

## **ASTORIA PLANNING COMMISSION MEETING**

Astoria City Hall  
January 28, 2020

### CALL TO ORDER:

President Fitzpatrick called the meeting to order at 6:32 pm.

### ROLL CALL:

Commissioners Present: President Sean Fitzpatrick, Vice President Daryl Moore, Patrick Corcoran, Cindy Price, Chris Womack, and David Kroening.

Commissioners Excused: Brookley Henri.

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

### **Item 2(a): Welcome New Commissioner**

President Fitzpatrick welcomed David Kroening to the Planning Commission.

### **Item 2(b): Election of Officers**

In accordance with Sections 1.110 and 1.115 of the Astoria Development Code, the APC needs to elect officers for 2020. The 2019 officers were: President Sean Fitzpatrick, Vice President Daryl Moore, and Secretary Tiffany Taylor.

President Fitzpatrick nominated Daryl Moore as President for 2020; seconded by Commissioner Price. Motion passed unanimously.

President Moore moved to nominate Sean Fitzpatrick as Vice President and Tiffany Taylor as Secretary for 2020; seconded by Commissioner Price. Motion passed unanimously.

President Fitzpatrick said the Traffic Safety Advisory Committee needed to elect officers for 2020 as well.

President Fitzpatrick nominated Daryl Moore as President for 2020; seconded by Commissioner Price. Motion passed unanimously.

Vice President Moore nominated Sean Fitzpatrick as Vice President and Tiffany Taylor as Secretary for 2020; seconded by Commissioner Price. Motion passed unanimously.

### APPROVAL OF MINUTES:

#### **Item 3(a): November 26, 2019 minutes** *\*continued from December 10, 2019 meeting*

President Moore noted the following correction:

- Page 1, Public Hearings – “~~President Fitzpatrick~~ **Vice President Moore** explained the procedures...”

Commissioner Price moved to approve the minutes of November 26, 2019 as corrected; seconded by Commissioner Corcoran. Motion passed unanimously.

#### **Item 3(b): December 10, 2019 minutes**

President Moore called for approval of the December 10, 2019 minutes.

Commissioner Corcoran moved to approve the minutes of December 10, 2019 as presented; seconded by Vice President Fitzpatrick. Motion passed unanimously.

## PUBLIC HEARINGS:

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):

CU19-21                      Temporary Conditional Use Request CU19-21 by Pacific Seafood to allow a temporary use for employee housing for up to 125 employees at 263 W. Exchange Street.

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.

Commissioner Fitzpatrick declared that while he did not have any ex parte contacts or conflicts of interest, he had to recuse himself due to bias. He spent time in the building when it was a recovery facility and made previous efforts to do business with the Applicant. He stepped down from the dais.

Commissioner Price declared that she visited the facility once before it became a treatment facility. However, she believed she could make a fair decision.

President Moore declared that he drove by the property and any observations he had would be addressed with the Applicant during the hearing. He would be able to make an unbiased and objective decision.

President Moore asked Staff to present the Staff report.

Planner Fryer reviewed the written Staff report via PowerPoint. Fifteen letters from 14 people were received by Staff. Two letters supported the application. Twelve were concerned or opposed, and expressed concerns about traffic, parking, parking enforcement, appropriateness of the location, driveway access, and impacts to the neighborhood. A good neighbor agreement could address most of these concerns. Staff recommended approval of the request with the conditions listed in the Staff report.

Commissioner Price stated one of the emails received by the Commissioners indicated this area was not suitable for R-3 zoning and should be R-1 or R-2. Planner Fryer said the majority of the homes to the north were single-family. The buildings facing W. Marine Drive are multi-family homes and commercial businesses. To the east, west, and south, most of the buildings are single-family homes. However, the neighborhood is zoned R-3.

President Moore shared a zoning map of the neighborhood at the dais. The map was from the City's online geographical information system (GIS).

Commissioner Price asked what made the area an R-3 area. She noted this request would still be for a conditional use even if the area was zoned R-2 and asked if there were sidewalks in the area. She asked if additional garbage collection required for the proposed occupancy allowance and what days and times the garbage would be collected. Additionally, she suggested the number of automobiles, not the number of residents, should be limited to 13 (Condition of Approval 2) because some residents may carpool. Planner Fryer explained that the zoning served as a transition between the single-family dwellings and the commercial area to the north. The area is predominately unimproved with limited sidewalks on Lincoln Street. West Exchange and Lincoln Streets are very narrow. The Applicant would arrange for garbage collection by a hauler.

Commissioner Corcoran said he wanted to know how Staff decided on three as the number of required shuttles and if the required housekeeping vehicles had been included in the numbered parking spots. Planner Fryer explained the Applicant had proposed to use mini-buses that seat 25 to 30 people, so three should accommodate 125 people working staggering shifts. She had accounted for a cook and resident manager in parking calculations for staff working at the facility, but not a housekeeper.

Commissioner Corcoran stated that in this case, the word temporary refers to the type of investment being made in the property and the amount of time the use would be in effect. He asked if the permit could be denied during renewal or if approving the permit was permanent. He also wanted to know if community members with concerns

had a single point of contact, how legal it was to park around the perimeter of the property, and if reducing on-street parking adjacent to the parcel would address some of the concerns. Planner Fryer noted that other temporary use permits were the same in investment and time, and the Commission must adopt findings each time the Applicant requests a renewal. A good neighbor agreement between the City and Applicant could require a point of contact for residents. Reducing on-street parking could be a solution; however, the City Manager would have to approve any limitations on parking.

