

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall
August 25, 2020

CALL TO ORDER:

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

ROLL CALL:

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

Commissioners Excused: Chris Womack and Brookley Henri.

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

APPROVAL OF MINUTES:

President Moore called for approval of the July 28, 2020 minutes.

President Moore and Vice President Fitzpatrick noted the following clarifications and corrections:

- Page 4 – Vice President Fitzpatrick clarified his comments regarding the live/work condominium property on Franklin, noting it was foreclosed approximately 10 to 12 years ago, and other than one sale in 2011 or so, the other five units did not see until maybe six years ago.
- Page 7 – Vice President Fitzpatrick clarified his comments, stating he had estimated that 50 people lived in the Illahee Apartments. However, after the meeting he confirmed that 46 people lived in the building with no vacancies. He also had historical numbers and numbers from other complexes that he would add at an appropriate time.
- Page 7, Item 5(b), Paragraph 6 – “Vice President Moore **Fitzpatrick** stated he believed the presumption was understandable...”
- Page 9, Paragraph 13 – The title of the good neighbor agreement was changed from agreement to commitment because it was not based on input from the neighbors.
- Page 9, Paragraph 9, Sentence 1 – “Vice President Fitzpatrick clarified that the good neighbor commitment was **not** based on neighborhood input.”

Vice President Fitzpatrick moved to approve the minutes of July 28, 2020 as amended; seconded by Commissioner Price. Motion passed unanimously.

President Moore called for approval of the August 4, 2020 minutes, which were not listed on the agenda or included in the agenda packet. He noted that the minutes had been emailed to Commissioners earlier that day.

Vice President Fitzpatrick and Commissioner Price stated they had not had the chance to read the minutes.

President Moore added that public comments pertaining to tonight's variance request had also been emailed.

Vice President Fitzpatrick suggested the August 4th minutes be approved at the next meeting. President Moore agreed.

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):

V20-10 Variance Request (V20-10) by Shane Dean of Shane Dean Company LLC on behalf of Don Gustafson to vary from the lot coverage at 1307 Madison Avenue in the R-1 Zone (Low Density Residential). The request proposes to exceed lot coverage from 30 percent maximum to 56 percent.

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 the agenda and the public notice contained a typographical error and the current lot coverage was 37 percent lot coverage and not 30 percent. No correspondence had been received and Staff recommended approval of the request.

Commissioner Price asked for clarification on the lot coverage. The original agenda packet stated lot coverage would go from 37 percent to 39 percent and that the maximum allowed is 30 percent. Planner Fryer stated that was correct. The notice and the agenda included a typographical error.

Commissioner Corcoran asked if setbacks would be infringed upon. Planner Fryer confirmed that no setbacks would be encroached up in this proposal.

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

Don Gustafson, 1307 Madison, Astoria, said he was not taking any vacations and this would be their vacation pool for a couple of years. He told his cardiac surgeon and his cardiologist at Columbia Memorial that swimming would probably be great. They both asked where he would go swimming. He hoped he could swim in his back yard because he did not want to get coronavirus. He had not been going out into public and has underlying conditions. He is exercising by staying in his own area. Swim spas have a current and are a little bigger than a hot tub. The 2,200-gallon pool could also be used for fire suppression if necessary. He is a retired tugboat captain and has done many fire drills on vessels. Water can be pumped from the pool and sprayed within two minutes if there is a fire. The closest fire hydrant is 185 feet away at Miller Lane and Niagara through brush in someone else's back yard. He was hoping for health and fire suppression.

President Moore called for any testimony in favor of, impartial to, or opposed to the application. Hearing none, he asked if Commissioners had any questions for the Applicant.

Commissioner Price asked how the pool drained and if that was part of the building permit.

Mr. Gustafson explained that swim spas do not get drained. Swim spas are winterized and engineered to run all year long.

Commissioner Price asked where the water would go if there was a need to drain the pool or it was punctured.

Mr. Gustafson stated there is a drain in his driveway. In front of his house, there is gully where McClure and Shively meet. There has always been a drain for the water in the area. There are a lot of springs in the area and it is a known water way. The City diverts the water all the way down to the river, but his drain in his driveway drains down to that area. All of the water that comes down from Madison goes into his driveway, into the drain, and then down into the area.

President Moore called for closing comments of Staff.

Planner Fryer noted that the Applicant's representative wanted to speak and might be able to answer Commissioner Price's question.

