

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall
December 10, 2019

CALL TO ORDER:

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

ROLL CALL:

Commissioners Present: President Sean Fitzpatrick, Vice President Daryl Moore, Jennifer Cameron-Lattek, Patrick Corcoran, and Chris Womack. Cindy Price arrived at 6:31 pm.

Staff Present: City Manager Brett Estes and City Planner Barbara Fryer. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

APPROVAL OF MINUTES:

President Fitzpatrick noted the Commission had just received the minutes of the November 26, 2019 meeting and confirmed the Commissioners wanted time to review the minutes.

Commissioner Corcoran moved to postpone approval the minutes of the November 26, 2019 meeting to the next APC meeting on January 28, 2020; seconded by Vice President Moore. Motion passed unanimously.

City Manager Estes noted that the draft minutes would be presented to City Council on January 6, 2020 as part of its review of Amendment Request A18-01. While having the minutes approved prior to presenting them to City Council was good practice, it was not a requirement.

WORK SESSIONS:

Item 4(a): Accessory Dwelling Units

Planner Fryer and City Manager Estes presented an overview of Senate Bills 1051 and 2001 and the County-wide Housing Study via PowerPoint, specifically focusing on how the requirements and recommendations pertained to accessory dwelling units (ADU) in Astoria. They provided background information about the existing ADU Codes and presented the Code amendments that Staff planned to propose, which were detailed in the agenda packet. A copy of the Department of Land Conservation and Development's (DLCD) model code for ADUs was presented to Commissioners at the dais for consideration.

President Fitzpatrick called for public comments.

Cheryl Mattsen 5450 Old Highway 30, Astoria, said she wanted to put an ADU on her property. She had purchased a 450 square foot manufactured home two years ago because she was excited that the City had passed a law allowing her to put an ADU on her property. The manufactured home can be delivered to her property, but must be delivered on wheels. The home will be wrapped, have a deck around it, and permanently placed on a platform. If it were not a manufactured home, it would have been considered a tiny home, but a tiny home cannot be delivered on wheels. She wanted to get a law passed that would allow her to have an ADU. The manufactured home was originally for her father-in-law, but it has been two years and he has since passed away. However, as she ages she wanted the ADU to become her mother-in-law suite. The ADU has a kitchenette, a bedroom, and comes fully set up. She could get the same siding that is on her home and she ordered larger windows. She just needed approval from the City.

Kevin Leahy, 1759 5th Street, Astoria, Director, Clatsop Economic Development Resources (CEDR) and Clatsop Community College Small Business Development Center (SBDC), presented Commissioners with copies of the housing study's results from the employer's standpoint, and a summary of survey responses outlining the impact of the affordable housing shortage on local businesses. Regarding the survey questions about whether the housing shortage affected business, Columbia Memorial Hospital (CMH) had responded, "Yes, affordable housing has prevented qualified caregivers from being able to retain or get a job at CMH. Many of our employees struggle to find affordable housing due to lack of inventory or sky high rent." Top recommendations

in the survey included refraining from legislation or economic factors driving high housing costs, identifying low-cost strategies to fund and enable affordable housing, and seriously taking feedback from community members. Englund Marine Supply had stated in the survey that, "our fish processing customers are having a hard time filling their employment needs, of which some is due to lack of affordable housing." Their recommendations included reducing the regulatory costs of housing projects, speeding up the permit process, and being more liberal when allowing housing projects. CEDR is ready to assist Astoria, the County and other cities in any way possible because the number one issue for local businesses is housing for the workforce.

Jen Munson 864 8th Street, Astoria, said she supported tiny home ADUs, which are homes under 100 square feet. She worked for the Department of Human Services and her wife works at Oregon Health and Science University (OHSU). They can hardly afford housing. They rent and her wife had to take on a second job at the Astoria Co-op. They are interested in creative solutions. Tiny homes can be built to meet historic aesthetics and to safety standards. She was happy to be flexible with parking. She was here to learn about options for living within her means. A tiny home is what they can afford.

City Manager Estes noted that in 2016, the City discussed and took public comments on whether tiny homes should be allowed as ADUs. It was determined that tiny homes would not be permitted as ADUs in Astoria and that was adopted into the Code. The State has been working on developing standards for and a definition of tiny homes. He believed their main consideration was the maximum size of a unit that was also legal to transport by road on a mobile chassis.

Vice President Moore said he recalled that the primary concern in 2016 was the constructions methods being used. Tiny homes are built to recreational vehicle (RV) standards and not to building Codes.

Commissioner Cameron-Lattek wanted to know the difference between manufactured homes, tiny homes, and modular homes.

