



AGENDA

ASTORIA CITY COUNCIL

Monday, January 7, 2019
7:00 p.m.
2nd Floor Council Chambers
1095 Duane Street · Astoria OR 97103

1. CALL TO ORDER

2. ROLL CALL

3. OATHS OF OFFICE

- (a) Mayor Bruce Jones
- (b) Councilor Roger Rocka, Ward 1
- (c) Councilor Joan Herman, Ward 3

4. REPORTS OF COUNCILORS

5. CHANGES TO AGENDA

6. CONSENT CALENDAR

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

- (a) City Council Minutes of December 3, 2018
- (b) Board and Commission Meeting Minutes
 - (1) Draft Parks Board Meeting Minutes for December 5, 2018
 - (2) Draft Library Board Meeting Minutes for November 27, 2018
 - (3) Draft Historic Landmarks Commission Meeting Minutes for November 20, 2018
 - (4) Draft Astoria Planning Commission Meeting Minutes for November 27, 2018
- (c) Change Monday Meeting Dates in 2019 that Fall on a Holiday
- (d) Authorization for Lease Agreement with the Astoria School District for Use of Gray School Facilities
- (e) Amendment to Emergency Services Consulting International Agreement

7. REGULAR AGENDA ITEMS

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

- (a) Consideration of Appointment of New Ward 4 Councilor
- (b) Public Hearing and First Reading on Ordinance Readopting Certain State Statutes to Reflect Changes Made by the 2018 Oregon Legislature
- (c) Resolution Designating Authorized Signers
- (d) Consider Initiating Vacation of a Portion of the Right of Way on 26th Street Northwest of Harrison Abutting Adjacent Undeveloped Lots
- (e) Multi-Jurisdictional Natural Hazard Mitigation Plan – 5-Year Update

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

- (a) Election of City Council President



AGENDA

ASTORIA DEVELOPMENT COMMISSION

January 7, 2019
Immediately Follows Council Meeting

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) CHANGES TO AGENDA
- 4) REGULAR AGENDA ITEMS

All agenda items are open for public comment following deliberation by the Commission. 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) Design Contract Amendment #3 – Bond Street Retaining Wall Project

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

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

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MEMORANDUM • CITY MANAGER

DATE: JANUARY 3, 2019
TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: ASTORIA CITY COUNCIL MEETING OF JANUARY 7, 2019

OATHS OF OFFICE

Item 3(b): Mayor Bruce Jones

The Oath of Office will be administered to Mayor Bruce Jones who was elected to a four year term.

Item 3(b) Ward 1 Councilor Roger Rocka

The Oath of Office will be administered to Councilor Roger Rocka who was elected to a four year term for Ward 1.

Item 3(c) Ward 3 Councilor Joan Herman

The Oath of Office will be administered to Councilor Joan Herman who was elected to a four year term for Ward 3.

CONSENT CALENDAR

Item 6(a): City Council Minutes for December 3, 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 6(b): Board and Commission Meeting Minutes

- 1) Draft Parks Board Meeting Minutes for December 5, 2018
- 2) Draft Library Board Meeting Minutes for November 27, 2018
- 3) Draft Historic Landmarks Commission Meeting Minutes for Nov. 20, 2018
- 4) Draft Astoria Planning Commission Meeting Minutes for Nov. 27, 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 6(c): Change Monday Meeting Dates in 2019 that Fall on a Holiday

Astoria City Hall will be closed on Monday, January 21, 2019 for Martin Luther King, Jr., Day; Monday, February 18, 2019 for Presidents' Day; and Monday, September 2, 2019 for Labor Day; therefore, the meeting dates will need to be changed. In years prior it has been the tradition to hold City Council meetings on the following day. It is recommended that Council set alternate meeting dates for the holidays noted above.

Item 6(d): Authorization for Lease Agreement with the Astoria School District for Use of Gray School Facilities

In January, 2011 the City of Astoria Parks and Recreation Department began leasing space at Captain Robert Gray School from the Astoria School District to operate Port of Play and the Lil' Sprouts Academy. The leased space included three classrooms, and shared use of the gym, playground, and cafeteria for an annual rent \$12,250 which expired in June of 2014. Since 2014, Council has approved the renewal of the lease for three years, the most recent agreement expired December 31st, 2018.

Since the original lease, Lil' Sprouts Academy has experienced significant growth and the Astoria School District has willingly adjusted their programming to allow Lil' Sprouts Academy two additional classrooms. These five classrooms now serve 50-70 children daily, host an enrollment of over 100 children, and have a long waiting list of eager parents. The attached lease includes all 5 classrooms, shared use of the gym, playground, and cafeteria for an annual rent of \$12,000 and will expire December 31st, 2021.

It is recommended that City Council approve the lease agreement with the Astoria School District for payments of \$12,000 per year to allow the Parks Department to continue its use of facilities at Gray School 2019-2021.

Item 6(e): Amendment to Emergency Services Consulting International Agreement

An agreement was entered into with Emergency Services Consulting International on August 28, 2018 to provide Interim Fire Chief services. The agreement established a not to exceed threshold of \$ 50,000 which is within the City Manager spending authority.

In order to recognize the additional costs necessary to retain the Interim Fire Chief, an amendment is required to increase the agreement from the current \$ 50,000 to \$ 40,000. It is anticipated this will provide sufficient time to recruit and transition to a new Fire Chief.

Attached for consideration is an amendment to the Emergency Services Consulting International Agreement dated August 28, 2018.

It is recommended that City Council authorize the amendment to the agreement with Emergency Services Consulting International.

REGULAR AGENDA ITEMS

Item 7(a): Consideration of Appointment of New Ward 4 Councilor

The Astoria City Council has received four applications to fill the remaining two-year term in Ward 4. Mayor-Elect Bruce Jones will vacate his seat upon selection of a new Councilor.

The following applicants are required to be residents of Ward 4 and registered voters. They have filled out an online application highlighting their work, education, and relevant experience as well as their reason for running for the seat.

Clifford F Hunter-Gammon – Software Support Manager

Pamela Mattson Mc Donald – Writer and Researcher

Kevin Leahy – Executive Director, CEDR and Clatsop Community College Small Business Development Center

Jessamyn Grace West – Executive Director, AAMC and Equine Naturopath

Applicants will be introduced at the City Council Meeting. Each applicant will speak about their platform, their council goals, and the reason they have chosen to run to represent Ward 4. The Mayor will open the meeting to public comment, followed by Council discussion.

Item 7(b): Public Hearing and First Reading: Ordinance Readopting Certain State Statutes to Reflect Changes Made by the 2018 Oregon Legislature

The 2018 legislation passed by the Oregon Legislature, for the most part, became effective on January 1, 2019. Many of our City ordinances refer to or incorporate state statutes. Every year, the City routinely re-adopts all referenced ORS sections to pick up any changes made by the legislature. This is done by a "global readoption", which is the technique recommended by the League of Oregon Cities. The City is legally unable to prospectively adopt Oregon legislative changes, that is, we cannot adopt a state statute "as it now exists and is from time to time amended." The proposed ordinance has been reviewed and approved by the City Attorney. It is recommended that Council hold a public hearing and conduct the first reading of the proposed ordinance.

Item 7(c): Resolution Designating Authorized Signers

The persons authorized by the City Council to sign checks and other bank withdrawal instruments on behalf of the City are designated by resolution. The attached resolution removes former Mayor Arline LaMear and adds Mayor Bruce Jones as an authorized signer for bank transactions.

It is recommended that City Council consider this resolution for adoption.

Item 7(d): Consider Initiating Vacation of a Portion of the Right of Way on 26th Street Northwest of Harrison Abutting Adjacent Undeveloped Lots

The City has received a request from John Wood, on behalf of Adella Wood, to vacate 60 X 150 foot portion of the 26th Street unimproved right-of-way abutting two parcels of Ms. Woods property (Tax Lots 80909CC02301 and 80909CC04101) located on Harrison Avenue.

Upon review of the site, it was determined that there are no public utilities on or adjacent to the proposed vacation area and that the City would have no future need for this particular portion of the right-of-way.

Based on County Assessor's records, staff has calculated the real market land value of properties adjacent to the property as \$0.97 per square foot. Staff is proposing that an assessment of \$869.82 (10%) of the real land value (\$8,698.24) be considered for the vacation of 9000 square feet of the right-of-way.

It is recommended that the Astoria City Council consider the attached resolution of intent to hold a public hearing concerning the vacation of a portion of the 26th Street right-of-way adjacent to Tax Lots 80909CC02301 and 80909CC04101.

Note: Per the Change to Monday Meeting Dates item in the Consent agenda noted above, the hearing will be held on Tuesday, January 22, 2019 due to the Martin Luther King Jr. holiday which falls on the Monday when City Hall will be closed.

Item 7(e): Multi-Jurisdictional Natural Hazard Mitigation Plan – 5-Year Update

At their October 20, 2008 meeting, Astoria City Council adopted a Multi-Jurisdictional Natural Hazard Mitigation Plan (MJNHMP) and the City of Astoria Addendum. This Plan was developed in partnership with Clatsop County and Columbia River Estuary Studies Task Force (CREST). The purpose of the Plan was to increase the County's and City's resilience to natural hazards that could affect the region including earthquakes, floods, droughts, landslides, coastal erosion, tsunamis, windstorms, winter storms, wildfires, and volcanoes. The Plan included discussions on demographics, critical facilities and infrastructure, risk assessments, and other historic data. City adoption of the Astoria Addendum opened doors for grant funding on projects that reduce risks posed by natural hazards in advance of a disaster. Also, adoption of the Addendum provided opportunities for additional grant funding on projects following a natural disaster. Each municipality within the County developed their own MJNHMP addendums which ultimately were incorporated into the County's Plan. Prior to adoption of the Plan and Addendums there were public meetings and opportunities for community member participation and input.

FEMA requires that the Plan and Addendums be reviewed and updated every five years. On July 6, 2015, the City Council adopted a resolution updating the City Addendum as approved by FEMA. The Clatsop County MJNHMP was completed in 2015 with participation by Clatsop County and its five municipalities: Astoria, Cannon Beach, Gearhart, Seaside, and Warrenton. The next five-year review is due in 2020. As in the past, Clatsop County has taken the lead in the

process to update the County-wide Plan and various jurisdictional Addendums. Department of Land Conservation and Development (DLCD) has offered a grant and staff to assist with the updates. Since natural disasters do not respect jurisdictional boundaries, the Plan covers the entire County and recognizes the need for intergovernmental cooperation.

The County-wide Steering Committee has been meeting with DLCD over the last few months to develop a process for completion of the required 2020 update. DLCD has advised the Committee that the format and process for the new update is different than was previously used and adopted. The new Plan will not have Addendums for each community but will be one County-wide document that incorporates specific information about each jurisdiction within the main County Plan. This will reduce the need to duplicate base information in each jurisdiction's Addendum.

DLCD has prepared an Intergovernmental Agreement (IGA) for each jurisdiction to sign to accept the DLCD grant and assistance. The IGA identifies the Scope of Work and timeline for the overall project. Each jurisdiction is responsible to hold its own public meetings with the assistance of DLCD. However, many public meetings and surveys can be held jointly with other jurisdictions. The DLCD grant amount will go directly to DLCD and not through the jurisdictions. It requires a 25% cost share (matching amount) from the member jurisdictions. This cost share would be in the form of staff time for the development of the Plan. No cash match is required. The project is funded by a FEMA Pre-Disaster Mitigation (PDM) planning grant. A PDM planning grant must culminate in an NHMP that is adopted by jurisdictions and approved by FEMA. By signing the IGA, the City agrees not only to consider but also to adopt the NHMP that FEMA has agreed to approve. Failure to have an adopted NHMP would result in the City's inability to obtain FEMA assistance for pre-disaster projects and/or post-disaster aid. Therefore, it is in the City's best interest to join with the County and other jurisdictions to prepare a comprehensive County-wide Plan with the grant funded DLCD assistance. The draft Plan would go through formal review by the Council at draft and final adoption stages as well as regular updates and work sessions.

The IGA specifies the responsibilities of each party in the agreement which are noted in the staff memo. City Attorney Blair Henningsgaard has reviewed and approved the IGA as to form.

It is recommended that the Council authorize the Mayor to sign the attached Intergovernmental Agreement with DLCD for the preparation and eventual City Council adoption of a Multi-jurisdictional Natural Hazards Mitigation Plan.

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

Item 8(a): Election of City Council President

The City Council will elect a President to serve for the 2019 calendar year.

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

Councilors Present: Nemlowill (via telephone), Jones, Price, Brownson (via telephone), and Mayor LaMear.

Councilors Excused: None

Staff Present: City Manager Estes, Planner Ferber, Contract Planner Johnson, 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.

PRESENTATIONS

Item 3(a): Astoria Police Department – Swearing In of New Police Officer Sergio Carrera

Chief Spalding introduced Sergio Carrera, noting his personal and professional backgrounds. He explained the process required to become a police officer, which takes about a year.

Mayor LaMear conducted the swearing in of Officer Carrera. Officer Carrera received his badge and greeted the Mayor, Councilors, and Staff. Chief Spalding announced a reception would follow in the next room.

REPORTS OF COUNCILORS

Item 4(a): Councilor Price reported her last salonical would be on Monday, December 10, 2018 at Kala Gallery on 10th and Marine at 6:00 pm.

Item 4(b): Councilor Jones reported that he, Chief Curtis, City Manager Estes, and officials from several other jurisdictions, including the County, attended an all-hazards training and exercise hosted by Clatsop County last week under a FEMA program with FEMA grant money and professional instructors from Texas A&M. The program simulated an influenza breakout with some fatalities during a winter storm. Participants had the opportunity to think through various scenarios and received a refresher on disaster preparedness. It was good to get the various jurisdictions working together as a team.

Item 4(c): Councilor Brownson had no reports.

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

Item 4(e): Mayor LaMear had no reports.

CHANGES TO AGENDA

There were none.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) City Council Minutes of 11/5/18
- 6(b) City Council Minutes of 11/8/18
- 6(c) Board and Commission Minutes
 - (1) Library Board Meeting of 10/23/18

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

REGULAR AGENDA ITEMS

Item 7(a): Second Reading and Adoption: Homestay Lodging Code Ordinance, Transient Lodging Tax Ordinance, and Homestay Lodging Fee Resolution

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

Staff researched transient lodging codes in multiple cities and counties and drafted a City Code amendment that clarifies terminology, establishes a license process, and addresses code enforcement. The Council held a work session on October 10, 2018 to review the draft codes.

The draft City Code Ordinance for Homestay Lodging Licenses, and a draft City Code Ordinance for the Transient Lodging Tax was presented at the November 19, 2018 City Council meeting. The Council conducted a public hearing and first reading of the two ordinances. A separate administrative "Procedural Process" is attached for Council to review. These will be informational for staff as guidance in processing the licenses.

A Fee Resolution is also attached for consideration. The fees are proposed similar to some of the land use permit fees such as conditional uses and appeals as the licenses will require staff time for review, public notices, and enforcement. Per the Council's direction, the fees reflect estimated actual costs to process the licenses.

An ordinance amending the City Code to add Homestay Lodging Licenses, an ordinance amending the Transient Room Tax, and a resolution to adopt fees associated with Homestay Lodging licenses are attached.

If the draft code meets Council's expectations, it would be in order for Council to hold a second reading and adopt the ordinance for the Homestay Lodging Licenses and the ordinance for the Transient Room Tax. Two separate motions / votes and two separate readings would be needed. If the draft fee resolution is acceptable to the Council, it would be in order for Council to adopt the resolution.

Mayor LaMear reopened the joint public hearing on the Homestay Lodging Ordinance, Transient Room Tax Ordinance, and Homestay Lodging Fee Resolution at 7:12 pm and called for public testimony.

Judith Nyland, no address stated, said she had been trying to follow these ordinances for two years because she owns an Airbnb. The process has been very hard to follow because the information did not always appear in the newspaper and she had to know where to hunt for the meeting minutes. Most of her friends who have Airbnbs did not know how far these ordinances had come. She believed the fees were extremely high. She did not need the City to explain why they made the fees so high but wanted the City to realize that she was not a hotel. She only rented one room. The room is her child's bedroom, so it is not rented all the time. Renting the room out occasionally allows her to make the experience very personal. Her guests call her house a home away from home and say they will always remember the personal experience she's been able to give them. If inspections and fees are required, she might not be able to rent the room because she does not have a savings. In previous work sessions, there were discussions about grandfather clauses for people like her who started this in good faith. When she signed up, there were no inspections or high fees. She has changed her life to make this work for her and has financially invested in renting her room. The new rules may not work for her. She asked Council to revisit the idea of grandfathering in people who have done this in good faith.

Kathy Pattenod, no address stated, said she had an Airbnb on Floral Street in Astoria. She's already paid for her license and is on the tax roll. People come to enjoy her place for their honeymoons, weddings, and anniversaries. She also has her Airbnb listed as a guest cottage, which she has owned for over 40 years now.

Her family and friends stay there, so it is not always Airbnb. She believed that \$500 for a license and a \$150 renewal fee was out of control. She shares a book with her Airbnb guests that features the restaurants, hiking areas, and festivals in Astoria. She is supporting Astoria. She is not a hotel. The hotels are owned by corporations, not by people who live here. She did not mind paying for the Fire Department to do an inspection because she has everything up to date, including three parking spaces. Her neighbors greet her guests and tell them how much they love meeting visitors. She did not understand why the City was getting so hard on the homestay owners. The regular Airbnbs pay as well, and homestay owners should be under the same umbrella. The ordinances are not community oriented.

John Ginder, 3679 Duane, Astoria, said the high fees would initially keep people from trying to offer short-term rentals. Nothing is reported to the Internal Revenue Service if rentals total 14 days or less. People could host for 14 days and make a little money to pay for the new jail and the school bond. This will affect homeowners, not out of towners doing an Airbnb industry. The homeowners pay property taxes and live in their homes. He could not imagine using this strategy to force a homeowner who might be less financially able. People can no longer rent short-term; they rent long-term or do nothing. The City is saying it knows what people should do with their extra room. He suggested the City bring somebody in, do an experiment, and find out who wants to have a stranger in their house for a whole year. With short-term rentals, even if guests stay for 14 days, they leave. Guests are not there 24/7, they do not bring friends over, and they will not get sick. Guests are here to have fun and see the sights so they do not linger. What if a long-term renter loses their job? Trying to evict someone from your home is different from evicting someone from an apartment. The eviction process is very difficult, so these ordinances do not do what the City wants them to do. A room in a house is not the solution. Housing needs to be built. The City cannot make a homeowner rent a room to someone who works in Astoria. The illegal operators will not buy a license or have an inspection. Astoria will be known for its illegal Airbnbs.

Richard Brackey, 112 Grand, Astoria, said he had one room with a private entrance and off street parking. Homestays and Airbnb have been around decades. Homestays provide a way to bring people in to the community rather than an impersonal stay at a hotel. He had many repeat guests who have anniversaries and birthdays. They like to come back for the personal experience and he brought a lot of money into the city. He had hundreds of reviews in his guest book, including one that stated, "We had a great time staying in your home on our first ever overnight visit to Astoria. Perfect walking distance to downtown, the Flavel House, the Column, etcetera, and because we stayed with you through Airbnb, we could afford to spend more money in the shops and breweries in town. We had so much fun trying all of the beers at Fort George Brewery and Astoria Brewing. The fish and chips at Buoy is not to be missed, according to my husband. I like the sea lions. It was so great to meet you." As a single person living in a house, if he has to pay more and more taxes and inspection fees, he would not make it. He had many questions, including why these ordinances were necessary. This felt like harassment and like he should not exist. People come to Airbnbs for a different experience and he wanted to continue for his survival and because he enjoyed pleasing people by giving them an alternative place to stay.

Diana Kirk, 281 W. Marine Drive, Astoria, said she owned Workers Tavern, affordable housing multiplexes, and two Airbnbs. When she worked at Osborne's grocery store in Cannon Beach during the summer of 1993, she lived in a Volkswagen van because she could not find housing. She believed the argument is that it is lovely for tourists to come and have a great time in Airbnbs, but as they spend money at local restaurants, those employees have no housing. The upstairs apartment in her property could still be Airbnbs. She was not sure though because she was still trying to figure that out. The property is in a commercial zone and she needed the apartments to be for month to month tenants. She has a nurse from the hospital, a barista, a biologist from the National Oceanic and Atmospheric Association (NOAA) who need a place to live. She appreciated that the City was trying to wrestle this problem into something tangible, but the fees are really high. Her liquor license for her bar is \$500. Her health license for her restaurant is \$400 and that comes with a twice a year inspection. The City has proposed \$500 for a license and then on top of that pay for an inspection by a third party. That is higher than both of her licenses combined. The price should be \$500 including the inspections. She wanted to keep housing for employees in town. She appreciated the City's efforts, but for some homeowners, the fees are two months of Airbnb rents during the middle of summer.

Kerri Hoagland, 3715 Irving Avenue, Astoria, said she sent an email to the Councilors late that afternoon. She started her Airbnb in May 2017. She came to the city to find out what she needed to do make it legal and was told she had to have off street parking, which she has. She has purchased a business license two years in a row and joined the Chamber of Commerce. She is an ambassador for the City of Astoria. She sends people to the restaurants and bars, tell them where the Column and Fort Clatsop is; she acts as a tour guide and promotes

tourism. She was offended because she has followed all of the rules, pays her transient lodging taxes on time every month, and has a business license, but no one notified her that these ordinances would be in front of City Council. She did not read the *Daily Astorian*, so she was not aware of this until someone handed her a newspaper with an article about the last City Council meeting. She understood people were renting Airbnbs illegally. Her rental is not intended for long-term rental and never will be. She can only take two people for short stays because the room is small. She has been doing this right and was not even notified. The fees are wrong and she believed the existing legal Airbnbs should be grandfathered in. She hoped City Council would take more time to think about this. She was not taking anything away from long-term housing because she would not do long-term housing. She was only renting a small portion of her house.

Luanne Farrar, 3520 Harrison, Astoria, said she had an Airbnb. She came to the City in June 2017 after her friends who visited asked why she did not advertise her room on Airbnb. She had her zoning and parking checked and everything passed, so she became licensed. However, when she looked online, there so many Airbnbs that she decided not to advertise online. She renewed her license in January and decided to advertise because it looked like things had cleaned up a little bit. She began advertising on January 14th and as of the end of November, she had 170 reservations in her home. She only rents her room to guests for one night in the summer when it is busy. Astoria is the place to stop for people traveling along the coast. She is present when people are in her home. She finds out what her guests want to do and helps them find places to go. The people who do Airbnb are exclusive to Airbnb because they like the comfort of a home and they are able to talk to people. She hosts a lot of women who will not stay in a hotel and only do Airbnb. She did not have a problem with 11 percent room tax because that is what she gives the City that gives her something to offer her guests. But, the costs are exorbitant and it feels like the City is chasing people out. Airbnb is a great company and they are easy to work with. Her site includes a picture of her license and states that her home is compliant with the City of Astoria for lodging and home stays. Guests who stay with her review her on several criteria including overall experience, accuracy, cleanliness, communication, the check-in process, location, and value. Hotels do not require their guest to submit those reviews.

Bob Muldine, 410 Lincoln, Astoria, said he was not opposed to Airbnb. When he purchased his house in an R-1 zone, he expected the zoning to remain R-1, not to have multiple people from different families living in the same home, people parking in the streets, and people who smoke on the front porches of rental units. The smoke ventures into his house area and there are no City, County, or State laws limiting second hand smoke. He urged City Council to consider R-1 zones. He did not want to prohibit Airbnbs or the City's fees, but he did want Council to consider those who live next to rentals, whether they are long-term or short-term.

