



AGENDA

ASTORIA CITY COUNCIL

Monday, November 5, 2018, 7:00 PM
2nd Floor Council Chambers 1095 Duane Street · Astoria OR 97103

1) CALL TO ORDER

2) ROLL CALL

3) PROCLAMATION

- a) Bells of Peace Day

4) REPORTS OF COUNCILORS

5) CHANGES TO AGENDA

6) CONSENT

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 Work Session Minutes for September 12, 2018
- b) City Council Minutes for October 1, 2018
- c) City Council Work Session Minutes for October 10, 2018
- d) City Council Minutes for October 15, 2018
- e) Board and Commission Meeting Minutes
 - (1) Draft Library Board Meeting Minutes for September 25, 2018
 - (2) Draft Park Board Meeting Minutes for September 26, 2018

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) Second Reading Ordinance Modifying City Code 1.010 Relating to Penalties and the Addition of City Code 6.380 Relating to Enhanced Fine Zones
- b) Authorization to Close RV Dump Station
- c) Request to Trim Trees on City Property – Stull
- d) Protecting America's Public Lands Heritage

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

9) EXECUTIVE SESSION

- a) ORS 192.660(2)(i) – Performance Evaluation


THE MEETINGS ARE ACCESSIBLE TO THE DISABLED. AN INTERPRETER FOR THE HEARING IMPAIRED MAY BE REQUESTED UNDER THE TERMS OF ORS 192.630 BY CONTACTING THE CITY MANAGER'S OFFICE AT 503-325-5824.



CITY OF ASTORIA

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MEMORANDUM • CITY MANAGER

DATE: OCTOBER 31, 2018
TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: ASTORIA CITY COUNCIL MEETING OF NOVEMBER 5, 2018

PROCLAMATION

Item 3(a): Bells of Peace Day Proclamation

CONSENT CALENDAR

Item 5(a): City Council Work Session Minutes for September 12, 2018

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

Item 5(b): City Council Minutes for October 1, 2018

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

Item 5(c): City Council Work Session Minutes for October 10, 2018

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

Item 5(d): City Council Minutes for October 15, 2018

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

Item 5(e): Board and Commission Meeting Minutes

- a. Draft Library Board Meeting Minutes for September 25, 2018
- b. Draft Park Board Meeting Minutes for September 26, 2018

The draft minutes of the above Boards and Commissions are included. Unless there are any questions or comments regarding the contents of these minutes, they are presented for information only.

REGULAR AGENDA ITEMS

Item 6(a): Second Reading Ordinance Modifying City Code 1.010 Relating to Penalties

and the Addition of City Code 6.380 Relating to Enhanced Fine Zones

The first reading of this ordinance was held at the October 15, 2018 City Council meeting. The City of Astoria continues to experience complaints of illegal parking in the area of 38th St and Duane St. This area draws a significant amount of traffic due to a well-known attraction in the area. The City has posted signage in certain locations in this area indicating “No Stopping” and “No Parking” with only a moderate level of compliance. Experience has shown from other jurisdictions that increasing the fine in certain areas has a better deterrent effect. It is proposed that Council consider raising fines in this area for which will minimize illegally parked cars, improve traffic flow and minimize potential traffic collisions.

Current signage for No Parking/No Stopping in the area appears to be adequate and there is no proposal to extend the No Parking/No Stopping signage beyond the existing locations. The only impact would be the increased fines in designated and posted existing areas. Additional signage would be added to existing No Parking/No Stopping signs that would indicate “Enhanced Fine Zone - \$100 Fine.” This proposal is not intended to restrict visitors in this area, only to discourage parking in certain areas that present the greatest hazard.

Attached is a draft ordinance for consideration. Additional language is proposed to define an “Enhanced Fine Zone” in Astoria City Code § 6.380 to include identifying the specific location. Astoria City Code § 1.010 would be modified to specify an enhanced fine of \$100.00 for violations in this zone. The ordinance has been approved as to form by City Attorney Henningsgaard.

Additionally, a correction is proposed for a scrivener's error in City Code 1.010(4)(e) to delete an errant quotation mark.

It is recommended that Council consider conducting a second reading and adopting the ordinance amending City Code 1.010 and adding City Code 6.380.

Item 6(b): Authorization to Close RV Dump Station

The City operates and maintains one recreational vehicle (RV) dump station within the City limits. This is located on Taylor Avenue near the Highway 101 roundabout.

During the City Council Work Session on September 12, 2018, Staff presented information about the RV dump station and issues associated with its continued operation. Following the presentation, Council asked that closure of the dump station be added to a future meeting for consideration and that staff provide of the meeting.

The wastewater from RVs is often very high-strength due to water conservation that is typically observed by these users. In addition, special products are often used to cover up odors which frequently kill bacteria used to treat the waste. Without security or monitors at the RV dump station site, there is no information about other types of waste that may be discharged at this location.

The RV dump station has been brought to the forefront as a vulnerability to the wastewater system. There is currently no control over what is being discharged and no charge to offset the cost of concentrated discharge. An alternative free RV dump site exists at Fort Stevens State Park as well as multiple “pay for service” RV dump sites within the area. Therefore, staff is proposing closing the RV dump station. If approved, it is recommended that the closure take effect on December 31, 2018 so the site can be posted notifying users of the closure date.

A public notice of the November 5th meeting was posted at the RV dump site on October 1, 2018 that requested public comment on this issue. To date the City has received three public comments via email and one via phone call (see attached).

It is recommended that City Council consider closure of the existing RV Dump Station beginning December 31, 2018.

Item 6(c): Request to Trim Trees on City Property – Stull

Paul Stull, owner of the property at 211 W Kensington Ave, has submitted an application for permission to trim trees on City property. The City owned property is to the west of the Stull property and includes Tax Lot 4300; Map 80918BA. Mr. Stull has obtained all signatures of adjoining property owners. The trees to be trimmed are Big Leaf Maple and appear to have been trimmed in the past. The applicant has hired Young’s River Tree Service LLC to do the trimming. The trees are located partially within an Oregon Department of Geology and Mineral Industries rock slide translational area. Since the trees are only being topped and no trees are proposed to be removed, a geologic report has not been required. Should City Council agree to approve this request, staff recommends the following conditions:

1. Applicant shall employ any erosion control measures required to stabilize all disturbed areas and assure that new growth is fully established.
2. Tree height reduction shall be no more than 25%.

Based on the information presented above and a site visit by City staff, it is recommended that the request to trim trees on City property be approved.

Item 6(d): Protecting America’s Public Lands Heritage

Mayor Arline LaMear has requested discussion regarding an elected official sign-on letter in support of public lands conservation. The letter (attached in the packet) has been provided by the Mayor to determine if the full Council would like to sign.

EXECUTIVE SESSION

Item 8(a): ORS 192.660(2)(i) – Performance Evaluation



CITY OF ASTORIA

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PROCLAMATION

WHEREAS, a century ago 4.7 million American families sent their sons and daughters off to World War I; and

WHEREAS, men and women from the City of Astoria, Oregon served selflessly and honorably in World War I; and

WHEREAS, 116,516 Americans, 34 from Clatsop County, gave their lives in the war, and more than 200,000 were wounded; and

WHEREAS, the tolling of bells is a traditional expression of honor and remembrance; and

WHEREAS, in November 2018 the world will commemorate the 100th anniversary of the Armistice that ended the fighting in World War I at 11:00 am., November 11, 1918—the eleventh hour of the eleventh day of the eleventh month; and

WHEREAS, on April 6, 2018, the United States World War I Centennial Commission called upon Americans across the nation to toll bells in remembrance of those who served in World War I on Armistice Day, November 11, 2018;

NOW, THEREFORE, I, Arline LaMear, Mayor of the City of Astoria, do hereby proclaim Sunday, November 11, 2018

BELLS OF PEACE DAY

in the City of Astoria and I urge all Astoria residents to join me in acknowledging this event.

IN WITNESS WHEREOF, I have herewith set my hand and caused the Seal of the City of Astoria to be affixed this 5th day of November, 2018.



City of Astoria, Mayor

A work session of the Astoria Common Council was held at the above place at the hour of 9:00 am.

Councilors Present: Nemlowill, Price, Jones, and Mayor LaMear. Councilor Brownson arrived at approximately 9:05 am.

Councilors Excused: None

Staff Present: City Manager Estes, Public Works Director Harrington, City Engineer Moore. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

CHANGES TO THE AGENDA

There were none.

DISCUSSION ABOUT BANNING PLASTIC BAGS IN ASTORIA

City Manager Estes said the City had received a request to discuss the possibility of banning plastic bags in Astoria. Staff has done some technical research, looked at ordinances that other jurisdictions are using, and worked with McLaren Innes on gathering information for this discussion.

Mayor LaMear explained that she had become increasingly upset by the plastic grocery bags that are stuck in fences, trees, and even out in the ocean. She believed it was time to regulate the single-use plastic bags.

City Manager Estes noted that Carl Peters from Recology and Staff had information on ordinances from McMinnville, Port Angeles, Port Townsend, and Manzanita.

Director Harrington stated the heart of the problem was specific to disposable plastic grocery bags. He listed other types of plastic bags that are still used in areas where the grocery bags are banned and described many of the problems caused by plastic grocery bags. Currently, there are eight jurisdictions that regulate plastic bags. Staff had spoken to some of these jurisdictions to find out what they would have done differently. One recommendation was to work towards a county-wide, regional, or state-wide ban. Oregon started the process in 2013, but the efforts have now been classified as inactive. He reviewed the existing ordinances and explained how the regulations were implemented and enforced, and what impacts the regulations had. He also noted considerations recommended by other jurisdictions.

The Council, Staff, and guests briefly discussed the global and local impact of banning plastics bags and how that would relate to the City's end goal. Even though the United States is a minor contributor to the problem, it all adds up, the City still needs to be responsible, and the trend is going towards a change. They also discussed the importance of a county-wide solution. It would be unfair to place a burden on the one local grocery store because most of the problem is caused by bags from the big box stores in Warrenton. Mayor LaMear said Cam Moore and Scott Lee at the County were personally in favor of a ban. She believed if there was enough movement in the cities, the County would agree to a county-wide ban.

Carl Peters, General Manager, Recology, provided some statistics on plastic production, usage, disposal, and recycling. He explained that the United States sends plastic to China, where it is sorted and either recycled or thrown directly into the rivers. He shared photographs that demonstrated some of the recycling problems and increased costs caused by plastic grocery bags. He provided details about the challenges in the recycling industry that are increasing costs and leading to more waste being dumped in landfills. There are some innovators in the industry, but a lot of recycling was still being thrown away due to costs. One of the biggest impacts to increased costs is contamination that occurs when people mix non-recyclable with recyclable items. So, Recology has plans to educate people about the difference between trash and recyclables on a new website. He shared details of Amazon's efforts to replace cardboard packaging with single-use pouches that can be recycled. Many other businesses are looking for ways to eliminate the use of single-use disposable products like plastic straws and Styrofoam containers. He commended City Council for having this discussion and said he would support any decision that was made.

Mayor LaMear called for public comments.

Jan Faber 3015 Harrison, Astoria, said the jurisdictions that ban plastic bags have the same problem as Astoria, with stores that are very close to the city limits. It could be argued that a ban is unfair to Safeway. He asked how other cities handled this issue.

Mr. Peters said McMinnville understands they cannot do anything about Warrenton, but they wanted to do set a standard in the hopes that the County and other jurisdictions would follow. He had spoken to a store manager who said he did not believe it was a competitive disadvantage that the store did not have plastic bags.

Councilor Jones explained the importance of getting input from local businesses before any decisions are made. Mayor LaMear confirmed that would be part of the process and businesses would be given time to adjust to any new regulations.

Councilor Jones stated there were people who recycled grocery bags in a way that prevented the bags from ending up in the ocean. Those people, himself included, would have to find other potentially less environmentally friendly bags to use. Additionally, he believed the heavier multi-use bags were just as bad for the environment as the single-use bags. Therefore, he wanted to make sure the City was going about these regulations in a logical way. The City could impose taxes or require deposits like the deposits charged on glass bottles instead of banning items outright. He wanted more information about the pros and cons of each option.

Mayor LaMear asked for more information about compostable items.

Mr. Peters explained that in order to be classified compostable, an item must change in size by one inch in six months. Those items can be thrown away and they are great for single-use. He explained the decomposition process necessary for these items to break down. He also noted that labels confuse people about what is biodegradable and what is recyclable.

Councilor Brownson said the City should be clear about their motivation for regulating plastic bags because the issue is so complex. There is a lot of discrepancy in the statistics being published and plastic bags are seen as more of a problem because they are more visible than things like plastic bottles that sink in the ocean and are not seen as often. The issue could be argued from multiple corners, so the City must be solid about their decision. He also wanted the City to work with the County on a County-wide ban.

Mr. Peters noted that McMinnville realized their ban would be impactful because they were a population center that carried the county. He has recommended that Warrenton City Council consider regulating plastic bags.

Bridget, Gearhart, said Fort George Brewery supported a plastic bag ban. She is a server at Fort George who works on sustainability on the side. Fort George switched from plastic to paper bags and stressful part of the switch was with the customers, but the transition was easy. She believed a county-wide regulation would be most effective because everyone in the area would be on the same page and it would be easier to educate people. It is heartbreaking to see the plastic bags in the ocean and plastic does not degrade, it just breaks down into micro plastic that suffocates fish.

Mr. Peters added that a large percentage of fish have ingested micro plastics. When people eat fish, they are eating the plastic.

George Hague, 1 3rd Street, Astoria, said the Danish study on PBA said that people in Denmark use an average of four reusable bags a year. The study did not factor in littering because it was not an issue. Litter is one of Astoria's main issues with bags. Denmark incinerates their garbage, generating additional energy that is stored for future use. In California, when a county-wide ban was not possible, bags were banned city by city leading to a critical mass of people in favor of the ban. Then the county, and eventually the state was able to ban bags. People found out the ban was not so bad and the stores were in favor of the state-wide ban. The bags used in California are sturdy and reusable. More grocery carts are available because people are just carrying their items in the bags. He hoped the City moved forward on this instead of waiting on the County.

David Reid 4924 Cedar Street, Astoria, Director of the Chamber of Commerce, said business owners make decisions about the bags they provide to customers based on their business model. It is heavy handed for a city

to tell businesses to change their model. He offered to facilitate a conversation between the City and the Chamber's members because they would like to see something other than a ban on plastic bags. He did not believe a ban in the City would create a competitive disadvantage because all of the businesses in the City would be required to comply. He hoped the City would use a collaborative approach.

Director Harrington noted that many jurisdictions focused on grocery bags and made exceptions for other plastic materials like protective coatings and sanitary items.

Councilor Jones reiterated the importance of conveying the City's goal and purpose, and asking for feedback from the local businesses. It would be much better to make this decision in partnership rather than just imposing a new requirement.

The Council discussed incentives and benefits to businesses. Councilor Nemlowill did not believe large companies would care about incentives, so regulations would be necessary. She believed the City should pursue a ban and she supported a County-wide ban.

Councilor Brownson suggested the City find out where the County stood on this issue and then decide how to move forward. City Manager Estes noted that counties have limited jurisdiction over cities.

Councilor Price believed the large companies in Warrenton would eliminate plastic bags because all of those companies have stores in California. She added that the Council should prioritize this issue for Staff. She handed out a list at the dais of all the things Council has said they wanted to do over the last two years. Many of the things are tasked to Staff. This is important, but Council already has a list of goals for the fiscal year that are important and labor intensive. This issue would fall on the Public Works Department, which already has a lot going on.

Councilor Jones noted that three Councilors would be replaced in three months. He hoped that Council could accomplish one of their goals before the members turn over.

City Manager Estes explained that some of the projects Public Works is working on are larger than any other project the City has done. Their projects are numerous and complex, and they impact the City's infrastructure. So, their capacity to take on new projects is slim. His capacity to take on a new project was nil because the long-range planning projects have spilled over into his workload. If Council directs Staff to work on a ban, they would, but other projects would slow down.

Councilor Nemlowill said limited Staff capacity is always an issue, but that does not mean the City should not be responsive to citizen's concerns or the environment. She wanted to get this done quickly. All of the other goals would take time and money. She asked if Recology would put resources towards education and outreach.

Mr. Peters said absolutely.

City Manager Estes explained that if Council wanted an ordinance drafted, Director Harrington could do that in a short amount of time. However, the community outreach would take time and resources.

