

## **ASTORIA PLANNING COMMISSION MEETING**

Astoria City Hall  
July 28, 2020

### CALL TO ORDER:

President Moore called the meeting to order at 6:37 pm.

### ROLL CALL:

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

Staff Present: City Manager Estes, Community Development Director Leatherman and City Planner Barbara Fryer. The meeting was recorded and live streamed and will be transcribed by ABC Transcription Services, Inc.

### APPROVAL OF MINUTES:

Vice President Fitzpatrick moved to approve the June 23, 2020 minutes as presented; seconded by Commissioner Henri. Motion passed unanimously.

### DELIBERATION:

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):

AEP20-04 Continued from June 23, 2020\* Amendment to Existing Permit Request (AEP20-04) for Conditional Use (CU11-06 and CU14-15) by Ted Forcum of Nomadic Properties LLC to permit live/work units at 3930 Abbey Lane, Units A102, A103, A104, A105, and A106, and at 3990 Abbey Lane, Units B103, B104, B105, B106, and B107 in the S2-A (Tourist-Oriented Shoreland), CGO (Civic Greenway Overlay) and GOZ (Gateway Overlay) Zones.

President Moore stated the public hearing was opened on June 23, 2020 and remained open for additional testimony until June 30, 2020. The application was continued to the July 28, 2020 meeting for deliberation. The testimony of everyone who spoke at the June 23<sup>rd</sup> meeting and submitted written testimony by June 30<sup>th</sup> is on the record and has been reviewed by Commissioners. He asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare. There were none. President Moore asked if Staff had any comments.

Planner Fryer gave a PowerPoint presentation reviewing the public testimony and the Applicant's rebuttal to that testimony, which was submitted in writing.

President Moore asked the following question as a straw poll:

- Is it acceptable to move forward with this application even though the use is not clearly defined in the Development Code, but residential and commercial uses are allowed?
  - Yes: 4 No: 3

President Moore asked if the Commissioners had any questions for Staff.

Commissioner Kroening asked how the City's Codes interacted with the homeowners association (HOA) by-laws, if the Commission reviewed building layouts, and if the Oregon Structural Specialty Code applied. Planner Fryer explained that the HOA by-laws are a civil matter between and among the HOA members and are not subject to Planning Commission review or consideration. The Commission is only subject to the Development Code and Comprehensive Plan as they relate to a particular application. For this application, the Commission

might want to consider the location of the residential unit because the pedestrian orientation of this zone is intended to provide for pedestrian access to the units. Residential units that abut the Riverwalk may not be as pedestrian friendly as having the business face the Riverwalk. The Oregon Structural Specialty Code would apply to this application and the City can apply additional regulations as well. The City's building official has indicated that fire suppression is necessary and access for the bedroom portion will need an egress.

President Moore said that typically when a request is made for a use not defined in the Code, the request is usually for a temporary use, or the City will find a way to make the use fit within the Code. A temporary use would not be appropriate in this case because a significant investment would not be allowed. He asked why combining two allowed uses could be considered appropriate. Planner Fryer explained that commercial uses are allowed outright by the Development Code. The Applicant has an existing Conditional Use Permit allowing professional offices and medical facilities. Residential uses are allowed as conditional uses in this zone. She believed it would be most appropriate to process the application as a conditional use because both types of uses are conditional uses in this zone in an existing facility with commercial use on the main floor and residential use on upper floors. The building already contains a mix of uses, but not a mix of uses within individual units. President Moore noted that when combined uses are presented to the Commission, the Code suggests that the Commission apply the more stringent criteria. Planner Fryer stated she believed that the more stringent criteria had been applied, including the parking requirements.

President Moore called for Commission deliberation and discussion.