Dwight Caswell, 457 Alameda, Astoria, said he was the pastor at Pioneer Presbyterian Church and he owned an Airbnb. He started the Airbnb several years ago when he was out of work and the Airbnb was a godsend. He believed most of the unlicensed Airbnb rentals did not meet the off street parking requirements. He did not understand why homestays were such a big problem. The City intends to get rid of Airbnbs, but without saying so. Two hours ago, there were only 16 properties in Astoria listed on Airbnb. Last summer, he heard the Council saying there were 70 to 100 properties on Airbnb. When you search for an Airbnb in Astoria over the summer you will get those numbers because the search will include Ocean Park, Cannon Beach, and other areas. The actual number in Astoria last summer was 44. He checked every one of those 44 properties and determined that only eight of them could be used for long-term housing. So, homestays are not a housing problem. There does not seem to be any problem with Airbnbs competing with hotels because developers are building more hotels. Bed and breakfasts and hotels do very well advertising on Airbnb. He did not understand who would benefit from the new laws, except for the corporations that own most of the lodging in Astoria who want to build more hotels and eliminate all of the competition. Airbnb harms no one and benefits many people who are without jobs and need to pay a mortgage. He asked City Council to reconsider the new laws and keep in mind that the City has not been able to enforce existing laws. The City has claimed it is financially impossible to enforce ordinances and has shown no interest in enforcement. So, the new regulations will only penalize the people who abide by the City's laws.

Kris Haefker, 687 12th Street, Astoria, thanked Planners Johnson and Ferber for their hard and sincere work. He believed everyone was trying to find a compromise and adequate housing. He did not have a problem with the licensing or paying lodging taxes. However, the lodging tax has increased about 30 percent in the past year between the County and the City. Some of that tax revenue could be used to find an actual compromise on the fees and pay for the inspections. He did not have a problem with enforcing the ordinances on houses and apartments because those are supposed to be for Astorians. He did not have a problem with third parties

collecting taxes because that would be more efficient for homestay lodging hosts. He did not have a problem with an identification number or with Astorians making money off of tourists. He believed home owners should have the choice to rent to whom they want and for as long as they want. He did have a problem with paying for inspections. A homestay lodging is only one or two rooms. This does not make a lot of money, just keeps homeowners in their homes. There are no parking requirements in historic areas when renting long-term or for large families. Imposing parking requirements on homestay lodging hosts is unfair. He did not have a problem with the owner occupancy or on-site manager requirement. The perception is that homestay lodgings take away from work force housing, but that is not realistic. Commercially zoned houses and apartments originally built for long-term housing cannot be used for short-term rentals. He did not believe houses and apartments in commercial zones lent themselves to good long-term housing. He would never want to sleep above a bar. He encouraged City Council to spend more time thinking through the ordinance and work towards a compromise.

LaRee Johnson, 1193 Harrison Avenue, Astoria, said she operated a traditional bed and breakfast in Seaside for five years and bought a four-plex when she moved to Astoria, which she has owned for 28 years now. She pays property taxes, votes, and is a good citizen. Her four-plex has small one bedroom units and no matter what she does to improve the apartments she can never ask for what she puts into them. The rent is limited by the small size of the apartments. She has had great tenants and does everything she can to meet their expectations. However, there have been half a dozen times when she was ready to sell the building. One tenant was a drug runner who would not allow access to the apartment. Two tenants were bi-polar men who scared her other tenants. The others paid rent late and always had an excuse. She and her husband visited friends in the United Kingdom and stayed in an Airbnb in London because the cost of a hotel was over \$250 in 2016. The Airbnb was three blocks from the tube and the host was gracious. The room was as pictured and as described. She stayed for two nights at \$85 per night. This is true all over the world. Astoria has specifically referred to Airbnb, but there are 10 to 12 online homestay platforms. Some homestays will fly under the radar because the City does not know about them. When she drove around the community, she could not determine who was a homestay and who was a resident because there is no signage. The opportunity to stay in a homestay is great for Astoria's guests. Property owners are giving their hospitality and are ambassadors to the businesses in Astoria. If homestays are taking so much business away from the corporate hotels, then more corporate hotels do not need to be built on the riverfront.

Unidentified Female Speaker said she has owned her home for 40 years and she pays very high property taxes plus a high transient tax. If she did not have Airbnb to supplement her retirement she would not be able to live in Astoria.

Unidentified Male Speaker said if the City inspects short-term rentals, the long-term-rentals should be inspected as well. Putting someone in a basement without an egress window is okay if they stay for a year, but not for two days?

Mayor LaMear closed the public hearing at 7:50 pm and asked Staff to respond to the public testimony.

City Manager Estes explained that most of the public testimony was opinion and the proposed ordinances were based on City Council's direction to Staff.

Contract Planner Johnson added that the proposed Codes would make enforcement easier on Staff. If parking is not available, applicants can apply for a variance to get an exception from the parking standards. The Code allows existing nonconforming uses that are permitted to remain as long as the homestay is owner occupied, provides parking or has a variance. The Code also includes some grandfathering provisions.

Mayor LaMear called for Council discussion and deliberation.

Councilor Nemlowill said she believed the people who spoke made some really good points. Her support of the ordinances was not meant to hurt Astorians. She was thinking about the long-term for Astoria and what can benefit the most people. The current process for homestay lodgings does not require any permitting and this makes it easy to disguise whole home, non-owner occupied, short-term rentals and other illegal short-term rentals as homestay lodgings. The ordinances are necessary and she fully supports them. She was not surprised that everyone who spoke had a financial interest in homestay lodgings. This happens any time a city tries to adapt new rules that restrict short-term rentals of any kind. The collection of good meaning hosts equates to a larger scale industry. The short-term rental industry hurts other industries that provide jobs for Astorians.

The lack of housing for workers inhibits economic development. Astoria's limited housing stock must be preserved for workers. Sometimes just a room or a portion of a home would do. A local should never have to compete with a tourist for a place to rent. She was in favor of the ordinances because they would limit illegal vacation rentals, allow the City to recoup the cost associated with licensing homestay lodgings, and help preserve housing for Astorians. She hoped Astoria could keep its character and that the neighborhoods remained residential with year-round residents. She wanted to stop the proliferation of short-term rentals and keep the market rates at what Astorians can afford. Home prices are driven up by people who purchase second homes in Astoria and rent them out to tourists when they are not in town. The City has spent two years working on these ordinances and she fully supported them.

Councilor Brownson said he had been thinking about the fees. He asked people to remember that the fees are for two years, not one year. The City is actually asking \$250 per year for the initial permit. He proposed that existing legal homestays be considered a renewal when these ordinances are implemented, which would cost \$150 for two years. He believed Mr. Haefeker's suggestion to use transient room taxes to pay for inspections was interesting, but he believed that would result in hotels wanting their transient room taxes to pay for their inspections as well.

Planner Johnson confirmed the permit fees were for a two-year permit, so the inspection would only need to be done every two years. She had estimated the average costs to the City. In some cases, the permitting process will be so simple that the costs will be less than average. However, other more complicated cases will take much more time and cost more. The City must have set fees or charge applicants by the hour, so Staff cannot charge sliding fees. Charging by the hour can be complicated and can result in higher fees.

Councilor Price stated she fully supported the ordinances and she agreed with Councilor Nemlowill. Astoria City Council is not the Congress in Washington D.C. This is a very complex and lengthy Code amendment that Staff has worked on for over three years. She quickly counted 12 reports in the newspaper since April 2016. The City has hosted several work sessions and she had written about this many times on her blog. Facebook posts have been made by a number of people, as well as radio news items, and long production pieces. There has been ample opportunity for businesses to stay in touch with changes that might be coming to their businesses. City Council enacts changes, fees, and rules that affect businesses in many ways and notices are not sent out to all of the businesses that might be affected. It is the businesses' obligation. The owners of homestays are great guests and she was sure Astoria was a great place to have an Airbnb. But that is why the City needs to limit them. Additionally, the bed and breakfasts are great hosts to Astoria, too, because they also send guests to Astoria's restaurants, bars, and galleries. Most of the hotels in town also have marvelous managers. No one has a lock on being a great guest or a great host. The fees are in line with other fees throughout Oregon and are probably a little bit less. Some fees may seem lower because they have not been raised in a number of years. She did not know the last time the liquor license was increased. Several times over the past few years, this Council has raised fees because they had not been raised since the 1980s. She wanted to keep Astoria a unique experience and it is empirically clear that limiting short-term rentals is a way to do that. She believed Mr. Haefeker raised a good point about parking. Parking on land and on the river is a problem in Astoria. However, the parking variance can be easy to get. Very few people have driveways and garages, so maybe a future Council could take another look at that. She hoped Council would pass this set of amendments.

Councilor Jones stated he respectfully disagreed with the premise that these short-term rentals take away from permanent housing in Astoria. He did not believe the City should pursue these ordinances for the purpose of increasing permanent housing because it will have a marginal effect on the housing market. Protecting hotels from competition never came up during City Council's discussions; the hotels can protect themselves from competition. He did agree that short-term rentals should be regulated and he appreciated that some of the nonconforming homestays that are legal would be grandfathered in. He asked why applications submitted mid-year would not have a full 24 months before the first renewal.

Planner Johnson explained that tracking each anniversary date would be very complicated for Staff. Most permits are billed once a year instead of once a month. However, City Council could direct Staff to charge prorated fees or require renewals upon a minimum of 24 months.

Councilor Jones confirmed the two-year reinspection would fall in line with the permit renewal, not because Staff had decided safety issues would begin occurring at two years. He believed it was an oversight that notices were not sent out. Considering the size of the fees being proposed, it would have been prudent to send out a written

notice to people who currently have a business license to operate a home stay. Although, this has been published publicly in many forms. One person said she rented out her room for 170 nights per year. At \$50 per night, that totals \$8,500 a year. So, he believed the fees were relative. He saw one room online that was being rented for \$120 a night, so the room would have to be rented for about 6.5 nights to make up for the \$800 in fees. He did not believe the fees were too onerous, but could be burdensome to someone who only rented a room for 30 nights per year. If there was Council support, he would suggest easing the burden somewhat by requiring the safety inspection every four years instead of every two years.

Councilor Brownson would agree to a four-year inspection, if the inspectors believed that was a reasonable timeframe. He asked Councilors to comment on his proposal to process existing homestays as renewals.

Mayor LaMear asked how much the homestay license was currently. Planner Johnson said the City does not currently have a license. Homestay owners must pay the occupational tax and get a business license, which is \$35 for one person, and they must collect and pay to the City the transient room taxes. If they do not have the required parking, they would have to apply for a parking variance. If they are located in an R-1 zone, they must go through the conditional use process, which is \$500.

Mayor LaMear understood that the renewal fee was \$150 per year. City Manager Estes clarified Councilor Jones has proposed that people who currently have a legal homestay and are fully compliant with transient room taxes and their business license should be treated like a renewal when the ordinances take effect. Those individuals would pay \$150 and the inspection fee.

Mayor LaMear said she agreed. She asked Fire Chief Curtis and Police Chief Spalding to comment on inspections every four years.

Chief Curtis said Airbnbs are not normally classified as businesses. Under the Oregon Fire Code, businesses are inspected annually. With more occupants in a structure, more changes can occur to that structure. The inspections are an opportunity to educate the public about what needs to be done. Most deaths in fires occur in homes, so his opinion is that four years seems a little long. An inspection every couple of years would be more reasonable.

Councilor Jones stated he would defer to Chief Curtis's judgement and withdrew his recommendation.

Mayor LaMear did not believe the homestays had that much of a relationship to the affordable housing problem. The City has a lot of other ways to solve the housing problem and she respectfully disagreed with Councilors Price and Nemlowill on that perspective. She believed the homestay lodging license fee seemed high and recommended an initial fee of \$400 and a \$200 inspection fee. However, the renewal fee of \$150 did seem reasonable. For someone who is just starting a business to have to pay \$500 plus all of the other fees involved is onerous. The City is trying to get people to be more compliant with the laws and that is what this is all about. Those who do not get a license will face some problems. The ordinances are necessary, but she wanted the fees to be reasonable. She empathized with people who were trying to make a living in Astoria, which is not easy.

Councilor Price clarified that she never stated short-term rentals detract from affordable housing, although maybe somewhat; they just take housing away. She agreed with Councilor Brownson's suggestion to allow the grandfathered in units to come in at the renewal rate of \$150 every two years. She believed \$500 was fine for new businesses.

Councilor Nemlowill believed Councilor Brownson's proposal made sense and she was okay with grandfathering in all of those who are currently complying with the homestay lodging rules.

Councilor Jones also agreed with Councilor Brownson's proposal.

Mayor LaMear confirmed there was no interest among the Council to lower the \$500 fee. She called for the second reading of the Homestay Lodging Ordinance.

Planner Ferber conducted the second reading of the ordinance.

City Council Action: Motion made by Councilor Price, seconded by Councilor Jones, to adopt the Homestay Lodging Code Ordinance. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Planner Ferber conducted the second reading of the Transient Room Tax Ordinance.

City Council Action: Motion made by Councilor Nemlowill, seconded by Councilor Price, to adopt the Transient Lodging Tax Ordinance. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Jones, to adopt the Homestay Lodging Fee Resolution with the follow change:

Existing homestay lodgings business that already have transient lodging and occupational taxes registered and all necessary zoning permits shall be processed as renewals.

Motion carried 4 to 1. Ayes: Councilors Price, Jones, Nemlowill, and Brownson; Nays: Mayor LaMear.

Item 7(b): Public Hearing and First Reading: Ordinance Modifying Multiple City Codes to Correct State Legislative Changes

A recent audit of Oregon Revised Statutes referenced in the Astoria City Code revealed discrepancies that necessitate corrections as a result of changes made by the State Legislature. Some sections have changed and some have been repealed. A copy of the City Code Sections to be updated is attached. It is recommended that Council hold a public hearing and consider holding a first reading of the ordinances amending the City Code sections included in the memo.

Mayor LaMear opened the public hearing at 8:23 pm and called for public testimony. Hearing none, she closed the public hearing at 8:24 pm.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Price, to conduct a first reading of the ordinance modifying multiple City Codes to correct State legislative changes. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Director Brooks conducted the first reading of the ordinance.

Item 7(c): Recology: Modified Rate Request Effective January 1, 2019 for Solid Waste Collection and Transfer Station Activities

The City's Franchise Agreement with Recology requires them to render financial statements and a rate review of the Solid Waste Collection Franchise and Clatsop Transfer & Disposal Station which was completed in May, 2018. A memo from Carl Peters, Recology General Manager outlines challenges experienced during the current year which are contributing to higher expenses than originally anticipated which would be outside the Operating Range and would allow for rate adjustments.

Carl Peters, General Manager will present information associated with the modified rate request and is available for questions and comments.

It is recommended that Council consider the attached resolution which includes the 5.85 percent increase as proposed, to be effective January 1, 2019.

Carl Peters, General Manager, Recology, gave a presentation on Recology's community outreach, the market collapse for recycling, and policy options for the proposed rate increase. He provided background information about the company and employees, partnership programs with the City and organizations in Astoria and Clatsop County, and improvements to Recology's services and programs. He shared details about recent changes in recycling exports and the recycling market, explaining how those changes have increased expenses and decreased revenues for the entire industry. He described steps that Recology has taken to minimize the impacts of these market changes and reviewed options for moving forward in the new market conditions. He provided

details on Recology's proposed rate increase and noted that if approved, no further rate adjustments would be requested before 2020.

Councilor Price asked how anything was being recycled with China only accepting a market rate of 0.5 percent of the total recycling that is sent to them.

Mr. Peters said recycling is sent to Malaysia, Indonesia, and Thailand. He noted that three to five percent contamination was reasonable, so half a percent in one bale would be just one item.

Councilor Price believed other countries would follow China's lead soon to provide a better environment for their citizens. She asked if Recology had started advising customers on how to stop using so much plastic. She also wanted to know if Recology was encouraging grocery stores and other businesses to change their packaging.

Mr. Peters confirmed that Recology had a role in educating customers and encouraging best practices. Their bag ban is a great place to start. Recology recently hosted a zero-waste event for its employees so that the company could become better practitioners. They are partnering with businesses that are already sustainably minded, but things like bag bans and encouraging bulk buying will be difficult to implement. Recology takes their responsibility seriously and wants to help people use less instead of helping people figure out where the recycling goes.

Councilor Nemlowill said it was great to hear that Recology was employee-owned. She was glad the City was working with Recology. The City just provided Recology with a lot of additional business picking up garbage for the Parks Department. Additionally, the City purchased some pilot recycling receptacles which were placed in parks. However, the bins do not look like recycling vessels. The bins do not have any pictures on them letting people know what they can put in the containers, so she did not believe the pilot program to encourage recycling in parks would be very successful. She asked if Recology could help educate park users about the recycling bins.

Mr. Peters stated Recology would work with Parks Staff to figure out how to get some educational materials on the bins. The design of the bins is great because they prevent people from reaching in and pulling stuff out. The bins make it easy for people to recycle and he wanted other cities to use them.

Councilor Nemlowill believed composting was great because it could be done locally; it reduces waste at the landfill, and provides good soil. Throwing food and other organics in the trash creates methane gas in the atmosphere, which is a known contributor to global warming. However, putting food and organics in the yard debris container prevents the methane gas. She like the idea of Recology getting into the schools to educate people about what should go in the trash, but she was concerned about the effectiveness of promoting ideas through billings, mailings, and on a website. She understood there were only so many communication tools available, but preferred something more tangible like a countertop composting container. She was glad Recology was offering more sizes for containers. She asked if Recology could offer a more regular pickup schedule for compostables.

Mr. Peters explained that a schedule has not been completely mapped out yet, but the schedule would be very simple and clear, so that people can get into a rhythm.

Councilor Nemlowill was glad that Recology promoted the plastic bag ban. It seemed like City Council supported the ban as well, but there was a concern about the Staff time necessary to draft an ordinance. She did not believe drafting an ordinance would be too complicated, but Staff just had a lot going on with limited resources. She asked if Recology would consider drafting an ordinance for Astoria.

Mr. Peters did not believe he was the best person to draft laws for a city, but he could send something to Staff to review.

City Manager Estes suggested City Council discuss a plastic bag ban ordinance in the coming months.

Councilor Brownson understood the need to keep up with costs. However, this rate increase would be tough on the citizens. There have been a number of fee increases over the last year, but this is necessary. The rate increases will also be an incentive to create less garbage. Paying for solid waste collection is the tax we pay for

the packaging that we use. He supported the rate increase and was glad that smaller containers would be offered.

Mayor LaMear stated she was in support of the cost adjustment after seeing what a huge hit Recology has taken from the new market conditions.

City Council Action: Motion made by Councilor Jones, seconded by Councilor Price to approve the resolution to increase Recology's rates for solid waste collection and transfer station activities by 5.85 percent, effective January 1, 2019. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Item 7(d): Discussion Regarding Replacement of a Vacant Ward 4 City Council Seat in 2019

Mayor Arline LaMear has requested that Council discuss announcing the upcoming vacant Ward 4 City Council Seat and the potential replacement process.

The City anticipates a vacancy on the City Council after Mayor-Elect Jones, current Ward 4 Councilor, is sworn in as Mayor on January 1, 2019. The City Council will need to determine how to fill the vacancy either through appointment or through setting an election.

The new City Council, which takes office in January, would make the decision how to proceed with appointment or election. However, it has been suggested that the current Council initiate the process to secure names of Ward 4 residents who would be interested in filling the remainder of the Ward 4 Council term from January 2019 through December 31, 2020.

It is recommended that City Council determine whether to initiate the process of accepting applications from those interested in filling the remainder of a vacant Ward 4 Councilor term beginning in January 2019.

Councilor Jones stated he contacted Councilors Elect Herman and Rocka, and Councilor Brownson. All four of them agreed that a special election would be very time consuming and that the application process should be started now. He supported the application process and timeline recommended by Staff.

City Council Action: Motion made by Councilor Jones, seconded by Councilor Nemlowill to initiate the process of accepting applications from those interested in filling the remainder of a vacant Ward 4 Councilor term beginning in January 2019. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

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

There was none.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:11 pm.

ATTEST:

APPROVED:

Finance Director

City Manager

Parks Advisory Board Meeting Minutes December 5, 2018

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

Present- Norma Hernandez, Jessica Schleif, Andrew Fick, Jim Holen, Howard Rub, and Michele Tompkins.

Absent- Eric Halverson.

Staff- Jonah Dart-McLean, Terra Patterson, and Natalie Viescas.

Public comments

1. There was none.

Approval of Minutes

- A. September minutes were unanimously approved as presented.
- B. October minutes were approved as presented with Michele Tompkins abstaining as she was absent from that meeting.

President Hernandez

- A. What do you hear- Michele Tompkins heard many good things about the Doughboy renovation. Andrew Fick was excited that lights were on the Column for December. President Hernandez said she had received questions about access to the Riverwalk during the Run on the River. Interim Parks Director Dart-McLean said detours were planned to make up for the distances that would be lost by the two areas of the Riverwalk that are closed for construction. He would provide an update in February. Registration for the run was already up from last year with 96 people registered to participate. Jim Holen complimented Staff for cleaning up the graffiti at Shively Park and removing the fencing at the cemetery. However, there were vehicle tracks in the turf at the cemetery. Interim Director Dart-McLean said the tracks were left by a contractor who was hired to remove trees. President Hernandez said she took a new resident to the Talking Tombstones and they thought the cemetery was beautiful.

Employee and Volunteer Recognition

- A. Interim Director Dart-McLean and Terra Patterson recognized Natalie Viescas as the December employee of the month.

Old Business

- A. Jim Holen gave an update on the Parks Foundation. Members would be attending Gifts Make a Difference. The Foundation also continues to plan for Run on the River and search for additional sources of funds for scholarships.
- B. Interim Director Dart-McLean updated the Board on Staff's efforts to implement the Parks and Recreation Master Plan. Progress was slow but would continue through the winter. He would provide an update in the next couple of months
- C. Interim Director Dart-McLean provided the Board with an update on staffing changes. He hoped to have the grounds coordinator position filled in January.
- D. Interim Director Dart-McLean reviewed efforts to restore the Doughboy Monument, which is almost complete. About 50 people attended the Veteran's Day celebration at the monument.

- E. Approval of Astoria Scandinavian Heritage Association Monument Design
Judi Lampi, 605 Alt. Hwy. 101, Warrenton, Astoria Scandinavian Heritage Association (ASHA) Park Committee Chair, introduced ASHA President Loran Matthews, Park Committee Vice-Chair Janet Bowler, Project Manager Rosemary Johnson, and landscape architect Marin Bjork of West Studio (via telephone). She presented the Board with copies of Memorandums of Agreement (MOA) that ASHA had with City Council and the Rotary. She, Ms. Bowler, Ms. Bjork, and Mr. Matthews gave a brief PowerPoint presentation on the monument design, concept, financing, and timeline. They also provided details about the landscaping and the symbolism of the midsummer pole. The design was approved by the Historic Landmarks Commission the previous week and would be presented to City Council on December 17, 2018.

The Board and project team discussed the landscaping, which would create visibility, a sense of safety, and be easy to maintain. Additionally, the landscaping would be in compliance with City Codes. Safety was also discussed. City Codes, rules, and regulations would be posted on signs at the entrances to the park. Additionally, the park design included skate deterrent methods and access to the park from the Riverwalk and parking lot. ADA approved features were also part of the design.

Staff and the project team confirmed the minor scrivener's errors in the draft MOA would be corrected before the plan was presented to City Council. The project team addressed questions about the details of both MOAs.

President Hernandez thanked ASHA for working with the City to honor the Parks Master Plan while also honoring the Scandinavian Heritage.

The Parks Advisory Board unanimously voted to recommend that Astoria City Council approve the ASHA monument park plan.

