unanimously.

Vice President Moore read the rules of appeal into the record.

ITEM 4(b):

CU19-05 Conditional Use Request (CU19-05) by Rob Webb and Mark Otten on behalf of PacificCorp to perform in water remediation work (use is considered "active restoration") to address contamination present in sediment adjacent to 2nd Street south of the pierhead line (Map T8N R9W Section 7DA, Tax Lot 100) in the A-2 Aquatic Two Development) zone.

Vice President Moore 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. There were none. Vice President Moore asked Staff to present the Staff report.

Planner Ferber reviewed the written Staff report via PowerPoint. Only one public comment was received and distributed. Staff recommended approval of the request with the conditions listed in the Staff report.

Commissioner Price asked if the Division of State Lands (DSL) permit was contingent on the conditional use permit. Planner Ferber said yes and explained that additional notification had already been sent out. The public input period for the DSL permit was still open.

Commissioner Corcoran asked if non-aqueous phased (NAP) materials was otherwise known as goo. Planner Ferber stated she had not heard that. The materials are sediments that dissolve in water but cannot be remediated.

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

Rob Webb, 72 Holiday Lane, Leavenworth, WA, said he did not have a presentation but could answer technical questions about the engineering.

Commissioner Cameron-Lattek asked how much of the pilot project was being done now. She also wanted to know if this was a smaller disruption in preparation for a bigger disruption later.

Mr. Webb said this work would provide a final remedy. However, until it is in place, proven, and meets all the requirements, the Department of Environmental Quality (DEQ) wanted to call it a pilot project. It is a proven technology using a manufactured product of geo-tech stile with an organo-clay imbedded between it that absorbs the NAP materials from below. He confirmed that 18 inches would be deep enough. The materials on the lower beach area are stable but the steeper bank behind it is erosional. Digging too deep would destabilize the slope. Additionally, there is a long term management plan with DEQ in place requiring the site to be inspected after any significant storm.

Commissioner Henri asked if the trench would be an anchor trench.

Mr. Webb explained the trench was done during the investigation.

Commissioner Henri asked if the geo-tech stile would be secured with the clay layer.

Mr. Webb said the geo-composite is a layer of non-biodegradable fabric with an organo-clay material and another layer of fabric that is needle punched together like a quilt. Three layers of that will be installed with a small excavator by pulling back the upper 18 inches of the existing materials. This material will be put in and then the upper 18 inches will be replaced on top. The work will be done on low tide cycles.

Commissioner Henri asked if this would be a 30-year remedy.

Mr. Webb stated the lifespan is a couple hundred years, but the lease with DSL is 30 years.

Commissioner Corcoran asked if excavation activities would be done in the middle of the night?

Mr. Webb said he did not want work to occur at night. The project has been set up to complete the work during the summertime daylight low tides. The best nighttime low tides are in December and January when work is very dangerous. Permission has been granted by Fish and Wildlife and other agencies to do the work in the summertime. The last low tide window for this year is August 29th through September 2nd.

Vice President Moore 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 Henri said the project looked sound and it was a necessary project.

Commissioner Price thanked Planners Ferber and Morgan for such a comprehensive packet. She was concerned that it had taken seven years to get this far. She agreed with the Staff report.

Commissioner Cameron-Lattek moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU19-05 by Rob Webb and Mark Otten; seconded by Commissioner Price. Motion passed unanimously.

Vice President Moore read the rules of appeal into the record.

ITEM 4(c):

A19-01B

Continued from the May 28, 2019 meeting. Amendment Request (A19-01B) by Community Development Director to amend Development Code sections concerning issues relative to height and maximum gross square footage in the Bridge Vista Overlay Area (exempted sections from A19-01A) as well as continued discussions regarding potential sub-areas within the Bridge Vista Overlay Zone.

Vice President Moore 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. There were none. Vice President Moore asked Staff to present the Staff report.

Planner Johnson reviewed the written Staff report. New code language was written based on feedback provided by the Commission at the last meeting. However, since then, Staff found concerns about language regarding how the code could be applied. As currently written, the draft amendments might not work or achieve desired results. Public feedback indicates the same concerns. She confirmed that Commissioners had copies of all correspondence that was received, including a petition to which additional names would be added as part of the hearing. She recommended the Commission take more public comment and provide direction on better language.

