



AGENDA

ASTORIA CITY COUNCIL

Monday, June 17, 2019
2nd Floor Council Chambers
1095 Duane Street
Astoria OR 97103

1. CALL TO ORDER
2. ROLL CALL
3. REPORTS OF COUNCILORS
4. CHANGES TO AGENDA
5. CONSENT CALENDAR

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

- a) City Council Meeting Minutes of May 20, 2019
- b) Authorization to Award Contract to Greensmith Landscapes for Landscaping Services at Tourist Related Sites
- c) Library Catalog Inter-Governmental Agreement (IGA)
- d) Grand Ave Sanitary Sewer Repair Project
- e) Authorize Contract for CSO Program Modeling Support Services with HDR

6. 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 and Adoption Amendment Request (A19-04) for Miscellaneous Issues
- b) Public Hearing and 1st Reading Amendment Request (A19-01A) for Riverfront Vision Codes
- c) Public Hearing and 1st Reading Amendment Request (A19-02) for Transient Lodging
- d) Water and Sewer Resolutions
- e) Adopt IAFF Contract
- f) Fire Salary Resolution
- g) Recology Rate Review for Year End December 2018 For Solid Waste Collection and Transfer Station Activities

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

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



CITY OF ASTORIA

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MEMORANDUM • CITY MANAGER

DATE: JUNE 12, 2019
TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: ASTORIA CITY COUNCIL MEETING OF MONDAY, JUNE 17, 2019

CONSENT CALENDAR

Item 5(a): City Council Meeting Minutes for May 20, 2019

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

Item 5(b): Authorization to Award Contract to Greensmith Landscapes for Landscaping Services at Tourist Related Sites

Through the 2019-20 budget, Council has designated funds to continue the practice of contracting with a landscaping company for the care and maintenance of tourist related properties that will enhance their beauty and allow them to be cared for at a higher standard. After soliciting bids to local landscaping companies, Greensmith Landscapes LLC has provided a bid of \$86,972.64 for services at Parks properties:

The contract has been reviewed and approved as to form by the City Attorney.

It is recommended that City Council approve the landscape services contract for tourist related sites with Greensmith Landscaping, LLC for the amount of \$86,972.64

Item 5(c): Library Catalog Inter-Governmental Agreement (IGA)

In 2000 Reading Outreach in Clatsop County (ROCC) was formed. This partnership provides free library cards to the children residing in unincorporated areas of the County and allows for the sharing of library materials among the Astoria, Seaside, and Warrenton libraries.

The Seaside and Warrenton libraries currently share a catalog allowing for greater access by patrons and automating the process providing for better utilization of staff time. The cooperation of libraries will increase library service within the County along with saving money currently expended for duplicate services billed by The Library Corporation (TLC). This savings will be utilized to assist with paying for a courier service between the libraries which is currently provided by each library director rotating a weekly pick-up and drop-off of materials.

It is recommended that City Council approve the IGA allowing the library to transition to shared catalog.

Item 5(d): Grand Ave Sanitary Sewer Repair Project

In early January a collapsed portion of sewer pipe was found under Grand Avenue. A bid was awarded to Big River Construction in the amount of \$47,400. Council also approved a \$10,000 construction contingency to give staff the ability to approve changes due to unforeseen conditions that would have exceeded the City Manager's spending authority.

During construction an additional section of pipe was replaced to ensure proper connection could be made and additional cost was incurred in the amount of \$9,362.00. This was within the approved contingency, however; the additional expenditure resulted in total project costs exceeding BOLI thresholds and became subject to prevailing wage rates. An additional cost of \$6,991.07 would need to be added to the change order for a total of \$16,353.07. Funding is available in the Public Works Improvement Fund.

It is recommended that City Council approve the Change Order with Big River Construction in the Amount of \$16,353.07.

Item 5(e): Authorize Contract for CSO Program Modeling Support Services with HDR

HDR Company has provided CSO support services since April 2012. For computerized hydrologic and hydraulic modeling for the city's Combined Sewer Overflow project. They provide specialized engineering technical support along with assistance in determining the scope of future CSO projects, analyzing data and reporting to the Department of Environmental Quality (DEQ).

It is recommended that City Council renew the contract for CSO Modeling Support Services with HDR for a total not to exceed the amount of \$55,356.00.

REGULAR AGENDA ITEMS

Item 6(a): Second Reading and Adoption Amendment Request (A19-04) for Miscellaneous Issues

The first reading of this ordinance was held at the June 3, 2019 City Council Meeting. Over the years, staff have identified several sections of the Development Code that need to be updated for various reasons. Some of the requested code language changes are corrections and codification of interpretations that have been made by the Astoria Planning Commission (APC), staff, and/or the City Attorney throughout the years. Many of the proposed amendments will streamline the process for both staff and the general public when processing permits and/or doing simple construction. This would reduce the need for variances thereby freeing up some time for staff to address other issues. Some of the proposed amendments would bring the Code into compliance with State requirements. Additional details on the various proposed amendments is included in the attached Findings of Fact.

The Planning Commission held a work session on February 26, 2019 and a public hearing on April 23, 2019. The APC recommends that the City Council

adopt the proposed amendments. The proposed ordinance has been reviewed and approved as to form by the City Attorney.

The memo included in the packet provides an overview of the proposed amendments.

It would be in order for Council to hold a second reading of the ordinance and adopt the Miscellaneous Code amendment.

Item 6(b): Public Hearing and 1st Reading Amendment Request (A19-01A) for Riverfront Vision Codes

The City is currently conducting work sessions with the APC and City Council on proposed amendments to adopt codes for the proposed Urban Core Overlay Zone.

In 2018, the first large project within the Bridge Vista Overlay area was reviewed by the Historic Landmarks Commission and Design Review Committee. Both bodies denied the requests which were appealed to the City Council. The City Council approved the appeals but noted that portions of Code were not clear on what was intended for various design aspects. The Council expressed interest in amending the code to clarify various sections of the BVO to reduce confusion and clarify the design review process. Some of the issues included: statement that certain sections of the code control over other sections when there is a conflict between requirements; clarify which design standards apply to new construction and which apply to alterations to existing structures; clarify how the setbacks are applied to the structure; clarify that mass and scale review applies to the entire structure and not just the street facade; and identify what structures and/or area is included when reviewing compatibility with the proposed structure. In addition, staff identified other areas in the Code for the Riverfront Vision area that needed to be updated including adding clear and objective design standards for residential development in BVO; clarifying which codes apply to the Mill Pond area; allowed exceptions to window percentage for building elevation with an elevator shaft; clarified limitations on building height exceptions for elevators, etc.; added reference to the overlay zones in each of the applicable base zones; and some other minor clarifications.

At a work session on February 19, 2019, the City Council reviewed the initial draft ordinance. The Planning Commission held a public hearing on March 26, 2019 and April 23, 2019. The APC recommends that the City Council adopt the proposed amendments on the first part of the request (A19-01A). The proposed ordinance has been reviewed and approved as to form by the City Attorney.

A copy of the annotated proposed amendments, the proposed ordinance in code numerical order, a list of the proposed amendments, and the Findings of Fact are attached for Council consideration.

If the draft code meets Council's expectations, it would be in order for Council to hold a public hearing and conduct a first reading of the ordinance for Riverfront Vision Codes amendments. If the Council holds a first reading of the ordinance, the proposed amendment would be scheduled for consideration of a second reading and adoption at the July 1, 2019 Council meeting.

Item 6(c): Public Hearing and 1st Reading Amendment Request (A19-02) for Transient Lodging

Over the last few years, the number of illegal transient lodging facilities in Astoria has increased substantially and enforcement is difficult. With the increase in the use of advertising platforms (such as Airbnb, VRBO, etc.) that compounded the problems, the City Council discussed the need for better codes, licenses, and enforcement and directed staff to draft new code language for a licensing process. At its December 3, 2018 meeting, the City Council adopted City Code amendments for Home Stay Lodging Licenses, and the Transient Lodging Tax. These amendments put the regulations and license requirements 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 adopted City Code. The City Code specifically addresses Home Stay Lodgings (one or two bedrooms in an owner-occupied home). However, some standards/ requirements will be included in the Development Code rather than the City Code as they will address all forms of transient lodging.

The Planning Commission held a public hearing on April 23, 2019. The APC recommends that the City Council adopt the proposed amendments. The proposed ordinance has been reviewed and approved as to form by the City Attorney.

A copy of the annotated proposed amendments, the proposed ordinance in code numerical order, a list of the proposed amendments, and the Findings of Fact are attached for Council consideration.

If the draft code meets Council's expectations, it would be in order for Council to hold a public hearing and conduct a first reading of the ordinance for Transient Lodging Code amendments. If the Council holds a first reading of the ordinance, the proposed amendment would be scheduled for consideration of a second reading and adoption at the July 1, 2019 Council meeting.

Item 6(d): Water and Sewer Resolutions

The approved budget for 2019 – 2020 provides for a 1% increase in rates and fees for both water and sewer services.

Two resolutions have been prepared to implement the Fiscal Year 2019 – 2020 Water & Sewer Rules and Regulations and clauses were added to sunset the Commercial Adjustment allowing the existing user to be grandfathered into the adjustment.

It is recommended that City Council adopt the proposed Water and Sewer Resolutions for the fiscal year 2019-20.

Item 6(e): Adopt IAFF Contract

At the time of City Council packet preparation the contract revisions were in the process of being finalized. This memo will be brought to the City Council meeting on Monday.

Item 6(f): Fire Salary Resolution

At the time of City Council packet preparation the Salary Resolution was in the process of being finalized. This memo will be brought to the City Council meeting on Monday.

Item 6(g): Recology Rate Review for Year End December 2018 For Solid Waste Collection and Transfer Station Activities

The City's franchise agreement with Recology requires submission of financial statements and a separate rate review for both the Solid Waste Collection and Transfer Station Franchises no later than April 30 each year. Recology transmitted appropriate reports and financial information, in a timely manner which was received April 1, 2019. The purpose of the annual rate review is to determine whether Recology's "Operating Ratio" for their solid waste collection and transfer station operations fall within the limits set by the Franchise Agreements with the City. Recology requested rate modification effective January 1, 2019 for commercial and residential collections with a commitment to forgo further adjustments until July, 2020 for the Solid Waste Collection Operations. This is re-emphasized in the attached letter. Additionally, a summary of operational issues is presented in the letter prepared by Mr. Peters and attached to the memo.

Staff reviewed the provided information and agrees with Mr. Peter's assessment. Attached is a resolution to include the 3 % increase for the internal disposal rates and public self-haul rates for Astoria Transfer Station, to be effective July 1, 2019.

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

Councilors Present: Brownson, Rocka, Herman, West, and Mayor Jones.

Councilors Excused: None

Staff Present: City Manager Estes, Parks and Recreation Director Williams, Finance Director Brooks, Fire Chief Crutchfield, Police Chief Spalding, Public Works Director Harrington, Library Director Pearson, and Interim City Attorney Josh Stellmon. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

PRESENTATIONS

Item 3(a): ODOT ARTS Project Update

Ken Shonkwiler from the local Oregon Department of Transportation (ODOT) office will be making a presentation on the US 30: 7th Street – Basin Street Roadway Reconfiguration/Safety Project which is identified in our Transportation System Plan (TSP). The project was initially presented to Council at a Work

Session on May 2, 2018. The project would be funded through ODOT's All Roads Transportation Safety (ARTS) Program.

Ken Shonkwiler, 1426 8th Street, Astoria, provided an update on the US 30: 7th Street – Basin Street Roadway Reconfiguration/Safety Project via PowerPoint. The presentation included a brief overview of ODOT's capital project list, an explanation of the ARTS Project, his work with City Staff to identify and develop the safety project in Astoria, details of the roadway reconfiguration and safety features that would be constructed, laws that impact the project, how the project fit in with the Uniontown Reborn project, direction provided by Council, funding and project costs, and next steps. He responded to questions from Councilors with the following comments:

- Bike lanes would be added to both sides of Highway 30, and they would be clearly striped and marked. The lanes would be dedicated bike lanes, not shared lanes, due to ODOT policies.
- The flashing beacons at pedestrian crossings would be installed on the corners of the ADA ramps so they are accessible. Councilor Herman said she preferred that the lights be installed in the pavement, so they are more visible. Mr. Shonkwiler explained that ODOT does not have standards for those types of crosswalks, so they are not being built on State highways.
- Planning for traffic during the worst peak season hours would result in an overbuilt system, so ODOT plans for the 30th highest hour below that. Analyses indicate average traffic in Astoria has remained the same since 2013, but traffic does increase during events like festivals. Additionally, multimodal infrastructure that provides access to Uniontown would allow the community to provide transportation options for everyone.
- The project planning used data from updated traffic counts done as part of the Uniontown Reborn Plan, which is more recent than the 2013 data in the Oregon Highway Plan.
- ODOT counts cars year-round and for Uniontown Reborn, 48-hour counts were used to calculate an average and determine the peak hour throughout the week. The counts indicated that when congestion exists, the delay is 20 seconds.

Councilor Rocka said he hoped the new configuration could extend all the way to the bridge because there are some curves that need turn lanes. People who live in Uniontown have expressed concerns about traffic speeds and clearance for parked cars. The three-lane proposal would alleviate those concerns and problems crossing the street. He believed the project would be a greater good for most people.

Mr. Shonkwiler stated he would send out a more detailed description of the scope of the project. The three-lane section is the same configuration as the east end of town from 2nd Street to about 7th or 8th Street on Highway 30. ODOT figured out how to provide two westbound lanes within the existing right-of-way from 2nd Street to the bridge while adding bike lanes and a center turn lane for vehicles. The three-lane cross section will not extend all the way through. The project focuses on crash mitigation and improving pedestrian and bike safety. Traffic will still be allowed to move within ODOT's guidelines.

Councilor Rocka said many people were concerned about the intersection where the new grocery store is going in. He asked if ODOT was going to mitigate the additional left turns.

Mr. Shonkwiler explained that he, City Staff, and ODOT's engineers reviewed the transportation impact analysis done for the grocery store. There are multiple ways to access the store and while much of the traffic will access it from 23rd Street, there was no ideal mitigation feasible for the turning movement. He offered to give his contact information so that Councilor Rocka could follow up in more detail.

Councilor Brownson believed the left-hand turn lane would go a long way to stopping people from holding up traffic. He hoped that this project would help the flow of traffic, whether it was slow or fast. If the project is approved for funding, it could synchronize with the Uniontown Reborn project timeline.

Mr. Shonkwiler said planning and project delivery never end up going hand in hand like this. It was not planned, but just so happened that when the City did its Transportation System Plan (TSP) and asked for support for this project, the preferred cross section west of the bridge had not yet been determined. So, the Uniontown Reborn plan will tackle that area and ODOT will have a clear understanding of how to tie the two projects together.

Councilor Brownson stated he looked forward to talking more about the area around the grocery store. When the other buildings are sold and a business goes on to the island, he would worry about the impact.

Mr. Shonkwiler said Oregon has a unique land use system that prioritizes high speed flows outside of urban boundaries. Inside of cities, ODOT tries to accommodate infrastructure that connects the town. He would keep Staff updated about the project schedule.

REPORTS OF COUNCILORS

Item 4(a): **Councilor Herman** reported she attended the meet and greet with the two finalists for the Community Development Director position. Both candidates were excellent. She met with one of her constituents to get another perspective on the housing crisis. She attended a historic preservation presentation with Mayor Jones given by John Goodenberger and Lucien Swerdloff, who are involved with the college's Historic Preservation Program. She learned that when buildings are restored, they can be more ecologically friendly than modern buildings. The wood used to build old homes is much better quality than what is used today and restoring homes is a way of recycling. She attended the opening of the Sunday Market and was glad that the market was back every week. She reminded that the election was on May 21st and encouraged everyone to drop off their ballots.

Item 4(b): **Councilor Brownson** reported that he planned to attend a meeting with the County and other cities to discuss common issues. He encouraged everyone to vote, noting that as of Friday, 17 percent of registered voters had voted.

Item 4(c): **Councilor West** reported that ballots could be dropped off at the Clerk's Office at 820 Exchange Street until 8:00 pm on May 21st. Her next meet and greet would be at Alderbrook Hall on June 20th at 4:30 pm. Everyone is welcome, even those who do not live in her ward. She looked forward to Parks and Recreation's Splash into Summer on June 1st, and she planned to perform. She passed both Federal Emergency Management Association (FEMA) exams. She met with Jim Knight and toured the Port property. She got a better understanding of where the Port is at and Mr. Knight's vision for the Port.

Item 4(d): Councilor Rocka reported he spent the day with Jim Knight and toured Port property. Mr. Knight had talked about his hope for the area. He encouraged Mr. Knight to present his plans as they develop to City Council so the Council could consider all of the impacts.

Item 4(e): Mayor Jones reported that he attended a commemoration of the longest serving keeper of the Tillamook Rock Light at Ocean View Cemetery, hosted by the Lighthouse Commemoration Society. He commended Director Williams and Caretaker Ames for making the grounds look so nice. He also attended the Fire Department's awards banquet with City Manager Estes. He represented Astoria at the Columbia Pacific Economic Development meeting and the Area Committee on Transportation meeting. Astoria is always represented at these meetings, which occur every two months in various locations throughout a four-county area. Columbia Pacific Economic Development gives grants and loans to struggling businesses that cannot get traditional financing. He attended the Historic Preservation Energy Efficiency Lecture with Councilor Herman. He noted he is being as green as possible by restoring his old house and funneling lots of money to local electricians and plumbers. The Clatsop County Mayors will meet on May 21st to discuss several issues. Senator Merkley will be in Astoria on Saturday to host a public town hall meeting at 10:00 am at Patriot Hall. Prior to the public town hall, elected officials will meet with the Senator at 9:30 am.

CHANGES TO AGENDA

No changes.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) Boards and Commission Minutes
 - (1) Planning Commission Meeting of February 5, 2019
 - (2) Planning Commission Meeting of February 26, 2019
 - (3) Planning Commission Meeting of March 26, 2019
 - (4) Design Review Committee Meeting of March 7, 2019
- 6(b) Transportation Growth Management (TGM) Grant for Uniontown Reborn Project – IGA Amendment
- 6(c) Liquor License Application from Major Triangle LLC for an Existing Business as Triangle Tavern, located at 222 W Marine, for a Full On-Premises Sales Commercial License
- 6(d) Resolution to Transfer Appropriations within Building Inspection Fund #128 Budget for FY2019-2020
- 6(e) Resolution to Change the Name of the Trails Reserve Fund #174

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

REGULAR AGENDA ITEMS

Item 7(a): Resolution to Update Wage and Salary Schedules

The Community Development Department has five Full Time Equivalent (FTE) split between the planning and building divisions. The Community Development Director is a full-time position which has been vacant since October 31, 2017. There have been three extensive recruitment processes with the last effort being led by The Prothman Company. It has been difficult to attract fully qualified candidates who meet the unique requirements of the City of Astoria within the current salary range and to allow for increases. The position requires a unique set of professional abilities including management, historic and design review, urban and comprehensive planning (both long range and code amendments) and development review in order to successfully accomplish the prescribed duties of the position. In order to assist with successful recruitment and provide a competitive wage it is necessary to implement a change in the position range prior to ensure we are competitive in the salary offering. As part of our

listing with Prothman, we understand our current salary range is low and are aware of other openings in the immediate area which would indicate an adjustment is necessary.

The salary range for Community Development Director is proposed to move from Range 51 to Range 53, effective June 1, 2019 to facilitate recruitment and retention. Funding is available in the current budget due to vacancies and has been incorporated in the recently approved budget for FY 19-20 which will be brought before Council June 3, 2019 for adoption.

Additionally, the following adjustments to titles have been incorporated to align with the changes in the job description updates which did not require wage and salary changes:

<u>Current Position</u>	<u>Title Updated Position</u>	<u>Title Schedule/Range</u>
Senior Records Specialist	Senior Records & Evidence Specialist	C / 14
Engineering Secretary	Engineering Administrative Assistant	A / 18

It is recommended that the City Council approve the revised salary range and titles contained in the attached resolution.

Councilor Herman stated the updates make a lot of sense. Astoria needs to pay its employees competitive wages. She has been impressed with the department heads and all Staff and would hate to lose someone because they are being paid a little less than another jurisdiction.

Councilor West said she supported the resolution. She understood that this would make the Community Development Director the City's highest paid department head.

City Manager Estes explained that several variables factor into the salaries for the Fire and Police Chief positions. The City Council has made agreements that result in their cost of living adjustments being commensurate with any negotiated cost of living adjustments for their respective bargaining units. He added that in the next fiscal year, additional adjustments are anticipated for other positions.

Councilor Rocka agreed with Councilor Herman. This resolution is moving in the right direction.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor West, to adopt the resolution updating the wage and salary schedules. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 7(b): Resolution Amending the Fee Schedule for Ocean View Cemetery and the Aquatic Center

The mission of the Astoria Parks and Recreation Department is to provide lifelong learning, wellness, and well-being through recreational opportunities and is dedicated to the preservation of natural resources, open spaces and facilities that inspire and bring neighbors together. To assist in achieving this goal the Parks and Recreation Department charges fees to assist in the cost recovery of the Department operations. The Department's budgeted cost recovery for the 2018-2019 fiscal year is 44%, resulting in a cost recovery rate of nearly double the national average and top quartile standing for revenue generation per capita. The Parks and Recreation Department is able to achieve this high cost recovery and revenue generation due to revenue generation, business practices, and innovations.

Section F of the adopted Fee Schedule includes for Parks and Recreation services. Other fees charged by the Parks and Recreation Department for program-based activities are not included in the Fee Schedule to allow flexibility for maximum cost recovery as programs ebb and flow.

It is recommended that City Council authorize this fee schedule edit in order to meet the budgeted cost recovery for the 2019 – 2020 fiscal year and to offset maintenance costs at Ocean View Cemetery.

Councilor Brownson said he supported the fee schedule since the changes were incremental. City Manager Estes confirmed for Councilor Brownson that the cemetery's funding sources include purchases of new plots, fees for services, interest on the Irreducible Fund, and the General Fund.

Councilor Brownson stated the cemetery expenses are a burden for the City. The master plan will identify ways to make it more manageable. He planned to bring this up at the County meeting because the cemetery is a County cemetery, not a City cemetery. He wanted to discuss cost sharing with the other jurisdictions.

Councilor Herman asked how the cemetery rates compared to other cemeteries around the nation. Director Williams explained the master planning process has opened Staff's eyes to where Astoria stands compared to other agencies across the country. Astoria is very competitive and still lower than other cemeteries in the region.

Councilor Herman said 44 percent recovery was double the national average. She was concerned that families who could not afford the Aquatic Center did not know that the Parks Department had a scholarship program. She asked if the program had enough funds to provide access for everyone who needs it. City Manager Estes clarified that the Parks Foundation, not the City, offered the scholarship program. The City used to budget money for scholarships, but several years ago, the scholarships began to be funded by the Parks Foundation. Director Williams added that the Run on the River was a fundraiser hosted by the Foundation to raise money for scholarships. This year's event raised about \$30,000. Ninety percent of the scholarships are given to families who use the swimming pool.

Councilor Herman asked if scholarships were available for every family that qualifies or requests assistance. Director Williams stated the Foundation has been successful in funding all who qualify.

City Council Action: Motion made by Councilor Herman, seconded by Councilor Rocka, to adopt the resolution amending the fee schedule for Ocean View Cemetery and the Aquatic Center. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 7(c): Public Hearing for Three Community Development Contractor Contracts

The Community Development Department has been utilizing the services of planning consultants over the past year(s) to assist in maintaining service delivery as well as to assist in completion of special planning projects. Robin Scholetzky of UrbanLens Planning has been working on a number of planning permits and land division applications. Mike Morgan of Holland Morgan has been working to assist on day-to-day planning activities, assisting in development of the Uniontown Reborn project, and expansion of the Maritime Memorial. Rosemary Johnson has been working on a number of code amendments currently in process. Their contracts need to be extended with updated not to exceed dollar amounts. Staff strongly believes that it is in the best interest of the City to process a contract amendment for these three planning consultants. In order to directly appoint Robin Scholetzky of UrbanLens Planning, Mike Morgan of Holland Morgan, and Rosemary Johnson, the City Council will need to approve an exemption from the Competitive Solicitation Requirements after holding a public hearing to take comments on the exemptions per City code.

City Attorney Josh Stellman has reviewed and approved the findings as well as contract amendments as to form.

It is recommended that City Council conduct a public hearing for the purpose of taking public comment on the findings for exemption from the competitive solicitation requirements and adopt findings that authorize direct appointment of contract amendments for city planning services.

City Manager Estes explained that the City's applicable Codes are more restrictive than State Statutes. Staff has been discussing possible revisions to Astoria's purchasing Code to bring it more in line with State processes. He added that additional funds for contract services were available in the next fiscal year's budget.

Mayor Jones opened the public hearing at 8:03 pm and called for comments on the direct appointments of contractors.

Karen Niemi 909 Florence, Astoria, stated her comments were about Item 7(a): Resolution to Update Wage and Salary Schedules. As a taxpayer, she was concerned about increasing the salary for the Community Development Director position because it may lead to salary increases for other City positions and because one of the candidates for the position had already agreed to the current salary. She believed this candidate was more qualified, had more experience in strategic planning, visioning, economic development and community consensus building. This is a critical time in Astoria's future and this is a critical position. She wanted to make sure that the Council had considered both candidates and their qualifications for the position.

Mayor Jones called for comments on Item 7(c) Three Community Development Contractor Contracts. Hearing none, he closed the public hearing at 8:05 pm and called for Council discussion and deliberation.

Councilor Herman said she believed if the salary is raised for one department head, the same should be done for all department heads. This was planned for and budgeted. She explained that Council is not involved in the hiring process and hiring Staff is the City Manager's responsibility. It would be foolish not to pay the Community Development Director a competitive wage. The position has a lot of responsibility and this is a critical time in Astoria's history. The increase is modest and Astoria wants the best Staff possible.

Mayor Jones asked Council to comment on Item 7(c) Three Community Development Contractor Contracts.

Councilor Rocka stated the consultants had done a lot for the City and it seems appropriate to approve the exemption, allowing them to stay on. The contractors have great local knowledge and experience.

Councilor Brownson confirmed with Staff that funding for the contracts would be managed by the future Community Development Director based on need over time.

City Manager Estes added that several of the contractors are multi-disciplinary and have done work for other departments.

Councilor Herman said she was grateful for the services provided by the contractors. They are all competent and professional planners.

City Council Action: Motion made by Mayor Jones, seconded by Councilor Brownson to approve an exemption from the competitive solicitation requirements, and adopt findings that authorize direct appointment of contract amendments for city planning services. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 7(d): Building Inspection IGA

At the time of City Council packet preparation an IGA with the City of Cannon Beach was in the process of being finalized. This memo will be brought to the City Council meeting on Monday.

City Manager Estes said the current Building Official and Code Enforcement Officer has taken a job elsewhere but would work remotely as a contractor to provide some continuity in services during the City's transition to receiving services through the IGA. The IGA would provide for building inspection services required by the State as well as plan review services. Astoria currently has an IGA with Clatsop County for other services. However, the County does not have the capacity to take on additional work at this time. So, this would be a new IGA with Cannon Beach. Printed copies of the IGA were available at the dais.

Councilor Rocka stated the IGA seemed like a sound idea. Building inspections are consistent between cities and assisting each other just makes sense.

Councilor Herman asked how long the hiring process would take. City Manager Estes said the first review of applicants would be on Wednesday, at which time Staff would decide whether to continue the posting and do marketing. He hoped to fill the position in the next four to six weeks. However, building officials are in short supply.

Councilor Brownson explained that if the legislation on third-party contracting for inspectors had been upheld, Astoria would not be able to enter into the IGA. City Manager Estes clarified that because the City is working with another governmental entity, Astoria is covered under the legislation. When he received notice that the Building Official would be leaving, he contacted the State Building Codes Division to ask if third-party contractors could be used. The State provided a legal brief which was reviewed by Interim City Attorney Josh Stellmon. As there was no clear interpretation, Staff pursued an IGA instead of a third-party contractor.

City Council Action: Motion made by Councilor Rocka, seconded by Councilor West to approve the intergovernmental agreement with the City of Cannon Beach for Building Inspection Services. Motion carried unanimously. Ayes: Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

NEW BUSINESS, MISCELLANEOUS, AND PUBLIC COMMENTS:

Kris Haefker 687 12th Street, Astoria, thanked the City for making certain changes behind the American Legion building. Those changes mitigate a lot of the noise that travels up the hill and provides those who live on the hill with a calm evening.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:18 pm.

ATTEST:

APPROVED:

Finance Director

City Manager



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

MEMORANDUM • PARKS AND RECREATION

DATE: 6/10/2019
TO: MAYOR AND CITY COUNCIL
FROM: BRETT ESTES, CITY MANAGER
SUBJECT: AUTHORIZATION TO AWARD CONTRACT TO GREENSMITH
LANDSCAPES FOR LANDSCAPING SERVICES AT TOURIST
RELATED SITES

DISCUSSION/ANALYSIS

Through the 2019-20 budget, Council has designated funds to continue the practice of contracting with a landscaping company for the care and maintenance of tourist related properties that will enhance their beauty and allow them to be cared for at a higher standard. After soliciting bids to local landscaping companies, Greensmith Landscapes LLC has provided a bid of \$86,972.64 for services at the following properties:

- 8th St. Triangle Flower Bed, located on Marine Drive and 8th St.
- Portal Park, located at the corner of Leif Erickson Dr. and 33rd St.
- 15th St. Triangle, located on 15th St. between Marine Dr. and Commercial St.
- People's Park, located between 14th and 15th St. on Marine Dr.
- 17th St. Flower Bed, located at the north end of 17th St., in front of the Coast Guard Dock
- The Astoria Riverwalk, located along the Columbia River from the Megler Bridge to the entrance of Alderbrook Lagoon
- 9th St. Park, located at 9th and Astor St.
- Fort Astoria Park, located at the corner of Exchange St. and 15th St.
- West Bond Triangle Flower Bed, located at the corner of W. Bond St. and W. Marine Dr.
- Astoria Aquatic Center Grounds, located at 1997 Marine Dr.
- 11th Street Steps, located between Jerome Ave. and Irving Ave.
- Doughboy Monument, located at the corner of Columbia Street and Marine Dr.
- Garden of Surging Waves, located at the corner of 11th St. and Duane St.
- Shively Park, located at 1530 Shively Park Rd.

A solicitation for bids was advertised in the Daily Astorian and sent to DeJesus Landscaping, Dennis's 7 Dees, CB Lawn Care, and 3D Landscaping. 7 Dees was the only other respondent and provided a bid of \$102,910.

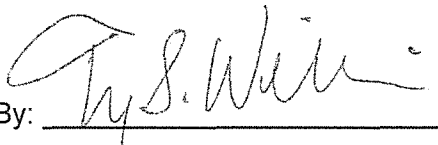
Landscaping services will include mowing, trimming, pruning, hedging, edging, fertilization, and aeration, as well as bi-annual site clean-ups, additions of mulch in decorative beds, and periodic weeding of flowerbeds. The goal of these services is to maintain the above mentioned properties to an "A" level standard of care that will display Astoria's highly visible parklands at

their best character to residents and visitors to our area. The landscape service contract will last one year.

The contract has been reviewed and approved as to form by the City Attorney.

RECOMMENDATION

It is recommended that City Council approve the landscape services contract for tourist related sites with Greensmith Landscaping, LLC for the amount of \$86,972.64

By: 

Tim Williams
Director of Parks & Recreation

<p style="text-align: center;">CITY OF ASTORIA CONTRACT FOR GOODS AND SERVICES</p>
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CONTRACT:

This Contract, made and entered into this ____ day of _____, 2019 by and between the City of Astoria, a municipal corporation of the State of Oregon, hereinafter called "CITY", and Greensmith LLC located at 34822 Hwy 101 Business Suite 106 Astoria, OR, hereinafter called "CONTRACTOR", duly authorized to do business in Oregon.

WITNESSETH

WHEREAS, the CITY requires goods and services which CONTRACTOR is capable of providing, under terms and conditions hereinafter described; and

WHEREAS, CONTRACTOR is able and prepared to provide such goods and services as CITY does hereinafter require, under those terms and conditions set forth; now, therefore,

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

1. CONTRACTOR GOODS AND SERVICES

A. CONTRACTOR shall provide goods and services for the City of Astoria, as outlined in its Attachment A, which by this reference is incorporated herein.

B. CONTRACTOR'S obligations are defined solely by this Contract and its attachment and not by any other contract or agreement that may be associated with this project.

C. CONTRACTOR services shall be performed as expeditiously as is consistent with professional skill and the orderly progress of work.

D. CONTRACTOR'S services in this contract will be provided from the date of acceptance by both parties until June 30, 2020, the CITY retaining the option to renew or discontinue the contract annually.

2. COMPENSATION

A. The CITY agrees to pay CONTRACTOR a total not to exceed \$86,972.64 for providing goods and performance of those services provided herein;

B. *The CONTRACTOR will submit billing for work completed each month*

C. CITY certifies that sufficient funds are available and authorized for expenditure to finance costs of this Contract.

3. CONTRACTOR IDENTIFICATION

CONTRACTOR shall furnish to the CITY the CONTRACTOR'S employer identification number, as designated by the Internal Revenue Service, or CONTRACTOR'S Social Security number, as CITY deems applicable.

4. CITY'S REPRESENTATIVE

For purposes hereof, the CITY'S authorized representative will be Jonah Dart-McLean, City of Astoria, 1095 Duane Street, Astoria, Oregon, 97103, (503) 741-1600.

5. CONTRACTOR'S REPRESENTATIVE

For purposes hereof, the CONTRACTOR'S authorized representative will be Anthony Smith, Greensmith LLC 34988 Hwy 101 Business Suite 106 Astoria, OR.

6. CITY'S OBLIGATIONS

In order to facilitate the work of the CONTRACTOR as above outlined, the CITY shall furnish to the CONTRACTOR access to all relevant site information which is in the City's possession concerning the project area. In addition, the CITY shall act as liaison for the CONTRACTOR, assisting the CONTRACTOR with making contacts and facilitating meetings, as necessary.

7. CONTRACTOR IS INDEPENDENT CONTRACTOR

A. CONTRACTOR'S services shall be provided under the general supervision of City's project director or his designee, but CONTRACTOR shall be an independent CONTRACTOR for all purposes and shall be entitled to no compensation other than the compensation provided for under Section 2 of this Contract,

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

C. The undersigned CONTRACTOR hereby represents that no employee of the City of Astoria, or any partnership or corporation in which a City of Astoria employee has an interest, has or will receive any remuneration of any description from the CONTRACTOR, either directly or indirectly, in connection with the letting or performance of this contract, except as specifically declared in writing.

8. CANCELLATION FOR CAUSE

CITY may cancel all or any part of this Contract if CONTRACTOR breaches any of the terms herein or in the event of any of the following: Insolvency of CONTRACTOR; voluntary or involuntary petition in bankruptcy by or against CONTRACTOR; appointment of a receiver or trustee for CONTRACTOR, or any assignment for benefit of creditors of CONTRACTOR. Damages for breach shall be those allowed by Oregon law, reasonable and necessary attorney's fees, and other costs of litigation at trial and upon

appeal. CONTRACTOR may likewise cancel all or any part of this contract if CITY breaches any of the terms herein and be therefore entitled to equivalent damages as expressed above for CITY.

9. ACCESS TO RECORDS

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

10. FORCE MAJEURE

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

11. NONWAIVER

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

12. ATTORNEY'S FEES

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

13. APPLICABLE LAW

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

14. CONFLICT BETWEEN TERMS

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

15. INDEMNIFICATION

With regard to Comprehensive General Liability, CONTRACTOR agrees to indemnify and hold harmless the City of Astoria, its Officers, and Employees against and from any and all loss, claims, actions, suits, reasonable defense costs, attorney fees and expenses for or on account of injury, bodily or otherwise to, or death of persons, damage to or destruction of property belonging to city, contractor, or others resulting from or arising out of CONTRACTOR'S negligent acts, errors or omissions in services pursuant to this Agreement. This agreement to indemnify applies whether such claims are meritorious or not; provided,

however, that if any such liability, settlements, loss, defense costs or expenses result from the concurrent negligence of CONTRACTOR and The City of Astoria this indemnification and agreement to assume defense costs applies only to the extent of the negligence or alleged negligence of the CONTRACTOR.

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

With respect to Commercial Liability and Professional Liability, CONTRACTOR reserves the right to approve the choice of counsel.

16. Prior to starting work hereunder, CONTRATOR, at CONTRATOR'S cost, shall secure and continue to carry during the term of this contract, with an insurance company acceptable to CITY, the following insurance, written on an occurrence basis, in amounts not less than the limitations on liability for local public bodies provided in ORS 30.272 and ORS 30.273:

A. Commercial General Liability. CONTRATOR shall obtain, at CONTRATOR'S expense and keep in effect during the term of this Contract, Commercial General Liability Insurance covering bodily injury and property damage. Coverage shall include Contractors, subcontractors and anyone directly or indirectly employed by either.

B. Automobile Liability. CONTRATOR shall obtain, at CONTRATOR'S expense and keep in effect during the term of the resulting contract, Commercial Business Automobile Liability Insurance covering all owned, non-owned, or hired vehicles. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits).

C. Additional Insured. The liability insurance coverage shall include CITY and its officers and employees as Additional Insured but only with respect to CONTRATOR'S activities to be performed under this Contract. Coverage will be primary and non-contributory with any other insurance and self-insurance. Prior to starting work under this Contract, CONTRATOR shall furnish a certificate to CITY from each insurance company providing insurance showing that the CITY is an additional insured, the required coverage is in force, stating policy numbers, dates of expiration and limits of liability, and further stating that such coverage is primary and not contributory.

D. Notice of Cancellation or Change. There will be no cancellation, material change, potential exhaustion of aggregate limits or non-renewal of insurance coverage(s) without thirty (30) days written notice from CONTRATOR or its insurer(s) to CITY. Any failure to comply with the reporting provisions of this clause will constitute a material breach of this Contract and will be grounds for immediate termination of this Agreement.

17. CITY'S BUSINESS LICENSE

Prior to beginning work, the CONTRACTOR shall have a current City of Astoria business license (occupational tax). Before permitting a subcontractor to begin work, CONTRACTOR shall verify that subcontractor has a current City of Astoria business license.

18. WORKMEN'S COMPENSATION

The CONTRACTOR, its subcontractors, if any, and all employers working under this Agreement are either subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all their subject workers, or are employers that are exempt under ORS 656.126.

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

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

Contractor shall pay all contributions or amounts due the Industrial Accident Fund from CONTRACTOR or any subcontractor incurred in the performance of the contract.

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

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

20. NONDISCRIMINATION

It is the policy of the City of Astoria that no person shall be denied the benefits of or be subjected to discrimination in any City program, service, or activity on the grounds of age, disability, race, religion, color, national origin, sex, sexual orientation, gender identity and expression. The City of Astoria also requires its contractors and grantees to comply with this policy.

21. PAYMENT OF MEDICAL CARE

Contractor shall promptly, as due, make payment to any person, co-partnership, association or corporation, furnishing medical, surgical and hospital care or other needed care and attention, incident to sickness or injury to the employees of such CONTRACTOR, of all sums which the CONTRACTOR agrees to pay for such services and all moneys and sums which the CONTRACTOR collected or deducted from the wages of employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service.

22. OVERTIME

Employees shall be paid for overtime work performed under this contract in accordance with ORS 653.010 to 653.261 and the Fair Labor Standards Act of 1938 (29 U.S.C. sections 201 to 209).

23. STANDARD OF CARE

The standard of care applicable to contractor's services will be the degree of skill and diligence normally employed by contractors performing the same or similar services at the time CONTRACTOR'S services are performed. CONTRACTOR will re-perform any services not meeting this standard without additional compensation.

24. NO THIRD PARTY BENEFICIARIES

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

25. SEVERABILITY AND SURVIVAL

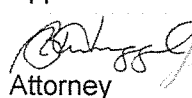
If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the enforceability of the remaining provisions shall not be impaired thereby. Limitations of liability shall survive termination of this Agreement for any cause.

26. COMPLETE CONTRACT

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

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

Approved as to form:


Attorney

Digitally signed by BLAIR
HENNINGSGAARD
DN: cn=BLAIR HENNINGSGAARD, o,
ou=email=blair@astoria.law, c=US
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CITY OF ASTORIA, a municipal
corporation of the State of Oregon

BY: _____
Mayor Date

BY: _____
City Manager Date

BY: _____
Contractor Date

ATTACHMENT A
SCOPE OF WORK

Total Cost of Annual Maintenance Services	\$86,972.64
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Location: Garden of Surging Waves	
Work Description	Occurrences Per Year
Spring Cleanup	1
Flower beds' chemical or manual weeding & deadheading (based on a May 15 th installation date)	12
Landscape planting bed & tree base weed removal by chemical & manual means	12
Fall Cleanup, includes summer annual flower removal	1
Shrub shaping	2
Not To Exceed Amount for Property	\$4,512

Location: Astoria Aquatic Center ~20 cu yards of mulch in decorative beds	
Work Description	Occurrences Per Year
Spring Cleanup, includes application of dark hemlock bark mulch in beds	1
Mowing & Trimming of all turf areas, including cleanup after maintenance of all sidewalks, drives, etc.	26
Edging of all sidewalks, driveways and curbs	12
Flower beds' chemical or manual weeding & deadheading (based on a May 15 th installation date)	12
Landscape planting bed & tree base weed removal by chemical & manual means	12
Fall Cleanup, includes application of dark hemlock bark mulch in beds	1
Shrub shaping	2
Not To Exceed Amount for Property	\$12,371.10

Location: Doughboy Monument ~5 cu yards of mulch in decorative beds	
Work Description	Occurrences Per Year
Spring Cleanup, includes application of dark hemlock bark mulch in beds	1
Mowing & Trimming of all turf areas, including cleanup after maintenance of all sidewalks, drives, etc.	26
3. Edging of all sidewalks, driveways and curbs	12
Flower beds' chemical or manual weeding & deadheading (based on a May 15 th installation date	12
Fall Cleanup, includes application of dark hemlock bark mulch in beds	1
Applications of fertilizer and weed control practices to all turf areas	2
Aerating of turf	1
Not To Exceed Amount for Property	\$1,760.92

Location: Bond St. Triangle ~1 cu yards of mulch in decorative	
Work Description	Occurrences Per Year
Spring Cleanup, includes application of dark hemlock bark mulch in beds	1
Landscape planting bed & tree base weed removal by chemical & manual means	12
Fall Cleanup, includes application of dark hemlock bark mulch in beds	1
Not To Exceed Amount for Property	\$673.95

Location: 11th St. Steps ~5 cu yards of mulch in decorative beds	
Work Description	Occurrences Per Year
Spring Cleanup, includes application of red fir bark mulch in beds	1
Mowing & Trimming of all turf areas, including cleanup after maintenance of all sidewalks, drives, etc.	26
6. Landscape planting bed & tree base weed removal by chemical & manual means	12
Fall Cleanup, includes application of red fir bark mulch in beds	1
8. Shrub Shaping	2
Not To Exceed Amount for Property	\$3,645.65

Location: 15th St. Triangle ~5 cu yards of mulch in decorative beds	
Work Description	Occurrences Per Year
Spring Cleanup, includes application of dark hemlock bark mulch in beds	1
Mowing & Trimming of all turf areas, including cleanup after maintenance of all sidewalks, drives, etc.	26
Edging of all sidewalks, driveways and curbs	12
Flower beds' chemical or manual weeding & deadheading (based on a May 15 th installation date)	12
Landscape planting bed & tree base weed removal by chemical & manual means	12
Fall Cleanup, includes summer annual flower removal, includes application of dark hemlock bark mulch in beds	1
Applications of fertilizer and weed control practices to all turf areas	2
Aerating of turf	1
Shrub shaping	2
Not To Exceed Amount for Property	\$4,277.01

Location: Portal Park ~15 cu yards of mulch in decorative beds	
Work Description	Occurrences Per Year
Spring Cleanup, includes application of dark hemlock bark mulch in beds	1
Mowing & Trimming of all turf areas, including cleanup after maintenance of all sidewalks, drives, etc.	26
Edging of all sidewalks, driveways and curbs	26
Flower beds' chemical or manual weeding & deadheading	12
Landscape planting bed & tree base weed removal by chemical & manual means	12
Fall Cleanup, includes summer annual flower removal, includes applications of dark hemlock bark mulch in beds	1
Applications of fertilizer and weed control practices to all turf areas	2
Aerating of turf	1
Shrub shaping	2
Not To Exceed Amount for Property	\$7,042.23

Location: 8th St. Triangle ~5 cu yards of mulch in	
Work Description	Occurrences Per Year
Spring Cleanup, includes application of dark hemlock bark mulch in beds	1
4. Flower beds' chemical or manual weeding & deadheading (based on a May 15 th installation date)	13
Fall Cleanup, includes summer annual flower removal, includes application of dark hemlock bark mulch in beds	1
10. Shrub shaping	2
11. Shrub Fertilization	2
Not To Exceed Amount for Property	\$1,878.31

Location: People's Park ~5 cu yards of mulch in decorative beds	
Work Description	Occurrences Per Year
Spring Cleanup, includes application of dark hemlock bark mulch in beds	1
Mowing & Trimming of all turf areas, including cleanup after maintenance of all sidewalks, drives, etc.	26
Edging of all sidewalks, driveways and curbs	12
Flower beds' chemical or manual weeding & deadheading	12
Landscape planting bed & tree base weed removal by chemical & manual means	4
Fall Cleanup, includes summer annual flower removal, includes applications of dark hemlock bark mulch in beds	1
Applications of fertilizer and weed control practices to all turf areas	1
Aerating of turf	1
Shrub shaping	4
Not To Exceed Amount for Property	\$6,273.75

Location: 17th St. Flowerbed ~2 cu yards of mulch in decorative	
Work Description	Occurrences Per Year
Spring Cleanup, includes application of dark hemlock bark mulch in beds	1
Flower beds' chemical or manual weeding & deadheading	12
Fall Cleanup, includes summer annual flower removal, includes application of dark hemlock bark mulch in beds	1
Not To Exceed Amount for Property	\$591.53

Location: Astoria Riverwalk Megler Bridge to Alderbrook Lagoon	
Work Description	Occurrences Per Year
2. Mowing & Trimming of all turf areas, including cleanup after maintenance of all sidewalks, drives, etc.	26
Not To Exceed Amount for Property	\$24,960

Location: 9th St. Park ~10 cu yards of mulch in decorative beds	
Work Description	Occurrences Per Year
Spring Cleanup, includes application of dark hemlock bark mulch in beds	1
Mowing & Trimming of all turf areas, including cleanup after maintenance of all sidewalks, drives, etc.	26
Edging of all sidewalks, driveways and curbs	12
Landscape planting bed & tree base weed removal by chemical & manual means	12
Fall Cleanup, includes summer annual flower removal, includes application of dark hemlock bark mulch in beds	1
Applications of fertilizer and weed control practices to all turf areas	2
Aerating of turf	1
Shrub shaping	2
Not To Exceed Amount for Property	\$2,222.55

Location: Fort Astoria Park ~20 cu yards of mulch in decorative beds	
Work Description	Occurrences Per Year
Spring Cleanup, includes application of dark hemlock bark mulch in beds	1
Mowing & Trimming of all turf areas, including cleanup after maintenance of all sidewalks, drives, etc.	26
Edging of all sidewalks, driveways and curbs	12
Flower beds' chemical or manual weeding & deadheading (based on a May 15 th installation date)	12
Landscape planting bed & tree base weed removal by chemical & manual means	12
Fall Cleanup, includes summer annual flower removal, includes application of dark hemlock bark mulch in beds	1
Applications of fertilizer and weed control practices to all turf areas	2
Aerating of turf	1
Shrub shaping	3
Not To Exceed Amount for Property	\$4,619.64

Location: Shively Park	
Work Description	Occurrences Per Year
Mowing & Trimming of all turf areas, including cleanup after maintenance of all sidewalks, drives, etc.	26
Edging of all sidewalks, driveways and curbs	12
Aerating of turf	1
Not To Exceed Amount for Property	\$12,144.00



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

MEMORANDUM • ASTORIA LIBRARY

DATE: JUNE 10, 2019
TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: LIBRARY CATALOG INTER-GOVERNMENTAL AGREEMENT (IGA)

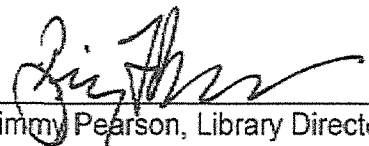
DISCUSSION/ANALYS

In 2000 retired library directors Reita Fackerell, Seaside Public Library, and Jane Tucker, Astoria Public Library, formed Reading Outreach in Clatsop County (ROCC). This partnership provides free library cards to the children residing in unincorporated areas of the County providing a powerful tool for children to grow in literacy and prepare them for success in school. The partnership also allows for the sharing of library materials among the Astoria, Seaside, and Warrenton libraries. This sharing currently requires staff to search the catalogs of individual libraries and manually request items from other locations.

In early 2019 the Warrenton library began transitioning to a new internet based library catalog. The Seaside and Warrenton libraries currently share a catalog allowing for greater access by patrons and automating the process providing for better utilization of staff time. The cooperation of libraries will increase library service within the County along with saving money currently expended for duplicate services billed by The Library Corporation (TLC). This savings will be utilized to assist with paying for a courier service between the libraries which is currently provided by each library director rotating a weekly pick-up and drop-off of materials. This savings for the Astoria Public Library is currently estimated to be \$2,308 upon implementation. The IGA has been approved as to form by City Attorney Blair Henningsgaard.

RECOMMENDATION

It is recommended that City Council approve the IGA allowing the library to transition to shared catalog.

By: 
Jimmy Pearson, Library Director

Intergovernmental Agreement (IGA) regarding a consortium Integrated Library System (ILS) including cataloging and circulation modules between the Astoria Public Library (City of Astoria), the Seaside Public Library (City of Seaside) and the Warrenton Community Library (City of Warrenton) 2019-2022

This Intergovernmental Agreement is made effective upon signed and dated approval of the City of Astoria, the City of Seaside, and the City of Warrenton authorized acting authorities.

The purpose of this Intergovernmental Agreement is to improve library services for the Astoria Public Library, the Seaside Public Library, and the Warrenton Community Library by reducing costs and sharing the resources of one Integrated Library System. Sharing technology and collections are the visible, concrete component of this agreement. For the purposes of this agreement, collections shared are the Astoria Public Library circulating collection, the Seaside Public Library circulating collection and the Warrenton Community Library circulating collection.

This is an agreement between the City of Astoria, the City of Seaside and the City of Warrenton to provide a shared Integrated Library System catalog and cataloging system through vendor The Library Corporation utilizing OCLC MARC full records when possible in this system for Astoria Public Library, the Seaside Public Library and Warrenton Community Library.

Removal from this agreement may be requested at any time with 90 days advance written notice given to the entities and Library Automation vendor. There will be no billing of fees by either Library to the other due to the lapse of this agreement.

Each Library will maintain their own separate Library collection at the same level as when they joined this IGA.

Materials Shared Between Libraries

Interlibrary loan requests will be processed through hold placements in the TLC system and will be run through the existing SAWS library courier system or Orbis Cascade Courier System as part of the Libraries Reading Outreach in Clatsop County program until such time as other courier systems may replace the existing systems. Requests will be processed by the respective interlibrary loan staff or volunteers at each Library. It is the responsibility of the Library patrons to return items to the library where they picked up the books. Any late books or lost material fines will accrue per the respective library policies. If an item is lost by a patron at a library other than the one where they received their card, lost items will be billed per the usual interlibrary loan lost item policies or procedures already in place. It is the responsibility of the library where the item was circulated to collect fees and pay for any lost items fees to the lending library whose item was lost.

Library users using the shared system must checkout and return items at the Library they hold a card with. They may request books from the other library through the interlibrary loan request system by placing a hold through their respective library's website or in house system (which may be by paper request forms or digital forms).

Courier service will continue as previously instituted by the Libraries ROCC program with the Library Directors of Astoria, Seaside, and Warrenton sharing these duties until such time as all three libraries are on the Orbis Cascade Alliance courier system or a similar courier that will deliver the items for the libraries.

The library directors will decide collectively whether or not to lend new materials as part of this agreement. Each Library may fulfill hold requests for new titles based on demand at the home library. If a title is brand new, demand at the home library will have first priority over requests from the secondary library.

Library Circulation workflows

Library circulations will proceed as if each library were a stand-alone library with the exception of the Reading Outreach in Clatsop County Scholarship cards. Library cards for will be issued based on primary place of residence. If a resident prefers a card as primary at another library (for example, if they live in Astoria city limits but prefer to use the Seaside Library as their primary Library) out of town library card fees will apply. Cards will be issued based on place of residence. Out of city limits or district fees will apply based on where card is issued. At this time, Library cards must be used at the library where they were created with the exception of ROCC cards. All Library materials must be returned at the library where they were checked out from. If they are returned to the wrong library more than one time in a row, a fee may be assessed for staff time and use of the courier.

Library Catalog Records

The shared catalog records will be implemented in the following manner:

Any new books with holdings created by the Seaside Public Library will be maintained by the Seaside Public Library. The Astoria Public Library will have second ranking in creating and retaining cataloging records after the Seaside Public Library. All new books not already with a cataloging record or holdings created by the Astoria public Library will be maintained by the Astoria Public Library. All holdings created by the Warrenton Community Library will be maintained by the Warrenton Community Library.

The three Library's catalogers will agree on best practices for creating and maintaining records and holdings codes with Seaside Public Library catalogers taking in suggesting and implementing best practices.

At the start of the shared catalog project, the Astoria Public Library and Warrenton Community Library will merge records with the existing records that Seaside Library has in its system using ISBN codes as much as possible to match identical records. Full and complete catalog records will be the priority MARC records used with priority given to records downloaded from OCLC.

Any unique titles for the Astoria Public Library or Warrenton Community Library will have records checked against full MARC records in the OCLC cataloging system and replaced if a better record exists in OCLC.

After the initial merge, the Astoria Public Library and Warrenton Community Library will attach their holdings code to pre-existing MARC records created by Seaside Library catalogers. When a pre-existing title is not discoverable in the catalog, The Astoria Public Library and Warrenton Community Library staff will consult with Seaside cataloging staff to make sure the record for Astoria or Warrenton is unique and not a duplication of titles before proceeding with downloading a full MARC record to the shared catalog.

Records downloaded should be full MARC records with the current preferred choice of records received from the OCLC cataloging source available to both libraries through TLC.

Fines and fees

If a library patron has fines or lost items charged to their library card, they must clear any fines off their account at the library where their card was created before receiving the requested materials. No library card patron whose library card status is in collections will be allowed to place holds.

Library Automation System

Upon agreement of the three cities, moving to an agreed upon different Integrated Library System while still having a shared library Integrated Library System may be approved. The system for sharing items is based upon the three city's library collections and operations and not upon one specific Integrated Library System vendor. Moving to another vendor may be based upon increased efficiencies or cost factors that benefit the libraries and the patrons they serve.

Administration

The Library Director for Seaside, the Library Director for Astoria, and the Library Manager for Warrenton will assume all responsibility for fulfilling the intent of this agreement either through designated staff or authorized contractors.

All three cities will agree to maintain Internet connectivity, current levels of cataloging, and other infrastructure to allow for the timely delivery and services of the agreement to provide the best possible service through this shared catalog agreement. The parties agree to maintain all equipment and software used to connect the libraries to the ILS at the most current release levels of the operating system, anti-virus, ILS client software and other hardware or software features that relate to the security and efficient operation of the ILS.

Support

It is the responsibility of each Library to maintain their own connectivity, cataloging, circulation workflows, and support. Each Library shall maintain their own tech support whether it be through The Library Corporation or IT contractors hired by each city or staff. It is the right and responsibility of each Library in this system to maintain systems and services of the catalog, circulation, data, settings, and records that pertain directly to the respective individual library.

Privacy and Confidentiality Rights and Responsibilities

All data, records, and information within the ILS relating to the circulation, identification of library patrons, overdue charges, and library records for each contracting library will be deemed to be the property of the contracting library for all purposes and the respective library and city confidentiality policies rules will be the abiding rules.

Should any party to this agreement be subject to a legal proceeding related to data stored within the ILS for which the other party has ownership, technical controls, or access, or other responsibility, the parties agree to indemnify each other.

It is the responsibility of each library to make sure that all staff and volunteers with access to confidential information are aware of their responsibilities and the policies of the library regarding the sharing of any personal or private data or other information.

Signature Page

The City of Astoria, City of Seaside, and the City of Warrenton hereby agree to this Intergovernmental Agreement.

In witness whereof, the following authorized signers have caused this agreement to be active from today's date until June 30, 2022.

City of Astoria:

 Digitally signed by BLAIR HENNINGSGAARD
DN: cn=BLAIR HENNINGSGAARD, o,
ou, email=blair@astoria.law, c=US
Date: 2019.06.07 08:22:19 -08'00'

City Manager

Date:

City of Seaside:

City of Warrenton:

City Manager

Date:

City Manager

Date:



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

MEMORANDUM • PUBLIC WORKS DEPARTMENT

DATE: June 6, 2019
TO: MAYOR AND CITY COUNCIL
FROM: *[Signature]* BRETT ESTES, CITY MANAGER
SUBJECT: GRAND AVE. SANITARY SEWER REPAIR PROJECT – CHANGE ORDER

DISCUSSION/ANALYSIS

In early January, Staff discovered a partially collapsed portion of sewer pipe under Grand Avenue during a video inspection. Staff solicited quotes for an emergency repair to replace the section of partially collapsed pipe within the right-of-way in a controlled manner to reduce the risk of complete failure. Only one quote was received from Big River Construction Inc. in the amount of \$47,400. Contracts were processed and executed February 20, 2019. Prior to issuing a Notice to Proceed to the Contractor, City Council authorized a \$10,000 construction contingency. This was intended to give Staff the ability to approve changes due to unforeseen conditions that were anticipated to exceed the City Manager's spending authority.

During construction, an additional section of pipe was replaced to ensure that a proper connection could be made to the existing pipe. The location of existing utilities (water, gas and power) and depth of excavation made this a challenging portion of pipe to replace. The cost of additional work included in the change order is \$9,362.00, which is within the previously authorized contingency. However, adding a change order to the original contract amount results in a total project cost that triggers Bureau of Labor and Industries (BOLI) prevailing wage rates. Therefore, the change order includes an additional cost of \$6,991.07 to comply with this State requirement. The total proposed change order is for \$16,353.07. Funding for this additional amount is available in the Public Works Improvement Fund.

RECOMMENDATION

It is recommended that City Council approve the Change Order with Big River Construction, Inc. in the amount of \$16,353.07 for the Grand Ave. Sanitary Sewer Repair Project.

By: *[Signature]*
Jeff Harrington, Public Works Director

Prepared by: *[Signature]*
Nathan Crater, City Engineer



Astoria
ENGINEERING
DIVISION

CHANGE ORDER #1

DATE: June 6, 2019
PROJECT: Grand Ave. Sanitary Sewer Repair Project
CONTRACTOR: Big River Construction, Inc.

The purpose of this change order is to account for work not covered in the bid items or significant bid item modifications. This change order amount constitutes total compensation for the changes indicated below.

Item	Description	Quantity	Unit Cost	Total Cost
1	Extension of Pipe Repair	1 LS	\$9,362.00	\$9,362.00
2	Adjust labor rates on original invoice to comply with BOLI prevailing wage requirements	1 LS	\$6,991.07	\$6,991.07
		Change Order Total =		\$16,353.07
		Previous Contract Amount =		\$47,400.00
		Revised Contract Amount =		\$63,753.07

This Change Order becomes part of and in conformance with the existing contract. The above changes warrant a 0 day time extension.

EXPLANATION:

This change order accounts for expanded scope of work that resulted from changes in conditions during construction progress. The existing pipe was not intact within the extents of the original scope of repair. Details for items 1 and 2 are attached to this document for reference. The change order also includes the additional cost to comply with BOLI prevailing wage rates.

CHANGE ORDER ACCEPTED BY:

City Engineer Date

Public Works Director Date

City Manager Date

Contractor Date

CM 2T&M Work**Material:**3/4" minus
Spoils

1	Is				
Quant	Unit		Unit Price		Total
72	tons	*	\$ 11.95	\$	860.40
52	cy	*	\$ 5.00	\$	260.00
sub total				\$	1,120.40

Equipment:Excavator JD 50
Excavator JD 245
Shoring

Quant	Unit		Unit Price		Total
10.5	hrs	*	\$ 27.32	\$	286.86
11	hrs	*	\$ 84.70	\$	931.70
1	ls	*	\$ 1,162.00	\$	1,162.00
sub total				\$	2,380.56

Labor:Operator
Laborer

Quant	Unit		Unit Price		Total
11	hrs	*	\$ 67.43	\$	741.73
22	hrs	*	\$ 49.23	\$	1,083.06
sub total				\$	1,824.79

Sub & Misc.:Solo trucking
Markup on Materials
Markup on Labor
Markup on Equipment

Quant	Unit		Unit Price		Total
12	hrs	*	\$ 95.00	\$	1,140.00
0.17	%	*	\$ 1,120.40	\$	190.47
0.22	%	*	\$ 1,824.79	\$	401.45
0.17	%	*	\$ 3,520.56	\$	598.50
sub total				\$	2,330.42

NOTES: Additional work associated with 24" sewer replacment.
Enounctered unforeseen conditions with underground utilities.

Total \$ 7,656.17

CM 3**(none)**

	1	Is			
Equipment:	Quant	Unit		Unit Price	Total
Lowboy	12	hrs	*	\$ 89.10	\$ 1,069.20
				sub total	\$ 1,069.20
Labor:	Quant	Unit		Unit Price	Total
Truck Driver	12	hrs	*	\$ 31.07	\$ 372.84
				sub total	\$ 372.84
Sub & Misc.:	Quant	Unit		Unit Price	Total
			*		\$ -
Markup on Materials	0.17	%	*	\$ -	\$ -
Markup on Labor	0.22	%	*	\$ 372.84	\$ 82.02
Markup on Equipment	0.17	%	*	\$ 1,069.20	\$ 181.76
				sub total	\$ 263.79

NOTES: Pickup and Return of additional required shoring boxes.

Total	\$ 1,705.83
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<u>CM 5</u>	<u>Cost Increase from Private to Prevaili</u>	<u>1</u>	<u>Is</u>			
	Sub & Misc.:	Quant	Unit		Unit Price	Total
	Labor	1	ls	*	\$ 2,362.14	\$ 2,362.14
	Markup on Labor	0.22	%	*	\$ 519.67	\$ 114.33
	Subs	1	ls	*	\$ 4,387.80	\$ 4,387.80
	Markup on Subs	0.17	%	*	\$ 745.93	\$ 126.81
				*		\$ -
					sub total	\$ 6,991.07
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> NOTES: additional cost increase from private wage to prevailing </div>					Total	\$ 6,991.07



CITY OF ASTORIA

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MEMORANDUM • PUBLIC WORKS DEPARTMENT

DATE: JUNE 7, 2019
TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: CSO PROGRAM MODELING SUPPORT – CONTRACT FOR PROFESSIONAL SERVICES

DISCUSSION/ANALYSIS

An essential tool for the success of the combined sewer overflow (CSO) program is the computerized hydrologic and hydraulic model that is used to delineate and scope each CSO project. This model contains important information regarding the storm and sewer infrastructure (e.g. pipe size, length, and material), geographic areas that flow to each pipe segment, rainfall information, and historic flows that are used to predict the system response after CSO project completion. There is ongoing maintenance and calibration that must occur to the model so that it closely replicates actual conditions in the field and gives the City the most accurate data for the design of future CSO projects. Determining the scope of future CSO projects is accomplished by a specialized CSO modeling engineer who analyzes the data generated by the model, and then recommends the most cost effective approach to meet the overflow criteria that is established by the Department of Environmental Quality (DEQ). The scope of the project is then given to a design engineering consultant to produce plans and specifications for bidding the construction of the project.

In April 2012, Council authorized a contract for CSO Modeling Support Services to HDR with the option of annual renewal of this contract. During the past seven years, HDR has updated and refined the CSO collection system model, identified additional monitoring needs to further characterize flows for future projects, completed necessary documentation to submit to the Department of Environmental Quality (DEQ) to verify implementation of completed projects and began developing preliminary scopes for future projects.

HDR has provided a scope of work and estimated budget (see Attachment A of the Contract) of \$55,356 for July 2019 through June 2020. The scope of services includes continued model updates, further development of preliminary project scopes, processing data, and monthly reporting for DEQ requirements. Staff has reviewed the scope and fee and has found the proposal to be appropriate and reasonable. The contract has been reviewed by City Attorney Blair Henningsgaard and approved as to form. Funds are available through the Public Works Improvement Fund.

RECOMMENDATION

It is recommended that City Council renew the contract for CSO Modeling Support Services with HDR for a total not to exceed amount of \$55,356.

By: Jeff Harrington
Jeff Harrington, Public Works Director

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

<p style="text-align: center;">CITY OF ASTORIA CONTRACT FOR PERSONAL SERVICES</p>

CONTRACT:

This Contract, made and entered into this ____ day of _____, 2019 by and between the City of Astoria, a municipal corporation of the State of Oregon, hereinafter called "CITY", and HDR Engineering Inc., 1050 SW 6th Avenue, Portland, Oregon 97204 hereinafter called "CONSULTANT", duly authorized to perform such services in Oregon.

WITNESSETH

WHEREAS, the CITY requires services which CONSULTANT is capable of providing, under terms and conditions hereinafter described; and

WHEREAS, CONSULTANT is able and prepared to provide such services as CITY does hereinafter require, under those terms and conditions set forth; now, therefore,

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

1. CONSULTANT SERVICES

- A. CONSULTANT shall perform professional services, as outlined in the Attachment A, to the City of Astoria regarding the CSO Modeling Support Services.
- B. Consultant's services are defined solely by this Contract and its attachment and not by any other contract or agreement that may be associated with this project.
- C. The CONSULTANT'S services shall be performed as expeditiously as is consistent with professional skill and the orderly progress of work. All work shall be completed between July 1, 2019 and June 30, 2020.

2. COMPENSATION

- A. The CITY agrees to pay CONSULTANT a total not to exceed \$55,356 price on a time and materials basis for performance of those services provided herein;
- B. The CONSULTANT will submit monthly billings for payment which will be based upon time and materials for the work completed in each of the categories listed in the scope of work. Said progress billings shall be payable within 30 days of receipt by City.
- C. CITY certifies that sufficient funds are available and authorized for expenditure to finance costs of this Contract.

3. CONSULTANT IDENTIFICATION

CONSULTANT shall furnish to the CITY the CONSULTANT'S employer identification number, as designated by the Internal Revenue Service, or CONSULTANT'S Social Security number, as CITY deems applicable.