Planner Fryer clarified that a tiny home could be stick built, come on a chassis, or be a modular home. Modular homes can be built to manufactured home standards or to stick built standards and are 400 square feet and larger. They are delivered on flatbed trucks in pieces. Typically, tiny homes are between 100 square feet and 400 square feet and are built to RV standards. Manufactured home can be any size and are built to manufactured home standards. Cannon Beach allows modular homes built to stick built standards, but they do not allow the other types of homes. Typically, manufactured homes must be allowed anywhere a single-family dwelling is allowed. However, that does not mean manufactured ADUs must be allowed.

Ms. Mattsen stated that tiny homes could be mobile. Her manufactured home would not be towed and would become a permanent structure. Having it built off site will save her money. Having a contractor build the home on site would cost twice as much. She understood the City had a seal of approval and once she received that she would be good to go.

Staff asked for direction on specific requirements. Commissioners discussed and responded as follows:

Single room occupancy (SRO) dwellings within a historic building in downtown

- Staff answered clarifying questions from Commissioners about State laws, definitions of various housing types, currently permitted uses, and ADU development trends. Key comments were as follows:
 - The League of Oregon Cities has participated in development of the State's legislation, which primarily applies to cities with populations over 10,000. However, if Astoria does not comply with the laws that do apply, the State's ordinances will automatically trump City Codes.
 - Co-housing is defined as a compound with separate dwelling units of different sizes meeting different needs, typically for low-income people. The land is owned in common and units are owned separately. More than four dwelling units are allowed on one property in R-3 zones. Additionally, the Code allows up to five unrelated individuals in each household. Cottage housing is more like detached condominiums where each individual lot stands alone. Staff has received inquiries from people interested in a variety of housing types. Therefore, the dormitory and other housing types should be considered. Staff would continue to look into this and provide more specific recommendations at the next meeting.
 - ADUs must be permitted for certain pre-existing homes that were grandfathered in as part of zoning changes that took effect in 1990 and 2002.

- Commissioner Price asked Staff to present data on how many ADU permits the City has granted since 2004 and data showing that ADUs create affordability in the community. Staff said that information would be presented to the Commission at their next meeting.
- The DLCD has stated that ADUs cannot be considered a change in density, which may or may not be considered in conflict with the Comprehensive Plan.
- All of the Commissioners said they supported allowing SROs in the downtown area.
 - Allowing SROs would be a change for Astoria, so the Commission could consider allowing them only as a conditional use or require development standards.
- Micro-housing is similar enough to an SRO that the Code could encompass both housing types.

President Fitzpatrick called for a recess at 7:38 pm. The meeting reconvened at 7:44 pm.

Staff continued taking direction on specific requirements with Commissioners commenting as follows:

Minimum size requirement for the primary dwelling unit

- Staff recommended eliminating the existing requirement to allow ADUs for any single-family dwelling.
 - Vice President Moore supported Staff's recommendation as long as the size of the ADUs were also limited or tied to the size of the primary dwelling unit so that the sizes are compatible. Detached units should be limited to a percentage of the primary unit.
 - No other comments were made.

Defining ADUs

- Vice President Moore and Commissioner Price supported the DLCD's definition used on Page 7 of the model code. No other comments were made.

Manufactured, Modular, Pre-fabricated, and Shipping Container Housing:

- All Commissioners supported allowing stick built manufactured, modular, and pre-fabricated homes. However, there were concerns about the size and aesthetics of manufactured homes, particularly in historic areas.
 - Currently, Astoria did not have minimum size requirements for manufactured homes because park models are simply not allowed in Astoria and manufactured homes are not allowed as ADUs. However, exceptions should be made for smaller park models used as ADUs, which must be built to State standards and must be allowed in all single-family residential zones.
 - DLCD allows for clear and objective design standards, so a design review could be required in certain circumstances. However, the DLCD prefers standards that allow for administrative permitting rather than requiring public hearings. Staff could recommend design standards, but the majority would have to be approved administratively.
- Shipping container homes are not built to any codes or standards, so if Astoria allowed them the City would have to write building standards.
- Staff could ask the DLCD if it were possible for Astoria to require public hearings for shipping containers.
- President Fitzpatrick and Commissioner Womack stated they did not want to allow shipping container homes.

Homestay Lodging in ADUs

- All Commissioners stated they preferred to prohibit homestay lodgings in ADUs.

Transportation requirements for ADUs

- The State has mandated that there be no additional transportation requirements for ADUs. However, engineering Staff wants some oversight to ensure safety, but without triggering any street improvements.

Maximum Lot Coverage Requirements

- President Fitzpatrick wanted to see examples using a 50-foot by 100-foot lot. Staff said they would present examples at the next meeting.

