

September 1, 2017

TO: ASTORIA PLANNING COMMISSION

FROM: KEVIN A CRONIN, AICP, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CU 17-06 - CONDITIONAL USE PERMIT FOR TEMPORARY USE OF METHODIST CHURCH AS A WARMING CENTER

### **Background**

The Astoria Warming Center has applied for a temporary conditional use permit to operate a warming center at the United Methodist Church at 11<sup>th</sup> & Franklin. The Astoria Planning Commission (APC) held a public hearing on July 25, 2017, accepted public testimony, and closed the hearing. On August 1, 2017 the APC deliberated the merits of the application but waited to make a final decision. This allowed additional time for the affected parties to develop a first of its kind good neighbor agreement (GNA) that outlines community expectations for how the warming center will operate and respond to neighborhood livability issues. On August 30 and 31, the City hosted a mediated discussion among the Astoria Warming Center (AWC), Astoria Downtown Historic District Association (ADHDA), and neighbors to discuss and debate the tenets of what is being called a good neighbor commitment (GNC) since an “agreement” is between two or more parties while a “commitment” spells out specific measures to be done by one entity. As a result, a Draft GNC is available for the APC to review and is included as a condition of approval.

### **Discussion**

The following memo outlines the outstanding issues based on a review of the draft minutes from July 25 and August 1. Recommendations and options are included for consideration.

1. *Temperature & Weather:* Based on a review of the minutes, a forecast of 37 degree F wind chill and at least 1/3 inch of rain would be the threshold for opening on the shoulder months of November and March while the applicant has proposed being open continuously in December and January since those months are typically the wettest and coldest of the year. The AWC could also choose not to open during the December and January months due to unseasonably warm weather and save those days for February and March within the 90 days allowed under the State Fire Marshall Advisory.
2. *Timing for Operations:* The original staff report and recommendation was to require the AWC to make a call on whether to open for the day 8 hours before opening. The AWC has requested that they use a rolling 3 day forecast window to allow time to marshal adequate resources and volunteers. A compromise would be to allow a 24-48 hour window using an acceptable and credible weather forecast (National Weather Service, Accu Weather, etc). The Commission needs to make a final decision.
3. *Overnight Camping:* The issue of overnight camping is addressed in the final draft of the Good Neighbor Commitment.

4. *Landscaping*: As part of the GNC, the pavers portion of the landscaping plan is proposed for removal to discourage loitering in front of the entry. The proposed amendment to the landscape plan is allowed because the landscaping standard can still be met. Staff recommends removal of the pavers consistent with the GNC.
5. *Good Neighbor Commitment*: At the conclusion of the August 31<sup>st</sup> meeting, all three parties reached consensus on the issues and a final draft of the GNC. Attached is a draft that was presented on August 31. A final copy will be available at the September 6<sup>th</sup> meeting.

### **Next Steps**

After the APC deliberates a final decision, staff will review and amend the conditions of approval based on direction from the APC prior to a final vote. If the APC votes to deny the application, staff will need additional time to craft findings of fact to support the decision. Once a final decision is made, a 15 day appeal period begins after the Notice of Decision is mailed.



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# AGENDA

## ASTORIA PLANNING COMMISSION

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September 6, 2017

6:30 p.m.

2<sup>nd</sup> Floor Council Chambers

1095 Duane Street • Astoria OR 97103

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES
  - a. July 25, 2017 Minutes
  - b. August 1, 2017 Minutes
4. OLD BUSINESS
  - a. Deliberation of Conditional Use CU17-07 by Astoria Warming Center to operate a temporary use of a warming center at 1076 Franklin Ave in the R-3, High Density Residential Zone. *Public hearing was closed on July 25, 2017. No public comments will be taken.*
5. REPORT OF OFFICERS
6. STAFF UPDATES
7. MISC
8. PUBLIC COMMENTS – NON AGENDA ITEMS
9. ADJOURNMENT

**THIS MEETING IS ACCESSIBLE TO THE DISABLED. AN INTERPRETER FOR THE HEARING IMPAIRED MAY BE REQUESTED UNDER THE TERMS OF ORS 192.630 BY CONTACTING COMMUNITY DEVELOPMENT DEPARTMENT, 503-338-5183.**

## ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall  
August 1, 2017

### CALL TO ORDER:

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

### ROLL CALL:

Commissioners Present: President David Pearson, Vice President Kent Easom, Jennifer Cameron-Lattek, Daryl Moore, Jan Mitchell and [Brookley Henri](#).

Commissioners Excused: Sean Fitzpatrick

Staff Present: City Manager Brett Estes and Planner Nancy Ferber. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

### PUBLIC HEARINGS:

President Pearson reviewed the July 25, 2017 meeting, noting that this public hearing was continued. He advised that the public hearing would remain closed and no new testimony would be taken. The Planning Commission would continue deliberations and vote.

### ITEM 3(a):

CU17-06 Conditional Use CU 17-06 by Astoria Warming Center for a temporary permit to operate the Astoria Warming Center at 1076 Franklin Avenue in the R-3, High Density Residential Development Zone. This item was continued from the July 25, 2017 meeting.

Planner Ferber stated there were no additions to the Staff report or formal recommendations. However, some of the conditions of approval have been clarified with the Applicant. Those conditions covered the following:

- What weather related criteria should be met in order for the warming center to open
- How far in advance of that weather should the warming center be allowed to make a determination
- The Good Neighbor Agreement
- Whether to prohibit cars parking overnight or including a provision to address overnight camping

Staff explained options for the Commission's next steps and reminded that the 120-day rule would expire on September 12, 2017. The Applicants indicated earlier that day that they would consider waiving the 120-day rule to extend the deadline for a short period of time.

[9:00]

President Pearson polled the Commissioners to see which direction the Commission was leading, adding he believed building some consensus for some sort of approval would be worthwhile. Their responses were as follows:

- Vice President Easom stated he was leaning toward denial of the application.
- Commissioner Mitchell stated she was leaning toward approval, but she was concerned about meeting the Comprehensive Plan standard, so she would like to see if the Applicant could find a way to manage offensive behaviors. If possible, she would also like to condition that the Applicant return to the Commission with an update in December.
- Commissioner Cameron-Lattek stated she was yet undecided, but was leaning more toward approval with conditions pertaining to the Good Neighbor Agreement and who would be party to that agreement. She also wanted to discuss using weather conditions as a basis for determining whether to open the warming center, and if that should be the only basis for when the center could be open.
- President Pearson stated he was also leaning toward approval with some clarification and a better understanding of some of the conditions.
- Commissioner Henri stated she was leaning toward approval. Weather was an issue and the Commission would need to agree upon the conditions for the center being open due to weather conditions and the

mitigation steps outlined in the Good Neighbor Agreement. One condition should be that the Good Neighbor Agreement be signed with the ADHDA since no formal neighborhood association exists. [11:40]

- Commissioner Moore stated he was definitely leaning toward denial at this point, namely because of the public testimony and feedback from those in the neighborhood who believe their neighborhood is being negatively impacted. In reading the Comprehensive Plan, his denial boiled down to protecting the existing neighborhood over new uses; however, that was not a condemnation of this particular use. He did not believe the neighborhood was the right location for the warming center. Being in the minority, he was open to discussing additional conditions of approval or further discussion on each Commissioner's position.

The Commission discussed the lead time that the warming center would have to decide when to open. President Pearson appreciated the Applicants' need for more time to notify volunteers. He believed 24 hours would be reasonable, noting he had not heard any opposition to that change. Commissioner Mitchell agreed. Commissioner Cameron-Lattek stated 24 hours would also be advantageous to residents and business owners in the area because they would know what to expect.

President Pearson asked about the temperature. City Manager Estes explained the 37 degree temperature had not been disputed, but the Planning Commission needed to consider whether wind chill, rain, or other weather factors should be included in the threshold for opening the warming.

Commissioner Moore asked why a threshold was necessary. The warming center is already limited to 90 days. He asked if the warming center could simply decide for itself when to open. Planner Ferber explained the Astoria Downtown Historic District Association (ADHDA) expressed concerns that the warming center would become an open shelter during their timeframe for operation. The warming center has recommended the Planning Commission allow them to open when the wind chill temperature is 37 degrees or lower and/or a forecast of 1/3 inch of rain or more overnight.

Commissioner Henri noted the Applicant's formal request contained in the Staff report proposed that months one and four be completely dependent upon local weather, opening when the overnight temperature was below 40 degrees. And in months two and three, remain open continuously.

Commissioner Moore preferred the 37 degree wind chill with a rain threshold because it would eliminate many days.

Commissioner Henri added the Staff report had recommended using the National Weather Service Storm Warning criteria as a threshold. City Manager Estes explained that their warnings were based on a set of weather issues like wind speed, rainfall, and temperature. He recommended a simpler and clearer threshold that would be easier to enforce.

The Commission and Staff shared ways to calculate wind chill and discussed whether a specific weather forecaster should be chosen. Vice President Easom believed the threshold should be based on wind chill and temperature, but not rain. Astoria gets more than a third inch of rain when it is warmer than 37 degrees, but the application is for a warming center and not a homeless shelter. Commissioner Henri [24:ish] agreed.

President Pearson reminded that the rainfall threshold was about preventing hypothermia. Vice President Easom was concerned about how the forecasted amount of rainfall would be measured. Commissioner Moore stated the threshold would be a forecast of 1/3 inch of rain or more over night, not actual accumulation.

Commissioner Henri noted the application contained average weather data showing November and December had the highest precipitation in Astoria. Allowing the warming center to be open continuously during those months would eliminate the need to discuss rainfall. Commissioner Moore believed there was opposition to allowing the warming center to remain open continuously.

President Pearson agreed that the 37 degree wind chill and/or 1/3 inch rain threshold would be appropriate and that the 90-day window be from November 15<sup>th</sup> through March 15<sup>th</sup>. Commissioners Henri and Cameron-Lattek stated they supported that threshold as well.

Staff asked that the Planning Commission allow them to decide how to measure the weather criteria. President Pearson agreed.

The Commission discussed whether to prohibit overnight parking and camping. Vice President Easom stated, and Commissioner Mitchell agreed, that the parking lot needed to be monitored to ensure no one sleeps in the parking lot. Commissioner Moore believed churches were allowed to let people sleep in cars in their parking lots. Staff explained that camping inside the city limits is prohibited by City Code. President Pearson said based on testimony, parking needs to be provided and should not be pushed out into the neighborhood. He supported the parking lot, but agreed overnight camping should be prohibited. Commissioner Mitchell agreed and said the issue could be solved easily by sending warming center staff to the parking lot to tell people they are not allowed to camp.

Commissioner Henri stated the application indicated that the warming center had already implemented a 24-hour contact to respond to complaints by phone or email. Planner Ferber added the church could install signage indicating no overnight camping would be allowed. Warming center staff could also do a parking lot check every two or three hours. Commissioner Henri said a resource coordinator would also be added. The warming center also indicated options for overflow in their application.

Commissioner Moore stated he did not see any point in having signage, adding if the permit is approved with conditions, he believed the warming center should be allowed to comply with those conditions as they see fit.

Commissioner Henri said she did not believe emailing the 24-hour contact in an urgent situation would be appropriate. Commissioner Cameron-Lattek suggested the Staff report be edited to state "by phone **and** email."