Vice President Moore opened the public hearing and called any testimony on the application.

Olene Salivi, 509 Kensington Ave. Astoria, suggested that for everything that gets developed on a particular lot, have an equal amount left open. It is overwhelming how many people do not want to see heights and seaside type development on the waterfront. If the amendments are approved or the City goes back to 48 feet, then the Commission is not listening.

Phil Grillo, Astoria Warehouse, said he agreed that more work needs to be done. Vice President Moore's idea was to have 60 feet of view corridor and up to 90 feet or 60% of the lot. This 60/90 rule is unreasonable for the Astoria Warehouse site. According to the geographical information system (GIS) the frontage along Marine Drive is about 1,025 linear feet. Taking 60 feet of view corridor plus the 90 feet of maximum of building width, the site would only accommodate 6.8 sets of these view corridors and buildings. There would be six or seven view corridors in that linear space, which would be difficult to do on the site. He referred to Page 8 of the Staff report, which contained an unintentionally misleading drawing of the 60/90 rule. The depth of the building does not go back that far because of the railroad tracks and the pedestrian lane. This is a significant deterrent rather than an incentive to redevelop because it would be too difficult to redevelop into six or seven sets of small buildings. This also creates a significant limitation on parking and interior access. The buildings that go back to the trolley line cannot be accessed from the back by vehicles. This means parking would have to be in the view corridor spaces and curb cuts would be necessary on Highway 30. He did not believe the City would get too much sympathy with Oregon Department of Transportation (ODOT) to create six or seven curb cuts on one lot. This would also discourage working waterfront type uses and housing because those uses want to be oriented towards the river, not perpendicular to it. He suggested aligning the view corridors with the upland cross streets. Hume and 2nd are both improved streets and there is a dedicated right of way for 1st Street. There are view corridors on Bond Street that allow views through the Astoria Warehouse site. This is consistent city-wide and is appropriate for moving forward. He also suggested making that modification through the planned district for the site to meet the demands of redeveloping the site. Otherwise, the Planning Commission will create an incentive to not redevelop the site. He would gladly participate in a workshop because he believed that level of discussion would be necessary.

Elizabeth Menetrey, 3849 Grand Ave, Astoria, presented a new petition with 80 more signatures to Planner Johnson. The petition says the signers would like heights to stay at 28 feet, with variances for heights up to 35 feet. Going back up to 45 feet seems iron after what happened with the Fairfield Inn. There's been so much comment and concern from the public and City Council. The petition also says no over water development beyond bank height. However, if the use was water dependent, she did not have any problem with 45 feet over the water. She was concerned about variances for affordable housing. She wanted to know how many units would be in a building, what the income levels would be, and why there should be a time limit. The Planning Commission needs to be careful to allow for enough affordable housing. And, if the buildings are going to be 45 feet, the city has to get a good bang for their buck for affordable housing. She was concerned about the Port of Astoria's west mooring basin planned district because Hollander Hospitality has leasing on the land and he wants 45 feet. She did not believe he wanted to build affordable housing and did not want him to be able to build 45-foot-high hotels in the planned district.

Jim Knight, 42041 Eddy Point Lane, Knappa, said he was speaking as a private citizen. He encouraged the Planning Commission to recommend the creation of a special district for the central waterfront. This issue is very complicated and needs some work and more conversation to understand the needs of the community for this area of the Port. The Port is community property. Commissions and Staff come and go, but the community remains and elected officials are left to make decisions that reflect the interests of that community. It is difficult to discern the will of the people when there are a variety of solutions and interests. This is a rare opportunity to work collaboratively on a master plan with the community. The process would be an in-depth planning process

with the Port, the Port's tenants, adjoining property owners, and the community at large. The process to create a special district provides a much more robust strategy that addresses the relationships of cruise ships, tourism, existing businesses, parking needs, and Uniontown. The community can create a beautiful gathering area for residents year round, and maintain and augment the views of the river. He recommended the Commission make a recommendation to City Council to allow a planning process that includes master planning for the district.

