

A regular meeting of the Astoria Common Council was held at the above place at the hour of 6:00 pm.

Councilors Present: Brownson, Rocka, Herman, and Hilton.

Councilors Excused: Mayor Jones.

Staff Present: City Manager Estes, Parks and Recreation Director Dart-Mclean, Community Development Director Leatherman, Finance Director Brooks, Fire Chief Crutchfield, Police Chief Spalding, Public Works Director Harrington, Library Director Pearson, and City Attorney Henningsgaard. The meeting was live streamed and recorded, and will be transcribed by ABC Transcription Services, LLC.

REPORTS OF COUNCILORS

Item 3(a): Councilor Herman reported she and the rest of the Council toured the Merwyn building, which had been renovated into 36 workforce housing units for people earning below the median income in the County, plus four market rate units. She thanked Innovative Housing, noting that the project was a huge gift to the City. She participated in the Budget Committee's review of grant applications by local non-profits. Grant funding is 0.5 percent of the General Fund. She listed to the most recent Homelessness Solutions Taskforce (HOST) meeting and learned the County would be getting two liaisons who would start working on April 1st.

Item 3(b): Councilor Rocka reported that HOST was making some significant moves forward. He was encouraged by the joint meeting of the Port Commission and City Council, working together on the success of the Port. He attended a webinar about the crime syndicates that are freezing computer systems and demanding ransoms from essential organizations like hospitals. He also attended a webinar on lessons learned from the tsunami in Japan. He toured the Merwyn and participated in approving grants for local arts organizations. Lastly, he helped a couple of people in his ward resolve some issues.

Item 3(c): Councilor Hilton reported he met with Director Brooks to learn about the City's finances. He met with Alderbrook residents who were concerned about traffic in the neighborhood. He also met with commercial fisherman and longshoremen who were concerned about the future of their industries.

Item 3(d): Councilor Brownson reported that the County was classified as low risk for COVID-19. Restaurants and other businesses had re-opened, but he was worried about how crowded the restaurants were. He encouraged everyone to wear masks properly and keep a distance from others. He reported that Warrenton and Clatsop County approved the enterprise zone for River Barrel Brewing and Scoular. Both businesses would create living wage jobs. He attended the HOST meeting, where the lack of housing was discussed. He thanked Innovative Housing and City Staff for redeveloping the Merwyn. He reported that the Quake Alert USA phone app was now available to notify people of all of the quakes occurring in their area. He attended the meeting with the Port to discuss the development of the West Mooring Basin area. He also served on the committee to approve the arts and culture grant applications.

CHANGES TO AGENDA

No changes.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 5(a) City Council Meeting Minutes of February 10, 2021
- 5(b) City Council Work Session Minutes of February 10, 2021
- 5(c) City Council Meeting Minutes of February 16, 2021
- 5(d) City Council Work Session Minutes of February 18, 2021
- 5(e) Master Services Agreement for Telecommunications Services with Wave Business Solutions, LLC

5(f) Consideration to Extend COVID-19 Emergency Declaration

Councilor Herman noted the following correction to the minutes of the February 16, 2021 City Council meeting:

- Page 1, Last Paragraph, Second Sentence – “Director ~~Herman~~ **Harrington** said it would be quite a while...”

City Council Action: Motion made by Councilor Herman, seconded by Councilor Rocka, to approve the Consent Calendar as corrected. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, and Hilton; Nays: None.

REGULAR AGENDA ITEMS

Item 6(a): Appeal AP21-01 by Orr, Heiner and Fulton of the Astoria Planning Commission's decision to approve Appeal AP20- 04 of Administrative Denial Decision MR20-02 by Will Gutierrez to operate a home-based business detailing automobiles at 3349 Irving

Decision to approve a Home Occupation for auto-detailing at 3349 Irving Avenue. The applicant submitted a Miscellaneous Review application (MR20-02), that was reviewed as a Type II (Staff Level) application and was denied. The applicant filed an appeal (AP20-04) that was reviewed as a Type III application (Planning Commission Level). The applicant made adjustments to their proposal and the Planning Commission approved the appeal, thus approving the Auto-Detailing business. Based on the Planning Commission's Decision, it is recommended that the City Council consider this matter at a public hearing.

