

## ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall  
May 22, 2018

### CALL TO ORDER:

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

### ROLL CALL:

Commissioners Present: President Sean Fitzpatrick, Vice President Kent Easom, Daryl Moore, Joan Herman, and Brookley Henri.

Commissioners Excused: Jennifer Cameron-Lattek and Jan Mitchell.

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

### ELECTION OF OFFICERS:

(Welcome to Tiffany Taylor) In accordance with Section 1.115 of the Astoria Development Code, the APC needs to elect officers; Recommendation: Update Secretary Anna Stamper to Tiffany Taylor.

Commissioner Moore moved that the Astoria Planning Commission elect Tiffany Taylor as Secretary; seconded by Vice President Easom. Motion passed unanimously.

### APPROVAL OF MINUTES:

President Fitzpatrick and Commissioner Herman noted the following corrections to the April 24, 2018 minutes:

- Page 5, 5<sup>th</sup> Paragraph, 3<sup>rd</sup> Sentence – “He added that Commissioner Herman **Mitchell** had made it clear she was disturbed by his suggestion of broth,…”
- Kris Haefker’s name had been misspelled.

Vice President Easom moved that the Astoria Planning Commission approve the minutes of the April 24, 2018 meeting, as corrected; seconded by Commissioner Herman. Motion passed 4 to 0 to 1, with Vice President Easom abstaining as he was not present at that meeting.

### 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 5(a):

CU18-03 Conditional Use CU18-03 by Trevor Alaine to locate a three-bedroom bed and breakfast in an existing single-family dwelling at 222 McClure Avenue. (Applicant has requested a continuance of the public hearing and permit review to June 26, 2018)

Planner Ferber stated the Applicant was working with Mike Morgan, and had requested a continuance so he could resolve some parking issues. She had just received a couple of public comments at the staff table, which had not yet been made available to the Commissioners. The Staff report had not been issued to the Commissioners either because the Applicant had requested the continuance.

President Fitzpatrick opened the public hearing and called for testimony in favor of or impartial to the application. Hearing none, he called for testimony opposed to the application.

Donald Clyde, 260 McClure Ave, Astoria, stated the permit shows parking that the Applicant did not have. The Applicant currently has renters and the bed and breakfast guests would have to back on to his property in order to turn around and leave. His property contains an easement that gives the Applicant access to the home. He

did not see how the Applicant could ever get a conditional use permit. There is no way to have parking for the number of beds the Applicant has said he could have. The Applicant has said he would provide two parking spaces in a garage and three outside, which he did not believe would be safe or feasible. The easement is in terrible condition and it is the Applicant's responsibility to maintain it. There are motion activated lights that shine right into his bedroom, which he was not very happy about.

President Fitzpatrick explained that since the Commissioners did not have an application, it was not possible for them to see the areas Mr. Clyde was discussing. He encouraged Mr. Clyde to attend the June meeting.

Mr. Clyde said he had a major objection to continuing request because he did not know what could possibly change between now and then. The parking issue would not change. Tabling the application did not seem to make sense.

President Fitzpatrick said he was allowing people to give testimony so that the public has the opportunity to speak.

Mr. Clyde stated Mike Morgan was on the property to take measurements and Mr. Morgan agreed that parking was a major issue.

Jolen Hoppes, 111 McClure Ave, Astoria, said she lived directly across the street from the proposed bed and breakfast, which is on a dead-end road without sidewalks or street lights at the end of the road. There is a trail at the end of the road used by kids to get to the high school. The road and trail are also used by runners and dog walkers. The bus stop is at the beginning of McClure at 7<sup>th</sup> Street, so the kids have to walk down the street to get the bus. If parking is allowed on the road, the road will be narrowed, which would impact the kids and dog walkers. She recommended allowing parking only on one side of the street, which would still not fix the situation. Emergency vehicles going up Mr. Clyde's driveway or parking on the street would cause a lot of issues. She and her husband bought their house over 20 years ago and the neighborhood has been great. A lot of the residents have been there for a long time, which allows for a neighborhood watch. She has great neighbors that she can count on. When changed over to a business neighborhood, the whole composition of the neighborhood changes. She has spoken to her neighbors and has not found anyone in favor of the request. Her biggest concern was for the safety of the public because a lot of people use the street. She was glad the Commission was taking public comments now because some people cannot make it to the June meeting.

President Fitzpatrick said whether one could attend the June meeting or not, members of the public could write an email or a letter.

Planner Ferber confirmed that people could send written comments even if they had already spoken on the record.

Vice President Easom moved that the Astoria Planning Commission continue the public hearing and review of Conditional Use CU18-03 by Trevor Alaine to June 26, 2018; seconded by Commissioner Moore. Motion passed unanimously.

#### WORKSESSION:

#### **Review Proposal of Code Amendments to Address Emergency Shelters**

President Fitzpatrick confirmed there were no public comments at that time.

Planner Ferber reviewed the Memorandum included in the agenda packet and said a map had been provided by the Astoria Warming Center. She was still working with the City Attorney to get answers on a few legal questions, but the proposed Code amendment had been updated with Commissioner Moore's recommended language referencing public health and safety requirements in the State Fire Marshall's Technical Advisory and other items discussed at the previous work session. She provided details on the issues that the City Attorney was working on and recommended that approval of the Code amendments be postponed until after the Commission had considered the City Attorney's recommendations on those issues.

Commissioner Moore reminded that the Commission's role was directed by the Development Code and the Comprehensive Plan. It is essential that the Commission "protect existing neighborhoods from incompatible uses" (Comprehensive Plan). Projections show that the homeless population would grow, as would the number of warming shelters. When creating a new use in existing neighborhoods, the Commission needs to do so at a level that is not disruptive to those neighborhoods. This is what drove his arguments for the capacities and maximum occupancies he proposed for residential zones. Warming shelters in non-residential zones could be as large as the footprint of the building allowed according to the State Fire Marshall's Technical Advisory. He believed the most recent version of the proposed Code language captured everything the Commission had discussed and agreed upon so far.

