

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

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

Councilors Excused: None

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

REPORTS OF COUNCILORS

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

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

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

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

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

CHANGES TO AGENDA

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

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

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor LaMear called for comments from the public.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REGULAR AGENDA ITEMS

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

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

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

Mayor LaMear asked if anyone objected to the jurisdiction to hear this matter at this time. There were no objections. She asked if any Councilor had a conflict of interest or ex parte contact to declare. There were none. She explained the procedures governing the conduct of public hearings to the audience and advised that handouts of the substantive review criteria were available from Staff.

City Manager Estes summarized the Staff report and noted that the Community Development Department was the Applicant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor LaMear called for testimony opposed to the application.

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

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

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

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

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

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

Mayor LaMear called for the Applicant's rebuttal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor LaMear asked if anyone objected to the jurisdiction to hear this matter at this time. There were no objections. She asked if any Councilor had a conflict of interest or ex parte contact to declare. There were none. She explained the procedures governing the conduct of public hearings to the audience and advised that handouts of the substantive review criteria were available from Staff.

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

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

Mayor LaMear opened the public hearing.

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

Director Cosby conducted the first reading of the ordinance.

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

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

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

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

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

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

Mayor LaMear confirmed the emergency repair had already been completed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor LaMear called for public comments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Item 6(i): Stan Wanlass Sculpture

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

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

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

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

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

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

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

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

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

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

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

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

There was none.

ADJOURNMENT

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

ATTEST:

APPROVED:

Finance Director

City Manager