Shane Dean, 90537 Par Road, Warrenton, stated if the City is concerned about drainage, he could come up with a plan to filter the water before it was drained.

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

Commissioner Kroening said he believed the new world required creative solutions. This was an appropriate use and a creative solution. He was in favor of the request.

Vice President Fitzpatrick stated the use was appropriate, the request met the criteria, and he was in favor of the proposal.

Commissioner Corcoran said he was please that the increase in lot coverage would not encroach on any neighbors and he supported the application.

President Moore said he assumed the building permit would address the drainage issues. He was in favor of the application.

Commissioner Corcoran moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Variance Request V20-10 by Shane Dean; seconded by Commissioner Kroening. Motion passed unanimously.

President Moore read the rules of appeal into the record.

ITEM 4(b):

V20-11 Variance Request (V20-11) by Stacy Agee to bring a deck, retaining wall, and greenhouse into compliance with the Development Code at 8 Auburn Avenue. The request proposes to encroach into the rear and side yard setbacks and exceed lot coverage from 40 percent to 49 percent.

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 denial of the request.

Commissioner Kroening asked if the Applicant could submit a new design if this request is denied. Planner Fryer said the Applicant could submit an application for a project that met the setback requirements or wait six months and submit an application similar to this one.

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

Stacy Agee, 8 Auburn Avenue, Astoria, stated she did not know what the Comprehensive Plan meant because nothing has been done other than putting a railing up for safety. The fences on the back and left side are close to other fences already located there. When her house was built, a basement was dug out and the soil was not hauled off. It was dumped into the back yard, so her back yard is much steeper than either of her neighbors and there was no way to utilize the property and make it more accessible. There are three retaining walls that help. Before the fence on the back was installed, the neighbor behind her planted a garden on her property. She had asked him to move the garden so she could build the fence. He was very angry. She had refuted the paperwork. She does have a big deck. One of the neighbors behind her has two dogs and she has dogs. The six-foot fence in her backyard provides privacy and does not completely block the view from the house behind her. The next door neighbor has a deck on his property as well with a pergola that goes right up to the fence. The pergola blocks the view from the house behind hers much more than her fence does. She had open heart surgery in 2017 and her husband took care of a lot this stuff while trying to make it so that when she could no longer, she could focus on her garden. She wanted to put a pergola on the deck, but nothing has been built. She has garden areas off of the deck now that she is utilizing, but she still wanted to use the greenhouse for the wintertime. The greenhouse is below the deck.

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

Planner Fryer noted that the deck, greenhouse, and retaining walls exceed the allowable lot coverage. Removing the deck would put the Applicant in compliance with the lot coverage and setbacks. She confirmed there were no issues with the height of the deck, but it is located inside the rear setback.

Commissioner Kroening asked if the retaining wall violated the setback. Planner Fryer stated it was; however, the wall is necessary to control mud so it meets the criteria for a variance from the setback.

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

Commissioner Corcoran said he had compassion for the personal circumstance. However, agreed with Staff's recommendation.

Commissioner Price stated the lot coverage had only been exceeded by 0.1 percent, which she did not have a problem with. However, the setbacks were only 13 inches instead of 15 feet on the rear and at the property line instead of 5 feet on the side. Three of the four criteria for a variance have not been met, but the retaining wall did seem necessary. The deck could be rebuilt to meet the criteria.

Commissioner Kroening said he agreed that the lot coverage was not substantial, but the setback does not meet the criteria. If the retaining wall was for all of the Commissioners, he would be okay with that remaining.

Vice President Fitzpatrick stated he was more concerned about the setbacks than the lot coverage and he hoped the retaining walls could remain.

Commissioner Corcoran added that he agreed the retaining walls had a useful function and he was okay with them remaining.

Commissioner Kroening moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and deny Variance Request V20-11 by Stacy Agee except for the existing retaining walls; seconded by Vice President Fitzpatrick. Motion passed unanimously.

President Moore read the rules of appeal into the record.

President Moore called for a recess at 7:13 pm. The meeting reconvened at 7:18 pm.

ITEM 4(c):

A19-03 Amendment to Astoria Development Code (A19-03) by City of Astoria Community Development Director to bring the Development Code into compliance with the 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.

David Gasser, 249 W. Exchange, Astoria, stated that changing uses in the R-3 zone as proposed in Amendment A19-03 would undermine his appeal of Pacific Seafood's temporary use permit to use the Astoria Point building as a high density dorm. He purchased his home in 2001 from his wife's grandparents. His neighbor was Taylor Elementary school from the late 1800s to 1924. One block off of Marine Drive from Alameda, Melbourne, Lincoln, Franklin, and Grand, the housing is all low density.

