



AGENDA

ASTORIA CITY COUNCIL

MONDAY, April 17, 2017
7:00 PM
2nd Floor Council Chambers
1095 Duane Street · Astoria OR 97103

1. CALL TO ORDER

2. ROLL CALL

3. REPORTS OF COUNCILORS

4. CHANGES TO AGENDA

5. PRESENTATION

6. CONSENT CALENDAR

The items on the Consent Calendar are considered routine and will be adopted by one motion unless a member of the City Council requests to have any item considered separately. Members of the community may have an item removed if they contact the City Manager by 5:00 p.m. the day of the meeting.

- (a) City Council Minutes of 3/20/2017
- (b) Library Board Minutes of 2/28/2017
- (c) Naming the Pond in the Mill Pond Neighborhood the DeMuro Mill Pond (Community Development)

7. REGULAR AGENDA ITEMS

All agenda items are open for public comment following deliberation by the City Council. Rather than asking for public comment after each agenda item, the Mayor asks that audience members raise their hands if they want to speak to the item and they will be recognized. In order to respect everyone's time, comments will be limited to 3 minutes.

- (a) Ordinance - Article 3: ADUs (2nd Reading) (Community Development)
- (b) Ordinance - City Code Update: Land Use Violation (2nd Reading) (Community Development)
- (c) Public Hearing Regarding Vacation of a Portion of the Alley Abutting 3115 Harrison and the Adjacent Undeveloped Lot (Public Works)
***Item Canceled and Public Hearing to be Rescheduled**
- (d) Authorization to Award the Contract for Ridgeline Combo Harvest 2017 (Public Works)
- (e) Resolution To Transfer Amounts Within Funds (Finance)

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

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 JENNIFER BENOIT WITH THE CITY MANAGER'S OFFICE
AT 503-325-5824



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

April 13, 2017

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: ASTORIA CITY COUNCIL MEETING OF APRIL 17, 2017

CONSENT CALENDAR

Item 6(a): City Council minutes of 3/20/2017

The minutes of the City Council meeting of March 20, 2017 are enclosed for review. Unless there are any corrections, it is recommended that Council approve these minutes.

Item 6(b): Library Board Minutes of 2/28/2017

The minutes of the Library Board meeting of February 28, 2017 are enclosed for review. Unless there are any corrections, it is recommended that Council approve these minutes.

Item 6(c): Naming the Pond in the Mill Pond Neighborhood the DeMuro Mill Pond (Community Development)

In December 2016, the Community Development Department received a small grant from the Oregon Heritage Commission to fund an interpretative panel for Mill Pond Park to commemorate the history of the Astoria Plywood Co-op and eventual redevelopment into the current Mill Pond neighborhood. The late Art DeMuro was the lead developer of this former brownfield and was an important advocate for historic preservation in Astoria and around the state. To honor Art's skill, dedication, and considerable contributions to Astoria, it is recommended the pond be named the "DeMuro Mill Pond." The Mayor will host a dedication ceremony for the new sign at Mill Pond Park on May 15 in concert with Historic Preservation Month.

REGULAR CALENDAR

Item 7(a): Ordinance - Article 3: ADUs (2nd Reading) (Community Development)

This Development Code update was initiated by the Community Development Department in January 2016 in response to an Affordable Housing Strategy endorsed by the City Council in November 2015. The City Council held a special work session on July 18, 2016 to discuss the strategy, which is part of implementing a FY 14-15/15-16 Council goal. At the work session, staff presented background information - including accessory dwelling units - as part of a larger Development Code amendment to increase the supply of housing options for all income levels. Subsequent to the work session, staff scheduled a public hearing on September 27 with the Planning Commission to consider amendments to Article 3 – Accessory Dwelling Units. The other code amendments (Article 2 – Zoning Designations) were tabled until staff received further direction from Council. The Planning Commission scheduled a work session for October 19 and continued the hearing until October 25. After considering the findings of fact, and public testimony, the Planning Commission recommended approval to the City Council on October 25. The full record for the plan amendment application (A16-02: Plan Amendment), including the findings of fact, is contained in the staff report. A public hearing was held March 20, 2017 to accept public testimony and continued to April 3. The Council accepted additional testimony on April 3 and closed the hearing. Staff has reviewed the testimony, conferred with the City Attorney, and suggested minor revisions to the proposed Ordinance that address Council's direction. The Council voted to hold a 1st reading. It is recommended that the City Council hold a 2nd reading and adopt the Ordinance.

Item 7(b): Ordinance - City Code Update: Land Use Violation (2nd Reading) (Community Development)

In 2016, the Community Development Department administered an exterior alteration permit for a historic triplex at 328 Alameda. The applicant made the improvements to the house prior to the consent of the Historic Landmarks Commission. The City Attorney has proposed adding new enforcement tools to Section 1.010 Penalties of the City Code to rectify violations to land use, zoning, and building in Astoria that have occurred prior to and after land use approval. On April 3, the Council voted to hold a 1st reading of the Ordinance. It is recommended the City Council hold a 2nd reading and adopt the Ordinance.

Item 7(c): Public Hearing Regarding Vacation of a Portion of the Alley Abutting 3115 Harrison and the Adjacent Undeveloped Lot (Public Works)

The City has received a request from Larry Haskell, for the vacation of a 20 X 100 foot portion of the alley that abuts his property at 3115 Harrison (Tax Lot 8099CA10000) and also his undeveloped lot (Tax Lot 8099CA10100) on the south side of the alley, Lots 6 & 7, Block 63, Port of Upper Astoria. Mr. Haskell would like to obtain the square footage necessary to potentially construct a duplex on the property.

Per City Code 2.290 Authority to Make an Assessment Staff has calculated the real market land value of properties adjacent to the property as \$6.87 per square foot. Staff is proposing that an assessment of \$1,374.90 (10%) of the real land value (as has been the practice of the City in the past) to be considered for the vacation of this alleyway.

At their April 3, 2017 meeting, Council adopted a resolution of intent to hold a public hearing concerning the vacation on April 17, 2017.

It is recommended that the Astoria City Council hold the public hearing and consider a first reading of the ordinance to vacate a portion of the alley that abuts 3115 Harrison and the undeveloped on the south side of the alley.

Item 7(d): Authorization to Award the Contract for Ridgeline Combo Harvest 2017 (Public Works)

A commercial timber thinning is proposed on 52 acres of the Bear Creek Watershed property for the summer of 2017. The harvest is located near the south-western boundary of the property, and would include thinning of two overstocked stands that are primarily composed of Hemlock, while also completing a variable retention harvest on three other areas within the unit. The Douglas fir in these stands is impacted by Swiss Needle Cast, a fungus that attacks the crowns of the trees and inhibits growth, potentially killing the trees. One of the thinning areas has also been subject to severe wind throw. The thinning activities will improve the wind firmness of the stand while and allow remaining trees to utilize the available growing space.

At their March 20, 2017 meeting, Council authorized staff to solicit bids for the project and to also hold a public informational meeting (held on March 29, 2017). On April 7, the City received the following bid for the harvest:

- Hampton Tree Farms -
- Douglas Fir - \$424.25/mbf
- Hemlock/Silver Fir - \$284.59/mbf
- Sitka Spruce - \$200.00/mbf
- Non-Bid Species
- Pulp Logs \$7.00/ton
- Alder Sawlogs \$350.00/mbf

The Combo Harvest should result in gross revenue of \$224,577.20. Net revenues after paying for required expenses such as road improvements should provide an estimated \$190,000.00 to be deposited into the Capital Improvement Fund. It is recommended that Council award the Ridge Line Combo Harvest to Hampton Tree Farms.

Item 7(e): Resolution To Transfer Amounts Within Funds (Finance)

ORS 294.463 provides guidance for the transfer of appropriations within a fund, when authorized by resolution of the governing body. Capital Leases have historically been accounted for as Capital Outlay and are listed as Capital Outlay in the Fiscal Year 2016-2017, Adopted Budget. During Fiscal Year ending June 30, 2016 financial statement review and based on budget law training, it has come to our attention capital lease payments should be accounted for in the Debt Service classification. As Debt Service is a required budget element, appropriations made within Capital Outlay need to be transferred to Debt Service to properly account for lease payments within the Capital Improvement Fund in the amount of \$ 129,430 and Public Works Improvement Fund in the amount of \$ 80,700. The total appropriations remain the same in each fund.

It is recommended that council adopt the attached resolution transferring appropriations within the Capital Improvement and Public Works Improvement Funds.

A regular meeting of the Astoria Common Council was held at the above place at the hour of 7:00 pm.

Councilors Present: Nemlowill, Jones, Price, Brownson, and Mayor LaMear.

Councilors Excused: None

Staff Present: City Manager Estes, Community Development Director Cronin, Parks and Recreation Director Cosby, Finance Director Brooks, Fire Chief Ames, Police Chief Johnston, Public Works Director Cook, Assistant Engineer Crater, Support Engineer Moore, Library Director Pearson, City Forester Barnes, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

REPORTS OF COUNCILORS

Item 3(a): Councilor Nemlowill had no reports.

Item 3(b): Councilor Brownson reported that he attended an elected officials meeting hosted by the League of Oregon Cities, which he found interesting as a newly elected Councilor. He attended the Astoria High School concert held at the Liberty Theatre on Friday. He does not have any children enrolled at the school at this time and is not involved with the band, sports, and other things that go on at the high school, so it was fun to see the band. Arts are necessary in school and Astoria has done a great job of bringing kids into the band. KMUN held a fundraiser because its funding is in jeopardy. He encouraged listeners to support the station.

Item 3(c): Councilor Price announced that the Astoria Downtown Historic District Association (ADHDA) had a new executive director, Sarah Lu Heath. She spent time with Ms. Heath assisting with State Historic Preservation Office (SHPO) grant applications for innovative housing at the Merwyn and for upgrades to the Columbian Theater. Both projects would be great for the community.

Item 3(d): Councilor Jones reported that he spoke with his Ward 4 neighbors, William and Merriam Rose, who purchased the Hobson Building and are working to maintain and improve it. They complimented the Community Development and Public Works Departments for giving great customer service. Mr. and Mrs. Rose made structural improvements to the building and shored up the hollow space underneath the sidewalks. He held a Meet the Councilor event earlier in the month at Alderbrook Hall. It was great to discuss some of the City's strategic goals. The next meeting will be in May. Last weekend, Astoria hosted the Coast Guard's newest fast response cutter, the FRC John McCormick. He was one of many who stood in line for the chance to tour the ship. He hoped that Astoria would port two of the new cutters in a few years.

Item 3(e): Mayor LaMear had no reports.

CHANGES TO AGENDA

City Manager Estes stated Mayor LaMear has made the following additions:

- Regular Agenda Item 6(g): A Letter to the JC Penny Company
- Regular Agenda Item 6(h): Clatsop County Domestic Violence Council
- Regular Agenda Item 6(i): Stan Wanlass Sculpture

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 5(a) Resolution Designating Authorized Signers (Finance)
- 5(b) Rural Grant for STEM programming in community award announcement (Library)
- 5(c) Ridge Line Combination Timber Harvest 2017 (Public Works)

City Manager Estes said a Councilor and a member of the public requested Item 5(c) be removed for further discussion and citizens have requested the opportunity to comment.

City Council Action: Motion made by Councilor Nemlowill, seconded by Councilor Price, to approve Items 5(a) and (b) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Item 5(c): Ridge Line Combination Timber Harvest 2017 (Public Works)

City Manager Estes briefly reviewed the details of the proposed timber harvest.

City Forester Mike Barnes introduced his colleague, Ben Hays, who has been working with him on Astoria's timber harvest. He displayed a photograph of the watershed area on the screen and explained the lines, numbers, and colored areas on the photograph, noting which areas would and would not be harvested. Native tree species that are difficult to obtain seedlings from, like spruce and Pacific silver fir would be retained for natural regeneration. The areas to be thinned will have about 40 percent of material removed, which will improve the growing conditions of the trees to be retained. He pointed out the road on the photograph, which follows the ridge line, and said all of the harvest areas gently slope to the right of that road. No harvesting would be done on areas that slope down toward Wickiup Lake. The harvest work will be done during the dry part of the summer and 200 feet and more from all flowing water. There will be no impacts to the road because it is already graveled.

Council Nemlowill stated that Josie Pepper emailed City Council with several concerns, adding Ms. Pepper had requested this process be opened up to the public. She thanked Mayor LaMear for allowing the public to get involved. She said that Ms. Pepper was concerned that the logging could exacerbate the issues with haloacetic acid created when organic compounds mix with chlorine.

Director Cook said logging has not been shown to be a detriment to the water quality. The recent haloacetic acid episode in Astoria was related to the construction of a pipeline that would access the water feeding into Middle Lake. During the summer, the City normally takes water from Middle Lake because it contains less organic compounds, but the lake could not be used while the pipeline was being built. The Spur 14 line has been operational for a couple of months and testing shows the water in that line is well below all federal standards. The new pipeline contains water of such good quality that the sand filters are clear. It was unfortunate that the construction was delayed to the point that the City could not switch to its normal wintertime water source, but the new source will be much better.

City Forester Barnes added that any water that happens to flow over the surface of the harvest area will eventually flow into Wikiup Lake. The lake's outlet sends water into the ground, gets filtered, and becomes the water that Director Cook just mentioned as being of the best quality.

Ben Hays explained that haloacetic acid is a byproduct that comes from organic matter. He researched the sources of that organic matter last year and found that alder trees in the riparian corridors were a possible source. However, in this case, the harvest area is so far removed from the city's water source that there will be no impacts to the organic matter that enters the water.

Councilor Brownson said he wanted to learn more about this timber harvesting process, the City's past harvesting practices, and what impacts that had. He also wanted to know why the harvesting was being done. He understood that the City would be leaving the watershed alone so it could be used for carbon credits. He was also concerned that this issue was added to the Consent Calendar. He wanted to make sure people paid attention to Astoria's forests and watershed. Council needs to make sure the City does not give the impression it is trying to slip something under the table or get by with something. City Forester Barnes said he has been involved with the City's watershed for 15 or more years. Astoria has harvested every year under the Forest Stewardship Council (FSC) management prescriptions, which is a very high level certification program. Astoria has participated in the program for at least 12 years. The FSC audits Astoria's program every year to make sure the City is adhering to the standards. Astoria harvests less than 25 percent of the growth in the watershed, which is a very low percentage. The inventory done a few years ago showed Astoria had 100 million board feet of standing timber and Astoria will never have less than that. Growth will occur at a rate of 3 million board feet per year, even with a harvest. This harvest area was chosen because of its low impact to any water concerns and it

was an area that had some blow down along the edges and high density stands that have never been thinned. He would try to harvest areas where native species could be encouraged to regenerate naturally. This project will not affect the water quality.

Councilor Jones believed everyone in the room was concerned about being good stewards of natural resources. Good forest management practices are important and he was very impressed with the plan enacted by the City over the years because it is based on sound science and decades of proven forest management success. He appreciated that Astoria was growing four times more than it was harvesting. The plan is good because it stops diseases from spreading and protects the overall health of the forest. City Forester Barnes added that the road system is improved during the harvest each year. The main line road was not in good condition when he first started working for Astoria and now it is great shape. Access is important for fire safety and other reasons. Nothing is ever burned and no chemicals are ever applied to the forest.

Mayor LaMear called for comments from the public.

Roger Dorband, 462 6th Street, Astoria, said he was a member of the Bear Creek Watershed Working Group that came to the last Council meeting to suggest community involvement and discussion of the watershed. He displayed a copy of the group's forest resource management plan and Portland's statement about the Bull Run Watershed, which stated all logging was stopped permanently in 1996 due to the increased turbidity it caused, resulting in contamination of the city's water supply. Logging in Astoria's watershed is not a forest management or conservation issue; it is a public health issue. Given Astoria's recent violation of the Environmental Protection Agency's (EPA) clean water standard for haloacetic acid, there are many in the community who are concerned about the drinking water and its potential health effects. He believed City Council should engage with the public and the Bear Creek Watershed group to reevaluate whether more logging is advisable in the watershed. The Oregon State Extension Forester has agreed to look over the forest management plan as an independent observer in order to help all parties gain a better understanding of what this could mean for the future. He believed postponing the harvest would have little fiscal impact on Astoria and allow this issue to be presented to the public for discussion and input. The \$200,000 in revenue from the harvest represents less than three percent of Astoria's total projected revenue for the year and would not impact the services provided to the community. He reviewed the Clatsop County water reports from the last few years and said the reports indicated an ongoing problem with spikes in haloacetic acid over the EPA limit. Haloacetic acid and trihalomethanes are more likely to appear in drinking water where turbidity in watersheds has increased after logging. There are many examples of this in the literature he presented. He understood that logging in the Bear Creek Watershed has been done carefully, sustainably, and according to the FSC certification. However, the certification was given 13 years ago and he wanted to know if any on site evaluations had been done since then by the FSC to monitor the watershed. The forest resource management plan states that practices are reliant upon the Oregon Forest Practices Act, which is under a lot of criticism by environmental groups because its standards for protecting human health, water, and environment are weak. There are also several bills being considered by the legislature to drastically alter the act. The issue is that any logging in the watershed creates problems with turbidity and contamination, not whether careful and sustainable logging is being done. He believed Astoria's watershed should have the same maximum emphasis on water quality as Bull Run.