The Commission and Staff discussed the Good Neighbor Agreement. Staff confirmed no progress had been made on the agreement since the July 25<sup>th</sup> meeting. The AWC and ADHDA had a discussion earlier in the day, but the ADHDA board would still have to vote on the agreement. Staff recommended the Planning Commission require the agreement be finalized prior to the warming center being allowed to open. Staff preferred the deadline for the final agreement be in September. The warming center has expressed concerns about their ability to negotiate an agreement with the ADHDA because representatives of the ADHDA testified in opposition to the permit. If the Planning Commission establishes a deadline and the deadline is missed, the conditional use permit would be null and void.

Commissioner Moore stated he was not comfortable shifting the Commission's responsibility on to the ADHDA. However, the neighborhood is the most essential component of this application. Commissioner Mitchell agreed the situation would give the ADHDA veto power.

City Manager Estes reminded the Commission could continue this discussion at the August 22<sup>nd</sup> meeting, which would allow more time for the agreement to be negotiated. He believed the warming center would be willing to extend the 120-day rule.

Commissioner Mitchell said the residents in the neighborhood were being impacted differently than the business members of the ADHDA. She asked if the ADHDA could include residents in their discussions about the agreement. Vice President Easom wanted all the residents within a two-block radius included. City Manager Estes suggested the Planning Commission provide clear direction to the AWC and ADHDA about what should be achieved over the next three weeks. He confirmed that the Commission could require the AWC to have the agreement signed by businesses and residents within a two-block radius of the church, instead of by the ADHDA.

Commissioner Mitchell was concerned about giving others the power of veto. Commissioner Henri reminded the hearing could be continued to allow the AWC to negotiate the agreement. City Manager Estes explained if an agreement is not signed in three weeks, the Planning Commission would still have the ability to set any conditions it believes are appropriate, including those in the draft agreement. The Commissioners discussed the difficulties of an agreement signed by residents, and Commissioner Moore reminded that the Commissioners were appointed to make these tough decisions. Vice President Easom and Commissioner Henri wanted the residents to have the opportunity to make that agreement and if they are unable to, then the Planning Commission could make a decision.

Commissioner Henri did not believe three weeks would be enough time to negotiate an agreement between the AWC and so many residents. City Manager Estes offered to ask representatives from the AWC and ADHDA if three weeks would be enough time.

President Pearson believed the AWC and ADHDA were better at their jobs than the Planning Commission. The Commission is simply looking for input from the organizations so it can make a good decision. The goals of the agreement are to initiate and maintain open communications, develop a procedure for resolving problems, maintain and enhance neighborhood safety and livability, and foster a healthy and welcoming environment for all. Those are hard things to veto, but if the AWC could find some common ground for the neighborhood, it might be worthwhile. If not, then the Commission would move forward with a decision based on what has been presented. He directed City Manager Estes to speak with the AWC and ADHDA representatives that were present about continuing the hearing to August 22<sup>nd</sup>.

The Planning Commission meeting recessed at 7:19 pm [49:55] to allow Staff to speak with AWC and ADHDA representatives. The meeting reconvened at 7:42 pm [1:12:24].

City Manager Estes stated that Staff and the AWC and ADHDA representatives discussed another option for the Planning Commission to consider that may address some of the concerns expressed about incorporating the neighborhood. Staff proposed that the parties be given four weeks, during which time the City, AWC, and ADHDA would work collectively to schedule and advertise a public neighborhood meeting at City Hall. The warming center would put up fliers and go door to door. The ADHDA would assist in advertising the meeting well and the City would look for a facilitator to help mediate the meeting. The goal of the meeting would be to develop an agreement between businesses and individuals that addresses the concerns raised at that neighborhood meeting. The outcome of this process would be presented to the Commission on Wednesday, September 6th. He noted that the representatives could not commit to this process on behalf of their boards, but they were willing to allow him to offer this idea to the Planning Commission. He noted the warming center agreed to extend the 120-day rule accordingly

Commissioner Mitchell believed it was good idea. President Pearson said he liked this idea as well and thanked Staff, AWC and ADHDA representatives for having the discussion.

City Manager Estes confirmed that this process would not require the ADHDA to sign off on the agreement, just help to facilitate the conversation. The ADHDA could participate, but they would not be in charge of managing the process.

Commissioner Mitchell asked if it would be appropriate for her to sit in on the neighborhood meeting just to listen.

City Attorney [1:22:12] advised against it, saying that in his experience, parties are hesitant to explore all of their options when decision makers are in the room. City Manager Estes was also concerned about having a quorum present, which would turn it into a noticed meeting.

Commissioner Moore said he was concerned that the neighbors who gave testimony opposed to the application would show up to the neighborhood meeting and say no to the warming center without any negotiation.

City Manager Estes reminded that the hearing had been closed. The Commission could reopen the hearing just to discuss the Good Neighbor Agreement at the meeting in September, allowing Staff to provide the required 21-day notice.

Commissioner Moore believed reopening the hearing would be useful. President Pearson understood Commissioner Moore was against the warming center at this location and did not understand why he would want to reopen the hearing. Commissioner Moore explained that he was just one vote and would love the opportunity to explain why he was against the application. However, if the Commission is not going to deny the permit, he believes he has useful input for conditions of approval. Since the Commission would not be present at the neighborhood meeting, he would want to know how the residents who did attend felt it went. He would

also want feedback from all parties to ensure the Commission was not getting a limited view of how the negotiations went.

Vice President Easom asked who would present the agreement. City Manager Estes said as long as the hearing remains closed, Staff would be communicating with the Commission. He confirmed Staff would be present at the neighborhood meeting. President Pearson, Vice President Easom, and Commissioner Mitchell agreed they were comfortable with Staff presenting the agreement. Commissioner Henri stated she would also be comfortable with it as long as people in the neighborhood who wanted to be involved would have the opportunity to be involved. She believed those who had been involved so far would engage in the neighborhood meeting as well.

Commissioner Cameron-Lattek said reopening the hearing would allow parties unable to attend the neighborhood meeting to get their statements on the record. Commissioner Mitchell believed this would make the process endless. People who find this issue important will attend the meeting or write a letter.

City Manager Estes believed Staff could let the Commission know what was discussed and what was contained in the agreement.

Commissioner Moore believed the Commission agreed that the neighborhood element is pivotal. He spent a lot of time reading through the Comprehensive Plan looking for any mention of social services or where the homeless could be housed. He found nothing. He read the Comprehensive Plan again looking for language that he could interpret to apply to how the Commission should measure where a warming center or homeless shelter should be located. The Code talks about housing for low income, services for elderly and handicap, and gives some specific guidance on where housing might be placed, but there are no provisions for homeless. He read the Comprehensive Plan again looking for language that applied to temporary uses. Findings in the Staff report clearly indicate this use does not meet housing criteria and this was the purpose of the conditions being discussed. While this has been a valiant effort to find a way to make the warming center meeting the housing criteria, he did not believe it would happen. He displayed a graphic that mapped all of the comments received and explained that green represented testimony in favor of the permit, while red represented testimony in opposition to the permit. Yellow indicated testimony impartial to the permit and the orange dot showed the location of the warming center. All of the green dots submitted testimony in support of the mission of the warming center. The red dots had problems with the housing element and addressed the facts of the proposal. The Comprehensive Code is clear that the Commission should consider the housing element of the existing neighbors to the temporary use. The map shows widespread support for the mission, but very localized opposition by people who are affected in a way that the Comprehensive Plan gives guidance on. He supported the mission of the warming center, but the Comprehensive Plan and testimony made him believe this would not be the appropriate location. It would be awesome if the existing neighbors bought in to the neighborhood agreement. It is important to note that a significant number of neighbors within the two-block radius expressed concerns. He was concerned that it would be difficult to get people from the neighborhood to come to an agreement. The warming center had three years to have such a meeting voluntarily.

Vice President Easom agreed with Commissioner Moore. He did not believe the neighborhood was appropriate for a warming center, nor did he believe they were operating as a warming center because the center offers showers. He also had concerns that the AWC would not abide by the agreement and was concerned about the neighborhood.

Commissioner Mitchell stated Commissioner Moore did a good job pointing out what was in the Code and planning documents. Planning documents evolve over time and consider changing conditions in communities. She understood the difference between a warming center and a shelter. However, a community that cares does not criticize a warming center for helping people maintain their appearance and wash their clothes.

Commissioner Moore agreed that planning documents are open for interpretation and he was sharing his interpretation.

[Commissioner Cameron-Lattek \[1:42:11\]](#) said she made a similar assessment of the geographic distribution of the opposition to this application and came to a different conclusion. A consistent factor in the letters submitted against the permit were less about the location and more about the way this particular warming center has been

run. That is why she could support the application with certain conditions. She believed the AWC has worked hard to develop a plan to mitigate the impact on the neighborhood and had resources in place. She was also comfortable with allowing the parties to negotiate a Good Neighbor Agreement.

President Pearson moved that the Astoria Planning Commission to continue the hearing for Conditional Use CU 17-06 by Astoria Warming Center to Wednesday, September 6, 2017 at 7:00 pm in City Hall Council Chambers; seconded by [Commissioner Cameron-Lattek \[1:44:43\]](#). Motion passed 3 to 2. Ayes: President Pearson, Commissioners Mitchell, Cameron-Lattek, and Henri. Nays: Vice President Easom and Commissioner Moore.

City Manager Estes said prior to the September 6<sup>th</sup> meeting, Staff would present revised conditions based on the information that the Commission provided at this meeting.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at [8:15 pm \[1:45:32\]](#).

**APPROVED:**

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Community Development Director

DRAFT

## ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall  
July 25, 2017

### CALL TO ORDER:

President Pearson called the meeting to order at 6:36 pm.

### ROLL CALL:

Commissioners Present: President David Pearson, Vice President Kent Easom, Jennifer Cameron-Lattek, Sean Fitzpatrick, Daryl Moore, Jan Mitchell, and Brookley Henri.

Staff Present: Community Development Director Kevin Cronin, City Attorney Henningsgaard, Fire Chief Ames, Deputy Police Chief Halverson, Police Sergeant Aydt, and Building Official Small and Planner Nancy Ferber. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

### APPROVAL OF MINUTES:

President Pearson asked for approval of the minutes of the May 23, 2017 meeting. Commissioners Moore, Easom, and Mitchell requested the following changes:

- Page 2, second to last paragraph: "~~Commissioner Mitchell stated she had been in the Pier 11 building twice in the last week. It was nice to see that some life would be added to the building. She believed the building contained enough diversity that the business would be stable. The site has always been great and many people walk by it.~~ **The building has been mostly vacant in the last ten years. This use may be a success at this location.**"
- Page 2, last paragraph, second sentence: "While the use might **not** be appropriate for the proposed location, it might not include accessibility for customers and employees..."
- Page 3, second paragraph: "Commissioner Mitchell believed there had been two or three **unsuccessful** attempts to put a seafood store at this location."
- Page 4, fourth paragraph: "~~Vice President Easom~~ **Commissioner Spence** declared a potential conflict of interest..."
- Page 5, second paragraph, second sentence: "However, it was a thorough analysis given the **skills information** currently available."