4. CITY'S REPRESENTATIVE

For purposes hereof, the CITY'S authorized representative will be Cindy Moore, City of Astoria, 1095 Duane Street, Astoria, Oregon, 97103, (503) 338-5173.

5. CONSULTANT'S REPRESENTATIVE

For purposes hereof, the CONSULTANT'S authorized representative will be Lisa Tamura, HDR Engineering Inc., 1050 SW 6th Avenue, Portland, Oregon 97204, (503) 423-3700.

6. CITY'S OBLIGATIONS

In order to facilitate the work of the CONSULTANT as above outlined, the CITY shall furnish to the CONSULTANT access to all relevant maps, aerial photographs, reports and site information which is in the City's possession concerning the project area. In addition, the CITY shall act as liaison for the CONSULTANT, assisting the CONSULTANT with making contacts and facilitating meetings, as necessary.

7. CONSULTANT IS INDEPENDENT CONSULTANT

A. CONSULTANT'S services shall be provided under the general supervision of City's project director or his designee, but CONSULTANT shall be an independent CONTRACTOR for all purposes and shall be entitled to no compensation other than the compensation provided for under Section 2 of this Contract,

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

C. The undersigned CONSULTANT hereby represents that no employee of the City of Astoria, or any partnership or corporation in which a City of Astoria employee has an interest, has or will receive any remuneration of any description from the CONSULTANT, either directly or indirectly, in connection with the letting or performance of this Contract, except as specifically declared in writing.

8. CANCELLATION FOR CAUSE

CITY may cancel all or any part of this Contract if CONSULTANT breaches any of the terms herein and fails to cure such breach within 10 days after receiving notice thereof, or in the event of any of the following: Insolvency of CONSULTANT; voluntary or involuntary petition in bankruptcy by or against CONSULTANT; appointment of a receiver or trustee for CONSULTANT, or any assignment for benefit of creditors of CONSULTANT. Damages for breach shall be those allowed by Oregon law, reasonable and necessary attorney's fees, and other costs of litigation at trial and upon appeal. CONSULTANT may likewise cancel all or any part of this contract if CITY breaches any of the terms herein and be therefore entitled to equivalent damages as expressed above for CITY.

9. ACCESS TO RECORDS

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

10. FORCE MAJEURE

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

11. NONWAIVER

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

12. ATTORNEY'S FEES

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

13. APPLICABLE LAW

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

14. CONFLICT BETWEEN TERMS

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

15. INDEMNIFICATION

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

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

With respect to Commercial Liability and Professional Liability, CONSULTANT reserves the right to approve the choice of counsel.

16. INSURANCE

Prior to starting work hereunder, CONSULTANT, at CONSULTANT'S cost, shall secure and continue to carry during the term of this contract, with an insurance company acceptable to CITY, the following insurance, written on an occurrence basis, in amounts not less than the limitations on liability for local public bodies provided in ORS 30.272 and ORS 30.273:

A. Commercial General Liability. CONSULTANT shall obtain, at CONSULTANT'S expense and keep in effect during the term of this Contract, Commercial General Liability Insurance covering bodily injury and property damage. Coverage shall include consultants, subconsultants and anyone directly or indirectly employed by either.

B. Automobile Liability. Automobile Liability. CONSULTANT shall obtain, at CONSULTANT'S expense and keep in effect during the term of the resulting contract, Commercial Business Automobile Liability Insurance covering all owned, non-owned, or hired vehicles. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits).

C. Additional Insured. The liability insurance coverage shall include CITY and its officers and employees as Additional Insured but only with respect to CONSULTANT'S activities to be performed under this Contract. Coverage will be primary and non-contributory with any other insurance and self-insurance. Prior to starting work under this Contract, CONSULTANT shall furnish a certificate to CITY from each insurance company providing insurance showing that the CITY is an additional insured, the required coverage is in force, stating policy numbers, dates of expiration and limits of liability, and further stating that such coverage is primary and not contributory.

D. Professional Liability Insurance. The CONSULTANT shall have in force a policy of Professional Liability Insurance. The CONSULTANT shall keep such policy in force and current during the term of this contract.

E. Notice of Cancellation or Change. There will be no cancellation, material change, potential exhaustion of aggregate limits or non-renewal of insurance coverage(s) without thirty (30) days written notice from CONSULTANT or its insurer(s) to CITY. Any failure to comply with the reporting provisions of this clause will constitute a material breach of this Contract and will be grounds for immediate termination of this Agreement.

17. CITY'S BUSINESS LICENSE

Prior to beginning work, the CONSULTANT shall have a current City of Astoria business license (occupational tax). Before permitting a sub-consultant to begin work, CONSULTANT shall verify that sub-consultant has a current City of Astoria business license.

18. WORKMEN'S COMPENSATION

The CONSULTANT, its subconsultants, if any, and all employers working under this Agreement are either subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all their subject workers, or are employers that are exempt under ORS 656.126.

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

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

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

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

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

20. NONDISCRIMINATION

It is the policy of the City of Astoria that no person shall be denied the benefits of or be subjected to discrimination in any City program, service, or activity on the grounds of age, disability, race, religion, color, national origin, sex, sexual orientation, gender identity and expression. The City of Astoria also requires its contractors and grantees to comply with this policy.

21. PAYMENT OF MEDICAL CARE

CONSULTANT shall promptly, as due, make payment to any person, copartnership, association or corporation, furnishing medical, surgical and hospital care or other needed care and attention, incident to sickness or injury to the employees of such CONSULTANT, of all sums which the CONSULTANT agrees to pay for such services and all moneys and sums which the CONSULTANT collected or deducted from the wages of employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service.

22. OVERTIME

Employees shall be paid for overtime work performed under this contract in accordance with ORS 653.010 to 653.261 and Fair Labor Standards Act of 1938 (29 U.S.C. Sections 201 to 209).

23. USE OF ENGINEER'S DRAWINGS AND OTHER DOCUMENTS

The CITY retains all drawings and other documents prepared by the CONSULTANT for the project after payment to CONSULTANT.

CONSULTANT will not be held liable for reuse of documents or modifications thereof for any purpose other than those authorized under this Agreement.

24. STANDARD OF CARE

The standard of care applicable to consultant's services will be the degree of skill and diligence normally employed by professional engineers or consultants performing the same or similar services at the time CONSULTANT'S services are performed. CONSULTANT will re-perform any services not meeting this standard without additional compensation.

25. NO THIRD PARTY BENEFICIARIES

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

26. ASSIGNMENT

This contract is personal to Consultant and may not be assigned or any work subcontracted without consent from the CITY.

27. SEVERABILITY AND SURVIVAL

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

28. COMPLETE CONTRACT

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

29. RELEASE OF INFORMATION

All dissemination of information related to future CSO design and construction projects will be released by the CITY. The CONSULTANT will refer all requests for information to the CITY including requests by other HDR staff members who are not working directly on the tasks associated with this contract.

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

Approved as to form:



Digitally signed by BLAIR
HENNINGSGAARD
DN: cn=BLAIR HENNINGSGAARD, o,
ou, email=blair@astoria.law, c=US
Date: 2019.06.07 07:59:33 -08'00'

City Attorney

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

BY: _____
Mayor Date

BY: _____
City Manager Date

BY: _____
HDR Engineering Inc. Date



City of Astoria
Hydraulic / Hydrologic Modeling Support Services for Combined Sewer Overflow Program
Scope of Services (2019-2020)

HDR Engineering (HDR) will perform the following Scope of Services for this project:

Task 1 – Project Management

This task includes management and coordination of the work defined in this scope of services. Specific elements under this task are listed below.

HDR Responsibilities:

- Management of the project including project coordination, maintaining the project schedule, and coordination and performance of Quality Assurance/Quality Control (QA/QC) activities.
- Prepare monthly progress reports and invoices. Progress reports will describe activities during the invoice period, plans for the upcoming invoicing period, and schedule status. The report shall document the reasons for any change(s) previously discussed with the City's project manager.
- Conduct twelve monthly one-hour progress meetings. Meetings will be by phone.

Assumption:

- This Scope of Services anticipates a schedule from July 2019 through June 2020.

Deliverables:

- Twelve monthly progress reports and invoices.

Task 2 – CSO Program Technical Support

This task includes validating, updating and maintaining the existing hydraulic model developed to support the analysis of the performance of the CSO collection system. The hydraulic model will be used to evaluate system performance and aid in identifying projects needed to meet CSO program goals. The analysis will characterize the performance of the collection system, determine the hydraulic bottlenecks, and evaluate alternatives to achieve control at uncontrolled CSO outfalls. This task will build upon work performed under the 2018-2019 Scope of Services.

HDR Responsibilities:

- Update the model to include newly constructed facilities and any other facilities and improvements that have been added to the system since the model was last updated.
- Maintain the model through the annual on-call contract. Up to two (2) new facilities will be incorporated into the model. Model calibration and validation may be revisited as new data is collected. Model verification will be performed when new facilities come on-line that significantly change the operation of the CSO system.
- Use hydraulic model to evaluate system performance and identify projects needed to meet CSO program goals for uncontrolled outfalls. The analysis will characterize the performance of the collection system, determine hydraulic bottlenecks, and evaluate alternatives to achieve control at the uncontrolled outfalls. The focus will be on identifying a plan to bring the remaining nine uncontrolled outfalls into control as well as identifying improvements needed to address issues at controlled locations.
- Provide support to City staff as they work with DEQ to negotiate an extension to the CSO program.

- As needed, prepare one conceptual design plan equivalent to a 10% level of design for the identified projects. Projects will be developed to a concept level showing project limits and identifying the design criteria.
- As needed, prepare planning-level estimate of probable construction cost for each CSO infrastructure project area.
- As needed, prepare one draft and final Technical Memorandum describing the projects necessary to meet the CSO program goals.

Assumptions:

- The model will be maintained by HDR.
- Information on recently constructed CSO projects as well as any other information on facilities and improvements to be incorporated into the model to be provided by the City.
- HDR will verify calibration of the updated model for both the outfalls discharging to Youngs Bay and those discharging to the Columbia River. Calibration guidelines published by the Wastewater Planning Users Group (November 2002) will be followed for this project.
- Model calibration and validation will be performed using currently available flow monitoring data from the City.
- Additional calibration and validation data will be collected by the City and provided to HDR upon request. This will be done up to two times under this Scope of Services.
- Conceptual design of projects will include project description, a definition of project limits, and design criteria for further development in subsequent design efforts.
- The uncontrolled CSO projects will address control requirements outfalls 05, 08, 09, 10, 27, 28, 29, 30 and 32. The outfalls will be grouped into up to three project areas.
- DEQ support is limited to the fee included in the fee estimate. Additional support services will be provided through an amendment to this contract.
- Planning-level costs will include project capital, O&M, engineering, administration, real estate contingency, and financing costs. Costs will be annualized for each proposed alternative on 2018 dollars.
- City will provide one set of consolidated comments on the draft CSO Projects Technical Memorandum. One revision will be made prior to finalizing the document.

Deliverables:

- Updated and calibrated hydraulic model
- Draft and Final versions of Technical Memorandum summarizing projects identified to meet the CSO program goals for the upcoming outfalls.
- Planning-level estimate of probable construction cost for each CSO conceptual design.

Task 3 – Monthly CSO Reporting Support

Assist the City with the preparation of monthly DEQ CSO Reports. This includes supporting the City's monitoring program.

HDR Responsibilities:

- Review existing monitoring data.
- Provide feedback on system flow monitoring data quality for validating and/or calibrating the model and assessing infrastructure deficiencies. Identified sites will be noted in an email to the City's maintenance crew.
- Download monitoring data and update the existing Microsoft Access database containing historical CSO monitoring data.
- Prepare draft of the CSO Report each month for the City's review. Reports will be prepared for June 2019 through May 2020.

- Conduct monthly conference call to discuss draft CSO Report and receive City's comments.
- Prepare draft and final CSO Event Technical Memorandum (TM), as needed. This TM will evaluate disallowed overflows that are occurring at controlled outfalls and recommend steps to address the disallowed overflows.

Assumptions:

- City will provide monitoring equipment and staff for monitor installation, data collection, and maintenance.
- HDR will update the Microsoft Access database with data downloaded from the City's online data source.
- The City will review drafts of the CSO Report each month and finalize them prior to submittal to DEQ.
- The City will provide a consolidated set of comments on each draft CSO Report. Only one revision will be made by HDR before submitting the report for the City to finalize.
- The City will submit the final reports to DEQ.

Deliverables:

- Microsoft Access database containing historical CSO monitoring data.
- Monthly drafts of CSO Reports
- Draft and Final versions of CSO Event Technical Memorandum.

Level of Effort		HDR Engineering											Total Fee (includes sub-consultant mark-up and escalation)
		Project Manager	QC/Technical Advisor	Senior Engineer	Project Engineer / Hydraulic Modeler	Project Assistant	Project Controller	Hours	Labor	Misc. Expenses (as a % of Labor)	Total Expenses	HDR Fee	
Astoria CSO Program Support 2019-20		\$202.11	\$296.13	\$313.31	\$142.78	\$80.26	\$88.70						
Billable Rates													
Task Description													
Task 001 Project Management & Meetings													
1.1	Project Management	12						12	\$ 2,425	\$ 24	\$ 24	\$ 2,450	\$ 2,492
1.2	Project Setup	1				2	2	5	\$ 540	\$ 5	\$ 5	\$ 545	\$ 555
1.3	Monthly Invoicing	12						30	\$ 4,022	\$ 40	\$ 40	\$ 4,062	\$ 4,133
1.4	Project Closeout	1				2	2	5	\$ 540	\$ 5	\$ 5	\$ 545	\$ 555
1.5	PARR Review							0	\$ -	\$ -	\$ -	\$ -	\$ -
Sub-total		26	0	0	0	4	22	52	\$ 7,527	\$ 75	\$ 75	\$ 7,603	\$ 7,734
Task 002 CSO Program Technical Support													
2.1	Update Hydraulic Model	8			20			28	\$ 4,473	\$ 45	\$ 45	\$ 4,517	\$ 4,596
2.2	Model Maintenance	4			8			12	\$ 1,951	\$ 20	\$ 20	\$ 1,970	\$ 2,004
2.3	Evaluate System Performance & Identify Control Plan	8		2	16			26	\$ 4,528	\$ 45	\$ 45	\$ 4,573	\$ 4,653
2.4	Support City with DEQ Negotiations	16			40			56	\$ 8,945	\$ 89	\$ 89	\$ 9,035	\$ 9,191
2.5	Prepare Conceptual Level Design Plan	8		2	16			26	\$ 4,528	\$ 45	\$ 45	\$ 4,573	\$ 4,653
2.6	Prepare Cost Estimate	2			4			6	\$ 975	\$ 10	\$ 10	\$ 985	\$ 1,002
2.7	Prepare Draft and Final CSO Program Plan TM	8		2		8		18	\$ 2,886	\$ 29	\$ 29	\$ 2,914	\$ 2,965
QC Hours Only			8					8	\$ 2,369	\$ 24	\$ 24	\$ 2,393	\$ 2,434
Sub-total		54	8	6	104	8	0	180	\$ 30,655	\$ 307	\$ 307	\$ 30,961	\$ 31,498
Task 300 Monthly CSO Reporting Support													
310	Review Monitoring Data	4			16			20	\$ 3,093	\$ 31	\$ 31	\$ 3,124	\$ 3,178
320	Provide Feedback on Monitoring Data Quality	4						4	\$ 808	\$ 8	\$ 8	\$ 817	\$ 831
330	Update Microsoft Access Database	6						6	\$ 1,213	\$ 12	\$ 12	\$ 1,225	\$ 1,246
340	Prepare Monthly Draft CSO Report	24			16			40	\$ 7,135	\$ 71	\$ 71	\$ 7,207	\$ 7,331
350	Prepare Draft and Final CSO Event TM	8				8		16	\$ 2,259	\$ 23	\$ 23	\$ 2,282	\$ 2,321
QC Hours Only			4					4	\$ 1,185	\$ 12	\$ 12	\$ 1,196	\$ 1,217
Sub-total		46	4	0	32	8	0	90	\$ 15,693	\$ 157	\$ 157	\$ 15,850	\$ 16,124
Hours		126	12	6	136	20	22	322					
Fee		\$25,466	\$3,554	\$1,880	\$19,419	\$1,605	\$1,951		\$ 53,875	\$ 539	\$ 539	\$ 54,413	
Escalation									\$ 942.81				
Sub-consultant Budget w/ Mark-up													
Total Non-Contingency													\$ 55,356



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

MEMORANDUM • COMMUNITY DEVELOPMENT

DATE: JUNE 6, 2019
TO: MAYOR AND CITY COUNCIL
FROM: *Brett Estes* BRETT ESTES, CITY MANAGER
SUBJECT: AMENDMENT REQUEST (A19-04) FOR MISCELLANEOUS ISSUES

BACKGROUND

Over the years, staff have identified several sections of the Development Code that need to be updated for various reasons. Some of the requested code language changes are corrections and codification of interpretations that have been made by the Astoria Planning Commission (APC), staff, and/or the City Attorney throughout the years. Many of the proposed amendments will streamline the process for both staff and the general public when processing permits and/or doing simple construction. This would reduce the need for variances thereby freeing up some time for staff to address other issues. Some of the proposed amendments would bring the Code into compliance with State requirements. Additional details on the various proposed amendments is included in the attached Findings of Fact. An overview of the proposed amendments was provided in the memo for the public hearing and first reading of the Ordinance on June 3, 2017.

The Planning Commission held a work session on February 26, 2019 and a public hearing on April 23, 2019. The APC recommends that the City Council adopt the proposed amendments. The proposed ordinance has been reviewed and approved as to form by the City Attorney. On June 3, 2019, the City Council held a public hearing on the proposed amendment and conducted a first reading of the ordinance.

The proposed ordinance and the Findings of Fact are attached for Council consideration.

RECOMMENDATION

If the draft code meets Council's expectations, it would be in order for Council to hold a second reading and adopt the Findings of Fact and Ordinance for Miscellaneous Code amendments.

By: _____

Rosemary Johnson

Rosemary Johnson, Planning Consultant



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

May 3, 2019

TO: MAYOR AND CITY COUNCIL

FROM: ROSEMARY JOHNSON, SPECIAL PROJECTS PLANNER

SUBJECT: AMENDMENT REQUEST (A19-04) FOR MISCELLANEOUS ISSUES

I. BACKGROUND SUMMARY

- A. Applicant: Community Development Department
On behalf of the City Council
City of Astoria
1095 Duane Street
Astoria OR 97103
- B. Request: Amend the Development Code concerning miscellaneous issues, allow additional administrative variances, allow additional front and street side setback averaging, allow certain stairs as an exception to setback, allow arbor and gateways in fences, amend lighting standards, amend outdoor storage area enclosure standards, amend and add definitions, allow residential use behind commercial use in C-4 zone, codify several legal interpretations of code application, add 15' setback for parking from top of bank, expand non-conforming uses and structures to allow continuation of certain residential use, clarify off-street parking requirements, and other miscellaneous updates.
- C. Location: City-wide

II. BACKGROUND

Over the years, staff have identified several sections of the Development Code that need to be updated for various reasons. Some of the requested code language changes are corrections and codification of interpretations that have been made by the APC, staff, and/or the City Attorney throughout the years. Many of the proposed amendments will streamline the process for both staff and the general public when processing permits and/or doing simple construction. This would reduce the need for variances thereby freeing up some time for staff to address other issues. The following is an overview of the proposed amendments.

Corrections:

- Amend public notice for Type II
- Correct street name

- Amend Residential Home in C-3 and C-4 to coincide with SFD and TFD uses

Processes:

- Amend and add code on process for code interpretations
- allow Temporary Use renewals to be administrative Type II permit
- identify when site notice can be removed
- change pre-application meeting to “may be” required
- Add lot coverage, fence height, maximum two off-street parking variances for multi-family and non-residential uses, and all one and two-family dwelling parking to Type II
- Amend “Class 1 and 2” designations to Type II and Type III to coincide with other permit process references in the Code
- Add Legal Lot Determination process

Setbacks and Exceptions:

- Add “street side yard” to allowable average setbacks; allow corner lots to average with lot across right of way; add new graphics; add alley setback exception
- Allow required stairs and landings for existing doors to encroach into setback; allow ADA ramp as an exception; allow new 3’ wide stairs to encroach into setback
- Allow encroachments beyond property line and in setback areas to remain if being reduced under certain conditions
- Allow arbor and gateway entrances to be 8’ tall; allow fence on alley street side to be 6’ tall; identify how height is measured; exempt trees from fence height limitation; clarify hedges meeting setbacks are exempt from fence height limitation; add graphic
- Add administrative approval of exception of two spaces for required landscape planters every 10 spaces

Interpretations for Clarifications:

- Definitions: Amend: add electric vehicle charging station to Automotive Service Station; delete trees from Fence; add “or recreation establishment” to “Indoor Family Entertainment” (2.894, 2.908, 2.968); add “12: above ground” to “Lot Coverage”; add moped to “retail sales establishment”; clarify “Microwave Receiving Dish” not transmit; clarify “Tourist Oriented Sales or Service” to a use not primarily used by general public
- Definitions: Add: Construction Service Establishment, Indoor Entertainment, Industrial, Transportation Service Establishment, Wind Energy Facility
- Allow recorded easement to satisfy access requirement
- Add to clarify public access includes physical and visual access as required by State
- Inns: Add that associated business activities are not subject to Section 3.230; add starting time for restaurant
- Manufactured Homes: Add location, size, and construction prior to occupancy for enclosed storage area; add new classifications of historic properties
- Home Occupations: Change “employee” to “person associated with the business”; quantify customers per week; allow non-resident employees if they don’t come to site
- Microwave Receiving Dish: Change size from 18” to 20” and add other devices to meet industry standard for residential dishes/devices; Add screening requirement to clarify; Add standard to prohibit on front or street side facades of historic structures which is current interpretation; Add to Wireless Communication Facility that code does not apply to Microwave Receiving Dish

- Parking: Add 2.5' extend beyond guard allowance to coincide with 7.100.D.4; Clarify that no more than four spaces "in same block" can back into public street; Add requirement of 15' landscape buffer between top of bank and parking, storage, driving areas
- Public Notice: Clarify "parties to record" are for permit being appealed; Add explanation on how to calculate mailed public notice
- Add process for amendments to approved plans as Type I, II, or III permits
- Refiling Applications: Change to all commissions not just APC; clarify that if permit withdrawn prior to hearing there is no waiting period for resubmittal

Miscellaneous Updates:

- Definitions: Add "Fair Market Value" to clarify not value of new construction and exception;
- Add residential in the rear of first floor in C-4 Zone for SFD & TFD; and below first floor or in rear of C-4 Zone for multi-family dwelling
- Non-conforming Uses and Structures: add exception to time for reuse for existing residences with conditions; Add allowance for second utility meters on existing non-conforming residential units
- Parking: Clarify that allowed on-street parking spaces to meet parking requirements remain as public spaces; Add allowance for existing on-street parking not within the paved surface to count toward off-street parking requirement but with limitations on recreational vehicle parking; Add that required parking calculation is for employees and customers;
- Administrative Process: Delete table; add footnotes of table to intro; Add how fees are determined for applications when the review Type is changed; Delete reference to pre-application meeting; Add that permit application grants City staff permission to enter exterior portion of property for processing the permit; Change application due date from 28 days to 30 days; Delete "concomitant application" as it is redundant; Add Committee to Commission reference
- Add section on process for legal lot determinations including requirement for combining of lots on deed
- Add outdoor storage area enclosures and reference in each zone

Signs:

- Definition: Add "Billboard Vehicle"
- Add animation sign on vehicles and billboard vehicles as prohibited; add other signs on vehicles allowed
- Clarify angle of projecting sign to count as one sign
- Clarify number of signs for temporary and maximum 12 sqft window and wall signs

Lighting:

- Add and/or amend to have uniform City-wide lighting standardsw

III. PUBLIC REVIEW AND COMMENT

A. Astoria Planning Commission

A public notice was mailed to Neighborhood Associations, various agencies, and interested parties on April 2, 2019. In accordance with ORS 227.186(5), State

required Measure 56 mailing, a notice was mailed on April 2, 2019 to all property owners within the City advising “. . . *that the City has proposed a land use regulation that may affect the permissible uses of your property and other properties.*” In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on April 16, 2019. In accordance with Section 9.020.D, a notice was posted on March 29, 2019 at the following locations: corner of 30th and Marine Drive and near the corner of 43rd and Lief Erikson Drive. The proposed amendment is legislative as it applies City-wide.

B. State Agencies

Although concurrence or approval by State agencies is not required for adoption of the proposed amendments, the City has provided a copy of the draft amendments to representatives of the Oregon Departments of Transportation (ODOT), Land Conservation and Development (DLCD) and Department of State Lands (DLS) as part of the planning process.

C. City Council

A public notice was mailed to Neighborhood Associations, various agencies, and interested parties on May 10, 2019. In accordance with ORS 227.186(5), State required Measure 56 mailing, a notice was mailed on April 2, 2019 to all property owners within the City advising “. . . *that the City has proposed a land use regulation that may affect the permissible uses of your property and other properties.*” In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on May 28, 2019. In accordance with Section 9.020.D, a notice was posted on March 29, 2019 at the following locations: corner of 30th and Marine Drive and near the corner of 43rd and Lief Erikson Drive. The proposed amendment is legislative as it applies City-wide.

IV. FINDINGS OF FACT

- A. Development Code Section 10.020.A states that *“an amendment to the text of the Development Code or the Comprehensive Plan may be initiated by the City Council, Planning Commission, the Community Development Director, a person owning property in the City, or a City resident.”*

Development Code Section 10.020.B states that *“An amendment to a zone boundary may only be initiated by the City Council, Planning Commission, the Community Development Director, or the owner or owners of the property for which the change is proposed.”*

Finding: The proposed amendments to the Development Code are being initiated by the Community Development Director.

- B. Section 10.050.A states that *“The following amendment actions are considered legislative under this Code:*

1. *An amendment to the text of the Development Code or Comprehensive Plan.*
2. *A zone change action that the Community Development Director has designated as legislative after finding the matter at issue involves such a substantial area and number of property owners or such broad public policy changes that processing the request as a quasi-judicial action would be inappropriate."*

Finding: The proposed amendment is to amend the text of the Astoria Development Code various sections concerning administrative procedures, definitions, signs, lighting, parking, etc. which are applicable City wide. The amendment would create new standards. The proposed amendments are applicable to the entire City and represents a relatively broad policy change. Processing as a legislative action is appropriate.

C. Section 10.070.A.1 concerning Text Amendments, requires that *"The amendment is consistent with the Comprehensive Plan."*

1. CP.010.6, General Development Policies, Natural Features states, *"Efforts will be made to maintain streams, ravines and undeveloped shorelands in their natural state. In the zoning and subdivision ordinances, stream bank setbacks will be required to protect stream bank vegetation, minimize the need for shoreline protection, and maintain the capacity of natural drainages."*

CP.185.I.6, Regional Estuary and Shoreland Policies, Land Transportation System Policies, states *"Construction of new land transportation facilities and maintenance of existing land transportation facilities shall be undertaken in a manner that minimizes expected impacts on aquatic and shoreland estuarine resources."*

CP.185.T, Regional Estuary and Shoreland Policies, Implementation Policies, states

4. *CREST will provide planning assistance to member agencies, review local comprehensive plans and shoreline management master programs, and make recommendations which will result in coordination and conformance with the Columbia River Estuary Regional Management Plan.*
5. *CREST will provide technical information and assistance to members and other agencies for Columbia River Estuary Regional Management Plan implementation."*

Finding: The proposed standard for parking, travel lanes, and storage areas to be 15' away from top of bank on the shoreline was the recommendation of CREST to protect the estuary. CREST provides guidance to the City concerning the estuary and impacts of development.

The 15' provides a landscaped barrier between the vehicular development and the estuary.

2. CP.020.9, General Development Policies, Community Growth - Plan Strategy, states *"The Buildable Lands Inventory completed in April 2011 identified a deficit of 15.54 net acres of residential buildable lands. In order to address this deficit, OAR 660-24-0050 requires that the City amend the Plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the boundary or by expanding the UGB, or both."*

CP.025.1, General Development Policies, Policies Pertaining to Land Use Categories and Density Requirements, states *"Density requirements are established in the Comprehensive Plan and implemented in the Development Code. The land use categories are drawn on the City's official zoning map. Minimum lot sizes, as specified in the Development Code standards, are intended to regulate the density of housing units. Both the units per acre and the square footage requirements are based on net acreage, or the amount of buildable land exclusive of rights-of-way, wetlands, water areas, or other unbuildable land."*

CP.055.4, Downtown Area Policies, states *"The City encourages the reuse of existing buildings prior to the expansion of commercial zones."*

CP.202.4, Economic Development Goal 3 and Goal 3 Policies, states *"Goal: Strengthen the City's downtown core as the retail center of the region, with the support from the Astoria Downtown Historic District Association."*

Policies: 4. Promote upper story/high density housing in the downtown existing and new construction."

CP.215.1, Housing Element, Issues and Conclusions, Vacancy Rates, states *"... North coast trends in second homes and short-term rentals reached an average of 20.5% in 2007 with a State average of 2.5%. Astoria was well below this with 1.9%; however, this number is expected to increase over the next 20 years. Housing stock needed to accommodate this trend could change the amount of residentially zoned land needed to accommodate growth through 2027. The Buildable Lands Inventory dated April 2011 addresses this issue in depth and recommends that the City review and revise the assumptions made in the Inventory after the 2010 US Census results are finalized."*

CP.215.5, Housing Element, Issues and Conclusions, Low- and Moderate-Income Housing, states *"Because of the large number of older buildings in Astoria, there is great potential for reuse of existing structures for housing. The John Jacob Astor Apartments and Owens-Adair Apartments projects are both examples of successful renovations. The City could encourage this trend by working with developers, applying for grant funds, and looking for ways of fostering both historic preservation and provision of low-cost*

housing. Organizations, including the Clatsop County Housing Authority, the Clatsop Community Action Agency, Northwest Oregon Housing Authority, for-profit corporations, and other local and regional non-profit groups and public agencies have been involved in providing low cost housing in Clatsop County. County-wide efforts are being made to address the need for workforce housing on the entire North coast.”

CP.218, Housing Goals states

- “1. Provide opportunities for development of a wide variety of housing types and price ranges within the Urban Growth Boundary.*
- 2. Maintain and rehabilitate the community’s existing housing stock.”*

CP.220, Housing Policies states

- “1. Maintain attractive and livable residential neighborhoods, for all types of housing. . .*
- 5. Encourage low- and moderate-income housing throughout the City, not concentrated in one area.*
- 6. Protect neighborhoods from incompatible uses, including large scale commercial, industrial, and public uses or activities. . .*
- 15. Ensure that multi-family developments in primarily single-family neighborhoods are designed to be compatible with the surrounding neighborhood, in terms of scale, bulk, use of materials and landscaping. . .*
- 20. Allow for, encourage, and support the development of housing units in conjunction with commercial development (e.g. housing located above commercial uses) to provide diversity and security in commercial areas and a range of housing options.”*

CP.250.1, Historic Preservation Goals, states *“The City will: Promote and encourage, by voluntary means whenever possible, the preservation, restoration and adaptive use of sites, areas, buildings, structures, appurtenances, places and elements that are indicative of Astoria's historical heritage.”*

Finding: Several of the proposed amendments address housing issues. One proposal is to allow all residences behind commercial facilities on the ground floor, and all multi-family dwellings below the first floor in the downtown C-4 Zone. Single- and two-family housing is allowed above and below the first floor now. The C-3 Zone was amended a few years ago to allow this use. As an example, it allows for a small residence in the rear for the owner with an office or personal service establishment in the front. Reuse of the existing downtown buildings for a variety of uses complies with the Comprehensive Plan goal of use of existing building before new construction.

The Buildable Lands Inventory has identified a deficit of low density residential zoned property. The Comprehensive Plan indicates a goal of having a variety of housing types and price ranges, and the preservation of

existing historic housing stock. The City Council 2018-2019 Goals included *"Implement the provisions contained in the City of Astoria Affordable Housing Study to increase the number of housing units within the City, for permanent residents. Special attention should be given to derelict and/or vacant properties."* The 2019-2021 City Council goals adopted April 15, 2019 include *"Support efforts to increase the housing supply (both market rate and affordable), using the County Housing Study as a guide."* a and *"Maintain Astoria's unique character through economic development and zoning which reflects on those values."* There is currently a lack of affordable housing for the existing employees and Astoria residents. Some of the proposed amendments would expand the allowable residential uses. It would allow existing non-conforming structures and uses to be reutilized as dwellings even if they have not been used for several years. These dwellings currently cannot use the additional units if they have been vacant for over one year. The exception would not exceed allowable density but would allow more units on substandard lots.

Several proposed amendments would allow for alterations to existing structures such as constructing new stairs within a setback for an existing door, street side yard averaging, and allowing exceptions to setbacks for existing structures located beyond the property lines. Other proposed amendments would allow for ADA accessible ramps in setbacks, and for arbors to exceed fence height. These amendments all support use of existing structures over new construction and make it easier for property owners to alter their existing structures to make them more habitable.

3. CP.185.T.1, Regional Estuary and Shoreland Policies, Implementation Policies, states "Pre-permit application meetings and site visits shall be encouraged."

Finding: The City staff hold pre-application meetings with applicants on most applications. Recently the code was amended to state that every permit "shall" have a pre-application meeting. This has proved to be unnecessary as some applications are either very simple, or staff has worked with the applicant throughout the entire planning process, so that an actual "pre-application" meeting is not necessary. The proposed change would state that the meeting "may be" required. Most major applications and projects impacting the estuary would still require pre-application meetings.

4. CP.202.3, Economic Development Goal 3 and Goal 3 Policies, states "Goal: Strengthen the City's downtown core as the retail center of the region, with the support from the Astoria Downtown Historic District Association.
Policies: 3. Support the efforts of the downtown merchants to improve the appearance of the commercial core. Maintain and enhance all public infrastructures to create a pleasant and convenient business environment including elements such as signage, pocket parks, sidewalks and parking lots."

Development Code Section 8.050.3, Prohibited Signs, states “Signs which flash, revolve, rotate, swing, undulate or otherwise attract attention through the movement or flashing of parts of the sign, including inflatable signs, large balloons, flags, pennants, or similar devices.”

Finding: The Sign Code has been developed over the years to limit the size and number of signs throughout the City to preserve the character of historic Astoria. The existing code does not allow signs to move, flash, or draw attention by movement. This is important to the character of Astoria and has been accepted by the Downtown Association and many merchants. The Sign Code attempts to keep signage in scale with the community and prevents businesses from getting into “sign wars” with each business wanting more or bigger signs. The proposed amendments would address newer style signs that currently are prohibited by the existing code, but the language may not be as clear as the sign companies seem to think. The use of “feather” flags draws attention by movement and therefore are prohibited. The current trend of using vehicles solely for the purpose of advertising is becoming an issue. These vehicles have no other purpose than to drive through the streets, park at various locations for several hours at a time then move on to another location. Some of these vehicles are equipped with moveable text / animation signs which are regulated and limited in Astoria. The proposed amendments would define these types of signs, prohibit them in Astoria, and would clarify that advertising on vehicles that are used to transport people or goods is still allowed. These would be vehicles such as U-Haul, Pepsi delivery, buses, real estate company car, etc. Content of the sign is not considered in accordance with Oregon State Constitution for freedom of speech, but it is limiting “moving” signs.



Billboard truck/trailer



Animated billboard truck



Animated sign truck

The proposed amendments would also clarify the number of signs allowed for temporary signs and maximum 12 square feet of wall and window signs. This would reflect how the code is applied now and just clarify the language.

5. CP.206.1, Economic Development Goal 7 and Goal 7 Policies, states “Goal: Encourage successful home-based businesses.

Policies: Encourage home occupations, cottage industries and activities which have little impact on the surrounding neighborhoods through the City's Development Code."

CP.208.5, Economic Development Strategies and Actions, states "Update home occupation ordinance provisions as needed to encourage home occupations, but limit associated negative impacts such as traffic, on-street parking, and noise."

CP.220.7, Housing Policies, states "Permit home occupations which generate minimal impacts as an outright use in most cases."

Finding: The proposed amendments to Home Occupation, and Restaurant associated with an Inn sections allow some non-residential uses but with standards that protect the neighborhood from incompatible commercial uses. Most of these proposed changes just clarify how the staff has interpreted and applied the existing ordinance rather than actual changes to the code. The proposed amendment would clarify that "employee" means anyone associated with the business. Over the years, many business owners have questioned and/or argued that a "partner" or an independent contractor with their business is not an employee. The intent of the code is to limit the number of people associated with the business coming to the home which could potentially be a negative impact to the neighborhood. With the clarification, the proposed amendment would also all non-resident employees who do not come to the home to be processed as a Class A Home Occupation which is a Type I permit rather than as a Type II Class B Home Occupation.

Inns are allowed to have associated restaurants with a conditional use permit in residential zones. The proposed amendment would clarify the hours of operation for this use.

6. CP.015.1, General Land & Water Goals states that *"It is the primary goal of the Comprehensive Plan to maintain Astoria's existing character by encouraging a compact urban form, by strengthening the downtown core and waterfront areas, and by protecting the residential and historic character of the City's neighborhoods. It is the intent of the Plan to promote Astoria as the commercial, industrial, tourist, and cultural center of the area."*

CP.035.2, West End Area Policies, states *"The quiet residential character of the west end will be protected through the City's Development Code."*

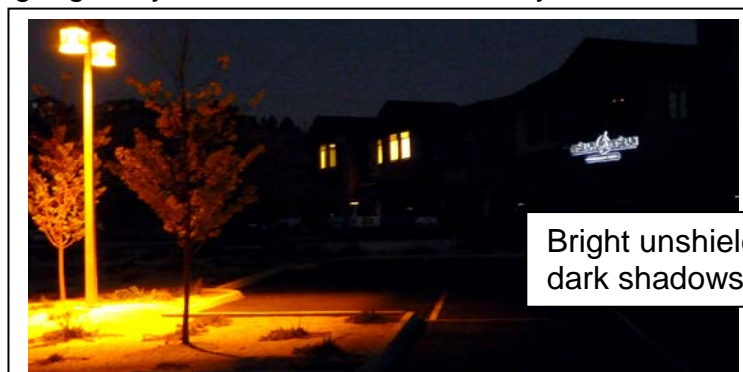
CP.045.2, Central Residential Area Policies, states *"Historic areas (neighborhoods with high concentrations of pre-1911 homes) will be protected through zoning regulations and the use of public lands for relocation of structures."*

CP.075.2, Uppertown Area Policies, states *“The predominantly residential character of the area upland of Marine Drive/Lief Erikson Drive will be preserved.”*

CP.085.2, Alderbrook Area Policies, states *“The residential character of Alderbrook will be protected through the designation of the aquatic area from 41st Street to Tongue Point as natural, and by the present zoning pattern. Development in the 100-year flood area shall be subject to the requirements of the City’s Flood Hazard Overlay Zone.”*

CP.088.2, Emerald Heights Area Policies. States *“The multi-family residential character of Emerald Heights Area will be protected through the present zoning pattern. Additional residential development is encouraged in this area.”*

Finding: The proposed amendments create development standards for several issues that would add to the quiet character of neighborhoods and maintain the character of Astoria. The current lighting standards throughout the code have slightly different wording and some zones do not include reference to lighting. The proposed amendment would reduce inappropriate glare into other properties and/or rights-of-way. The proposed amendments would make the standards uniform City-wide. The draft language is the same or similar to existing lighting standards in parts of the existing code and uses ideas from Dark Sky Association standards which is universally recognized as the leading codes to prevent light pollution and for safe and comfortable lighting. The standards recognize that bright lights that glare into rights-of-way or other properties create dark, blind spots that are counter-productive to good lighting for security. The proposed amendment does not add new standards but applies the existing language City-wide in all zones uniformly.



Bright unshielded light creates dark shadows

Proposed amendments for Home Occupation, setback exemptions, parking exceptions, and streamlined procedures will add flexibility for property owners while still protecting the character of the neighborhoods. The proposed sign standards would prohibit incompatible signage and sign traffic from detracting from the quiet neighborhood and downtown historic character with signs that not consistent with the overall size and location of existing signage.

7. CP.470.1, Citizen Involvement states that *"Citizens, including residents and property owners, shall have the opportunity to be involved in all phases of the planning efforts of the City, including collection of data and the development of policies."*

Finding: Throughout the process of drafting the proposed ordinance, the City has provided public outreach. The Planning Commission held a work session on 2-26-2019. Notices were sent to interested parties, neighborhood associations, email lists, web site, etc. Anyone interested in the proposed ordinance was encouraged to submit suggestions and comments. Work sessions were open for discussion with the public to allow for interactive feedback from the early stage of the adoption process.

Over the years, staff has identified codes and processes that required property owners to delay projects pending approval of Type III permits through the Planning Commission. Several proposed amendments would allow for exceptions and Type I approvals while other would be processed administratively as Type II permits. This would save time and money for both staff and property owners. The City was very conscious of the interest in protection of the residential character of neighborhoods and the potential loss of long-term housing. The proposed definitions are intended to allow for clearer interpretation of the Code. The proposed amendments will be in compliance with State regulations and will establish a permit process that is easy for both the citizens and staff.

Finding: The request is consistent with the Comprehensive Plan.

- D. Section 10.070.A.2 concerning Text Amendments requires that *"The amendment will not adversely affect the ability of the City to satisfy land and water use needs."*

Finding: The proposed amendment will satisfy land use needs in that it will allow for better use of private properties for residential dwellings while protecting the quiet character of the neighborhoods. The proposed amendments will allow flexibility in some housing standards and parking standards. This supports the need for residential area as identified in the Buildable Lands Inventory. Proposed amendments to lighting and signage standards would protect visual character of the City. The proposed amendment will not adversely affect the ability of the City to satisfy land and water use needs.

V. CONCLUSION AND RECOMMENDATION

The request is consistent with the Comprehensive Plan and Development Code. The Planning Commission recommends adoption of the proposed amendments to the City Council.

ORDINANCE NO. 19-_____

AN ORDINANCE AMENDING THE ASTORIA DEVELOPMENT CODE CONCERNING MISCELLANEOUS CORRECTIONS, UPDATES, AND INTERPRETATIONS IN MULTIPLE SECTIONS CITY WIDE.

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. Astoria Development Code Article 1, Basic Provisions, is amended as follows:

Section 01.030, Interpretation, is deleted in its entirety and replaced to read as follows:

“1.030. INTERPRETATION.

A. Applicability.

If the conditions imposed by a provision of this Code are less restrictive than comparable conditions imposed by another provision of this Code or of any other Ordinance of the City, the provision which is more restrictive shall govern.

B. Authorization of Similar Uses.

The Community Development Director and/or the Planning Commission may rule that a use not specifically permitted in a zone shall be permitted in a zone if it is similar to the permitted uses in the zone, if its effect on adjacent properties is substantially the same as the permitted uses, and if it is not specifically designated as a permitted use in another zone. However, uses and activities that this Code specifically prohibits in the subject zone, and uses and activities that the Community Development Director and/or Planning Commission finds are similar to those that are prohibited, are not allowed. (formerly Section 1.360)

C. Code Interpretations.

This section provides a process for resolving differences in the interpretation of the Code text.

D. Code Interpretation Procedure.

Requests for code interpretations, including, but not limited to, similar use determinations, shall be made in writing to the Community Development Director and shall be processed as follows:

1. Where an interpretation requires discretion, the applicant shall submit a Miscellaneous Review Permit application for a Code Interpretation with applicable fee for a Type II permit. At a minimum, an application for code interpretation shall include a letter citing the nature and reasons for the request. The Community Development Director shall review relevant background information, including, but not limited to, other relevant Code sections and

previous City land use decisions, and follow the Type II decision-making procedures in Article 9.

2. The Community Development Director may refer the application to the Planning Commission and follow Type III decision-making procedures in Article 9.
3. Where a code interpretation may have significant City-wide policy implications, the Community Development Director may bypass the procedures in Sections 1.030.D.1 to 1.030.D.2 and refer the request directly to the City Council for its legislative review in a public hearing. Such public hearings shall be conducted following Type IV procedure of Article 9.
4. All decisions on a code interpretation shall be made in writing to the person requesting it, to any other person who specifically requested a copy of the decision, and to those who provided public testimony on the application in accordance with Article 9."

Section 1.355, Penalties, is added to read as follows:

"1.355. PENALTIES.

Except as otherwise provided in this Code, a violation of a provision of this code may be punishable as noted in City Code Section 1.010, Penalties."

Section 1.360, Authorization of Similar Uses, is deleted in its entirety.

Section 1.400, Definitions, is amended by the addition of definitions to read as follows:

"CONSTRUCTION SERVICE ESTABLISHMENT: Business primarily engaged in construction such as plumbing, mechanical, roofing, building construction, etc., including shop storage buildings and yards, dispatch facility with on-site storage of vehicles."

"BILLBOARD VEHICLE: Any wheeled vehicle, whether motorized or not, used primarily for the display of general advertising or general advertising for hire, by means of traversing or parking upon any public street or public parking space in a manner that the advertising image(s) on the vehicle are visible from any portion of the public right-of-way. Also known as "sign truck" or "billboard truck" or "mobile billboard." This definition does not apply to vehicles displaying images related to the same business or establishment of which the vehicle is an operating instrument for other purposes and does not apply to vehicles which are on the public road for the primary purpose of transportation, such as taxis and buses, even if such vehicles display general advertising."

"FAIR MARKET VALUE, CLATSOP ASSESSOR RECORDS: Fair Market Value shall be as indicated on the records of the Clatsop County Assessor of the existing structure, not the value of the proposed alteration and/or new construction. When a "fair market" value is not available, the current "assessed" value as indicated on the records of the Clatsop County Assessor of the existing structure may be used."

“INDOOR ENTERTAINMENT: A facility which provides entertainment for persons of all ages but may also be limited to persons over the age of 21 years, and which may be passive or active. Examples include bowling alleys, movie theaters, swimming pools, racquet ball courts, adult movie theaters, adult dance halls, and similar facilities.”

“INDUSTRIAL: A structure or use that involves a large-scale business, manufacturing business, seafood industry, warehousing, or other large-scale operation that is not general commercial in nature and/or residential.”

“TRANSPORTATION SERVICE ESTABLISHMENT: Business primarily engaged in moving of goods and/or persons such as freight company, bus depot, intermodal center, delivery vehicle and semi-truck storage areas, etc., but excluding bicycle rental facilities.”

“WIND ENERGY FACILITY: A system that converts wind energy into electricity through the use of a wind turbine generator and may include a nacelle, rotor, blade, tower, and/or turbine pad. A Small-Scale Wind Energy Facility shall be a system of less than 90’ in height, rotor blade of less than 22’ (380 square foot swept area). A Small-Scale Facility is classified as a “utility” and is subject to the height limitations of the zone. All other facilities are prohibited.”

Section 1.400, Definitions, is amended but the deletion of the following definitions to be replaced to read as follows:

“AUTOMOTIVE SERVICE STATION: Any premises used primarily for retail sales of oil, auto accessories, and as a secondary service, minor servicing, excluding body and fender repair. Gasoline service stations are not included in this category. Electrical vehicle charging station not accessory to the primary use on the property is included in this category. Electrical vehicle charging station without a freestanding sign, except directional and/or informational signs less than four square feet each, may be classified as an accessory use to the primary use in a parking lot (including “commercial or public off-street parking lot” use classification) are not included in this category.”

“FENCE: An accessory structure, including landscape planting other than trees, designed and intended to serve as a barrier or as a means of enclosing a yard or other area, or other structure; or to serve as a boundary feature separating two or more properties.”

“INDOOR FAMILY ENTERTAINMENT OR RECREATION ESTABLISHMENT: A facility which provides entertainment or recreation for persons of all ages, and which may be passive or active. Examples include bowling alleys, movie theaters, swimming pools, racquet ball courts, light manufacturing production viewing areas, and similar facilities.”

“LOT COVERAGE: The portion of a lot expressed as a percentage of the total lot area that is occupied by the principal and accessory buildings, including all decks, and other projections extending 12” above ground level of the lot upwards at any point on the structure including handrails, except eaves.”

“MICROWAVE RECEIVING DISH/DEVICE: Any conical or dish shaped device or similar structure used for receiving television or other telecommunication signals transmitted from satellites or earth-based transmitters. Microwave receiving dishes/devices may also be

known as "Television Receive Only" (TVRO) dishes, "Satellite Direct Service" (SDS) dishes, "Multi-Distance Service" (MDS) dishes and "Earth Stations". Microwave receiving dish/device is for receiving only and shall not transmit, repeat, or reflect signals."

"RETAIL SALES ESTABLISHMENTS: Businesses, including a restaurant or bar, which are primarily engaged in selling merchandise to customers for personal, household, or farm use. It includes the sale of moped and other small powered vehicles as long as they are not displayed in an outdoor sales area. Retail Sales Establishment does not include gasoline service station, automotive sales establishment, or other sales of large motorized vehicles, or mobile homes."

"TOURIST ORIENTED SALES OR SERVICE: A use or business which devotes 50% or more of its primary use gross floor area to uses or activities which are open and ~~or~~ physically accessible to the public and are reasonably expected to be of interest to visitors. A use or business that is primarily used by the general public such as a video rental establishment, pharmacy, etc. and also used by a visitor but not as a tourist destination for 50% of the primary use gross floor area, is not tourist-oriented."

Section 2. Astoria Development Code Article 2, Use Zones, is amended as follows:

Section 2.050.8, Other Applicable Use Standards in the R-1 Zone is deleted in its entirety and replaced to read as follows:

"8. All uses shall comply with applicable lighting standards in Section 3.128."

Section 2.095.8, Other Applicable Use Standards in the R-2 Zone, is deleted in its entirety and replaced to read as follows:

"8. All uses shall comply with applicable lighting standards in Section 3.128."

Section 2.185.8, Other Applicable Use Standards in the R-3 Zone, is deleted in its entirety and replaced to read as follows:

"8. All uses shall comply with applicable lighting standards in Section 3.128."

Section 2.235.2, Other Applicable Standards, in the CR Zone, is deleted in its entirety and replaced to read as follows:

"2. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas."

Section 2.335.9, Other Applicable Use Standards in the C-1 Zone, is added to read as follows:

"9. All uses shall comply with applicable lighting standards in Section 3.128."

Section 2.235.11, Other Applicable Standards in the CR Zone, is added to read as follows:

“11. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.335.2, Other Applicable Use Standards, in the C-1 Zone, is deleted in its entirety and replaced to read as follows:

- “2. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas and shall not exceed 100 square feet in size.”

Section 2.375.3, Other Applicable Use Standards, in the C-2 Zone, is deleted in its entirety and replaced to read as follows:

- “3. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas and shall not exceed 100 square feet in size.”

Section 2.375.11, Other Applicable Use Standards in the C-2 Zone, is added to read as follows:

“11. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.390.23, Uses Permitted Outright, in the C-3 Zone, is added to read as follows:

“23. Residential Home in a new or existing structure:

- a. Located above or below the first floor with commercial facilities on the first floor of the structure.
- b. Located in the rear of the first floor with commercial facilities in the front portion of the structure.”

Section 2.415.3, Other Applicable Use Standards, in the C-3 Zone, is deleted in its entirety and replaced to read as follows:

- “3. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. This requirement does not apply to outdoor retail sales areas.”

Section 2.415.11, Other Applicable Use Standards in the C-3 Zone, is added to read as follows:

“11. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.430.13, Uses Permitted Outright, in the C-4 Zone, is deleted in its entirety and replaced to read as follows:

“13. Residential home, located above or below the first floor, with commercial facilities on the first floor of existing structure.”

Section 2.430.15, Uses Permitted Outright in the C-4 Zone, is deleted in its entirety and replaced to read as follows:

“15. Single-family and two-family dwelling in a new or existing structure:

- a. Located above or below the first floor with commercial facilities on the first floor of the structure.
- b. Located in the rear of the first floor with commercial facilities in the front portion of the structure.”

Section 2.435.5, Conditional Uses Permitted in the C-4 Zone, is deleted in its entirety and replaced to read as follows:

“5. Multi-family dwelling in a new or existing structure:

- a. Located above or below the first floor, with commercial facilities on the first floor.
- b. Located in the rear of the first floor with commercial facilities in the front portion of the structure.”

Section 2.435.7, Conditional Uses Permitted in the C-4 Zone, is deleted in its entirety and replaced to read as follows:

“7. Residential facility, in a new or existing structure:

- a. Located above or below the first floor, with commercial facilities on the first floor.
- b. Located in the rear of the first floor with commercial facilities in the front portion of the structure.”

Section 2.445.4, Other Applicable Use Standards, in the C-4 Zone, is deleted in its entirety and replaced to read as follows:

- “4. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas and shall not exceed 100 square feet in size.”

Section 2.445.12, Other Applicable Use Standards in the C-4 Zone, is added to read as follows:

“12. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.485.1, Other Applicable Use Standards, in the GI Zone, is deleted in its entirety and replaced to read as follows:

- “1. Outdoor Storage.

All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.”

Section 2.485.8, Other Applicable Use Standards in the GI Zone, is deleted in its entirety and replaced to read as follows:

- “8. Lighting shall not exceed 28’ in height. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.515.13, Development Standards and Procedural Requirements in the A-1 Zone, is hereby added to read as follows:

- “13. All uses shall comply with applicable lighting standards in Section 3.128.”

2.515.14, Development Standards and Procedural Requirements, in the A-1 Zone, is added to read as follows:

- “14. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.”

Section 2.540.7, Development Standards and Procedural Requirements in the A-2 Zone is deleted in its entirety and replaced to read as follows:

- “7. Uses located between the extended rights-of-way of 7th Street and 14th Street are not required to provide off-street parking or loading. Uses located in other portions of the A-2 Zone shall comply with the access, parking and loading standards specified in Article 7.”

Section 2.540.12, Development Standards and Procedural Requirements in the A-2 Zone, is hereby added to read as follows:

- “12. All uses shall comply with applicable lighting standards in Section 3.128.”

2.540.13, Development Standards and Procedural Requirements, in the A-2 Zone, is added to read as follows:

- “13. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.”

Section 2.565.10, Development Standards and Procedural Requirements in the A-2A Zone, is hereby added to read as follows:

- “10. All uses shall comply with applicable lighting standards in Section 3.128.”

2.565.11, Development Standards and Procedural Requirements, in the A-2A Zone, is added to read as follows:

“11. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.”

Section 2.590.10, Development Standards and Procedural Requirements in the A-3 Zone, is hereby added to read as follows:

“10. All uses shall comply with applicable lighting standards in Section 3.128.”

2.590.11, Development Standards and Procedural Requirements, in the A-3 Zone, is added to read as follows:

“11. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.”

Section 2.615.9, Development Standards and Procedural Requirements in the A-4 Zone, is hereby added to read as follows:

“9. All uses shall comply with applicable lighting standards in Section 3.128.”

2.615.10, Development Standards and Procedural Requirements, in the A-4 Zone, is added to read as follows:

“10. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.”

Section 2.665.11, Development Standards and Procedural Requirements in the S-1 Zone, is hereby added to read as follows:

“11. All uses shall comply with applicable lighting standards in Section 3.128.”

2.665.12, Development Standards and Procedural Requirements, in the S-1 Zone, is added to read as follows:

“12. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.”

Section 2.690.2, Development Standards and Procedural Requirements, in the S-2 Zone, is deleted in its entirety and replaced to read as follows:

“2. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.”

Section 2.690.12, Development Standards and Procedural Requirements in the S-2 Zone, is hereby added to read as follows:

“12. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.715.2, Development Standards and Procedural Requirements, in the S-2A Zone, is deleted in its entirety and replaced to read as follows:

- “2. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.”

Section 2.715.10, Development Standards and Procedural Requirements in the S-2A Zone, is hereby added to read as follows:

- “10. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.740.6, Development Standards and Procedural Requirements in the S-5 Zone, is hereby added to read as follows:

- “6. All uses shall comply with applicable lighting standards in Section 3.128.”

2.740.7, Development Standards and Procedural Requirements, in the S-5 Zone, is added to read as follows:

- “7. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.”

Section 2.860.3, Other Applicable Use Standards, in the IN Zone, is deleted in its entirety and replaced to read as follows:

- “3. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.”

Section 2.860.10, Other Applicable Use Standards in the IN Zone, is hereby added to read as follows:

- “10. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.880.3, Other Applicable Use Standards in the LR Zone, is hereby added to read as follows:

- “3. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.880.4, Other Applicable Use Standards, in the LR Zone, is added to read as follows:

- “4. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.”

Section 2.902.2, Other Applicable Use Standards, in the MH Zone, is deleted in its entirety and replaced to read as follows:

- “2. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. This requirement does not apply to outdoor retail sales areas.”

Section 2.902.12, Other Applicable Use Standards in the MH Zone, is hereby added to read as follows:

- “12. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.916.2, Other Applicable Use Standards, in the FA Zone, is deleted in its entirety and replaced to read as follows:

- “2. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. This requirement does not apply to outdoor retail sales areas.”

Section 2.916.12, Other Applicable Use Standards in the FA Zone, is hereby added to read as follows:

- “12. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.934.2, Other Applicable Use Standards, in the AH-HC Zone, is deleted in its entirety and replaced to read as follows:

- “2. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. This requirement does not apply to outdoor retail sales areas.”

Section 2.934.15, Other Applicable Use Standards in the AH-HC Zone, is deleted in its entirety and replaced to read as follows:

- “15. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.948.2, Other Applicable Use Standards, in the HC Zone, is deleted in its entirety and replaced to read as follows:

- “2. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. This requirement does not apply to outdoor retail sales areas.”

Section 2.948.13, Other Applicable Use Standards in the HC Zone, is hereby added to read as follows:

- “13. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.964.2, Other Applicable Use Standards, in the CA Zone, is deleted in its entirety and replaced to read as follows:

- “2. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. This requirement does not apply to outdoor retail sales areas.”

Section 2.964.12, Other Applicable Use Standards in the CA Zone, is hereby added to read as follows:

“12. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.972.2, Other Applicable Use Standards, in the HR Zone, is deleted in its entirety and replaced to read as follows:

“2. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. This requirement does not apply to outdoor retail sales areas.”

Section 2.972.12, Other Applicable Use Standards in the HR Zone, is hereby added to read as follows:

“12. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.981.2, Other Applicable Use Standards, in the LS Zone, is deleted in its entirety and replaced to read as follows:

“2. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. This requirement does not apply to outdoor retail sales areas.”

Section 2.981.11, Other Applicable Use Standards in the LS Zone, is hereby added to read as follows:

“11. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.992.2, Other Applicable Use Standards, in the AH-MP Zone, is deleted in its entirety and replaced to read as follows:

“2. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. This requirement does not apply to outdoor retail sales areas.”

Section 2.992.11, Other Applicable Use Standards in the AH-MP Zone, is deleted in its entirety and replaced to read as follows:

“11. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 3. Astoria Development Code Article 3, Additional Land Use and Development Standards, is amended as follows:

Section 3.005, ACCESS TO STREETS, is deleted in its entirety and replaced to read as follows:

“3.005. ACCESS TO STREETS.

Every lot shall abut a street, other than an alley, for at least 25 feet, except as follows:

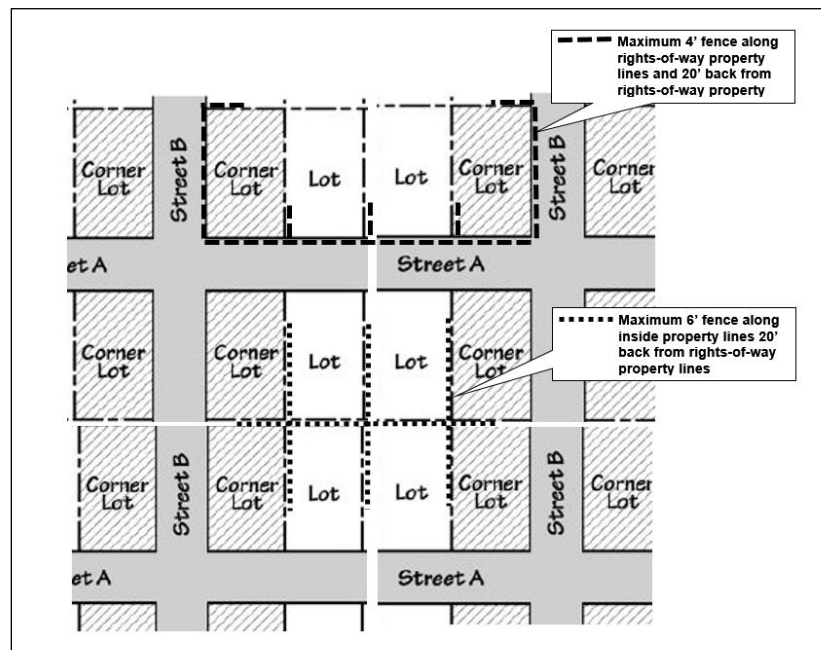
1. recorded easement of 25' may be used to satisfy this requirement; or
2. pre-existing platted lot fronting on an alley may use the alley for "access to street" if the alley is already developed or can be developed to comply with emergency vehicle access requirements to the site as approved by the City."

Section 3.035.A, ACCESSORY STRUCTURES, Fences, Walls, and Hedges, is deleted in its entirety and replaced to read as follows:

"3.035. ACCESSORY STRUCTURES.

A. Fences, Walls, and Hedges.

1. Except as provided in City Code Section 6.100 concerning Clear Vision Area, fences, walls, or mature hedges not over 48 inches in height may occupy the required front yard of any lot, or the required side yard along the flanking street of a corner lot.
2. Fences or hedges located back of the required front or flanking street side yard located on inside property lines shall not exceed a height of six (6) feet.
3. Fence or hedges located back of the required front or flanking street side yard along an unimproved alley right-of-way shall be considered as an inside property line and shall not exceed a height of six (6) feet.

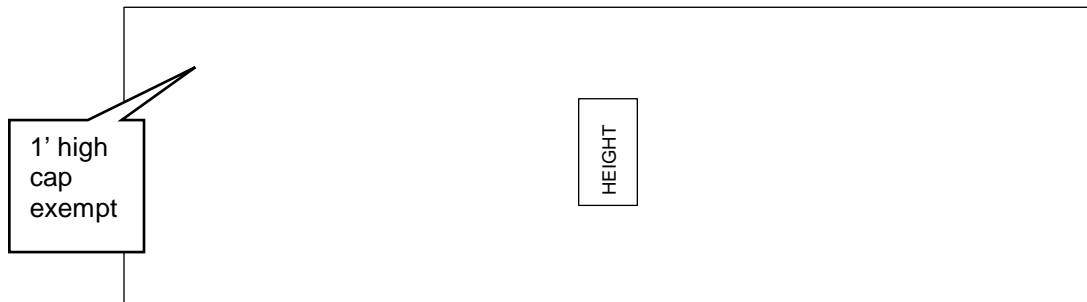


4. Arbor and gateway entrances of fences or hedges may be 8' tall but shall not exceed 5' in width.

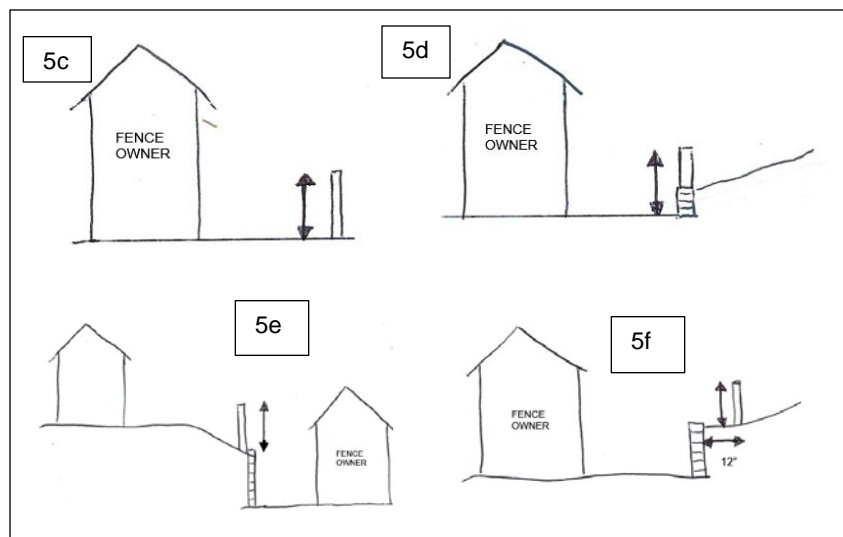


5. Fence height shall be measured to the highest portion of the fence on the fence owner's side as follows:

- a. Posts, caps, and/or lights not exceeding one foot above the maximum allowable fence height are excluded from maximum fence height;



- b. Arbors and gateways as noted in Section 3.035.A.4;
- c. Fence at grade level shall be measured from grade level on the fence owner's side of the property;
- d. Fence on top of a retaining wall or other similar structure less than 3' high shall be measured from grade level on the fence owner's side of the property including the retaining wall and shall not exceed a combined maximum of six (6) feet from the lowest level, or a maximum of 42" from the top of the retaining wall or other similar structure to the top of the fence, whichever is greater;
- e. Fence on top of a retaining wall or other similar structure greater than 3' high shall be measured from grade level at the top of the retaining wall;
- f. Fence set back 12" from the top of the retaining wall or other similar structure regardless of height shall be measured from grade level at the top of the retaining wall.



6. Trees and other intermittent landscaping are exempt from the height limitation except as noted in City Code Section 6.100 concerning Clear Vision Area.
7. Fences or hedges located 20' back of the required front yard, 15' back of the required flanking street side yard, 5' back of the required side yard, or back of the rear yard as required by the zone are exempt from the fence height limitation but are limited by the height of the zone."

Section 3.070.B, EXCEPTIONS TO YARDS, Front Yard Exceptions, is deleted in its entirety and replaced to read as follows:

"B. Front and Street Side Yard Exceptions.