Councilor Jones recommended that Mr. Reed facilitate a discussion between the businesses and Director Harrington. If all the businesses want the same things, the process becomes a lot easier. Councilor Brownson added that the public could comment when an ordinance is presented to City Council.

City Manager Estes asked Council to prioritize their goals. Councilor Jones wanted Staff to replace the Mill Pond property sales with the plastic bag discussion with the Chamber. Councilor Price wanted to focus on the City Council goals.

Ted said he supported the ban and believed Astoria was crucial. There is a plaque on his sail boat stating he would not dispose of plastic in the ocean, yet he always sails past plastic bags. He also finds the bags on the beach. He had heard the argument that a ban would be an imposition on businesses. The same argument was made in the early 19th Century when factories employed children. Things like the Environmental Protection Act, The Clean Air and Clean Water Act, and the right for women to vote were passed in local jurisdictions prior to being passed at a national level. This issue is stuck at the State level because industry proponents want to keep

manufacturing plastic bags. So, it is the proper role of local government to pass these sorts of ordinances. It is simple to take another jurisdiction's ordinance and put Astoria in, discuss it for a while, hold a vote, and move to the next item on the agenda.

Dulcye Taylor, Astoria, said the City already had a bunch of people sitting in the audience who wanted to help educate people. She suggested the City allow community members and Recology work together to gather the feedback and present it to City Council.

Mr. Hague noted that the large grocery stores in California are allowed to use plastic in the produce and meat sections. Also, the farmer's markets are allowed to use plastic.

Mr. Reed said this Council could signal its intent. Plastic bag bans are happening around the country, so the City can still make some progress without completely abandoning the issue.

City Manager Estes explained that while the Waterfront Bridges Project and the Bond Street Project are ongoing, this issue would be worked on in between Public Works other functions as time allows.

Councilors Price, Brownson, and Jones agreed the City should allow volunteers to gather feedback from the public, as recommended by Ms. Taylor. Mayor LaMear said she and Ms. Innes could work on a sample ordinance to be reviewed by the City Attorney that could be shared with businesses for feedback. City Manager Estes noted that feedback from the Chamber and the Astoria Downtown Historic District Association (ADHDA) will help Staff expedite the work.

Mayor LaMear called for a recess at 11:02 am. The meeting reconvened at 11:09 am and City Council proceeded to the Waterfront Bridges Update at this time.

POLICY DISCUSSION REGARDING RECREATIONAL VEHICLE DUMP STATION

This discussion was held immediately following the Waterfront Bridges Update.

City Manager Estes said the recreational vehicle (RV) dump station at the round about has become a topic of discussion in the community. Some citizens are concerned that the dump station is a single point of entry to the City's sewer system and should be closed.

Director Harrington added that the City's wastewater treatment plant is a natural lagoon system without mechanical controls, so the City does everything possible to protect it and ensure it lasts as long as possible. If the lagoon becomes unusable, the Department of Environmental Quality (DEQ) will require the City to build a mechanical plant, which will be costly. Water and sewer rates are already high.

Engineer Moore provided background information on the RV dump station in Astoria and other free dump stations in the area. She displayed a list of concerns on the screen and noted that the City does not have many issues even though the station is unmonitored. However, the City wants to protect its water treatment plant, especially since water flows in the summer and fall have changed since the Combined Sewer Overflow (CSO) projects. A recent study completed by one of the City's consultants indicates the system cannot get enough oxygen to function properly in the summer and fall. The study also indicated this was a result of industrial water usage and waste. Staff is working on a scope of improvements to extend the useful life of the wastewater treatment plant, which she and Director Harrington reviewed in detail. Staff needed more data about what waste and how much waste was going into the City's system by industrial businesses. Additionally, Staff had no knowledge of who was using the RV dump station and how it was being used. She recommended options for better management of the dump station.

Staff answered Councilors questions about other dump stations in the area and who uses the free dump stations.

Councilor Brownson said he could see the dump station from his house. Most of the usage occurs on Sundays during summer by people traveling up the coast. The carpet restoration industry also dumps their cleaning chemicals in the dump station.

Director Harrington confirmed that the City had investigated the carpet company and confirmed they were using environmentally friendly products. They also filter out the plastic microfibers. It is common for municipalities to accept their wastewater.

Councilor Brownson cited public health concerns from spilled waste. The high school track team runs on the roadway through the area. Director Harrington noted there was a sidewalk in the area and another sidewalk was planned.

Engineer Moore confirmed that tourism has an impact on the system between winter and summer, but the increases that impact the system are not from people.

Director Harrington said Staff wanted more information about the use of the dump station by locals before deciding to close it down. City Manager Estes added that in the past, the dump station was an important community benefit.

Councilor Price said she had no problem closing it. People who could afford an RV could afford to pay to dump their tanks.

Councilor Nemlowill stated closing the dump station could extend the life of the City's current system without expensive upgrades.

Unidentified Speaker was concerned that closing the dump station would increase the risk of illegal dumping.

Mayor LaMear said she had spoken to Willis VanDusen who said that in 2004, there was considerable effort by the community to have the dump station. She believed there would be opposition to closing the dump station.

Councilor Price said a lot had changed in Astoria since 2004.

Director Harrington confirmed Staff's major concern was what might be getting dumped into their system.

City Manager Estes said the existing system could be upgraded or the pump station could be closed. Staff needed direction about how they should proceed. He confirmed Council needed to take action because this is a policy matter.

Councilor Jones suggested Staff bring back upgrade options and feedback from the public on closing the dump stations.

Councilor Brownson believed that if the City wanted to stop additional waste into the system, the dump station should be closed. Closing the dump station could reduce the overall impact to the City's system. If the City wants to allow the dump station, a few things could be done to make it more secure and less vulnerable.

Director Harrington noted that since 2004 other dump stations have closed along the I-5 corridor and in Seaside. That means more people are using Astoria's dump station because it is convenient and free. The additional load is a burden to the rate payers. The City's infrastructure was designed to provide services to its residents and the recreational tourist community of 2004 was a lot different than it is today.

City Manager Estes added that ultimately the City would need to decide whether a new sewer treatment plant should be installed. Director Harrington explained that the City has a DEQ permit, which imposes limits. Repetitively exceeding those limits will result in action by DEQ. Staff is considering ways to prolong the use of their current sewer treatment plant and closing the dump station, which has been identified as a vulnerability, is one of many options.

Councilor agreed that closing the dump station should be added to the agenda of a regular City Council meeting so the public could provide input before they vote.

Staff confirmed that working with industrial business would provide the best option for longevity of the current system. The upcoming headworks project would be designed to work with a mechanical system and would allow the City to reconfigure how waste is distributed, which would help the current situation.

Staff and the Council briefly discussed why it was so difficult to track data about the dump station and any impacts from closing the dump station.

WATERFRONT BRIDGES UPDATE

This update was presented after the Discussion about Banning Plastic Bags.

City Engineer Moore provided a brief update on the Waterfront Bridges Project and noted construction would begin October 1st.

Mr. Reed gave an update on the stakeholder meeting that was held earlier that day. The Chamber, the Small Business Development Center (SBDC) and the ADHDA would collaborate with affected businesses to mitigate against the impacts of the project.

City Manager Estes thanked the stakeholders for their partnerships and he thanked City Council for their support.

City Council proceeded the Policy Discussion Regarding the Recreational Vehicle Dump Station at this time.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:16 pm.

ATTEST:

APPROVED:

Finance Director

City Manager

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

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

Councilors Excused: Nemlowill

Staff Present: City Manager Estes, Interim Parks and Recreation Director Dart-McLean, Finance Director Brooks, Interim Fire Chief Curtis, Police Chief Spalding, and Public Works Director Harrington. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

PROCLAMATIONS

Item 3(a): Domestic Violence Awareness Month

Mayor LaMear read the proclamation declaring October 2018 as Domestic Violence Awareness Month.

Pastor Bill accepted the proclamation and announced that The Harbor was closing Déjà Vu because the costs exceeded revenue.

REPORTS OF COUNCILORS

Item 4(a): **Councilor Jones** reported he attended the League of Oregon Cities (LOC) conference. The sessions on housing, homelessness, and property taxes were very valuable.

Item 4(b): **Councilor Price** reported that it was difficult for motivated elected officials to get things done these days. She hoped City Council could get as much done as possible over the next few months because they were very close to completing their work on some very important issues.

Item 4(c): **Councilor Brownson** reported he also attended the LOC conference and it was a lot to take in. The conferences have always been informative, and it is always good to touch base with other city officials. Many cities have issues in common and Astoria is not alone in the things it deals with. He had focused on urban renewal because Astoria has an urban renewal project coming up on the west end of town. He also attended economic development and homelessness seminars. He thanked the Lower Columbia Diversity Coalition for hosting the first candidates' forum on Sunday. The next candidates' forum, sponsored by the American Association of University Women (AAUW), would be Wednesday night at the high school.

Item 4(d): **Mayor LaMear** reported the LOC conference was very useful. She and Councilor Jones attended the full day seminar on housing because they understood how critical the issue was to homelessness. They plan to compile their notes from the seminar and speak with City Manager Estes about what Astoria can do. She went on the Grand Princess cruise ship for a plaque exchange. It was fun to meet the captain and crew.

CHANGES TO AGENDA

There were none.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) City Council Minutes of 9/4/18
- 6(b) Planning Commission Meeting of 8/28/18

City Council Action: Motion made by Councilor Jones, seconded by Councilor Price, to approve the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Jones, Brownson, and Mayor LaMear; Nays: None.

REGULAR AGENDA ITEMS

Item 7(a): Consideration of Findings: Appeal 18-02 by Barbara Bower, Cheryl Storey, and John Ryan on Design Review Request 17-03 at 2350 Marine Drive

On May 3, 2018 the Design Review Committee (DRC) opened a public hearing and reviewed a request to construct a commercial facility for the Astoria Co-Op Grocery at 2350 Marine Drive. The application was approved on June 7, 2018. The location is within both the Civic Greenway and Gateway overlay zones, requiring review by DRC.

An appeal of the Design Review Committee's decision was subsequently filed. A public hearing on the DRC Appeal was advertised and held at the July 30, 2018, City Council meeting. Oregon's "120-Day Rule" require that this land use decisions be completed by August 31, 2018. The appeal was tentatively denied at the July 30, 2018 meeting (upholding the DRC's decision). The City Council was scheduled to review and consider updated findings of fact at subsequent meetings through continuances of deliberation. The applicant has since submitted waivers to extend the 120 Day Rule to October 15, 2018.

Since the Council meeting on July 30th, the applicant and appellants have engaged in discussions to review an alternative vehicular access point to the site. Both the applicant and appellants requested the City Council reopen the public record to accept additional public testimony related to the site layout and northern building elevation. At the September 4, 2018 City Council meeting, the Council determined to re-open the hearing at a Special Meeting that was held September 24, 2018. Testimony was limited to the revised site design elements and the revised northern building elevation. The alternative layout and revised design was tentatively approved by the Council and a motion was made to tentatively deny the appeal to adopt findings of fact at the Council meeting scheduled October 1, 2018. The updated findings address the applicable criteria raised in the appeal and the changes to the proposal design.

The attached Findings of Fact are supplemental to the Findings adopted by the DRC on June 7, 2018 and address the applicable criteria raised in the appeal, and changes in design submitted by the applicant at the public hearing on September 24, 2018.

It is recommended that the City Council review the revised findings of fact, and if in concurrence, deny the appeal and approve the revised design.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Price, to adopt the Findings and Conclusions contained in the revised Staff report and deny Appeal 18-02 by Barbara Bower, Cheryl Storey, and John Ryan, Motion carried unanimously. Ayes: Councilors Price, Jones, Brownson, and Mayor LaMear; Nays: None.

Mayor LaMear read the rules of appeal into the record.

Item 7(b): Second Reading and Adoption: Ordinance Modifying City Codes 5.900 – 5.925 Relating to Camping in Public Places

The first reading of this ordinance was held at the September 17, 2018 City Council Meeting. The City of Astoria is experiencing a dramatic increase in subjects using public locations to erect camping sites. Current city code does not address individuals building camp sites in forested areas within the city limits. These campsites present certain public safety concerns which include fire hazards from cooking and campfires; unsanitary conditions including improper disposal of needles; human feces and significant garbage accumulation.

Additional language to mirror Oregon Revised Statutes to provide for the humane treatment in removing illegal campsites is proposed in Astoria City Code § 5920.

It is recommended that Council conduct a second reading and adopt the ordinance amending City Code 5.900 – 5.925.

Chief Spalding said if the ordinance is amended as proposed, the intent and processes would remain the same. Staff would take this discussion to the Homelessness Solutions Task Force on Monday to assemble a group of people from various sectors of the community to assist the Police Department in providing assistance to individuals who may be displaced as a result of removing encampments in the urban forested areas. This humane approach complies with State laws and Police Department policies. Next steps would be to post 24-hour notices, which are bilingual. The notices include contact information for Clatsop Community Action so that people can seek assistance if the notices have to be posted while no one is at the camps. The law requires the City to give people a minimum of 24 hours, but the Police would not be watching the clock to return at exactly 24 hours and begin removing people. They would return with members of the homelessness task force to help people transition out of the encampments. They would allow individuals the opportunity to remove their personal property and clean up the area. He hoped people would move out on their own rather than using City resources. However, if people are not willing to move on their own, the Police would use resources provided by the taskforce. The City would remove any trash left behind and any abandoned personal property would be kept for 30 days so that individuals could come back to claim it. Some of the encampments are beyond the capabilities of the Public Works Department, so the City will have to consider using a third party to remove rubbish. The City has requested a waiver from the 30-day notice period because of public health and safety concerns like needles, condoms, and human feces. The Fire Department also has concerns about camp and cooking fires in the forested areas. There is a fair amount of crime between homeless individuals and it is difficult for Police to respond to call to the encampments because they are difficult to find, they are unimproved, and there are minimal communications in these areas. As the weather gets worse, it will become more difficult to remove the encampments.

Mayor LaMear reopened the public hearing at 7:18 pm and explained that she wanted a continuance to give the public and the homelessness taskforce more time to respond.

City Council Action: Motion made by Councilor Jones, seconded by Councilor Price, to continue the hearing on the ordinance amending City Codes 5.900 – 5.925 to October 15, 2018. Motion carried unanimously. Ayes: Councilors Price, Jones, Brownson, and Mayor LaMear; Nays: None.

Mayor LaMear called for public comments on the ordinance amendments.

Nell Moffitt 357 Commercial, Astoria, read the following letter into the record:

"My husband Rick and I were surprised and disappointed by the article in the September 5th edition of the *Daily Astorian* by Katie Frankowitz. The article was about the meeting of the City Council to adopt an emergency ordinance to ban camping in the wooded areas outside of the central city area especially targeting homeless people. We have been attending the meetings of the City's taskforce on homelessness and do not recall hearing any discussion or recommendation supporting this action. While we acknowledge that many well intended people are trying to solve this problem, what we have come to realize is that the problem of homelessness can be seen from two entirely different perspectives. The homelessness problem is actually two high level problems seen from two different perspectives. Number one, the problem of being homeless and trying to survive. This includes the lack of affordable housing, limited access to social services, receiving tickets when trying to find shelter in the downtown area, locked public bathrooms, finding shelter to survive rain and cold weather, and more. Number two, the problem that others have about the presence of homeless people in Astoria. This includes the health and sanitation issues related to sleeping in doorways, on sidewalks, camping, unsightly people, a bad image for tourists, garbage, panhandling, and more.

Members of the homelessness solutions task force were appointed by the Mayor and the Police Chief was appointed to chair the meetings. We have attended several of the Mayor's homelessness solutions task force meetings starting in 2017. Finding ways to meet the needs of homeless people is a long-term problem with no easy solutions. There appear to be no homeless people serving on the task force. Occasionally, we have seen one or two homeless or formerly homeless people present at the meeting. This is the region's second taskforce on homelessness as far as we're aware.

A report from the prior taskforce titled Clatsop County 10-year Plan to End Homelessness 2012 to 2022 by the Clatsop Homeless Coalition cited statistics estimating 653 homeless individuals county-wide. The same data source documents an increase of the homeless population to 682 in 2017, which is a four percent increase.

From our perspective, the 2012 10-year plan made solid recommendations. The coalition identified action

items within the areas of discharge planning, systems of care, housing opportunities, keys to housing, performance measures, emergency response, and recommendations for State attention, employment, income, and coordinated entry. In the areas of keys to housing, an action item was to educate landlords and property management companies about housing homeless, special needs, and vulnerable people including peer dialogues among landlords who have housed riskier tenants with other landlords who may be interested. In the area of emergency response, an action item was to define warming stations as an emergency response that uses existing resources such as churches or schools and does not direct housing resources to temporary solutions. Existing buildings will not need to be financed and constructed. Sixty concrete action items were recommended. From our understanding, none of these were tackled except on a piecemeal fashion.