Commissioner Fitzpatrick moved that the Astoria Planning Commission approve the minutes as amended; seconded by Commissioner Moore. Motion passed unanimously.

### PUBLIC HEARINGS:

President Pearson 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 17-07 Conditional Use CU 17-07 by Shooting Stars Child Development Center to use existing space as an additional educational facility at 413 Gateway Avenue in the S-2, General Development Shorelands Development Zone.

President Pearson 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 Henri declared that her daughter had attended the school more than a year ago. She did not believe that would impact her decision and confirmed she had spoken with her husband about this application.

President Pearson asked Staff to present the Staff report.

Director Cronin reviewed the written Staff report. He noted that a typographical error had been made in the Staff report and confirmed the application number was CU 17-07, not CU 17-05. No correspondence had been received and Staff recommended approval of the request with the conditions listed in the Staff report.

Vice President Easom stated that an educational facility could not be located at 413 Gateway because it would be within 1000 feet of a marijuana facility.

Director Cronin reminded that it was up to the Commission to decide if the child development center should be defined as an educational facility or a daycare. He did not believe the marijuana rule applied to this situation, but if the Commission believed the use was an educational facility, the public could comment on the marijuana rule.

Commissioner Henri asked if an educational facility was considered a school. Director Cronin said he would find out how the Development Code defined public schools during public testimony.

Commissioner Mitchell asked why Staff did not recommend open space for a play area. Director Cronin stated Staff discussed open space with the Applicant, who would address the issue during the hearing.

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

Denise Giliga, 91847 Highway 104, Warrenton, gave a PowerPoint presentation. Shooting Stars Child Development Center serves many members of the community. She has spoken with parents, community members, the Port, business owners, and property managers. Many people have asked what services the center offers, what type of facility it is, why they need a new location, what new locations had been considered, and what new services would be offered in a new space. Shooting Stars is a state-licensed childcare center, currently located at 1411 Grand Avenue, Astoria. Hours of operation are 7:00 am to 6:00 pm Monday through Friday. Their academic year operates September through June and follows the Astoria School District calendar. Summer camps and active play operate June through September. They currently serve 102 families, but only have the capacity to serve 43 children at a time. The children's schedules vary, with some at the facility for one, two, or three days a week, after school only, or before school pick up to get on the bus. They offer infant/toddler programming, preschool, pre-kindergarten, private kindergarten, Thursday art academy to accommodate the public schools early release, after school, summer camps, and teacher trainings like CPR and first aid. The center loves their current location because it has a large indoor gymnasium, a great cafeteria, large classrooms, a lot of light and windows. However, the building is deteriorating. There is no heat in some areas of the building, the plumbing is messed up often and toilets cannot be flushed, and there was a small electrical fire in one of the classrooms recently. The church is not interested in keeping the building maintained and has told Shooting Stars to find a new space by August 1<sup>st</sup>. The center considered moving into the Charter Building on Duane Street, but it is completely bare inside and would cost thousands of dollars and a lot of time, which Shooting Stars does not have. They also considered relocating to the Oregon State University building at the east end of town near the marina. However, the building needs maintenance and the property owner is not interested in keeping up with the work. Also, the street is closed for part of the year, making access to the area difficult. The brown building at the top of 8<sup>th</sup> Street is another building that needs a lot work, but the owner is not interested in doing maintenance. The center considered several smaller satellite sites instead of one large facility. However, the parents were opposed to having each of their children at a different location. At first, she did not believe the Port of Astoria building would be a good fit. But after touring the site and entertaining ideas about what could be done at that location, she fell in love with the building. It is kept up very well, each room has many electrical outlets, and everything is clean and safe. During the tour, her children loved watching the cranes and log trucks go by. Parents and families who toured the facility also loved it. This new space would allow the center to serve at least 20 more children. Currently, her staff must escort children a block and a half from their bus stop to the center. The new space would accommodate a bus stop 30 feet from the front door. They would take children on walking fieldtrips along the Riverwalk and they would have a private indoor/outdoor play area. Right now, their indoor play area is a shared space that they can use only during certain times. Adult trainings would continue in the new space, but parenting classes could be added with childcare available in the next room. If allowed, the center would offer weekend event space for rent. Many parents would like use the center for birthday parties, but the church would never allow this. The new location would also allow the center to expand their community service projects. She showed images that described how the center would use the new space. She explained how parking, drop offs, and pickups would work and shared the construction and inspection timeline. Childcare

centers are some of the most regulated businesses in Oregon. They must pass a City of Astoria Health and Sanitary inspection, Astoria DHS inspection, State of Oregon Fire Marshall inspection, and a State of Oregon Early Learning Division inspection. Construction and inspections would take all of August.

Commissioner Moore confirmed that Shooting Stars provided daycare and asked if educational services could be provided without a state daycare license.

Ms. Giliga explained that she would only be able to provide educational services for three hours or less per day. She confirmed that the center requires a state license to provide the services they plan to offer.

President Pearson called for any testimony in favor of or impartial to the application. There were none. He called for any testimony opposed to the application.

Chris Connaway, 637 14<sup>th</sup> Street, Astoria, said he served as President of the Longshore Union on the docks. After hearing the Applicant's testimony, he was unsure whether the center was a daycare or educational facility. However, it sounded like the center was about 70 percent daycare. He believed it was a bad idea to locate this business in an industrial area. Common sense should indicate this is a very incompatible use. On most days, the union runs at least two trucks from Pier 3 to Pier 1, transferring logs right past the front door of the Gateway building. There are also three fish canneries that receive heavy chemicals, and they have 40-foot box trailers in the area at all times. He only had about one hour to look through Staff's findings. The union was not notified because their building is not within 200 feet. He believed the 200-foot parameter for notification was laughable. He spoke with friends at Bergerson, which is next door to the proposed facility, who said they did not receive any notifications about this application. He lives half a block from the Star of the Sea School and loves the preschool. Its current location is the perfect place for a preschool and he believed it was extremely callous of the church to kick the business out. There is no good place for them to go. He believed the building at the east end would be a much better venue for the center. The Wilkins Building at 7<sup>th</sup> and Marine, the old supermarket across the street, and the YMCA building would all be good options. The proposed location is not a good place to put a preschool and educational facility. No school would ever move to that building because it is an industrial area. The parking plan on Page 3 of the Staff report shows on-street parking on Gateway, which is a very narrow area and a very busy street. There are heavy trucks running all day and night. The gate will remain open during high volume pick up and drop off times. Kids will get out of the enclosure and get on to the street. This is not a good idea. Page 5 of the Staff report says the use is appropriate at the proposed location. He believed that was just an opinion and that several factors should be considered, like accessibility to users. The center will create more traffic in this industrial area. Parents will be dropping off and picking up kids and school busses will be stopping 30 feet from the door. Installing bike racks will encourage bike riding at the Port. This is the only Port on the West Coast that allows unfettered access to Port property, which is industrial property. All other ports require that proper credential be shown in order to gain access to port property through a gate. There are no public parks and there is huge wall behind the building. So, access to the Riverwalk will require the children to walk down Gateway to Portway. The Port is not a good place for kids to be walking around or riding bikes with all of the heavy truck traffic. The site layout on Page 8 shows that drop offs and pickups will increase traffic in an area that does not need more traffic. The center is referred to as a daycare on Page 7, which states it would not have a large impact on the traffic patterns in the neighborhood. There will be at least 120 trips, plus busses and bike riders. He understood the building did not have enough bathrooms. There are many flaws to this proposal and he was concerned about the findings in the Staff report. He would love the center to stay at Star of the Sea because they have a playground and gymnasium.

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

Director Cronin reported that Oregon Revised Statutes defines this facility as an elementary school or secondary school. Astoria's Development Code defines educational service establishments as private schools. Therefore, in both cases, the marijuana rule would not apply to this application. A public use is defined by the Development Center as a city or county public school.

Commissioner Moore said Development Code Section 2.690(a) states that when a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent use. Considering that daycare services are a specific use mentioned in the Development Code and Staff report, and that daycare services are a necessary component of the business, he believed the application should be reviewed at least in aggregate to

include the use of daycare services. Daycare services are forbidden in S-2 zones and this conditional use application should be denied.

Commissioner Fitzpatrick said he was conflicted. The presentation sounded great, but he had some of the same concerns as Mr. Connaway. He was not sure the area was appropriate for a daycare center, but understood the Applicant's situation. The business appears to be very well thought out and the services are definitely needed in Astoria. However, he was concerned about the number of the trucks that go by and the chemicals that would result in particulates in the air in that area.

Commissioner Mitchell said she regularly uses the west end of the Riverwalk because she has three dogs that need to be walked. In the past, she was at the Oregon State Police building on a regular basis for board meetings. So, she is very familiar with the area and the amount of traffic in that area. Trucks go through in the middle of the day, when she is usually there. The street can handle an additional 100 trips per day. There are a lot of jobs on the Port and those employees might need daycare. There is not much for daycare at that end of town. The site does look very industrial and she was sure that children would be fascinated by all of the big equipment from behind the fence. Air does not sit still in Astoria and she had not noticed air quality problems, only the smell of lumber. This use would be unusual, but it appeared to be safe. There are strong arguments on both sides of the issues. She sympathized with the Applicant trying to find a location that would accommodate all of the business's services. The Port of Astoria has not indicated any opposition to this application.

Director Cronin noted that the Port Commission was holding a meeting that night. Therefore, Port Staff was not able to provide testimony at this public hearing.

Vice President Easom stated he did not believe the facility met the 1,000-foot criteria. This is a daycare. He was also concerned about the traffic. There is no question that daycare facilities are needed, but he did not believe the proposed location was appropriate for this facility.

Commissioner Cameron-Lattek said it was very important to have childcare facilities and locating them near large employers sounds very practical. She visited the site and believed the building in another location would be a great facility. The area is not quite safe enough for many children. The S-2 zone is defined as an area where a mixture of industrial, commercial, residential, public, and recreational uses can locate. Residential, public, and recreational areas are areas where one would usually find children. However, a daycare facility is not a conditional use listed for this zone. Areas that do allow daycares as a conditional use are areas that lack an industrial component. She was sad that the daycare was in a situation that prevented them from continuing in their current location, but she was not sure the Port was the right location.

Commissioner Henri said she was spellbound by the Applicant's presentation, and then alarmed by the opposition. She had some safety concerns, but believed it was difficult to find the perfect location for child safety. The current location requires children to walk across the street to the playground. It is a public playground, which can make it difficult for staff to keep an eye on children when other children are there at the same time. There are also safety issues with the school bus stop. However, she understood that the proposed location also posed some specific safety threats. She was not sure the burden on local traffic would be more than the police traffic that was there in the past. She was concerned about the community's need for childcare and educational facilities and said she was undecided.

President Pearson stated he was undecided as well. He agreed with Staff's interpretation that this facility was an educational service establishment. Therefore, the location is appropriate. This would be a positive reuse of an existing building and if it was safe enough for the Oregon State Police, there should be a way to keep children in the playground. The Port has encouraged adaptive reuse in this area. There are many public businesses on the road and they are easy to access. He was still undecided, but believed he could support the application. The use would be unusual, but he believed the Applicant and Staff have proven it could work in this location.

President Pearson reopened the public hearing and called for the Applicant's rebuttal.