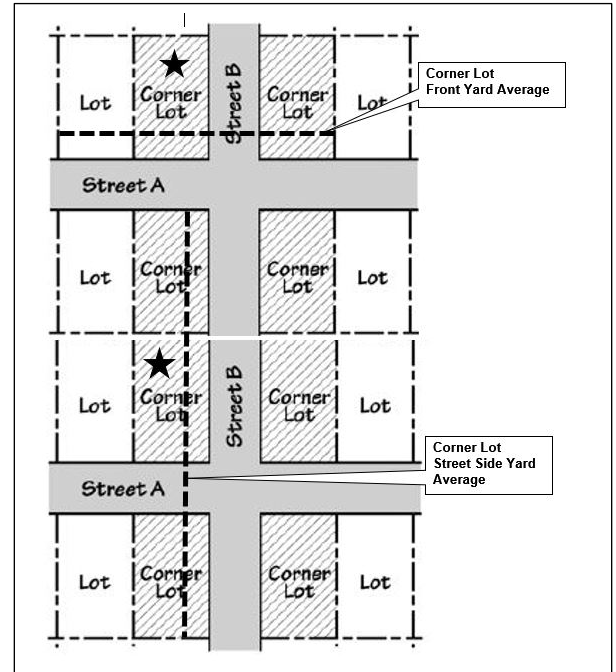
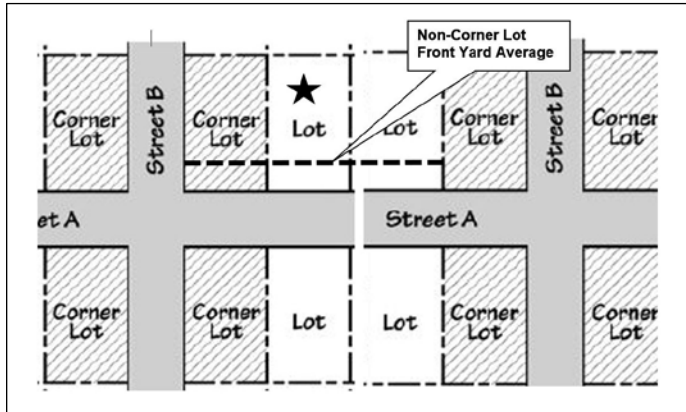
The following exceptions to the front and street side yard requirements are authorized for a lot in any zone:

1. Lots with Development on Both Abutting Lots.

If there are dwellings on both abutting lots with front and/or street side yards, as applicable, of less than the required depth for the zone, the front and/or street side yard of the lot may equal the average front and/or street side yard of the abutting lots.
2. Lots with Development on only One Abutting Lot.

If there is a dwelling on only one abutting lot and/or lot across the right-of-way as noted in Section B.3, with a front and/or street side yard of less depth than the required depth for the zone, the front and/or street side yard for the lot may equal a depth halfway between the depth of the abutting lot and/or lot across the right-of-way, and the required front and/or street side yard depth.
3. Corner Lot.

On a corner lot, if there is a dwelling on one abutting lot and the lot across the right-of-way on the same side of the street with a front and/or street side yard of less depth than the required depth for the zone, the front and/or street side yard for the lot may equal a depth halfway between the depth of the abutting lot and the lot across the right-of-way on the same side of the street.”



4. Alley Setback.

An alley is defined as a right-of-way and is considered as a “street side yard” resulting in corner lot setback requirements. The street side yard setback on an alley may be reduced to 5’ unless a smaller setback is allowed in the zone upon written approval by the City Engineer based on location of public utilities within the right-of-way and processed as an administrative Type I permit by the Planner.”

Section 3.070.C, EXCEPTIONS TO YARDS, Structures Within Yards, is deleted in its entirety and replaced to read as follows:

“C. Structures Within Yards.

The following structures may be located within the required yard setback area unless otherwise limited by compliance with other requirements such as Building Codes, Attached Housing-Mill Pond Zone construction restrictions, or other Code requirements.

1. Decks, walkways, or uncovered porches, 12 inches or less in height above grade.
2. Stairs of a maximum 3’ in width and required landings for the stairs to access existing building entrances. This does not include deck/porch areas not required per Building Codes for the stair construction.

3. Ramp and/or other access required for handicap accessibility meeting American With Disabilities Act and Building Code requirements.
4. Stairs of a maximum 3' in width for new construction. This does not include landings, deck/porch areas, or stairs in excess of 3' in width."

Section 3.070.E, EXCEPTIONS TO YARDS, Encroachments beyond the property line, is added to read as follows:

"E. Existing Encroachments Beyond the Property Line.

In order to reduce encroachments of existing structures constructed beyond the property line, a structure may be altered and/or moved to reduce the encroachment without the need to comply with the required setbacks along that property line nor the need for a variance if it meets the following requirements.

1. The portion of the existing structure encroaching beyond the property line was constructed prior to 1976 as verified by aerial or other dated photograph, County Assessor records, and/or other document of verification acceptable to the City; or
2. The encroachment was constructed by a previous owner; or
3. The encroachment was due to an act of nature such as a landslide, and not including neglect or deferred maintenance; and
4. It is not feasible or reasonable to comply with the full required setback such as other development on the lot, lot dimensions, geologic issues, topography, etc."

Section 3.095.A and 3.095.B, Home Occupations, are deleted in their entirety and replaced to read as follows:

"3.095. HOME OCCUPATIONS.

Home occupations are permitted in residential zones in order to provide for low-impact businesses which the owners or residents can operate within the dwelling, or in an adjacent structure. The regulations are intended to ensure that the occupation will not be a detriment to the surrounding neighborhood and that it will be subordinate to the main use of the property.

A. Class A.

A Class A home occupation is one where the residents use their home as a place of work, with no non-resident persons associated with the business, and with only an occasional customer coming to the site a maximum of twice per week. Examples include artists, crafts people, writers, and consultants. Class A home occupations also provide an opportunity for a home to be used as a business address but not as a place

of work. A Class A business is only conducted within the dwelling itself, and not in accessory structures.

B. Class B.

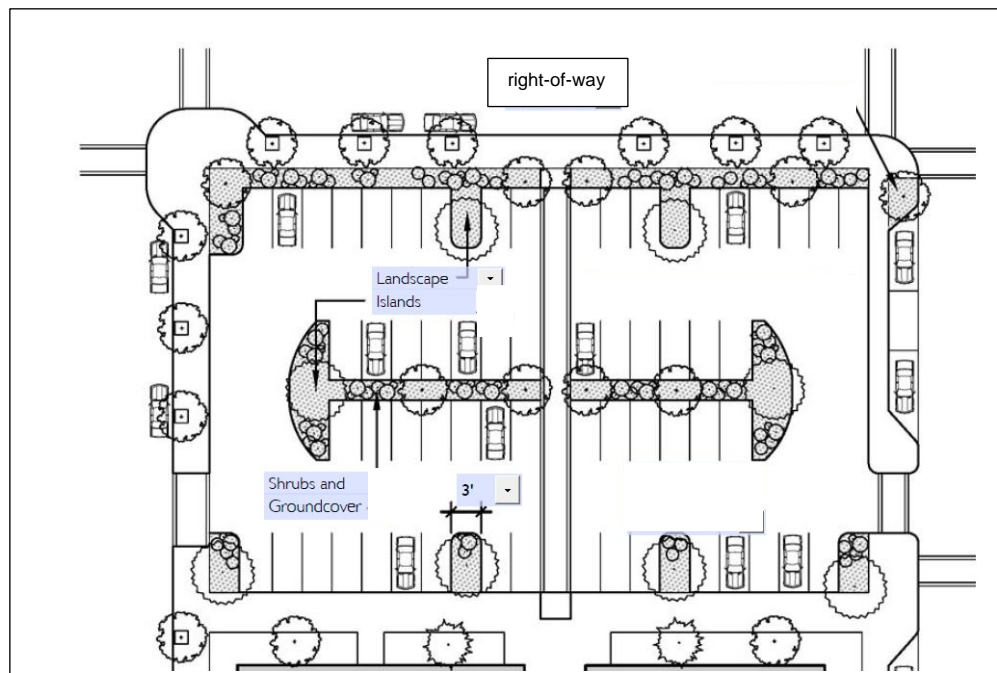
1. A Class B home occupation is one where one of the following factors occur:

- a. Customers come to the home more than twice per week; or
- b. One non-resident associated with the business would come to the site; additional non-resident persons associated with the business may be allowed if they do not come to the site; or
- c. The home occupation is conducted in an adjacent structure.

Examples include counseling, hair styling, woodworking, and contract construction.”

Section 3.120.A.8, Landscaping Requirements, is deleted in its entirety and replaced to read as follows:

- “8. Parking areas with 20 spaces or more shall have a minimum of one landscaping divider per ten (10) parking spaces. Each ten (10) parking spaces shall be bordered by a landscaped area. Such area shall consist of a curbed planter of at least three (3) feet by 16 feet, or at least 48 square feet. Each planter shall contain at least one (1) tree, along with hedge or shrub material. An exception to allow a maximum of one row of parking spaces within a parking area to exceed the maximum ten spaces between landscaped planters by one or two spaces may be approved as an administrative Type I permit if the amount of overall required landscaping is not reduced.”



3.120.A.15, Landscaping Requirements, is added to read as follows:

- “15. There shall be a 15’ landscaped buffer area maintained between outdoor storage areas, parking areas, and/or driving surfaces and the top of bank along the shoreline. Except as otherwise noted, parked vehicle bumpers may overhang a maximum of 2.5’ beyond a bumper guard into the landscaped area.”

Section 3.128, Lighting Standards, is hereby added to read as follows:

“3.128. LIGHTING STANDARDS.

Outdoor lighting shall be designed and placed so as not to cast glare into adjacent properties or rights-of-way. Light fixtures shall be designed to direct light downward and minimize the amount of light directed upward. The Community Development Director may require the shielding or removal of such lighting where it is determined that existing lighting is adversely affecting adjacent properties or contributing to light directed into the night sky.”

Section 3.130.D, Maintenance of Public Access to the Water is added to read as follow:

“D. Applicability.

"Public access" is used broadly to include direct physical access to estuary aquatic areas (boat ramps, for example), aesthetic access (viewing opportunities, for example), and other facilities that provide some degree of public access to Columbia River Estuary shorelands and aquatic areas.”

Section 3.158, Legal Lot Determination, is added to read as follows:

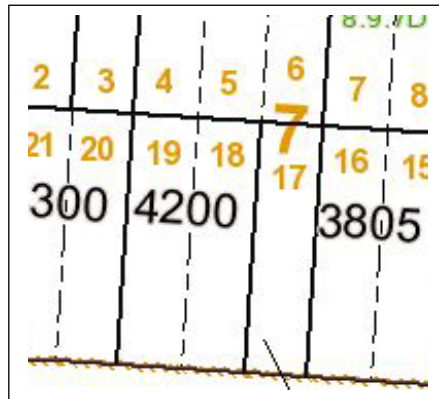
“3.158. LEGAL LOT DETERMINATION.

A. Process.

The Community Development Director or the Planner may determine whether a lot individually or in combination with contiguous property held in a single ownership has an area or dimension meeting the lot size requirements of the zone in which the property is located for a proposed use. Requests for a Legal Lot Determination shall be submitted in writing to the Community Development Department for review and approval. The Community Development Director or Planner may require a current title report or other evidence of ownership prior to making a determination. Conditions of any Determination shall include conditions as are necessary for the lot, individually or in combination with contiguous property, to be deemed as “buildable” in accordance with City regulations. The existence of a County Tax Lot designation is not considered as a determination of “legal lot” for zoning purposes. This determination may be used to review subsequent applications to the department.

B. Combining of Lots.

When a project will extend into adjacent lots, parcels, or tracts whether to meet lot size requirements, for the placement of structures or accessory uses, or to provide for requirements such as parking, the Community Development Director or Planner shall require that the properties be combined either through a Property Line Adjustment or by recording a deed or memorandum containing a covenant preventing the separate sale, transfer, or encumbrance of either property except in compliance with building codes, City of Astoria Development Code, and other applicable land use regulations.



Example: To build on Tax Lot 4200, the sale, transfer or encumbrance of platted lots 18 & 19 would need to be restricted by a recorded deed or memorandum.”

Section 3.140.A.6 and 3.140.A.7, MANUFACTURED HOME ON INDIVIDUAL LOT, is deleted in its entirety and replaced to read as follows:

- “6. The manufactured home shall have a garage or carport with minimum dimensions of 14' x 20'. The structure shall be sided and roofed to match the manufactured home. Carports shall be designed to include an enclosed, ground-level storage area of at least 56 square feet as an integral part of the structure. The garage or carport shall be constructed at the time of the manufactured home placement and shall be completed prior to occupancy of the dwelling.
7. Manufactured homes shall be prohibited within, or adjacent to, or across a public right-of-way from a historic district, or adjacent to or across a public right-of-way from a historic landmark, or structure identified as Primary, Secondary, Eligible/Significant, or Eligible/Contributing.”

Section 3.150, MICROWAVE RECEIVING DISH, is deleted in its entirety and replaced to read as follows:

“3.150. MICROWAVE RECEIVING DISH/DEVICE.

A. The following standards shall be applicable to all microwave receiving dishes/devices.

1. Residential Zones.

All private microwave receiving dishes/devices in residential zones larger than 20” in diameter for conical dishes or 3 square feet if not conical, shall be located as follows:

- a. in the rear yard, no closer than five (5) feet from any rear or side lot line; and
- b. screened by sight obscuring fences and/or dense landscape buffers; and
- c. mounted as close to existing grade level as possible. In residential zones; and
- d. not mounted on the roofs of structures.

2. All Other Zones or Devices.

All microwave receiving dishes/devices except as noted in Section 3.150.A.1, shall be reviewed and approved by the Community Development Director and shall be located as follows:

- a. to ensure they have minimal visual impact; and
- b. screened by sight obscuring fences, dense landscape buffers, and/or location of dish/device so that it is not highly visible from adjacent properties or right-of-way.

If the Community Development Director believes that substantial issues are involved, the Director may schedule a public hearing in accordance with the procedures specified in Article 9.

3. Permits.

No microwave receiving dish/device shall be installed until a permit has been obtained from the Community Development Department.

B. Historic Properties.

A Microwave Receiving Dish/Device shall not be located on the front or street side facade of a structure designated as historic.”

Section 3.180.C.1 concerning Non-Conforming Uses, Discontinuance of Non-conforming Use, is hereby deleted in its entirety and replaced to read as follows:

“1. If a nonconforming use involving a structure is discontinued for a period of one (1) year, further use of the property shall conform to this Code except as follows:

- a. When a residential structure has been used in the past for more units than allowed, the use may continue, even if ceased for one year, with the following conditions:
 - 1) Structure was not converted back to the lesser number of units (i.e. removal of kitchen, etc.); and
 - 2) Units were legal non-conforming units and not converted without necessary permits; and

- 3) The number of units are allowed outright or conditionally in the zone (i.e., duplex or multi-family dwelling in R-2, etc.); and
- 4) The number of units does not exceed the density for the zone (i.e., the lot square footage divided by 43,560 square feet (acre) x maximum density of zone = number of units allowed by density; and
- 5) Provide required off-street parking spaces per unit, except as allowed by Section 3.020.B.7, or obtain a variance; and
- 6) If the structure is destroyed per Section 3.190.D, the new use shall comply with the zone requirements and/or Section 3.190.E.”

Section 3.190.C concerning Change of Nonconforming Structures is hereby deleted in its entirety and replaced to read as follows:

“A nonconforming structure may be enlarged or altered in a way that does not increase its nonconformity. Any structure or portion thereof may be altered to decrease its nonconformity. The following alterations are allowed:

1. Addition of second utility meter. The second meter does not validate the nonconforming use but is solely for purposes of the existing use until such time as it is destroyed and must come into compliance with the Code per Section 3.190.D.”

Section 3.210.A.4, Off-Street Sales and Storage Lots, is deleted in its entirety and replaced to read as follows:

“A. Requirements.

4. Security, display, or outdoor lighting shall comply with applicable lighting standards in Section 3.128.”

Section 3.215, Outdoor Storage Area Enclosures, is added to read as follows:

“3.215. OUTDOOR STORAGE AREA ENCLOSURES.

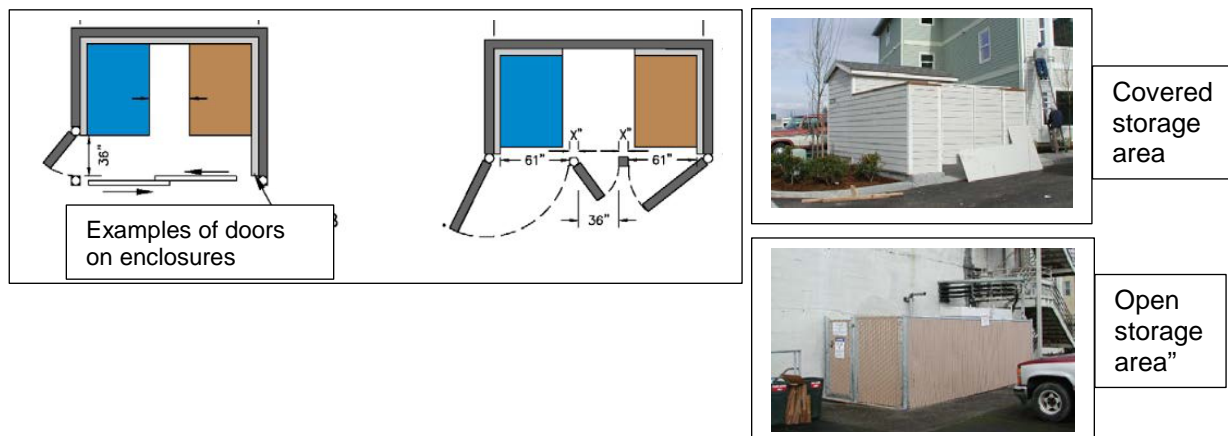
1. Outdoor Storage Area Enclosure Required.

Outdoor storage areas shall be enclosed to provide physical and/or visual buffers. Required enclosures shall be maintained in such condition as to not become so defective, unsightly, or in such condition of deterioration, disrepair, or unsanitary condition that the same causes potential depreciation of the values of surrounding properties or is materially detrimental to nearby properties and/or improvements.

2. Applicability.

The provisions of this Section shall apply to all new construction or major renovation of the existing structures, where “major renovation” is defined as construction valued at 25% or more of the assessed value of the existing structure, unless otherwise specified by the provisions in this Section. The provisions shall also apply to all new storage areas; relocation of an existing storage area; and/or expansion of an existing storage area.

3. In addition to other Code requirements such as Historic and/or Design Review, enclosures shall be provided as follows:
 - a. Outdoor storage areas shall be enclosed by appropriate vegetation, fencing, or walls, except for single-family and two-family residential use.
 - b. Section 3.215 does not apply to outdoor retail sales areas.
 - c. An enclosed storage area visible from other properties and/or rights-of-way shall be required to include a cover to buffer the view from other properties and/or rights-of-way. The minimum clearance inside a covered enclosure shall be 7’6” with a 6’8” high entryway for pedestrian access.
 - d. Enclosed storage areas greater than 7’ tall shall contain a pedestrian access door in addition to the main service doors.
 - e. The design and location of any enclosed solid waste disposal storage area shall be reviewed and approved by the collection service company.
 - f. Unless approved by the Planner, access to enclosed storage areas shall not be blocked by parking spaces.



Section 3.230.B, RESTAURANT AS AN ACCESSORY USE TO AN INN, Hours of Operation is deleted in its entirety and replaced to read as follows:

“B. Hours of Operation.

The restaurant shall be open no more than five (5) nights per week, and shall not seat guests before 7:00 a.m. or after 9:00 p.m.”

Section 3.230.F, RESTAURANT AS AN ACCESSORY USE TO AN INN, is amended with the addition to read as follows:

“F. Associated Business Activities.

Approved “associated business activities” within an inn are not subject to the requirements of Section 3.230.”

Section 4. Astoria Development Code Article 4, Columbia River Aquatic and Shoreland Regional Standards, is amended as follows:

4.160.2.e, Columbia River Estuary and Shoreland Regional Standards Residential, Commercial and Industrial Development, is added to read as follows:

“e. There shall be a 15’ landscaped buffer area maintained between outdoor storage areas, parking areas, and/or driving surfaces and the top of bank along the shoreline. Except as otherwise noted, parked vehicle bumpers may overhang a maximum of 2.5’ beyond a bumper guard into the landscaped area.”

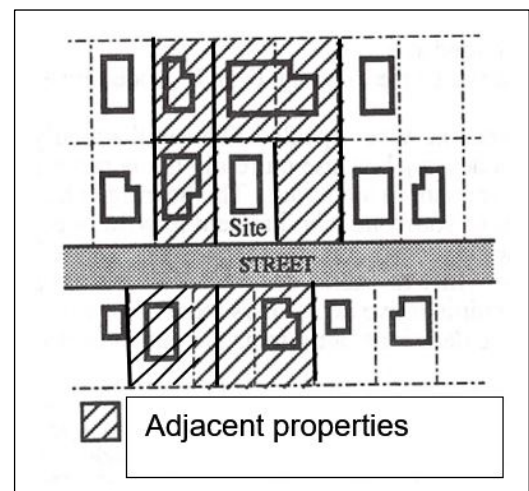
Section 5. Astoria Development Code Article 6, Historic Properties, is amended as follows:

Section 6.070.A, New Construction, Certificate of Appropriateness, is deleted in its entirety and replaced to read as follows:

“A. Certificate of Appropriateness.

No person, corporation, or other entity shall construct a new structure adjacent to or across a public right-of-way from a Historic Landmark as described in Section 6.040, without first obtaining a Certificate of Appropriateness from the Historic Landmarks Commission.

In obtaining a Certificate of Appropriateness as required above, the applicant shall file an application on a form furnished for that purpose with the Community Development Department.”



Section 6. Astoria Development Code Article 7, Parking, is amended as follows:

Section 7.030.C and 7.030.D, Off-Street Parking and Loading, Location, is added to read as follows:

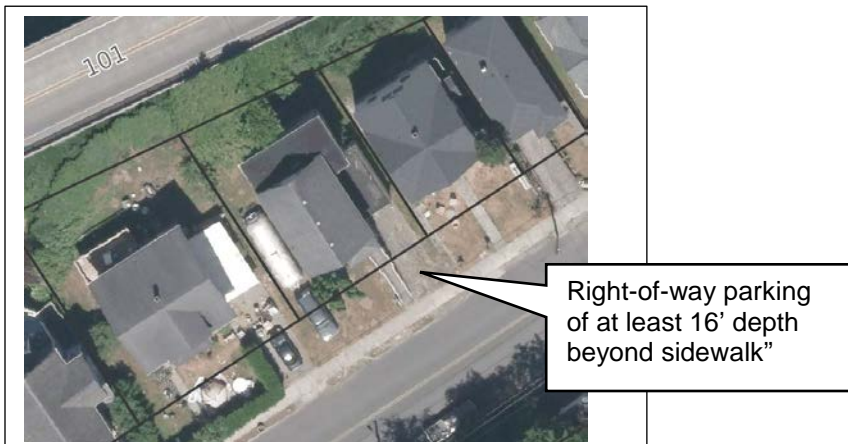
“C. Allowed On-Street Parking.

When on-street (within a right-of-way) parking spaces are allowed to be counted toward the required off-street parking spaces for a proposed use/site, the on-street parking spaces shall not be used exclusively by that use/site but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.

D. Existing Parking within Right-of-Way.

Existing parking areas located within a right-of-way between the property line and the paved portion of the right-of-way may be counted toward the required off-street parking spaces as follows:

1. The parking area shall exist at the time of the proposed use application;
2. The parking area shall meet minimum parking space dimensions and not extend into pedestrian walkway/sidewalk, or into adjacent properties;
3. The City Engineer shall review and approve the location of the parking space;
4. The applicant shall obtain an administrative Type I permit for use of the area for parking.
5. The parking area shall be in compliance with City Code 6.100 (Clear Vision Ordinance) and shall not create a safety hazard.
6. Recreational vehicles boats, and/or non-operable vehicles shall not be parked and/or stored in the parking areas located within a right-of-way between the property line and the paved portion of the right-of-way as allowed in Section 7.030.D.



Section 7.100, Minimum Parking Space Requirements, Table 7.100 – Off-Street Parking Space Requirements by Use, introduction is deleted in its entirety and replaced to read as follows:

“The following are minimum off-street parking requirements by use category. The Community Development Director or Planning Commission, as applicable, may increase the required off-street parking based on anticipated need for a specific conditional use. Off-street vehicle parking requirements are calculated to include consideration of employee and customer/client uses.”

Section 7.110.C, Parking and Loading Area Development Requirements, is deleted in its entirety and replaced to read as follows:

“C. Bumper guards or wheel barriers.

Permanently affixed bumper guards or wheel barriers are required and shall be so installed that no portion of a vehicle will project into a public right-of-way or over adjoining property. The area beyond the wheel barriers or bumper guards shall be surfaced as required in Section 7.110.B or landscaped. The vehicle may extend past the bumper guard into a landscaped area a maximum of 2.5’.”

Section 7.110.E, Parking and Loading Area Development Requirements, is hereby deleted in its entirety and replace to read as follows:

“E. Access.

Parking or loading areas having more than four (4) spaces in the same block shall be designed so that vehicles do not back into public streets, or do not use public streets for maneuvering. All entrances and exits onto public streets shall first have a Driveway Permit from the Engineering Department and shall be designed and constructed to City standards. This does not prohibit individual driveways located within the same block for separate, independent uses.”

Section 7.110.F, Parking and Loading Area Development Requirements is deleted in its entirety and replaced to read as follows:

“F. Lighting.

Parking or loading areas that will be used at nighttime shall be lighted. All areas shall comply with applicable lighting standards in Section 3.128.”

Section 7.170, Landscaping of Outdoor Storage or Parking Areas, is deleted in its entirety and replaced to read as follows:

“A. A minimum of 5% of the gross parking lot area shall be designed and maintained as landscaped area, subject to the standards in Sections 3.105 through 3.120. This requirement shall apply to all parking lots with an area of 600 square feet or greater.

Approved sight obscuring fences or vegetative buffers shall be constructed where commercial parking lots abut Residential Zones. The minimum 5% landscaping shall be counted as part of the total landscaping required for the property.

- B. There shall be a 15' landscaped buffer area maintained between outdoor storage areas, parking areas, and/or driving surfaces and the top of bank along the shoreline. Except as otherwise noted, parked vehicle bumpers may overhang a maximum of 2.5' beyond a bumper guard into the landscaped area."

Section 7. Astoria Development Code Article 8, Signs, is amended to read as follows:

Section 8.050.A.3, Prohibited Signs, is deleted in its entirety and replaced to read as follows:

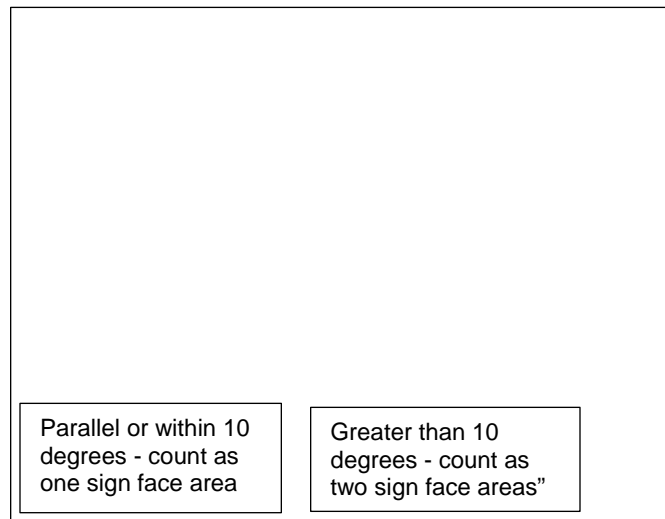
- "3. Signs which flash, revolve, rotate, swing, undulate or otherwise attract attention through the movement or flashing of parts of the sign, including inflatable signs, large balloons, flags, pennants, animation sign on vehicles, billboard vehicles, or similar devices.

This prohibition does not include the following signs:

- a. barber poles of maximum of 4' in total fixture height may rotate;
- b. changeable text signs;
- c. time and temperature signs;
- d. signs, other than animation signs, on vehicles such as buses, delivery vehicles, etc. that are used other than solely for display of signage."

Section 8.070.A.1, General Sign Regulations, Sign Face Area, is deleted in its entirety and replaced to read as follows:

- "1. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face [See 8.120(A.1), Figure 1]. Sign area does not include foundations, supports, and other essential structures which do not serve as a backdrop or border to the sign. Only one (1) side of a double-faced sign is counted in measuring the sign face area, except for a double-faced changeable text sign. If the sign faces are not parallel or within 10 degrees of parallel, each is considered one sign face and both faces are counted."



Section 8.080.A.3, Specific Sign Regulations (Applicable to All Zones), Wall or Roof Signs, is added to read as follows:

- “3. Number. Permanent wall signage of a maximum of twelve (12) square feet per frontage shall be calculated as one sign.”

Section 8.080.C.4, Specific Sign Regulations (Applicable to All Zones), Projecting Signs, is deleted in its entirety and replaced to read as follows:

- “4. Angle of sign. The angle between the two sides of a projecting sign may not be greater than 10° (ten degrees), and the two sides may not be visible at the same time from adjacent properties or streets. Signs that are greater than 10° (ten degrees) shall be counted as two signs in number and square footage.”

Section 8.080.G.1, Specific Sign Regulations (Applicable to All Zones), Permanent Window Signs, is deleted in its entirety and replaced to read as follows:

- “1. Number. Permanent window signage of a maximum of twelve (12) square feet per frontage shall be calculated as one sign.”

Section 8.080.K.7, Specific Sign Regulations (Applicable to All Zones), Temporary Signs, is added to read as follows:

- “7. Number of Signs.

Only one Temporary Sign shall be allowed for each business, use, or activity unless otherwise noted. Sites without buildings shall be allowed no more than one Temporary Sign. The sign shall not be included in the total number of signs allowed.”

8.080.M.4.b.4, Specific Sign Regulations (Applicable to All Zones), Changeable Text Signs, Standards, Location, is added to read as follows:

- “4) The sign shall not be located on a vehicle whether moving or parked.”

Section 8. Astoria Development Code Article 9, Administrative Procedures, is amended as follows:

Section 9.010.A and 9.010.B, Application Information and General Review Procedures, and Table 9.010 are hereby deleted in their entirety and replaced to read as follows:

“9.010. APPLICATION INFORMATION AND GENERAL REVIEW PROCEDURES.

A. Purpose.

The purpose of this Article is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way.

B. Applicability of Review Procedures.

All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this article. The procedure “Type” assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures as described in ~~subsections~~ Sections 9.010.B.1 to 9.010.B.4 below. The applicant may be required to obtain building permits and other approvals from other agencies, such as a road authority or natural resource regulatory agency. The City’s failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the City under this Code.

1. Type I Procedure (Staff Review – Zoning Checklist).

Type I decisions are made by the Community Development Director, or his or her designee, without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., there are clear and objective standards).

2. Type II Procedure (Administrative/Staff Review with Notice).

Type II decisions are made by the Community Development Director, with public notice and an opportunity for appeal to the Planning Commission, Historic Landmarks Commission, or Design Review Commission. Alternatively, the Community Development Director may refer a Type II application to the appropriate Commission/Committee for its review and decision in a public meeting.

a. If the Community Development Director refers a Type II application to the Commission/Committee at the time of the application, it will be classified as a Type III with associated fees.

b. If the Community Development Director refers a Type II application to the

Commission/Committee after the public notice has been issued, it will be classified as a Type III with no additional fees.

- c. If the applicant requests that a Type II application be referred to the Commission/Committee after the public notice has been issued, it will be classified as a Type III and the applicant shall pay the difference of the fees.

3. Type III Procedure (Quasi-Judicial Review – Public Hearing).

Type III decisions are made by the Commission/Committee after a public hearing, with an opportunity for appeal to the City Council. In the case of a Quasi-Judicial zone change, a Type III decision is made by the City Council on recommendation of the Planning Commission. Quasi-Judicial decisions involve discretion but implement established policy.

4. Type IV Procedure (Legislative Review).

The Type IV procedure applies to the creation or revision, or large-scale implementation, of public policy (e.g., adoption of regulations, zone changes, annexation, and Comprehensive Plan amendments). Type IV reviews are considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.”

Section 9.010.C.4, Application Information and General Review Procedures, is hereby deleted in its entirety and replaced to read as follows:

“C. Content.

An application for a land use action or permit shall consist of:

4. City staff shall provide a zoning checklist to an applicant that identifies all required submittal information. The applicant is required to submit the completed zoning checklist with an application.”

Section 9.010.C.5, Application Information and General Review Procedures, is added to read as follows:

- “5. Signature of the applicant on the permit application is deemed to grant City staff and/or City representative permission to enter upon the exterior portion of the property for photos, site visits, inspections until the permit is finalized, all other inspections, and the project is deemed complete by the City.”

Section 9.010.D, Application Information and General Review Procedures, is hereby deleted in its entirety and replaced to read as follows:

“D. Submittal.

A complete application and all supporting documents and evidence shall be submitted at least ~~28~~30 days prior to the date of a hearing. Exceptions may be made to this requirement by the Community Development Director on a case-by-case basis.”

Section 9.010.G, Application Information and General Review Procedures, is hereby deleted in its entirety and replaced to read as follows:

“G. Multiple Requests.

Where a proposed development requires more than one development permit or zone change request from the City, the applicant may request that the City consider all necessary permit and zone change requests in a consolidated manner. If the applicant requests that the City consolidate its review of the development proposal, all necessary public hearings before the applicable Commission should be held on the same date if possible.”

Section 9.010.I, Application Information and General Review Procedures, Pre-Application Meeting, is hereby deleted in their entirety and replaced to read as follows:

“I. Pre-Application Meeting.

Prior to submittal of a Type II, III, or IV application, a pre-application meeting with the Community Development Director and/or the Planner may be required. The Community Development Director shall determine the classification, submittal requirements, and the appropriate process for any application.”

Section 9.010.K.d, Application Information and General Review Procedures, Applications for Development Review is hereby deleted in its entirety and replaced to read as follows:

“d. Person or entity authorized by the Board or Commission/Commission; or”

Section 9.020.B.1.h, Public Notice, Mailed Notice - Distribution, Time Requirements, is deleted in its entirety and replaced to read as follows:

“h. Appeals - Parties to the record of the permit being appealed.”

Section 9.020.B.3, Public Notice, Mailed Notice - Distribution, Time Requirements, is deleted in its entirety and replaced to read as follows:

“3. Notice shall be mailed not less than 20 calendar days prior to the hearing requiring the notice; or if two or more evidentiary hearings are allowed, 10 calendar days prior to the first evidentiary hearing. In calculating the “days”, the day a notice is mailed, and the day of the hearing is not included in the calculation.”

Section 9.020.C, PUBLIC NOTICE, Published Notice, is deleted in its entirety and replaced to read as follows:

“C. Published Notice.

Notice shall be given for any proposed administrative/staff review with notice (Type II), quasi-judicial (Type III), or legislative (Type IV) land use action by publication in a newspaper of general circulation in the City of Astoria.”

Section 9.020.D, Public Notice, Posted Notice, is deleted in its entirety and replaced to read as follows:

“D. Posted Notice.

For Type III applications, at least 14 days before the first hearing, the Community Development Director or designee shall post notice of the hearing on the project site in clear view from a public right-of-way. Posting near the main entryway inside a storefront window of a commercial or industrial building visible to the public is allowable. For applications that are not site specific, the Community Development Director may select an appropriate site or sites to post the notice. Posted notice may be removed after the first public hearing has been held.”

Section 9.060, Compliance with Conditions of Approval, is deleted in its entirety and replaced to read as follows:

“9.060. COMPLIANCE WITH CONDITIONS OF APPROVAL.

Compliance with conditions established for a request and adherence to the submitted plans, as approved, is required. Any departure from these conditions of approval and approved plans constitutes a violation of this Code. See Section 1.010 of the Astoria City Code concerning penalties.

Amendments to existing permit conditions and/or approved plans may be allowed as follows:

1. Minor changes that would have no impact or minimal impact to the design, use, or location of the project shall be reviewed administratively as a Type I permit.
2. All other proposed changes shall be reviewed as an administrative Type II permit or as a Type III permit as determined by the Community Development Director.”

Section 9.070, Limitations on Refiling of Application, is deleted in its entirety and replaced to read as follows:

“9.070. LIMITATIONS ON REILING OF APPLICATION.

Applications for which a substantially similar application has been denied will be heard by the ~~Planning~~ Commission/Committee only after a period of six (6) months has elapsed from date of the earlier decision, unless the Commission/Committee finds that special circumstances justify earlier reapplication. If a request is withdrawn prior to the

Commission/Committee public hearing, there shall be no limitation on refiling of an application.”

Section 9.100.B.1.b, TIME LIMIT ON PERMITS, Permit Extensions, Permit Extension Time Limit, is deleted in its entirety and replaced to read as follows:

- “b. Following the first one-year permit extension by the Community Development Director, the original granting authority may grant subsequent one-year extensions. Temporary Use Permit extensions may be granted by the Community Development Director as a Type II permit.”

Section 9. Astoria Development Code, Article 11, Conditional Use, is amended as follows:

Section 11.110.D, Conditional Uses, Light Manufacturing, is deleted in its entirety and replaced to read as follows:

- “D. Lighting.

All uses shall comply with applicable lighting standards in Section 3.128.”

Section 11.120.S, Conditional Use, Manufactured Dwelling Park, is deleted in its entirety and replaced to read as follows:

- “S. Lighting.

Roadways and walkways designed for the general use of the park residents shall be lighted during the hours of darkness. Such lighting shall not be under control of the manufactured dwelling occupant.

All uses shall comply with applicable lighting standards in Section 3.128.”

Section 10. Astoria Development Code Article 12, Variances, is amended as follows:

Section 12.030.C concerning General Criteria for Variances is hereby deleted in its entirety and replaced to read as follows:

- “C. No variance may be granted which will permit a use not permitted in the applicable zone or which will increase the allowable residential density in any zone with the exception of individual lot size reduction. A variance may be granted for lot dimension and/or square footage (lot size) but not for density.”

Section 12.060.A & B, CLASSIFICATION OF VARIANCES, deleted in their entirety and replaced to read as follows:

- “12.060. CLASSIFICATION OF VARIANCES.

- A. Type II.

Type II includes minor variances which are small changes from the Code requirements, and which will have little or no effect on adjacent property or users. Administrative approval by the Community Development Director of Type II variances may be granted.

Type II variances include:

1. Location of structures in relation to required yards;
2. Variances from minimum lot width, depth, and lot coverage;
3. Variances from other quantitative standards by 10% or less.
4. Variances from the requirements of the Flood Hazard Overlay Zone section 2.800 to 2.825. *(Added by Ordinance 09-03, 8/3/09)*
5. Variance from fence height up to a maximum of 8'.
6. Variance from off-street parking for a maximum of two spaces for multi-family dwellings and non-residential uses.
7. Variance from off-street parking for single-family and two-family dwellings, including their accessory uses.

B. Type III.

Type III includes variances which are significant changes from the Code requirements and are likely to create impacts on adjacent property or users. A Type III variance may be granted by the Planning Commission.

Type III variances include, but are not limited to:

1. Variances from quantitative standards other than those identified in Section 12.060.A by more than 10%;
2. Variances from other provisions of this chapter except density and use restrictions."

Section 12.090, Variances, is renamed to read as follows:

"12.090. ACTION ON TYPE II VARIANCE APPLICATION."

Section 12.100, Variances is deleted in its entirety and replaced to read as follows:

"12.100. APPEAL OF A TYPE II VARIANCE.

The decision of the Community Development Director on a Type II Variance may be appealed to the Planning Commission in accordance with 9.040."

Section 12.110, Variances is deleted in its entirety and replaced to read as follows:

“12.110. ACTION ON TYPE III VARIANCE APPLICATION.

Hearings on a Type III Variance will be held in accordance with 9.030.”

Section 12.120, Variances is deleted in its entirety and replaced to read as follows:

“12.120. APPEAL OF A TYPE III VARIANCE.

The decision of the Planning Commission decision on a Type III Variance may be appealed to the City Council in accordance with 9.040.”

Section 10. Astoria Development Code Article 13, Land Division, is amended as follows:

Section 13.430.B, Subdivisions, BUILDING SITES, Access, is deleted in its entirety and replaced to read as follows:

“B. Access.

Every lot and parcel shall abut a street, other than an alley, for at least 25 feet, except as follows:

1. recorded easement of 25’ may be used to satisfy this requirement; or
2. pre-existing platted lot fronting on an alley may use the alley for “access to street” if the alley is already developed or can be developed to comply with emergency vehicle access requirements to the site as approved by the City.”

Section 11. Astoria Development Code Article 14, Overlay Zones, is amended as follows:

Section 14.070.A.2, Other Development Standards in the Civic Greenway Area, is deleted in its entirety and replaced to read as follows:

“2. Exterior lighting.

All uses shall comply with applicable lighting standards in Section 3.128.”

Section 14.115.H.2, Design Standards and Guidelines in the Bridge Vista Area, Lighting, is deleted in its entirety and replaced to read as follows:

“2. Standards Regarding Glare for All Uses.

All uses shall comply with applicable lighting standards in Section 3.128.”

Section 14.137.A.1, Other Development Standards in the Neighborhood Greenway Overlay Zone, is deleted in its entirety and replaced to read as follows:

- “1. Exterior lighting.
All uses shall comply with applicable lighting standards in Section 3.128.”

Section 14.510.4, Development Standards and Procedural Requirements in the CRESO Zone, is added to read as follows:

- “4. There shall be a 15' landscaped buffer area maintained between outdoor storage areas, parking areas, and/or driving surfaces and the top of bank along the shoreline. Except as otherwise noted, parked vehicle bumpers may overhang a maximum of 2.5' beyond a bumper guard into the landscaped area.”

Section 12. Astoria Development Code Article 15, Wireless Communication Service Facilities, is amended as follows:

Section 15.020.B.4, Applicability for Wireless Communication Facilities, is amended by the addition to read as follows:

- “4. Microwave Receiving Dish/Device (See Section 3.150).”

Section 15.065.B.8.b, Wireless Communication Facility Ordinance, Standards and Review Criteria, Location, Siting and Design Requirements, Lighting, is deleted in its entirety and replaced to read as follows:

- “b. Exterior lighting shall comply with applicable lighting standards in Section 3.128.”

Section 13. Astoria Development Code Article 16, Standards for Small Scale Solar Energy Facilities, is amended as follows:

Section 16.040.H.2, Standards and Review Criteria for Solar Facilities, Lighting, is deleted in its entirety and replaced to read as follows:

- “2. Exterior lighting shall comply with applicable lighting standards in Section 3.128.”

Section 14. Effective Date. This ordinance and its amendment will be effective 30 days following its adoption and enactment by the City Council.

ADOPTED BY THE COMMON COUNCIL THIS ____ DAY OF _____, 2019.

APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2019.

ATTEST:

Mayor

Brett Estes, City Manager

ROLL CALL ON ADOPTION:

YEA

NAY

ABSENT

Commissioner

Rocka
Brownson
Herman
West

Mayor Jones



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

MEMORANDUM • COMMUNITY DEVELOPMENT

DATE: APRIL 26, 2019
TO: MAYOR AND CITY COUNCIL
FROM: BRETT ESTES, CITY MANAGER
SUBJECT: AMENDMENT REQUEST (A19-01A) FOR RIVERFRONT VISION CODES

BACKGROUND

In 2008-2009, the City of Astoria developed the Riverfront Vision Plan (RVP) to address issues dealing with open space, land use, and transportation along the Columbia River. The City's north Riverfront (Columbia River to West Marine / Marine Drive / Lief Erikson Drive) was divided into four Plan areas of development: Bridge Vista BVO (Portway to 2nd Street), Urban Core UCO (2nd to 16th Street), Civic Greenway CGO (16th to 41st Street), and Neighborhood Greenway NGO (41st Street to east end of Alderbrook Lagoon). On December 7, 2009, after many public meetings and holding a final public hearing, the City Council accepted the Riverfront Vision Plan. Bridge Vista Overlay Zone was adopted on June 15, 2015; Civic Greenway Overlay Zone was adopted on October 6, 2014; and Neighborhood Greenway Overlay Zone was adopted on December 7, 2015. The City is currently conducting work sessions with the APC and City Council on proposed amendments to adopt codes for the proposed Urban Core Overlay Zone.

In 2018, the first large project within the Bridge Vista Overlay area was reviewed by the Historic Landmarks Commission and Design Review Committee. Both bodies denied the requests which were appealed to the City Council. The City Council approved the appeals but noted that portions of Code were not clear on what was intended for various design aspects. The Council expressed interest in amending the code to clarify various sections of the BVO to reduce confusion and clarify the design review process. Some of the issues included: statement that certain sections of the code control over other sections when there is a conflict between requirements; clarify which design standards apply to new construction and which apply to alterations to existing structures; clarify how the setbacks are applied to the structure; clarify that mass and scale review applies to the entire structure and not just the street facade; and identify what structures and/or area is included when reviewing compatibility with the proposed structure. In addition, staff identified other areas in the Code for the Riverfront Vision area that needed to be updated including adding clear and objective design standards for residential development in BVO; clarifying which codes apply to the Mill Pond area; allowed exceptions to window percentage for building elevation with an elevator shaft; clarified limitations on building height exceptions for elevators, etc.; added reference to the overlay zones in each of the applicable base zones; and some other minor clarifications.

At a work session on February 19, 2019, the City Council reviewed the initial draft ordinance and requested that staff also include a reduction in the allowable height within the BVO from 35' (with variance possible to 45') to 28'. Council was also concerned how this would impact the 30,000 square foot maximum for buildings. During the Astoria Planning Commission (APC) meetings, these two issues became the focus of public input and APC discussion. Therefore, in an attempt to proceed with the majority of the amendments that were not controversial, the APC split the amendment draft into two sections. One section would be just the height and gross square footage issue (A19-01B) allowing the rest of the amendment to proceed. A19-01B portion of the request was continued to the May 28, 2019 APC meeting.

The Planning Commission held a public hearing on March 26, 2019 and April 23, 2019. The APC recommends that the City Council adopt the proposed amendments on the first part of the request (A19-01A). The proposed ordinance has been reviewed and approved as to form by the City Attorney.

A copy of the annotated proposed amendments, the proposed ordinance in code numerical order, a list of the proposed amendments, and the Findings of Fact are attached for Council consideration.

RECOMMENDATION

If the draft code meets Council's expectations, it would be in order for Council to hold a public hearing and conduct a first reading of the ordinance for Riverfront Vision Codes amendments. If the Council holds a first reading of the ordinance, the proposed amendment would be scheduled for consideration of a second reading and adoption at the July 1, 2019 Council meeting.

By: 
Rosemary Johnson, Planning Consultant



CITY OF ASTORIA

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COMMUNITY DEVELOPMENT

May 3, 2019

TO: MAYOR AND CITY COUNCIL

FROM: ROSEMARY JOHNSON, PLANNING CONSULTANT

SUBJECT: AMENDMENT REQUEST (A19-01) FOR BRIDGE VISTA OVERLAY AND
RIVERFRONT VISION PLAN AREAS

I. BACKGROUND SUMMARY

- A. Applicant: Community Development Department
City of Astoria
1095 Duane Street
Astoria OR 97103
- B. Request: Amend the Development Code concerning waterfront development;
clarify code interpretations; define and add mass and scale
standards; reduce allowable height in BVO; amend CGO, NGO
language to be consistent with the proposed BVO language.
- C. Location: Bridge Vista Overlay Area (BVO - Portway to 2nd Streets, West
Marine / Marine Drive to the Columbia River Pierhead Line); Civic
Greenway Overlay Area (CGO - 16th to 41st Street, Marine Drive/
Lief Erikson Drive to the Columbia River Pierhead Line);
Neighborhood Greenway Overlay Area (NGO - 41st to east end of
Alderbrook Lagoon); and Gateway Overlay Zone (GOZ - 23rd to 41st
Street, Marine Drive / Lief Erikson Drive to the Columbia River
Pierhead Line; and 16th to 23rd Street approximately from Franklin
Avenue to the Columbia River Pierhead Line))

II. BACKGROUND

In 2008-2009, the City of Astoria developed the Riverfront Vision Plan (RVP) to address issues dealing with open space, land use, and transportation along the Columbia River. Significant public involvement opportunities were designed to gain public input. This process was initiated to plan for these issues in a comprehensive manner and to set a framework for the future of the study area. The City's north Riverfront (Columbia River to West Marine / Marine Drive / Lief Erikson Drive) was divided into four Plan areas of development: Bridge Vista BVO (Portway to 2nd Street), Urban Core UCO (2nd to 16th Street), Civic Greenway CGO (16th to 41st Street), and Neighborhood Greenway NGO (41st Street to east end of Alderbrook Lagoon). On December 7, 2009, after many public meetings and holding a final public hearing, the City Council accepted the Riverfront Vision Plan. Bridge Vista Overlay Zone was adopted on June 15, 2015; Civic Greenway

Overlay Zone was adopted on October 6, 2014; and Neighborhood Greenway Overlay Zone was adopted on December 7, 2015. The City is currently conducting work sessions with the APC and City Council on proposed amendments to adopt codes for the proposed Urban Core Overlay Zone.

Over the last year while working on the Urban Core proposed codes, the City Council has received numerous public comments including a petition requesting that the Council consider reducing the height of buildings and limit development on the Riverfront. The first major project for the area to be reviewed under the new standards was Design Review Request (DR18-01) by Fairfield Hotel for a hotel to be located on the land area at the 1 2nd Street.

On July 10, 2018 the Historic Landmarks Commission (HLC) and the Design Review Committee (DRC) denied the requests (NC18-01 and DR18-01) which were subsequently appealed by the applicant. A combined public hearing on the HLC Appeal (AP18-04) and DRC Appeal (AP18-03) was held at the August 23, 2018 City Council meeting. At that Council public hearing, the applicants submitted revised proposed plans. The Council tentatively approved the HLC Appeal and reversed the HLC denial, thereby tentatively approving the New Construction Request (NC18-01) pending adoption of Findings of Fact. The Council remanded the Design Review Request (DR18-01) back to the Design Review Committee for additional consideration.

The applicants submitted revised plans (DR18-01R) for consideration on remand and the Design Review Committee held a public hearing on October 9, 2018. At that meeting, the DRC found that the revised application met all design guidelines except for two and denied the request with a split 2 to 2 vote. The two guidelines in question were *Design Guideline* ADC 14.115(B)(2)(a) which provides: "Buildings should retain significant original characteristics of scale, massing, and building material along street facades" and *Design Guideline* ADC 14.115(B)(2)(f) which provides: "Building forms should be simple single geometric shapes, e.g. square, rectangular, triangular." The decision was appealed by Hollander Hospitality (AP18-05) on November 13, 2018. The City Council elected to hear the appeal on the record and restricted its consideration of the application of design guidelines ADC 14.115(B)(2)(a) and ADC 14.115(B)(2)(f). At the December 20, 2018 meeting, the City Council considered the appeal. This was the first major project reviewed under the newly adopted BVO codes. During the public hearing, the Council noted concerns with specific language in the BVO codes that were not clear and did not reflect the intent of the code as it was written in 2015. The appeal decision was required to be based on the code language as adopted and the appeals were approved reversing the DRC denial.

The Council expressed interest in amending the code to clarify various sections of the BVO to reduce confusion and clarify the design review process. Some of the issues included: statement that certain sections of the code control over other sections when there is a conflict between requirements; clarify which design standards apply to new construction and which apply to alterations to existing structures; clarify how the setbacks are applied to the structure; clarify that mass and scale review applies to the entire structure and not just the street facade; and identify what structures and/or area is included when reviewing compatibility with the proposed structure.

During the development meetings with the hotel applicant, there were differences in interpretation of other sections of the BVO that staff resolved with the applicant. Staff identified minor language amendments that would make the code clearer and/or consistent with other sections of the code. They include: clarify how to apply the north/south view corridor measurement; clarify that the maximum square footage applies to all buildings of the development; allow an exception to window percentage on elevator shaft elevation; clarify requirements for riparian shoreline areas south of River Trail; add that balconies shall not encroach into the stepback area; and clarify the type and design of outdoor storage area enclosures and whether they are included in the maximum gross square footage for the site.

Similar language appears in the Gateway Overlay Zone (GOZ), Neighborhood Greenway Overlay Zone (NGO), and Civic Greenway Overlay Zone (CGO). All Riverfront Vision Plan areas are proposed to be amended to correct and/or clarify the code language at the same time.

At a work session on February 19, 2019 with the City Council concerning the proposed amendments, the Council recommended that the building height on both the land and over-water areas be limited to a maximum height of 28' (two stories) to keep development at a pedestrian scale. They noted that the mass of even a two-story building could be a concern, and that the 30,000 square foot maximum for buildings may still be a concern. At that time, it was unclear if a solution was feasible to consider with the City Council intent to adopt the proposed amendments in a timely manner.

Proposed amendments to the Development Code will include:

1. Amend definitions: "Standards" to say standards not guidelines; Building Mass, Gross Floor Area, Design Review, Granting Authority, add graphic to "adjacent"
2. Add definitions for: Building Scale, Gross Floor Area, "Mass, Building", Outdoor Storage Area, Historic Building, Historic Site, Historic Object, Historic Structure; add definitions to Article 14 for River Trail
3. Change name of Design Review Committee to Commission
4. Change responsibilities of Design Review Committee to include all design review except Article 6, Historic
5. Amend figure map to only show Pedestrian-Oriented District; BVO
6. Remove "conflict between Sections" from individual sections and change to "conflict between Articles" so that Overlay Zones control over base zone requirements; add that more stringent provision in Article 14 shall control; and clarify conflict with historic review; CGO, BVO, NGO
7. Add map of Pedestrian-Oriented District to 14.115.I for signs
8. Clarify that a project must comply with all design standards to be reviewed administratively or need to go to DRC; CGO, NGO
9. Clarify that the N/S view corridor only applies to the half on each side of the street centerline; add graphic; CGO, BVO
10. Add that balconies and fixed awnings shall not encroach into stepback; CGO, BVO
11. Clarify that shoreland areas in Section 14.095 are on-land and add list also to on-land section 14.100.C.
12. Reduce height from 35' to 28' in BVO; allow for variance and an exception for affordable housing.

13. Clarify that 30,000 sqft max is for all buildings of a single development; add list of included features;
14. Add "Exterior Lighting" to match other sections; add window details used by DRC and written into other sections; add exterior wall siding detail used by DRC and written into other sections
15. Clarify that garage windows count toward window percentage
16. Reformat 14.115.B to separate standards for all uses, standards for non-industrial uses, guidelines for new construction, and guidelines for existing buildings; clarify that mass and scale of entire building is reviewed; add facade variation standard for non-industrial uses with additional design features; clarify how mass and scale should be considered and which buildings to compare
16. Add exception for percentage of window coverage for elevator elevations and facade facing Columbia River
17. ~~Add standards for outdoor storage area enclosures~~ (moved to A19-04)
18. Amend Exception to Building Height Limitations to clarify additional non-essential areas not exempt from height limitation add that height is limited to minimal height required for exempt feature; prohibit additions or signs to these features
19. Prohibit signs on exempt building height features in Sign Code
20. Clarify requirements for riparian shoreline areas south of River Trail; CGO; BVO; NGO
21. Change maximum height of street trees on north-south streets to 35'; CGO, BVO
22. Add Section 14.138.B.1 for Landscaping in NGO which was erroneously omitted
23. Add section to put design review of overlay zones relative to "adjacent" historic structure under HLC and then DRC would only review if historic structure is not "adjacent"; GO, BVO, NGO, CGO
24. Add and amend Other Applicable Use Standards in all zones that overlay zones apply and clarify what applies to AH-MP with the multiple overlay zones
25. Add clear and objective design standards for residential development
26. Add gender/number neutral statement
27. Amend Section 7.100 to clarify "gross floor area" for paring calculation

III. PUBLIC REVIEW AND COMMENT

A. Astoria Planning Commission

A public notice was mailed to all property owners with the Bridge Vista Overlay Area, Neighborhood Associations, various agencies, and interested parties on March 5, 2019. In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on March 19, 2019. State required Measure 56 mailing was mailed to all property owners within the Bridge Vista Overlay Area. The proposed amendment is legislative as it applies City-wide in the specific zones. As required per Article 9, on site notice was posted on March 12, 2019 in the affected overlay areas as follows: one near 2nd street at the previous appeal site (BVO); one on the corner of 30th and Marine Drive (CGO); and one near 43rd and Lief Erikson Drive (CGO).

The Astoria Planning Commission opened the public hearing at the March 26, 2019 meeting and continued the public hearing to the April 23, 2019 meeting. While additional public notice was not required, additional public notice was provided.

B. State Agencies

Although concurrence or approval by State agencies is not required for adoption of the proposed amendments, the City has provided a copy of the draft amendments to representatives of the Oregon Departments of Transportation (ODOT) and Land Conservation and Development (DLCD) as part of the planning process.

C. City Council

A public notice was mailed to Neighborhood Associations, various agencies, and interested parties on May 10, 2019. In accordance with ORS 227.186(5), State required Measure 56 mailing, a notice was mailed on April 2, 2019 to all property owners within the City advising “. . . *that the City has proposed a land use regulation that may affect the permissible uses of your property and other properties.*” In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on June 9, 2019. In accordance with Section 9.020.D, a notice was posted on March 29, 2019 at the following locations: corner of 30th and Marine Drive and near the corner of 43rd and Lief Erikson Drive. The proposed amendment is legislative as it applies City-wide.

IV. FINDINGS OF FACT

- A. Development Code Section 10.020.A states that *“an amendment to the text of the Development Code or the Comprehensive Plan may be initiated by the City Council, Planning Commission, the Community Development Director, a person owning property in the City, or a City resident.”*

Finding: The proposed amendments to the Development Code is being initiated by the Community Development Director on behalf of the City Council.

- B. Section 10.050(A) states that *“The following amendment actions are considered legislative under this Code:*

1. *An amendment to the text of the Development Code or Comprehensive Plan.”*

Finding: The proposed amendment is to amend the text of the Astoria Development Code Article 14 concerning Riverfront Overlay Zones, Article 1 concerning definitions and commissions, and Article 3 concerning building height exemptions. The amendment would amend existing and create new overlay zone standards.

The proposed amendments are applicable to a large area of the City. Processing as a legislative action is appropriate.

- C. Section 10.070(A)(1) concerning Text Amendments, requires that *“The amendment is consistent with the Comprehensive Plan.”*

1. CP.005(5), General Plan Philosophy and Policy Statement states that local comprehensive plans *"Shall be regularly reviewed, and, if necessary, revised to keep them consistent with the changing needs and desires of the public they are designed to serve."*

Finding: The City accepted the Riverfront Vision Plan in 2009 as a long-range planning framework to address the changing needs and desires of the citizens concerning Riverfront development and the need to protect the environment. Codes to implement the Vision Plan concepts were adopted by the Council. The City Council directed staff to initiate Development Code amendments to clarify some of the adopted language, reduce the maximum building height in the BVO, and add additional standards to address the concerns with clarity of the code and the desires of the public.

2. CP.010(2), Natural Features states that *"The City will cooperate to foster a high quality of development through the use of flexible development standards, cluster or open space subdivisions, the sale or use of public lands, and other techniques. Site design which conforms with the natural topography and protects natural vegetation will be encouraged. Protection of scenic views and vistas will be encouraged."*

Finding: The proposed amendments will amend the BVO, CGO, and NGO codes that implemented the Riverfront Vision Plan. The amendments include clarification of existing design standards for development, protection of scenic views and vistas such as with the lower maximum height standards.

3. CP.015(1), General Land & Water Goals states that *"It is the primary goal of the Comprehensive Plan to maintain Astoria's existing character by encouraging a compact urban form, by strengthening the downtown core and waterfront areas, and by protecting the residential and historic character of the City's neighborhoods. It is the intent of the Plan to promote Astoria as the commercial, industrial, tourist, and cultural center of the area."*

CP.015(1), General Land & Water Goals states that *"Because of the City's strong water orientation, the Plan supports continuing regional efforts to manage the Columbia River estuary and shorelands. The City's land use controls, within this regional context, will be aimed at protecting the estuary environment and at promoting the best use of the City's shorelands."*

Finding: The proposed amendments will clarify and strengthen the existing Riverfront Vision Plan area overlay zones development standards. The design and landscaping standards protect the historic character of the City and waterfront areas. The reduction in allowable height and development along the shoreland in this area and on parcels extending over the water, and the use of native vegetation will help protect the estuary environment. The proposed ordinance is intended to provide the guidance to help achieve these goals.

4. CP.020(2), Community Growth, Plan Strategy, states that *“The Columbia River waterfront is considered a multiple use area. The development of this area is to be encouraged in a flexible manner, under the shorelands and estuary section.”*

CP.203, Economic Development Goal 4 and Goal 4 Policies, goal states *“Continue to encourage water-dependent industries to locate where there is deep water, adequate back-up space, and adequate public facilities.”* Policies states *“1. Maintain areas of the City in order to provide sufficient land for water dependent as well as non-water dependent industries.”*

Finding: While the proposed amendments amend existing design criteria and limit development height within the Bridge Vista Area, it does not prohibit development and continues to support development of water-related and water-dependent uses in the shoreland and aquatic zones in the Bridge Vista area. It would allow flexibility for some limited other development. Structure height, width, and size would be regulated so there would not be large amounts of over water development near the Maritime Memorial / Astoria Megler Bridge and near the former cannery site near 2nd Street which is limited to uses such as moorage, and other piers and dock activities. The code clarification would allow some development in this area where some over-water and in-water activity has occurred in the past while preserving the broad vistas as viewed from the River Trail and adjacent and hillside properties.

No change to allowable uses is proposed with this amendment. The existing uses would continue to be allowed within these zones and in other portions of the City.

The requirements for shoreland and estuary development in Development Codes Articles 4 and 5 would remain applicable to any development in this area.

5. CP.020.2 states that *“The Columbia River waterfront is considered a multiple use area. The development of this area is to be encouraged in a flexible manner, under the shorelands and estuary section.”*

Finding: The Riverfront Vision Plan recognizes the need for development but balances that with the need to protect the vistas and views of the Columbia River, the Astoria-Megler Bridge, and the surrounding landscape. By establishing four Plan areas with different focus for development, the various sections of the Riverfront could be developed in a flexible manner. Bridge Vista Area is envisioned as more of a marine related area for overwater and shoreland development while allowing flexibility of development south of the River Trail. However, the City Council has found that the BVO code as written provided for too much flexibility and was not clear on some of the requirements such as how to review mass and scale of new buildings. The proposed amendments would still allow for some flexibility but would reduce the height and scale of buildings both on land and over water. Overall, the objectives for this area are met with the

proposed allowable type and level development on land and elsewhere along the Riverfront.

6. CP.210(1), Economic Element, Economic Development Recommendations, states that *"In the City's waterfront areas, the City will continue to promote a combination of tourist-oriented development, industrial development associated with the City's working waterfront, and water-related and dependent industries, and distribution and sales of goods and services for Astoria residents and businesses. These efforts will be guided by and consistent with the Astoria Riverfront Vision Plan."*

Finding: The proposed amendments would not change the allowable uses in the Riverfront overlay zones. It would reduce the height from potential 45' in some areas to 28' maximum in the BVO with the possibility of a variance up to 35'. A two-story and possible three-story building would continue to allow some development along the waterfront while reducing the mass and scale of the buildings.

7. CP.204, Economic Development Goal 5 and Goal 5 Policies, Goal states *"Encourage the preservation of Astoria's historic buildings, neighborhoods and sites and unique waterfront location in order to attract visitors and new industry."*

Finding: The proposed amendments create increased visual and physical linkages along the Columbia River with limitation on development and special siting standards for buildings and landscaping. The proposed amendments include additional architectural design that is consistent and reflective of the Uniontown historic area. The proposed amendments are intended to protect the views of the River which is one of the main tourist attractions to Astoria. Major loss of these views would be a detrimental impact to Astoria's economy and livability.

8. CP.038.1, Port-Uniontown Overlay Area Policies, states that *"The City will use the vision established in the Port/Uniontown Transportation Refinement Plan (2007) to direct future development in the Port- Uniontown Overlay Area. The overall Comprehensive Plan Policies are to:*
 - a. *Promote development that complements the surrounding areas of Downtown and the West End.*
 - b. *Enhance existing primary uses, such as Port of Astoria facilities, the marina, visitor services, open space, trails, and small businesses and neighborhoods.*
 - c. *Support redevelopment of former industrial sites and vacant and underutilized lots*
 - d. *Stimulate development interest by establishing complementary surrounding land uses and quality development and design, and by improving transportation conditions through road construction and connections, circulation plans, and access management plans.*
 - e. *Establish visual and physical linkages within and around the Port-Uniontown Overlay Area, with emphasis on the Columbia River waterfront.*

- f. *Create a pedestrian-friendly environment through the District by increasing connectivity throughout the Port-Uniontown Overlay Area, orienting buildings toward adjacent streets and pathways, extending the River Trail, adding and improving sidewalks, and enhancing the streetscape with landscaping, human-scale lighting, seating, and other amenities.*

Finding: The proposed amendments would retain the existing zoning which allows a range of allowed land uses in these areas. The revisions and/or clarifications of the design and siting standards would preserve and/or create view corridors and preserve portions of the waterfront for vistas and views that are currently could be developed with taller buildings in the BVO. The proposal balances the need for development and the need for public access to the waterfront by recognizing the visual connection to the river from the hillsides, the River, the River Trail, and from the highway by allowing the mixed uses but at a smaller, pedestrian scale.

The majority of the Port-owned property (Piers 1, 2, 3) are not within the BVO and not subject to the Riverfront Vision requirements. The east area of Port property including the existing former Astoria Riverwalk Inn and the area between the Inn and the Maritime Memorial are included in the BVO area. These areas are intended to be pedestrian-friendly and are partially within the Pedestrian-Oriented District.

9. CP.038, Port-Uniontown Overlay Area Policies, states that

- “2. *The City will implement the Port-Uniontown Overlay Area element of the Comprehensive Plan through its Design Review process and amendments to the Development Code that provide design and development standards.*
3. *The City, through the Development Code, will develop a set of design standards for the Port-Uniontown Overlay Area that address building massing and orientation, architecture, access and parking, streetscape, landscaping, and other elements. These standards will apply to development projects in the District as defined in the Development Code.*
4. *To the extent possible, the design and development standards are intended to be clear and objective so that most proposed development can be evaluated administratively. The Design Review Committee, created and enabled by the Development Code, will review appeals of administrative decisions and proposals that vary from the standards and yet may still embody the spirit of the Port-Uniontown Overlay Area.”*

Finding: The proposed amendments would clarify the existing design review guidelines and standards based on the existing historic and waterfront development design of the Uniontown and Port area. There are separate guidelines and standards for industrial versus non-industrial

development acknowledging the differences in the needs of the nature of the different uses within the buildings. The design review would be conducted either by the existing Design Review Committee or administratively by the Planner. The guidelines and standards include a combination of clear and objective standards and guidelines that allow the City more discretion to allow flexibility in meeting the intent of the guidelines. However, as adopted, several sections were not as clear as needed and left too much open to interpretation. The standards and guidelines are proposed to be amended to allow for clearer ease of administration and interpretation.

The responsibilities of the Design Review Committee (DRC) were limited to the Gateway Overlay Zone in Article 1 of the Development Code. It was intended that the DRC be the review body for all design review except for Article 6, Historic Properties, which is the responsibility of the Historic Landmarks Commission. At the time the DRC was established, the Gateway Overlay Zone was the only overlay zone for the Riverfront. The proposed amendments would expand the DRC responsibilities to all design review except historic and change the Committee to a Commission.