Commissioner Kroening confirmed with Staff that the annual renewal would be reviewed by the Commission.

City Manager Estes reminded that Code amendments related to temporary uses were discussed at the Planning Commission's last work session. While this specific application was not discussed, the Commission did discuss allowing dormitories in multi-family zones. If Code amendments are adopted by City Council, the temporary use permitting and renewal process may change.

Commissioner Womack asked if the Applicant proposed to allow up to 125 residents or if that was Staff's recommended limit. Planner Fryer replied that was at the request of the Applicant. She suggested asking the Applicant if that number could be adjusted.

President Moore asked if Public Works had reviewed any applications or submitted comments on this request. Planner Fryer confirmed a pre-application development meeting was held with City Engineer Nathan Crater, Fire Chief Crutchfield, and Public Works Staff. The width and condition of the street was not brought up at that meeting. However, the Fire Chief did take his apparatus to the site and confirmed it could be adequately secured and maneuvered in the lower and upper areas of the property.

Commissioner Kroening confirmed with Staff that the Commission was not considering living conditions inside the building. Planner Fryer explained that the building official would inspect the interior of the building before allowing occupancy.

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

Mike Robinson, 1211 SW 5<sup>th</sup> Ave. Ste 1900, Portland, said the biggest challenge for Pacific Seafood is finding places for employees to live. Housing is limited and expensive, especially in the summer during their peak demand for employees. He agreed with the findings and conditions of approval in the Staff report. If the Commission approves this temporary use, the Applicants will have to return in a year for the public process and request that the Planning Commission approve an extension. The conditions of approval related to parking are reasonable and feasible. There will be no traffic issues because the workers will not have cars. The approval criteria are satisfied and this is an appropriate use for what is now a vacant building. The only exterior improvements made will be those necessary to comply with the conditions of approval. It is quite a task for Pacific Seafood to find housing for their employees. Not every site is suitable, but if they cannot use this site, Pacific Seafood will have to seek out housing in the rental or hotel market, which will result in other types of impacts to the community. This building is set up for a group use.

Michael Miliucci, Director of Housing and Facilities, Pacific Seafood, said about a year and a half ago, he was assigned the task of finding housing along the Oregon coast and Washington for employees. He hoped the discussion tonight would be a positive dialogue between Pacific Seafood and the community. Historically, housing for their seasonal and permanent workers was found by seeking housing, rooms, and apartments in the community. However, housing in the area has been shrinking. He traveled the coast looking for housing in the area and he believed that the supply would not improve in the foreseeable or long-term future. He and his staff considered purchasing houses or apartments, but that conflicted with Pacific Seafood's values. Buying those types of properties would create larger housing shortage problems. They believed a proactive solution was to look at commercial buildings. They purchased a small cottage motel in Westport and that works well. The Astoria Point property seems to meet their requirements and after doing inspections and talking with the City, the property seemed to suit their needs more and more. He heard and read about the concerns of the neighbors in the community and was willing to reduce the occupancy limit to 80 people, as recommended in the Staff report. The property is a good fit because it is safe, meets building code requirements, has a fire alarm and sprinkler system, a central kitchen, sleeping quarters, showers, laundry, and a large recreational facility with a spectacular view of the Astoria Bridge. Over the last two years, Pacific Seafood has created an operational plan with a housing agreement signed by team members. The agreement requires employees to abide by the program in

order to receive housing. Apartments in the area are renting for about \$1250 a month, which is cost prohibitive for their employees. A dormitory manager will be on site and compliance with the house rules is strict. Employees cannot drink on the property. Smoking must be done in a specified area. Noise must be limited and employees must adhere to quiet hours. If employees do not abide by the agreement, their housing is terminated after a warning or two, or if the offense is severe enough. Generally, they use shuttle buses or vans to take people to and from a variety of locations because seasonal workers do not usually have a license or a car. They generally appoint a contact person that neighbors can call. People can also call the human resources manager or property manager with immediate concerns. If employees cannot be good neighbors who add to the community, Pacific Seafood does not want them as team members. Pacific Seafood takes pride in their products and their workforce. They want to stabilize housing so they can bring in long-term employees who will buy into the community and to save money. Last year, Pacific Seafood had to bring temporary workers in from Longview, California. He was willing to consider a neighborhood agreement. The facility would not have trash or rodents; it must be kept safe and clean. Forty beds would not fill the entire facility. It was a treatment facility with a lot of doctor/patient rooms and rooms for record keeping. When he originally walked through the property, he believed 125 people could fit in the facility. However, he was willing to admit that might not work. They have learned a lot from their housing in Westport, but this was still an experiment because they are the first company to explore workforce housing to stabilize the community.

Commissioner Price said this was like putting in a hotel. When hoteliers come to the City to propose a hotel, they tell the Commission what it will add to the community. Astoria is not lacking what Pacific Seafood wants to do with this facility. Some of the comments received from the public contained racial and ethnic overtones, but the people living here would be working. She asked when the temporary employees would come to Astoria, what their jobs would be, and what shifts they would be working.

Mr. Miliucci explained that he hired a manager in Westport who was concerned because some of the employees had H-2B visas. Once she began to socialize with these employees, she found their stories incredible and it changed her work ethic.