Staff Reports and Upcoming Events

The following reports were presented to the Board as part of the agenda packet with additional comment as noted:

- A. Maintenance
- B. Aquatic Center
- C. Recreation
- D. Sports

Terra Patterson clarified that billing for the summer youth sports programs occurred late in the season, so the revenue came in during the fall. However, participation in sports programs had increased over last year.

Jim Holen asked Staff to send him details on youth sports team sponsorship.

- E. Lil Sprouts/Port of Play
- F. Communications/Marketing

Interim Director Dart-McLean said participation in Parent's Night Out typically fluctuated, but had recently decreased. He believed the school schedule had an impact on participation levels.

- He also updated on upcoming tree removals at several parks. He confirmed details of the tree removal plan were kept in a database, but the information was not available on the City's website currently.

Future Meetings

- January 23, 2019 at 6:45 am in City Hall, Council Chambers
- February 27, 2019 at 6:45 am in City Hall, Council Chambers

President Hernandez said she had asked Mayor Elect Jones to assign a City Council representative to the Parks Board. She encouraged Board members to contact the new Mayor with the same request.

Next meeting will be held Wednesday, January 23, 2019 at 6:45am at City Hall in City Council Chambers.

Astoria Library Board Meeting

Astoria Public Library

October 23, 2018

5:30 pm.

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

Excused: Kimberly Chaput/David Oser

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

Approval of Agenda: The agenda was approved as presented.

Approval of Minutes: The minutes of October 23, 2018 were approved as presented.

Board Reports: There were none.

Library Director's Report:

Director Pearson's report was as follows:

- Library Staff – Interviews are in the process of scheduling for two Library Assistant Vacancies.
- Library Programs – Movers and Shakers story time continues to flourish with 40+ children and adults attending. Ami K. and Director Pearson are planning winter programming relating to all things Hygge.
- Director's Activities – He is attending a League of Oregon Cities training in McMinnville during which he will also present the City owned Lewis & Clark journals to Pirages Fine Books and Manuscripts for appraisal. The journals were purchased by the Astoria Rotary Club for the library in the 70's and are either 1814 first edition of the Biddle/Allen set or 1842 reprints.

Update on ALFA Activities:

Director Pearson said ALFA met and voted to provide the library with a budget from Friends revenue of \$3,000 annually. It is appreciated as knowing how much is available allows for greater flexibility when developing programming.

Update on Foundation:

There was none.

New Business: There was none.

Old Business: Strategic Plan will be moved to 2019.

Public Comments: There were none.

Items for Next Meeting's Agenda: The next meeting was scheduled for January 22, 2019.

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

Respectfully submitted,

Jimmy Pearson, Library Director.

HISTORIC LANDMARKS COMMISSION MEETING

City Council Chambers
November 20, 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 5:15 pm.

ROLL CALL – ITEM 2:

Commissioners Present: Vice President Michelle Dieffenbach, Commissioners Jack Osterberg, Paul Caruana, Mac Burns, Katie Rathmell, and Kevin McHone.

Commissioners Excused: President LJ Gunderson.

Staff Present: Planner Nancy Ferber, Contract Planner Rosemary Johnson, Interim Parks Director Jonah Dart-McLean. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

APPROVAL OF MINUTES – ITEM 3(a):

Vice President Dieffenbach asked if there were any changes to the minutes of October 16, 2018. There was none.

Commissioner Caruana moved to approve the minutes of October 16, 2018 as presented; seconded by Commissioner Burns. Motion was approved unanimously. Ayes: Vice President Dieffenbach, Commissioners McHone, Osterberg, Caruana, Burns, and Rathmell. Nays: None.

PUBLIC HEARINGS:

Vice President Dieffenbach 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):

EX18-10 Exterior Alteration request (EX18-10) by Joseph Michael Fortier to construct a porch on the rear of an existing single-family dwelling at 193 W. Duane Street (Map T8N R9W Section 7DC, Tax Lot 2300; Lot 1 & 2, Block 4, Trullingers) in the R-1 Zone (Low Density Residential). **This application has been withdrawn by Staff and will be addressed administratively.*

Vice President Dieffenbach noted the application had been withdrawn and confirmed there were no public comments since the notice was sent out.

ITEM 4(b):

NC18-06 New Construction request (NC18-06) by Astoria Scandinavian Heritage Association for construction of a Scandinavian Heritage Park at 1590 Marine Drive (Map T8N R9W Section 8DB, Tax Lot 3200, 600 & 601; Footing of Block 134, Shively) in the S-2A Zone (Tourist Oriented Shoreland). The Park is proposed to consist of an open plaza, ADA ramp & stairs, landscaping, and Scandinavian designed features. The site is adjacent to properties designated as historic in the Downtown National Register Historic District.

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

Commissioner Caruana declared that he owned property across the street, but that would not affect his decision.

Commissioner Burns declared he was a member of the Astoria Rotary Club, which has agreed to maintain the park and he had attended the Scandinavian Festival. However, that would not impact his opinion.

Vice President Dieffenbach requested a presentation of the Staff report.

Contract Planner Johnson presented the Staff report and recommended approval with no conditions. The project plan would be presented to the Parks Advisory Board on December 5th for a recommendation to City Council. City Council would review the final design in December.

Vice President Dieffenbach opened public testimony for the hearing and asked for the Applicant's presentation.

Loran Matthews, 1820 7th Street, Astoria, President, Astoria Scandinavian Heritage Association (ASHA), introduced members of the project team who were present. They had been working on the project for a couple of years and now had the design and funds. He offered to answer any questions.

Judi Lampi, 605 Alt. Hwy. 101, Warrenton, said she was the chairperson for the park. She gave a PowerPoint presentation, which was included in the Staff report. ASHA began this process in Spring 2015 when the ASHA formed the special park committee. In August 2016, City Council recommended that the Parks and Recreation Department make arrangements with ASHA so the civic project could move forward. In September 2017, the Astoria Rotary Club voted to maintain the future park as a service project. ASHA is responsible for the maintenance of the park for the entirety of its life. If the Rotary Club chooses not to participate, it is ASHA's responsibility to maintain the park or find another organization to help. In December 2017, City Council approved the final version of the agreement for the park. In June 2018, ASHA hired the West Studio landscape architects from Seattle, WA and Herrera Environmental from Sherwood, OR to design the park. In September 2018, ASHA held an open house so the citizens of Astoria could provide feedback on the design of the park. It was well attended with 38 citizens. ASHA will meet with the Parks Advisory Board on December 5th for its approval and submit to City Council later in December for final approval. ASHA is fundraising and has already raised over \$250,000 so far. ASHA hopes to put the construction out for bids in March 2019 and begin construction in July 2019. Topographical and geotechnical surveys are complete and have been submitted to the City.

Marin Bjork, 950 Hiawatha Place S, Seattle, WA, The West Studio, continued the PowerPoint presentation. The priorities of the project were low maintenance, visibility, and accessibility. The goal was to maintain as much vegetation as possible as well as the ethos of nature while creating a park with enough space for people to gather, have celebrations, and have programming opportunities. The park's larger purpose is to help educate the public and visitors about the impact of Scandinavian's on Astoria's history. ASHA wants to open up the area and make sure people know there are opportunities to enjoy a little spot in Astoria at the eastern entry to town. There are many entrances into the park, but the primary entrance is off of Riverfront Park. There are three different components. For people who want to experience a linear path in the park, the park would be approached from the Riverwalk up and through a ramp to a large plaza. The concrete trunks replicate various forms and they would have decorative components. The midsummer pole is in the middle of the plaza with a number of metal bands embedded in the concrete to represent the five cultures coming together. The Scandinavian cultures that settled in Astoria found ways to support and celebrate with each other. At the back of the park, a series of pillars beyond the midsummer pole will hold seasonal flags that grace the Marine Drive side with maps showing the different neighborhoods each of the cultures descended into. This design recognizes the ethnic division, but the cultures still came together to support each other. The archway symbolizes the opportunity to be in Astoria and become an Astorian. The storyline will continue on the other side with stories about the various professions people had, the contributions they made to the area, and the impact of the Scandinavian settlers. She displayed images of the proposed design and explained that one of the entry paths would be extended through an adjacent property that allows people to have a longer path through the park and existing trees. A bench will allow people to sit and look back as they think about their ancestry.

Commissioner Caruana asked if all of the railings would be illuminated on the ramps.

Ms. Bjork said the lighting would focus on safety and basic illumination to create a bit of ambiance. Lighting would be integrated along the railing, stairs, and possibly the curb on the ramp. Bollard lights would be installed at the entry and near the benches. LED lights would lightly outline the arch.

Commissioner Osterberg said the landscaping drawing indicated a treatment of turf all the way down to the trolley tracks. However, the plan showed the turf would stop short of that. Currently, the area along the trolley that has turf is not in good condition. He asked what kind of transition would be made between the edge of the park site and the edge of the trolley tracks.

Audrey West said the goal was to keep the existing meadow and adding plantings along the street edge and ramp. The park would still have a combination of mowed areas and un-mowed meadow. She confirmed the lawn areas would be in compliance with the Parks Department maintenance plans.

Commissioner Osterberg asked if the Applicant's had any overhead light fixtures that would illuminate the site for night time security.

Ms. Bjork stated they had not planned to add any, but just to the right of the arch there was an existing street light on Marine Drive that would ensure the park was fairly well lit.

Ms. West added that the proposed lighting was in compliance with the Dark Skies Ordinance. There would be more wayfinding lighting and soft illumination on areas.

Commissioner Osterberg said the Dark Skies Ordinance could be addressed with fixtures, shielding, and other aspects. The ordinance does not preclude any overhead fixtures.

Ms. West added that because of some of the existing trees around the light fixture, more light will be coming into the park from Marine Drive than is currently.

Vice President Dieffenbach called for any presentations by persons in favor of, impartial to or against the application. Seeing none, she called for closing remarks of Staff.

Planner Johnson said ASHA had been directed to design the park to be as vandal proof as possible and be lit enough to prevent hiding places.

Vice President Dieffenbach closed the public testimony portion of the hearing and called for Commission discussion and deliberation.

Commissioner Burns said he liked the proposal and believed the park would fill a need, as did the Garden of Surging Waves. The design was tasteful and artistic. He believed it would complement the surrounding architecture and would fit into Astoria's story.

Commissioner Rathmell believed the project was very well done. It would be nice to have the area cleaned up and have a theme. She hoped ASHA would be able to raise the money it needed for the project because fundraising was sketchy at the moment. But, the park would be a nice addition to Astoria.

Commissioner Caruana stated he like the project and was not as worried about parks being compatible with the neighborhoods. Parks could stand alone as beautiful pieces of art. However, he was concerned about lighting. This time of year, it gets dark early and it would be nice to have some more illumination. When the sun goes down, it is impossible to tell that the Garden of Surging Waves is a park. There is a missed opportunity to showcase some of the things in the park. There is a way to illuminate and celebrate the park as the main entry into the city, so he was in favor of more lighting. He suggested up lighting on trees and down lighting on hardscapes.

Commissioner McHone believed the project would complement the entry to downtown. He suggested making the park dog friendly because it is located next to a dog walk area.

Commissioner Osterberg believed the project met the criteria and agreed it was consistent with historic architectural styles seen in the area. The designs echo themes found in the larger area. He hoped the Parks Department would study the need for adequate lighting.

Vice President Dieffenbach said the park would be beautiful and she was proud of the Scandinavian heritage in the community. It will be neat to see the heritage acknowledged and identified in a more solid way than just an annual festival.

Commissioner Osterberg moved that the Historic Landmarks Commission (HLC) adopt the Findings and Conclusions contained in the Staff report and approve New Construction NC18-06 by Astoria Scandinavian Heritage Association; seconded by Commissioner Burns. Motion passed unanimously.

Vice President Dieffenbach read the rules of appeal into the record.

ITEM 4(c):

HD18-02 Historic Designation request (HD18-02) by Michael Josephson and Donald Anderson to designate the Josephson's Smokehouse commercial structure at 106 Marine Drive (Map T8N R9W Section 7DA, Tax Lot 12000; Lot 8, Block 1, McClure; and the east 10' of unplatted lot at the footing of Block 1, Hinmans) as historic in the C-3 Zone (General Commercial).

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

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

Vice President Dieffenbach opened public testimony for the hearing and called for the Applicant's presentation.

Michael Josephson, 475 8th Ave. Unit 102, Seaside, thanked Planner Johnson for all of the work she put into documenting and putting together the application. He wanted to get the building on the National Register of Historic Places. There is a lot of love in the community for the fishing industry and the canneries. This designation is representative of communities up and down the river and the people in the fishing industry.

Councilor Osterberg confirmed that Mr. Josephson had proposed the historic designation to honor the historic significance of Josephson's.

Mr. Josephson added that Planner Johnson outlined the history very well. In 1955, his father was the caretaker of the White Star cannery. His father had fished on the river for 45 years and started a fish buying business. He spent a lot of nights on the river sleeping and buying fish. He had a long list of the fisherman they did business with. He wanted to write a book, but was too busy smoking fish.

Vice President Dieffenbach called for any presentations by persons in favor of, impartial to or against the application. Seeing none, she called for closing remarks of Staff. There were none. She closed the public testimony portion of the hearing and called for Commission discussion and deliberation.

Commissioner Burns said he was shocked to find out it was not already designated as historic.

Commissioner Osterberg stated the request easily met all of the criteria.

Vice President Dieffenbach said she was glad another historic building would stay around instead of being purchased and torn down.

Commissioner McHone moved that the Historic Landmarks Commission (HLC) adopt the Findings and Conclusions contained in the Staff report and approve Historic Designation HD18-02 by Michael Josephson and Donald Anderson; seconded by Commissioner Burns. Motion passed unanimously.

Vice President Dieffenbach read the rules of appeal into the record.

ITEM 4(d):

EX18-06 Exterior Alteration request (EX18-06) by Mark Erickson on behalf of Dulcye Taylor for renovations to an attached garage at 856 11th Street to replace the door, add a staircase, add a sloped roof behind a parapet and install a skylight (Map T8N R9W Section 8CD, Tax Lot 8400, lot 14, Block 93, McClures) in R-3 (High Density Residential).

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

Commissioner Burns stated he knew Dulcye Taylor, but had not discussed this project with her. He did not believe his decision would be impacted.

Vice President Dieffenbach requested a presentation of the Staff report.

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

Commissioner McHone confirmed that the renovation would allow for some of the trash bins to be concealed.

Vice President Dieffenbach opened public testimony for the hearing and confirmed that the Applicant did not have a presentation. Vice President Dieffenbach called for any presentations by persons in favor of, impartial to or against the application. She closed the public testimony portion of the hearing and called for Commission discussion and deliberation.

Commissioner Caruana said the drawings made the garage look tall. He asked if the City had standards for stairs, overhangs, treads, and risers. Even though the staircase would be on the back of the house, he wanted it to have a classic look.

Commissioner Burns believed the garage looked strange, but the renovation would clean it up and make it look nicer.

Commissioner Caruana stated if the property were his, he would change the siding to break up the mass of the addition. Vice President Dieffenbach agreed. Commissioner Caruana. Vice President Dieffenbach added that even a change in material would help reduce the scale. She confirmed with Staff that the trim around the garage doors and parapet would match the trim around the windows on the house.

Commissioner Caruana said he preferred completely different vertical siding and shingles so that the garage looks like a separate structure abutting a historic home.

Vice President Dieffenbach reopened the public hearing and asked the Applicant to answer some questions.

Mark Erickson, 930 Gara Place, Astoria, confirmed that the front of the garage was on the same plane as the house, but the garage door was set back about one foot. After the renovation, the garage door would be set back 36 inches to accommodate the largest recycling bins. However, two of the recycling bins would still need to be moved to the back. The structure would be upgraded so that it could be used, but there is no intention at this time to access the garage from inside the house.

Vice President Dieffenbach closed the public hearing. She believed the garage would look odd with a break in the material and the garage sitting flush with the house.

Commissioner Caruana stated the existing corner board would remain, so that would provide a vertical break.

Commissioner Osterberg moved that the Historic Landmarks Commission (HLC) adopt the Findings and Conclusions contained in the Staff report and approve Exterior Alteration EX18-06 by Mark Erickson; seconded by Commissioner Burns. Motion passed unanimously.

Vice President Dieffenbach read the rules of appeal into the record.

ITEM 4(e):

NC18-05 New Construction request (NC18-05) by Peter and Elisabeth Crockett to construct a single-family dwelling adjacent to historic structures at 752 33rd Street (Map T8N R9W Section 9CA, Tax Lot 5300; Lot 20 & 21, Block 41, Mary Leineweber Subdivision; in the R-2 Zone (Medium Density Residential).

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

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

Commissioner Osterberg asked if the most recent colored drawings addressed any of the concerns noted in the Staff report. Planner Ferber said the drawings addressed some of the styling issues, but not the architectural detailing and material choices.

Commissioner Burns confirmed the location of the alley way immediately adjacent to the vacant lot. Planner Ferber added that the driveway would access the house on 33rd Street, but the house would face the north.

Commissioner McHone stated the new information submitted showed multipaned windows on several structures. He asked for the locations of those structures. Planner Ferber recommended the Applicant confirm the location of those structures.

Vice President Dieffenbach opened public testimony for the hearing and asked for the Applicant's presentation.

Peter Crockett, PO Box 817, Carlton, said he owned the lot, designed the building, and would be building the house on 33rd. The west face along 33rd Street is the front of the house. The family would use whichever door was the most convenient, but the mail man and trick-or-treaters would use the arched door. The lot is adjacent to two historic structures. Anytime a design question came up, he looked at the grey Model house on the corner and his wife would look at the Tudor house next door. The Tudor house has an arched front door. Otherwise, most of the body of the house, the roof slope, rafter details, siding, windows, trim detail around the windows was taken using measurements from the Model house. He displayed images on the screen showing the east facing back of the house and the south side of the house. The glazing would be on passive solar features, not windows. Behind the glazed glass, inside the house, there would be large tubes of water and a masonry wall. The passive solar structure is designed to catch warmth during the day and release it during the night. He currently lives in a passive solar home in Carlton and gets about two-thirds of his winter heat from the solar features of the house. He displayed photos of the frosted panels that would be visible from the outside of the house. The basement was not counted in the square footage of the house, but it was possible to put a bedroom in the basement. On the main floor, the living room, bedroom, and loft would take up two-thirds of the house. The front gable on the west façade would have a large field of glass. He hoped the windows on the west and north facades could be multipaneled windows that slide open and disappear, which would open up the corner of the house. He had not decided on the details of the staircase on the north side. However, the stairs on the Gimre House were white, steel, wrought iron, 1950s stair rail that is bolted to concrete stairs. Therefore, he was considering a fabricated steel staircase that was powder coated and bolted to the side of the house. He displayed a picture of the window trim. There are only two original windows in the Gimre House visible from the street and both are double hung wood windows. He designed a trim package and framing plan for his house using measurements from the setback and surround of the Gimre House. He hoped he could install single-hung, vinyl windows that are set back from the surface of the house by two inches to accommodate the trim package and mirror the Gimre House. He believed the rest of the windows in the Gimre House were modern surface mounted vinyl replacement windows. The porch and entry area would be covered by a flat 6-foot by 12-foot roof. He was working with a structural engineer on the foundation, support structure, and carport breezeway.

Commissioner Osterberg asked if the Applicant planned to install single-hung windows or sliding windows.

Mr. Crockett stated he submitted new materials within the last week after reading the Staff report. He displayed his most recent proposal on the screen and explained that the small window by the front door was single-hung. The giant window would be the sliding window. He confirmed that the window panels would slide one behind another to stack as they were opened. The kitchen window would be an awning and the three windows in the basement would be sliding windows. The east side of the house would have three small horizontal windows placed up high since they look into the bathroom. He chose sliding windows because they would be horizontal rectangles.

Commissioner Osterberg confirmed with Mr. Crockett that all of the windows would be recessed two inches.

Mr. Crockett said he had a question about that. All of the movable windows will be recessed to two inches, but it would be more difficult to flash, frame, and trim the picture windows if they were recessed. The picture windows on the Gimre House were surface mounted and trimmed, and he asked if he could do the same with his picture windows.

Commissioner Osterberg said he was trying to compare how the Applicant's proposal compared to Staff's findings. He confirmed that the frosted glass would only be on the solar features.

Vice President Dieffenbach asked if the solar feature would have grids.

Mr. Crockett explained that the manufacturer he was currently looking at had two-foot by two-foot aluminum grid with translucent fiberglass.

Commissioner McHone asked if the multi-panel door system on the west side of the house was meant to open up the room to the outside. He also asked if the panels would open up to a deck.

Mr. Crockett confirmed the windows were meant to open up the house, but there would not be a deck. He would not need a rail system because the bottom of the windows would be 26 inches off the floor.

Commissioner Caruana asked how the concrete basement walls would be treated.

Mr. Crockett stated he wanted to use a textured mat inside the concrete form when building the walls. He preferred a geometric design. The north side might be a wood framed wall, depending on the structural engineer's recommendation.

Commissioner Caruana asked how far from the roof extension was the window over the entry door on the west side.

Mr. Crockett said the roof extension wrapped around the front, 36 inches back from the face of the house. He believed it was 12 feet back to the window. The solar feature would be located between the roof and the window.

Commissioner Caruana asked what kind of railing system the Applicant wanted on the staircase.

Mr. Crockett displayed a photograph showing the type of stairs he wanted. He preferred a simple wrought iron rail. The columns could be made out of any material, but he planned to use concrete. The columns would be square and fluted with vertical texture like stripes.

Commissioner Rathmell asked if the house would have shutters, noting that shutters were shown on the schematic.

Mr. Crockett clarified the schematic showed Venetian blinds, not shutters. He confirmed the house would not have shutters.

Commissioner Rathmell asked if the Applicant had proposed to use shake mold and flat sills on the windows.

Mr. Crockett said the trim would be one by two and a half inches up against the siding and the window frame would be two inches by two inches. In the corner, where the trim and frame meet, there would be a strip of quarter round. The sloped sill would mimic the trim on the Gimre house as much as possible.

Commissioner Rathmell stated the drawing looked different from typical trim packages. There was no space between the window and the door on the front of the house.

Mr. Crockett stated there would probably be some space between the window and the door.

Commissioner Rathmell said there would be no door where the car would be parked. She added this type of application was not common in Astoria. She confirmed the carport would be an open breezeway.

Vice President Dieffenbach called for any presentations by persons in favor of the application. There were none. She called for testimony impartial to the application.

Tim Kennedy, 3708 Irving, Astoria, said the proposed house would be mid-century and the house at the corner was built in 1958. He wanted to know why the house down the hill with the wrap around porch was not part of the consideration with regard to influencing what is built.

Planner Ferber explained that with new construction, only houses adjacent to the property trigger a review by the HLC. None of the other houses are designated as historic even though they may have architectural features that are significant or important to the area.

Mr. Kennedy asked why the two houses were not designated as historic.

Planner Ferber said when the inventory was completed, the homeowners either opted out or the homes were not yet 50 years old, or the houses had too many alterations to be considered historic. The Applicant has done a nice job pulling in some of the architectural features of the neighborhood.

Paul Mengedoht, 3326 Harrison, Astoria, said the photograph of his house was 10 years old. He displayed a photo of what his house currently looked like. His property is in the slide zone and he was concerned about major excavation in a lot below his. The Gimre House lot is like a roller coaster. From the garage, the hill slopes sharply and drops about 15 feet to the flat surface where the Applicant's lot is buildable. Ten or twelve feet from his back door are 13 steps that descend down a steep slope to another flat surface. His house is moving and when he walks into his house he walks uphill. The Gimre House has cracks in the floor that are up to four inches wide. His foundation also had cracks. His neighbor to the east has a retaining wall, which saved his house when there was movement. A small knee wall was built by his neighbor after the slide, and now 10 years later there is a two-and-a-half-inch gap. The sidewalks are also in continuous movement. The City has had to repair the road because of the settling and constant movement. He was not here during the slide but chose to buy the house because of his view. He took the responsibility that the house would continue to move, but he was not about to dig at the base of yard with heavy equipment to unsettle the land again. Part of the slide issues are caused by the natural underground springs in the area that fill up when it rains. The filling and receding creates even more movement.

