

## **ASTORIA PLANNING COMMISSION MEETING**

Astoria City Hall  
January 23, 2024

### CALL TO ORDER:

President Moore called the meeting to order at 5:30 pm.

### ROLL CALL:

Commissioners Present: Daryl Moore, Kris Haefker, David Kroening, Patrick Corcoran, Cindy Magie, and Brookley Henri.

Commissioners Excused: Chris Womack

Staff Present: Community Development Director Brandmeyer, City Planner Taylor, and Associate City Planner Perron. The meeting is recorded and will be transcribed by ABC Transcription Services, LLC.

### ELECTION OF OFFICERS:

In accordance with Sections 1.110 and 1.115 of the Astoria Development Code, the Planning Commission needs to elect officers for 2024. The 2023 officers were: President Daryl Moore, Vice President Brookley Henri, and Secretary Tiffany Taylor.

Daryl Moore nominated Tresa Abke as Secretary. Patrick Corcoran nominated Daryl Moore as President. Brookley Henri nominated Chris Womack as Vice President. Patrick Corcoran nominated Brookley Henri as Vice President.

By unanimous consent, Daryl Moore was elected President and Tresa Abke was elected Secretary of the Astoria Planning Commission for 2024. Brookley Henri was elected by a majority as Vice President of the Astoria Planning Commission for 2024.

The Planning Commission recessed at 5:34 pm to convene the Traffic Safety Committee meeting. The Planning Commission meeting reconvened at 5:48 pm.

### APPROVAL OF MINUTES:

Item 4(a): June 12, 2023 Work Session  
Item 4(b): June 27, 2023 Meeting  
Item 4(c): July 25, 2023 Meeting  
Item 4(d): August 22, 2023 Meeting  
Item 4(e): September 26, 2023 Meeting  
Item 4(f): October 24, 2023 Meeting

By unanimous consent, the Commission approved the slate of minutes as presented.

### 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):

V23-12 Variance Request (V23-12) by Michael and Shari Kotaniemi to exceed the maximum height for a structure in the R-2 Zone, and a Parking Variance to eliminate the required off-street parking for the single-family dwelling at 5056 Cedar in the R-2 Zone.

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.

Vice President Henri declared that she lived around the corner from the property and noticed the sign in the front. She also had some personal contact from living in the neighborhood over the last year. However, she believed she could remain neutral.

President Moore asked Staff to present the Staff report.

Planner Perron reviewed the written Staff report via PowerPoint. All of the correspondence received expressed concern about congestion on the street and requested denial of the parking variance. Staff recommended denial of the parking variance and approval of the height variance with the conditions listed in the Staff report.

Commissioner Haefker confirmed with Staff that accessory dwelling units (ADUs) are allowed without conditions at single-family nonconforming homes without off-street parking and that both properties were owned by the same person. He asked why the Applicant had requested a variance for off-street parking. He also wanted to know if a variance could be granted for a use that was already allowed outright. Director Brandmeyer explained that the property owner had a right to apply for a variance. Staff believed the point was moot. However, if approved, the variance would be noted on the title. He noted that the structures on both properties were built prior to the 2001 Code changes, so if the request was for parking at one property and a house on the other property, the two properties would need to be consolidated.