Ms. Giliga explained that the parents do not arrive all at once, but they do have higher traffic volumes from 6:00 am to about 8:00 am and from 5:00 pm to 6:00 pm. Currently, their drop off zone never fills up during drop off

and pick up times. She would need six to ten parking spaces for staff, which she intended to locate outside of the fence. People with children would park inside the fence to keep them safe.

Commissioner Henri asked where the private outdoor play area would be located. Ms. Giliga referred to her slideshow and explained the play area would be right outside of the building within the fenced area, back in a corner and away from the traffic. A fence would be installed to separate the play area.

Commissioner Cameron-Lattek asked for more information about which services could be considered daycare. Ms. Giliga explained that a childcare center could operate for less than four hours per day anywhere without any rules, regulations, or inspections. This is how Li'l Sprouts started as an unlicensed daycare managed by the City. Only the full time students would be considered daycare, which she estimated was only about 30 percent of the business. Most of their services are part time and drop ins. Educational services are offered at the same time as the daycare.

Commissioner Henri asked if the facility was licensed as a school. Ms. Giliga said the center is a state-certified childcare center, which makes some parents eligible for tuition reimbursement benefits from their employers. It is very important for the facility to stay licensed even though they will not use the entire facility for those purposes.

Commissioner Henri confirmed that conditional uses were approved indefinitely. Director Cronin explained that the longevity of the business would be based on their lease with the Port of Astoria. He had not seen a draft of the lease agreement yet.

President Pearson closed the public hearing.

Commissioner Moore believed the Commission needed to decide whether the facility was providing daycare services, which are not allowed in S-2 zones. If the Commission decides the facility is providing educational services, they need to consider the concerns about children running around 100 log trucks each day, 800 feet from a diesel refueling station. Industrial accidents occur in industrial areas and he would hate to have 42 kids 1000 feet from an industrial accident.

Vice President Easom agreed.

Commissioner Moore moved that the Astoria Planning Commission deny Conditional Use CU 17-07 by Shooting Stars Child Development Center and direct Staff to prepare Findings and Conclusion to support denial of the permit; seconded by Vice President Easom. Motion failed 3 to 4. Ayes: Vice President Easom, Commissioners Moore, and Henri. Nays: President Pearson, Commissioners Mitchell, Cameron-Lattek, and Fitzpatrick.

Commissioner Mitchell moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU 17-07 by Shooting Stars Child Development Center; seconded by Commissioner Cameron-Lattek. Motion passed 4 to 3. Ayes: President Pearson, Commissioners Mitchell, Cameron-Lattek, and Fitzpatrick. Nays: Vice President Easom, Commissioners Moore, and Henri.

President Pearson read the rules of appeal into the record.

The Planning Commission recessed at 7:36 pm for a break. The meeting was reconvened at 7:42 pm.

#### ITEM 4(b):

CU 17-06                      Conditional Use CU 17-06 by Astoria Warming Center for a temporary permit to operate the Astoria Warming Center at 1076 Franklin Avenue in the R-3, High Density Residential Development Zone.

President Pearson asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time.

George McCartin, 490 Franklin Ave., Astoria, stated he believed the Planning Commission did not have jurisdiction to hear this matter. The first finding on Page 4 of the Staff report states that the proposed use is not classified in the Development Code. Social services are not defined and he believed Staff had failed at trying to take little bits of the Code from here and there to integrate what is being discussed. The Planning Commission cannot move forward without amending the Code to include businesses that take care of social issues.

President Pearson asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare.

Commissioner Fitzpatrick declared that he could not vote impartially and recused himself.

Commissioner Mitchell declared that she had volunteered at the Warming Center, but believed she could make a decision based on what was presented to the Planning Commission at this hearing.

President Pearson asked Staff to present the Staff report.

Mr. McCartin asked that Vice President Easom recuse himself, as he was a board member of the Astoria Downtown Historic District Association (ADHDA).

Vice President Easom confirmed that it had been more than a year since he served as an ADHDA board member and that he was not currently on the board.

Director Cronin reviewed the written Staff report. All of the correspondence received was included in the Staff report and addendums. Staff recommended approval of the request with the conditions listed in the Staff report.

Commissioner Moore confirmed that the Development Code did not address whether a low barrier shelter would be more appropriate than a no barrier shelter. He did not see any evidence in the Staff report that the warming center met all of the provisions of Technical Advisory 11-14.

Director Cronin explained that the application being considered is about land use. An annual safety inspection has been recommended as a condition of approval. He, Fire Chief Ames, and Building Official Small would attend the inspections.

Commissioner Cameron-Latteck confirmed that the warming center's limit would always be 35 clients. Director Cronin noted that Addendum #2 clarified the warming center's requirements. The addendum was necessary because the Good Neighbor Agreement was signed after the original Staff report was published. The 35-client limit was taken from the technical advisory and on the advice of a building official. The Planning Commission could change that limit.

Commissioner Mitchell stated she wanted to hear from the Police and Fire Departments about their ability to respond to perceived safety issues. She had read concerns from citizens about flashing lights. Instead of being dispersed among various doorways, warming center clients would all be in one place. She wanted to know if this location would increase the Police Department's involvement. Deputy Police Chief Halverson explained that the police only go to the warming center at the warming center's request. Calls to that area would increase while calls to other areas would decrease. The police will receive an overall decrease in calls because people have a place to go. Businesses will not have to file complaints about people in their doorways.

Commissioner Moore asked if Fire Chief Ames would apply the conditions in the technical advisory before or after an inspection. Fire Chief Ames confirmed that the warming center met all of the requirements in the technical advisory when it was located at the Senior Center. When it moved to the Methodist church, the center worked hard to meet all of the requirements. Last year, the only issue was that the warming center wanted to extend the 90-day limit, which is clearly spelled out in the technical advisory.

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

Dan Parkison, 550 St. Rte. 401, Naselle, WA, Astoria Warming Center President, asked President Pearson to reconsider how much time the Applicant is allowed for testimony. This is a complex issue. The warming center has learned a lot and has a lot to respond to. He did not believe all of the issues could be addressed in five minutes. The Staff report contains three recommendations regarding how much time the warming center has to decide if the weather will be bad enough to open the facility. Eight hours is a short window of time that does not allow the facility to open when people expect it to be open. He asked for 15 minutes to give testimony.

President Pearson asked the Applicants to continue. He reminded they would have an opportunity for rebuttal and to answer Commissioner's questions.

Annie Dolber, 679 Alameda Ave., Astoria, Astoria Warming Center (AWC) Board Secretary, said the mission of the warming center is to prevent unsheltered people from dying of exposure in our community during the winter. To that end, the Center provides a warm, dry, safe place to sleep and a hot nourishing meal to its guests for a maximum of 90 days between November 15<sup>th</sup> and March 15<sup>th</sup>. We will admit anyone capable of unassisted mobility who does not pose a threat to themselves or others and who is not an unaccompanied minor. However, guests are required to be respectful of each other, staff, volunteers, the church, and the immediate neighborhood. The Center is low barrier, not no barrier, but has zero tolerance for weapons, drugs, or alcohol in the building, smoking in the building, and for threatening violent or discriminatory talk or behavior. These actions result in immediate expulsion for a minimum of one night and potentially permanently. The AWC is not a homeless shelter. Shelters provide temporary residences for individuals and families who are unsheltered or in transition. The AWC merely provides a venue to eat supper and sleep in the winter, but no place to store belongings or come to during the day. Shelters are open year-round, but we are open for a maximum of 90 days a year. Being a homeless shelter would be the next step up, but that is not the AWC. Records show that last year, 64 percent, a clear majority of guests, used the AWC for seven nights or less. A majority of the rest of the guests used the facility for 30 nights or less. People moved on as quickly as they could and only a very few who had no recourse or ability to relocate or find housing used the facility for more than 30 days. Because of the stability afforded them during their stays, the following self-reported positive outcomes occurred: 23 guests moved on to stable housing, 11 guests gained employment during their stay, 3 guests returned to school while at the AWC, and 3 guests participated in drug or alcohol treatment besides Narcotics Anonymous or Alcoholics Anonymous while at the AWC. This year, there were no deaths from exposure. The year before, three people died on the street. The warming center began in the winter of 2014 - 2015 utilizing the building where the Senior Center is now. It moved to the First United Methodist Church in the winter of 2015 - 2016 where it continued last year. The AWC was open on a weather dependent basis for the first two years for a maximum of 90 days per season. In their enthusiasm, a new board mistakenly committed last year to be open every night for 120 nights. They soon learned of the existing warming center regulations and closed for the spring on March 1<sup>st</sup>, after 106 nights thanks to a generous one-time extension granted by the City. This winter, the AWC will limit operations to a maximum of 90 days a year. Their application for a conditional use permit is in compliance with the State of Oregon Fire Marshall Technical Advisory and the Astoria City Code.

Mr. Parkison said the application process has moved fast. The AWC held a neighborhood meeting on June 11<sup>th</sup>. The meeting was held on short notice and he anticipated comments indicating the AWC did not listen to the neighborhood's concerns. At a follow-up staff meeting, the AWC agreed that they did not listen well. Therefore, they took comments at the Sunday Market for two Sundays. The comments they received were integrated into their nine-point plan, which was submitted with their application. Last year, the warming center would open at 8:00 pm. People could eat at 8:00 pm, which led to a crowd of people outside the door waiting to get in. There was not a large sidewalk area, but there were normally about 30 people standing outside. This year, the warming center will open at 7:00 pm and serve dinner at 8:00 pm. This will allow guests to arrive at staggered times and there will not be a hungry crowd of homeless people standing outside the door milling around on the sidewalk. Wi-Fi will be turned off until 7:00 pm so younger people who use their phones a lot will not arrive at 5:00 pm or 6:00 pm to sit around. The off-sidewalk patio has been expanded and additional lighting has been installed. They have smoke breaks during the evening, which were not supervised in the past. This year, a staff member will supervise the smoke breaks. Several other changes have been listed in the Staff report.

- The warming center has requested that the baseline for opening be a 37-degree wind chill factor. It could be 40 degrees, but if a person is wet and there is a 20-mile-per-hour wind, hypothermia can set in quickly. Hypothermic shock occurs when body temperature drops from 98 degrees to 95 degrees. It is important that the warming center be allowed to open based on the wind chill factor instead of the actual temperature. Astoria is one of the rainiest cities in the United States and the weather was so bad last year that the

warming center decided to remain open, even when it violated the fire code. That was a mistake and the AWC has gone back to the 90-day limit. Being open continuously last year resulted in severe staffing problems. It takes about 12 people to run the facility for the 13 hours it is open.