While the coalition discussed the need for code changes, Astoria's Development Code still does not include a warming center in any of the City's zones. The existing Astoria Warming Center, a non-profit, is required to apply yearly for a conditional use permit instead of focusing solely on their stated mission, which is to prevent unsheltered people from dying of exposure in Astoria. This only existing warming center in Astoria has the capacity to house up to 30 individuals per night or 35 in an emergency for a maximum of 90 nights per year. While the Planning Commission was making some progress on amending the Code, the effort is now on hold due to a redirection from City Council to higher priorities.

What has happened to the coalition's 10-year plan? Apparently, the group decided not to use it as a jumping off point when the Mayor's 2017 homelessness solutions taskforce first convened. Instead, they started from scratch. The general consensus of this group seems to be that the problem of homelessness is extremely complex and difficult to solve and will take time. Given the practice of writing tickets for sleeping in public and now making changes to the City ordinance prohibiting camping in the woods, there appears to be little political will to address the problem of being homeless and more concern about the existence of homeless people in Astoria. Perhaps another taskforce could come up with more solutions. While solving the problem of being homeless seems insurmountable in the short term, if we shift the perspective we can see some action. For this side of the overall problem, the City can call it an emergency and act quickly.

In a memorandum from Police Chief Spalding to the City Council dated September 11th, Chief Spalding recommended that the Council consider a first reading of an amendment to City Code 5.900 to 5.925 relating to camping in public places and that the ordinance take place immediately following the second reading. The first meeting of the proposed change to City Council occurred on September 17th at a City Council meeting. Here is the sequence of events as we know them. At some point, city leaders, Police Chief, and City Manager became aware of camps of homeless people in the wooded areas of the outskirts of Astoria. For the Tuesday, September 4th City Council meeting, we reviewed the agenda and could not find any mention of an item to discuss camping homeless. But, according to the *Daily Astorian*, the City Manager and Police informed the Council about the problem at this meeting. Then, the next day, Wednesday, September 5th, the *Daily Astorian* reported on this meeting and Katie Frankowitz wrote, 'They want to dismantle the camps and clean up trash before fall rains and winter storms hit but worry about displacing people who are already struggling.' The City Council wants the homelessness solutions taskforce to link people with services and housing. However, this group does not meet again until October 8th, which happens to be after the date of the second reading of the proposed change to the City ordinance on camping. Are these two actions even consistent?

The police tagged the sites they found with 24-hour notices. If the police already have a tool, clean up notices, why the rush to outlaw camping? What about providing trash cans and collection? The City already provides public trash cans in public areas and could extend the service where needed. The City Manager informed City Council of the situation at the meeting Tuesday night, although it is not listed as an agenda item. City Councilor Cindy Price asked that the City talk to County officials about possibly establishing a camping spot or tiny home type village near a bus line. Will kicking the problem to the County solve the problem and can they solve it by fall? Price brought up a point that has also troubled police. If you move people where do they go? Without an established site for people to stay, Price said the City will just move people around on the endless chess board. One homeless individual has said that he would just move deeper into the woods because he has no other place to go. Nobody wants to move these individuals out of this area, Spalding said of the Astoria camps. Police want to do the right thing and take a humane approach by moving slowly, involving social services, and looking for ways to transition people to different housing arrangements. While we appreciate the sentiment, the statement is not consistent with the goal to remove the camps by fall, nor with the apparent urgency for passing an emergency ordinance. Both of these actions are taking the approach of getting rid of the homeless people rather than finding solutions to the condition of their homelessness. Given the consensus at the host

meetings that the affordable housing shortage will take a long time to solve, apparently there is now justification for more drastic police action to remove the homeless and somehow this will be slow, humane, and inspire social services and landlords to cooperate.

We believe this is the wrong tool to use in spite of good intentions. "We're not talking about arresting anybody. We're not talking about issuing citations, Spalding added. We're simply talking about removing the encampments from the City property for a variety of reasons. Some of them include fire hazards, public health, and safety issues in terms of needles and trash and human feces." How will the police remove the encampments if they are not issuing citations? Why do we need this ordinance when we know the police have acknowledged that the homeless have no other place to go? What do they expect will happen? What makes this a matter for the police? Making new ordinances does not provide any solution. What about the need for the homeless to have shelter for the coming winter as a matter of survival? We want to be sensitive to this and not just displace human beings, Spalding said. How does one sensitively remove a homeless camp when you know there are no adequate places for these people to go?

In August, law enforcement in Clatsop County went only two days without receiving a call or initiating a call about a homeless camp or someone camping in a car. Most days there were several calls. Hired security and neighbors of Columbia Memorial Hospital frequently report possible camps or suspicious comings and goings near hospital buildings. So, this issue is not new and the police have been aware of these camps for some time. Why is there an emergency now? Kenny Hanson, the Astoria Police Department's homeless liaison, estimates that he knows nine out of every ten people camping in the woods. When he went out to survey the camps with Spalding on Friday, he called out the names of the people who lived there as he approached their tents. 'Hello, it's Kenny,' he called each time. Kenny has established personal relationships with most of the homeless people. Has there been any effort to include them in addressing the problems with the camps?

The offenses they are guilty of are low level and the police are not interested in making arrests, but if camping continues, the messes left behind could go beyond the City's resources to clean up. This argument does not make any sense. Messes are left behind only when the homeless are forced to move. Why would the homeless leave the place clean when they are being kicked out? If the City is responsible for cleaning up the mess left behind, why did the City fail to provide dumpsters or cans close to site where the camps are inhabited? The Park service regularly solves this problem in isolated areas. If trash and sanitary conditions are the issue, let us address those issues instead of removing the homeless.

At the Tuesday, September 17th City Council meeting an agenda item was the first reading of the proposed camping change to City Codes. The minutes of the September 4th City Council meeting were not approved at this meeting. So, we did not have any public copy available. Therefore, the only information we have is from the *Daily Astorian*. As used in this ordinance, camping does not include sleeping outdoors by homeless individuals with no access to alternative shelter so long as any tent, shelter, and all other personal items such as sleeping bags, tarps, and mats are removed from the site without 24 hours of proper notice. So, the problem is solved if the homeless shuffle every 24 hours. Violation of this ordinance is a Class A infraction as defined by ORS 153.310. The only information we could find about ORS 153.310 is that it was repealed in 1999. The City Council finds that the unauthorized camping within the city presents issues related to the health and safety of its citizens and therefore adopts this ordinance to meet an emergency, pursuant to Section 8.3 of the Astoria City Charter. This ordinance shall become effective as soon as it is adopted. Why is this an emergency all of a sudden? What problem does this ordinance solve?

On Wednesday, September 18th, the *Daily Astorian* said, 'We're not just saying get out of here, City Councilor Tom Brownson said, we're trying to do it in a reasonable and humane way.' So, in effect, we are saying get out of here nicely. Police Chief Geoff Spalding agreed. The hope is to deal with camping issues but have a minimal impact on people camping. However, there are concerns with some of the camps where trash is piled up or where other health and human safety issues might exist. How is depriving people of shelter, security, and perhaps survival a minimal impact? This does not solve the problem. It just removes it.

If the problem is trash, then we need to address the trash problem. This involves a different City department, not the Police. Spalding is working with City Attorney Blair Henningsgaard to figure out exactly where the ruling touches on Astoria's ordinances. The court's ruling was nuanced, Spalding said. Much of it was specific to Boise and may not apply to Astoria. Illegal camping was considered a misdemeanor in Boise. In Astoria, it is only an infraction and not considered a criminal act. Actually, in a Los Angeles case in 2006, Jones versus the

City of Los Angeles, the 9th Circuit Court of Appeals judge wrote, 'The Eighth Amendment prohibits the city from punishing involuntary sitting, lying, or sleeping on public sidewalks that is an unavoidable consequence of being human and homeless without shelter in the City of Los Angeles.' Cities have been trying to wiggle away from this, no sleeping in recreational vehicles (RVs) in Gearhart for example. But to say it is only an infraction with presumably a fine and not a citation is irrelevant when the judge in the L.A. case clearly said the Eighth Amendment prohibits the city from punishing. An infraction and potential fine is punishment. In this case, the city reached a settlement among the parties and the opinion was vacated, but that does not change the judge's statement about his application of the Eighth Amendment.

In conclusion, I think we all recognize that this issue is complex with no simple solution. Many cities have struggled with this problem for years, including the kicking the can down the road. The current task force has many of the key people of Astoria who each have a piece of the solution and who are collectively able to look at the issue from both perspectives. While the process is slow it is a more collaborative one which will include multiple agencies, strategies, and services to meet the needs of the homeless as well as the city. The only emergency here is how the homeless will be situated to face the approaching winter. What we do not want is to declare a political emergency and rush through changes to City Code that do not really address the problem of being homeless but seems more to address the problem with homelessness. Our desire is for Astoria to support all the people involved while finding longer term solutions. Instead of telling people where they cannot live, tell them where they can live at least until there are better options. Mark off accessible location on City property for camping and provide trash service and portable sanitation facilities. Leave these campgrounds in place until longer solutions are implemented. We need workable solutions to the real problems that Chief Spalding identified as fire hazards, public health and safety issues in terms of needles and trash and human feces. We could also include the homeless in the conversation about possible solutions. Whatever the direction, we are requesting City leadership to do their part offering win-win solutions."

Mayor LaMear clarified that the Planning Commission does not amend the Code, City Council does. Additionally, limiting the warming center to 90 nights per year is a State directive and not something the City has any say over. Also, the reason the City needed to act on this ordinance was because the Code said nothing about public lands. It is not as though the City is trying to throw people out of the woods, but the City needed to get additional language into the Code so that it included all of the City-owned properties. The number of camps that have developed in the woods has led to issues about public safety. A lot of people hike in the woods and the issues have become an untenable situation. Many of the camps are far back in the woods and there is no way to collect garbage from those areas. When the Chief and Director Harrington visited a camp to clear it out, they found 500 pounds of garbage which had to be hauled out. The garbage is not a small amount and it is not left by people who are leaving. It is the people who live there who create the garbage.

Elaine Bruce, said she had served as executive director for Clatsop Community Action (CCA) since 2015. The 10-year plan to end homelessness was developed in a coordinated effort with the Corporation for Supportive Housing, which is a national best practice group that looks at homelessness nationwide. The plan still stands as a best practice. The City of Astoria and Clatsop County have made progress with the recommendations in that plan since it was finalized in 2011. She believed Chief Spalding, Mayor LaMear, and Councilor Price had reviewed the plan and Astoria is on the right track in a number of areas. Homelessness is incredibly complex. CCA has four case managers who work with people who drive up in their cars with whole families who live in the car. They come from all states. Some need temporary assistance and some need a tremendous amount of work to get them house. CCA has to be extremely creative. One of the recommendations in the 2011 plan was to cultivate private landlords to rent to homeless and low-income individuals and families while having them case managed. CCA has had tremendous success that was built over time with case managers responding to the needs of the landlords. They have done an incredible amount of work to achieve those types of relationships. This week, they housed a veteran who was single and sleeping in an outdoor Port-a-Potty. He had a lot of infections and they took care of his medical needs. They see the most complex cases of incredible amounts of barriers. They have established excellent landlord relationships with those who will bend the rules to help CCA house people. Another recommendation in the report is to work with cities and counties to change development codes to enable more affordable housing to be developed, update formal housing production plans using green technology, and change zoning requirements to enable more affordable housing to be developed. CCA was working on that, as is the City, every week. They work with governmental agencies and private developers to donate surplus land for affordable and special needs housing. They work with the County to take over a property in Alderbrook at 51st and Birch. Seven dumpsters full of garbage was removed from the house and they sold it. The revenue would be used for an affordable housing project in conjunction with the Community Action Team,

which is their partner in Saint Helens. Another recommendation was to apply for housing funding for returning veterans and people with disabilities. They currently have four Housing and Urban Development (HUD) supportive housing contracts, which are extremely competitive and difficult to achieve. The fourth contract will begin July 1, 2019. The third contract, which began July 1, 2018, works to house homeless youth ages 18 to 24. Since that grant was received, they have had house four people. They are steadfast at staying in conjunction with all of the State and Federal housing meetings as they come up. The milestones change and they have to work to be very flexible to follow best practice plans, but they also have to work with what they know and stay steadfast in learning what other communities can do to overcome incredible challenges with the homeless. The camps are a new challenge. The area did not have those camps five or six years ago, so now CCA has to change its plan. But they do have a plan and she believed they were doing an excellent job. Another recommendation was to support the expansion of existing drug court programs and encourage the creation of a similar behavioral treatment court program that includes the mental health court. We have that in place. CCA works very closely with the drug court program and the Oregon Department of Employment, who has a contractor named ResCare that works with people who are felons and have a criminal past. They are a great partner to CCA and they are looking for referrals all the time. Another recommendation is establish protocol to allow information sharing among service providers. They have a monthly meeting called The In Line Meeting that is facilitated by CCA because the community service providers and CCA's services change. There is an opportunity on a weekly basis to network with other service providers and share information, talk about what to do with difficult cases, and how to come to a solution. They also provide support services that stabilize people into permanent housing situations. If there is anyone Chief Spalding or Kenny Hanson would refer to CCA, they are open for business and work extremely well with the Police Department. They are very strong on protocols. Some of the other service providers may not be as succinct with their protocols as law enforcement uses and CCA is very depended on the police for their success. They address the stigma of people who have a criminal background and help with re-entry employment. They work with Helping Hands re-entry project at Uniontown and Seaside. They are part of CCA's continuum of care. They house people when CCA cannot immediately house people because it takes a lot of time to assess people's needs and put together a coordinated assessment on all the needs a particular homeless person or family may need. That could be education, medical or mental health care. They work to get people into permanent, supportive, and safe housing. There are a lot of challenges, but there are also a lot of good things happening right now in Astoria and Clatsop County with CCA. They are ready to help anyone who comes through their door.

Robin Kylie, Astoria said she was a 57-year-old disabled woman who was homeless in Astoria. She has tried to get on the task force for a long time and no one has returned her calls. She did not understand that. She has been beat up on the streets, attacked, and domestically abused. However, she is a survivor and she knows the people who camp in the woods. She triple majored at Lake Forest College and graduated with degrees. She almost earned her Master's in early childhood education, but she moved to Oregon in 1995 to save her daughter's education. She is training to be a constitutional attorney. Her only issue is that the public restroom was taken away on 6th Street. She is chronically disabled as a result of being homeless in Astoria for a little over a year. She has flex funding through OHP and is on a program. The portable restroom on 6th Street is the one she uses. She is in a truck and stays close to that restroom when she does not have a lot of gas. She wanted to know when that restroom would be returned. Homeless people have rights, the right to shelter, food, medicine, and bathroom facilities. As a federally disabled woman, she requires a bathroom in the middle of the night so that she does not have to defecate on Astoria's streets. The Police Chief has helped her and Senator Betsy Johnson speaks to her on the phone. She did not know that all this housing was available through Clatsop, who had been trying to help her with OHP and managed care. Yet she has been out looking for housing. She has funding for temporary housing. If she is on the streets again she would die this winter. She has had several bouts of pneumonia, bronchitis, and almost died. She had to go south in May because she got a second bout of pneumonia. In the warming center, she got so many diseases and she was attacked. She is just trying to survive. Homelessness is a crisis. She went into crisis when her sister's in Warrenton killed her dog, kicked her out without notice, and put a restraining order on her that she could not respond to because she was in the hospital in Portland. She has been connected with all of the services and was grateful this issue had come to the forefront. The federal judge in Idaho ruled on the Eighth Amendment in the Constitution that city ordinances were one thing, but sleep deprivation caused when someone knocks on the window and says move your truck is an international crime according to The Hague. She would like to be on the taskforce. She apologized for missing some of the meetings. She did not want people to think that homeless people do not work. She works all day long to get services and to stay well. She has post traumatic stress disorder (PTSD) and when she is attacked, it takes her a while to get over it. She goes to therapy, has been sober for 34 years, is in Narcotics Anonymous and Alcoholics Anonymous. Sometimes she goes to the respite center three times a day to avoid having to go to

the psychic. She tries to be an example and is grateful for the opportunity to speak. She is also grateful for the police and the Chief because when she has problems, she calls him and he takes action.