10. CP.068, Astoria Riverfront Vision Overlay Area Policies, states that

- "1. Promote physical and visual access to the river. The overall Comprehensive Plan objectives are to:*
- a. Maintain current areas of open space and create new open space areas.*
 - b. Provide for public access to the river within private developments.*
 - c. Retain public ownership of key sites along the riverfront.*
 - d. Protect view sheds along the river, including corridors and panoramas from key viewpoints.*
 - e. Use alternative development forms (e.g., clustered development, narrower, taller profiles, setbacks, stepbacks, and gaps in building frontages) to preserve views."*

Finding: The proposed amendments would further preserve visual access to the Riverfront with the reduced height and clarification of mass and scale review. They also create design review and siting standards to limit the size, height, and design of buildings to reduce the mass and scale on the entire development site.

The reduction in height limits the use of alternative development forms relative to narrower/taller profiles, however, with a height variance and/or the affordable housing exception, additional height can be designed.

- "2. Encourage a mix of uses that supports Astoria's "working waterfront" and the City's economy. The overall Comprehensive Plan objectives are to:*
- a. Maintain the authentic feel of the riverfront.*

- b. *Prioritize siting of water-related businesses along the river.*
- c. *Allow for some residential development along the riverfront, emphasizing smaller-scale work force (moderate income) housing.*
- d. *Allow for development that supports downtown and other commercial areas.*
- e. *Limit development in areas with most significant impacts on open space, view, or other resources.*
- f. *Promote uses that provide jobs and support the local economy.”*

Finding: The proposed amendments would not change the allowable uses but would reduce the height to help preserve views and allow for development that is more in scale with the existing riverfront.

A proposed height exception to 35' for affordable housing projects would allow additional height without a variance to encourage this use. A requirement concerning the level of income and the length of time the building must be available for the affordable housing is included in the proposed language.

- “3. *Support new development that respects Astoria's historic character. The overall Comprehensive Plan objectives are to:*
 - a. *Enhance or refine Development Code to achieve vision principles.*
 - b. *Implement design review, design standards, or other tools to guide the appearance of new development.*
 - c. *Devote resources to rehabilitating old structures.”*

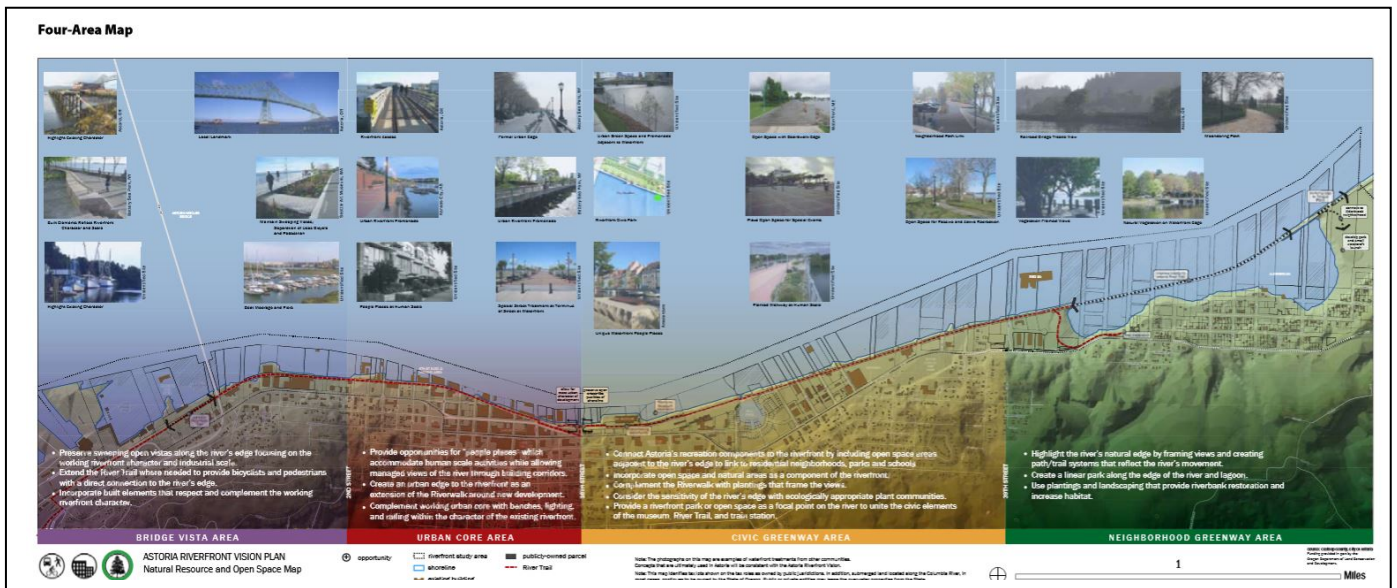
Finding: The proposed amendments would create new and amend existing design review guidelines and standards that reflect the historic character of the Uniontown area for both commercial and industrial waterfront buildings and uses. The proposal would still allow for repair, restoration, and reconstruction of existing historic buildings.

- “4. *Protect the health of the river and adjacent natural areas. The overall Comprehensive Plan objectives are to:*
 - a. *Protect natural areas for wildlife viewing.*
 - b. *Replace invasive plants with native species.*
 - c. *Incorporate natural elements in the design of future public and private improvements.”*

Finding: The existing code would remain, but the proposed amendments would clarify the location of riparian areas for the use of native plants along the Riverfront.

Findings: The *Astoria Riverfront Vision Plan* was accepted by the City Council on December 7, 2009. The *Astoria Riverfront Vision Plan* was developed to address a series of land use, transportation, and scenic,

natural, and historic resource issues along the Columbia riverfront in the City. The area spans from Pier 3 in the west to Tongue Point in the east along the Columbia River, and is divided into four sub-areas.

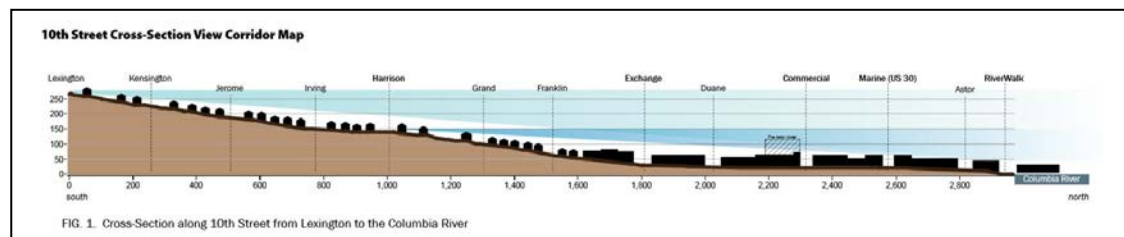


The subsequent Comprehensive Plan amendments were adopted on April 21, 2014. The subarea Development Code implementation sections were adopted as follows: Bridge Vista Overlay Zone (BVO) was adopted on June 15, 2015; Civic Greenway Overlay Zone was adopted on October 6, 2014; and Neighborhood Greenway Overlay Zone was adopted on December 7, 2015. Over the last year while working on the Urban Core proposed codes, the City Council has received numerous public comments including a petition requesting that the Council consider reducing the height of buildings and limit development on the Riverfront. The first major project for the area to be reviewed under the new standards was Design Review Request (DR18-01) by Fairfield Hotel for a hotel to be located on the land area at the 1 2nd Street. During the public hearing on an appeal of that issue as noted in the Background information in this document, the Council noted concerns with specific language in the BVO codes that were not clear and did not reflect the intent of the code as it was written in 2015. The appeal decision was required to be based on the code language as adopted and the appeals were approved reversing the DRC denial.

The Council expressed interest in amending the code to clarify various sections of the BVO to reduce confusion and clarify the design review process. Some of the issues included: statement that certain sections of the code control over other sections when there is a conflict between requirements; clarify which design standards apply to new construction and which apply to alterations to existing structures; clarify how the setbacks are applied to the structure; clarify that mass and scale review applies to the entire structure and not just the street facade; and identify what structures and/or area is included when reviewing compatibility with the proposed structure. There were several other issues that staff identified as needing clarification.

In addition, based on public input, the City Council requested that the BVO area height be reduced to 28' from the current 35' height allowance. The current code would allow a variance up to 45' high. The proposed amendments would allow a variance to 35' and an exception without the need for a variance for affordable housing projects. The Riverfront Vision Plan for BVO on Page 37 states *“Trading building height for width (mass) may be desirable in some instances, but a maximum height should be established and enforced. That maximum height likely would be on the order of one story above the base height.”* The base height is not specified in the Plan. With a “base height” of 28' and the allowance for an additional story with a variance or housing project exception, the proposed amendment would be consistent with the Plan. Comprehensive Plan Section CP.068.1.e states *“Use alternative development forms (e.g., clustered development, narrower, taller profiles, setbacks, stepbacks, and gaps in building frontages) to preserve views.”* The Comprehensive Plan does not specify a height, but notes that a narrower/taller profile is an alternative. The proposed amendment does allow for the additional height through the variance and/or affordable housing exception and therefore is consistent with the Comprehensive Plan.

The Riverfront Vision Plan (Page 21) addresses the view from the “hillside” and the impact of buildings up to 45' high. The Plan states *“The photographs to the right and left were taken from the top of the 11th Street stairs at Jerome Avenue. These photos help illustrate that if new or existing development was built to the maximum height allowable in the downtown district (45'), the resulting development would not substantially impact the region-wide views from the hillside.”*



This section is background information for all four of the Riverfront Plan areas. During the visioning process, there was public concern not only for the height of the building as viewed at grade level but also how it would be viewed from the hillsides. This illustration was intended to address that concern and does not state that 45' height should be permitted in all areas. The specific height for each Plan area would be determined during the code “implementation” process. When the BVO codes were adopted, the 35' height with allowance to 45' high was considered as appropriate for this area. However, when applied to the first new development proposed for this area, the public and City Council determined that the 45' height did not meet the intent of the Riverfront Vision Plan for development that was compatible with the existing development of the area. The Plan (Page 37) for BVO states *“The Bridge Vista area is adjacent to the Uniontown Neighborhood and design should be consistent with the character of the Uniontown-Alameda Historic District.”* The character of this area is

generally two or three stories high and 45' is the exception. Therefore, a reduction to 28' with allowance to 35' would be consistent with the Uniontown area and would be consistent with the Riverfront Vision Plan. The City has followed a land use process that identified a vision for the area, implemented code language, and then through the application of the code found that the "interpretation" of how to apply the codes was problematic and did not follow the intent of the Vision Plan. The proposed amendments are being considered through the public review process and are intended as refinement and clarification of the interpretation of the Vision Plan relative to height.

The adopted Vision Plan and Comprehensive Plan do not address specific issues such as height, setbacks, uses, etc. They give guidelines for how to implement the goals of the Vision Plan such as *Promote physical and visual access to the river; Encourage a mix of uses that supports Astoria's "working waterfront" and the City's economy; Support new development that respects Astoria's historic character; Protect the health of the river and adjacent natural areas; and Enhance the River Trail.* These goals can conflict at times and the implementation of the Plan has been controversial in interpretation. The proposed amendments would not change the allowable uses within the Overlay Zone areas but would address the mass and scale of buildings and their compatibility with the character of Astoria. The working waterfront once had multiple buildings that were between one and three stories tall. Most of the existing building in Astoria are one and two stories tall with a few taller buildings along the waterfront and in other areas. There has been a lot of discussion on what a "working waterfront" should be and whether large hotels are what was envisioned. Section CP.068.2 refers to encouraging water-related business and maintaining an authentic feel of the riverfront. The proposed amendments would reduce the height of buildings keeping them in scale with most other buildings in the area and would allow for the protection of the River Trail environment.

Some of the design related amendments would help to maintain the historic character of Astoria while allowing for buildings that are not necessarily historic in design.

Most of the proposed amendments are for the Bridge Vista Area but some are to clarify language and/or be consistent with other sections of the Code and would be applicable to all of the overlay zone areas.

While possibly limiting the feasibility of some new development due to the economics of construction, the proposed amendments do not prohibit development or uses beyond what the Code allows now. The amendments are in direct response to citizen concerns and the City Council desire to clarify how to interpret the existing Code based on how they interpret the Riverfront Vision Plan and the intended results of the Code as originally adopted. The proposed amendments would be consistent with the goals of this Comprehensive Plan section.

11. CP.140.C, Columbia River Estuary Aquatic and Shoreland Designations, Development Aquatic, states *“Development Aquatic areas are designated to provide for navigation and other identified needs for public, commercial, and industrial water-dependent uses. The objective of the Development Aquatic designation is to ensure optimum utilization of appropriate aquatic areas by providing for intensive development. Such areas include deepwater adjacent to or near the shoreline, navigation channels, sub-tidal areas for in-water disposal of dredged material, areas of minimal biological significance needed for uses requiring alteration of the estuary, and areas that are not in Conservation or Natural designation. These areas are in the Aquatic One Development Zone (A-1), the Aquatic Two Development Zone (A-2), the Aquatic Two-A Development Zone (A-2A).”*

CP.140.E, Columbia River Estuary Aquatic and Shoreland Designations, Development Shoreland, states *“Development Shoreland areas are designated to provide for water-related and water-dependent development along the estuary's shoreline. These areas may present opportunities to develop uses that complement uses in Downtown Astoria, consistent with the City's Riverfront Vision Plan. Development Shoreland areas include urban or developed shorelands with little or no natural resource value, and shorelands with existing water-dependent or water-related uses. Development Shoreland areas may include scenic vistas of the Columbia River that may be an important planning objective to protect, consistent with the City's Riverfront Vision Plan. These areas are in the General Development Shorelands Zone (S-2), or the Tourist-Oriented Shorelands Zone (S-2A). Some of these areas are in residential or commercial zones with a Shorelands Overlay Zone.”*

Finding: The Aquatic and Shoreland designations are not proposed to be changed, but the height in the Bridge Vista Area is proposed to be reduced from 45' to 28'. The height limitations would be for all uses and activities. The objective of the Riverfront Vision Plan is to protect some vistas of the Columbia River which is the intent of the proposed height reduction. The proposed amendments are consistent with the intent of this CP section.

12. CP.186.C, Cumulative Impacts, Cumulative Impact Analysis, states that

1. *Public Access.*

Activities generating cumulative impacts on public access can both enhance and reduce opportunities for public access to the waters and shorelines of the Columbia River Estuary. Public access is treated broadly here to include both physical and visual access. . .

Boat ramps and marinas have a strongly beneficial cumulative impact on public access for the boating public. Private individual moorages on the other hand can have negative cumulative impacts with respect to public access if allowed to overcrowd particular waterways. Continuous development of individual moorages along a reach of the Columbia River Estuary or a tributary can block public

shoreline access and inhibit small boat navigation, having a strongly negative cumulative impact. The regional estuarine construction policies and standards encourage community docks and piers and discourage individual moorages. . .

Port development is often not fully compatible with public access; however, the cumulative impact of port development on public access is expected to be minor. Port development is limited to only a few sites in the estuary. Full development of all existing designated Development and Water Dependent Development shorelands would not significantly reduce public access opportunities in the Columbia River Estuary, but may have locally significant effects. . .

5. *Recreation/Tourism.*

Discussion of cumulative impacts on recreation and tourism includes estuary-oriented recreation undertaken by both local residents and by visitors from outside the region. Many impacts may be largely aesthetic in nature. . .

Boat ramps, marinas, and moorages have a generally positive impact on recreation and tourism, though there may also be a negative aesthetic component. The net cumulative impact is probably positive, however, because the estuary is large relative to the extent of existing recreational boat facilities. . .

Port development may generate both positive and negative impacts with respect to tourism and recreation. The passage of deep draft vessels up and down the Columbia River Estuary, together with associated tug, barge, and wharf activities, are significant elements of the Columbia River Estuary's attractiveness for visitors. Port development may also, however, generate negative impacts on recreational fishing and public access (see "Columbia River Estuary Regional Management Plan" Subsections 5.3.3. and 5.3.1.). Net cumulative impacts are believed to be positive. . .

Finding: The existing code limits some Riverfront areas to water-related and water-dependent uses consistent with the fishing industry and Port activities. It also limits some important public view areas to development at shoreland height maximum. This supports boat ramps, marinas, moorages, etc. that are considered to be a positive impact on recreation and tourism. The proposed amendments are intended to minimize the cumulative negative impacts along the Riverfront by preserving some areas for marine development and protecting some vistas and views. The proposed amendments would reduce any future over-water or on-land development, where allowed, to 28' high in the BVO area to provide more visual access to the river from the River Trail, highway, hillside to the south, and from the River and lessen the cumulative negative impacts of larger developments.

13. CP.185(M), Regional Estuary and Shoreland Policies, Public Access Policies, states that *"Public access" is used broadly here to include direct physical access to estuary aquatic areas (boat ramps, for example), aesthetic access (viewing opportunities, for example), and other facilities that provide some degree of public access to Columbia River Estuary shorelands and aquatic areas."*

CP.185(M.2 to 5), Regional Estuary and Shoreland Policies, Public Access Policies, states that

- "2. Public access in urban areas shall be preserved and enhanced through waterfront restoration and public facilities construction, and other actions consistent with Astoria's public access plan.*
- 3. Proposed major shoreline developments shall not, individually or cumulatively, exclude the public from shoreline access to areas traditionally used for fishing, hunting or other shoreline activities. . .*
- 5. Astoria will develop and implement programs for increasing public access."*

CP.185(N.2), Regional Estuary and Shoreland Policies, Recreation and Tourism Policies, states that *"Recreation uses in waterfront areas shall take maximum advantage of their proximity to the water by: providing water access points or waterfront viewing areas; and building designs that are visually u {typo from original ordinance} with the waterfront."*

CP.204, Economic Development Goal 5 and Goal 5 Policies, Goal states *"Encourage the preservation of Astoria's historic buildings, neighborhoods and sites and unique waterfront location in order to attract visitors and new industry."* The Policy 1 states *"Provide public access to the waterfront wherever feasible and protect existing access. The importance of the downtown waterfront in terms of aesthetics, public access and business improvement cannot be overemphasized. The City supports the concept of the "People Places Plan," and encourages local organizations in the construction and maintenance of waterfront parks and viewing areas."*

Finding: One of the reasons the Riverfront Vision Plan was developed was to enhance public access to the estuary and allow for preservation of public open space and park areas along the Columbia River. Public access includes both physical and visual access. The River Trail along the Columbia River is used by locals as well as visitors and is maintained for its aesthetic values as well as for its transportation values. The Bridge Vista Area was identified as an area to allow some development while preserving visual and public access. The Urban Core Area was identified for more intense development and the Civic Greenway Area was identified for more open space. The existing on-land building and landscaping setback and stepbacks create wider view corridors from West Marine / Marine Drive. However, the design, mass, and scale of the proposed new development of the hotel at 2nd Street did not achieve the expectations of the adopted guidelines and standards. The City Council found them to be too flexible in

their interpretation, and somewhat confusing as to how to apply mass and scale review to the proposal. Therefore, the Council has requested a height reduction for the BVO and some clarification of the existing language to retain some flexibility in design, but to give more guidance on how to apply certain sections of the code.

The submerged lands (over-water) areas are owned by the State and leases are managed by Division of State Lands. Much of the waterfront area is not currently leased. The upland property owner has the first right of refusal for use of the submerged land area. However, anyone can lease from DLS. While there are tax lots platted out into the River, the tax lot owner does not pay taxes on the lot other than for improvements that are located on the lot. By State law, the public has rights to both physical and visual access to the water.

The proposed amendments would protect public visual and physical access to the River. The proposed amendment would limit the size, height, and design of development to minimize the impact on public access. The original standards were based on the visual impacts of the dimensions and site location of the existing Cannery Pier Hotel (10 Basin Street) located on the west end of the River Trail, and two other over-water structures at 100 31st Street (Big Red) and 100 39th Street (Pier 39). The proposed height reduction is based on the visual impact of the proposed hotel which was approved with the existing guidelines and standards and the public concern that the size of the structure is not compatible with the desired development of the BVO area and Riverfront.

14. CP.460(3), Natural Resource Policies states that *"The City recognizes the importance of "trade offs" that must occur in the planning process. Although certain estuary areas have been designated for intensive development, other areas will be left in their natural condition in order to balance environmental and economic concerns."*

Finding: The proposed amendment allows for some over-water development while reducing the height. The existing code encourages and/or requires the use of native plants along the Riverfront and the proposed amendment would clarify the location of "riparian" areas. The standards maintain open areas for protection of the estuary habitat and to maintain vistas and views.

15. CP.204(3 & 4), Economic Development Goal 5 and Goal 5 Policies, Goal states *"Encourage the preservation of Astoria's historic buildings, neighborhoods and sites and unique waterfront location in order to attract visitors and new industry."* The Policies state
 3. *Encourage the growth of tourism as a part of the economy.*
 - a. *Consider zoning standards that improve the attractiveness of the City, including designation of historic districts, stronger landscaping requirements for new construction, and Design Review requirements.*

4. *Protect historic resources such as downtown buildings to maintain local character and attract visitors.”*

CP.250(1), Historic Preservation Goals states that *“The City will Promote and encourage, by voluntary means whenever possible, the preservation, restoration and adaptive use of sites, areas, buildings, structures, appurtenances, places and elements that are indicative of Astoria's historical heritage.”*

CP.250(3), Historic Preservation Goals states that *“The City will Encourage the application of historical considerations in the beautification of Astoria's Columbia River waterfront.*

CP.200(6), Economic Development Goals states that the City will *“Encourage the preservation of Astoria's historic buildings, neighborhoods and sites and unique waterfront location in order to attract visitors and new industry.”*

CP.205(5), Economic Development Policies states that *“The City encourages the growth of tourism as a part of the economy. Zoning standards which improve the attractiveness of the city shall be considered including designation of historic districts, stronger landscaping requirements for new construction, and Design Review requirements.”*

Finding: The existing code includes design standards to allow for development that is consistent with the design of the historic Uniontown area and that is compatible with the existing development within the area. However, when applying the existing code language, the City Council found that language was inconsistent and that it was unclear how to preserve compatibility with “historic” structures and/or buildings without a clear understanding of what area was included in the review and how a new building could be compatible with a non-habitable structure such as the cannery boiler at 2nd Street.

The River and River Trail are important tourism/economic assets for the City and would be protected from incompatible development with the proposed amendments. The proposed amendments clarify some height exemptions, reduce the height of structures in the BVO, and clarify how to review for compatibility, mass, and scale with the existing historic and/or other existing structures. The proposed code amendments would also protect more of the scenic views of the Columbia River waterfront with standards for height, design, and mass/scale of development. The area west of 2nd Street was the site of a former fish processing facility. This site contains a good example of the former pile field, a portion of the facility (a boiler), and historic ballast rock piles. The site and remaining structures/features are designated historic. The City Council found it difficult to review a 45' tall hotel for compatibility with a non-habitable boiler and ballast rock piles. The proposed amendment would clarify how to apply the standards in these situations and still protect the historic site.

With the review by the Historic Landmarks Commission (HLC) of any project “adjacent” to a historic property, the proposed amendments would also allow a single Commission review of the design criteria relative to historic compatibility. If the HLC is required to review the project, they would also review the historic compatibility aspects of the Design Review overlay zone rather than the Design Review Committee (DRC). The DRC would continue to review all other portions of the overlay zone design review. This would reduce any conflict between the review by different Commissions.

16. CP.270, Parks, Recreation, and Open Space Element, Goals states that *“The City of Astoria will work:*
1. *To develop a balanced park system.*
 2. *To reflect Astoria's special qualities and characteristics. . .*
 5. *To provide or encourage waterfront parks. . .*
 7. *To promote general beautification. . .*
 12. *The City will continue its efforts to improve public access to the shoreline through:*
 - a. *The construction of public access points, pathways, and street ends;*
 - b. *The encouragement of public access projects in conjunction with private waterfront development actions, possibly through the use of local improvement districts and/or grant funds; and*
 - c. *The protection of street ends and other public lands from vacation or sale where there is the potential for public access to the water. The City will work with the Division of State Lands (DSL) to determine the status of submerged and submersible lands adjacent to the City street ends.”*

Finding: The City has established a River Trail along the Columbia River as a City park. The Riverfront Vision Plan identifies this as a public area and encourages protection of a portion of the public views and vistas in the Bridge Vista Area. The RVP for the Bridge Vista Planning Area identified Land Use Assumptions and Objectives which state that *“This area is an appropriate location for new overwater development, should it occur. However, specific areas should remain open to preserve broad view of the river...”*

As noted above, the submerged lands (over-water) areas are owned by the State and leases are managed by Division of State Lands. Much of the waterfront area is not currently leased. By State law, the public has rights to both physical and visual access to the water.

The proposed amendments address the design, size, height, for development on both the water and land side of the River Trail with the reduction in height for BVO from 45’ to 28’ and with clarification of the design guidelines and standards. The limitation of building size and height would protect the waterfront park from incompatible intrusions.

17. CP.470(1), Citizen Involvement states that *“Citizens, including residents and property owners, shall have the opportunity to be involved in all phases of the planning efforts of the City, including collection of data and the development of policies.”*

Finding: Throughout the process of drafting the original Riverfront overlay areas ordinances, the City provided extensive public outreach. With the review of the recent HLC and DRC permits for the hotel and the subsequent appeal hearing, the public were provided many opportunities to be involved in the process. Invitations and notices were sent to interested parties, neighborhood associations, property owners, stakeholders, email lists, web site, notices in the *Daily Astorian*, etc. to advise them of the opportunity to provide suggestions and comments. The Council considered the public input but recognized that the current proposal would need to be evaluated against the existing code, and that the code was unclear on several issues. Due to the lack of clarity and the extensive public comments, the City Council initiated the process to amend the code to better address the needs of the reviewing bodies and the desires of the general public. A work session with public input was held by the City Council at their February 19, 2019 meeting. A code amendment is being processed through additional public hearings before the Planning Commission and the City Council to address these concerns.

The City was very conscious of the interest in protection of the Riverfront and the need to have an ordinance that would meet the needs of the citizens, property owners, protect the environment and historic resources, be in compliance with State regulations, and would be a permit process that was easy for both the citizens and staff.

Finding: The request is consistent with the Comprehensive Plan.

- D. Section 10.070(A)(2) concerning Text Amendments requires that *“The amendment will not adversely affect the ability of the City to satisfy land and water use needs.”*

Finding: The proposed amendment will satisfy land use needs in that it will allow for the development of private properties while protecting the vistas and views along the Bridge Vista Area of the River Trail. The proposed amendment further limits the allowable development height in this area thereby reducing some of the impacts associated with a more intensive development.

Change in allowable uses is not being proposed and will not change the Buildable Lands Inventory statistics. The proposed amendment will not adversely affect the ability of the City to satisfy land and water use needs.

- E. Oregon Administrative Rules Section 660-012-0060 (Plan and Land Use Regulation Amendments) states that:

“(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the

local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) Change standards implementing a functional classification system; or*
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
 - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
 - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.”*

Finding: No map amendment is proposed. No change in use is proposed. The proposed amendments would impact the height and design of buildings. The proposed amendments will not impact transportation facilities. The proposed amendments comply with the Oregon Administrative Rules Section 660-012-0060 (Plan and Land Use Regulation Amendments) requirements.

- F. ORS 197.303 and ORS 197.307 relate to State required standards for certain housing in urban growth areas. The ORS state the following:

“ORS 197.303, Needed Housing Defined.

- (1) As used in ORS 197.307 (Effect of need for certain housing in urban growth areas), “needed housing” means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are*

defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. "Needed housing" includes the following housing types:

- (a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
- (b) Government assisted housing;
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 (Policy) to 197.490 (Restriction on establishment of park);
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and
- (e) Housing for farmworkers."

"ORS 197.307, Effect of need for certain housing in urban growth areas

- approval standards for residential development
 - placement standards for approval of manufactured dwellings
- (1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farmworkers, is a matter of statewide concern.
 - (2) Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable, decent, safe and sanitary housing.
 - (3) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.
 - (4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:
 - (a) May include, but are not limited to, one or more provisions regulating the density or height of a development.
 - (b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.
 - (5) The provisions of subsection (4) of this section do not apply to:
 - (a) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.
 - (b) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.
 - (6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

- (a) *The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;*
 - (b) *The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and*
 - (c) *The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.*
- (7) *Subject to subsection (4) of this section, this section does not infringe on a local government's prerogative to:*
- (a) *Set approval standards under which a particular housing type is permitted outright;*
 - (b) *Impose special conditions upon approval of a specific development proposal; or*
 - (c) *Establish approval procedures."*

Finding: State regulations require cities and counties to zone for all types of housing. The ORS defines "needed housing" to include affordable, low income, and very low-income housing types. ORS 197.307 addresses the determination of needed housing, allowable standards, and a clear process for design review. The City of Astoria conducted a Buildable Lands Inventory which was adopted in 2011. The report noted that there was surplus land zoned for medium and high-density residential development but a deficit of low-density residential land for an overall deficit of land zoned for residential use. There have been minor zone amendments since 2011 but the overall surplus and deficit is about the same. Multi-family residential use is also allowed in some non-residential zones allowing for more high-density residential development. The proposed amendments would still allow for multi-family dwellings in the commercial zone and would not reduce the "residentially zoned" land supply.

Estimated Net Land Surplus/(Deficit) by Zoning Designation, Astoria UGB, 2027

Type of Use	R1	R2	R3	AH-MP	Total
Land Need	115.4	51.2	67.0	2.7	236.3*
Land Supply	25.20	74.99	119.18	1.49	220.86
Surplus/(Deficit)	(90.20)	23.79	52.18	(1.21)	(15.44)*

Source: Wingard Planning & Development Services

* Note: Scrivener's Error in actual figure. BLI shows 236.4 and (15.54) but should be 236.3 and (15.44).

Estimated Net Land Surplus/(Deficit) by Zoning Designation, Astoria UGB, 2027				
Growth Scenario	Type of Use	Commercial (Office/Retail)	Industrial/Other	Total
Medium	Land Need	38.2	11.5	49.7
	Land Supply	17.1	39.3	56.4
Surplus/(Deficit)	Surplus/(Deficit)	(21.1)	27.8	6.7

Source: Cogan Owens Cogan

The proposed amendment includes the addition of "clear and objective standards" for residential development. The proposed standards are similar to those adopted for the Civic Greenway Overlay area and allow for administrative review of projects meeting the specific design standards.

Developers may choose this direct method with no deviation or go through the public process which allows more flexibility and discretion in the design.

The proposed amendments would be in compliance with the above noted ORS requirements relative to housing.

G. The Clatsop County Housing Strategies Report (January 2019 Draft) addresses housing issues in the County and the five jurisdictions within the County including Astoria. The Report has not yet been adopted by the communities.

1. The Draft (Page 3, Introduction and Overview) states that *“The strategies presented in this report reflect the following overarching findings that have come to light during this process. These findings apply on a county-wide basis, and apply to the individual cities to different degrees:*

1) Sufficient Supply, but Not the Right Types of Housing

☐ *Technically, there seems to be a sufficient supply of land and number of housing units to meet both current and future needs. However, much of this supply serves the second home and short-term rental market, leaving insufficient supply for year-round residents to both purchase or rent. In addition, some of the supply of future residential land suffers from a variety of constraints related to natural features and hazards, infrastructure challenges, or other issues.*

2) Add the Right Types of Supply

- ☐ *Strategies should focus on adding the right type of supply, meaning home-buying opportunities at affordable price points, and more multi-family rental housing.*
- ☐ *Adding “missing middle” housing types such as townhomes, cottage clusters, and medium density housing can help to meeting the needs of first-time homebuyers. This housing, if not located in the most sought- after beach locations, should be less attractive to second home buyers.*
- ☐ *Increased multi-family rental housing development should be encouraged to serve the local service, tourism, and other working-class sectors.”*

Finding: Astoria has addressed part of the first issue “Sufficient Supply, but Not the Right Types of Housing” as described in this section by regulating transient lodging that could otherwise be utilized for year-round residents. Vacation homes and other short-term rentals that are not occupied by owners at the same time as guests are prohibited in Astoria. There is a large portion of the available “residential” property in Astoria that has constraints such as natural features and infrastructure challenges. These properties are available for development but are

more challenging. The second issue of “Add the Right Types of Supply” addresses the need for affordable housing not just high-end housing and even suggests that it not be located “. . . in the most sought-after beach locations. . .” which for Astoria is the Riverfront locations. The City has adopted standards for a Compact Residential Zone to allow for cottage clusters and more affordable housing development. These standards could be applied to any area with a zone change to implement it. The City also has a Planned Development Overlay Zone that allows for development flexibility which could accommodate more affordable housing. The Riverfront area is generally not the area that would be developed for affordable housing as it would be considered more desirable for high-end housing especially due to the higher costs to develop along the waterfront. The proposed amendments to the Bridge Vista area would reduce the base height of buildings to 28’ which would still allow housing above the first floor. In addition, the proposed amendments would allow a height exception without a variance to 35’ to allow for affordable housing. Standards for income level and availability of the units as affordable housing for a minimum of 20 years are included.

2. The Housing Study (Page 4, Section 2, Housing Trends, Key Findings) states *“The overall findings of our technical analysis of current housing conditions (Appendix A) include: . . .*
 - *Newly-built housing supply will tend to be more expensive housing, as it is up-to-date and in better condition than older housing. However, adding new supply for higher-income households is necessary to allow the older housing supply to “filter” to those with more modest income.*
 - *Denser forms of housing, such as townhomes and condos rather than single family homes, may help create some smaller and lower-priced housing stock that can serve first-time and lower-income buyers. In addition, housing in areas less attractive to tourists (for instance, further from the beach or the town center) may be less likely to be consumed by second home seekers or investors. . .”*

Finding: Housing for first-time and lower-income buyers could be provided through the Compact Residential Zone, Planned Development Overlay Zone, and in existing medium and high-density zoned areas which are currently noted as being in surplus in the Buildable Lands Inventory. As noted above, some of these areas may be more challenging to develop. However, the proposed amendments would allow for housing to be developed along the Riverfront but as noted in the Study, these may not likely be developed as affordable housing.

3. The Housing Study, Land Supply Strategy 3 (Page 8, Refine BLI Data and Results - for Warrenton and Astoria) states *“The City of Astoria noted major constraints associated with federally owned land within the UGB. This land is shown as potentially buildable in the current BLI results but may not in fact be available for development during the*

planning period, based on constraints associated with federal ownership and management of this area. The City should work with other government agencies to clarify the status of this land and remove it from the BLI as appropriate. . .”

Finding: As noted in the Report, the City has other strategies available for addressing the availability of land for residential development. The reduction in height for the small area along the Riverfront in Bridge Vista would reduce one floor of housing (45’ to 35’ reductions) in a more high-end development area and would not eliminate the possibility of some housing in this area.

4. The Housing Study, Policy and Development Code Strategy 4 (Page 14, Support High Density Housing in Commercial Zones) identifies the following as possible code amendment strategies:

*“Allow multi-family housing outright.
Consider allowing single-family attached housing.
Allow vertical mixed-use development outright.
Adopt a minimum density standard.
Tailor development and density standards.”*

Finding: The proposed code amendments would not change the allowable uses in the Bridge Vista area. Multi-family residential development in the C-3 General Commercial Zone in this area would be allowed outright. As noted above the Compact Residential Zone is a possibility for potential rezoning. The proposed amendments would continue to allow housing above commercial uses in mixed-use development projects.

Finding: While not an adopted Report, this Report was referenced by the attorney for Astoria Warehousing in a letter dated April 9, 2019 which is attached to this document. The above Findings address some of the issues raised in this letter and other issues in the Draft Report. Overall, the proposed amendments would not be in conflict with the strategies identified in the Report as there are multiple suggested strategies and the proposed amendments would not prohibit residential development in some areas of the Bridge Vista Overlay area.

V. CONCLUSION AND RECOMMENDATION

The request is consistent with the Comprehensive Plan and Development Code. Staff recommends that the Planning Commission hold a public hearing and recommend that the City Council adopt the proposed amendments.

CODE AMENDMENT A19-01 SYNOPSIS
4-24-19

Legend: **Changes after DLCD submittal**

Article 14 Riverfront Vision - Interpretations for Clarification, Updates

Code Section	Code Designation	Proposed Change
1.400	Definitions	Amend: "Standards" to say standards not guidelines ; Building Mass, Gross Floor Area, Design Review, Granting Authority; add graphic to Adjacent
1.400	Definitions	Add definitions for: Building Scale, Gross Floor Area (exclude garages) , Outdoor Storage Area, Historic Building, Historic Site, Historic Object, Historic Structure
14.001	Definitions	Add definition for: River Trail, Visual Impact
1.045	Number and Gender	Add section for number & gender neutral words
1.101 1.103 1.105 1.120 9.015.3	Commissions; Administration	Change name of Design Review Committee to Commission
1.101 1.103	Commissions	Change responsibilities of Design Review Committee to include all design review except Article 6, Historic
14.095	Uses Prohibited for Overwater Development	Amend title to clarify also for shoreland zones
14.100.C	Uses Prohibited for On-Land Development	Add to see 14.095.B for shoreland zone prohibited uses.
14.090	Figure for zone location	Amend figure map to only show Pedestrian-Oriented District; BVO
14.002 14.055 14.060 14.100 14.113 14.115.I 14.133	Conflict between Sections	Remove "conflict between Sections" from individual sections and change to "conflict between Articles" so that Overlay Zones control over base zone requirements; add that more stringent provision in Article 14 shall control; CGO, BVO, NGO; add section on conflict when reviewing adjacent historic "structures"
14.115.I	Signs, BVO	Add map of Pedestrian-Oriented District
14.040.A 14.131.B	Applicable criteria for design review	Clarify that must comply with all design standards to be reviewed administratively or need to go to DRC; CGO, NGO
14.015.C 14.040.C	Applicability and Review Procedures	Put design review of overlay zones relative to "adjacent" historic structure under HLC and then

Code Section	Code Designation	Proposed Change
14.090.A 14.131.D 6.070.C		DRC would only review if historic structure is not "adjacent"; GO, BVO, NGO, CGO
14.060.B 14.113.B.1.a	Setbacks, On-Land	Clarify that the N/S view corridor only applies to the half on each side of the street centerline; add graphic; CGO, BVO
14.060.C.2	Stepbacks, On-Land	Add that balconies and fixed awnings shall not encroach into stepback; CGO
14.115.G.3	Awnings, BVO	Add awnings not encroach into stepback area
14.030.F	Design Standards GOZ	Add "Exterior Lighting" to match other sections; add window details used by DRC and written into other sections; add exterior wall siding detail used by DRC and written into other sections
14.065.A.2.b	Residential window design, CGO	Clarify that garage windows count toward window percentage; rearrange wording
14.115.B	Building Style, BVO	Reformat to separate standard for all uses, standards for non-industrial uses, guidelines for new construction, and guidelines for existing buildings; clarify that mass and scale of entire building is reviewed; add facade variation standard for non-industrial uses with additional design features ; clarify how mass and scale should be considered and which buildings to compare;
14.115.E.4.b	Windows, BVO	Add exception for percentage of window coverage for elevator elevations
3.215	Outdoor Storage Area Enclosures	Add standards for outdoor storage area enclosures (moved to A19-04)
3.975.A.2	Exception to Building Height Limitations	Amend to clarify additional non-essential areas not exempt from height limitation; add that height is limited to minimal height required for exempt feature
3.075.A.4	Exception to Building Height Limitations	Add limitations to additions and prohibit signs on exempt height features
8.050.12	Prohibited Signs	Add that signs are prohibited on building height exempt features
14.075.A.1 14.075.A.2 14.120.A. 14.120.B 14.138.A	Landscaping	Clarify requirements for riparian shoreline areas south of River Trail; CGO; BVO; NGO
14.138.B.1	Landscaping, NGO	Add Section B.1 which was erroneously omitted from the original document
14.075.A.3.a 14.120.C.4	Landscaping, street trees	Change maximum height of street trees on north-south streets to 35'; CGO, BVO
2.900.11 2.972.11 2.981.10	Other Applicable Use Standards	Amend to add reference to CGO; MH, HR, LS, AH-MP

Code Section	Code Designation	Proposed Change
2.992.10		
2.992.12 2.992.13 14.030.F 14.055.E 14.060.D 14.070.A.1	Other Applicable Use Standards	Add to clarify what overlay sections apply to AH-MP
2.095.10 2.415.13 2.590.10 2.615.9 2.860.10	Other Applicable Use Standards; Development Standards and Procedural Requirements	Add that NGO applies; R-2, C-3, IN, A-3, A-4
2.415.11 2.485.13 2.515.13 2.540.12 2.565.10 2.665.11 2.715.10	Other Applicable Use Standards; Development Standards and Procedural Requirements	Add that CGO applies; C-3, GI, A-1, A-2, A-2A, S-1, S-2A
2.415.12 2.515.14 2.540.13 2.656.11 2.690.12	Other Applicable Use Standards; Development Standards and Procedural Requirements	Add that BVO applies; C-3, A-1, A-2, A-2A, S-2
7.100	Minimum Parking Space Requirements	Add that "gross floor area" used for parking calculation does not include outdoor storage areas but does include outdoor seating areas
14.114	Residential Design Standards - BVO	Add clear and objective standards for administrative review of residential design

DEVELOPMENT CODE UPDATES

Annotated

May 3, 2019

ARTICLE 14 - RIVERFRONT VISION PLAN CORRECTIONS, UPDATES, CLARIFICATIONS

Legend:

Annotated - staff notes for intent and/or explanation of amendment

Changes after the DLCD Notice was sent to track updates to send to DLCD

CORRECTIONS

Section 1.400, Definitions, specific definitions are hereby deleted in their entirety and replaced to read as follows:

STANDARDS: For the purpose of the Riverfront Vision Plan Overlay Zones, the term ~~guidelines~~ standards shall mean code provisions that require or prohibit specific design features, incorporate numerical or other clear and objective standards, and provide for limited or no discretion by the appropriate review body to interpret and apply the standard.

DEFINITION CLARIFICATIONS AND ADDITIONS

Section 1.400, Definitions, definitions are added read as follows:

BUILDING SCALE: See "Scale, Building".

BUILDINGS, HISTORIC: Buildings which are designated as historic within Astoria are structures intended to shelter human activity. Examples include a house, barn, hotel, church or similar construction. The term building, as in outbuilding, can be used to refer to historically and functionally related units, such as a courthouse and a jail, or a barn and a house.

GROSS FLOOR AREA: See "Floor Area, Gross".

MASS, BUILDING: See "Building Mass".

OBJECTS, HISTORIC: Objects which are designated as historic within Astoria are usually artistic in nature, or small in scale when compared to structures and buildings. Though objects may be movable, they are generally associated with a specific setting or environment. Examples of objects include monuments, sculptures, and fountains.

OUTDOOR STORAGE AREA: An area for storage of materials, products, solid waste disposal collection, recycling, utilities, mechanical equipment, and other storage unless otherwise defined. This does not include roof top equipment enclosures.

(Annotated: Most zones require outdoor storage areas to be enclosed but there is no definition. This is how we have used the definition.)

SCALE, BUILDING: The appearance of a structure in relation to other structures in the vicinity. Scale is affected by variations in height, setbacks, and stepbacks of upper stories.

SITES, HISTORIC: Sites which are designated as historic within Astoria may include discrete areas significant solely for activities in that location in the past, such as battlefields, significant archaeological finds, designed landscapes (parks and gardens), and other locations whose significance is not related to a building or structure.

STRUCTURES, HISTORIC: Structures which are designated as historic within Astoria differ from buildings, in that they are functional constructions meant to be used for purposes other than sheltering human activity. Examples include, an aircraft, a ship, a grain elevator, a gazebo and a bridge.

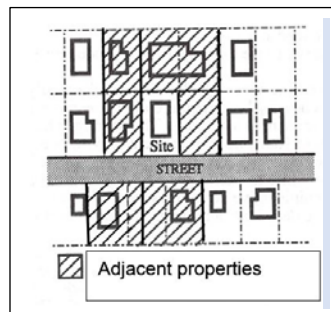
(Annotated: Historic definitions were from the NPS standards and would be applicable City-wide.)

WOOD PROCESSING: Wood processing is an engineering discipline comprising the production of forest products, such as pulp and paper, construction materials, and tall oil. Paper engineering is a subfield of wood processing. Wood processing produces additives for further processing of timber, wood chips, cellulose and other prefabricated material. It does not include the manufacturing of finished products from wood such as furniture or a woodworking shop.

(Annotated: This is intended to be the more intense processing such as a lumber mill and not the light manufacturing of wood such as a furniture woodworking shop.)

Section 1.400, Definitions, specific definitions are hereby deleted in their entirety and replaced to read as follows:

ADJACENT: Contiguous to, including those properties which would share an edge or boundary if there were no intervening streets, alleys, or other rights-of-way.



(Annotated: graphic added for clarity.)

BUILDING MASS: The height, width, and depth of a structure including non-enclosed features such as unenclosed stairs and unenclosed decks. The mass of a structure is determined by the volume of the building; variation in building shape and form; the relationship between a structure and the size of adjacent structures; and the building site and its relationship to the sidewalk and street, and importance to “human” scale.

(Annotated: Staff will look at other definitions of “mass”. It is intended to look at the entire site and impact of the size on other buildings in the area.)

FLOOR AREA, GROSS: The sum of gross horizontal areas of the several floors of a building, measured from the exterior face of the exterior walls or from the center line of walls

separating two buildings, including garages, and structures on all abutting tax lots associated with a development. It does but not include ing the following, unless otherwise noted in specific code Sections:

- a. Attic space providing headroom of less than seven feet.
- b. Basement providing headroom of less than seven feet. ~~, if the floor above is less than six feet above grade.~~
- c. ~~Uncovered~~ Unenclosed steps or fire escapes.
- d. ~~Private Garages, carports for a maximum of four vehicles; or unenclosed porches; unenclosed decks greater than 12" high; or unenclosed balconies less than 100 square feet combined for all balconies on the same facade.~~
- e. Accessory uncovered off-street parking or loading spaces.
- f. Covered porticos and pedestrian entrances less than 50 square feet.
- g. Outdoor storage area enclosures less than 120 square feet. The square footage of multiple enclosures within 10' of each other shall be considered as one structure for the combined total square footage.

(Annotated: Garages are useable space and in some cases are used for more than parking such as workshops, craft areas, laundry areas, etc. When looking at gross floor area, this area is useable unlike low attics and basements. However, the APC determined that it is better have the parking hidden than to encourage open parking lots. Basements with 7' ceilings can be usable space even if less than 6' of daylight area. Balconies and porches are useable area and can become cluttered with items adding to useable floor area and mass of the structure.)

DESIGN REVIEW: A process of review whereby the Historic Landmarks Commission, Design Review Commission ~~Committee~~, Planner, or their designee, evaluates new construction, or the alteration of buildings, structures, appurtenances, objects, signs, sites and districts for appropriateness.

GRANTING AUTHORITY: The Community Development Director, Astoria Planning Commission, Historic Landmarks Commission, and/or the Design Review Commission ~~Committee~~ who review and approve land use requests.

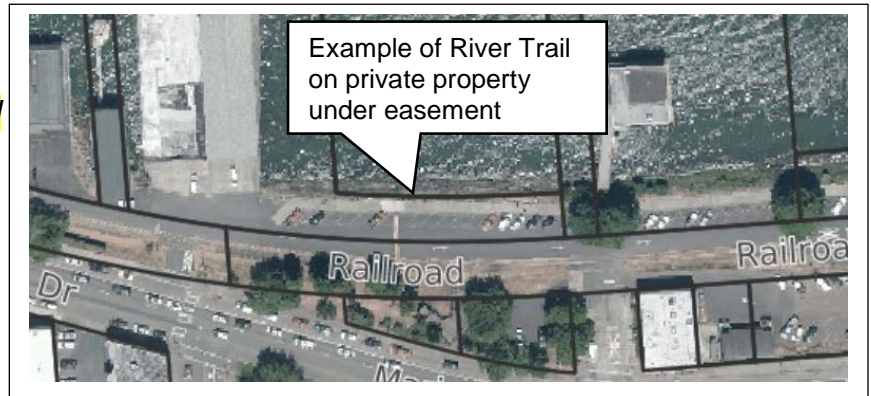
(Annotated: The definitions "Design Review" and "Granting Authority" would need to be amended if DRC is changed from Committee to Commission.)

Section 14.001, Definitions for Article 14, specific definitions are added to read as follows:

RIVER TRAIL: The entire width of the railbanked former railroad right-of-way property and/or easements, including the improved portions of the trail along the Columbia River, not just the improved portions of the Trail. The former railroad right-of-way property is generally 50' wide

in most areas but may include larger areas. The portion of the River Trail between 6th Street and 17th Street is also referred to as the River Walk.

(Annotated: This definition would only apply to Article 14, not the entire Code. River Trail is referred to in the Overlay Zones as described in this definition. The Trail is not entirely within the RR right-of-way in some areas but is intended to be considered when dealing with the Riverfront Vision overlay zone reviews.)



UPDATE AND CLARIFICATION

Section 1.045, Number and Gender, is added to read as follows:

"In this code, words in the singular number may include the plural and words in the plural number may include the singular. Words in this code in the masculine gender may include the feminine and the neuter."

(Annotated: The City Code contains the above language to address gender within the Code. As we process code amendments, we will attempt to amend the references to a gender neutral term. Until the entire code can be updated, we are adding the City Code language.)

Section 1.101, Establishment of Design Review Committee, is hereby deleted and replaced to read as follows:

"1.101. ESTABLISHMENT OF DESIGN REVIEW ~~COMMITTEE~~ COMMISSION.

There is hereby created a Design Review ~~Committee~~ Commission whose responsibilities are limited to ~~the Gateway Overlay Area.~~ design review in the Astoria Development Code other than those in Article 6, Historic Properties Ordinance, which is the responsibility of the Historic Landmarks Commission."

Section 1.103, Purpose and Duties of the Design Review Committee, is hereby deleted and replaced to read as follows:

"1.103. PURPOSE AND DUTIES OF THE DESIGN REVIEW ~~COMMITTEE~~ COMMISSION.

A. The purpose of the Design Review ~~Committee~~ Commission is to evaluate the design of proposed projects based on established design review guidelines in ~~Section 14.020 through 14.030~~ the Astoria Development Code other than those in Article 6, Historic Properties Ordinance. The ~~Committee~~ Commission will function in compliance with the procedures of Article 9 of the Astoria Development Code."

1. ~~Review of Uses Permitted Outright.~~

~~When reviewing the design proposal for a Use Permitted Outright, the Design Review Committee will have the authority to make a decision on the request. That decision shall be appealable to the City Council.~~

~~2. Review of Conditional Uses.~~

~~When reviewing the design proposal for a Conditional Use, the Design Review Committee will serve as an advisory body and will have the authority to make a recommendation to the Planning Commission. When the Committee action is limited to making a recommendation to the Planning Commission, the recommendation is not subject to appeal. A final decision on the part of the Planning Commission is, however, appealable to the City Council."~~

Section 1.105, Membership, is hereby deleted and replaced to read as follows:

1.105. MEMBERSHIP.

- A. The Planning Commission and Historic Landmarks Commission shall each consist of seven members to be appointed by the City's Mayor, and such additional ex officio, nonvoting members as the City Council may from time to time determine are necessary. The following apply to each the Planning Commission and the Historic Landmarks Commission.
1. Not more than two members may be nonresidents of the City.
- B. The Design Review Commission ~~Committee~~ shall consist of five members to be appointed by the City's Mayor, and such additional ex officio, non-voting members as the City Council may from time to time determine are necessary. The following apply to the Design Review Commission ~~Committee~~.
1. The Design Review Commission ~~Committee~~ shall consist of five individuals and will include a builder, a design professional (architect, landscape architect, building designer, or artist), a businessperson, a citizen representative, and a Historic Landmarks Commission representative.
 2. Not more than one member may be a nonresident of the City.
- C. The following shall apply to each the Planning Commission, Historic Landmarks Commission, and Design Review Commission ~~Committee~~.
1. Each member of the Commission or Committee shall hold office for four (4) years. Terms of Commission or Committee members shall be staggered so that not more than two positions will expire in any one year. Members may be reappointed. Ex officio members shall hold their office at the pleasure of the City Council. Not more than two City officials shall be ex officio, non-voting members in accordance with ORS 227.030.
 2. A vacancy on the Commission or Committee, whether by death, resignation or

removal by the Mayor, shall be filled for the unexpired term.

3. A member may be removed by the Mayor at the Mayor's discretion.
4. No more than two voting members shall be engaged principally in the buying, selling, or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that is engaged principally in the buying, selling or developing of real estate for profit. No more than two voting members shall be engaged in the same kind of business, trade or profession.
5. A member of the Commission or Committee shall not participate in any Commission or Committee proceeding or action in which any of the following has a direct or substantial financial interest: the member or ~~his~~ their spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which ~~he is~~ they are then serving or ~~has~~ have served within the previous two years, or any business with which ~~he is~~ they are negotiating for or ~~has~~ have an arrangement or understand concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Commission or Committee where the action is being taken.
6. Members of the Commission or Committee receive no compensation.

Section 1.120, Meetings, is deleted in its entirety and replaced to read as follows:

1.120. MEETINGS.

A. Quorum.

1. Four voting members shall constitute a quorum for the Planning Commission or Historic Landmarks Commission.
2. Three voting members shall constitute a quorum for the Design Review Commission ~~Committee~~.

B. Procedures.

The Commission or Committee may make and alter rules and regulations for its government and procedure consistent with the laws of the State of Oregon and with the City Charter and this Code. The Planning Commission and Historic Landmarks Commission should meet at least once per month. The Design Review Commission ~~Committee~~ should meet as needed.

(Annotated: At the time the DRC was established, the only design review was the Gateway Overlay Zone. However, it was anticipated that future design review would be established, and the DRC would have that responsibility. We now have several Overlay Zones that the DRC reviews. There is no longer a need for their review to be just a recommendation to the Planning Commission on designs for a conditional use. The DRC decision is appealable to

the City Council directly. With the expanded review, staff suggests changing name from Committee to Commission as they act similar to the HLC. The term "Commission/Committee" remains in the code as other committees could occur and would need to be added back in and it does not change the current use if it remains included.)

Section 14.095, Uses Prohibited for Overwater Development, title is deleted in its entirety and replaced to read as follows:

14.095. Uses Prohibited for Overwater and Shoreland Area Development.

Section 14.110.C, Uses Prohibited for On-Land Development is added to read as follows:

C. Shoreland Zones.

The following uses and activities and their accessory uses and activities are prohibited in Shoreland Zones in the Bridge Vista Overlay Zone. Permitted uses are identified in the base zones in Article 2.

1. Fossil fuel and petroleum product terminals.
2. Auto sales and gas stations.
3. Wood processing.
4. Professional offices, medical offices.
5. Indoor entertainment.
6. Hotels/motels. Facilities existing prior to 2013 may be repaired, replaced, and/or redeveloped with hotels/motels.
7. Conference center. Except if located south of the River Trail property.
8. Residential uses, including manufactured dwellings.

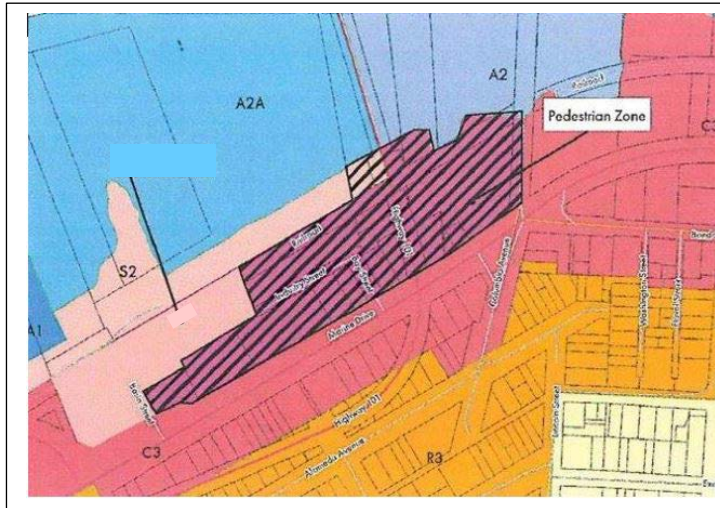
(Annotated: Section 14.095 is titled "Over-water" yet it has prohibited "shoreland" uses listed. This is because part of 14.095 also refers to some shoreland areas. The title is being changed and the same list is being added to the on-land area for clarity.)

Section 9.015.3, Community Development Director Duties, is deleted in its entirety and replaced to read as follows:

3. Assist the Historic Landmarks Commission, Design Review Commission ~~Committee~~, Planning Commission, and City Council in administering the hearings process;

Section 14.090, Figure 14.090-2, Pedestrian-Oriented District and Amended Commercial Zone, is deleted in its entirety and replaced as follows:

Figure 14.090-2, Pedestrian-Oriented District and Amended Commercial Zone



(Annotated: The only change is to eliminate the “New or Amended Commercial Zone”. It was hashed like the Pedestrian Zone which caused confusion. The graphic is to identify the Pedestrian Zone, so the other part of the graphic is not necessary.)

CONFLICT BETWEEN SECTIONS AND TERMS

Section 14.002, Conflict within the Code, is hereby added to read as follows:

14.002. Resolving Conflicts within the Code.

- A. This article shall control in the event of a conflict with other sections of the Astoria Development Code.
- B. The more stringent provision shall control in the event of a conflict between Article 14 and any overlay zone.

(Annotated: The current Code has several references to conflict between “Sections” which has led to application of the Code different than intended when written. This addition at the front of the Article 14 for Overlay Zones would make it clear that the Overlay Article shall control over the remaining Code. The following Sections are amended as 14.002 would apply.)

- C. When applying design review guidelines, the following rules apply:
 - 1. The terms “building” and “structure” may be used interchangeably in the Riverfront overlay zones (Gateway Overlay, Bridge Vista Overlay, Neighborhood Greenway Overlay, Civic Greenway Overlay, and Urban Core Overlay).
 - 2. The following guidelines apply when reviewing visual impact to a historic building/structure:

- a. The relationship to historic “buildings” is more important than the relationship to historic structures, sites, or objects.
- b. The visual impact upon an historic “structure”, site, or object shall be considered rather than a simple comparison of the relative mass, scale and/or size.
- c. The proposed construction should respect both the existing and/or the original historic spatial relationship between buildings.
- d. The proposed construction should be appropriately located and scaled with respect to an historic building/structure, site, or object to maintain the historic character of the site and setting.
- e. New construction should be located so that it will not negatively impact the character of an historic building, site, or setting.
- f. The design and materials of any proposed construction should include elements that relate favorably to, but do not need to replicate, the design and materials of the historic structure.

(Annotated: There are historic designated structures that require HLC review such as the 2nd Street boiler, Tidal Rock, 14th Street Ferry Landing, etc. It is difficult to compare these features to new buildings. The intent is to be sure they do not visually impact the historic feature. Some of the above language comes from the Secretary of Interiors Standards for new construction in historic areas.)

Section 14.055, Standards for Overwater Development in the Civic Greenway Overlay Zone, introduction paragraphs are hereby deleted in its entirety and replaced to read as follows:

‘The following development standards apply to overwater development in the Civic Greenway Overlay Zone. The Overwater Development standards shall also apply to on-land development north of the River Trail / ~~50’ wide railroad line property~~ between 19th and 41st Streets. ~~In the event of a conflict between this Section and other Sections of the Astoria Development Code, this Section shall control.~~

Maintenance, repair, or restoration of buildings existing prior to 2013 shall be exempt from the standards of this Section 14.055. Additions and/or new construction on these buildings shall be subject to these standards.”

(Annotated: With the definition of River Trail, the addition of “50’ wide RR property” is not needed.)

Section 14.060, Standards for On-Land Development in the Civic Greenway Overlay Zone, introduction paragraph is hereby deleted in its entirety and replaced to read as follows:

~~“The following development standards apply to on-land development in the Civic Greenway Overlay Zone south of the River Trail / 50’ wide railroad line property. The Overwater Development standards shall apply to on-land development north of the River Trail / 50’ wide railroad line property. In the event of a conflict between this Section and other Sections of the Astoria Development Code, this Section shall control.”~~

Section 14.100.A, Standards for Overwater Development in the Bridge Vista Overlay Zone, is hereby deleted in its entirety and replaced to read as follows:

A. Applicability.

The following development standards apply to overwater development and to on-land development north of the River Trail / ~~50-foot wide railroad line property~~ in the Bridge Vista Overlay Zone in areas shown in Figure 14-090-1. These Limitation Areas are located approximately 200 Feet from Shoreline or 300 Feet from the north edge of the River Trail right-of-way as shown in Figure 14-090-1. ~~In the event of a conflict between this Section and other Sections of the Astoria Development Code, this Section shall control.~~

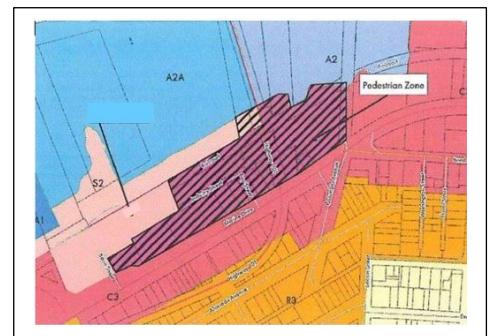
Section 14.113, Standards for On-Land Development in the Bridge Vista Overlay Zone, is hereby deleted in its entirety and replaced to read as follows:

~~“The following development standards apply to on-land development in the Bridge Vista Overlay Zone south of the River Trail / 50-foot wide railroad line property. The Overwater Development standards shall apply to on-land development north of the River Trail / 50 feet wide railroad line property. In the event of a conflict between this Section and other Sections of the Astoria Development Code, this Section shall control.”~~

Section 14.115.I, Design Standards and Guidelines in the Bridge Vista Overlay Zone, is hereby deleted in its entirety and replaced to read as follows:

I. Signs.

Signs in the Bridge Vista Overlay Zone are subject to the requirements in Article 8 (Sign Regulations) of the Astoria Development Code. The following additional standards apply to signs in the Pedestrian-Oriented District. ~~In the event of a conflict between this Section and other Sections of the Astoria Development Code, this Section shall control.~~



(Annotated: Also adding a Pedestrian-Oriented District map for clarity.)

Section 14.133, Standards for Overwater Development in the Neighborhood Greenway Overlay Zone introduction paragraphs, are hereby deleted in its entirety and replaced to read as follows:

"The following development standards apply to overwater development in the Neighborhood Greenway Overlay Zone. The Overwater Development standards shall also apply to on-land development north of the River Trail and/or 50' wide railroad line property between 41st Street and approximately 54th Street. ~~In the event of a conflict between this Section and other Sections of the Astoria Development Code, this Section shall control.~~

Maintenance, repair, or restoration of buildings existing prior to 2002 (See Section 2.585.14 and 14.132.1) shall be exempt from the standards of this Section. Additions and/or new construction on these buildings shall be subject to these standards."

Section 14.040.A, Applicability and Review Procedures in the Civic Greenway Overlay Area is hereby deleted in its entirety and replaced to read as follows:

A. Residential Development.

Applications may be reviewed administratively subject to the Design Review Standards in Section 14.065 or through the public design review process subject to the Design Review Guidelines in Section 14.025. Any deviation from the standards in Section 14.065 would require the complete application to be reviewed through the public design review process.

(Annotated: There has been questions as to whether an application could be processed administratively with just portions going through design review. The intent was that it is an either / or decision, not split review. State requires an administrative direct process option for residential design review.)

Section 14.131.B, Applicability and Review Procedures in the Neighborhood Greenway Overlay Area is hereby deleted in its entirety and replaced to read as follows:

B. Residential Development

Applications for multi-family dwellings may be reviewed administratively subject to the Design Review Standards in Section 14.134 or through the public design review process subject to the Design Review Guidelines in Section 14.135. Any deviation from the standards in Section 14.065 require the complete application to be reviewed through the public design review process.

Section 14.015.C, General Provisions for Gateway Overlay Zone, is added to read as follows:

C. Historic Design Review.

When a development proposal is required to be reviewed by the Historic Landmarks Commission due to its proximity adjacent to a designated historic building, structure, site, or object, the Historic Landmarks Commission shall include review of the Gateway Overlay sections relative to historic compatibility. If the proposed development is not "adjacent" to a historic property (as defined in Section 1.400) and not subject to review by the Historic Landmarks Commission, then the historic review

of the Gateway Overlay Zone shall be completed by the Design Review Commission.

(Annotated: When referring to the specific requirements of the Historic Landmarks Commission for “adjacent” properties, quotation marks are used for emphasis as it is different than adjacency for design review.)

Section 14.040.C, Applicability and Review Procedures in the Civic Greenway Overlay Zone, is added to read as follows:

C. Historic Design Review.

When a development proposal is required to be reviewed by the Historic Landmarks Commission due to its proximity adjacent to a designated historic building, structure, site, or object, the Historic Landmarks Commission shall include review of the Civic Greenway Overlay sections relative to historic compatibility. If the proposed development is not “adjacent” to a historic property (as defined in Section 1.400) and not subject to review by the Historic Landmarks Commission, then the historic review of the Civic Greenway Overlay Zone shall be completed by the Design Review Commission.

Section 14.090.A, Applicability and Review Procedures in the Bridge Vista Overlay Zone, is added to read as follows:

A. Historic Design Review.

When a development proposal is required to be reviewed by the Historic Landmarks Commission due to its proximity adjacent to a designated historic building, structure, site, or object, the Historic Landmarks Commission shall include review of the Bridge Vista Overlay sections relative to historic compatibility. If the proposed development is not “adjacent” to a historic property (as defined in Section 1.400) and not subject to review by the Historic Landmarks Commission, then the historic review of the Bridge Vista Overlay Zone shall be completed by the Design Review Commission.

Section 14.131.D, Applicability and Review Procedures in the Neighborhood Greenway Overlay Zone is added to read as follows:

D. Historic Design Review.

When a development proposal is required to be reviewed by the Historic Landmarks Commission due to its proximity adjacent to a designated historic building, structure, site, or object, the Historic Landmarks Commission shall include review of the Neighborhood Greenway Overlay sections relative to historic compatibility. If the proposed development is not “adjacent” to a historic property (as defined in Section 1.400) and not subject to review by the Historic Landmarks Commission, then the historic review of the Neighborhood Greenway Overlay Zone shall be completed by the Design Review Commission.

Section 6.070.C, Historic Properties Ordinance, New Construction, is added to read as follows:

C. Historic Design Review in Overlay Zones.

When reviewing a New Construction permit application within a Riverfront Vision Overlay Zone, the Historic Landmarks Commission review shall apply to all historic designated buildings visible within three blocks of the project site not just the adjacent historic structure. The additional Overlay Zone design review standards of Section 14.002.C shall apply. If the proposed development is not “adjacent” to a historic property (as defined in Section 1.400) and not subject to review by the Historic Landmarks Commission, then the historic review of the Overlay Zone shall be completed by the Design Review Commission.

