

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, Library Director Pearson, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

### **IREPORTS OF COUNCILORS REPORTS OF COUNCILORS**

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

**Item 3(b):** Councilor Brownson reported that he attended the Advance Astoria meeting, which was well attended. He was pleased that the panelists showed appreciation to the community for trying to improve economic interests in Astoria. He invited the public to his next Meet the Councilor event on Thursday, April 20<sup>th</sup> at Three Cups of Coffee at 5:30 pm.

**Item 3(c):** Councilor Price had no reports.

**Item 3(d):** Councilor Jones reported that he attended the Advance Astoria meeting and it was nice to hear people from outside Astoria commending the City's efforts and saying it was not common throughout the state. On Saturday, April 22<sup>nd</sup>, the United Way of Clatsop County will host its Day of Caring event. Volunteers will have opportunities to help non-profits throughout the county that are listed on the County website.

**Item 3(e):** Mayor LaMear reported the Parks Department held an open house for the McClure Park and Shively Park plans. City Council held a work session to discuss the Parks Department. The City is doing the best it can with the money available in the budget. She attended the Advance Astoria meeting and Suzanne Bonamici's Town Hall meeting. About 200 people attended the town hall and she believed Oregon was lucky to have great people representing them in Washington D.C.

### **CHANGES TO AGENDA**

City Manager Estes stated Regular Agenda Item 7(c): Public Hearing Regarding Vacation of a Portion of the Alley Abutting 3115 Harrison and the Adjacent Undeveloped Lot would be rescheduled as Staff had more work to do before the hearing could be conducted. New notices would be published and written comments would be presented to Council at the hearing.

### **PRESENTATION**

### **CONSENT CALENDAR**

The following items were presented on the Consent Calendar:

- 6(a) City Council Minutes of 3/20/2017
- 6(b) Library Board Minutes of 2/28/2017
- 6(c) Naming the Pond in the Mill Pond Neighborhood the DeMuro Mill Pond (Community Development)

**City Council Action:** Motion made by Councilor Nemlowill, seconded by Councilor Jones, 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): Ordinance – Article 3: ADUs (2<sup>nd</sup> 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 FY 14-15/15-16 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 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 and continued the hearing until October 25. After considering the findings of fact, and public testimony, the Planning Commission recommended approval to the City Council on October 25. The full record for the plan amendment application (A16- 02: Plan Amendment), including the findings of fact, is contained in the staff report from the prior Council Meeting. A public hearing was held March 20, 2017 to accept public testimony and continued to April 3<sup>rd</sup>. The Council accepted additional testimony, conferred with the City Attorney, and suggested minor revisions to the proposed Ordinance that address Council's direction. The Council voted to hold a first reading. It is recommended that the City Council hold a second reading and adopt the Ordinance.

Director Cronin reviewed the minor amendments that Council directed Staff to make during the public hearing, which were reflected in the ordinance and summarized in the memorandum.

Councilor Brownson clarified that the intent of this ordinance was to create places for people to live long term. He asked if this ordinance would apply to mother-in-law suites that would not be rented out. He also wanted to know if the ordinance would apply to additions or remodels. Director Cronin explained that an ADU is a separate living facility with a kitchen and a bedroom. If a basement were being remodeled to create a bonus room, Staff would need to consider the existing condition of the basement to decide which permits would be necessary. City Manager Estes added that the addition of cooking facilities would trigger the ADU review, regardless of the intended use. Director Cronin confirmed that homestay lodgings require a business license, but he was not sure what the law required of ADUs that were rented out.

**City Council Action:** Motion made by Councilor Nemlowill, seconded by Councilor Brownson , to conduct the second reading of the ordinance amending Article 3: Accessory Dwelling Units of the Astoria Development Code. Motion carried 4 to 1. Ayes: Councilors Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: Councilor Price.

Director Brooks conducted the second reading of the ordinance.

**City Council Action:** Motion made by Councilor Jones, seconded by Councilor Brownson, to adopt the Findings and Conclusions contained in the Staff report and adopt the ordinance amending Article 3: Accessory Dwelling Units of the Astoria Development Code. Motion carried 4 to 1. Ayes: Councilors Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: Councilor Price.

Councilor Price stated she voted no to remain consistent. She appreciated the new language requiring a one-year review, but she still believed that nearby residences should have notice of construction permits issued for ADUs.

Mayor LaMear read the rules of appeal into the record.