Mayor LaMear stated the City has invited the homeless to speak to the taskforce on several occasions. The people who serve on the taskforce get to vote because of their backgrounds and experience, but everyone is welcome to attend and participate in the meetings.

Rick Bowers 357 Commercial, Astoria, said he appreciated slowing down and that is why he wrote a letter. He recognized there was a problem, but he would like a win win solution. One suggestion in his letter was setting up a place where the homeless can go and providing services so that there are no problems. He found it odd that he could not find the penalties that the Code points to. He had some he believed were right, but it was strange to rush through the Code.

Councilor Brownson responded that he noted the same thing when he looked at the ordinance and contacted the City Manager about it. Staff has done some research and found the statute had been shifted around. Astoria would incorporate the penalties in the new language.

Mr. Bowers continued, saying he appreciated hearing about all of the things being done. He attended the candidates' forum on Sunday, where Councilor Jones said there had been Code changes proposed to increase density at various levels and that the Council had rejected those. He did not want people kicked out until there is a place for them to go and it will be a long time before there is a place for people to go.

Mayor LaMear noted that Helping Hands is opening their facility within the month. It would house 69 homeless people.

Mr. Bowers said homeless people from Seaside were being moved into that facility.

Mayor LaMear added that the people from Seaside would not take up all 69 beds. The facility includes two family units and a commercial kitchen. Helping Hands is dedicated to providing wrap around services, including mental health services, behavioral health services, getting identification, getting housing, and job training. The City had hoped that the Waldorf Hotel would be available for affordable housing units. But that has been delayed because of a situation with the State. The City wants to do something, but in many cases the City's hands are tied.

Bruce Williams, 15 Ullakko Rd. Nasselle, WA, said he was on the board of the warming center. He appreciated the run down of all the services that are provided. He also appreciated Chief Spalding's humane interest, which spreads throughout the forest and makes a difference. However, he was concerned that instituting this ordinance without requiring that an alternate site is available would lead to removing people on a 24-hour basis. If something is not enforced, it will grow because people will naturally take advantage of the situation. The Police Chief had said the City would not rush in on the 24-hour notices. So, rather than giving people a 24-hour notice and then taking care of it sometime in the future, the City should provide the opportunity for keeping things clean and sanitary before issuing the 24-hour notices. The City should develop another camping place that could be self-regulated by the homeless people who live there. This is not a great solution but he wanted the City to consider it.

Mayor LaMear stated this discussion had been helpful and reminded that it had been continued to the October 15th meeting. In the meantime, the homelessness taskforce would meet on October 8th to discuss alternative ways to handle where people will live. She thanked those who were involved.

Item 7(c): Lease Renewal With Clatsop County for Access to Net Pens at the Old Yacht Club

In 2010, the City leased the city-owned Yacht Club dock to Clatsop County's Fisheries Management program to access and maintain their salmon rearing net pens for the Youngs Bay Terminal Fishery. The agreement was updated in 2013 to include a provision for cost sharing after a winter storm damaged the dock and walkway and the City and County worked together to obtain a grant to make required repairs for \$41,820.84 with a \$10,000 match, which was split between the two entities. The 2013 agreement was for five years and is now in need of renewal.

The 2013 updated agreement added a first right of refusal provision for Clatsop County to have consideration of acquisition, should the City decide to sell the property. The language states that if the City opts to sell during the lease period and receives an acceptable offer to purchase the property, the County will have 30 days to exercise their option to purchase the property at the same price and on the same terms and conditions as are contained in the offer.

Attached to this memorandum is a draft lease agreement for Council consideration. It contains the same first right of refusal language as noted above. This agreement would extend the lease for an additional five years, expiring September 30th, 2023. The lease may be renewed for two consecutive five year terms and may be terminated as spelled out in Section 7. This agreement does not grant exclusive access to the dock to the County, the site will remain open for public use at all times. In exchange for use of the dock and in lieu of payments, the Fisheries program will carry out, and be responsible for the costs, of all routine maintenance and repairs.

It is recommended that City Council authorize the renewal of the agreement with Clatsop County for dock access to the net pens at the Old Yacht Club.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Jones, to authorize the renewal of the lease agreement with Clatsop County for dock access to the net pens at the Old Yacht Club. Motion carried unanimously. Ayes: Councilors Price, Jones, Brownson, and Mayor LaMear; Nays: None.

Item 7(d): Proposed Lease with the Port of Astoria for a Portion of the Maritime Memorial

The City and Port staffs have been in discussion concerning a new lease for the portion of the Maritime Memorial that is on Port property. The previous 25-year lease expired in 2017. Exhibit A, attached to the proposed lease, shows the area on the west side of the Memorial.

The new 50-year lease for \$1 per year will secure the property and allow the City to expand the structure to accommodate future demand, for which funds have been budgeted. As part of the agreement, the City will erect a plaque that expresses gratitude and acknowledges the contribution of the Port in allowing the use of Port property for the Memorial. This lease does not include the lawn area west of the fountain and south of the trolley tracks, which is covered by a separate agreement.

The Port Commission approved the lease at its September 19, 2018 meeting. A signed copy of the lease agreement is attached.

It is recommended that City Council approve the lease agreement.

Councilor Brownson thanked the Port and said this was a good indication of how the City and the Port could work together. They have a lot in common and a lot of overlap. The need for a good working relationship is very important.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Price, to approve the lease agreement with the Port of Astoria for a portion of the Maritime Memorial. Motion carried unanimously. Ayes: Councilors Price, Jones, Brownson, and Mayor LaMear; Nays: None.

Item 7(e): Liquor License Application from Eunice Chiweshe Goldstein, dba Eunice Chiweshe Goldstein Winery, located at 1040 Commercial Street, Suite A, for a New Outlet for Winery License

A liquor license application has been filed by Eunice Chiweshe Goldstein doing business as Eunice Chiweshe Goldstein Winery LLC. This application is a New Outlet for a Winery License. The appropriate Departments have reviewed the application and it is recommended that the City Council consider approval of the application.

City Council Action: Motion made by Councilor Price, seconded by Councilor Jones, to approve the liquor license application by Eunice Chiweshe Goldstein for a New Outlet for Winery License. Motion carried unanimously. Ayes: Councilors Price, Jones, Brownson, and Mayor LaMear; Nays: None.

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

There was none.

The City Council recessed into Executive Session at 8:17 pm.

EXECUTIVE SESSION

Item 9(a): ORS192.660(2)(i) – Performance Evaluations of Public Officers and Employees

The City Council will meet in executive session to discuss performance evaluations.

The Regular Session reconvened after the Executive Session.

ADJOURNMENT

There being no further business, the meeting was adjourned.

ATTEST:

APPROVED:

Finance Director

City Manager

A work session of the Astoria Common Council was held at the above place at the hour of 9:00 am.

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

Councilors Excused: None

Staff Present: City Manager Estes, Planner Ferber, Planning Consultant Johnson, Finance Director Brooks, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

CHANGES TO THE AGENDA

There were none.

HOME STAY LODGING CODE

Over the last few years, the number of illegal transient lodging facilities in Astoria has increased substantially. Enforcement is difficult as the units are not identified by address or owner in the advertising platforms (such as Airbnb, VRBO, etc.) and it is time consuming and difficult for staff to research where the specific facilities are located in order to initiate code enforcement. At the December 13, 2017 work session, staff reviewed a list of facilities that were being advertised and noted the ones they could identify and of those, which ones had permits and were in compliance with the Codes. Staff also reviewed the current processes for obtaining permits and code enforcement. The City Council discussed the need for better codes, permits, and enforcement and directed staff to research other cities' codes and draft an amendment to the City Code that would address this growing problem.

Staff has researched transient lodging codes in multiple cities and counties and found a variety of ways that communities are dealing with these facilities. Staff has drafted a City Code amendment that clarifies terminology, establishes a permitting process, and addresses code enforcement. At the October 13, 2018 work session, staff will conduct a PowerPoint presentation to review the proposed amendments.

Attached to this memo is a copy of the proposed draft Code amendment for Home Stay Lodging Permits, a proposed draft Code amendment for the Transient Lodging Tax, and a draft permit application. This proposal would put the regulations and permit process into the City Code. However, since the Development Code includes some regulations related to transient lodging and identifies the specific zones in which they are allowed, some code amendments will be required to the Development Code so that it coincides with the proposed City Code. The draft documents include "tracked" changes to existing code language, and "annotated" notes explaining the intent and/or issues for specific code entries.

After the presentation, City Council should discuss the proposed amendments and provide staff with some direction on the language and whether staff should move forward with the adoption process.

Planner Johnson briefly reviewed the City's work done to date on Code amendments for home stay lodgings. She and City Manager Estes gave a detailed presentation of the existing Code requirements for home stay lodgings and the Code amendments recommended by Staff, which were included in the Staff report. They explained the intent of the Codes, potential impacts of the Codes, and the steps necessary to implement the Codes. During the presentation, Staff answered Councilor's questions about the existing Codes, Code enforcement, penalties for Code violations, the differences between accessory dwelling units (ADUs) and home stay lodgings, deed restrictions, inspections, and taxes.

The City Council discussed the proposed Code amendments with the following key comments:

- The Council was divided on whether to allow home stays on properties in the R-2 and R-3 zones that already had an ADU. Councilors Jones and Nemlowill were concerned about impacts to the neighborhoods and enforcement. Councilor Brownson said requiring a conditional use permit would provide the opportunity for public comment.

- Councilors believed Code enforcement would be difficult or impossible. This was one reason Councilor Nemlowill did not want to change the existing Codes. Councilor Brownson believed the State would soon implement new laws resulting in the City being able to get addresses from websites, which would solve the enforcement issues.
- Planner Johnson noted that the City could not enforce deed restrictions, so condominiums could further restrict home stays. City Attorney Henningsgaard recommended minor language changes to the proposed Code amendment to further clarify this.
 - Councilors discussed allowing home stays in condominiums and agreed that home stays should be allowed in non-residential zones where hotels were already permitted, in buildings that were intended for residential uses, but vacation rentals would be prohibited. Staff stated they would draft a zoning ordinance change to reflect this.
- Since home stays would have to be owner occupied, renters would not be eligible to have a home stay. However, under the current Codes, renters could have a bed and breakfast, which would require a minimum of three bedrooms. Councilors discussed the possibility of allowing renters to have a home stay but agreed to Staff's proposal to require that home stays be owner occupied.
- Councilors briefly discussed whether to allow home stays in detached buildings like a garage. Councilor Brownson said they should be allowed only if they did not have a kitchen. He wanted home stays in detached buildings to be more like a hotel room with just a coffee pot, microwave, and small refrigerator. Councilor Price agreed a microwave would be appropriate.
 - Councilor Nemlowill stated she did not want to change the Code because she was concerned about enforcement. Staff explained that the initial inspection would include a search for 220-volt outlets and that any 220-volt outlets installed after the home stay was established would require an electrical permit. So, enforcement would not be a problem.
- Fire, life, and safety inspections must be done by the City or County building official because they are the only individuals with the proper certification to do so, per State statute. Council had originally indicated they wanted property owners to hire a third party so that Staff would not have to worry about the added workload or expense. However, Staff would charge for inspections appropriately.
- Home owners would be required to give the City the information necessary to identify their online advertisement so that the City could reconcile its records with the information provided to them by Airbnb, VRBO, and others. Councilor Brownson also wanted to require homeowners to include their City permit number in their online advertisement. Staff confirmed that the information in the advertisement could be used as proof of Code violations.
- While parking was already complex and difficult to enforce, Councilor Price wanted to be lenient in the downtown core and multifamily zones because R-3 zones were almost commercial.
 - Kris Haefeker commented that most of his home stay guests arrived in one car per room. Recently, people from Portland usually arrived by bus and he has also had cyclists. He believed the parking issues were site specific, not by zone.
 - Staff noted parking variances could be permitted. The State legislature could begin to restrict cities from requiring more than one parking spot per residence as an affordable housing measure. Staff explained how the State regulated ADUs and said the same could be done with home stays and parking. They also answered questions about parking variances.
- On-site inspections would be done by the building official, who is also the code enforcement officer and would look for compliance during the fire, life, and safety inspections.
- Staff noted that the Council had recommended applicants be required to provide signatures of adjacent property owners, acknowledging they were informed of the potential home stay. However, it would be a Staff nightmare to verify appropriate signatures were collected and handle neighbors who refused to sign or were unreachable. Staff could mail notices, but this would increase workload and expense, and would take longer for applications to get approved. Staff described the City's public notice process and explained how they proposed to apply that to home stay lodgings.
 - Councilors discussed whether to send notices for home stays permitted as an outright use. Sending notices for all home stay applications would not be consistent because no notices are sent for any other outright permitted uses. Additionally, it would add to Staff's workload. Councilor Nemlowill stated the City relied on neighbors to stay informed about Code violations and there were many ways a property owner with a home stay permit could violate the permit.
 - After the discussion, Staff confirmed that the majority of the Council preferred that notices be sent to the adjacent property owners of new home stays in the R-2 and R-3 zones where they are permitted outright.

- The Planning Department worked with the Finance Department to determine that revoking a permit when transient room taxes become six months delinquent was an appropriate amount of time. Attorney Henningsgaard agreed and noted that the prosecution process would not be lengthy.
- Violators would be allowed to honor reservations up to 30 days from a citation. Councilor Nemlowill wanted this considered administratively on a case-by-case basis. Staff confirmed that major fire, life, safety violations would trump the 30-day rule and that the proposed Code amendments would be reworded to reflect that.
- Staff recommended property owners pay for both the home stay permit and conditional use permit and proposed fees to cover hard costs.
 - Councilor Nemlowill stated the fire, life, and safety inspection should include a code compliance inspection.
 - Councilor Price wanted the City to charge fees in excess of costs so that a pool of funds could be created for historic home renovations. City Attorney Henningsgaard explained this was not allowed, so Councilor Price advised Staff to carefully consider their costs and make sure the fees were adequate. Staff said a full cost recovery analysis could be done.
 - The Council talked about the impact of fees on people who were struggling financially and would depend on the income generated by home stays. The fees could be prohibitive and lead to an increase in homelessness. Councilor Price advised against making policy decisions based on anecdotes. Councilor Nemlowill wanted to see a fee schedule analysis. Councilor Brownson agreed that Staff's time should be included in the fees. Staff noted that the income generated by home stays would be exponentially greater than the fees.
- Staff explained process for fully implementing the City Codes and corresponding Development Code amendments. The City Codes could be on the Council's agenda by November.
 - Staff also provided details about the changes to the transient room tax section of the City Codes. Councilor Brownson wanted to make sure the language in the Codes would not prohibit the City from allowing the State to collect the taxes because this would provide some relieve to Staff's workload. Staff confirmed that the Finance Department, Planning Department, and the City Attorney were keeping an eye on potential State legislation and working together to ensure the City would be able to enforce the Codes.
 - Councilor Brownson suggested exempting home stays from transient lodging taxes and charging them a fee instead, particularly since staff time had not been accounted for in the fees that Staff had recommended. The City would only get a small percentage of taxes collected but could keep 100 percent of any fees. City Attorney Henningsgaard said even if the City did not charge the transient room taxes, home stays would still have to pay the State and County transient room taxes. Councilors were concerned about how this might impact Promote Astoria Funds and the hotel owners.

Councilor Price asked how the City defined the dwellings rented to temporary corporate employees, like the doctors who work at the hospital for three months. Staff confirmed that anything over 30 days was a long-term rental. The hospital rents the dwelling year-round and allows their doctors to live there without charging them rent. The tenants are employees in the community, not visitors to the area. Councilors and Staff discussed whether this type of rental should be defined in the Codes.

The Council also discussed the possibility of limiting the number of home stay permits issued by the City. Councilor Brownson did not believe this would provide any positive impact to the housing shortage and Staff explained how limiting the permits would seriously increase Staff's workload. Councilors Price and Jones agreed that perhaps the City should focus on incentivizing long-term rentals rather than limiting short term rentals. Staff confirmed that long-term rentals were already free for home owners to implement and there were no permits or inspections required. Any financial incentives offered by the City would again require more Staff time.

Staff and the Council talked about how to verify proof of residency. They discussed issues with driver's licenses and voter identification as proof and shared other ideas like requiring tax returns. The issue is further complicated when properties are owned by multiple people, corporations, or trusts, so Staff planned to continue working with the City Attorney on how to define a property owner for the purposed of owner occupancy. Staff was also struggling to define a primary residence.

