

## ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall  
March 26, 2013

### CALL TO ORDER:

President Innes called the meeting to order at 7:37 p.m.

### ROLL CALL:

Commissioners Present: President McLaren Innes, Vice-President Mark Cary, Thor Norgaard, David Pearson, and Zetty Nemlowill

Commissioners Excused: Al Tollefson and Annie Oliver.

Staff Present: Community Development Director / Assistant City Manager Brett Estes, Planner Rosemary Johnson, City Attorney Blair Henningsgaard.

### APPROVAL OF MINUTES:

Item 3(a): January 22, 2013 APC/Council Work Session

Item 3(b): January 22, 2013 APC

President Innes noted that on Page 3 of the APC/Council Work Session minutes, the name Pamela Mass McDonald should be changed to Pamela Mattson McDonald.

Commissioner Nemlowill moved to approve the minutes of the January 22, 2013 APC/City Council Work Session as corrected, and the APC meetings as presented; seconded by Vice-President Cary Motion passed unanimously.

### PUBLIC HEARINGS:

President Innes 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):

CU 13-01 Conditional Use CU 13-01 by Larry Cary to locate an eating and drinking establishment, indoor entertainment, and tourist-oriented retail sales in conjunction with a distillery in an existing commercial building at 80 11th in the A-2, Aquatic Two Development zone. The applicant requests that this issue be continued to the April 23, 2013 Planning Commission meeting.

President Innes opened the public hearing for CU 13-01.

Vice-President Cary moved to continue Conditional Use CU 13-01 by Larry Cary to the April 23, 2013 Planning Commission meeting; seconded by Commissioner Norgaard. Motion passed unanimously.

#### ITEM 4(b):

V13-02 Variance V13-02 by Stephen and Karen Allen for the Wet Dog Cafe and Brewery from the maximum 15 square feet for a projecting sign to install an approximate 49 square foot projecting sign and a variance from the maximum 65 square foot signage for the entire site to install approximately 150 square feet of signage on the north and west elevations of an existing commercial building at 144 11th Street in the S- 2A, Tourist Oriented Shorelands zone. This item was continued from the February 19, 2013 meeting.

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

Commissioner Norgaard stated his wife is employed by the Wet Dog Brewery. City Attorney Henningsgaard confirmed that this constitutes a conflict of interest. Commissioner Norgaard stepped down from the dais.

Commissioner Nemlowill stated she had a conflict of interest in ownership of a brewpub in town. City Attorney Henningsgaard noted this does not constitute an actual conflict of interest; however, Commissioner Nemlowill stated she would be stepping down from the dais. Planner Johnson asked if Commissioner Nemlowill could still vote, but abstain so the application would not be delayed another month. City Attorney Henningsgaard believed four positive votes were necessary to approve an application. Planner Johnson stated on a quorum vote, a majority of the quorum is required, adding that a specific City Code was written regarding the voting requirements.

City Attorney Henningsgaard and Planner Johnson reviewed the City Code and discussed the proper procedure that would be needed to proceed with the application.

Commissioner Nemlowill confirmed that she did not vote on a Fort George Brewery application and stated that a direct conflict of interest exists because of money and that both she and Commissioner Norgaard should step down.

Commissioner Nemlowill recalled that this same issue occurred last month and City Attorney Henningsgaard advised that she could abstain from the conversation and voting, so the quorum requirements would still be met. However, City Attorney Henningsgaard later informed her that this was incorrect and the meeting was canceled. Planner Johnson understood Commissioner Nemlowill could remain at the dais but abstain from conversation and the vote and that would constitute a quorum. This was verified by City Attorney Henningsgaard.

Commissioner Nemlowill stated she would remain at the dais and abstain from the discussion and the vote. Vice-President Cary confirmed that an abstained vote is an automatic no vote. The Applicant could have made a decision about this issue if they were present.

President Innes called for the Staff report and recommendation.

Planner Johnson reviewed the written Staff report. Staff recommends approval of the request with no conditions. She noted the property currently has a signage variance of 100 square feet and this variance request will increase the signage beyond the current variance.

President Innes believed the awnings on the building would prohibit the ability to read the sign when approaching from 11<sup>th</sup> Street moving toward the river. Planner Johnson explained the sign would be placed at the top; Page 4 of the Staff report shows that the top of the sign will be at the parapet. The bottom portion of the sign that reads "Brewery" will be slightly blocked by the awnings when traveling down 11<sup>th</sup> Street. The awnings will not block the signage from other perspectives as shown on Page 5. The sign's placement is a decision to be made by the Applicant.

President Innes opened the public hearing and called for testimony from the Applicant. There was none. President Innes called for public testimony in favor of, impartial or opposed to the application. Hearing none, she confirmed there was no rebuttal, closed the public hearing, and called for Commissioner comments.