Vice President Dieffenbach confirmed that Mr. Mengedoht was concerned with the stability of the site and explained that stability is not one of the criteria that the HLC can review. She referred Mr. Mengedoht to the building department.

Mr. Mengedoht added that one reason he purchased his property was for the view. He can see the river up to Tongue Point and down to the bridge. The new structure will be right below his property. He had spoken to the Applicants about where the height of their house would impact the neighborhood's views. He wanted to know how that would be addressed and asked if the view was under the HLC's jurisdiction.

Vice President Dieffenbach explained that views are not protected in Astoria.

Planner Ferber added that height was considered with regard to the aesthetics of the building.

Mr. Mengedoht stated losing the view would impact the value of his house. His neighbors would also be impacted.

Vice President Dieffenbach explained that views are brought up often and that is why the City enforces building height limits. He asked if the site could be excavated a foot or two lower so the house would sit lower.

Planner Ferber said that would depend on the geological reports and the structural engineering of the site, which is beyond the purview of the HLC. She referred Mr. Mengedoht to the Public Works Department.

Vice President Dieffenbach called for any presentations by persons against the application. Seeing none, she called for closing remarks of Staff.

Planner Ferber asked for clarification on the openings on the west façade. She was not sure if the building official would have issues with the stacking doors. There will be no balcony or awning over the stacking doors, but there would be a very large awning over the doorway. There was a lost opportunity to add a column that would ground the west façade as an opening and the front entrance.

Vice President Dieffenbach closed the public testimony portion of the hearing and called for Commission discussion and deliberation.

Vice President Dieffenbach said she was concerned about the house. There were a lot of historic details, a lot of modern details, and a lot of things pulled off adjacent houses all put together. The house looked mismatched. She believed a modern house would look better than a historic home. The glass openings are beautiful, but the character is completely out of whack with the style of the trim, the fascia, and a number of other things. The windows are confusing because there are three different types of windows. The house has no style. She asked the Commission to share their ideas about what could be done, but reminded the Commissioners were not there to be architects or designers or give advice. Additionally, there were a lot of details on the house that had not

been figured out yet. She wanted more information about the house because the HLC needs documentation showing what they approved. This project was not developed enough to determine whether the house would be compatible with the neighborhood.

Planner Ferber asked Vice President Dieffenbach to be more specific about which details she was speaking about.

Vice President Dieffenbach said there was no information about the overhangs on the roof, the size of the fascia, the big white horizontal and vertical components around the glass windows, the little corner shapes on either side of the round door, and how narrow the window beside the door would be. The Applicant said the columns would be square, but there was nothing in the packet to indicate that the house would have square columns made of concrete. She wanted those details prior to making a decision on the project.

Commissioner Caruana stated he could not support the proposal as is. He did not want to give design advice, but there were not enough details identified for this project to even pass as a concept. When people are designing, they often see the contributing homes in the neighborhood and pull details from them. However, a home in a historic neighborhood does not have to borrow from the detailing of other historic homes. A home designed and built today can celebrate a style of this era. It is a mistake to try to fit a house in by borrowing from other homes because doing so detracts from the historic value of the other homes and makes for a home that does not have its own identity and character. The Applicant seemed to like the mid-century style and there are not a lot of mid-century homes being built. A lot of things could be done with more glass and more details that the Applicant would probably appreciate.

Commissioner Rathmell agreed and said she could not approve the project in the state it was in. She wanted to see more details on the trim packages, railing, columns, doors and windows, so she could understand exactly what the house would look like as a finished product.

Commissioner Burns stated he wanted to see this hearing continued because he did not have enough information to make a decision.

Commissioner Osterberg said it was important to come up with a specific architectural plan and an overall more holistic design for the home. The Applicant should do less to borrow from specific elements of different houses. There are too many window sizes and dimensions and designs, as well as an excessive number. He recommended changing the round columns and making the house either more or less mid-century and come up with a particular style. He agreed a continuance would be appropriate.

Commissioner McHone said he focused on the large window system, which made the house stick out from the other houses in the neighborhood. If the weight of the house would be supported by columns, there should be some seismic support structure added.

Commissioner Osterberg noted that seismic support could change the design of the house.

Planner Ferber understood that the HLC wanted to see additional information before making a decision. In order to avoid another public notice, the Commission must specify a date and time certain. She recommended December 18th so a decision could be made before the new Commissioners start in 2019.

Vice President Dieffenbach reopened the public hearing and asked if the Applicant would agree to December 18th.

Mr. Crockett said the design process was a struggle because he believed the new house had to be like the houses next door because of the use of the word "compatible." Peanut butter and jelly are compatible, but they are not at all the same. He would like another opportunity if he was freer to design what he wanted. He did not want to build anything crazy or have any negative impact on the people around him. He was used to doing what the county needed him to do to get plans approved and making decisions on the fly as he went along. So, the architectural details are different for him and he appreciated the HLC's patience.

Vice President Dieffenbach closed the public testimony.

Commissioner Caruana moved that the Historic Landmarks Commission (HLC) continue the public hearing for New Construction NC18-05 by Peter and Elisabeth Crockett to December 18, 2018 at 5:15 pm in City Hall Council Chambers; seconded by Commissioner Burns. Motion passed unanimously.

REPORTS OF OFFICERS/COMMISSIONERS – ITEM 5:

Planner Ferber announced that John Goodenberger's Historic Preservation Class was in the audience and thanked them for attending.

STAFF UPDATES – ITEM 6:

Item 6 (a): Save the Date – Next HLC meeting Tuesday, December 18, 2018

PUBLIC COMMENTS – ITEM 7:

John Goodenberger spoke about two house museum tours he went on when he and Lucien attended the National Trust Historic Preservation meeting in San Francisco. One of the museums had struggled to stay open but ended up partnering with some unconventional groups that held events to help the museum keep going. The other museum had been owned by an artist. The house was part of his work and the installations in the house were his work. In order to save the house, conservators were hired to make the building seismically sound. The artist had removed all of the woodwork in the house and varnished the plaster walls. When the house was raised, the only cracks filled were those that occurred during the raising of the house to preserve the artist's work. Most of the homes he saw on the tour were quite eccentric. He explained how he planned to use this meeting in his class to educate his students on the legal basis for historic preservation and designating historic districts.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:39 p.m.

APPROVED:

at the HLC 12/18/2018 meeting / no changes

Community Development Director

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall
November 27, 2018

CALL TO ORDER:

President Fitzpatrick called the meeting to order at 6:30 pm.

ROLL CALL:

Commissioners Present: President Sean Fitzpatrick, Jennifer Cameron-Lattek, Daryl Moore, Jan Mitchell, Joan Herman, and Brookley Henri.

Commissioners Excused: Vice President Kent Easom

Staff Present: City Manager Estes, Planner Nancy Ferber, Contract Planner Rosemary Johnson, and Contract Planner Robin Scholetzky (via telephone). The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

APPROVAL OF MINUTES:

President Fitzpatrick called for the approval of the minutes of the October 23, 2018 meeting.

Commissioner Moore moved that the Astoria Planning Commission approve the minutes of the October 23, 2018 meeting as presented; seconded by Commissioner Mitchell. Motion passed unanimously.

PUBLIC HEARINGS:

President Fitzpatrick explained the procedures governing the conduct of public hearings to the audience and advised that handouts of the substantive review criteria were available from Staff.

ITEM 4(a):

CU18-08 Conditional Use CU18-08 by Daric More to locate a theatre space for plays (indoor family entertainment) in an existing building at 1015 Commercial Street (Map T8N R9W Section 8CB, Tax Lot 9300; Lot 1, McClures) in the C-4 Central Commercial Zone.

President Fitzpatrick asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare.

President Fitzpatrick declared that he had encouraged the owners of the building to purchase the building. Additionally, he owned a property on Commercial Street that would be in competition. However, he believed he could be impartial in this matter.

President Fitzpatrick asked Staff to present the Staff report.

Planner Ferber reviewed the written Staff report. No correspondence had been received and Staff recommended approval of the request with the conditions listed in the Staff report.

President Fitzpatrick opened the public hearing and called for a presentation by the Applicant.

Daric More, 2625 Irving Avenue, Astoria, said this project was in direct response to wanting a full-time theatre in town again. Astoria lost the River Theater about 10 years ago. In 2010 and 2011, there was a small theatre called Pier Pressure that ran for about two years and this project is that theatre coming back to life. He has joined Suzie Brown, who ran Pier Pressure, on this new project. The theatre will be for plays and will run year-round. In between plays, the theatre will be offered for other activities like acting classes and artist installations. A black box theatre is a small room with moveable seating, a moveable stage, and it is usually painted black

because black does not reflect light. Black box theatres typically provide creative uses of the space and the moveable components give the director more options. This theatre will be different from the Astor Street Opery Company, Liberty Theater, Performing Arts Center, and Colla, which only offer theatre occasionally, because it will offer theater all the time. All of the other theaters are in support of this project and want to work together to increase theater activity in Astoria. The theater will be a non-profit. He read the mission statement, as follows:

“Pier Pressure Productions is dedicated to exploring the human condition through performance art that focuses on language and theater as a social and educational tool.”

- The idea behind the theater is to provide opportunities for actors, directors, and viewers to get involved and take in theater of all different kinds. The black box would host smaller shows, unlike the Liberty Theater which is redoing their back stage to host large ensemble shows like a Broadway show or musical. So, this theater would not be in competition with the Liberty Theater, but would be working with them to provide more opportunities in town. He received a building permit from the County after spending three weeks working through Code compliance matters. City Staff had an issue with street appeal because the building used to be a mercantile and would be changing to an assembly building. The theater will not be open during the day because the shows will be in the evening. However, the black box will be behind a lobby. The lobby will be seen through the window. The theater has received a donation of wood from a historic house that will be used to decorate the lobby so that the view will be nice through the window. Additionally, signs will be placed around town saying “Show Tonight” which will increase the activity and the feel of the downtown. The theater will give people a reason to come back downtown in the evening, which could help other businesses in town. He believed the theater’s impact on the downtown will be all positive and the parking load during the evening instead of the daytime will be an advantage. He did not expect to have large groups in the small theater, so the amount of people coming to a show would probably not be greater than the number of people coming to a restaurant. The theater’s permanent parking needs will be minimal. There would only be two part-time staff members. The shows and rehearsals would be held in the evenings. Staff also had an issue with the loading zone. A bus stop loading zone is already in front of the building. The theater’s needs for a loading zone will be minimal because the building has a basement where sets and materials will be stored. The theater will only host about seven shows a year, so loading or unloading will only occur about seven times a year. Staff had recommended that loading and unloading be done in the evenings and be completed in two hours or less. He could not see it taking more than 15 minutes and evenings would be fine. He spoke with the other theaters in town and got the feeling from many people that a full time theater has been desired in this town for quite a long time.

Commissioner Herman asked if the theater operations would take up the entire first floor.

Mr. More said no, and explained that the theater would be on the east side of the building that contained the Sea Gypsy and the Downtown Coffee Shop.

President Fitzpatrick called for any testimony in favor of, impartial to, or opposed to the application. Hearing none, he closed the public hearing and called for Commission discussion and deliberation.

Commissioner Herman said she believed the theater was a wonderful idea and would be very complementary for the downtown businesses. The theater would also add to Astoria’s artistic culture and complement the Liberty Theater and Performing Arts Center.

Commissioner Mitchell said she went to River Theater and Pier Pressure, which she enjoyed. She would be delighted to have more live theater.

Commissioner Moore stated the application appeared to meet all of the reviewable criteria, so he supported the request.

Commissioner Cameron-Lattek agreed with the other Commissioners and supported the application.

Commissioner Henri said she believed the use was appropriate for the space and the zone. She agreed with Staff’s recommendations and supported the application.

President Fitzpatrick agreed with the other Commissioners and supported the request.

Commissioner Moore moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU18-08 by Daric More; seconded by Commissioner Mitchell. Motion passed unanimously.

President Fitzpatrick read the rules of appeal into the record.

ITEM 4(b):

CU18-09 Conditional Use CU18-09 by Kerry Dugan to add an additional unit to an existing duplex to create a triplex (multi-family housing) at 4360 Commercial Street (Map T8N R9W Section 10BC, Tax Lot 1800; Lots 6 & 7, Block 7, Port of Upper Astoria) in the R-2 Medium Density Residential Zone.

President Fitzpatrick asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare.

President Fitzpatrick declared that he owned rentals that would be potential competitors to this property, but he did not believe there was a conflict of interest. He believed he could be impartial.

President Fitzpatrick asked Staff to present the Staff report.

Planner Ferber reviewed the written Staff report. No correspondence had been received and Staff recommended approval of the request with the conditions listed in the Staff report.

President Fitzpatrick opened the public hearing and called for a presentation by the Applicant.

Kerry Dugan, 21810 Jordan Road, Astoria, said he owned 4360 Commercial Street and was available to answer questions.

Commissioner Henri understood Mr. Dugan currently lived at the residence and asked if he would continue living there.

Mr. Dugan stated he lived at the residence part-time. He was raised in the house, which had been in his family since 1972. He purchased the house from his father's estate three years ago. There are eight people in his family, so there are always eight or ten cars in the off-street driveway, which is a reduction in traffic. [joking]

Commissioner Henri asked if Mr. Dugan had heard about the recommended landscape screening and if he would consider it.

Mr. Dugan said he was prepared to do landscaping, but the lot was mostly asphalt and had been since the early 1970s. At one time, a family of eight people was living in the house. He asked if the landscaping needed to be between the units.

Commissioner Henri believed the landscaping would need to be between the property and neighboring properties.

Mr. Dugan added that the existing vegetation had been there since he moved in in 1972 and it has matured. He cannot see the neighbors to the east and the north, but he can see the neighbor to the west and across the driveway. He could do any landscaping he needed to, but he did not believe the property needed any.

President Fitzpatrick called for any testimony in favor of, impartial to, or opposed to the application. Hearing none, he called for closing comments of Staff. There were none. He closed the public hearing and called for Commission discussion and deliberation.

Commissioner Cameron-Lattek stated she was happy that the application met the conditions of approval. She was also glad to see that someone is breaking up a larger house into smaller units that better suits the population looking for housing.

Commissioner Henri agreed that the application met the requirements. None of the neighbors showed up to object to the application so she supported the request.

Commissioner Herman thanked the Applicant for providing another housing unit for a permanent resident

Commissioner Mitchell stated she would echo the same sentiments. She was very aware of the need for worker's housing.

Commissioner Moore said the application appeared to meet all of the reviewable criteria and he supported it.

President Fitzpatrick also agreed the application met the criteria. The lot size is appropriate. There is sufficient parking and the project fulfills the goals of the City to provide more housing. He was in favor of the request.

Commissioner Mitchell moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU18-09 by Kerry Dugan; seconded by Commissioner Cameron-Lattek. Motion passed unanimously.

President Fitzpatrick read the rules of appeal into the record.

ITEM 4(c):

CU18-10 Conditional Use CU18-10 by James Neikes to locate automotive sales in an existing parking lot at 609 Bond Street (Map T8N R9W Section 8CB, Tax Lot 4400 and 4800; Lot 2, McClures) in the C-3 General Commercial Zone.

President Fitzpatrick stated the Applicant was perusing an alternative location and the Findings of Fact have not been finalized. He confirmed there were no public comments from anyone in the audience since the notice was sent out and informed that written comments could be submitted to the Community Development Department.

Commissioner Moore moved that the Astoria Planning Commission continue the hearing of Conditional Use CU18-10 by James Neikes to January 8, 2019 at 6:30 pm; seconded by Commissioner Herman. Motion passed unanimously.

WORK SESSION:

Item 5(a): Riverfront Vision Urban Core

Planner Johnson briefly reviewed the City's work to implement the Urban Core Area of the Riverfront Vision Plan and noted this work session would focus on uses within the buildings.

Kate Rogers, Angelo Planning Group, reviewed previous discussions on the Urban Core, which were primarily related to site and building development standards with a focus on ensuring visual and physical access to the riverfront. She gave a PowerPoint presentation, which was included in the Staff report, on recommendations and options for permitted overwater uses, on-land uses, associated development standards, and zone changes. The recommendations were based on previous code update processes, especially the Bridge Vista Overlay Zone just adjacent to the Urban Core because it has a lot of similarities in land uses and development patterns.

During the presentation, the project team answered clarifying questions and Commissioners discussed the recommendations with the following key comments:

Uses in Overwater Zones

- Commissioners agreed that retail and eating/drinking establishments should continue to be conditionally allowed as long as they provide visual and physical access to the river. However, Commissioner Herman was concerned that providing access to the river would require money, which she did not consider to be true access. She believed access meant the ability to walk or ride a bike along the Riverwalk and see the river without having to pay. Commissioner Cameron-Lattek believed indoor entertainment should be allowed because that use was very valuable to local families and business owners. She wanted clarification on the concerns that led to the

recommendation to prohibit these uses and noted she could think about this differently for on-land development.

- Staff explained that indoor entertainment, which included strip clubs, is prohibited in the Bridge Vista Area to reduce tourist-oriented businesses. Indoor family entertainment is a different use according to the Code.
- President Fitzpatrick was concerned that residential units above retail space would result in empty commercial spaces. Commissioners Moore and Mitchell had similar concerns. After some discussion, most Commissioners agreed that residential uses should be prohibited.
 - Commissioners Herman and Henri supported allowing residential uses on second stories. Doing so could provide some incentive to developers or a store owner might want to live above their business. If residences were allowed conditionally, the City could review each situation on a case by case basis. Staff recommended limiting residential units to one or two per building, if allowed. Staff also confirmed they would make changes to these recommendations based on this discussion.
- Commissioner Mitchell expressed her concerns about allowing a conference center. She did not believe Astoria needed one and that a conference center would be too expensive to maintain. Additionally, Astoria did not have room to accommodate a parking district for the conference center. Planner Johnson confirmed that conference centers were listed as a prohibited use

President Fitzpatrick called for a recess at 7:32 pm. The work session reconvened at 7:38 pm.

Ms. Rogers continued with the presentation, reviewing recommendations and options for on-land uses and rezoning. Staff compared the Urban Core to the Bridge Vista Area for context and answered clarifying questions from Commissioners. Ms. Rogers asked for feedback on the recommendations and Commissioners responded with the following key comments:

Rezoning On-Land Zones

- Commissioner Herman was concerned about the building heights allowed in Commercial zones because taller buildings block views and detract from Astoria's authenticity. She wanted heights limited specifically for hotels and motels. City Manager Estes explained these recommendations focused on uses and cautioned against prohibiting uses because of the allowed height limits. The height limits could be established through an overlay regardless of the base zones or permitted uses in those zones.
- Commissioner Mitchell believed parking ordinances should require sufficient parking for hotel guests and employees.
- Several Commissioners wanted more time to review and think about the rezoning. However, at first glance, all of the Commissioners supported the recommendations. Commissioner Moore thought the C-4 zone could not be expanded. Staff explained how changes over time rendered some zones useless, like the S2-A zone. So, cities can change zoning to accommodate current development trends and goals.

Uses in On-Land Zones

- All of the Commissioners agreed that hotels, motels, and bed and breakfasts should be allowed as conditional uses.
 - However, Commissioner Herman would only support the recommendation if existing structures were repurposed, but not for new construction. Additionally, parking requirements should not be relegated to a parking district. Each business should provide their own parking for guests and employees. Staff explained that parking is reviewed by the Planning Commission as part of the conditional use request. Commissioner Mitchell noted that parking for a brand new bed and breakfast would not be as onerous as parking for a large building repurposed into a hotel.
- Staff confirmed they would compare the uses allowed in the existing S2-A zone to the proposed C-4 zone to make sure viable uses are not prohibited.
- Commissioner Henri supported the recommendation to allow multifamily residences as proposed, outright in C-3, conditionally in C-4, and only on second floors or above.
- Commissioners shared thoughts and ideas for uses that would complement but not compete with downtown. Most Commissioners agreed that restaurants, retail, and indoor family entertainment would achieve this goal. Commissioner Henri believed retail should be allowed outright instead of conditionally.
 - Commissioner Herman disagreed. She believed it was not possible to avoid competition and that retail on the waterfront would draw business away from downtown, which already had a fair amount of vacant retail spaces.

Ms. Rogers reviewed next steps, which would include revising the Code amendments to reflect the Commission's feedback. Work sessions would be held through January 8, 2019 and then hearings would begin.

President Fitzpatrick called for public comments.

Sara Lu Heath, P.O. Box 261, Astoria, Executive Director, Astoria Downtown Historic District Association (ADHDA), said that since a lot of very detailed information had been presented, the ADHDA planned to submit written testimony to the Planning Commission later on. Downtown is an ecosystem, so their testimony would reference other documents like the Advance Astoria Plan and the 2017 Cluster Analysis. She encouraged the Commission to stay open minded about what could happen, not just what they do not want to happen. A very small portion of Downtown could still have a major impact on what is around it. She believed ADHDA would have several recommendations for the Commission to consider.

Pamela Legria, 1264 Grand Ave, Astoria, said there has been more tourism in Downtown and she wanted to know if the Planning Commission and Planners could develop incentives for businesses that sell practical items like frying pans. She understood this was an idealistic request, but she resented having to go across the river to get things like towels. She asked if the Commissioners could imagine a place in the plan that could help bring practical stores to the downtown area. The State has a goal to reduce vehicles, miles traveled, and air pollution. She asked if this could be done in the plan.

City Manager Estes recommended Ms. Legria contact the ADHDA about their committee focused on developing a mix of businesses in downtown.

Elizabeth Menetrey, 3849 Grand Ave, Astoria, said she was happy about the recommendation to prohibit hotels and conference centers in the aquatic zones. Height limits should include roof equipment. She believed that allowing residences over the water was a formula for condominiums and she appreciated those who opposed that. Conditional uses are guaranteed to be permitted. Significant visual access to the river is not provided from inside a building.

Steve Fick, P.O. Box 715, Astoria, said he owned Fishhawk Fisheries, which is over the water and has been a viable business for about 30 years. He has the flexibility to work in capitalism and it is important for the Commission to keep the plan flexible. He was a Planning Commissioner for eight years and worked on the Riverfront Vision Plan. He believed the general plan was good because it recommended a mix of open areas, congested urban areas, and flexibility on the west side. He cautioned against getting boxed into tourism, which would create a need for a lot more low-income housing. His business benefits from tourism, so he supported tourism. But the Urban Core needed to be done in a tasteful manner and in a way that creates taxes. Each piling under his dock will cost at least \$2,500 to replace, so he has to make money to keep the building from falling into the water. He wanted the chance to be creative and do what he needed to do keep his business viable. He suggested the waterfront community work closely with the Commission and Staff. He believed the Planning Commission should have taken public comments at the start of this work session because the comments could have shaped the feedback the Commission gave to Staff about how to move forward.

President Fitzpatrick called for a recess at 8:38 pm. The work session reconvened at 8:43 pm

Item 5(b): Subdivision Training

City Manager Estes said this training was intended to prepare the Commission for an upcoming subdivision application, which is not common in Astoria.

Planner Johnson and City Manager Estes presented an overview of the City's land division process via PowerPoint. The presentation included the types of land divisions, the application process, the criteria applied to applications for land divisions, and a detailed explanation of developer's agreements. Staff noted Section 13 of the Development Code governed land divisions.

REPORTS OF OFFICERS/COMMISSIONERS:

Commissioner Herman clarified that she had not had a lot of time to digest all of the details in the materials the Commission received and she was aware that the Commission had received the private consultant's report dated November 20th.

City Manager Estes confirmed that Vice President Easom would most likely be absent from Commission meetings for the remainder of the year.