City Forester Barnes confirmed that Astoria participates in a very strict on site audit by FSC every year. FSC considers current harvest levels, past harvest levels, and harvest areas. Astoria's watershed practices far exceed any requirements under the Oregon Forest Practices Act.

Chris Farrar, 3023 Harrison Avenue, Astoria, said he had requested this item be removed from the Consent Calendar for discussion. Good explanations have already been given on the reason for so many concerns about water quality issues. Any item related to Bear Creek Watershed forest practices that the City discusses should not be a Consent Calendar item. He read the Bear Creek Watershed Working Group's forest resource management plan and it was encouraging to see all of the detailed information. The watershed was treated harshly before the City of Astoria owned it, so there is work that needs to be done to fix it up and make it work better. The working group's plan calls for a 50-year cycle, which he believed was inappropriate. Forests did fine before human beings occupied the planet and human intervention is not necessary. Once the forest is in shape, cutting every tree every 50 years will not be necessary. Some of the trees should live for thousands of years. The watershed could be a great study site that could bring in money from universities that want research stations that are uncontaminated. Standard practices carried out in industrial forests ruin the forests and turn them into

tree farms. He suggested the City dedicate a portion of their website to publishing more information about this project.

City Forester Barnes said under the current management philosophy, if Astoria harvests less than 25 percent of what is growing, the City will have trees that continue to get older every year. Astoria's trees will be much older than 50 years.

Ellamax MacDonald, 1561 Exchange St. Astoria, said she appreciated this discussion, but wished more information was on the City's website. She was grateful that this item had been opened up to the public. She was concerned about cutting in the watershed because of previous water quality problems and contamination. The way Public Works handled the haloacetic acid leak compromised their integrity. She asked if the water was back to safe levels and said she never received any notice about the issue, nor did she read about it in the *Daily Astorian*. Her father was a water scientist, so she knew a lot about this issue. She was very skeptical about this watershed project. She understood that timber stands needed thinning and diseased trees needed to be cut. However, she requested City Council vote in favor of removing this item from the Consent Calendar, handle the health of the watershed carefully, and have an independent evaluation of the cutting done by someone who does not work for the Public Works Department. Rockaway and Wheeler have seriously compromised water because of cutting in their watershed, which those cities did not control. Astoria owns their watershed timber and the City has the power to control it. The City is already making money from the watershed by selling carbon credits.

Mr. Hays stated that while it is good to see so many people engaged and caring about where their water comes from, it is important to differentiate between the haloacetic acid issue and forest management practices. Haloacetic acid is a chlorination byproduct and forest management practices involve removing material from the streams. Haloacetic acid is a direct result of organic matter in the water reacting with the chlorine to create by products. Disturbance, warming water temperatures in the reservoirs, and alder along the riparian corridors contribute to this reaction. Alder trees drop tannin rich matter into the water, which is difficult to control. The timber harvest area will have no impact on the amount of organic matter that ends up in the water.

Mayor LaMear asked if alders along the creeks were ever cut down. City Forester Barnes explained that the streams are protected under the Forest Practices Act because they considered a domestic water supply. Harvesting next to streams is prohibited.

Tom Kolbisch, 4411 Leif Erickson Dr., Astoria, said this was the discussion the public wanted because the issues are complex. None of the public easily understands haloacetic acid or past forest management planning. He was glad this item was removed from the Consent Agenda. Section 3.9 of the forest management plan says that the Council accepts public comments prior to any decision on the project. He believed it was important to publish more information about proposed timber sales, including an analysis of the economics of the sale and analysis that helps the public understand the measures taken to minimize the impacts to aquatic resources. It would be appropriate to have a high level discussion because Astoria's water comes from this watershed. He managed an FSC certified forest for ten years and the certification standards are good. However, the standards are for logging and not meant for drinking water watersheds. The City should always be looking for a higher standard than the FSC standards.

Suzanna Gladwin, 82316 Hwy. 103, Seaside, thanked Council for taking public comments. The Bear Creek management plan was sent out via email in advance of the meeting, but she asked that the City publish the document on their website. She wanted to know if the spruce trees being cut would be moved to another location so they could re-seed. She also wanted to know if Oregon ash trees would be planted. Both spruce and Oregon ash are water tolerant trees. Alder has a short lifespan, so she wanted to know more about the management of the species that could take over the alder. As the trees get older and the volume of standing trees increases, the 25 percent that is cut will also increase. She did not believe this was a goal that should be maintained.

Mr. Hays explained that the majority of spruce trees would be left alone because they are native and stand firm against the wind. He is not able to get spruce seedlings and wants to regenerate the area as much as possible with the seed that is already on site. Ash is not a species that would naturally grow in that area, so no ash trees will be planted. His intent is to find areas in the watershed where harvests can be used as a tool to increase structural complexity, species diversity, the forests ability to filter water, and provide high quality water to the City of Astoria. Therefore, some areas of the watershed will not be harvested. Over time, the harvests will increase the recruitment of thousand year old tree stands. By identifying the trees that will be left to grow for many years

and removing other nearby trees, the entire stand can be prevented from blowing down and better resist disease, pests and pathogens. Native species like spruce, hemlock, and Pacific silver fir will remain on site while diseased species like Douglas fir and non-native species that were seeded in the area will be removed. Much of the watershed was seeded with species from British Columbia and eastern Oregon, so they do not grow very well.

Sue Skinner, 511 Jerome, Astoria, said she wanted to know why the community needed to deal with this issue all the time. Watersheds are not supposed to be cut and she wanted to know what the problem was. The City will only receive \$200,000. None of the habitat, including the snags and dead trees, will be left for any of the species, from the micro rhizomes to the mammals. Everything the City tries to kill is important to this forest. It would be fabulous to leave the watershed alone and see what it does. She suggested Council start a fund for the \$200,000 because she believed people would pay into the fund. If the City is just cutting the watershed for the money, the cutting is not necessary. The extra management and roads do not make sense to her. The area should not have any roads going into it at all.

City Forester Barnes explained that the contract specifically states that snags are to be left alone. The diseased trees to be removed are infected with Swiss needle cast, which affects Douglas fir. The Douglas fir on Astoria's watershed were aerial planted with off-site seedlings. Those trees are of very poor quality because they are not appropriate for the watershed and the natural species like spruce, hemlock, and Pacific silver took over.

Mr. Hays added that the road system is important. If the watershed were left alone for the next 30 years, the road system would become the largest source of sediment into the streams along with the alder. So, carefully managing the roads to minimize the sediment that washed into the water is very important. Adding culverts and resurfacing pieces of roads minimizes the flow of fine sediment. There is no intent to build a highway system in the watershed.

Doug Thompson, 342 14th Street, Astoria, said 25 years ago, he represented Ward 3 for a little over a decade. History is repeating itself. In the early 1990s, Astoria dealt with alder next to the water and the effects of turbidity. A water scientist from the Bull Run Watershed gave a presentation to City Council and Oregon State University did a recreational study in the Bear Creek Watershed. He started the process of getting the FSC certification. He has been discussing this issue online with many of the people in the audience and believed Council needed to do everything in context. There are a number of bad groups working on the public forests of northwest Oregon, which creates distrust and suspicion. The public's perceptions about forestry are affected by lawsuits, big timber money, and the Koch brother's money. Even if City Council has logged the watershed since it was FSC certified, anything that has to do with logging in the watershed does not belong on the Consent Calendar. The suspicion is immediate and people will wonder what the City is trying to hide. Astoria does a much better job now than it used to. But he suggested the City err on the side of too much information. Logging is seasonal work and Staff has a good reason for coming to Council in March to do a summer sale before the rains come. However, this issue is important enough that the discussion should be deferred at least until a work session has been conducted and more input has been collected. If there is not enough season left to do the logging, then the issue should be deferred until next year. He asked Council to refrain from voting on this tonight.

City Forester Barnes explained that this timber harvest would be fairly small and the local timber companies that would be bidding on this harvest will be scheduling their summer activities soon. If Astoria delays the solicitation of bids to May or June, the City might as well delay the project for an entire year because the timber companies need adequate time to schedule someone to do the work. Astoria does not want a bad apple harvesting in the watershed and the bad apples are usually the ones that do not have work come summertime.

Mayor LaMear She asked if any of the thinning would provide fire protection. City Forester Barnes said a uniform canopy disrupts the spreading of fire and road improvements will ensure that fire equipment can access the area.

City Manager Estes asked if Council had time to schedule a public meeting and delay a decision for about a month. City Forester Barnes believed that would delay a decision to May or June. Director Cook said he supported City Forester Barnes's comments about delaying a decision. He supported a public hearing first, and then taking public comments at a special session because the good contractors will fill their schedules in the next few weeks.

Councilor Price said she supported more public input and action in City work, but in this case, to what end? She heard some good ideas, like using the forest as an educational resource. In a perfect world, nothing would be logged. However, \$200,000 is not just something to sneeze at. She encouraged the public to attend the work session on Thursday night when City Council will discuss the Parks Department budget, or to any budget session because \$200,000 means a lot to this City. This was put on the Consent Calendar because over the past year or year and a half, the City has had several work sessions and special sessions where the forest has been discussed in great detail with City Forester Barnes. The City had a long conversation when carbon credits were discussed, so Council felt like they had been very well informed. Astoria needs a long public process for issues because it can take a long time for the public to catch up to what the City is doing. Council has held many meetings before where hardly anyone attended, so she was unsure about what spurred this increase in people attending this meeting. However, this is a good example of why long public processes are necessary. She believed Staff was working on improving the City's website with more information. If Council wants to delay this to another meeting, she would participate, but she doubted that Council would not want to log this year. Not logging could affect their contract with the Climate Trust.

City Manager Estes reminded that a final determination on whether to cut would not be made tonight, as this item is just to consider authorizing the solicitation of bids. If Council approved the solicitation tonight, Staff could schedule public meetings before Council is presented with a bid to consider.

City Forester Barnes added that under an improved forest management plan, which Astoria has, the City must harvest in order to have a carbon project. If Astoria does not harvest, there would not be any carbon credits and the City would be in violation of the Air Resources Board's requirements for a carbon project.

Councilor Brownson said he appreciated the ongoing education because he is new to the position, the issues, and the way Astoria has conducted business historically. He also appreciated that the City was conducting much better forest practices than he has seen in any other place. Commercial logging is a travesty. He has spoken with people who do gentle harvesting on their own stands and allow the area to reseed itself. So, he was very comfortable with the impacts to water quality. Many factors affect water quality and it is good to ask if projects like this will have an impact. Staff has been very thoughtful and thorough in applying good science. The watershed used to be commercially logged and the City is trying to bring it back from serious damage. He supported the harvest, but also wanted more discussion and more information published for the public to see. Transparency is very important and people feel better about situations when they learn the details.

Councilor Nemlowill understood her fellow Councilors wanted to move forward and the public wanted more information. She believed the City could do both. She would support the solicitation of bids as long as a public meeting could be scheduled within the next month. There is a heightened sense of awareness and a sensitivity about water quality, so she would like more people to have the opportunity to learn from the forester, ask questions, and provide input.

City Council Action: Motion made by Councilor Jones, seconded by Councilor Nemlowill, to approve Item 5(c) of the Consent Calendar and schedule a public meeting to provide the public with more information. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

REGULAR AGENDA ITEMS

Item 6(a): Ordinance and Public Hearing – Article 3: Accessory Dwelling Unit (ADU) (1st reading) **(Community Development)**

This Development Code update was initiated by the Community Development Department in January 2016 in response to an Affordable Housing Strategy endorsed by the City Council in November 2015. The City Council held a special work session on July 18, 2016 to discuss the strategy, which is part of implementing a FY14-15/15-16 Council goal. At the work session, Staff presented background information – including accessory dwelling units – as part of a larger Development Code amendment to increase the supply of housing options for all income levels. Subsequent to the work session, Staff scheduled a public hearing on September 27, 2016 with the Planning Commission to consider amendments to Article 3 – Accessory Dwelling Units. The other code amendments (Article 2 – Zoning Designations) were tabled until Staff received further direction from Council. The Planning Commission scheduled a work session for October 19, 2016 and continued the hearing until October 25, 2016. After considering the findings of fact and public testimony, the Planning

Commission recommended approval to the City Council on October 25th. The full record for the plan amendment application (A16-02: Plan Amendment), including the findings of fact, is contained in the Staff report. A public hearing has been properly noticed for March 20, 2017. It is recommended that the City Council hold a public hearing, take public testimony, and hold a first reading of the proposed ordinance.

Mayor LaMear asked if anyone objected to the jurisdiction to hear this matter at this time. There were no objections. She asked if any Councilor had a conflict of interest or ex parte contact to declare. There were none. She 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 summarized the Staff report and noted that the Community Development Department was the Applicant.

Mayor LaMear opened the public hearing at 7:50 pm and called for the Applicant's testimony.

Director Cronin described the various types of ADUs, which would provide housing for singles, young couples, and single parents. Staff conducted considerable research that led to the proposal being presented. Ordinance amendments are recommended because the existing ordinance is not working and resolving the housing issue is a City Council goal. He presented the proposed ordinance amendments related to ADUs and displayed diagrams and graphics from the Staff report. He reviewed lot and parking requirements, the design review process, and next steps.

Councilor Brownson said he wanted to make sure the City was separating ADUs from homestays and vacation rentals. He understood an ADU was a place for someone to live long term, not short term. He confirmed with Staff that ADUs had to be rented for at least 30 days minimum and could not be used as vacation rental units. Section 2(b): Single Service Utilities states the combined units would have single service utilities, which could be problematic for landlords who want renters to have their own separate meters. Director Cronin explained that ADUs could have sub meters that calculate what the tenant is using. City Manager Estes added that requiring single service utilities ensures that the ADUs are ancillary to the primary dwelling.

Councilor Brownson asked if property owners with ADUs would be able to rent a room in the main residence. Director Cronin explained that a property owner could live in the ADU and rent the main dwelling or rent out extra rooms in the main dwelling. There is no prohibition on renting long term. The ADUs provide more privacy because they have separate entrances.

Councilor Brownson said he heard many concerns about the off-street parking criteria, which requires one additional off-street parking space for the ADU, with the possibility of receiving credit. If two people were living in an ADU, they could each have a vehicle. The main dwelling could have a family of four with a teenager, which could mean an additional three cars. He was concerned about providing three parking spots for five cars, potentially. The City would have to deal with a build up of vehicles parked on the street. Traffic was already an issue and he was concerned that this would compound the problem. Director Cronin explained that ADUs on city-standard streets would get an on-street credit toward the one required off-street parking space. This proposal does not address traffic management.

Councilor Brownson said he wanted to make sure the impacts of additional on-street parking to the neighborhoods are being addressed. He also wanted to discuss the street parking credit and solid examples of the streets that fit the criteria. Director Cronin stated an inventory of the city-standard streets was not available at this time. He noted the Agenda packet contained a diagram from the Transportation System Plan (TSP) and explained that city-standard streets had parking on both sides. Streets like Franklin or Grand are built to city standards, but Floral, for example, is not built to city standards and does not have the ability to accommodate on-street parking.

Councilor Brownson confirmed he understood. He said he believed much of the discussion would be about impacts to the neighborhoods and design standards. It will be important for the City enforce historic design standards seriously.

Councilor Nemlowill confirmed that the distinction between ADUs and tiny homes is that tiny homes are built off site. She asked how the prohibition of homestays would be enforced. City Manager Estes stated he directed

Director Cronin to refrain from working on homestay lodging Code amendments or enforcement in order to avoid a conflict of interest because he and his family have a homestay lodging at their residence. He said Staff would address enforcement actions just as they would any other Code violations that are turned into the Community Development Department. Planner Ferber would respond to Code violation reports and work with Code Enforcement Officer Small, who might have to issue citations.

Councilor Brownson said he wanted ADUs to be discussed separate from homestays. If City Council decides to allow homestays in some way or in a different way, enforcement must be discussed and addressed.

Councilor Price said she disagreed. Council was told there have been three applications for ADUs in 10 years, but there are 10 ADUs on Airbnb. She did not know how Staff could bring those into compliance and enforce a prohibition on ADU homestays.

Councilor Brownson said the City needs to find ways to enforce the laws, so a separate discussion about the issue is necessary. There is a very distinct difference between an ADU and an Airbnb. Airbnbs do not have kitchens and are not set up for people to live in long term.