Commissioner Henri agreed the revised version captured everything the Commission had discussed. She wanted to hear more public testimony and continue the Commission's discussion.

Commissioner Herman referred to Dan Parkison's letter, which stated limiting occupancy to 25 people would not allow the Astoria Warming Center (AWC) to take full advantage of their facility. She was concerned about this as well because on bad nights, five people would not get shelter. However, she agreed with Commissioner Moore that neighborhoods needed to be protected. The Astoria Warming Center showed considerable improvement with the Good Neighbor Commitment, so she was not sure why the occupancy needed to be reduced.

President Fitzpatrick reminded that these Code amendments were not directly related to the AWC; they regarded zoning codes for the entire city. The Commission cannot write Code specifically for one facility.

Commissioner Moore explained the recommendation to limit occupancy to 25 was based on averages and how those averages correlated with negative feedback each year. He preferred to err on the side of caution because of the direction provided by the Comprehensive Plan.

Vice President Easom asked why the R-1 zone was not listed, noting that the Code referred to "all other zones." Commissioner Moore confirmed the City Attorney was considering whether the R-1 zone should be mentioned in this Code, even though this code would not apply to R-1 zones.

President Fitzpatrick called for public comments.

Janet Miltenberger, 877 10<sup>th</sup> St., Astoria, said she understood Commissioner Moore's logic about restricting occupancy to 25 people. However, the AWC's occupancy averages between two years that he based that recommendation on was not the only difference between those two years. Many other things were changed between those two years, during which time the AWC held extensive public meetings and took input. Through that process, the AWC developed the Good Neighbor Commitment and implemented many changes to minimize impacts to the neighborhood, including a stricter exclusion policy, actively discouraging people from arriving early, and supervising smoke breaks. All of the things listed in the Good Neighbor Commitment had been implemented and she believed those changes made a strong difference in the impacts to the neighborhood. The number of people was not the only factor that reduced the negative impacts during this last year compared to the year before.

President Fitzpatrick noted that the church across the street from Ms. Miltenberger was not listed on the map.

Kris Haefker, 687 12<sup>th</sup> St, Astoria, asked if State guidelines for temporary use permits and emergency shelters trumped the City's guidelines. Planner Ferber confirmed she would look into that. Mr. Haefker said if the State guidelines took precedent, emergency shelters could be located in all residential zones. Shelters are opening in Portland in various residential zones. He asked what the disruption to the neighborhood was and why the Code would distinguish between the amount of people that could occupy a shelter. He questioned whether the concern was related to traffic, noise, or the type of people. If temporary use permits are easy to get and allow shelters to make use of different facilities and neighborhoods, could the shelters rotate among several locations so that whole community accepts the burden and responsibility of the homeless? He asked the Commission to look into answers to his questions.

Commissioner Moore responded, noting that the State Fire Marshall's Technical Advisory allows municipalities to be more restrictive than what they authorize and much of the proposed Code was based on that advisory. The Comprehensive Plan does specifically define disruptions to neighborhoods, so the Commission must make judgments about what constitutes negative impacts.

Lois Dupey, P.O. Box 1282, Astoria, said she testified to the Commission in April that the definitions are extremely insulting. She wanted to know the purpose of assigning an insulting label to the entire process. The purpose statement in the proposed Code says the code is "to provide short term shelter for homeless when homeless are at greater risk of injury, death..." etcetera. The description states a "warming shelter provides an opportunity for homeless to escape." The Commission could use other derogatory terms like, rats. She asked why a section needed to be assigned to make assumptions about these people who are in need. Their lifestyle may not be like others, but that does not mean one can say they are sleeping in a manner not consistent with being human beings. If the Code needs to call them something, they should be called rats. The Commission should be honest about their attitudes. She asked why this label had to be used. Homeless people do not like the label "homeless." Many of them are not homeless. They are individuals in need. She recommended using the following phrase, "those in need of shelter."

Commissioner Herman and President Fitzpatrick agreed that the phrase "those in need of shelter" might be more appropriate because people need shelter for a variety of reasons.

Planner Ferber confirmed that City Attorney Henningsgaard's recommendations would be made available to the Commission in writing by the June 26<sup>th</sup> meeting. She listed options for next steps and noted that the earliest possible date for a public hearing would be in July.

After some discussion, the Commission agreed to move forward with a public hearing on the proposed Code.

Commissioner Moore moved that the Astoria Planning Commission to direct Staff to prepare Code language regarding temporary warming shelters for Commission approval and recommendation to City Council for adoption; seconded Commissioner Herman. Motion passed unanimously.

#### REPORTS OF OFFICERS/COMMISSIONERS:

Commissioner Moore thanked everyone for working on the Code amendments. He clarified that the language used was extracted from language used in existing codes in other jurisdictions, including the definition. Presumptions that the proposed language contained personal bias is false.

Vice President Easom agreed the proposed language was standard and he believed it was ridiculous to draft new language for a definition that was already on the books.

Commissioner Herman added that as a former English teacher and writer, she believed words carried a lot of weight.

Commissioner Henri believed the definitions that used the term homeless were good. She knew other terms could be used, but she did not believe the word "homeless" was insensitive. The proposed Code used conventional language that the rest of the State was using. She suggested the language be amended to accommodate a broader classification of people.

#### NEW BUSINESS:

Planner Ferber welcomed Tiffany Taylor.

#### STAFF UPDATES:

There were none.

#### PUBLIC COMMENTS:

There were none.

#### ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:17 pm.

#### **APPROVED:**

  
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City Planner