President Moore asked Mr. Gasser if he believed the Planning Commission had jurisdiction over this matter or had a legal argument as to why the Commission did not have the jurisdiction to make Code changes.

Ms. Gasser stated Comprehensive Plan Section 010.5 clearly states that low cost housing is desirable when a benefit to local residents. The benefit to the local community is nothing but negative. CP 035.2 says it is

important to maintain a quiet residential character with a public property decision. This dormitory is 20 feet from his deck and 8 feet from his car, and will not be a quiet neighbor.

President Moore explained that he requested arguments against the Planning Commission's jurisdiction to make Code changes and not whether the changes are good or bad. It is very important that the appeal mentioned by Mr. Gasser not be discussed because that would constitute ex parte contact and the City Council might remand the issue back to the Planning Commission. The Astoria Point application cannot be discussed. This application is about accessory dwelling units and general changes to group housing Codes.

Mr. Gasser understood this was not the appropriate time for his comments and apologized.

President Moore confirmed there were no objections to the jurisdiction of the Planning Commission to hear this matter at this time. 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 said Staff recommended approval.

Commissioner Price noted the table on Page 4 of the agenda packet indicated net buildable acreage as of 2011, but Staff had stated in the presentation the acreage was as of 2015. She also wanted to know how Staff determined the number of people per acre. Planner Fryer clarified the table was per the 2015 Buildable Lands Inventory. The number of net buildable acreage had been updated to the 2015 number by Cogan Owens Cogan, which she had not seen prior to the publication of the first Staff report. She explained that the numbers of people per acre listed in the Clatsop County Housing Strategy Report was based on the census. Staff does not count people per acre, but does count people by units per acre, which is the metric used for comprehensive planning when developing with units. When developing with a group living facility, there are no units because a unit includes a cooking facility each room. By definition, a group living facility is not a self-contained unit and therefore they cannot be counted in the same way. Staff has recommended a strategy for calculating people per acre to determine which type of application might be appropriate for those densities.

Vice President Fitzpatrick asked what lot coverage ratio was allowed in the R-3 zone. Planner Fryer said the maximum lot coverage is 50 percent.

Commissioner Kroening asked Staff to give some examples of how building codes would interact with the recommended densities. Planner Fryer said that per the Building Code, occupancy loads are different than densities in terms of units per acre or people per acre. Occupancy loads are based on the square footage of space that allows human beings to interact with their environment. For example, a large office building will have between 100 and 500 square feet per person, depending on the building's classification. Micro-residences would have 200 to 250 square feet per person and the Building Code would require those units to be fully self-contained in order to have that occupancy. The Building Official would look for that when plans are submitted. The Planning Commission must determine the appropriate number of people per acre for a permitted outright use and a conditional use.

President Moore said he understood that the people per acre was more of a descriptive content based on the units per acre, which is the density outlined in the Comprehensive Plan. The number of people per acre would not be in the Development Code or enforced as a rule because that would be impossible. However, the number would be used as a tool to determine what would be appropriate for a facility.

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

Mary Culshaw, 303 W. Exchange, Astoria, understood that according to Table 3 in the Staff report, the lot coverage was determined by dividing the square footage per acre by the number of units allowed in the zone. This would limit a house in the R-3 zone to 537 square feet and in the R-2 zone to 895 square feet. It would be difficult to have 2.14 people in 40 tiny homes in an acre. That does not feel logical or realistic and is not seen anywhere in Astoria. She opposed those limits because they were too high.

President Moore stated it was not unusual for multi-story buildings to be built in high density residential areas, which would double or triple the square footage. He called for any testimony impartial to the application. There were none. He called for any testimony opposed to the application.

Michelle Adams, 349 Melbourne, Astoria stated she was concerned that the table showing 80 people are allowed in R-3 was based on units per net acre. Development Code Section 2.150 defines residential density as 26 units and not 40 as stated on the table. That would limit the number of people to 55. She was also concerned that the new ADU Senate Bill stated that a city could not reduce the density of an application for a housing development if the density applied to is at or below the authorized density level of local land use regulations. The numbers that the Planning Commission comes up with tonight cannot be changed according to ORS 197.307. She also noted that the City's definition of a group living facility is almost identical to uses in Newport that are only allowed in their commercial areas, like dormitories. Group living facilities would be appropriate in Astoria's commercial zones because the commercial zone is the only place where there is no limit on density.

