



AGENDA

ASTORIA CITY COUNCIL

Monday, October 15, 2018

7:00 PM

2nd Floor Council Chambers 1095 Duane Street • Astoria OR 97103

1) CALL TO ORDER

2) ROLL CALL

3) REPORTS OF COUNCILORS

4) CHANGES TO AGENDA

5) CONSENT

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

- a) City Council Minutes for September 17, 2018
- b) Special City Council Minutes for September 24, 2018
- c) Board and Commission Meeting Minutes
 - (1) Draft Historic Landmarks Commission Meeting Minutes for September 18, 2018
- b) Old Highway 30 & Maritime Road Ownership and Access Rights – Grant Application
- c) Approval of Easement 1945 SE Second Street

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 Ordinance Modifying City Code 5.900 – 5.925 Relating to Camping in Public Places
- b) Public Hearing and First Reading: Ordinance Modifying City Code 1.010 Relating to Penalties and the Addition of City Code 6.380 Relating to Enhanced Fine Zones
- c) Liquor License Application from Chris Holen, for a new business as Pouriin LLC doing business as Nekst Event, located at 175 14th Street Suite 100, Astoria for a New Outlet for Full On-Premises Other Public Location License.

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

8) EXECUTIVE SESSION

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

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



CITY OF ASTORIA

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MEMORANDUM • CITY MANAGER

DATE: OCTOBER 11, 2018
TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: ASTORIA CITY COUNCIL MEETING OF OCTOBER 15, 2018

CONSENT CALENDAR

Item 5(a): City Council Minutes for September 17, 2018

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

Item 5(b): Special City Council Minutes for September 24, 2018

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

Item 5(c): Board and Commission Meeting Minutes

a. Draft Historic Landmarks Commission Meeting Minutes September 18, 2018

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

Item 5(d): Old Highway 30 & Maritime Road Ownership and Access Rights – Grant Application

For many years the City of Astoria has been involved in discussions about ownership and maintenance responsibilities along Old Highway 30 and Maritime Road near Blue Ridge and Tongue Point, on the east edge of the City limits. During World War II, the US Government acquired land and rights-of-way (ROW) in the Tongue Point area in order to construct a Naval Base. At that time the Oregon Highway Commission relinquished ownership of the State Highway ROW, retaining some portions south of Birch Street including the current State Highway 30 ROW. Use of the site continued into the 1950s. When the Navy left the Tongue Point site, the US Government continued use of the property as an US Coast Guard buoy tending facility, wildlife reserve, and the Tongue Point Job Corps Center. Over the years, the US Government has sold off portions of the property but retained the roadways as Federal property. Many of the properties that were sold included easements for use of portions of the roadways, but did not provide unrestricted access. Existing documentation does not define use of

the road by the general public nor any consideration for maintenance of the roads.

This issue has been discussed, researched and deliberated by the City, County, Department of Labor and Oregon Department of Transportation for a long time. s. With proposed developments coming to fruition this issue has become more critical to resolve. It is clear that these roadways have never been dedicated as City ROW, but the lack of clarity as to ownership, access and maintenance responsibility impacts the City's ability to process land use actions and support additional use on these roads.

The City proposes to take the lead on resolving ownership, chain of title and legal access rights because funding opportunities for infrastructure improvements require clear ownership. Future development requires proof of legal access and accessibility of this roadway infrastructure for utilities. Furthermore, we anticipate the roadways will eventually be dedicated as City ROW after they are reconstructed to City standards.

Business Oregon Infrastructure Finance Authority (IFA) has invited the City of Astoria to submit a funding application for grant funds with 15 percent funding match. The IFA grant funding will be used to hire an attorney specializing in property rights to review documentation, provide a legal opinion and define a path forward. The application is for a total of \$60,000, which will include a \$9,000 match from the City. Match funds are available in the Engineering Public Works Fund for Professional Services.

It is recommended that City Council authorize City Staff to submit the Business Oregon IFA grant application for preparation of an Old Highway 30 & Maritime Road Ownership and Access Rights Study.

Item 5(e): Approval of Easement 1945 SE Second Street

As a result of the development of 1945 SE Second Street, the City of Astoria and Owner (Astoria Northwest Homes, Inc.) must establish an easement for an existing sanitary sewer pipe on the property. This sanitary sewer main currently serves the existing home at 1955 SE 2nd Street and the newly constructed home at 1945 SE 2nd Street.

In 2010, an easement was established along the south side of this lot and the lots to the west, but it did not completely cover the portion of the public utility on 1945 SE Second Street. With the acceptance of the attached easement, the operation and maintenance responsibilities are clarified and documented appropriately.

It is recommended that City Council accept the sanitary sewer easement for operation and maintenance of a sanitary sewer pipe at 1945 SE Second Street.

REGULAR AGENDA ITEMS

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

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

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

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

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

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

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

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

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

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

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

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

EXECUTIVE SESSION

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

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

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

Councilors Excused: None

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

PROCLAMATIONS

Item 3(a): Daughters of the American Revolution: Constitution Week, Sept. 17-23, 2018

Mayor LaMear read the proclamation declaring September 17-23, 2018 as Constitution Week.

Loreen Church, Daughters of the American Revolution, said the proclamation would be posted in the Astoria Library for the week.

Item 3(b): Lower Columbia Hispanic Council: National Hispanic Heritage Month

Mayor LaMear read the proclamation declaring September 15th through October 15th, 2018 as National Hispanic Heritage Month.

Minerva Moulin, Lower Columbia Hispanic Council, thanked the City for adopting a proclamation acknowledging Hispanic Heritage Month. They were grateful to see that the Councilors recognized the contributions made to the local community by Hispanic residents.

Mayor LaMear announced that there was an addition to the agenda and invited Matt Philips from the Sheriff's Office to talk about the jail bond.

Lieutenant Matt Phillips said he had worked for the Sheriff's Office for 17 years and was currently assigned as the jail commander. He gave a PowerPoint presentation, which included an overview and the history of the current jail facility, which opened in 1980 with fewer beds than originally intended due to costs. He provided details on studies and investigation done in recent years indicating that the jail no longer meets the needs or the projected needs of the county. He cited statistics and explained how the inadequate facility impacts staffing, staff workloads, finances, crime rates, and the community. He described their pre-trial release program and noted it was designed to make decisions about who to release early when they must do a forced release due to overpopulation, and to do so in a way that minimizes risks to community safety. He shared costs associated with a variety of options for upgrading the facility and said the most cost-effective solution would be to build a brand new facility, which would cost about \$23.8 million. The bond would be \$20 million and the county would contribute the remainder from reserves and timber funds. The bond would result in an additional \$50 a year on a house with an assessed value of \$250,000. He explained the financial impact of the new facility on the County's budget.

Councilor Price asked why Clatsop County was at the top of the crime metrics. Lt. Philips explained that as a county employee, he was limited to facts and figures, so he could not answer that.

Councilor Price asked if there were people in jail for possession of marijuana or for being unhoused. Lt. Philips answered no; simple marijuana possession is not a crime. It would take a tremendous amount of marijuana to get to the level of possession being a crime, and the laws are so complicated that it would difficult to figure out how to make possessing marijuana illegal.

Councilor Price asked what role the Sheriff's Department plays in immigration law. Lt. Philips replied none.

Councilor Price believed a new jail has been necessary for a very long time and Sheriff Bergen's ideas have brought the cost way down from a years ago. The OIA facility is important because if the bond does not pass this time and comes up again in three to four years, that facility would not be there. And, it is likely the bond issue would come up again because the needs will not go away, they will only get worse. The quality of life in Clatsop County depends on a jail. Judges do not like to throw people in jail and there are a lot of good family courts, mental health courts, and drug courts that try to keep people out of jail. However, they have to sanction programs even though they know offenders will not go. Jails do not have a natural constituency, but they are important.

Councilor Nemlowill asked what would happen to the space in Astoria if a new jail were built. Lt. Philips said there had been a lot of thoughts and conjecture about that. There are offices, a meeting area, lots of storage, and a commercial kitchen in the jail that could be used for a variety of programs. The growing 4-H club is currently in an expensive lease and are in need of more space and storage. The County could continue to use the building for its own growing storage needs. There is a company that turns jails into other facilities like treatment facilities.

Mayor LaMear said earlier that day at the Rotary meeting, it was mentioned that one possibility was a mental health facility, which is needed in the community. Lt Philips stated the jails have become a safety net for the community and it's not just a reprieve from criminals who break the law repeatedly. Since the deinstitutionalization of jails, they have become the default response to mental health crises. And if that is the way things are going to be, jails might as well try to do a good job and have a facility that meets the needs of the individuals who are there.

Dave Hanlon Warrenton, said he was a retired jail consultant and construction manager. He was the project manager for the Tillamook County Jail and he had worked with Columbia County, Polk County, Benton County, and others that went through the process. Only some of them were successful at passing a bond. He technically did not know why Clatsop County was at the top of all the metrics that Lt. Phillips mentioned, but he did know that before Tillamook County had a jail, they were high on the metrics as well because they only had about six or eight beds in their jail and it was all catch and release. Tourists would come and wreak havoc on the county on the weekends, get arrested, and then they would be released to go home. They would come back the next weekend, so that added to their crime rates quite a bit. The crime rates reduced a lot after the jail was built.

REPORTS OF COUNCILORS

Item 4(a): Councilor Jones reported that attended the American Legion's recognition of two Eagle Scouts and they gave each one a scholarship. He also attended the Race to the Bar, which is an annual fundraiser for the Lower Columbia Hospice. They raised almost \$20,000. The spouse of a Maritime Memorial employee died last week under hospice care and it is very meaningful for the family to have hospice services. Hospice is not just for the patient; it is also for the surviving family members. He attended the Lower Columbia Hispanic Heritage Festival with music and folk dancing. He also attended the Urban Core Town Hall meeting, which had a standing room only crowd. He believed City Manger Estes was managing the process very well. People have a lot of opportunities throughout the process to provide continuous input, verbally and in writing. He also attended Fire Chief Paul Gascoine's retirement. Big house fires are very rare in Astoria and the vast majority of fire calls are for medical emergencies. There is nothing more traumatic than what first responders have to see when they arrive at a car accident.

Item 4(b): Councilor Price reported that Robert (Bob) Jacobs had passed away about a week ago. A memorial had been scheduled for November 3rd and more details would be available later.

Item 4(c): Councilor Brownson reported that Mr. Gascoine had been with Astoria for 31 years to the day. He looked forward to seeing him out on the river because they sail against each other competitively. He received a plaque from a new cruise ship, the Disney Wonder. He also attended the Urban Core Town Hall meeting, which had a good turnout. This will be an important part of how the town looks, so he encouraged people who do not typically engage to start participating in the process and provide comments. He wanted to hear from the broader population.

Item 4(d): Councilor Nemlowill had no reports.

Item 4(e): Mayor LaMear reported that Richard Curtis had been appointed as Interim Fire Chief.

Interim Fire Chief Curtis said he had been in Astoria just short of two weeks and it was an honor to be here. He previously worked as Fire Chief in the City of Anacortes, WA for 22 years. Anacortes is also a port town with many of the same characteristics as Astoria. Chief Gascoine was wonderful at helping him learn about all of the things he had been working on. The firefighters are very committed to providing services to the citizens. His goal was to maintain the excellent high level of service the Fire Department provides.

CHANGES TO AGENDA

There were no changes.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) City Council Minutes of 8/20/18
- 6(b) City Council Special Session Minutes of 8/23/18
- 6(c) Boards and Commission Minutes
 - (1) Library Board Meeting of 8/28/18
 - (2) Parks and Recreation Board Meeting of 8/22/18
- 6(d) Police Department Status Update
- 6(e) Fire Department Status Update
- 6(f) Resolution to Close Existing Funds with Residual Transfers

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

REGULAR AGENDA ITEMS

Item 7(a): Enterprise Zone Resolution

City Manager Estes explained that in March, City Council held a work session to discuss the expansion of the existing Clatsop Enterprise Zone into portions of Astoria. Melanie Olson from Business Oregon, Kevin Leahy from Clatsop Economic Development Resources (CEDR), and Bob Dorn from Hyak Maritime were present at that meeting. At that work session, Council expressed interest in expanding the Clatsop Enterprise Zone into Astoria proper. Enterprise zones are an economic development tool that provide incentives primarily for manufacturing businesses, but do not supersede a municipality's zoning ordinances. In July, Council received a presentation on a draft map prepared by City and County Staff for the areas proposed to be included in the enterprise zone. These are areas of the city where zoning would permit manufacturing businesses that would qualify for the incentives. Council provided direction to proceed. Since the July meeting, a final meets and bounds description was prepared by the County surveyor, which is required to be considered with the resolution. Additionally, CEDR provided notification to the respective taxing districts, which is required by State Statute. In the draft resolution provided to City Council, there is a "be it further resolved" statement that excludes hotels, motels, or destination resorts as being eligible for enterprise zone participation within the City limits of Astoria. That is in keeping with Council direction. These uses would still be eligible in other Clatsop County jurisdictions that are in the Clatsop Enterprise Zone. Should Council approve the implementing resolution, the expansion of the enterprise zone would also need to be considered by Warrenton City Council, the Port of Astoria Commission, and the Clatsop County Commission. The Port of Astoria Commission has the zone expansion on their agenda for their meeting on September 18th. He displayed maps and explained the exact location of the enterprise zone boundaries and expansion areas. Including Astoria's downtown area would support existing breweries and distilleries, and other cottage industries could qualify for incentives.

Councilor Price confirmed that the downtown area from the east side of Mill Pond to the west of the Maritime Museum would not be included in the enterprise zone.

City Manager Estes explained that areas around Columbia Memorial Hospital were not included because manufacturing is not allowed in those zoning districts. Staff recommended that City Council consider the resolution to expand the Clatsop Enterprise Zone.

Councilor Jones thanked Staff for preparing the two-page long meets and bounds descriptions. City Manager Estes noted the County Surveyor prepared the boundary descriptions, which was a pretty laborious task.

Councilor Nemlowill stated she planned to participate in the discussion, but declared that her husband owns a manufacturing business that falls within the proposed zone. She had spoken with the City Attorney about this and did not believe this was a direct conflict of interest.

Mayor LaMear called for public comments on the enterprise zone expansion.

Jeff Hazen Sunset Empire Transportation District Executive Director, 900 Marine Drive, Astoria, presented copies of a letter at the dais from the Sunset Empire Board of Commissioners. Sunset Empire is one of the taxing districts that would be affected by this enterprise zone expansion and their board had some concerns they wanted to share with all of the sponsoring agencies. The second paragraph of the letter discusses concerns about where employees would come from with the unemployment rate so low right now. Additionally, housing is one of the biggest issues in the county. The impacts to roads, highways, and other infrastructure would be significant and this would also increase the need for services like transit, water, sewer, and public safety. He wanted to know where the funds would come from if the tax base was frozen. His district relies on property taxes as its largest source of income, which is used as match money for operations to obtain grants through Oregon Department of Transportation (ODOT). Without the property tax base, they could only run one bus for half a day. He believed the board had questions about the enterprise zone process. Unfortunately, the board would not meet again until September 27th and all of the sponsoring agencies will have made a decision by then.

Mayor LaMear asked Kevin Leahy to respond.