- If the center were limited to notifying its volunteers at 11:00 am, staffing issues would be worse. The volunteers have to bring in food to cook for the guests. Last year, there were many nights the AWC did not think it could open due to lack of volunteers. Occasionally, the weather forecast is wrong, and weather changes unexpectedly. The warming center would rather not open on a 40-degree day because they can only be open for 90 days a year and they would rather be open on colder days. Only eight hours notification will guarantee a crowd of people at 7:00 pm. Many people walk several miles to get to the warming center. They will be wet and cold and expecting dinner and a warm place to sleep. If the warming center cannot open, the people would disperse in the immediate area and would remain wet, cold, hungry, and desperate. The eight-hour window creates problems for both the warming center and the police force that must deal with the crowd of people.
- The warming center would like to go with the weather requirement for the first and last months of operation. The three-day window is a strain on the staff, volunteers, and food donors. For the two middle months of operation, which are the rainiest months in Astoria, the warming center would like to be open for 60 of the 90 days. During these months, Astoria gets 50 percent more rain than Portland and 183 percent more rain than Chicago. Weather history shows that almost every day of those two months would qualify the warming center to be open.
- The warming center has spoken with four churches. Three of them have stated the use is not compatible with other uses in the buildings. The Armory and Lums declined. There are seven buildings for sale, but only two had the square footage the warming center would need. It would cost about \$5,000 a month to purchase one of those buildings and they are only paying \$83 a month for rent right now. The buildings would also need \$80,000 in remodeling. The Methodist church has been remodeled specifically for the warming center's use, with handicap accessible showers, bathrooms, and ramps, laundry facilities, storage areas, and fire exits. This location really works for the warming center.

Janet Miltenberger, 877 10<sup>th</sup> Street, Astoria, Astoria Warming Center Treasurer, said that in order to comprehensively respond to concerns and feedback received from the community, the AWC has initiated a Good Neighbor Agreement. The purpose of this agreement is to document commitments that each party will make to ensure the safety and livability of the neighborhood, establish relationships between the parties, and define how to resolve any problems that arise. Good neighbor agreements are usually made between neighborhood associations and a business or other facility that wants to operate in the neighborhood. The church is not located in an area with a neighborhood association, so the AWC will work with the ADHDA to develop an agreement because it is the nearest neighborhood association to the church. The Staff report contains a draft agreement that was developed by the AWC before their first meeting with the ADHDA. They will continue to work with the ADHDA to develop an agreement jointly. The nine points, also contained in the Staff report, will be included in the agreement. The AWC will make a concerted effort to continue and enhance communication with neighbors in the community. Contact information will be made available in every way possible. Neighborhood meetings will be held before, during, and after the winter season. They will seek input from partners when scheduling the neighborhood meetings, which will include immediate neighbors and the ADHDA. People will have the opportunity to sign up to receive notices and the AWC will post fliers. There are concerns about emergency services. During the 2016 – 2017 winter season, there were six ambulance calls and nine police calls to the warming center. This average of one per week is not ideal. However, half of the ambulance calls and a third of the police calls related to one single individual. That individual is permanently barred from the warming center. The AWC fully expects to have fewer emergency services calls in the future. When it is necessary to call for emergency services, staff and volunteers request that emergency services approach the neighborhood and park at the center without lights and sirens, whenever this is possible. The AWC plans to have a resource coordinator to refer guests to other community agencies that can help them. They are committed to providing an essential service and being a positive community partner. Their application fulfills the requirements for a temporary use permit and complies with City Codes.

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

Chuck Meyer, 555 Rivington, Astoria, said he and Sarah had worked every shift at the warming center. He agreed that there is almost no good place to put a warming center, but Astoria has a need for this facility. He has sat in his living room and watched the rainfall sideways at 40 miles per hour when the warming center was

closed because it was not 35 degrees. It was common sense when the policy was changed to account for rain and wind. He was in favor of the application and could not think of any reason to locate the warming center anywhere else. The church is a great facility that has a commercial kitchen, bathrooms, showers, laundry facilities, and it is convenient to downtown. This is a benefit to the community because the warming center guests are not in business's entryways or backyards. He hoped the Planning Commission would approve the application.

Karin Temple, 1032 Grand, Astoria, said the warming center is in her backyard. She was instrumental in establishing the warming center three years ago and was proud of that feat. She believed Astoria should be proud to have this well-functioning and necessary facility. She thanked the volunteers, restaurants, and people who contribute. The homeless situation is a fact in every city and will not go away. The more the warming center is closed, more people will be found in doorways, in the emergency room, in jail, or dead on the street. She was very much in favor of the application.

Jacob Leroux, 1527 Exchange Street, Astoria, stated he was a third year medical student working at Columbia Memorial Hospital (CMH). He just moved to Astoria a few months ago and he first noticed how accepting the town is. Every shop downtown had a sign saying they welcomed everybody. He could tell immediately that people in Astoria truly believed in practicing kindness and compassion. However, when he heard the warming center was in danger of being shut down, he was taken aback. As a student doctor and someone who came from a financially disadvantaged family, he understood the benefits of having a warming center. Keeping it open and in its current location allows the most unfortunate people to have the safety and security that many people take for granted. The warming center gives people at the hospital peace of mind when discharging their most disadvantaged patients, knowing that they will have a safe place to recover during the winter months. Most importantly, the warming center truly represents the heart and soul of Astoria because it shows that people care about their neighbors regardless of their socioeconomic status. He asked the Planning Commission to approve the permit. Gandhi once said that a civilization's greatness could be measured by how it treats its weakest members. He has never seen a city that lives by this credo as much as Astoria does. A vote to approve the permit is a vote that reflects the spirit of Astoria and staves off the influence of prejudice, intolerance, and malfeasance.

Christopher Crone, no address given, said he has been homeless in Astoria off and on for a long time. When the warming center was at the Baptist church, there were no issues. He understood many of the problems, but would like the warming center to be granted a permit because there are very few resources in Astoria. Once the permit is granted, everyone can sit down as a group and try to figure out solutions and centralize resources. The weather is detrimental because people can actually die outside during the winter.

Daniel Phillips, no address, said he was 29 years old and could speak to what the homeless go through in the winter. He came to Astoria from Washington a little over a year ago by bicycle and on foot. Many homeless people would have died had it not been for the warming center last winter. He understood neighbors had concerns, but they have never been out on the street before. Setting up centers and establishing rules are necessary because violent issues do arise. The warming center provides services out of love, not for money. Astoria is a tourist attraction and the warming center shows what Astoria is all about.

Judy Hollingsworth, 616 Agate Street, Astoria, stated she started her business before there was a warming center. She is a member, employee, and volunteer at the United Methodist Church. She has volunteered at the warming center for the last three years and currently serves as a board member. Before the warming center, she had problems with people in her doorway. Before she could open her business, she would have to clean up urine. That situation went away when the warming center opened. She spends a lot of time at the church and always feels completely safe there, even late at night or by herself in the afternoon. She has had no problems or issues with litter, damage, or any of the things others have complained about. She has found people association with the warming center to be positive. There is a good partnership and good communication between the church and the warming center board, staff, and homeless clients. As a warming center board member, she has seen diverse and intelligent people cooperate and communicate with each other, the church, and the larger community. One evening, she was a visitor in the emergency room when the police brought in a homeless person after finding him unconscious on the ground. The hospital gave him food, got him warm, and got him to start talking. This man had no alcohol or drugs, but needed medication and warmth. The hospital took him to the warming center where he stayed the night. As a night volunteer, she consistently receives respect from

distressed people, even from those who disagreed with her. She felt gratitude from the people who came to the center for food and a warm bed. She believed there many brilliant minds and warm hearts that could put their best together over this next winter to create something at the church or somewhere else. She wanted the permit to be granted. If this does not work, the warming center will have a year to find something else. She understood that cooperation was hard work, but people would not freeze to death in Astoria over the winter.

Melinda Clark, homeless in Astoria, said she did not use the warming center last winter, but had friends who she took to the warming center several times. She believed the warming center did have some impact to the immediate neighborhood, but also believed the warming center could work with the neighborhood to minimize the negative impacts. Without the warming center, several neighborhoods would be impacted negatively, as would the emergency room and urgent care centers. She was also concerned about the ability of the warming center to refer guests to other resources. The warming center also gives people a sense of security.

Theodore Lundy, 2553 Grand Avenue, Astoria, said Astoria is a very compassionate town of 10,000 people who have put together a volunteer board and recruit 40 to 50 volunteers willing to give up their nights to prevent others from freezing to death in the cold and rain. He believed and understood opposition to the permit out of fear of the unknown. He invited people opposed to the permit to volunteer so they can meet the guests and appreciate that they are fine people. Dinner is a joyous time and guests are in out of the rain and safe. This is heartwarming. The center works well to serve this group. The zoning codes are in bad shape if they do not consider a social need as great as homelessness. He challenged the Planning Commission to make sure that social services are added to the Code and permitted in certain zones.

Carol Prichard, 700 Irving, Astoria, stated she was the pastor of the First United Methodist Church, which was located in the neighborhood 100 years ago. The church loves all of its neighbors and the mission of the United Methodist Church is to maintain open hearts, open minds, and open doors. When she heard the AWC was moving from the Senior Center, it seemed that the church's location across the street and next to downtown would provide access to those in need of life preserving shelter and warming. The church loves partnering with the AWC, who have been fantastic tenants. Before the warming center came into the church building, there was a rumor that they had left a mess at the Senior Center. However, the AWC has waxed the church's floors and kept the building cleaner than it was before. When it comes to hypothermia, staying dry equals staying alive. Methodists take the story of the Good Samaritan seriously and believe that homeless women and men are our neighbors, along with all neighbors up and down 11<sup>th</sup> Street, Franklin Street, and beyond. Even if the AWC is forced to close its doors, these women and men will remain our neighbors. But instead of sleeping in a supervised warming center, they would be scattered all over town. She referred to a research document published by the Clatsop Coalition in 2011. The document was a 10-year plan to address homelessness in Clatsop County. The AWC has carried out several of the proposed recommendations of that report, which recognized faith-based organizations as key partners and stated that warming stations should use existing community resources, specifically church buildings. The coalition also suggested utilizing and training volunteer support. The report points out the obvious fiscal wisdom of such a plan and adds that the faith community has a long-standing positive reputation in this role. She hoped the AWC would receive approval for the conditional use permit and believed the church and AWC were creative problem solvers that could find ways to address the legitimate needs of all neighbors.

Barbara Balseiro, 884 Niagara, Astoria, said she is a retired nurse who volunteered at the shelter when it first opened. Her favorite shift was 2:00 am to 5:00 am because the people who where there wanted to talk to someone. One of the guests grew up on a farm in rural Oregon, but felt he never had a home because his dinner plate was always set out on the back porch next to the dog's dish. He began to get aggressive and could not be managed, so he was admitted to a program at Oregon State Hospital in Salem, where she worked, called the Child and Adolescent Secured Treatment Program. Children in the program were the most uncontrollable, dangerous, and self-destructive in the state. Staff tried to make the hospital like a home and provided the children with school. This man was put into the program at six years old and aged out at 18 years old. He loved the school classes, especially poetry. He began writing poetry, but had begun wandering and stopped taking his medication. He tried working, but could not focus because he was too jittery and hyper tense. During the three months that the shelter is open, this man said he felt like he had a home, which helped him make it through the day. His favorite poem was a poem by Robert Frost that states, "Home is the place when you go there they have to let you in." That is what the shelter meant to this man. Even if the shelter is only open for 90 days, it gives people a chance to feel welcomed. This man said the people who work at the warming center are never

condescending. She has seen clients help each other and she loved seeing the dogs come in. She enjoyed her three-hour night shift and when she got home, she felt like she lived in a palace with her own bathroom and bed. She hoped the warming center would continue because it is a wonderful gift to the homeless.