Councilor Price asked Councilor Brownson if he had read and checked her spreadsheet against Airbnb; 68 percent of properties rented on Airbnb have kitchens. Councilor Brownson agreed this was a problem. Councilor Price said she believed the City had clear data showing ADUs and homestays were not separate issues.

Mayor LaMear called for any testimony in favor of the application.

Fred Bohne, 824 35th Street, Astoria, said he has been trying for 22 years to get an occupancy permit for his coach house. Three units in ten years is a terrible quantity because people who work in this town cannot afford to live here. If City Council voted to direct the Community Development Department to come up with 500 units in the next year, the housing problem would be solved. There is precedent for this. The Environmental Protection Agency (EPA) says that car makers have to get 36 miles to the gallon by 2025. If the City held a public meeting, he believed many people would love to have a second unit. However, people have been intimidated by inspectors and regulations over the years. This can change as it did for him when Jim Byerly presented him with options for his coach house. It took about a week to complete the work and Mr. Byerly signed off on it. Mr. Byerly is a great resource and if he could approve two units a day, it would not be too difficult to get an additional 500 units in the next year.

Micha Cameron-Latteck, 1820 SE 3rd Street, Astoria, said Astoria has a housing crisis and people who work here cannot afford to live here, particularly the people who are in large part responsible for Astoria's attractiveness to visitors. He believed ADUs were one possible solution to the housing crisis. ADUs are small and therefore, more affordable. Mostly single people, young people, and single parent families would live in ADUs and those are the people that have a really difficult time maintaining a lifestyle in Astoria. ADUs are not the only solution to the housing crisis and he recognized the potential problems with enforcement. However, this does not mean the City should not consider ADUs as a real option for people who want to live here and contribute to the community.

Susana Gladwin, 82316 Hwy. 103, Seaside, agreed there was a necessity for houses for the workers of Astoria. There are definitely ways to address the Airbnb issues, which cities all over the country are dealing with. She believed Portland had defined what was permissible, but she had heard there was no enforcement. Airbnb rentals are allowed as long as the dwelling has a permanent resident and off-street parking. She tried to get Director Cronin to explain Astoria's ordinance, but it never made sense to her. She has an 1880s house up on a hill with no way to have off-street parking. Lexington Street is skinny at the top of the hill. She has been unable to figure out the on-street parking credit, so it needs to be well defined. The ordinance will increase the population, so summer traffic needs to be considered. Years ago, she tried to get ODOT, the City, and the County to look at Wicks Road or find a way out of town to the east and she believed the County was still discussing this. An exit to the east should be discussed as part of this ordinance.

Chris Haefker, 687 12th Street, Astoria, said he was in favor of ADUs and believed the City should relax the parking codes. He did not believe ADUs should have any parking requirements. On his street, only one house has a driveway and most of the homes have been turned into duplexes and triplexes. His neighborhood does not have a parking problem and many of the units in his neighborhood could be defined as ADUs. He did not believe homestays should be banned in ADUs. Many homeowners who are considering building an ADU have to

consider the costs. He took an ADU class in Portland and learned they cost about \$100,000, especially if they are detached. If a homeowner is considering offsetting some of their housing costs, they might want the option to offer a homestay and monthly rentals. Many Airbnb renters in Astoria juggle the two types of rentals, not because it is fun, but out of necessity. If the City is going to force people into monthly rentals, Council should consider a requirement to take a landlord/tenant course. Landlord requirements are changing drastically and the City might not want to pigeon hole people in that direction.

Jennifer Cameron-Lattik, 1820 SE 3rd Street, Astoria, said she was generally in favor of ADUs as one tool for dealing with affordable housing. However, she was concerned about some of the standards for tiny homes and ADUs. Tiny homes could be built to codes for permanent structures or for temporary living quarters like recreational vehicles (RVs). It seems unsafe for the community to allow structures built to less secure and less safe codes. She was unsure of fire protections and would be concerned about having a small structure without smoke alarms next to large, old houses. Those designations are unclear in what has been presented so far.

Director Cronin explained that tiny homes must be built to RV standards, which are posted online. Housing and Urban Development (HUD) standards were also included because the City needs a set of third party standards for tiny homes. Currently, the legislature is considering new standards and whatever is passed will replace the definition that Staff has proposed in this ordinance. The legislature is hearing about ordinances like this one from all over the state because there is so much interest in tiny homes. A new building code will be included through the State Building Codes Division if new codes are passed by the legislature.

Patrick Wingard, no address given said he was Astoria's Northcoast Regional Representative with the Oregon Department of Land Conservation and Development (DLCD). He commended the City for the work they are doing because it is not easy or cheap. He was unable to attend the work session on the construction excise tax, but he was interested in learning how the conversation went. The City of Newport and Tillamook County are also considering this issue. He noted that Astoria's Comprehensive Plan is structured under acknowledgment through the State that is framed by 19 statewide planning goals. He read the following excerpt from Statewide Planning Goal 10:

"Building lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels that are commensurate with the financial capabilities of Oregon (or in this case, Astoria) households and allow for flexibility of housing location, type, and density."

He liked that the Staff report said ADUs are not the solution; they are just one of many ways to increase a range of housing options for Astorians. He complimented Staff. He has been watching this issue closely and said each municipality needs to find their own way to a solution. He strongly supported Astoria's approach to ADUs being offered an on-street credit when street conditions are appropriate. About 10 years ago, he worked with Chief Ames to adopt new street standards for the City of Warrenton. While Chief Ames has always supported planning departments, fire departments also have a job to do. As long as he knows City Council is working in concert with public services and emergency responders, he knows the City will land in a good spot. It is very important to take advantage of Astoria's infrastructure without excessively adding more impervious surfaces to the city's urban landscape. He and the DLCD support the work that Astoria is doing.

Mayor LaMear called for testimony opposed to the application.

Doug Thompson 342 14th Street, Astoria, said he was speaking as a representative of the Lower Columbia Preservation Society (LCPS). The LCPS previously submitted written materials that are part of the record. Their objections and recommendations have not changed. He asked for more than three minutes to outline the objections and recommendations because the LCPS, as an organization, represents many voices. He read LCPS's position statements as follows:

1. The ordinance should support one ADU per lot, instead of one ADU per single-family lot.
2. The LCPS supports internal conversions in all zones, provided all other criteria are met.
3. They support the creation of new ADUs that extend beyond the existing envelope, like attached additions, subject to rigorous design review in all zones.
4. The LCPS is concerned about Staff's assertion that the only area of town not covered by design review standards is the south slope, which is mostly Ward 2, Councilor Brownson's area. Alderbrook has never been inventoried and is not covered by design review standards. Astoria has not inventoried all of the neighborhoods and therefore, does not have historic resources inventoried, historic design review, or city-

wide design review in residential areas. The City could implement a city-wide design review process for ADUs, but this proposed ordinance does not do that.

5. The LCPS encourages restrictions on the siting of detached ADUs, such that they can only be located in rear or interior side yards and not adjacent to public rights-of-way.
 6. This ordinance continues to grandfather in existing homestays and short-term rentals, including those that people find egregious.
- If City Council approves this ordinance as proposed, the City will have created a double standard, which is inappropriate. The LCPS supports the development of ADUs with both city-wide conditions and conditions that are specific to certain neighborhoods. The Comprehensive Plan states the City should maintain neighborhood character and design review is the tool necessary for detached ADUs.

Mayor LaMear asked for clarification about the first position statement. Mr. Thompson explained that LCPS supports one ADU per lot regardless of zoning, but the current proposal only applies this limit to single-family lots. This infers multiple ADUs would be allowed on multi-family lots.

Mike Sensenbach, 110 Kensington, Astoria, said he supported LCPS's position. The Planning Commission's work session attempted to address the differences between the two sets of building codes that apply to tiny homes, the RV standards and the International Building Codes. However, he believed many of the audience's questions have gone unanswered. Eric Schmidt, Gresham's Community Development Director and President of the Oregon Building Officials' Association, stated in the *Daily Astorian*, "Allowing tiny homes to be built to a lesser standard and occupied on a permanent basis can be interpreted that it is acceptable for anyone who occupies them to have a lesser minimum standard for life safety than those that have a traditional home." He did not believe Astoria wanted to send this message to its citizens. He preferred tiny homes be removed from the ordinance and addressed as a separate issue at a later time. The State legislature is currently considering tiny homes and Astoria should not jump the gun. The only restriction on homestay lodgings is that they are prohibited in ADUs created after a certain date. This creates a big loop hole that allows people to claim ADUs were created prior to that date. Therefore, he would like the date removed from the ordinance and homestays prohibited in all ADUs. This would still allow a property owner to live in an ADU and offer a homestay in the primary residence.

Mayor LaMear called for the Applicant's rebuttal.

Director Cronin said the International Code Council (ICC) helps building officials deal with new codes and they are also considering tiny home standards. Other jurisdictions that have already permitted tiny homes are using the ICC standards, which include an appendix that facilitates the construction of tiny homes in a manner similar to site-built homes. Single-family lots must be at least 5,000 square feet and lots smaller than 10,000 square feet could only have one ADU. Lots larger than 10,000 square feet could have more than one ADU.

City Manager Estes asked if the City could pass an ordinance prohibiting the existing ADUs that are being legally operated as transient lodging.

City Attorney Henningsgaard said if the use is lawful, it can continue under both State and Constitutional Law. Property owners have a constitutional right to maintain a lawful use of their property, regardless of how zoning and codes change in the future. The City could not ban a lawful use, but restrictions could be imposed. The use must be lawful and maintained on a consistent basis.

Mayor LaMear said City Council has heard many criticisms of the proposed ordinance. She wanted more time to read through her notes and consider everything that has been presented before making a decision. She also wanted Council to give Staff direction.

Director Cronin confirmed that the City does not have inventories for Alderbrook or the south slope area and there are no plans to inventory these neighborhoods because resources are not available. He held a town hall meeting for Alderbrook about a year and a half ago and it was made clear to him that the neighborhood was opposed to additional property restrictions. He believed an inventory would be the wrong way to go in Alderbrook. However, if City Council directed Staff to inventory Alderbrook, the City would consider potential funding sources.

Councilor Jones confirmed that new non-historic homes adjacent to historic homes are subject to historic design review standards.

Staff noted that new construction requires a higher level of review than remodeling so detached ADUs on adjacent non-historic lots and detached or attached ADUs on historic lots will have to be approved. However, existing detached buildings on adjacent non-historic lots would not require a design review when being converted to an ADU. Design reviews for structures that are historic or in historic districts are conducted by the Historic Landmarks Commission and structures within a design overlay district are reviewed by the Design Review Committee.

Councilor Jones agreed that enforcement of those who are cheating is a critical issue that the City must address. He hoped enforcement would be on the agenda in the near future because regardless of the ADU ordinance, the illegal uses still need to be addressed. He believed there was no single solution to affordable housing and the housing shortage. The City needs many types of tools. On one end of the spectrum, there are solutions like repurposing the Merwyn into 40 apartments. On the other end of the spectrum are the policy changes that could result in small or modest additions to the housing stock in Astoria. It is important for the City to pursue the entire spectrum from small to large changes. This proposal has been well thought out and is consistent with the Comprehensive Plan and Development Code. Mitigation is in place to protect Astoria's historic character and neighborhoods, so he was satisfied with the ordinance at this time. However, if other Councilors wanted to wait to make a decision, he supported that as well.

Councilor Price said she fully supported LCPS's recommendations. She also believed City Council should delete tiny homes from the ordinance because the City has never had an in-depth discussion of how their standards are different from structures built on site. All ADUs should be subject to at least Type 2 review, but preferably Type 3. Overall, she has always had concerns about piecemeal development of the city. The ADU ordinance will come back at some point for additional revisions. Density will affect lot sizes. ADUs do not necessarily need to be limited to single-family homes because there could be duplexes and triplexes on large lots. She wanted more strategic planning on what the city should look like before City Council begins tip-toeing through the Development Code making changes one by one. When the next change comes, it will be very difficult to see where the city is at comprehensively. Many cities prepare maps and documents that show where existing and proposed development is located when they undertake these types of revisions.

Mayor LaMear confirmed that Councilor Price wanted LCPS's recommendations included in the ordinance. Councilor Price said she also wanted tiny homes removed and to require at least a Type 2 permit, if not Type 3. She fully supported Mayor LaMear's idea to table the discussion to a later date.

Mayor LaMear said she disagreed with LCPS's recommendation to refrain from grandfathering in the existing homestays. Property owners that are running homestays legally have a right to continue. Otherwise, she supported all other LCPS recommendations. She confirmed for Staff that she was fine with removing tiny homes from the ordinance at this time.

Councilor Nemlowill said now is the time to add housing units for Astorians and this proposal would ensure that these units would be for Astorians. The idea of the ordinance is to make it easier to build ADUs, not harder. She believed the intent of the LCPS was good, but their recommendations would make it too difficult to build anything. She is glad that design reviews would continue in historic areas, but she did not believe city-wide reviews were necessary. As written, the ordinance requires a review by the Planning Commission and City Council within a year of adoption, which she believed was a good idea. She was also concerned about tiny homes and was not compelled to include them in the Code. Concerns about standards and life safety are valid, so she agreed tiny homes should be removed. She agreed with Mr. Sensenbach's suggestion to change the language that referred to prohibiting homestay lodgings in ADUs by removing the date. Moving forward with the proposal as written would allow anyone with an ADU created prior to 2017 to obtain a homestay lodging permit.

Mayor LaMear asked if Councilor Nemlowill wanted to vote tonight. Councilor Nemlowill said she was eager to move forward because this process had been ongoing for a very long time. However, if the Mayor needs more time she would respect that.

City Attorney Henningsgaard reminded that this hearing was to consider the first reading of the ordinance and the public hearings can continue for as long as City Council wants. Because this is a legislative matter, City Council can conduct any investigations it wishes, independent of the first reading that has been scheduled for tonight.

Councilor Brownson believed existing homestays operating legally in an ADU should be grandfathered in, but existing ADUs not currently used as homestays should be prohibited from being used as homestays in the future. Councilor Nemlowill agreed. Councilor Brownson added that he agreed with everything else Councilor Price had said. Tiny homes can wait; they are new and Council can decide later how to ensure that safe units are installed.

City Manager Estes confirmed that the majority of Council preferred to add the LCPS's proposed amendments, with the exception of the design review recommendations.

Councilor Price said she would support the ordinance if homestays are prohibited, the grandfathering in works as Councilor Brownson described, all ADUs would be subject to at least a Type 2 review, tiny homes are removed, and that City Council reviews the ordinance in a year. She explained that the Type 2 review allows the opportunity to appeal and adjacent property owners are noticed.

City Manager Estes said Staff would need time to revise the language in the proposed ordinance in order to capture City Council's direction. He understood Council preferred tiny homes be removed, no homestay lodging date, inclusion of the LCPS recommendations, and accepting design review requirements citywide.

Mayor LaMear asked if Director Cronin disagreed with any of LCPS's recommendations. Director Cronin said he would look at the recommendations tomorrow and give Council a full and in-depth answer. Creating a Type 2 process will be problematic because ADUs are permitted outright in R-2 and R-3 zones. Changing that part of the Code was not noticed because it was not part of the proposal.

City Manager Estes requested that City Council continue the hearing to a date certain. Staff can be prepared by the next City Council meeting on April 3, 2017.

City Council Action: Motion made by Councilor Price, seconded by Councilor Jones, to continue the public hearing on the ordinance amending Astoria Development Code Article 3: Accessory Dwelling Units to April 3, 2017. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Item 6(b): Ordinance and Public Hearing – Article 9: Procedures (1st reading) (Community Development)

The Development Code update was initiated by the Community Development Department in January 2016 in parallel with the affordable housing related amendments contained in A16-02: Accessory Dwelling Units. Article 9 of the Development Code contains the administrative procedures for processing land use application. The City Council adopted a FY15-16 goal to streamline the development review process. The procedures update is in direct response to this goal. Article 9 was last updated in 2014 (Ordinance 14-03). A public hearing was held on April 26, 2016 with the Planning Commission to consider amendments to Article 9. After considering the findings of fact and public testimony, the Planning Commission recommended approval by the City Council. The public hearing before City Council was delayed to allow the accessory dwelling unit proposal to come forward and be heard as a companion piece of legislation. The full record for the plan amendment application (A16-01: Plan Amendment), including the findings of fact, is contained in the Staff report. A public hearing has been properly noticed for March 20, 2017. It is recommended the City Council hold a public hearing, take public testimony, and hold a first reading of the ordinance.

Mayor LaMear asked if anyone objected to the jurisdiction to hear this matter at this time. There were no objections. She asked if any Councilor had a conflict of interest or ex parte contact to declare. There were none. She 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.