Kara Niemela, 17 Elochoman Valley, Cathlamet, WA, Human Resources Manager, Pacific Seafood, said the people they bring in are from every walk of life and ethnic group. They are from all over the country. Lately, they have had a lot of seasonal employees who go home for a month and then come back to transition into living in the community. That is one of Pacific Seafood's goals. This facility will help employees transition back into the local community. The employees work a lot of hours, but their wages make it difficult to afford an apartment at \$1100 or \$1200 a month. Most of the employees support a family back home or they are from a community where there is not a lot of work. Some come from areas where unemployment is high and wages are low.

Commissioner Price said she did not care where people came from or what their ethnic or racial background was. She wanted to know what they did for Pacific Seafood, what their jobs were, if there were different shifts, what times of day the shifts were, when they would be coming and going, and how many buses would be coming and going.

Ms. Niemela said Pacific Seafood runs two, full 10-hour shifts. The day shifts start at 6:00 am and 7:00 am. The night shift starts at 6:00 pm. Half of the employees in the proposed housing would work the day shift and half would work the night shift. About another five people would work on the sanitation crew and would leave at 8:30 pm for their shift. The jobs include packing and gutting fish. The buses would drop off the night shift at 4:30 am and then take the day shift to work. In the evening, the same transition would occur between 4:30 pm and 5:30 pm. Buses would also drop off people at Fred Meyers, WalMart, and downtown, and then pick them back up later. She confirmed for Commissioner Price that the buses would run seven days a week.

Commissioner Corcoran asked what kind of traffic would be going back and forth during the day.

Ms. Niemela said she expected three or four cars a day. If an employee wanted to go home from work to shower and then go out, a driver would drop them off. The drivers are Pacific Seafood employees and they do other tasks. Over the summer, at other housing locations, the buses ran for about an hour and half in the morning, an hour and half in the evening, and about one or two trips otherwise.

Commissioner Corcoran asked how far the housing in Westport was from the Mini Mart.

Mr. Miliucci responded that it was within bicycling distance, but the employees could walk. However, the layout in Westport is different.

Commissioner Corcoran stated there would be pedestrian traffic. There were footpaths and stairways, but no sidewalks. He asked if the Applicants thought about the impacts of the pedestrian traffic on the community.

Mr. Miliucci said the drivers are trained and must drive safely and abide by speed limits. There could be an agreement on certain routes that must be taken at certain times.

Commissioner Corcoran confirmed with Mr. Miliucci that the season was May to November and crews stay for the entire season. He asked what would happen with the facility during the off season.

Mr. Miliucci said the cottages in Westport close and he expected the same for Astoria. However, the plant near Astoria is larger and is not yet at capacity. Someone would continue to oversee and maintain the facility in the off season.

Commissioner Corcoran asked if there would be parking for family members and visitors of the employees.

Mr. Miliucci stated there was parking above the upper level.

Commissioner Corcoran asked how many family and friends visited the facility in Westport and if visitors were an issue.

Mr. Miliucci confirmed that visitors were not an issue in Westport because those workers were H-2B visa workers.

Commissioner Corcoran asked what the most common complaint from neighbors has been in Westport. He also wanted to know if the neighbors were nearby or if the facility was isolated.

Mr. Miliucci said they had not received complaints and confirmed there were neighbors across the street. Currently, there are about 50 people living in the Westport housing for crab season. Bringing in people from overseas takes commitment and they are vetted by the federal government.

Commissioner Womack asked how many properties Pacific Seafood currently rented in Warrenton and Astoria.

Mr. Miliucci said they are renting 12 units in one apartment complex, which houses 48 employees. They also rent a couple of houses. The issue with homes is the five-person zoning rule and Pacific Seafood does not want to impact residential zones.

Commissioner Womack asked if those units would be vacated if the temporary housing was approved.

Mr. Miliucci stated his goal was to refrain from taking apartments and single-family homes off the market. The plant needs another 120 employees to operate at full capacity.

President Moore asked what improvements would be necessary at this site.

Mr. Miliucci said the property was almost move in ready. The inspection came back with general maintenance needs. There are some dry rot issues, but the sprinkler and fire alarm systems are working. He confirmed he would not be adding kitchens or bathrooms.

President Moore stated CP220.11 encourages moderate and low-income housing. The Applicant has suggested this is workforce housing, so the implication is that Pacific Seafood is providing a cheaper living experience for their employees. He asked what the differences would be between the workforce housing and market rate housing.

Mr. Miliucci explained that Pacific Seafood subsidizes the housing in all their locations and employees contribute \$10 per day. Employees cannot get rooms out in the market for \$300 a month and there is no supply of apartments in Astoria, Warrenton, or Newport.

President Moore called for a recess at 7:50 pm. The meeting reconvened at 7:55 pm.

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

Tammy Sanderson said she represented the property owner, who lived in Tennessee and has owned the property since 2006. The building was leased to a drug treatment center until two years ago and that stopped working because insurance companies limit how much they will pay for a stay and how long the stay can be. The building sat vacant for two years. Pacific Seafood's interest in the property will keep its value up.

President Moore called for any testimony impartial to the application.

John Wecker, 105 W. Exchange, Astoria, said he and his wife had already submitted letters to the Commission. He was aware of the housing issues and it did not make sense for the facility to stay empty. If Astoria is going to deal with these issues, he would likely have to adjust to increased density. His prior experience with the facility was positive and their only complaints were about parking on the north side of W. Exchange. However, the reality of a substantial and sudden population increase in the neighborhood is a valid issue. Most of the comments in his letter had been addressed by the Commissioner's questions. He asked what was meant by the phrase in the Staff report, "lack of clear definition allowing the use classification and no specific category for the proposed use." This implies a totally new use, and therefore new questions. If the new use is being put in an inadequate classification, some significant concerns are probably being overlooked. There should be a greater analysis of the potential impacts before proceeding. One hundred and twenty-five occupants did not make sense to him. He recommended 40 to 50 occupants. He also recommended the permit expire after six months instead of a year. He wanted this project to work for everyone involved.