Vice-President Cary supported the variance and believes the Sign Code is a bit outdated. The sign would not be overbearing and would look good on the building.

Commissioner Pearson supported the variance as well. The application met all of the conditions that the Planning Commission had been asked to review. Other similar businesses, such as The Norblad, have signs of similar design.

Vice-President Cary moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Variance V13-02 by Stephen and Karen Allen for the Wet Dog Cafe and Brewery, seconded by Commissioner Pearson. Motion passed 3 to 0 to 1 with Commissioner Nemlowill abstaining.

Planner Johnson noted that no one has standing to appeal, so President Innes can refrain from reading the rules of appeal into the record. Commissioner Norgaard returned to the dais at this time.

ITEM 4(c):

CU 10-03 Extension Request for Conditional Use CU10-03 by James J. Neikes to extend permit for one year, to May 4, 2014, to allow various potential uses within the existing structure at 1415 Olney Avenue in the S-2, General Development Shorelands zone. Staff recommends approval of the request with conditions.

President Innes asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. President Innes asked if any member of the Planning Commission had a conflict of interest or any ex parte contacts to declare. There were none.

Planner Johnson reviewed the written Staff report. Staff recommends approval of the request with conditions. No correspondence has been received.

President Innes noted that the summary at the end of the Staff report was well done.

President Innes opened the public hearing and called for testimony from the Applicant. There was none. President Innes called for public testimony in favor of, impartial or opposed to the application.

Drew Herzig, 628 Klaskanine Ave., spoke impartial to the application and asked if approval of the application could be used as evidence of ownership by Mr. Neikes in his legal dispute, resulting in the Planning Commission becoming involved in an ownership dispute because an extension was made to an individual. City Attorney Henningsgaard nodded his head no, indicating this will not have that effect.

There being no further testimony, President Innes confirmed there was no rebuttal, closed the public hearing, and called for Commissioner comments.

The Commissioners stated they support the extension of the permit.

Commissioner Norgaard moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve a one-year extension request of Conditional Use CU10-03 by James J. Neikes; seconded by Vice-President Cary. Motion passed unanimously.

President Innes read the rules of appeal into the record.

ITEM 4(d):

A 12-04 Amendment A 12-04 by the Community Development Director to adopt the Astoria Recreational Trails Master Plan by reference in Development Code Section 1.240 and to amend the Comprehensive Plan to implement recommendations from the Master Plan, City Wide. The Planning Commission's recommendation will be forwarded to the City Council for a public hearing tentatively scheduled for April 15, 2013 at 7:00p.m. in the City Hall Council Chambers at 1095 Duane Street.

President Innes asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. President Innes asked if any member of the Planning Commission had a conflict of interest or any ex parte contacts to declare. There were none.

Planner Johnson reviewed the written Staff report, noting Staff recommends approval of the request with conditions. Handouts were distributed to the Commission regarding grant sources and trail maintenance and development as well as additional items submitted by the intern to add to the Recreational Trails Master Plan. These items reference other documents. No correspondence has been received about the application for

tonight's meeting; however, all prior public input has been reflected in the Master Plan. Director Estes noted that National Park Service Intern Kristina Koenig met with the Planning Commission a couple times throughout the process to update the Commissioners on the progress of the Master Plan and to involve the Commission in the process. The same was done with the Parks Board.

President Innes said the updates were helpful and she was glad the Parks Board recommended approval of the Master Plan.

President Innes opened the public hearing and called for testimony from the Applicant. Director Estes clarified the Planning Commission would consider the Staff report as the Applicant's testimony.

President Innes called for public testimony in favor of, impartial, or opposed to the application. Hearing none, she confirmed there was no rebuttal, closed the public hearing, and called for Commissioner comments.

Commissioner Norgaard commended City Staff for their work on the report, noting the Master Plan has been years in the making. He attended many of the meetings and supports the plan.

Commissioner Nemlowill moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and recommend that City Council approve Amendment A12-04 and adopt the Astoria Recreational Trails Master Plan by reference in Development Code Section 1.240 and amend the Comprehensive Plan to implement recommendations from the Master Plan, City Wide; seconded by Commissioner Pearson. Motion passed unanimously.

Planner Johnson reminded the Planning Commission's recommendation would be forwarded to City Council for a public hearing tentatively scheduled for April 15, 2013 at 7:00 p.m. in City Council Chambers at Astoria City Hall.

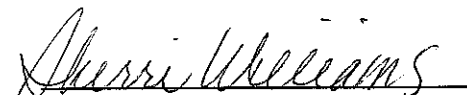
REPORTS OF OFFICERS/COMMISSIONERS: No reports.

NEW BUSINESS: None

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:09 p.m.

**ATTEST:**

  
Secretary

**APPROVED:**

  
Community Development Director /  
Assistant City Manager