Number of ADUs allowed on a single-family lot

- President Fitzpatrick supported limiting ADUs to one per lot. Vice President Moore wanted to allow up to one interior ADU and one detached ADU.

- No other comments were made.

Modifying the floor area for an interior ADU

- Vice President Moore and Commissioner Corcoran supported increasing the existing limits. Commissioner Cameron-Lattek recommended limiting the floor area to either 800 square feet or 60 percent of the building.
- No other comments were made.

Commissioner Price confirmed with Staff that the State has eliminated the requirement that either the primary dwelling or the ADU be owner-occupied. Staff explained that the short-term rental (STR) ordinance prohibits ADUs from being converted to an STR. Under State law, a new dwelling unit with an ADU could both be rentals, but one unit does not have to be an STR. However, City Council has grandfathered some detached units that are currently homestay lodgings.

Vice President Moore added that a property owner could rent the house and the ADU as long as utilities were shared. He recommended eliminating the requirement to share utilities and require that power to the ADU be delivered underground.

Item 4(b): Temporary Warming Shelters

Staff gave a PowerPoint presentation on the work done to date on Codes related to temporary warming shelters, which included changes to definitions, zoning and permitting requirements, and other regulations. These Code amendments had previously been postponed when City Council prioritized other projects. The intent of these Codes is to establish parameters for allowing temporary warming shelters on an ongoing basis so that an annually renewable temporary use permit would no longer be necessary. During the presentation, Staff answered clarifying questions about the City's permit renewal process, applicable State Fire Marshal requirements, existing zoning Codes, and laws in other jurisdictions.

President Fitzpatrick called for a recess at 8:42 pm. The meeting reconvened at 8:47 pm.

Staff continued with the presentation and asked Commissioners if they wanted to establish maximum occupancy limits. Several Commissioners preferred that the building official determine occupancy limits. However, Vice President Moore believed that this Code was intended to resolve capacity issues and if the Code did not address occupancy then the Code was unnecessary. Commissioner Cameron-Lattek recommended this discussion be postponed until after the Commission had been updated on the existing warming shelter because their capacity issues were three years ago and they may have since been resolved. Staff noted another benefit to postponing the discussion would be that Staff and Commissioners would have time to explore appropriate regulations for day use and other types of temporary warming shelters that would fall under this Code. President Fitzpatrick and Commissioner Price also agreed the discussion should be postponed.

President Fitzpatrick called for public comments.

Rick Bowers, 357 Commercial, Astoria, Board member, Astoria Warming Center, said he was fine continuing with a temporary use permit because he was familiar with the process. He noted that he had written a letter on how to put the technical advisory into Code.

Celia Davis, 1354 Miller Lane, Astoria, said a community meeting was required as part of the conditional use permit, but no one from the community attended the last meeting. She believed that was an indication the warming center had successfully improved operations. She considered it a good sign that no one showed up. Making sure the community has the opportunity to give input is an important part of the process.

Mr. Bowers added that the reason this Code was proposed was because without a permanent location it has been difficult for the warming center to get grants.

Roger Hayes, 632 Florence Avenue, Astoria, said people who do not meet the criteria for Helping Hands overflow into the Astoria Warming Center. He wanted the City to allow "wet recovery housing" where people could consume alcohol because there is a double standard with how individuals are received by the treatment community. People with homes can use cannabis or alcohol in their homes, but people on the street who choose to use cannabis or alcohol cannot get into housing.

President Fitzpatrick asked Mr. Hayes to submit his testimony in writing before the Commission's next work session.

Vice President Moore stated the temporary warming shelter Codes being considered do not prescribe operating procedures.

Mr. Hayes clarified he was concerned with behavioral health contracting issues.

Danielle Paul, 1555 6th Street, Astoria, said the existing warming shelter operates with one staff member and one volunteer for seven 3-hour shifts throughout the night. Warming centers in other towns require their volunteers to stay longer, which limits the pool of volunteers because they have to find people with an entire night free each week. At the Astoria shelter, the demand on volunteers is very low yet they still have trouble finding volunteers. Reducing the maximum capacity will force shelters to shut down within six months because of the lack of volunteers. Increasing the capacity of one warming center will reduce the number of volunteers needed. If the shelter was made permanent, it could get grants. Focusing efforts on one warming center would allow the shelter to serve more people with fewer volunteers.

Vice President Moore clarified that Codes being considered would limit occupancy in R-3 zones, where the existing warming center is located, to 25 people. R-2 zones would be limited to 15 people.