Diana Kirk, 151 W. Franklin, Astoria, said she drives on W. Exchange and Melbourne six or seven times a day. She owns Worker's Tavern and her children are constantly shuttled up and down the hill. It is very hard to drive on W. Exchange with cars on either side of it, but that had been addressed. Worker's Tavern has been feeding cannery workers for 100 years. Workers from Bornstein Cannery eat in her bar all the time and live upstairs from the bar. No one would be in Astoria if it were not for the cannery workers and she hated the idea of a cannery having to move because the workers could not find housing. This is a great use for the facility, but she was concerned about 125 occupants and how that would impact her home and her children. She wanted to see more workforce housing in Astoria. The facility has been vacant for two years and has not done anyone any good. People park there, which she did not want. She recommended the first year be a testing period for 125 occupants. The cannery workers are big part of the businesses in Uniontown, so she supported the application.

President Moore called for any testimony opposed to the application.

Michelle Adams, 345 Melbourne Ave, Astoria, said her biggest concern was emergency vehicles. Her property is a flag lot and she must have 25 feet of access from her property to the street. Currently, she does not even have six feet because the property is built on a steep hill. The Planner discussed putting up a boundary and using those parking spots for additional parking. That would not allow fire or utility trucks get to her property. Her trash and mailbox are on that street. There are also power lines and water. A lot of utility workers use that street, although it does not look like a busy street. It is very important not to just block off the street for a parking lot and so buses can do a U-turn. She was also concerned about the fire curb. Two buses are already parked on the north side of the building at the fire curb. The shuttles will have to back up behind each other as they fill and that will block the fire hazard. Other fire hazards include the fact that it used to be a hospital. There are a lot of oxygen lines running through the walls of hospitals. She heard the Applicant say people would be using crockpots and burners for cooking. She did not believe hospitals were built for that. The hospital she works at does not allow anyone to smoke inside a hospital room because it is a good way to blow up a building. The two cars currently parked on Melbourne are in spray painted parking spaces and the owner is currently making unlawful parking claims. The proposed barrier would need to be set back on the east side of Melbourne and not block Melbourne for emergency vehicles and utility workers. Coming in from the south side is too steep of a hill for a road. The grade would not accommodate any type of emergency vehicle.

David Gasser, 249 W. Exchange, Astoria, displayed photos of the house immediately to the east of the property, the view from his bedroom, the backyard of the facility, and the outdoor smoking recreation area. This was not experimental for him. He bought his house 19 years ago when it was a nursing home in a residential area. He

did not know what the R-3 zoning on Exchange, Lincoln, and Grand was. A bunch of families live there and he bought his house because it was in a quiet neighborhood. When the Pointe arrived, they tried to work with them because they were sympathetic for the need for a drug and alcohol facility. He did not make any formal complaints even though the fence was destroyed by baseballs, footballs, and horseshoes. Astoria Pointe rebuilt the fence. His outdoor lighting system was destroyed and replaced by Astoria Pointe as well. His house was dented with baseballs. The east door exit is 20 feet from his deck. When three people go outside at night to talk and smoke, it is like they are in his bedroom. Astoria Pointe stopped people from exiting there or allowing them on the east side of the building because he could not sleep at night. The time the workers will be here is the only time he can open his windows and be out on his deck. His property taxes have doubled because he lives in such a favorable part of the community. If 20 people are in the backyard, it is like an echo chamber. He cannot be outside and can barely conduct a conversation. The smoke drives inside and he must close his windows. Astoria Pointe had to dig up the floor because the water and sewer issues in the showers and bathrooms for 40 people overwhelmed the facility. He did not know how he could stay with the idea of 125 people coming and going at 4:00 am because it would be too noisy, too smokey, and intolerable. He wanted cheap housing, but he is 20 feet from the east door and his car is parked 20 feet from the horseshoe pits. The Pointe had someone he could call immediately with any concerns and they responded immediately.

Bruce Watts, 318 Lincoln, Astoria, said he was opposed to the application. He had proposed a good neighbor agreement early on. He did not believe the neighbors felt confident things would be handled well in the future based on how this has been handled so far. Waiting 24 hours for someone to respond to a complaint is not reasonable. The impact of 125 people on the neighbors will be too much. A good neighbor agreement should take the concerns into consideration and someone should immediately respond to issue. This could increase the workload of the Police Department because that will be the first course of action for a number of people when there is an issue.

Price Policky, 270 W. Exchange, Astoria, said he was opposed to the request. He was concerned that the use of the facility as workforce housing, even for 60 people, would have an adverse impact on the neighborhood. He believed the use constituted incompatible commercial use. He was also concerned about the demographics of the temporary workers. Melbourne Avenue is used daily by neighborhood residents who walk or cycle to work or the store, including elderly and school children. It is a narrow and steep street with no sidewalks. Vehicles for the workforce will exacerbate the traffic. There is already a lot of traffic on Exchange because it provides access to many properties up the hill. The nursing home that previously occupied the site did not have the traffic expected of the workforce housing. The treatment center and nursing home had confined patients with only staff, visitors, and deliveries to and from the site. In addition to having more people, the workforce housing would have personal and shuttle vehicles at all hours in addition to staff, visitors, and deliveries. There is limited parking on West Exchange Street. Workforce transportation vehicles would compete with residents for parking. Astoria Point's previous clients frequently spoke profanities. He was concerned that the workforce housing would decrease property values because of increased traffic and noise. The facility has the potential to be an asset to the community and Astoria rather than temporary workforce housing. In his opinion, the property would be better suited to veterans, elderly, assisted living, or a similar use that would not significantly increase the population density, traffic, noise, or decrease property values.