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

Christina Kotaniemi [no address stated] stated she and her husband purchased the property with the intent of splitting the lots. In 2001, they attended a pre-planning meeting with Staff and were told there were no problems with the parking. Google Maps shows a motor home and a full-size truck on the property. The previous owner kept many vehicles on the adjacent lot and in the shop building, as well as two full-sized trucks and Jeep that were always parked on the street. When the house was built, there was no parking, so vehicles parked in the field or in the street. The shop was built several decades after the house and at that time, the City required that the front yard be kept clear because there was a wetland area and a pipe that went into a well. There were no requirements for parking for the house. She and her husband told Staff at the pre-planning meeting that they intended to split the lots. Whether the Commission approves or denies their request, they plan to renovate the entire house, replace the foundation, and build an ADU. The City requested that they add the ADU because the city is so low in housing. The lot with the shop is the same footprint as the house, which they plan on splitting and building a house or duplex. This plan was discussed at the 2022 pre-planning meeting. Parking was not mentioned at that meeting or in any emails from Staff. After all of the permits were approved, the height variance was required. The house sits lower than the street, so all of the runoff from the yard goes into the house, causing part of the foundation to collapse. They planned to raise the house to street level to prevent the backwash. The parking meets all of the criteria and two or more cars have been parking in the street for 20 years. She was concerned about what would happen to the parking if her request was denied and they construct a duplex in the shop area and split the house into two, as requested by the City. There was plenty of parking for the duplex, so the duplex did not have an issue. She was arguing about two parking spots in the street that she and the previous owner had for over 20 years. She was concerned about the future and wanted something stating that they would not fight this fight again. She did not want to have to come back and argue about the shop or have the duplex denied because there are six cars. She did not know what the future would bring with respect to the City's rule changes.

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

Zach Womble, 5024 Cedar St., Astoria understood that ADUs were required to have more than two parking spaces.

Planner Perron responded that no additional parking was required for the addition of an ADU to a single-family dwelling.

President Moore called for any testimony opposed to the application. Seeing none, he called for the Applicant's rebuttal. There was none. He called for closing comments of Staff.

Director Brandmeyer stated he understood the Applicant's concern and would be happy to provide a letter stating the parking would not be a factor in the proposal for the ADU or the duplex.

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

Commissioner Corcoran stated that on balance, he was okay with the height variance. The geologic water issues were driving the need for the foundation work to make the space more livable. The house is below the street grade, so he was inclined to vote to approve the variance.

Commissioner Haefker said he liked the proposal for the house and was not opposed to the height. If the request could make the ADU more usable, he was in favor. He also liked that the upper story would be more habitable.

Commissioner Magie agreed with Commissioner Haefker and said she was for the variance.

Commissioner Kroening stated that he was in favor of the height variance.

Commissioner Kroening moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve the request included in Variance Request V23-12 by Michael and Shari Kotaniemi to exceed the maximum height to 29 feet; seconded by Commissioner Corcoran. Motion passed unanimously.

President Moore read the rules of appeal into the record.

Commissioner Corcoran moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and deny the request included in Variance Request V23-12 by Michael and Shari Kotaniemi to eliminate the required off-street parking spaces; seconded by Commissioner Magie. Motion passed unanimously.

President Moore read the rules of appeal into the record.

#### ITEM 5(b):

SE-02                      Solar Energy Request (SE23-02) by Leann Malloy, Freedom Forever Oregon LLC, on behalf of Andrew Whitten, for Conditional Use to exceed the maximum size for a residential solar array at 678 Florence in the R-3 Zone.

President Moore asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare.

Commissioner Magie stated she received a public notice because she owned a nearby property, but she did not have any bias.

President Moore asked Staff to present the Staff report.

Planner Taylor reviewed the written Staff report via PowerPoint. No public comments were received, and Staff recommended approval of the request with the conditions listed in the Staff report.

Commissioner Corcoran asked if there was criteria regulating total square footage or size. Planner Perron responded that the fence around the array would be 10-feet by 26-feet. The City does not allow solar arrays larger than 1,000 square feet. She confirmed that the Commission needed to review this request because the array would be over 100 square feet and that the request met the setback requirements.

Vice President Henri asked why is there a blue box with disco by the house, what does that mean? Planner Perron stated this information was provided by the Applicant, so she isn't sure.

Commissioner Kroening stated he was surprised to see color as a criterion, as color could not be reviewed for any other land use request. Planner Perron explained that the Code requires solar arrays to blend in with surroundings.

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

Andrew Whitten, 678 Florence, Astoria, stated the solar companies use electrical bills to figure out how much electricity is being used and they calculate how large the solar array needs to be. The company tries to size the solar array to produce 110 percent of the electricity the house is pulling from the grid.