Commissioner Henri stated she was concerned about parking. The Applicant reported that the parking lot was underused and has proposed 10 additional parking spaces instead of the 17 that are required. She believed the proposed use was appropriate, but the Commission might consider amending the existing Conditional Use Permit. She was also concerned about the orientation of the space relative to the pedestrian corridor. She could not imagine that anyone walking by would be particularly surprised to see one use or the other unless there was something odd and out of place. Odd uses would need to be permitted anyway, but it would be weird if someone was outside barbecuing or children were playing on a bouncy house. The use seems appropriate for the space and is a creative way to get spaces rented out that have been vacant since 2007. There is a need for work/live units, but she wanted to add some conditions to make sure residents are happy.

Vice President Fitzpatrick said he was conflicted for several reasons. There is no reason to deny the request based on the Development Code. However, this property was originally zoned for industrial uses and the City approved the developer's request to change the zone, allowing mixed uses with industrial on the main floor and residential on upper floors. Neither use worked out. When the building was complete, the condominium units did not sell and the original owners bought their units at a foreclosure auction. The property was then rezoned again to allow office uses on the first floor, which was intended to allow the owner to get better commercial tenants. However, that did not work out either. It would be cool to have live/work spaces, but he understood the current residents' concerns. In a previous discussion, it was stated that the parking is underutilized and the Commission allowed a variance to the parking requirements because commercial users would be using the parking during the day and the residents would be using the parking in the evening after the work day. He was concerned because only 26 percent of the units are owner occupied, and if that percentage increased in the future, there will be a higher demand for parking. His decision to approve the parking variance was based on his own experience with the coming and going in residential parking lots. However, during Covid-19, his parking lots have remained full all day. Parking uses in the future might be different. He preferred that the Commission require the maximum of 17 parking spaces if this request is approved.

Commissioner Kroening stated that finding a creative solution for filling the units is necessary in this area of the Riverwalk and in this type of development. The project will accomplish several of the things the City has been working on, housing and keeping spaces full. The City has the right processes in place to make sure the City was not exposed to an end run. He was not concerned about the layout of the units because the Riverwalk already passes by the residences in Mill Pond. However, pedestrian access to the commercial spaces would be nice. He agreed the City should plan now for potential future parking needs should more condominiums become owner occupied. Overall, he was in favor of the request.

Commissioner Price said the use seemed to be appropriate, but she agreed that 17 parking spaces should be required. The letter that was signed by several residents indicates that they want City Council to adopt an amendment that addresses live/work units, which would need to be developed by Staff and the Planning

Commission. Occasionally, the City gets into hot water by approving combined uses, and the City has not considered all of the implications of approving this request. She was in favor of amending the Code and planned to deny the request.

Commissioner Womack stated he listened to the audio of the last meeting since he could not attend. The offices have been vacant for over a decade because the building is at the end of nowhere, so the owners need to be creative when trying to fill the spaces. There is nothing in that area of the Riverwalk except vacant buildings. He agreed that the Commission might want to consider codifying live/work uses. However, the potential for live/work units exists all over the City. He was in favor of the request, but he agreed that 17 parking spaces should be required. There are no longer any industrial businesses in the area, and the development was built before the hotel and before things started happening on this end of town. He noted there were a lot of questions about whether what moves into the live/work units would be appropriate, and he asked if the Commission could consider that when making a decision. He also wanted to know why the request was brought to the Commission as an all or nothing application.

Planner Fryer explained that Staff has proposed an amendment to an existing use because the professional and medical offices are allowed under the existing Conditional Use Permit. The amendment would only allow those offices or outright permitted uses in the live/work units. The uses allowed outright in the S2-A zone include tourist-oriented retail sales; eating, drinking, and entertainment establishments without a drive through; specialized food stores; hotels, motels, bed and breakfasts, and associated uses; certain personal service establishments; indoor family-oriented amusement, entertainment, and/or recreation establishments; theatre; seafood receiving and processing; small boat building and repair; boat and/or marine equipment sales; parks and museums; shoreline stabilization; navigation aids; conference centers and transportation facilities. Professional and medical offices are not considered tourist-oriented businesses and are already allowed by the Conditional Use Permit.