Councilor Brownson opened the public hearing at 6:15 pm and asked if anyone objected to the jurisdiction of the City Council to hear this matter at this time. There were no objections. He asked if any member of the Council had any conflicts of interest or ex parte contacts to declare. There were none. He 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.

City Manager Estes asked if the Council wanted to conduct an on the record hearing or a de novo hearing.

There was a unanimous consensus to hold a de novo hearing.

Director Leatherman presented the written Staff report via PowerPoint and noted that all correspondence received had been included in the Agenda packet.

Councilor Brownson called for the Appellant's testimony.

Sara Orr, 1050 34th Street, Astoria, stated that Mr. Heiner had submitted a letter saying he continuously hears noises inside his home caused by the business. She wanted to support Mr. Gutierrez's opportunity to make a living. She was only present to ask for clarification about the condition of approval. She requested that Condition of Approval 1 be amended to state, "All auto detailing activity shall occur only between the hours of 9:00 am and 6:00 pm with a maximum of three vehicles per week." Mr. Gutierrez had agreed on the record to three vehicles a week, which the Planning Commission considering during their deliberation. With this clarification, she would consider the entire matter resolved. There is noise leaving the site, which is not allowed. The activity is a form of vehicle repair that is not allowed under the Astoria Development Code.

Councilor Brownson called for testimony in favor of the appeal. Seeing none, he called for testimony opposed to the appeal.

Will Gutierrez, 3349 Irving, Astoria, said he was in compliance with all of the Conditions of Approval that the Planning Commission approved. All of the Appellant's concerns were already addressed by the Planning Commission. He had limited his business to three customers per week, all of his customers were by appointment only, and the only services he provided were interior cleaning and exterior power washing. He did not repair or assemble vehicles, nor did he do any kind of body work on vehicles. All of his customer's vehicles are detailed inside a garage with the doors closed while the equipment was operating. There was absolutely no runoff from the business. His business does not receive any deliveries. Everything he purchases for his business

is purchased locally. All exterior modifications to the concrete were done by the property owner to improve parking for all of the tenants at 3341, 3359, and 3349 Irving Avenue.

Ann Odom, 975 34th Street, Astoria, stated she lived between the detailing business and Mr. Fulton. The noise had been present when Mr. Gutierrez was using gas powered equipment. She spoke with him and he was easy to talk to. He listened to her complaints and changed all of his equipment, which eliminated any noise. If she hears anything at all, it is when she is out in the yard right next to the garage and the noise is just a slight hum. Commercial vehicles in the neighborhood make deliveries to her house and to all of her neighbors' houses. She did not want to see FedEx, UPS, and the USPS deliveries limited, nor did want to see the number of visitors limited. The water runoff comes from natural springs behind her property and at the vacation rental home in front of her. The runoff that came down the dirt road was addressed by Ms. Ferguson.

Councilor Brownson called for testimony impartial to the appeal. Seeing none, he called for the Appellant's rebuttal.

Steve Fulton, 1050 34th Street, Astoria, played a recording of Mr. Heiner's testimony, which had already been given to Staff to be included in the public record. He stated that he hears noise from the operation while inside his house. On February 28th at 4:00 pm, he was sitting in his living room and heard a car being power washed in front of the garage at Vanguard Auto. He and his sister could live with the noise if they are sure there would only be three cars per week. Mr. Gutierrez's application and his attorney both indicated three vehicles. Customers and vehicles were interchangeable, but if a customer has several cars then all of a sudden, it's four cars a week. On Page 34 of the Staff report, the Applicant said vehicle traffic on 34th street would be one additional vehicle trip per day three times a week. He asked that the City Council modify the condition of approval to state, "All auto detailing activity shall occur only between the hours of 9:00 am and 6:00 pm with a maximum of three vehicles per week."