STAFF UPDATES:

Item 7(a): Save the Dates

- November 29, 2018 – Department of Land Conservation and Development Workshop at 6:00 pm
- December 4, 2018 – Astoria Planning Commission meeting cancelled
- December 11, 2018 – Astoria Planning Commission meeting at 6:30 pm

Staff added that the Boards and Commission Reception would be on December 17, 2018 at 6:00 pm. Commissioners would receive invitations soon. Also, the January meeting would be held on Tuesday, January 8, 2019.

PUBLIC COMMENTS:

There were none.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:11 pm.

APPROVED:

Community Development Director



CITY OF ASTORIA

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MEMORANDUM • CITY MANAGER

DATE: DECEMBER 28, 2018
TO: MAYOR AND CITY COUNCIL
FROM: *BRETT* BRETT ESTES, CITY MANAGER
SUBJECT: CHANGE MONDAY MEETING DATES IN 2019 THAT FALL ON A HOLIDAY

DISCUSSION/ANALYSIS

Astoria City Hall will be closed on Monday, January 21, 2019 for Martin Luther King, Jr., Day; Monday, February 18, 2019 for Presidents' Day; and Monday, September 2, 2019 for Labor Day; therefore, the meeting dates will need to be changed. In years prior it has been the tradition to hold City Council meetings on the following day.

RECOMMENDATION


It is recommended that Council set alternate meeting dates for the holidays noted above.



CITY OF ASTORIA

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MEMORANDUM • PARKS AND RECREATION

DATE: DECEMBER 27, 2018
TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: AUTHORIZATION FOR LEASE AGREEMENT WITH THE
ASTORIA SCHOOL DISTRICT FOR USE OF GRAY SCHOOL
FACILITIES

DISCUSSION/ANALYSIS


In January, 2011 the City of Astoria Parks and Recreation Department began leasing space at Captain Robert Gray School from the Astoria School District to operate Port of Play and the Lil' Sprouts Academy. The leased space included three classrooms, and shared use of the gym, playground, and cafeteria for an annual rent \$12,250 which expired in June of 2014. Since 2014, Council has approved the renewal of the lease for three years, the most recent agreement expired December 31st, 2018.

Since the original lease, Lil' Sprouts Academy has experienced significant growth and the Astoria School District has willingly adjusted their programming to allow Lil' Sprouts Academy two additional classrooms. These five classrooms now serve 50-70 children daily, host an enrollment of over 100 children, and have a long waiting list of eager parents. The attached lease includes all 5 classrooms, shared use of the gym, playground, and cafeteria for an annual rent of \$12,000 and will expire December 31st, 2021.

City Attorney Henningsgaard has reviewed the agreement and has approved it to form.

RECOMMENDATION

It is recommended that City Council approve the lease agreement with the Astoria School District for payments of \$12,000 per year to allow the Parks Department to continue its use of facilities at Gray School 2019-2021.

By: 
Jonah Dart-McLean
Interim Director of Parks & Recreation

RENTAL AGREEMENT
BETWEEN
CITY OF ASTORIA (PARKS AND RECREATION DEPARTMENT)
AND
ASTORIA SCHOOL DISTRICT 1C

This Agreement is entered into this **1st day of January 2019** between Astoria School District 1C and City of Astoria (Parks and Recreation Department)

CIRCUMSTANCES

The City of Astoria (Parks and Recreation Department) and Astoria School District 1C, in consideration of the promises of each other, agree to a rental beginning January 1, 2019 and ending December 31, 2021 on the following terms:

SECTION 1: The City of Astoria (Parks and Recreation Department) agrees:

1. To pay ASTORIA SCHOOL DISTRICT 1C **\$12,000 a year** for lease of space to operate the CITY OF ASTORIA (PARKS AND RECREATION DEPARTMENT) on site at Captain Robert Gray School. Astoria School District will bill the City of Astoria in December of each year of the contract. Lease of space includes:
 - a. The use of four classrooms to operate a child care facility. One classroom may be shared with other entities as worked out between Astoria School District and the Parks and Recreation Department.
 - b. The use, the gym, the playground, the cafeteria, and other joint use areas for staff and children as scheduled and determined with the Astoria School District and with input from other organizations within the facility.
2. To obey all applicable laws and regulations.
3. To return the premises in as good or better condition as concerned to cleanliness and good repair. Any loss, breakage, or damage of ASTORIA SCHOOL DISTRICT 1C property caused by the CITY OF ASTORIA (PARKS AND RECREATION DEPARTMENT) will be paid by the CITY OF ASTORIA (PARKS AND RECREATION DEPARTMENT).
4. To insure the CITY OF ASTORIA (PARKS AND RECREATION DEPARTMENT) property and equipment as it sees fit.
5. To provide a copy of liability insurance covering staff and children to ASTORIA SCHOOL DISTRICT 1C.
6. To pay for maintenance and use of telephone lines into the rental space.

SECTION II: ASTORIA SCHOOL DISTRICT 1C agrees:

1. To provide space for the CITY OF ASTORIA (PARKS AND RECREATION DEPARTMENT) to operate programs on site at Captain Robert Gray School commencing January 1, 2019 through December 31, 2021 from 7:00 a.m. to 6:00 p.m., Monday through Friday. The space provided includes:
 - a. The use of four classrooms to operate a child care facility by the CITY OF ASTORIA (PARKS AND RECREATION DEPARTMENT).
 - b. The use, the gym, the playground, the cafeteria, and other joint use areas for staff and children as scheduled and determined with the CITY OF ASTORIA (PARKS AND RECREATION DEPARTMENT) and with input from other organizations within the facility.
 - c. Access to Gray Elementary on weekends if needed.
2. To provide use of bathrooms.
3. To provide heat, electricity and water.
4. To provide daily janitorial services to bathroom in the hallway on the second floor next to the child care facility.
5. To allow access by CITY OF ASTORIA (PARKS AND RECREATION DEPARTMENT) staff to the rented classroom facilities for scheduled after hour program functions, if needed.

SECTION III: The CITY OF ASTORIA (PARKS AND RECREATION DEPARTMENT) and ASTORIA SCHOOL DISTRICT 1C agree:

1. The CITY OF ASTORIA (PARKS AND RECREATION DEPARTMENT) and ASTORIA SCHOOL DISTRICT 1C shall not discriminate on any bases related to individual's race, color, religion, sex, national origin, marital status, age or disability.
2. The CITY OF ASTORIA (PARKS AND RECREATION DEPARTMENT) and ASTORIA SCHOOL DISTRICT 1C, as sole parties to this Agreement, to the extent permitted by law and the Oregon Constitution, agree to indemnify, save and hold the other, its officers, agents and employees harmless from and (subject to ORS Chapter 180) defend each of them against any and all claims, suits, actions, losses, damages, liabilities, cost and expenses of any nature whatsoever resulting from, arising out of or relating to the acts or omissions of its own officers, employees, subcontractors or agents in regard to this rental agreement. Nothing in this paragraph shall be deemed to increase the liability of

either party beyond that specified as the limit of liability for a public body, its officers, employees or agents under the Oregon Tort Claims Act.

3. During the term of the lease, the CITY OF ASTORIA (PARKS AND RECREATION DEPARTMENT) shall carry public liability and property damage insurance in a responsible company with limits of not less than \$1,000,000. Such insurance shall cover all risks arising directly or indirectly out of the CITY OF ASTORIA (PARKS AND RECREATION DEPARTMENT) activities on or any condition of the leased premises, and shall protect ASTORIA SCHOOL DISTRICT 1C against claims of third persons. Certificates evidencing such insurance and bearing endorsements requiring ten (10) days written notice to the ASTORIA SCHOOL DISTRICT 1C prior to any change or cancellation shall be furnished to the ASTORIA SCHOOL DISTRICT 1C within thirty (30) days of execution of this Agreement.
4. This Agreement may be terminated any time during the length of the contract by mutual consent, or by either party upon 120 days' notice. No such termination shall prejudice any right or obligation of either party already accrued prior to the effective date of termination.
5. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon.
6. This Agreement constitutes the entire Agreement between the parties. No waiver, consent, modification or change of terms or provisions of this Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
7. Each party, by the signature of its authorized representative, hereby acknowledges that it has read this Agreement, understands it, and agrees to be bound by its terms and conditions. Each person signing this Agreement represents and warrants to have the authority necessary to execute this Agreement.

CITY OF ASTORIA

Astoria School District 1C

Bruce Jones, Mayor

Craig Hoppes
Superintendent

Brett Estes, City Manager

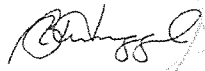
*1095 Duane Street
Astoria, OR 97103*

*785 Alameda Ave.
Astoria, OR 97103*

Tax ID Number: 93-6002118

Tax ID Number: 93-6000297

APPROVED AS TO FORM:



Digitally signed by BLAIR
HENNINGSGAARD
DN: cn=BLAIR HENNINGSGAARD, o=
ou, email=blair@astoria.law, c=US
Date: 2018.12.27 12:58:25 -0800

Blair Henningsgaard, City Attorney



CITY OF ASTORIA

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MEMORANDUM • FINANCE DEPARTMENT

DATE: JANUARY 3, 2019
TO: MAYOR AND CITY COUNCIL
FROM: *BP* BRETT ESTES, CITY MANAGER
SUBJECT: AMENDMENT TO EMERGENCY SERVICES CONSULTING INTERNATIONAL AGREEMENT

DISCUSSION/ANALYSIS

An agreement was entered into with Emergency Services Consulting International on August 28, 2018 to provide Interim Fire Chief services. The agreement established a not to exceed threshold of \$ 50,000 which is within the City Manager spending authority.

In order to recognize the additional costs necessary to retain the Interim Fire Chief, an amendment is required to increase the agreement from the current \$ 50,000 to \$ 40,000. It is anticipated this will provide sufficient time to recruit and transition to a new Fire Chief.

Attached for consideration is an amendment to the Emergency Services Consulting International Agreement dated August 28, 2018 which has been reviewed by City Attorney Blair Henningsgaard as to form.

RECOMMENDATION

It is recommended that City Council authorize the amendment to the agreement with Emergency Services Consulting International.

By: *Susan Brooks*

Susan Brooks, Director of Finance
and Administrative Services

CONTRACT AMENDMENT
to
PERSONAL SERVICES CONTRACT
between

THE CITY OF ASTORIA and EMERGENCY SERVICES CONSULTING INTERNATIONAL

The parties hereby agree to amend the contract for the provision of services by Richard Curtis as Interim Fire Chief. The contract originally provided for compensation in an amount not to exceed \$50,000. This amendment is designed to increase the allowable compensation by \$40,000 and increase compensation to a maximum of \$90,000. Therefore, paragraph 6. f) is amended to read as follows:

6. Fees

* * * * *

f) This agreement is not to exceed \$90,000 total cost to the city.

Except as hereby amended, all terms and provisions of the original agreement shall remain in full force and effect.

DATED this _____ day of January 2019.

CITY OF ASTORIA

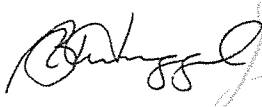
CONSULTANT

Bruce Jones, Mayor

Emergency Services Consulting International

Brett Estes, City Manger

APPROVED AS TO FORM:

 Digitally signed by BLAIR HENNINGSGAARD
DN: cn=BLAIR HENNINGSGAARD, o,
ou,email=blair@astoria.law, c=US
Date: 2019.01.03 10:34:12 -08'00'

City Attorney

From: cliffordhuntergammon@gmail.com
To: [Jennifer Benoit](#)
Subject: City of Astoria City Council Application
Date: Tuesday, December 04, 2018 2:53:26 PM

City of Astoria City Council Application Form

www.astoria.or.us

Contact Information

Name: Clifford F Hunter-Gammon
Email: cliffordhuntergammon@gmail.com
Home Address: 4491 Commercial Street, Astoria, OR 97103
Home Telephone: 503-468-0837
Occupation: Software Support Manager

Background Information

Work history: Micro Focus Software, Hillsboro, OR / Home Office - Astoria 2007 to Present Support Manager Supported application lifecycle enterprise software focusing on finding custom solutions, defect tracking, deployment, release management, and ensuring excellent customer service. KFSI / Northrop Grumman / TRW, Alexandria, VA (US Securities and Exchange Commission) 2001 to 2007 Data Center and Production Support Manager Architect of a consolidated production and engineering support team. Trained staff to adhere to process ensuring consistent results. Deployments, engineering support projects, systems analysis, root cause analysis, and server administration were delivered on-time with minimal defects. The Meyers Group, Washington, DC 1998 to 2001 Help Desk Manager Managed a nationwide help desk covering 23 offices and 300 end-users. Developed help desk standards and implemented ESP and Track-It platforms. Recruited, hired, and trained help desk personnel. United Bank / First Union National Bank, Washington, DC 1993 to 1998 Regional Mgr / Commercial Loan Officer Managed \$70 million portfolio of commercial loans and business banking clients. Trained staff and supported company-wide IT infrastructure changes.

Educational background: University of Maryland, College Park, MD - 30 semester hours towards B.S. in Information Systems Management Auburn University, Auburn, AL - 96 quarter hours completed towards a B.A. in Business Management

Experience on civic, volunteer and/or citizen advisory committees: In 80s/90s, I lead a major fundraiser for the Epilepsy Foundation and co-authored a bill for the city of Takoma Park, MD to allow domestic partnerships. I have since worked on corporate sponsored charities such as work days with Habitat for Humanities, food bank work in Virginia and Portland, and adult day care in Portland.

Prior governmental experience: None, except as a contractor for the federal government.

Additional qualifications including training, skills and experience not previously listed: My background is a mix of banking and software that helps me to relate to a broad spectrum of business issues. My work has required an understanding of contracts and legal issues which I

believe would help as a councilperson. My life experiences vary from a rural southern hometown to 23 years in Washington, DC, 10 years in Portland and just shy of 2 years in Astoria. I am the child of a multi-generational Oregonian family. My mother grew up in Portland and lived in Astoria in her early adult years prior to my birth. I have a number of interests including architecture, gardening, cooking and travel.

I am applying because: I'm excited to be a part of Astoria and the community, and I would like to see the town continue to improve and be a great place to live and visit. A few areas of key interest include: *Improving housing quality and life for those struggling to obtain housing *Pursue change that can benefit the business sector and job growth *Preserve our heritage, architecture, and natural resources *Increase my awareness of Ward 4 concerns and strengthen our neighborhood *Ensure we have solid disaster recovery and emergency preparedness

From: kvleahy@yahoo.com
To: [Jennifer Benoit](#)
Subject: City of Astoria City Council Application
Date: Wednesday, December 26, 2018 1:34:06 PM

City of Astoria City Council Application Form

www.astoria.or.us

Contact Information

Name: Kevin Leahy
Email: kvleahy@yahoo.com
Home Address: 3560 Irving Ave.
Home Telephone: 503-325-8841
Occupation: Executive Director- CEDR & Clatsop Community College Small Business Development Center

Background Information

Work history: 2011-Present. Executive Director- CEDR (Clatsop Economic Development Resources) & Clatsop Community College Small Business Development Center. 2005-2010 Owner retail store in Valencia, CA. & Co-Owner National Franchise. 1993-2004 Vice-President & Divisional Merchandise Manager- Footwear. (Robinsons-May Department Store. Los Angeles. Now Macy's) 1988-1993 Divisional Vice-President. Footwear. Meier & Frank Department Store. Portland. (Now Macy's)

Educational background: Oregon State University. BS Degree in Business. Concentration in Management. 1977 Attended Clatsop Community College. Graduate of Astoria High School.

Experience on civic, volunteer and/or citizen advisory committees: Seaside Rotary Club- Past President (2015-16) Board Member(2012-2017) Current President of Seaside Rotary Foundation. (501-c-3) Re-elected to club board 2019. Astoria Regatta Association- Past President (2015) Secretary (2012-2014). Board Member (2011-2017). Re-elected to board (2019) Advance Astoria Steering Committee Member. (2016-17) ADHDA. (Astoria Downtown Historic District Association) Business Development Committee Member (Biz Dev. 2011-Present) Clatsop County- TAC (Technical Advisory Committee) for Comprehensive Housing Study (2017-Present). Fisheries Transition Committee (2018). Tourism Promotion Funding Committee. (2018) OSU Extension ECAN Committee (Oregon State University Extension Citizens Advisory Network) 2016-Present. One representative from each County in Oregon. Currently serving as State Chair through 2019 and steering committee member for entire Oregon Coast. Clatsop County Job & Career Fair Chair. 2015-Present. Annual job & career fair for Clatsop County High Schools, Naselle & Ilwaco High Schools, Clatsop Community College, and general job-seekers. CFEDC (Clatsop Forestry Economic Development Committee) (2011-Present) Chair 2015-17. Current serve as Vice-Chair) AWACC (Astoria-Warrenton Area Chamber of Commerce) Advisory (non-voting) member. (2011-Present.)

Prior governmental experience: None

Additional qualifications including training, skills and experience not previously listed:

- Being the Executive Director of Clatsop County's Economic Development Organization and the Clatsop Community College Small Business Development Center gives a unique perspective representing all the business sectors in Clatsop County, while also working with the small business community with the SBDC adviser team with FREE and CONFIDENTIAL advising for the entrepreneurs in our community. -As CEDR/CCC SBDC Director, serve as a member of the Cabinet of Clatsop Community College and represent the business voice of Clatsop County to CCC. Also serving on the Strategic Plan Committee with the focus on "Cultivate Connections with the Community" for the future. -In work role, Chair of the CEDR/CCC SBDC workforce education and training committee which coordinates workforce and training efforts between the Oregon Employment Department, Workforce Investment Board, Tongue Point Job Corps Center, CCC, CEDR, CCC/SBDC & Private Sector. -New additional job responsibilities as Executive Director of the Clatsop WORKS paid internship program for Clatsop County emphasizes the managerial and multi-tasking ability to take on more responsibility effectively. - Work experience background covers large and small business expertise for 40 years. -Graduate of Northwest Economic Development Course. Ellensburg, WA. (2013) -Was the chair of Blessed Kateri Catholic Church leadership council from 2003-2010. This council dealt with issues, concerns and opportunities for a parish of over 5,000 families.

I am applying because: Service to community has always been very important to me, and I feel my background in both the private and public sector would serve the constituents of Ward 4 and the citizens of Astoria well. I have a reputation of listening to all sides and opinions in my work and volunteer leadership roles, and understand the importance of everyone's voice being heard. I also have a reputation of getting things done. Consensus building is something I have always tried to epitomize, but also realize that difficult decisions need to be made, and will rely on staff input, appointed citizen advisory boards & commissions, the constituents of Ward 4, and City Council members input and feedback. I have no "agenda" as I apply for this open position for Ward 4, only to serve the citizens of Astoria with honesty, integrity and a love and passion for the City of Astoria, which my family has been part of since 1879. I appreciate the consideration to potentially serve a a member of the Astoria City Council for the next two years.

From: matmcd2002@gmail.com
To: [Jennifer Benoit](#)
Subject: City of Astoria City Council Application
Date: Saturday, December 15, 2018 1:25:59 AM

City of Astoria City Council Application Form

www.astoria.or.us

Contact Information

Name: Pamela Mattson Mc Donald
Email: matmcd2002@gmail.com
Home Address: 22 Nimitz Drive #2
Home Telephone: 503-791-3561
Occupation: Writer and Researcher

Background Information

Work history: Writer/Researcher since 2006 mattsonmcdonald.com for history and publications Clatsop Community College, Instructor 2018 Promoter of Electric Vehicles and Sustainable Energy Systems 2014 to 2018 Crowley Maritime Services 2007 to 2012 Tongue Point Job Corps 2006 Astoria Public Library 2002 to 2006 Designer and Manufacturer, Mattson McDonald Architectural Ceramics 1989 to 2002

Educational background: Clatsop Community College, SCTW-95 Seaman Certification, MERTS 2007 Pacific University, Master of Education - Curriculum and Planning 2003 PRAXIS Certification, Princeton, New Jersey 2002 N. Y. State College of Ceramics at Alfred University, BFA in Ceramic Design and Tech 1978

Experience on civic, volunteer and/or citizen advisory committees: Astoria-Warrenton Chamber of Commerce Volunteer 2006 to 2018 Lewis and Clark Bi-Centennial Committee 2003 American Association of University Women Membership Chair 2001 to 2005 Tillicum Foundation Vice President 1988 to 1996

Prior governmental experience: Active citizen involvement since 2000 to present, attending Astoria City, Clatsop County, and Port of Astoria public meetings Pacific County Growth Management Member 1990 to 1994 Pacific Planning Commission, Seaview Advisory Group 1994 to 1998

Additional qualifications including training, skills and experience not previously listed: I have read all of the Astoria City Council minutes from 2000 to 2017 to familiarize myself with the position and its history. As a writer and researcher I look at the various sides of an issue. I know how to listen and consider many view points to understand what is at hand and bring forth a possible solution. As a creative problem solver, I can be valuable to the group. Seeing other possibilities because of my various careers, professional involvements, and experiences. For the last seven years, I've been deeply involved with the sustainable energy and electric vehicle industry. I believe I have the knowledge and connections to bring this city farther into the future.

I am applying because: This is a city of history, resilience, and change. I believe citizens have power and it is an elected official's job to listen. As a council team member it's my job to ponder and formulate an informed position. I live in Emerald Heights, an enclave of over 500 residences. A small city within the City of Astoria. I know many of my neighbors. It's a rich, diverse community, which I believe is not represented at this time.

From: jessamynwest@msn.com
To: [Jennifer Benoit](#)
Subject: City of Astoria City Council Application
Date: Wednesday, December 26, 2018 3:17:20 PM

City of Astoria City Council Application Form

www.astoria.or.us

Contact Information

Name: Jessamyn Grace West
Email: jessamynwest@msn.com
Home Address: 3409 Irving Ave Astoria, OR 97103
Home Telephone: 503-791-5657
Occupation: 1): Executive Director, AAMC. 2): Equine Naturopath

Background Information

Work history: Since founding it in 2011 I have been the Executive Director of the non-profit organization the Astoria Arts and Movement Center (AAMC), currently a part time position funded by the Oregon Community Foundation. Along with 15 other instructors, this is also where I teach a variety of dance and movement classes. I also work as an Equine Naturopath (2005 - current) in the rural areas in/around Astoria as well as in Washington, California, New Mexico and Hawaii. Employed by American Field Services, the National Museum of Anthropology and independent research firms I worked in Ghana, Mexico City, and central Turkey from 2000 to 2005, as well as for the International Studies department at Portland State University from 2001 – 2003.

Educational background: I have a science degree in Anthropology which a focus on genetics and human variability as well as traditional religions in West Africa, Mexico and the Middle East. I am also an internationally certified Equine Naturopath and Equine Massage Therapist through the Northwest School of Animal Massage. English is my first language and I am also semi-fluent in Turkish and French.

Experience on civic, volunteer and/or citizen advisory committees: I have been a member of and/or involved with numerous civic, volunteer and/or citizen advisory groups, some of which currently include KMUN Coast Community Radio (where I have been a programmer for 8.5 years), the Liberty Theatre, Partners for the PAC, Astoria Visual Arts, the Lower Columbia Hispanic Council, the Lower Columbia Q Center, Oregon Equestrian Trails and the Astoria Downtown Historic District Association.

Prior governmental experience: Other than attending Astoria Planning Commission and City Council meetings as often as I am able, (if appointed) this would be my first experience as a government official.