Linda Gannon, 162 W. Grand Ave., Astoria, said she had owned her home since 2011. She was concerned when she read the Staff report and Agenda Packet for the July 28th Planning Commission meeting, which proposed amendments to the R-3 zoning rules. She was specifically opposed to the changes proposed on Pages 144 through 146 of the July 28th Agenda Packet. The proposed number of 80 people for an outright use is too high for the R-3 zone. Additionally, she did not feel that the public notice provided the community with transparency because the only reference to any of the changes were the words "and other housing" and the information regarding the ADU amendments. That is not the same information that was provided in the July 28th agenda, which added an additional statement regarding miscellaneous changes to the housing definitions pertaining to all zoning districts. This information omitted from the public notice is vital. The updated packet did not include that information either. More people would have an opinion if they realized that these sweeping changes were being made to the density in residential areas. There are a lot of voices in the community that the Planning Commission will not hear because they did not realize what was being discussed and because of the way they must testify.

David Gasser, 249 W Exchange, Astoria, stated he had tried to ascertain a proper presentation of less than three minutes that would be acceptable. However, after receiving all of the materials, he had not realized what he had prepared. He had spent a lot of time on his presentation but it was completely useless. He could have been much more prepared if he could have figured out what was appropriate. He apologized for wasting time. Eighty people seemed extremely high and would be a permanent marker that could not be undone. During COVID-19, that seemed inappropriate.

Bob Levine P.O. Box 1082, Astoria, said he believed that it was inappropriate for the Planning Commission to review changes to the R-3 zone during an active appeal before the City Council. He also believed that the proposal to increase the density in any zone would have a very negative impact on all of the neighborhoods in the city. He lives next to a house that rents out a couple of rooms and is severely impacted by foul language at all hours of the night and people smoking on their front porch. Increasing the density in the R-1 zone, he may be impacted more severely. Increasing the density in the R-2 zone may be worse. And increasing the density in the R-3 zone or anywhere in the city located within an area of single-family units will have a really negative impact. He believed that changing the definitions diminishes what an R-1 zone is and what single families are. He asked if every Commissioner had read all of the written comments that had been submitted.

Scott Fenton, 221 Lincoln St., Astoria, said he did not have any issues with ADUs, but he did have serious issues with the proposed R-3 zoning standards. He had purchased a home in Astoria because he loved visiting. The City has always protected citizens from unwanted and unrestrained development. Some R-3 facilities are located directly inside residential neighborhoods with predominately single-family homes. Changing the zoning law to allow 80 to 200 residents in these neighborhoods defies logic and is completely unacceptable if there should even be limits in the Code at all. He checked the zoning codes for ten cities in the state that are similar in size to Astoria and none have limits in their zoning codes because a one-acre lot can contain a one-story facility or a four-story facility. Residency limits should be determined by the facility's size, building codes, the number of exits, and fire codes, but not acreage. Planning Commissioners have already stated they agree with that. Planner Fryer's letter to the Planning Commission dated August 18th stated, "The Staff followed the common definitions from Beaverton, Portland, and Gresham." He did not believe that was what people wanted Astoria to become. Staff should not look to Portland standards because they have 2.1 million residents. Smaller cities like Newport, Cottage Grove, and Sweet Home could provide guidance on what works in a small town. Last year, Astoria had just over 10,000 residents and 21 new residents have been added since then. At the last meeting, Vice President Fitzpatrick stated, "I believe the numbers for R-1 and R-2 are too high and that R-3 is way too high." Astoria has done an exceptional job at controlling growth in a responsible manner to protect the City's

ambiance, safety, and livability. The proposed changes to R-3 violate a number of stipulations in Astoria's Comprehensive Plan, which was developed to protect the citizens from uncontrolled growth, increases in density, the quiet residential character of neighborhoods, minimize environmental impacts, and protect neighborhoods from incompatible uses. Changing this Code lifts the umbrella of protection that Astoria relies on to prevent the city from turning into Portland or Beaverton. Astoria would not benefit from any of the changes. He urged the Commission to reject the proposal and send it back to the committee for a significant re-write that protects the citizens and not billion-dollar companies based outside of Astoria.

President Moore called for closing comments of Staff and asked Planner Fryer to respond to Ms. Adam's statement about the densities indicated in the Development Code.