Ms. Orr stated her only concern was that Mr. Gutierrez be limited to three vehicles per week because that was what he agreed to. She was not talking about all of the other things that were brought up.

City Attorney Henningsgaard asked if Mr. Gutierrez objected to the Appellant's requested change to the Condition of Approval.

Mr. Gutierrez stated the vehicle that Mr. Fulton saw him wash was not a customer vehicle. He did not understand what the Appellants were trying to accomplish. He had already limited his customers to three per week. Mr. Fulton had refused to speak to him. He was trying to do what he could to support his family. Ms. Orr and Mr. Fulton have asked him to sign a document agreeing to no more than three customer vehicles and two personal vehicles per week.

Councilor Brownson stated that document had not been submitted as part of the appeal. He explained that specifying three vehicles would prevent three customers from each bringing two cars in a week.

Director Leatherman recommended the condition state, "a maximum of three vehicles per week associated with the business." That would allow other vehicles to go up the driveway, which is a shared driveway.

Mr. Gutierrez explained that three houses shared the driveway. He did not want any issues with Mr. Fulton continuously taking pictures and recording him while he is working. It had become very uncomfortable for him to work while being recorded. Mr. Fulton was submitting false accusations to the City. He felt he was being harassed.

Councilor Brownson suggested the business be limited to three customers with one vehicle each per week.

Mr. Gutierrez stated that would be fine.

City Manager Estes noted that washing personal vehicles could occur at any residence, so adding the language recommended by Director Leatherman would provide Staff with clarity if enforcement actions were necessary.

Director Leatherman stated that amendment would say, "three customers with one vehicle each per week associated with the business."

City Attorney Henningsgaard suggested, "a maximum of three customer vehicles per week associated with the business."

Mr. Gutierrez stated that when a customer drops off their vehicle, there is obviously an extra vehicle to drop that person off. He wanted assurance that there would not be any more issues with Mr. Fulton. He asked that it be addressed.

Director Leatherman said two cars for dropping one off was allowed because it was part of the business. The City could not control that because under the Codes, standards, and what was approved, it was not issue.

Councilor Brownson closed the public hearing at 6:57 pm and called for Council deliberation.

Councilor Herman said she was glad both sides came to an agreement. She appreciated how much Mr. Gutierrez invested in new equipment. She also appreciated the Appellants for compromising. She asked if it would be beneficial to specify in the Development Code what qualifies as an allowed service around automobiles, large equipment and appliances. She recommended detailing be listed as a prohibited business because she believed that was the intent of the Development Code.

City Manager Estes responded that separate from this application, the City Council could direct Staff to prohibit detailing work through a Code amendment.

Councilor Hilton stated he was glad to see a peaceful resolution.

Councilor Brownson said he believed this simple clarification of the Planning Commissions findings was great. He appreciated the work that Planning Commission and Staff put into the application.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Rocka, to deny Appeal AP21-01, approve Appeal AP20-04 of Miscellaneous Review MR20-02, and adopt the Findings and Conclusions contained in the Staff report with following change:

- Condition of Approval 1 – "All auto detailing activity shall occur only between the hours of 9:00 am and 6:00 pm **with a maximum of three customer vehicles per week associated with the business.**"

Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, and Hilton; Nays: None.

Councilor Brownson read the rules of appeal into the record.


NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS (NON-AGENDA)

Councilor Rocka expressed concern for all of the business that were suffering due to the pandemic. His dinner theater in California had now been closed for a full year. He encouraged everyone to wear a mask and get vaccinated so that businesses could re-open.

ADJOURNMENT

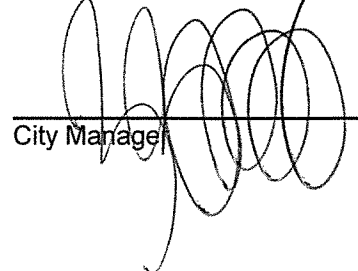
There being no further business, the meeting was adjourned at 7:08 pm.

ATTEST:



Finance Director

APPROVED:



City Manager