Larry Thormahlen, 194 Lincoln, Astoria, said he sailed in Alaska for many years and took supplies to canneries. Drinking, drugs, fights, and crime were common at canneries. He believed the Commission should consider what kind of results Astoria would have. This could depend on how the facility is run. Helping Hands is being run well and it is not a problem. With proper management, this facility could function. However, people need to be kept in line. They should not be outside talking and keeping the neighbors awake at night. The steps to get from Lincoln to town are in his front yard and that will be the most direct route to a tavern or the convenience store. There are already some issues with people coming home from the bar on a Saturday night after a few drinks. No one will benefit from this facility. The neighborhood is improving and the housing is being fixed up. There is no way this housing can be a good thing for the neighborhood unless it is properly managed. There are two roads people can walk along to get to town and there are the steps. All three have springs that flow most of the year. Ice develops at the bottom of the steps when it is cold and the pavement is always wet.

Mary Culshaw, 303 W. Exchange, Astoria, said the Applicant had stated the housing would be similar to other group homes. The definition of group housing limits density to two residents per 1,000 square feet of total gross floor area. The density of 125 people would be the equivalent of 62,500 square feet. The outdoor area that would

be required would be the equivalent of 6,250 square feet. She did not believe the facility matched that capacity. She wanted the Commission to consider that.

Rick Vanderburg, 244 W. Exchange, Astoria said he lived across the street from the facility and did not support the workforce housing. The minimal capital investment requirement sounded vague and he was not sure what minimal meant. The temporary use requires a conditional use permit according to the R-3 zoning. He did not understand that either. The required parking ratio is 1.25 spaces per one bedroom in group housing. The Applicants have proposed up to 125 people and there are 12 parking spaces. Five more parking spaces are accessed off of West Exchange where he lives, so he would be impacted by this. It sounded like 50 parking spaces were required, but they would only have 17 available. The Applicants are required to provide 32 bicycle spaces. He questioned how many bikers would ride from Astoria Point to Warrenton. Even though all these bicycle spaces would be provided, no one would be riding a bike. The Applicants talked about the workers coming from different countries, so they would not have cars. If all 125 people had cars, they would need somewhere to park. The zone is already the City's highest density residential neighborhood and now the Applicants want to add another 125 people. He lives next door and he will be impacted. The Staff report says a standard was not met. Even though the standard could be met with conditions of approval, it has not been met.

Scott Fenton, 221 Lincoln, Astoria, said he bought his house about a year ago. He was shocked and disappointed in this application and was opposed to the request because of transportation, traffic, living conditions of the workers, safety, and effects on the peaceful neighborhood. His transportation estimates were based on 10 to 13 person vans. However, he heard tonight that 25-person shuttle buses would be used. That is a big difference and he cannot address his calculations on how much traffic this would create for the neighborhood. A significant study needs to be done to get specific answers about how many buses and when they will run. He believed this would overwhelm the neighborhood. Street parking is free and legal. However, the streets are extremely narrow, clogged, and busy. Exchange Street does not have any sidewalks. Where Lincoln turns into Duane, there are two 90-degree hairpin corners. Drivers cannot see around those corners. Pedestrians, bikes, elderly, and children will be dodging vans all day long. This is an accident waiting to happen. Living conditions for the temporary workers are barracks. This is unacceptable and the facility was not designed for this type of use or population. There are 24 sleeping quarters in the building and the Applicants plan to put five in each room with bunk beds. This creates a situation for the workers. The dining room is only 13 feet by 30 feet. He asked where 125 people would eat and store their food. He also wanted to know what their recreational activities would be. He also had concerns about safety and Occupational Safety and Health Administration (OSHA) requirements. OSHA requires 13 showers, nine toilets, and five washing machines for 125 people. Toilets must be cleaned daily. The kitchen needs 26 burners. He did not believe this building had anywhere near those facilities. This is the equivalent of building 40 to 60 homes in the neighborhood. This will overwhelm the neighborhood, reduce property values, and dramatically alter the composition of the peaceful neighborhood.

Corey Harn, 309 Alameda, Astoria, said he managed 262 and 264 W. Exchange as long-term rentals. He was opposed to bringing almost 100 transient people who are not vested in the community, even if they are good people. This is not a good idea because of the traffic issues as well.

Linda Gannon, 162 W. Grand, Astoria, said her house is zoned R-1 but is across the street from the upper parking lot. Earlier this year, she spoke to Councilor Rocka about how this property was deteriorating. She was relieved when she heard rumors that the Coast Guard was looking at the property for housing. However, when she saw someone wanted to add 125 temporary residents, she became concerned. She was glad to hear about the good neighbor agreement. She was very concerned about the conditions under which the agreement could be renewed or not renewed. She wanted to make sure the information was clearly outlined in case there are a certain number of police calls or traffic incidents, which could be a reason not to renew the permit. There are 24 rooms, so having 125 people does not sound reasonable and is way above the Fair Housing Council of Oregon recommendations for living quarters. She hoped the Commission denied the application or at least greatly reduce the length of this experiment and the number of people allowed.

