

A regular meeting of the Astoria Common Council was held at the above place at the hour of 6:30 pm.

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

Councilors Excused: None

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

PROCLAMATIONS

Item 3(a): Domestic Violence Awareness Month

Mayor Jones read the Proclamation declaring October 2019 to be Domestic Violence Awareness Month.

Terri Steenburgen, [1:00] The Harbor, announced an open house on October 3rd from 5:00 pm to 7:00 pm. She invited everyone to attend to learn more about The Harbor, offer to volunteer, and meet their advocates. She thanked the City for its support. Sometimes, it takes survivors up to seven times to leave a domestic violence situation. In rural areas, that number is about 15 times due to lack of resources. It is important for the community to support survivors and the work the advocates are doing.

REPORTS OF COUNCILORS

Item 4(a): Councilor Herman reported that the entire Council attended the League of Oregon Cities (LOC) Conference in Bend. She was grateful for the opportunity and learned a lot, particularly about Oregon's property tax system and the Public Employee Retirement System (PERS). She met colleagues from all over the state. Affordable housing was of everyone's concern.

Item 4(b): Councilor Brownson reported that the LOC Conference was informative. He also met colleagues from around the state and spent time with his fellow Councilors. There were a lot of references to global climate change, acknowledging that it is an issue, and he would like to explore the City's options for decreasing its carbon footprint and increase energy efficiencies through infrastructure upgrades.
[6:35]

Item 4(c): Councilor West reported the LOC conference was informative. She learned about municipal bonds and property taxes. Issues like affordable housing and lack of childcare are issues that Bend and Sisters are struggling with just as much as Astoria. It was inspiring to hear how they are dealing with those issues. It was helpful to connect with other people in the area and her fellow Councilors. She held a Meet and Greet, where the Grocery Outlet, traffic, and the murals at Grey School were discussed.

Item 4(d): Councilor Rocka reported that the Council was prohibited from spending a lot of time together and discussing Council things between meetings. At the LOC Conference, Councilors did not discuss Council matters, but they did discuss things they learned at workshops. He went to a lot of different sessions and learned a lot. He looked forward to sharing ideas he picked up.

Item 4(e): Mayor Jones reported that after attending the conference for two years as a Councilor, it was different attending as Mayor. He attended a mayors' session on the Cascadia Subduction Zone preparation. Instead of gloom and doom, the State geologist offered optimism. Over the last 10,000 years, there are occasional 1,000-year breaks in activity and it is possible that the area is only 20 or 30 years away from the next earthquake or at the beginning of the next 1,000 year gap with no activity.

CHANGES TO AGENDA

No changes.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) City Council Work Session Minutes of 2/25/19
- 6(b) City Council Work Session Minutes of 8/19/19
- 6(c) City Council Work Session Minutes of 8/27/19
- 6(d) Boards and Commission Minutes
 - (1) Library Advisory Board Meeting of 8/27/19
 - (2) Design Review Commission Meeting of 5/2/19
 - (3) Planning Commission Meeting of 5/7/19
 - (4) Historic Landmarks Commission Meeting of 5/21/19
 - (5) Planning Commission Meeting of 5/28/19
 - (6) Traffic Safety Advisory Meeting of 5/28/19
- 6(e) Liquor License Application from Vesta Hospitality LLC doing business as Cannery Pier Hotel, located #10 Basin Street, for a Limited On-Premises and Off-Premises Sales License
- 6(f) Liquor License Application from New Golden Star Incorporated doing business as Golden Star Restaurant, located at 599 Bond Street, for a Full On-Premises Commercial Sales License
- 6(g) Liquor License Application from Cervesia Gratis Incorporated doing business as Fort George Brewery and Public House, located at 70 W Marine Drive, for a Wholesale Malt Beverage and Wide License
- 6(h) Intergovernmental Agreement (IGA) with Sunset Empire Parks and Recreation District

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

REGULAR AGENDA ITEMS

Item 7(a): Consideration of Grant Agreement between the State of Oregon and City of Astoria, and Subgrant Agreement between the City of Astoria and Blue Jumpsuit LLC for the Cleanup of the Former Warehousing Site

During its last session, the Oregon Legislature approved House Bill 5050, which provided \$1,000,000 to the City of Astoria for warehouse cleanup. The lottery-based funds were provided to the City of Astoria in order to clean up a contaminated waterfront parcel, as well to spur job creation on a large and critical property along the Columbia River waterfront. Following passage and signing of the Bill, representatives from Business Oregon contacted City staff stating that agreements would need to be prepared and ratified for the cleanup funds to be used.