Councilor Nemlowill said she was concerned about Staff's capacity and asked if the inspection process would require more staff. City Manager Estes confirmed he was already working with Director Brooks on next year's

budget because PERS would increase and permit applications had increased with the implementation of the Riverfront Vision Plan. He added that many of the new permit applications were controversial and were taking up a lot of Staff's time. City Attorney Henningsgaard explained how the new permitting process could be designed to alleviate Staff's workload once implemented. He hoped that increasing the penalties would reduce the number of illegal home stays quickly. Planner Johnson added that these Code amendments were written with Staff's capacity in mind. However, Councilor Nemlowill said she believed that long-term rentals and allowing commercial and industrial growth would help the City government function better than tax revenue from short term rentals.

Staff explained that the current Code allowed home stays as outright uses in R-2 and R-3 zones because the higher density zones were designed to handle more impacts. They asked if the Council wanted to allow home stays on properties that already had an ADU and if so, in what zones. Staff reminded that the State had mandated ADUs be allowed outright in certain cases. The City was not getting a flood of ADU permits and believed an ADU and home stay on one property would be rare, especially since the parking requirements would be so difficult to meet. After some discussion, the Council agreed that home stays should not be allowed on properties with an ADU.

Staff briefly reviewed the process for grandfathering in the existing legal home stays and bringing the illegal home stays into compliance with the new Codes. They also answered questions about the requirements for registering to pay transient room taxes.

Councilor Brownson asked about insurance requirements. Staff explained that would add another level of review to verify what was being insured and to stay informed if a policy lapsed. Staff confirmed that the City does not require hotels to show proof of insurance.

Mayor LaMear called for public comments.

Kris Haefeker [3:02:40] asked if existing month-to-month rentals in non-conforming buildings that had been in use for more than one year would fall under non-conforming, for example, apartments. What Code and what date applied to apartment buildings with different units that appear and disappear?

Planner Johnson replied a legal non-conforming use was created prior to existing Codes and could remain non-conforming. Creating that same use after the Code is in place would be a Code violation, not a non-conforming use. Staff must investigate each complaint individually because they have to refer to the Code that was in place at the time the use was allowed or implemented and compare that to the date the potential violation began. Existing home stays will still be required to get a permit and inspection, but as an existing non-conforming use if they do not conform to all of the new regulations. City Attorney Henningsgaard added that their non-conforming use rights would be subject to revocation like any other permit.

Mr. Haefeker said there was a lot of fear of tourism in the community. If the City is going to start limiting the number of home stay lodgings, would the City also limit the number of hotels built?

Staff stated that would be up to City Council. Limiting hotels would require zoning ordinance amendments to remove uses.

Councilor Price said that topic had not been discussed by the Council.

Councilor Nemlowill added that a cap on home stays would not be intended to reduce tourism. The goal would be to preserve the housing stock for long-term renters.

Mr. Haefeker believed the cap would accomplish both, reducing tourism and preserving housing. The function of a home stay is to support tourism.

Councilor Jones believed the primary purpose of a home stay was economic benefit to the home owner.

Mr. Haefeker said the economic benefit to the home owner was questionable, given all of the hurdles the Council was considering putting in place. If the market for a roommate does not exist, home owners do not have the option of renting long term. He had done intergenerational housing and had rented to roommates, but those

situations were hard to find. Home owners need flexibility to manager their homes in a way that allow them to stay in and maintain their homes. Astoria's historic inventory is unique and the cost for upkeep is much higher than a modern building. Rental rates are much lower than building values right now. The median income is \$42,000 for a couple and Astoria does not have the family sizes it once had. People must get creative to get the buildings to work. Buildings have gone from boarding houses, to residences, to apartments. Today's Code forces many of those buildings back to a single-family residence. He believed the downtown core should get special consideration.

Mayor LaMear thanked Staff for their work on the proposed Code amendments. She thanked Mr. Haefeker for his thoughtful letter and Judith Nylon who also provided some insight. The Council appreciated all of the communication it received on this complex issue.

Staff confirmed the draft Code amendments would be updated per Council's direction and presented for adoption at a City Council meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:13 pm to convene the Executive Session.

EXECUTIVE SESSION

ORS 192.660(2)(h) – Legal Counsel

The City Council met in Executive Session to discuss legal proceedings.
Came back into room at 3:49:00 but never called regular session back or conducted any business.

ATTEST:

APPROVED:

Finance Director

City Manager

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, Interim Parks and Recreation Director Dart-McLean, Finance Director Brooks, Interim Fire Chief Curtis, Police Chief Spalding, Public Works Director Harrington, Library Director Pearson, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

REPORTS OF COUNCILORS

Item 4(a): **Councilor Jones** had no reports.

Item 4(b): **Councilor Price** had no reports.

Item 4(c): **Councilor Brownson** reported that he and the City Manager participated in the gratification run for the parks, despite the weather. He also attended the mayoral debate and encouraged everyone to attend the next one. The debates offer the opportunity to get a good idea of who the candidates are, their personalities, and what they stand for.

Item 4(d): **Councilor Nemlowill** reported that Interim Fire Chief Curtis and his crew did a great job presenting to the school children. Her daughter came home from school with a bag filled with a lot of fun and educational items. The items start conversations with families about checking smoke detectors, escape routes and where to meet. The Astoria Fire Department goes into schools every year and it makes a big difference.

Item 4(e): **Mayor LaMear** reported that she walked across the bridge yesterday for the Instant Gratification run and the weather was beautiful. She had done several of those walks in horizontal rain, so she appreciated this year's event. Over 3,000 people participated.

CHANGES TO AGENDA

There were none.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 5(a) City Council Minutes of 9/17/18
- 5(b) Special City Council Minutes of 9/24/18
- 5(c) Boards and Commission Minutes
 - (1) Historic Landmarks Commission Meeting of 9/18/18
- 5(d) Old Highway 30 and Marine Drive Road Ownership and Access Rights – Grant Application
- 5(e) Approval of Easement – 1945 SE Second Street

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

REGULAR AGENDA ITEMS

Item 6(a): **Second Reading Ordinance Modifying City Code 5.900 – 5.925 Relating to Camping in Public Places**

The first reading of this ordinance was held at the September 17, 2018 City Council meeting. At the October 1, 2018 meeting, Councilor Tom Brownson clarified that he had found a typo and the attached Ordinance reflects the appropriate ORS provisions. Additionally, City Council decided to hold off on conducting the second reading as the next homelessness task force meeting was scheduled for October 8th. Council wanted that meeting to happen before final consideration.

A Homelessness Solutions Task Force (HOST) meeting was held on October 8th where the ordinance was discussed. Subsequently a HOST subcommittee was established which would assist in developing a plan to connect displaced homeless individuals with community resources. Minutes for the October 10 subcommittee meeting are attached. Raven Russell will be present at the City Council meeting to present.

It is recommended that Council consider conducting a second reading and adopting the ordinance amending City Code 5.900 – 5.925. Camping within the City, as described above, presents issues related to the health and safety of its citizens; therefore, it is proposed that this ordinance take effect immediately following the second reading, as contained in Section 2 of this ordinance.

Police Chief Spalding said HOST discussed the proposed ordinance amendments at their last meeting. Three people who self-identified as homeless, residents near the homeless camps, and many guests addressed the task force during the meeting. He had given a presentation showing the camps, sharing statistics, and identifying the scope of the problem. There was good discussion amongst the group and a subcommittee was formed to assist the City with the camps. The subcommittee held its first meeting on Wednesday, October 10th and developed a set of recommendations. Chief Spalding agreed with their recommendations for moving forward. If this ordinance is adopted, it would not be the Police Department's intent to immediately serve notices and begin evicting individuals from the urban forest areas. Their intention is, always has been, and always will be to place as many individuals as possible using the recommendations of the most recently formed subcommittee. It is also their intent to make sure that every individual living in the woods is contacted and given appropriate resources. This process would take a long time and he was comfortable waiting as long as needed to make sure people get the help they need.

Raven Russell, Helping Hands Development Director, said Helping Hands houses 190 homeless people per night in four counties, including Clatsop County, where they have been serving homeless for over 17 years. The HOST subcommittee met on Wednesday to discuss what would happen if the Council approved the ordinance change and what would they do with people coming out of the woods. The subcommittee was told by Chief Spalding that they observed roughly 10 people in the woods, but there were residents from the area who said there were more. They are operating on the assumption that there would be 30 people they might have to accommodate as an influx and they would assume any referrals to the system would trickle in after that. The plan they developed was not introducing any new programs or new aspects of programming from any of the agencies referenced. It just documents some procedures that are already in place. The subcommittee put together a plan. Minutes were taken and unanimously approved via email. The Astoria Police Department will prepare a Ziplock bag including the 24-hour notice and the resource guide available from Clatsop Community Action (CCA). That is a resource guide they are already developing and updating. It contains resources for social service agencies across the county. If somebody were not comfortable accessing CCA in their office, they would have the resource guide to access which ever resources they thought were appropriate to their circumstances. The notice will also have a contact phone number and business hours for CCA's office. As part of their normal function, they already triage people's circumstances and make recommendations for resources which are already available in our community. This would fall into their normal operating structure. CCA has resources at their disposal, including Helping Hands, to which CCA often refers people, but they have other resources as well. Helping Hands is not the right answer for every person who is experiencing homelessness. Some have illnesses or conditions that make living in a more populated environment difficult, including post traumatic stress disorder (PTSD) and others, which were referenced at the most recent HOST meeting. They wanted the plan to include options for people who fit into that category to make sure they were being inclusive in this response plan. So, CCA is prepared to offer these individuals other opportunities if Helping Hands is not the appropriate resource. They are able to place people in hotels or at KOA in Warrenton. They have resources that are not all the same so that they are able to figure out what is most appropriate for that individual and help connect them to those resources. The subcommittee came up with stipulations they believed were most appropriate for how and when to post the 24-hour notices. They would like it posted in English and Spanish. The subcommittee discussed the literacy barrier for some people who may be living out there. They believe that with the connections of the group, people would be able to overcome that. If one person was not able to read and understand the content of the 24-

hour notice, others around them would help them understand it. However, they recommended the language be kept simple because literacy can be a barrier for some people who will be out there. They would prefer the notice be posted on a Friday to give them over the weekend to figure out the best plan moving forward. They would like Monday to not be the day when the City removes people from the forest so they can access CCA during business hours on Monday. That would give people from Friday to Tuesday to plan which resources to refer them to. They would like the 24-hour notice to have a handwritten date and time when they need to be out by. If it is posted when someone is not at the campsite, they will not know when the 24-hour clock starts and they did not want to cause undue anxiety. The last piece they thought was really important was for there to be a City Councilor appointed to make phone calls or other one-on-one connections with the people who are displaced out of the forest so they can make sure they received the resource guide, that they know how to contact CCA, and so they know they are part of the community and we want them to be safe. Right now, Councilor Price has been willing to step up and make all of the phone calls for this influx if the ordinance amendment is adopted. They asked that a new person be appointed to fill that role when Councilor Price is no longer on the City Council.

Mayor LaMear called for public comments.

Michael Martin, said he lived in a tent and was an advocate and activist for the homeless. People who have no place to go could be given all the 24-hour notices in the world, but they have no place to go. So, let's find a place for them to go. They have issues, they may have to have an ambulance called, they are human beings. The idea of feeding them like stray cats and treating them like dogs has to stop. This is not just about Astoria. People freeze to death because they had to be on a Section 8 waiting list and they had no place to go. This is not treating people like American citizens. People from Syria are given \$18,000 to relocate, but there are candlelight vigils in front of the Capital for the 7,000 American who are homeless every year. Some of them are beaten to death and there are hate groups and murders; www.nationalhomeless.org shows the statistics. The people in Astoria should count their blessings because they do not have a problem. They have people who cannot fend for themselves and are being walked upon and used for grant money. He asked that the City of Astoria take it out of the hands of the private sector. Helping Hands does the best they can, but this is an enormous problem and the solution will have to come from the federal level. But the City must take control, identify, evaluate, and find a place for people to go until the federal government or somebody can make housing fall from the sky. He could be on a list for low-income housing. He had \$2,000 in his pocket but no place to spend it. He planned to buy a boat in Florida because it would be the only legal address he could have. Somebody ran over his new jeans with a backhoe and destroyed the environment behind Best Western thinking they were going to do something to prevent homeless people from camping there. He was not here to complain about his pants, he wanted to help other people. He suggested the Councilors be a nurse's aid and do a bed bath so they would have a better appreciation for what each human being represents. Homeless people are just like everybody else, and they deserve to be treated just like everybody else. He wanted all of the Councilors to contact him and ask him any questions.

Cindy Price introduced Mr. Martin to Elaine Bruce, CCA Executive Director. She explained that CCA is the hub organization in the county that helps find housing and services for people. She suggested Mr. Martin speak with Ms. Bruce about resources for transitional housing.

Mr. Martin said Councilor Price misunderstood. He explained that he did not believe he could survive a winter in Astoria, so he planned to help people who went through Hurricane Maria. He would not be in Astoria much longer and had a legal residence under maritime law. He wrote a program called The Agricultural Housing and Education Program, which he hoped to get crafted into a bill and put before Congress. He also hoped to testify before Congress. He was also writing a book and was getting some attention. People in Congress were starting to listen to him. This is a medial, ethics, and human rights issue. In 2014, the United Nations (UN) criticized the United States because homeless people were being criminalized. This nation is in violation of the UN treaty that the U.S. helped to pass, so we could criticize North Korea and China. Someday, hopefully, the Council will decide to open its eyes a little bit and treat this in a different manner. The private sector has not been working for years. There is a man who has dysentery so bad that he would spread it through the community and he should be in the hospital. No one is checking on him. People in Astoria who are making these health issues and messes do not have the mental capacity to function and they need care. That care comes through guardianship or a relative, but the City cannot just let them run around and then persecute them because they do not have any place to go. He was trying to be a steward and help the City clean up the mess.

Mayor LaMear said she believed everyone would agree this was a federal problem. It is a huge problem across the United States and Astoria was trying it's best to work on it. There are not a whole lot of resources or sites for places for people to go.

Mr. Martin said the City does not realize they have the resources to very simply address the problem on a human level. He had explained a brass tag program to Chief Spalding. People have a number after being vetted. They are not wanted for anything, not a registered sex offender, not a danger to the community. The program would not cost anything. If he were given 24 hours, he would just look at the officer and grin because he has a bad hip and is not supposed to be walking. The police can haul him off, even though he had not done anything wrong. People have to sleep. He has been outdoors for eight years and has not had any contact with law enforcement other than getting tickets for cardboard signs. He had also been given a camping ticket; the only constructive thing from all that is to help solve the problem. He hoped Councilors would call him with questions.

Rick Bowers, 357 Commercial, Astoria, said he was concerned about people who were afraid to call CCA. The classic cases are veterans with PTSD, but others are also too scared to call. He was concerned that they would move farther into the woods. He appreciated Chief Spalding's energy towards health and safety and the tough time getting into the woods. It would be even more difficult to respond deeper into the woods, which might be a consequence of this ordinance. He knew the social service agencies would help a lot of people, but he would love it if an organization like CCA tracked all of the phone calls that come in and the services given to those callers. Then the community would know if someone never called or if services were not available.

Elaine Bruce confirmed that tracking was being done. If people are hesitant about coming in, they will call those people repeatedly.

John Norquist, said he lived in a tent in the woods. It seemed like everyone was looking at the homeless as mentally ill, criminal, or hiding from something. He believed only 10 percent or less were mentally ill and 50 percent were working. Those who are working are working at jobs that are unsustainable. Three or four people must get together to get an apartment, but no one in Astoria will rent to three or four separate individuals. There are a lot of barriers that keep people out there. Most people do not want to be out there, but some people enjoy it. Those who do enjoy being out there will go deeper into the woods, and there are thousands of acres between Astoria and Beaverton. The problem will not go away just because an ordinance is amended. He wanted to know what the penalties would be when people do not leave. He had heard the fine would be \$1,000 and to a homeless person who already does not have anything, that would put them years behind. He hoped the City would come up with a more appropriate response than a \$1,000 fine. That does not give people the chance to get out. He suggested the City encourage people in other ways. He knows people who want out of the woods. He thanked Chief Spalding and Officer Hansen for keeping him aware of what has been going on and encouraging people to participate.