President Moore called for a recess at 8:39 pm. The meeting reconvened at 8:44 pm.

President Moore called for the Applicant's rebuttal.

Mr. Miliucci said he appreciated the community speaking and he listened to all of the concerns. He clarified that he misspoke when calling this an experiment. The company already does workforce housing, but historically it



did not acquire property. They have housed 50 people in Westport for almost eight months. They also house 60 people in Warrenton and 200 people during the summer in hotels and motels. Compliance has been very good since he has taken over. He created Portside Properties, a property management entity run by two people. He submitted into the record an example of their housing agreement and Portside Properties policies and rules for belonging to the agreement. The housing agreement can be changed based on the location. Typically, there is limited smoking, no drugs or alcohol use. At a motel in Newport, a person was drinking alcohol and created a bit of scene. That person was terminated immediately. Workers must comply with the agreement which is strictly enforced. Noise is limited, but he could talk to the neighbors and reduce the outside noise at 9:00 pm. Pacific Seafood will not tolerate people impacting the neighborhood in a negative way. They must be of value to the community. Police calls have been very limited in Newport and Westport. The company works with people, talks them into leaving and terminating the agreement; otherwise, their employment is terminated. The agreement has teeth because the employees get free housing. There is a dorm manager on site in Westport. If a neighbor wants to complain, they can just walk over to the house and talk to him. Then, the issue is addressed. People can be loaded into shuttles in the upper parking lot and overflow parking can occur at the plant. There will not be any on-street parking. At the other facilities, parking is per the terms of the housing agreement. Historically, a lot of coastal communities have had workforce housing. His grandmother, who came from Italy, had tenants for most of her life. That market has shifted due to urbanization and there is practically no more workforce housing. This is not an experiment. Pacific Seafood has a proven record, which people can look into by talking to their other locations. The facility is large, but it does not need 120 occupants. He believed the owner's agent would be willing to allow the neighbors to walk through the facility to see how large it is. The building has over 40 rooms and at one point 78 people were housed in it. Anyone can go to the human resources department and apply for a job. Unfortunately, not many people want to work in fish processing plants. Pacific Seafood provides economic viability for communities. They are a large employer in Warrenton and that spills over into Astoria. They take pride in a high quality product and high quality employees. There have been innuendos that people from overseas are less than people, but they come from \$300 a month. When people from overseas are interviewed, they are crying because in six months, the whole family can move out of their parent's house and buy a house or apartment. They work very hard and just want to go home at the end of the day to eat and sleep. Any employee who works at Pacific Seafood can go to the highest level of the company without a college education. The company cares about employees learning the business, abiding by the rules for excellence and quality, and being a good representative in the community.

Mr. Robinson requested that the hearing be continued to February 4, 2020. He would extend the 120-day period by seven days. There are a lot of questions to answer and he would not have the time tonight to put them in writing. He would come back to the next hearing with a draft good neighbor agreement for the Commission to consider. He believed they could incorporate a number of the things heard during public testimony. He asked the Commission to keep the approval criteria in mind, the minimal capital investment, security, the conditional use criteria for a housing development, and the Comprehensive Plan. He appreciated that people took the time to come out and talk about this application.

Commissioner Corcoran moved that the Astoria Planning Commission continue the hearing for Temporary Conditional Use Request CU19-21 by Pacific Seafood to February 4, 2020 at 6:30 pm; seconded by Commissioner Price. Motion passed unanimously.

WORK SESSIONS: *\*continued from December 10, 2019*

### **Item 5(a): Columbarium**

Planner Fryer provided an overview of the December work session discussion on columbaria. Since that meeting, Staff's recommended Code language had been given to the Commissioners. Staff reviewed their recommendations for allowing columbaria in certain zones and potential conditional use permit requirements.

The Commission discussed Staff's recommendations with the following key comments:

- Commissioners were concerned about the definition of "place of worship" because people worship in a variety of ways, some of which could be considered outrageous. Additionally, limiting columbaria to places of worship could exclude certain people or groups, particularly those who do not attend places of worship but still want to memorialize loved ones. President Moore suggested columbaria be allowed in any semi-public use with the recommended conditional use restrictions.

- Staff explained that semi-public uses in residential zone already included some infrastructure and neighborhoods are already knowledgeable of the impacts of such uses. Additionally, semi-public is already defined in the Development Code, so there would be no need to worry about individuals putting columbaria in inappropriate locations or ending up with too many columbaria in the city.
- Columbaria would be permanent installations so the City should consider appropriate long-term responsibilities for maintaining them, particularly when an organization like a church or club vacated a property where a columbarium had been installed.
  - Staff agreed that congregations do ebb and flow, but noted that such organizations did tend to remain in one location for extended lengths of time. However, the City Attorney would need to determine how City Codes meshed with State Laws regarding cemeteries. Additionally, columbaria may need to be recorded on deeds.
- Astoria's Codes should be open enough to include as many groups as possible, whether secular or religious, but restrictive enough that Astoria does not end up with too many columbaria.

President Moore confirmed that the consensus among Commissioners was to allow columbaria in semi-public uses rather than limiting them to places of worship. He also confirmed that the Commission agreed with the rest of Staff's recommendations and directed Staff to work with the City Attorney to draft the appropriate Code language.