The warehouse property to receive the cleanup funds is the former Astoria Warehousing site. Fort George Brewery has been completing due diligence in acquiring this property. In-ground brownfield environmental issues were identified during this time. These funds would primarily be focused on remediation on this site. Attached for City Council consideration is a grant agreement between the State of Oregon and City of Astoria as well as a subgrant agreement between City of Astoria and Blue Jumpsuit LLC (representing Fort George).

It is recommended that the Council approve the grant agreement between the State of Oregon and City of Astoria as well as the subgrant agreement between the City of Astoria and Blue Jumpsuit LLC.

Mayor Jones noted this was the result of a long and lengthy effort working with Business Oregon, the Regional Solutions Team, Craft3, US Bank, the State Legislature, and the purchaser of the property.

Melanie Olson, Business Oregon, provided details about her role at Business Oregon and the assistance they have provided to Fort George's acquisition of the Astoria Warehouse property.

Chris Nemlowill, 478 Kensington, Astoria, said for years, Fort George has needed more space and the Astoria Warehouse property is ideal because it has loading docks. They would like to clean it up and create more jobs.

Blue Jumpsuit will be the name of the waterfront operation, named after the blue jumpsuits that were hanging on the wall for all of the employees to wear.

Councilor Herman asked if the City would be liable if the subcontractor defaulted or failed to complete the work. City Attorney Henningsgaard stated the City has required the subcontractor to agree to comply. He believed the City was protected under the agreement.

Councilor Brownson said this project looked like it would have a great outcome.

Councilor West added that Fort George has a proven track record of creating jobs and giving back to the community. She thanked Business Oregon for helping to navigate the contracts with all the parties involved.

Councilor Rocka agreed that Fort George has been an outstanding citizen in the community.

City Manager Estes explained that these agreements were necessary to facilitate closing on the property. Some slight modifications to the agreements might be necessary and if so, Staff would present them to Council for approval.

Mayor Jones called for public comments. There were none.

Mayor Jones noted that Senator Johnson helped get the funds approved in the State budget. He thanked all of the parties involved for working more than a year on the arrangement. The site will be cleaned up and jobs will be created.

City Council Action: Motion made by Councilor Rocka, seconded by Councilor West, to approve the grant agreement between the State of Oregon and City of Astoria. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

City Council Action: Motion made by Councilor Rocka, seconded by Councilor Brownson, to approve the subgrant agreement between the City of Astoria and Blue Jumpsuit LLC. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Mayor Jones called for a recess at 6:53 pm. The meeting reconvened at 7:01 pm.

Item 7(b): Public Hearing in Consideration of Property Sale Proposals – Mill Pond

In November 2018, the City Council authorized staff to contract with Area Properties to market the City-owned “pier lots” at the Mill Pond. The pier lots are twelve platted lots donated to the City by the developer of the Mill Pond, Art DeMuro, in 2012. Since that time the City has paid homeowners fees in excess of \$64,000 and is currently budgeting \$13,000 annually for “no-build” fees, HOA dues and maintenance expenses. The lots were listed at \$45,000 for each pier or \$90,000 total. The offers as of May are included in the agenda packet.

It is recommended that City Council consider each of the offers and provide direction how they wish to proceed on the offers. Staff and the City Attorney would need to complete further work and documents based on Council's direction.

Mayor Jones opened the public hearing at 7:04 pm and called for public comments.