Kevin Leahy, 3560 Irving Ave, Astoria, stated he and Mr. Hazen had spoken about the board's concerns. He had also spoken to Cathy Gleeson who is president of the Sunset Empire Board. Additionally, he planned to attend their board meeting in October to share updates on the enterprise zone and answer questions. The low unemployment rate is a good problem to have, but CEDR, the Small Business Development Center (SBDC), the cities and the county are working diligently to find occupations that will provide family wage jobs. Everyone is also working on housing because it is the number one priority everywhere. Astoria has generously contributed to the County's endeavor with consultants to look for housing solutions. The consultants have been directed to provide action driven examples and solutions. The potential for new growth will bring in families who pay taxes. He explained that the incentives will be applied to new investment, so nothing would be taken away from the taxing districts. Astoria will be leading the charge. The Port Commission will consider the expansion on September 18th, Warrenton City Council will consider it on September 25th, and the Clatsop County Commission will consider it on September 26th.

Mayor LaMear asked if the enterprise zone would have a deadline or would it be open ended and continually renewed. Mr. Leahy explained that the enterprise zone sunsets in 2025, but the legislature could extend that.

Councilor Brownson believed the work session provided a pretty clear representation of what this enterprise zone would look like and Council was very comfortable with idea. Unemployment is low, but Astoria wants family wage jobs that are not tourist related. The enterprise zone is a good opportunity to improve the quality of jobs in Astoria and in the county.

Mr. Leahy added that Clatsop County has a diverse economy and tourism is a very important part of the economy. However, a balanced economy is an advantage that many other counties on the coast and in other rural areas do not have.

Councilor Jones thanked CEDR and Business Oregon for helping to push this for almost a year, adding this is a great long-term investment. Some taxes are being deferred in the short term to accelerate growth in existing business and attract new businesses. The long-term payoff is that Astoria has thriving businesses with more living wage jobs in the community than Astoria had before. This will help diversify the economy. Astoria is not incentivizing new hotels because the hotel business does not need those incentives.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Price, to adopt the resolution expanding the Clatsop Enterprise Zone boundary to include portions of Astoria. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Item 7(b): Public Hearing and First Reading: Ordinance Modifying City Code 5.900 – 5.925
Relating to Camping in Public Places

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

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

It is recommended that Council hold a public hearing and consider holding a first reading of the ordinances amending City Code 5.900 – 5.925.

Mayor LaMear asked why the last sentence in Section 5.900 was added. Chief Spalding explained it was added for clarity. The camping ordinance applies to recreational vehicles, tents, other non-permanent structures, and sleeping out in the open.

Councilor Nemlowill asked why the language about campfires was removed. City Manager Estes clarified that the sentence had simply been moved to another section of the Code. Chief Spalding added that the language was not pertinent and that the City had no problems with campfires.

Councilor Jones asked how the 9th Circuit Court of Appeals ruling would affect enforcement of this ordinance. Chief Spalding explained that in the case of *Martin versus the City of Boise*, the court ruled that the city could not take enforcement action against individuals who were camping outdoors if they had somewhere to sleep. Their ordinance was narrowly focused on particular areas of the city and there a couple of nuances about that case. In Boise, the crime was classified as a misdemeanor. In Astoria, it is classified as an infraction. Part of the ruling spoke to the 8th Amendment on cruel and unusual punishment, which said the punishment must fit the crime and that a misdemeanor was too significant for that violation. An infraction is technically not a crime and there would be no potential for jail.

Mayor LaMear said she was concerned about the last sentence in Section 5.900. She understood taking people out of the woods for safety reasons, but she believed sleeping in a car should be allowed. She had heard Superintendent Hoppes talk about students who are couch surfing or sleeping in their cars at night and the City is unable to offer them anything else. Chief Spalding said the City has had issues with people sleeping in their cars and recreational vehicles, particularly in the Safeway parking lot. The issue with people camping in the woods is a separate issue. Staff has attempted to address both problems with one ordinance. City Manager Estes noted that currently it is illegal to sleep in a car.

Councilor Brownson said the change in Section 5.925 seemed to be reflective of the concerns about homeless people. It stated the City recognizes the social nature of the problem and intended to ensure the most humane treatment when removing homeless individuals from public property. It also states the City would comply with ORS 203.077 and 203.079 to provide proper notice and work with social services to facilitate a humane transition. Chief Spalding added that it is law, and it is the City's intention and policy to have minimal impact on the individuals. His department was not looking to issue citations for individuals camping, but they do have safety concerns with some of the campsites set up in the forested areas. During the next meeting of the homelessness taskforce, he would ask individuals to work with the Police Department to address the safety concerns.

Councilor Jones believed the missing language was a significant oversight in the ordinance and he supported the changes proposed by Staff.

Mayor LaMear opened the public hearing at 8:07 pm and called for public comments on the proposed Code amendment to the ordinance on camping in public places. Seeing none, she closed the public hearing at 8:07 pm.

Chief Spalding said there was no conscious attempt to remove the word “campfire” and Staff could add it back in. However, campfires are a public safety concern.

Councilor Nemlowill clarified that she was just wondering if campfires were now allowed in Astoria. If Chief Spalding did not believe they were a significant concern, she would not worry about it.

City Council Action: Motion made by Councilor Jones, seconded by Councilor Nemlowill, to conduct the first reading of the ordinance modifying City Code 5.900 through 5.925 relating to camping in public places. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Director Brooks conducted the first reading of the ordinance.

Mayor LaMear understood the ordinance was necessary for safety reasons, but the City would need to find housing for people especially with the rainy season coming.

Item 7(c): Authorization to the Light the Astoria Column in a Pink Hue for the Month of October in Recognition of Breast Cancer Awareness Month

On February 18th, 2014 the Astoria City Council gave direction to the Parks and Recreation Department to limit the use of colored lighting effects at the Astoria Column to twice a year when specifically authorized by City Council. In October 2013 in an event organized by Columbia Memorial Hospital, the Friends of the Astoria Column and the Parks and Recreation Department agreed to light the Astoria Column pink in recognition of Breast Cancer Awareness Month. This event was followed by a partnership between the Harbor, the Clatsop County Domestic Violence Council, the Friends of the Astoria Column, and the Parks and Recreation Department to light the Astoria Column teal for the month of April 2014 in recognition of Sexual Assault Awareness Month. Under City Council's authorization the October pink and April teal lighting events were repeated for the 5th year in 2017-2018.

On May 21st, 2018 Council gave special dispensation for the Column to be lit with rainbow colors in honor of local Pride celebrations from June 3rd to the 10th. At that time, there was discussion regarding the status of the Friends of the Column developing a policy to better regulate future lighting requests. While the Friends are still working on a draft of that policy and have ordered a new LED lighting system, it is not feasible to have a policy finalized and approved in advance of October 1st.

The Friends of the Astoria Column have been briefed on this matter and are supportive of the use of lighting effects at the Astoria Column during October 2018 as the final lighting policy is still being formulated. In partnership with Columbia Memorial Hospital and the Friends of the Astoria Column, the Parks and Recreation Department is requesting permission to change the lighting color on the Astoria Column for the 6th year to a pink hue for the month of October 2018 in recognition of Breast Cancer Awareness Month. This will be the first lighting of the Column for fiscal year 18-19.

It is recommended that City Council consider authorizing the change in lighting at the Astoria Column to a pink hue for the month of October 2018 in recognition of Breast Cancer Awareness Month.

Councilor Nemlowill did not believe the Column should be lit in various hues to represent organizations. There are so many wonderful organizations and they have a variety of ways to get their messages out. The Column is one of Astoria's biggest assets and she did not see a reason that organizations or causes should be tied to it. Additionally, it does not make sense to put more work on the Parks Department.

Councilor Price agreed. The last time Council discussed this, they decided not to light the Column until they had further discussion with the Friends. Colored lights should not be put on Astoria's most iconic piece of art. Pink has nothing to do with women who have breast cancer. The color represents the Susan G. Komen Foundation, which has one of the worst track records of giving money to the cause they supposedly support. Supporting

breast cancer is giving money to organizations that do not spend 80 percent of their money on salaries for administrators.

Mayor LaMear said the Friends would be setting the policy and they feel Council should approve the lighting for October because they have not yet finished their discussions.

Councilor Jones did not like ad hoc lighting. If the City is going to allow occasional lighting throughout the year, the discussion should be about how many months of the year the Column would be lit. The City should also have a process to decide which organizations were the most worthy.

Councilor Brownson stated that nationally, pink has been adopted as a symbol for breast cancer. Also, he was agnostic about lighting the Column different colors. He was waiting for the Friends to make some recommendations and have a discussion with them.

Councilor Nemlowill noted that the Column would likely be condemned if it were not for the Friends. The City is lucky to have the Friends, who take care of the day-to-day maintenance, fundraise, donate, and do restorations. However, the Column belongs to the city and this policy has come to the Council for a reason. When the City has to turn down an organization's request to light the Column because permission had already been granted to another organization that creates problems.

Councilor Brownson believed the Council could figure out an equitable way to choose. He could be persuaded to refrain from lighting the Column, but he still wanted input from the Friends first. The Friends have done an amazing job restoring and caring for the Column and they have a right to comment on this policy. He would also like to hear from the public.

Councilor Nemlowill believed the Council was supposed to hear a decision from the Friends quite a long time ago. City Manager Estes confirmed that this topic had been discussed some time in the spring and again in June. The Friends have focused on new lighting technology and would like more time before submitting a proposal.

Councilor Jones asked if the new technology could only be used for colored lighting. Interim Parks Director Dart-McLean said the Friends would be purchasing the new technology regardless of what the Council decides because it would provide energy savings and ease of use. They would like more to prepare a policy because they do not want to overstep their capabilities.

Councilor Jones said he was willing to side with Councilors Price and Nemlowill to vote no on the current request and allow the Friends to present their fully developed proposal at a future date.

City Council Action: Motion made by Councilor Price, seconded by Councilor Nemlowill to deny the request for a change in lighting at the Astoria Column to a pink hue for the month of October 2018 in recognition of Breast Cancer Awareness Month, and to keep the Column lit with white light until the Friends of the Column has proposed a policy.

Mayor LaMear called for public comments. There were none.

Motion carried 4 to 0 to 1. Ayes: Councilors Price, Jones, Nemlowill, and Mayor LaMear. Nays: None. Abstentions: Councilor Brownson.

Item 7(d): Authorization to Purchase Dump Truck

The Public Works Department has solicited a quote for a new 2020 Kenworth 6-yard Dump Truck to replace a 1999 Freightliner 6-yard Dump Truck that has ended its productive service. The new Dump Truck will be purchased through a Cooperative Procurement Contract. The City's procurement code allows for cooperative procurements to be made without competitive solicitations to bring efficiency to the process. As an approved vendor, Pape Kenworth Represents Kenworth Trucks and is their dealer for Northwest Oregon. The contract price for the Dump Truck is \$101,530.00. There are funds (\$110,000) identified in the 2018-2019 Public Works Improvement Fund for this purchase.

It is recommended that City Council approve the purchase of a 2020 Kenworth 6-yard Dump Truck from Pape Kenworth for 101,530 and authorize the City Manager to execute all associated purchase documents.

City Council Action: Motion made by Councilor Jones, seconded by Councilor Brownson to approve the purchase of a 2020 Kenworth 6-yard Dump Truck from Pape Kenworth for \$101,530.00 and authorize the City Manager to execute all associated purchase documents. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

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

Tessa Scheller, no address given said he was a board member from the Northwest Coast Trails Coalition. He shared an example of a trail sign recognized by the national parks, state parks, and Portland. The coalition wanted to gift three of the signs to the City of Astoria for 17th Avenue, which is a designated urban trail. The college has finished the trail through the college campus and around the parking lot where it connects with City property that leads up to the Column. There is an opportunity to walk along 17th where there are at least a dozen beautiful homes. With publicity and exposure, people will recognize the signs. He had spoken with the Public Works Department and they were ready to take action.

Jan Mitchell, Astoria, said she was only representing herself as a private citizen. Between 1995 and 2015, she volunteered as chair of the group that hosted a five-day national Lewis and Clark Bicentennial event. She served for eight years as a member of the Oregon Heritage Commission representing this region. As chair, she had recognized the Astoria Regatta as an Oregon Heritage event. She attended the hearings of the Historic Landmark Commission (HLC) and the Design Review Committee's (DRC) decisions on the proposed hotel. She also attended the appeal hearing on those decisions. She wanted to speak to the appropriateness of the historic review of the waterfront site. She believed the Applicant's attorney described the riverfront as something approaching some sticks, rocks, and a piece of rusting machinery. Attorneys arguing for their clients are not expected to be visual or to sing the praises of a site if doing so would disadvantage their client. Anyone who has been outside of the Astoria area knows it is the magnificent Columbia River and the remnants of the White Star Cannery that draws the hotelier and his architects to Astoria's waterfront. Otherwise, they could locate elsewhere and not deal with design or historic reviews. Astoria is in the position of having a limited resource which is the community's front yard. When she overlooks the pilings and ballast rocks, she thinks of the canoes of the Clatsop, the Corps of Discovery, the sailing vessels, the Chinese who built the rip rap, the canneries, and fisheries over two centuries. Astoria deserves architects and investors who acknowledge and echo that history rather than disparage it by agreeing that only buildings can be of historic significance. The Council will set a precedent that others may want to use. The hotel wants Astoria's business and location, not the other way around. Pulling in more business is not Astoria's top priority. Why not honor the White Star Cannery using the photos shown at the hearing in their restaurant or at a historic site along the river? Council has the task of making decisions that will honor the waterfront and the community, influence future decision-makers, and set precedents.

City Manager Estes noted that Ms. Mitchell's comments were considered ex-parte contact. Staff would make sure the minutes of this meeting were included in the record for the appeal because the hearing was still open.

Roger Rocka, 362 Duane St. Astoria, said in the 1980s and early 1990s, the riverfront looked like a weed and junk infested railroad yard. The vision of people like Jim Flint, Edith Henningsgaard, Robert Meurazzi, Paul Benoit and others led to the transformation of the railyard into a beautiful miles long park. Cities all over are investing in parks because they are an economic driver. This attracts people from elsewhere who want to take advantage of and profit from something they had no part in creating. The Urban Core Area of the riverfront currently has 1950s zoning that was last updated in the 1980s when Astoria was having a rough time. The zoning leaves little room for the Council to respond to the public who say they do not want a wall. Those people do not understand why the Council does not do anything. Broad education needs to be part of the process, which means more work. Some people's livelihoods are tied in with the river and they deserve consideration. The zoning needs to be addressed. The Fairfield Hotel developer still has not made provisions for the required 70-foot view corridor on his property. Additionally, they have made little effort to honor their site by starting with a cookie cutter design the same as Fairfield's all over the country. Now, they have added a little mascara and blush. Worse yet, their lawyer insulted the years of care and work by city leaders, staff and residents by saying the City's Comprehensive Plan, Riverfront Vision Plan, and historic landmarks do not matter. The entire hearing was an ugly muddle and their last minute design tweaks should not have been part of it. Those are sticks and rocks, but the rocks are ballast rocks from sailing ships and the sticks were 40 canneries that used to line the

river when Native Americans never had to fear for something to eat. History does not have to be a building any more than Gettysburg is just grass.

Mayor LaMear stated Mr. Rocka's comments would need to be entered into the record for the appeal hearing.

Councilor Price said almost all of the storefronts in Astoria have very tall ceilings. Five Zero Tress has a floor-to-ceiling black and white mural of the proposed hotel site showing the boiler, pilings, ballast rocks, and the bridge. The owner chose that as a mural because the area spoke to him more than any other in Astoria.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:33 pm to convene the Astoria Development Commission Meeting.

ATTEST:

APPROVED:

Finance Director

City Manager

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

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

Councilors Excused: Nemlowill

Staff Present: City Manager Estes, City Engineer Crater, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

CHANGES TO AGENDA

There were none.