### **Item 5(b): Temporary Warming Shelters**

Staff reviewed the changes made to Staff's recommendations based on the Commission's discussion at the December work session.

Staff and the Commission discussed the recommended Code language with the following key comments:

- The word temporary had been removed from the proposed Code language. However, the City's Code would still need to comply with the State Fire Marshall's requirements for temporary shelters.
- A temporary use permit would not be necessary if the conditional use permit was adopted. Conditional use permits can be revoked if there are violations, but there would not be an automatic annual review like there is when a temporary use permit is renewed.
- Commissioner Price advised against creating policy just for the benefit of one organization, the Astoria Warming Center (AWC), because the policies will apply to the entire city. It took several years for the AWC to be welcomed by the community. And while the AWC has improved over the years, she was concerned about enacting conditional use permits for other warming centers just to make it easier for one. Other warming centers were likely to have the same growing pains and the City needs to govern them quickly and efficiently.
  - Staff noted that the recommended conditional use requirements were developed by the Commission to help alleviate the growing pains the AWC had. Other warming centers would have to be compatible with neighborhood and the Commission could decide if an annual review should be a requirement.
  - Conditional use permits can be revoked for violating any conditions of the use. Staff explained the enforcement process, which could result in the applicant filing a petition to be reviewed by the Commission during a public hearing. The enforcement process is the same for temporary use permits. However, the temporary use permits can also be reviewed annually as part of the renewal process.
- This proposed Code was modeled after the success of the AWC and the goal was to allow other warming centers to have a permanent location so they could seek out grant funds and make substantial changes to the location. Additionally, with the perceived increase in homelessness, this Code would allow additional facilities in the City which would prevent the AWC from becoming a burden on the neighborhood.
- Temporary warming shelters must comply with the State Fire Marshall's requirements and year-round shelters must comply with the Fire Marshall's requirements and State Building Codes.

Staff asked for direction on zoning requirements and reminded the Commission of the renewal process for temporary use permits and the enforcement process for conditional use permits. Staff asked if the Commission would be willing to allow warming centers with a conditional use permit that required an annual public hearing. The Commission's feedback was as follows:

- Commissioner Fitzpatrick explained the benefits to the neighborhood of the annual review process, which helps to ensure compliance when there is turnover of board members, volunteers, and guests.

- Commissioner Kroening believed the two permits simply provided two different ways of accomplishing the same goal.
- Commissioner Price stated the existing process was working well for the City, the AWC and the neighborhood. Therefore, Code changes were unnecessary. Additionally, enforcing a conditional use permit was not easy. She noted however that if the majority of the Commission supported the proposal, she would also.

President Moore called for a straw poll and asked who was in favor of moving forward with Staff's recommended Code language. Commissioners Womack, Price, Corcoran, and Kroening voted in favor. Vice President Fitzpatrick stated he was only in favor of allowing warming centers as a temporary use in residential zones with an annual review. Commissioner Corcoran confirmed with Staff that there could be an annual review requirement in the good neighbor agreement outside of the land use permitting process.

President Moore called for public comments.

Rick Bowers, 357 Commercial Street, Astoria, said there was some confusion with the use of the word temporary. In some locations, the word temporary means a year-round shelter that allows participants in their program for a limited duration. He recommended using the word seasonal to describe shelters. He noted that the Astoria Warming Shelter does not currently meet building Code requirements for sleeping quarters. If too much of the Fire Marshall's requirements are included with the City's Codes, a year-round shelter could be inadvertently limited. The Fire Marshall's codes are for shelters that do not meet occupancy standards.

President Moore clarified that the Fire Marshall codes are specific to temporary warming shelters that are seasonal and do not apply to year-round shelters.

City Manager Estes explained that Helping Hands qualified as a semi-public use, which was permitted in that zoning district. Therefore, it had to comply with all State building codes. The Planning Commission is just addressing seasonal warming centers, not permanent shelters.

Mr. Bowers added that he preferred occupancy be limited to 35 people. The Astoria Warming Center is working fine and they do not receive complaints. He appreciated the concerns people had in previous years, as well as an annual review. While he hoped there would be no need for an annual review in the future, he did not mind them and understood the concerns. One well-known funder has turned the Astoria Warming Center down for a grant each year because they do not have a permanent conditional use permit. He believed that issue would be addressed if the new Code language was adopted.

Vice President Fitzpatrick said in previous years, the Astoria Warming Center made a clear distinction between a shelter and a center. He believed warming center was the most appropriate.

The Commission, Staff, and the public discussed the maximum capacity that should be allowed in R-3 zones, with the following key comments:

- This Code would impact all existing warming centers. There were problems at the AWC when occupancy limit was 25, but it was discovered the problems were a result of poor management, not capacity. So, 35 should be appropriate with good management.
  - Mr. Bowers noted that the AWC currently had one paid staff member each night, which cost \$40,000 a year. They wanted two paid staff per night but did not have enough funding. Professional staff is industry standard because it is difficult to get volunteers. This year, the AWC missed two openings due to lack of volunteers. Costs are the same whether occupancy is 25 or 35 people. He also confirmed that the AWS was at maximum capacity for the last half of the season.
- Commissioners Corcoran, Price, and Kroening believed 35 was appropriate.
- Vice President Fitzpatrick stated he believed 25 was appropriate. He wanted to be clear that the impact to the neighborhood was significant. Having lived through the impact of the AWC on his neighborhood, he recommended a gradual increase in occupancy be allowed once a warming center had a history of good management. He supported allowing warming centers as a temporary use in residential zones with a maximum occupancy of 25 people.
- Commissioner Womack supported 35 in commercial zones.
- Commissioners Corcoran, Price, and Kroening agreed that warming centers should be allowed as a temporary use in residential zones with a maximum occupancy of 35.