Planner Fryer confirmed the Development Code did state the purpose of the R-3 zone was to provide an area for high density residential development not exceeding an average density of 26 units per net acre, accessory uses, and certain public uses. However, the Comprehensive Plan is the overriding document and Comprehensive Plan Section .025.3 states that the number of dwelling units per acre shall be 40. Ms. Adams also mentioned issues that had to do with ORS 197.307, which is with regard to needed housing. If the City's Comprehensive Plan identified needed housing, the City could not require a developer through standards to develop at a lower level than is in the Comprehensive Plan and Buildable Lands Inventory. The statute specifically allows a local government to adopt and apply only clear and objective standards, conditions, and procedures regulating the development of housing, included needed housing. The standards, conditions, and procedures may include but are not limited to one or more provisions regulating the density or height of a development, but it may not have the effect either in itself or cumulatively of discouraging needed housing through unreasonable cost or delay. The provisions do not apply to an application for residential development in an area identified in a formally adopted central city plan or a regional center as defined by Metro in a city of 500,000 or more. So, that does not apply to Astoria or to an application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas. The City can apply approval criteria to any of the historic districts in Astoria that may limit the density based on the type of development. Approval criteria must also comply with applicable statewide planning goals and rules. The approval criteria for an alternative approval process can authorize a density at or above the density level authorized in the zone under the approval process provided in the subsection. If the City is trying to stimulate the development of a particular type, density bonuses can be provided. Staff has not proposed density bonuses. The statute also states that it does not infringe on a local government's prerogative to set approval standards under which a particular housing type is permitted outright or to impose special conditions upon approval of a specific development proposal or to establish approval procedures. When needed housing is identified in the Buildable Lands Inventory and the City has a Comprehensive Plan built on that identification of needed housing, then the City cannot go lower than the density identified in the Comprehensive Plan when creating regulations outside of historic districts.

President Moore called for a recess at 8:30 pm. The meeting reconvened at 8:35 pm. President Moore asked if Commissioners had questions for Staff.

Commissioner Kroening asked if Staff had proposed to expand the density. He believed the Building Code dictated density.

Planner Fryer stated Staff had proposed to clarify how density could be applied to group living facilities that are not analyzed on a unit basis.

Commissioner Kroening asked what group housing was intended for before the newly proposed definition.

Planner Fryer said the density of group housing listed on Page 12 of the Staff report talks about the density of residents including those who provide support services, building maintenance, care, and supervision. People who only work at the site under a valid home occupation permit are not considered residents. The maximum number of residents per site is limited to 15. That is an outdated definition of group housing. Group housing includes seniors, residential care facilities, and certain single room occupancy facilities. That definition is not sufficient for the types of applications that may be moving forward in the future.

President Moore clarified that there were no proposed density changes in this application because the Comprehensive Plan already defined densities. Staff has used the numbers to illustrate potential volumes of people in certain zones. The numbers proposed might be the upper limit for a development, but are not related

to a structure. People might be projecting the numbers on to buildings they know and thinking that 200 is widely inappropriate for a space. That could be true, but the numbers in the proposal are for the limits where a group housing facility would be allowed outright and, at a higher limit, as a conditional use. The high limit of 200 might be a number that the Commission would allow as a maximum for a development. So, even if the development had 14 acres of land with one group housing facility, the Commission might set a maximum of 200, which would equal a small number of people per acre.

Planner Fryer stated President Moore was correct. She added that she had identified a minimum based on the Comprehensive Plan densities allowed in each of the residential zones. The people per acre is based on the Clatsop County Housing Strategies Report for Astoria and the American Community Survey portion of the census from 2010. The high number was based on five people per unit, which she believed was high, but served as a starting point for the Commission to discuss, keeping in mind that the density could not be below what was stated in the Comprehensive Plan.

President Moore added that the Commission could not go below the density stated in the Comprehensive Plan because that plan is the overriding document even if there is a zoning ordinance that states a different density. He asked if the Commission felt enough public input had been received.

Vice President Fitzpatrick stated he wanted more public input and time for the Commissioners to read the letters that were submitted that day.

Commissioner Price agreed and said she did not receive the emails until it was mentioned that they were sent. She had not reviewed anything that came to the Commissioners that day.

Vice President Fitzpatrick moved that the Astoria Planning Commission continue the hearing on Amendment Request A19-03 by the City of Astoria Community Development Director and continue Commission discussion and deliberation during the current meeting.