Mayor LaMear explained that this ordinance was not meant as a penalty or viewing the homeless as criminals. The City realized the ordinance was lacking some language about public lands. For safety reasons and because the City fears fires and other dangers in the woods, the City decided to work on the ordinance. It was not meant as a penalty to the homeless. She firmly believed in the inherent worth of every individual on the planet. She sympathized and empathized with the homeless. Currently, her son in San Luis Obispo was homeless, so she understood. But the City also has to protect the rights of those who live near the homeless encampments.

Burt Hall, homeless, asked if he understood correctly that people being removed from the camps would have one day to get help.

Chief Spalding explained that addressing camping in urban forests was separate from whether citations would be issued for illegal camping. The issue before Council tonight is camping in urban forests. It is not the Police Department's intent to issue citations, which would compound the economic issues people are already having. The maximum fine could be up to \$1,000 but he did not know the exact amount that would be imposed. He heard the other day that a woman who lives in the camp fell 30 feet down a cliff and hurt her ankle. In those situations, medical and police services cannot be provided. The biggest concern is the ability to attend to people who are not reachable because of the unimproved road conditions and other natural hazards in the forest. The subcommittee had recommended that the Police Department post notices on Friday to give people a couple of extra days. He believed it was a moot point because the Police would not rush out to the camp 24 hours later to clean up camps. However, a deadline does need to be set so that people know the Police are serious and would

move the camps. At the same time, social service agencies would ensure people are placed before any action is taken.

Dorothy Olson, 127 Washington Street, Astoria, said if it was not for her mom she would probably be in a tent. If the maximum fine is \$1,000, it should be a lot lower. She suggested \$25 or \$50 that could be worked off with community service helping to clean up some of the camps. She wanted information about the land gifted to CCA by Safeway. She heard CCA could not develop the land because of zoning. The property could be rezoned for a camp with a privacy fence. She had seen a tiny home park in Denver that worked well as a gated community to keep people safe. She asked that the City give people the option to move their camp to a safer place that is close to running water and the bus lines with a dumpster and portable toilet. Maybe the garbage company and sanitation company could donate or get a tax receipt from CCA.

City Manager Estes believed Ms. Olson was speaking about the Hauke slide property, which is unstable from a landslide. The City and CCA have spoken about the property. The City recommended that no structures be built on the property.

Ms. Olson clarified that she did not want to build anything, just have tent camping in the interim until the houses are built.

City Manager Estes confirmed the issue was not zoning, it was the instability of the area since the landslide. He confirmed that the property could not be flattened

Councilor Brownson explained that when dirt is moved in a slide zone, the situation becomes worse. Finding a property is a great idea and he would like to see someone pursue that. The City does not have the funding, Staff or resources to accomplish this, but it could be done with the help of the County. The City does not run health or social services, but the County is charged with ensuring health and safety. The County, State, and Federal government have resources. He believed part of the issues is that people who live at the foot of the hill become insecure when people they do not know start coming and going. It is important to protect the people who live there, own property there, and have children.

Councilor Price said she was interested in getting people into housing. HOST and the subcommittee discussed that the community had the capacity to house all of the campers and more. She was focused on getting people into transitional housing and in a situation where they would be safe. Some people may need a tent at the KOA or other regulated camp ground. People should be encouraged in every way possible to get the resources available in the community for mental health, physical health, transitional housing, and permanent housing so they can become responsible people with a sense of purpose and good citizens of Astoria. Most of the campers want to be good citizens. Everyone will have to accept a certain number of people who are not able or ready to come in from the cold. There will be people on the streets and in the forest who are not ready to be helped. People who have spent much of their lives on the streets say if the City just keeps providing services and giving without asking for any responsibility, it is not helping. The community needs a space in the county for a camp. Astoria has the ability to help the people who are ready to be helped right now. Detective Hansen talks to homeless people all the time and Clatsop Community Health does outreach. There is Helping Hands, CCA, and all sorts of caring, giving, individuals at the learning center, with River Folk, and numerous organizations who are working with people who are not ready to come in yet. She wanted the City's focus to be approving the ordinance and she hoped the Police Department was ready to go in to the camps at specific times. She believed the City was doing this with compassion. The community does not do the homeless a favor by acting as if they cannot do anything on their own.

Councilor Brownson asked if there was any value in giving people 48 or 72 hours to vacate. Chief Spalding explained that the 24-hour notice is based on State law. He would do some research to find out if the State only required a minimum of 24-hours. If so, he would not be opposed to giving people 48 hours or even longer.

Councilor Price did not believe the time limit should be extended because the City would already be giving people more than 72 hours on a 24-hour notice.

Councilor Jones thanked the subcommittee for quick work and their excellent brief. He thanked HOST for their work over the past year and Chief Spalding for his extremely proactive and empathetic outreach to the campers and the homeless community. Most of the properties adjacent to the camps are in Ward 4, so it is possible he

hears more comments than the other Councilors. One of his neighbors at the end of Franklin wrote that they were at the entrance to the homeless camp and people had deep concerns about what the camp had brought to the neighborhood. People come and go at all hours of the day and night. Last Saturday, between 11:45 and 12:15 there were three vehicles that dropped people off. People have lost their sense of safety while walking in the neighborhood. The City is trying to be sensitive to everybody's needs and find a balance.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Jones, to conduct the second reading of the ordinance amending City Code 5.900 – 5.925. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Director Brooks conducted the second reading of the ordinance.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Jones, to adopt the ordinance amending City Code 5.900 – 5.925. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Mayor LaMear said the City would do its best to follow the recommendations made by the HOST subcommittee to make sure people being moved out of the woods have a safe place to go.

Item 6(b): Public Hearing and First Reading Ordinances Modifying City Code 1.010 Relating to Penalties and Addition of City Code 6.380 Relating to Enhanced Fine Zones

The City of Astoria continues to experience complaints of illegal parking in the area of 38th St and Duane St. This area draws a significant amount of traffic due to a well-known attraction in the area. The City has posted signage in certain locations in this area indicating "No Stopping" and "No Parking" with only a moderate level of compliance. Experience has shown from other jurisdictions that increasing the fine in certain areas has a better deterrent effect. It is proposed that Council consider raising fines in this area for which will minimize illegally parked cars, improve traffic flow and minimize potential traffic collisions.

Current signage for No Parking/No Stopping in the area appears to be adequate and there is no proposal to extend the No Parking/No Stopping signage beyond the existing locations. The only impact would be the increased fines in designated and posted existing areas. Additional signage would be added to existing No Parking/No Stopping signs that would indicate "Enhanced Fine Zone - \$100 Fine." This proposal is not intended to restrict visitors in this area, only to discourage parking in certain areas that present the greatest hazard.

Attached is a draft ordinance for consideration. Additional language is proposed to define an "Enhanced Fine Zone" in Astoria City Code § 6.380 to include identifying the specific location. Astoria City Code § 1.010 would be modified to specify an enhanced fine of \$100.00 for violations in this zone. The ordinance has been approved as to form by City Attorney Henningsgaard.

Additionally, a correction is proposed for a scrivener's error in City Code 1.010(4)(e) to delete an errant quotation mark.

It is recommended that Council hold a public hearing and consider holding a first reading of the ordinances amending City Code 1.010 and adding City Code 6.380.

Mayor LaMear opened the public hearing at 7:50 pm and called for public testimony on the proposed ordinance amendments on enhanced fine zones. Hearing none, she closed the public hearing at 7:50 pm. Councilor Jones thanked Chief Spalding and his Staff who worked with the neighbors. Chief Spalding and Director Harrington held a town hall meeting at Alderbrook Hall several weeks ago on this issue. Quite a few people attended and had a very good discussion. This recommendation is a really good first step. The Chamber has removed all references to the location and other websites no longer list the address. Unfortunately, the address has not been removed from some websites, but these fines might discourage people from parking on the street.

City Council Action: Motion made by Councilor Jones, seconded by Councilor Brownson, to hold a first reading of the ordinances modifying City Codes 1.010 and 6.380. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Director Brooks conducted the first reading of the ordinance.

Item 6(c): Liquor License Application from Chris Holen for a new business, Pouriin LLC, dba Nekst Event, located at 175 14th Street, Suite 100, for a New Outlet for a Full On-Premises Other Public Location License

A liquor license application has been filed by Chris and Jennifer Holen for Pouriin LLC doing business as Nekst Event. This application is a New Outlet for a Full On-Premises Sales Other Public Location License. The appropriate Departments have reviewed the application and it is recommended that the City Council consider approval of the application.

City Manager Estes noted that the space was currently being used by Baked Alaska, but the owner has decided to give the space its own identity. Therefore, the space requires its own license.

Councilor Nemlowill declared a conflict of interest and recused herself from the vote. The Applicant is her husband's client.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Price to approve the liquor license application by Chris Holen of Pouriin LLC, doing business as Nekst Event. Motion carried unanimously. Ayes: Councilors Price, Jones, Brownson, and Mayor LaMear; Nays: None.

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

Kris Haefeker, 687 12th Street, Astoria, said he was impressed with how the Astoria Co-op situation worked out. Now, there is a lot of community discussion and opposition to the Hollander hotel case. He wanted to see an ordinance that states when large hotels or large companies come to Astoria, they must do something for their staff's housing. He believed it was possible for neighbors and the hotel to find some middle ground if the hotel provided a certain amount of rooms for employees. He worked in a hotel in a city that had a housing crisis and they provided rooms and beds, which was helpful for young people who had their first job to have a roof over their head.

The City Council recessed into Executive Session at 7:56 pm.

EXECUTIVE SESSION

Item 8(a): ORS192.660(2)(i) – Performance Evaluations of Public Officers and Employees

The City Council will meet in executive session to discuss a performance evaluation.

ADJOURNMENT

There being no further business, the meeting was adjourned.

ATTEST:

APPROVED:

Finance Director

City Manager

Astoria Library Board Meeting

Astoria Public Library

September 25, 2018

5:30 pm.

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

Excused: Kimberley Chaput/Kate Deeks

Call to Order: Vice Chair Susan Stein called the meeting to order at 5:30 pm.

Approval of Agenda: The agenda was approved as presented.

Approval of Minutes: The minutes of August 28, 2018 were approved as presented.

Board Reports:

N/A

Library Director's Report:

- Library Programs – Story time continues to increase in participation providing a great forum for new caregivers to network.
- Library Story- A gentleman stopped the Director during a routine outdoor building inspection thanking him for the newly refurbished chairs informing him the changes being made are appreciated.
- Strategic Plan – Ruth Metz will be working with staff to update the plan ensuring a great tool for the Library Foundation to present to potential large donors.
- Library Calculator – The calculator has been displayed on a foam board to show that the library has provided \$2.1 million in services to the community during the last fiscal year.
- Library Facilities – Public Works has hired a new Building Maintenance tech who is doing a great job on preventative maintenance to include identifying exhaust fans in need of replacement which should improve air quality during the warmer season. The HAZMAT survey has been completed and is a critical component of preparation for renovation.
- Director's Activities - He would be on vacation from September 29th through October 7th.

Update on ALFA Activities:

Director Pearson said ALFA is excited for and ready to assist with fundraising for the renovation.

Update on Foundation:

No update.

New Business: No new business.

Old Business: No old business.

Public Comments: There were none.

Items for Next Meeting's Agenda: The next meeting on October 23, 2018 will be led by David Oser.

Adjournment: There being no further business, the meeting was adjourned at 5:58 pm.

Respectfully submitted,

Jimmy Pearson, Library Director

Parks Advisory Board Meeting Minutes September 26, 2018

Chairperson Norma Hernandez called meeting to Order at 6:50 am.

Present- Norma Hernandez, Jessica Schleif, Jim Holen, and Michele Tompkins.

Absent- Andrew Fick, Howard Rub, and Eric Halverson.

Staff- Jonah Dart-McLean, Terra Patterson, Isaac Brockman, and Cindy Moore.

Public comments

1. George Hague, 1 3rd Street, Astoria, said he hoped a representative of City Council would begin to attend the Parks Board meetings again like they used to. He noted that the Parks Master Plan requires the Scandinavian park and the 9th Street park to have restrooms. These restrooms have been included in the budget and he hoped the Board would require they be built. He recommended the Portland Loo because it would only take up one parking spot and would be easy to maintain. The 9th Street park has been looking good. He hoped the City would continue to keep up the park because the City's requirements for maintenance agreements are more than the area residents and businesses could handle. He hoped Parks Board members would be involved in the [Urban Core Plan](#). He was concerned that the plan would allow 28- to 45-foot buildings on both sides of the Riverwalk. President Hernandez thanked Mr. Hague for being so involved in the Parks Board meetings and said he would be missed while he was away for the winter. She noted that the Parks Board would love to have a Council representative at their meetings.
2. Dulcye Taylor, 856 11th Street, Astoria, Executive Director, Astoria Downtown Historic District Association (ADHDA), said she attended a north coast area tourism studio hosted by Travel Oregon, where future trends, demographics of tourists, and economics were discussed with a focus on parks and trails. She shared what she learned about parks in the region, including efforts to improve trails, challenges of the unincorporated areas, and collaborations within the region. These studios are held monthly and she encouraged the Board members to participate.

Approval of Minutes

- A. August minutes were unanimously approved.

President Hernandez

- A. What do you hear- Jessica Schleif shared details of the celebration at Tidal Rock Park, which was set up by volunteers. The event was very well attended. President Hernandez noted that everyone on the Art Walk kept talking about the celebration. Michele Tompkins added the park was beautiful. She and Ms. Schleif talked about how use of the park has changed since it has been cleaned and renovated. Ms. Schleif said to continue her efforts at the park, she would need volunteers, funding, landscaping, and restrooms.

Employee and Volunteer Recognition

- A. [Terra Patterson \[25:00\]](#) recognized Isaac Brockman as the September Employee of the Month.
- B. [Unidentified Speaker \[28:10\]](#) recognized Dulcye Taylor as September Park Partner of the Month. Ms. Taylor noted the OK would be held on October 7th.

Old Business

- A. Jim Holen gave an update on the Parks Foundation's next fundraiser, an auction at Fort George's benefit night on October 30th.
[Terra Patterson \[31:45\]](#) noted that the make-up movie fundraiser did not have great attendance, but those who came loved the event.
- B. Jonah Dart-McLean updated the Board on Staff's efforts to implement the Parks and Recreation Master Plan. Draft plans were included in the agenda packet. President Hernandez said it looked as if Staff was headed in the right direction. He answered questions about how the plans were arranged and the information included in the plans, and noted that staffing changes have resulted in an extended timeline to complete the plans.
- C. Jonah Dart-McLean reviewed recent staffing changes and provided updates on efforts to fill vacant positions.

New Business

- A. City Engineer Cindy Moore gave a PowerPoint presentation on the [Waterfront Bridges Project](#). She provided updates on the scope of the project, funding sources, timelines, and impacts to the Riverwalk, as well as details about closures and pedestrian detours. She answered questions about impacts to events on the Riverwalk, regulations that impact the timeline, the aesthetics of the new bridge structures, and new wayfinding signs. President Hernandez requested that Board members be added to the stakeholder list to receive email updates on the [Waterfront Bridges Project](#).
- B. Jonah Dart-McLean updated the Board on the lease renewal with Clatsop County Fisheries for access to the Yacht Club dock. A copy of the lease was included in the agenda packet. The lease is renewed every five years and the only change to the lease is the addition of the County's first right of refusal if the City ever wanted to sell the property.
[Steve \[56:10\]](#), Clatsop County Fisheries, provided details about the first right of refusal. He explained their agreement with the Division of State Lands (DSL) required them to invest a lot in that property and it would be too costly for them to relocate.
The Parks Board unanimously voted in favor of recommending that City Council approve the lease renewal with Clatsop County Fisheries.
- C. Jonah Dart-McLean provided an update on the Astoria Scandinavian Heritage Association [Monument Project](#). The final design plan would be presented to the Board in October for review and approval. The City has required that space be allocated for restrooms at the park.
- D. Jonah Dart-McLean updated the Board on the restoration of the Doughboy monument, funded by grants from Oregon State Parks and the Johnson Foundation. He provided details of the work that would be done, the contractor, and the project timeline.
- E. Jonah Dart-McLean shared the details of City Council's most recent discussion on lighting the Column. Council declined a request to light the Column because they were still waiting on the Friends of the Column to develop a policy for handling the requests. He noted the Friends were also installing a new lighting system.
President Hernandez said she believed it was important for the Board to push for the policy because the Board is caught in the middle of this situation with no jurisdiction over the decisions that are made. She hoped the Friends' policy would clearly state their intentions so that she could give an educated opinion about the lightings.
The Board and Staff briefly discussed the relationship between the Parks Board and the Friends of the Column. Mr. Dart-McLean offered to advocate for the Parks Board at Friends meetings.