Staff understood the majority of Commissioners wanted an annual review of temporary warming shelter in residential zones. Staff would draft Code language for a conditional use permit for this use in residential zones that required annual reviews. Outside of residential zones, the use could be allowed with a standard conditional use permit. City Manager Estes confirmed that the consensus among Commissioners was to cap occupancy to 35 people in R-3 zones and 15 people in R-2 zones, and that temporary warming shelters would not be permitted in R-1 zones.

Staff recommended that Items 5(c) and (d) be postponed to the next Planning Commission meeting. They also noted that City Council has directed Staff to develop Code language prohibiting formulaic restaurant and accommodation businesses.

**Item 5(c): Small Cell Wireless**

This item was postponed to the February 4, 2020 meeting.

**Item 5(d): Accessory Dwelling Units/Housing**

This item was postponed to the February 4, 2020 meeting.

REPORTS OF OFFICERS/COMMISSIONERS:

There were no reports.

STAFF UPDATES/STATUS REPORTS:

**Save the Dates:**

- Thursday, January 30, 2020 @ 6:30 pm – Annual Commissioner Training by Lisa Phipps of the State of Oregon Department of Land Conservation and Development, and Blair Henningsgaard, City Attorney
- Next APC meetings: Tuesday, February 4, 2020 (as needed) and Tuesday, February 25, 2020

City Manager Estes noted that during the City Council's goal setting session, Council directed Staff to begin working on a hillside development/geohazard ordinance and a site development review process.

Planner Fryer added that the Commissioner training would be recorded for anyone who could not attend.

PUBLIC COMMENTS:

No comments.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 10:17 pm.

**APPROVED:**

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Community Development Director

**From:** [Rick Bowers](#)  
**To:** [Barbara Fryer](#); [Megan Leatherman](#); [Tiffany Taylor](#)  
**Cc:** [Rick Bowers](#)  
**Subject:** Area Warming Centers  
**Date:** Wednesday, July 29, 2020 3:55:35 PM

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\*\*\*\*\*EXTERNAL SENDER\*\*\*\*\*

As it turns out, I don't have email addresses for the individual planning commissioners. I wrote the attached (below) email to Commissioner Price and was going to CC the other commissioners and staff. I know Barbara was going to get back to the commission -- with the definitive answer -- to Commissioner Price's question regarding area warming centers. I had previously looked at this same question and thought I would share what I had learned. Perhaps the situation has changed. Would someone be willing to forward this to the commissioners?

Thanks, Rick

Rick Bowers  
[bowers@speak-peace.com](mailto:bowers@speak-peace.com)  
916.622.4501

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Commissioner Price,

I appreciate your question regarding the prevalence (or lack thereof) of warming centers in Clatsop & Pacific counties. Last December I attempted to track down other centers. The other two low-barrier centers in the general area did not open this past year. While the Warrenton center's facebook page says it was open, the pastor at the church said it was not able to open. I posted a question on their facebook page (last December) and was directed to the Astoria Warming Center. According to a December 2018 Astorian article, [https://www.dailystorian.com/news/local/peninsula-shelters-will-not-open-this-winter/article\\_b31d7370-6178-5cdd-b562-4ba0b474dbd8.html](https://www.dailystorian.com/news/local/peninsula-shelters-will-not-open-this-winter/article_b31d7370-6178-5cdd-b562-4ba0b474dbd8.html), the Pacific County center did not open for the 2018-2019 season. I have seen no indication that they opened for the 2019-2020 season. 211 Info, <https://www.211info.org/>, only seems to list the Astoria Rescue Mission. It provides periodic short-term shelter and it is bible-based. Helping Hands provides a very short-term shelter (4 days in, 3 days out for 2 weeks) that is designed to allow guests to learn about the recovery program. Neither are low-barrier.

Which of course leads to the question, "Is Astoria taking on the burden of providing winter severe weather shelter to two counties?"

As of Oregon's 2019 Point in Time count Clatsop County had 894 homeless. This includes "sheltered" (e.g. couch surfing) and "unsheltered."

Year	Sheltered	Unsheltered	Total
2019	18	876	894
2017	18	662	680
2015	393	289	682

I suspect (don't believe) the 2019 sheltered versus unsheltered count because it reports only a few sheltered -- and the ratio changed radically between 2015 & 2017. Oregon's statewide average for 2019 is 64% unsheltered. The data is at <https://public.tableau.com/profile/oregon.housing.and.community.services#!/>.

A conservative estimate would be to guess about half of the 2019 overall homeless count is truly unsheltered -- about 450. Again, this is much lower than the reported 876. Clatsop County has about one quarter of the county's population. If the unsheltered are evenly distributed (obviously not the case) then Astoria's "fair share" of the unsheltered is about 100. Or if we believe the 2019 Unsheltered count is accurate then Astoria's "fair share" of the county's unsheltered is about 219. As you know, the Astoria Warming Center's (AWC) emergency capacity is 35. In round numbers, the AWC expenses were \$40,000 last year. Most of that was payroll (we use about half paid staff and half volunteers). We anticipate next year's budget to be significantly higher due to a reduction in volunteers. I could be wrong but I haven't heard of any other group stepping up to open another seasonal warming center.

Again, a great question!

--  
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