Kate Allen, 318 Lincoln, Astoria, said she was a volunteer at the warming center, a member of the Lower Columbia Diversity Coalition Steering Committee, and an affordable housing developer, working most recently with Greater Oregon Behavioral Health on a project to provide affordable housing for women in recovery from substance use disorder. She appreciated the opportunity to do something to alleviate the hardship of un-housed neighbors during the harshest months of the winter. Communities all across the state are grappling with the tragedy of extreme housing shortages impacting men, women, families with children, people with disabilities, the elderly, and veterans. The AWC has done an unprecedented job of providing a safe, humane, and respectful alternative to unsheltered nights for vulnerable people. With nominal resources and much community will, Astoria can be proud of this response. From a community impact perspective, the current location of the AWC is as appropriate a location as could be found. The center is close to but not directly impacting the commercial corridor of the city center. The community can continue to work to identify a different location and work to increase the supply of affordable housing. It is imperative to ensure that the safety provided by the AWC stays intact so that social service agencies can connect with and assist guests in improving their circumstances. The board's operating guidelines minimize the impact of the warming center and the Good Neighbor Agreement creates clear lines of communication. Therefore, she strongly encouraged the Planning Commission to approve the permit.

George McCartin, 490 Franklin Avenue, Astoria, stated it was important to broaden the conditions under which the warming center is allowed to open. Page 3 of the Staff report indicates that the report and findings are based on the definition of a warming center as a short term emergency shelter that operates when temperatures or a combination of precipitation, wind chill, wind, and temperature become dangerously inclement. However, Page 10 of the Staff report states the warming center shall not be open unless the actual temperature threshold can be set or known by the Planning Commission to be 37 degrees. This is an average wintertime temperature that results in hypothermia and other health related problems can jeopardize human health. The 37 degrees can be determined using wind chill factors or inclement weather like snow, sleet, freezing rain, but not solely based on rain. Anyone who lived here last winter would agree that no one would want to sleep on a bench on the sidewalk at 40 or 45 degrees.

Richard Elfering, 37730 Arbor Gate Lane, Astoria, asked the Planning Commission to approve the permit. Military statistics about the area could be used to determine wind chill factors and all of the other factors, which are much more damaging than just cold temperatures. He believed cold should be eliminated altogether from the conditions of approval. People can always be bundled up in the cold, but this will not get anyone away from hypothermia when wet. Coast Guard statistics show how long a person will last in the open ocean at 50 degrees. Additionally, there are all sorts of other facilities that could serve as a warming center, like the Armory. Astoria also has covered streets. Although these streets are cold, they are dry. Staying dry is essential to people surviving. He commended the warming center for also offering dinner and suggested the center connect people with services. He asked the Planning Commission to approve the permit for one year while the warming center works out other issues.

Director Cronin reminded that the Commission could disregard any testimony not related to the criteria. As much as Staff or the Commissioners might be moved by the emotional testimony, it has nothing to do with the criteria. He advised the Commission to disregard most of the testimony given so far.

Loretta Maxwell, 1574 Grand Avenue, Astoria, said she was a member of the Christian Science Church on the corner of 11<sup>th</sup> and Franklin and across the intersection from the Methodist church. Her church has meetings on Wednesday evenings and last year, she saw people waiting to go into the warming center. She has polled other members of her church who said they felt very safe going to their cars or walking home. Before the warming center opened, there was an ongoing problem with people sleeping in the garden by a back door near the trash cans. The person who was at the church during the day was afraid to go outside. The police had to be called a few times and they advised the church to put lights and no trespassing signs in the area. After speaking to people and reading some of the letters in the Staff report, she realized there were still problems. Christian Scientists try to handle things in a loving and compassionate way. Attitudes of anger, fear, and distrust do not make things happen the right way. She believed the Commission should keep this in mind. All people need to

have a place to feel human. We need to be loving and kind and she believed the warming center should be allowed to continue.

President Pearson called for any testimony impartial to the application.

Sue Allen Clark, 1135 Franklin Street, Astoria, said the city has a need for the warming center. She also has a business in downtown Astoria and this issue impacts her in two ways. Astoria needs more than a warming center and this dialogue needs to be expanded and broadened to find a way to help people that need the most help. She did not believe that remaining open continuously would be a good solution. Astoria has 356 days of potentially bad weather, so the facility needs to be a warming center, not a homeless shelter. She sees how many times the ambulance comes to the warming center and it is good when someone gets help. However, this is not the solution, but it is a good place to start the dialogue. Astoria needs to talk about how to people who are incapable of helping themselves. The majority of homeless people have some very serious mental and emotional issues that are not always drug and alcohol related.

President Pearson called for any testimony opposed to the application.

Sean Fitzpatrick, 1046 Grand Avenue, Astoria, asked the Planning Commission to vote against the permit. Dialogue and communication is extremely important and he greatly appreciated the time each Commissioner had taken to read the letters provided by people on both sides of the issue. There is so much more going on than the application indicates. He tried to include information that would be important or relevant to the Commission. The question is not whether Astoria needs a warming center. We have heard extremely compelling testimony that reflects why he worked to get the AWC into the Armory in 2013. He and his wife supported the AWC in the Senior Center in 2014 and donated the laundry equipment currently being used in the church, which has morphed into a homeless shelter. The question is whether a residential neighborhood is an acceptable location for the AWC to operate their low barrier shelter. On a night like tonight, especially when it is still light after 9:00 pm, it is hard to understand how bad things get in the winter. No one has mentioned what the neighborhood and the downtown area has gone through during the winter. The neighbors who welcome the warming center and have hosted the homeless shelter for the past three years believe the neighborhood is not an appropriate location, and therefore, does not meet the criteria. He hoped the Planning Commission understood the issues the low barrier homeless shelter creates in the neighborhood and downtown and vote accordingly. At the November 16, 2015 Astoria City Council meeting, Councilor Herzig stated, "The community must step up because one small church hall cannot deal with this issue alone. This is a problem everyone shares and everyone needs to be a part of the solution." He asked the Planning Commission to give the same level of respect to the neighborhood and vote against the application.

Rebecca Greenway, 1140 Franklin Avenue, Astoria, said she has the closest business and home that must see, hear, and deal with many issues. Her property shares parking with the church, where people begin gathering around 5:00 pm. This includes people who live in their cars. She has to listen to loud, foul mouths, as well as a motor home running its generator and music all night long. She has seen people and dogs relieve themselves in her rock garden, drinking, smoking pot, and a lot of garbage left throughout the night. One fourth of the people who live in their vehicles just sleep in their cars because they are allowed to park without entering the warming center. This makes it difficult for her and her guests to get through a quiet night. Her guests are continuously being asked to give up their takeout food as they pass by the parking lot returning from dinner to their rooms. A motor home caught fire, which could have caused serious issues with her home. It appears as if there is no garbage pick up at the church, so someone walks the garbage over to the dumpsters at the Peace Church around the corner. However, her garbage cans are closer, so people began filling her cans that she pays for. People are constantly ringing her doorbell and asking if her house is the warming center. This goes on every night the warming center is open. She does not care for this and her guests do not pay for it. Her guests continuously comment on the begging and noise when they go out for walks or retire for the evening. Since the room tax will be raised on the first of the year, guests should get what they pay for, a quite no hassle time as a tourist in Astoria. She understood the city needed a warming center, but her neighborhood is not capable of dealing with one.

Sarah Lu Heath, 854 Glasgow Avenue, Astoria, ADHDA Executive Director, said she already submitted written testimony. Because the ADHDA is a Main Street America program, anyone person or business that resides in the district is automatically a member of the neighborhood association. The criteria indicate that conditional use

permits are granted when it is beneficial to the neighborhood. Many have testified and she could ascertain that homelessness issues result in major impacts. She understood that the warming center was a small piece of very complex issue. However, she opposed the permit because she did not believe the neighborhood was right for its location. According to Google, the distance between the Best Western at the east end of town and Pier 39 at the west end of town is 3.5 miles and it would take one hour to do that walk. There are lower density places with less of a need for the perception of safety. Businesses in downtown Astoria are in precarious positions and are entirely dependent on ensuring that residents and visitors feel comfortable enough to walk downtown. Some communities do not have this problem because they have taken a very different approach to homelessness. Astoria relies on history, architecture, culture, attractions, and entertainment. People feel insecure walking at night when being aggressively panhandled, which has an immediate and detrimental effect to business owners and volunteers. The ADHDA met with Mr. Parkison, who shared the draft Good Neighbor Agreement. She just received the draft yesterday after 3:00 pm so the ADHDA board has not had the chance to discuss it. Therefore, if the Planning Commission does not deny the permit, she requested a continuance to give the ADHDA time to codify the nine changes proposed by the warming center and review the Good Neighbor Agreement.

Kris Haefker, 687 12<sup>th</sup> Street, Astoria, said it was difficult for him to speak against the application and thanked everyone who worked at the homeless shelter. There is an incredible need for the warming center's services in this community. However, he believed the church was not an appropriate location because it impacted the neighborhood. He provides housing for about 15 households and about 25 individuals. He also provides housing to one man who used to be homeless.

Shannon Fitzpatrick, 938 Kensington, Astoria, said he was a father of twin four-year olds who like to play in the park on the Illahee Apartments property, which is one block from the homeless shelter. When his family moved to Astoria last year, the park was clean day and night. He could let his kids play without any concerns. That changed in December when the shelter opened. He began to see trash, which he had to clean up before his kids could play. In addition to trash, he often found clothing, sleeping bags, backpacks, beer cans and bottles, medical needles, and human excrement. After the homeless shelter closed for the year, the issues tapered off and eventually disappeared. He believed that Astorians who are not in the best situation are not likely the people who would trash the park. People from out of the area with no connection to the community probably do not care. He was concerned that the shelter invites people from out of the area to come to Astoria. He felt strongly about helping fellow community members who were having trouble. He did not believe this use was internal, as previously stated. The warming center affects the whole neighborhood. While last winter demonstrated the need for a warming center in Astoria, this neighborhood is not an appropriate location for a no or low barrier homeless shelter. He asked the Planning Commission to deny the application.

Anne Carpenter, 1046 Grand Avenue, Astoria, said she had been an owner of the Illahee Apartments since 2004. Prior to the warming center, she had never experienced the issues that have occurred over the last three years. She understood the need for a warming center, but her neighborhood has experienced the negative effects of having the warming center in the church. She was tired of having to clean up after guests of the warming center.

President Pearson called for the Applicant's rebuttal.

Mr. Parkison said the AWC did not do a good job of conveying that they listened at the meeting, but they met afterwards to discuss the concerns. After the meeting, the AWC interviewed guests at the Illahee, other nearby apartments, downtown businesses, mental health professionals, and The Harbor. The nine points in their proposal are conditions of approval. The AWC recognizes that it needs a litter patrol. Peace Lutheran Church was allowing the warming center to use their garbage bins and it was the guests' job to carry the trash to the church. The AWC will have its own trash containers this next year. The downtown businesses can sign a cooperation agreement with the police to have the police act on the businesses behalf. So, there is a mechanism to handle panhandlers or people sleeping in alcoves. He encouraged downtown businesses to use that agreement. Eddie committed suicide under the public bathrooms on 12<sup>th</sup> Street a couple of months ago. He had parked there the night before and saw 16 people just in that one location. The warming center only serves 30 or 31 people. The people that the community is concerned about are in Astoria year-round. The warming center posted on its Facebook page that they would be required to have a permit this year and asked people to attend the meeting or write letters. That post had 8,500 views, over 500 comments, likes, and shares, and 55

letters were submitted. Only 22 Facebook interactions were negative. This shows there is a strong opinion that the warming center is doing the right thing in the right location.