President Moore asked if an arts and crafts studio would be allowed in the live/work unit. Planner Fryer stated a Conditional Use Permit would be necessary because that use is not currently allowed.

Commissioner Corcoran said he believed this would be done correctly through the City's processes, which provides enough protection that additional conditions of approval were not necessary. He agreed that the use was appropriate, but it was unfortunate that the Code did not include better language. The City will be spending more time on increased densities and uses, and he wanted to require 17 parking spaces. He planned to vote to approve the request.

President Moore said the Comprehensive Plan contained a lot of encouragement for small businesses, home businesses, a variety of businesses, spreading out businesses throughout the town, a wide variety of housing types, rehabilitating existing housing stock, developing housing to minimize environmental impacts, protecting neighborhoods from incompatible uses, and working with the owners of underutilized properties to identify opportunities. All of the uses proposed are already allowed in the neighborhood, and this application touches on a lot of the issues the Comprehensive Plan aims to alleviate. However, he was concerned that many of the uses ideally suited for a live/work space, like an arts and crafts studio, would require a Conditional Use Permit. The Comprehensive Plan lacks in this area, so he was conflicted. He believed the proposal was a great idea and he would love to see the project successful, but he did not want to do a trial run in someone's home or below someone's home. He wanted live/work codes beyond those regarding home occupations, which are very limited. More and more people work from their homes and that will continue.

Commissioner Womack responded that the proposed uses are currently permitted, and the residents do not have any issues with those uses. The existing residents also do not have any problems with new residents in the building. Therefore, he was not sure why combining the two uses resulted in negativity from the existing residents.

President Moore noted the Development Code states that home occupations are not allowed to operate before or past a certain time, and he did not believe the live/work spaces would be subject to that restriction. The Planning Commission and the HOA could impose time limits on the businesses.

Commissioner Price recommended the Commission deny this request and start working on a live/work code, so that the concerns just mentioned could be addressed.

Commissioner Kroening said he agreed with Commissioner Price. He would be surprised if the HOA governed commercial activities, and the allowed uses are not ideal for a live/work situation. However, developing codes is not a short timeline. If the landlord has the ability to put in uses that the residents already think are acceptable, then it might not be wise to make the applicant wait until new codes have been implemented. He asked if approving this application now would result in anything negative.

Planner Fryer stated that some of the Commissioner's concerns are related to the zone. The types of uses permitted in the zone are not typical for the main floor of a condominium complex. However, the zone has been in place for about 10 years, and the uses were permitted in the zone. The Applicant received the opportunity to have professional and medical offices through Conditional Use Permits. It might be that the Commission is concerned about the zone, not the concept of live/work spaces.

Commissioner Price stated that Planner Fryer was partially correct and that live/work spaces in condominiums were not allowed in this zone. If the Commission were to amend the Code to address live/work spaces, it would have to be contingent to each zone. Every application for live/work needs to be a conditional use because of the zoning and because of what the applicants want to do. Condominiums are not the quietest places to begin with, especially if only 26 percent are owner/occupied and some are commercial spaces. This issue requires more thought than the Commission will give in this one request. This request has been tacked on to a prior request, which was useful for her because the history was included in the Staff report. She believed the request was appropriate and was reluctant to suggest there should be further delay in getting the spaces rented out. However, she believed the Commission needed more discussion that would only come from an amendment.

Vice President Fitzpatrick said he wanted more information about live/work developments in other areas. If Commissioner Price made a motion, he was prepared to second the motion and vote.

Commissioner Henri agreed with Commissioner Price that live/work spaces should be addressed in the Code. She did not believe there was anything enforceable without Code language. She did not feel good about doing an experiment under residences since this could impact their property values.

Commissioner Corcoran stated he wanted to approve the request. More Code language needs to be written for live/work spaces, but the Commission should not stop every development in order to rewrite the Code.

Commissioner Kroening asked if any legal, occupied live/work spaces were currently approved in the city. Planner Fryer replied some could have been approved before she was on Staff, but she was not sure. There are a lot of home occupations in the city, but they have considerable limitations. The permitted uses in this zone and the professional and medical offices that are allowed do not currently have limitations.