Cheryl Storey 2605 Mill Pond, Astoria, said she represented the Mill Pond homeowners who had donated money. The wildlife has taken over the pond since the lots were originally platted and they were very concerned about the wildlife and the construction of condominiums in the middle of the pond, which would destroy habitat. There are migratory birds in the pond each year. There are numerous articles on migratory bird mortality issues. Over a year ago, they obtained legal opinion on whether the City could change the platting and decommission the lots without formal approval from the HOA and 75 percent of lot owners. The City is allowed to dedicate property as public land under ORS 92.175. This legal opinion was provided to the City's legal counsel. She suggested the use of eminent domain under ORS 223.005, which was also outside the purview of the HOA. They began working with the City to rid itself of the pier lots and stop funding the HOA. The solution was to offer donations because no Mill Pond owner wanted the lots. At least 40 of the 70 owners in Mill Pond support de-

planning the lots. Not all in Mill Pond agree with their position, which is why they consulted with legal counsel. Some of the opposition is concerned about HOA dues, but the pier lot loss represents only 10 percent of all units for a potential \$33 adjustment in HOA dues. At this time, dues are only \$300 a year and have not changed since 2004. She asked City Council to accept the offer of \$40,000 for the pier lots, which would protect the environment for the greater good of the community.

John Ryan 2495 Mill Pond, Astoria, stated he believed the proposal by Mill Pond residents was the right thing to do for the south end of Mill Pond. It is a unique joint proposal with 16 Mill Pond residents and the City to save wildlife and the environment. The environmental statement by the City would be consistent with the goals of the Development Code.

Diane Spalding 225 23rd Street, Astoria, President, Mill Pond HOA, said the board would like a continuance, giving them time to send out a letter to the residents making them aware of the circumstances regarding the pier lots.

Josie Pepper 5276 Ash Street, Astoria, said she loved Mill Pond. Clogging up the neighborhood with housing for out-of-town, second home owners would be a mistake. The residents enjoy the neighborhood the way it is. Wildlife has become established since it was cleaned up. It would be nice to install boat docks for skiffs, canoes, and kayaks.

Pamela Mattson McDonald 258 Commercial, Astoria, said Science Friday reported on bird life and said one-third of the birds are gone. Astoria really needs waterfowl to survive. Maybe native plants could be added.

Chris Farrar, 3023 Harrison, Astoria, Director, Clatsop Soil and Water Conservation Board, said the area, which is a wetland, would be ideal for grant funding to plant native vegetation and preserve the habitat. The new Astoria Co-op facility was built on top of a wetland and spring. This is a chance to make amends and maintain wetlands. The pond is a beautiful place to visit and get in tune with nature. He urged City Council to accept the offer to preserve the area.

Judy 2705 Mill Pond, Astoria, said she was a donor and one of the people that would lose their view if structures were built. While she would lose her view, the geese would lose their home. Cormorants fish in the pond and river otters live in the pond. There are herons, fish, crayfish, and racoons. There might also be amphibians that she never sees. No one has ever done a study of the ecosystem, but much of it will be destroyed if the piers are built. Bicyclists and pedestrians pass her house every day. Many are not Mill Pond residents. It draws people from all over the area, not just Mill Pond residents.

Lisa Morley 4908 Cedar, Astoria, said she agreed Mill Pond should remain the way it is for all of Astoria. She walks through the neighborhood on a regular basis. She believed in maintaining wildlife habitat for everyone who comes through the neighborhood.

John Dulcich stated he moved to Astoria with his family in 1961. His dad was a football coach and athletic director. His mother still lives in their family home. He wanted to be a part of Mill Pond by purchasing lots, not add lots. He planned to develop quality structures similar to what is already there. He respected the neighbors who were concerned about their view and he was glad they have made an offer. However, the two offers are not apples to apples. If the residents had a non-profit group to take donations and purchase the lots so that the City netted the same, he would understand if the City went with their offer. He wanted to complete Mr. DeMuro's vision and he hoped the City Council would give his offer strong consideration.