Mike Sensenbach, 110 Kensington, Astoria, said at dinner that evening, his six-year-old son said, "What is the point of living here if you can't see the water?" He believed views of the water was one of the main draws for people wanting to come to and live in Astoria. He did not want to see the City overcomplicate the amendments because that could provide opportunities for people to point to loopholes or come up with their own interpretations of language. He believed this was how the City got stuck in the Fairfield debacle. He wanted the height limit to be 28 feet with no exceptions and without leaving anything open to interpretation. Additionally, if the original intention was 35 feet, three stories, and 30,000 square feet, the size should be shrunk proportionally to 20,000 square feet. He did not want the Commission to consider special plan districts. The BVO was not designed to have special districts, they are unnecessary, and it overly complicates the code. He wanted the code kept simple and straight forward. The less language in the code the fewer debates on the right interpretation.

Lorrie Durheim, 398 Atlantic, Astoria, said she agreed with Mr. Sensenbach. People live in Astoria because they want to see the water.

Susan Transue, 91817 Highway 202, Apt. 16, Astoria, Port of Astoria, Director of Operations, said she had been in the community for almost three years and she loved the views. However, she also worked for the Port so she saw things in a different light than most people in the community. More discussion is needed before a decision is made. The Port should be considered a separate district because it is a County-owned business and this Commission is making a decision for the City. Also, more community members should be able to speak about what they feel is needed. The Port needs the special district so it can develop businesses and bring tourism.

Chris Farrar, 3023 Harrison Ave, Astoria, said he agreed the code language should be kept simple. He was concerned that the process was taking so long. The longer it takes, the more chance there is for someone to submit an application for a project under the current codes. The codes need to be tightened in a hurry by making the height limit 28 feet across the board and keeping the mass small. He would not allow for structures above that to be excluded in the height, so air conditioning units and other equipment should be considered part of the height. He agreed that marine oriented activities that can show they require a much taller height should have a lot more flexibility. He was not in favor of the special districts, but the Port is a County property. County residents have a right to have input and probably are not represented at City meetings. The height and mass limitations should apply to the entire blue area on the map, even if there were special districts. He did not believe housing should be located right along the water in a tsunami zone. Additionally, the allowable uses should not include hotels at all in the blue area. Allow existing hotels to stay, but Astoria does need more hotels because they draw great crowds of traffic and there is already too much traffic. Other businesses operating in the area would not be operating in the dark of night. Residents and hotel guests would be asleep and if a tsunami hit a lot of people would die. This community would be irresponsible to allow that.

Ted Thomas, 398 Atlantic, Astoria, said a special district was referred to as a business. A special district is not a business, it is a government. Governments are exempt from anti-trust laws. The opportunity for real estate development and collusion is enormous when there is a special district.

Dorothy Olson, 127 Washington Street, Astoria, said she agreed that the code should be kept simple. She also wanted the height limit to be 28 feet because she lived in the area and wanted to see over the buildings that are there already. Astoria definitely needs more affordable housing. In a tsunami, housing would go right into the water pretty quick, but Astoria needs affordable housing. Keeping restaurants and businesses along the water would probably be a better idea unless it was low income subsidized Section 8 housing.

Vice President Moore closed the public testimony portion of the hearing and called for a recess at 7:38 pm. The meeting reconvened at 7:43 pm.

Vice President Moore called for comments of Staff.

Planner Johnson said even a reduced height may still block views. She clarified that plan districts and special districts were not the same. A plan district is a land use tool for development. A special district impacts taxing and legislation. These amendments are only about land use issues, so only plan districts are being considered.

Vice President Moore called for Commission discussion and deliberation.

Commissioner Henri said she believed, based on community input, that the height limit should be 28 feet in the BVO with exceptions for water dependent uses only and for affordable housing. Anything over 28 feet would be 100 percent affordable housing. There should be no time limit on that. She agreed that housing was not safe in a tsunami inundation zone. She believed much of the public is not educated on tsunami danger, evacuation protocols and emergency preparedness. It is not in the best interest of the public's health, safety, and welfare to have housing in a tsunami inundation zone. She understood that special districts were required to follow all basic zoning codes unless they obtain a master plan approved by the Community Development Department, Planning Commission, and City Council. Therefore, special districts are safe. She believed special districts were necessary for the Port and the Astoria Warehouse site. The Astoria Warehouse site presents a lot of challenges with building massing, so other creative solutions should be considered. A master plan would be required to work through the detailed problem solving. The Port is a unique site as well and worthy of a special district because it is such a large site. The entire property is water related and the master plan process allows enough public input and careful consideration of every component. She was unsure how to provide view corridors with the lots that were long and oriented east/west. Any exceptions could be requested through a conditional use or a variance.