REGULAR AGENDA ITEMS

Item 4(a): Re-Open Public Hearing: Appeal 18-02 by Barbara Bower, Cheryl Storey, and John Ryan of Design Review Request 17-03 at 2350 Marine Drive

On May 3, 2018 the Design Review Committee (DRC) opened a public hearing and reviewed a request to construct a commercial facility for the Astoria Co-Op Grocery at 2350 Marine Drive. The application was approved on June 7, 2018. The location is within both the Civic Greenway and Gateway overlay zones, requiring review by DRC. The goal of Design Review is to carry out design objectives of the Gateway Overlay Zone in an effort to unify the Gateway area and encourage building styles characteristic of Uppertown's historic building types. Guidelines the DRC must follow appear in Article 14.020 through 14.030 of the City's Development Code.

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

Since the Council meeting on July 30th, the applicant and appellants have engaged in discussions to review an alternative vehicular access point to the site. Both the applicant and appellants requested the City Council reopen the public record to accept additional public testimony related to the site layout and northern building elevation. At the September 4, 2018 City Council meeting, the Council determined to re-open the hearing at a Special Meeting to be held on September 24, 2018. Testimony would be limited to the revised site design elements and the revised northern building elevation. The alternative layout is included with this memo for review, as well as a narrative from the applicant outlining the proposed changes.

Should Council approve the revised design, supplemental findings of fact would need to be prepared and adopted to address the applicable criteria raised in the appeal and the changes to the proposal design.

It is recommended that the City Council re-open the public hearing on the appeal to review the alternative site layout and northern building elevation; review new testimony; and consider the Design Review Committee decision to approve the construction request. Regardless of the direction, the City Council will need to adopt applicable Findings of Fact which have the basis of their decision.

Mayor LaMear reopened the public hearing at 6:01 pm and asked if anyone objected to the jurisdiction of the City Council to hear this matter at this time. There were no objections. She asked if any member of the Council had a conflict of interest or ex parte contact to declare. There were none. She read the rules of conduct for the public hearing and advised that the Staff report was available at the Staff table. She called for the Staff report and recommendation.

City Manager Estes reviewed the written Staff report and noted that correspondence had been received since the last public hearing. He read a letter from Appellant Barbara Bower into the record.

Mayor LaMear called for the Appellant's testimony.

John Ryan, 2495 Mill Pond Ln, Astoria, said he met with Don Vallaster and Matt Stanley several weeks after the first appeal hearing with City Council and they came to a conclusion that everyone could agree on, including Barbara Bower, as stated in her testimony. He did not know if he and the other Appellants would be withdrawing or amending their appeal, but they have agreed with the design drawings being proposed by Mr. Vallaster. He read aloud a letter from Cheryl Storey, the other Appellant, as follows:

"As I was quoted in the *Daily Astorian* article by Katie Frankowitz, we are thrilled to arrive at a resolution where the revised co-op plan moves access to their parking lot from Steam Whistle Way to 23rd Street. This change takes pressure off those who use Steam Whistle Way to access their living quarters, whether it is the residents in the senior retired apartments, low income apartments, of those with homes along the narrow alley way. It also means those residents in motorized scooters using Steam Whistle are more protected from the traffic coming from outside the Mill Pond neighborhood to shop at the co-op. Therefore, we ask the Council to approve the new plan as proposed by Don Vallaster of Astor Ventures."

- He stated he agreed with the letter, adding their appeal was just based on using Steam Whistle Way. They have come to an agreement with Astor Ventures that they would enter off of 23rd Street into the parking lot.

Mayor LaMear called for testimony in favor of the appeal. There was none. She called for testimony opposed to the appeal.

Don Vallaster, 711 SW Alder, Portland, presented the approved plan from the June 7th meeting with the Design Review Committee, the revised site plan with the entrance on Steam Whistle Way, and the final plan with the entrance and exit on 23rd Street. His key comments were as follows:

- He pointed out the location of a small garbage enclosure and noted the building had been reconfigured by lengthening it by six and half feet on one side and shortening it by five and half feet on another side. This required the layout of the interior to be changed, but the co-op believed they could make it work.
- The revised landscape plan for Steam Whistle Way included a six-foot planting strip adjacent to the garbage enclosure. All of the other landscaping was per the approved landscape plan of June 7th. He displayed the environmental water control feature that would collect, filter, and divert water from the sidewalk.
- He displayed changes to the north end of the building. The large fence enclosing the loading bay had been removed and arbors with vines growing up them would be installed. Several windows would be added and the door would remain.
- On the west side of the building, the loading bay with the fence would be moved back six feet so the building could be extended six and a half feet. A notch in the building would accommodate the view corridor. The east elevation would be about five and half feet shorter. The big overhead door for shipments would be moved closer to the building and there would be a smaller door for a pedestrian exit out of the building. The shrubs would have to be kept low for safety because traffic would only be 12 feet away. [as stated 13:15]

City Manager Estes advised the Council on necessary procedures depending on their decision.

Mayor LaMear called the Appellant's rebuttal. There was none. She closed the public hearing at 6:16 pm and called for Council discussion and deliberation.

Councilor Jones asked which City Code required the notch in this building. City Manager Estes explained that the City requires visual clearance for traffic safety. This driveway would be a 20-foot wide travel lane and when exiting the co-op parking lot, drivers must be able to see traffic on 23rd Street.

City Council Action: Motion made by Councilor Price, seconded by Councilor Brownson, to tentatively deny Appeal 18-02 by Cheryl Storey, Barbara Bower, and John Ryan, and direct Staff to present Findings of Fact in support of denial at the next City Council meeting.

Councilor Price stated she was impressed with the landscaping plan and the co-op had done a marvelous job with the small space that they have at their current building. She confirmed that the swale would be natural and would absorb water.

Motion carried unanimously. Ayes: Councilors Price, Jones, Brownson, and Mayor LaMear; Nays: None.

Mayor LaMear thanked everyone who was involved, adding this was a wonderful example of how democracy should work.

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

There was none.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:19 pm.

ATTEST:

APPROVED:

Finance Director

City Manager

HISTORIC LANDMARKS COMMISSION MEETING

City Council Chambers
September 18, 2018

CALL TO ORDER – ITEM 1:

A regular meeting of the Astoria Historic Landmarks Commission (HLC) was held at the above place at the hour of 5:18 pm.

ROLL CALL – ITEM 2:

Commissioners Present: Commissioners Jack Osterberg, Paul Caruana, Mac Burns, and Katie Rathmell.

Commissioners Excused: President LJ Gunderson, Vice President Michelle Dieffenbach and Commissioner Kevin McHone.

Staff Present: Planner Mike Morgan. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

In the absence of the President and Vice President, the HLC elected a chair for this meeting.

Commissioner Osterberg moved to elect Commissioner Mac Burns as Chair for the September 18, 2018 meeting. Seconded by Commissioner Rathmell. Motion passed 3 to 0 to 1 with Commissioner Burns abstaining.

APPROVAL OF MINUTES – ITEM 3:

Item 3(a): July 10, 2018

Commissioner Caruana moved to approve the minutes of the July 10, 2018 meeting as presented; seconded by Commissioner Osterberg. Motion passed 3 to 0 to 1 with Commissioner Rathmell abstaining.

Item 3(b): July 17, 2018

Commissioner Osterberg moved to approve the minutes of the July 17, 2018 meeting as presented; seconded by Commissioner Caruana. Motion passed 3 to 0 to 1 with Commissioner Rathmell abstaining.

PUBLIC HEARINGS:

Chair Burns explained the procedures governing the conduct of public hearings to the audience and advised that the substantive review criteria were listed in the Staff report.

ITEM 4(a):

DM18-01 Demolition Request DM18-01 by Tim Janchar to demolish an existing garage at 1440 Irving Avenue (Map T8N R9W Section 8CD, Tax Lot 12100; Lot 9 and north 50' Lot 7 and 8, Block 20, Shively) in the R-3 High Density Residential Zone. The structure is designated as historic in the Shively-McClure National Historic Register Historic District and is associated with the single-family dwelling at 828 14th Street.

Chair Burns asked if anyone objected to the jurisdiction of the HLC to hear this matter at this time. There were no objections. Chair Burns asked if any member of the HLC had a conflict of interest, or any ex parte contacts to declare. None declared. Chair Burns requested a presentation of the Staff report.

Planner Morgan presented the Staff report and recommended approval with conditions. No correspondence has been received.

Chair Burns opened the public testimony for the hearing and asked for the Applicant's presentation.

Tim Janchar, 300 NW 8th Ave # 401 Portland OR 97209, said he had been in Oregon for 15 years and had started picking up shifts at Columbia Memorial Hospital (CMH) as an emergency room (ER) doctor about five years ago. He bought this house about a month after his first shift in Astoria. In addition to working at the ER, he is an artist and musician and the barn has the potential for activity space for family, his art, and inclusion in the art walk in the future. He intends to keep it looking the same. The structure is listed as having a cement foundation, but it is sitting on the dirt and is rotted. An estimate stated 90 percent of the wood is not salvageable. He wanted to demolish the existing structure because it is unsafe, salvage light fixtures, and construct a new building that is sound and safe.

Commissioner Osterberg asked if the Applicant had any opinions or objections to the conditions of approval.

Mr. Janchar said the picket fence shown in the photograph from 2002 was not on the property when he purchased it from the Arch Diocese of Portland five years ago. Everything else seemed very reasonable.

Commissioner Rathmell said the building had been part of the neighborhood for a long time and was loved by people all over town. The Comprehensive Plan states that every possible effort will be made to relocate structures as an alternative to demolition and to excavate archeological sites prior to alteration. She asked if the Applicant considered moving the structure or keeping it intact.

Mr. Janchar confirmed he had spoken to two contractors about the building. The Staff report contains photographs showing the sides of the building bowing, especially on the west side. Contractors said they could lift it, but could not guarantee the building could sustain being lifted. He did not want to pay \$75,000 to lift it when it might fall apart. His initial plan was to save the building, but he discovered that not very much of the original building would last.

Commissioner Caruana asked if the windows would be used in the new structure.

Mr. Janchar stated any of the wood and windows that could be saved would be salvaged. His intent was to save the wood, windows, light fixtures, and plaque. He would use the old windows in the new building if possible.

Commissioner Caruana asked what percentage of the siding could be salvaged and reused.

Mr. Janchar said the estimate was that 90 percent of the building was not reusable.

Commissioner Caruana stated that the pictures seemed to indicate that more than 10 percent of the building would be reusable because buildings do not usually rot from the floor to the ceiling.

Mr. Janchar explained that the entire interior of the building is moist. The photograph in the Staff report is from 2002, but the building is open and people are welcome to come by any time to see its current condition.

Chair Burns called for any presentations by persons in favor of the application.

Justin Bargen Jack + Mare, 8048 SE Martin Street, Portland, said he had been working with Mr. Janchar. His concern with the siding was that it was contaminated with lead paint, which is very difficult to clean up. He had proposed using the same type of wood siding, Douglas fir milled to the same specifications. That way the building would have the same aesthetic without the contamination.

Chair Burns called for any presentations impartial to the application. There were none. He called for any testimony against the application.

Rachel Jensen, Lower Columbia Preservation Society (LCPS), 389 12th Street, Astoria, requested a continuance since the Staff who prepared this Staff report, Rosemary Johnson and Nancy Ferber, were not available. If the intention was to reuse the building, she wanted to know what was done to halt deterioration in the four years that the Applicant had owned the property. Specifically, has water been diverted away from the foundation and has there been interest in the character of what was there when they purchased it? That would dramatically increase the cost that the Applicants are facing now. She was concerned about the estimates that Staff used for

the value of the property. The Staff report used assessor values and stated the real market value of the improvements on the property was \$124,000. That value does not include the land, but the Applicants purchased the property four and a half years ago for \$199,000. Housing prices in Astoria have skyrocketed and this property is highly marketable. She would like the economic feasibility flushed out a little bit more. She was concerned about the demonstrated public need for a new use. She did not believe there was a need to demolish the structure.

Linda Oldenkamp, 1676 Jerome, Astoria, said she hated to see the building torn down because she believed it could be rehabilitated. It would be expensive, but it would also be expensive to rebuild another structure. If it is torn down, every effort should be made to use the old windows and siding. Even if the new building is built to look like the existing building, it would not be like the original. New buildings shout new buildings and old buildings shout historic buildings. There is a big difference. If the building could be rehabilitated as apartments, that would be a wonderful way to meet a need in the community and would more than pay for the costs of rehabilitation.

Chair Burns called for the Applicant's rebuttal.

Mr. Janchar invited everyone to stop by and look at the building even though it has been determined that it is unsafe to go inside. When he purchased the house from the Catholic Church, the building was not included in the cost, they just threw it in with the purchase. So, the church did not value the building or believe it was worth anything. He could not afford to salvage the building and he did not want it to just sit there for 10 or 15 years before it finally fell down.

Chair Burns called for closing remarks of Staff.

Planner Morgan stated the request for a continuance must be granted under Oregon land use laws. The Staff report speaks for itself and he did not believe Planners Johnson or Ferber would have anything to elaborate on.

Chair Burns closed the public testimony portion of the hearing and called for Commission discussion and deliberation.

Commissioner Osterberg moved that the Historic Landmarks Commission (HLC) continue the public hearing on Demolition Request DM18-01 by Tim Janchar to the next regular Historic Landmarks Commission meeting on October 16, 2018; seconded by Commissioner Rathmell. Motion passed unanimously.

ITEM 4(b):

NC18-04 New Construction NC18-04 by Tim Janchar to construct an accessory structure at 1440 Irving Avenue associated with an existing single-family dwelling at 828 14th Street (Map T8N R9W Section 8CD, Tax Lot 12100; Lot 9 and north 50' Lot 7 and 8, Block 20, Shively) in the R-3 High Density Residential Zone. The site is adjacent to structures designated as historic in the Shively-McClure National Register Historic District.

Chair Burns asked if anyone objected to the jurisdiction of the HLC to hear this matter at this time. There were no objections. Chair Burns asked if any member of the HLC had a conflict of interest, or any ex parte contacts to declare. Hearing none, Chair Burns requested a presentation of the Staff report.

Planner Morgan noted this application was dependent upon the approval of DM18-01 and confirmed that the Applicant wanted to continue this hearing to the next meeting.

Commissioner Osterberg moved that the Historic Landmarks Commission (HLC) continue the public hearing on New Construction NC18-04 by Tim Janchar to the next regular Historic Landmarks Commission meeting on October 16, 2018; seconded by Commissioner Caruana. Motion passed unanimously.

ITEM 4(c):

HD18-01 Historic Designation HD18-01 by Joan Herman and John Gaasland to designate a single-family dwelling as historic with the building condition/configuration as proposed in the application plans at 996 12th Street (Map T8N-R9W Section 17BA, Tax Lot 1100; south 50' Lots 7 & 8, Block 115, McClure) in the R-1 Zone (Low Density Residential). The building may also then be considered as Eligible Contributing within the Shively-McClure National Register Historic District.

Chair Burns asked if anyone objected to the jurisdiction of the HLC to hear this matter at this time. There were no objections. Chair Burns asked if any member of the HLC had a conflict of interest or any ex parte contacts to declare.

Commissioner Rathmell declared that she had worked for the Applicants but had not discussed this project. She confirmed she could be impartial.

Chair Burns requested a presentation of the Staff report.

Planner Morgan presented the Staff report and recommended approval with conditions. No correspondence has been received.