Additional qualifications including training, skills and experience not previously listed: In addition to being an active member in the community here for the last 15 years I believe my most relevant additional experience would be being a downtown building owner. Having

recently purchased the Odd Fellows Building (with 2 other women from Astoria) located at 1001 Commercial, I have learned a great deal regarding historic preservation, zoning requirements, financial oversight and strategic planning as well as being a property manager, tenant, landlord and public figure. The building is currently home to 2 non-profit organizations (Pier Pressure Productions and the Astoria Arts and Movement Center), 2 local businesses (Sea Gypsy Gifts and Astoria Downtown Coffee) as well as the studio of local artist Meghann Hanour. In addition to being a downtown building owner, after having rented an apartment in Uniontown for 14 years my partner (KMUN station manager Graham Nystrom) and I also purchased our first home one year ago located in Upper Town. The process of buying our first house has also given me invaluable insight into being the owner of a historic home and what is needed to properly care for it.


I am applying because: I am applying because, as a teacher and the Executive Director of a non-profit as well as a female business, building and home owner I feel a responsibility to take a more active role in decisions that affect our community. Because of my professional work with horses I have come to know the rural community of Clatsop County which can, at times, be underrepresented when discussing goals for Astoria. Because of my non-profit work I have come to know a wide range of socio/cultural and economic groups in Astoria, resulting in relationships with other organizations and schools that are often working together towards goals for Astoria at the local, state and federal level. Because of my status as a downtown building owner I am also getting to know other property owners, businesses and individuals interested in Astoria's growth and goals for the Urban Core. There is not a single aspect of my life in Astoria that does not provide the opportunity for me to learn from my fellow community- a community whose voice is strong, insightful and often diverse. To dedicate time and leadership on the Astoria City Council would be directly in line with the only agenda I have- to be in service to the community and this town that I am incredibly honored to call my home.



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

MEMORANDUM • CITY MANAGER

DATE: DECEMBER 28, 2018
TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: ORDINANCE READOPTING CERTAIN STATE STATUTES TO REFLECT CHANGES MADE BY THE 2018 LEGISLATURE

DISCUSSION/ANALYSIS

The 2018 legislation passed by the Oregon Legislature, for the most part, became effective on January 1, 2019. Many of our City ordinances refer to or incorporate state statutes. Every year, the City routinely re-adopts all referenced ORS sections to pick up any changes made by the legislature. This is done by a "global readoption" technique recommended by the League of Oregon Cities. The City is legally unable to prospectively adopt Oregon legislative changes, i.e., we cannot adopt a state statute "as it now exists and is from time to time amended." The proposed ordinance has been reviewed and approved by the City Attorney.

RECOMMENDATION

It is recommended that Council hold a public hearing and conduct the first reading of the proposed ordinance.

ORDINANCE NO. 19_____

AN ORDINANCE READOPTING CERTAIN STATE STATUTES

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. Code Section 1.047 is amended to read as follows:

“Readoption of Oregon Revised Statutes. Oregon Revised Statutes adopted either referentially or directly in the Astoria Code, including but not limited to Astoria Code Sections 1.010, 1.015, 1.085, 1.211, 1.230, 1.345, 1.365, 1.555, 1.602, 1.608, 1.620, 1.632, 1.638, 1.640, 1.705, 1.900, 1.960, 1.961, 1.962, 1.963, 1.964; 1.965, 1.967, 1.970, 1.971, 2.220, 2.360, 2.700, 2.705; 2.710, 3.010, 3.015, 3.118, 5.000, 5.010, 5.100, 5.110, 5.255, 5.260, 5.300, 5.335, 5.385, 5.425, 5.726, 5.740, 5.925, 5.931, 5.933, 6.005, 6.010, 6.025, 6.030, 6.060, 6.135, 6.220, 6.250, 6.255, 6.305, 6.400, 6.500, 6.510, 6.520, 6.530, 6.550, 7.000, 7.005, 8.045.15, 8.045.17, 8.045.18, 8.104, 8.138, 9.005, 9.025, 9.030, 9.090, and 9.160, are hereby readopted to include all amendments, repeals, and additions made by legislative action of the State of Oregon, up to and including those of the 2018 legislative session.”

Section 2. Repeal. Ordinance No. 18-01 adopted January 16, 2018 is repealed.

Section 3. This ordinance will be effective thirty (30) days after its passage.

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

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

Mayor

ATTEST:

City Manager

ROLL CALL ON ADOPTION	YEA	NAY	ABSENT
Councilor Rocka			
Brownson			
Herman			

Mayor Jones



CITY OF ASTORIA

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MEMORANDUM • FINANCE DEPARTMENT

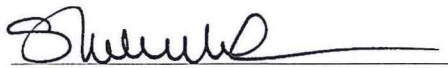
DATE: JANUARY 2, 2019
TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: RESOLUTION DESIGNATING AUTHORIZED SIGNERS

DISCUSSION/ANALYSIS

The persons authorized by the City Council to sign checks and other bank withdrawal instruments on behalf of the City are designated by resolution. The attached resolution removes former Mayor Arline LaMear and adds Mayor Bruce Jones as an authorized signer for bank transactions.

RECOMMENDATION

It is recommended that City Council consider this resolution for adoption.

By: 

Susan Brooks, Director of Finance
and Administrative Services

RESOLUTION NO. 19- _____

A RESOLUTION AUTHORIZING THE FOLLOWING PERSONS TO SIGN FOR THE WITHDRAWAL OF MONEY FROM AUTHORIZED DEPOSITORIES OF THE CITY OF ASTORIA.

BE IT RESOLVED BY THE CITY OF ASTORIA:

Section 1. That the following persons are authorized to sign for the withdrawal of funds from all City depositories:

- _____ Bruce Jones Mayor
- _____ R. Brett Estes City Manager
- _____ Susan Brooks Director of Finance and Administrative Services
- _____ Jennifer Benoit Executive Secretary

Section 2. A stamped signature for Bruce Jones and/or Brett Estes is acceptable.

Section 3. Repeal of Resolution. Resolution 17- 05 is hereby repealed.

Section 4. Effective Date. This Resolution is effective on the date of its passage.

ADOPTED BY THE CITY COUNCIL THIS _____ DAY OF _____, 2019.

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

Mayor

ATTEST:

City Manager

ROLL CALL ON ADOPTION	YEA	NAY	ABSENT
Councilor Brownson			
Herman			
Rocka			
Mayor Jones			



MEMORANDUM

Date: DECEMBER 27, 2018

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: **VACATION OF A PORTION OF THE RIGHT OF WAY ON 26TH STREET NORTHWEST
OF HARRISON ABUTTING ADJACENT UNDEVELOPED LOTS TAX LOTS
80909CC02301 and 80909CC04101**

DISCUSSION/ANALYSIS

The City has received a request from John Wood, on behalf of Adella Wood, to vacate 60 X 150 foot portion of the 26th Street unimproved right-of-way abutting two parcels of Ms. Woods property (Tax Lots 80909CC02301 and 80909CC04101) located on Harrison Avenue. Ms. Wood would like to combine the two lots in order to potentially construct a residential structure on the property.

Upon review of the site, it was determined that there are no public utilities on or adjacent to the proposed vacation area and that the City would have no future need for this particular portion of the right-of-way. The right-of-way is heavily wooded and in an area where the streets are undeveloped.

Based on County Assessor's records, staff has calculated the real market land value of properties adjacent to the property as \$0.97 per square foot. Staff is proposing that an assessment of \$869.82 (10%) of the real land value (\$8,698.24) be considered for the vacation of 9000 square feet of the right-of-way.

As required by City Code, staff is recommending that a public hearing be scheduled. If scheduled, the public hearing notice will be publicized and property owners within a 200 foot radius of the right of way will be notified. After the hearing, and if Council determines a vacation is appropriate, the 1st reading of an ordinance to vacate should be read. The 2nd reading and adoption of the ordinance is typically conducted at the following meeting.

RECOMMENDATION

It is recommended that the Astoria City Council consider the attached resolution of intent to hold a public hearing concerning the vacation of a portion of the 26th Street right-of-way adjacent to Tax Lots 80909CC02301 and 80909CC04101.

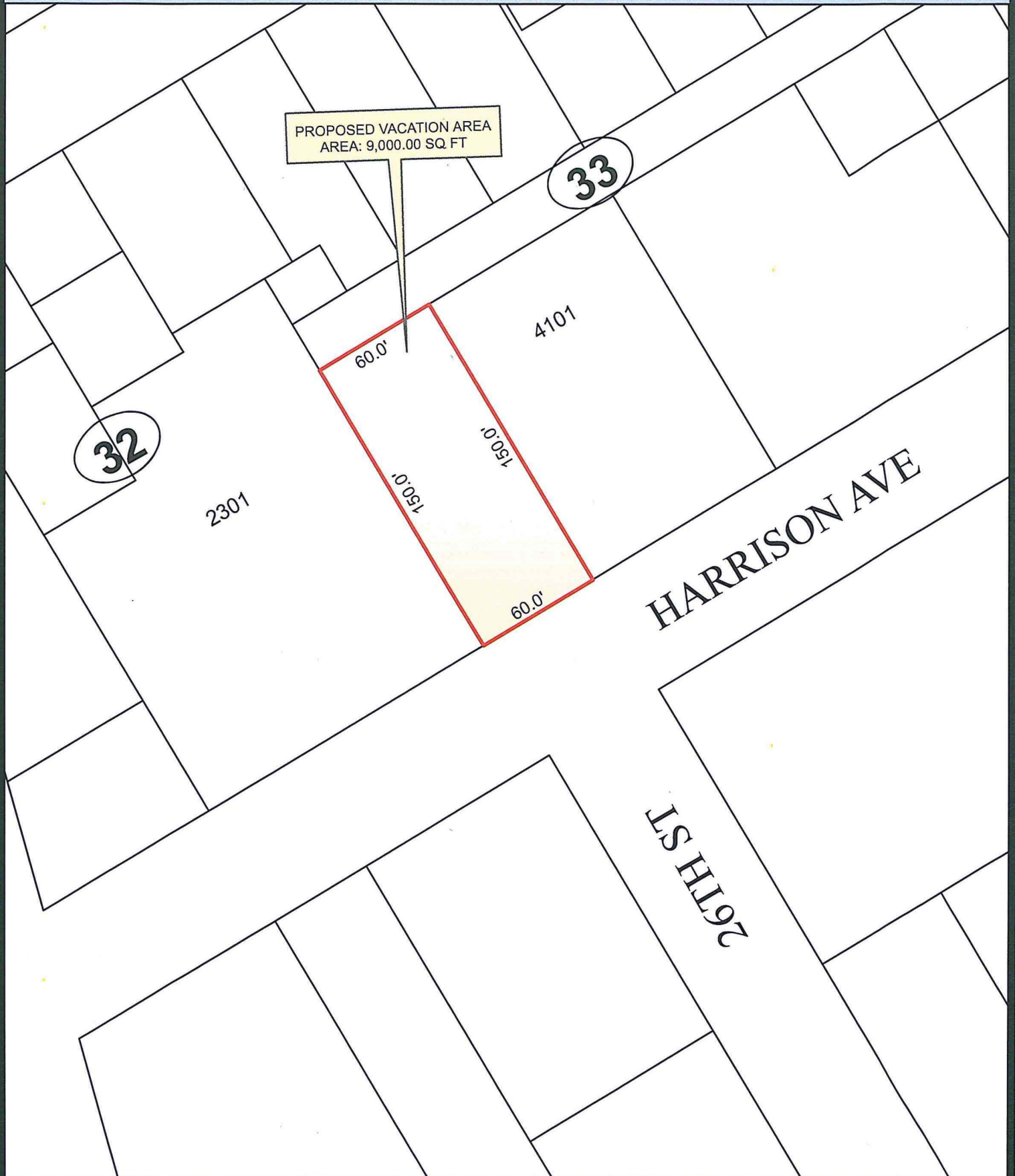
Submitted By:  FOR:
Jeff Harrington PE, Public Works Director

Prepared By: 
Cindy Maynard, PW Administrative Assistant

26th Street Vacation

Date: 1-3-2019

The south line of the proposed street vacation will be an westerly extension of the north line of Harrison Ave R.O.W. to it's intersection of the East line of Block 32. The north line will be from the NW corner of taxlot 2301 (Blk 32) to the NE corner of taxlot 4101 (BLK 33). Shively's, Astoria.



RESOLUTION NO. 18 - _____

BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF ASTORIA:

SECTION 1. That the City Council has been petitioned for an ordinance and order vacating portions of a streets as follows:

A 60 X 150 foot portion of the 26th Street unimproved right-of-way laying immediately Northwest of Harrison Avenue and abutting Tax Lots 80909CC02301 and 80909CC04101, Lots 16, 17, 27 through 30, Block 33.

SECTION 2. That it appears that the petition in all respects seems to be valid and in accordance with the Charter and the Astoria Code; and

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

SECTION 4. That a hearing upon said petition is hereby ordered and fixed to be held in the Council Chambers on January 22, 2019 at the hour of 7:00 p.m., at which time any and all objections will be heard, and be it further resolved that notice of such proposed vacation be published in the Daily Astorian of the time and place fixed for such hearing and describing said street to be vacated and said notice provide that oral objections may be made at said public hearing or may be made in writing and filed with the Finance Director at or prior to the time of said hearing.

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

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

ATTEST:

Mayor

City Manager

ROLL CALL ON ADOPTION: YEA NAY ABSENT

Councilor
Rocka
Brownson
Herman
Mayor Jones



CITY OF ASTORIA

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MEMORANDUM • COMMUNITY DEVELOPMENT

DATE: DECEMBER 31, 2018
TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: MULTI-JURISDICTIONAL NATURAL HAZARD MITIGATION PLAN - 5-YEAR UPDATE

BACKGROUND

In January 2007, the City experience a natural disaster with a major landslide in the area of West Bond and West Commercial. This slide destroyed portions of City streets, water, and sewer infrastructure, and damaged several private homes. The cost to repair and/or replace the City infrastructure was high and unexpected. After 11 years, West Bond was just recently reopened to two-way traffic. In 2007, the City reached out to Federal Emergency Management Agency (FEMA) for financial assistance only to find that we were not eligible for funding since we did not have a Natural Hazard Mitigation Plan. The City was unaware of this requirement at that time as were the other jurisdictions in Clatsop County. Over the next two years, extensive work was done by a County-wide Steering Committee which included the City, Clatsop County, and the other cities in the County to complete a Plan that would meet the FEMA requirements.

At their October 20, 2008 meeting, Astoria City Council adopted a Multi-Jurisdictional Natural Hazard Mitigation Plan (MJNHMP) and the City of Astoria Addendum. This Plan was developed in partnership with Clatsop County and Columbia River Estuary Studies Task Force (CREST). The purpose of the Plan was to increase the County's and City's resilience to natural hazards that could affect the region including earthquakes, floods, droughts, landslides, coastal erosion, tsunamis, windstorms, winter storms, wildfires, and volcanoes. The Plan included discussions on demographics, critical facilities and infrastructure, risk assessments, and other historic data. City adoption of the Astoria Addendum opened doors for grant funding on projects that reduce risks posed by natural hazards in advance of a disaster. Also, adoption of the Addendum provided opportunities for additional grant funding on projects following a natural disaster. Each municipality within the County developed their own MJNHMP addendums which ultimately were incorporated into the County's Plan. Prior to adoption of the Plan and Addendums there were public meetings and opportunities for community member participation and input.

In 2013, FEMA notified the County and cities that the Plan and Addendums were required to be reviewed and updated every five years. The Plan update included new information on risk assessment, proposed mitigation projects, and identified the responsible department/ agency for each project along with anticipated dates of completion of the mitigation projects. On July 6, 2015, the City Council adopted a resolution updating the City Addendum as approved by FEMA. The Clatsop County MJNHMP was completed in 2015 with participation by Clatsop County and its five municipalities: Astoria, Cannon Beach, Gearhart, Seaside, and Warrenton. The next five-year review is due in 2020.

DISCUSSION/ANALYSIS

As in the past, Clatsop County has taken the lead in the process to update the County-wide Plan and various jurisdictional Addendums. Department of Land Conservation and Development (DLCD) has offered a grant and staff to assist with the updates. Since natural disasters do not respect jurisdictional boundaries, the Plan covers the entire County and recognizes the need for intergovernmental cooperation.

The County-wide Steering Committee associated with this project meets periodically to keep abreast of on-going issues and needs within the County. In addition to the City Manager, Planning Consultant Rosemary Johnson is the City designated member on this committee. The Committee has been meeting with DLCD over the last few months to develop a process for completion of the required 2020 update. DLCD has advised the Committee that the format and process for the new update is different than was previously used and adopted. The new Plan will not have Addendums for each community but will be one County-wide document that incorporates specific information about each jurisdiction within the main County Plan. This will reduce the need to duplicate base information in each jurisdiction's Addendum. Through the grant, DLCD will be working closely with each jurisdiction to update their information and jointly work through the public meetings over the next year.

Another change from the previous Plan is that other "districts" such as water districts, fire districts, Clatsop Community College, hospitals, transportation districts, etc. will be required to either adopt their own plans or join with the County and cities for one combined Plan. Multiple jurisdictions have agreed to join the combined efforts for a more comprehensive end product. DLCD has prepared an Intergovernmental Agreement (IGA) for each jurisdiction to sign to accept the DLCD grant and assistance. The IGA identifies the Scope of Work and timeline for the overall project. Each jurisdiction is responsible to hold its own public meetings with the assistance of DLCD. However, many public meetings and surveys can be held jointly with other jurisdictions. The DLCD grant amount will go directly to DLCD and not through the jurisdictions. It requires a 25% cost share (matching amount) from the member jurisdictions. This cost share would be in the form of staff time for the development of the Plan. No cash match is required. The project is funded by a FEMA Pre-Disaster Mitigation (PDM) planning grant. A PDM planning grant must culminate in an NHMP that is adopted by jurisdictions and approved by FEMA. By signing the IGA, the City agrees not only to consider but also to adopt the NHMP that FEMA has agreed to approve. Failure to have an adopted NHMP would result in the City's inability to obtain FEMA assistance for pre-disaster projects and/or post-disaster aid. Therefore, it is in the City's best interest to join with the County and other jurisdictions to prepare a comprehensive County-wide Plan with the grant funded DLCD assistance.

The IGA also requires that the Committee member be designated to make decisions on behalf of the jurisdiction. The intent is that the Committee member would be authorized to make normal planning type decisions such as set meeting dates for the Committee, look at formatting options for the document, identify some of the formats for the public meetings etc. The documents would go through formal review by the Council at draft and final adoption stages as well as regular updates and work sessions. No policy, financial, or major decisions would be made by Committee members.

The IGA specifies the responsibilities of each party in the agreement. DLCD responsibilities include: organizing, leading, and managing the planning process; writing the Plan; and


administering grant funds. County responsibilities include: assisting DLCD with organizing, leading, and managing the planning process; providing County Assessor's data; providing GIS services; performing any other Project work assigned to County by Exhibit A of the IGA, and other miscellaneous functions identified in the IGA. Jurisdiction responsibilities include: attending and actively participating in Steering Committee meetings; providing data and information; engaging with internal and external stakeholders; executing the Project's public engagement program; shepherding the Plan through the public adoption process; tracking, accurately documenting, and reporting cost share as required; adopting a Plan that FEMA has agreed to approve; and performing any other Project work assigned to County, Cities, Districts, and Tribes by Exhibit A of the IGA.

The next step in the process is for each jurisdiction to identify local stakeholders and gather data on its existing facilities and risk assessment. Planning Consultant Johnson has met with a representative from each City Department to bring them up-to-speed with the MJNHMP background and process. They will work together to develop the stakeholder list and identify City facilities and risks.

City Attorney Blair Henningsgaard has reviewed and approved the IGA as to form.

RECOMMENDATION

It is recommended that the Council authorize the Mayor to sign the attached Intergovernmental Agreement with DLCD for the preparation and eventual City Council adoption of a Multi-jurisdictional Natural Hazards Mitigation Plan.

By: 
Rosemary Johnson,
Planning Consultant

INTERGOVERNMENTAL AGREEMENT

This Agreement is between the State of Oregon acting by and through its Department of Land Conservation and Development (“DLCD”) and Clatsop County (“County”), Astoria, Cannon Beach, Gearhart, Seaside, and Warrenton (“Cities”), and Cannon Beach Rural Fire Protection District, Lewis and Clark Fire District, Knappa Fire District – Svensen, Port of Astoria, Sunset Empire Transportation District, Arch Cape Domestic Water Supply District, and Arch Cape Sanitary District (“Districts”), each a “Party;” the County, Cities, and Districts together, the “Jurisdictions;” and all together, the “Parties.”

1. Authority

This Agreement is authorized by ORS 190.110.

2. Effective Date

This Agreement is effective on the date of the last signature (“Effective Date”), and terminates on March 22, 2021, unless terminated earlier.

3. Background

Natural disasters occur when natural hazard events impact people, structures, and the environment. The dramatic increase in the costs associated with natural disasters over the past decades has fostered interest in identifying and implementing effective means of reducing these impacts. Natural hazards mitigation planning is a process for identifying and understanding the hazards facing a jurisdiction and prioritizing actions the jurisdiction can take to reduce injuries and deaths; damage to buildings, critical facilities, and infrastructure; interruption in essential services; economic hardship; and environmental harm. Reducing impacts also speeds up recovery and lowers its cost.

The Federal Emergency Management Agency (FEMA) approves Natural Hazards Mitigation Plans (NHMPs) meeting federal requirements at 44 CFR 201. Approval lasts five years. Having a current, FEMA-approved NHMP is a key factor in establishing eligibility for certain FEMA grants that fund natural hazards mitigation planning and projects.

Clatsop County’s Multi-Jurisdictional NHMP will expire on July 23, 2020. DLCD has received a Pre-Disaster Mitigation grant to assist the Jurisdictions with updating the Clatsop County Multi-Jurisdictional NHMP. The grant’s performance period is from August 14, 2017 through March 22, 2021.

4. Purpose

The purposes of this Intergovernmental Agreement are to:

- (a) Formalize a working relationship between DLCD and the Jurisdictions that is to result in an updated Clatsop County Multi-Jurisdictional NHMP adopted by each Jurisdiction and approved by FEMA;

- (b) Ensure the Jurisdictions are aware that the grant supporting this project requires the final deliverable to be a FEMA-approved NHMP, and that to achieve FEMA approval the Jurisdictions must not only consider, but also adopt an NHMP that FEMA has agreed to approve; and
- (c) Ensure the Jurisdictions are aware of their responsibility to contribute financially to the Project using non-federal funds, and to track, document, and report their cost share as required.

5. Responsibilities of Parties

(a) Responsibilities of DLCD.

DLCD will provide financial, administrative, and technical assistance to the Natural Hazards Mitigation Plan ("NHMP" or "Plan") Update project described in Exhibit A, Scope of Work, which is incorporated into and made part of this Agreement.

Specific DLCD responsibilities include:

- i. Organizing, leading and managing the planning process;
- ii. Writing the Plan; and
- iii. Administering grant funds.

(b) Responsibilities of County.

County shall appoint a one of its Steering Committee members to lead the project in partnership with DLCD's Project Manager.

Specific Project responsibilities of County Lead include:

- i. Assisting DLCD with organizing, leading, and managing the planning process;
- ii. Providing County Assessor's data;
- iii. Providing GIS services;
- iv. Carrying out other responsibilities enumerated in Section 5(c);
- v. Performing any other Project work assigned to County by Exhibit A.

(c) Responsibilities of the Jurisdictions:

The Jurisdictions will each appoint a Steering Committee member and alternate who already have or have been delegated decision-making authority for this Project.

Specific Project responsibilities of the Jurisdictions include:

- i. Attending and actively participating in Steering Committee meetings;
- ii. Providing data and information;
- iii. Engaging with internal and external stakeholders;
- iv. Executing the Project's public engagement program;
- v. Shepherding the plan through the public adoption process;

- vi. Tracking, accurately documenting, and reporting cost share as required;
- vii. Adopting a Plan that FEMA has agreed to approve; and
- viii. Performing any other Project work assigned to County, Cities, Districts, and Tribes by Exhibit A.