President Moore explained that the Commission could discuss the application, but upon voting on a motion to continue the hearing, the meeting would then move on to the next agenda item.

Vice President Fitzpatrick withdrew his motion.

President Moore called for Commission discussion and deliberation.

Vice President Fitzpatrick said he understood the importance and necessity of providing housing for larger groups of people. He also understood the importance of providing shelter to those who would otherwise be unsheltered. He was concerned about the numbers suggested for group living in the R-2 zone and the outrageous numbers proposed for the R-3 zone. There were issues with the information provided, which he could address later. It is important to remember that what the Planning Commission does is important. A rushed or bad decision, such as agreeing to the numbers recommended, would have negative consequences for the community that the Commission has been tasked with serving. He sincerely appreciated the time and effort of those who wrote and spoke. He tried to read each letter twice so that he would not miss any of the good points made. However, he had not had the opportunity to read for a second time the letters received that day. He thanked Ms. Sullivan, Mr. Fenton, the Poleski's, Ms. Gannon, Mr. Levine, Ms. Green, Ms. Stubberfield, Ms. Bell, Ms. Cobb, Ms. Culshaw, Mr. Gasser, and Ms. Adams. They all made very thoughtful and considerate points. Several of the letters echoed his concerns and other brought up issues that had not been previously covered. It is important to have input from the community. Based on the letter and the minutes from previous meetings, he was concerned that the Commission may be trying to use mathematical equations regarding housing when they should be doing human equations and then failing doing the math when necessary. It is not the Commission's goal to figure out the number of crates that can physically be stacked in a warehouse in an industrial zone. The Commission's task is to determine how many human beings can comfortably occupy a specific amount of living space without having an adverse effect on their mental and physical health and without creating hardships or adverse effects for the neighbors. Two people working full time at minimum wage are not considered housing burdened until their rent exceeds \$1466 per month. The general consensus is that a standard two-bedroom apartment in Astoria rents for \$1250 per month. Then why is the Commission proceeding based on an argument that four working at least full time and possibly working a considerable amount of overtime would be housing burdened at \$1250 per month in a two-bedroom apartment? That was the premise of an application that was

presented to the Commission. Four people at \$1250 per month in a two-bedroom apartment for July, August, and September breaks down to \$10.19 per night per person, or \$8.00 for five non-related people, which is allowed, but not something he would recommend. Those workers could only be considered housing burdened if they were only making \$5.09 per hour and only working 40 hours per week. He believed it was not financially necessary to cram four workers into a two-bedroom apartment. And, it is not financially necessary to cram large numbers of workers into housing designed for smaller numbers of people. In his experience, it is not wise to do so. He has provided housing, including group housing, to thousands of people over the last 30 years. His group and short-term housing experience includes fisheries workers in Astoria, dredge workers, bridge painters, medical students, healthcare workers, seafood lab students, construction crews, students attending lineman school at Camp Rilea, Charter Cable employees, and people in recovery, including graduates of Astoria Point. He had also been involved in transitional and long-term group housing for people with mental illness, Alzheimer's and dementia patients, and hospice housing. Until the new Coast Guard housing was built on the south slope, his company had long standing direct contracts with the United States Coast Guard, providing housing to younger and unmarried members in properties he owned. The Coast Guard has this type of contract for housing from coast to coast. Initially, they would put four people in two-bedroom apartments, but eventually, based on their experience, they reduced their numbers to one person per bedroom. Four adults in a two-bedroom apartment is too crowded for their mental health and too crowded for the neighborhood. He could tell stories about the issues he had with the Coast Guard contracts when the apartments and the neighborhoods were overburdened. When occupancy was reduced to one person per bedroom by the Coast Guard, the issue ceased to exist. In his own experience, he had no memory of domestic violence calls at the Illahee where he generally has one or two people in 800 to 900 square foot units. The few domestic violence calls he has had at other properties almost without exception were when two people were living in a 450 square foot studio or three or more people were living in a two-bedroom apartment in the 850 to 950 square foot range. Domestic violence affects both parties involved and the neighbors who are also unfortunately drawn into the issues, which prevents them from getting to enjoy the quiet enjoyment to which they are entitled and not getting the sleep they need because of being awoken while neighbors are fighting and sometime having to be a witness. He has had several couples move out early from a studio stating they thought 450 could work for a couple but it was just too small. He cannot and does not discriminate. He is happy to rent studios to couples, but in his experience, those leases end early. He has several instances of singles living in studios or one-bedroom units and singles or couples living in two-bedroom units for decades. Most of the properties he owns or has owned in Astoria over the past 17 years have been in the R-3 zone. He is familiar with what densities work in the zone. Based on reality and knowing how things work based on practical and actual experience, he asked Commissioners to consider what is humanely possible instead of what is humanly possible. The Commission needs to consider what is fair to the occupants and the neighbors.