Vice President Fitzpatrick responded that the 1100 block of Franklin Avenue between the Christian Science Church and the mortuary is a live/work property that originally had four studio apartments on the first floor and six townhouses on the upper floors. About the same time the condominiums were being built, a developer converted the apartment/townhouse property to live/work units. He did not know what the City's process was at that time. The four studios are now sections of the six townhouses and the entrance to the work spaces face Franklin Avenue. The project went into foreclosure and sold five or six years ago. He did not know if any of the units were currently occupied by businesses.

Commissioner Kroening stated he agreed with Commissioner Corcoran, adding he would entertain a Code amendment. All of the processes currently in place would address the bulk of the concerns mentioned in the public testimony. While there is no clear list of exactly what this project should look like, he believed the City's processes would solve many potential worries about this particular use.

President Moore said the permitted uses would allow a bouncy house in the living space.

Commissioner Price asked if the findings in the Staff report supported denial of the request. Planner Fryer explained that if the Commission voted to deny the request, the Commission would need to state why, citing conditional use criteria, so that Staff could draft findings that supported denial. Then, she would revise the Staff report to go out with the orders.

Commissioner Price stated the request should be denied on the condition that an amendment to the Development Code was required. The request should not be considered because it is not currently included in the Development Code.

Director Leatherman added that if the Commission denies the request, the Commission would need to adopt the revised findings at a special meeting next week.

Commissioner Price moved that the Astoria Planning Commission deny Amendment AEP20-04 by Ted Forcum because live/work units are not in the Development Code and tentatively adopt the revised Findings and Conclusions contained in the Staff report in support of denial, to be reviewed and adopted on August 4, 2020; seconded by Vice President Fitzpatrick. Motion passed 4 to 3. Ayes: President Moore, Vice President Fitzpatrick, Commissioners Price and Henri. Nays: Commissioners Womack, Corcoran and Kroening.

Director Leatherman stated the rules of appeal would be into the record after a final decision was made on August 4th.

President Moore called for a recess at 7:52 pm. The meeting reconvened at 7:57 pm.

#### 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 5(a):

A19-03                      Amendment to Astoria Development Code (A19-03) by City of Astoria Community Development Director to bring the Development Code into compliance with State law regarding Accessory Dwelling Units (ADUs) and to make miscellaneous changes to the housing definitions pertaining to all zoning districts.

President Moore asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare. There were none. President Moore asked Staff to present the Staff report.

Planner Fryer reviewed the written Staff report via PowerPoint. Staff recommended approval of the request with the conditions listed in the Staff report.

Commissioner Corcoran asked if live/work language could be inserted into this list of housing types. Planner Fryer said the definition of live/work spaces would be added to the list. Then, the Commission would need to decide which zones the live/work spaces would be allowed in and what design standards should be required. She confirmed for Commissioner Corcoran that live/work spaces were not subject to the State's accessory dwelling unit (ADU) laws.

Vice President Fitzpatrick asked for the definition of townhouse. Planner Fryer noted that the list of definitions had been cut off and she would get a corrected copy to the Commissioners before their next meeting.

Commissioner Kroening asked if the Fair Housing Council of Oregon responded to Staff. Planner Fryer said yes, the Council found that the supplemental Staff report and findings were sufficient. She offered to include their emailed confirmation in the next transmittal.

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

Cheryl Matson 5450 Old Highway 30, Astoria, said she purchased a park model manufactured home, which will be delivered on wheels and then placed on a permanent pad. The wheels are removable, but she was concerned about how the home would be delivered if it is not allowed to be brought in on wheels. The home could not be flown in, placed with a crane or brought in on a barge. She asked if she could get the home approved if it was brought in on wheels, set on a pad, and the wheels are removed.

Planner Fryer stated the Code amendment refers to the final condition of the home, not how a home is delivered. Any home on a foundation could be permitted.