Director Cronin presented the Staff report and noted the amendments would streamline the City's permitting processes.

Councilor Price thanked Staff for doing such tedious work. She believed homestay lodgings and ADUs should be subject to at least a Type 2 review.

Mayor LaMear opened the public hearing.

City Council Action: Motion made by Mayor LaMear, seconded by Councilor Brownson, to conduct the first reading of the ordinance amending Astoria Development Code Article 9: Procedures. Motion passed 4 to 1. Ayes: Councilors Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: Councilor Price.

Director Cosby conducted the first reading of the ordinance.

Mayor LaMear closed the public hearing at 9:08 pm.

Item 6(c): 2017 Trolley Trestle Repair Project – Authorization to Bid (Public Works)

At the October 17, 2016 City Council meeting, Council approved a design services contract with OBEC Consulting Engineers, Inc. to assist the City with completion of critical trestle maintenance work. In addition to the design work, Council authorized a supplemental inspection of the trestles on December 19, 2016 in order to allow the Trolley to safely operate during Spring Break in March. The results of the inspection were favorable, though one emergency repair was identified. Staff is currently working with Bergerson Construction to ensure the repair can be completed in a timely manner.

OBEC has now refined the repair and maintenance approach to most efficiently utilize the available funding. The result of this effort is a project that focuses solely on the two western trestles along the alignment (Columbia Ave. and 1st to 2nd Street). The construction estimate is \$366,900 [memorandum says \$370,800]. During project development, it became clear that the construction effort would be more significant than originally planned due to access, scheduling, etc. Staff recommends moving forward with the project as currently scoped. Since track maintenance and repair will not be included in this project, we will be addressing it on a case by case basis.

Funding is available for the project in the Promote Astoria Fund. However, a supplemental budget will need to be approved to appropriately fund construction of the trestle improvements prior to awarding a construction contract. A supplemental budget could be brought to Council for consideration in April 2017, with a construction contract anticipated in early May 2017.

It is recommended that City Council authorize Staff to solicit bids for the 2017 Trolley Trestle Repair Project.

Mayor LaMear confirmed the emergency repair had already been completed.

Councilor Nemlowill said it was mind-blowing that Astoria had to spend \$4 million over the next 10 years to keep the Riverwalk intact and operable for the trolley. She assumed the expense would increase because that is usually how things work. She asked for update on the City's discussion with the trolley association about sustainable funding. This issue is difficult because the trolley is run by volunteers and provides a tremendous service for the City. City Manager Estes said he is a trolley association board member and the board has discussed ways to raise additional funds, including increasing the fare. However, many trolley association members support the fare of \$1.00. The board still needs to consider the amount of work that needs to be done in the next fiscal year so that they can provide some financial support.

Councilor Nemlowill asked what Staff had planned as a long-term solution. City Manager Estes explained that first, Staff would make the repairs necessary to keep the Riverwalk and trolley operable. Then, other repairs would be done to prevent deterioration. This approach is reactive rather than proactive and the City will not be able to get ahead of the work because doing so would be too costly.

Councilor Nemlowill said in the future, she believed the City needed to consider a long term plan that includes funding options. The City needs to become proactive when it comes to the trolley and the Riverwalk. Assistant City Engineer Crater added that as the bidding process and construction process move forward, the cost will narrow towards exact expenses. The final cost will be used to determine the future burden on funding and will help prioritize future work. The recent supplemental inspection allowed Staff to scope down the work a bit, which reduced costs and increased efficiencies. The more information Staff receives, the more exact the costs become. However, it will be difficult to predict 10 years in the future.

City Council Action: Motion made by Councilor Nemlowill, seconded by Councilor Jones to authorize Staff to solicit bids for the 2017 Trolley Trestle Repair Project. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Item 6(d): Waterfront Bridges Replacement Project (6th – 11th Streets) Update and Additional Funding Request (Public Works)

Where each of the City's numbered streets between 6th and 11th Streets meet the Columbia River, a short bridge connects the solid-ground road to the over-water pier structure. These waterfront bridge structures are of utmost importance to the City as they provide access to critical portions of our waterfront.

In September 2014, the City entered into an Intergovernmental Agreement with the Oregon Department of Transportation (ODOT) for the design phase of the Bridges Replacement Project. In April 2015, OBEC Consulting Engineers, Inc. (OBEC) was hired by ODOT as the engineering design consultant for this project.

After reviewing the 60% complete design, it has been determined by ODOT that adjustments needed to be made to the project limits and design to comply with funding eligibility. There are three key project changes: rail bridge limits, rail bridge type, and 11th Street sidewalk width.

Due to ODOT's design changes, the project will incur additional consultant fees from OBEC to redesign the 60 percent submittal documents. The additional fee is estimated at \$160,000.

It is important to remember there are two significant costs not reimbursed through the ODOT funding. The two major City expenses are utility relocations and repairs to the 11th Street extension east that are outside the project limits to achieve highway load capacity. These expenses are currently estimated at \$337,000 and this entire cost must be paid solely by the City.

The total estimated City funds contributed to this project is estimated to be \$1,711,775. To date, the City has contributed \$242,987 from Surface Transportation Program (STP) funds. The remaining match amount of \$1,468,788 will need to be a loan that will be paid back by the City's future STP funds. STP Funds, which are managed by ODOT, are federal fuel tax dollars that are available to local agencies for transportation projects.

Complexities associated with the design, funding eligibility, permitting and right-of-way acquisition have resulted in a shift in the project timeline to begin construction in fall of 2018 on 7th, 9th and 11th Street Bridges and fall of 2019 for 6th, 8th and 10th Street Bridges. Therefore, the bridges will be inspected to determine if there is any maintenance work necessary to keep them open to vehicular and trolley traffic for an additional year.

It is recommended that Council authorize Staff to submit a project change request to ODOT for additional Local Highway Bridge Program funding for the Waterfront Bridges Replacement Project.

City Support Engineer Cindy Moore reviewed the details noted in the memorandum and explained how ODOT's design requirements would affect the project. City Manager Estes added that originally proposed a T-beam structure because it would withstand heavy rail use, which could be a possibility in the future. However, since ODOT did not approve this type of structure, converting the rail to accommodate heavy rail in the future will cost more. City Attorney Henningsgaard has confirmed that the Astoria is not required to build to a certain rail standard, so ODOT's structure would comply with Astoria's rail banking agreement. If heavy rail returned to Astoria, the railroad would have to upgrade the facilities.

Mayor LaMear said she did not understand why ODOT prohibited loads on certain portions of the structure. Engineer Moore explained that ODOT has deemed those portions ineligible for funding and if the City wants to allow vehicular traffic, the City is responsible for upgrading the portions that are unsafe. Staff has proposed restricted vehicular access to those area because the City has reached its maximum match and contribution to this project.

Councilor Price confirmed that this area would be subject to annual ODOT inspections and the City would be responsible for any repairs that ODOT requires. Engineer Moore added that ODOT could also require restricted vehicular access.

Engineer Moore confirmed for Councilor Brownson that ODOT has given Staff clear guidance on what is eligible for funding. The 7th Street Bridge was the only one not affected because that rail bridge was already within the roadway corridor.

Councilor Price asked why ODOT would not fund the T-beam structure proposed by Staff. Engineer Moore said the City's consultants determined that the two options were similar in cost. ODOT had indicated the T-beams were used for rail bridges, which their funding cannot support. So, the bridge needs to be a highway bridge. City Manager Estes said Public Works Staff had done a tremendous amount of work on this project over the last several months. Without the grant funds, the City's financial liability would be great. Even though the scope of the project has been reduced and the timeline has been extended, the grant funding allows the project to move forward. Staff had requested additional funding from ODOT last year, but at that time, ODOT believed the request was premature and they asked Astoria to wait until the 60 percent design had been finalized.

Councilor Brownson asked if Staff was concerned about cost increases that would exceed the City's required match. Engineer Moore said Staff was comfortable with the 60 percent estimates, which includes a 15 percent contingency and all of the City's costs not eligible for ODOT funding. However, Staff will keep Council updated on any changes to the cost estimates because the City has limited resources.

City Council Action: Motion made by Councilor Jones, seconded by Councilor Nemlowill to authorize Staff to submit a project change request to ODOT for additional Local Highway Bridge Program funding for the waterfront bridges. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Item 6(e): Resolution to Update City Administration and Development Review Fees (Community Development/Public Works/Finance)

Community Development: The Astoria City Council held a goal setting session in January 2017 for FY 17-18. The Community Development Department shared three priorities, one of which was to revise the fee schedule for development review. The fees have not been updated since 2005. In addition, the Engineering Division of the Public Works Department has never instituted a fee for development review. The proposed resolution will address both deficiencies in the current fee schedule. It is recommended the City Council adopt the resolution amending the Fee Schedule for the Community Development Department and Public Works Department.

Public Works: The Engineering Division development review fees are intended to cover staff time associated with plan review and construction coordination. Currently, the Engineering Division does not collect fees for development review and associated construction coordination. Residential subdivisions and large commercial developments can consume a significant amount of staff time and have a notable impact on our budget. Typical tasks include review of engineering plans (multiple versions), submittal review, utility coordination, inspection, utility testing assistance, and review of construction as-built and other final certifications.

The proposed development review fee is associated with the construction cost for the project as prepared by a Registered Professional Engineer. The plan review fee is proposed to be 1% of the preliminary construction cost estimate, while the construction fee is proposed to be 2% of the final construction estimate. In addition to the plan review and construction coordination, the Engineering Division often provides input and technical support for land use and building permits. When these activities require a significant amount of staff time, we are recommending a fee to allow actual cost to be charged.

Finance: The fee schedule for Administrative Services has not been updated since 2005. Finance staff has reviewed the existing fee schedule to propose amendments, which will cover costs, and to add items, which were not previously contained in the fee schedule. The addition of items provides information in one location for easier reference.

It is recommended that Council adopt this resolution amending fee schedules for Administrative Services, Community Development, and Public Works.

Mayor LaMear called for public comments.

Patrick Wingard, 92015 Hagan Drive, Astoria, asked if any of the proposed fee changes would impact the Parks Department.

City Manager Estes said no and confirmed that there were no park fee increases on this meeting's agenda. He explained that the resolution to update the fee schedule only impacts the Finance, Community Development, and Public Works Departments. Changes to any of the other the fees in the fee schedule would have to be proposed at the same time, but there are no proposals to change fees for the Parks Department.

Mr. Wingard stated that Schedule F, which was included in the Staff report, referred to youth swim team fees effective 11/08/2016, a \$5.00 per hour per lane rental charge. He was concerned and noted parents of youth swim team members were present. If this rental charge becomes part of the adopted record, the fees could be charged retroactively.

Director Cosby believed that an administrative had been made. The swim lane rental fee had been proposed in November, but nothing has changed. She confirmed no fee changes were currently being proposed by the Parks Department.

Councilor Price added that Council had approved a moratorium on the swim lane rental fees charged to youth swim teams.

City Manager Estes confirmed for Mr. Wingard that Council extended the moratorium at their last meeting.

Mr. Wingard said he had not received any communication about the extension and asked when he should attend another City Council meeting.

City Manager Estes said Council wanted to discuss the Parks Department's budget before making a decision on the youth swim team fees. The work session to have that budget discussion has been scheduled for Thursday, March 23rd at 6:00 pm in Council Chambers.

Mr. Wingard asked if he could submit a three-minute presentation that included an updated cost breakdown and comparison to 2017's numbers. He was concerned that Council would make a decision on the fees and he would not be aware of when that would happen. Many parents and swimmers are concerned.

City Manager Estes explained that Mr. Wingard could submit the presentation, but Council cannot take action at a work session.

Mr. Wingard said this conversation started in November and he wanted to keep the conversation going. He was not offered an opportunity to speak when the youth swim fees were discussed two months ago, which puts the swim teams in a difficult situation. The swim teams need to determine what members should be paying, whether they should increase fundraising efforts, and if so, by how much. The teams need to do their due diligence. He hoped his presentation would help inform the conversation going forward.

City Manager Estes apologized for the error in the proposed fee resolution and explained that it was likely due to staffing changes made as the proposal was being drafted.

Mr. Wingard confirmed the City's recorder was Director Brooks and thanked Staff for the explanation.

Suzanna Gladwin, 82316 Highway 103, Seaside, asked if this had been an ongoing discussion. She has been frustrated that the meeting agendas are only posted a week before the meetings and it is difficult to negotiate websites to find all of the background details. She asked if information could be made more accessible.

City Council Action: Motion made by Councilor Price, seconded by Councilor Jones, to adopt the resolution updating the fee schedules for Administrative Services, Community Development, and Public Works, and exclude any changes to the Parks Department. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Item 6(f): Authorization to apply for an AmeriCorps RARE Service Grant with the University of Oregon (Finance)

Resiliency is one of the 2017-2018 City Council goals. It is desirable to ensure emergency planning, inclusive of a City Continuity of Operation Plan (COOP) and a Continuity of Government (COG) Plan, is fully developed and all necessary information has been identified and included in a plan to support essential functions and services in the event of emergency. To produce quality products, fully complete needs assessments, gain valuable feedback, and to provide resources for training and implementation, Staff proposes submitting an application to participate in the 2017-2018 Resource Assistance for Rural Environmental (RARE) Program. The mission of the RARE program is to increase the capacity of rural communities to improve their economic, social, and environmental conditions through the assistance of trained graduate-level participants who live and work in the communities for 11 months. Participants assist communities and agencies in the development and implementation of plans for achieving a sustainable natural resource base and leadership skills. A description of the proposed tasks for the RARE participant is included in the memorandum. It is recommended that City Council consider the application for the RARE AmeriCorps program.

Mayor LaMear said RARE participant Ian Sisson had done a great job working with Director Cosby to develop the Parks Master Plan. The ADHDA has also used RARE participants and they provide valuable services at a minor cost.

Councilor Price believed there was a lot of interest in the community in resiliency. She confirmed that this RARE participant would report to Director Brooks.

City Council Action: Motion made by Councilor Price, seconded by Councilor Brownson, to authorize the application for an AmeriCorps RARE Service Grant. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Item 6(g): A Letter to the JC Penny Company

This item was added to the agenda during Item 4: Changes to the Agenda.

Councilor Price said JC Penny published a list of store closings, which included the store in downtown Astoria. She asked Council to send a letter to JC Penny's corporate office requesting that the store remain open. She suggested the letter include some economic data because the corporation will be more interested in their bottom line than any emotional attachment the city has to the store. She just learned of the store closing on Friday, so the financial data has not been compiled yet. However, Kevin Leahy sent her some information about the retail industry in Clatsop County with tips about how residents can support the store. The assistance league has been going to JC Penny's every year to buy clothing for 600 students. If approved, she would provide Council with a draft of the letter on Thursday.

City Council Action: Motion made by Councilor Jones, seconded by Councilor Nemlowill, to authorize Staff to draft a letter to JC Penny Corporation requesting their store in downtown Astoria remain open, to be presented to City Council for approval on March 23, 2017. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Item 6(h): Clatsop County Domestic Violence Council on Fees Charged to Non-Profits

This item was added to the agenda during Item 4: Changes to the Agenda.

Ben Bradshaw, presented Council with copies of the Clatsop County Domestic Violence's mission and by-laws. He works as a victim services coordinator for the council, which consists of 28 volunteers who are professionals in the county. The mission of the council is to eliminate domestic violence and sexual assault in Clatsop County through a victim-centered county-wide coordinated approach to prevention of and response to domestic violence and sexual assault. Their first objective is to employ effective prevention practices and increased community awareness through public education and outreach. Over the last five years, the council has hosted two annual events, a healthy homes walk/run in October as part of Domestic Violence Awareness Month, and a sexual assault awareness walk in April as part of Sexual Assault Awareness Month. The October event is extremely popular and is attended by a diverse cross section of the community, including the Astoria High School football and cross country teams. Astoria's recently adopted fee resolution prohibits the Parks Department from waiving the permit fee required for each of their events. The Astoria Parks Department has waived their fees for the last

five years and the council was not prepared when they learned the fee resolution would be discussed at this meeting, so their flyers for the April event are being held at the printer. He requested that City Council support their efforts to increase community awareness through public education and outreach by allowing Director Cosby to waive the permit fees for both of their annual events. He understood this was a lot to ask, but explained that the domestic violence council did not have funding or any way to accept donations.

Director Cosby said this agenda item is a follow up on the November discussion about the swim team fees and Staff's inability to waive fees. Staff would be violating the City's Charter and State law by waiving fees and since City Attorney Henningsgaard mentioned this in November, Staff has not waived any fees. Council must authorize any waivers. She noted that Council has directed the Parks Department to raise as much funding as possible from user fees. Staff has done a good job of following Council's direction, but Staff needs clear feedback from Council about waiving fees for non-profits. There about 12 walks per year hosted by non-profits and permit fees for those walks would total between \$4,000 and \$7,000. The fees include a \$195 rental fee and a \$250 returnable damage deposit.