6. Compensation and Costs

Each Party shall assume its own costs of carrying out the tasks and responsibilities assigned to it under this Agreement.

FEMA does not permit DLCD to sub-grant funds to local or tribal governments. Therefore, DLCD will use the grant funds to provide consulting and technical assistance to the Jurisdictions to complete the update.

The federal grant supporting the Project requires a 25% cost share from non-federal funds. Each Party shall commit to providing and documenting cash, in-kind, or a combination of both as its portion of the required 25% cost share.

7. Project Contacts

The designees named below shall be the contacts for all the work and services to be performed under this Agreement. A Party may designate a new contact by written notice to the other Parties.

DLCD's Project Contacts are:

Marian Lahav – Natural Hazards Mitigation Planning Program Coordinator
Oregon Department of Land Conservation and Development
635 Capitol ST NE, Suite 150
Salem, OR 97301
(503) 934-0024
marian.lahav@state.or.us

Pam Reber – Natural Hazards Planner
Oregon Department of Land Conservation and Development
635 Capitol ST NE, Suite 150
Salem, OR 97301
(503) 934-0066
pamela.reber@state.or.us

Clatsop County's Project Contact is:

Tiffany Brown – Emergency Services Manager
Clatsop County Emergency Management
800 Exchange St., Suite 400

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Astoria, OR 97103 (503) 325-8645 tbrown@co.clatsop.or.us	
City of Astoria's Project Contact is: () , OR 97 -	City of Cannon Beach's Project Contact is: () , OR 97 -
City of Gearhart's Project Contact is: () , OR 97 -	City of Seaside's Project Contact is: () , OR 97 -
City of Warrenton's Project Contact is: () , OR 97 -	Cannon Beach Rural Fire Protection District's Project Contact is: () , OR 97 -
Lewis and Clark Fire District's Project Contact is: () , OR 97 -	Knappa Fire District – Svensen's Project Contact is: () , OR 97 -
Port of Astoria's Project Contact is:	Sunset Empire Transportation District's Project

<p>() , OR 97 -</p>	<p>Contact is:</p> <p>() , OR 97 -</p>
<p>Arch Cape Domestic Water Supply District's Project Contact is:</p> <p>() , OR 97 -</p>	<p>Arch Cape Sanitary District's Project Contact is:</p> <p>() , OR 97 -</p>

8. Termination

- (a) This Agreement may be terminated at any time by mutual written agreement of the Parties.
- (b) This Agreement may be terminated by DLCD upon 30 days advance written notice and by the Jurisdictions upon 45 days advance written notice.

9. Non-Discrimination

In carrying out activities under this Agreement, no Party shall discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, national origin, disability, marital status, veteran status, disability or age. All Parties shall take affirmative actions to ensure that applicants for employment are employed and that employees are treated during employment, without regard to their race, color religion, sex, sexual orientation, national origin, disability, marital status, veteran status, disability or age. Such action shall include but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff of termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

10. Non-Appropriation

DLCD's obligation to perform its duties under this Agreement is conditioned upon DLCD receiving funding, appropriations, limitations, allotments, or other expenditure authority sufficient to allow

DLCD, in the exercise of its reasonable administrative discretion, to meet its obligations under this Agreement. Nothing in this Agreement may be construed as permitting any violation of Article XI, Section 7 of the Oregon Constitution or any law limiting the activities, liabilities or monetary obligations of DLCD.

11. Representations and Warranties

The Jurisdictions represent and warrant that the making and performance by the Jurisdictions of this Agreement:

- (a) Have been duly authorized by the Jurisdictions;
- (b) Do not and will not violate any provision of any applicable law, rule, regulation, or order of any court, regulatory commission, board, or other administrative agency or any provision of the Jurisdictions' charters or other organizational documents; and
- (c) Do not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which the Jurisdictions are party or by which the Jurisdictions may be bound or affected.

No authorization, consent, license, approval of, or filing or registration with or notification to any governmental body or regulatory or supervisory authority is required with or notification to any governmental body or regulatory or supervisory authority is required for the execution, delivery or performance by the Jurisdictions of this Agreement, other than those that have already been obtained.

12. Records

Parties and their duly authorized representatives shall have access to the books, documents, and records which are directly pertinent to Agreement for the purpose of making audit, examination, excerpts, and transcript. This does not require any Party to provide documents that are legally privileged or otherwise exempt from disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478.

13. Contribution

If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 (a "Third Party Claim") against a Party (the "Notified Party") with respect to which the other Parties (the "Other Parties") may have liability, the Notified Party shall promptly notify the Other Parties in writing of the Third Party Claim and deliver to the Other Parties, along with the written notice, a copy of the claim, process and all legal pleadings with respect to the Third Party Claim that have been received by the Notified Party. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by the Other Party of the notice and copies required in this Section and a meaningful opportunity for the Other Party to participate in the investigation, defense and

settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to the Other Parties' contribution obligation under this Agreement with respect to the Third Party Claim.

With respect to a Third Party Claim for which DLCD is jointly liable with the Notified Party (or would be if joined in the Third Party Claim), DLCD shall contribute to the amount of expenses (including attorney fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by the Notified Party in such proportion as is appropriate to reflect the relative fault of DLCD on the one hand and of the Notified Party on the other hand in connection with the events that resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of DLCD on the one hand and of the Notified Party on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information, and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. DLCD's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if the State had sole liability in the proceeding.

With respect to a Third Party Claim for which a Party is jointly liable with DLCD (or would be if joined in the Third Party Claim), the Other Party or Parties shall contribute to the amount of expenses (including attorney fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by DLCD in such proportion as is appropriate to reflect the relative fault of the Other Party or Parties on the one hand and of DLCD on the other hand in connection with the events that resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of the Other Party or Parties on the one hand and of DLCD on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. The Other Party's or Parties' contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if it had sole liability in the proceeding.

14. Subcontracting and Assignment

The Jurisdictions acknowledge that DLCD intends to hire contractors to perform tasks and responsibilities related to the deliverables listed in the Scope of Work, Exhibit A to this Agreement. No Jurisdiction shall enter into any subcontract for any other work listed under this Agreement without written consent of DLCD.

15. Governing Law, Consent to Jurisdiction

This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively "Claim") between DLCD or any other agency or department of the State of Oregon, or both, and the Jurisdictions that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon; provided, however, if a Claim must, as mandated by federal law, be brought in a federal forum,

then unless otherwise prohibited by law it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event shall this Section be construed as a waiver by any Party of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, to or from any Claim or from the jurisdiction of any court.

16. Indemnification

Except as provided in Section 13 of this Agreement, each Party shall defend, save, hold harmless, and indemnify the other Parties and the other Parties' agencies, subdivisions, officers, directors, employees and agents from and against all claims, suits, actions, losses damages, liabilities, costs and expenses of any nature whatsoever (Claims), including attorney fees, resulting from, arising out of, or relating to the acts or omissions of the indemnifying Party's officers, employees, or agents under this Agreement. Any indemnity by DLCD under this Section shall be subject to the limitations of Article XI, Section 7 of the Oregon Constitution and the Oregon Tort Claims Act, 30.260 to 30.300.

17. Insurance

Each Party shall be responsible for providing workers' compensation insurance as required by law for its covered workers. No Party shall be required to provide or show proof of self-insurance, workers' compensation or any other insurance coverage.

18. Severability

If any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid. In such event, the Parties intend that the conflict not invalidate the other provisions of this Agreement and the Parties shall negotiate in good faith to agree on replacement language for the offending term or provision that will be consistent with the purposes of this Agreement.

19. Compliance With Law

In connection with their activities under this Agreement, the Parties shall comply with all applicable federal, state and local law.

20. Force Majeure

No Party shall be held responsible for delay or default caused by fire, riot, acts of God, and war which are beyond its reasonable control. The affected Party shall, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon cessation of the cause, diligently pursue performance of its obligations under this Agreement.

21. No Third Party Beneficiary

DLCD and the Jurisdictions are the only Parties to this Agreement and are the only Parties entitled to enforce its terms. Nothing contained in Agreement gives or shall be construed to give or provide any benefit, direct, indirect, or otherwise, to third parties. The contractors retained by DLCD are expressly excluded as parties or beneficiaries to this Agreement and are barred from enforcing the terms of this Agreement.

22. Merger, Waiver and Modification

This Agreement and all exhibits and attachments, if any, constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver or consent under this Agreement binds any Party unless in writing and signed by all Parties. Such waiver or consent, if made, is effective only in the specific instance and for the specific purpose given. EACH PARTY, BY SIGNATURE OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES THAT IT HAS READ THIS AGREEMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

23. Amendments

The terms of this Agreement may not be altered, modified, supplemented or otherwise amended, except by written agreement of the Parties. Any amendment to this Agreement shall require the signatures of the approving authorities of all Parties.

24. Acknowledgment of Funds and Copyright

(a) Acknowledgment of Funds.

All Parties shall acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

(b) Copyright.

All Parties must affix the applicable copyright notices of 17 USC Section 401 or 402 and an acknowledgment of Government sponsorship (including sub-grant number) to any work first produced under a federal award unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations). For any scientific, technical, or other copyright work based on or containing data first produced under this Agreement, including those works published in academic, technical or professional journals, symposia proceedings, or similar works, Parties grant the Government a royalty-free, nonexclusive and irrevocable license to reproduce, display, distribute copies, perform, disseminate, or prepare derivative

works, and to authorize others to do so, for Government purposes in all such copyrighted works.

25. Survival

All provisions concerning the limitation of liability, indemnity, and conflicts of interest shall survive the termination of this Agreement for any cause.

26. Interpretation

The Parties agree that the provisions of this Agreement shall not be construed in favor of or against any Party based on the source of its drafting or any other circumstances.

27. Counterparts

This Agreement may be executed in several counterparts, all of which when taken together shall constitute one agreement, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of the Agreement so executed constitutes an original.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the dates set forth below.

CLATSOP COUNTY

APPROVED AS TO FORM:

Name & Title

Name & Title

Date

Date

CITY of ASTORIA

APPROVED AS TO FORM:

Clatsop County Natural Hazards Multi-Jurisdictional Mitigation Plan Update

DLCD IGA #:

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Name & Title

Name & Title

Date

Date

CITY of CANNON BEACH

APPROVED AS TO FORM:

Name & Title

Name & Title

Date

Date

CITY of GEARHART

APPROVED AS TO FORM:

Name & Title

Name & Title

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Date

Date

CITY of SEASIDE

APPROVED AS TO FORM:

Name & Title

Name & Title

Date

Date

CITY of WARRENTON

APPROVED AS TO FORM:

Name & Title

Name & Title

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Date

Date

CANNON BEACH RURAL FIRE
PROTECTION DISTRICT

APPROVED AS TO FORM:

Name & Title

Name & Title

Date

Date

LEWIS AND CLARK FIRE DISTRICT

APPROVED AS TO FORM:

Name & Title

Name & Title

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Date

Date

KNAPPA FIRE DISTRICT – SVENSEN

APPROVED AS TO FORM:

Name & Title

Name & Title

Date

Date

PORT OF ASTORIA

APPROVED AS TO FORM:

Name & Title

Name & Title

Date

Date

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SUNSET EMPIRE TRANSPORTATION
DISTRICT

Name & Title

Date

ARCH CAPE DOMESTIC WATER SUPPLY
DISTRICT

Name & Title

Date

APPROVED AS TO FORM:

Name & Title

Date

APPROVED AS TO FORM:

Name & Title

Date

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ARCH CAPE SANITARY DISTRICT

APPROVED AS TO FORM:

Name & Title

Name & Title

Date

Date

Department of Land Conservation and
Development (DLCD)

Jim Rue, Director

Date

Multi-Jurisdictional Natural Hazards Mitigation Plan (MJNHMP) Update
for Clatsop County, the Cities of Astoria, Cannon Beach, Gearhart,
Seaside, and Warrenton, the Cannon Beach Rural Fire Protection District,
Lewis and Clark Fire District, Knappa Fire District – Svensen, Port of
Astoria, Sunset Empire Transportation District, Arch Cape Domestic
Water Supply District, and Arch Cape Sanitary District

Scope of Work

PROJECT DESCRIPTION

The purpose of this Scope of Work (SOW) is to review and update Clatsop County's Multi-Jurisdictional NHMP (MJNHMP) such that it is adopted by Clatsop County (COUNTY), Cities of Astoria, Cannon Beach, Gearhart, Seaside, and Warrenton (CITIES), and the Cannon Beach Rural Fire Protection District, Lewis and Clark Fire District, Knappa Fire District – Svensen, Port of Astoria, Sunset Empire Transportation District, Arch Cape Domestic Water Supply District, and Arch Cape Sanitary District (DISTRICTS) collectively "JURISDICTIONS," and ultimately approved by the Federal Emergency Management Agency (FEMA). The update process may include drafting new NHMPs for cities and special districts who have not participated previously.

The Oregon Department of Land Conservation and Development (DLCD) and COUNTY will lead the MJNHMP update process in partnership. DLCD and JURISDICTIONS will participate and execute responsibilities and tasks as set forth in this SOW.

This project is funded by a FEMA Pre-Disaster Mitigation (PDM) planning grant. A PDM planning grant must culminate in an NHMP that is adopted by JURISDICTIONS and approved by FEMA. Therefore, JURISDICTIONS agree not only to consider but also to adopt the NHMP that FEMA has agreed to approve.

The planning process will be open and transparent. All meetings will be duly advertised and open to the public. Each Steering Committee (SC) agenda will include time for public input.

PHASE 1: ORGANIZE

Purpose

The purpose of Phase 1 is to organize and develop content for project initiation.

Clatsop County Natural Hazards Multi-Jurisdictional Mitigation Plan Update

EXHIBIT A: Scope of Work

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Task 1: Prepare a Draft Intergovernmental Agreement (IGA)

The purpose of the IGA is to formalize a working relationship between DLCD and JURISDICTIONS to execute an update of the Clatsop County MJNHMP; ensure that each jurisdiction adopts and obtains FEMA approval of the updated MJNHMP; and ensure that each jurisdiction provides cost share and documents its cost share contribution as required.

DELIVERABLES

DLCD 1. Draft IGA for review by COUNTY

Target Date: October 2018

Task 2: Prepare a Draft Scope of Work (SOW)

DLCD will draft a SOW intended to produce an MJNHMP meeting the requirements of the Code of Federal Regulations, Title 44, Part 201.6 (44 CFR 201.6) and therefore approvable by FEMA.

DELIVERABLES

DLCD 1. Draft SOW

Target Date: October 2018

Task 3: Develop a Project Schedule

DLCD will develop a project schedule setting target dates for SC meetings, public engagement opportunities, public review and comment periods, state and federal review processes, and local adoption proceedings.

A minimum of two opportunities for the public to comment will be included, one to review the Draft Risk Assessment and one to review at least the Draft Mitigation Strategy and Plan Maintenance Process, and as circumstances warrant potentially the entire Draft MJNHMP. Both opportunities will be offered prior to finalizing the plan for approval by each of JURISDICTIONS' respective boards and councils. While only these two opportunities are required, providing as many opportunities as possible is encouraged, as greater public participation benefits the community and strengthens the MJNHMP.

"The public" is understood to include – but not be limited to – citizens and residents, neighboring communities, local and regional agencies involved in hazard mitigation activities; agencies that have the authority to regulate development, businesses, academia, and other private and non-profit interests.

DELIVERABLES

DLCD 1. Draft Project Schedule

Clatsop County Natural Hazards Multi-Jurisdictional Mitigation Plan Update

EXHIBIT A: Scope of Work

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Target Date: October 2018

Task 4 Coordinate with COUNTY

The following tasks will be accomplished collaboratively by DLCD and COUNTY for review and agreement by the SC at its organizational meeting (Task 6).

Meet remotely or in person with COUNTY and:

- A. Discuss the Intergovernmental Agreement.
- B. Discuss the Scope of Work and revise as necessary or appropriate.
- C. Discuss the current MJNHMP's strengths and opportunities for improvement and a strategy for addressing them.
- D. Discuss the Draft Project Schedule (Task 3, Deliverable 1) and revise as necessary or appropriate;
- E. Discuss *Table 1: Allocation of Basic Responsibilities and Tasks* and revise as necessary or appropriate. These basic responsibilities and tasks will be performed throughout the duration of the project in addition to other others described and deliverables assigned in Tasks 1 through 16.
- F. Determine the method for and roles of DLCD and COUNTY in inviting cities and special districts to participate in the planning process and designate SC members and alternates. **SC members and alternates must have or have been delegated authority to make decisions and act on behalf of their jurisdictions for the purposes of this project;**
- G. Draft a list of stakeholders, technical advisors, and other interested parties including at a minimum representatives of FEMA's six "whole community" sectors: (a) Emergency Management; (b) Economic Development; (c) Land Use and Development; (d) Housing; (e) Health and Social Services; (f) Infrastructure; and (g) Natural and Cultural Resources. Determine how to engage them in the planning process (e.g., Steering Committee, Technical Advisory Committee, one-to-one discussions, focus groups, etc.) and the roles of DLCD and COUNTY in inviting their participation.
- H. Prepare a draft public engagement program for SC discussion and finalization.

Table 1: ALLOCATION of BASIC RESPONSIBILITIES and TASKS

Responsibility/Task	DLCD	COUNTY	CITIES	SPECIAL DISTRICTS
Steering and Technical Advisory Committee Meetings				
• Prepare and distribute agenda 7-10 days prior to meetings via email. If a SC or TAC member does not have access to email, JURISDICTIONS will ensure the member receives a hard copy 5 days prior to meetings.	X	Assist	Assist	Assist
• Prepare handouts. If appropriate, distribute handouts 7-10 days prior to meetings via email. If a SC or TAC member does not have access to email, JURISDICTIONS will ensure the member receives a hard copy 5 days prior	X	Assist	Assist	Assist

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EXHIBIT A: Scope of Work

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Responsibility/Task	DLCD	COUNTY	CITIES	SPECIAL DISTRICTS
to meetings.				
• Provide language for public notice of meetings if requested.	X			
• Lead and facilitate meetings.	X	Assist		
• Prepare and distribute meeting notes.	X			
• Engage with local internal and external stakeholders about the project and bring their input back to the committee discussions.		X	X	X
Public Engagement Program				
• Execute public engagement program.	Assist	X	X	X
• Lead public engagement meetings and events.	Assist	X	X	X
• Facilitate public engagement meetings and events.	X	Assist	Assist	Assist
• Provide public notice of meetings and events through a variety of means.	Assist	X	X	X
• Shepherd MJNHMP through Planning Commission, Board and Council work sessions and adoption process	Assist	X	X	X
Plan Development				
• Gather hazard and vulnerability data, existing plans, studies, reports, and technical information.	X	X	X	X
• Provide information on climate change and its influence on hazards.	X			
• Provide GIS services		X	X	X
• Provide assessor data		X		
• Provide other data and information		X	X	X
• Analyze data	X	Assist	Assist	Assist
• Write plan sections	X	Assist	Assist	Assist
• Review plan sections	X	X	X	X
• Edit plan sections	X	Assist	Assist	Assist
• Finalize plan	X			
Administrative Functions				
• Publish notice of meetings and events 7-10 days prior to date of occurrence.		X	X	X
• Print agenda, sign-in sheet and handouts for meetings. DLCD will print color and 11x17 handouts only if none of the JURISDICTIONS has capability and no commercial printer with capability is reasonably available.	Assist	X	X	X
• Develop and maintain during the update and after completion an interactive project web page and link to that page on the jurisdiction's home page.		X	X	X
• Establish and maintain a listserv, email service, or dedicated email address accessible on the project web		X	X	X

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EXHIBIT A: Scope of Work

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Responsibility/Task	DLCD	COUNTY	CITIES	SPECIAL DISTRICTS
page for communication with the public (e.g., distribute news, receive comments).				
• Track and accurately report cost-share in the required format at least quarterly by the deadline set by DLCDC.		X	X	X
• Document the planning process by keeping copies of all agendas, sign-in sheets, notices, publications, web page updates, etc. for inclusion in the updated MJNHMP.	X	X	X	X
• Monitor and adjust project schedule	X	Assist		
• Handle Logistics (space reservations, supplies, copies, audio/visual equipment, etc.) for Steering Committee meetings, public engagement meetings and events, etc. occurring in your jurisdiction.		X	X	X

DELIVERABLES

- DLCD
1. Meeting notes memorializing decisions of Task 5
 2. Revised Draft Scope of Work
 3. Revised MJNHMP Review and Strategy Memo
 4. Revised Project Schedule
 5. Revised *Table 1: ALLOCATION of BASIC RESPONSIBILITIES and TASKS*
 6. Draft Public Engagement Program
 7. Cost Share Documentation Forms and Instructions

- COUNTY
1. Draft Steering Committee Roster
 2. Initial Draft Stakeholder Roster

Target Date: November 2018

Task 5 Invite and Confirm Participants

In accordance with the method and roles determined in Task 5, (A) invite cities and special districts to participate and appoint SC members and alternates. **Members will serve as their jurisdictions’ official contact for the project;** (B) Provide the IGA and Draft SOW to JURISDICTIONS for review, noting that the IGA is not open to substantive revisions; and (C) invite stakeholders to participate. Confirm responses.

Clatsop County Natural Hazards Multi-Jurisdictional Mitigation Plan Update

EXHIBIT A: Scope of Work

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If necessary to meet time and budget constraints, DLCDC and COUNTY will decide collaboratively and in consultation with the special districts which of them will be included in the updated Clatsop County MJNHMP. Others will be invited to participate and may leverage their participation to support development of addenda for later inclusion in the Clatsop County MJNHMP or into a stand-alone NHMP.

DELIVERABLES

- COUNTY 1. Final Roster of Steering Committee members and alternates
- 2. Second Draft Stakeholder Roster

Target Date: November 2018

Task 6 Hold Organizational SC Meeting

The purpose of this meeting is to initiate the project. DLCDC and COUNTY will explain the project background, purpose, and requirements and will discuss with the SC the project participant roles, responsibilities, and expectations.

DLCDC and COUNTY will lead the SC through discussion of the deliverables of Tasks 4 and 5 and note any revisions.

The SC will review the IGA and SOW and establish a date by which each jurisdiction will sign.

Each jurisdiction will identify a person responsible for cost share tracking and reporting.

Each jurisdiction will identify a person responsible for developing and maintaining an up-to-date project website or otherwise ensuring that project information is made available to the community in a timely manner.

DELIVERABLES

- DLCD 1. Final Scope of Work
- 2. Final Project Schedule
- 3. Final SC Roster
- 4. Final Stakeholder Roster
- 5. Final *Table 1, Allocation of Basic Responsibilities and Tasks*
- 6. Final Public Engagement Plan
- 7. Cost Share Documentation Forms and Instructions

Target Date:

- SC 1. Person responsible for cost share tracking and reporting for each jurisdiction

Clatsop County Natural Hazards Multi-Jurisdictional Mitigation Plan Update

EXHIBIT A: Scope of Work

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2. Person responsible for developing and maintaining and up-to-date project website or otherwise ensuring project information is made available to the public in a timely manner for each jurisdiction
3. Signed IGA

Target Date: December 2018

PHASE 2: UPDATE THE CLATSOP COUNTY MULTI-JURISDICTIONAL NHMP

Purpose

The purpose of Phase 2 is to update the current CLATSOP County MJNHMP such that it meets the requirements of 44 CFR 201.6 and is therefore approvable by FEMA.