President Moore called for any testimony impartial to the application. There were none. He called for any testimony opposed to the application.

Michelle Adams 349 Melbourne Avenue, Astoria, 97103 She asked for clarification about why the City would eliminate density in the R-3 zone. It is the City Council's job to enforce not increase density and not just eliminate something they have a problem with and does not want to fix. The density greater than 100 is not a limit, it just means the density could be up to 1000. The density numbers seem unrealistic The amendment is about accessory home, which could be a tiny house. This seems to favor what is going on in her neighborhood. The Exchange Street house, the Pacific Seafood house much more than what should be in a tiny home. She wanted the numbers to be more realistic and the definition of a housing unit defined more clearly. She did not know what a housing unit was. That is why she was against the Code amendment.

Lloyd Black 1626 Grand, Astoria, said he was a part-time resident and was concerned about the definition of one unit per lot per dwelling unit. The verbiage is open-ended. He could rent his house to ten people who would have five cars on the block. He understood that the State was trying to create housing, access to affordable housing and housing in general. However, the State has also created a community where a lot of people are renting homes. That will drive property values down and cause a lot of grief in neighborhoods. He did know where the City or County stood on fighting the State on this issue, but he did not believe the new laws were a good idea. He was strongly opposed to the amendment.

President Moore called for closing comments of Staff.

Planner Fryer stated that the definition of dwelling unit was consistent with the building codes. A dwelling unit contains a kitchen, bathroom, and a bedroom. Single room occupancy is not considered a dwelling unit, but a multi-unit structure where multiple people live and the kitchen facility is shared. A dormitory is considered a group living facility where the rooms are shared and the food is served. In the R-1 zone, group living facilities with a maximum of 15 people would be allowed as a conditional use. In the R-2 zone, group living facilities with a maximum of 30 people would be allowed as a conditional use. In the R-3 zone, group living facilities housing more than 100 people would be allowed as a conditional use, and facilities housing up to 100 people would be allowed outright. Building codes limit occupancy based on a number of square feet per person. Group living facilities include congregate care, dormitories, and boarding houses.

Commissioner Price asked how many people the Commission allowed in the group living facility in the former Astoria Point. Planner Fryer stated the Commission approved 80 people, but the Applicants had requested 125. Commissioner Price said she empathized with those who did not appreciate Portland standards being put on small communities throughout Oregon. However, this amendment process was long and tedious and detailed.

Planner Fryer added that the density numbers do not reflect the density of the building, but the number of people being proposed for a building and the type of process the request would need to go through. The Commission could modify Staff's recommended densities and permitting processes for group living facilities.

President Moore asked where the numbers came from and what research had been done on what already existed in Astoria. He also wanted to know how many residents were in the long term care facility in Alderbrook. Planner Fryer did not know how many residents lived in that facility, but she stated she could email that information to the Commissioners.

President Moore explained that any he picked now would be arbitrary, so he needed some reference points. He asked Staff that if they had data on what other cities are doing and what already existed in Astoria to forward that information to the Commission. The Commission might want to use numbers that are common in the area.

Vice President Fitzpatrick said he believed the numbers for R-1 and R-2 were too high and that R-3 was way too high. He confirmed with Staff that the State had not mandated any minimum numbers, but the State did mandate some of the other changes to the Code. Planner Fryer added that if Astoria reaches a higher population threshold, the City would be subject to additional requirements.

Vice President Fitzpatrick stated that anyone with concerns about the State mandates should contact the Governor or the Speaker of the House.

Commissioner Kroening said it would be arbitrary for him to think about what numbers are appropriate and he was open to changing them. Regardless of the limits set, the building square footage would have to work for the occupancy. He asked for a copy of the building codes before the next meeting.

Vice President Fitzpatrick noted that he had 35 units with approximately 50 residents in the Illahee building. He would provide the exact number at the next meeting.

Planner Fryer asked if there was more data the Commission would like for the next meeting. Commissioners could email her during the week to request specific types of data. This is a legislative amendment, so Commissioners are not subject to ex parte contact rules.