Commissioner Price said Vice President Fitzpatrick had spoken to some of her concerns and she looked forward to discussing them at the next meeting.

Commissioner Corcoran stated he wanted to be careful about the upper numbers. The changes in the State law that are increasing density have motivated these amendments, so the changes to ADUs are coming to all neighborhoods. The trend is increasing density and he sensed there was a minimum number the City was being pushed up from. The Commission needs to think carefully about upper numbers, but not increasing density is not an option by law.

President Moore noted that there were resolutions being considered by the State to allow multifamily in single-family zones. He believed that was likely to pass.

Commissioner Kroening said he believed there was a lot to consider. Vice President Fitzpatrick made good points about how to think about the upper numbers. The Commission can look at square footage as math, but there is another component to that which is very valuable to consider when making these decisions. A lot of thought was put behind the public's comments and there are very impactful reasons people are testifying. The Commission needs those perspectives. He believed there was some confusion about why certain definitions would be changed and what is already in the Code. However, the Fair Housing document explained a lot.

President Moore agreed that humanity was important, but the Commission's role is to craft clear and objective standards. The Commission needs to figure out what numbers for group living are acceptable for outright uses and conditional uses, if the Commission wants to allow a larger number as a conditional use. The Commission should also decide if an upper limit should be set for a single development. The Comprehensive Plan outlines

maximum densities, which is the top end of what the Commission can allow outright. However, the outright use could require smaller numbers. He added that since the public hearing was still open, the public could continue to submit written testimony and he would accept testimony at the next meeting.

Vice President Fitzpatrick said his experience had been that humans need a minimum of 450 square feet of living space per person for their mental and physical health. Several of the letters indicated concerns about CP2.185(10) and that the section should be deleted. The sections states, "Group housing resident density is limited to two residents per 1,000 square feet of total gross floor area." That backs up what he has experienced. He believed an upper limit was necessary. The Commission has set maximums for several things in the past, never believing that an application would request every single maximum limit. The City Council could not deny such applications because the Commission had just assumed no application would go that far. The Commission must set an upper limit so that Applicants do not say, "This says we can do 200 people per acre." A development with 40 units per acre and 50 percent lot coverage would make the average footprint 544.5 square feet. Three people would not be able to live in 544.5 square feet. If there are 200 people on one acre, the math works out to 217.8 square feet per person, not counting lot coverage. With 50 percent lot coverage, the footprint would be 108.9 feet per acre. Five people will not be able to live in that space. Even 80 people per acre in the R-3 zone is too many people per acre. The Commission has to come to an agreement on what an upper number should be.

President Moore stated he did calculations using the formulas that Planner Fryer used. Instead of the upper limits being eight in R-1, 24 in R-2 and 40 in R-3, he used eight, 16, and 26, which are the average densities outlined in the Development Code. Instead of using five as the upper limit in all zones, he used five for R-1, four for R-2, and three for R-3. The numbers he came up with were that the outright use of a group home in R-1 would be 16, 32 in R-2, and 52 in R-3. Any numbers above those would trigger a conditional use. And then the upper limits would be 40 in R-1, 64 in R-2, and 78 in R-3. He explained that he used a smaller number of unrelated people in higher densities because unit sizes tend to decrease as densities increase. He displayed his spreadsheet on the screen and explained how he made his calculations. He also noted he would email the spreadsheet to Staff so that Staff could make it publicly available.

Vice President Fitzpatrick said the numbers looked reasonable, but he believed 40 people per acre in R-1 would be tight.

Commissioner Corcoran moved that the Astoria Planning Commission continue the hearing on Amendment Request A19-03 by the City of Astoria Community Development Director to September 22, 2020 at 6:30 pm in City Hall Council Chambers; seconded by Vice President Fitzpatrick. Motion passed unanimously.

President Moore called for a recess at 9:14 pm. The meeting reconvened at 9:17 pm.

ITEM 4(d):

A19-06 Amendment to Astoria Development Code (A19-06) by City of Astoria Planning Commission to permit warming centers in Astoria 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. Staff recommended approval of the request.