Planner Johnson clarified that exceptions were variances, but in some sections the code states variances are not allowed. The Commission needs to determine whether variances will be allowed and if variances will be limited.

Commissioner Henri added that she did not want to overcomplicate things, but it is important to be specific. This process needs to move forward, but the City might regret it later if the process is rushed.

Commissioner Corcoran understood that two of the three areas in the zone were large enough to warrant some special planning. Therefore, it would be proper to clarify what needs to be clarified without any undue delay. The Port is a publicly owned parcel and he expected that to continue. The Astoria Warehouse site is a large parcel that could accommodate large buildings, but it could be split into smaller lots that are then sold. With regard to low income housing in tsunami inundation zones, research shows that low income people are the least prepared for hazards. Since this zone has not been adopted as a hazard zone by the Planning Commission or the City Council, the hazards cannot be used as considerations in these development decisions. He wanted to reconsider incentivizing low income housing in this zone. He asked if it was standard procedure to require 25 percent of the housing to be low income with a 25-year time limit.

Planner Johnson explained that Staff had seen other cities require 25 percent and 25 years is typical when restrictions are put on a property use.

Commissioner Corcoran stated the essential issues for him were views and relationship to the river. The public wants 28 feet but depending on the parcel size that might not get what people want. So, the City needs to think more creatively about how to make it work.

Commissioner Price confirmed with Staff that they did not have any recommendations about how to achieve the desired results of these code amendments. Planner Johnson explained that Staff was stumped about how to satisfy both the development goal and citizens' requests.

Commissioner Price said the Commission had two charges from the Council after the Fairfield debacle. One was to clean up the language in the BVO and other parts of the Code, which has been done well. The second one was to lower the height to 28 feet. Vice President Moore's 60/90 policy made sense but was complicated. She wanted to know if the Commission could do what the Council has asked by agreeing to the 28-foot height limit with variances to 35 feet for electrical equipment, elevator shafts, and water dependent uses; then, if the Council wants the Commission to go forward, allow them to say so. If Council directs the Commission to move forward, she believed a work session should be scheduled with the Council, Planning Commission, and Staff to discuss the issues. The City knows what Astorians want after hearing it for 10 years, limited development along the Riverwalk. However, the City does not know how to do this. Unless it creates other complexities, she recommended that the Commission agree on 28 feet. She believed the Commission needed to have a discussion with Council, Staff, and consultants because these amendments should be considered within the context of what is going on in Uniontown Reborn and ODOT changes to West Marine Drive. A lot of money, time, and resources are going into changing this area for decades. Doing this piecemeal will result in an okay project but the City can do better. This is an opportunity to recreate the west end of Astoria.

Commissioner Cameron-Lattek asked for Planner Johnson's opinion on 28 feet and 20,000 square feet. She wanted to know if that would get the City close to what it wants.

Planner Johnson explained that would be quite limiting and would not achieve the desired results. The full length of a 28-foot-tall building would block views. Also, a 28-foot-tall building no larger than 20,000 square feet would probably not be financially feasible. It is possible that the concept of north/south oriented buildings on the Astoria Warehouse site could work, but not on the Port site.

Commissioner Cameron-Lattek asked if 60 percent lot coverage would be any better. Planner Johnson said 60 percent lot coverage would result in buildings that were not lined up because of the way the lots are situated. There would be no view from West Marine Drive in the area between the Megler Bridge to the Port. Therefore, maybe the Commission should focus on views from the Rivertrail north and from the bridge east where lots go out to the river. At a work session, the Commission could play with concepts and ideas that right now will work in one area and not in another. She confirmed she had been comparing this with Uniontown Reborn to make sure things are cohesive and consistent.

Commissioner Cameron-Lattek appreciated Commissioner Price's suggestion for an immediate solution that allows the Commission to get direction from City Council on some of the issues. She was fine with 28 feet on land and over water, and variances to 35 feet for water dependent uses. She agreed the Commission should not incentivize affordable housing in this area but should look for other ways to support the housing goal. She supported a plan district for Astoria Warehousing, but not the Port. The Port should stay part of the BVO because it is such a large area. The only thing small business owners hear from the Port is to support tourism. As a downtown business owner, she did not believe the economic benefit of cruise ships offset the environmental disaster that cruise ships are.