President Moore added that Commissioners could also do their own research. He noted the Applicant has requested this hearing be continued to the next meeting.

Vice President Fitzpatrick moved that the Astoria Planning Commission to continue the hearing on Amendment A19-03 by the City of Astoria Community Development Director to August 25, 2020; seconded by Commissioner Corcoran. Motion passed unanimously.

President Moore called for a recess at 8:39 pm. The meeting reconvened at 8:52 pm.

ITEM 5(b):

A19-06                      Amendment to Astoria Development Code (A19-06) by City of Astoria Planning Commission to permit warming centers at places of worship through a conditional use permit process in all zoning districts allowing places of worship.

President Moore asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare. There were none. President Moore asked Staff to present the Staff report.

Planner Fryer reviewed the written Staff report via PowerPoint. She noted there was an error in the public notice that published in the newspaper and therefore requested that the public hearing be opened and continued to August 25, 2020.

President Moore said this was the fourth or fifth time this had been reviewed by the Planning Commission and he believed the crime watch had been abandoned at one point in the past. Also, consideration of the places of worship was new and had never been discussed by the Commission. He asked why Staff had proposed only allowing warming shelters in places of worship. The reason for initiating this amendment was to allow warming centers to create a permanent location for their operation through investment and grant money. Relegating the centers to someone else's building with no opportunity to rehabilitate an underutilized structure defeats the purpose.

Planner Fryer stated she misunderstood. Based on previous comments, she thought that the amendment was only supposed to be applied to places of worship. Her presentation at last two Commission meetings included places of worship and a map.

President Moore said he recalled discussing places of worship for columbaria permits. However, he did not recall discussing places of worship for warming shelters. He asked what the other Commissioners remembered.

Vice President Moore stated he believed the presumption was understandable because warming shelters have been located in places of worship in other areas and currently in Astoria.

Councilor Price said she did not recall seeing the map before.

Commissioner Womack said he recalled that the R-1 zone would be excluded.

Vice President Fitzpatrick stated the Commission had agreed that if warming shelters were going to be allowed in any residential zone it should be allowed in all residential zones.

President Moore added that the Commission would continue the discussion on which zones were appropriate.

Commissioner Henri asked if the places of worship would have to go through the conditional use permitting process annually.

Planner Fryer said no, the permit process would only occur one time. The intent of this amendment is to get rid of the temporary use so that warming centers could apply for grants and funding to make investments in the church property.

Commissioner Kroening said he was in favor of requiring good neighbor agreements.

President Moore opened the public hearing and called for any testimony in favor of the application. There were none. He called for any testimony impartial to the application.

Rick Bowers, 357 Commercial Street, Astoria, said he appreciated the years of work on this. He noted that there was a discrepancy between one of the slides in Staff's presentation and Exhibit 1 in the Staff report. The slide said there would be a maximum of 25 people allowed in the R-3 zone, but Exhibit 1 made no mention of any limit. Since this would be a conditional use, it would make more sense to consider the crime watch on a case by case basis. Lastly, he noted that the Latter Day Saints (LDS) church was huge, so it would make a great location. However, the church was in the middle of an R-1 zone.

Paul Winars 645 46<sup>th</sup> Street, Astoria, asked what was considered a place of worship. The description included temples, synagogues, and mosques. On the east end of town, the Alderbrook Community Center on 45<sup>th</sup> and the highway has been utilized on a regular basis as a place of worship. The Comfort Inn is also being utilized at a place of worship. He asked if the amendments would apply to those places. He was not keen on allowing warming shelters across the whole city. Everything should be done on a case by case basis. Alderbrook Hall is part of the park with swing sets and children.

President Moore called for any presentation opposed to the application.