Staff Reports and Upcoming Events

The following reports were presented to the Board as part of the agenda packet:

- A. Maintenance
- B. Aquatic Center
- C. Recreation
- D. Lil Sprouts/Port of Play
- E. Communications/Marketing

Future Meetings

- October 24, 2018 at 6:45 am in City Hall, Council Chambers
- December 5, 2018 at 6:45 am in City Hall, Council Chambers

Non-Agenda/Miscellaneous Business

1. The Board discussed their meeting schedule during the holiday season. They decided to cancel their November 28th meeting and reschedule their December meeting to Wednesday, December 5th, 2018.
2. President Hernandez announced that the Harbor would host a Dancing with the Stars Clatsop County Fundraiser on October 18th, where she and Howard Rub would be dancing.
3. Jonah Dart-McLean said registration was open for the OK, which would be on October 7th beginning at 2:45 pm.

Next meeting will be held Wednesday, October 24, 2018 at 6:45 am at City Hall in City Council Chambers.




CITY OF ASTORIA

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MEMORANDUM • POLICE DEPARTMENT

DATE: OCTOBER 17, 2018

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: SECOND READING ORDINANCE MODIFYING CITY CODE 1.010
RELATING TO PENALTIES AND THE ADDITION OF CITY CODE 6.380
RELATING TO ENHANCED FINE ZONES

DISCUSSION/ANALYSIS

The first reading of this ordinance was held at the October 15, 2018 City Council meeting. The City of Astoria continues to experience complaints of illegal parking in the area of 38th St and Duane St. This area draws a significant amount of traffic due to a well-known attraction in the area. The City has posted signage in certain locations in this area indicating "No Stopping" and "No Parking" with only a moderate level of compliance. Experience has shown from other jurisdictions that increasing the fine in certain areas has a better deterrent effect. It is proposed that Council consider raising fines in this area for which will minimize illegally parked cars, improve traffic flow and minimize potential traffic collisions.

Current signage for No Parking/No Stopping in the area appears to be adequate and there is no proposal to extend the No Parking/No Stopping signage beyond the existing locations. The only impact would be the increased fines in designated and posted existing areas. Additional signage would be added to existing No Parking/No Stopping signs that would indicate "Enhanced Fine Zone - \$100 Fine." This proposal is not intended to restrict visitors in this area, only to discourage parking in certain areas that present the greatest hazard.

Attached is a draft ordinance for consideration. Additional language is proposed to define an "Enhanced Fine Zone" in Astoria City Code § 6.380 to include identifying the specific location. Astoria City Code § 1.010 would be modified to specify an enhanced fine of \$100.00 for violations in this zone. The ordinance has been approved as to form by City Attorney Henningsgaard.

Additionally, a correction is proposed for a scrivener's error in City Code 1.010(4)(e) to delete an errant quotation mark.

RECOMMENDATION

It is recommended that Council consider conducting a second reading and adopting the ordinance amending City Code 1.010 and adding City Code 6.380.

By: 

Geoff Spalding
Chief of Police

ORDINANCE NO. 18-_____

AN ORDINANCE REVISING ORDINANCE 1.010 RELATING TO PENALTIES AND THE ADDITION OF CITY CODE 6.380 RELATING TO ENHANCED FINE ZONES

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. Addition of Astoria City Code 6.380 Astoria City Code section 6.380 is added to read as follows:

ENHANCED FINE ZONES

6.380 Enhanced Fine Zones. Certain streets or parking lots may be designated as “Enhanced Fine Zones” where current prohibitions have had minimal effect or where a greater traffic hazard may be present. “Enhanced Fine Zones” shall be designated by the City Manager pursuant to Astoria City Code Section 6.030(2)(a) and shall be marked with additional signage to indicate: “Enhanced Fine Zone” “\$100 Fine” “Astoria City Code Section 6.380” as per example.



Section 2. Revision of Astoria City Code 1.010 Astoria City Code section 1.010(4)(d) is revised to read as follows:

1.010 Penalties.

- (1) Except as otherwise provided in this section, a violation of a provision of this code may be punishable by imprisonment not to exceed one year, or by a fine not to exceed \$1,000, or by both fine and imprisonment. However, if there is a violation of a provision substantially similar to a state statute with a lesser penalty attached, punishment shall be limited to the lesser penalty prescribed in the state law.
- (2) Each violation of a separate provision of this code constitutes a separate offense, and each day that a violation of this code is committed or permitted to continue constitutes a separate offense.
- (3) Fines fees and costs imposed pursuant to Sections 5.680, 5.682, 5.720 are not subject to the limitations of Subsection (1) and the abatement of a nuisance under Section 5.706 through 5.728 is a remedy in addition to any penalty for violation of the Code. [Section 5.010(3) amended by Ordinance No. 11-04, passed February 7, 2011; and Ordinance 13-09, passed September 24, 2013.]
- (4) Violations of the Astoria Traffic Code are as follows:
 - (a) Violation of Section 6.050 subsection (1), 6.060 subsection (1), 6.100, 6.105 and 6.110, is punishable by a minimum fine of \$10.00, and not to exceed \$40.00, to be paid within 168 hours (seven days) of issuance of a parking ticket. If the fine is not paid within 168-hour (seven days), the fine shall increase to \$20.00 for each violation, and a Courtesy Notice will be sent to the violator or, registered owner of the vehicle. If this \$20.00 fine is not paid within ten days of the date of the Courtesy Notice, the fine shall increase to \$40.00 and a warrant for arrest may be issued by the Municipal Court.
 - (b) Violations of Sections 6.055, 6.060 subsection (2), (3) and (4), 6.065 to 6.085, 6.115, 6.150 to 6.170, 6.185, 6.205 to 6.230 and 6.250 to 6.270 is punishable by a minimum fine of \$25.00 and not to exceed \$55.00, to be paid within 168 hours (seven days) of issuance of a parking ticket. If this fine is not paid within the 168-hour (seven days) period, the fine shall increase to \$35.00 for each violation, and a Courtesy Notice will be sent to the violator or, registered owner of the vehicle. If the \$35.00 fine is not paid within ten days of the date of the Courtesy Notice, the fine shall increase to \$55.00 and a warrant for arrest may be issued by the Municipal Court.
 - (c) Violation of Sections 6.360 is punishable by a minimum fine of \$50.00 and not to exceed \$80.00, to be paid within 168 hours (seven days) of issuance of a parking ticket. If this fine

is not paid within the 168-hour (seven days) period, the fine shall increase to \$60.00 for each violation, and a Courtesy Notice will be sent to the violator or, registered owner of the vehicle. If the \$60.00 fine is not paid within ten days of the date of the Courtesy Notice, the fine shall increase to \$80.00 and a warrant for arrest may be issued by the Municipal Court.

- (d) Violation of Sections 6.380 is punishable by a fine of \$100.00, to be paid within 168 hours (seven days) of issuance of a parking ticket. If this fine is not paid within the 168-hour (seven days) period, the fine shall increase to \$125.00 for each violation, and a Courtesy Notice will be sent to the violator or, registered owner of the vehicle. If the \$125.00 fine is not paid within ten days of the date of the Courtesy Notice, the fine shall increase to \$150.00 and a warrant for arrest may be issued by the Municipal Court.
- (e) When a warrant of arrest issued by the Municipal Court is served, the amount of bail shall be increased \$100.

Section 3. **Effective Date.** This ordinance shall become effective 30 days after its adoption.

ADOPTED BY THE CITY COUNCIL THIS 5th DAY OF NOVEMBER 2018
APPROVED BY THE MAYOR THIS 5th DAY OF NOVEMBER 2018

Mayor

ATTEST:

City Manager

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



CITY OF ASTORIA

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MEMORANDUM • PUBLIC WORKS DEPARTMENT

DATE: OCTOBER 24, 2018
TO: MAYOR AND CITY COUNCIL
FROM: BRETT ESTES, CITY MANAGER
SUBJECT: RV DUMP STATION – AUTHORIZATION TO CLOSE FACILITY

DISCUSSION/ANALYSIS

The City operates and maintains one recreational vehicle (RV) dump station within the City limits. Located on Taylor Avenue near the Highway 101 roundabout, the RV dump station was built in 2004 after two other RV dump stations were removed; one was removed in association with construction of Safeway and the other was removed when the Oregon Department of Transportation (ODOT) built the roundabout. Preceding construction of the current RV dump station, considerable effort went into finding a viable location to replace the two that were removed. Cost for construction of the RV dump station in 2004 was \$14,158.

During the City Council Work Session on September 12, 2018, Staff presented information about the RV dump station and issues associated with its continued operation. The existing RV dump station consists of an attachment for a hose for discharge, small area drain for spillage and water nozzle for rinsing. It is currently open 24 hours per day and 7 days per week. While the facility is unmonitored (no security camera or personnel present), it is in a fairly visible location adjacent to Highway 101. There is no cost to use the RV dump station. Public Works is occasionally notified to cleanup spilled material or deal with a plugged drain. Following the presentation, Council asked that closure of the dump station be added to a future meeting for consideration and that staff provide a notice of the meeting.

The wastewater from RVs is often very high-strength due to water conservation that is typically observed by these users. In addition, special products that are normally used to cover up odors in RVs often kill bacteria that is treating the waste. Without security or monitors at the RV dump station site, there is no information about other types of waste that may be discharged at this location.

Recently the City hired Richwine Environmental to update the wastewater treatment plant capacity analysis and confirm the concept plan for a future new headworks project. Flow and load projections were developed for the 2012 Wastewater Facilities Plan using wastewater treatment plant data for the period 1999-2008. The flow and load characterization done in the recent analysis used data from 2009-2017, which showed that flows have not increased but the loads have increased significantly with negligible change in the City's population. Loads that are measured in biological oxygen demand (BOD) and total suspended solids (TSS) dramatically affect the capacity of the existing lagoon process in the treatment plant.

In addition, implementation of the City's Combined Sewer Overflow (CSO) Program has reduced the amount of stormwater, springs and streams that make it into the wastewater system and ultimately to the wastewater treatment plant. This has been effective in reducing CSOs in the winter, but it has also reduced the flow and increased the concentration in the drier summer months. Increased temperatures in the summer combined with increased concentrations inhibit the lagoon system from treating wastewater effectively. Adding to these conditions is the increase in load year-round from the City's system with the source being unclear.

Staff has been performing a holistic review of the entire wastewater service area to determine ways of reducing the loads and extending the useful life of the existing wastewater treatment plant. We are continuing to work with breweries to confirm Best Management Practices are being followed. This effort is planned to be supplemented with sampling of industrial discharge and a strategy is being developed to obtain samples and fund testing. Also, the City has reached out to all customers with educational material that clarifies what should and should not be flushed down their toilets.

While Staff will continue to investigate sources of increased load, the RV dump station has been brought to the forefront as a vulnerability on the wastewater system with potential concentrated loads. There is currently no control over what is being discharged and no charge to offset the cost of concentrated discharge. An alternative free RV dump site exists at Fort Stevens State Park as well as multiple "pay for service" RV dump sites within the area. Therefore, staff is proposing closing the RV dump station to eliminate the risk with minimal inconvenience to users who can use Fort Stevens State Park as an alternative dump site. If approved, it is recommended that the closure take effect on December 31, 2018 so the site can be posted for a couple of months notifying users of the closure date.

A public notice of the November 5th meeting was posted at the RV dump site on October 1, 2018 that requested public comment on this issue. To date the City has received three public comments via email and one via phone call (see attached).

RECOMMENDATION

It is recommended that City Council consider closure of the existing RV Dump Station beginning December 31, 2018.

By: Jeff Harrington
Jeff Harrington, Public Works Director

Prepared by: Cindy D. Moore
Cindy D. Moore, Assistant City Engineer

Cindy Moore

From: Misty Moore
Sent: Tuesday, October 16, 2018 9:26 AM
To: Cindy Moore; Nathan Crater
Subject: FW: Taylor Ave Rv Dump Station Closure

I received this email on Saturday.....

From: Advanced Carpet Care & Restoration [mailto:advancedccr@gmail.com]
Sent: Saturday, October 13, 2018 12:08 PM
To: Misty Moore <mmoore@astoria.or.us>
Subject: Taylor Ave Rv Dump Station Closure

To Whom it may concern,

I own a local carpet cleaning company I am one of the few if not only companies that follows the rules on dumping the waste water I collect from carpet cleaning and I have had a few conversations with the city staff and I have been told that the sewer system is the only legal place to get rid of our waste water. I have brought my MSDS to the office for the city to confirm this is not an issue. In my line of work this dump station is highly valuable to me because not all homes have a sewer access I can reach to dump. If this dump station closes I do not know where I can legally dump my waste water. I have gone to the local Rv camp sites to locate other places to dump incase I am forced to dump in the middle of a cleaning job and the only ones that allow it are in Long Beach WA and Cannon Beach. I would greatly appreciate you not closing this dump station or at least creating another option for people in my situation to legally dump.

Thank you

--

Doug Dalton
Advanced Carpet Care
(503)-440-2532
IICRC #149584



CITY OF ASTORIA
Public Works Department
Engineering Division
1095 Duane Street • Astoria, OR 97103

Phone Call Record

Date: October 17, 2018
Caller: Dan Sealy
Prepared by: Cindy D. Moore, Assistant City Engineer
Subject: Proposed RV Dump Station Closure

Summary:

Dan Sealy called to find out more information about the Proposed RV Dump Station closure after seeing the signs posted at the site. He said he lives in the City limits and uses the dump station occasionally. After I described the City's general concerns with the existing dump station, Dan said he'd support the City increasing security and even charging a fee for use of the dump station but not closing it completely. He said using the Fort Stevens State Park RV dump station as an alternative dump site is inconvenient.

Dan said he is planning to attend the City Council meeting to provide comment.

Cindy Moore

Subject: FW: Comments about RV dump station in Astoria

From: Chris Comstock <comstockphotography@gmail.com>

Date: October 26, 2018 at 9:07:52 AM PDT

To: jharrington@astoria.or.us

Subject: Re: FW: Comments about RV dump station in Astoria

Hi Jeff,

No, I don't think Ft. Stevens would be an issue. We drove out there to the shipwreck with the RV (30 feet long), no problem. We did not go anywhere else in the park. I think seeing the dumpstation on the apps at Ft. Stevens would almost as convenient, and even a bit out of the way from 101 doesn't seem too inconvenient when traveling just long distances.

Best of success on finding solutions!

Chris

On Thu, Oct 25, 2018 at 4:04 PM Jeff Harrington <jharrington@astoria.or.us> wrote:

Hi Chris,

Thank you very much for your input. This is not an easy decision for us but our wastewater treatment plant is very sensitive to concentrated loads and is having problems in the dry season. Can you tell me if you as a traveler would find it very inconvenient to go a few extra miles out to Fort Stevens State Park that also has a free dump station? If you were traveling up Hwy 101 it would only be a few miles of a detour. Is there anything about Fort Stevens that is an issue if you are just traveling through such as the conditions of the roads going our there or the popularity of the park?

Thanks,
Jeff

Jeff Harrington, P.E.
Public Works Director
City of Astoria
1095 Duane Street
Astoria, Oregon 97103
Office: (503) 338-5177
Fax: (503) 338-6538
jharrington@astoria.or.us

From: Jennifer Benoit

Sent: Thursday, October 25, 2018 3:52 PM

To: Brett Estes <bestes@astoria.or.us>; Cindy Moore <cmoore@astoria.or.us>; Jeff Harrington <jharrington@astoria.or.us>

Subject: FW: Comments about RV dump station in Astoria

From: Chris Comstock [<mailto:comstockphotography@gmail.com>]
Sent: Thursday, October 25, 2018 1:44 PM
To: Jennifer Benoit <jbenoit@astoria.or.us>
Cc: Mandy s.c. Baily <luzdelsun@yahoo.com>
Subject: Comments about RV dump station in Astoria

Ms. Benoit,

We wanted to add comment to the upcoming discussion on the removal of the RV dump station on the West side of your city. My wife, my three kids, and I traveled through your fair city a couple weeks ago. We loved it. Everyone was so friendly and the city so beautiful and exciting to explore. We have been pleasantly and keenly aware of the fact that there are dump stations not only in your city, but across the state of Oregon and throughout Washington as well. These have been extremely convenient for us in our travels and allow us to more freely explore (and patronize) these states' many wonderful places! We began our travels in Florida, traveling West towards southern California and up the Pacific Coast as far north as the Olympic Peninsula. Until we reached California we had found similar dump and fill facilities for our RV. Once in California, all that convenience stopped; it was very difficult to travel in an RV. And once in Oregon, we were relieved to find it again. Needless to say, that is one among many factors (the biggest factor is that the people in Oregon are so friendly and the landscape so beautiful!) as to why we plan to visit Oregon again, and not bother with California.