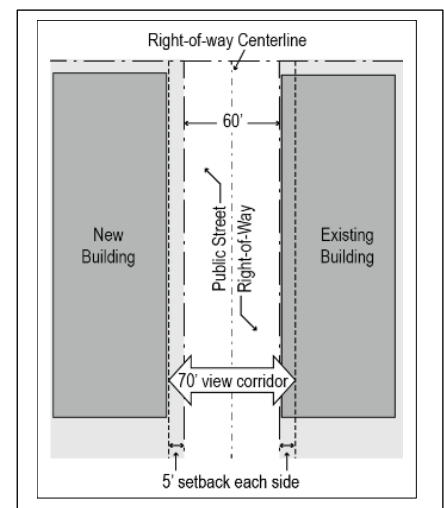
(Annotated: In some cases, the HLC will also be reviewing a project since it is adjacent to a historic property. The Overlay zones contain some review against historic properties that may not be adjacent and therefore not reviewed by the HLC. To avoid duplicate review of historic sections, it may be more efficient to have the HLC review the historic sections if they are already reviewing the project. If it does not require HLC review, then the DRC would include the historic sections in their review.)

SETBACKS AND STEPBACKS

Section 14.060.B, Standards for On-Land Development in the Civic Greenway Overlay Area is deleted in its entirety and replaced to read as follows:

B. Setbacks.

A minimum view corridor width of 70 feet, centered on the right-of-way centerline, shall be provided on north-south rights-of-way between Marine Drive/Lief Erikson Drive and the Columbia River. Buildings shall be set back in order to achieve the 70-foot view corridor. If existing development on one side of the right-of-way does not meet the setback, the new development on the other side of the right-of-way is only required to provide its half of the view corridor width.



(Annotated: This additional line is added due to questions that arose on the hotel project of not providing their half of the setback since the opposite side of the street had a larger setback. The intent is that each side of the street is required to provide half of the setback - no more, no less.)

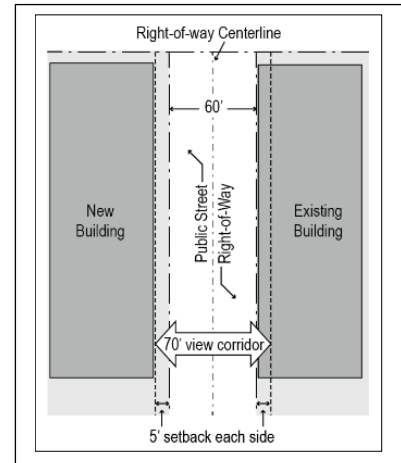
Section 14.113.B.1.a, Standards for On-Land Development in the Bridge Vista Overlay Area is deleted in its entirety and replaced to read as follows:

B. Setbacks.

1. Minimum Setbacks.

a. North-South Rights-of-Way between West Marine Drive / Marine Drive and the Columbia River.

A minimum view corridor width of 70 feet, centered on the right-of-way centerline, shall be provided on north-south rights-of-way between West Marine Drive / Marine Drive and the Columbia River. Buildings shall be set back in order to achieve the 70-foot view corridor. If existing development on one side of the right-of-way does not meet the setback, the new development on the other side of the right-of-way is only required to provide its half of the view corridor width.



Section 14.060.C, Standards for On-Land Development in the Civic Greenway Overlay Area is deleted in its entirety and replaced to read as follows:

C. Stepbacks.

2. Additional Building Height.

Where the height of a building or building addition is proposed to exceed 28 feet, at least that portion of the building exceeding 28 feet, shall provide a stepback of at least 10 feet from the front plane of the proposed building or building addition that faces the ~~street~~ right-of-way or the River Trail. Balconies and/or fixed awnings shall not encroach into the required 10-foot stepback area; buildings must be stepped back further in order to accommodate balconies and/or fixed awnings.

Balcony railings constructed to a maximum height of 28' are not encroachments when the building facade above the top of rail is stepped back 10'.

(Annotated: During the hotel review in BVO, it was agreed balconies should not be in the stepback area and that is what is proposed for Urban Core. We want it consistent for all RVP.)

Section 14.115.G.3, Design Standards and Guidelines, Awnings in the Bridge Vista Overlay Area is deleted in its entirety and replaced to read as follows:

3. Standards for Awning locations Along River Trail and North/South Rights-of-Way.

Awnings are generally discouraged and shall not project into the setback and/or stepback areas.

BUILDING DESIGN

Section 14.030.F, Other Applicable Use Standards in Gateway Overlay Zone, is amended by the addition to read as follows:

14.030. OTHER APPLICABLE USE STANDARDS.

F. Design Standards.

1. Exterior lighting.

Exterior lighting shall comply with the standards in Section 3.128.

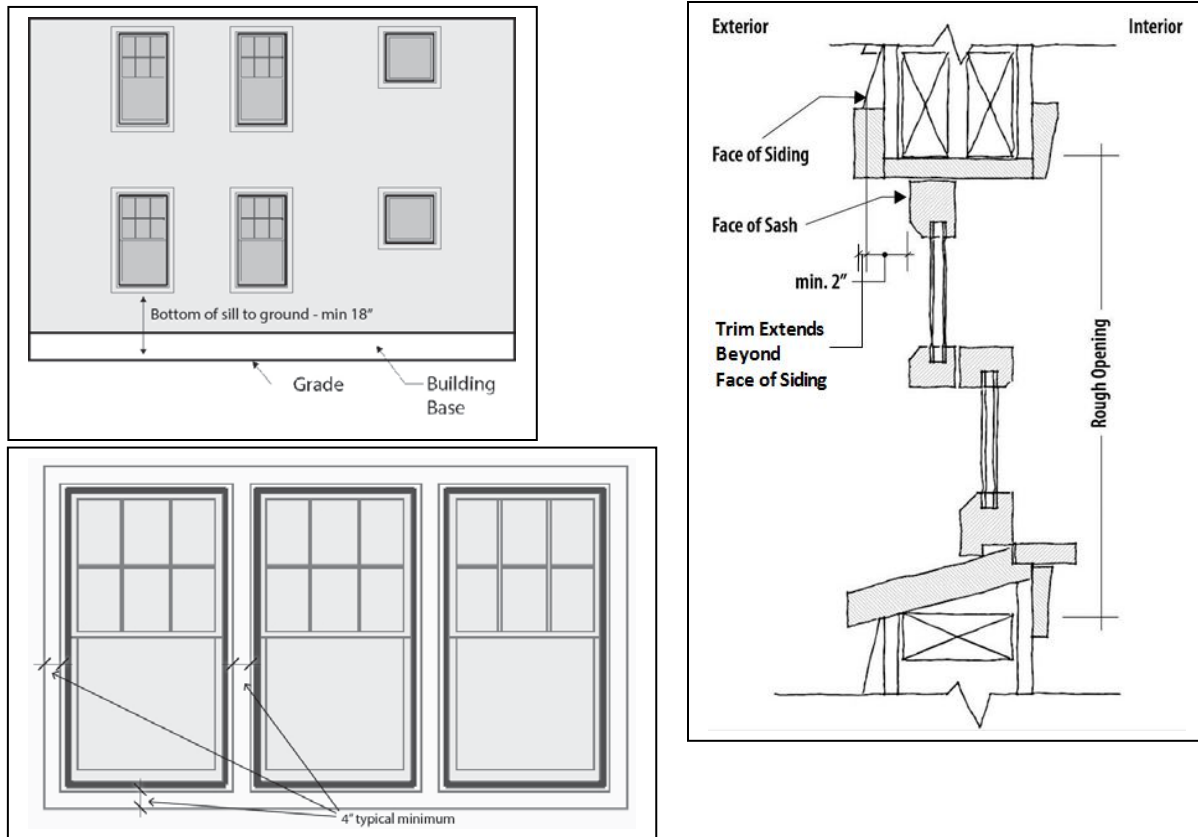
(Annotated: A general lighting standard in Section 3.128 is proposed in A19-04 and is referenced to be consistent.)

2. Window detailing.

Windows shall have casings/trim, sills, and crown moldings. Window detailing shall meet the following requirements.

- a. Casings/trim shall have minimum dimensions of 5/4 inch x 4 inch and shall extend beyond the facade siding. Exceptions may be granted.
- b. Windows shall be recessed a minimum distance of two (2) inches from the trim surface to ensure a shadow line/effect.
- c. The bottom of the sill shall be a minimum of 18 inches above the ground or floor elevation.
- d. Windows shall be clear and not tinted or reflective.
- e. Vinyl shutters are prohibited.

Window Detailing – Trim and casement location and dimensions



3. Exterior Wall Treatments / Siding.

a. Fiber cement siding shall be smooth and not textured.

B. Solid waste disposal area and mechanical equipment enclosures should be sided to match the main structures.

(Annotated: The DRC has determined that the above are minimum standards when interpreting the GOZ guidelines. They requested that staff do the code amendment when possible about two years ago.)

14.065.A.2.b, Residential Design Standards, Residential Design, Window Design, in the Civic Greenway Overlay Area, is deleted in its entirety and replaced to read as follows:

- b. Window area. Window area shall cover a minimum of 30% of all ~~street-facing~~ facade areas visible from a right-of-way or River Trail and shall not exceed 50% of ~~street-facing~~ the facade areas visible from a right-of-way or River Trail. Windows in garage doors may count toward facade window area.

(Annotated: Staff have used garage windows in this calculation, but it is unclear in the Code for developers.)

Section 14.115.B, Design Standards and Guidelines in the Bridge Vista Overlay Area, is deleted in its entirety and replaced to read as follows:

~~B. Building Style and Form.~~

~~1. Standards for All Uses.~~

~~Projecting wall-mounted mechanical units are prohibited where they are visible from a public right-of-way or the River Trail. Projecting wall-mounted mechanical units are allowed where they are not visible from a public right-of-way or River Trail.~~

~~2. Guidelines for All Uses.~~

- ~~a. Buildings should retain significant original characteristics of scale, massing, and building material along street facades.~~
- ~~b. Additions to buildings should not deform or adversely affect the composition of the facade or be out of scale with the building.~~
- ~~c. Distinctive stylistic features or examples of skilled craftsmanship should be treated with sensitivity. All buildings should be respected and recognized as products of their time.~~
- ~~d. Mid-century “slip covers” should be removed when possible.~~
- ~~e. Solid waste disposal, outdoor storage, and utility and mechanical equipment should be enclosed and screened from view (Figure 14.115-1). Rooftop equipment should be screened from view by a parapet wall, — a screen made of a primary exterior finish building material used elsewhere on the building, or by a setback such that it is not visible from adjacent properties and rights of way up to approximately 100 feet away.~~

Figure 14.115-1: Screening Waste Disposal, Outdoor Storage, and Utility/Mechanical Equipment



Examples of recommended solid waste disposal area and mechanical equipment enclosures.

- ~~f. Building forms should be simple single geometric shapes, e.g. square, rectangular, triangular (Figure 14.115-2).~~

Figure 14.115-2: Geometric Building Form



- ~~g. Incompatible additions or building alterations using contemporary materials, forms, or colors on building facades are discouraged.~~

B. Building Style and Form.

1. Standards for All Uses.

- a. Projecting wall-mounted mechanical units are prohibited where they are visible from a public right-of-way or the River Trail. Projecting wall-mounted mechanical units are allowed where they are not visible from a public right-of-way or River Trail.
- b. Solid waste disposal, outdoor storage, and utility and mechanical equipment shall be enclosed and screened from view (14.115-1). A cover shall be required if screened items can be viewed from above. Rooftop equipment shall be screened from view by a parapet wall, a screen made of a primary exterior finish building material used elsewhere on the building, or by a setback such that it is not visible from adjacent properties and rights-of-way up to approximately 100 feet away. Also see Section 3.215, Outdoor Storage Areas and Enclosures.

Figure 14.115-1: Screening Waste Disposal, Outdoor Storage, and Utility/Mechanical Equipment



Examples of recommended solid waste disposal area and mechanical equipment enclosures.

2. Guidelines for All New Construction.

- a. ~~Distinctive stylistic features or examples of skilled craftsmanship of existing buildings proposed for alteration and/or of adjacent buildings should be treated with sensitivity.~~
- a. ~~The design should respect~~ Buildings should retain significant original characteristics, scale, and massing of adjacent structures and material. Buildings should be designed so that they are not substantially different in character from adjacent structures in terms of size, mass, or architectural form. do not “stand out” prominently when seen from a distance so as to negatively impact the streetscape. Also see Section 14.002.C, Resolving Conflicts within the Code.
- b. ~~New Construction should respect~~ Buildings should retain significant characteristics of composition and material of adjacent structures along street facades Also see Section 14.002.C, Resolving Conflict within the Code.
- c. Building forms should be simple single geometric shapes, e.g. square, rectangular, triangular (14.115-2).

Figure 14.115-2: Geometric Building Form



3. Guidelines for All Existing Buildings.

- a. ~~Distinctive stylistic features or examples of skilled craftsmanship of existing buildings and/or structures proposed for renovation, alteration, and/or additions and/or of adjacent buildings for new construction should be treated with sensitivity. All buildings should be respected and recognized as products of their time.~~
- b. ~~Renovations, alterations, and/or additions to existing buildings should respect~~ Buildings should retain significant original characteristics of adjacent structure scale and massing and material for the entire structure, and should be designed so that they are not substantially different in terms of size, mass, or architectural form. Development should be designed so that structures do not “stand out” prominently

when seen from a distance so as to negatively impact the streetscape.
Also see Section 14.002.C, Resolving Conflicts within the Code.

- c. Renovations, alterations, and/or additions should retain and/or respect Buildings should retain significant original characteristics of the existing structure composition and material along street facades, for the entire structure. Also see Section 14.002.C, Resolving Conflicts within the Code.
- d. Building forms should be simple single geometric shapes, e.g. square, rectangular, triangular (14.115-2).
- e. Mid-century “slip covers” which are not part of the original historic design construction should be removed when possible.
- f. Incompatible additions or building alterations using contemporary materials, forms, or colors on building facades are discouraged.

4. Standards for Non-Industrial Uses.

a. Facade Variation.

All non-industrial buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or other similar elements to preclude large expanses of uninterrupted building surfaces in areas which are visible to the public. Design features shall occur at a minimum of every thirty (30) feet for all building facades visible from a public right-of-way or River Trail.

The facade shall contain at least two (2) of the following features:

- 1) Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of six (6) feet;
- 2) Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two (2) feet and runs horizontally for a minimum length of four (4) feet;
- 3) Offsets or breaks in roof elevation of two (2) feet or greater in height;
- 4) Outdoor seating area, plaza, or other interactive landscaped area adjacent to the building that is specifically identified and/or covered, and approved by the review authority; and/or
- 5) Other similar facade variations approved by the review authority.

Figure 14.115-2.a: Facade Variation



b. Base, Middle, and Top of Building.

All non-industrial buildings shall have a clear and distinct base, middle and top to break up vertical mass (Figure 14.115-2.b). All facades visible from a right-of-way or River Trail shall utilize horizontal bands and/or changes in color, material, form and/or pattern to differentiate the base, middle, and top of the building, subject to the following requirements:

- (1) Horizontal bands or other changes in pattern or material shall be a minimum of 8 inches high (the length of a standard brick) and shall project a minimum of one inch from the building face.
- (2) Changes in building massing and form may also be used to differentiate a building's base, middle, and top. This may include architectural setbacks or projections, measuring a minimum of 3 inches.

Figure 14.115-2.b: Base, Middle, Top of Building



(Annotated: This is the language proposed for Urban Core Overlay.)

5. Guidelines for Non-Industrial Uses

- a. The massing, scale, and configuration of non-industrial buildings should be similar to historic structures that are visible from the public right-of-way within three blocks of the development site.
- b. Non-Industrial buildings should be compatible with the vertical proportions of historic facades and the simple vertical massing of historic structures that are visible from the public right-of-way within three blocks the development site.
- c. The location, size, and design of windows and doors in non-industrial buildings should be compatible with historic structures that are visible from the public right-of-way within three blocks of the development site.
- d. Development should be designed so that structures are not substantially different in character from adjacent buildings in terms of size, mass, or architectural form. ~~do not "stand out" prominently when seen from a distance so as to negatively impact the streetscape.~~

(Annotated: This was the section that created the confusion during the hotel appeal. We have reorganized it to clarify what applied to new and renovated buildings, what buildings to compare new construction to, and how building facades should have features to reduce the visual mass of a box. This is similar to the wording being proposed in the Urban Core Area. The term structure rather than building should be used due to the historic issues.)

Section 14.115.E.4.b, Design Standards and Guidelines in the Bridge Vista Overlay Area, is deleted in its entirety and replaced to read as follows:

E. Windows.

4. Coverage Standards for Non-Industrial Uses.

b. Outside Pedestrian-Oriented District.

Outside the Pedestrian-Oriented District, at least 40% of the ground-floor ~~street-facing~~ facades of non-industrial uses facing visible from a right-of-way or River Trail shall be covered by windows and at least 30% of the upper-floor ~~street-facing~~ facades facing visible from a right-of-way should be covered by windows, except as follows:

- 1) At least 20% of the ground-floor facades and 10% of the upper-floor facades of non-industrial uses north of River Trail visible from the Columbia River shall be covered by windows.
- 2) An exception to the window coverage standard ~~reduction in the window percentage~~ may be allowed for the portion of a building facade that includes an elevator shaft with the inclusion of

architectural detail / design features in amounts equal to the minimum window coverage requirement in sufficient amounts. Such architectural details shall include but not be limited to a such as change in material, horizontal projections, engaged columns or pilasters, belt course, moldings, clock, or other similar features. to avoid blank walls shall be required.

(Annotated: With the hotel in BVO, the elevator made it hard to meet the percentage. In UC, we propose architectural exception for elevator facades in lieu of windows. If better wording is developed for UC, we would amend this section. Wording on the exceptions was changed to match the proposed UC code.)

Section 3.215, Outdoor Storage Area Enclosures, is added to read as follows:

3.215. OUTDOOR STORAGE AREA ENCLOSURES.

1. Outdoor Storage Area Enclosure Required.

Outdoor storage areas shall be enclosed to provide physical and/or visual buffers. Required enclosures shall be maintained in such condition as to not become so defective, unsightly, or in such condition of deterioration, disrepair, or unsanitary condition that the same causes potential depreciation of the values of surrounding properties or is materially detrimental to nearby properties and/or improvements.

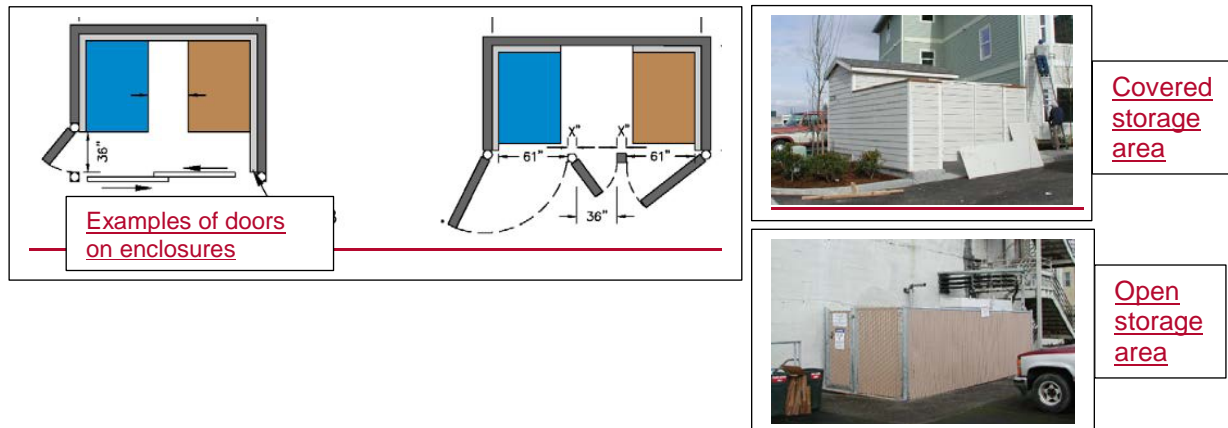
2. Applicability.

The provisions of this Section shall apply to all new construction or major renovation of the existing structures, where "major renovation" is defined as construction valued at 25% or more of the assessed value of the existing structure, unless otherwise specified by the provisions in this Section. The provisions shall also apply to all new storage areas; relocation of an existing storage area; and/or expansion of an existing storage area.

3. In addition to other Code requirements such as Historic and/or Design Review, enclosures shall be provided as follows:

- a. Outdoor storage areas shall be enclosed by appropriate vegetation, fencing, or walls, except for single-family and two-family residential use.
- b. Section 3.215 does not apply to outdoor retail sales areas.
- c. An enclosed storage area visible from other properties and/or rights-of-way above shall be required to include a cover to buffer the view from other properties and/or rights-of-way above the facility. The minimum clearance inside a covered enclosure shall be 7'6" with a 6'8" high entryway for pedestrian access.

- d. Enclosed storage areas greater than 7' tall shall contain a pedestrian access door in addition to the main service doors.
- e. The design and location of any enclosed solid waste disposal storage area shall be reviewed and approved by the collection service company.
- f. Unless approved by the Planner, access to enclosed storage areas shall not be blocked by parking spaces.



(Annotated: Outdoor enclosed storage area language appears in various sections of the Code. Not all zones include the same requirement language. Residential zones do not require enclosed areas. This would require enclosures for all new construction, relocation of storage areas, or expansion of areas and apply to the entire City except residential zones. This is the way we have applied the requirement. Details on how to locate and design the enclosure is new language but similar to what we look for in proposals. The cover is to prevent view of the contents from other properties especially from the hillside above and/or adjacent buildings.) (This was moved to A19-04, Miscellaneous, as the zone references were in that code anticipating that this amendment A19-01 would be adopted first.)

3.075.A.2, Exception to Building Height Limitations, is deleted in its entirety and replaced to read as follows:

(included just for formatting reference: "The features listed in this Section shall be exempt from the height limits established by the Code, provided the limitations indicated for each are observed.")

- 2. The minimum height required for elevators, stairs, mechanical penthouses, fire towers, skylights, flag poles, aerials, and similar objects but not including storage space or other equipment.

(Annotated: This was an issue between the developer and staff as to how much of the height exemption was allowed due to other uses within the exempt area. This is intended to limit the exemption to just features that are required to be on the roof.)

3.075.A.4, Exception to Building Height Limitations, is added to read as follows:

4. Exempt rooftop features shall not contain equipment, signage, and/or exterior attachments other than communication services equipment, to the exterior of any enclosure.

Section 8.050.12, Prohibited Signs, is added to read as follows:

12. Signs shall not be installed on portions of structures exempt from building height such as elevator shafts and/or rooftop equipment enclosures.

(Annotated: A few elevator shafts have been used for full building signage which draws more attention to the additional height of the building which in some cases is exempt from the maximum height. This would not allow sign on these rooftop portions of structures.)

LANDSCAPING

Section 14.075.A.1, Landscaping, Title and introduction, in the Civic Greenway Overlay Area, is deleted and replaced to read as follows:

1. River side and/or riparian standards.

The following standards apply to landscaping on the river side of the River Trail and to riparian areas to the south of the River Trail ~~in the area between the River Trail and the shoreline~~, which is defined as the landward limit of Columbia River aquatic vegetation or, where aquatic vegetation is absent, the Mean Higher High Water.

Section 14.075.A.2, Landscaping, Title and introduction, in the Civic Greenway Overlay Area, is deleted and replaced to read as follows:

2. Land side or upland standards.

The following standards apply to landscaping along the frontage of parcels abutting the River Trail to the south except where riparian areas are located to the south of the River Trail. Riparian areas are subject to the standards of Section 14.075.A.1.

Section 14.120.A, Landscaping, Title and introduction, in the Bridge Vista Overlay Area, is deleted and replaced to read as follows:

- A. River Side and/or Riparian Standards.

The following standards apply to landscaping on the river side of the River Trail and to riparian areas to the south of the River Trail. Riparian area is defined as the landward limit of Columbia River aquatic vegetation or, where aquatic vegetation is absent, the Mean Higher High Water.

Section 14.120.B, Landscaping, introduction, in the Bridge Vista Overlay Area, is deleted and replaced to read as follows:

B. Land Side or Upland Standards.

The following standards apply to landscaping along the frontage of parcels abutting the River Trail to the south except where riparian areas are located to the south of the River Trail. Riparian areas are subject to the standards of Section 14.120.A.

Section 14.138.A, Landscaping, Title and introduction, in the Neighborhood Greenway Overlay Area, is deleted and replaced to read as follows:

A. River Side and/or Riparian Standards.

The following standards apply to landscaping on the river side of the River Trail and to riparian areas to the south of the River Trail. Riparian area is defined as the landward limit of Columbia River aquatic vegetation or, where aquatic vegetation is absent, the Mean Higher High Water.

Section 14.138.B.1 Landscaping, in the Neighborhood Greenway Overlay Area, added to read as follows:

B. Land Side or Upland Standards.

The following standards apply to landscaping along the frontage of parcels abutting the River Trail to the south except where riparian areas are located to the south of the River Trail. Riparian areas are subject to the standards of Section 14.138.A.

1. Height and Spacing.

a. Maximum spacing of trees.

- (1) Twenty (20) feet on center for non-industrial uses
- (2) Fifteen (15) feet on center for industrial uses

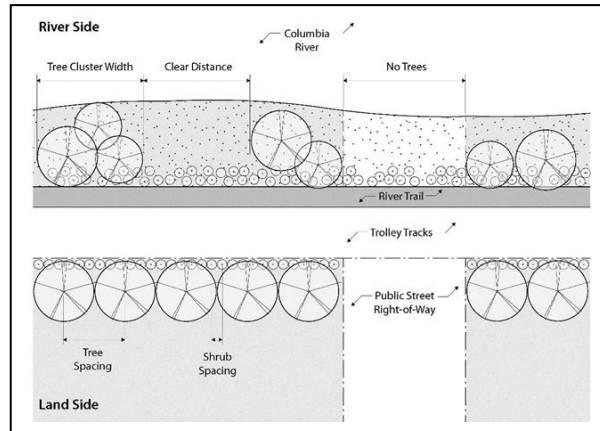
b. Maximum spacing of shrubs

- (1) Five (5) feet on center for non-industrial uses
- (2) Three (3) feet on center for industrial uses

c. Ground cover landscaping is required in between shrubs and trees.

d. Trees shall not exceed 35 feet in height at maturity

Figure 14.138-2: Land Side Landscaping



(Annotated: The section heading “B” and #1 of on-land landscaping was inadvertently omitted from the final draft of the code amendment for the Neighborhood Greenway Overlay. It is added here to correct that omission.)

Section 14.075.A.3.a, Landscaping, Street Trees, in the Civic Greenway Overlay Area, is deleted and replaced to read as follows:

- a. Maximum height for street trees along north-south streets between Marine Drive and the Columbia River is ~~45~~ 35 feet.

Section 14.120.C.4, Landscaping, Street Trees, in the Bridge Vista Overlay Area, is deleted and replaced to read as follows:

4. Maximum height for street trees along north-south streets between West Marine Drive / Marine Drive and the Columbia River is ~~45~~ 35 feet.

Section 2.900.11, Other Applicable Use Standards in the Maritime Heritage Zone is deleted in its entirety and replaced to read as follows:

11. All uses will comply with the requirements of the Gateway Overlay Zone in Sections 14.005 to 14.030 and/or the Civic Greenway Overlay Zone in Sections 14.035 to 14.075 as applicable.

Section 2.972.11, Other Applicable Use Standards in the Hospitality Recreation Zone is deleted in its entirety and replaced to read as follows:

11. All uses will comply with the requirements of the Gateway Overlay Zone in Sections 14.005 to 14.030 and/or the Civic Greenway Overlay Zone in Sections 14.035 to 14.075 as applicable.

Section 2.981.10, Other Applicable Use Standards in the Local Service Zone is deleted in its entirety and replaced to read as follows:

10. All uses will comply with the requirements of the Gateway Overlay Zone in Sections 14.005 to 14.030 and/or the Civic Greenway Overlay Zone in Sections 14.035 to 14.075 as applicable.

Section 2.992.10, Other Applicable Use Standards in the Attached Housing-Mill Pond Zone is deleted in its entirety and replaced to read as follows:

10. All uses will comply with the requirements of the Gateway Overlay Zone in Sections 14.005 to 14.030 and/or the Civic Greenway Overlay Zone in Sections 14.035 to 14.075 as applicable.

Section 2.992.12 and 2.992.13, Other Applicable Use Standards in the Attached Housing-Mill Pond Zone are added to read as follows:

12. For purposes of applying the Gateway Overlay and Civic Greenway Overlay Zones, the Astoria Mill Pond shall be deemed as on-land development not “over-water”.
13. Section 14.060, Standards for On-Land Development of the Civic Greenway Overlay Zone do not apply to on-land or over-water Mill Pond single-family and/or two-family residential development in the AH-MP Zone (Attached Housing-Mill Pond).

Section 14.030, Other Applicable Use Standards of the Gateway Overlay Zone, introduction is added to read as follows:

The following standards are applicable to all uses within the Gateway Overlay Zone except as noted in Section 14.030.F below.

Section 14.030.F, Other Applicable Use Standards of the Gateway Overlay Zone, is added to read as follows:

F. Exceptions to Other Applicable Use Standards.

1. Sections 14.030.A to 14.030.D, Other Applicable Use Standards of the Gateway Overlay Zones (MH, FA, CA, HC, AH-HC, HR, LS, AH-MP) do not apply to over-water development in the Civic Greenway Overlay Zone. Section 14.030, Underground Utilities, do apply.

Section 14.055.E, Standards for Overwater Development in the Civic Greenway is deleted in its entirety and replaced to read as follows:

E. Exceptions to ~~Other Development~~ Standards for Overwater Development.

1. The Section 14.030.A to 14.030.D, Other Applicable Use Standards of the Gateway Overlay Zones (MH, FA, CA, HC, AH-HC, HR, LS, AH-MP) do not apply to overwater development in the Civic Greenway Overlay Zone. Section 14.030.E, Underground Utilities, do apply.
2. Section 14.055, Standards for Overwater Development of the Civic Greenway Overlay Zone, do not apply to over-water Mill Pond single-family and/or two-family residential development in the AH-MP Zone (Attached Housing-Mill Pond).

Section 14.060.D, Standards for On-Land Development in the Civic Greenway Overlay Zone is added to read as follows:

D. Exceptions to Standard for On-Land Development.

1. Section 14.060.A to Section 14.060.C, Standards for On-Land Development of the Civic Greenway Overlay Zone do not apply to on-land or overwater Mill Pond single-family and/or two-family residential development in the AH-MP Zone (Attached Housing-Mill Pond).

Section 14.070.A.1, Other Development Standards of the Civic Greenway Overlay Zone is deleted in its entirety and replaced to read as follows:

A. The following development standards are applicable within the Civic Greenway Overlay Zone.

1. Floor area ratios.

Floor area ratio and height standards in Section 14.030.B.1 and Section 14.030.B.2, Other Applicable Use Standards of the Gateway Overlay Zone do not apply to on-land development in the Civic Greenway Overlay Zone. Other use standards in Section 14.030, Other Applicable Use Standards of the Gateway Overlay Zone do apply.

Section 2.095.10, Other Applicable Use Standards in the R-2 Zone is added to read as follows:

10. All uses located within the Neighborhood Greenway Overlay Zone area will comply with the requirements of the Neighborhood Greenway Overlay Zone in Sections 14.130 to 14.138.

Section 2.415.13, Other Applicable Use Standards in the C-3 Zone is added to read as follows:

13. All uses located within the Neighborhood Greenway Overlay Zone area will comply with the requirements of the Neighborhood Greenway Overlay Zone in Sections 14.130 to 14.138.

Section 2.590.10, Development Standards and Procedural Requirements in the A-3 Zone is added to read as follows:

10. All uses located within the Neighborhood Greenway Overlay Zone area will comply with the requirements of the Neighborhood Greenway Overlay Zone in Sections 14.130 to 14.138.

Section 2.615.9, Development Standards and Procedural Requirements in the A-4 Zone is added to read as follows:

9. All uses located within the Neighborhood Greenway Overlay Zone area will comply with the requirements of the Neighborhood Greenway Overlay Zone in Sections 14.130 to 14.138.

Section 2.860.10, Other Applicable Use Standards in the IN Zone is added to read as follows:

10. All uses located within the Neighborhood Greenway Overlay Zone area will comply with the requirements of the Neighborhood Greenway Overlay Zone in Sections 14.130 to 14.138.

Section 2.415.11, Other Applicable Use Standards in the C-3 Zone is added to read as follows:

11. All uses located within the Civic Greenway Overlay Zone area will comply with the requirements of the Civic Greenway Overlay Zone in Sections 14.035 to 14.075.

Section 2.485.13, Other Applicable Use Standards in the GI Zone is added to read as follows:

13. All uses located within the Civic Greenway Overlay Zone area will comply with the requirements of the Civic Greenway Overlay Zone in Sections 14.035 to 14.075.

Section 2.515.13, Development Standards and Procedural Requirements in the A-1 Zone is added to read as follows:

13. All uses located within the Civic Greenway Overlay Zone area will comply with the requirements of the Civic Greenway Overlay Zone in Sections 14.035 to 14.075.

Section 2.540.12, Development Standards and Procedural Requirements in the A-2 Zone is added to read as follows:

12. All uses located within the Civic Greenway Overlay Zone area will comply with the requirements of the Civic Greenway Overlay Zone in Sections 14.035 to 14.075.

Section 2.565.10, Development Standards and Procedural Requirements in the A-2A Zone is added to read as follows:

10. All uses located within the Civic Greenway Overlay Zone area will comply with the requirements of the Civic Greenway Overlay Zone in Sections 14.035 to 14.075.

Section 2.665.11, Development Standards and Procedural Requirements in the S-1 Zone is added to read as follows:

11. All uses located within the Civic Greenway Overlay Zone area will comply with the requirements of the Civic Greenway Overlay Zone in Sections 14.035 to 14.075.

Section 2.715.10, Development Standards and Procedural Requirements in the S-2A Zone is added to read as follows:

10. All uses located within the Civic Greenway Overlay Zone area will comply with the requirements of the Civic Greenway Overlay Zone in Sections 14.035 to 14.075.

Section 2.415.12, Other Applicable Use Standards in the C-3 Zone is added to read as follows:

12. All uses located within the Bridge Vista Overlay Zone area will comply with the requirements of the Bridge Vista Overlay Zone in Sections 14.085 to 14.125.

Section 2.515.14, Development Standards and Procedural Requirements in the A-1 Zone is added to read as follows:

14. All uses located within the Bridge Vista Overlay Zone area will comply with the requirements of the Bridge Vista Overlay Zone in Sections 14.085 to 14.125.

Section 2.540.13, Development Standards and Procedural Requirements in the A-2 Zone is added to read as follows:

13. All uses located within the Bridge Vista Overlay Zone area will comply with the requirements of the Bridge Vista Overlay Zone in Sections 14.085 to 14.125.

Section 2.565.11, Development Standards and Procedural Requirements in the A-2A Zone is added to read as follows:

11. All uses located within the Bridge Vista Overlay Zone area will comply with the requirements of the Bridge Vista Overlay Zone in Sections 14.085 to 14.125.

Section 2.690.12, Development Standards and Procedural Requirements in the S-2 Zone is added to read as follows:

12. All uses located within the Bridge Vista Overlay Zone area will comply with the requirements of the Bridge Vista Overlay Zone in Sections 14.085 to 14.125.

Section 7.100, Minimum Parking Space Requirements, introduction is deleted in its entirety and replaced to read as follows:

Table 7.100 – Off-Street Parking Space Requirements by Use.

The following are minimum off-street parking requirements by use category. The Community Development Director or Planning Commission, as applicable, may increase the required off-street parking based on anticipated need for a specific conditional use.

For off-street parking requirement calculations, “gross floor area” as defined in Section 1.400 shall not include outdoor storage areas. Gross floor area for off-street parking calculations shall include exterior space utilized for the use which results in expanded use on the site such as outdoor seating area for an eating/drinking establishment.

(Annotated: With the revised definition of “gross floor area”, we need to clarify that outdoor enclosures for solid waste or utilities is not part of the calculation for needed parking spaces. However, since we are amending this section, it is a good time to clarify that additional seating area equates to additional guests to the site so additional parking is needed.)

Section 14.114, Residential Design Standards for the Bridge Vista Overlay Area is added to read as follows:

14.114. RESIDENTIAL DESIGN STANDARDS.

A. Applicability.

The following design standards apply to all new construction or major renovation of residential development, where “major renovation” is defined as construction valued at 25% or more of the assessed value of the existing structure.

B. Residential Design.

Residential development proposed in the Bridge Vista Overlay Zone may be reviewed in accordance with one of two review options: (1) pursuant to design review procedures and the design review guidelines applicable to all building types established in Section 14.115; or (2) pursuant to procedures for administrative review by the Community Development Director established in Article 9 and the following design review standards for residential development. Any deviation from the following design standards in Section 14.114 would require the complete application to be reviewed through the public design review process as noted in Option 1.

The following design standards apply to the administrative review of residential development and apply to all dwelling unit types (single-family, two-family, and multi-family dwelling unit buildings), unless specified otherwise. All other standards of the Bridge Vista Overlay Zone shall be applicable.

1. Building Forms.

a. All dwelling unit buildings shall be based on a rectangular or square form.

b. Single-family and two-family dwelling units must have a front porch, at least six (6) feet deep and 60 square feet in area.

Figure 14.114-1: Residential Building Form



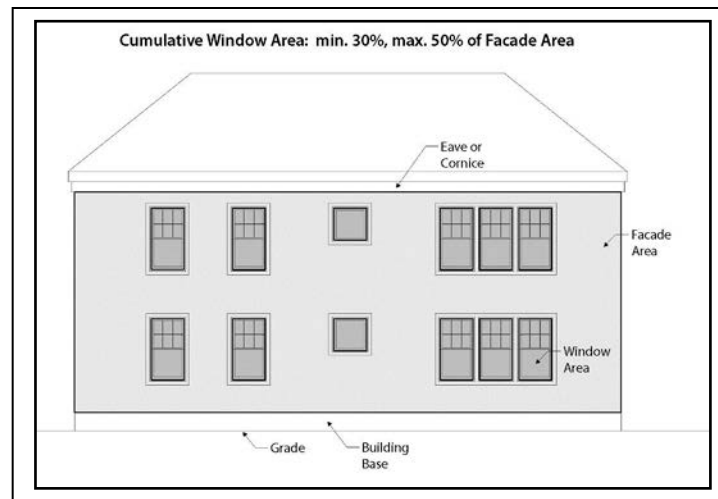
2. Window Design.

The following design standards apply to all facades for all dwelling unit types.

a. Windows required. All facades facing a right-of-way, River Trail, or common open space shall have windows.

b. Window area. Window area shall cover a minimum of 30% of all facade areas facing a right-of-way, River Trail, or common open space, and shall not exceed 50% of facade areas facing a right-of-way.

Figure 14.114-2: Window Area



c. Window lites. Window lite design shall be one of the following:

- 1) Single-lite windows; or
- 2) Multiple-lite true-divided windows; or
- 3) Combination of single and multiple-lite true-divided windows; or
- 4) Applied muntins with profile facing window exterior to create exterior shadow lines.

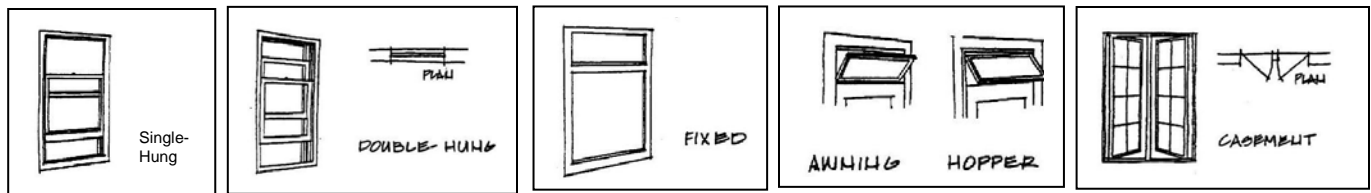
Figure 14.114-3: Window Lites



d. Windows shall be fixed or open in one of the following configurations:

- 1) Fixed window; or
- 2) Single-hung windows; or
- 3) Double-hung windows; or
- 4) Awning or hopper windows; or
- 5) Casement windows.

Figure 14.114-4: Fixed and Opening Windows

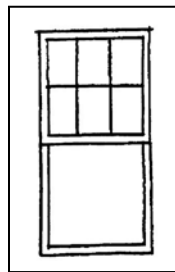


e. Window shape. Window shape shall be one of the following:

- 1) Vertical rectangle; or
- 2) Square.
- 3) Arched or decorative windows are permitted but should not exceed more than 30% of the total window coverage on all facades of the building.

Figure 14.114-5: Window Shapes

Vertical rectangular window



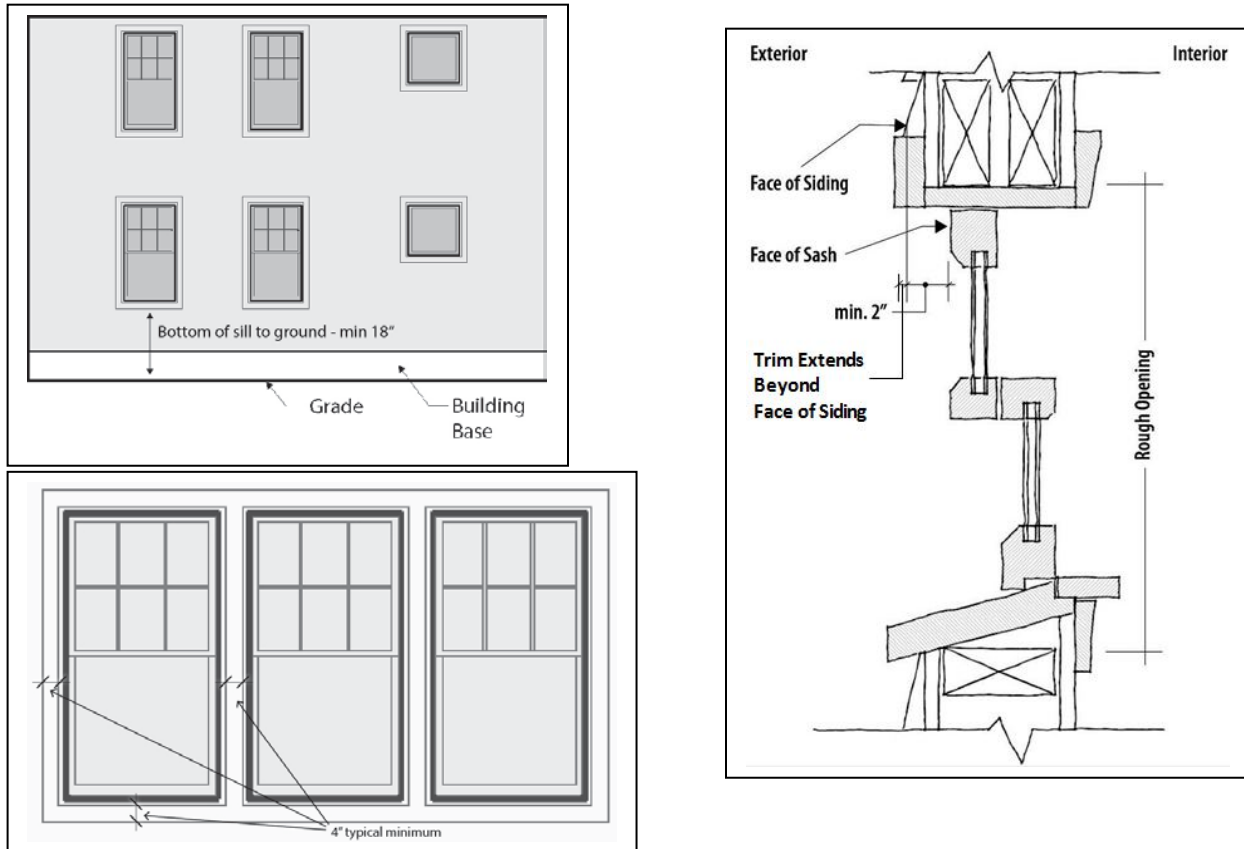
Examples of arched or decorative windows



f. Window detailing. Windows shall have casings/trim, sills, and crown moldings. Window detailing shall meet the following requirements.

- 1) Casings/trim shall have minimum dimensions of 5/4 inch x 4 inch and shall extend beyond the facade siding.
- 2) Windows shall be recessed a minimum distance of two (2) inches from the trim surface to ensure a shadow line/effect.
- 3) The bottom of the sill shall be a minimum of 18 inches above the ground or floor elevation.

Figure 14.114-6: Window Detailing – Trim and casement location and dimensions

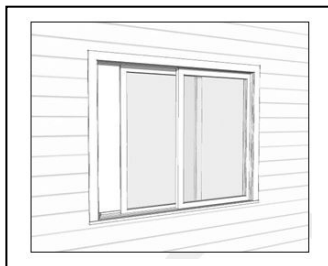


g. Window design prohibited. The follow window design features are prohibited.

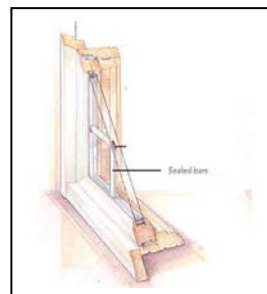
- 1) Applied muntins that have no profile.
- 2) Smoked, tinted, or frosted glass, except for bathroom windows not on the facade facing a right-of-way.
- 3) Mirrored glass.
- 4) Horizontal sliding windows.
- 5) Aluminum frame windows.
- 6) Vinyl windows.
- 7) Blocked-out windows.
- 8) Windows that extend beyond the plane of the building facade.

Figure 14.114-7: Window Design Prohibited

Horizontal sliding window



Muntins with no profile

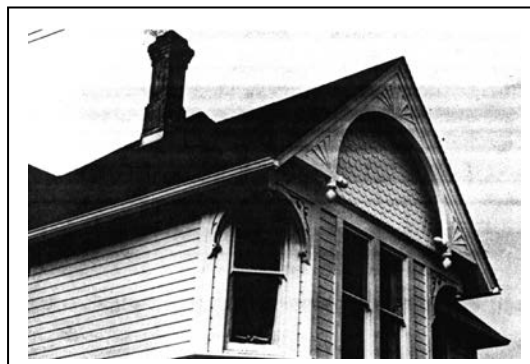
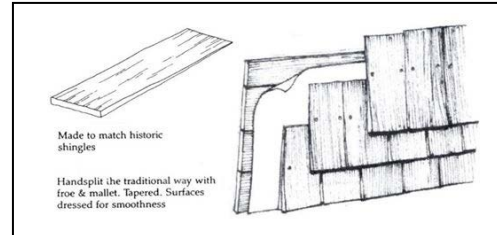
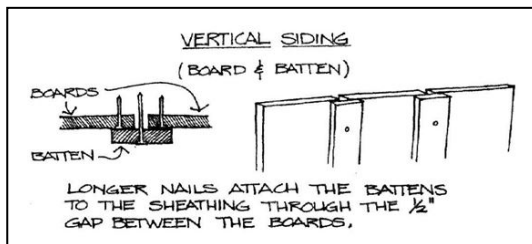
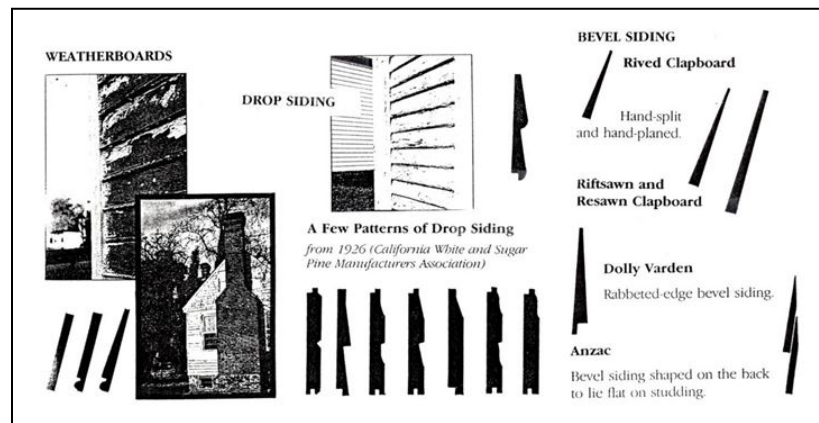


3. Exterior Wall Treatments and Materials.

The following design standards apply to all dwelling unit types.

- a. A minimum of 80% of exterior walls shall be constructed of one or more of the following sets of treatments and materials.
- 1) Drop siding; or
 - 2) Weatherboard siding; or
 - 3) Clapboard; or
 - 4) Rectangular wood shingle; or
 - 5) Decorative wood shingle; or
 - 6) Board and batten.
- b. Horizontal siding shall have six inches or less exposure.
- c. Vertical board and batten shall have true battens.
- d. Fiber cement siding shall be smooth, not textured.

Figure 14.114-8: Exterior Walls – Permitted Materials



- d. Paneled material shall be applied in a manner which avoids the occurrence of seams along the wall plane. Where seams cannot be avoided, they shall be

located in a manner that relates logically to windows and other architectural features of the facade. Horizontal seams shall be covered by a trim board or cornice piece.

Figure 14.114-9: Exterior Walls – Seam Treatment

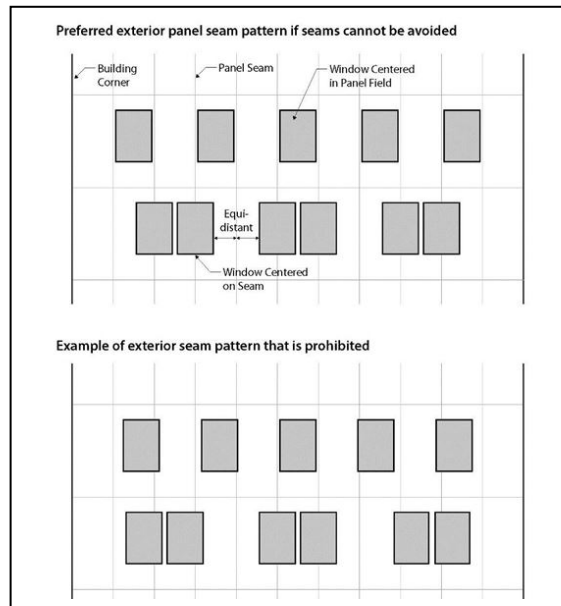
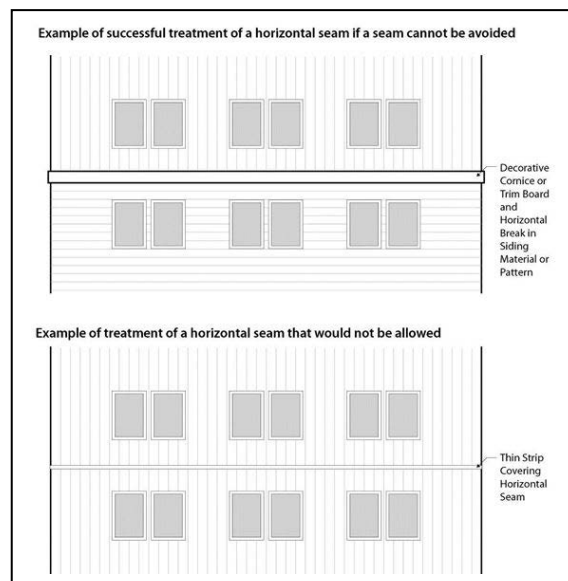


Figure 14.114-10: Exterior Walls – Horizontal Seam Treatment



e. Exterior wall treatments and materials prohibited. The following types of treatments and materials are prohibited.

- 1) Exposed textured concrete block;
- 2) Flagstone or other applied stone products;
- 3) Precast concrete or decorative concrete panels;
- 4) Wood shakes;
- 5) Plywood paneling;

- 6) Cladding materials such as corrugated metal panels or spandrel glass;
- 7) Neon or other fluorescent colors;
- 8) Bright or primary wall colors for the entire wall surface;
- 9) Painted brick; and
- 10) Non-durable materials such as synthetic stucco or shingles at the ground floor.

Figure 14.114-11: Exterior Wall Treatments and Materials Prohibited

Applied stone



Textured concrete



4. Roof Elements.

The following design standards apply to all dwelling unit types.

a. Roof design shall be one of the following:

- 1) Steep (minimum 5:12 pitch) gable with broad (minimum 1 foot) eaves;
- 2) Steep (minimum 5:12 pitch) hip with broad (minimum 1 foot) eaves; or
- 3) An "Italianate" style hip, gable, or cube roof with a minimum roof pitch of 4:12 and broad (minimum 1 foot) eaves.

Figure 14.114-12: Roof Design Permitted

Steep pitched hip roof with broad eaves and dormer elements



Italianate Roof



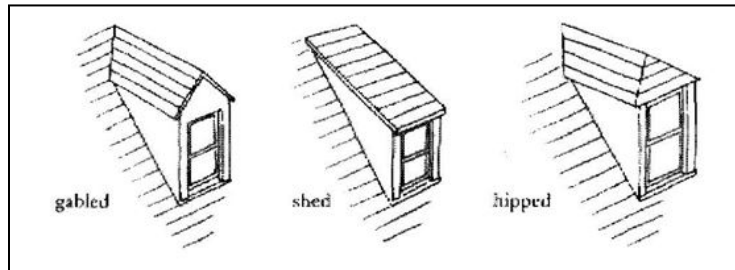
- 4) A roof may consist of sections of flat roof for up to 75% of the roof area.

b. Roof elements permitted. The following roof design elements are permitted.

- 1) Dormers with gable, hip, or shed roofs.
- 2) Flat panel skylights or roof windows on secondary elevations.

Figure 14.114-13: Roof Elements Permitted

Gabled, shed, and hipped dormers



Flat panel skylights



c. Roof elements prohibited. The following roof design elements are prohibited.

- 1) False mansard or other applied forms.
- 2) Dome skylights.

Figure 14.114-14: Roof Elements Prohibited

False mansard roof



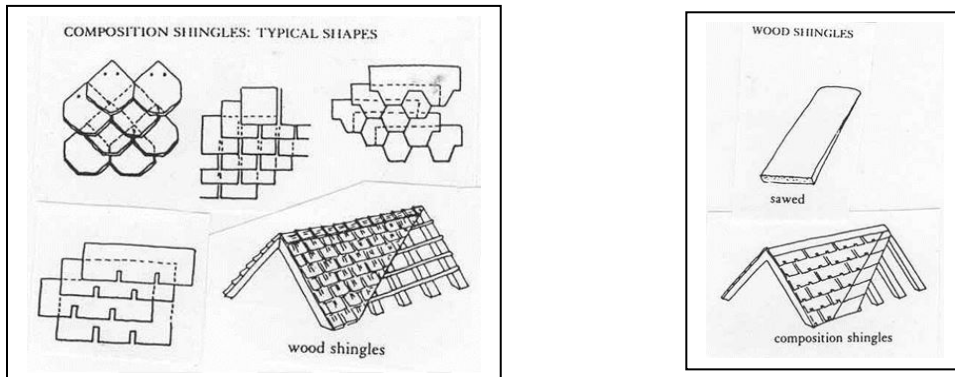
5. Roofing Materials.

The following design standards apply to all dwelling unit types.

a. Roofing material. Roofing shall be one of the following materials:

- 1) Wood shingle; or
- 2) Composition roofing; or
- 3) Metal with no-profile seams or low-profile seams (less than 1/4 inch x 1 1/4 inch).

Figure 14.114-15: Roofing Material Permitted



b. Roofing material color. Roofing material shall be gray, brown, dark green, black, or deep red. Other subdued colors may be approved by the Community Development Director.

c. Roofing materials prohibited. The following roofing materials are prohibited.

- 1) High profile standing seam (1/4 inch x 1 1/4 inch or greater) metal roof.
- 2) Brightly colored roofing material, as determined by the Community Development Director.

Figure 14.114-16: Roofing Material Prohibited

High profile metal seam roof



6. Signs.

Signs are subject to the sign provisions in Section 8.040 and 8.160.

7. Doors.

The following design standards apply to all dwelling unit types.

- a. Doors shall have at least one light (glass) panel.
- b. Sliding doors are not permitted on the ground floor of the front facade.
- c. All materials are permitted.
- d. Metal or metal-clad doors shall be painted.

8. Garage Doors.

The following design standards apply to attached and detached garages:

- a. Each garage door shall be a maximum of ten (10) feet in width and seven (7) feet in height.
- b. A minimum of 10% of each garage door shall be window panels, raised trim, or other architectural details.

Figure 14.114-17: Garage Doors Permitted



(Annotated: State regulations require that residential design review processes include an administrative review process that does not require public hearing/review. The above standards are similar to those adopted in the CGO and NGO. Developers may choose this direct method with no deviation or go through the public process which allows more flexibility and discretion in the design.)

ORDINANCE NO. 19-_____

AN ORDINANCE AMENDING THE ASTORIA DEVELOPMENT CODE CONCERNING RIVERFRONT VISION OVERLAY ZONES CORRECTIONS, UPDATES, AND CLARIFICATIONS IN MULTIPLE SECTIONS.

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. Astoria Development Code Article 1, Basic Provisions, is amended as follows:

Section 1.045, Number and Gender, is added to read as follows:

"In this code, words in the singular number may include the plural and words in the plural number may include the singular. Words in this code in the masculine gender may include the feminine and the neuter."

Section 1.101, Establishment of Design Review Committee, is hereby deleted and replaced to read as follows:

~~"1.101. ESTABLISHMENT OF DESIGN REVIEW COMMITTEE~~ COMMISSION.

There is hereby created a Design Review ~~Committee~~ Commission whose responsibilities are limited to ~~the Gateway Overlay Area.~~ design review in the Astoria Development Code other than those in Article 6, Historic Properties Ordinance, which is the responsibility of the Historic Landmarks Commission.

Section 1.103, Purpose and Duties of the Design Review Committee, is hereby deleted and replaced to read as follows:

~~"1.103. PURPOSE AND DUTIES OF THE DESIGN REVIEW COMMITTEE~~ COMMISSION.

A. The purpose of the Design Review ~~Committee~~ Commission is to evaluate the design of proposed projects based on established design review guidelines in ~~Section 14.020 through 14.030~~ the Astoria Development Code other than those in Article 6, Historic Properties Ordinance. The ~~Committee~~ Commission will function in compliance with the procedures of Article 9 of the Astoria Development Code."

~~1. Review of Uses Permitted Outright.~~

~~When reviewing the design proposal for a Use Permitted Outright, the Design Review Committee will have the authority to make a decision on the request. That decision shall be appealable to the City Council.~~

~~2. Review of Conditional Uses.~~

~~When reviewing the design proposal for a Conditional Use, the Design Review Committee will serve as an advisory body and will have the authority to make a recommendation to the Planning Commission. When the Committee action is~~

~~limited to making a recommendation to the Planning Commission, the recommendation is not subject to appeal. A final decision on the part of the Planning Commission is, however, appealable to the City Council."~~

Section 1.105, Membership, is hereby deleted and replaced to read as follows:

"1.105. MEMBERSHIP.

- A. The Planning Commission and Historic Landmarks Commission shall each consist of seven members to be appointed by the City's Mayor, and such additional ex officio, nonvoting members as the City Council may from time to time determine are necessary. The following apply to each the Planning Commission and the Historic Landmarks Commission.
 - 1. Not more than two members may be nonresidents of the City.
- B. The Design Review Commission ~~Committee~~ shall consist of five members to be appointed by the City's Mayor, and such additional ex officio, non-voting members as the City Council may from time to time determine are necessary. The following apply to the Design Review Commission ~~Committee~~.
 - 1. The Design Review Commission ~~Committee~~ shall consist of five individuals and will include a builder, a design professional (architect, landscape architect, building designer, or artist), a businessperson, a citizen representative, and a Historic Landmarks Commission representative.
 - 2. Not more than one member may be a nonresident of the City.
- C. The following shall apply to ~~each~~ the Planning Commission, Historic Landmarks Commission, and Design Review Commission ~~Committee~~.
 - 1. Each member of the Commission or Committee shall hold office for four (4) years. Terms of Commission or Committee members shall be staggered so that not more than two positions will expire in any one year. Members may be reappointed. Ex officio members shall hold their office at the pleasure of the City Council. Not more than two City officials shall be ex officio, non-voting members in accordance with ORS 227.030.
 - 2. A vacancy on the Commission or Committee, whether by death, resignation or removal by the Mayor, shall be filled for the unexpired term.
 - 3. A member may be removed by the Mayor at the Mayor's discretion.
 - 4. No more than two voting members shall be engaged principally in the buying, selling, or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that is engaged principally in the buying, selling or developing of real estate for profit. No more

than two voting members shall be engaged in the same kind of business, trade or profession.

5. A member of the Commission or Committee shall not participate in any Commission or Committee proceeding or action in which any of the following has a direct or substantial financial interest: the member or ~~his~~ their spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which ~~he is~~ they are then serving or ~~has~~ have served within the previous two years, or any business with which ~~he is~~ they are negotiating for or ~~has~~ have an arrangement or understand concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Commission or Committee where the action is being taken.
6. Members of the Commission or Committee receive no compensation."

Section 1.120, Meetings, is deleted in its entirety and replaced to read as follows:

"1.120. MEETINGS.

A. Quorum.

1. Four voting members shall constitute a quorum for the Planning Commission or Historic Landmarks Commission.
2. Three voting members shall constitute a quorum for the Design Review Commission ~~Committee~~.

B. Procedures.

The Commission or Committee may make and alter rules and regulations for its government and procedure consistent with the laws of the State of Oregon and with the City Charter and this Code. The Planning Commission and Historic Landmarks Commission should meet at least once per month. The Design Review Commission ~~Committee~~ should meet as needed."

Section 1.400, Definitions, specific definitions are added to read as follows:

"BUILDING SCALE: See "Scale, Building"."

"BUILDINGS, HISTORIC: Buildings which are designated as historic within Astoria are structures intended to shelter human activity. Examples include a house, barn, hotel, church or similar construction. The term building, as in outbuilding, can be used to refer to historically and functionally related units, such as a courthouse and a jail, or a barn and a house."

"GROSS FLOOR AREA: See "Floor Area, Gross"."

"MASS, BUILDING: See "Building Mass"."

“OBJECTS, HISTORIC: Objects which are designated as historic within Astoria are usually artistic in nature, or small in scale when compared to structures and buildings. Though objects may be movable, they are generally associated with a specific setting or environment. Examples of objects include monuments, sculptures, and fountains.”

“OUTDOOR STORAGE AREA: An area for storage of materials, products, solid waste disposal collection, recycling, utilities, mechanical equipment, and other storage unless otherwise defined. This does not include roof top equipment enclosures.”

“SCALE, BUILDING: The appearance of a structure in relation to other structures in the vicinity. Scale is affected by variations in height, setbacks, and stepbacks of upper stories.”

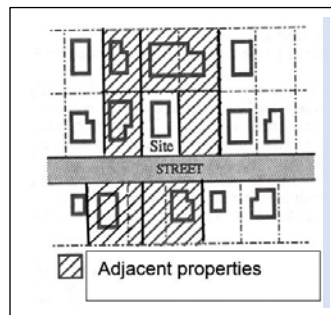
“SITES, HISTORIC: Sites which are designated as historic within Astoria may include discrete areas significant solely for activities in that location in the past, such as battlefields, significant archaeological finds, designed landscapes (parks and gardens), and other locations whose significance is not related to a building or structure.”

“STRUCTURES, HISTORIC: Structures which are designated as historic within Astoria differ from buildings, in that they are functional constructions meant to be used for purposes other than sheltering human activity. Examples include, an aircraft, a ship, a grain elevator, a gazebo and a bridge.”

“WOOD PROCESSING: Wood processing is an engineering discipline comprising the production of forest products, such as pulp and paper, construction materials, and tall oil. Paper engineering is a subfield of wood processing. Wood processing produces additives for further processing of timber, wood chips, cellulose and other prefabricated material. It does not include the manufacturing of finished products from wood such as furniture or a woodworking shop.”

Section 1.400, Definitions, specific definitions are hereby deleted in their entirety and replaced to read as follows:

“ADJACENT: Contiguous to, including those properties which would share an edge or boundary if there were no intervening streets, alleys, or other rights-of-way.”



“BUILDING MASS: The height, width, and depth of a structure including non-enclosed features such as unenclosed stairs and unenclosed decks. The mass of a structure is determined by the volume of the building; variation in building shape and form; the relationship between a structure and the size of adjacent structures; and the building site and its relationship to the sidewalk and street, and importance to “human” scale.”

“DESIGN REVIEW: A process of review whereby the Historic Landmarks Commission, Design Review Commission Committee, Planner, or their designee, evaluates new

construction, or the alteration of buildings, structures, appurtenances, objects, signs, sites and districts for appropriateness.”

“FLOOR AREA, GROSS: The sum of gross horizontal areas of the several floors of a building, measured from the exterior face of the exterior walls or from the center line of walls separating two buildings, and structures on all abutting tax lots associated with a development. It does but not include ing the following, unless otherwise noted in specific code Sections:

- a. Attic space providing headroom of less than seven feet.
- b. Basement providing headroom of less than seven feet. ~~, if the floor above is less than six feet above grade.~~
- c. ~~Uncovered~~ Unenclosed steps or fire escapes.
- d. ~~Private Garages, carports; or~~ unenclosed porches; unenclosed decks greater than 12” high; or unenclosed balconies less than 100 square feet combined for all balconies on the same facade.
- e. Accessory uncovered off-street parking or loading spaces.
- f. Covered porticos and pedestrian entrances less than 50 square feet.
- g. Outdoor storage area enclosures less than 120 square feet. The square footage of multiple enclosures within 10’ of each other shall be considered as one structure for the combined total square footage.”

“GRANTING AUTHORITY: The Community Development Director, Astoria Planning Commission, Historic Landmarks Commission, and/or the Design Review Commission ~~Committee~~ who review and approve land use requests.”

“STANDARDS: For the purpose of the Riverfront Vision Plan Overlay Zones, the term ~~guidelines~~ standards shall mean code provisions that require or prohibit specific design features, incorporate numerical or other clear and objective standards, and provide for limited or no discretion by the appropriate review body to interpret and apply the standard.”

Section 2. Development Code Article 2, Use Zones, is amended as follows:

Section 2.095.10, Other Applicable Use Standards in the R-2 Zone is added to read as follows:

“10. All uses located within the Neighborhood Greenway Overlay Zone area will comply with the requirements of the Neighborhood Greenway Overlay Zone in Sections 14.130 to 14.138.”

Section 2.415.11, Other Applicable Use Standards in the C-3 Zone is added to read as follows:

“11. All uses located within the Civic Greenway Overlay Zone area will comply with the requirements of the Civic Greenway Overlay Zone in Sections 14.035 to 14.075.”