Vice President Moore stated he support plan districts for Astoria Warehouse and the Port. The large parcels could pose a great opportunity for a development that is approved by the community. A plan district would need to be approved through multiple public hearings with the Planning Commission and City Council. Therefore, a plan district would not be a blank check for the Port or Astoria Warehouse to do whatever they wanted. He did not understand how the heights were a problem because when he drives by the 28-foot tall warehousing buildings he cannot see the river. Therefore, the heights have never been a concern because buildings block views of the river no matter how tall they are. The problem is long buildings that block the river. He respected that the Commission was interested in implementing a 28-foot height limit. The Commission has the option to limit uses and could recommend to Council that hotels and motels not be an allowed use in the BVO. The public seems to have been triggered by one hotel development and is focused on height because that is something material, but the real issue is being able to see the river. Long buildings block the river. The original goal for the 90/60 plan was to create corridors to see the river. The plan appears to work better in the large parcels on the east end of the BVO but falls apart in the smaller parcels. The large parcels could also be adjusted into smaller parcels at any time. The goal was to disincentivize buildings running parallel to the river, which is common for hotels. He asked if the Commission was willing to consider his ideas.

Commissioner Corcoran said he would consider a work session on use limitation. He also wanted an immediate moratorium or something to prevent the hotel going in while the Commission discusses other ways to address the issue. He did not want to approve 28 feet at this time. He believed use prohibitions would address the public's concerns while the Commissions decides on what to do. Rather than approving 28 feet, he wanted to prohibit uses.

Planner Johnson explained that the Commission it would not be legal to implement a moratorium as part of these code amendments. However, the Commission could change the code because the proposed amendments are still open to the public for discussion.

Commissioner Corcoran believed it seemed significant to discuss use prohibitions in the context of height and mass.

Commissioner Henri asked if hotels could be allowed as a conditional use. Planner Johnson said yes and reminded that as long as conditional use criteria are met, the permit must be approved. View corridors would not be a criterion.

Commissioner Price wanted the Commission to either prohibit hotels or approve a 28-foot height limit tonight. She saw on Facebook that the City Council would discuss the Commission's decision on this at their August meeting. She also wanted the Commission to have a work session with Council between now and the August City Council meeting.

Commissioner Cameron-Lattek said she would be happy to discuss uses, but at a later work session. She also wanted to do more research on a city that does not allow any chain company with more than eight locations could not have a location in their town. Something similar might address the concerns that Astoria has. She believed there was consensus among Commissioners about approving 28 feet and two plan districts. She asked if the 28-foot limit was in conjunction with a 90-foot wide building orientation. Planner Johnson stated she could look at drafting that as long as the Commission understood that the width would not do any good along the west side of the Megler Bridge.

Commissioner Price said she did not believe master plans were necessary for the Port and Astoria Warehouse sites. The City would end up with three overlays in some places and she believed the Commission was making assumptions. The Commission wants to create a vision for the west side of Astoria. If the Port wants a master plan based on the criteria they can do so. There are all kinds of stories about what Astoria Warehouse is or is not going to do. Creating plan districts eliminates 80 percent of the area. She believed it would be better for the Commission to settle on a vision for the area and leave it at that.

Vice President Moore reminded that special plan districts would not be excluded from the rest of the zoning requirements. Anything that the City implements would apply unless a special plan district was approved with differences.

Commissioner Henri added that the plan districts would not be able to vary from the code unless they get an approved master plan. The Astoria Warehouse site is just a wall between Marine Drive and the river, so redeveloping the property could be a big opportunity. However, it is not likely that developers would do anything on the property if redevelopment was constrained by the code. It would not be financially viable to redevelop such a large lot with small buildings.

Commissioner Price said the lot could be divided into smaller lots. Architects can do all kinds of good things within the bounds of all types of restrictions. The Commission should consider what other small water related cities around the country have done to keep development at a minimum while creating robust and beautiful towns.