Commissioner Osterberg asked if the HLC was to review the window design.

Planner Morgan explained that if a property owner brings a building back to its original design, the building can be designated as historic. The Applicant plans to replace and recreate the original window style that was in the building originally. Astoria issues Certificates of Appropriateness for this type of work over the counter through a Type 1 Review.

Chair Burns opened public testimony for the hearing and asked for the Applicant's presentation.

Joan Herman, 996 12th Street, Astoria, said she and her husband bought the house two and a half years ago and it is in very good condition for being 101 years old. When they bought the house, their goal was to restore it to its original condition as much as they were able. The biggest thing is to restore the windows because they impact the appearance of the home. They just restored two of the windows. Before and after photographs were included in the Staff report. The new windows have lites matching those that were used when the house was constructed. There are a total of 17 windows that need to be replaced. They would like the historic designation so that they can apply for City grant funds to help fund the restoration. The home was originally lived in by Hiram Leinenweber, a descendant of one of Astoria's founders, Truman Powers.

Chair Burns called for any presentations by persons in favor of the application.

Rachel Jensen, 389 12th Street, Astoria, said LCPS supported this historic designation. The Applicants are caring for a historic home and are voluntarily asking to be designated as a historic landmark.

Linda Oldenkamp, 1676 Jerome, Astoria, said the Applicants have done more work on their house than most people in the few years they have been in Astoria. She was in favor of the request.

Chair Burns called for any testimony impartial to or against the application. Seeing none, he called for closing remarks of Staff. There were none. He closed the public testimony portion of the hearing and called for Commission discussion and deliberation.

Commissioner Caruana said the more homes designated as historic, the more effort will be made to maintain those homes. People buying homes designated as historic should be aware certain standards are expected when the home is maintained.

Commissioner Osterberg added that when the HLC reviewed the original inventory, the integrity of the structure was listed at the time as very altered. However, the reasons it was given that designation were because of the windows. Now, with the windows being restored, nothing would stand in the way of this building being approved for a historic designation.

Commissioner Rathmell stated the Applicants had done a beautiful job on the windows and the home has been well maintained. She believed the home would be of great significance to the characteristic of the neighborhood.

Commissioner Osterberg moved that the Historic Landmarks Commission (HLC) adopt the Findings and Conclusions contained in the Staff report and approve Historic Designation HD18-01 by Joan Herman and John Gaasland; seconded by Commissioner Rathmell. Motion passed unanimously.

Chair Burns read the rules of appeal into the record.

ITEM 4(d):

NC18-03 New Construction NC18-03 by Zoe Fenton to construct a single family dwelling adjacent to historic structures at 2609 Irving Ave (Map T8N-R9W Section 9CC, Tax Lot(s) 8000; Lot(s) N 70' of Lot 6, Shively) in the R-2 (Medium Density Residential) Zone.

Chair Burns asked if anyone objected to the jurisdiction of the HLC to hear this matter at this time. There were no objections. Chair Burns asked if any member of the HLC had a conflict of interest, or any ex parte contacts to declare. None declared. Chair Burns requested a presentation of the Staff report.

Planner Morgan presented the Staff report and recommended approval with conditions. No correspondence has been received.

Commissioner Osterberg noted that the conditions of approval do not state when additional design details are to be submitted and who would be approving them.

Planner Morgan confirmed that the additional details had been submitted and were included in the supplemental materials made available to Commissioners at the dais.

Chair Burns opened public testimony for the hearing and asked for the Applicant's presentation.

Zoe Fenton, 90599 Peter Johnson Road, Astoria, said about a year ago, the HLC reviewed a request with certain conditions. He hired a geological engineer who had done a lot of work for the Port because he wanted to make sure that a house could be built on the weird lot. The lot is 50 feet from a slide zone on either side, so the land is more secure with a house on it. He did not want his property to impact anyone else out of negligence. He fought tooth and nail to prevent the house from being demolished, but the insurance company would not allow them to lift the house. The whole reason they got lawyers involved was to try and save the house. When it was demolished, several piles were driven to secure the lot. However, no records were kept on the location of the pilings. The house that was conditionally approved would have required that he take three feet away from the hillside, which could be done because there was not much load impacting the hill. However, the pilings might be impacted. Therefore, he chose to start fresh on a house that would not affect the pilings. That is the house being proposed now, which is very similar in design to the original house. He believed this design went further to fit in with the neighborhood. The neighborhood has historic homes, but also has an eclectic mix of homes. There is a 1980s style house across the street and a manufactured home up the hill. He believed his house looked quite a bit like the three next to it. He worked extensively with City Staff and whatever they say goes. There is a six-inch reveal on the siding, single hung windows, a 5/12 pitch, and simulated shakes. Because of the hillside and the nature of the lot, he wanted to pour a foundation before the rains begin. This was on the record a year ago and he extended it 12 times, but it took longer to get to this design. Extending this request another month will create more danger for the houses around it.

Commissioner Caruana said the photographs showed windows with sills and aprons, but the drawings show windows with a 5/4" by 4" wrap.

Mr. Fenton confirmed the photographs were accurate and the designer simply does not include the details in their drawings. The photograph shows what would be on the front façade and bottom level. One issue is that he is at his budget's maximum, so a couple of the upper level windows on the sides and back of the house would not have the details unless the Commission required it.

Commissioner Rathmell said she was on the Commission when the Applicant made his original proposal and she believed the new proposal had a lot of nice design improvements. She asked why the front window over the entrance would be different.

Mr. Fenton explained that Planner Ferber did not update the photographs in the Staff report with copies of his plans for that window. The supplemental information shows a picture window. The original home had a picture window in the exact same spot. He loved the window and it was what led him to the house. If the window is deemed unacceptable he could do something different, but he really wanted the picture window.

Chair Burns confirmed that the Applicant would have electric heat this time.

Commissioner Caruana said the rest of the homes in the neighborhood have windows that are vertical in nature and rectangular. Some of the proposed windows are wide.

Mr. Fenton said the windows above the kitchen counter could not be much taller, but they are single hung. He had proposed what he thought the Commission wanted him to do.

Chair Burns asked if Mr. Fenton was happy with the design.

Mr. Fenton stated he was very happy with it, but he would be much happier if he could have the picture window; that was his favorite thing about the last home.

Chair Burns called for any presentations by persons in favor of, impartial to or against the application. Seeing none, he called for closing remarks of Staff. There were none. He closed the public testimony portion of the hearing and called for Commission discussion and deliberation.

Commissioner Rathmell said she believed the design had been greatly improved and the one-over-ones were consistent with windows normally seen. This is new construction, so the HLC was not trying to remake history. She believed the Applicant had gone through a lot of trouble to make the house fit in. She supported the request.

Commissioner Osterberg stated he also supported the application as proposed, particularly because the details had been clarified by the Applicant.

Commissioner Caruana said he was mostly in favor of the request. However, Mill Pond has a lot of homes similar to this one, but they have a lot more details that make them more charming. He wishes this house were more charming. The updates do address most of those details. A lot of new homes end up looking remarkably flat and there is not a lot of relief from corbels and knee braces. Interest in a home comes from varying depths. A box with a four-square roof can look gorgeous with the right details. He was inclined to vote in favor of the request, but he wished some of the new homes had more details.

Chair Burns understood that as long as the Applicant could have a picture window, he would be willing to build what had been proposed with the help of Staff. He supported the request.

Commissioner Rathmell agreed with Commissioner Caruana and said she believed the new home designs had a lot to do with materials being used now. Synthetic materials do not have as much texture as real wood and real wood windows make a big difference. However, the cost and design that has gone into this project was sufficient for the type of home and for new construction.

Commissioner Caruana believed the 5/4" by 6" barge boards were a very small scale. The belly band would be eight inches, which is twice the size of the siding. The belly band might stand out too much. He believed barge boards two inches larger would be more appropriate.

Commissioner Osterberg noted that the public hearing could be reopened so the Applicant could respond to the Commissioner Caruana's suggestions. He asked if changing the reveal of the siding would really accomplish the change that Commissioner Caruana wanted.

Commissioner Caruana believed it would look quite a bit different. The drawings are not to scale. They show an eight-inch belly band that looks to be the same size as the six-inch barge board. He believed that with the right detailing, the house would be charming.

Chair Burns and Commissioner Rathmell agreed the Applicant should have the opportunity to respond to the recommended changes. The Applicants have worked on this for quite some time and have made a lot of effort to incorporate all of the City's suggestions.

Commissioner Caruana clarified he did not want to make his recommendations part of the conditions of approval. He just wanted his suggestions to be part of the record. Since Staff was in favor of the proposal as presented, he agreed.

Commissioner Osterberg moved that the Historic Landmarks Commission (HLC) adopt the Findings and Conclusions contained in the Staff report and approve New Construction NC18-03 by Zoe Fenton, with the addition of Condition of Approval 9 as follows:

- The Applicant may consider minor revisions to the details shown on the elevation and detail drawings to add greater width to the barge boards to eight inches, belly band, and decrease the lap siding exposure to five inches, and have those changes approved with this land use decision.

The motion was seconded by Commissioner Rathmell and passed unanimously.

Chair Burns read the rules of appeal into the record.

Chair Burns called for a recess at 6:43 pm. The meeting reconvened at 6:46 pm.

ITEM 4(e):

EX18-11 Exterior Alteration EX18-11 by Sarah Jane Bardy to convert and expand an existing garage into an Accessory Dwelling Unit at 1659 Irving (Map T8N R9W Section 8DC, Tax Lot 11200; Lot 3, Block 53, Shively's) in the R-1 Zone (Low Density Residential).

Chair Burns asked if anyone objected to the jurisdiction of the HLC to hear this matter at this time. There were no objections. Chair Burns asked if any member of the HLC had a conflict of interest, or any ex parte contacts to declare. None declared. Chair Burns requested a presentation of the Staff report.

Planner Morgan presented the Staff report and recommended approval with conditions. No correspondence has been received.

Chair Burns opened public testimony for the hearing and asked for the Applicant's presentation.

Sarah Jane Bardy, 1661 Irving Avenue, Astoria, said the Staff report erroneously stated her house has seven-inch reveal siding, but it is actually four inches. The doors on the garage have not been removed, they are just unusable. The previous owners had a tall vehicle so they raised the garage off of the foundation and set it back down on stacks of 2' by 4's. When the garage doors are pulled down, there is an eight-inch gap. She bought the house about four and a half years ago and has been slowly restoring it. The house sat vacant for a few years and much of the interior details were pilfered and presumably sold. After four years of looking, she just found the right French doors to put back into a room. She is a preservationist and a perfectionist. She could do things faster and cheaper, but that would bother her. Her plan for the building is to make it beautiful. The trim around the windows and the molding will be identical to what is on her house. The only difference is that wood is not as good as it used to be. She wanted to do the best things possible even though the garage is not terribly visible from the street. She wanted it to be beautiful for herself and for anyone walking by. Currently, it is embarrassing.

Commissioner Osterberg asked if the reveal would match the house.

Ms. Bardy said yes, the house has four-inch lap siding and the original siding is easily replicated.

Commissioner Caruana asked if the entire garage would come down to the foundation and would then be rebuilt.

Ms. Bardy confirmed the garage would be rebuilt. The siding is old, the roof is gone, and the foundation is a stack of 2' by 4's.

Chair Burns called for any presentations by persons in favor of the application. There were none. He called for any testimony impartial to the application.

Linda Oldenkamp, 1676 Jerome, Astoria, said she was the Applicant's neighbor. Ms. Bardy has done an incredible job on her property and it is beautiful. She was glad the Applicant was not planning on a full accessory dwelling unit (ADU), which would have required the house to be turned into a residential house. She believed it would be a travesty to take a beautiful historic duplex and turn it into a family dwelling. We need housing. She was sad that garages were a premium in Astoria, so she hated to see the space not be used as a garage. She believed a garage would add value to the house. She asked if the garage would be converted into a bedroom and if it would have a bathroom. If it was just going to be a bedroom, she asked why it would need to be expanded. She was concerned about ADUs and Airbnbs. She did not like them. She saw them as little hotels sprouting up all over in the residential areas. She understood it would be part of the deed that would not happen. She did not understand why the garage would need to be expanded if it was just a bedroom. Nothing was mentioned about bathroom facilities.

Dave Pollard 1676 Jerome, Astoria, said that Ms. Bardy has been an excellent neighbor and the work she has done on her house has really improved the neighborhood. He was initially concerned because his house was built so that their dining room looks right down on Ms. Bardy's garage. The streetscape below his house is extremely dense. There are eight structures along the street and at least four of them could not be rebuilt on their existing lots. The proposed garage would not be invisible from the streets and other houses. He supported the proposal but was concerned that the details would be visible from several directions. There are several garages in the area. His garage was added 40 years ago on the side lot. He was also concerned about parking because the college floods his street with cars.

Chair Burns called for any testimony against the application. Seeing none, he called for closing remarks of Staff. There were none. He called for the Applicant's rebuttal, noting that the HLC does not review the interior of the structure.

Ms. Bardy explained that a few years ago she had tenants in the downstairs of her duplex. When their lease expired she moved her mother into the space because she is going blind. There are a lot of stairs going into the unit and it is a very dark unit with a weird layout. So, she planned to build a single level, accessible unit with an open floor plan and bright light. It will not be a full ADU because she is not allowed to have one. The space will be a bedroom, a bathroom, and a partial kitchen.

She has agreed to amend her deed to say that only her mother, Ruth Bardy, can ever inhabit that space because of special conditions. If she sells the building or her mother no longer lives there, the space can be used for another purpose, but it will never be rentable as living space.

Planner Morgan noted that a bedroom and bathroom does not have to be restricted to one individual person. It is considered an extra room for one of the units and cannot be rented out as an Airbnb. An ADU or another unit is not allowed on the property and that would require a full kitchen.

Chair Burns closed the public testimony portion of the hearing and called for Commission discussion and deliberation.

Commissioner Osterberg said he supported the application with the conditions of approval.

Commissioner Rathmell stated she supported the application. She knew Ms. Bardy would do a good job with the design because she has seen what was done to the home.

Commissioner Caruana stated the project was low impact and low visibility. The Staff report states the garage would match the house, but there is no eave or barge board detail. The house has a unique style. He hoped the garage would have zero overhangs on the gable ends. Also, the roof is different from the house. He wanted more details about the roof.

Chair Burns reopened the public hearing and asked the Applicant to respond to Commissioner Caruana's concerns.

Ms. Bardy confirmed that the new roof would match the existing roof, but all of the details, windows, doors, and trim would match the house.

Chair Burns called for any testimony on the roof and details. There was none. He closed the public hearing.

Chair Burns confirmed he could support the application. He had seen changes in the house and was confident that future changes would be positive.

Commissioner Osterberg moved that the Historic Landmarks Commission (HLC) adopt the Findings and Conclusions contained in the Staff report and approve Exterior Alteration EX18-11 by Sarah Jane Bardy; seconded by Commissioner Caruana. Motion passed unanimously.

Chair Burns read the rules of appeal into the record.

REPORTS OF OFFICERS/COMMISSIONERS – ITEM 5:

There were none.

STAFF UPDATES – ITEM 6:

There were none.

MISCELLANEOUS – ITEM 7:

There were none.

PUBLIC COMMENTS – ITEM 8:

There were none.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:15 p.m.