Section 2.415.12, Other Applicable Use Standards in the C-3 Zone is added to read as follows:

“12. All uses located within the Bridge Vista Overlay Zone area will comply with the requirements of the Bridge Vista Overlay Zone in Sections 14.085 to 14.125.”

Section 2.415.13, Other Applicable Use Standards in the C-3 Zone is added to read as follows:

“13. All uses located within the Neighborhood Greenway Overlay Zone area will comply with the requirements of the Neighborhood Greenway Overlay Zone in Sections 14.130 to 14.138.”

Section 2.485.13, Other Applicable Use Standards in the GI Zone is added to read as follows:

“13. All uses located within the Civic Greenway Overlay Zone area will comply with the requirements of the Civic Greenway Overlay Zone in Sections 14.035 to 14.075.”

Section 2.515.13, Development Standards and Procedural Requirements in the A-1 Zone is added to read as follows:

“13. All uses located within the Civic Greenway Overlay Zone area will comply with the requirements of the Civic Greenway Overlay Zone in Sections 14.035 to 14.075.”

Section 2.515.14, Development Standards and Procedural Requirements in the A-1 Zone is added to read as follows:

“14. All uses located within the Bridge Vista Overlay Zone area will comply with the requirements of the Bridge Vista Overlay Zone in Sections 14.085 to 14.125.”

Section 2.540.12, Development Standards and Procedural Requirements in the A-2 Zone is added to read as follows:

“12. All uses located within the Civic Greenway Overlay Zone area will comply with the requirements of the Civic Greenway Overlay Zone in Sections 14.035 to 14.075.”

Section 2.540.13, Development Standards and Procedural Requirements in the A-2 Zone is added to read as follows:

“13. All uses located within the Bridge Vista Overlay Zone area will comply with the requirements of the Bridge Vista Overlay Zone in Sections 14.085 to 14.125.”

Section 2.565.10, Development Standards and Procedural Requirements in the A-2A Zone is added to read as follows:

“10. All uses located within the Civic Greenway Overlay Zone area will comply with the requirements of the Civic Greenway Overlay Zone in Sections 14.035 to 14.075.”

Section 2.565.11, Development Standards and Procedural Requirements in the A-2A Zone is added to read as follows:

“11. All uses located within the Bridge Vista Overlay Zone area will comply with the requirements of the Bridge Vista Overlay Zone in Sections 14.085 to 14.125.”

Section 2.590.10, Development Standards and Procedural Requirements in the A-3 Zone is added to read as follows:

“10. All uses located within the Neighborhood Greenway Overlay Zone area will comply with the requirements of the Neighborhood Greenway Overlay Zone in Sections 14.130 to 14.138.”

Section 2.615.9, Development Standards and Procedural Requirements in the A-4 Zone is added to read as follows:

“9. All uses located within the Neighborhood Greenway Overlay Zone area will comply with the requirements of the Neighborhood Greenway Overlay Zone in Sections 14.130 to 14.138.”

Section 2.665.11, Development Standards and Procedural Requirements in the S-1 Zone is added to read as follows:

“11. All uses located within the Civic Greenway Overlay Zone area will comply with the requirements of the Civic Greenway Overlay Zone in Sections 14.035 to 14.075.”

Section 2.690.12, Development Standards and Procedural Requirements in the S-2 Zone is added to read as follows:

“12. All uses located within the Bridge Vista Overlay Zone area will comply with the requirements of the Bridge Vista Overlay Zone in Sections 14.085 to 14.125.”

Section 2.715.10, Development Standards and Procedural Requirements in the S-2A Zone is added to read as follows:

“10. All uses located within the Civic Greenway Overlay Zone area will comply with the requirements of the Civic Greenway Overlay Zone in Sections 14.035 to 14.075.”

Section 2.860.10, Other Applicable Use Standards in the IN Zone is added to read as follows:

“10. All uses located within the Neighborhood Greenway Overlay Zone area will comply with the requirements of the Neighborhood Greenway Overlay Zone in Sections 14.130 to 14.138.”

Section 2.900.11, Other Applicable Use Standards in the Maritime Heritage Zone is deleted in its entirety and replaced to read as follows:

“11. All uses will comply with the requirements of the Gateway Overlay Zone in Sections 14.005 to 14.030 and/or the Civic Greenway Overlay Zone in Sections 14.035 to 14.075 as applicable.”

Section 2.972.11, Other Applicable Use Standards in the Hospitality Recreation Zone is deleted in its entirety and replaced to read as follows:

“11. All uses will comply with the requirements of the Gateway Overlay Zone in Sections 14.005 to 14.030 and/or the Civic Greenway Overlay Zone in Sections 14.035 to 14.075 as applicable.”

Section 2.981.10, Other Applicable Use Standards in the Local Service Zone is deleted in its entirety and replaced to read as follows:

“10. All uses will comply with the requirements of the Gateway Overlay Zone in Sections 14.005 to 14.030 and/or the Civic Greenway Overlay Zone in Sections 14.035 to 14.075 as applicable.”

Section 2.992.10, Other Applicable Use Standards in the Attached Housing-Mill Pond Zone is deleted in its entirety and replaced to read as follows:

“10. All uses will comply with the requirements of the Gateway Overlay Zone in Sections 14.005 to 14.030 and/or the Civic Greenway Overlay Zone in Sections 14.035 to 14.075 as applicable.”

Section 2.992.12 and 2.992.13, Other Applicable Use Standards in the Attached Housing-Mill Pond Zone are added to read as follows:

“12. For purposes of applying the Gateway Overlay and Civic Greenway Overlay Zones, the Astoria Mill Pond shall be deemed as on-land development not “over-water”.

13. Section 14.060, Standards for On-Land Development of the Civic Greenway Overlay Zone do not apply to on-land or over-water Mill Pond single-family

and/or two-family residential development in the AH-MP Zone (Attached Housing-Mill Pond)."

Section 3: Astoria Development Code Article 3, Additional Land Use and Development Standards, is amended as follows:

3.075.A.2, Exception to Building Height Limitations, is deleted in its entirety and replaced to read as follows:

"2. The minimum height required for elevators, stairs, mechanical penthouses, fire towers, skylights, flag poles, aerials, and similar objects but not including storage space or other equipment."

3.075.A.4, Exception to Building Height Limitations, is added to read as follows:

"4. Exempt rooftop features shall not contain equipment, signage, and/or exterior attachments other than communication services equipment, to the exterior of any enclosure."

Section 4: Astoria Development Code Article 6, Historic Properties, is amended as follows:

Section 6.070.C, Historic Properties Ordinance, New Construction, is added to read as follows:

"C. Historic Design Review in Overlay Zones.

When reviewing a New Construction permit application within a Riverfront Vision Overlay Zone, the Historic Landmarks Commission review shall apply to all historic designated buildings visible within three blocks of the project site not just the adjacent historic structure. The additional Overlay Zone design review standards of Section 14.002.C shall apply. If the proposed development is not "adjacent" to a historic property (as defined in Section 1.400) and not subject to review by the Historic Landmarks Commission, then the historic review of the Overlay Zone shall be completed by the Design Review Commission."

Section 5: Astoria Development Code Article 7, Parking, is amended as follows:

Section 7.100, Minimum Parking Space Requirements, introduction is deleted in its entirety and replaced to read as follows:

"Table 7.100 – Off-Street Parking Space Requirements by Use.

The following are minimum off-street parking requirements by use category. The Community Development Director or Planning Commission, as applicable, may increase the required off-street parking based on anticipated need for a specific conditional use.

For off-street parking requirement calculations, "gross floor area" as defined in Section 1.400 shall not include outdoor storage areas. Gross floor area for off-street parking calculations

shall include exterior space utilized for the use which results in expanded use on the site such as outdoor seating area for an eating/drinking establishment.”

Section 6: Astoria Development Code Article 8, Signs, is amended as follows:

Section 8.050.12, Prohibited Signs, is added to read as follows:

“12. Signs shall not be installed on portions of structures exempt from building height such as elevator shafts and/or rooftop equipment enclosures.”

Section 7: Astoria Development Code Article 9, Administrative Procedures, is amended as follows:

Section 9.015.3, Community Development Director Duties, is deleted in its entirety and replaced to read as follows:

“3. Assist the Historic Landmarks Commission, Design Review Commission ~~Committee~~, Planning Commission, and City Council in administering the hearings process;”

Section 8: Astoria Development Code Article 14, Overlay Zones, is amended as follows:

Section 14.001, Definitions for Article 14, specific definitions are added to read as follows:

“RIVER TRAIL: The entire width of the railbanked former railroad right-of-way property and/or easements, including the improved portions of the trail along the Columbia River, not just the improved portions of the Trail. The former railroad right-of-way property is generally 50’ wide in most areas but may include larger areas. The portion of the River Trail between 6th Street and 17th Street is also referred to as the River Walk.”

Section 14.002, Conflict within the Code, is hereby added to read as follows:

“14.002. Resolving Conflicts within the Code.

A. This article shall control in the event of a conflict with other sections of the Astoria Development Code.

B. The more stringent provision shall control in the event of a conflict between Article 14 and any overlay zone.

C. When applying design review guidelines, the following rules apply:

1. The terms “building” and “structure” may be used interchangeably in the Riverfront overlay zones (Gateway Overlay, Bridge Vista Overlay, Neighborhood Greenway Overlay, Civic Greenway Overlay, and Urban Core Overlay).

2. The following guidelines apply when reviewing visual impact to a historic building/structure:

- a. The relationship to historic “buildings” is more important than the relationship to historic structures, sites, or objects.
- b. The visual impact upon an historic “structure”, site, or object shall be considered rather than a simple comparison of the relative mass, scale and/or size.
- c. The proposed construction should respect both the existing and/or the original historic spatial relationship between buildings.
- d. The proposed construction should be appropriately located and scaled with respect to an historic building/structure, site, or object to maintain the historic character of the site and setting.
- e. New construction should be located so that it will not negatively impact the character of an historic building, site, or setting.
- f. The design and materials of any proposed construction should include elements that relate favorably to, but do not need to replicate, the design and materials of the historic structure.”

Section 14.015.C, General Provisions for Gateway Overlay Zone, is added to read as follows:

“C. Historic Design Review.

When a development proposal is required to be reviewed by the Historic Landmarks Commission due to its proximity adjacent to a designated historic building, structure, site, or object, the Historic Landmarks Commission shall include review of the Gateway Overlay sections relative to historic compatibility. If the proposed development is not “adjacent” to a historic property (as defined in Section 1.400) and not subject to review by the Historic Landmarks Commission, then the historic review of the Gateway Overlay Zone shall be completed by the Design Review Commission.”

Section 14.030, Other Applicable Use Standards of the Gateway Overlay Zone, introduction is added to read as follows:

“The following standards are applicable to all uses within the Gateway Overlay Zone except as noted in Section 14.030.F below.”

Section 14.030.F, Other Applicable Use Standards of the Gateway Overlay Zone, is added to read as follows:

“F. Exceptions to Other Applicable Use Standards.

- 1. Sections 14.030.A to 14.030.D, Other Applicable Use Standards of the Gateway Overlay Zones (MH, FA, CA, HC, AH-HC, HR, LS, AH-MP) do not apply to over-water development in the Civic Greenway Overlay Zone. Section 14.030, Underground Utilities, do apply.”

Section 14.030.G, Other Applicable Use Standards in Gateway Overlay Zone, is amended by the addition to read as follows:

"G. Design Standards.

1. Exterior lighting.

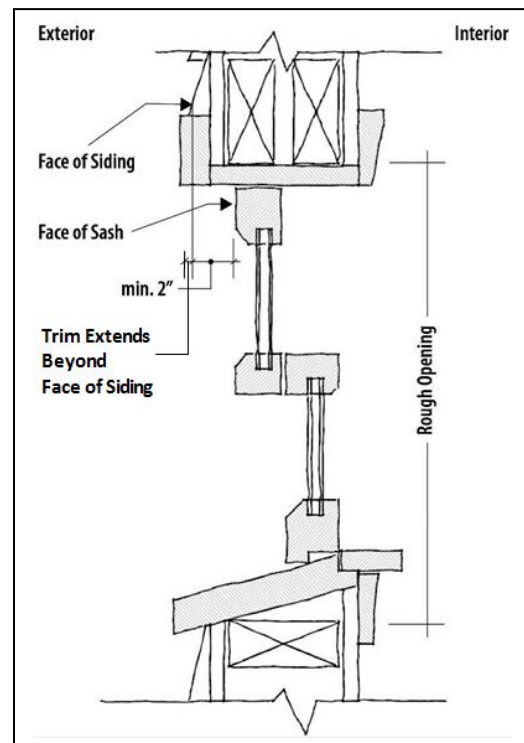
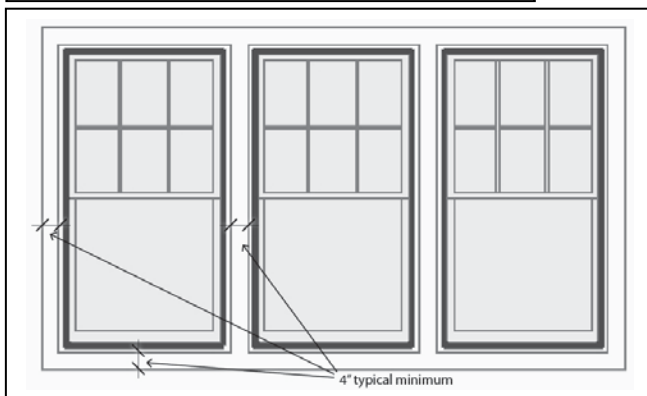
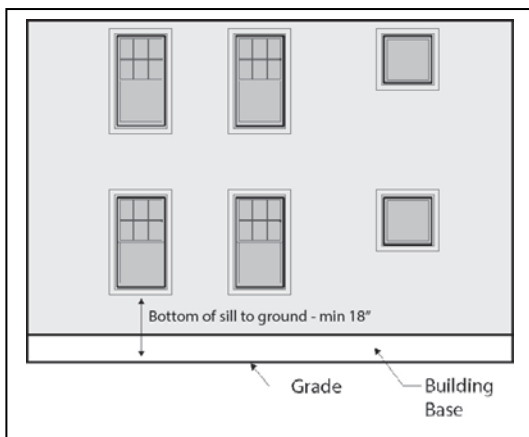
Exterior lighting shall comply with the standards in Section 3.128.

2. Window detailing.

Windows shall have casings/trim, sills, and crown moldings. Window detailing shall meet the following requirements.

- a. Casings/trim shall have minimum dimensions of 5/4 inch x 4 inch and shall extend beyond the facade siding. Exceptions may be granted for waterfront industrial style windows.
- b. Windows shall be recessed a minimum distance of two (2) inches from the trim surface to ensure a shadow line/effect.
- c. The bottom of the sill shall be a minimum of 18 inches above the ground or floor elevation.
- d. Windows shall be clear and not tinted or reflective.
- e. Vinyl shutters are prohibited.

Window Detailing – Trim and casement location and dimensions



3, Exterior Wall Treatments / Siding.

a. Fiber cement siding shall be smooth and not textured.

B, Solid waste disposal area and mechanical equipment enclosures should be sided to match the main structures.”

Section 14.040.A, Applicability and Review Procedures in the Civic Greenway Overlay Area is hereby deleted in its entirety and replaced to read as follows:

“A. Residential Development.

Applications may be reviewed administratively subject to the Design Review Standards in Section 14.065 or through the public design review process subject to the Design Review Guidelines in Section 14.025. Any deviation from the standards in Section 14.065 would require the complete application to be reviewed through the public design review process.”

Section 14.040.C, Applicability and Review Procedures in the Civic Greenway Overlay Zone, is added to read as follows:

“C. Historic Design Review.

When a development proposal is required to be reviewed by the Historic Landmarks Commission due to its proximity adjacent to a designated historic building, structure, site, or object, the Historic Landmarks Commission shall include review of the Civic Greenway Overlay sections relative to historic compatibility. If the proposed development is not “adjacent” to a historic property (as defined in Section 1.400) and not subject to review by the Historic Landmarks Commission, then the historic review of the Civic Greenway Overlay Zone shall be completed by the Design Review Commission.”

Section 14.055, Standards for Overwater Development in the Civic Greenway Overlay Zone, introduction paragraphs are hereby deleted in its entirety and replaced to read as follows:

“The following development standards apply to overwater development in the Civic Greenway Overlay Zone. The Overwater Development standards shall also apply to on-land development north of the River Trail / ~~50’ wide railroad line property~~ between 19th and 41st Streets. ~~In the event of a conflict between this Section and other Sections of the Astoria Development Code, this Section shall control.~~

Maintenance, repair, or restoration of buildings existing prior to 2013 shall be exempt from the standards of this Section 14.055. Additions and/or new construction on these buildings shall be subject to these standards.”

Section 14.055.E, Standards for Overwater Development in the Civic Greenway is deleted in its entirety and replaced to read as follows:

“E. Exceptions to Other Development Standards for Overwater Development.

1. The Section 14.030.A to 14.030.D, Other Applicable Use Standards of the Gateway Overlay Zones (MH, FA, CA, HC, AH-HC, HR, LS, AH-MP) do not apply to overwater development in the Civic Greenway Overlay Zone. Section 14.030.E, Underground Utilities, do apply.
2. Section 14.055, Standards for Overwater Development of the Civic Greenway Overlay Zone, do not apply to over-water Mill Pond single-family and/or two-family residential development in the AH-MP Zone (Attached Housing-Mill Pond).”

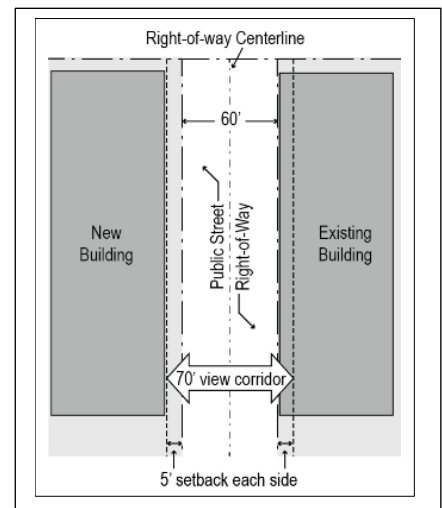
Section 14.060, Standards for On-Land Development in the Civic Greenway Overlay Zone, introduction paragraph is hereby deleted in its entirety and replaced to read as follows:

“The following development standards apply to on-land development in the Civic Greenway Overlay Zone south of the River Trail / ~~50’ wide railroad line property.~~ The Overwater Development standards shall apply to on-land development north of the River Trail / 50’ wide railroad line property. ~~In the event of a conflict between this Section and other Sections of the Astoria Development Code, this Section shall control.”~~

Section 14.060.B, Standards for On-Land Development in the Civic Greenway Overlay Area is deleted in its entirety and replaced to read as follows:

“B. Setbacks.

A minimum view corridor width of 70 feet, centered on the right-of-way centerline, shall be provided on north-south rights-of-way between Marine Drive/Lief Erikson Drive and the Columbia River. Buildings shall be set back in order to achieve the 70-foot view corridor. If existing development on one side of the right-of-way does not meet the setback, the new development on the other side of the right-of-way is only required to provide its half of the view corridor width.”



Section 14.060.C, Standards for On-Land Development in the Civic Greenway Overlay Area is deleted in its entirety and replaced to read as follows:

“C. Stepbacks.

2. Additional Building Height.

Where the height of a building or building addition is proposed to exceed 28

feet, at least that portion of the building exceeding 28 feet, shall provide a stepback of at least 10 feet from the front plane of the proposed building or building addition that faces the ~~street~~ right-of-way or the River Trail. Balconies and/or fixed awnings shall not encroach into the required 10-foot stepback area; buildings must be stepped back further in order to accommodate balconies and/or fixed awnings.

Balcony railings constructed to a maximum height of 28' are not encroachments when the building facade above the top of rail is stepped back 10'."

Section 14.060.D, Standards for On-Land Development in the Civic Greenway Overlay Zone is added to read as follows:

"D. Exceptions to Standard for On-Land Development.

-
1. Section 14.060.A to Section 14.060.C, Standards for On-Land Development of the Civic Greenway Overlay Zone do not apply to on-land or overwater Mill Pond single-family and/or two-family residential development in the AH-MP Zone (Attached Housing-Mill Pond)."

14.065.A.2.b, Residential Design Standards, Residential Design, Window Design, in the Civic Greenway Overlay Area, is deleted in its entirety and replaced to read as follows:

- "b. Window area. Window area shall cover a minimum of 30% of all ~~street-facing~~ facade areas visible from a right-of-way or River Trail and shall not exceed 50% of ~~street-facing~~ the facade areas visible from a right-of-way or River Trail. Windows in garage doors may count toward facade window area."

Section 14.070.A.1, Other Development Standards of the Civic Greenway Overlay Zone is deleted in its entirety and replaced to read as follows:

"A. The following development standards are applicable within the Civic Greenway Overlay Zone.

1. Floor area ratios.

Floor area ratio and height standards in Section 14.030.B.1 and Section 14.030.B.2, Other Applicable Use Standards of the Gateway Overlay Zone do not apply to on-land development in the Civic Greenway Overlay Zone. Other ~~use~~ standards in Section 14.030, Other Applicable Use Standards of the Gateway Overlay Zone do apply."

Section 14.075.A.1, Landscaping, Title and introduction, in the Civic Greenway Overlay Area, is deleted and replaced to read as follows:

- "1. River side and/or riparian standards.

The following standards apply to landscaping on the river side of the River Trail and to riparian areas to the south of the River Trail ~~in the area between the River Trail and the shoreline~~, which is defined as the landward limit of Columbia River aquatic vegetation or, where aquatic vegetation is absent, the Mean Higher High Water.”

Section 14.075.A.2, Landscaping, Title and introduction, in the Civic Greenway Overlay Area, is deleted and replaced to read as follows:

“2. Land side or upland standards.

The following standards apply to landscaping along the frontage of parcels abutting the River Trail to the south except where riparian areas are located to the south of the River Trail. Riparian areas are subject to the standards of Section 14.075.A.1.”

Section 14.075.A.3.a, Landscaping, Street Trees, in the Civic Greenway Overlay Area, is deleted and replaced to read as follows:

“a. Maximum height for street trees along north-south streets between Marine Drive and the Columbia River is 45 35 feet.”

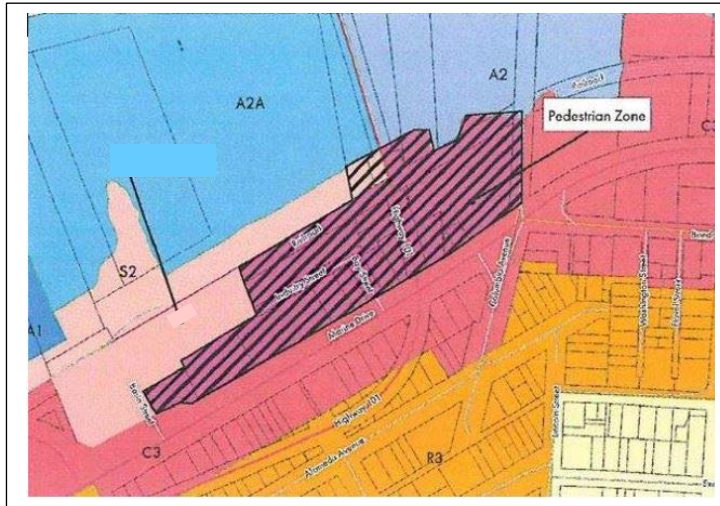
Section 14.090.A, Applicability and Review Procedures in the Bridge Vista Overlay Zone, is added to read as follows:

“A. Historic Design Review.

When a development proposal is required to be reviewed by the Historic Landmarks Commission due to its proximity adjacent to a designated historic building, structure, site, or object, the Historic Landmarks Commission shall include review of the Bridge Vista Overlay sections relative to historic compatibility. If the proposed development is not “adjacent” to a historic property (as defined in Section 1.400) and not subject to review by the Historic Landmarks Commission, then the historic review of the Bridge Vista Overlay Zone shall be completed by the Design Review Commission.”

Section 14.090, Figure 14.090-2, Pedestrian-Oriented District and Amended Commercial Zone, is deleted in its entirety and replaced as follows:

“Figure 14.090-2, Pedestrian-Oriented District and Amended Commercial Zone”



Section 14.095, Uses Prohibited for Overwater Development, title is deleted in its entirety and replaced to read as follows:

“14.095. Uses Prohibited for Overwater and Shoreland Area Development.”

Section 14.100.A, Standards for Overwater Development in the Bridge Vista Overlay Zone, is hereby deleted in its entirety and replaced to read as follows:

“A. Applicability.

The following development standards apply to overwater development and to on-land development north of the River Trail / ~~50-foot wide railroad line property~~ in the Bridge Vista Overlay Zone in areas shown in Figure 14-090-1. These Limitation Areas are located approximately 200 Feet from Shoreline or 300 Feet from the north edge of the River Trail right-of-way as shown in Figure 14-090-1. ~~In the event of a conflict between this Section and other Sections of the Astoria Development Code, this Section shall control.”~~

Section 14.110.C, Uses Prohibited for On-Land Development is added to read as follows:

“C. Shoreland Zones.

The following uses and activities and their accessory uses and activities are prohibited in Shoreland Zones in the Bridge Vista Overlay Zone. Permitted uses are identified in the base zones in Article 2.

1. Fossil fuel and petroleum product terminals.
2. Auto sales and gas stations.
3. Wood processing.
4. Professional offices, medical offices.
5. Indoor entertainment.

6. Hotels/motels. Facilities existing prior to 2013 may be repaired, replaced, and/or redeveloped with hotels/motels.
7. Conference center. Except if located south of the River Trail property.
8. Residential uses, including manufactured dwellings.”

Section 14.113, Standards for On-Land Development in the Bridge Vista Overlay Zone, is hereby deleted in its entirety and replaced to read as follows:

“The following development standards apply to on-land development in the Bridge Vista Overlay Zone south of the River Trail / ~~50-foot wide railroad line property.~~ The Overwater Development standards shall apply to on-land development north of the River Trail / 50 feet wide railroad line property. ~~In the event of a conflict between this Section and other Sections of the Astoria Development Code, this Section shall control.”~~

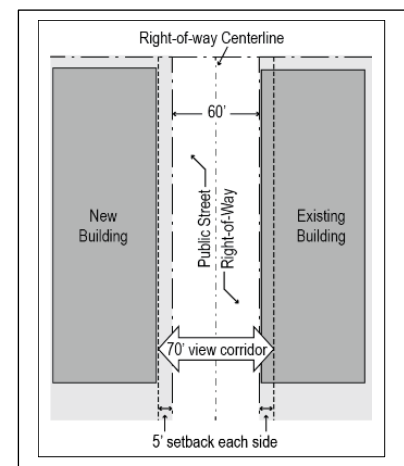
Section 14.113.B.1.a, Standards for On-Land Development in the Bridge Vista Overlay Area is deleted in its entirety and replaced to read as follows:

“B. Setbacks.

1. Minimum Setbacks.

a. North-South Rights-of-Way between West Marine Drive / Marine Drive and the Columbia River.

A minimum view corridor width of 70 feet, centered on the right-of-way centerline, shall be provided on north-south rights-of-way between West Marine Drive / Marine Drive and the Columbia River. Buildings shall be set back in order to achieve the 70-foot view corridor. If existing development on one side of the right-of-way does not meet the setback, the new development on the other side of the right-of-way is only required to provide its half of the view corridor width.”



Section 14.114, Residential Design Standards for the Bridge Vista Overlay Area is added to read as follows:

“14.114. RESIDENTIAL DESIGN STANDARDS.

A. Applicability.

The following design standards apply to all new construction or major renovation of residential development, where “major renovation” is defined as construction valued at 25% or more of the assessed value of the existing structure.

B. Residential Design.

Residential development proposed in the Bridge Vista Overlay Zone may be reviewed in accordance with one of two review options: (1) pursuant to design review procedures and the design review guidelines applicable to all building types established in Section 14.115; or (2) pursuant to procedures for administrative review by the Community Development Director established in Article 9 and the following design review standards for residential development. Any deviation from the following design standards in Section 14.114 would require the complete application to be reviewed through the public design review process as noted in Option 1.

The following design standards apply to the administrative review of residential development and apply to all dwelling unit types (single-family, two-family, and multi-family dwelling unit buildings), unless specified otherwise. All other standards of the Bridge Vista Overlay Zone shall be applicable.

1. Building Forms.

a. All dwelling unit buildings shall be based on a rectangular or square form.

b. Single-family and two-family dwelling units must have a front porch, at least six (6) feet deep and 60 square feet in area.

Figure 14.114-1: Residential Building Form



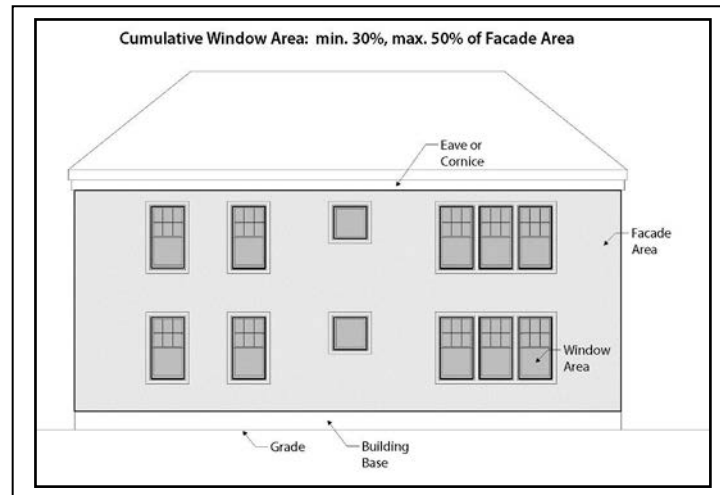
2. Window Design.

The following design standards apply to all facades for all dwelling unit types.

a. Windows required. All facades facing a right-of-way, River Trail, or common open space shall have windows.

b. Window area. Window area shall cover a minimum of 30% of all facade areas facing a right-of-way, River Trail, or common open space, and shall not exceed 50% of facade areas facing a right-of-way.

Figure 14.114-2: Window Area



c. Window lites. Window lite design shall be one of the following:

- 1) Single-lite windows; or
- 2) Multiple-lite true-divided windows; or
- 3) Combination of single and multiple-lite true-divided windows; or
- 4) Applied muntins with profile facing window exterior to create exterior shadow lines.

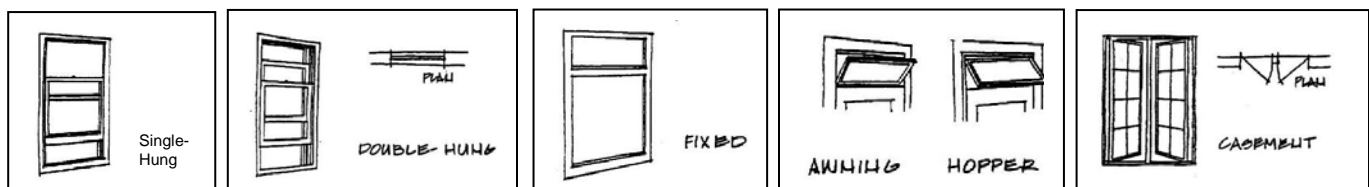
Figure 14.114-3: Window Lites



d. Windows shall be fixed or open in one of the following configurations:

- 1) Fixed window; or
- 2) Single-hung windows; or
- 3) Double-hung windows; or
- 4) Awning or hopper windows; or
- 5) Casement windows.

Figure 14.114-4: Fixed and Opening Windows

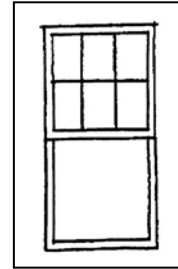


e. Window shape. Window shape shall be one of the following:

- 1) Vertical rectangle; or
- 2) Square.
- 3) Arched or decorative windows are permitted but should not exceed more than 30% of the total window coverage on all facades of the building.

Figure 14.114-5: Window Shapes

Vertical rectangular window



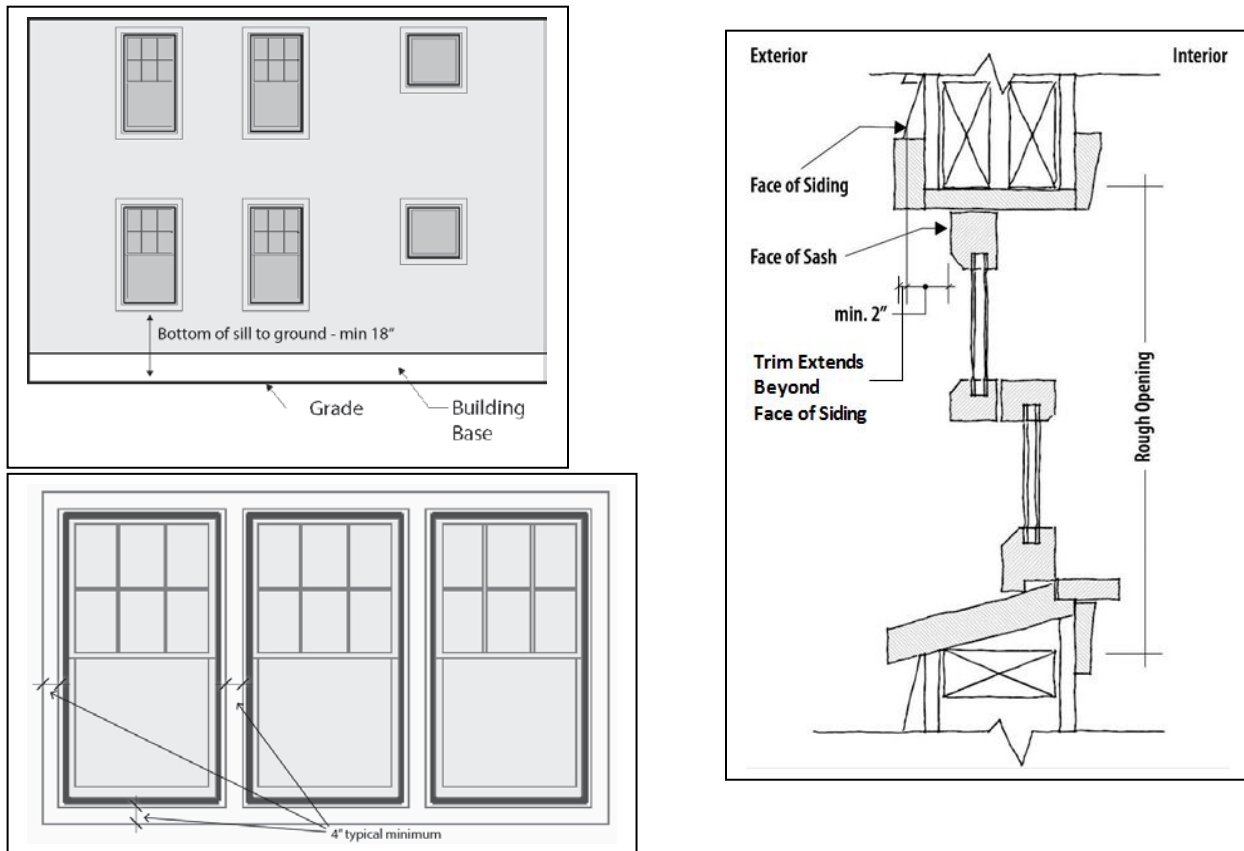
Examples of arched or decorative windows



f. Window detailing. Windows shall have casings/trim, sills, and crown moldings. Window detailing shall meet the following requirements.

- 1) Casings/trim shall have minimum dimensions of 5/4 inch x 4 inch and shall extend beyond the facade siding.
- 2) Windows shall be recessed a minimum distance of two (2) inches from the trim surface to ensure a shadow line/effect.
- 3) The bottom of the sill shall be a minimum of 18 inches above the ground or floor elevation.

Figure 14.114-6: Window Detailing – Trim and casement location and dimensions

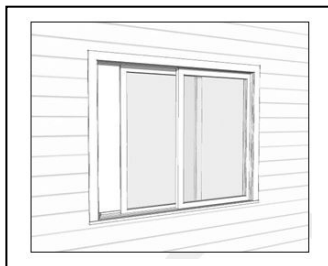


g. Window design prohibited. The follow window design features are prohibited.

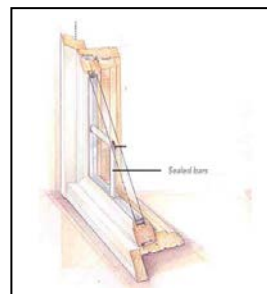
- 1) Applied muntins that have no profile.
- 2) Smoked, tinted, or frosted glass, except for bathroom windows not on the facade facing a right-of-way.
- 3) Mirrored glass.
- 4) Horizontal sliding windows.
- 5) Aluminum frame windows.
- 6) Vinyl windows.
- 7) Blocked-out windows.
- 8) Windows that extend beyond the plane of the building facade.

Figure 14.114-7: Window Design Prohibited

Horizontal sliding window



Muntins with no profile

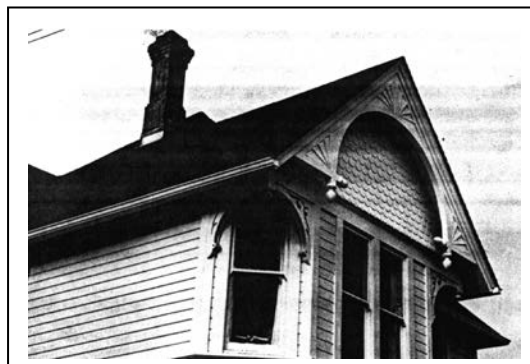
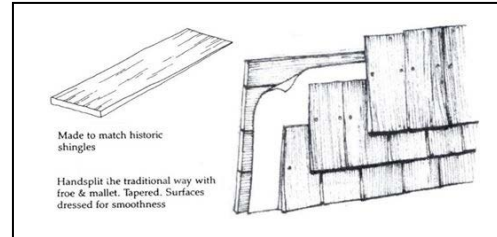
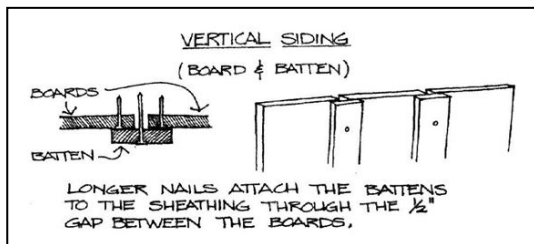
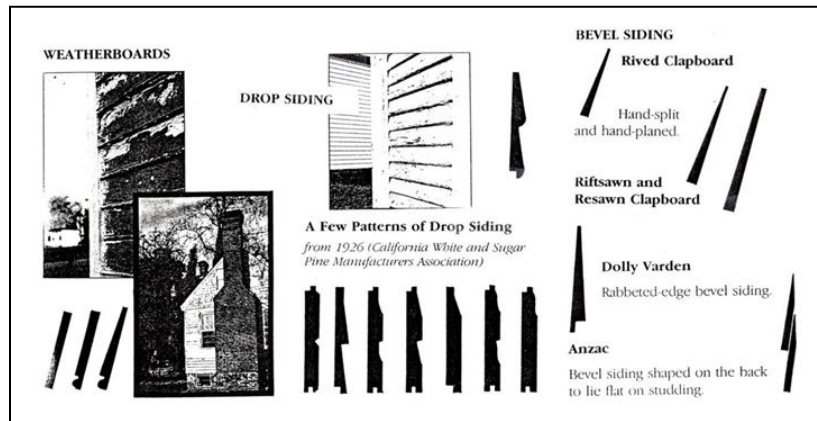


3. Exterior Wall Treatments and Materials.

The following design standards apply to all dwelling unit types.

- a. A minimum of 80% of exterior walls shall be constructed of one or more of the following sets of treatments and materials.
- 1) Drop siding; or
 - 2) Weatherboard siding; or
 - 3) Clapboard; or
 - 4) Rectangular wood shingle; or
 - 5) Decorative wood shingle; or
 - 6) Board and batten.
- b. Horizontal siding shall have six inches or less exposure.
- c. Vertical board and batten shall have true battens.
- d. Fiber cement siding shall be smooth, not textured.

Figure 14.114-8: Exterior Walls – Permitted Materials



- d. Paneled material shall be applied in a manner which avoids the occurrence of seams along the wall plane. Where seams cannot be avoided, they shall be

located in a manner that relates logically to windows and other architectural features of the facade. Horizontal seams shall be covered by a trim board or cornice piece.

Figure 14.114-9: Exterior Walls – Seam Treatment

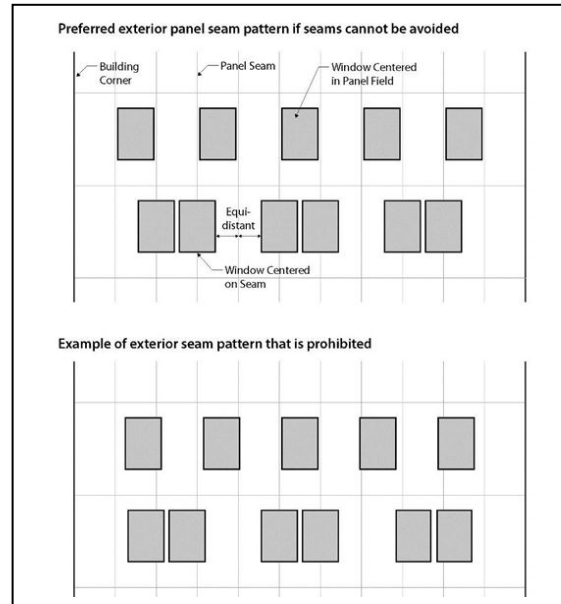
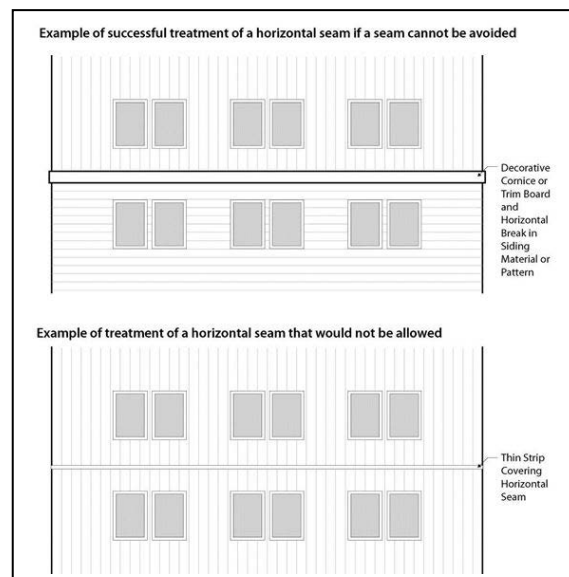


Figure 14.114-10: Exterior Walls – Horizontal Seam Treatment



e. Exterior wall treatments and materials prohibited. The following types of treatments and materials are prohibited.

- 1) Exposed textured concrete block;**
- 2) Flagstone or other applied stone products;**
- 3) Precast concrete or decorative concrete panels;**
- 4) Wood shakes;**
- 5) Plywood paneling;**
- 6) Cladding materials such as corrugated metal panels or spandrel glass;**
- 7) Neon or other fluorescent colors;**
- 8) Bright or primary wall colors for the entire wall surface;**
- 9) Painted brick; and**

- 10) Non-durable materials such as synthetic stucco or shingles at the ground floor.

Figure 14.114-11: Exterior Wall Treatments and Materials Prohibited

Applied stone



Textured concrete



4. Roof Elements.

The following design standards apply to all dwelling unit types.

a. Roof design shall be one of the following:

- 1) Steep (minimum 5:12 pitch) gable with broad (minimum 1 foot) eaves;
- 2) Steep (minimum 5:12 pitch) hip with broad (minimum 1 foot) eaves; or
- 3) An "Italianate" style hip, gable, or cube roof with a minimum roof pitch of 4:12 and broad (minimum 1 foot) eaves.

Figure 14.114-12: Roof Design Permitted

Steep pitched hip roof with broad eaves and dormer elements



Italianate Roof



- 4) A roof may consist of sections of flat roof for up to 75% of the roof area.

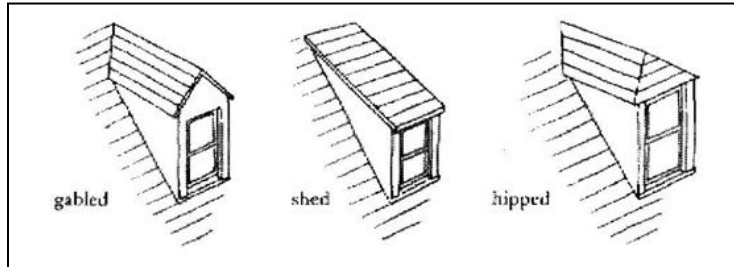
b. Roof elements permitted. The following roof design elements are permitted.

- 1) Dormers with gable, hip, or shed roofs.

- 2) Flat panel skylights or roof windows on secondary elevations.

Figure 14.114-13: Roof Elements Permitted

Gabled, shed, and hipped dormers



Flat panel skylights

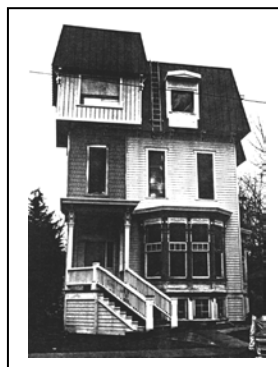


- c. Roof elements prohibited. The following roof design elements are prohibited.

- 1) False mansard or other applied forms.
- 2) Dome skylights.

Figure 14.114-14: Roof Elements Prohibited

False mansard roof



5. Roofing Materials.

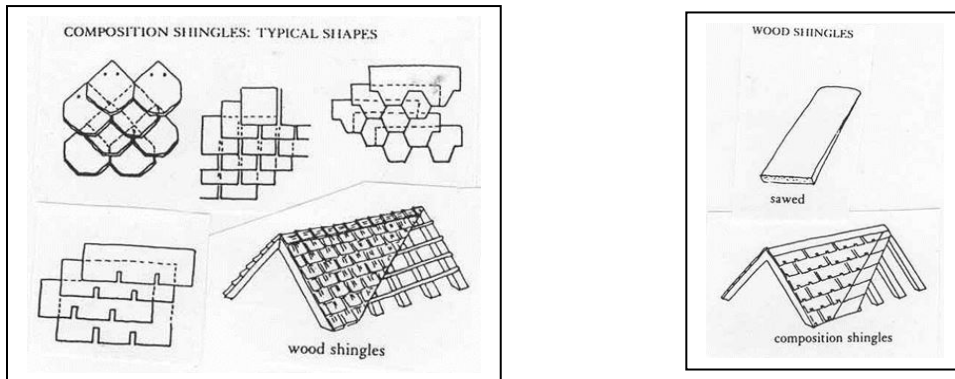
The following design standards apply to all dwelling unit types.

- a. Roofing material. Roofing shall be one of the following materials:

- 1) Wood shingle; or
- 2) Composition roofing; or

- 3) Metal with no-profile seams or low-profile seams (less than 1/4 inch x 1 1/4 inch).

Figure 14.114-15: Roofing Material Permitted



- b. Roofing material color. Roofing material shall be gray, brown, dark green, black, or deep red. Other subdued colors may be approved by the Community Development Director.
- c. Roofing materials prohibited. The following roofing materials are prohibited.
- 1) High profile standing seam (1/4 inch x 1 1/4 inch or greater) metal roof.
 - 2) Brightly colored roofing material, as determined by the Community Development Director.

Figure 14.114-16: Roofing Material Prohibited

High profile metal seam roof



6. Signs.

Signs are subject to the sign provisions in Section 8.040 and 8.160.

7. Doors.

The following design standards apply to all dwelling unit types.

- a. Doors shall have at least one light (glass) panel.
- b. Sliding doors are not permitted on the ground floor of the front facade.

- c. All materials are permitted.
- d. Metal or metal-clad doors shall be painted.

8. Garage Doors.

The following design standards apply to attached and detached garages:

- a. Each garage door shall be a maximum of ten (10) feet in width and seven (7) feet in height.
- b. A minimum of 10% of each garage door shall be window panels, raised trim, or other architectural details.

Figure 14.114-17: Garage Doors Permitted”



Section 14.115.B, Design Standards and Guidelines in the Bridge Vista Overlay Area, is deleted in its entirety and replaced to read as follows:

~~“B. Building Style and Form.~~

~~1. Standards for All Uses.~~

~~Projecting wall-mounted mechanical units are prohibited where they are visible from a public right-of-way or the River Trail. Projecting wall-mounted mechanical units are allowed where they are not visible from a public right-of-way or River Trail.~~

~~2. Guidelines for All Uses.~~

- a. ~~Buildings should retain significant original characteristics of scale, massing, and building material along street facades.~~
- b. ~~Additions to buildings should not deform or adversely affect the composition of the facade or be out of scale with the building.~~
- c. ~~Distinctive stylistic features or examples of skilled craftsmanship should be treated with sensitivity. All buildings should be respected and recognized as products of their time.~~
- d. ~~Mid-century “slip covers” should be removed when possible.~~

- e. ~~Solid waste disposal, outdoor storage, and utility and mechanical equipment should be enclosed and screened from view (Figure 14.115-4). Rooftop equipment should be screened from view by a parapet wall,~~
- ~~a screen made of a primary exterior finish building material used elsewhere on the building, or by a setback such that it is not visible from adjacent properties and rights-of-way up to approximately 100 feet away.~~

Figure 14.115-1: Screening Waste Disposal, Outdoor Storage, and Utility/Mechanical Equipment



- f. ~~Building forms should be simple single geometric shapes, e.g. square, rectangular, triangular (Figure 14.115-2).~~

Figure 14.115-2: Geometric Building Form



- g. ~~Incompatible additions or building alterations using contemporary materials, forms, or colors on building facades are discouraged.~~

B. Building Style and Form.

1. Standards for All Uses.

- a. ~~Projecting wall-mounted mechanical units are prohibited where they are visible from a public right-of-way or the River Trail. Projecting wall-mounted mechanical units are allowed where they are not visible from a public right-of-way or River Trail.~~

- b. Solid waste disposal, outdoor storage, and utility and mechanical equipment shall be enclosed and screened from view (14.115-1). A cover shall be required if screened items can be viewed from above. Rooftop equipment shall be screened from view by a parapet wall, a screen made of a primary exterior finish building material used elsewhere on the building, or by a setback such that it is not visible from adjacent properties and rights-of-way up to approximately 100 feet away. Also see Section 3.215, Outdoor Storage Areas and Enclosures.

Figure 14.115-1: Screening Waste Disposal, Outdoor Storage, and Utility/Mechanical Equipment



2. Guidelines for All New Construction.

- a. ~~Distinctive stylistic features or examples of skilled craftsmanship of existing buildings proposed for alteration and/or of adjacent buildings should be treated with sensitivity.~~
- a. ~~The design should respect~~ Buildings should retain significant original characteristics, scale, and massing of adjacent structures and material. Buildings should be designed so that they are not substantially different in character from adjacent structures in terms of size, mass, or architectural form. Also see Section 14.002.C, Resolving Conflicts within the Code.
- b. New Construction should respect significant characteristics of composition and material of adjacent structures. Also see Section 14.002.C, Resolving Conflict within the Code.
- c. Building forms should be simple single geometric shapes, e.g. square, rectangular, triangular (14.115-2).

Figure 14.115-2: Geometric Building Form



3. Guidelines for All Existing Buildings.

- a. Distinctive stylistic features or examples of skilled craftsmanship of existing buildings and/or structures proposed for renovation, alteration, and/or additions ~~and/or of adjacent buildings for new construction~~ should be treated with sensitivity. All buildings should be respected and recognized as products of their time.
- b. Renovations, alterations, and/or additions to existing buildings should respect ~~Buildings should retain~~ significant original characteristics of adjacent structure scale and massing and material for the entire structure, and should be designed so that they are not substantially different in terms of size, mass, or architectural form. Also see Section 14.002.C, Resolving Conflicts within the Code.
- c. Renovations, alterations, and/or additions should retain and/or respect significant original characteristics of the existing structure composition and material, for the entire structure. Also see Section 14.002.C, Resolving Conflicts within the Code.
- d. Building forms should be simple single geometric shapes, e.g. square, rectangular, triangular (14.115-2).
- e. Mid-century “slip covers” which are not part of the original historic design construction should be removed when possible.
- f. Incompatible additions or building alterations using contemporary materials, forms, or colors on building facades are discouraged.

4. Standards for Non-Industrial Uses.

a. Facade Variation.

All non-industrial buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or other similar elements to preclude large expanses of uninterrupted building surfaces in areas

which are visible to the public. Design features shall occur at a minimum of every thirty (30) feet for all building facades visible from a public right-of-way or River Trail.

The facade shall contain at least two (2) of the following features:

- 1) Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of six (6) feet;
- 2) Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two (2) feet and runs horizontally for a minimum length of four (4) feet;
- 3) Offsets or breaks in roof elevation of two (2) feet or greater in height;
- 4) Outdoor seating area, plaza, or other interactive landscaped area adjacent to the building that is specifically identified and/or covered, and approved by the review authority; and/or
- 5) Other similar facade variations approved by the review authority.

Figure 14.115-2.a: Facade Variation



b. Base, Middle, and Top of Building.

All non-industrial buildings shall have a clear and distinct base, middle and top to break up vertical mass (Figure 14.115-2.b). All facades visible from a right-of-way or River Trail shall utilize horizontal bands and/or changes in color, material, form and/or pattern to differentiate the base, middle, and top of the building, subject to the following requirements:

- (1) Horizontal bands or other changes in pattern or material shall be a minimum of 8 inches high (the length of a standard brick) and shall project a minimum of one inch from the building face.
- (2) Changes in building massing and form may also be used to differentiate a building's base, middle, and top. This may include architectural setbacks or projections, measuring a minimum of 3 inches.

Figure 14.115-2.b: Base, Middle, Top of Building



5. Guidelines for Non-Industrial Uses

- a. The massing, scale, and configuration of non-industrial buildings should be similar to historic structures that are visible from the public right-of-way within three blocks of the development site.**
- b. Non-Industrial buildings should be compatible with the vertical proportions of historic facades and the simple vertical massing of historic structures that are visible from the public right-of-way within three blocks the development site.**
- c. The location, size, and design of windows and doors in non-industrial buildings should be compatible with historic structures that are visible from the public right-of-way within three blocks of the development site.**
- d. Development should be designed so that structures are not substantially different in character from adjacent buildings in terms of size, mass, or architectural form.”**

Section 14.115.E.4.b, Design Standards and Guidelines in the Bridge Vista Overlay Area, is deleted in its entirety and replaced to read as follows:

“E. Windows.

4. Coverage Standards for Non-Industrial Uses.

b. Outside Pedestrian-Oriented District.

Outside the Pedestrian-Oriented District, at least 40% of the ground-floor ~~street-facing~~ facades of non-industrial uses facing visible from a right-of-way or River Trail shall be covered by windows and at least 30% of the upper-floor ~~street-facing~~ facades facing visible from a right-of-way should be covered by windows, except as follows:

- 1) At least 20% of the ground-floor facades and 10% of the upper-floor facades of non-industrial uses north of River Trail visible from the Columbia River shall be covered by windows.
- 2) An exception to the window coverage standard may be allowed for the portion of a building facade that includes an elevator shaft with the inclusion of architectural detail / design features in amounts equal to the minimum window coverage requirement. Such architectural details shall include but not be limited to a such as change in material, horizontal projections, engaged columns or pilasters, belt course, moldings, clock, or other similar features. ~~to avoid blank walls shall be required.~~

Section 14.115.G.3, Design Standards and Guidelines, Awnings in the Bridge Vista Overlay Area is deleted in its entirety and replaced to read as follows:

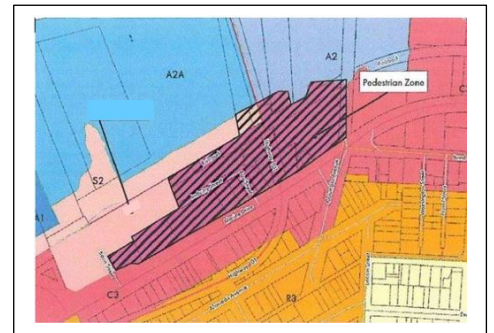
- “3. Standards for Awning locations Along River Trail and North/South Rights-of-Way.

Awnings are generally discouraged and shall not project into the setback and/or stepback areas.”

Section 14.115.I, Design Standards and Guidelines in the Bridge Vista Overlay Zone, is hereby deleted in its entirety and replaced to read as follows:

“I. Signs.

Signs in the Bridge Vista Overlay Zone are subject to the requirements in Article 8 (Sign Regulations) of the Astoria Development Code. The following additional standards apply to signs in the Pedestrian-Oriented District. ~~In the event of a conflict between this Section and other Sections of the Astoria Development Code, this Section shall control.”~~



Section 14.120.A, Landscaping, Title and introduction, in the Bridge Vista Overlay Area, is deleted and replaced to read as follows:

“A. River Side and/or Riparian Standards.

The following standards apply to landscaping on the river side of the River Trail and to riparian areas to the south of the River Trail. Riparian area is defined as the landward limit of Columbia River aquatic vegetation or, where aquatic vegetation is absent, the Mean Higher High Water.”

Section 14.120.B, Landscaping, introduction, in the Bridge Vista Overlay Area, is deleted and replaced to read as follows:

“B. Land Side or Upland Standards.

The following standards apply to landscaping along the frontage of parcels abutting the River Trail to the south except where riparian areas are located to the south of the River Trail. Riparian areas are subject to the standards of Section 14.120.A.”

Section 14.120.C.4, Landscaping, Street Trees, in the Bridge Vista Overlay Area, is deleted and replaced to read as follows:

- “4. Maximum height for street trees along north-south streets between West Marine Drive / Marine Drive and the Columbia River is ~~45~~35 feet.”

Section 14.131.B, Applicability and Review Procedures in the Neighborhood Greenway Overlay Area is hereby deleted in its entirety and replaced to read as follows:

“B. Residential Development

Applications for multi-family dwellings may be reviewed administratively subject to the Design Review Standards in Section 14.134 or through the public design review process subject to the Design Review Guidelines in Section 14.135. Any deviation from the standards in Section 14.065 require the complete application to be reviewed through the public design review process.”

Section 14.131.D, Applicability and Review Procedures in the Neighborhood Greenway Overlay Zone is added to read as follows:

“D. Historic Design Review.

When a development proposal is required to be reviewed by the Historic Landmarks Commission due to its proximity adjacent to a designated historic building, structure, site, or object, the Historic Landmarks Commission shall include review of the Neighborhood Greenway Overlay sections relative to historic compatibility. If the proposed development is not “adjacent” to a historic property (as defined in Section 1.400) and not subject to review by the Historic Landmarks Commission, then the historic review of the Neighborhood Greenway Overlay Zone shall be completed by the Design Review Commission.”

Section 14.133, Standards for Overwater Development in the Neighborhood Greenway Overlay Zone introduction paragraphs, are hereby deleted in its entirety and replaced to read as follows:

“The following development standards apply to overwater development in the Neighborhood Greenway Overlay Zone. The Overwater Development standards shall also apply to on-land development north of the River Trail ~~and/or 50’ wide railroad line property~~ between 41st Street and approximately 54th Street. ~~In the event of a conflict between this Section and other Sections of the Astoria Development Code, this Section shall control.~~

Maintenance, repair, or restoration of buildings existing prior to 2002 (See Section 2.585.14 and 14.132.1) shall be exempt from the standards of this Section. Additions and/or new construction on these buildings shall be subject to these standards.”

Section 14.138.A, Landscaping, Title and introduction, in the Neighborhood Greenway Overlay Area, is deleted and replaced to read as follows:

“A. River Side and/or Riparian Standards.

The following standards apply to landscaping on the river side of the River Trail and to riparian areas to the south of the River Trail. Riparian area is defined as the landward limit of Columbia River aquatic vegetation or, where aquatic vegetation is absent, the Mean Higher High Water.”

Section 14.138.B.1 Landscaping, in the Neighborhood Greenway Overlay Area, added to read as follows:

“B. Land Side or Upland Standards.

The following standards apply to landscaping along the frontage of parcels abutting the River Trail to the south except where riparian areas are located to the south of the River Trail. Riparian areas are subject to the standards of Section 14.138.A.

1. Height and Spacing.

a. Maximum spacing of trees.

(1) Twenty (20) feet on center for non-industrial uses

(2) Fifteen (15) feet on center for industrial uses

b. Maximum spacing of shrubs

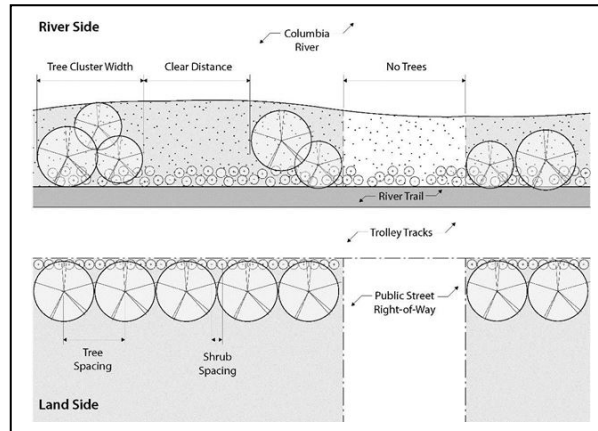
(1) Five (5) feet on center for non-industrial uses

(2) Three (3) feet on center for industrial uses

c. Ground cover landscaping is required in between shrubs and trees.

d. Trees shall not exceed 35 feet in height at maturity

Figure 14.138-2: Land Side Landscaping”



Section 9. Effective Date. This ordinance and its amendment will be effective 30 days following its adoption and enactment by the City Council.

ADOPTED BY THE COMMON COUNCIL THIS ____ DAY OF _____, 2019.

APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2019.

ATTEST:

Mayor

Brett Estes, City Manager

ROLL CALL ON ADOPTION: YEA NAY ABSENT

Commissioner Rocka
 Brownson
 Herman
 West

Mayor Jones



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

MEMORANDUM • COMMUNITY DEVELOPMENT

DATE: MAY 3, 2019
TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: AMENDMENT REQUEST (A19-02) FOR TRANSIENT LODGING

DISCUSSION/ANALYSIS

Over the last few years, the number of illegal transient lodging facilities in Astoria has increased substantially and enforcement is difficult. With the increase in the use of advertising platforms (such as Airbnb, VRBO, etc.) that compounded the problems, the City Council discussed the need for better codes, licenses, and enforcement and directed staff to draft new code language for a licensing process. At its December 3, 2018 meeting, the City Council adopted City Code amendments for Home Stay Lodging Licenses, and the Transient Lodging Tax. These amendments put the regulations and license requirements 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 were required to the Development Code so that it coincides with the adopted City Code. The City Code specifically addresses Home Stay Lodgings (one or two bedrooms in an owner-occupied home). However, some standards/ requirements will be included in the Development Code rather than the City Code as they will address all forms of transient lodging.

The proposed amendments include the following:

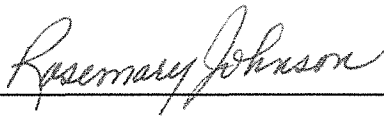
- Specific uses within each zone such as: Home Stay Lodging (HSL) as conditional use in R-1 Zone; HSL may not be on the same site in conjunction with an ADU in the R-1 Zone but may be on the same property as an ADU in the R-2 and R-3 Zones as a conditional use.
- Structures built and used as residential structures in non-residential zones shall not be used for transient lodging with some exceptions for former hotel structures.
- Amend and add definitions for various transient lodging related terms.
- Add HSL purpose & standards to coincide with City Code
- Transient lodging not allowed in mobile vehicles.
- Clarify HSL parking requirement.
- Add Community Development Director to process for Admin Conditional Use.
- Section 11.022 on classification of Conditional Use review.

The Astoria Planning Commission (APC) held a public hearing on April 23, 2019. The APC recommends that the City Council adopt the proposed amendments. The proposed ordinance has been reviewed and approved as to form by the City Attorney.

A copy of the annotated proposed amendments, the proposed ordinance in code numerical order, a list of the proposed amendments, and the Findings of Fact are attached for Council consideration.

RECOMMENDATION

If the draft code meets Council's expectations, it would be in order for Council to hold a public hearing and conduct a first reading of the ordinance for Transient Lodging Code amendments. If the Council holds a first reading of the ordinance, the proposed amendment would be scheduled for consideration of a second reading and adoption at the July 1, 2019 Council meeting.

By: 
Rosemary Johnson, Planning Consultant



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

May 3, 2019

TO: MAYOR AND CITY COUNCIL

FROM: ROSEMARY JOHNSON, SPECIAL PROJECTS PLANNER

SUBJECT: AMENDMENT REQUEST (A19-02) ON TRANSIENT LODGING

I. BACKGROUND SUMMARY

- A. Applicant: Community Development Department
On behalf of the City Council
City of Astoria
1095 Duane Street
Astoria OR 97103
- B. Request: Amend the Development Code concerning Transient Lodging, amend and add definitions, add reference to City Code Home Stay Lodging regulations, establish standards for transient lodging in conjunction with Home Stay Lodging, allow administrative conditional use permits, limit transition of residential units in commercial zones to transient lodging, and other miscellaneous updates.
- C. Location: City-wide

II. BACKGROUND

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. The advertising platforms have helped to increase the number of units in communities but have added to the problem in that they do not reveal their client information and do not require proof that the use is allowed in an area or what permits are necessary. As a result, many home owners have utilized these companies without checking with local authorities about operation of a commercial use within their home.

The City Council discussed the need for better codes, licenses, 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 researched transient lodging codes in multiple cities and counties and found a variety of ways that communities are dealing with these facilities. Staff drafted a City Code amendment that clarified terminology, established a license process, and addressed code enforcement. At its December 3, 2018 meeting, the City Council adopted City Code amendment for Home Stay Lodging Licenses, and the Transient Lodging Tax. This

amendment put the regulations and license requirements 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 adopted City Code. The following is a synopsis of the code requirements and issues addressed in the City Code:

- All Home Stay Lodging facilities will require a license, Occupational Tax, and pay Transient Room Tax. The license will be reviewed by the Community Development Department.
- Facility is limited to one or two bedrooms and shall not include a kitchen and must be owner occupied at the same time as the guest.
- License standards requirements: home safety inspection; payment of fees; off-street parking; license ID shall be placed on the advertising platform; applicant shall provide advertising platform ID number to City.
- Public notice will be sent to adjacent property owners when an application is being reviewed. Renewals will not require a public notice.
- License would be valid for two years and requires renewals to continue operation. Renewals will be reviewed for continued compliance with all standards and may be denied for non-compliance, unresolved violations, or transient tax delinquent for six months or more.
- Enforcement will be through a citation process in Municipal Court. Advertising a transient lodging without a license or in violation of any of the license standards will be a violation.

The Transient Room Tax portion of the City Code was amended to update the terminology and allow for third party collection of the room tax. With the third-party collection, an agreement with the City would be required, and liens for unpaid taxes would be applied to the operator, property owner, and third-party tax collector.