Task 7 Review and Update the Risk Assessment

DLCD will lead the SC in reviewing and updating the risk assessment. For each jurisdiction, the updated risk assessment will:

- A. To the extent data is available, describe the type, location, and extent (intensity) of each of the natural hazards to which it is subject and how they may be influenced by climate change.
- B. Identify significant previous occurrences of each hazard.
- C. Assess probability of future occurrence of each hazard.
- D. Describe the geographic (political and physical), social, economic, cultural and historic characteristics, land use, development trends, and changes in development.
- E. Identify NFIP-insured structures that have sustained repetitive flood damages.
- F. To the extent feasible, assess potential dollar losses to buildings, repetitive flood loss structures, infrastructure, and critical facilities from each hazard.
- G. Assess vulnerability to each hazard.
- H. To the extent reasonable based on limitations of data and analysis, present findings and indicate mitigation priorities.

DELIVERABLES

- | | |
|------|---|
| SC | 1. Plans, studies, reports, technical data and information available for review and potential incorporation into the risk assessment |
| DLCD | 1. Number of NFIP-insured structures in each jurisdiction including those having sustained repetitive losses and their respective dollar values |

Clatsop County Natural Hazards Multi-Jurisdictional Mitigation Plan Update

EXHIBIT A: Scope of Work

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2. Coordinate and conduct group or individual meetings with DISTRICTS, if needed.

Target Date: January – April 2019

- COUNTY
1. Coordinate up to two SC meetings.
 2. Assist DLCD with coordinating and facilitating DISTRICTS group meeting, if requested.

Target Dates: January – April 2019

- DLCD
1. Initial Draft Risk Assessment for SC and public review

Target Dates: April – June 2019

Task 8 Public Review of Risk Assessment

DLCD will assist JURISDICTIONS in developing and executing at least one opportunity for the public to comment on the Draft Risk Assessment. “The public” is understood to include – but not be limited to – citizens and residents, neighboring communities, local and regional agencies involved in hazard mitigation activities; agencies that have the authority to regulate development, businesses, academia, and other private and non-profit interests.

DELIVERABLES

- SC
1. At least one opportunity for public comment completed.

Target Date(s): April – June 2019

- DLCD
1. Draft comment matrix containing SC and public comments and draft responses for SC review

Target Date: June 2019

- DLCD
1. Final comment and response matrix
 2. Second Draft Risk Assessment incorporating public comments and final comment and response matrix

Target Date: June 2019

Task 9 Review and Update the Mitigation Strategy

DLCD will lead the SC in reviewing and updating the mitigation strategy. The mitigation strategy is the blueprint for reducing the potential losses and vulnerabilities identified through the risk assessment. The mitigation strategy sets mitigation goals; establishes and prioritizes mitigation actions for each jurisdiction; establishes an implementation strategy for accomplishing each action; analyzes the capabilities of each jurisdiction for carrying out its mitigation actions; and

describes a process for integrating the content of the MJNHMP into other planning mechanisms. Multi-jurisdictional mitigation actions may be established by some or all of the jurisdictions. For each jurisdiction, the Mitigation Strategy will:

- A. Establish mitigation goals based on the risk assessment.
- B. Assess each jurisdiction's mitigation capabilities.
- C. Document each jurisdiction's participation in the NFIP and continued compliance with its requirements.
- D. Document status of mitigation actions in the current MJNHMP highlighting mitigation progress and successes.
- E. Identify and discuss any changes in mitigation priorities.
- F. Revise and add new mitigation actions reflecting any changes in mitigation priorities and emphasizing new and existing buildings and infrastructure.
- G. Prioritize mitigation actions. Prioritization will include a general, qualitative cost/benefit assessment for mitigation projects.
- H. Establish an implementation strategy for each mitigation action.
- I. Describe the process, method, and timeline for integrating the content of the MJNHMP into other planning mechanisms and highlight any integration that has occurred.

Deliverables

- SC
 - 1. Information about participation in and continued compliance with NFIP
 - 2. Information for and participation in capability assessment
 - 3. Information about planning mechanisms and timeline for integration

Target Date: May - September 2019

- COUNTY
 - 1. Coordinate up to three SC meetings for Tasks 9 and 10 together.

Target Dates: May - September 2019

- DLCD
 - 1. Initial Draft Mitigation Strategy for SC and public review

Target Dates: May - September 2019

Task 10 Review and Update the Plan Maintenance Process

DLCD will assist JURISDICTIONS in reviewing the plan maintenance process and revising it as necessary. For each jurisdiction, the Plan Maintenance Process will:

Clatsop County Natural Hazards Multi-Jurisdictional Mitigation Plan Update

EXHIBIT A: Scope of Work

DLCD IGA #:

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- A. Describe the method and schedule for monitoring, evaluating, and updating the mitigation plan within a five-year cycle.
- B. Describe how the jurisdictions will continue public participation during the plan maintenance process.

DELIVERABLES

DLCD 1. Initial Draft Plan Maintenance Process for SC and public review.

Target Date(s): August – October 2019

Task 11 Public Review of Mitigation Strategy and Plan Maintenance Process
DLCD will assist JURISDICTIONS in developing and executing at least one opportunity for the public to comment on at minimum the Draft Mitigation Strategy and Plan Maintenance Process, and as circumstances warrant potentially the entire Draft MJNHMP. Therefore, this task may occur at this point in the process or later, but not later than between Tasks 13 and 14.

“The public” is understood to include – but not be limited to – citizens and residents, neighboring communities, local and regional agencies involved in hazard mitigation activities; agencies that have the authority to regulate development, businesses, academia, and other private and non-profit interests.

DELIVERABLES

SC 1. At least one opportunity for public comment completed.

Target Date(s): August – October 2019

DLCD 1. Draft comment matrix containing public comments and draft responses for SC review

Target Date: August – October 2019

DLCD 1. Final comment and response matrix incorporating SC comments
2. Second Draft Mitigation Strategy and Plan Maintenance Process incorporating public comments and final comment and response matrix

Target Date: September - October 2019

Task 12 Document the Planning Process

DLCD will assist JURISDICTIONS in documenting the planning process. Copies of agendas, sign-in sheets, notices, publications, web page updates, etc. will be included in the updated MJNHMP. For each jurisdiction, the Planning Process chapter will:

Clatsop County Natural Hazards Multi-Jurisdictional Mitigation Plan Update

EXHIBIT A: Scope of Work

DLCD IGA #:

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- A. Describe how the plan was prepared, who was included, how the public was involved, and the opportunity for neighboring communities, local and regional agencies involved in hazard mitigation activities; agencies that have the authority to regulate development, businesses, academia, and other private and non-profit interests to be involved in the planning process.
- B. Describe opportunities for public comment during drafting and prior to plan approval.
- C. Describe how plans, studies, reports, technical data and information were incorporated.
- D. Include documentation of the planning process.

DELIVERABLES

- SC 1. Provide copies of web page updates, notices, publications, etc.
- DLCD 1. Initial Draft Planning Process chapter and documentation for SC review
- 2. Second Draft Planning Process chapter incorporating SC comments

Target Date(s): October 2018 – July 2020

Task 13 Review and Update Remaining Chapters

DLCD will assist the SC in reviewing and updating any remaining chapters or sections of the current MJNHMP and deciding if there is anything more that needs to be drafted. These may include an Executive Summary, Introduction, lists of tables and figures, glossary, list of acronyms, appendices, etc.

DELIVERABLES

- DLCD 1. Initial draft of remaining chapters or sections for SC review
- 2. Second draft of remaining chapters or sections incorporating SC comments

Target Date(s): November – December 2019

Task 14 Finalize Draft MJNHMP for State and Federal Review

DLCD will edit the entire document and add a cover, title page, acknowledgements, page numbers, FEMA funding credit, etc. to finalize the draft MJNHMP for the review and approval process. Pages will be reserved to insert documentation of the approval process: FEMA's "Approvable Pending Adoption" letter; evidence of adoption by each jurisdiction; FEMA's final approval letters; and FEMA's final Review Tool.

DELIVERABLES

- DLCD 1. Finalized Draft MJNHMP

Target Date: December 2019 – January 2020

PHASE 3: REVIEW AND APPROVAL PROCESS

Purpose

The purpose of Phase 3 is to ensure that all the necessary steps toward final FEMA approval are taken; JURISDICTIONS each adopt the updated MJNHMP without substantive changes; and FEMA approves the adopted MJNHMP.

This project is funded by a FEMA Pre-Disaster Mitigation (PDM) planning grant. A PDM planning grant must culminate in an NHMP that is adopted by JURISDICTIONS and approved by FEMA. Therefore, JURISDICTIONS agree not only to consider but also to adopt the NHMP that FEMA has agreed to approve.

If a jurisdiction requires a substantive change through its adoption process, the approval process will be restarted.

Task 15 Submit Draft MJNHMP for State and Federal Review

On behalf of JURISDICTIONS, DLCDC will submit the Draft Clatsop County MJNHMP to the Oregon Office of Emergency Management (OEM) for review. OEM will review the draft MJNHMP and when it is FEMA-approvable will submit it to FEMA for formal review. DLCDC and JURISDICTIONS will make any necessary revisions with review by the SC and public as appropriate until FEMA issues its "Approvable Pending Adoption" (APA) letter.

DELIVERABLES

- DLCD 1. Submit finalized Draft MJNHMP with completed Local Mitigation Plan Review Tool to OEM.
- 2. Make any required changes in consultation with SC and resubmit until OEM and FEMA are satisfied that the draft MJNHMP is approvable as evidenced by receipt of FEMA's APA letter.

Target Date(s):

Submittal to OEM:	January 17, 2020
Required Changes Completed:	February 14, 2020
FEMA Review Completed:	April 10, 2020
APA Received:	May 8, 2020

Clatsop County Natural Hazards Multi-Jurisdictional Mitigation Plan Update

EXHIBIT A: Scope of Work

DLCD IGA #:

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Task 16 Adopt Final Draft MJNHMP

JURISDICTIONS will arrange for the FEMA-approvable Final Draft Clatsop County MJNHMP to be considered for adoption by each of their respective boards and councils. Following adoption, each jurisdiction will submit the evidence of adoption (generally a signed resolution) to DLCDC. DLCDC will then submit the resolutions to FEMA through OEM for final approval.

DELIVERABLES

- SC 1. Provide evidence of adoption to DLCDC.
- DLCD 1. Submit evidence of adoption to OEM.
- 2. Insert approval process documents into plan.
- 3. Record effective date on cover.
- 4. Distribute FEMA-approved, finalized Clatsop County Multi-Jurisdictional NHMP to SC members.

Target Date(s):

Adoption Completed; Evidence to DLCDC:	June 19, 2020
DLCD Submit Evidence to OEM:	June 22, 2020
FEMA Final Approval Received:	July 10, 2020
DLCD Final Distribution:	July 23, 2020

SCHEDULE

Project Organization	Oct-Dec 2018
Risk Assessment & Public Engagement	Jan-Jun 2019
Mitigation Strategy Development & Public Engagement	May-Sep 2019
Plan Maintenance Strategy & Public Engagement	Aug-Oct 2019
Draft Plan & Public Engagement	Aug-Oct 2019
Remaining Sections and Finalization	Nov 2019-Jan 2020
OEM Plan Review & Edits	Jan-Feb 2020
FEMA Plan Review & Edits	Feb-May 2020
Local Plan Adoption	May-Jun 2020
FEMA Final Approval	No later than July 22, 2020

Clatsop County Natural Hazards Multi-Jurisdictional Mitigation Plan Update

EXHIBIT A: Scope of Work

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DLCD Plan Finalization and Distribution

Jul 2020

BUDGET

No funds will be exchanged. DLCD will use PDM 17 planning grant funds and state funds to execute its tasks. JURISDICTIONS will use their own funds to execute their responsibilities and tasks.

COST SHARE

PDM grants require a 25% cost share. JURISDICTIONS will commit to providing cash, in-kind, or a combination of both as their portion of the required 25% cost share. **Federal funds are not allowable as cost share.** JURISDICTIONS will report cost share and provide documentation as required to DLCD on at least a quarterly basis.

JURISDICTIONS together will provide a **minimum** cost share of \$_____.

Clatsop County Multi-Jurisdictional Natural Hazards Mitigation Plan Update—Public Engagement Plan

Strategy	Clatsop County	Astoria	Cannon Beach	Gearhart	Seaside	Warrenton	Arch Cape Water & Sanitary Districts	Cannon Beach Fire District	Clatsop Community College	Knappa - Svensen Fire District	Lewis & Clark Rural Fire Protection District	Port of Astoria	Seaside School District	Sunset Empire Transpo. District
CLATSOP NHMP MEETINGS and OPPORTUNITIES FOR PUBLIC COMMENT														
Steering Committee Meetings: <ul style="list-style-type: none"> 4-7 over the course of the project 	X	X	X	X	X	X	X	X	<i>Required if a formal Steering Committee Member</i>	X	X	X	X	X
Public Meeting: Adoption Proceedings The final plan must be formally adopted by all participating jurisdictions.	X	X	X	X	X	X	X	X	<i>TBD</i>	X	X	X	X	X
PUBLIC REVIEW OF PLAN COMPONENTS: PLEASE CHOOSE AT LEAST TWO OF THE FOLLOWING PUBLIC PLAN OFFERINGS YOUR JURISDICTION WILL LEAD														
Public Meeting: Draft Risk Assessment	X	X	X						<i>TBD</i>					
Public Meeting: Draft Mitigation Strategy	X	X	X											
Public Meeting: Board/Council Workshop*		?	X	X <i>Joint</i>										
Public Meeting: Planning Commission*				<i>Joint</i>										
Public Meeting: Other Event Jurisdiction will host a presentation, tour, or other activity about hazards or mitigation actions. This could include inviting the County Emergency Services staff to give a talk.	X	?	X			X Mayor's Town Hall			X Two Ales & Ideas Events	X	X		X	X Relocation tour
Hazard Topics:									<i>Multi-Hazard: EMT & Recovery</i>					<i>Tsunami</i>
<i>* If a jurisdiction selects this option but public attendance and input is minimal, these options as stand-alone actions may not meet requirements.</i>														
OUTREACH FRAMEWORK														
WEBSITE: Establish a website where citizens can review and comment on plan drafts, learn about how to prepare, and otherwise learn about natural hazards and the NHMP.	X	X	X	X	X	X	X	X	<i>TBD</i>	X	X	X	X	X
LEGAL NOTICES: Create and publish legal notices for public meetings and other plan engagement opportunities via established media avenues (print, radio, and television).	X	X	X	X	X	X	X	X	<i>TBD</i>	X	X	X	X	X
HAZARD TOOLKIT: Clatsop County plans to offer quarterly hazard information, graphics, links, and other information as an outreach media packet. Check this box if you would like to coordinate on the hazard toolkit.	X		X											

PUBLIC: Businesses; neighboring communities; local and regional agencies involved in hazard mitigation activities; agencies that have the authority to regulate development; academia; and other private and non-profit interests.
 "WHOLE COMMUNITY" sectors as set forth by FEMA: 1) Emergency management; 2) Economic Development; 3) Land Use and Development; 4) Housing; 5) Health and Social Services; 6) Infrastructure; and 7) Natural and Cultural Resources.

Clatsop County MJNHMP Update—Public Engagement Program

November 2018 Draft

Strategy	Clatsop County	Astoria	Cannon Beach	Gearhart	Seaside	Warrenton	Arch Cape Water & Sanitary Districts	Cannon Beach Fire District	Clatsop Community College	Knappa - Svensen Fire District	Lewis & Clark Rural Fire Protection District	Port of Astoria	Seaside School District	Sunset Empire Transpo. District
PLEASE CHOOSE TWO PRIMARY METHODS OF DISTRIBUTING MEETING, PLAN UPDATE, AND HAZARD TOOLKIT INFORMATION TO THE PUBLIC FROM YOUR JURISDICTION														
EMAIL LIST: Jurisdiction will establish an email list where citizens, businesses, and other interested parties can receive news about the plan update.		X	X										X	
SOCIAL MEDIA: Jurisdiction will establish, or use established social media outlets (Facebook, Instagram, etc.) to convey meeting times, hazard information, and news about the plan update.	X	X		X						X	X		X	X
UTILITY BILLS: Jurisdiction will insert information about upcoming meetings and events into utility bills on a monthly or bimonthly cycle.			X											
DISTRIBUTE FLYERS: <ul style="list-style-type: none"> • Provide information at booths or tables during public events • Deliver to local businesses in a personal visit • Ensure display at Community Centers & Public Offices. 		X	X											
SURVEY: <ul style="list-style-type: none"> • Distribute NHMP survey via electronic or print methods; • Return the results to Clatsop County in a timely fashion. 	X	X	X											
OTHER:	X Public presentation available upon request.		X Hotel engagement											X Signs on buses and bus shelters.



AGENDA

ASTORIA DEVELOPMENT COMMISSION

January 7, 2019
Immediately Follows Council Meeting

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) CHANGES TO AGENDA
- 4) REGULAR AGENDA ITEMS

All agenda items are open for public comment following deliberation by the Commission. 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) Design Contract Amendment #3 – Bond Street Retaining Wall Project

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

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



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

MEMORANDUM • CITY MANAGER

DATE: JANUARY 3, 2019
TO: PRESIDENT AND COMMISSION
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: ASTORIA DEVELOPMENT COMMISSION (ADC) MEETING OF JANUARY 7, 2019

REGULAR AGENDA ITEMS

Item 4(a): Design Contract Amendment #3 – Bond Street Retaining Wall Project

As a result of a landslide in 2007, Bond Street was closed to two way traffic. The Public Works Department commissioned a geotechnical analysis, completed in August 2015, to study the feasibility of adding a retaining wall and restoring to two-way traffic. The results of the study concluded that a wall could be built under the right conditions. The City determined that utilizing Astor West Urban Renewal funds would provide the best financial option to complete the project.

In 2017, Staff initiated the design process. The project was put on hold due to a very wet winter. City staff decided to postpone the work until 2018 with the hope of improved conditions.

Substantial completion for the project was achieved by mid-December 2018. The project will require continued quarterly monitoring to document post construction slide activity. This is planned for the next 6 months. The following table summarizes the professional services for this project to date, and those proposed for consideration in this memo.

#	Description	Cost	Contract
1	Cornforth Consultants Design Services Contract	\$74,950	Executed
2	Cornforth Consultants Amendment #1 (inclinometer installation)	\$38,950	Executed
3	Cornforth Consultants Amendment #2	\$46,500	Executed
4	Historical Research Associates, Inc. Contract	\$5,218	Executed
5	<i>Cornforth Consultants Amendment #3</i>	<i>\$18,988.75</i>	<i>Under Consideration</i>
	Total =	\$184,606.75	

It is recommended that the Astoria Development Commission execute Contract Amendment #3 with Cornforth Consultants for a total not-to-exceed amount of \$18,988.75 for continued inclinometer monitoring associated with the Bond Street Retaining Wall Project.



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

MEMORANDUM • PUBLIC WORKS DEPARTMENT

DATE: DECEMBER 24, 2018
TO: ASTORIA DEVELOPMENT COMMISSION
FROM: *me* BRETT ESTES, CITY MANAGER
SUBJECT: DESIGN CONTRACT AMENDMENT #3 - BOND STREET RETAINING WALL PROJECT

DISCUSSION/ANALYSIS

As a result of a landslide in 2007, Bond Street was closed to two way traffic. Only one westbound lane of traffic was allowed limiting east-west traffic to Marine Drive. The Public Works Department commissioned a geotechnical analysis, completed in August 2015, to study the feasibility of adding a retaining wall that would allow the roadway to be restored to two-way traffic. The results of the study concluded that a wall could be built under the right conditions. The City determined that utilizing Astor West Urban Renewal funds would provide the best financial option to complete the project. This required an expansion to the Astor West Urban Renewal District (AWURD) boundary so the project area could be included.

The Astoria Development Commission (ADC) completed a boundary expansion of the AWURD. The expansion included an area from Columbia Avenue to the City owned slide area, adding roughly 4 acres to the district. This included the Bond Street right-of-way. The expansion was targeted to achieve the reopening of Bond Street to two way traffic and potentially revitalize residential properties.

In 2017, Staff initiated the design process and hired Cornforth Consultants to provide geotechnical and civil engineering design services for the project. The project documents were advanced to final design, but put on hold due to a very wet winter (2016/2017). The additional rainfall contributed to groundwater and inclinometer readings that were unfavorable and increased risk to the project. City staff decided to postpone the work until 2018 with the hope of improved conditions.

After putting construction on hold, Public Works staff and Cornforth Consulting monitored the slide activity with groundwater depth measurements, inclinometer readings, and visual inspection. New inclinometers were installed to allow consistent and uninterrupted monitoring of the slide movement. Several existing inclinometers were becoming unusable due to prior movement. With the information obtained from the monitoring effort, City staff planned for construction in fall 2018.

Big River Construction was awarded the construction contract in September 2018, and substantial completion for the project was achieved by mid-December 2018. The project will require continued quarterly monitoring to document post construction slide activity. This is planned for the next 6 months. Once this monitoring effort is completed, City staff will work with

the Cornforth Consultants on scheduling annual monitoring instead of the more frequent quarterly effort.

The following table summarizes the professional services for this project to date, and those proposed for consideration in this memo.

#	Description	Cost	Contract
1	Cornforth Consultants Design Services Contract	\$74,950	Executed
2	Cornforth Consultants Amendment #1 (inclinometer installation)	\$38,950	Executed
3	Cornforth Consultants Amendment #2	\$46,500	Executed
4	Historical Research Associates, Inc. Contract	\$5,218	Executed
5	<i>Cornforth Consultants Amendment #3</i>	\$18,988.75	<i>Under Consideration</i>
	Total =	\$184,606.75	

RECOMMENDATION

It is recommended that the Astoria Development Commission execute Contract Amendment #3 with Cornforth Consultants for a total not-to-exceed amount of \$18,988.75 for geotechnical services for continued inclinometer monitoring associated with the Bond Street Retaining Wall Project.

By:  FOR:
Jeff Harrington, Public Works Director

Prepared by: 
Nathan Crater, City Engineer



**CONTRACT AMENDMENT #3
BETWEEN
THE ASTORIA DEVELOPMENT COMMISSION AND CORNFORTH
CONSULTANTS
FOR
BOND STREET RETAINING WALL PROJECT**

The AGREEMENT dated February 6, 2017, by and between THE ASTORIA DEVELOPMENT COMMISSION, hereinafter called "THE ADC" and Cornforth Consultants, hereinafter called "CONSULTANT", is hereby amended as follows:

Amend Scope of Services of the AGREEMENT for additional quarterly inclinometer readings see attached email for scope and fee in Attachment A. The total below also includes \$6,988.75 for inclinometer readings already completed, but not included in the original contract scope and fee.

Amend Compensation of the AGREEMENT to increase contract amount by \$18,988.75.

IN WITNESS WHEREOF, THE AD AND CONSULTANT have executed this AMENDMENT as of _____, 2018.

THE ASTORIA DEVELOPMENT COMMISSION

CONSULTANT:
Cornforth Consultants

BY: _____
Brett Estes Date
ADC Manager

BY: _____
Consultant Date

BY: _____
Bruce Jones Date
ADC Chair

Attachments: A

Nathan Crater

From: Gerry Heslin, Cornforth Consultants <gheslin@CornforthConsultants.com>
Sent: Monday, December 17, 2018 4:59 PM
To: Nathan Crater
Subject: Bond Street Retaining Wall Consultant Services

Hey Nathan,

Great chatting with you this afternoon. Glad to hear the Bond Street retaining wall is all wrapped up. I understand the City would like to perform three additional quarterly readings for the inclinometers at the West Commercial Street Landslide that is located upslope of the new retaining wall. I anticipate these readings would be completed in January, April, and July of 2019. Based on recent experience, I estimate we could collect the readings, reduce the data, and provide a summary memorandum each quarter for approximately \$4k per reading for a total of \$12k.

If you need any additional information, please let me know.

Cheers,

Gerry Heslin, P.E. | Vice President

Main 503-452-1100 | Direct 971-222-2050 | Mobile 503-758-4980
gheslin@cornforthconsultants.com | www.cornforthconsultants.com
CORNFORTH CONSULTANTS, INC.