### **Item 7(b): Ordinance – City Code Update: Land Use Violation (2<sup>nd</sup> Reading) (Community Development)**

In 2016, the Community Development Department administered an exterior alteration permit for a historic triplex at 328 Alameda. The applicant made the improvements to the house prior to the consent of the Historic Landmarks Commission. To better address these types of issues in the future the City Attorney has proposed adding new enforcement tools to Section 1.010 Penalties of the City Code to rectify violations to land use,

zoning, and building in Astoria that have occurred prior to and after land use approval. On April 3, 2017, the City Council voted to hold a first reading of the Ordinance. It is recommended the City Council hold a second reading and adopt the Ordinance.

Director Cook conducted the second reading of the ordinance.

**City Council Action:** Motion made by Councilor Jones, seconded by Councilor Price, to hold a second reading and adopt the ordinance amending Astoria City Code Section 1.010 Land Use Violation Penalties. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

**Item 7(c): Public Hearing Regarding Vacation of a Portion of the Alley Abutting 3115 Harrison and the Adjacent Undeveloped Lot (Public Works)**

The City has received a request from Larry Haskell, for the vacation of a 20 X 100 foot portion of the alley that abuts his property at 3115 Harrison (Tax Lot 8099CA10000) and his undeveloped lot (Tax Lot 8099CA10100) on the south side of the alley, Lots 6 & 7, Block 63, Port of Upper Astoria. Mr. Haskell would like to obtain the square footage necessary to potentially construct a duplex on the property.

Per City Code 2.290 Authority to Make an Assessment, staff has calculated the real market land value of properties adjacent to the property as \$6.87 per square foot. Staff is proposing that an assessment of \$1,374.90 (10%) of the real land value (as has been the practice of the City in the past) to be considered for the vacation of this alleyway.

At their April 3, 2017 meeting, Council adopted a resolution of intent to hold a public hearing concerning the vacation on April 17, 2017.

It is recommended that the Astoria City Council hold the public hearing and consider a first reading of the ordinance to vacate of a portion of the alleyway adjacent to 3115 Harrison and the undeveloped lot south of the alleyway.

This public hearing item was canceled and rescheduled as noted during Item 4: Changes to the Agenda.

**Item 7(d): Authorization to Award Contract for Ridgeline Combo Harvest 2017 (Public Works)**

A commercial timber thinning is proposed on 52 acres of the Bear Creek Watershed property for the summer of 2017. The harvest is located near the southwestern boundary of the property, and would include thinning of two overstocked stands that are primarily composed of Hemlock, while also completing a variable retention harvest on three other areas within the unit. The Douglas fir in these stands is impacted by Swiss Needle Cast, a fungus that attacks the crowns of the trees and inhibits growth, potentially killing the trees. One of the thinning areas has also been subject to severe wind throw. The thinning activities will improve the wind firmness of the stand while and allow remaining trees to utilize the available growing space.

At their March 20, 2017 meeting, Council authorized staff to solicit bids for the project and to hold a public informational meeting (held on March 29, 2017). On April 7, the City received the following bid for the harvest:

- Hampton Tree Farms -
- Douglas Fir - \$424.25/mbf
- Hemlock/Silver Fir - \$284.59/mbf
- Sitka Spruce - \$200.00/mbf
- Non-Bid Species
- Pulp Logs \$7.00/ton
- Alder Sawlogs \$350.00/mbf

The Combo Harvest should result in gross revenue of \$224,577.20. Net revenues after paying for required expenses such as road improvements should provide an estimated \$190,000.00 to be deposited into the Capital Improvement Fund. It is recommended that Council award the Ridge Line Combo Harvest to Hampton Tree Farms.

**City Council Action:** Motion made by Councilor Nemlowill, seconded by Councilor Brownson to award the Ridge Line Combo Harvest to Hampton Tree Farms. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Mayor LaMear called for public comments.

Chris Farrar, 3023 Harrison Avenue, Astoria, asked if Hampton Tree Farms was the only company to submit a bid. City Manager Estes stated that one other bid was received, but it was deemed non-responsive because it failed to meet the minimum bid requirements. Mike Barnes, City Forester, added that the watershed is located close to a sawmill owned by Hampton, giving Hampton a competitive advantage. The City advertised the bid solicitation to several potential purchasers. Hampton's bid was quite a bit higher than the City's minimum and he believed Hampton was a good company that would protect Astoria's resources.