Mr. Bradshaw added that the council works very hard to incorporate a variety of populations that require specific services. Additionally, the council is made up of volunteers, so he did not want to ask them to contribute money.

Councilor Jones asked how the walk would be impacted if the council had to wait until after Thursday's work session.

Sue Farmer, said the walk was scheduled for Tuesday, April 18th along the Riverwalk. CASA and Northwest Parenting are partners with the council for this event and Baked Alaska has donated space for the participants to meet. People will be able to donate money for a luminary. She asked Council to consider the request to waive fees.

Councilor Jones stated the walk targets local people, so no one would need to get the word in the next day or two to make reservations to fly to Astoria for the event.

Councilor Brownson said it was a good idea to waive the fees for this event. However, Council should discuss whether to continue waiving fees.

City Attorney Henningsgaard reminded that City Council just passed a resolution setting fees and providing for exceptions to payment. The exceptions include law enforcement agencies, civil service commissions, or departments of the armed forces. City Council can add any exceptions they want to the resolution and if Council wants to direct Staff to waive fees for non-profits, it should be done so through a resolution because the City's fees are set by a resolution. He confirmed for City Manager Estes that Council could also consider this single request. However, as a matter of course, it would be most appropriate to amend fees by a resolution. Council could also make findings that consider the domestic violence council a law enforcement agency to exempt them from fees.

Ms. Farmer said the council partners with law enforcement in the county and in Astoria.

Mayor LaMear believed it would be better for City Council to make a decision after discussing the Parks Department budget on Thursday.

Ms. Farmer added that the council is trying to Jewel School to do all of their brochures and pamphlets because they will do the work at a reduced rate. It takes the school two weeks and Spring Break is coming up, so the council is pressed for time. She would appreciate an answer at this meeting so they could submit their materials to the school.

City Manager Estes added that if Council wanted to make a decision on this on Thursday, Staff would need to send out a new meeting notice because the Thursday meeting has already been noticed as a work session.

Councilor Jones confirmed that Council could amend the fee resolution to include an exemption for non-profit entities and this would prevent Staff from having to get City Council approval to waive the fees. He did not want individual non-profits coming to Council to request that fees be waived. He suggested the resolution be amended

tonight to state that non-profits may have their fees waived, allowing Staff to make the decision, and then Council could give Director Cosby guidance on Thursday.

Chief Johnston stated that due to the urgency of this matter, he and Chief Ames would pay the fee for the walk/run event in April as long as the other events could be considered separately.

Councilor Nemlowill agreed that it would be best for Council to amend the fee resolution.

City Manager Estes suggested Council give Staff time to draft language that captures several scenarios. He believed Council should discuss this on Thursday and allow Staff to propose the amendment at the next regular City Council meeting.

City Council thanked Chief Johnston and Chief Ames for sponsoring the event.

Item 6(i): Stan Wanlass Sculpture

This item was added to the agenda during Item 4: Changes to the Agenda.

Mayor LaMear presented a sculpture by Stan Wanlass, who also created the sculptures at the turn-around in Seaside and at Fort Clatsop. She explained that when Willis Van Dusen was mayor, Mr. Wanlass came to Astoria and spoke about building a 40-foot tall bronze figure if Astoria could provide a place for it. She and two others suggested the sculpture be placed at the end of a breakwater at the port to welcome sailors into the marina. Mr. Wanlass would like to donate this \$1 million sculpture to the City of Astoria. The City must figure out a way to build an island in the Columbia River and put the sculpture on a pad. Staff needs help figure out how much it would cost to build the island.

City Manager Estes added that the artist has requested an island be built outside of the breakwater with a bridge connecting the breakwater to the island. The intent is to build an island that would be submersed at high tide. Engineer Crater drafted a very rough cost estimate of \$7.1 million.

Councilor Brownson noted there would be an additional cost to bring the sculpture down the river.

Councilor Jones noted that the artist's website states Mayor LaMear and the current City Council have already approved a plan for this project and enthusiastically endorse it.

Dulcye Taylor stated the sculpture should be on an island. If the artist wants Astoria to have the sculpture, the City should tell him it cannot be placed on an island because Astoria does not have \$7 million. The sculpture could sit on the edge of the breakwater where water could still splash up on it.

Councilor Brownson believed Mr. Wanlass should be directed to the Port of Astoria Commission.

Councilor Jones liked that statue, but instead of turning down the offer, the City should tell the artist that there is interest in the community. Astoria should find out if the statue could be made smaller than 40 feet tall so that it would not require a \$100,000 reinforced steel pad and ask if it could be installed on land.

Mayor LaMear believed the 40-foot statue was in the process of being built.

Councilor Nemlowill stated she was wary of public art on the waterfront. The Murasee Plan does a good job capturing the natural elements of the Columbia River, the pilings, Astoria's canning history, the Coast Guard, cargo ships, and maritime industry. Therefore, she was not in favor of having this statue on Astoria's waterfront.

Councilor Price said Councilor Nemlowill made a good point and Astoria does not have the money. Public art requires a long public process. She suggested the artist start with Astoria Visual Arts if he wanted to get involved with public art.

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

There was none.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:16 pm.

ATTEST:

APPROVED:

Finance Director

City Manager

DRAFT

Astoria Library Board Meeting
Astoria Public Library
February 28, 2017 [0:13]
5:30 pm.

Present: Library Board members Kate Summers, David Oser, and Chris Womack. Staff Library Director Jimmy Pearson.

Excused: Susan Stein and Kimberley Chaput.

Call to Order: Chair Kate Summers called the meeting to order at 5:30 pm.

Approval of Agenda: The agenda was approved as submitted.

Approval of Minutes: The notes of January 24, 2017 were approved as presented.

Board Reports:

Chris Womack reported that he has spoken to several library patrons who have commented recently about the increase in homeless people and transients at the library who did not seem to be there to read or use the library's services. He described an incident that occurred in the mezzanine involving his 13-year old daughter, which made her quite uncomfortable. He and others wondered if the increase in transients could be the result of changes to library policies or the weather.

Director Pearson confirmed the only policy change has been that no food is allowed in the library. This new policy was implemented two weeks ago. He believed the increase in transients at the library could be due to weather. He did excuse two people from the library when they began to argue loudly. He stated he would continue to ban people as needed. He also noted that people are not allowed to sleep in the library and the mezzanine area is monitored. The Library Usage Policy informs behavior, but there is nothing that requires people to be reading while they are in the library.

The Board and Staff briefly discussed how to ensure patrons' comfort while remaining tolerant. Chair Summers noted how perceptions of homeless people complicate this issue. Director Pearson confirmed that Staff had protocol to follow if they ever needed to call police. However, Staff does a great job enforcing library behavior as problems arise. He explained how he has handled different types of issues in the past and noted the new rule prohibiting food was in response to complaints from library patrons and Staff.

The Board and Staff briefly discussed efforts to get the water fountain working again.

Library Director's Report:

Director Pearson announced that the library received an appreciation award from the school district and briefly shared a story about a 4 year old who wanted to know what was in the basement. His Director's report was as follows:

- Library Facilities: The lollipop lights at the front of the building are now working, and he is looking into having the restrooms re-grouted and the Flag Room carpet professionally cleaned.
 - He detailed plans to display artwork, reconfigure the furniture, and display new flyers for library programs. He found photographs from 1954 in the basement that inspired the new displays and new furniture configurations. He hoped the rotating displays would encourage conversation in the community about the upcoming renovation.
- Library Programs: Family Story Time will be one Saturday a month at 10:30 am.
- IT Update: PC Rez is working great and Staff has been able to issue many new library cards.
 - The computers are full all day, every day.
 - He is working with iFocus to get a new printer.
- Director's Activities: He attended the legislative day at the Capital and met Senator Betsy Johnson, the State Librarian, and the State Law Librarian.
 - He also attended his first Oregon Library Director's meeting, which included discussions on homeless in the library and information literacy.

- He noted that 14,000 archived items were never transferred to the library's new software system and shared his ideas for displaying a few items, some of which are from the 1800s.

Update on ALFA Activities:

Director Pearson said he has asked ALFA to cover the cost of cleaning two of the mid-century Danish chairs in the reading room. They are worth about \$2,000 each and cleaning will cost about \$300. He hoped that having a couple of them cleaned up would inspire conversation about the set of 12 chairs, some of which have memorial plaques on them. He also reported that ALFA has elected new officers.

Update on Foundation:

David Oser reported the next Foundation meeting is on Tuesday, March 7th at 254 W. Irving at 5:30 pm. This meeting will include a discussion about their fundraising goal, which will be presented to the City. He added that Ami Kreider is now working for the Foundation part time.

Chair Summers said she's been asking the Foundation Board President about setting things up to receive donations.

New Business:

Item 8(a): Teen Space Policy

Director Pearson said he and Staff have noticed that parents do not feel comfortable allowing their teens in the teen area. He asked the Board for feedback on a policy restricting non-teens from sitting in the area unless they are accompanied by a teen. Adults would be allowed to browse the collections, but not sit in the teen space.

Chair Summers supported the policy because teens are minors and the mezzanine area is secluded. Mr. Womack also supported the policy. He believed that once the policy becomes known, more teens would use the area.

Director Pearson noted he might spend a small amount from the Endowment Fund to upgrade the teen space a bit. He also plans to form a teen council tasked with making decisions about the teen space. The entire mezzanine area can be monitored from the circulation area via security video. He could implement the new policy immediately.

Mr. Oser believed the policy was a great idea. However, he was concerned that the mezzanine was not accessible to people with disabilities. Director Pearson explained Staff considered several locations for the teen area. He planned to request funds during the budgeting process for automated doors, and as part of the renovation if possible to keep everything on one level and maybe use the mezzanine for a quiet study area.

Director Pearson said to implement the new policy, signs would be placed at various locations and staff would monitor the area.

Old Business: There was none.

Public Comments: There were none.

Items for Next Meeting's Agenda: The March meeting has been rescheduled to April 4, 2017, due to Spring Break. The regular April meeting will be held on April 25, 2017.

Adjournment: There being no further business, the meeting was adjourned at 6:21 pm.

Respectfully submitted,

Paula Pinyerd, ABC Transcription Services, Inc.



CITY OF ASTORIA

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April 7, 2017

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: MILL POND NAMING & INTERPRETATIVE SIGN DEDICATION – ART DEMURO

DISCUSSION/ANALYSIS

The month of May is designated as “Historic Preservation Month” and the City of Astoria Community Development Department has a list of activities planned to celebrate the occasion. The cornerstone event is the dedication of a new interpretative sign to honor the history of the Mill Pond redevelopment site from Astoria Plywood Co-op Mill to the current Mill Pond Neighborhood. The City was awarded an All Star Heritage Grant in December 2016 from the Oregon Heritage Commission because Astoria is one of a handful of All Star Heritage communities in Oregon. The grant will offset the full cost of the sign from Sea Reach, Inc. out of Sheridan, Oregon which has fabricated other Parks Department informational signs including those recently installed at the Customs House. The Community Development Department partnered with the Parks & Recreation Department, which will prepare a site for installation at Mill Pond Park that overlooks the pond and Columbia River.

Art DeMuro of Venerable Properties was instrumental in the redevelopment of the site and the City would like to commemorate his involvement and his dedication to historic preservation in Astoria by naming the actual mill pond feature as the “DeMuro Mill Pond.”

Mayor LaMear will hold a ribbon cutting ceremony for the sign at Mill Pond Park on May 15 at 1:30 pm. Staff will prepare a media release to invite the public to the celebration.

RECOMMENDATION

It is recommended that the Council officially name the mill pond the “DeMuro Mill Pond.”

Prepared By



Kevin A. Cronin, Community Development Director



CITY OF ASTORIA


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COMMUNITY DEVELOPMENT

MEMORANDUM

DATE: April 13, 2017

TO: CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: A16-02: PLAN AMENDMENT APPLICATION: ARTICLE 3 - ACCESSORY DWELLING UNITS (SECTION 3.020) AND ARTICLE 1 – DEFINITIONS (Section 1.400)

BACKGROUND

This Development Code update was initiated by the Community Development Department in January 2016 in response to an Affordable Housing Strategy endorsed by the City Council in November 2015. The City Council held a special work session on July 18, 2016 to discuss the strategy, which is part of implementing a FY 14-15/15-16 Council goal. At the work session, staff presented background information and a discussion on different housing types the Planning Commission was considering – including accessory dwelling units - as part of a larger Development Code amendment to increase the supply of housing options for all income levels.

Subsequent to the work session, staff scheduled a public hearing on September 27 with the Planning Commission to consider amendments to Article 3 – Accessory Dwelling Units. The other code amendments (Article 2 – Zoning Designations) were tabled until staff received further direction from Council. The Planning Commission scheduled a work session for October 19 and continued the hearing until October 25. After considering the findings of fact, and public testimony, the Planning Commission recommended approval to the City Council on October 25. The full record for the plan amendment application (A16-02: Plan Amendment), including the findings of fact, is contained in the staff report.

The City Council held a public hearing on March 20, 2017 and continued it to April 3. Public testimony was submitted from multiple members of the public, including a

representative of the Lower Columbia Preservation Society. The public hearing was closed and the Council voted to hold a 1st Reading of the Ordinance.

DISCUSSION/ANALYSIS

Below is a summary of the proposed changes in Article 3 – Accessory Dwelling Units as a result of Council's direction on April 3:

- Added language to the Ordinance that specifies an evaluation of the new Code after one year to determine successes and challenges to implementation.
- The City Attorney researched the homestay lodging enforcement procedure related to existing homestay lodging as to whether an active business license and transient room tax (TRT) payments constitute a legal right (i.e., permit) to maintain a non-conforming use ("homestay lodging") in an accessory dwelling unit. A business license and transient room tax is not a land use regulatory tool and therefore is not considered a permit. However, if a person who was granted permission to operate homestay lodging was not paying their business license and TRT proceeds, then enforcement of the City Code could be used to collect those fees. Current development code language permits homestay lodging outright in R-2 and R-3 zones and with a conditional use permit in R-1 zones. For the R-2 and R-3 zoning districts no land use permit is required. As this ordinance adds prohibitions on homestay lodging in ADUs after the ordinance takes effect, this would create the potential for existing non-conforming uses (such as existing homestay lodging units as well as ADUs). The determination of existing non-conforming uses is a standard and everyday practice with planners working in the Community Development Department. Due to the age of our community there are a number of nonconformities in the built environment as codes have been implemented or changed over our history as an incorporated city. To address the issues of existing ADUs, language has been added which would trigger a review of those existing units. Regarding the issue of homestay lodging, staff has been working to update the list of homestay lodging units within the city and develop possible suggestions for the Council to consider for a permit process for the R-2 and R-3 zones (should Council wish to continue to permit homestay lodging). This is intended to be brought forward at a future meeting. Should Council approve development code changes to the homestay lodging code language in the future, non-conforming uses could be created as a part of that change. As business licenses and transient room tax cannot be used as a regulatory tool (as stated by the City Attorney) therefore the City Manager recommends that the issue of regulating homestay lodging be discussed at an upcoming work session.
- In order to address existing non-conforming detached ADUs that were constructed prior to 2004 a provision was added to Section 3.020D.1. This will effectively legalize detached ADUs as long as the outlined requirements are met.

A revised Ordinance is attached to this memo. New language is **bolded**.

RECOMMENDATION

It is recommended that if the Council is in agreement, it would be in order for Council to hold a 2nd Reading of the Ordinance.

By: 

Kevin A. Cronin, AICP
Community Development Director

Appendixes

Revised Ordinance 17-XX: Amendment to Article 3 – Accessory Dwelling Units
Draft City Council Minutes – April 3, 2017

ORDINANCE NO. 17-_____

AN ORDINANCE AMENDING THE ASTORIA DEVELOPMENT CODE SECTION 1.400 AND SECTION 3.020 PERTAINING TO ARTICLE 1 – DEFINITIONS AND ARTICLE 3 – ACCESSORY DWELLING UNITS

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. Astoria Development Code is amended by the addition to Section 1.400 pertaining to a new definition to read as follows:

“Article 1: Section 1.400

Accessory Dwelling Unit: An accessory dwelling unit is one additional subordinate or auxiliary living unit, including kitchen facilities, in an existing house or detached from the main dwelling. A dwelling with an accessory dwelling unit is distinguished from a duplex by the retention of the appearance as a single-family dwelling.”

Section 2. Astoria Development Code is amended by the addition to Section 3.020 to read as follows:

“3.020. ACCESSORY DWELLING UNITS (ADUs).

A. Purpose.

The purpose of this Section is to promote more efficient use of large, older homes; provide more affordable housing; allow individuals and smaller households to retain large, older houses as residences; and maintain the single-family character of the house and neighborhood.