Julia Clarise Wagner 637 Niagara, Astoria, said she was concerned about the park in her neighborhood, which is near one of the churches identified on the map. The children are not in school right now because of the virus. She was concerned about putting a warming center in a neighborhood. Before the warming center opens and after it closed, the people who do not have housing will be out on the street. The neighborhood should have a voice rather than putting a blanket statement out for warming centers at any kind of religious facility. She asked if the Commission could require that a representative of the community on their board to help make decisions and establish how the center operates. Maybe these facilities serve a real need for a certain population, but tension is created outside of that group. Everyone would have to work together on this in order for it to be successful. If independent people in the neighborhood participate in the decisions being made and are made aware of problems, such communication could make for a success.

President Moore called for closing comments of Staff.

Planner Fryer reminded that the amendments would not be a blanket allowance of warming centers anywhere there is a place of worship. A place of worship and a warming center would have to request a conditional use permit from the Planning Commission. The request would have to meet the criteria. Notice would be published in the newspaper and provided to properties within 200 feet of the proposed location. Public testimony would be taken at the public hearing.

President Moore added that the City Council would also hold a public hearing on these amendments.

Commissioner Henri asked what recourse neighbors would have if warming centers were not upholding the good neighbor agreement.

Planner Fryer said that would be considered a violation of the warming center's conditions of approval, which would require enforcement action.

Commissioner Henri understood that the Commission's job was to make sure the conditions of approval were really tight. She asked if a warming center could get shut down. She also wanted to know if warming shelters were given time to comply before getting shut down.

Planner Fryer explained that the City Council has a policy on enforcement actions. First, Staff would make contact with the offender to ask them in writing to comply within two weeks. If they remain not in compliance, Staff sends another letter indicating they need to come into compliance. After the third letter, Staff would cite the offender into municipal court and they could be fined up to \$1,000 a day. Staff could not revoke the permit.

Commissioner Henri said the warming shelter downtown did a lot to get their permit. There is a wooded area behind the church on Alameda and it is not close to downtown. If people camp out in the woods because it is close to a warming center, she wanted to know if the warming center do anything about that. She was concerned that bringing this population to certain areas could impact property values or the wellbeing of the neighbors.

Planner Fryer stated she would ask the City Attorney if code language could be added to address Commissioner Henri's concern.

Commissioner Henri noted that requiring the warming center to renew its permit annually provided a safety net.

Commissioner Price asked for information about other entities that provide comparable services in the county. She believed Astoria should share the burden of taking care of the most vulnerable people. The county services are in Astoria, so Astoria takes on the bulk of the burden. There is a concentration of churches in downtown and the Commission should make sure to refrain from putting everything on one part of the population.

Vice President Fitzpatrick clarified that the good neighbor commitment was based on neighborhood input. However, very little neighborhood input was considered in the decision that was made. There was citywide, countywide, and people from other states insisting it was important to have a warming center, but they only wanted one located outside of their neighborhood. The point of these amendments is to allow the entire community to share the burden. It would be important for the entire population to consider what they would like if a warming center were to be located in their neighborhood.

Commissioner Henri moved that the Astoria Planning Commission continue the hearing on Amendment A19-06 by the City of Astoria Community Development Director to August 25, 2020; seconded by Vice President Fitzpatrick. Motion passed unanimously.

#### ITEM 5(c):

A19-10                      Amendment to Astoria Development Code (A19-10) by City of Astoria Community Development Director to permit columbaria at places of worship through a conditional use permit process in all zoning districts allowing places of worship.

President Moore asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare. There were none. President Moore asked Staff to present the Staff report.

Planner Fryer reviewed the written Staff report via PowerPoint and requested a continuance due to an error in the public notice that was published in the newspaper.

Commissioner Henri asked if non-traditional places of worship like Alderbrook Hall could be addressed in the conditional use permit application. Planner Fryer stated that was correct, a location could be deemed inappropriate and the property owner would have to sign the application. Alderbrook Hall has not received a

conditional use permit for a place of worship, so that permit would have to be obtained first and then an application for columbaria could be submitted.

Commissioner Corcoran stated the City did not have any standards that relate to mass, scale or public view, which would be useful. He asked Staff to develop some mass and scale options for the Commission to review at the next meeting.