APPROVED:

Community Development Director



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

MEMORANDUM • PUBLIC WORKS DEPARTMENT

DATE: OCTOBER 8, 2018
TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: OLD HIGHWAY 30 & MARITIME ROAD OWNERSHIP AND ACCESS RIGHTS – GRANT APPLICATION

DISCUSSION/ANALYSIS

For many years the City of Astoria has been involved in discussions about ownership and maintenance responsibilities along Old Highway 30 and Maritime Road near Blue Ridge and Tongue Point (see application attachments) on the east edge of the City limits. In the 1940s, due to World War II, the US Government acquired land and rights-of-way (ROW) in the Tongue Point area of Astoria to construct a Naval Base. At that time the Oregon Highway Commission relinquished ownership of the State Highway ROW, retaining some portions south of Birch Street including the current State Highway 30 ROW. Use of the site continued into the 1950s. When the Navy left the Tongue Point site, the US Government continued use of the property as an US Coast Guard buoy tending facility, wildlife reserve, and the Tongue Point Job Corps Center through the Department of Labor. Over the years, the US Government has sold off portions of the property but retained the roadways as Federal property. Many of the properties that were sold included easements for use of portions of the roadways, but did not provide unrestricted access. Existing documentation does not define use of the road by the general public nor any consideration for maintenance of the roads.

This issue has been discussed, researched and deliberated by the City, County, Department of Labor and Oregon Department of Transportation for a long time, particularly when proposed developments are being considered or there are maintenance issues. With proposed developments coming to fruition this issue has become more critical to resolve. It is clear that these roadways have never been dedicated as City ROW, but the lack of clarity as to ownership, access and maintenance responsibility impacts the City's ability to process land use actions and support additional use on these roads.

The City proposes to take the lead on resolving ownership, chain of title and legal access rights because funding opportunities for infrastructure improvements require clear ownership. Future development requires proof of legal access and accessibility of this roadway infrastructure for utilities. Furthermore, we anticipate the roadways will eventually be dedicated as City ROW after they are reconstructed to City standards.

Business Oregon Infrastructure Finance Authority (IFA) has invited the City of Astoria to submit a funding application for grant funds with 15 percent funding match. The IFA grant funding will be used to hire an attorney specializing in property rights to review documentation, provide a legal opinion and define a path forward. The application is for a total of \$60,000, which will include a

\$9,000 match from the City. Match funds are available in the Engineering Public Works Fund for Professional Services.

RECOMMENDATION

It is recommended that City Council authorize City Staff to submit the Business Oregon IFA grant application for preparation of an Old Highway 30 & Maritime Road Ownership and Access Rights Study.

By: Jeff Harrington
Jeff Harrington, Public Works Director

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



General Application

775 Summer St NE, Suite 200
Salem, OR 97301-1280

Applicant

City of Astoria

Name

93-6002118

Federal Tax ID Number

1095 Duane Street, Astoria, OR 97103

Street Address

same

Mailing Address

Organization Type:

☒ City

☐ County

☐ Special District under
ORS _____

☐ Port District under
ORS _____

☐ Tribe

Jeff Harrington

Contact Name

(Person we should contact with project questions)

Public Works Director

Title

503-338-5177

Phone Number

503-338-6538

Fax Number

jharrington@astoria.or.us

Email Address

Representation (Information may be found at www.leg.state.or.us/findlegsltr)

16

Senate District Number

Betsy Johnson

Senator's Name

32

House District Number

Debbie Boone

Representative's Name

Project Information

Old Highway 30 and Maritime Road Ownership and Access Rights Study

Project Name: (e.g., Stayton Water System Improvements)

Opportunity/Problem

Briefly describe the opportunity or problem facing the applicant:

In the 1940's, due to World War II, the US Government acquired land and rights-of-way (ROW) in the Tongue Point area of Astoria to construct a Naval Base. The Oregon Highway Commission relinquished ownership of the State Highway ROW, retaining some portions south of Birch Street including the current Highway 30 ROW. Use of the site continued into the 1950's. When the Navy left the Tongue Point site, the US Government continued use of the property as a US Coast Guard buoy tending facility, wildlife reserve, and location of the Job Corps Center (TPJC), through the Department of Labor. Over the years, the US Government sold off portions of the property but retained the roadways as Federal property. Many of the properties sold included easements for use of portions of the roadways, but did not provide unlimited access to the private properties, use of the road by the general public, nor any consideration for maintenance of the roads.

Response to Opportunity/Problem

Briefly describe the major alternatives considered to address this opportunity or problem:

This issue has been discussed, researched and deliberated for many years, particularly when proposed developments are being considered or there are maintenance requests. Recently, proposed developments are turning into a reality so this issue has become more critical to resolve. The City considered putting the burden of this issue on the property owners and developers, but ultimately determined that formally resolving this issue is a benefit to the public so the City of Astoria is taking the lead.

Detailed Project Description

Clearly describe the proposed project work to be accomplished:

The North Tongue Point area is identified as a major potential industrial site and is increasing in use with the current Hyak development. Private development of the Tongue Point properties is contingent upon legal access to the properties and continued maintenance of the roadways. The road is used by Tongue Point Job Corps, US Coast Guard, local property owners in the area, private businesses located at the Hyak property, and the general public. It is also used as an emergency alternate route for State Highway 30 traffic.

The City proposes to take the lead on resolving ownership, chain of title and legal access rights because funding opportunities for infrastructure improvements require clear ownership. In addition, future development requires proof of legal access. Planning funding will be used to hire an attorney specializing in property rights to review documentation, provide a legal opinion and define a path forward.

Project Work Plan

List project activity milestones with estimated start and completion dates. Identify estimated date of first cash draw:

Activity	Estimated Date	
	Start	Completion
Legal Counsel	Nov 1, 2018	Mar 30, 2019

Estimated First Draw Date: 12/1/18

Project Budget

IF THIS APPLICATION IS FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) OR
SAFE DRINKING WATER REVOLVING LOAN FUND (SDWRLF) PROGRAM FUNDING,
PLEASE SKIP THIS BUDGET TABLE AND COMPLETE THE PROJECT BUDGET INCLUDED IN THE
PROGRAM-SPECIFIC APPLICATION SUPPLEMENT FORM.

List individual project budget line items with requested budgeted amounts by IFA and non-IFA funding sources.
Change budget column labels to identify the specific requested IFA funding sources. Non-IFA sources are those
funds other than those requested from IFA.

Budget Line Item (Adjust budget items to suit the project) <i>Below are general items most used</i>	IFA Funding		Non-IFA	Total
	Source 1	Source 2	Funds	
Engineering/Architecture	\$0	\$0	\$0	\$0
Construction				0
Construction Contingency				0
Land Acquisition				0
Legal	51,000		9,000	60,000
Construction Management				0
Other (Specify)				0
Other (Specify)				0
Other (Specify)				0
Other (Specify)				0
Totals	51,000	0	9,000	60,000

Details of Non-IFA Funds

Source of Non-IFA Funds	Amount	Status: C-Committed, A-Application S-Submitted, AI-Application Invited, PS-Potential Source	Dates Required Funds will be Committed and Available
City of Astoria	\$9,000	C	
Totals	9,000		

If "Non-IFA funds" include USDA Rural Development funding that will require interim financing, please indicate the source of the interim financing.

General Certification

I certify to the best of my knowledge all information, contained in this document and any attached supplements, is valid and accurate. I further certify that, to the best of my knowledge:

1. The application has been approved by the governing body or is otherwise being submitted using the governing body's lawful process, and
2. Signature authority is verified.

Check one:

- ☒ Yes, I am the highest elected official. (e.g., Mayor, Chair or President)
- ☐ No, I am not the highest elected official so I have attached documentation that verifies my authority to sign on behalf of the applicant. (Document such as charter, resolution, ordinance or governing body meeting minutes must be attached.)

The department will only accept applications with proper signature authority documentation.

Signature

Arline LaMear

Printed Name

Date

Mayor

Printed Title

FOR BUSINESS OREGON USE ONLY

Concept Number

Intake Approval Date

Project Type:

☐ Planning

☐ Construction

☐ Other:

☐ Design

☐ Design & Construction

Applicant: City of Astoria

Project Name: Old Highway 30 and Maritime Road Ownership and Access Rights Study

Section I: Property Acquisition / Ownership / Operation

A. What is the street address or physical location of the property that is the subject of this project?

Old Highway 30 and Maritime Road near Blue Ridge located on the east edge of the Astoria city limits.

B. What is the zoning designation of the property?

(NOTE: Only land zoned as "industrial" will be considered for a grant.)

Sole access to Marine Industrial Shorelands Zone (S1), Institutional Zone (IN), and Aquatic One Development Zone (A1)

C. Will the land involved in this project remain zoned as industrial, and not be converted to another use for at least five (5) years after completion of the project? ☒ Yes ☐ No

D. If the purpose of the project is for developing industrial lands, has the industrial site been reviewed for conformance with marketability standards? ☐ Yes ☐ No
(A memorandum from the OBDD Business Development Officer that addresses the ten marketability criteria must be included as Attachment D.)

E. Will the applicant own the potential development project (e.g., infrastructure, building, industrial land) that is the subject of this planning project, once it is constructed? ☒ Yes ☐ No
If no, describe other ownership:

F. Will a private business have a special legal entitlement to the potential development project if it is constructed / completed? (e.g., through either a transfer of, or partnership in ownership, lease, management contract, special rates / charges, or priority for use) ☐ Yes ☒ No

If yes, describe:

Section II: Budget Information

A. Who prepared the cost estimates for the project?

Name: **Cindy Moore**

Title: **Assistant City Engineer**

Company: **City of Astoria**

Phone Number: **503-338-5173**

Date of project cost estimate: **8/10/18**

B. If funds from other sources are required to complete the project, are they available at this time? *If no, list:* ☒ Yes ☐ No

Source(s): **City of Astoria**

Amount(s): **\$9,000**

Date(s) required funds will be committed and available: **Immediately**

III: Financial Information *Complete only if funding request includes a loan:*

A. What sources of revenue are being pledged to repay a loan?

N/A

B. Is other debt serviced or secured by those revenues? ☐ Yes ☐ No

If yes, is the other debt described in the applicant's audit reports?

☐ Yes ☐ No

If no, describe:

C. Has the applicant ever defaulted on a debt?

☐ Yes ☐ No

If yes, provide a complete summary of the circumstances related to the default.

D. Is there actual / pending litigation that could impair the applicant's ability to repay debt? ☐ Yes ☐ No

If yes, describe:

Attachments

		Attachment Description	For IFA Use (X Attached?)
Required with all applications	A	Map(s) showing the location of the project, including tax lots / parcels and road widths, etc. The map(s) must include a zoning overlay for the subject property.	<input checked="" type="checkbox"/>
Check if applicable	Check box at left and include any of the following attachments that are applicable to the project		
<input type="checkbox"/>	B	If funding request includes a loan, and the applicant's last three audit reports are not available at the Secretary of State website: http://www.sos.state.or.us , attach copies of the applicant's audit reports.	<input type="checkbox"/>
<input type="checkbox"/>	C	If funding request includes a loan, complete the Schedule of Pro Forma Revenues and Expenditures for the applicable fund(s) that will be pledged to repay the loan for each of the next five years and any underlying assumptions used (<i>see Attachment C</i>).	<input type="checkbox"/>
<input type="checkbox"/>	D	If applying for grant, attach a copy of the memorandum prepared by the OBDD Business Development Officer that addresses marketability criteria for the project site.	<input type="checkbox"/>

Schedule of Pro Forma Revenues and Expenditures

Attachment C

	Pro Forma	Current FY					
1	Year (ending June 30)		1	2	3	4	5
2	Beginning Fund Balance		0	0	0	0	0
Operating Revenues							
3	Primary Revenue Source						
4	Other Revenue Source 1						
5	Other Revenue Source 2						
	Total Operating Revenues	0	0	0	0	0	0
Operation, Maintenance & Replacement (OM&R) Expenses							
6	Personal Services						
7	Materials & Services						
8	Other Operating Expenses						
	Total Operating Expenses	0	0	0	0	0	0
Debt Services							
	Funds Avail for Debt Service	0	0	0	0	0	0
9	Existing Debt 1						
10	Existing Debt 2						
11	Other Proposed Debt						
	Total Debt Service	0	0	0	0	0	0
Other Activities							
	Cash Avail After Debt Service	0	0	0	0	0	0
12	Loan Proceeds / Drawdowns						
13	Capital Outlay						
14	System Replacement Reserves						
15	Other Non-Operating Activity						
	Net Other Activity	0	0	0	0	0	0
16	Net Transfers IN (OUT)						
17	Adjustments						
	Net Transfers & Adjustment	0	0	0	0	0	0
	Ending Fund Balance	0	0	0	0	0	0
18	Connections						
19	EDUs						
20	Monthly Rate per EDU						

Please contact your regional coordinator if you have questions completing this form.

Primary revenue source (e.g., user charges). Include, on lines 4 or 5, revenues such as taxes, hook-up fees and rent/lease income. Do not include interest, SDCs, etc., in this section; rather, enter these revenues on line 15.

Include short-lived asset replacement with a useful life of 15 years or less. Do not include capital outlay, transfers, depreciation, etc; rather, enter these revenues to lines 12–17.

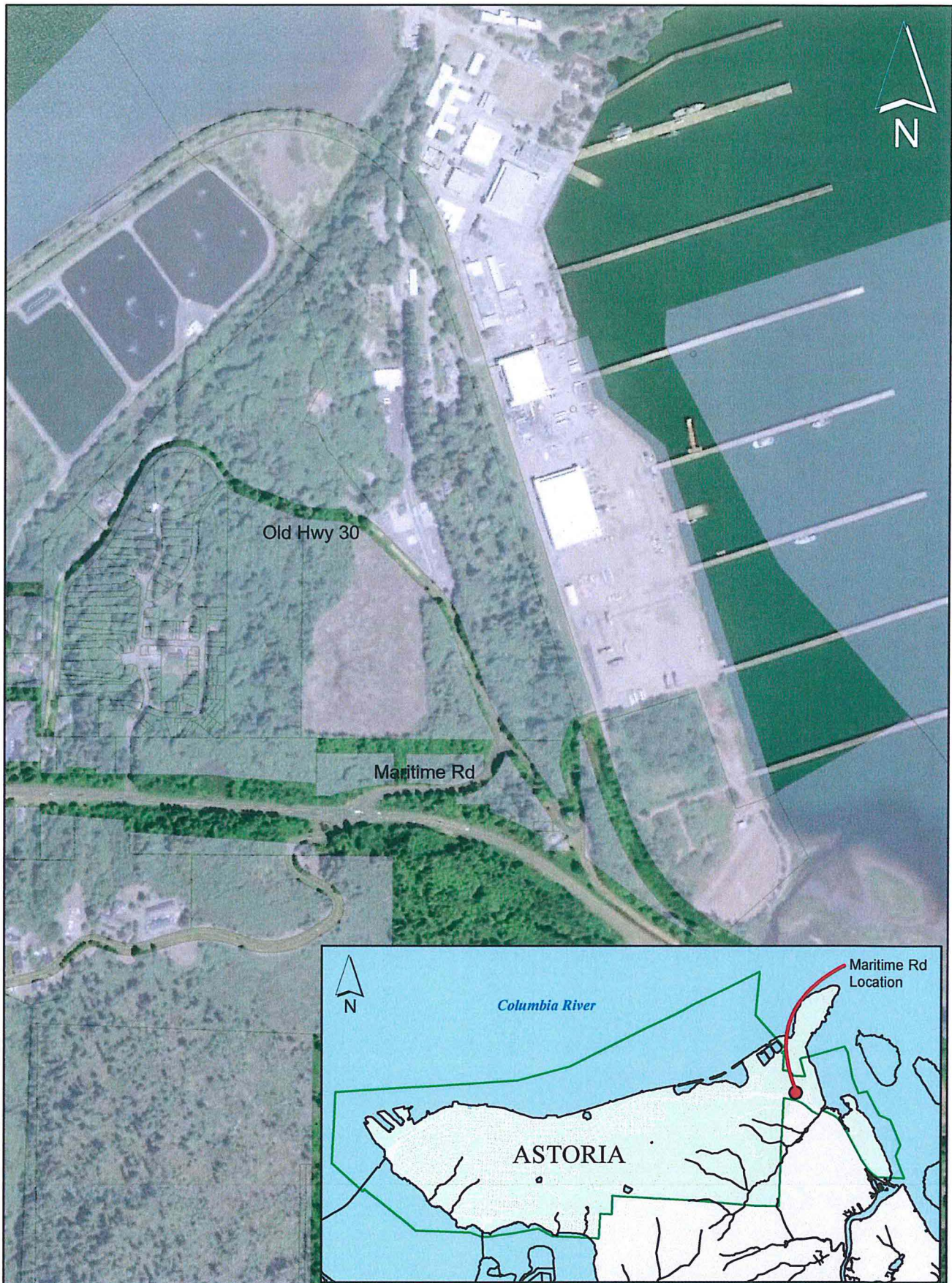
Enter and specify annual debt service amounts for existing and proposed debt support by this fund, including any proposed non-IFA debt for this project, e.g., USDA, DEQ, etc.