We understand that these facilities actually do not come "free", and that the actual financial burden falls on the local taxpayer. But, please consider the benefits associated with providing this service. Your city receives more visitors... that results in economic input at varying levels. You encourage the free spirited movement of travel and discovery that this country is known for (think of the Oregon Trail itself!), and you mitigate the risks of illegal grey and black water dumping. Granted there may be some thought that these facilities attract a unwelcome element, such as dilapidated RVs. But, it seems the benefits could outweigh the negatives. If you do come to the conclusion to remove the dump station, I hope you will at least consider taking an intermediate step to make it a pay-per-use facility; I would think most would be happy to pay a reasonable price of \$5 per use, or even \$10 per use if there were also a potable water fill. This is typical of RV parks.

As we travel we make comment to several websites and travel "Apps", such as Campendium.com and Allstays (app) in which fellow travelers note safe places to stay, places to shop/eat, places to explore. One of the data types is noting dump/fill stations. We will have nothing but positive things to say about Astoria in all these areas, and will hope the the dump station remains for other fellow travelers. In fact, we will ask that future travelers check to see if it is still there.

Thank you for considering our input. And thank you to all of you citizens for making our visit enjoyable. See you again soon I hope!

Chris and Mandy Comstock

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Chris Comstock

Principal Photographer and Owner of Comstock Photography
Certified Professional Photographer (Professional Photographers of America)

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www.facebook.com/ComstockPhoto
<https://www.instagram.com/comstockphoto>

Cindy Moore

From: Misty Moore
Sent: Monday, October 29, 2018 8:06 AM
To: Nathan Crater; Cindy Moore; Jeff Harrington
Subject: FW: Dump Station Astoria City Council

From: martin BUDNICK [mailto:BUDNICK912@msn.com]
Sent: Saturday, October 27, 2018 2:38 PM
To: Misty Moore <mmoore@astoria.or.us>
Subject: Dump Station Astoria City Council

This is a response to you closing the dump station on the west end of Astoria. As a resident of Warrenton for the last 30 plus years and having owned a camper the last ten years this dump station is one of the best conveniences that I have used in our town and provided at no cost to me and other people that travel to our area. I have seen what happens when RV people don't have a place to dump it goes on side roads and anywhere they can dump without being seen. I find this dump station a real privilege to use even if it's only four or five times a year that I use it.

I am assuming the cost factor of maintaining this station is the issue or maybe the neighbors around it are complaining. I look at all you try to do with the homeless around here supplying them with sani cans because when you don't supply this service to them it gets dumped on your streets and sidewalks in front of our stores. I don't see them helping out with our economy or our local businesses like I for one and also all the vacationers that come to our area spend money here that you want.

This is one of the few things that you provide at no cost but I as one user am vert gratefull for having this service available to me. It is always well maintained from what I see and tha area has been kept clean. I would be vert disappointed to see this dump station closed and if you closed this then I know where your priorities are. I would be at the meeting in person but I will be out of town during that time frame.

I hope you will not close this dump station for I for one would be very grateful in being able to continue to have this available to me personally. Thank You

Martin Budnick
Warrenton resident for 30 year
Disable Veteran



CITY OF ASTORIA

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MEMORANDUM • PUBLIC WORKS DEPARTMENT

DATE: OCTOBER 15, 2018
TO: MAYOR AND CITY COUNCIL
FROM: BRETT ESTES, CITY MANAGER
SUBJECT: REQUEST TO TRIM TREES ON CITY PROPERTY - STULL

DISCUSSION/ANALYSIS

Paul Stull, owner of the property at 211 W Kensington Ave, has submitted an application for permission to trim trees on City property. The City owned property is to the west of the Stull property and includes Tax Lot 4300; Map 80918BA. Mr. Stull has obtained all signatures of adjoining property owners. The trees to be trimmed are Big Leaf Maple and appear to have been trimmed in the past. The applicant has hired Young's River Tree Service LLC., which has a certified arborist on staff, to do the trimming. The trees are located partially within an Oregon Department of Geology and Mineral Industries rock slide translational area. Since the trees are only being topped and no trees are proposed to be removed, a geologic report has not been required of the applicant.

Should City Council agree to approve this request, staff recommends the following conditions:

- 1) Applicant shall employ any erosion control measures required to stabilize all disturbed areas and assure that new growth is fully established.
- 2) Tree height reduction shall be no more than 25%.

RECOMMENDATION

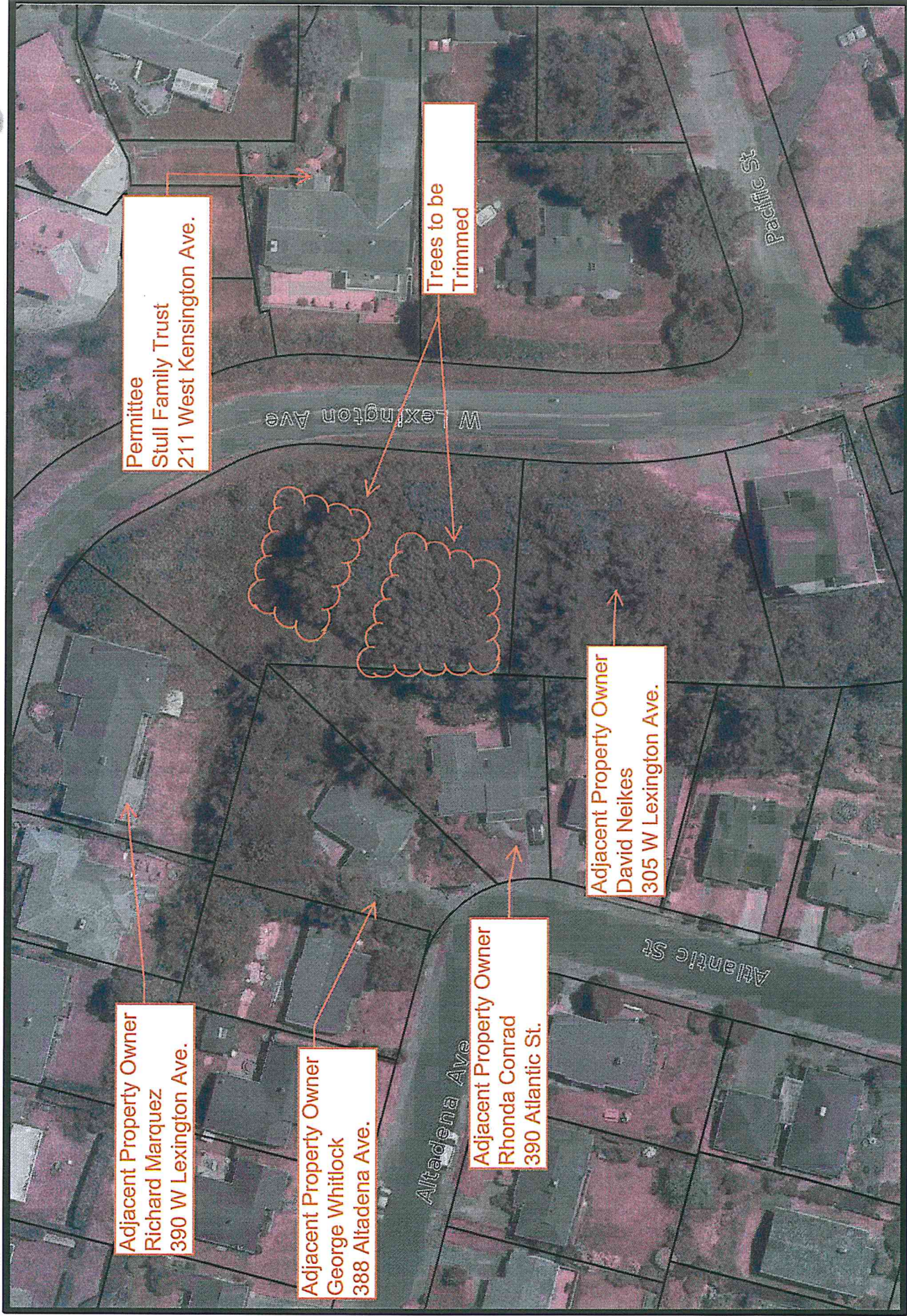
Based on the information presented above and a site visit by City staff, it is recommended that the request to trim trees on City property be approved.

By: Jeff Harrington
Jeff Harrington, Public Works Director

Prepared by: Nathan Crater
Nathan Crater, City Engineer



CITY OF ASTORIA
FOUNDED 1811 • INCORPORATED 1856

[illegible]



City of Astoria
1095 Duane
Astoria, OR 97103

FOR CITY USE ONLY:

Permit No. _____

Date: _____

Paid: _____

Engineering Department

Phone: 503-338-5173

Fax: 503-338-6538

**APPLICATION FOR PERMISSION TO FELL/CUT TREE(S) ON
*CITY PROPERTY OR **UNOPENED CITY RIGHT-OF-WAY**

Check All that Apply

Reason: View ☒ Shades Property ☒ Hazardous ☐ Firewood ☐ Other ☐

Method: Fall ☐ Top ☒ Trim ☒

FEE: Firewood: \$20.00 Right-of-Way: \$60.00 City Property: \$250.00
Arborist Report (if required): Actual cost

Applicant: STULL Family TRUST Lake Oswego Owner ☒ Renter ☐

Address: 211 W. Kensington Ave - P.O. BX 742 Phone: _____

Site Location: _____ Map/Tax Lot 80918BA04300

Mail Permit to: 1895 S. Main Warrenton OR 97146

Work to be performed by: Youngs River Tree Service LLC

Mailing Address: 1895 S Main Warrenton Fax: _____

Phone: 503-861-8618 Insurance Company: Liberty Mutual Policy #: BK095657198

all these trees have been previously topped



Sketch Area Showing:

1. Location, size, and species of tree(s).
2. Your property.
3. Adjacent property owners as listed below.

SIGNATURE BELOW INDICATES CONCURRENCE WITH TREE CUTTING (REQUIRED ON CITY PROPERTY ONLY)

Signature	Address	Phone	Remarks
1. <u>[Signature]</u>	<u>305 W. Lexington</u>		
2. <u>[Signature]</u>	<u>369 W. Lexington</u>	<u>623-372-0534</u>	
3. <u>[Signature]</u>	<u>388 Altadena</u>	<u>503-470-0091</u>	
4. <u>[Signature]</u>	<u>211 W Kensington</u>		
5. <u>[Signature]</u>	<u>390 ALTATIA</u>		
6. _____			

Over →

APPLICATION FOR PERMISSION TO FELL/CUT TREE(S) ON CITY PROPERTY

This is a permit to fell/cut TRIM tree(s) from Lot (s) 4300 Block (s) _____
Addition _____ to the City of Astoria to the City of Astoria and to fell/cut _____ tree(s)
from _____ Street(s) in the City of Astoria.

GENERAL CONDITIONS

Tree(s) to be felled/cut in a careful manner under the supervision and responsibility of the applicant and as specified by the City Engineer. Applicant is to remove within 2 days of cutting all such felled/cut tree(s) and all resulting debris from such City property, Streets or Alleys and to hold the City of Astoria harmless from any and all damages or claims of damages as a result of such felling or cutting. Permit expires December 31st of dated year. Permit may be revoked at any time with notice. All ordinances of the City of Astoria shall be complied with*.

SPECIAL CONDITIONS OR REMARKS

Youngs River trees has previously pruned these particular trees in 2003, 2008 & 2013 and would like to continue pruning on this schedule to avoid taking more than 25% of the crown

Signature of Applicant: _____

[Signature]
Conditions Accepted and Approved

Date: 6-29-16

Permit Approved by: _____

Date: _____

*Astoria Code 2.500 Permit for Removing Trees from Unopened City Right-of-Way

1. Prior to removing trees from unopened city rights-of-way, the owner of the underlying fee shall obtain a permit for the city engineer. In granting a permit, the city engineer shall make a written finding that one of the following criteria exists:

- (a) Necessity to remove tree(s) which pose a safety hazard;
- (b) Necessity to remove diseased tree(s) weakened by age, storm, fire, or other injury;
- (c) Need for solar access, or the obtaining of views which cannot be accomplished by pruning;
- (d) Commercial harvesting is appropriate and removal of the trees poses no threat to the physical integrity of the right-of-way or adjacent property;
- (e) Necessity of the owner of the underlying fee to temporarily use a portion of the right-of-way for purpose of access to their property.

2. A denial of a permit may be appealed to the city council if notice of such appeal is filed with the finance director within 15 days of the date of denial.

**City of Astoria Administrative Practice Tree Removal Policy on City Property

Section 1.01 – Purpose

This administrative practice defines the practice and procedures to be used in cutting trees on City property.

Section 1.02 – Dangerous Trees

Removal of dangerous trees will be a staff decision.

Section 1.03 – Other Trees

Proposed removal of any tree or trees, other than dangerous trees, will be placed on the agenda of a City Council meeting for City Council consideration.



Date, 2018

Senator Ron Wyden
Senator Jeff Merkley
US Senate
Washington, DC 20510

Representative Earl Blumenauer
Representative Peter DeFazio
Representative Kurt Schrader
Representative Greg Walden
Representative Suzanne Bonamici
US House of Representatives
Washington, DC 20515

Re: Protecting America's Public Lands Heritage

Dear Senators and Representatives,

As elected leaders from across Oregon, we write you to express our strong support for protecting our public lands and ensuring these special places are not transferred out of public ownership, degraded by damaging management practices, or harmed by irresponsible development.

In Oregon, public lands provide our communities with countless environmental, economic, and quality of life benefits. Public lands are where Oregonians hike, camp, fish, hunt, raft, and pursue a myriad of other outdoor recreation opportunities that make this state such a wonderful place to live, work, and raise a family. For generations, the exploration and enjoyment of our public lands heritage has become synonymous with what it means to be an Oregonian.

Outdoor recreation and tourism on our public lands are also key drivers of Oregon's modern economy. Travel Oregon has found that **outdoor experiences remain a primary driver of non-residents visiting our wonderful state**. Data from the Outdoor Industry Association shows that outdoor recreation in Oregon generates \$12.8 billion in economic activity each year, supporting 141,000 jobs statewide. These jobs are tied to the protection and stewardship of cherished public places like Crater Lake National Park, the Three Sisters Wilderness, and the diverse National Forests that blanket many of Oregon's mountain ranges.

Oregonians deeply value our public lands, not only because they are integral to the state's economy, but also because they are vital to our state's overall environmental health. For example, **over two-thirds of Oregonians get their drinking water from federal public lands**, and dozens of cities all across our state, including Portland, Eugene, and Bend, depend on rivers that flow through our public lands for clean, safe drinking water. Our National Forests, Monuments, Refuges, and other public lands also provide crucial habitat for robust fish and wildlife populations, which in turn supports **unparalleled hunting and fishing opportunities**.

Unfortunately, **today our public lands are threatened on numerous fronts**, from Executive Orders attacking our National Monuments to the Bundy's and their allies who seek to sell off America's public lands legacy. As elected leaders, we believe it is vital that we defend our precious public lands from these threats and ensure they can continue to sustain our state for generations to come.

To that end, we urge you to:

- **Reject any legislation that would privatize or otherwise diminish America's public lands.** These lands should be held in trust for all Americans for generations to come.
- **Support the Cascade-Siskiyou National Monument** and reject any attempt to eliminate other protections for our public lands.
- **Support our bedrock environmental laws** such as the Clean Water Act, National Environmental Policy Act, and the Endangered Species Act. America's environmental laws help ensure our wildlife, rivers, and wild places are protected and that Americans have a voice in how our public lands are managed.
- **Support stronger safeguards, like Wilderness, for our most special places.** Landscapes like the greater Crater Lake region, the stunning Owyhee Canyonlands, and the majestic forests of the Ochoco Mountains should be protected.

Senators and Representatives, we believe that Oregon's public lands are a priceless treasure, and that the clean water, wildlife habitat, and recreational opportunities they provide must be safeguarded for future generations. We stand with our public lands, and the millions of Oregonians who treasure them, and urge you to fight along side us to protect our special places and our way of life.

Thank you for your leadership in protecting Oregon's public lands,