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

Reverend Betty McWorter, 1304 NW Meadows Drive, McMinnville, said she worked at Grace Episcopal Church in Astoria. She was in favor of the amendments and wanted to work with Staff to get what the Commission needed to feel comfortable approving the request. Grace Episcopal was the sixth church she had worked at and all five of the others had columbaria.

President Moore called for any testimony impartial to the application.

Mr. Rossler, no address given said Astoria was popular with the Chinese and Scandinavians. He asked why columbaria would be limited to places of worship. Astoria has Maritime Memorial Park, Chinese gardens, and will have a Scandinavian park soon. He suggested the Commission consider allowing columbaria in those parks as well.

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

Planner Fryer encouraged the Commission to think whether they wanted design standards and if so, give Staff some parameters to go on.

Commissioner Henri said she consulted on the Ocean View Cemetery project and there was discussion with the Parks Department about adding columbaria to the cemetery. She asked if the consulting firm provided any design guidelines to the Parks Department.

Planner Fryer stated she would look into to. If Staff had anything, it would be included in the Agenda packet for the next meeting.

Commissioner Henri noted there were many different architectural treatments to hide or disguise columbaria, but she would not know where to begin.

Planner Fryer suggested the Commission think about scale, height, and mass. She was open to suggestions.

Commissioner Corcoran said he supported having columbaria in Astoria. However, he was uncomfortable with them being whatever the Applicant wants. He could see some type of columbaria being inappropriate for the intimate urban landscape of Astoria.

President Moore said how someone inter and designs a structure in memory of their loved one is their business. He would not want to impose any of his standards on another person.

Commissioner Price stated the issue was what an institution or organization might do, not an individual. The design guidelines would limit how many people are interred in a columbarium.

Commissioner Henri added that the Commission needed some guidelines to help them approve or deny applications. Being interred in perpetuity comes with a price. Even though the places of worship might be operating as non-profits, they would still make money off of these structures. There may be motivation to build the columbaria as large as possible, so the City needs standards that cap the size.

Vice President Fitzpatrick encouraged Rev. McWorter to provide input for the Commissioners to review.

Planner Fryer stated she and Rev McWorter would get together to talk about this.

Commissioner Henri moved that the Astoria Planning Commission continue the hearing on Amendment A19-10 by the City of Astoria Community Development Director to August 25, 2020; seconded by Commissioner Price. Motion passed unanimously.

REPORTS OF OFFICERS/COMMISSIONERS:

Commissioner Price confirmed with Staff that the video or audio of the Planning Commission meetings was not on the City's website. She believed they should be made available by City Hall and not by non-profit radio station, so she would take that up with Staff later.

Commissioner Corcoran agreed and said there was no reason the audio for City Council and Planning Commission meetings could not be made available the next day.

Commissioner Henri stated she might not be present for the August 25<sup>th</sup> meeting, but she might be able to call in to the meeting.

Vice President Fitzpatrick thanked Director Leatherman and Planner Fryer for binding the Agenda packets. He hoped that would continue.

Commissioner Kroening stated he believed that for the live/work space request, the Commission had a duty to think about the neighbors, but there are other people the Commission has a duty to as well. It seemed as if that permit was headed for a denial at this time. All parties involved agreed that live/work space is a good idea, but the Commission was still going to deny the request. He was curious to see what the process would be to tackle that quickly since the Commissioners all agreed that live/work spaces were a good thing.

Commissioner Henri agreed and said she felt bad denying the request knowing it would take so long to get something in the Code.

Planner Moore said he appreciated how everyone has adapted to the new working environment, the Commissioners' patience, and how well this situation was put together so quickly.

STAFF UPDATES/STATUS REPORTS:

**Save the Date**

- Next APC meeting: Tuesday, August 25, 2020

Planner Fryer that noted the next Planning Commission meeting was a special meeting on August 4, 2020.

PUBLIC COMMENTS:

No comments.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:55 pm.

**APPROVED:**

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Community Development Director