**Item 7(e): Resolution to Transfer Amounts Within Funds (Finance)**

ORS 294.463 provides guidance for the transfer of appropriations within a fund, when authorized by resolution of the governing body. Capital Leases have historically been accounted for as Capital Outlay and are listed as Capital Outlay in the Fiscal Year 2016-2017, Adopted Budget. During Fiscal Year ending June 30, 2016 financial statement review and based on budget law training, it has come to our attention capital lease payments should be accounted for in the Debt Service classification. As Debt Service is a required budget element, appropriations made within Capital Outlay need to be transferred to Debt Service to properly account for lease payments within the Capital Improvement Fund in the amount of \$129,430 and Public Works Improvement Fund in the amount of \$80,700. The total appropriations remain the same in each fund.

It is recommended that council adopt the attached resolution transferring appropriations within the Capital Improvement and Public Works Improvement Funds.

Councilor Price believed referring to the lease payments as debt service was easier to understand than capital outlay.

**City Council Action:** Motion made by Councilor Price, seconded by Councilor Brownson, to adopt the resolution transferring appropriations within the Capital Improvement and Public Works Improvement Funds. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

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

Frank Spence, 5169 Birch Street, Astoria, stated he was a candidate for the Port of Astoria Commission. He attended the Advance Astoria meeting, where several points were made that directly affect the Port and the Port's future relationship with the City. He believed the Port had failed in its partnership with the City and he was concerned because the City is so close to finishing the final report. The City's consultant made the following points that directly affect the Port:

- The Port of Astoria is a critical economic driver for Astoria and the region.
- The Port's role in facilitating cruise ship visitation represents a new frontier in tourism and visitation that benefits all retailers.
- The long-term future of resource related industries in the region is a challenge that the Port and the City, as partners, will need to address.

Prior to the Advance Astoria meeting, the cruise hosts held their kick-off meeting where Port Marketing Director Bruce Connor gave an optimistic report on the future of cruise ships coming to Astoria. This year, 23 cruise ships will bring in 44,000 passengers, which is two percent more than last year. For the first time, three cruise ships will dock here in June and July. Until now, ships were only positioned in Astoria on their way to and from Alaska. He explained that the smaller cruise ships have been repositioned to the west coast since the larger ships are now being positioned in the Mediterranean Sea. This means additional ships will come through Astoria in the future. The Port is working on Pier 2 so that even more ships can dock because the ships do not like to anchor and tender in their passengers. He believed the Port is at a crossroads. If qualified candidates are not elected, he believed the Port could become an albatross around the future economic development in the area.

State statutes direct all ports to facilitate and promote economic development for their areas and he did not believe the Port of Astoria has done so recently. He hoped to rectify this and would appreciate votes.

Rick Culver, 3506 Harrison, Astoria, said he spoke to the City's Engineering Department about an ADU on his property and was told his property was in a historic district. He stated that an inventory was done in the area several years ago, but the historic district was never approved. He had chosen to opt out of the inventory at the time and received a packet from Staff that included descriptions of his house. He asked if his ADU had to be reviewed by the Historic Landmarks Commission (HLC).

Director Cronin stated Mr. Culver's property was inside a historic district. Staff still needs to confirm what paperwork was submitted by Mr. Culver to find out if his property was listed as historic.

Mr. Culver said there was never any discussion about forming a district.

City Manager Estes explained that after the inventory was complete, several properties were identified as historic and given the opportunity to opt out. Staff will need to review their archives to determine what was done during that historic designation period.

Mr. Culver noted that his property was deemed nonconforming, and he was not aware that a district had been formed. He stated the Comprehensive Plan says the Uppertown area is a predominantly residential area and asked if tourism-related activities were allowed in residential zones. He was concerned about the push for short-term rentals.

City Manager Estes understood that City Council would be holding a work session to discuss transient lodging, which is currently allowed in some residential zones. He recommended Mr. Culver speak with Staff after the meeting to make sure he receives notification of the work session.

Mr. Culver asked if the housing policy, which states neighborhoods should be protected from unnecessary intrusions, was still in effect.

City Manager Estes stated similar language existed in the Comprehensive Plan. The zoning ordinance was amended in 2006 to allow transient lodging in residential zones.

Mayor LaMear announced that the Astoria Fire Department has a new hook and ladder truck. The ladder will extend up to 105 feet and she was excited the City had this new piece of equipment.

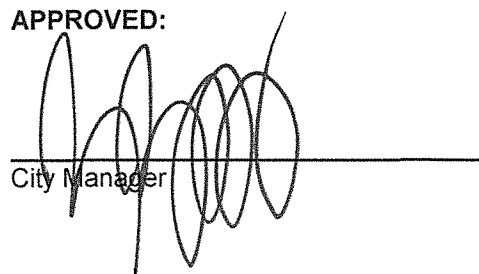
**ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:35 pm.

**ATTEST:**

  
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Finance Director

**APPROVED:**

  
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City Manager