Some standards/requirements will be included in the Development Code rather than the City Code. These amendments will need to be processed as a land use amendment through the Planning Commission before City Council review and adoption. The proposed amendments include the following:

- Specific uses within each zone such as: Home Stay Lodging (HSL) as conditional use in R-1 Zone; HSL may not be on the same site in conjunction with an ADU in the R-1 Zone but may be on the same property as an ADU in the R-2 and R-3 Zones as a conditional use.
- Structures built and used as residential structures in non-residential zones shall not be used for transient lodging with some exceptions for former hotel structures.
- Amend and add definitions for various transient lodging related terms.
- Add HSL purpose & standards to coincide with City Code
- Transient lodging not allowed in mobile vehicles.
- Clarify HSL parking requirement.
- Add Community Development Director to process for Admin Conditional Use.
- Section 11.022 on classification of Conditional Use review.

III. PUBLIC REVIEW AND COMMENT

A. Astoria Planning Commission

A public notice was mailed to Neighborhood Associations, various agencies, and interested parties on April 2, 2019. In accordance with ORS 227.186(5), State required Measure 56 mailing, a notice was mailed on April 2, 2019 to all property owners within the City advising “. . . *that the City has proposed a land use regulation that may affect the permissible uses of your property and other properties.*” In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on April 16, 2019. In accordance with Section 9.020.D, a notice was posted on March 29, 2019 at the following locations: corner of 30th and Marine Drive and near the corner of 43rd and Lief Erikson Drive. The proposed amendment is legislative as it applies City-wide.

B. State Agencies

Although concurrence or approval by State agencies is not required for adoption of the proposed amendments, the City has provided a copy of the draft amendments to representatives of the Oregon Departments of Transportation (ODOT), Land Conservation and Development (DLCD) and Department of State Lands (DLS) as part of the planning process.

C. City Council

A public notice was mailed to Neighborhood Associations, various agencies, and interested parties on May 10, 2019. In accordance with ORS 227.186(5), State required Measure 56 mailing, a notice was mailed on April 2, 2019 to all property owners within the City advising “. . . *that the City has proposed a land use regulation that may affect the permissible uses of your property and other properties.*” In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on June 9, 2019. In accordance with Section 9.020.D, a notice was posted on March 29, 2019 at the following locations: corner of 30th and Marine Drive and near the corner of 43rd and Lief Erikson Drive. The proposed amendment is legislative as it applies City-wide.

IV. FINDINGS OF FACT

- A. Development Code Section 10.020.A states that *“an amendment to the text of the Development Code or the Comprehensive Plan may be initiated by the City Council, Planning Commission, the Community Development Director, a person owning property in the City, or a City resident.”*

Development Code Section 10.020.B states that *“An amendment to a zone boundary may only be initiated by the City Council, Planning Commission, the Community Development Director, or the owner or owners of the property for which the change is proposed.”*

Finding: The proposed amendments to the Development Code are being initiated by the Community Development Director on behalf of the City Council. The City Council has adopted a licensing procedure in the City Code for Home Stay Lodgings and identified the need to amend the Development Code to coincide with

the HSL license process and to adopt additional regulations concerning other transient lodging facilities.

- B. Section 10.050.A states that *“The following amendment actions are considered legislative under this Code:*
1. *An amendment to the text of the Development Code or Comprehensive Plan.*
 2. *A zone change action that the Community Development Director has designated as legislative after finding the matter at issue involves such a substantial area and number of property owners or such broad public policy changes that processing the request as a quasi-judicial action would be inappropriate.”*

Finding: The proposed amendment is to amend the text of the Astoria Development Code concerning transient lodging regulations City wide. The amendment would create new standards. The proposed amendments are applicable to the entire City and represents a relatively broad policy change. Processing as a legislative action is appropriate.

- C. Section 10.070.A.1 concerning Text Amendments, requires that *“The amendment is consistent with the Comprehensive Plan.”*
1. CP.015.1, General Land & Water Goals states that *“It is the primary goal of the Comprehensive Plan to maintain Astoria’s existing character by encouraging a compact urban form, by strengthening the downtown core and waterfront areas, and by protecting the residential and historic character of the City’s neighborhoods. It is the intent of the Plan to promote Astoria as the commercial, industrial, tourist, and cultural center of the area.”*
- CP.035.2, West End Area Policies, states *“The quiet residential character of the west end will be protected through the City’s Development Code.”*
- CP.045.2, Central Residential Area Policies, states *“Historic areas (neighborhoods with high concentrations of pre-1911 homes) will be protected through zoning regulations and the use of public lands for relocation of structures.”*
- CP.075.2, Uppertown Area Policies, states *“The predominantly residential character of the area upland of Marine Drive/Lief Erikson Drive will be preserved.”*
- CP.085.2, Alderbrook Area Policies, states *“The residential character of Alderbrook will be protected through the designation of the aquatic area from 41st Street to Tongue Point as natural, and by the present zoning pattern. Development in the 100-year flood area shall be subject to the requirements of the City’s Flood Hazard Overlay Zone.”*

CP.088.2, Emerald Heights Area Policies. States *"The multi-family residential character of Emerald Heights Area will be protected through the present zoning pattern. Additional residential development is encouraged in this area."*

Finding: The proposed amendments create development standards for transient lodging standards and guidelines to protect the character of the residential neighborhoods. Astoria has seen a major increase in tourism and an increase in transient lodging in residential zones. The Development Code allows for Home Stay Lodging (HSL), Bed and Breakfast (B&B), and Inns in the various residential zones, but has standards that include the need for owner occupancy and off-street parking. These facilities are required to have an Occupational Tax (business license) and pay transient room tax. However, in recent years there has been an increase in unpermitted facilities that are not paying the required taxes, do not provide off-street parking, and are not owner occupied. Some homes are operating as vacation rentals where the entire house is rented to a guest.

Transient lodging, in and of itself, is not detrimental to the City. However, when it is operated without paying the appropriate taxes, no off-street parking, and without an on-site owner in residence, it can become a nuisance to a neighborhood. The lack of off-street parking creates a parking situation in some neighborhoods that have narrow streets and limited on-street parking. Use of homes without the benefit of the owner in residence creates multiple issues that are detrimental to the other residents in the neighborhood. Guests are not generally a problem, but they are on vacation and can tend to get loud and/or have multiple vehicles and people at the home. With the owner on site, the owner can keep their guests in compliance with City regulations. Otherwise, adjacent property owners are required to either live with the situation or report it to the Police which causes everyone embarrassment and only solves the issue for the current guests, not the new ones the next weekend. Therefore, HSL, B&B, and Inns are allowed but vacation rentals (which are classified as motels) are not. This would help to protect the quiet residential character of the neighborhoods.

2. CP.020.9, Community Growth - Plan Strategy, states *"The Buildable Lands Inventory completed in April 2011 identified a deficit of 15.54 net acres of residential buildable lands. In order to address this deficit, OAR 660-24-0050 requires that the City amend the Plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the boundary or by expanding the UGB, or both."*

CP.215.1, Housing Element, Issues and Conclusions, Vacancy Rates, states *"... North coast trends in second homes and short-term rentals reached an average of 20.5% in 2007 with a State average of 2.5%. Astoria was well below this with 1.9%; however, this number is expected to increase over the next 20 years. Housing stock needed to accommodate this trend could change the amount of residentially zoned land needed to accommodate growth through 2027. The Buildable Lands Inventory dated*

April 2011 addresses this issue in depth and recommends that the City review and revise the assumptions made in the Inventory after the 2010 US Census results are finalized.”

CP.215.5, Housing Element, Issues and Conclusions, Low- and Moderate-Income Housing, states “Because of the large number of older buildings in Astoria, there is great potential for reuse of existing structures for housing. The John Jacob Astor Apartments and Owens-Adair Apartments projects are both examples of successful renovations. The City could encourage this trend by working with developers, applying for grant funds, and looking for ways of fostering both historic preservation and provision of low-cost housing. Organizations, including the Clatsop County Housing Authority, the Clatsop Community Action Agency, Northwest Oregon Housing Authority, for-profit corporations, and other local and regional non-profit groups and public agencies have been involved in providing low cost housing in Clatsop County. County-wide efforts are being made to address the need for workforce housing on the entire North coast.”

CP.218.1, Housing Element, Housing Goals, “Provide opportunities for development of a wide variety of housing types and price ranges within the Urban Growth Boundary.”

CP.218.2, Housing Element, Housing Goals, states “Maintain and rehabilitate the community’s existing housing stock.”

CP.220.1, Housing Element, Housing Policies, states “Maintain attractive and livable residential neighborhoods, for all types of housing.”

CP.220.5, Housing Element, Housing Policies, states “Encourage low- and moderate-income housing throughout the City, not concentrated in one area.”

CP.220.6, Housing Element, Housing Policies, states “Protect neighborhoods from incompatible uses, including large scale commercial, industrial, and public uses or activities.”

Finding: The Buildable Lands Inventory (BLI) identified a deficit of low density residential buildable lands. The Comprehensive Plan indicates a goal of having a variety of housing types and price ranges, and the preservation of existing historic housing stock. The City Council 2018-2019 Goals included *“Implement the provisions contained in the City of Astoria Affordable Housing Study to increase the number of housing units within the City, for permanent residents. Special attention should be given to derelict and/or vacant properties.”* The 2019-2021 City Council goals adopted April 15, 2019 include *“Support efforts to increase the housing supply (both market rate and affordable), using the County Housing Study as a guide.”* and *“Maintain Astoria’s unique character through economic development and zoning which reflects on those values.”* The City Council has expressed concerns that the use of residences for transient lodging, especially vacation rentals, is a threat to the available housing stock. There

is currently a lack of affordable housing for the existing employees and Astoria residents. While the Council agrees that transient lodging in owner occupied homes may be an acceptable use in residential areas, it also sees the prohibition of use of full homes for transient lodging as one way to keep the existing housing available for long term housing. Therefore, the Council determined that transient lodging in residential areas should not include a kitchen in the guest area as this would equate to a living unit.

The Council also identified the conversion of residential units in commercial zones for transient lodging as contrary to the goal to provide affordable housing. The Council suggested that structures built and/or currently used for residences should not be converted to transient lodging. A proposed amendment would prohibit the conversion. However, there are several existing former hotels that are currently either vacant and/or have been converted to residences. An exception for these buildings to allow conversion back to a hotel use is proposed as it would only impact a few buildings (Waldorf Hotel 1067 Duane; JJAstor Hotel 342 14th; Elliot Hotel 357 12th; Norblad Building 443 14th; Commodore Hotel 258 14th) and would allow for economic ability to maintain these larger buildings.

3. CP.195.7, Economic Element, Conclusions and Problems, states *"Tourism in Clatsop County has increased in recent years, and the Astoria area has been the recipient of some of this economic activity. Astoria is becoming a "destination" like the communities on the ocean beaches. The quantity of lodging facilities in the City have increased in recent years to accommodate the needs except during peak tourist times. The Columbia River Maritime Museum is a major tourist attraction. In recent years, there has been construction of private facilities which can accommodate moderate sized gatherings and conventions. Tourism is an economic activity which has several disadvantages, such as low wages, and seasonality. However, Astoria has a highly seasonal work force which tourism, particularly the convention business during the winter, could counteract. Astoria has begun to capitalize on its scenic, historic character; proper emphasis on it through advertising and public projects has the potential of stimulating the City's tourist economy."*

CP.200.4, Economic Development Goal 1 and Goal 1 Policies, states *"Goal: The City of Astoria will strengthen, improve, and diversify the area's economy to increase local employment opportunities. Policies: Encourage private development such as retail, restaurants, commercial services, transient lodging, and make strategic investments in target industries."*

CP.206.2, Economic Development Goal 7 and Goal 7 Policies, states *"Goal: Encourage successful home-based businesses. Policies: Encourage home occupations, cottage industries and activities which have little impact on the surrounding neighborhoods through the City's Development Code."*

Finding: Tourism is a major industry for Astoria. The year-round nature of tourist activities has created a need for additional transient lodging facilities.

Astoria has seen an influx of hotels/motels over the last few years with two or three new ones proposed in the next year or two. The use of private homes as HSL and B&B's has also increased. The City encourages home occupations and activities in residential areas but only if they have *"little impact on the surrounding neighborhoods"*. Adoption of the proposed amendments would allow for controlled use of private residences as transient lodging so as to protect the residential character of the neighborhoods while allowing for this tourist base industry to exist. Commercial activities related to tourism such as vacation rentals are a major impact to the quiet residential character of the area and to the loss of long term, affordable housing. The proposed amendments would prevent the loss of housing to accommodate transient lodging thereby preserving Astoria for Astorians first.

4. CP.175.G.1, Uppertown / Alderbrook Subarea Plan, Subarea Policies, states that *"The Alderbrook area has unique characteristics and values. Plan amendments which would allow higher-intensity uses than those now present are discouraged."*

CP.185.O, Residential, Commercial and Industrial Development Policies, states that *"Policies in this subsection are applicable to construction or expansion of residential, commercial or industrial facilities in Columbia River Estuary shoreland and aquatic areas. Within the context of this subsection, residential uses include single and multifamily structures, mobile homes, and floating residences (subject to an exception to Oregon Statewide Planning Goal 16). Duck shacks, recreational vehicles, hotels, motels and bed-and-breakfast facilities are not considered residential structures for purposes of this subsection. Commercial structures and uses include all retail or wholesale storage, service or sales facilities and uses, whether water-dependent, water-related, or non-dependent, non-related. Industrial uses and activities include facilities for fabrication, assembly, and processing, whether water-dependent, water-related or non-dependent, non-related. . ."*

Finding: The proposed amendments would limit the allowable transient lodging uses in all zones. Uses would be regulated to assure low-impact in residential areas and limit the loss of housing. These proposed regulations are consistent with this Comprehensive Plan section which protects the waterfront area for the low-impact marine uses. Any project proposed would be subject to compliance with this section at the time of project proposal.

5. CP.204.3 & CP.204.4, Economic Development Goal 5 and Goal 5 Policies, Goal states *"Encourage the preservation of Astoria's historic buildings, neighborhoods and sites and unique waterfront location in order to attract visitors and new industry."* The Policies state

3. *Encourage the growth of tourism as a part of the economy.*
 - a. *Consider zoning standards that improve the attractiveness of the City, including designation of historic districts, stronger*

landscaping requirements for new construction, and Design Review requirements.

4. *Protect historic resources such as downtown buildings to maintain local character and attract visitors.”*

CP.250.1, Historic Preservation Goals states that *“The City will Promote and encourage, by voluntary means whenever possible, the preservation, restoration and adaptive use of sites, areas, buildings, structures, appurtenances, places and elements that are indicative of Astoria's historical heritage.”*

CP.200.6, Economic Development Goals states that the City will *“Encourage the preservation of Astoria's historic buildings, neighborhoods and sites and unique waterfront location in order to attract visitors and new industry.”*

CP.205.5, Economic Development Policies states that *“The City encourages the growth of tourism as a part of the economy. Zoning standards which improve the attractiveness of the City shall be considered including designation of historic districts, stronger landscaping requirements for new construction, and Design Review requirements.”*

Finding: The proposed amendments will establish standards for transient lodging to allow facilities in residential areas which would support the tourism industry while protecting the quiet character of the neighborhoods. Allowing transient lodging in homes provides the owners with some additional income to help with preservation of the buildings, many of which are designated as historic. However, the unique characteristics of the neighborhoods are proposed to be protected by the addition of standards to prohibit vacation rentals and the loss of full-time residents.

6. CP.470.1, Citizen Involvement states that *“Citizens, including residents and property owners, shall have the opportunity to be involved in all phases of the planning efforts of the City, including collection of data and the development of policies.”*

Finding: Throughout the process of drafting the proposed ordinance, the City has provided public outreach. The City Council addressed the issue of Home Stay Lodgings, the need for license procedures, enforcement, and how to protect the loss of affordable housing. They held two work sessions on 12-13-2017 and 10-10-2018. The Council held a public hearing on 11-19-2018 and the City Code amendments were adopted on 12-3-2019. The Planning Commission held a work session on 2-26-2019. Notices were sent to interested parties, neighborhood associations, email lists, web site, etc. In addition, a State required Measure 56 mailing was sent to every property owner in Astoria. Anyone interested in the proposed ordinance was encouraged to submit suggestions and comments. Work sessions were open for discussion with the public to allow for interactive feedback from the early stage of the adoption process. There were numerous “Letters to the Editor” in the Daily Astorian and some articles.

The City was very conscious of the interest in protection of the residential character of neighborhoods and the potential loss of long-term housing. The proposed amendments will be in compliance with State regulations and will establish a permit process that is easy for both the citizens and staff.

Finding: The request is consistent with the Comprehensive Plan.

- D. Section 10.070.A.2 concerning Text Amendments requires that *"The amendment will not adversely affect the ability of the City to satisfy land and water use needs."*

Finding: The proposed amendment will satisfy land use needs in that it will allow for the use of private properties for transient lodging while protecting the housing stock and quiet character of the neighborhoods. The protection of long-term housing supports the need for residential area as identified in the Buildable Lands Inventory. The proposed amendment will not adversely affect the ability of the City to satisfy land and water use needs.

V. CONCLUSION AND RECOMMENDATION

The request is consistent with the Comprehensive Plan and Development Code. Staff recommends that the Planning Commission recommend adoption of the proposed amendments to the City Council.

CODE AMENDMENT SYNOPSIS
4-24-19

Legend: **Changes after DLCD submittal**

Home Stay Lodging and Transient Lodging

Code Section	Code Designation	Proposed Change
1.400	Definitions	Amend: bed and breakfast, inn, dwelling, home stay lodging, motel to coincide with City Code and make meal optional
1.400	Definitions	Add: kitchen, owner occupied, primary residence, time share, transient, transient lodging facility, vacation rental
2.025.8	R-1	Add City Code reference to HSL
2.065.6 2.070.13	R-2	Add City Code reference to HSL
2.155.7 2.160.12	R-3	Add City Code reference to HSL
2.585.14.b	A-3	Add City Code reference to HSL
2.350.3	C-2	Add City Code reference to HSL; limit motel in existing residential buildings
2.390.10	C-3	Add City Code reference to HSL; limit motel in existing residential buildings; allow original hotels to return to hotel use
2.435.4	C-4	Add City Code reference to HSL; limit motel in existing residential buildings; allow original hotels to return to hotel use
2.894.2	MH	Add City Code reference to HSL
14.132.1.b	A-4	Add City Code reference to HSL
8.160.A.1 8.160.A.3	Signs	Add HSL for residential sign allowance & not as CU
3.020.B.9	Accessory Dwelling Unit	Add HSL reference; refer to zone for allowance in conjunction w/ ADU
3.100	Home Stay Lodging	Add HSL purpose & standards to coincide with City Code; list allowable zones; not allowed in mobile vehicles
7.100	Parking	Amend to clarify HSL parking requirement
11.020	Conditional Use	Add Com Dev Director to process for Admin CU; add Section 11.022 on classification of CU review
11.022	Conditional Use, Classification of CU Review	Add Section to allow Type II CU for HSL and ADU

DEVELOPMENT CODE UPDATES

Annotated

April 24, 2019

CITY CODE

(Annotated: The Home Stay Lodging Code is included in the City Code rather than the Development Code at the suggestion of the City Attorney to allow for better code enforcement possibilities. This is also the way several cities handle the permits.)

The following proposed amendments include multiple sections of the Development Code. Some are updates needed to coincide with the recent Home Stay Lodging City Code amendments and others are “housekeeping” and/or non-controversial updates to the Code to make processes quicker and easier for both the public and staff. Some proposed amendments are to clarify language in existing codes based on interpretations over the years. Proposed amendments are grouped by subject in case sections need to be removed for any reason during the adoption process.

HOME STAY LODGING

(Annotate: Development Code amendments are needed to coincide with the City Code amendments so there is no conflict.)

Section 1.400, Definitions, delete existing specific definitions in their entirety and replace to read as follows:

(Annotate: To avoid conflict in definitions if changes occur in the future, definitions are included in both codes with City Code referenced.)

BED AND BREAKFAST: Any transient lodging facility which contains between three (3) and seven (7) guest bedrooms, which is owner or manager occupied, and which may provide a morning meal. This includes any accommodation meeting these requirements including facilities known by their advertising and/or management platform names, or other such transient lodging identification.

(Annotated: B&B is allowed as follows: Outright Use: C-2, C-3, S-2A, HR, LS, Conditional Use: R-1, R-2, R-3, C-4, A-2, A-2A, A-3 in existing bldg, S-2, MH, AH-MP.)

DWELLING: One or more rooms designed for permanent occupancy by one family
SINGLE-FAMILY: A free-standing building containing one dwelling unit.

TWO-FAMILY: A free-standing building containing two dwelling units. May include two-unit rowhouses or duplexes, either renter-occupied or owner-occupied.

MULTI-FAMILY: A building containing three or more dwelling units. May include rowhouses, apartment buildings, or residential condominiums, either renter-occupied or owner-occupied.

HOME STAY LODGING: A transient lodging facility with no more than two (2) bedrooms available for transient rental, and which is owner occupied. This includes any accommodation meeting these requirements including facilities known by their advertising and/or management platform names, or other such transient lodging identification. Such facilities may or may not provide a morning meal. Rooms used by transient guests shall not include a kitchen. (Astoria City Code Section 8.755)

~~A transient lodging facility with no more than two (2) bedrooms available for transient rental, and which is owner occupied. Such facilities may or may not provide a morning meal.~~

(Annotated: CC determined that a full living unit should not be used as a HSL and full unit has been generally defined as having a kitchen. At the discretion of the homeowner and subject to public health safety regulations, guests may use the homeowners kitchen.)

HOTEL: A building in which lodging is provided for guests for compensation, which may also provide incidental services such as restaurants, meeting rooms, or recreational facilities subject to Development Code standards.

INN: A transient lodging facility with up to 11 guest bedrooms, which is owner or manager occupied, and which may provide a morning meal. Inns may conduct associated business activities on an occasional basis, such as wedding receptions, club meetings and luncheons, conferences, and reunions.

MOTEL: Same as "Hotel". A building in which lodging is provided for guests for compensation and where the majority of rooms have direct access to the outside without the necessity of passing through the main lobby of the building.

Section 1.400, Definitions, specific definitions are added to read as follows:

KITCHEN: Room for preparation of food and includes a cooking stove or ability to heat food other than with a microwave oven.

OWNER OCCUPIED: Occupancy of a residence by an individual owner

OWNER: For purposes of transient lodging codes, the term owner only includes individuals, holding fee simple title to property, the beneficiaries of a revocable living trust, or a purchaser under a recorded instrument of sale. This does not include corporations, limited liability companies or similar organizations, an authorized agent of the owner, or those holding easements, leaseholds, or purchasers of less than fee interest.

(Annotated: It does not reference City Code definition as it would apply to more than HSL for Development Code. Owner is defined in 1.400, but the added definition is for transient lodging as it is different and matches City Code for HSL.)

PRIMARY RESIDENCE: Dwelling maintained as the permanent residence of the owner for not less than six months of the year.

(Annotated: This is included to help avoid the issue such as person living in an adjacent home and only staying in the transient building on occasions, and to help maintain the housing stock so a building is not just used occasionally as a dwelling. It does not reference City Code definition as it would apply to more than HSL for Development Code.)

TIME SHARE: A dwelling unit that is occupied for other than permanent occupancy by one family and whose ownership is divided into periods of time under an arrangement, plan, scheme, or device, whether by membership, agreement, share, tenancy in common, sale, lease, deed, rental agreement, license, right to use agreement, or otherwise, where a purchaser, in exchange for consideration, receives a right to use the dwelling unit for a period of time less than a full year during any given year. Use of the dwelling for less than a 30-day period by one family shall be classified as "transient lodging" and the same as a "hotel" or "motel".

(Annotated: This specific type of transient lodging was not addressed during the City Council code amendment on HSL. However, as it could be used as "short term rental", it is suggested that we include this in the Development Code to clarify that this also falls under transient lodging. While each person is an "owner", the transient nature of their stays would have the same impact as a vacation rental. This would allow them the same as a motel/hotel.)

TOURIST LODGING FACILITY: See "Transient Lodging Facility".

TRANSIENT: A transient includes any person entitled to occupy a residence for less than 30 consecutive calendar days. The day a transient guest checks out shall not be included in determining the 30-day period if the transient is not charged rent for that day by the operator. A person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a transient.

(Annotated: This is similar to the definition for Occupational Tax purposes but removes reference to hotels and allowable extended occupancies. It does not reference City Code definition as it would apply to more than HSL for Development Code.)

TRANSIENT LODGING FACILITY: Any structure or portion of any structure which is occupied or intended or designed for transient occupancy for 30 days or less for dwelling, lodging, or sleeping purposes, and includes any hotel, motel, inn, condominium, tourist home or house, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity, sorority, public or private club, bed and breakfast establishment, home stay lodging, vacation rental, or other such transient lodging facility known by their advertising and/or management platform names. Transient Lodging Facility also means space in mobile home or trailer parks, or similar structure of space or portions thereof so occupied, provided such occupancy is for less than a 30-day period.

(Annotated: With the addition of these other definitions, we would eliminate the reference to “other tourist lodging facility” in the Development Code so there is no confusion as to which classification each use is in. What other configuration of lodging facility could there be? The term “other tourist lodging facility” is used in the C-2, C-3, C-4, MH zones only)

VACATION RENTAL: A transient lodging facility available for transient rental, and which is not occupied by an owner or manager at the same time as the guests. This includes any accommodation meeting these requirements including facilities known by their advertising and/or management platform names, or other such transient lodging identification. For the purposes of this Code, a Vacation Rental is classified the same as a “hotel” or “motel”.

(Annotated: This would clarify what we already do in classifying vacation rentals as a hotel which limits them to commercial zones. This is intended to protect a SFD from being used for transient lodging without an owner on-site which reduces the permanent available housing.)

Section 2.025.8 (R-1 conditional use) is deleted in its entirety and replaced to read as follows:

Home Stay Lodging, which satisfies requirements in City Code Sections 8.750 to 8.800.

Section 2.065.6 (R-2 outright use, zone list of allowable uses) is deleted in its entirety and replaced to read as follows:

Home Stay Lodging, which satisfies requirements in City Code Sections 8.750 to 8.800.

Section 2.070.13 (R-2 conditional use, zone list of allowable uses) is added to read as follows:

13. Home Stay Lodging in conjunction with an Accessory Dwelling Unit, which satisfies requirements in City Code Sections 8.750 to 8.800. May be processed as an Administrative Conditional Use.

Section 2.155.7 (R-3 outright use, zone list of allowable uses) is deleted in its entirety and replaced to read as follows:

Home Stay Lodging, which satisfies requirements in City Code Sections 8.750 to 8.800.

Section 2.160.12 (R-3 conditional use, zone list of allowable uses) is added to read as follows:

12. Home Stay Lodging in conjunction with an Accessory Dwelling Unit, which satisfies requirements in City Code Sections 8.750 to 8.800. May be processed as an Administrative Conditional Use.

Section 2.585.14.b (A-3 conditional use, zone list of allowable uses) is deleted in its entirety and replaced to read as follows:

Bed and breakfast, home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800), or inn.

Section 2.350.3 (C-2 outright use), is deleted in its entirety and replaced to read as follows:

3. Motel, hotel, bed and breakfast, inn, home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800), ~~or other tourist lodging facility~~ and associated uses except as follows:

a. Structures or portions of structures occupied as a residential dwelling unit after January 1, 2019 and/or originally constructed as a residential dwelling unit may not be used as a motel or hotel, except as noted in Section 2.350.3.b.

b. Structures or portions of structures originally constructed as a motel or hotel of greater than three units may be utilized as a motel and/or hotel regardless of current use as residential units.

(Annotate: City Council determined that buildings or portions of buildings constructed and used as residences should not be allowed to be used for vacation rental transient lodging as it would reduce the housing stock. If there is an existing non-conforming dwelling in the zone, it could have a B&B or HSL. The exceptions would only impact a few larger buildings such as the Waldorf Hotel, Astor Hotel, etc.)

Section 2.390.10 (C-3 outright use), is deleted in its entirety and replaced to read as follows:

10. Motel, hotel, bed and breakfast, inn, home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800), ~~or other tourist lodging facility~~ and associated uses except as follows:

a. Structures or portions of structures occupied as a residential dwelling unit after January 1, 2019 and/or originally constructed as a residential dwelling unit may not be used as a motel or hotel, except as noted in Section 2.390.10.b.

b. Structures or portions of structures originally constructed as a motel or hotel of greater than three units may be utilized as a motel and/or hotel regardless of current use as residential units.

(Annotate: City Council determined that buildings or portions of buildings constructed and used as residences should not be allowed to be used for vacation rental transient lodging as it would reduce the housing stock. If there is an existing non-conforming dwelling in the zone, it could have a B&B or HSL. The exceptions would only impact a few larger buildings such as the Waldorf Hotel, Astor Hotel, etc.)

Section 2.435.4 (C-4 conditional use), is deleted in its entirety and replaced to read as follows:

4. Motel, hotel, bed and breakfast, inn, [home stay lodging \(which satisfies requirements in City Code Sections 8.750 to 8.800\)](#), ~~or other tourist lodging facility~~ and associated uses [except as follows](#):
 - a. [Structures or portions of structures occupied as a residential dwelling unit after January 1, 2019 and/or originally constructed as a residential dwelling unit may not be used as a motel or hotel, except as noted in Section 2.435.4.b.](#)
 - b. [Structures or portions of structures originally constructed as a motel or hotel of greater than three units may be utilized as a motel and/or hotel regardless of current use as residential units.](#)

(Annotate: City Council determined that buildings or portions of buildings constructed and used as residences should not be allowed to be used for vacation rental transient lodging as it would reduce the housing stock. If there is an existing non-conforming dwelling in the zone, it could have a B&B or HSL. The exceptions would only impact a few larger buildings such as the Waldorf Hotel, Astor Hotel, etc.)

Section 2.894.2 (MH conditional use), is deleted in its entirety and replaced to read as follows:

2. Bed and breakfast, inn, [or home stay lodging \(which satisfies requirements in City Code Sections 8.750 to 8.800\)](#), ~~or other tourist lodging facility~~.

Section 14.132.1.b (A-4 conditional use, zone list of allowable uses) is deleted in its entirety and replaced to read as follows:

Bed and breakfast, home stay lodging [\(which satisfies requirements in City Code Sections 8.750 to 8.800\)](#), or inn.

Section 8.160.A.1 (signs in residential zones) is deleted in its entirety and replaced to read as follows:

Sites with 1 or 2 dwelling units in a building, Home Occupations, and [Home Stay Lodging](#).

Section 8.160.A.3 (signs in residential zones) is deleted in its entirety and replaced to read as follows:

Conditional Uses, except Home Stay Lodging, Bed and Breakfast, Inn, or Home Occupation.

Section 3.020.B.9 (Accessory Dwelling Unit) is deleted in its entirety and replaced to read as follows:

9. Home Stay Lodging.

Home Stay Lodging in conjunction with an Accessory Dwelling Unit may be allowed as follows:

- a. Home Stay Lodging (which satisfies requirements in City Code Sections 8.750 to 8.800) may be allowed on properties in conjunction with an Accessory Dwelling Unit as listed in the allowable uses within specific zones in compliance with Section 3.100 (Home Stay Lodging).

~~Homestay lodging is prohibited in accessory dwelling units created after May 17, 2017.~~

(Annotated: If owner lives in ADU and has a bedroom for HSL, it would be the same impact as if it were in the primary unit, just in different unit.)

(Annotated: each zone will list if HSL is allowed with an ADU and in 3.100.)

Section 3.100, Home Stay Lodging, is added to read as follows:

3.100. HOME STAY LODGING.

A. Purpose.

The City's purpose in regulating Home Stay Lodgings is to allow for economic use of underutilized bedrooms in dwellings; provide financial assistance to preserve both the housing stock and historic properties within the City; to ensure that Home Stay Lodging facilities are appropriately located; are compatible with surrounding allowed uses; are conducive to the public peace, health, safety, and welfare of the City; do not reduce the number of potential long-term housing units; and support tourism.

B. Standards

1. Primary Residence. Every Home Stay Lodging shall be located in the owner's primary residence.

2. Occupancy. The Home Stay Lodging shall be owner occupied while occupied by transients.

3. Location. Home Stay Lodgings may be allowable in conjunction with an Accessory Dwelling Unit as follows:

a. R-1 Zone: Home Stay Lodging shall not be allowed in conjunction with an Accessory Dwelling Unit.

b. R-2 Zone: Home Stay Lodging shall require an Administrative Conditional Use permit through the Community Development Department if located in conjunction with an Accessory Dwelling Unit.

c. R-3 Zone: Home Stay Lodging shall require an Administrative Conditional Use permit through the Community Development Department if located in conjunction with an Accessory Dwelling Unit.

(Annotated: ADU is an extra unit on a lot which is not sufficient for a duplex. To have both an ADU and an HSL would increase the impact to the neighborhood. CC determined that an HSL in R-2 or R-3 may be possible if the neighborhood development could accommodate it. While HSL is outright in the R-2 and R-3 Zone, if done on a site that has an ADU, then a CU would be required to provide the additional impact review.)

d. Home Stay Lodging facility shall not be allowed within an Accessory Dwelling Unit.

(Annotated: If owner lives in ADU and has a bedroom for HSL, it would be the same impact as if it were in the primary unit, just in a different unit. However, there could be other impacts that have not been researched yet, so it is recommended that the HSL shall be only in the primary unit at this time.)

4. No Kitchen. Home Stay Lodgings may not contain a kitchen.

5. Mobile vehicles. Home Stay Lodging shall not be located in motor homes, travel trailers, or other mobile vehicles.

Section 7.100, Off-Street Parking Space Requirements by Use, is deleted in its entirety and replaced to read as follows:

<u>Use Category</u>	<u>Minimum Parking per Land Use</u>
Bed and Breakfast, Inn	1 additional <u>off-street</u> space for each bedroom used for transient lodging plus <u>off-street</u> spaces required for <u>the dwelling and</u> associated uses such as assembly areas or restaurant.

Home Stay Lodging 1 additional off-street space for each bedroom used for transient lodging plus off-street spaces required for the dwelling.

(Annotate: This separated Home Stay Lodging from B&B as HSL cannot have the associated uses.)

Hotels, Motels, other transient lodging facilities not listed, and similar uses 1 space per guest room. See also, parking requirements for associated uses, such as restaurants, entertainment uses, drinking establishments, assembly facilities.

Section 11.020. Conditional Use, APPLICATION AND PROCEDURES, is deleted in its entirety and replaced to read as follows:

A. Procedures.

1. Application.

A request for a new, enlarged or otherwise altered development listed in the Development Code as a conditional use shall be made on forms provided by the Community Development Department. The Community Development Director shall specify what information is required for the application; additional information may be required where determined by the Director, and reviewed by the Astoria Planning Commission or Community Development Director.

2. Public Notice.

Public notice and procedures on applications shall be in accordance with the Administrative Procedures in Article 9 except as noted in Section 11.022.

B. Decision.

The Community Development Director and/or Planning Commission shall base their decision on whether the use complies with:

1. Applicable policies of the Comprehensive Plan.
2. Applicable aquatic and shoreland standards in Article 4.
3. For aquatic areas, whether the use or activity meets the resource capability and purpose of the zone in which it is proposed when such a determination is required in accordance with Article 5.
4. For aquatic uses, the findings of an Impact Assessment where required by Article 5.

5. Development standards of the applicable zone.
6. Basic conditional use standards of Section 11.030.
7. Appropriate conditional use standards of Section 11.130 to 11.170.

Section 11.022, Classification of Conditional Use Review, is added to read as follows:

11.022. CLASSIFICATION OF CONDITIONAL USE REVIEW.

Permits shall be processed and reviewed as a Type II or Type III permit in accordance with the procedures specified in Sections 9.020 to 9.030 as follows:

A. Type II Procedure (Administrative/Staff Review with Notice).

Type II includes minor conditional uses which are minimal uses and which will have little or no impact on adjacent property or users. Administrative approval by the Community Development Director of Type II conditional uses may be granted.

Type II conditional uses include:

1. Home Stay Lodging in conjunction with an Accessory Dwelling Unit.
2. Accessory Dwelling Unit in R-1 Zone.

(Annotated: HSL w/ an ADU is intended by City Code to be processed by the Community Development Director rather than the APC.)

B. Type III Procedure (Quasi-judicial with Public Hearing).

Type III includes conditional uses which are significant and are likely to create impacts on adjacent property or users. A Type III conditional use may be granted by the Planning Commission.

ORDINANCE NO. 19-_____

AN ORDINANCE AMENDING THE ASTORIA DEVELOPMENT CODE CONCERNING
TRANSIENT LODGING CITY WIDE.

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. Astoria Development Code Article 1, Basic Provisions, is amended as follows:

Section 1.400, Definitions, delete existing specific definitions in their entirety and replace to read as follows:

“BED AND BREAKFAST: Any transient lodging facility which contains between three (3) and seven (7) guest bedrooms, which is owner or manager occupied, and which ~~may~~ provide a morning meal. This includes any accommodation meeting these requirements including facilities known by their advertising and/or management platform names, or other such transient lodging identification.”

“HOME STAY LODGING: A transient lodging facility with no more than two (2) bedrooms available for transient rental, and which is owner occupied. This includes any accommodation meeting these requirements including facilities known by their advertising and/or management platform names, or other such transient lodging identification. Such facilities may or may not provide a morning meal. Rooms used by transient guests shall not include a kitchen. (Astoria City Code Section 8.755)

~~A transient lodging facility with no more than two (2) bedrooms available for transient rental, and which is owner occupied. Such facilities may or may not provide a morning meal.”~~

“HOTEL: A building in which lodging is provided for guests for compensation, which may also provide incidental services such as restaurants, meeting rooms, or recreational facilities subject to Development Code standards.”

“INN: A transient lodging facility with up to 11 guest bedrooms, which is owner or manager occupied, and which ~~may~~ provide a morning meal. Inns may conduct associated business activities on an occasional basis, such as wedding receptions, club meetings and luncheons, conferences, and reunions.”

“MOTEL: ~~Same as “Hotel”.~~ A building in which lodging is provided for guests for compensation and where the majority of rooms have direct access to the outside without the necessity of passing through the main lobby of the building.”

Section 1.400, Definitions, specific definitions are added to read as follows:

“KITCHEN: Room for preparation of food and includes a cooking stove or ability to heat food other than with a microwave oven.”

“OWNER OCCUPIED: Occupancy of a residence by an individual owner.”

“OWNER: For purposes of transient lodging codes, the term owner only includes individuals, holding fee simple title to property, the beneficiaries of a revocable living trust, or a purchaser under a recorded instrument of sale. This does not include corporations, limited liability companies or similar organizations, an authorized agent of the owner, or those holding easements, leaseholds, or purchasers of less than fee interest.”

“PRIMARY RESIDENCE: Dwelling maintained as the permanent residence of the owner for not less than six months of the year.”

“TIME SHARE: A dwelling unit that is occupied for other than permanent occupancy by one family and whose ownership is divided into periods of time under an arrangement, plan, scheme, or device, whether by membership, agreement, share, tenancy in common, sale, lease, deed, rental agreement, license, right to use agreement, or otherwise, where a purchaser, in exchange for consideration, receives a right to use the dwelling unit for a period of time less than a full year during any given year. Use of the dwelling for less than a 30-day period by one family shall be classified as “transient lodging” and the same as a “hotel” or “motel”.

“TOURIST LODGING FACILITY: See “Transient Lodging Facility”.

“TRANSIENT: A transient includes any person entitled to occupy a residence for less than 30 consecutive calendar days. The day a transient guest checks out shall not be included in determining the 30-day period if the transient is not charged rent for that day by the operator. A person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a transient.”

“TRANSIENT LODGING FACILITY: Any structure or portion of any structure which is occupied or intended or designed for transient occupancy for 30 days or less for dwelling, lodging, or sleeping purposes, and includes any hotel, motel, inn, condominium, tourist home or house, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity, sorority, public or private club, bed and breakfast establishment, home stay lodging, vacation rental, or other such transient lodging facility known by their advertising and/or management platform names. Transient Lodging Facility also means space in mobile home or trailer parks, or similar structure of space or portions thereof so occupied, provided such occupancy is for less than a 30-day period.”

“VACATION RENTAL: A transient lodging facility available for transient rental, and which is not occupied by an owner or manager at the same time as the guests. This includes any accommodation meeting these requirements including facilities known by their advertising and/or management platform names, or other such transient lodging identification. For the purposes of this Code, a Vacation Rental is classified the same as a “hotel” or “motel”.

Section 2. Astoria Development Code Article 2, Use Zones, is amended as follows:

Section 2.025.8, Conditional Uses Permitted in R-1 Zone, is deleted in its entirety and replaced to read as follows:

- “8. Home Stay Lodging, which satisfies requirements in City Code Sections 8.750 to 8.800.”

Section 2.065.6, Uses Permitted Outright in R-2 Zone, is deleted in its entirety and replaced to read as follows:

- “6. Home Stay Lodging, which satisfies requirements in City Code Sections 8.750 to 8.800.”

Section 2.070.13, Conditional Uses Permitted in R-2 Zone is added to read as follows:

- “13. Home Stay Lodging in conjunction with an Accessory Dwelling Unit, which satisfies requirements in City Code Sections 8.750 to 8.800. May be processed as an Administrative Conditional Use.”

Section 2.155.7, Uses Permitted Outright in R-3 Zone, is deleted in its entirety and replaced to read as follows:

- “7. Home Stay Lodging, which satisfies requirements in City Code Sections 8.750 to 8.800.”

Section 2.160.12, Conditional Uses Permitted in R-3 Zone, is added to read as follows:

- “12. Home Stay Lodging in conjunction with an Accessory Dwelling Unit, which satisfies requirements in City Code Sections 8.750 to 8.800. May be processed as an Administrative Conditional Use.”

Section 2.350.3, Uses Permitted Outright in the C-2 Zone, is deleted in its entirety and replaced to read as follows:

- “3. Motel, hotel, bed and breakfast, inn, home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800), ~~or other tourist lodging facility~~ and associated uses except as follows:
- a. Structures or portions of structures occupied as a residential dwelling unit after January 1, 2019 and/or originally constructed as a residential dwelling unit may not be used as a motel or hotel, except as noted in Section 2.350.3.b.
- b. Structures or portions of structures originally constructed as a motel or hotel of greater than three units may be utilized as a motel and/or hotel regardless of current use as residential units.”

Section 2.390.10, Uses Permitted Outright in the C-3 Zone, is deleted in its entirety and replaced to read as follows:

“10. Motel, hotel, bed and breakfast, inn, home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800), ~~or other tourist lodging facility~~ and associated uses except as follows:

a. Structures or portions of structures occupied as a residential dwelling unit after January 1, 2019 and/or originally constructed as a residential dwelling unit may not be used as a motel or hotel, except as noted in Section 2.390.10.b.

b. Structures or portions of structures originally constructed as a motel or hotel of greater than three units may be utilized as a motel and/or hotel regardless of current use as residential units.”

Section 2.435.4, Conditional Uses Permitted in C-4 Zone, is deleted in its entirety and replaced to read as follows:

“4. Motel, hotel, bed and breakfast, inn, home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800), ~~or other tourist lodging facility~~ and associated uses except as follows:

a. Structures or portions of structures occupied as a residential dwelling unit after January 1, 2019 and/or originally constructed as a residential dwelling unit may not be used as a motel or hotel, except as noted in Section 2.435.4.b.

b. Structures or portions of structures originally constructed as a motel or hotel of greater than three units may be utilized as a motel and/or hotel regardless of current use as residential units.”

Section 2.585.14.b, Conditional Uses Permitted in A-3 Zone, is deleted in its entirety and replaced to read as follows:

“b. Bed and breakfast, home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800), or inn.”

Section 2.894.2, Conditional Uses Permitted in MH Zone, is deleted in its entirety and replaced to read as follows:

“2. Bed and breakfast, inn, or home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800), ~~or other tourist lodging facility.”~~

Section 3. Astoria Development Code Article 3, Additional Land Use and Development Standards, is amended as follows:

Section 3.020.B.9, Accessory Dwelling Unit, Standards, is deleted in its entirety and replaced to read as follows:

“9. Home Stay Lodging.

Home Stay Lodging in conjunction with an Accessory Dwelling Unit may be allowed as follows:

- a. Home Stay Lodging (which satisfies requirements in City Code Sections 8.750 to 8.800) may be allowed on properties in conjunction with an Accessory Dwelling Unit as listed in the allowable uses within specific zones in compliance with Section 3.100 (Home Stay Lodging).

~~Homestay lodging is prohibited in accessory dwelling units created after May 17, 2017.”~~

Section 3.100, Home Stay Lodging, is added to read as follows:

“3.100. HOME STAY LODGING.

A. Purpose.

The City’s purpose in regulating Home Stay Lodgings is to allow for economic use of underutilized bedrooms in dwellings; provide financial assistance to preserve both the housing stock and historic properties within the City; to ensure that Home Stay Lodging facilities are appropriately located; are compatible with surrounding allowed uses; are conducive to the public peace, health, safety, and welfare of the City; do not reduce the number of potential long-term housing units; and support tourism.

B. Standards

1. Primary Residence. Every Home Stay Lodging shall be located in the owner’s primary residence.
2. Occupancy. The Home Stay Lodging shall be owner occupied while occupied by transients.
3. Location. Home Stay Lodgings may be allowable in conjunction with an Accessory Dwelling Unit as follows:

- a. R-1 Zone: Home Stay Lodging shall not be allowed in conjunction with an Accessory Dwelling Unit.

- b. R-2 Zone: Home Stay Lodging shall require an Administrative Conditional Use permit through the Community Development Department if located in conjunction with an Accessory Dwelling Unit.

c. R-3 Zone: Home Stay Lodging shall require an Administrative Conditional Use permit through the Community Development Department if located in conjunction with an Accessory Dwelling Unit.

d. Home Stay Lodging facility shall not be allowed within an Accessory Dwelling Unit.

4. No Kitchen. Home Stay Lodgings may not contain a kitchen.

5. Mobile vehicles. Home Stay Lodging shall not be located in motor homes, travel trailers, or other mobile vehicles.

Section 4. Astoria Development Code Article 7, Parking, is amended as follows:

Section 7.100, Off-Street Parking Space Requirements by Use, is deleted in its entirety and replaced to read as follows:

<u>"Use Category</u>	<u>Minimum Parking per Land Use</u>
Bed and Breakfast, Inn	1 additional <u>off-street</u> space for each bedroom used for transient lodging plus <u>off-street</u> spaces required for <u>the dwelling and</u> associated uses such as assembly areas or restaurant.
Home Stay Lodging	1 additional <u>off-street</u> space for each bedroom used for transient lodging plus <u>off-street</u> spaces required <u>for the dwelling.</u>
Hotels, Motels, <u>other transient lodging facilities not listed,</u> and similar uses	1 space per guest room. See also, parking requirements for associated uses, such as restaurants, entertainment uses, drinking establishments, assembly facilities."

Section 5. Astoria Development Code Article 8, Signs, is amended as follows:

Section 8.160.A.1, Sign Regulations in Residential Zones, Permanent Signs is deleted in its entirety and replaced to read as follows:

"1. Sites with 1 or 2 dwelling units in a building, Home Occupations, and Home Stay Lodging."

Section 8.160.A.3, Sign Regulations in Residential Zones, Permanent Signs is deleted in its entirety and replaced to read as follows:

"3. Conditional Uses, except Home Stay Lodging, Bed and Breakfast, Inn, or Home Occupation."

Section 6. Astoria Development Code Article 11, Conditional Uses, is amended as follows:

Section 11.020, Conditional Use, Application and Procedures, is deleted in its entirety and replaced to read as follows:

“A. Procedures.

1. Application.

A request for a new, enlarged or otherwise altered development listed in the Development Code as a conditional use shall be made on forms provided by the Community Development Department. The Community Development Director shall specify what information is required for the application; additional information may be required where determined by the Director, and reviewed by the Astoria Planning Commission or Community Development Director.

2. Public Notice.

Public notice and procedures on applications shall be in accordance with the Administrative Procedures in Article 9 except as noted in Section 11.022.

B. Decision.

The Community Development Director and/or Planning Commission shall base their decision on whether the use complies with:

1. Applicable policies of the Comprehensive Plan.
2. Applicable aquatic and shoreland standards in Article 4.
3. For aquatic areas, whether the use or activity meets the resource capability and purpose of the zone in which it is proposed when such a determination is required in accordance with Article 5.
4. For aquatic uses, the findings of an Impact Assessment where required by Article 5.
5. Development standards of the applicable zone.
6. Basic conditional use standards of Section 11.030.
7. Appropriate conditional use standards of Section 11.130 to 11.170.”

Section 11.022, Classification of Conditional Use Review, is added to read as follows:

“11.022. CLASSIFICATION OF CONDITIONAL USE REVIEW.

Permits shall be processed and reviewed as a Type II or Type III permit in accordance with the procedures specified in Sections 9.020 to 9.030 as follows:

A. Type II Procedure (Administrative/Staff Review with Notice).

Type II includes minor conditional uses which are minimal uses and which will have little or no impact on adjacent property or users. Administrative approval by the Community Development Director of Type II conditional uses may be granted.

Type II conditional uses include:

1. Home Stay Lodging in conjunction with an Accessory Dwelling Unit.

2. Accessory Dwelling Unit in R-1 Zone.

B. Type III Procedure (Quasi-judicial with Public Hearing).

Type III includes conditional uses which are significant and are likely to create impacts on adjacent property or users. A Type III conditional use may be granted by the Planning Commission.”

Section 7. Astoria Development Code Article 14, Overlay Zones, is amended as follows:

Section 14.132.1.b, Conditional Uses Permitted in A-4 Zone, is deleted in its entirety and replaced to read as follows:

“b. Bed and breakfast, home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800), or inn.”

Section 8. Effective Date. This ordinance and its amendment will be effective 30 days following its adoption and enactment by the City Council.

ADOPTED BY THE COMMON COUNCIL THIS ____ DAY OF _____, 2019.

APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2019.

ATTEST:

Mayor

Brett Estes, City Manager

ROLL CALL ON ADOPTION:		YEA	NAY	ABSENT
Commissioner	Rocka Brownson Herman West			
Mayor Jones				



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

MEMORANDUM • PUBLIC WORKS DEPARTMENT

DATE: JUNE 12, 2019
TO: MAYOR AND CITY COUNCIL
FROM: BRETT ESTES, CITY MANAGER
SUBJECT: ADOPTION OF 2019-20 WATER AND SEWER RESOLUTIONS

DISCUSSION/ANALYSIS

The Public Works Fund budget, approved by the Budget Committee on April 25, 2019 and adopted by the City Council on June 3, 2019 provides for increases in rates and fees for water and sewer services.

The rate adjustments are as follows:

- WATER RATES – increase of 1%
- SEWER RATES – increase of 1%
- SEWER SURCHARGE – no change

Two resolutions, Water and Sewer (see attached), have been prepared to implement Fiscal Year 2019-2020 Water & Sewer Rules and Regulations. In addition to the rate adjustments, the following modifications will be made:

As a housekeeping measure, Water Resolution – Section 4.06 Commercial Adjustment was amended to add clauses sunsetting the adjustment and allowing the one existing user to be grandfathered into the adjustment.

RECOMMENDATION

It is recommended that City Council adopt the proposed Water and Sewer Resolutions for the fiscal year 2019-20. Two separate motions with two separate votes will be required as the water rate increase is included in one resolution and the sewer rate increase is included on the second.

By: Jeff Harrington
Jeff Harrington, Public Works Director

RESOLUTION NO. 19 -

A RESOLUTION ESTABLISHING RULES, REGULATIONS, RATE CHARGES AND CONDITIONS FOR WATER SERVICE

WHEREAS, the City of Astoria provides a valuable public service by providing a waterworks and water distribution system inside and outside of the City limits. These water facilities constitute a public utility owned and operated by the City of Astoria. The utility exists for the benefit of persons within the city who want to have the system available for supplying domestic, commercial, industrial, fire protection, public or other water service. Although owned by and operated primarily for the citizens of Astoria, the system provides water as available to water districts and customers outside the Astoria City limits.

WHEREAS, users of the water system must be charged rates that reflect costs of ownership and the operation of the water system as a public utility in the city. Property owners who do not use the water utility generally should not pay utility rates. However, some use of the water system occurs when the water service to improved property is sized to provide water for fire suppression on the property, even though no water is being consumed by such service.

WHEREAS, the rate structure of the water utility should be based upon a fee for service consistent with the above findings. Although this rate structure is intended to constitute a service charge, even if it is viewed as a charge against property or against a property owner as a direct consequence of ownership of that property, the utility's rate structure should nonetheless, endeavor to allow the owner the ability to control the amount of the charge. Similarly, the utility's rate structure should reflect the full actual direct and indirect costs of providing the service.

WHEREAS, under sections 3.025 and 3.100 of the Astoria Code, the City Manager is authorized to enforce water rules and regulations and the City Council hereby approves these rules and regulations and sets rates.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASTORIA, THAT THE FOLLOWING RULES AND REGULATIONS SHALL BECOME EFFECTIVE UPON PASSAGE.

Section 1.01. Definitions

1. Access/Demand Charge: Means the charge made to each user to cover direct and indirect costs attributable to sizing and maintenance of the water system so that water is available for a customer's requirements upon demand.
2. After Hours: Means any time other than that covered by "normal working hours" in the definitions section.
3. Applicant: Means any person, corporation, association or agency applying for water service as defined below under Property Owner or Non Owner Applicant.
4. Auxiliary Water Supply: Means any supply of water used to augment the supply obtained from the City water system which serves the premises in question.
5. Backflow Prevention Assembly: Means a backflow prevention assembly such as a Pressure Vacuum Breaker Backsiphonage Prevention Assembly, Spill-Resistant Pressure Vacuum Breaker Backsiphonage Prevention Assembly, Double Check Valve Backflow Prevention Assembly, Double Check-Detector Backflow Prevention Assembly, Reduced Pressure

Principle Backflow Prevention Assembly, or Reduced Pressure Principle-Detector Backflow Prevention Assembly and the attached shutoff valves on the inlet out outlet end of the assembly, assembled as a complete unit, and a model approved by the Oregon department of Human services.

6. City: Means the City of Astoria, its staff and/or designee (authorized representative).
7. City Service Line: Means any pipe and fittings which connect a water main to a water meter or "customer service line".
8. Cross-Connection: Means any actual or potential unprotected connection or structural arrangement between the public or user's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substances other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel, or change-over devices, and other temporary or permanent devices through which, or because of which, backflow can occur are considered to be cross connections.
9. Customer: Means a person, corporation, association or agency that has requested and is receiving water service.
10. Customer Service Line: Means any pipe, valves, and fittings leading from the water meter or "City service line" into the premises served or the point of ultimate use.
11. Fire Service: Means service installed for the specific purpose of fire protection (hose connection or sprinklers).
12. Water Supply Fixture Unit (WSFU): A unit of measure for the probable demand on a water supply by a particular type of plumbing fixture. The value depends on the volume of water supplied, the duration of a single use, and the number of uses per unit time.
13. Multiple Service Connection: Means a property with a single meter water service serving multiple customers.
14. Normal Working Hours: Means any normal workday (Monday – Friday except holidays) between the hours of 8:00 A.M. and 4:00 P.M.
15. Property Owner: Means an individual or organization that has legal ownership as evidenced by a deed filed with the County for the service address. It is understood that any individual or organization that is listed on the deed (no matter the percentage ownership) is authorized to conduct business for the service address and to incur charges accordingly.
16. Service: Means that combined facility made up of both a "City service line" and a "customer service line".
17. Single Service Connection: Means a property with a water service serving a single customer.
18. Tenant: A person, including a vendee under a land sales agreement, lawfully occupying a property to which utility services are provided pursuant to an agreement with the owner.
19. User: Means any person, corporation, association, or other entity using water through an established service line.

20. Water Main: Means any pipe owned by the City of Astoria laid in a street, alley or easement, and used or intended to be used for the distribution of water to customers through service lines.
21. Water Meter: Means any device used for the measurement of water delivered to an individual location or user (service).
22. Water System: Means the water supply source including treatment facilities, storage and distribution facilities under the City's control, and ending at the point of delivery to the water user's premise.

Section 1.02. Application for Water Service

1. An application for the installation of a new meter service shall be made to the Engineering Division. The applicant must be a Property Owner as defined. Upon completion of the new meter application process and prior to the physical installation of the meter, the applicant shall apply for water service with the Finance Department as outlined in the steps below.
2. An application for an existing water service shall be made to the Finance Department in person. All applicants must provide acceptable photo identification sufficient to meet the guidelines of the City's Identity Theft Protection Program.
3. An applicant shall state fully and truly all the purposes for which the water may be required and shall agree, as a condition for such use, to conform to the provision of the Astoria Code and the rules and regulations of the City concerning water use.
4. If the applicant has outstanding unpaid amounts from a previous utility service with the City, those balances must be paid in full to either the City or it's assigned collection agent if applicable prior to the granting of service.
5. If the applicant is the Property Owner for which service is to be provided, they shall provide sufficient proof of ownership. Possible sources of proof can be a property deed, property tax statement, escrow documents or other documentation as agreed to by the Finance Director.
6. If the applicant is a Tenant, the Property Owner shall complete an Application for Non Owner Utility Service form as provided by the City. This form must be signed by the Property Owner for each new Tenant for service.
7. In the event that the City is unable to grant service to a Tenant, the property owner can agree to accept direct billing for the service in-lieu of the Tenant's application.

Section 1.02. Property Owner Responsibility

The Property Owner shall be considered ultimately responsible for service charges incurred on their property whether incurred directly or indirectly through a Tenant.

1. For Single Service Connections only, the Property Owner can choose at the time of application to be billed directly for service or for the bill to be directed to a Tenant.
2. For Multiple Service Connections, the Property Owner will be billed directly for all service provided

3. Charges incurred shall include routine charges for service, past due amounts and late shutoff and turn on fees as well as other reasonable charges that may occur as determined by the Finance Director.
4. The City shall notify the Property Owner in writing, at the last known address of the Property Owner, at the time of initial notification of an unpaid bill to the Tenant.
5. Once a water service is discontinued for nonpayment, the service will not be reconnected until all outstanding amounts for the service address have satisfied and in the case of a Tenant, the account will be switched over into the Property Owners name until the account is brought current.
6. In the event that a service has unpaid balances from either a Property Owner or a Tenant, no new Tenant applications will be considered for that service and the account will remain in the Property Owners name until such time as the account is brought current. Upon the account being brought current, the account can be switched into the Tenant's name upon the completion of the application process.
7. By accepting service, the Property Owner is granting consent for the City to lien the service property in the event that a billing remains unpaid for greater than 60 days from the date of the original due date.

Section 1.03. Deposit for Water Service

The City can require a deposit in the amount of \$150 to be paid prior to granting water service. The determination for a deposit requirement shall be made on the following:

1. An account in good standing is defined as an account that has had no more than 2 late payments in the 12 months of prior service. A late payment is defined as the sending out of a late notice commonly referred to as a Gold Notice. Any shutoffs in the previous 12 months of prior service will cause an account to be considered to not be in good standing.
2. If the applicant has had a previous utility service with the City within the previous 24 months, and the applicant maintained an account in good standing, then the deposit will be waived.
3. If the applicant can provide either a letter of good standing or an account history from a previous municipality showing/demonstrating an account in good standing, then the deposit will be waived.
4. An applicant with an outstanding balance owed to the City from a previous service will not be considered to be an account in good standing.
5. For the purposes of this section, married individuals will be considered to be one applicant with consideration of the deposit requirements applied to both jointly.
6. Upon 12 months of an account being in good standing, the deposit will automatically be applied to the following billing cycle. When an account is closed with an outstanding deposit, the deposit will be applied to the final balance.
7. The Tenant agrees that in the event that the account is unpaid and is charged against the Property Owner, the City can apply their deposit against the outstanding balance in partial or full satisfaction of the outstanding amount.
8. When an account is in arrears, the deposit cannot be used to bring the account current.

Section 1.04. Closing a Service

An account can be closed over the phone if the individual is able to properly identify themselves as the applicant. Otherwise the applicant must come in to the Finance Department in person to close the account.

Regulations of Service Facilities

Section 2.01. Customer Service Line

1. Customer service lines used from the meter to the property line and within the bounds of the premises shall meet the standards of the current edition of the Oregon Plumbing Specialty Code. Pipe used between the main and the meter is installed and maintained by the City, except where the meter is located at a distance from the main further than the street property line, in which event special arrangements shall be made by the owner, lessee or agent of the premises to pay for the cost of the extra length of line.
2. If pressure reducers or devices which restrict backflow are installed on a customer's service line, they shall be the owner's responsibility and meet the standards of the current edition of the Oregon Plumbing Specialty Code.
3. Customer service lines between the main and the wall of the building shall be laid not less than two feet below the grade of the street and the surface of the ground.

Section 2.02. Unlawful Water Connections

1. No person may connect to or disconnect from the City water system unless previously authorized by the City.
2. A customer shall obtain permission from the City before a customer service line is connected to a water meter. Such work shall be performed at the expense of the owner, lessee or agent of the premises. All water rates and charges owed by the applicant shall be paid in full before permission to connect with the City water system is granted.

Section 2.03. Water Service

1. Water service, including a meter of suitable size, shall be furnished by the City upon application to the Finance Department and the Engineering Division for new installation and prepayment of the charge or estimate therefor. The City shall furnish all labor and materials necessary for construction of service to the customer's property line, including meter adapter for customer's service line. The fee to be charged for a water service where the main is within 50 feet of the meter location shall be as given in the Fee Schedule, Section 5.01
2. The City maintains City service lines within the City limits, from the main to and including the water meter without further cost to the property owner. Maintenance of the customer service line beyond the water meter is the sole responsibility of the customer.
3. The access/demand charges are based on water meter size as determined by the total Water Supply Fixture Units (WSFU) per the Uniform Plumbing Code and on the volume of water required to be available as standby service. New water meter size shall not be less than indicated in Appendix A based on total WSFUs. Alternative sizes designed and

specified by a Professional Engineer or Architect and specifically reviewed and approved by the City Engineer will be considered.

4. Temporary suspension of service (for periods of less than 12 months) will be provided upon request at no fee. Reinstatement of service will be subject to a reinstatement fee as provided in Section 5.01. Fees and Rates

Section 2.04. Repair and Protection of Service Lines

All customer service lines shall be kept in repair and protected from freezing at the expense of the owner, lessee, or agent of the premises, who is responsible for all damages resulting from leaks or breaks.

The customer shall be liable for any damage to a meter or other equipment or property owned by the City which is caused by an act of the customer or the customer's agents. Such damage includes breaking or destruction of locks on or near a meter, and any damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The City shall be reimbursed by the customer for any such damage promptly upon presentation of a bill.

Section 2.05. Service Disconnection

Temporary disconnection for repairs – Water will be turned off and on without charge during “normal working hours” for customer originated system or equipment repairs or replacements, which are scheduled with the City. Temporary disconnection outside normal working hours shall be subject to fees as prescribed in Section 5.01.

Section 2.06. Separate Control of Service

When more than one residence or premises is connected to one water meter, customer service lines shall be arranged so that the supply to each separate residence or premises may be controlled by a separate valve.

Section 2.07. Joint Use (Inside or Outside the City)

Where water is supplied through one service line to more than one user, the City may decline to furnish water until separate customer service lines are provided. The charge for water consumed shall be based on the access/demand charge and the amount of water use (see Fee Schedule, Section 5.01. for amount.) Meter size will be determined by the total Water Supply Fixture Units (WSFU) as established by the Uniform Plumbing Code and City Engineer (See Appendix A).

Section 2.08. Shut Off Due to Waste

Water shall not be knowingly furnished to premises where there is a defective or leaking faucet, closet, or other fixture, or where there is a water closet or urinal without self-closing valves, or a tank without a self-acting flap valve. When there is a defective or leaking fixture or when there is no shut off device, and the customer fails to take prompt corrective action, the City may at its option, secure the water service.

Section 2.09. Interruption of Service

1. While the City will endeavor to provide advance notice of scheduled service interruption, water may be turned off at the mains without notice for emergency repair or other necessary

purposes. The City will not assume responsibility for any damages as a consequence of interruption in service.

2. Water for steam boilers shall not be furnished by direct pressure from the City mains
3. Any damage to the City water system or service line as a result of faulty customer equipment or backflow shall be the responsibility of the customer or user.

Section 2.10. Access to Premises for Inspection

Persons designated by the City may inspect, at reasonable hours of the day, all parts of any building or premises to which water is delivered from the City mains to determine the condition of the pipes and fixtures and the manner in which the water is being used.

Section 2.11. Service Outside the City

The City may furnish water to a user or water district outside the City limits, if such service does not adversely affect the City supply, and shall charge the water rates as specified below in Section 5.01 (4). Such water shall be furnished based upon the conditions set forth in a contract to be made in each case of water being supplied outside the City. As a practice, the City will not accept new applications for users outside the City limits.

Section 2.12. Fire Hydrants – Fire Service Lines

1. No person may cut, change, remove, disconnect, repair, interfere or tamper in any manner with a fire hydrant owned by the City. Permits may be issued for the temporary connection to and operation of fire hydrants for construction sites and other approved uses. Contact Public Works Operations at (503) 325-3524 for more information.
2. Any person obtaining a permit for use of a fire hydrant shall pay a fee for such permit in addition to metered usage as listed in the Fee Schedule, Section 5.01.
3. "Fire Service lines" may be installed at the expense of the user-owner. No use or connection other than fire protection is permitted on "fire service lines". If any connection or use other than fire protection is discovered, the entire service will be disconnected and the appropriate insurance company notified. No further service shall be permitted until necessary correction measures are performed and approved by the City.

Section 2.13. Cross Connection Prohibited

Cross-connections shall be prohibited, and protection must be provided against such cross-connection, as specified in Oregon Administrative Rules (OAR), Chapter 333.

Approved backflow prevention devices for protecting community water systems shall be installed on the service connection to premises where there is an auxiliary water supply, or premises listed in Appendix B, which is or can be connected to the water piping.

No person shall connect, unless an approved backflow prevention device is used, any pump or other apparatus to any water main or service connection connected to the City of Astoria water system which is capable of introducing any foreign liquid or material into said system.

The City must comply with cross-connection control requirements set forth in the Oregon Administrative Rules, Chapter 333, "Drinking Water". All approved backflow prevention devices

installed must be tested annually, in an approved manner by an Oregon Certified Tester to assure proper operation.

The City requires that all backflow assemblies installed on fire protection services be tested annually as provided for in OAR, Chapter 333.