President Pearson called for closing comments of Staff.

Director Cronin explained that most of the comments were more emotion based, not based on the criteria. The Planning Commission must consider three issues, which were explained in Staff Report Addendum #2. What time and temperature model should be used? How many hours or days lead time would be appropriate for deciding when the warming center would be open? Can the warming center use the National Weather Service's Storm Warnings to help define inclement weather? He had not heard any testimony that would change the conditions of approval.

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

Commissioner Mitchell stated she was intrigued by the possibility for a continuance. Director Cronin displayed the Planning Commission's options on the screen. The hearing has already been closed, so the Planning Commission could vote now or leave the record open for seven days and deliberate on August 1<sup>st</sup> or August 22<sup>nd</sup>.

President Pearson asked Staff to explain the logic behind an eight hour lead time to decide if the warming center should open. Director Cronin stated the eight hours was based on his own belief that it would provide enough time for a decision to be made. The Commission could approve a different timeframe. The Applicant has proposed 72 hours lead time. He did not know if additional lead time would result in any additional impacts to consider.

Commissioner Mitchell believed that changing volunteer schedules at the last minute make it difficult for the warming center to get enough help. She believed 24 hours lead time would be reasonable.

Commissioner Moore said there was no question that a warming center is prudent and a necessary service in this rainy town. He doubted any of the Commissioners would disagree. Should the Planning Commission deny the conditional use permit, the community should not take that as opposition to the warming center. No one is opposed to having a warming center. He agreed with Mr. Lundy that the Development Code lacks provisions for social services, which puts the Planning Commission in a difficult spot. The City Code, Development Code, and Comprehensive Plan guide the Commission's decision making. It is important for the Planning Commission to use facts and criteria to make decisions because the Commission is a quasi judicial panel. The decisions made by the Planning Commission can end up in a court, so they are required to draw defensible conclusions. Unfortunately, emotion and morality do not hold up in court. Development Code Section 1.125.A.9 states that the Planning Commission must study and propose measures that are advisable for the promotion of the public interest, health, morals, safety, comfort, convenience, and welfare of the city. These are important aspects of the Commission's role. While the Code suggests the Commission should apply these measures to deliberations, he believed they should also be applied to land use decisions like the one being considered now. He agreed with Mr. Bowers, who wrote in support of the permit. If the homeless can be members of the voting public, they certainly are members of the community. Unlike the community as whole, any person, homeless or not, is not necessarily a defacto member of a neighborhood simply for spending the night. It is important to note that the Commission should not give priority to any one class or group of people, but should, as the Comprehensive Plan's housing policy suggests, give priority to protecting the needs of existing neighbors over non-residential and incompatible uses. This was also stated in the Staff report. He agreed that homeless were residents, but did not believe they should be counted as existing neighbors in a neighborhood that wishes to temporarily house them. Testimony was provided to the Commission that the AWC recently operated outside of its original charter of 90 days. Testimony by existing neighbors demonstrates that they believe the livability of their neighborhood is negatively impacted and perceive that their personal safety may be impacted. This is a use with significant negative impacts on the neighborhood. The Commission should seriously consider that impact when making a decision. He recognized the need for and humanitarian value of a warming center, he questioned the suitability of this location based on the guidelines contained in the Comprehensive Plan. This does not mean he opposed the warming center.

Commissioner Henri stated she had studied the Staff report extensively. The mitigation measures addressed some of her concerns about the location of this facility. Every detail seemed to be covered and the measures were very considerate of people's needs. She believed all of her and the neighborhoods concerns are being addressed by the mitigation measures and Good Neighbor Agreement. As long as those are conditions of approval, she would feel comfortable with the appropriateness of the location. The permit would only be valid for one year. She believed any neighborhood would have challenges with this use. Without taking into account the emotional and ideological aspects of the use, she believed the Good Neighbor Agreement and mitigation measures make the use more appropriate than it was last year.

Commissioner Cameron-Lattek said everyone agrees there is a need to help the homeless situation in Astoria. She believed there was evidence of a relationship that could be repaired between the AWC and the neighborhood. The Good Neighbor Agreement and the nine-point plan look great on paper, but she was concerned about what happened over the past couple of years to damage this relationship. She was not surprised that some people in the neighborhood were hesitant to believe the situation would improve. She wanted the Planning Commission to allow more time for evidence because she wanted to see if the AWC would work towards an agreement and if people concerned really would accept this in good faith. She understood there was no defined neighborhood association and did not know how an agreement would work legally.

Director Cronin explained that he had proposed the Good Neighbor Agreement during the pre-application conference held several months ago. The agreement is a tool commonly used in larger cities, particularly with places that sell alcohol. He believed it would address some of the neighborhood's concerns by putting solutions on paper. Reopening and continuing the hearing would allow time for the two parties to negotiate the agreement. The ADHDA includes both residents and business owners within the district.

Commissioner Mitchell added that it was unfortunate that the AWC board was feeling defensive in the past. She encouraged the board members to talk with neighbors because there are good people on both sides of the argument. She asked if the City had a way to enforce no parking and camping in the parking lot. She suggested the AWC send volunteers around the neighborhood to clean up. Warming center guests could be reminded as they arrive that they are there at the grace of those around them. She was glad to hear there would be regular trash pickup, but suggested lattice be installed around the landscaping.

Vice President Easom believed the agreement between the AWC and ADHDA has to include the Illahee Apartments and residents up the hill. Whether they are ADHDA members or not, that is the neighborhood that is affected. He would vote against the permit without that stipulation. He suggested residents two blocks up the hill from, two blocks east, and two blocks west of the warming center be included in the agreement.

Commissioner Moore asked Commissioners to comment on the Comprehensive Plan items that he was concerned about, Sections 220.1, 220.2, 220.6, and 220.14. He believed the Commission had heard testimony that the use was incompatible for the neighborhood, safety was a big concern, this would be a semi-public use, and the neighborhood was not being respected.

President Pearson stated this church and congregation has been part of the community since 1916. The church has partnered with a non-profit to create a liveable community. He believed the warming center was a natural extension of the goal to create a liveable community compared to the alternative. The church is an appropriate use and it is not surprising that the basement of the church should be used for a social cause. The location is accessible and near central downtown. There have been some detrimental impacts on the neighborhood that should be addressed. However, the Applicants have stated that is a work in progress. He supported the one year permit. If the goals have not been met or the warming center is still detrimental to the community, the Planning Commission can consider that in a year. The permit would allow another 90 days to work everything out.

Commissioner Cameron-Lattek reiterated her preference for a continuation because she believed more conversations were necessary and that the Commission could gather more information.

Commissioner Henri agreed and stated some of the documents were still in the works and some of the policies were still being fine tuned. She wanted the Commission to agree on something more solid before voting.

Commissioner Moore suggested the Commission provide feedback on the weather criteria, timing, and program so that Staff and the Applicants would know how to proceed.

Director Cronin reminded that the hearing has closed, but the Code allows the Commission to leave the record open for seven days so that people can submit additional evidence. The Commission could then deliberate at a date certain. It might be a tall order to execute a Good Neighbor Agreement in seven days. He suggested the Commission continue the hearing and noted the 120-day limit would expire on September 12<sup>th</sup>.

President Pearson proposed that the Commission continue the hearing and give Staff a list of items to gather to be considered at the next meeting. Director Cronin noted the deliberation could be scheduled for August 1<sup>st</sup> or August 22<sup>nd</sup>. Vice President Easom did not believe August 1<sup>st</sup> would allow enough time to finalize the Good Neighbor Agreement. Director Cronin reminded the Commission that they could add a condition of approval requiring the agreement be executed prior to operation on November 15, 2017. After some discussion, the Commission agreed to deliberate on this item on August 1, 2017, when they would decide on the conditions of approval.

President Pearson moved that the Astoria Planning Commission to continue the hearing on Conditional Use CU 17-06 by Astoria Warming Center to August 1, 2017 at 6:30 pm in City Hall Council Chambers; seconded by Commissioner Mitchell. Motion passed unanimously.

President Pearson called for a recess at 9:59 pm. The Planning Commission meeting reconvened at 10:02 pm.

#### REPORTS OF OFFICERS/COMMISSIONERS:

Commissioner Henri introduced herself to the Commission and Staff.

#### STAFF UPDATES:

Staff briefly updated the Commission on the following:

- Advance Astoria
- Uniontown Reborn Project
- Homestay Lodging Code Amendments
- Affordable Housing
- Coffee with Director Cronin

#### MISCELLANEOUS:

**Item 7(a): Recognition of Frank Spence's Service to the Astoria Planning Commission**

**Item 7(b): Planning Commissioner Training Opportunities**

Staff is looking for training opportunities for new and existing Commissioners. Commissioners should let Staff know if they plan to attend the League of Oregon Cities half day training session in Portland on September 28th.

#### PUBLIC COMMENTS:

There were none.

#### ADJOURNMENT:

There being no further business, the meeting was adjourned at 10:09 pm.

#### **APPROVED:**



Community Development Director

# **Good Neighbor Agreement Astoria Warming Center**

**Mission: To prevent unsheltered people from dying of exposure in Astoria**

## **1) Introduction and Background**

- a) The following Good Neighbor Agreement (“Agreement”) is established by the Astoria Warming Center (AWC). Individuals and organizations near AWC provided input, at neighborhood meetings, the Planning Commission’s public hearing, and via written comments. This input was used in developing this Agreement and forms the core of the Agreement.
- b) The Astoria Warming Center is located at 557 11<sup>th</sup> Street in Astoria, in the lower level of the First United Methodist Church, which owns the building. Some improvements have been made to the lower level of the church building specifically to meet AWC’s needs.
- c) AWC is a 501(c)(3) non-profit organization. AWC funding comes from individual and organizational donations, a City of Astoria Community Services grant, and other government or foundation grants that may be applied for and received.
- d) The Astoria Warming Center is a low-barrier warming center, defined as a short-term emergency shelter that operates during inclement weather. AWC will provide overnight sleeping space and evening meals for members of the community who lack shelter for a maximum of 90 nights during the winter months. Annual operations will normally start on or after November 15 and end by March 15. During other months, AWC may be open during two to four daytime hours a week to provide showers only. Staff and/or trained volunteers will be on-site during all hours of operation. AWC will provide referrals to other support services to assist guests with gaining permanent shelter, employment, treatment or other needs.
- e) Legal status of this Agreement: AWC is committed to maintaining safety and good neighborhood relationships. It is to this end that AWC enters into this Agreement. This Agreement is NOT a legally binding contract and is not intended to be. AWC commits to act in good faith at all times.

## **2) Goals of the Agreement**

- a) Initiate and maintain open communications and understanding.
- b) Develop a procedure for resolving problems that may arise in the future.
- c) Maintain and enhance neighborhood safety and livability.
- d) Foster a healthy and welcoming environment for all.