Vice President Moore understood that the majority of the Commission would be interested in pursuing a 28-foot height limit. He confirmed that ~~the entire Commission was~~ **a majority of the Commissioners present were** in favor of a 28-foot base height in the BVO with variances for water dependent uses up to 35 feet on land and over water. He asked Staff for direction on how to make such a motion that would also allow the Commission to discuss the remainder of the application in a work session. Planner Johnson recommended adding Amendment Request A19-01C to discuss the plan districts and use restrictions in a work session. She asked if the Commission wanted to move forward with the recommended code amendments for building size.

Vice President Moore stated he was no longer interested in pursuing the 90/60 policy because it would be impractical.

Commissioner Price preferred to discuss plan districts in a work session, but wanted to move forward with the 90/60 plan for building massing.

Commissioner Corcoran said he wanted to discuss plan districts and massing in a work session.

Commissioner Cameron-Lattek said she preferred to make a decision on plan districts now, noting that she was in favor of plan districts.

Commissioner Henri stated she wanted to allow 28 feet on land but limit over water development to bank height. She suggested the Commission discuss over water development and the non-limitation areas. Special districts should be decided on now. She serves on the technical advisory board of the Uniontown Reborn master plan project. The planning process is lengthy and involved with a lot of public meetings. With consultants, the public, and staff weighing in, it is difficult to get an approved master plan. She felt it was very safe to put the Port and Astoria Warehouse properties in special districts because doing so will help the Commission make decisions now without having to solve weird massing and use problems now. The special districts help to simplify the code, so she was in favor of them. She believed it would be best to discuss massing and uses at a work session.

Vice President Moore said he was in favor of the plan districts as well.

Planner Johnson understood that the majority of the Commission had directed Staff to prepare a basic code amendment that limits height to 28 feet with variances to 35 feet for water dependent uses. She reminded that variances must meet certain criteria, including proof of a hardship which is difficult to prove.

All of the Commissioners confirmed that the code should allow exceptions, not variances, up to 35 feet for water dependent uses.

Planner Johnson stated she would also proceed with a basic plan district process for the Commission to review and schedule a work session to discuss massing and use limitations. She recommended the Commission make a decision on this amendment request with massing and use limitations excluded to be considered as part of Amendment Request A19-01C. She advised the Commission to leave the public hearing open, allow her to amend the draft of code amendments for review at the next Planning Commission meeting, and schedule a work session to discuss mass and use.

Commissioner Price stated the differentiation between on land and over water development was important.

Commissioner Henri wanted the Commission to discuss building heights for on land versus over water development. The parcels over water are large in the area and the percentage of non-limitation areas is small. Filling the parcels with two-story buildings would block views.

Planner Johnson reminded that currently, over water development is limited to a maximum of 150 feet if the development is 300 feet from the shore and a 40-foot view corridor.

Commissioner Price said in the very first Riverfront Vision Plan meeting, people indicated they loved the Cannery Pier Hotel. So, the idea was to get more development like the hotel.

Planner Johnson noted that the Cannery Pier Hotel was 400 feet from the shore. She suggested that the proposed height limits also apply to the non-limitation areas over water.

Commissioner Price wanted to limit over water development to bank height unless the use is water dependent. And water dependent uses over water could be up to 35 feet.

Commissioner Corcoran said the Cannery Pier Hotel would not be considered a water dependent use if it were proposed today. He agreed with Commissioner Price on the restrictions for non-limitation areas.

Commissioner Henri stated she agreed as well with the understanding that it would apply to new development. If the Cannery Pier burned down, it could be rebuilt.

Commissioner Cameron-Lattek believed the BVO was a special district because of the view out to sea. Buildings set farther out from the bank tend to block the view even more. She believed water dependent uses should be limited to 35 feet without exceptions and all other over water development should be limited to bank height.

Vice President Moore said he was not in favor. The limitation areas were part of the Bridge Vista plan, so he wanted to stick with the original Bridge Vista plan.

Planner Johnson believed she had enough direction from the Commission to move forward.

Commissioner Corcoran moved that the Astoria Planning Commission continue the hearing on Amendment Request A19-01B by Community Development Director to July 23, 2019 at 6:30 pm; seconded by Commissioner Cameron-Lattek. Motion passed unanimously.

Vice President Moore called for a recess at 8:42 pm. The meeting reconvened at 8:48 pm.