Anticipated drawdown schedule for requested loans. Include capital outlay in **brackets (negative number)** for this project. Anticipated contributions for system replacement. Asset sales, SDCs, interest income (specify†).

Include transfers to reserve accounts (specify†). Explain any adjustments

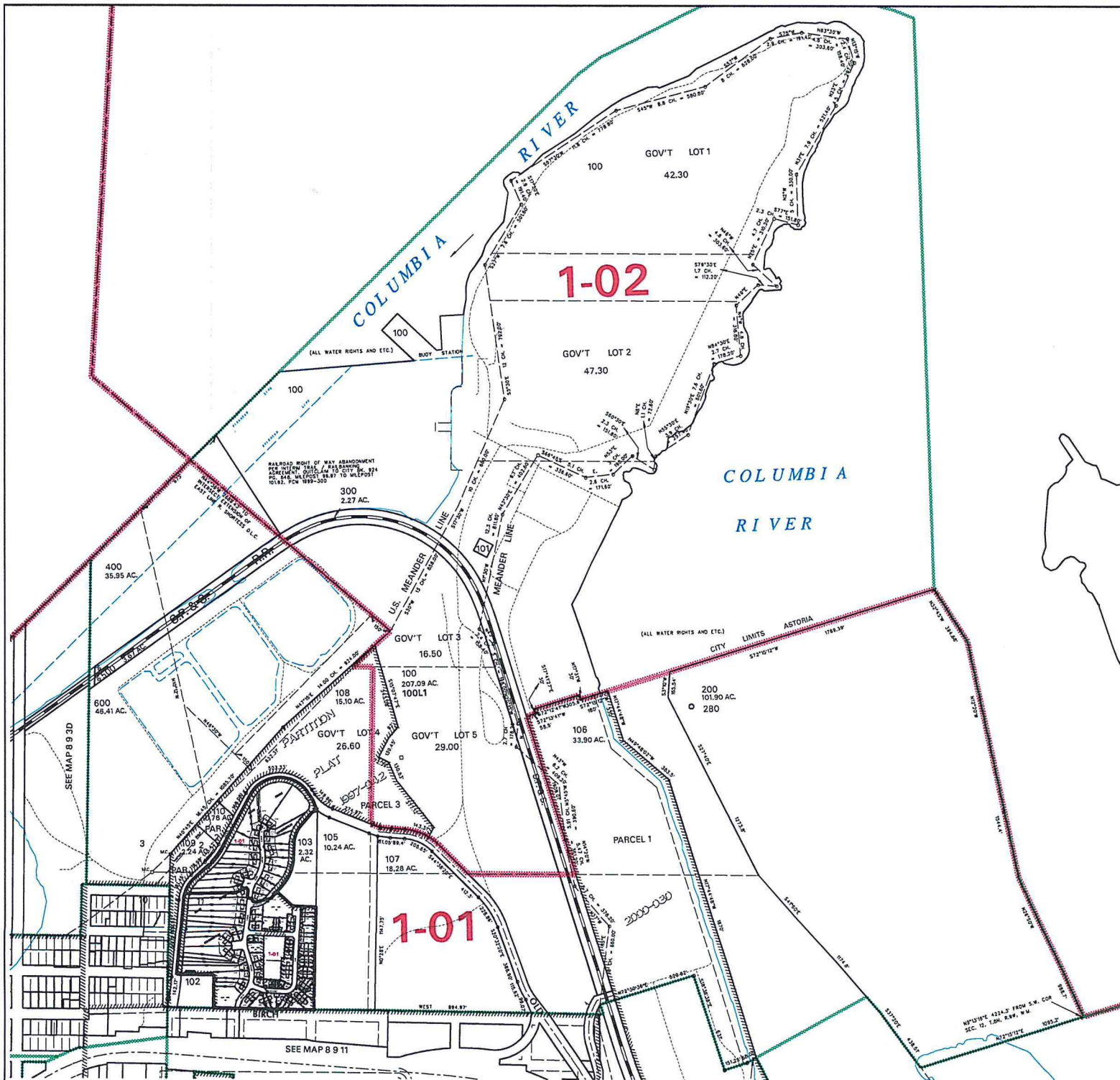
†Describe any assumptions used in calculating above figures, such as changes in user rates, EDU/connection growth, loan repayments, operating expenses, transfers, adjustments:

LOCATION MAP

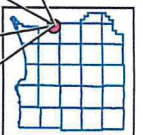


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NAD 1983/91 HARN StatePlane Oregon North FIPS 3601 Int'l Feet
Additional Detail Maps on Separate Sheets

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12	7	8	9	10	11	12	7	
13	18	17	16	15	14	13	18	
24	19	20	21	22	23	24	19	
25	30	29	28	27	26	25	30	
36	31	32	33	34	35	36	31	
1	6	5	4	3	2	1	6	



June 06, 2018



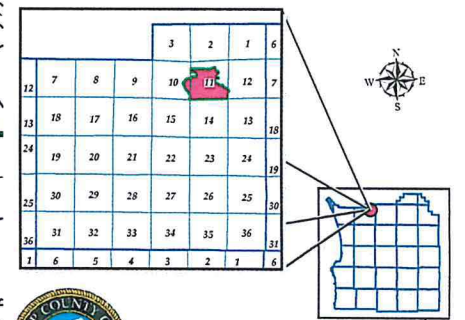
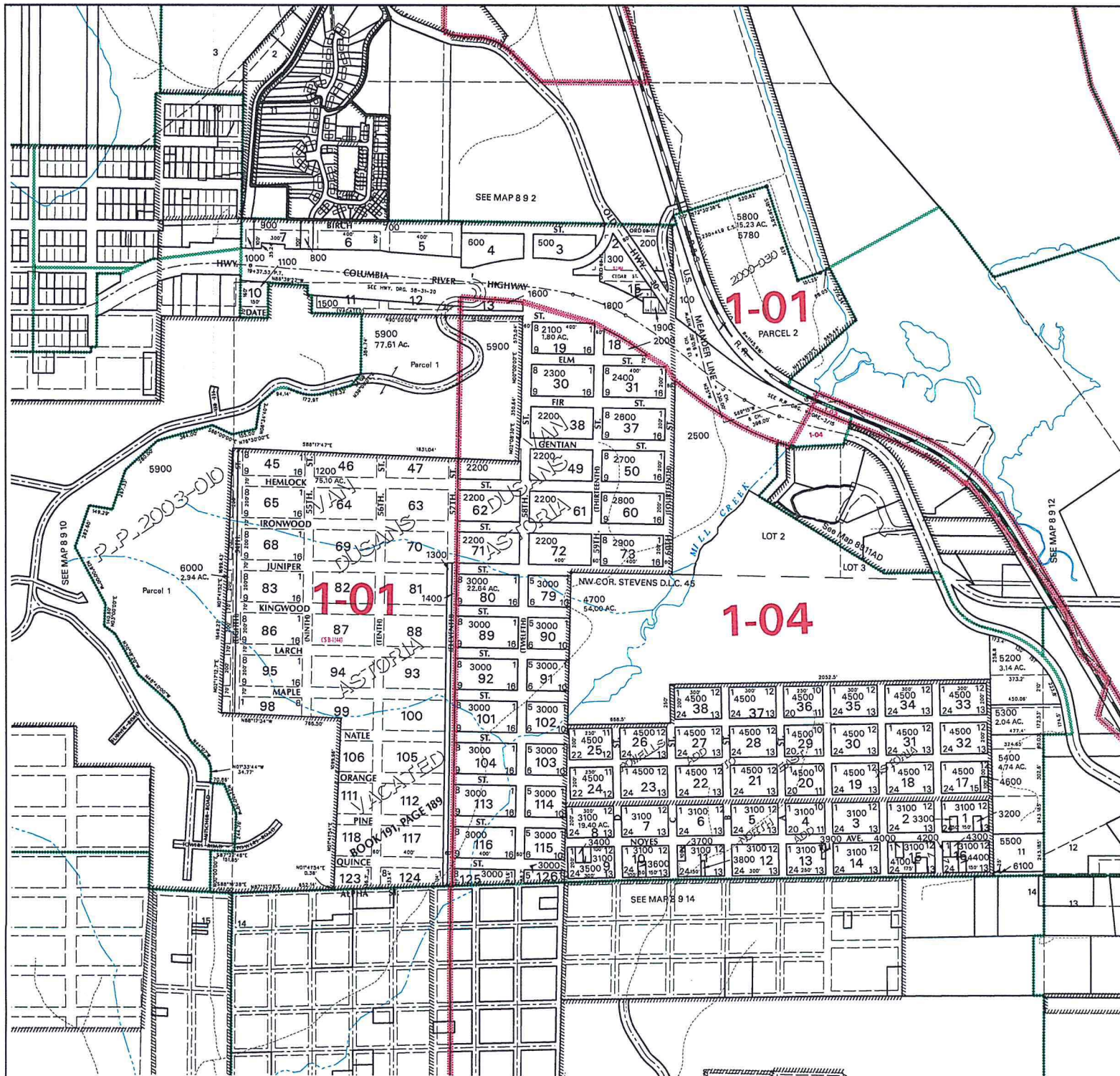
This map was produced for assessment purposes only using Clatsop County data. The data is maintained by Clatsop County to support its governmental activities. Clatsop County is not responsible for any map errors, possible misuse, or misinterpretation.

T8N R9W SEC 11 WM
CLATSOP COUNTY
Scale 1:4800

0 400 800 1600 ft
NAD 1983/01 HARN StatePlane Oregon North FIPS 3601 Int'l Feet

Cancelled
Accounts

1201
1202
1301
1302
1701
1702
301
302
400
401
4900
4901
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4903
4904
5000
5100
5201
5202
5600



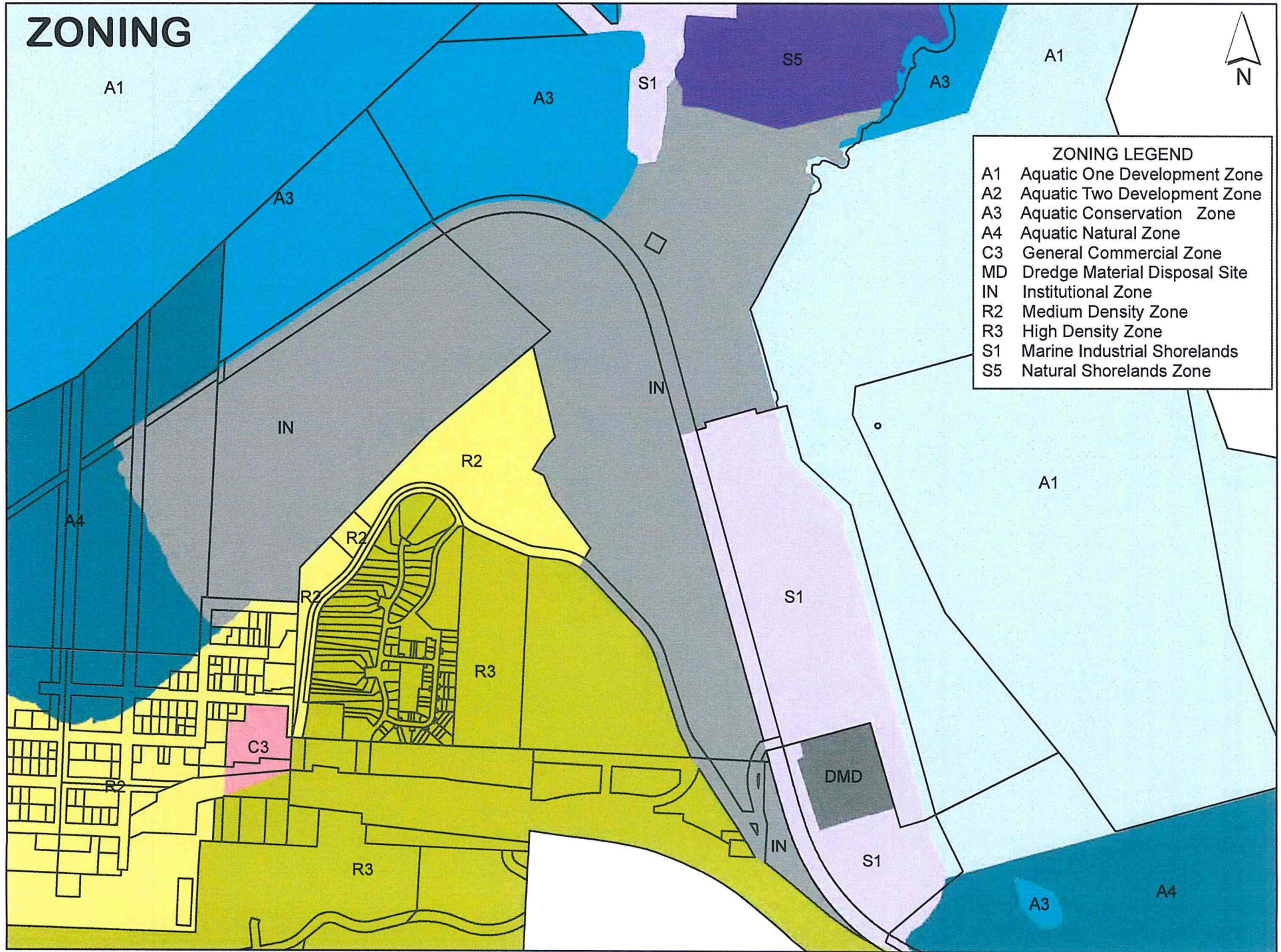
This map was produced for assessment purposes only using Clatsop County data. The data is maintained by Clatsop County to support its governmental activities. Clatsop County is not responsible for any map errors, possible misuses, or misinterpretations.

June 06, 2018

R.O.W. WIDTH



ZONING





CITY OF ASTORIA

Founded 1811 • Incorporated 1856

MEMORANDUM • PUBLIC WORKS DEPARTMENT

DATE: OCTOBER 8, 2018
TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: APPROVE EASEMENT 1945 SE SECOND STREET - JOHNSON

DISCUSSION/ANALYSIS

As a result of the development of 1945 SE 2nd Street, the City of Astoria and Owner (Astoria Northwest Homes, Inc.) need to establish an easement for operation and maintenance of an existing sanitary sewer pipe on the subject property. This sanitary sewer main currently serves the existing home at 1955 SE 2nd Street and the newly constructed home at 1945 SE 2nd Street.