In the event of the following conditions, the City's Public Works Director or his agent has the authority to discontinue water service to said premises until condition(s) is remedied:

- (a) Failure to remove or eliminate an existing unprotected or potential cross connection
- (b) Failure to install a required approved backflow prevention assembly
- (c) Failure to maintain an approved backflow prevention assembly
- (d) Failure to conduct the required testing of an approved backflow prevention assembly

If water service is discontinued due to one or more of the above conditions, a turn-on fee as outlined in Section 4.02. will be required to resume service.

Water Meters

Section 3.01. Requirements

No person may use City water, except through an approved water meter. If a water meter fails to register accurately, as determined by City staff, charges for water shall be based upon the average quantity of water used daily as shown by the water meter when in order.

Section 3.02. Changes

Unless authorized by the City, no person may cut, change, remove, disconnect, connect, repair, interfere, meddle or tamper in any manner with any installed water meter.

Section 3.03. Accessibility

The occupant of a building or premises where a water meter is located shall keep the water meter free from obstructions and accessible at all reasonable times for reading, inspecting, or repairing.

Section 3.04. Water Meter Checks

Water meter checks requested by the user shall be provided as work schedules permit.

Enforcement Provisions

Section 4.01. Water Turn Off

If a customer fails to comply with rules, regulations, or conditions described herein or otherwise established for the use of water, or fails to pay charges for water service in the time and manner provided, the water supply may be turned off and administrative charges applied to cover the City's costs.

Section 4.02. Turn On Fee

When activation of a new or existing service is requested, during and after normal working hours, a fee must be paid, as indicated in the Fee Schedule, Section 5.01.

Section 4.03. Penalty for Delinquent Payment

All water bills are due and payable upon receipt of the bill. If a water bill is not paid by the fifteenth (15th) day of the month following the month of billing, the account shall be considered delinquent.

1. When deemed delinquent, the account holder will be notified by mail (Gold Card) of the delinquency. A fee of \$10.25 and one percent (1%) of the current bill will be applied to cover the administrative costs of processing the notice and administering the delinquency.
2. If an account remains delinquent more than 7 days past the due date and after being notified by mail (Gold Card), a hand-delivered final notice of delinquency (Green Card) will be issued and hung at the premises of the meter location. A fee of \$19.41 will be applied to cover the costs of delivery and processing of the Green Card.
3. If an account remains delinquent more than 5 days after delivery of a final notice (Green Card) the service will be turned off. Fees and charges as specified in Section 5.01 will be applied for turning off, turning on and processing the termination of service. All charges, fees and past due amounts must be paid in full before service is resumed.

Section 4.04. City May Restrict Use of Water

If a shortage of water exists, the City may elect to impose restrictions on the use of water as determined by the City Council or City Manager.

Section 4.05. Irrigation Adjustment

1. All properties in the City of Astoria that have at least 500 square feet of space used for lawn and/or green area are hereby given the privilege (option) of using City water for the purpose of irrigation. As meters are read on a two-month cycle, the adjustment will be calculated according to the following schedule:
 - a. Meter Reading Cycle 01
April/May billed in June
June/July billed in August
August/September billed in October
 - b. Meter Reading Cycle 02
May/June billed in July
July/August billed in September
September/October billed in November
2. An application may be made to the City Utility Clerk to receive this irrigation adjustment. Once an application is accepted by the Finance Department, it will remain in effect until either the property owner requests to have the adjustment removed or the account is closed.
3. The charge for irrigation water used shall be the same as other water; however, there will be no sewer fee charged for the water used for irrigation.
4. Such Water to be used for irrigation purposes shall be determined in the following manner: An average shall be taken of the amount of water used by the premises during the three bi-monthly periods preceding the irrigation period. Any water used during the irrigation period

in excess of this average shall not be assessed a sewer fee.

Section 4.06. Commercial Adjustment

Per Resolution 95-10, application may be made to the City of Astoria for a Commercial or Industrial Business rate adjustment based on the following criteria:

1. The bi-monthly consumption must be greater than 150,000 gallons each period and
2. The account operators must make application to the City, on forms supplied by the City, for relief, and
3. The account operators or businesses must have a current City business license stating the number of employees, and
4. The water must be consumed for or used in an industrial process (other than for personnel or personal use) for the business or industry, and
5. Consideration will be given only to the consumption in excess of 150,000 gallons for each bi-month period

Relief will be allowed on the following basis:

6. Water charges will be reduced by 10,000 gallons per billing period, per employee, on the amount in excess of 150,000 gallons.
7. The amount of relief will be credited to the business.

Expiration of Commercial Adjustment Provision

8. The City will not accept applications for Commercial or Industrial Business Rate Adjustments after the date of this resolution. The Commercial Adjustment program will be discontinued as of the date of this resolution other than as stated in subsection (9)

City will Honor Preapproved Commercial or Industrial Business Rate Adjustments

9. The City will honor any approved Commercial or Industrial Business Rate adjustment for which the City received a complete application prior to the date of this resolution. The City reserves the right to abolish any existing Adjustment at a later date.

Fees

Section 5.01. Fees and Rates for Water Service

1. City Council, by this resolution, sets the fees and rates for water service and related activities as described in this resolution in accordance with the following requirements.
 - a. Water service rates shall be based on the combination of a demand charge on open customer accounts plus a consumption charge for the volume of water consumed.
 - b. Water Service Revenues may also be used for payment or repayment of indebtedness incurred for capital improvements to the water system. Rates may be adjusted for this purpose system-wide or with reference to specifically benefited properties. Rates shall be reviewed by the Finance Director during each fiscal year.
 - c. Account fees, administrative fees, and charges for other water service activities, including service connection charges, shall be based on direct and indirect costs to the utility providing the service.

2. The access/demand charge is based on meter size as determined by the total Water Supply Fixture Units (WSFU) assigned to each service. This charge represents the proportionate share of cost each service requires to build and maintain the water system. The total WSFU shall be used to determine meter size and access/demand charges.
The City supports and encourages the installation of residential fire sprinkler systems that provide significant protection and greatly reduces the potential for major property damage from residential fires. Therefore, a special access/demand charge category has been created for residential fire sprinkler installations.
3. All water customers connected to the City water system shall pay an access/demand charge for each two-month billing period as follows, effective July 1, 2019:

Water Meter Size	Base Charge / Bill Period
5/8" x 3/4"	\$37.58
1" Residential Sprinkler	\$40.68
1"	\$113.10
1.5"	\$261.07
2"	\$426.92
3"	\$945.38
4"	\$1,710.98
6"	\$3,797.26
8"	\$6,504.86
10"	\$10,024.21

In Addition to the above base charge, each customer shall pay the following additional consumption charge based upon the amount of water consumed by each customer per each billing period: \$4.03 per 1,000 gallons, effective July 1, 2019.

4. Charges – Outside City. All users and Water Districts outside Astoria City Limits shall be charged as listed in Section 5.01 (1) and (2), and an additional ten percent (10%) for providing out-of-city service.
5. Service Installation (City service line and meter charges are as follows):

5/8" x 3/4" City Service Line and Water Meter	\$2,621.56
1" City Service Line and Water Meter	\$2,892.03
1" Residential Sprinkler Service and Meter	\$2,892.03

An advance deposit for the estimated cost for labor, materials and administration will be required prior to installation of meters greater than 1" in size, or meters that are more than 50 feet from the water main.

Meter Reduction Fee: When a customer requests a reduction in meter size from 1" to a 5/8" x 3/4", a \$156.05 service fee will be charged. Reduction fees for any other size meter will be determined by an estimate prepared by Public Works Operations staff.

New Developments: When a developer's contractor installs water mains, service lines and vaults or meter boxes, a meter installation fee will be assessed rather than the service installation charge. This fee pays for meter installation and administrative expenses associated with new meters, including plan review, inspection, mapping and account setup. Meter Installation Fees are as follows:

5/8" X 3/4"	\$380.79
1"	\$481.85
1 1/2" & Larger	\$776.21

The Public Works Department will provide a cost estimate for supply and installation of meters larger than 1". All meters 3" or larger require the installation of a bypass line in accordance with City standards. If meter box and service line is not constructed in accordance with City standards, the City will not install the meter until corrections are made, or, will assess additional charges for work necessary to bring the installation to City standards.

In the event the Public Works Operations Division work schedule conflicts with a customer's water service installation schedule, the customer, at their cost, may hire a prequalified (as determined by the City Engineer) contractor to perform the installation. Work to install said improvements shall be allowed upon issuance of a permit by the City, which obligates permittee to construct improvements which meet all City requirements and specifications. Improvements shall be inspected by the City Engineer and his designated representative before backfilled and accepted. A cost estimate will be prepared by the Public Works Department that will include anticipated costs for inspection or assistance by Public Works personnel. The estimated cost for the City's participation will be paid prior to a permit being issued. An adjustment will be made for actual costs incurred after the work is accepted by the City.

6. Other Fees

Fire hydrant permit	\$24.90	For first day, \$10.99 for each additional day for the first five days, plus metered water. For longer term projects, the hydrant meter permit fee is \$1.45 per day after the first five days, plus metered water.
Activation of new service or account (normal working hours)	\$34.41	
Turn on/off due to delinquent bill	\$51.99	Normal working hours
Turn on/off due to delinquent bill	\$103.98	After normal working hours
Reactivation of a dormant account	\$130.35	Including reinstallation of a removed meter
Hand Delivery of delinquency Notice (Green Card)	\$19.41	
Mail Delivery of delinquency Notice (Gold Card)	\$10.25	
Reinstatement of suspended service	\$34.41	

7. Bills and Payment

a. Rendering of Bills

- 1) Meter Readings. Meters will be read at regular intervals for the preparation of bi-monthly bills and as required for the preparation of opening, closing and special bills.

2) Bills for water Service shall be rendered bi-monthly or upon closing, unless otherwise provided in the rate schedule.

b. Payment of Bills.

- 1) All bills are due and payable upon receipt. Payment may be made at the City's Finance Department office or at an authorized deposit location.
 - 2) Closing bills will be forwarded to customer after service is discontinued.
 - 3) Delinquent bills will be processed according to procedures outlined in Section 4.03. of this resolution.
- c. Billings of separate Meters Not Combined - Each meter on a customer's premises will be considered separately, and the readings of two or more meters will not be combined.

8. Leak Adjustment

When a leak occurs on a metered account, it is the responsibility of the owner to see that repairs are made as quickly as possible. If the leak has caused the bi-monthly charge to be excessive, the responsible person may request an adjustment in writing with said request attesting that the leak has been repaired. The formula for the adjustment is 1/6 the bi-monthly yearly average plus 20% of the excessive charge, using the nearest rounded figure. Only two separate adjustments may be made per account per calendar year. The sewer billing adjustment (for usage over 4,000 gallons) will be based on the adjusted average water billing.

Section 6.01. Penalties

Any violation of these regulations may subject violator to water turn off, \$146.45 fine, or both, in addition to any other legal remedies available to the City.

Section 6.02. Repeal

Resolution No. 18-17, adopted by the City Council on June 18, 2018, is hereby repealed and superseded by this resolution.

Section 6.03. Effective Date

The provision of this resolution shall be effective July 1, 2019.

ADOPTED BY THE CITY COUNCIL THIS _____ DAY OF _____, 2019

APPROVED BY THE CITY MAYOR THIS _____ DAY OF _____, 2019

Mayor

ATTEST:

City Manager

ROLL CALL ON ADOPTION

YEA

NAY

ABSENT

Councilor Rocka
 Brownson
 Herman
 West
 Mayor Jones



PUBLIC WORKS WATER RULES AND REGULATIONS

APPENDIX A

The City of Astoria uses American Waterworks Association (AWWA), Uniform Plumbing Code (UPC) and City of Astoria Engineering Design Standards to establish meter size. The water meter sizing chart below is based on total Water Supply Fixture Units (WSFU) as established in the UPC.

Water Meter & Service Size	Total WSFU
5/8" X 3/4"	0 - 20
1"	20.5 - 40
1.5"	40.5 - 160
2"	160.5 - 365

Water Meter and Service Size Notes:

1. Water meters and service lines larger than 2" must be sized by Oregon Registered Professional Engineer. The calculations must be submitted to the Engineering Division for review and approval.
2. The table above represents WSFU totals for systems with flush tanks only. Systems that utilize flushometer valves will require sizing calculations to be submitted to the Engineering Division.
3. If the structure requires a fire sprinkler system that is served through the water meter, the application for water service may require additional review by the Engineering Division.
4. For services with less than 46 psi static pressure or over 100 feet of supply and branch piping, the water meter or service size may need to be increased to adequately meet the building's water service needs.
5. Any application for water/sewer service will be classified relative to total WSFU and the indicated meter size will be required as a minimum.



PUBLIC WORKS WATER RULES AND REGULATIONS

APPENDIX B

PREMISES REQUIRING ISOLATION BY AN APPROVED AIR GAP OR REDUCED PRESSURE PRINCIPLE TYPE OF ASSEMBLY HEALTH HAZARD	
1.	Agricultural (e.g. farms, dairies)
2.	Beverage bottling plants*
3.	Car Washes
4.	Chemical Plants
5.	Commercial Laundries and dry cleaners
6.	Premises where both reclaimed and potable water are used
7.	Film processing plants
8.	Food processing plants
9.	Medical centers (e.g. hospitals, medical clinics, nursing homes, veterinary clinics, dental clinics, blood plasma centers)
10.	Premises with irrigation systems that use the water supplier's water with chemical additions (e.g. parks, playgrounds, golf courses, cemeteries, housing estates)
11.	Laboratories
12.	Metal plating industries
13.	Mortuaries
14.	Petroleum processing or storage plants
15.	Piers and docks
16.	Radioactive material processing plants and nuclear reactors
17.	Wastewater lift stations and pumping stations
18.	Wastewater treatment plants
19.	Premises with piping under pressure for conveying liquids other than potable water and the piping is installed in proximity to potable water piping
20.	Premises with an auxiliary water supply that is connected to potable water supply
21.	Premises where water supplier is denied access or restricted access for survey
22.	Premises where water is being treated by the addition of chemical or other additives

*A Double Check Valve Backflow Prevention Assembly could be used if the water supplier determines there is only a non-health hazard at a beverage bottling plant.

RESOLUTION NO. 19 -

A RESOLUTION ESTABLISHING RULES, REGULATIONS, RATE CHARGES AND CONDITIONS FOR SEWER SERVICE

WHEREAS, the City of Astoria provides a valuable public service by providing a sewer system inside the City limits. These sewer facilities constitute a public utility owned and operated by the City of Astoria. The utility exists for the benefit of persons within the City who want to have the system available for disposing of sewage.

WHEREAS, users of the sewer system should be charged rates that reflect the operation of this system as a public utility in the City, persons who do not use the sewer utility should not be required to pay monthly utility rates. Use of the sewer system occurs when the water service to improved property is requested to provide water for the property, because water is the medium for carrying sewage through the system.

WHEREAS, the rate structure of the sewer utility should be based upon a fee for service consistent with the above findings. Although this rate structure is intended to constitute a service charge, even if it is viewed as a charge against property or against a property as a direct consequence of ownership of that property, the utility's rate structure should, nonetheless, endeavor to allow the owner the ability to control the amount of the charge. Similarly, the utility's rate structure should reflect the full actual direct and indirect costs of providing the service.

WHEREAS, under Section 3.040 of the Astoria Code, the City Manager is authorized to enforce sewer rules and regulations and the City Council hereby approves the following rules and regulations and sets the sewer rates.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASTORIA, THAT THE FOLLOWING RULES AND REGULATIONS SHALL BECOME EFFECTIVE UPON PASSAGE:

Section 1.01. Definitions

1. "City" shall mean City of Astoria, its staff and/or designee (authorized representative).
2. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.
3. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
4. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
5. "Combined Sewer" shall mean a sewer that is designed as a sanitary sewer and a storm sewer.
6. "Customer" shall mean a person, corporation, association or agency that has requested and is receiving water and sewer service.
7. "Garbage" shall mean solid waste from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

8. "Industrial Waste" shall mean the liquid waste from industrial manufacturing processes, trade, or business as distinct from domestic-type sewage.
9. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
10. "Person" shall mean any individual, firm, company, association, society, corporation or group.
11. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
12. "Properly Shredded Garbage" shall mean the waste from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
13. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
14. "Sanitary Sewer" shall mean a conduit intended to carry liquid and water-carried waste from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface water that are not intentionally admitted.
15. "Sewage" shall mean a combination of the water-carried waste from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm water as may be present.
16. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
17. "Collection Systems" shall mean all facilities for collecting, pumping, treating and disposing of sewage.
18. "Sewer" shall mean a pipe or conduit for carrying sewage.
19. "Shall" is mandatory; "may" is permissive.
20. "Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
21. "Storm Sewer" (sometimes termed "storm drain") shall mean a sewer designed to carry only storm water, surface run-off, street wash water and drainage.
22. "Suspended Solids" shall mean solids that are either floating on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.
23. "Watercourse" shall mean a channel in which a flow of water occurs either continuously or intermittently.

Section 1.02. Use of Public Sewer Required

1. No person shall deposit or permit to be deposited in an unsanitary manner any human or animal excrement, garbage or other objectionable waste upon public or private property within the City of Astoria, or in any area under the jurisdiction of said City.
2. No person shall discharge any sanitary sewage, industrial waste, or other polluted waters to any natural outlet within the City of Astoria, or in any area under the jurisdiction of said City.
3. The owners of residences, buildings or properties used for human occupancy, employment, recreation or other purposes, within the City and abutting any street, alley or right-of-way in which a public sanitary or combined sewer of the City, is located or may be located in the future, are hereby required to install suitable toilet facilities therein, at their own expense, and to connect such facilities directly to the proper public sewer in accordance with the provisions of these rules and regulations within 90 days from the date of official notice to do so, provided that said public sewer is within 500 feet of the property line. If the owner fails to connect to the sewer as required, or fails to pay the connection and tapping charge when due, the City may discontinue water service until the connection is made and the charge is paid.
4. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Section 1.03. Building Sewers and Connections

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.
2. There shall be two (2) classes of building sewer permits: (1) for residential and commercial services, and (2) for service to establishments producing industrial waste. In either case, the owner or his agent shall make application for service on a special form provided by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City. Fees are set forth in Section 1.08.
3. All costs and expenses incidental to the installation and connection of a building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage incurred, directly or indirectly by the installation of the building sewer.
4. A separate and independent building sewer shall be provided for each residential unit within a condominium and for each residential building. Each commercial or industrial building shall have a separate and independent building sewer.
5. An old building sewer may be used in connection with new buildings only when it, upon examination and testing by the City, meets all requirements of this resolution.
6. The connection of the building sewer to the public sewer shall be made at a "Y" branch or "T" if such fitting is available at a suitable location. If no fitting is available, a tap will be made using an approved tapping saddle or insert a tee. Where no properly located "Y" branch or "T" is available, the tap will be made by a State Licensed Plumbing Contractor and the contractor shall have the connection inspected by the Engineering Division prior to backfilling.

7. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Public property disturbed in the course of the work shall be restored in a manner satisfactory to the City within a reasonable time.
8. The user/owner of any private or building sewer shall be responsible for maintenance to the point of connection with the public sewer.
9. The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of pipe, jointing, testing, and trench backfilling, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the material and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Pollution Control Facility (WPCF) Manual of Practice No. 9 shall apply.
10. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
11. The connection of the building sewer to the public sewer shall conform to requirements of the building code, Oregon Plumbing Specialty Code and City of Astoria Design Standard Detail S-8. All connections shall be made gastight and watertight. Any deviation from the prescribed procedures or materials must be approved by the City Engineer prior to installation.
12. The applicant for a building sewer permit shall notify the Public Works Engineering Division office when the building sewer is ready for inspection and connection to the public sewer. Connections made by a contractor must be inspected by the City prior to backfilling.

Section 1.04. Use of Public Sewers

1. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process water to any sanitary sewer where there is a storm sewer system available. New construction or extensive remodeling in areas where separate City sewers are not available will be piped separately to the street right-of-way line, and joined into a combined sewer line to the City main.
2. Storm water and all other unpolluted drainage shall be discharged to such sewers specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the City. Upon approval by the City, industrial cooling water or unpolluted process water may be discharged to a storm sewer, combined sewer, or natural outlet.
3. No person shall discharge or cause to be discharged any of the following described water or waste to any public sewers:
 - (a) Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - (b) Water or waste containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other waste that may injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving water of the sewage treatment

plant, including but not limited to cyanides in excess of two (2) mg/L as cyanide ion in the waste as discharged to the public sewer.

- (c) Water or waste having a pH lower than 6.2 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the collection systems.
 - (d) Solid or viscous substances in quantities or size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the collection systems such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
4. No person shall discharge or cause to be discharged the following described substances, materials, water or waste if it appears likely in the opinion of the City that such waste can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the City will consider such factors as to quantities of subject waste in relation to flows and velocities in the sewers, construction materials of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of waste in the sewage treatment plant and other pertinent factors. The substances prohibited are:
- (a) Liquid or vapor having a temperature higher than 150 degrees F (65 degrees C).
 - (b) Water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/L or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees F (0 and 65 degrees C).
 - (c) Garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval by the City.
 - (d) Water or waste containing strong acid iron pickling waste, or concentrated plating solutions whether neutralized or not.
 - (e) Water or waste containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or waste exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the City for such materials.
 - (f) Water or waste containing phenols or other taste-or-odor-producing substances, in such concentrations exceeding limits which may be established by the City as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving water.
 - (g) Radioactive waste or isotopes of such half-life or concentration that may exceed limits established by the City in compliance with applicable State or Federal regulations.
 - (h) Water or waste having a pH less than 6.2 or greater than 8.5.

(i) Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
2. Excessive discoloration (such as, but not limited to, dye waste and vegetable tanning solutions).
3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
4. Unusual volume or low or concentration of waste constituting "slugs" as defined herein.

(j) Water or waste containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving water.

5. If any water or waste is discharged or are proposed to be discharged to the public sewers, which water contain the substances or possess the characteristics enumerated in paragraphs 3 and 4 of this section, or which in the judgment of the City may have a deleterious effect upon the collection systems, processes, equipment, or receiving water, or which otherwise create a hazard to life or constitute a public nuisance, the City may:

(a) Reject the waste;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment according to Section 1.09.

If the City permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to review and approval by the City and subject to the requirements of all applicable codes, ordinances and laws.

6. Grease, oil and sand interceptors shall be installed and maintained by the customer when, in the opinion of the City, interceptors are necessary for the proper handling of liquid waste containing grease in excessive amounts, or any flammable waste, sand or other harmful ingredients; except that such interceptors shall not normally be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City and shall be placed in a location that is readily accessible for cleaning and inspection.
7. Where preliminary treatment or flow-equalizing facilities are provided for any water or waste, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
8. When required by the City, the owner of any property serviced by a building sewer carrying industrial waste shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the waste. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the City. The

manhole shall be installed by the owner at his expense, and shall be maintained by the owner so as to be safe and accessible at all times.

9. All measurements, tests, and analyses of the characteristics of water and waste to which reference is made in this resolution shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the collection systems and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH is determined from periodic grab samples or continuous pH recorder.)

Section 1.05. Protection from Damage

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal collection systems. Any person violating this provision shall be subject to immediate arrest. The utility shall be reimbursed by the offender for any such damage promptly, upon presentation of a bill, along with any other compensation due.

Section 1.06. Powers and Authority of Inspectors

Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of these rules and regulations.

Section 1.07. Penalties

1. Any person found in violation of any provisions of these rules and regulations, excluding Section 1.05 shall be served by the City with written notice stating the nature of the violation and a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Any person who continues any violation beyond the time limit provided for in Section 1.07, subsection (1), shall be guilty of a misdemeanor. Each day in which any such violation continues shall be deemed a separate offense.

Any person violating any of the provisions of these rules and regulations shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

Section 1.08. Connection and Tapping Charges

1. Each permit application shall be accompanied by the payment in full of the connection charge determined according to the schedule below. The amount of the connection

charge is determined on a basis of the water meter size required to meet the occupancy requirements.

The connection charges shall be as follows:

<u>Size of Water Meter</u>	<u>Connection Charge</u>
5/8" or 3/4"	\$830.53
1"	\$1,653.82
1-1/2"	\$2,360.31
2"	\$3,788.03
3"	\$7,801.82
4"	\$10,868.84
6"	\$21,621.02
8"	\$38,142.78
10"	\$49,419.23

Connection charges for meters larger than 10" shall be determined by the City Council. A final billing for connection charges is based upon the actual cost of labor, materials and administration.

2. Actual taps of the City sewer will be performed by an authorized contractor.
3. The applicant shall make the excavation, with proper shoring, to the City sewer. The Engineering Division shall inspect the final connection before backfilling. Notify the Engineering Division 24 hours prior to needing an inspection.
4. Storm Water Connection Fee. The service fee for storm water connection to property that is of average lot size (5,000 square feet) is \$520.15. Fees for property larger than 5,000 square feet and commercial properties will be calculated at \$0.10 per square foot.

Section 1.09. Sewer Service Charge

1. The owner, lessee, or agent of any premises connected to the City sewer system, except those producing waste as described in Section 1.04, shall pay a sewer service charge as follows:
 - (a) The bi-monthly minimum sewer service charge for dwelling units shall be \$43.99 effective July 1, 2019.
 - (b) For bi-monthly water use in excess of 4,000 gallons for each installed meter, the sewer service charges shall be the bi-monthly minimum sewer service charge plus \$4.90 per each thousand gallons in excess of 4,000 gallons, effective July 1, 2019. In any case, the charge shall not be less than the minimum sewer service charge.
2. Those premises producing waste as described in Section 1.04, which the City is willing to accept, shall pay the rates set forth in subsection (1) above, plus any added costs of handling and treating the waste not covered by existing sewer charges.
3. All properties in the City of Astoria with a minimum of 500 square feet of space used for lawn and/or garden area are hereby given the privilege (option) of using City water for the purpose of irrigation. As meters are read on a two month cycle, the adjustment will be

calculated according to the following schedule:

- (a) Meter Reading Cycle 01
 - April/May billed in June
 - June/July billed in August
 - August/September billed in October
- (b) Meter Reading Cycle 02
 - May/June billed in July
 - July/August billed in September
 - September/October billed in November

An application may be made to the City Utility Clerk to receive this adjustment. Once an application is accepted by the Finance Department, it will remain in effect until either the property owner requests to have the adjustment removed or the account is closed.

- 4. Charges for irrigation water used shall be the same as other water; however, there will be no sewer fee assessed for the water used for irrigation.
- 5. Water used for irrigation purposes shall be determined in the following manner: An average shall be taken of the amount of water used at the premises during the three bi-monthly billing periods preceding the irrigation period. Any water used during the irrigation period in excess of this average shall not be assessed a sewer fee.
- 6. The bill shall be prorated equitably for less than a one-month period in case of occupancy change.

Section 1.10. Surcharge for Combined Sewer Overflow

- 1. The Finance Director shall bill and collect a 97% surcharge on all sewer billings to be applied to the correction of Combined Sewer Overflows (CSO) in Astoria.
- 2. The CSO surcharge shall be billed as part of the sewer item on the municipal water bill for every customer and it is due and collectable at the same time and in the same manner as the water bill. All monies collected as CSO surcharges will be placed in a CSO Fund and will be used exclusively for the correction of combined sewer overflows in Astoria.
- 3. If a CSO surcharge is not paid when due, the City may shut off water service until all delinquent utility charges are fully paid. Procedures and fees for processing of delinquent accounts are as provided in the current resolution establishing rules and regulations for water service.

Section 1.11. Billing Procedures

- 1. Procedures and rules governing the billing, collection, credit extension and shut off for past due accounts are contained in the Water Resolution Section 1.02.
- 2. The sewer service charge shall be billed as a separate item on the municipal water bill for the same customer and is due and collectible at the same time and in the same manner as the water bill. All funds collected as sewer charges will be placed in the sewer department of the Public Works Fund.

Section 1.12. Private Sewage Disposal

1. When a public sanitary sewer is not available under the provisions of Section 1.02, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Resolution.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit from the Oregon State Department of Environmental Quality.

2. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 1.02, a direct connection shall be made to the public sewer in compliance with this Resolution, and any septic tanks, cesspools, and similar private sewage disposal facility shall be abandoned in accordance with State law at no expense to the City.
3. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the City.
4. No statement contained in this resolution shall be construed to interfere with any additional requirements that may be imposed by the Oregon State Department of Environmental Quality.

Section 1.13. Non Use of Sewer

If a sewer which connects a building with the City sewer system is not to be used due to the fact that the water has been turned off at the premises, and the Finance Director has received a written notice that there will be no use of the sewer or water, the owner or occupant shall not be charged for sewer use during the period of discontinuance or until the water is turned on.

Section 1.14. Private Water Supply

Where a private source of water is used and then discharged into the sewer system, the private source shall be metered and the sewer service charge determined as provided in Section 1.09.

Section 1.15. Penalties

Any violation of these regulations may subject violator to water turn off, a \$295.52 fine, or both, in addition to any other legal remedies available to the City.

Section 1.16. Review and Revision of Rates

Sewer service charges established in Section 1.09 of this resolution shall, at a minimum, be reviewed annually and revised periodically to reflect actual costs of operation, maintenance, and replacement of the treatment works and to maintain the equitability of the user charge with respect to proportional distribution of the cost of operation and maintenance in proportion to each user's contribution to the total wastewater loading of the treatment works.

Section 1.17. Notification

Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges, which are attributable to wastewater treatment services.

Section 1.18. Repeal of Resolution

Resolution No. 18-17, adopted by the City Council on June 18, 2018, is hereby repealed and superseded by this resolution.

Section 1.19. Effective Date

The provisions of this Resolution shall be effective July 1, 2019.

ADOPTED BY THE CITY COUNCIL THIS _____ DAY OF _____, 2019

APPROVED BY THE CITY MAYOR THIS _____ DAY OF _____, 2019

Mayor

ATTEST:

City Manager

ROLL CALL ON ADOPTION

YEA

NAY

ABSENT

Councilor	Rocka
	Brownson
	Herman
	West
Mayor	Jones



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

MEMORANDUM • FINANCE DEPARTMENT

DATE: MAY 1, 2019
TO: MAYOR AND CITY COUNCIL
FROM: BRETT ESTES, CITY MANAGER
SUBJECT: RECOLOGY RATE REVIEW FOR YEAR END DECEMBER 31, 2018
FOR SOLID WASTE COLLECTION AND TRANSFER STATION
ACTIVITIES

DISCUSSION/ANALYSIS

The City's franchise agreement with Recology requires submission of financial statements and a separate rate review for both the Solid Waste Collection and Transfer Station Franchises no later than April 30 each year. Recology transmitted appropriate reports and financial information, in a timely manner which was received April 1, 2019. The purpose of the annual rate review is to determine whether Recology's "Operating Ratio" for their solid waste collection and transfer station operations fall within the limits set by the Franchise Agreements with the City. Recology requested rate modification effective January 1, 2019 for commercial and residential collections with a commitment to forgo further adjustments until July, 2020 for the Solid Waste Collection Operations. This is re-emphasized in the attached letter. Additionally, a summary of operational issues is presented in the letter prepared by Mr. Peters.

The operating ratio is not a measure of profitability. The operating ratio measures the relationship between allowable revenues and expenses, as adjusted for the pass through payments to the City of Astoria. This is a standard measure in the solid waste industry. The Franchise Agreements set the limits of the "Operating Ratio Range" between 88% and 92%. This calculation is arrived at by dividing expenses adjusted for pass through expenses by income adjusted for pass through revenue. If the ratio is above 92%, Recology is allowed to adjust the following year's rates to recover the lower than expected margin. If the ratio is below 88%, Recology will adjust the following year's rates to return to the rate payers the better than expected margin.

The financial statements and rate reviews are attached for Recology's Transfer Station operations as submitted by Carl Peters, Recology Western Oregon General Manager. Mr. Peters indicates in his cover letter of April 1, 2019 the Operating Ratio for the current calendar year are projected to be within the limits of the Operating Ratio Range of 88% to 92%. Understanding a commitment to not raise rates this spring was made, the results of the calculation would not have triggered an increase per the formula. However, there

was a recommendation for an internal disposal rate increase of 3 %. Please refer to the review letter provided by Mr. Peters which highlights need for the internal rate increase as it relates to the construction of a permanent Household Hazardous Waste (HHW) collection facility. Recology is also seeking to adjust public self-haul rates by approximately 3% (rounded to the nearest \$0.25). The new rates would become effective July 1, 2019. These rate adjustments have been included in other rate considerations for other Clatsop County jurisdictions who utilize the transfer station. However, as noted earlier there will be no rate increase proposed for Astoria residents.

As it relates to the franchise and the rates, the significant calculation is found in the "Rate Review Report" which contains the "Operating Ratio". See Exhibit 1.

Exhibit 1 contains information for the operating ratio for the transfer station operation:

Total Revenues	\$ 569,304
Less Pass through Revenue	<u>(55,327)</u>
Adjusted Revenue	\$ 513,977

Total Expenses	\$ 507,829
Less License Fees	(23,170)
Less HHW Surcharge	<u>(32,157)</u>
Adjusted Expenses	\$ 452,503

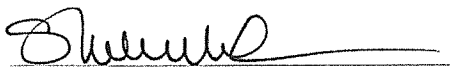
Operating Ratio

$\$ 452,503 / \$ 513,977 = 88.04 \%$ Operating Range 88 to 92%

Staff reviewed the provided information and agrees with Mr. Peter's assessment.

RECOMMENDATION

Attached is a resolution to include the 3 % increase for the internal disposal rates and public self-haul rates for Astoria Transfer Station, to be effective July 1, 2019.

By: 

Susan Brooks, Director of Finance
and Administrative Services



Mr. Brett Estes
City Manager
City of Astoria
1095 Duane St.
Astoria, OR 97103

RECEIVED
APR. 1 2019
CITY MANAGER

March 31st, 2019

Re: Astoria Transfer Station Annual Rate Review

Dear Brett:

As you may know, we currently pay Clatsop County \$3.50 per ton on inbound trash from all sources to fund the HHW collection program. With the construction of a permanent facility finally underway, the County has requested that we increase the surcharge to \$5.00 per ton, effective July 1st, 2019. This increase will be applied to trash delivered by RWO trucks, as well as trucks operated by the City of Warrenton and Camp Rilea. The Operating Ratio for the upcoming rate year is projected to be within the limits of the Operating Ratio Range of 88% to 92%. We are proposing a rate increase of 3.0% for our internal disposal rates. The primary driver to this request is the increase in the Household Hazardous Waste (HHW) Surcharge. We are also planning to adjust our public self-haul rates by about 3.0% (rounded to the nearest \$0.25) again primarily as a result of this increase. To be clear, this change WILL NOT impact any collection rates for Astoria commercial and residential customers. As previously presented, those rates will remain fixed until July 2020.

Enclosed are the schedules that make up our 2019 Rate Review Report and Annual Financial Report as outlined in our Solid Waste Disposal License Agreement:

1. The Rate Review Report (attached), which includes the following:
 - a. All the actual expenses incurred by Franchisee in the preceding calendar year, and all allowable expenses that we reasonably anticipate will be incurred in the current year;
 - b. The actual and expected Operating Ratios for the preceding and current calendar year;
 - c. The methods used to determine how revenue and expenses are allocated to the City.
2. The 2018 Reviewed Financial Statement prepared by an independent CPA firm (attached)
3. Rate sheets showing current and proposed rates (attached).

Section 7.1 of the License Agreement calls for a summary of operational issues:

- a. Operations: Site operations generally proceeded as projected and expected, including the processing and transfer of solid waste and recyclable materials.
- b. Solid Waste – In 2018, 33,497 tons of Solid Waste were delivered to Headquarters Landfill in Cowlitz County, Washington, and 180.63 tons of waste water treatment plant waste was delivered to Riverbend Landfill in Yamhill County, Oregon. This represents an increase of 5.7% from 2017 (31,857 tons), and a decrease of 10.6% from the high-point of 37,654 tons in 2006. Due to the continuing availability of landfill space, Recology has yet to enter into a long-term disposal agreement. While the competition for tonnages remains brisk, a successful offer would have to provide a net savings including transport costs.
- c. Recycling – In 2018, 4,999 tons of recyclables were processed and sent off to markets around the Northwest. In addition, ATS delivered 2,757 tons of yard debris and wood to Trails End Recovery in Warrenton.



- d. **Safety:** We are pleased to report there were zero OSHA issues at the site in 2018. We strive to continuously improve safety and hold monthly safety trainings.
- e. **Vector Control:** In November 2018, Recology installed a grid wire system on the roof of the transfer station to deter seagulls that were frequenting the site. This grid wire system, similar to the one used at the Tillamook Transfer Station, prevents birds from roosting or nesting on the building.
- f. **Hazardous Waste:** In addition to assisting the City and County with the ongoing HHW facility planning process detailed above, we maintain a contract with an outside vendor for the removal of hazardous items that are discovered in loads or spotted on the tip floor.
- g. **Environmental:**
 - 1. **Site Inspections.** The site was last inspected by DEQ staff in May 2018. DEQ issued a Warning Letter with Opportunity to correct due to the seagull population noted onsite. However, no other areas of concern were noted during this inspection.
 - 2. **Stormwater Management.** Recology has maintained and improved source control efforts at the facility, including regular removal of sediment, onsite sweeping, filter placement, and more. We have maintained full monitoring waivers for the four outfalls onsite. Recology is currently designing stormwater improvements to collect sheet flow and direct it to an existing discharge point, to eliminate runoff from the transfer station coming into contact with the proposed HHW facility.
 - 3. **Asbestos.** To comply with our Solid Waste Disposal Permit issued by DEQ, we have increased screening efforts for asbestos containing materials at the transfer station. We continually work to educate and inform customers on this matter.

I would appreciate the opportunity to discuss any questions you may have before we make our presentation to the City Council. Please call my office at 503-474-4839 at your convenience.

Respectfully,

A handwritten signature in black ink, appearing to read 'Carl Peters', with a stylized flourish at the end.

Carl Peters
General Manager



Recology Western Oregon - Astoria Transfer Station Rate Review Report

			3.00%	<<< ncc i/c rate adj >>>	\$ 60,619	
			3.00%	<<< public gate rate adj >>>	\$ 37,579	
	2018 Actual	2019 Projected	Garbage Operations Proj 2019	Astoria Tons	Astoria Regulated Projections	
Revenues						
Gate Receipts Public Tip Fees	\$ 1,074,940	\$ 1,178,459	\$ 1,148,428	0.0%		
I/C Yard debris	\$ 153,238	\$ 152,913	\$ -	0.0%		
increase in I/C Yard Debris		\$ 12,998	\$ -	0.0%		
Yard Debris	\$ 72,455	\$ 74,189	\$ -	0.0%		
Sale of Recyclables	\$ 250,029	\$ 229,011	\$ -	0.0%		
I/C Recycling Processing Fees	\$ 416,228	\$ 537,693	\$ -	0.0%		
Astoria Free Dump Vouchers	\$ 23,640	\$ 25,500	\$ 25,500	100.0%	\$ 25,500	
I/C TS Rate Adjustment	\$ -	\$ 60,619	\$ 60,619	26.2%	\$ 15,861	
I/C Transfer Station Tip Fee	\$ 2,051,245	\$ 2,020,631	\$ 2,017,672	26.2%	\$ 527,942	
Total Revenues	\$ 4,041,775	\$ 4,292,011	\$ 3,252,220		\$ 569,304	B
(Ast % of NCC garbage tons)						
Cost of Operations						
Trash Disposal Costs	\$ 906,404	\$ 937,467	\$ 937,467	18.1%	\$ 169,696	
Non-Trash Disposal Costs	\$ 302,651	\$ 316,442	\$ -	18.1%	\$ -	
Labor Costs	\$ 469,188	\$ 506,448	\$ 258,288	18.1%	\$ 46,754	
(Ast % of all garbage tons)						
Refuse Transportation	\$ 573,914	\$ 579,915	\$ 579,915	18.1%	\$ 104,973	
Other Transportation	\$ 156,991	\$ 160,131	\$ -	18.1%	\$ -	
Repair & Maint.	\$ 147,245	\$ 157,114	\$ 83,270	18.1%	\$ 15,073	
Depreciation	\$ 80,492	\$ 83,382	\$ 52,814	18.1%	\$ 9,560	
Lease Payment to City	\$ 42,742	\$ 43,811	\$ 21,905	18.1%	\$ 3,965	
Other Lease	\$ 92,102	\$ 105,575	\$ 56,618	18.1%	\$ 10,249	
License Fees	\$ 130,411	\$ 128,000	\$ 128,000	18.1%	\$ 23,170	C
HHW Surcharge	\$ 112,788	\$ 177,646	\$ 177,646	18.1%	\$ 32,157	C
Fuel	\$ 19,290	\$ 10,571	\$ 5,285	18.1%	\$ 957	
Capital Improvement	\$ -	\$ -	\$ -	18.1%	\$ -	
Other Operational Expenses	\$ 103,804	\$ 99,772	\$ 49,886	18.1%	\$ 9,030	
Total Operational Expenses	\$ 3,138,022	\$ 3,306,274	\$ 2,351,096		\$ 425,584	A
SUBTOTAL	\$ 903,753	\$ 985,736	\$ 901,124		\$ 143,720	
General and Administrative Expense						
Shared Mgmt - 3%	\$ 121,253	\$ 128,760	\$ 97,567	calc	\$ 17,079	
Shared Admin - 9%	\$ 363,760	\$ 386,281	\$ 292,700	calc	\$ 51,237	
Non-Admin Labor	\$ 23,750	\$ 26,803	\$ 13,401	18.1%	\$ 2,426	
Other Admin Expense	\$ 106,204	\$ 127,099	\$ 63,549	18.1%	\$ 11,503	
Total General & Administrative	\$ 614,967	\$ 668,943	\$ 467,217		\$ 82,246	A
Interest Income	\$ (115)	\$ -	\$ -		\$ -	
Gain/Loss from Operations	\$ 288,901	\$ 316,793	\$ 433,907		\$ 61,474	
Operating Margin	7.15%	7.38%	13.34%		10.80%	
OR Range = 88-92%	92.40%	92.05%	85.27%		88.04%	
Target = 90%						

OR Calculation				
Total expenses	\$ 3,752,989	\$ 3,975,217	\$ 2,818,313	\$ 507,829
pass through	\$ 243,199	\$ 305,646	\$ 305,646	\$ 55,327
net expenses	\$ 3,509,790	\$ 3,669,571	\$ 2,512,667	\$ 452,503
Revenue	\$ 4,041,775	\$ 4,292,011	\$ 3,252,220	\$ 569,304
pass through	\$ 243,199	\$ 305,646	\$ 305,646	\$ 55,327
net revenue	\$ 3,798,576	\$ 3,986,365	\$ 2,946,574	\$ 513,977
Calculated Operating Ratio	92.40%	92.05%	85.27%	88.04%

A=425,594+ 82,246
C=23,170+32,157

B=569,304

= 513,977 / 452,503

Tonnage Allocation Calculation:	2018	3 yr avg	AST %
Garbage tons from Astoria by NCC	6,673	5,856	---
Garbage tons to ATS by NCC	23,578	22,380	26.2%
Total Garbage Tons (all sources)	33,496	32,350	18.1%

Resolution No. 19-____

A RESOLUTION ESTABLISHING RULES, REGULATIONS, RATE CHARGES AND
CONDITIONS FOR SOLID WASTE SERVICE

WHEREAS, under Sections 4.020 and 4.060 of the Astoria Code, the City Council is authorized to contract for Solid Waste service and approve and enforce rules and regulations prepared by the City Manager and govern such service by resolution;

WHEREAS, pursuant to Ordinance No. 91-17, Section 1, the charges for service set by this resolution are intended to be neither a tax on property or on a property owner as a direct consequence of ownership of property within the meaning of Section 11b, Article XI of the Oregon Constitution or the legislation implementing that section, nor an unincurred charge within the meaning of that section; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASTORIA:

SECTION 1. Rules, Regulations and Rates. That the following Rules and Regulations governing solid waste service, including rates and conditions, are hereby adopted.

ARTICLE I
GENERAL

Section 1.01 Public Works Director. Solid Waste service shall be under the control and supervision of the City's Public Works Director or the Director's designee. However, this rule shall not alter the responsibility of the Franchisee in providing Solid Waste service as provided by the Astoria Code and by these Rules and Regulations.

Section 1.02 Solid Waste Collection Charges. It is the policy of the City that each Customer will be charged in accordance with the existing schedule of fees. Charges for all Solid Waste service performed within the Astoria city limits by the Franchisee or its representative will be billed through the records of the City's Franchisee. Such billing shall include charges for all container rentals within the city limits.

ARTICLE II
CUSTOMER'S RESPONSIBILITIES

Section 2.01 Containers not to be Overloaded. A customer shall not overload any container with earth, rocks or other heavy Solid Waste beyond the point where one (1) man can reasonably lift the container to the pickup vehicle. The maximum gross weight of a thirty-two (32) gallon container and material shall not exceed sixty-five (65) pounds. A customer shall not overload any container beyond the point where a cover can be securely replaced.

Section 2.02 Responsibility to Place Garbage in Containers. It shall be the responsibility of the customer to place Solid Waste in a container and to keep the area

around the container in a neat and sanitary condition. Customers are required to place containers at curbside, unless other arrangements are made with the Franchisee.

Section 2.03 Explosive, Hazardous and Toxic Materials Prohibited. A customer shall not place explosive, hazardous, toxic or inflammable materials in any container used for Solid Waste service.

Section 2.04 Location of Special Pickup Material. Special pickup materials shall be placed, by the customer, at a container or as near thereto as possible.

Section 2.05 Customers to Restrain Vicious Animals. Each customer must restrain vicious animals beyond the reach of each Solid Waste container and must take all steps to prevent any interference with the Franchisee in the performance of Solid Waste service. The Franchisee may refuse to remove Solid Waste if vicious animals present a dangerous situation.

Section 2.06 Certain Solid Waste Prohibited. No customer shall fill containers with dishwater or other liquid or semi-liquid wastes which are properly disposable down the sanitary drains.

Section 2.07 Containers to be Kept Clean. From time to time, a customer shall thoroughly clean each Solid Waste container which is thirty-two (32) gallons or smaller, or is a ninety (90) gallon curbside tote, to prevent any odor nuisance and to keep each container free from accumulative grease and decomposing material.

Section 2.08 Common Containers Prohibited. Customers shall not use a common Solid Waste container except at an apartment house, industrial and commercial building, and at other buildings where Solid Waste service is provided and included in the rent or lease price as a building service.

ARTICLE III RATE SCHEDULES

Section 3.01 Rates Authorized. In accordance with the provisions of the Astoria Code, rates, attached as Exhibit A, are hereby adopted as the schedule for all Solid Waste services in the City of Astoria, effective July 1, 2019.

Section 3.02 Schedule of Rates. The schedule of rates attached as Exhibit "A" applies to all collections and will be the basis of billings to all customers by the Franchisee.

Section 3.03 20 Gallon Residential Container.

In order to qualify for the 20 gallon rate, a customer needs to meet the following conditions:

1. Only one 20-gallon container is allowed per residence.

2. The 20-gallon container discount is available only to households that actively recycle at least once a month.
3. The 20-gallon container is available only to households that recycle by use of the Astoria recycling boxes.

SECTION 2. Repeal of Resolution. Resolution No. 18-27 adopted December 3, 2018, is hereby repealed.

SECTION 3. Effective Date. This resolution shall go into effect on July 1, 2019.

ADOPTED BY THE CITY COUNCIL THIS _____ DAY OF _____, 2019.

APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2019.

Mayor

Attest:

City Manager

ROLL CALL ON ADOPTION	YEA	NAY	ABSENT
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Councilor Herman			
Brownson			
Rocka			
West			
Mayor Jones			

RECOLOGY WESTERN OREGON
AST CITY OF ASTORIA
SUMMARY RATE SHEET
EFF. DATE: 1/1/2019

CODE	DESCRIPTION	CURRENT RATE	INC %	INC \$\$	NEW RATE
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CART SERVICES - CURBSIDE

CURBSIDE: WITHIN 4 FEET OF THE CURB OR ROAD, AND AWAY FROM ALL CARS, MAIL BOXES, OR OTHER ITEMS.

32 GALLON CART SERVICE
MONTHLY RATES

32GWC	32G CART-CURB	\$ 26.21	5.85%	\$ 1.53	\$ 27.74
32GEC	32G CART EOW-CURBSIDE	\$ 17.03	5.85%	\$ 1.00	\$ 18.03
32GMC	32G CART MONTHLY-CURB	\$ 9.17	5.85%	\$ 0.54	\$ 9.71
OC3C	32 GAL CART ON CALL CURB	\$ 8.98	5.85%	\$ 0.53	\$ 9.51

90 GALLON CART SERVICE
MONTHLY RATES

90GWC	90G CART-CURB	\$ 43.67	5.85%	\$ 2.55	\$ 46.22
90GEC	90G CART EOW-CURB	\$ 28.38	5.85%	\$ 1.66	\$ 30.04
90GMC	90G CART OAM-CURB	\$ 15.30	5.85%	\$ 0.90	\$ 16.20
OC9C	90 GAL CART ON CALL CURB	\$ 15.00	5.85%	\$ 0.88	\$ 15.88

MONTHLY CART RENT (FOR ON-CALL SERVICE)

90GOC	90G CART WILL CALL-CURB	\$ 2.70	0.00%	\$ -	\$ 2.70
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SPECIAL PICK-UP (FOR OFF-SCHEDULE COLLECTION)
RATE PER EACH

SP32C	SPEC P/U 32G CART CURBSIDE	\$ 8.98	5.85%	\$ 0.53	\$ 9.51
SP90C	SPEC P/U 90G CART CURBSIDE	\$ 15.00	5.85%	\$ 0.88	\$ 15.88

Note: Recycle carts dumped as trash due to contamination may be charged the special pick-up rate.

CART SERVICES - NON-CURBSIDE (SIDEYARD)

NON-CURBSIDE: VISIBLE FROM THE STREET, OUTSIDE OF GARAGES AND FENCED AREAS.

32 GALLON CART SERVICE
MONTHLY RATES

32GWS	32G CART-SIDE	\$ 27.66	5.85%	\$ 1.62	\$ 29.28
32GES	32G CART EOW-SIDEYARD	\$ 17.96	5.85%	\$ 1.05	\$ 19.01
32GMS	32G CART MONTHLY-SIDE	\$ 9.68	5.85%	\$ 0.57	\$ 10.25
OC3S	32 GAL CART ON CALL SIDE	\$ 9.50	5.85%	\$ 0.56	\$ 10.06

90 GALLON CART SERVICE
MONTHLY RATES

90GWS	90G CART-SIDE	\$ 66.98	5.85%	\$ 3.92	\$ 70.90
90GES	90G CART EOW-SIDE	\$ 43.53	5.85%	\$ 2.55	\$ 46.08
90GMS	90G CART OAM-SIDE	\$ 23.44	5.85%	\$ 1.37	\$ 24.81
OC9S	90 GAL CART ON CALL SIDE	\$ 22.99	5.85%	\$ 1.34	\$ 24.33

MONTHLY CART RENT (FOR ON-CALL SERVICE)

90GOS	90G CART WILL CALL-SIDE	\$ 2.70	0.00%	\$ -	\$ 2.70
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SPECIAL PICK-UP (FOR OFF-SCHEDULE COLLECTION)
RATE PER EACH

SP32S	SPEC P/U 32G CART NON CURBSIDE	\$ 13.99	5.85%	\$ 0.82	\$ 14.81
SP90S	SPEC P/U 90G CART NON CURBSIDE	\$ 22.99	5.85%	\$ 1.34	\$ 24.33

Note: Recycle carts dumped as trash due to contamination may be charged the special pick-up rate.

OTHER SERVICES & FEES
EXTRAS - PER UNIT CHARGES (APPROX. 32 GALLONS PER UNIT)
RATE PER EACH

XBAG	EXTRA BAG(S)	\$ 6.91	5.85%	\$ 0.40	\$ 7.31
XBOX	EXTRA BOX	\$ 6.91	5.85%	\$ 0.40	\$ 7.31
XCAN	EXTRA CAN(S)	\$ 6.91	5.85%	\$ 0.40	\$ 7.31
XMISC	EXTRA MISC	\$ 6.91	5.85%	\$ 0.40	\$ 7.31
X32	EXTRA 32G CART(S)	\$ 6.91	5.85%	\$ 0.40	\$ 7.31
X90	EXTRA 90G CART(S)	\$ 10.93	5.85%	\$ 0.64	\$ 11.57

RECOLOGY WESTERN OREGON
AST CITY OF ASTORIA
SUMMARY RATE SHEET
EFF. DATE: 1/1/2019

CODE	DESCRIPTION	CURRENT RATE	INC %	INC \$\$	NEW RATE
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BULKY ITEM COLLECTION (SVC CHARGE + CHARGE PER ITEM)

RATES LISTED ARE FOR COLLECTION AT CURB. ADDITIONAL CHARGES MAY APPLY FOR RETRIEVAL.

RATE PER EACH

APF	REFRIGERATOR/FREEZER	\$ 51.66	0.00%	\$ -	\$ 51.66
APL	APPLIANCE	\$ 11.48	0.00%	\$ -	\$ 11.48
FURN	FURNITURE CHARGE	\$ 17.22	0.00%	\$ -	\$ 17.22
TREE	EXTRA CHRISTMAS TREE	\$ 13.81	5.85%	\$ 0.81	\$ 14.62
IRSC	IN ROUTE SERVICE CHARGE	\$ 23.48	5.85%	\$ 1.37	\$ 24.85
SC	SERVICE CHARGE	\$ 92.49	5.85%	\$ 5.41	\$ 97.90

RELATED FEES
RATE PER EACH

CRIR	CART REDELIVERY IN ROUTE	\$ 10.00	0.00%	\$ -	\$ 10.00
CROR	CART REDELIVER OUT OF ROUTE	\$ 20.00	0.00%	\$ -	\$ 20.00
CORDF	CONTAINER RE-DELIVERY FEE	\$ 46.94	5.85%	\$ 2.75	\$ 49.69

Note: Re-Delivery fees apply for resume service after suspend.

RATE PER EACH

CCF	CART CLEANING FEE	\$ 10.00	0.00%	\$ -	\$ 10.00
CRF	CART REPLACEMENT FEE	\$ 65.00	0.00%	\$ -	\$ 65.00

Note: Replacement fee is used for loss/damage beyond normal wear and tear.

RATE PER EACH

WLI	WIND LATCH INSTALLATION	\$ 15.00	0.00%	\$ -	\$ 15.00
RF	REINSTATEMENT FEE	\$ 15.00	0.00%	\$ -	\$ 15.00
NSFCF	RETURNED CHECK FEE	\$ 25.00	0.00%	\$ -	\$ 25.00

FRONT-LOAD CONTAINER SERVICE
1 YARD CONTAINERS
MONTHLY RATES

1GW	1YD TRASH	\$ 166.67	5.85%	\$ 9.75	\$ 176.42
1GE	1YD TRASH EOW	\$ 97.88	5.85%	\$ 5.73	\$ 103.61
1GM	1YD TRASH MONTHLY	\$ 60.82	5.85%	\$ 3.56	\$ 64.38
1OC	ON CALL-1YD TRASH	\$ 34.97	5.85%	\$ 2.05	\$ 37.02
1XP	EXTRA PICK UP-1YD TRASH	\$ 34.97	5.85%	\$ 2.05	\$ 37.02

1.5 YARD CONTAINERS
MONTHLY RATES

1HGW	1.5YD TRASH	\$ 203.34	5.85%	\$ 11.90	\$ 215.24
1HGE	1.5YD TRASH EOW	\$ 116.22	5.85%	\$ 6.80	\$ 123.02
1HGM	1.5YD TRASH MONTHLY	\$ 69.31	5.85%	\$ 4.05	\$ 73.36
1HOC	ON CALL-1.5YD TRASH	\$ 44.29	5.85%	\$ 2.59	\$ 46.88
1HXP	EXTRA PICK UP-1.5YD TRASH	\$ 44.29	5.85%	\$ 2.59	\$ 46.88

2 YARD CONTAINERS
MONTHLY RATES

2GW	2YD TRASH	\$ 240.01	5.85%	\$ 14.04	\$ 254.05
2GE	2YD TRASH EOW	\$ 134.52	5.85%	\$ 7.87	\$ 142.39
2GM	2YD TRASH MONTHLY	\$ 77.78	5.85%	\$ 4.55	\$ 82.33
2OC	ON CALL-2YD TRASH	\$ 53.59	5.85%	\$ 3.14	\$ 56.73
2XP	EXTRA PICK UP-2YD TRASH	\$ 53.59	5.85%	\$ 3.14	\$ 56.73

RECOLOGY WESTERN OREGON
AST CITY OF ASTORIA
SUMMARY RATE SHEET
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CODE	DESCRIPTION	CURRENT RATE	INC %	INC \$\$	NEW RATE
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3 YARD CONTAINERS
MONTHLY RATES

3GW	3YD TRASH	\$ 313.37	5.85%	\$ 18.33	\$ 331.70
3GE	3YD TRASH EOW	\$ 171.22	5.85%	\$ 10.02	\$ 181.24
3GM	3YD TRASH MONTHLY	\$ 94.73	5.85%	\$ 5.54	\$ 100.27
3OC	ON CALL-3YD TRASH	\$ 72.23	5.85%	\$ 4.23	\$ 76.46
3XP	EXTRA PICK UP-3YD TRASH	\$ 72.23	5.85%	\$ 4.23	\$ 76.46

4 YARD CONTAINERS
MONTHLY RATES

4GW	4YD TRASH	\$ 386.72	5.85%	\$ 22.62	\$ 409.34
4GE	4YD TRASH EOW	\$ 207.88	5.85%	\$ 12.16	\$ 220.04
4GM	4YD TRASH MONTHLY	\$ 111.68	5.85%	\$ 6.53	\$ 118.21
4OC	ON CALL-4YD TRASH	\$ 90.86	5.85%	\$ 5.32	\$ 96.18
4XP	EXTRA PICK UP-4YD TRASH	\$ 90.86	5.85%	\$ 5.32	\$ 96.18

5 YARD CONTAINERS
MONTHLY RATES

5GW	5YD TRASH	\$ 460.07	5.85%	\$ 26.91	\$ 486.98
5GE	5YD TRASH EOW	\$ 244.57	5.85%	\$ 14.31	\$ 258.88
5GM	5YD TRASH MONTHLY	\$ 128.60	5.85%	\$ 7.52	\$ 136.12
5OC	ON CALL-5YD TRASH	\$ 109.49	5.85%	\$ 6.41	\$ 115.90
5XP	EXTRA PICK UP-5YD TRASH	\$ 109.49	5.85%	\$ 6.41	\$ 115.90

6 YARD CONTAINERS
MONTHLY RATES

6GW	6YD TRASH	\$ 533.40	5.85%	\$ 31.20	\$ 564.60
6GE	6YD TRASH EOW	\$ 281.24	5.85%	\$ 16.45	\$ 297.69
6GM	6YD TRASH MONTHLY	\$ 145.53	5.85%	\$ 8.51	\$ 154.04
6OC	ON CALL-6YD TRASH	\$ 128.13	5.85%	\$ 7.50	\$ 135.63
6XP	EXTRA PICK UP-6YD TRASH	\$ 128.13	5.85%	\$ 7.50	\$ 135.63

8 YARD CONTAINERS
MONTHLY RATES

8GW	8YD TRASH	\$ 653.26	5.85%	\$ 38.22	\$ 691.48
8GE	8YD TRASH EOW	\$ 341.14	5.85%	\$ 19.96	\$ 361.10
8GM	8YD TRASH MONTHLY	\$ 173.23	5.85%	\$ 10.13	\$ 183.36
8OC	ON CALL-8YD TRASH	\$ 158.57	5.85%	\$ 9.28	\$ 167.85
8XP	EXTRA PICK UP-8YD TRASH	\$ 158.57	5.85%	\$ 9.28	\$ 167.85

CONTAINER MONTHLY RENT (CHARGED TO WILL-CALL CUSTOMERS, SAME FOR ALL SIZES)

RNT1	1yd - 8yd RENT - TRASH	\$ 20.00	0.00%	\$ -	\$ 20.00
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FRONT-LOAD COMPACTOR RATE FACTORS - For all compacted material, including pre-compacted waste.

Compactor Rating	4 : 1	3 : 1	2 : 1
Factor applied to container rate of same size	1.5	1.3	1.12

RECOLOGY WESTERN OREGON
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DEBRIS BOX SERVICES
SET HAUL FEES (BASED ON AVERAGE TRUCK TIMES)
RATE PER HAUL

DEL	DELIVERY CHARGE	\$ 40.03	5.85%	\$ 2.34	\$ 42.37
10HG	TRASH BOX HAUL FEE (ALL SIZES)	\$ 87.57	5.85%	\$ 5.12	\$ 92.69
40CG	COMPACTOR HAUL FEE (ALL SIZES)	\$ 105.08	5.85%	\$ 6.15	\$ 111.23

DEBRIS BOX DISPOSAL FEES
RATE PER UNIT

DFDM	DISPOSAL FEE - DEMOLITION (\$\$/TON)	\$ 94.00	0.00%	\$ -	\$ 94.00
DFG	DISPOSAL FEE - GARBAGE (\$\$/TON)	\$ 102.79	0.00%	\$ -	\$ 102.79
DFYD	DISPOSAL FEE - YARD DEBRIS (\$\$/YD ³)	\$ -	0.00%	\$ -	\$ -

Note: Recycling ton fees will be equal to or less than garbage fees, based on current market pricing. Garbage ton rate will change 7/1/19

RELATED FEES
RATE PER DAY

RENTD	DAILY RENTAL FEE	\$ 12.48	5.85%	\$ 0.73	\$ 13.21
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Note: Daily Rent applies after 48 hours, excluding evenings and weekends.

RATE PER MONTH

RENTM	MONTHLY RENTAL FEE	\$ 131.11	5.85%	\$ 7.67	\$ 138.78
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Note: Monthly rent applies for customers who keep a box for a year or longer.

RATE PER HOUR

TIME	TRUCK TIME FEE	\$ 117.72	5.85%	\$ 6.89	\$ 124.61
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Note: Hourly Truck Time is used for hauls to destinations outside our normal operating areas.

TEMPORARY RENTAL CONTAINERS
RATE PER EACH

3YRGD	DELV 3 YD RENTAL FOR TRASH	\$ 26.03	5.85%	\$ 1.52	\$ 27.55
3YRGP	SERVICE 3 YD RENTAL FOR TRASH	\$ 86.23	5.85%	\$ 5.04	\$ 91.27
3YRXD	ADDL DAY - 3YD RENT CONTAINER	\$ 2.00	0.00%	\$ -	\$ 2.00

Note: Temporary = not longer than 30 days, with 45 days between projects. Rent included for first 7 days.

BULKY ITEMS - DEBRIS BOX

STANDARD FEES APPLY FOR THESE ITEMS IF DECLARED & SEPARATED ACCORDING TO INSTRUCTIONS.

ADDITIONAL FEES MAY APPLY FOR ITEMS FOUND IN LOADS.

RATE PER EACH

TOFFR	TIRE CHARGE NO RIM	\$ 4.59	0.00%	\$ -	\$ 4.59
TONR	TIRE CHARGE ON RIM	\$ 9.18	0.00%	\$ -	\$ 9.18
APPL	APPLIANCE	\$ 11.48	0.00%	\$ -	\$ 11.48
APF	REFRIGERATOR/FREEZER	\$ 51.66	0.00%	\$ -	\$ 51.66

MEDICAL WASTE COLLECTION SERVICES
RATE PER EACH

M4HSC	4.7 QT SHARPS CONTAINER	\$ 20.63	0.00%	\$ -	\$ 20.63
M10SC	10 QT SHARPS CONTAINER	\$ 23.99	0.00%	\$ -	\$ 23.99
M23SC	23 QT SHARPS CONTAINER	\$ 46.68	0.00%	\$ -	\$ 46.68
9CDBC	9GAL CONFIDENTIAL DOCUMENT BOX	\$ 36.35	0.00%	\$ -	\$ 36.35
M21BX	21 GAL MEDICAL WASTE BOX	\$ 37.07	0.00%	\$ -	\$ 37.07
M48BX	48 GAL MEDICAL WASTE BOX	\$ 43.34	0.00%	\$ -	\$ 43.34
M8GBP	RX MED WASTE TUB	\$ 97.47	0.00%	\$ -	\$ 97.47

Note: Additional fees may apply for overweight tubs. Improperly prepared materials cannot be collected.

Finance Charges (0.75% monthly, 9% annually) will be assessed on any past due amount (excluding amounts in dispute over billing or service issues).
Billing Terms: Commercial Accounts are billed on a monthly basis.
Residential accounts are billed once every three months, in advance.

ASTORIA TRANSFER STATION
CURRENT & PROPOSED RATES

TO BE EFFECTIVE JULY 1ST, 2019

Material	Unit Charge	Current Rate	Rate Adj %	Rate Adj \$\$	Proposed Rate
Solid Waste - NCC	ton rate	\$ 84.27	3.00%	\$ 2.53	\$ 86.80
Solid Waste - Other Haulers	ton rate	\$ 90.25	3.00%	\$ 2.71	\$ 92.96
Solid Waste - Public	up to 100 lbs	\$ 13.50	3.70%	\$ 0.50	\$ 14.00
Solid Waste - Public	101 - 400 lbs	\$ 24.75	3.03%	\$ 0.75	\$ 25.50
Solid Waste - Public	401 - 600 lbs	\$ 36.00	3.47%	\$ 1.25	\$ 37.25
Solid Waste - Public	601 - 800 lbs	\$ 47.00	3.19%	\$ 1.50	\$ 48.50
Solid Waste - Public	801 - 1,000 lbs	\$ 53.00	3.30%	\$ 1.75	\$ 54.75
Solid Waste - Public	ton rate (over 1,000 lbs)	\$ 101.25	2.96%	\$ 3.00	\$ 104.25
Yard Debris - Public	rate per yard	\$ 11.50	8.70%	\$ 1.00	\$ 12.50
Yard Debris - Billed to NCC	rate per yard	\$ 11.50	8.70%	\$ 1.00	\$ 12.50
Yard Debris - Other Haulers	rate per yard	\$ 10.82	15.58%	\$ 1.69	\$ 12.50
Auto Tires off-rim	each	\$ 4.50	0.00%	\$ -	\$ 4.50
Auto Tires on-rim	each	\$ 8.50	0.00%	\$ -	\$ 8.50
Truck Tires off-rim	each	\$ 10.50	0.00%	\$ -	\$ 10.50
Truck Tires on-rim	each	\$ 21.00	0.00%	\$ -	\$ 21.00
Appliance - Non-Freon	each	\$ 10.50	0.00%	\$ -	\$ 10.50
Appliance - Freon	each	\$ 46.50	0.00%	\$ -	\$ 46.50
Wood	min. charge (up to 500 lbs)	\$ 12.50	4.00%	\$ 0.50	\$ 13.00
Wood	ton rate	\$ 51.50	2.91%	\$ 1.50	\$ 53.00