## Agreement

### 3) Astoria Warming Center will:

- A) Comply with all applicable laws and regulations, including state and local fire regulations, non-discrimination laws, and the Americans with Disabilities Act.
- B) Contribute to safety and well-being for everyone in the community by treating every community member with respect.
- C) Communicate directly and productively when questions, problems, or differences arise, and resolve concerns at the lowest possible level.
  - i) Provide a **Google Voice messaging system, for complaints only, to which AWC will respond within 24 hours (See Appendix A, How to Contact AWC).**
  - ii) Respond in a direct and timely fashion if concerns arise, thus allowing the other party to better understand the issue and help resolve it. **During opening hours, the AWC phone will be answered immediately by staff if possible.**
  - iii) Utilize face-to-face or telephone communication whenever possible to maximize understanding. Exercise caution in communicating via e-mail or similar methods in conflict situations.
- D) Report crime to police ~~as appropriate~~.
- E) Make concerted efforts to support guests' accountability and personal responsibility through frequent guest education. Guest education sessions will be conducted every night that the AWC is open during the winter months. These sessions will cover:
  - i) AWC policies regarding behaviors noted in **3.G.** through **3.L.** below, whether at AWC or elsewhere, during operating hours and at other times. AWC rules are included in Appendix **B, Guest Rules and Information.**
  - ii) Respectful treatment of fellow guests, staff/volunteers, the neighborhood, and Astoria in general.
  - iii) Availability of community resources for housing, employment, education, and recovery, and AWC facilitation of connection to those resources.

AWC will take the following steps to alleviate specific neighborhood concerns raised to date:

- F) Neighborhood meetings will be held before, during, and after the winter season. Mailed notice will be provided at least three weeks in advance to building owners and residents for whom AWC has addresses. Flyers will be posted in public places and announcements made on social media. Residents and business operators may sign up to receive notices of neighborhood meetings by contacting AWC at any time.
- G) Trash and personal items left in the neighborhood:
  - i) AWC will provide an outdoor trash container for guest use during the months of overnight operations.

ii) Trash disposal instructions will be covered in all AWC guest-education sessions. **We will discuss the responsibilities of all citizens to keep their city clean and will encourage guests to speak to others they know to keep the downtown clean.**

iii) AWC guests, accompanied by staff/volunteers, will ~~regularly~~ conduct neighborhood litter patrols **at least once a week** on the public areas in a two-block radius of the AWC during the months of overnight operations. *[Note: a volunteer came forward August 30 to lead this effort, with whom we will be working out details before opening].* Building owners in this area who wish to have the litter patrol come onto their private property may arrange this in advance with the AWC.

**iv) AWC will perform a daily litter patrol on church property, including the parking lot.**

H) Public urination and defecation:

i) When AWC staff/volunteers are present on site prior to opening time, guests will be allowed inside **solely for use of the bathroom.**

ii) Avoidance of public urination/defecation, availability of AWC restrooms, and location of public restrooms will be covered in all AWC guest-education sessions. *[Note: AWC will formally ask the city to provide more restrooms and to keep the ones on Exchange near 12th St. open longer.]*

I) Guests congregating outside the AWC entrance before opening time:

i) ~~The landscape plan submitted with the Conditional Use Permit application includes additional paved space at the AWC entrance to move waiting guests off the public sidewalk. [Note: this item will be stricken, per input from the neighborhood, provided the Planning Commission agrees to remove this item from our application.]~~

ii) For the 2017-18 winter season, the AWC will take multiple steps to encourage guests to arrive gradually at and after the opening time instead of gathering outside before opening time:

(1) AWC will open at 7:00 p.m., with the evening meal served at 8:00 p.m. This is expected to result in guests arriving gradually from 7:00-8:00 p.m. **AWC will install a sign on the door of the warming center as follows:**

**NO LOITERING**  
**On the nights the AWC is open,**  
**the doors will open at 7:00 p.m.**  
**Assembling before that time**  
**creates a burden on the neighborhood:**  
**please do not arrive before then.**

**AWC staff/volunteers will check the entrance periodically after 7:00 p.m. for guests who have not yet entered and tell them to come in.**

(2) AWC wi-fi service will not be turned on until the 7:00 p.m. opening time, as some guests have in the past arrived early to use wi-fi from outside the entrance.

(3) To the extent possible, AWC staff/volunteers will monitor guests' arrival times and speak to individuals as needed to discourage arriving early.

(4) Arrival time and outdoor-behavior expectations will be covered in all AWC guest-education sessions.

J) Cigarette smoke and noise during the night:

- i) To comply with the legal no-smoking distance of 10 feet from a building entrance, guests will be allowed to smoke only in a designated area ~~on the new paved area~~ outside the entrance. Containers for cigarette disposal will be provided at this location. Guests' behavior will be monitored by staff.
- ii) Once admitted to the AWC, guests will be allowed out of the building to smoke during the night only when accompanied by a staff person or volunteer. Scheduled smoke breaks will be used to the extent possible.
- iii) Any guests who insist on leaving the building to smoke without supervision will be instructed to take their personal belongings with them, as they will not be readmitted to AWC that night.
- iv) Smoking rules will be covered in all AWC guest-education sessions.

K) Non-compliant behavior:

- i) Behavior expectations will be covered in all AWC guest-education sessions and will include expectations of guest behavior outside as well as within the center.
- ii) AWC has a strict zero-tolerance policy prohibiting aggressive, threatening, or violent behavior and use of **tobacco**, alcohol, or illegal drugs in the center.
- iii) AWC's policy is to immediately evict and temporarily deny readmission to any guest who violates **zero-tolerance** behavior rules. On-site staff and volunteers have the authority to make and implement these decisions immediately and to call 911 when necessary. The AWC board will review denials of admission for determination of whether the denial should be permanent.
- iv) **AWC will expand training for staff/volunteers on responses to and treatment of incidents involving guests with issues of mental health.** *[Note: We will schedule a training session by a mental-health professional for staff/volunteers before opening for the 2017-18 winter season.]*
- v) Guests are expected to arrive between 7:00 and 8:00 p.m. Guests will not be admitted after 11:00 p.m., except for persons brought to the AWC by police or ambulance.
- vi) Any guest who leaves the AWC during the night, except for supervised smoke breaks or a medical emergency, will not be readmitted the same night.
- vi) The AWC will continue the work with the Astoria Police Department to foster good communication and partnership.

L) Camping and noise in the parking lot:

- i) AWC will post "No Overnight Camping" signs in the church parking lot.
- ii) AWC will notify guests that loud music from vehicles in the parking lot may result in exclusion from the center.

- iii) On nights that the AWC is open, staff/volunteers will check the parking lot at each shift change. This will be approximately every three hours.
- iv) Neighbors are encouraged to notify AWC and/or Astoria Police if they observe infractions.
- v) The parking lot will be inspected daily for trash.

M) Emergency-response vehicles:

- i) AWC asks neighbors to recognize that medical emergencies can happen to anyone.
- ii) It will sometimes be necessary for AWC staff/volunteers to call for police assistance.
- iii) When emergency services are called to the AWC, staff/volunteers will, whenever possible, request that the emergency vehicles approach the neighborhood and park at the location without the use of flashing lights or sirens, a practice that was implemented during the last part of the 2016-17 winter season.

N) Data and decision-making:

- i) Beginning with the 2017-18 winter season, the AWC will expand the collection of data about AWC guests, incidents, and services provided.
- ii) This data will be provided to the City of Astoria and, on request, to other interested parties. It will also be used by AWC to inform future decision-making and operations planning.

**4) Duration**

This Agreement will remain in effect unless dissolved by the City of Astoria or AWC with the consent of the City.

**5) Administration**

- A) The original signed Agreement and any amendments will be kept on file by the Astoria Warming Center, with copies to the City of Astoria, **the Astoria Downtown Historic District Association**, and any person who requests it.
- B) The Agreement may be amended by vote of the AWC Board of Directors.

**6) Signatures of Parties**

\_\_\_\_\_

Astoria Warming Center President

\_\_\_\_\_

Date

\_\_\_\_\_

\_\_\_\_\_

Date

**7) Appendices**

- A) How to contact Astoria Warming Center
- B) AWC Guest Rules and Information

**ASTORIA  
WARMING  
CENTER**

1076 Franklin Ave.  
Astoria, OR  
97103

Phone 760-289-8932

**BOARD OF  
DIRECTORS**

Dan Parkison,  
President

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Rev. Bill Van Nostran

Rory Gerard,  
Resource Advisor

Joseph Kramer, Client  
Advisor

*—overnight cots  
and warm soup suppers  
for people experiencing  
homelessness  
in Clatsop County  
during weather conducive  
to hypothermia*

*—shower facilities  
year-round*

*Astoria Warming Center is a  
501(c)(3) non-profit  
organization*

**HOW TO CONTACT  
ASTORIA WARMING CENTER**

*Nights of operation: Weather-dependent,  
Nov. 15-March 15, 7:00 p.m. – 8:00 a.m.*

For complaints:

To speak to a person (when AWC is open), call  
**(760) 289-8932**

To leave a message, call

**(503) xxx-xxxx**

*[Note: This will be the Google Voice number]*

We will respond as soon as possible.

**E-mail:**

**astoriawarmingcenter@gmail.com**

**FaceBook:**

**Astoria Warming Center**

## Astoria Warming Center Guest Rules & Information

*AWC Guest Rules & Information are reviewed with all guests every night that AWC is open overnight.*

1. Zero-Tolerance Policy prohibits:

- Weapons: all weapons must be turned in to the staff for the night **upon arrival**.
- Drugs or alcohol in the building
- Smoking or rolling cigarettes in the building
- Threatening, violent, or discriminatory talk or behavior

2. Any violation of the zero-tolerance policy will result in immediate expulsion from the warming center. Expulsion will be at least for the night, and may be made permanent by decision of the AWC board.

3. The warming center does not own this space; we are given the use of it through the generosity of the church. Please respect the space and the neighborhood.

- Trash containers provided by the AWC are located in the church parking lot.
- [List locations of public restrooms.]
- Guests are asked not to arrive before 7:00 p.m. **and to come in immediately upon arrival, but** to wait quietly off the public sidewalk if the doors are not open when they arrive.
- Smoking is allowed only in the designated space on the paved area. Be sure to use the provided container for cigarette disposal.
- Smoke breaks during the night are allowed only with staff/volunteer supervision. **Leaving to smoke without supervision will result in expulsion for the night.**
- **Guests at the warming center are here to sleep *inside* the building; there is no sleeping in vehicles allowed on church property (which is posted), and it is illegal to sleep in cars on Astoria streets. Police will be called for infractions.**

4. Guests are expected at all times to be respectful of each other, staff and volunteers, the church, neighbors, the neighborhood, **and the City of Astoria**.

5. *[Note: A **Chore List** for guests' participation will be maintained daily, which will include sweeping the main-room floors, cleaning the bathrooms, emptying the trash, litter patrol; more items upon consultation of center coordinator.]*

6. Food and drink are to be kept at the tables only, not in the sleeping area.

7. All pets must be kept on a leash **or contained in pet carriers** at all times.

8. Community resources are available for help with housing, jobs, treatment, etc. AWC staff will provide information and referrals.