B. Standards.

1. Size.

a. Primary Structure.

A house with an Accessory Dwelling Unit must have at least 1,400 square feet of floor area prior to creation of the Accessory Dwelling Unit. The floor area of the garage or other non-living space, such as an unfinished basement, may not be used in the calculation of the total square footage.

b. Accessory Dwelling Unit.

An Accessory Dwelling Unit shall not exceed 40% of the primary structure or 800 square feet in size, whichever is smaller. Only one unit per single family lot and per main dwelling is permitted.

2. Creation of the Unit.

- a. The Accessory Dwelling Unit may be created through an internal conversion of an existing living area, basement, attic, other existing attached accessory buildings, such as a garage, or areas over attached or detached garages. Construction of new units are also permitted and can be built over new detached or attached garages or as separate detached units.
- b. To differentiate an Accessory Dwelling Unit from a two-family dwelling, all utilities such as water, electric, or gas, shall remain as single service utilities. The Accessory Dwelling Unit shall not have its own utility services, except if the separate services existed prior to January 1, 2004. This does not apply to utilities providing service to communication devices such as telephone, television, and other communication devices.
- c. An Accessory Dwelling Unit shall be subordinate to the existing single-family dwelling and may not be subdivided or otherwise segregated in ownership from the primary residence structure.

3. Location of Entrances & New Units.

In addition to the main entrance, one entrance to the house for the ADU may be located on the side or rear of the house. An additional entrance on the main dwelling shall not alter the appearance in such a way that the structure appears to be a two-family dwelling, unless the house contained additional front doors prior to the conversion. The location of the entrance to a detached unit can be anywhere if it is placed behind the main dwelling. In cases where the new ADU is placed in front of the main dwelling, the entrance shall not face the street. In cases where new units are placed on a corner lot, they shall be located on a side yard or rear of the lot.

4. Zones in Which Permitted.

Accessory Dwelling Units are permitted outright or conditional as an accessory use to any existing single-family dwelling in all zones.

5. Owner Occupancy.

- a. The property owner shall occupy either the principal unit or the Accessory Dwelling Unit as their permanent primary residence, and at no time receive rent for the owner-occupied unit.
- b. The property owner shall provide a covenant or deed restriction in a form acceptable to the City and suitable for recording with the County, providing notice to future owners of the subject lot that the existence of the Accessory Dwelling Unit is predicated upon the occupancy of either the Accessory Dwelling Unit or the principal dwelling unit by the property owner.

6. Lot Size.

A home with an Accessory Dwelling Unit in the R-1 Zone (Low Density Residential) shall be located on a minimum lot size of 5,000 square feet. There is no minimum lot size for other zones.

7. Off-Street Parking Requirements.

In addition to the two spaces required for the primary unit, the Accessory Dwelling Unit shall have one additional off-street parking space. If on street parking is available on a city street built to a city standard identified in the Transportation System Plan and has parking on both sides of the street, one space may be credited to the requirement of three total spaces.

8. Height: The height of new detached units shall not exceed 20 feet or 80% of the height of the main dwelling, whichever is less.

9. Homestay Lodging

Homestay lodging is prohibited in accessory dwelling units created after May 17, 2017. (Ordinance 17-XX, Adopted April 17, 2017)

C. Permits.

1. Permit Required.

A Type I or Type III permit is required for the establishment of an Accessory Dwelling Unit. The property owner shall submit an application to the Community Development Department on a form provided by the City.

2. Expiration of Permit.

An Accessory Dwelling Unit permit shall automatically expire if any of the following occurs:

- a. The Accessory Dwelling Unit is substantially altered and is no longer in conformance with the plans as approved by the Astoria Planning Commission, Community Development Director, and/or the Building Official; or
- b. The subject lot ceases to provide the approved number of parking spaces; or
- c. The property owner ceases to reside in either the principal or the Accessory Dwelling Unit.

D. Non-conforming Accessory Dwelling Units.

1. The portion of a single-family dwelling **or detached accessory structure** which meets the definition of Accessory Dwelling Unit which was in existence prior to

January 1, 2004, may continue in existence provided the following requirements are met:

- a. An application for an Accessory Dwelling Unit is submitted to the Community Development Department for review.
 - b. The Accessory Dwelling Unit complies with the minimum requirements of the Building Codes as adopted by the City of Astoria.
 - c. The Accessory Dwelling Unit complies with the requirements of this Section 3.020 concerning "Accessory Dwelling Units".
2. The Community Development Director may approve a permit submitted for a non-conforming unit that does not meet all of the above requirements, except those relative to building code requirements, as follows:
- a. The permit review shall be in accordance with Article 9 concerning Type II administrative decisions. The Community Development Department shall notify property owners of record in accordance with 9.010 to 9.020 at least twenty (20) days prior to the issuance of a permit for a Non-conforming Accessory Dwelling Unit. The notice shall set forth the standards required and the nature of the non-conformity.
 - b. Permits for a Non-conforming Accessory Dwelling Unit may be issued after the notice period by the Community Development Director where the Director has made written findings as follows:
 - 1) That full compliance would be impractical; and
 - 2) That neither present nor anticipated future use of the unit reasonably require strict or literal interpretation and enforcement of the requirements of this code; and
 - 3) That the granting of the permit will not create a safety hazard.
3. A decision of the Community Development Director may be appealed to the Planning Commission in accordance with 9.040."

Section 4. The Community Development Director shall evaluate the accessory dwelling unit program in April 2018 to recommend if any additional changes are required to make improvements. A staff report shall be produced and reviewed by the Astoria Planning Commission with a recommendation to the City Council. This section 4 is adopted by the Council but shall not be codified in the Astoria City Code.

Section 5. Effective Date. This ordinance and its amendment will be effective 30 days following its adoption and enactment by the City Council.

ADOPTED BY THE COMMON COUNCIL THIS ____ DAY OF _____, 2017.

APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2017.

Mayor

ATTEST:

Brett Estes, City Manager

ROLL CALL ON ADOPTION:

YEA

NAY

ABSENT

Commissioner Nemlowill
Brownson
Price
Jones

Mayor LaMear



CITY OF ASTORIA

COMMUNITY
DEVELOPMENT
DEPARTMENT

April 10, 2017

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: PROPOSED AMENDMENT TO ASTORIA CITY CODE SECTION 1.010
RELATED TO PENALTIES

DISCUSSION/ANALYSIS

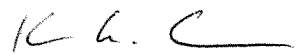
In 2016, the Community Development Department administered an exterior alteration permit for a historic triplex at 328 Alameda. The applicant made the improvements to the house prior to the consent of the Historic Landmarks Commission. After reviewing the City Code for potential corrective action to address future scenarios where the property owner continues to work after being told they needed permits, it became clear that additional tools were needed to rectify these types of land use violations.

The City Attorney has proposed adding to Section 1.010 Penalties to rectify violations to land use, zoning, and building in Astoria. In addition, the City Council approved a revised fee schedule on March 20, which includes a doubling of fees for work completed prior to zoning approval. The proposed addition will provide us additional tools, including revocation of permits, and other remedies such as abatement and injunction procedures. The City Council held a public hearing and a 1st reading of the Ordinance on April 3.

A version showing the added language is attached. The City Attorney proposed the new language and is approved as to form.

RECOMMENDATION

It is recommended that Council hold a 2nd reading and adopt the amendment to Astoria City Code Section 1.010.



Kevin A. Cronin
Community Development Director

ORDINANCE NO. 17-0X

AN ORDINANCE REVISING ASTORIA CITY CODE SECTION 1.010 PENALTIES
FOR LAND USE AND BUILDING VIOLATIONS

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. Astoria City Code Section 1.010 Penalties is revised to read as follows:

(5) Remedies for unlawful structures or land use.

- (a) In case any land, building or other structure is used, advertised for use, or proposed to be used or, located, constructed, maintained, repaired, altered, or used, in violation of a city ordinance or regulation designed to implement the city's comprehensive plan, the City Council may, in addition to other remedies provided by law or ordinance, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or remove the unlawful location, construction, maintenance, repair, alteration, or use. The City can also pursue action in Municipal Court or State Circuit Court.
- (b) The court may allow the City reasonable attorney fees and expenses in a judicial proceeding authorized by this section.
- (c) Nothing in this section requires the City Council to avail itself of a remedy allowed by this section or by any other law.
- (d) The City can pursue revocation of any permit issued.

Section 2. **Effective Date.** This ordinance shall become effective 30 days after its adoption.

ADOPTED BY THE CITY COUNCIL THIS 17th DAY OF APRIL 2017

APPROVED BY THE MAYOR THIS 17th DAY OF APRIL 2017

Mayor

ATTEST:

City Manager

ROLL CALL ON ADOPTION

YEA NAY ABSENT

Councilor Nemlowill

Brownson

Price

Jones

Mayor LaMear



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

April 10, 2017

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: BRETT ESTES, CITY MANAGER

SUBJECT: **VACATION OF A PORTION OF THE ALLEY ABUTTING 3115 HARRISON AND THE ADJACENT UNDEVELOPED LOT**

DISCUSSION/ANALYSIS

The City has received a request from Larry Haskell, for the vacation of a 20 X 100 foot portion of the alley that abuts his property at 3115 Harrison (Tax Lot 8099CA10000) and also his undeveloped lot (Tax Lot 8099CA10100) on the south side of the alley, Lots 6 & 7, Block 63, Port of Upper Astoria. Mr. Haskell would like to obtain the square footage necessary to potentially construct a duplex on the property (see attached drawing).

Upon review of the site, it was determined that there are no public utilities on or adjacent to the proposed vacation area and that the City would have no future need for this particular portion of the alleyway. There is also a four-foot sliver of City property adjacent to these lots that Mr. Haskell may be interested in purchasing in the future. If Mr. Haskell pursues the sale, Staff will bring a recommendation for the sale to Council at a later date.

Per City Code 2.290 Authority to Make an Assessment staff calculated the real land value using the County Assessor's land value for properties surrounding the portion of alleyway and calculating an average per square foot value of properties as \$6.87. As has been the past practice of the City, staff is proposing that an assessment of \$1,374.90 (10%) of the real land value (\$13,748.99) be considered for the vacation of 2000 square feet of the alleyway.

At their April 3, 2017 Council meeting, Council adopted a resolution to schedule a public hearing regarding the vacation request. A Public Hearing Notice was published in the Daily Astorian and property owners within a 250' radius of the alleyway were notified of the public hearing.

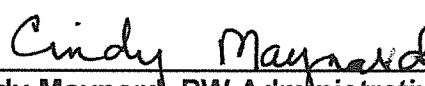
RECOMMENDATION

It is recommended that the Astoria City Council consider holding a public hearing and first reading of the ordinance to vacate a portion of the alley that abuts 3115 Harrison and the undeveloped on the south side of the alley.

Submitted By


Ken Cook, Public Works Director

Prepared By:


Cindy Maynard PW Administrative Assistant

Ordinance No. 17- _____

AN ORDINANCE GRANTING THE PETITION FOR THE VACATION OF THE ALLEYWAY ADJACENT TO 3115 HARRISON AND THE UNDEVELOPED LOT SOUTH OF THE ALLEYWAY

The City of Astoria does ordain as follows:

Section 1. Vacation Allowed. That the petition for vacation of the alleyway is described as follows is hereby granted:

10 X 100 foot portion of the alley that abuts his property at 3115 Harrison, Lot 6 Block 63, Upper Astoria (Tax Lot 8099CA10000) and a 10 X 100 foot portion of the alley that abuts his undeveloped lot, Lot 7, Block 63, Upper Astoria (Tax Lot 8099CA10100) on the south side of the alley.

Section 2. Combining Lots. The above described portions of vacated alleyway and properties are hereby combined into two lot and may not be separated except in compliance with Astoria Development Code and other applicable land use regulations.

SECTION 3. Reservations. Nothing in this ordinance or in the action to vacate that portion of the alleyway or alley described in Section 1 shall cause or require the removal or abandonment of any City or Franchise Utility of any kind, wire, pole, or object used or intended to be used for any public service, and the right hereby is reserved for the owner of any such utility or object to maintain, continue, repair, reconstruct, renew, replace, rebuild or enlarge all utilities and objects. The City also reserves the right to construct, maintain, continue, repair, reconstruct, renew, replace, rebuild or enlarge any future utility or object deemed necessary by the City.

Section 5. Effective Date. The provisions of this ordinance shall take effect 30 days after its passage.

The vacation of that portion of the alleyway as described in Section 1 of this ordinance is ordered and allowed, subject to the provisions and restrictions contained in Section 2.250 and 2.310 of the Astoria Code.

ADOPTED BY THE COMMON COUNCIL THIS _____ DAY OF _____ 2017.

APPROVED BY THE MAYOR THIS THIS _____ DAY OF _____ 2017.

Mayor

ATTEST:

City Manager

ROLL CALL ON ADOPTION YEA NAY ABSENT

Councilor Nemlowill
Brownson
Price
Jones
Mayor LaMear

Proposed 20'x100' Vacation
of Alley Adjacent to 3115
Harrison Ave
Block 63, Port of Upper Astoria

Date: 3-27-2017



Scale: 1"=50'





April 7, 2017

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: BRETT ESTES, CITY MANAGER

**SUBJECT: AUTHORIZATION TO AWARD CONTRACT – RIDGE LINE COMBO
HARVEST 2017**

DISCUSSION/ANALYSIS

A commercial timber thinning and variable retention treatment on 52 acres of the Bear Creek Watershed property is planned for the summer of 2017. The harvest is located near the boundary of the property, and would include thinning of two overstocked stands that are primarily composed of Hemlock, while also completing a variable retention harvest on three other areas within the unit. The Douglas Fir in these stands is impacted by Swiss Needle Cast, a fungus that attacks the crowns of the trees and inhibits growth, potentially killing the trees. One of the thinning areas has also been subject to severe wind throw. The thinning activities will improve the wind firmness of the stand while allowing the remaining trees to optimally utilize the available growing space.

Within the harvest unit, three areas of variable retention are also proposed. This type of treatment leaves large and wind-firm trees both dispersed throughout the stand and in a few small clumps. The treatment has the operational benefits of a patch cut while improving seed sources for natural regeneration of Spruce and Pacific Silver Fir. The variable retention areas are mixed stands of Spruce, Hemlock, Pacific Silver Fir, and Douglas Fir. The treatment will predominantly remove the Douglas Fir and Hemlock, leaving a Spruce and Pacific Silver Fir stand.

The harvest unit is bisected by a small spur road, which may require minor repairs. In addition, logs will be hauled out on the Bear Creek Mainline road, which will require the installation of two culverts as well as additional rock. A map is attached showing the treatment area as well as the road work and location within the watershed.

At their March 20, 2017 meeting, Council authorized staff to solicit bids for the project and to also hold a public informational meeting (held on March 29, 2017). The call for bids was advertised in the Daily Astorian and on the City's Website, and bid packets were sent to eleven perspective purchasers. On April 7, the City received the following responsive bid for the harvest:

- Hampton Tree Farms -
- Douglas Fir - \$424.25/mbf
- Hemlock/Silver Fir - \$284.59/mbf


- Sitka Spruce - \$200.00/mbf
Non-Bid Species
- Pulp Logs \$7.00/ton
- Alder Sawlogs \$350.00/mbf


A second bid was received from Custom Excavating which was considered non-responsive as they did not meet the minimum bid requirement.

The Combo Harvest should result in gross revenue of \$224,577.20. Net revenues after paying for required expenses such as road improvements should provide an estimated \$190,000.00 to be deposited into the Capital Improvement Fund.

RECOMMENDATION

It is recommended that Council award the Ridge Line Combo Harvest to Hampton Tree Farms.

Submitted By 
Ken P. Cook, Public Works Director

Prepared By MIKE BARNES 
Mike Barnes, Forrester

CITY OF ASTORIA
Ridge Line Combo Harvest 2017

This Contract, made and entered into this ____ day of _____, by and between the CITY of Astoria, a municipal corporation of the State of Oregon, hereinafter called "CITY", and Hampton Tree Farms, LLC, PO Box 2315, Salem, Oregon 97308, hereinafter called "PURCHASER".

W I T N E S S E T H

WHEREAS, the CITY sells to PURCHASER and PURCHASER buys from CITY trees designated and described in Scope of Work; and

WHEREAS, PURCHASER is able and prepared to harvest designated timber as CITY does hereinafter require, under those terms and conditions set forth; now, therefore,

IN CONSIDERATION of those mutual promises and the terms and conditions set forth hereafter, the parties agree as follows:

1. PURCHASER SERVICES

A. PURCHASER'S responsibilities are defined solely by this Contract and its attachments and not by any other contract or agreement that may be associated with this project.

B. The PURCHASER'S work shall be performed as expeditiously as is consistent with safety and the orderly progress of work. All work shall be completed no later than **October 31, 2017**.