President Moore 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.

Commissioner Haefker said he liked that the array would be placed on a hillside, and he was in favor of solar panels. He believed the rationale for the size of the array was good.

Commissioner Magie stated she liked the project and did not have any concerns.

Commissioners Kroening, Corcoran and Vice President Henri said they were in favor of the application.

Vice President Henri moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Solar Energy Request SE23-02 by Leann Malloy; seconded by Commissioner Magie. Motion passed unanimously.

President Moore read the rules of appeal into the record.

The Planning Commission recessed at 6:35 pm. The meeting reconvened at 6:40 pm.

#### WORK SESSION:

##### Item 6(a): Transient Lodging Use

Director Brandmeyer stated the City Council had asked the Planning Commission to review the Transient Lodging Use, focusing on vacation rentals on Commercial Street, the proliferation of homestay lodgings and vacation rentals, and the impact of transient lodging on the City's supply of long-term rentals. He gave a slideshow presentation on homestay lodgings and vacation rentals. The presentation included an overview of the differences between homestay lodgings and vacation rentals; maps showing where both types of transient lodgings are allowed in the City; applicable standards, licensing, and approval criteria; statistics on existing transient lodgings; the pros and cons of transient lodgings; code enforcement issues; and recommended changes to City policies, procedures, and Codes. During the presentation, he answered clarifying questions from Commissioners about recent Code changes, the requirement that a homestay lodging be owner occupied, the difference between vacation rentals and hotels/motels, and licensing requirements for various types of transient lodgings.

The Commission and Staff discussed with the following key comments:

- The requirement for homestay lodgings to be owner occupied was impossible to enforce. Public comments have indicated a belief that many homestay lodgings had created issues, but Staff disagreed. Additionally, the Code language for the owner occupancy requirement was worded in a way that implied homeowners could not go to work or run errands while guests were in the house.
  - The intent of the requirement was to prevent large supply of vacation rentals, as there were concerns about the impact of STRs on the City's supply of long-term housing. Staff could not address the housing concerns but did want a way to respond to complaints. All of the STRs that were in operation prior to the 2019 Code amendments are legal but nonconforming, which has led to appeals, complaints, and other issues for Staff. The consensus among the Commission was to tackle these issues now before the situation worsened.
- Vacation rentals are defined in the Code but are not listed as a use and are treated just like hotels and motels. Requiring vacation rentals to be licensed would ensure guest safety and allow tracking and enforcement. However, licensing would be redundant since vacation rentals already pay occupation tax and transient lodging tax. Additionally, hotels and motels are not required to be licensed.
- Allowing both long- and short-term lodging in vacation rentals could provide flexibility that would allow owners to respond to changes in the market. However, the peak demand for short-term rentals is during the summer, which was also the peak demand for long-term housing.
- Prohibiting vacation rentals and hotels and motels with less than 10 units on ground floor street frontage spaces in the C-4 zone would prevent loss of retail space. However, allowing vacation rentals in those spaces could prevent vacant commercial spaces. Several downtown buildings were in disrepair and chronically vacant and long-term rentals would not generate enough revenue to recoup the cost of converting the space to residential.

President Moore confirmed the consensus among the Commission was to address STRs on ground floor street frontage in the C-4 zone, consider licensing options, and differentiate between vacation rentals and hotels and motels.

Director Brandmeyer stated he could have a proposal ready in two months. The Commission could review Staff's proposal at a work session first and then schedule a public hearing.

#### REPORTS OF OFFICERS/COMMISSIONERS:

No reports.

#### STAFF UPDATES/STATUS REPORTS:

##### **Save the Date**

- Next APC meeting: Tuesday, February 27, 2024 @ 5:30 pm

Planner Taylor reported that the Community Development Department was now fully staffed. She briefly introduced the new Staff members.

#### PUBLIC COMMENTS:

No comments.

#### ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:49 pm.

**APPROVED at March 26, 2024 APC Meeting**



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2024 APC Secretary