In 2010, an easement was established along the south side of this lot and the lots to the west, but it did not completely cover the portion of the public utility on 1945 SE 2nd Street. With the acceptance of the attached easement, the operation and maintenance responsibilities are clarified and documented appropriately.

The City Attorney has reviewed the sanitary sewer easement and approves it as to form.

RECOMMENDATION

It is recommended that City Council accept the attached sanitary sewer easement for operation and maintenance of a sanitary sewer pipe at 1945 SE 2nd Street.

By: 
Jeff Harrington, Public Works Director

Prepared by: 
Nathan Crater, City Engineer

Sanitary Sewer Easement
Astoria Northwest Homes, Inc, Grantor
After recording return to:
Michael A. Autio Attorney,
93750 Autio Loop, Astoria, OR 97103
Tax statements unchanged

SANITARY SEWER EASEMENT
(Permanent Non-exclusive)

THIS EASEMENT AGREEMENT is made this 29th day of May, 2018, by and between ASTORIA NORTHWEST HOMES, INC., an Oregon Corporation, 92732 Fern Hill Rd, Astoria, OR 97103, Grantor, and the CITY OF ASTORIA, a municipal corporation of the State of Oregon, Grantee, for the purpose of establishing an easement for sanitary sewer lines across a portion of the Grantor's property.

WHEREAS Grantor is the owner of the following described real property, which is located in Clatsop County, Oregon, to wit:

Lots 9, 10, and 11, Block 23, CASE'S ASTORIA, in the City of Astoria, County of Clatsop, State of Oregon.

Situs Address: 1945 SE 2nd St., Astoria, OR 97103

Tax/Map Info: Map 80917DD01701, Account 58667

WHEREAS Grantor intends hereby to grant an easement to Grantee to lay down, construct, operate, and perpetually maintain a sanitary sewer line through, under, and along a portion of Grantor's property described herein on the terms and conditions provided herein;

NOW THEREFORE, for good and valuable consideration, Grantor declares an easement as follows:

1. Grant of Easement. Grantor hereby grants, assigns and sets over unto the Grantee a permanent, nonexclusive, appurtenant easement for a sanitary sewer line, along, over and across the following described portion of Grantor's real property:

A sewer easement located in the Southeast Quarter of Section 17, Township 8 North, Range 9 West, Willamette Meridian, City of Astoria, County of Clatsop, State of Oregon, more particularly described as follows: Over and across the south 35 feet of Lot 9, Block 23, Case's Astoria, in the City of Astoria, County of Clatsop and State of Oregon (the "Easement Area"). See map attached at Exhibit A.

2. Scope of Easement. This easement shall be permanent and shall include the right, privilege, and authority allowing Grantee's, their agents, employees and representatives to excavate for, and to construct, install, lay, operate, maintain and remove sanitary sewer pipes and lines, with all appurtenances incident thereto or necessary therewith, under and across said Easement Area, together with the right to place, install, maintain, inspect, and relocate lines and pipes and necessary appurtenances, and make excavations therefore from time to time, in, under and through the above described Easement Area, and the right of ingress and egress to and over said Easement Area at any and all times for the purpose of inspecting the lines or pipes or repairing, renewing, or adding to the number of lines or pipes and appurtenances, and for doing anything necessary, useful or convenient for the enjoyment of the easement hereby granted.

3. Repair of Damage/Disturbance. Grantee, upon the initial construction and placement of sanitary sewer line within the easement, and upon each and every occasion that the same shall be repaired, renewed, added to or removed, shall restore the premises of Grantor and any improvements disturbed, to as good condition as they were prior to any such work, including the restoration of any topsoil, lawn or pavement.

4. Duration of Easement. This easement shall continue in perpetuity, or until such time as the then owners of all subject properties agree to terminate the easement.

5. **Heirs and Assigns.** This easement agreement shall "run with the land" and shall bind and inure to the benefit of, as the circumstances may require, not only the immediate parties hereto but also their respective heirs, executors, administrators, assigns and successors in interest as well.

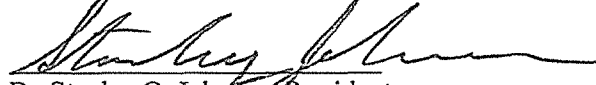
6. **Disputes.** In the event of a dispute over this easement agreement, the prevailing party shall be entitled to reimbursement of all reasonable attorney fees, costs and disbursements incurred in the dispute before litigation, at trial and on appeal, if any.

7. **Hold Harmless.** Grantee, its heirs, executors, administrators, assigns and successors shall hold and save Grantor harmless from any and all claims of third parties arising from Grantee's use of the easement rights granted herein. Provided, however, that Grantor shall not place or erect any structures, trees, landscaping or other impediments in the easement area and Grantor shall hold Grantee harmless for any damage to or removal of fences, retaining walls, trees or other improvements constructed in the easement area.

8. **Construction.** In construing this agreement and where the context so requires, words in the singular include the plural; the masculine includes the feminine and the neuter; and generally, all changes shall be made or implied so that this instrument shall apply both to individuals and to corporations.

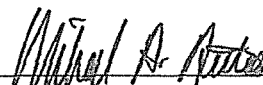
9. **Non-Exclusivity.** Except as specifically granted herein, Grantor shall retain full use and control of the easement area.

ASTORIA NORTHWEST HOMES INC.

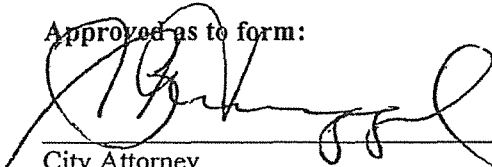

By Stanley O. Johnson, President
Date: 5-29-2018

STATE OF OREGON, County of Clatsop) ss.

This instrument was acknowledged before me this 29 day of May, 2018, by Stanley O. Johnson, as President of ASTORIA NORTHWEST HOMES INC.


Notary Public for Oregon

Approved as to form:


City Attorney
City of Astoria, Oregon
Date: 6-4-18

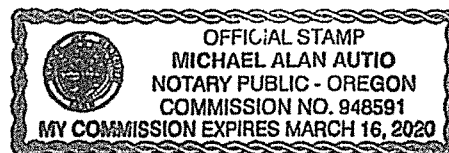


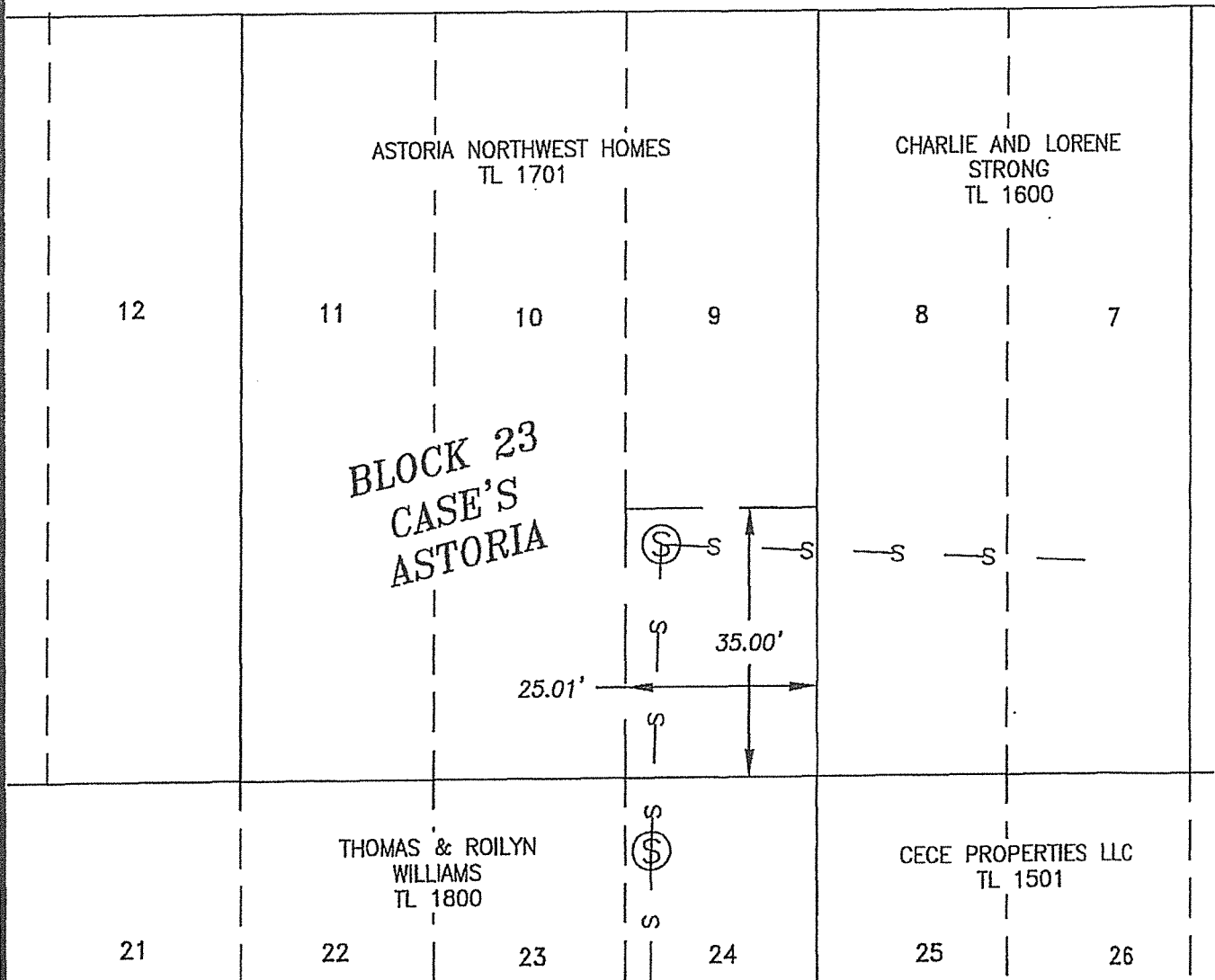
EXHIBIT 'A'

SEWER LINE EASEMENT BENEFITTING CHARLIE AND LORENE STRONG & THE CITY OF
ASTORIA & BURDENING ASTORIA NORTHWEST HOMES
OVER AND ACROSS THE SOUTH 35 FEET OF LOT 9, BLOCK 23, CASE'S ASTORIA
SE 1/4 SEC 17, T8N R9W, WILLAMETTE MERIDIAN
CITY OF ASTORIA, COUNTY OF CLATSOP AND STATE OF OREGON
DATE: 2/12/2018



1"=20'


2ND STREET





CITY OF ASTORIA
Founded 1811 • Incorporated 1856

MEMORANDUM • POLICE DEPARTMENT

DATE: October 2, 2018
TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: SECOND READING ORDINANCE MODIFYING CITY CODE 5.900 -
5.925 RELATING TO CAMPING IN PUBLIC PLACES

DISCUSSION/ANALYSIS

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

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

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

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

RECOMMENDATION

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

By: 

Geoff Spalding
Chief of Police

ORDINANCE NO. 18-____

**AN ORDINANCE REVISING ORDINANCE 5.900 RELATING TO CAMPING IN
PUBLIC PLACES**

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. Revision of Astoria City Code 5.900 Astoria City Code section 5.900 is revised to read as follows:

5.900 Camping.

5.900 It is unlawful for any person to camp in or upon any public property or public right-of-way, unless otherwise specifically authorized by this code. This prohibition includes waterfront areas, public parks and public and private parking lots unless specifically permitted by the city of Astoria. This includes, but is not limited to, sleeping in recreational vehicles, automobiles or any forms of shelter.

5.905 Recreational vehicle parking areas which have been permitted by the city of Astoria Community Development Department shall be exempt from the requirements of this ordinance.

5.910 The city of Astoria Police Department may issue permits for camping where it deems that such activity will not be detrimental to the public health, safety and welfare or injurious to surrounding properties.

5.915 The city shall erect signs notifying the public of the prohibitions prescribed by this ordinance.

5.920 Camping equipment may be seized as evidence of the violation, and this property shall be held by the Astoria Police Department until further order of the Municipal Court.

5.925 The City of Astoria recognizes the social nature of the problem of homeless individuals camping on public property and has amended this code and policy to ensure the most humane treatment for removal of homeless individuals from camping sites on public property. The City of Astoria will follow the provisions of ORS § 203.077 & § 203.079 providing adequate notice and the involvement of social services agencies to facilitate a humane transition. As used in this ordinance, camping does not include sleeping outdoors by homeless individuals with no access to alternative shelter so long as any tent, shelter and all other personal items such as sleeping bags, tarps and mats are removed from the site within 24 hours of proper notice.

5.930 Violation of this ordinance is a Class B violation as defined by ORS 153.008 and 153.012. In addition to the penalties described in ORS 153.018, the judge of the Municipal Court, after a hearing, may order any camping gear seized, pursuant to Section 5.920 above, to be sold by city auction, and the proceeds of said sale to be placed in the city general fund.

Section 2. Effective Date. The City Council finds that unauthorized camping within the City present issues related to the health and safety of its citizens and therefore adopts this ordinance to meet an emergency pursuant to Section 8.3 of the Astoria City Charter. This ordinance shall become effective as soon as it is adopted.

ADOPTED BY THE CITY COUNCIL THIS 15th DAY OF OCTOBER 2018

APPROVED BY THE MAYOR THIS 15th DAY OF OCTOBER 2018

Mayor

ATTEST:

City Manager

ROLL CALL ON ADOPTION

YEA NAY ABSENT

Councilor Nemlowill

Brownson

Price

Jones

Mayor LaMear

HOST Subcommittee on connecting displaced homeless individuals with resources

Wednesday, October 10, 2018

2:00pm

Waldorf Conference Room, Astoria City Hall

MINUTES

Attending: Chief Geoff Spalding, Raven Russell, Elaine Bruce, Cindy Price, Sean Fitzpatrick, David Reid, Alan Evans, guest Rick Bowers

Our task was, as Raven said in a previous email, to develop "a strategy for connecting any displaced homeless individuals with the right local resources for them, in case the ordinance change does pass at city council next week."

Cindy said she believes the ordinance change will pass unanimously, and so will be in place by the end of October.

One question will be whether CCA and Helping Hands have the capacity to house up to 30 individuals who might be displaced. The answer from Elaine, Raven and Alan was a definite Yes. Helping Hands will be open for business before the ordinance goes into effect. CCA conducts assessments to provide appropriate services for individual needs -- including, for individuals who aren't ready to go into housing, a tent and space at the KOA or another campground; funding for veterans' services; and etcetera.

There will be some individuals who are neither ready nor able to accept help of any sort -- so, City Hall and city residents will need to understand that and accept that some number of homeless individuals will remain on the streets. [At this point in the discussion, about 30 minutes in, Chief Spalding left for a previous commitment.]