2. PAYMENT TO CITY

A. PURCHASER agrees to pay CITY

\$424.45 mbf for Douglas Fir
\$284.59 mbf for Hemlock/Silver Fir
\$200.00 per mbf for Sitka Spruce

Non-bid Species
\$7.00/ton Pulp Logs
\$350.00 mbf Alder Sawlogs

B. An initial payment of \$22,457.72 shall be made to the City prior to commencement of activities. The bid deposit shall be applied to the initial payment.

C. Payment schedule shall be based upon terms as outlined in Section 17 of the attached Scope of Work.

3. TITLE TO TREES

During the period of this Contract, and any extension, PURCHASER shall have the right to cut and remove designated trees. Such right shall be conditioned upon PURCHASER complying with the provisions of this Contract. PURCHASER shall be listed as timber owner on the Notification of Operation, as filed with the Oregon Department of Forestry.

Any right of PURCHASER to cut and remove the trees shall expire and end at the time this Contract, or any extension, terminates. All rights and interests of PURCHASER in and to trees and logs remaining in the project area shall, at that time, automatically revert to and revest in the CITY, without compensation to PURCHASER.

4. PURCHASER IDENTIFICATION
PURCHASER shall furnish to the CITY the PURCHASER'S employer identification number, as designated by the Internal Revenue Service, or PURCHASER'S Social Security number, as CITY deems applicable.
5. PURCHASER'S REPRESENTATIVE
For purposes hereof, the PURCHASER'S authorized representative will be Dave Kunert.
6. CITY'S OBLIGATIONS
In order to facilitate the work of the PURCHASER as above outlined, the CITY shall furnish to the PURCHASER access to all relevant maps, aerial photographs, reports and site information which is in the CITY'S possession concerning the project area. In addition, the CITY shall act as liaison for the PURCHASER, assisting the PURCHASER with making contacts and facilitating meetings, as necessary.
7. PURCHASER IS INDEPENDENT PURCHASER
A. PURCHASER'S performance shall be under the general supervision of CITY'S project director or his designee, but PURCHASER shall be an independent PURCHASER for all purposes and shall be entitled to no compensation other than the compensation provided for under Section 2 of this Contract.

B. PURCHASER acknowledges that for all purposes related to this Contract, PURCHASER is and shall be deemed to be an independent PURCHASER and not an employee of the CITY, shall not be entitled to benefits of any kind to which an employee of the CITY is entitled and shall be solely responsible for all payments and taxes required by law; and furthermore in the event that PURCHASER is found by a court of law or an administrative agency to be an employee of the CITY for any purpose, CITY shall be entitled to offset compensation due, or, to demand repayment of any amounts paid to PURCHASER under the terms of the Contract, to the full extent of any benefits or other remuneration PURCHASER receives (from CITY or third party) as result of said finding and to the full extent of any payments that CITY is required to make (to PURCHASER or a third party) as a result of said finding.

C. The undersigned PURCHASER hereby represents that no employee of the CITY of Astoria, or any partnership or corporation in which a CITY of Astoria employee has an interest, has or will receive any remuneration of any description from the PURCHASER, either directly or indirectly, in connection with the letting or performance of this Contract, except as specifically declared in writing.
8. ASSIGNMENT OF CONTRACT
PURCHASER shall not assign, sell, or transfer rights, or delegate responsibilities under this Contract, in whole or in part, without the prior consent of the CITY. CITY will consent only when assignment is consistent with CITY'S fiduciary duties. No such written approval shall relieve PURCHASER of any obligations under this Contract, and any transferee shall be considered the agent of the PURCHASER and bound to perform in accordance with the Contract. PURCHASER shall remain liable as between the original parties to the Contract as if no assignment had occurred.
9. SUBCONTRACTING
PURCHASER acknowledges and agrees that if PURCHASER subcontracts all or any part of the Operations, such subcontracting shall in no way relieve PURCHASER of any responsibility under this Contract. PURCHASER shall notify CITY in writing of the names and addresses of each subcontractor prior to the commencement of any Contract work by the subcontractor.
10. CANCELLATION FOR CAUSE
CITY may cancel all or any part of this Contract if PURCHASER breaches any of the terms herein or in the event of any of the following: Insolvency of PURCHASER; voluntary or involuntary petition in bankruptcy by or against PURCHASER; appointment of a receiver or trustee for PURCHASER, or any assignment for benefit of creditors of PURCHASER. Damages for breach shall be those allowed by

Oregon law, reasonable and necessary attorney's fees, and other costs of litigation at trial and upon appeal. PURCHASER may likewise cancel all or any part of this contract if CITY breaches any of the terms herein and be therefore entitled to equivalent damages as expressed above for CITY.

11. ACCESS TO RECORDS

CITY shall have access to such books, documents, papers and records of contract as are directly pertinent to this contract for the purposes of making audit, examination, excerpts and transcripts.

12. FORCE MAJEURE

Neither CITY nor PURCHASER shall be considered in default because of any delays in completion of responsibilities hereunder due to causes beyond the control and without fault or negligence on the part of the party so disenabled provided the party so disenabled shall within ten (10) days from the beginning such delay notify the other party in writing of the causes of delay and its probable extent. Such notification shall not be the basis for a claim for additional compensation.

13. NONWAIVER

The failure of the CITY to insist upon or enforce strict performance by PURCHASER of any of the terms of this Contract or to exercise any rights hereunder shall not be construed as a waiver or relinquishment to any extent of its right to assert or rely upon such terms or rights on any future occasion.

14. ATTORNEY'S FEES

In the event suit or action is instituted to enforce any of the terms of this contract, the prevailing party shall be entitled to recover from the other party such sum as the court may adjudge reasonable as attorney's fees at trial or on appeal of such suit or action, in addition to all other sums provided by law.

15. APPLICABLE LAW

The law of the State of Oregon shall govern the validity of this Agreement, its interpretation and performance, and any other claims related to it.

16. CONFLICT BETWEEN TERMS

It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument and the proposal of the PURCHASER, this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

17. INDEMNIFICATION

With regard to Comprehensive General Liability, PURCHASER agrees to indemnify and hold harmless the CITY of Astoria, its Officers, and Employees against and from any and all loss, claims, actions, suits, reasonable defense costs, attorney fees and expenses for or on account of injury, bodily or otherwise to, or death of persons, damage to or destruction of property belonging to CITY, PURCHASER, or others resulting from or arising out of PURCHASER'S negligent acts, errors or omissions in services pursuant to this Agreement. This agreement to indemnify applies whether such claims are meritorious or not; provided, however, that if any such liability, settlements, loss, defense costs or expenses result from the concurrent negligence of PURCHASER and The CITY of Astoria this indemnification and agreement to assume defense costs applies only to the extent of the negligence or alleged negligence of the PURCHASER.

With regard to Personal Liability, PURCHASER agrees to indemnify and hold harmless the CITY of Astoria, its Officers and Employees from any and all liability, settlements, loss, reasonable defense costs, attorney fees and expenses arising out of PURCHASER'S negligent acts, errors or omissions in service provided pursuant to this Agreement; provided, however, that if any such liability, settlements, loss, defense costs or expenses result from the concurrent negligence of PURCHASER and the Client, this indemnification and agreement to assume defense costs applies only to the extent of negligence of PURCHASER.

With respect to Commercial Liability and Personal Liability, PURCHASER reserves the right to approve the choice of counsel.

18. INSURANCE

Prior to starting work hereunder, PURCHASER shall obtain and maintain the following insurance: Commercial General Liability, Automobile Liability, Logger's Broad Form and excess or umbrella policy written on an occurrence basis, in amounts not less than the limitations on liability for local public bodies provided in ORS 30.272 and ORS 30.273. CITY will be listed as an "Additional Insured" on each policy. Such insurance shall provide a waiver of subrogation in favor of City. Coverage shall include PURCHASER, Sub-contractors, and anyone directly or indirectly employed by either. The comprehensive general liability shall be combined single limit for broad form liability property damage and bodily injury. Such insurance shall not be canceled or its limits of liability reduced without thirty (30) days prior notice to CITY. A copy of an insurance certificate in form satisfactory to CITY certifying the issuance of such insurance shall be furnished to CITY. Such insurance shall not be canceled or its limits of liability reduced without thirty (30) days written notice to CITY.

19. WORKMEN'S COMPENSATION

The PURCHASER, its sub-contractors, and all employers working under this Agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all their subject workers. PURCHASER shall provide proof of worker's compensation coverage to CITY.

20. NONDISCRIMINATION

It is the policy of the City of Astoria that no person shall be denied the benefits of or be subject to unlawful discrimination in any City program, service, or activity on the grounds of age, disability, race, religion, color, national origin, sex, sexual orientation, gender identity/expression. Contractor, its employees, agents and subcontractors shall comply with this policy.

21. LABORERS AND MATERIALMEN, CONTRIBUTIONS TO INDUSTRIAL ACCIDENT FUND, LIENS AND WITHHOLDING TAXES

PURCHASER shall make payment promptly, as due, to all persons supplying PURCHASER labor or material for the prosecution of the work provided for this contract.

PURCHASER shall pay all contributions or amounts due the Industrial Accident Fund from PURCHASER or any subPURCHASER incurred in the performance of the contract.

PURCHASER shall not permit any lien or claim to be filed or prosecuted against the state, county, school district, municipality, municipal corporation or subdivision thereof, on account of any labor or material furnished.

PURCHASER shall pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

22. PAYMENT OF CLAIMS BY PUBLIC OFFICERS

If the PURCHASER fails, neglects or refuses to make prompt payment of any claim for labor or services furnished to the PURCHASER or a subPURCHASER by any person in connection with the public contract as such claim becomes due, the proper officer or officers representing the municipality may pay such claim to the person furnishing the labor or services and charge the amount of the payment against funds due or to become due the PURCHASER by reason of such contract.

The payment of a claim in the manner here authorized shall not relieve the PURCHASER or the PURCHASER'S surety from obligation with respect to any unpaid claims.

23. PAYMENT OF MEDICAL CARE

PURCHASER shall promptly, as due, make payment to any person, copartnership, association or corporation, furnishing medical, surgical and hospital care or other needed care and attention, incident to sickness or injury to the employees of such PURCHASER, of all sums which the

PURCHASER agrees to pay for such services and all moneys and sums which the PURCHASER collected or deducted from the wages of employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service.

24. OVERTIME

Employees shall be paid at least time and a half for all overtime work in excess of 40 hours in any one-week, except for individuals under these contracts who are excluded under ORS 653.010 to 653.261 or under 29 U.S.C. sections 201 to 209 from receiving overtime.

25. NO THIRD PARTY BENEFICIARIES

This contract gives no rights or benefits to anyone other than the CITY and PURCHASER and has no third party beneficiaries.

26. SEVERABILITY AND SURVIVAL

If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the enforceability of the remaining provisions shall not be impaired thereby. Limitations of liability shall survive termination of this Agreement for any cause.

27. HARVEST TAX LIABILITY

PURCHASER shall be responsible for payment of all Department of Revenue Timber Harvest Taxes.

28. COMPLETE CONTRACT

This Contract and its referenced attachments constitute the complete contract between CITY and PURCHASER and supersedes all prior written or oral discussions or agreements. PURCHASER services are defined solely by this Contract and its attachments and not by any other contract or agreement that may be associated with this Contract.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first written above.

Approved as to form:


Digitally signed by
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Attorney

CITY OF ASTORIA, a municipal
corporation of the State of Oregon

BY: _____
Mayor Date

BY: _____
City Manager Date

BY: _____
Purchaser Date

RIDGE LINE COMBO HARVEST 2017- SCOPE OF WORK

Section 1 Operation Plan / Meeting

- 1) PURCHASER/CITY shall prepare a written operation plan prior to commencement of activities (Attachment B). Upon signature of the operation plan it becomes a part of the Contract/Scope of Work.
- 2) CITY designates Michael Barnes as their representative with authority to act on behalf of the CITY in actions relating to High Ridge Combo Harvest.
- 3) Operation plan shall be completed at least one week prior to commencement of any activity relating to this contract. PURCHASER shall file a Notification of Operation with the Oregon Department of Forestry in compliance with the Forest Practices Act.

Section 2- Harvest Unit

The outline of the harvest unit is marked in blue tape, except where it borders a clearcut on the southwest boundary, where all trees up to the old clearcut are included in the harvest area. The total harvest unit is 52 acres. Thinning areas are marked with pink tape, retention areas are marked with orange tape, and all leave trees are painted with a blue stripe. A water source runs approximated 150 feet from the east boundary of the harvest unit. No trees shall be felled towards the water source.

Section 3- Harvest Operations

- 1) Felling:
 - a. PURCHASER/Felling Contractor shall meet with CITY representative to review requirements under section 4.
 - b. Felling shall be conducted using a feller/buncher unless alternative method is approved by CITY
 - c. Prior to felling, skid roads and landings shall be marked and approved by the CITY
 - d. Felled trees shall be topped at a diameter not less than 6 inches
 - e. Logs shall be no longer than 40 feet (plus trim)
 - f. Trees shall not be felled across drainages
 - g. Maximum stump height shall be 12 inches unless approved by CITY

2) Yarding:

- a. Use ground-based equipment approved by CITY. Limit skid roads and trails to 10% of the yarded area
 - b. Operation shall not be conducted under conditions where soils are rutted or excavated to a depth of 6 inches or more
 - c. Equipment shall not operate on slopes greater than 35%. Approval may be granted by CITY to operate for short distances on slopes exceeding 35%
 - d. Ground based logging operations shall be limited to June 1st through October 31st unless otherwise approved by CITY. Operational starting date must be approved by the CITY.
 - e. Ground yarding equipment shall not operate within 100 feet of any stream
 - f. PURCHASER (operator) shall suspend ground yarding during periods of high soil moisture as determined by CITY.
- 3) Stream Protection: Small type N streams are located adjacent to the thinning unit. No trees shall be fell across any stream. No equipment shall be operated with 100 feet slope distance of any stream.
- 4) Watershed Entry: Coordinate entry to the watershed with the CITY's resident Water Source Operator and comply with his directions regarding access, vehicle speeds and operations while in the watershed area.

Section 4 – Log Removal

All logs defined below shall be removed as Designated Timber under this contract.

1. Any conifer log that conforms with grading rules for peeler or sawmill grades and meets or exceeds both of the following minimum requirements: 6 inches in gross scaling diameter, containing 20 board feet (net).
2. Any hardwood log that conforms with grading rules for No. 4 Alder log grade or better and meets or exceeds both of the following minimum requirements: 6 inches in gross scaling diameter, containing 20 board feet (net).
3. Logs determined to be utility/pulp quality shall be removed as pulp on approval of the CITY. Pulp logs shall be decked separately from sawmill grade logs.

4. Any logs left in the harvest area meeting the minimum requirements under 1 and 2 above shall be scaled by the CITY and charged to PURCHASER at the rate specified for that species under the contract. Material used to meet coarse woody debris requirement shall not be scaled.

Section 5- Treatment Specifications

There are three primary treatment types within the harvest unit: THINNING, RETENTION, and HARVEST WITH DISPERSED RETENTION.

- 1) THINNING (16.5 acres)- Thinning areas are marked with pink ribbon, except where they share a boundary with the harvest unit, in which case that boundary is marked with blue ribbon. Thinning areas are located at the southwest corner of the unit and the north end of the unit. Thinning areas have a basal area of approximated 237 sqft / acre and should be thinned to a basal area of 120 square feet / acre, removing approximately 50% of the volume from the stands. Thinning should focus on the removal of Douglas fir, however significant Hemlock will need to be removed as well to achieve desired basal area. Minor species such as Spruce, Silver fir, and Cedar shall not be removed. Felling shall be completed with mechanized equipment. Specific areas may be identified for use as landing areas by PUCHASER and additional trees may be removed upon approval by CITY.
- 2) RETENTION (11.6 acres) - Retention areas are marked with orange ribbon, except where they share a boundary with the harvest unit, in which case that boundary is marked with blue ribbon. There are two retention areas within the harvest unit, both of which extend from the road down to the eastern unit boundary. Do not intentionally enter or cross retention areas. All trees within the orange taped areas are to be retained.
- 3) HARVEST WITH DISPERSED RETENTION (24.31 acres) - Areas not marked for thinning or retention should be harvested, with the exception of retention trees, marked with blue paint, which shall be left, unless previously approved for removal by the city for safety or operational reasons. Retention trees are both dispersed and in a few small clumps, and are almost exclusively Spruce and Pacific Silver fir.

Section 6 Site Preparation/Slash Disposal in Patch Cut Areas

1. Slash is defined as debris resulting from harvest operations.
2. Slash shall be distributed over the harvest area for both thinning and retention in a manner which will allow for planting of seedlings on a10 feet x 10 feet spacing.
3. Slash at the landing sites will be placed in small compact piles as directed by CITY, or when possible redistributed throughout the stand.