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

Item 4(c): Small Cell Wireless

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

Staff gave a brief PowerPoint presentation, which was included in the agenda packet, on Code amendments regulating small cell wireless service. The presentation included a model ordinance proposed by the industry, regulations that have been adopted in other jurisdictions, definitions recommended by the National League of Cities, State and Federal regulations. Verizon has asked the City to draft these Codes and Staff anticipates that these Code will need continuous updates as technologies change. After the presentation, Staff answered clarifying questions of Commissioners about locating poles and Federal Communication Commission (FCC) requirements.

Staff presented their recommendations and asked for feedback. Commissioners discussed and provided the following key comments:

- The City should require a visual impact analysis and design standards.
- Commissioner Cameron-Lattek preferred the height of new poles be restricted to no taller than existing poles.
- Commissioners supported standards for noise and decibel levels. Staff explained that the Police Department would have concerns about enforcement because determining decibel levels is difficult.
- Underground facilities are not possible in most of Astoria, which could be problematic in residential areas.
- Aerial cable spans should be prohibited.
- Commissioners supported radio frequency stickers printed with a name, identification number, or contact information, but no advertising.
- Only one carrier per block face should be allowed.
- Allowing co-location would result in the fewest number of poles but might not be feasible if poles are only 40 feet tall.
- Commissioner Price supported the maximum restrictions allowed.
- Commissioner Corcoran suggested creating financial incentives for innovative designs and special aesthetic considerations for poles on the Riverwalk.

Planner Fryer stated that on January 28, 2020, she would propose Code amendments for small cell wireless facilities, columbaria, temporary warming shelters and ADUs.

The Planning Commission proceeded to Item 5: Reports of Officers and Commissioners at this time.

Item 4(d): Columbarium

This item was addressed immediately following Item 4(b): Temporary Warming Shelters.

Staff provided background information on the request for Code amendments allowing columbaria and asked the Commission to consider appropriate columbarium types and zoning.

President Fitzpatrick called for public comments.

Jennifer Rawls, 950 Alameda Avenue, Astoria, Secretary, Grace Episcopal Church, said the church's vision for the Father Lance Peeler Memorial Columbarium Project was to install the columbarium as if it had always been there. Father Lance had recommended the columbarium be installed in the stairwell at the front of the church. She made photographs available at the dais and said the plan was to put a garden in the area to the right of the stairwell which would also serve as the entrance to the columbarium. Currently, there is an empty storage area underneath the stairwell and no structural changes would be necessary. A wall of niches would be a wonderful way to remember the impact Father Lance had on his congregation and a wonderful place for him to rest at his church.

Thor Sorenson, 217 Exchange Street, Astoria, member of Grace Episcopal Church, said the church is developing a memorial fund to pay for the work and would work with City Staff to make sure the design meets standards and fits the structure. From the street, the columbarium will be inconspicuous and have a low impact on the church façade.

Staff recommended columbaria be allowed as a conditional use and asked the Commission to consider appropriate zoning districts and interior versus exterior columbarium.

Commissioner Corcoran supported interior columbaria while the rest of the Commission supported both interior and exterior. All Commissioners except Vice President Moore believed columbaria should be located in places of worship. Vice President Moore stated that would exclude people who do not worship. The entire Commission supported Staff's recommendation to allow columbaria as a conditional use.

Staff stated the recommended Code amendments would be presented to the Planning Commission, and if approved, to the City Council, in March 2020. The new law would take effect 30 days after the ordinance is signed.

The Planning Commission proceeded to Item 4(c): Small Cell Wireless at this time.

REPORTS OF OFFICERS/COMMISSIONERS:

This item was addressed immediately following Item 4(c): Small Cell Wireless.

Commissioner Cameron-Lattek reported that this was her last meeting. Her term has expired and she would not be renewing.

STAFF UPDATES/STATUS REPORTS:

Item 6(a): Save the Dates:

- i. Monday, December 16, 2019 @ 6:00pm – Annual City Council Reception for all Commissioners and Board Members
- ii. Tuesday, January 28, 2020 @ 5:30pm – Next TSAC + APC Meeting
- iii. Thursday, January 30, 2020 @ 6:30pm – Annual Commissioner Training by Lisa Phipps of the State of Oregon Department of Land Conservation and Development, and Blair Henningsgaard, City Attorney

Planner Fryer requested that Commissioners confirm with Staff whether they planned to attend the commissioner training.

City Manager Estes noted that City Council's next work session was scheduled for January 16, 2020 to discuss possibly directing the Planning Commission to develop Code language prohibiting chain hotels and restaurants in the Astoria city limits.

PUBLIC COMMENTS:

No comments from the public.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 10:01 pm.

APPROVED:

Community Development Director

DRAFT