With all that in mind, the group developed a plan that Raven will present to Council, the outlines of which are:

- APD will prepare a ziplock bag including the 24-hour notice and the resource guide available from CCA.
- The 24-hour notice will be in both English and Spanish. It will encourage individuals to contact CCA for shelter, and include CCA's phone number and hours of service, and the 2-1-1 Emergency Resource Line number. The resource guide is to be included because some people will not be comfortable contacting CCA but may contact a resource on their own.
- The notice will preferably be posted on a Friday, and include a handwritten note that officers and/or city personnel (aka camp removal team) will return at a time specific -- eg, Tuesday at 12:00 Noon -- to confirm the camp has been removed. Friday is preferred because it allows a couple days to prepare. The time specific is preferred because otherwise the campers will take advantage.
- Camp removal team should be available and ready to return at the time specific.
- Individuals who have been removed will receive a personal phone call (the morning of the time specific for removal?) asking: Did you receive the notice? Have you been able to make other arrangements? Do you need assistance with relocating? Do you know of anyone else who has been removed that I should call? This should be a task designated to a city councilor. A script will be developed. Cindy volunteered to make the phone calls while she is in office. Detective Kenny Hansen has most of the phone numbers.



CITY OF ASTORIA

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MEMORANDUM • POLICE DEPARTMENT

DATE: OCTOBER 10, 2018

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

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

DISCUSSION/ANALYSIS

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

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

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

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

RECOMMENDATION

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

By: 

Geoff Spalding
Chief of Police

ORDINANCE NO. 18-____

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

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

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

ENHANCED FINE ZONES

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



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

1.010 Penalties.

- (1) Except as otherwise provided in this section, a violation of a provision of this code may be punishable by imprisonment not to exceed one year, or by a fine not to exceed \$1,000, or by both fine and imprisonment. However, if there is a violation of a provision substantially similar to a state statute with a lesser penalty attached, punishment shall be limited to the lesser penalty prescribed in the state law.
- (2) Each violation of a separate provision of this code constitutes a separate offense, and each day that a violation of this code is committed or permitted to continue constitutes a separate offense.
- (3) Fines fees and costs imposed pursuant to Sections 5.680, 5.682, 5.720 are not subject to the limitations of Subsection (1) and the abatement of a nuisance under Section 5.706 through 5.728 is a remedy in addition to any penalty for violation of the Code. [Section 5.010(3) amended by Ordinance No. 11-04, passed February 7, 2011; and Ordinance 13-09, passed September 24, 2013.]

(4) Violations of the Astoria Traffic Code are as follows:

- (a) Violation of Section 6.050 subsection (1), 6.060 subsection (1), 6.100, 6.105 and 6.110, is punishable by a minimum fine of \$10.00, and not to exceed \$40.00, to be paid within 168 hours (seven days) of issuance of a parking ticket. If the fine is not paid within 168-hour (seven days), the fine shall increase to \$20.00 for each violation, and a Courtesy Notice will be sent to the violator or, registered owner of the vehicle. If this \$20.00 fine is not paid within ten days of the date of the Courtesy Notice, the fine shall increase to \$40.00 and a warrant for arrest may be issued by the Municipal Court.
- (b) Violations of Sections 6.055, 6.060 subsection (2), (3) and (4), 6.065 to 6.085, 6.115, 6.150 to 6.170, 6.185, 6.205 to 6.230 and 6.250 to 6.270 is punishable by a minimum fine of \$25.00 and not to exceed \$55.00, to be paid within 168 hours (seven days) of issuance of a parking ticket. If this fine is not paid within the 168-hour (seven days) period, the fine shall increase to \$35.00 for each violation, and a Courtesy Notice will be sent to the violator or, registered owner of the vehicle. If the \$35.00 fine is not paid within ten days of the date of the Courtesy Notice, the fine shall increase to \$55.00 and a warrant for arrest may be issued by the Municipal Court.
- (c) Violation of Sections 6.360 is punishable by a minimum fine of \$50.00 and not to exceed \$80.00, to be paid within 168 hours (seven days) of issuance of a parking ticket. If this fine is not paid within the 168-hour (seven days) period, the fine shall increase to \$60.00 for each violation, and a Courtesy Notice will be sent to the violator or, registered owner of the vehicle. If the \$60.00 fine is not paid within ten days of the date of the Courtesy Notice, the fine shall increase to \$80.00 and a warrant for arrest may be issued by the Municipal Court.
- (d) Violation of Sections 6.380 is punishable by a fine of \$100.00, to be paid within 168 hours (seven days) of issuance of a parking ticket. If this fine is not paid within the 168-hour (seven days) period, the fine shall increase to \$125.00 for each violation, and a Courtesy Notice will be sent to the violator or, registered owner of the vehicle. If the \$125.00 fine is not paid within ten days of the date of the Courtesy Notice, the fine shall increase to \$150.00 and a warrant for arrest may be issued by the Municipal Court.
- (de) When a warrant of arrest issued by the Municipal Court is served, the amount of bail shall be increased \$100."

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

ADOPTED BY THE CITY COUNCIL THIS 15th DAY OF OCTOBER 2018

APPROVED BY THE MAYOR THIS 15th DAY OF OCTOBER 2018

Mayor

ATTEST:

City Manager

ROLL CALL ON ADOPTION

YEA NAY ABSENT

Councilor Nemlowill

Brownson

Price

Jones


Mayor LaMear



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

MEMORANDUM • FINANCE DEPARTMENT

DATE: October 5, 2018
TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: LIQUOR LICENSE APPLICATION FROM POURIIN LLC DOING BUSINESS AS NEKST EVENT LOCATED AT 175 14TH STREET, SUITE 100 AS A NEW OUTLET FOR A FULL ON-PREMISES SALES OTHER PUBLIC LOCATION (FINANCE)

DISCUSSION/ANALYSIS

A liquor license application has been filed by Chris and Jennifer Holen for Pouriin LLC doing business as Nekst Event. This application is a New Outlet for a Full On-Premises Sales Other Public Location License.

The Full On-Premises Sales license allows the following:


- May sell and serve distilled spirits, malt beverages, wine, and cider for consumption on the licensed premises (this is the license most “full-service” restaurants obtain).
- May sell malt beverages, wine, and cider to individuals in a securely covered container (“growler”) for consumption off the licensed premises (the container may not hold more than 2 gallons).
- Eligible to apply to get pre-approved to cater some events off of the licensed premises (events that are small, usually closed to the general public, and where food service is the primary activity).
- Eligible to apply for a “special event” license

The site is located at 175 14th Street, Suite 100, Astoria. The application will be considered at the October 15, 2018 meeting. A copy of the application is attached.

The appropriate Departments have reviewed the application. The Astoria Police Department has prepared the attached memorandum for Council’s review. No objections to approval were noted.

RECOMMENDATION

It is recommended that City Council consider this application.

By: 

Susan Brooks, Director of Finance
and Administrative Services



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

<p>Application is being made for</p> <p>LICENSE TYPES</p> <p><input checked="" type="checkbox"/> Full On-Premises Sales (\$402.60/yr.)</p> <p><input type="checkbox"/> Commercial Establishment</p> <p><input type="checkbox"/> Caterer</p> <p><input type="checkbox"/> Passenger Carrier</p> <p><input checked="" type="checkbox"/> Other Public Location</p> <p><input type="checkbox"/> Private Club</p> <p><input type="checkbox"/> Limited On-Premises Sales (\$202.60/yr.)</p> <p><input type="checkbox"/> Off-Premises Sales (\$100/yr.)</p> <p style="margin-left: 20px;"><input type="checkbox"/> with Fuel Pumps</p> <p><input type="checkbox"/> Brewery Public House (\$252.60)</p> <p><input type="checkbox"/> Winery (\$250/yr.)</p> <p><input type="checkbox"/> Other: _____</p> <p>ACTIONS</p> <p><input type="checkbox"/> Change Ownership</p> <p><input checked="" type="checkbox"/> New Outlet</p> <p><input type="checkbox"/> Greater Privilege</p> <p><input type="checkbox"/> Additional Privilege</p> <p><input type="checkbox"/> Other: _____</p> <p>90-DAY AUTHORITY</p> <p><input checked="" type="checkbox"/> Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority</p> <p>APPLYING AS:</p> <p><input type="checkbox"/> Limited Partnership <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Individuals</p>	<p style="text-align: center;">CITY AND COUNTY USE ONLY</p> <p>Date application received: <u>9-26-18</u></p> <p>The City Council or County Commission:</p> <p style="text-align: center;"><u>City of Astoria</u> <small>(name of city or county)</small></p> <p>recommends that this license be:</p> <p><input type="checkbox"/> Granted <input type="checkbox"/> Denied</p> <p>By: _____ <small>(signature)</small> _____ <small>(date)</small></p> <p>Name: _____</p> <p>Title: _____</p> <hr/> <p style="text-align: center;">OLCC USE ONLY</p> <p>Application Rec'd by: <u>Antwan</u></p> <p>Date: <u>8-29-18</u></p> <p>90-day authority: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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1. Entity or individuals applying for the license: [See SECTION 1 of the Guide]
PERLIN, LLC
2. Trade Name (dba): NEST FOUNT
3. Business Location: 145 14TH ST. SUITE 100 ASTORIA CLATSOP OR 97103
(number, street, rural route) (city) (county) (state) (ZIP code)
4. Business Mailing Address: 740 34TH ST ASTORIA OR 97103
(PO box, number, street, rural route) (city) (state) (ZIP code)
5. Business Numbers: 503-298-0838 _____
(phone) (fax)
6. Is the business at this location currently licensed by OLCC? ☒ Yes ☐ No
7. If yes to whom: BAKED ALASKA LLC Type of License: FULL T. OFF PREMIES
8. Former Business Name: BAKED ALASKA ANNEX
9. Will you have a manager? ☐ Yes ☒ No Name: _____
(manager must fill out an individual history form)
10. What is the local governing body where your business is located? CLATSOP COUNTY ASTORIA
(name of city or county)
11. Contact person for this application: CHRIS HOLEN 503-298-0838
(name) (phone number)
740 34TH ST. ASTORIA, OR 97103 chetholen@nestfount.com
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

Date 8/2/18 _____
Date _____

1-800-452-OLCC (6522) • www.oregon.gov/olcc

RECEIVED
OREGON LIQUOR CONTROL COMMISSION

AUG 22 2018

SALEM REGIONAL OFFICE



OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: PAULIAN LLC Phone: 503-298-0886

Trade Name (dba): NEST EVENT

Business Location Address: 175 14TH ST SUITE 100

City: ASTORIA ZIP Code: 97103

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 10AM to 12AM
Monday 10AM to 12AM
Tuesday 10AM to 12AM
Wednesday 10AM to 12AM
Thursday 10AM to 12AM
Friday 10AM to 12AM
Saturday 10AM to 12AM

Outdoor Area Hours:

Sunday 10AM to 12AM
Monday 10AM to 12AM
Tuesday 10AM to 12AM
Wednesday 10AM to 12AM
Thursday 10AM to 12AM
Friday 10AM to 12AM
Saturday 10AM to 12AM

The outdoor area is used for

☒ Food service Hours: 10AM to 12AM
☒ Alcohol service Hours: 10AM to 12AM
☒ Enclosed, how BASELINE

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's initials)

Seasonal Variations: ☒ Yes ☐ No If yes, explain: MORE PATRONS IN SUMMER

ENTERTAINMENT

Check all that apply:

- ☒ Live Music ☐ Karaoke
☒ Recorded Music ☐ Coin-operated Games
☒ DJ Music ☐ Video Lottery Machines
☒ Dancing ☐ Social Gaming
☐ Nude Entertainers ☐ Pool Tables
☐ Other: _____

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday 10AM to 12AM
Monday 10AM to 12AM
Tuesday 10AM to 12AM
Wednesday 10AM to 12AM
Thursday 10AM to 12AM
Friday 10AM to 12AM
Saturday 10AM to 12AM

SEATING COUNT

Restaurant: _____

Outdoor: 32

Lounge: _____

Other (explain): _____

Banquet: 57

Total Seating: 89

OLCC USE ONLY Via F.P.
Investigator Verified Seating: ☒ (Y) ☐ (N)
Investigator Initials: (A)
Date: 9-25-18

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature] Date: 9/25/18

1-800-452-OLCC (6522)
www.oregon.gov/olcc

(rev. 12/07)



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

MEMORANDUM • POLICE DEPARTMENT

DATE: October 4th, 2018
TO: MAYOR AND CITY COUNCIL
FROM: BRETT ESTES, CITY MANAGER
SUBJECT: License Recommendation Pouriin LLC. New Outlet Full on Premises Other Public Location.

DISCUSSION/ANALYSIS

In September 2018, Pouriin LLC., operating under trade name, Nekst Event, 175 14th St. Astoria applied as a new applicant for a Full on Premises Other Public Location Liquor License. Presently this space is being used as Baked Alaska Annex, however the applicant / owner of Baked Alaska has decided to give this location its own identity and therefore the space will require its own liquor license. The location is currently licensed by OLCC under Baked Alaska LLC.

The license privileges and requirements include:

- May sell and serve distilled spirits, malt beverages, wine, and cider for consumption on the licensed premises
- May sell malt beverages, wine, and cider to individuals in a securely covered container ("growler") for consumption off the licensed premises
- Eligible to apply to get pre-approved to cater some events off of the licensed premises (events that are small, usually closed to the general public, and where food service is the primary activity)
- Eligible to apply for a "special event" license: TUAL

Optional privileges

- **Kegs:** Allows the sale of malt beverages in containers holding 7 or more gallons (kegs) for off-site consumption.
- **To-Go Sales:** Allows the sale of malt beverages in containers holding not more than 2¼ gallons, wine, and cider for off-site consumption.
- **Special Events:** Allows the use of your annual license at a special event at a location other than your business location.
- **Catering:** Allows the sale of distilled spirits, malt beverages, wine, and cider by the drink to individuals at off-site catered events.
- **Receive Direct Shipments of Wine/Cider:** Allows receipt of wine or cider directly from Wine Self-Distribution Permittees.

Food service is a requirement of this license.

- At all times and in all areas where alcohol service is available, the licensee must make available to patrons at least five different substantial food items.
- “Substantial food item” means food items prepared or cooked on the licensed premises and that are typically served as a main course or entrée. Some examples are: fish; steak; chicken; pasta; pizza; sandwiches; dinner salads; hot dogs; soup; and sausages. Side dishes, appetizer items, dessert items, and snack items such as popcorn, peanuts, chips, and crackers do not qualify as substantial food items.
- “Different” means substantial food items that the OLCC determines differ in their primary ingredients or method of preparation. Different sizes of the same item are not considered different.
- Must have a food preparation area and equipment on the licensed premises adequate to meet the food service requirements.

Nekst Event hours of operation are listed as 10:00 AM – 12:00 AM Sunday through Saturday for both indoor and outdoor areas. The applicant has advised staff that the use of the space will be used for private events, cooking demonstrations and special events (for instance, this year the space will be used for the Parks Department Zero-K event.) Due to types of uses for the space, it will be used intermittently, and may experience weeks at a time where it is not used. The seating count for the banquet area is 57 and seating for the outdoor area is 32. Entertainment for this location may include live music, recorded music, dj music and dancing between the hours of 10:00 AM – 12:00 AM Sunday through Saturday.

APPLICANT

The applicant for the license is Pouriin LLC. Consisting of Jennifer Holen as the Registered Agent and Christopher Holen and Jennifer Holen as a Member. Representatives from the Astoria Police Department have investigated the background of the applicant named above utilizing available databases specific to restrictions for licensing. No derogatory information was located regarding the applicant.

NEIGHBORHOOD SURVEY

The location of this business is in a business district and therefore those surveyed were other businesses. There were no objections to the granting of the liquor license.

RECOMMENDATION

Given the listed information staff has no objection to the granting of the Oregon, Full on Premises Other Public Location Liquor License.



By: _____

Eric Halverson, Deputy Chief of Police