4. No slash piling shall occur during wet periods.

Section 7 Large Woody Debris/Snags/GreenTree Retention in Patch Cut Areas

1. Large Woody Debris is defined as solid wood with a minimum of 12" in diameter and 4' in length.
2. Snags are defined as standing conifers at least 12' in height and 16" in diameter.
3. Operators shall leave a minimum of 20 pieces of large woody debris and five snags (if available) per acre. Woody debris should not be placed within slash piles, as practicable.
4. Operator shall leave a minimum of four green trees with sound live crowns per acre as directed by CITY. Leave trees shall be a minimum of 16" in diameter. Certain trees have been designated for retention and marked with a blue painted stripe. All such trees shall count toward the leave tree requirement above.

Section 8 Road Maintenance/Use

PURCHASER is responsible for normal road maintenance on roads used for activity under this contract. Normal road maintenance shall provide for safe forest driving conditions, continuous access and road use, protection of roads from damage and water quality.

Normal road maintenance shall include any action needed to prevent and protect the road from soil contamination, seasonal weather damage, protect water quality, repair damage caused by road use and restore the road to at least the road condition at commencement of use.

Other contractors may use main access road into watershed. PURCHASER and all subcontractors shall maintain adequate communication to minimize road use conflicts. CITY must approve communication plan prior to commencement of activities.

The mainline road shall remain open and passable to the extent possible during the course of the operation. Periodic closure for culvert installation or other road improvement work shall be minimized to the extent possible. Any extended closure greater than 4 hours shall be coordinated with and approved by CITY.

During all phases of the operation to include road construction and harvest activities, approved equipment (crawler or grader) shall remain on site to allow for road maintenance as needed unless approved by CITY.

Access to the harvest areas shall be via Watershed Mainline (A Line).

The Watershed gates on A line (Watershed Mainline) must be kept closed and locked except for ingress and egress. Purchaser must secure key(s) from CITY. An approved day lock will be placed on CITY gates to accommodate log and gravel trucks. The designated CB channel for activities on Bear Creek will be CB 38. Where signage is inadequate, PURCHASER will be responsible for additional signage.

Section 9 Project Work

PURCHASER shall complete the following project work as specified under direction of CITY:

- 1) Spur bisecting the unit shall be improved to facilitate the removal of timber. Improvements shall be completed prior to commencement of log hauling to specifications approved by CITY. Additional improvements may be required following harvest operations.
- 2) Crushed rock may be required on Mainline road as directed by CITY. Said rock shall be placed on portions of the road that indicate wear as a result of log truck use.
- 3) Two additional culverts will be required on the mainline road. These culverts may be placed before harvest activities commence (culverts to be provided by the CITY).
- 4) Deliver and spread 1^{1/2}"-0 crushed rock or size approved by CITY. Rock shall be uniformly spread to a depth not to exceed 6 inches. Specific areas may require greater depth as directed by CITY. Certain road sections shall be rolled with approved equipment after rock has been placed and prior to log hauling.
- 5) All projects shall be under direction of CITY. Specific requirements under this road improvement project will be provided to Purchaser/Operator in writing during the operation.
- 6) All equipment to be used for project work shall be listed on the Operation Plan and rates to be approved by CITY prior to commencement of activities. Daily activity record shall be maintained by PURCHASER and shall be submitted to CITY on a weekly basis or as requested by CITY.
- 7) **All project work billing statements must be reviewed by CITY prior to payment.**
- 8) Cost of projects shall not exceed \$25,000.00.
- 9) Project cost shall be applied as a credit towards harvest payment(s).

Section 10 Log Management & Branding

All logs removed from the operation area shall be scaled at a location approved by the CITY. Scaling shall be performed by an approved third-party scaling organization using the Official Log Scaling and Grading Rules (as adopted by the Northwest Log Rules Advisory Group).

PURCHASER shall require the scaling organization to furnish copies each week of all scale certifications showing gross and net volumes by species and grade of all logs scaled during the week. Weight certificates showing gross and net weights for all loads purchased by weight shall be provided on a weekly basis.

All loads of logs shall be branded with an assigned and registered brand in accordance with Oregon Statutes prior to removal from the operation area.

Section 11 Log Accountability

1. Log load receipt books shall be presented to CITY for review and approval prior to use for this operation. Each book shall be signed by CITY representative prior to use. The entire book(s) shall be used for the High Ridge Combo Harvest.
2. Each book shall have a minimum of 4 copies for each load; one copy to remain in the book (CITY copy), one copy for the operator, one copy for the trucker, and one copy for the scaler.
3. PURCHASER shall present each book to the CITY as soon as all receipts in each book have been used.
4. PURCHASER shall require truck driver of each load to sign the log load receipt prior to leaving the landing.
5. Each load receipt shall indicate the date logs are loaded, trucker, species, number of logs destination and log brand. PURCHASER shall fill out a multi-part, serially numbered load receipt completely and accurately before each truck leaves the operation area. Any load delivered to FSC (Forest Stewardship Council) delivery point shall have the CITY of Astoria chain of custody code on all copies of that ticket and annotated as FSC Pure.
6. PURCHASER shall provide a copy of the log load receipt to the scaler which number shall be recorded on the scale ticket.
7. PURCHASER shall complete a daily log summary and provide to CITY as instructed. PURCHASER shall place daily summary sheets in a location designated by CITY.

Section 12 Protection of Watershed/Security

PURCHASER shall take all necessary steps to prevent damage to stream banks, any stream course or forested wetland within or adjacent to the harvest area and to maintain security of the watershed area resulting from PURCHASERs activities.

1. Necessary measurements include, but are not limited to, the following:
2. Do not operate any equipment within 100 feet of designated streams or wet areas.
3. Provide adequate sediment control measures, such as waterbars, on all skid roads to minimize potential movement of sediment to streams.
4. No dumping of trash or any foreign material within the watershed. No spillage or dumping of petroleum products or chemicals within the watershed. PURCHASER shall keep approved spill containment materials available in all machinery and vehicles operating in the watershed. Such materials shall be provided to CITY for inspection upon request by CITY.
5. PURCHASER shall provide CITY approved sanitary arrangements for personnel working in the watershed prior to commencement of activities. Such sanitary equipment shall be placed within the operation area at site approved by CITY.
6. PURCHASER shall ensure that the main gate to the Watershed remains locked except for entry and exit. Keys provided to PURCHASER shall not be duplicated. PURCHASER shall not provide keys to subcontractors without consent of CITY.
7. PURCHASER shall notify CITY immediately of all reportable releases of hazardous substances. Reportable quantities are found in 40 CFR, table 302.4 for hazardous substances in OAR 340-108 for petroleum products.

Section 13 Protection from Invasive Species

PURCHASER shall ensure that all ground based equipment (harvest and project) moved onto CITY forest is free of soil, vegetative material or other debris that could hold or contain seeds. PURCHASER shall employ cleaning methods appropriate to ensure compliance with this section. Equipment shall be inspected by CITY (if requested) at entrance to the watershed. PURCHASER shall notify CITY of date and time of equipment delivery. This section does not apply to log trucks or other service vehicles used in daily transport or specific duties such as fire equipment.

Section 14 Laws and Regulations

PURCHASER shall obtain from governmental authorities all licenses and permits necessary for performance of this contract and shall comply with all state, federal and local laws and regulations applicable to its activities. Such compliance shall include but not be limited to laws and regulations relating to duties as an employer and those relating to the Forest Practices Act. PURCHASER shall be responsible for all fines and penalties incurred as a result of violating such laws. PURCHASER shall complete and submit a written plan as required under Oregon Forest Practices Act. CITY may require certain standards which exceed the minimum requirements under the Forest Practices Act such as the minimum number of leave trees per acre. Purchaser and contractors must adhere to all OSHA requirements.

Section 15 Fire Measures

PURCHASER shall use all efforts and take all precautions necessary to prevent fire on the Contract Area. Logger shall observe all fire restrictions and regulations of the Oregon Department of Forestry. PURCHASER shall furnish and maintain in good and serviceable condition water and pump equipment and fire extinguisher approved by the Oregon Department of Forestry and such other fire fighting tools and equipment and fire fighting personnel as are required by applicable laws and existing fire dangers. In the event of a fire on the Contract Area, regardless of area or cause of origin, PURCHASER shall immediately use all reasonably available personnel and equipment under PURCHASER's supervision and control to extinguish and prevent the spread of such fire and shall immediately notify Owner.

Section 16 Protection of Utility Lines

Utility lines occur on certain spurs within the watershed. In accordance with OAR 952-001-0020: *"ATTENTION: Oregon law requires you to follow rules adopted by the Oregon utility Notification Center. Those rules are set forth in OAR 952-001-0010 through 952-001-0090. You may obtain copies of the rules by call the center."* (Note: The telephone number for the Oregon Utility Notification center is (503)232-1987 / 1-800332-2344)

Section 17 Payment Schedule

The Purchase Price for timber sold under this contract shall be paid as follows:

The first payment shall be paid within 30 days of notification of high bid or before commencement of operations. The first payment shall be 10% of the total estimated bid value. The total estimated bid value shall be the sum obtained by multiplying the estimated volume by the bid price for the bid species. Bid deposit shall be applied to the initial payment.

Subsequent payments shall be made on or before the 15th day of each month for the logs removed during the previous month and scaled by independent scale bureau as required under Section 10. The payment amount will be determined by multiplying the net volume for each species by the designated amount for that species. Final payment must be received within 30 days of termination of operation.

Section 17 Contract Modifications

PURCHASER and CITY acknowledge that changes are inherent in Operations of the type covered by this Contract. The number of changes, the scope of those changes, and the impact they have on the progress of the original Operations cannot be defined at the outset of the Contract. These changes may include, but are not limited to, changes in the project specifications, project completion dates, rock sources, seasonal restrictions, Timber Sale Area resource protection requirements, harvest methods, harvest completion dates, tree harvest size limits, removal specifications, Reserved Timber specifications, haul route requirements, scaling requirements, and Timber Sale Area boundaries. PURCHASER acknowledges and agrees that PURCHASER is not entitled to any deduction in the purchase price or total purchase price solely due to the number of changes required to be made in the Contract. Each change will be evaluated on its own merit to determine if an extension of the time for performance under the Contract or an increase or decrease in the purchase price or total purchase price is warranted.

Section 18 Extension of Time

CITY may extend the time for performance of this Contract upon written request from PURCHASER or at CITY's discretion. A request for extension:

1. Shall be accompanied by the written consent to an extension of the security by PURCHASER's surety;
2. Shall state the date to which the extension is desired, the Area of Operations to be affected, and the reason(s) for the extension; and
3. Must be received by CITY no later than thirty (30) days prior to the expiration date of this Contract unless the need for extension occurred within the thirty (30) days prior to the expiration date, in which case the request must be received prior to the expiration date.

Section 19 Payment Bond

PURCHASER shall furnish a payment bond acceptable to the CITY guaranteeing payment for all timber harvested. Payment bonds may in the form of one or more of the following: surety bonds, cashier's

check, or money order. Surety Company authorized to do business in the State of Oregon, on approved form, must write surety bonds. PURCHASER's bond shall be in an amount equal to the value of the timber estimated to be harvested (the value is equal to the estimated volume multiplied by the bid amount).

PURCHASER shall keep payment bond in effect during the term of the contract.

Section 20 Harvest Tax Liability

PURCHASER shall be responsible for payment of all Department of Revenue Timber Harvest Taxes.

OPERATIONS PLAN

NAME OF SALE: Ridge Line Combo Harvest 2017

DATE: _____

PERSONS AT THE MEETING:

ESTIMATED SCHEDULE OF ACTIVITY/LOG FLOW:

SAFETY AND POINTS OF CONTACT:

ODF NOTIFICATION AND REQUIREMENTS:

LOG TICKET BOOKS:

ENVIRONMENTAL CONCERNS AND CONSTRAINTS:

LEAVE TREES, SNAGS AND COURSE WOODY DEBRIS:

ROAD LOCATION, USE, CONDITION, CONSTRAINTS, AND CONSTRUCTION EQUIPMENT:

EQUIPMENT TO BE USED AND HOURLY RATES (ROAD CONSTRUCTION):

HARVEST SCHEDULE BY AREA:

HARVEST EQUIPMENT:

LOG DELIVERY POINTS/SCALING AND LOAD WEIGHT REQUIREMENTS:

LOG BRANDING:

ACCESS/ ROAD USE:

SALE BOUNDARIES, PROPERTY LINES:

SEPARATION OF SORTS:

FOREST PRACTICES RULES:

SPECIAL OPERATING INSTRUCTIONS:

REVISIONS:

City of Astoria

Purchaser/Operator



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

March 31, 2017

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: RESOLUTION TO TRANSFER AMOUNTS WITHIN FUNDS

DISCUSSION/ANALYSIS

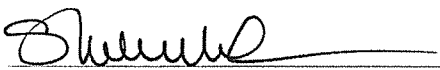
ORS 294.463 provides guidance for the transfer of appropriations within a fund, when authorized by resolution of the governing body.

Capital Leases are loan agreements for purchase of capital assets which have historically been accounted for as Capital Outlay and are listed as Capital Outlay in the Fiscal Year 2016-2017 Adopted Budget. Capital Outlay is investment in assets which have useful life of longer than one year and are of sizable expense. During Fiscal Year ending June 30, 2016 financial statement review and based on budget law training, it has come to our attention capital lease payments should be accounted for in the Debt Service classification. As Debt Service is a required budget element, appropriations made within Capital Outlay need to be transferred to Debt Service to properly account for lease payments within the Capital Improvement Fund in the amount of \$ 129,430 and Public Works Improvement Fund in the amount of \$ 80,700. The Capital Improvement Fund records expenses associated with General Fund asset acquisitions like vehicles and equipment, substantial upgrades to or construction of facilities. The Public Works Improvement Fund provides the same function for assets related to Public Works operations. The total appropriations remain the same in each fund.

The attached resolution transfers the appropriation for leases from Capital Outlay to Debt Service for leasing arrangements, in order to recognize appropriations and payments in the appropriate budget classification for Capital Improvement and Public Works Improvement Funds.

RECOMMENDATION

It is recommended that Council consider the attached resolution which transfers Capital Outlay appropriations to Debt Service appropriations within the Capital Improvement and Public Works Improvement Funds.

By: 
Susan Brooks,
Director of Finance & Administrative Services

Resolution No. 17-

A RESOLUTION TRANSFERRING AMOUNTS FROM CAPITAL OUTLAY TO DEBT SERVICE TO APPROPRIATELY RECOGNIZE LEASE PAYMENTS.

WHEREAS, the Capital Improvement Fund has three leases for Police Department vehicles and one lease for the Fire Department Pumper truck in the principal amount of \$ 115,395 and interest amount of \$ 14,035 for a total of \$ 129,430 budgeted in the Capital Outlay classification which should be appropriately classified in the Debt Service classification in the same fund, and

WHEREAS, the Public Works Improvement Fund has one lease for the Public Works Department Vector Truck in the principal amount of \$ 76,500 and interest amount of \$ 4,200 for a total of \$ 80,700 budgeted in the Capital Outlay classification which should be appropriately classified in the Debt Service classification in the same fund, and

WHEREAS, ORS 294.463 provides guidance for the transfer of appropriations within a fund by action of the governing body, and

WHEREAS, a resolution authorizing the transfer of appropriations within the Capital Improvement Fund and Public Works Improvement Fund for the FY 2016-17 budget are required after adoption of the FY 2016-2017 budget

WHEREAS, the adjusted budgets are on file in the office of the Director of Finance and Administrative Services at City Hall.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASTORIA:

Adjusting Lease Appropriation from Capital Outlay to Debt Service for each fund, total requirement remain the same for each fund.

<u>Capital Improvement Fund # 102</u>	<u>Existing</u>	<u>Change</u>	<u>Adjusted</u>
Capital Outlay	\$ 1,603,630	(\$ 129,430)	\$ 1,474,200
Debt Service	40,480	129,430	169,910
Total Capital Improvement Fund	\$ 3,038,400	0	\$ 3,038,400
<u>Public Works Improvement Fund # 176</u>	<u>Existing</u>	<u>Change</u>	<u>Adjusted</u>
Capital Outlay	\$ 118,200	(\$ 80,700)	\$ 37,500
Debt Service	609,170	80,700	689,870
Total Public Works Improvement Fund	\$ 1,924,120	0	\$ 1,924,120

ADOPTED BY THE CITY COUNCIL THIS _____ DAY OF _____, 2017.

APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2017.

Mayor

ATTEST:

City Manager

ROLL CALL ON ADOPTION		YEA	NAY	ABSENT
Commissioner	Nemlowill			
	Brownson			
	Price			
	Jones			
Mayor	LaMear			