Planner Scholetzky was contacted via telephone at 8:48 pm and put on speaker phone for participation in the meeting.

ITEM 4(d):

CU17-06 Permit Extension Request for Conditional Use (CU17-06) by Astoria Warming Center to extend the permit to September 6, 2020 to operate the Astoria Warming Center at 1076 Franklin Avenue (Map T8N R9W Section 8CC, Tax Lot 2300, Lots 5 and 6, Block 45, McClures) in the R-3 (High Density Residential Development Zone).

Vice President Moore 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. There were none. Vice President Moore asked Staff to present the Staff report.

Planner Scholetzky reviewed the written Staff report via PowerPoint. The City received five letters in support of this request, which were included in the agenda packet. Staff recommended approval of the request with the conditions listed in the Staff report.

Commissioner Price asked if there was any mechanism for extending the 120-day season and the 90-day limit on operating the warming center. She also wanted to know if the limit was state law, city code, Development Code, or fire marshal. Last year, it was very cold in March when the warming center had to close. Planner Scholetzky explained that the conditions of approval in the original conditional use permit approved in 2017 did not include the 90-day limit. She would need to do more research to find out where that came from. If the original conditions are changed substantially a new review would be necessary.

Vice President Moore believed the 90-day limit was required by the State Fire Marshal.

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

Annie Martin, 1024 Grand Avenue, Astoria, President of the Astoria Warming Center Board, said during their last season, the warming center provided vital services with minimal impact on the surrounding neighborhood. No changes were being proposed and the agenda packets included an alternative site analysis, which shows there are still no other affordable or feasible properties available at this time. The center continues to meet its neighborhood commitment, holding three meetings each season. The first and second meetings of the last season had less than a handful of attendees and no one attended the third meeting. Only one complaint was logged and it was addressed immediately. Last season, the warming center was open for 80 days and this season, they were open for 90 days. On 26 nights during this season the wind chill was less than 30 degrees. They served 185 unique individuals during the season, which was more than last year. The biggest increase was in the over 55 age group. Forty-six percent of the nights they were open they had more than 25 guests. For 31 nights, the center was at capacity. A total of 2,272 overnight stays and over 5,000 meals were provided. Community support has increased this season with a number of downtown businesses providing meals and donations of supplies and cash.

Vice President Moore called for any testimony in favor of the application.

Rick Bowers, 357 Commercial, Astoria, presented Staff with a copy of the Oregon Fire Marshal regulations. He said he hoped the Commission received a copy of the declaration of support with 210 signatures, which was delivered to Staff at 4:30 pm that day. About 60 of the names are people who use the warming center or are unsheltered.

Vice President Moore called for any testimony impartial or opposed to the application. Hearing none, he called for closing comments of Staff.

Planner Scholetzky stated the Oregon Fire Code limits the warming center's operation to 90 days.

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

Commissioner Cameron-Lattek said she was happy to see the concerns were down and were being addressed quickly.

Commissioner Price stated she appreciated that the organization continues to professionalize.

Commissioner Cameron-Lattek moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Permit Extension for Conditional Use CU17-06 by Astoria Warming Center; seconded by Commissioner Price. Motion passed unanimously.

Vice President Moore read the rules of appeal into the record.

REPORTS OF OFFICERS/COMMISSIONERS:

There were none.

STAFF UPDATES/STATUS REPORTS:

Meeting Schedule

- July 2, 2019 at 6:30 pm – APC Meeting (as needed)
- July 23, 2019 at 6:30 pm – APC and TSAC meeting

Vice President Moore noted that on Tuesday, August 6, 2019, the Planning Commission meeting will address some of the Uniontown Reborn issues that are time sensitive. He would not be able to attend that meeting.

PUBLIC COMMENTS:

There were none.

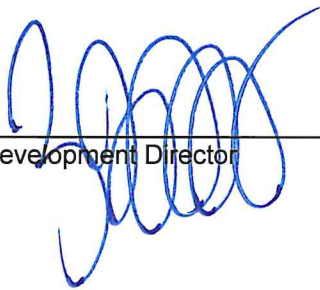
ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:08 pm.

APPROVED:

[at the 7/23/2019 APC meeting / with changes]

Community Development Director

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, positioned over the signature line.