President Moore stated that the Planning Commission had initiated this amendment request several years ago under conditions that were very different then they are now. There are upcoming density changes and economic changes during a time when current shelters that were operating had a different impact on the neighborhoods, they were located in. The instigator of this request was that the Comprehensive Plan was lacking and it was important to ask the City Council to consider these amendments. However, considering all of the upcoming changes and the public testimony, he believed these amendments were not necessary at this time.

President Moore moved that the Astoria Planning Commission table the public hearing for Amendment Request A19-06 by City of Astoria Planning Commission; seconded by Commissioner Price. Motion passed unanimously.

ITEM 4(e):

A19-10 Amendment Request (A19-10) by City of Astoria Community Development Director to permit columbaria in Astoria 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. Staff recommended approval of the request.

President Moore opened the public hearing and called for any testimony in favor of, impartial to, or opposed to the application. Hearing none, he called for closing comments of Staff. There were none. He closed the public hearing and called for Commission discussion and deliberation.

President Moore said he liked the idea of stone; however, he was concerned that saying a columbarium must be made of stone could be interpreted as primarily of stone or concrete as stone. He was not opposed to metal, but some metals weather well and some do not.

Commissioner Corcoran stated he was agnostic on materials. However, in order to avoid unanticipated consequences, he believed mass and size limits would be beneficial. He asked if a variance would be allowed if there was a specific height limit.

President Moore explained that as with any number in the Development Code, a variance of up to ten percent could be allowed through an administrative review and over ten percent would require a review by the Commission. A variance also requires the Applicant to declare a hardship.

Vice President Fitzpatrick thanked Rev. Betty McWhorter for meeting with Staff and providing information about her experience. He agreed with the proposed design standards and President Moore's recommendations.

Commissioner Price said she had seen pictures of columbaria made of wood, metal, brick, and stone and she was agnostic on the materials. She agreed limits on size and mass were necessary.

Commissioner Kroening stated he was open to the proposed mass and size standards since variances would be allowed and reviewed by the Commission. He asked if Staff's proposed heights would apply to both interior and the exterior structures.

Planner Fryer said that would be up to the Commission. If the columbaria is inside a structure, it is more private and less likely to need material, mass and scale limits. Wood is not always durable as an exterior treatment unless it is painted, stained, or treated.

Commissioner Kroening clarified that he was not very concerned about interior mass and scale. Commissioner Corcoran agreed.

Commissioner Price asked if lighting needed to be regulated.

Planner Fryer responded that the City has lighting standards that prohibit lights from being projected upwards and the light cannot spill over on to other properties. Columbaria would be treated the same as any other structure.

President Moore said he was fine with the height numbers proposed by Staff and applying the conditional use to external structures only.

Commissioner Kroening moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report, approve Amendment Request A19-10 by City of Astoria Community Development Director, deem the amendment to the Astoria Development Code as necessary, and recommend the City Council that the amendment be adopted, with the following change:

- To allow columbaria on the inside of buildings as a permitted use

Seconded by Commissioner Corcoran. Motion passed unanimously.

President Moore read the rules of appeal into the record.

Rev. McWhorter, 1304 NW Meadows Dr., McMinnville, thanked the Commission and Staff for their work and decision.

REPORTS OF OFFICERS/COMMISSIONERS:

President Moore reported that Staff and the public have requested that the Planning Commission meet at 5:30 pm instead of 6:30 pm to be consistent with the meeting times of other Commissions. The entire Planning Commission would need to agree and he confirmed that so far, five out of the seven Commissioners had agreed to meet at 5:30 pm.

STAFF UPDATES/STATUS REPORTS:

Save the Date

- Next APC Meeting: Tuesday, September 22, 2020

Planner Fryer noted that the current process for signing orders had become problematic now that so much was being done digitally. She asked if Staff could affix each Commissioner's digital signature to the orders so that Staff could send the orders out the day after a hearing. Each of the Commissioners present said yes.

Commissioner Kroening asked if the City could use DocuSign. Planner Fryer said Staff did not have a budget for digital document signing services. She noted that Staff could extract signatures from a previously signed order, but would prefer that Commissioners sign a piece of paper and send it to Staff as a digital file. Staff would keep their signatures on file and only use it with authorization.

PUBLIC COMMENTS:

No comments.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:49 pm.

APPROVED:

Community Development Director