Councilor Brownson asked what Mr. Dulcich planned to develop.

Mr. Dulcich explained that Mr. Demuro's vision was to have six units on each of the two piers. The units would be on individual lots, which would be attached. Therefore, they would be sold as townhomes or condominiums. There are a lot of height restrictions and setbacks on the piers intended to preserve the views. Due to the cost of building on piers, it may not pencil to build six units per pier. He might have to build fewer units that do not go as far out on the pier.

Councilor Rocka assumed the units would not be workforce housing.

Mr. Dulcich said no, unless there is a grant for that. However, there is no guarantee they would be second homes. Many people want to downsize and no longer want yards.

Jim Wolcott 2735 Mill Pond, Astoria, said he would not be directly affected by development of the lots. As platted, the pier lots were to have six units each as a 12-unit condominium association underneath the existing HOA. He was fully aware of this when he purchased his property. He endorsed the purchase of the lots to build them as platted. He spoke to two developers who considered this project in the past and said it would never be economically feasible as envisioned. The piers are too expensive to construct and would make the homes too expensive to be marketable. He was opposed to any plan that modified what was originally proposed.

Mayor Jones closed the public hearing at 7:28 pm and called for Council discussion and deliberation.

Mayor Jones declared that he knew Mr. Dulcich, who is a trustee of the Maritime Museum. Mr. Dulcich is a former mayor and had contributed to his mayoral campaign prior to the properties being marketed. He believed he could render an unbiased opinion on this matter. When this issue first came before Council it was a matter of fiduciary responsibility. Council had tasked Staff with innovating, being more efficient, making internal improvements and bringing ideas to Council that needed approval. This was one of the projects Staff presented to Council. The City was given the lots as an investment but has been paying HOA fees for several years. It is time to sell the lots and achieve Mr. DeMuro's vision. No one made an offer on the properties when they were put on the market, so Staff presented the Council with the offer made by Mill Pond residents to make a donation in exchange for decommissioning the lots. Several Councilors did not want to give the lots away, precluding the possibility of constructing homes and bringing in property tax revenue. However, with no offers to purchase, the Council directed Staff to work on the offer from the residents. In the meantime, Mr. Dulcich submitted his offer. Subsequent to that, the Mill Pond residents have revised their offer. Mr. Dulcich's offer would be at no cost to the City with the potential for property tax revenue. The resident's offer would cost the City about \$35,000 for a net of \$5,000 and permanent loss of potential future property tax revenue.

City Manager Estes added that after Council directed Staff to move forward on the resident's offer, some residents stated they objected because it would reduce HOA fees. Staff asked if the HOA would continue to impose their fees if the lots were de-platted and if the City would still have a financial burden if the lots were transferred as City park land. The HOA has asked for a continuance and Staff is still awaiting an answer.

Mayor Jones said even if the City no longer owed HOA fees for decommissioned lots, the City would still have a significant loss from the transaction because there would be no potential for future earnings in perpetuity. Why would the City get rid of the lots if it still had to pay HOA fees?

Councilor Herman believed it was resolved at a previous meeting that the City would not be responsible for HOA fees. City Manager Estes said no, Staff would need to investigate the fees further and present Council with a proposal.

Councilor Brownson supported a continuance. He added that there are nine other platted lots on the east and west shores that could be developed. Even if these lots were decommissioned, development could still occur on the other lots. People were not thinking about wildlife when they purchased Mill Pond properties, but were probably betting nothing would be built due to costs. He has always been in favor of wetlands and habitat. He lived in a float home community and there was no lack of wildlife because the float homes were not a deterrent. The shoreline at Mill Pond includes a public area which will continue to be maintained and provide access. He did not believe exercising eminent domain was appropriate and was skeptical about the arguments being made. The original intent was that the City would get some fiscal benefits from cleaning up Mill Pond, but it has been just the opposite. Additionally, the City has a tight budget. The Parks Department already struggles to maintain the properties it has and cannot afford to take on more. Imposing more costs on the City is irresponsible and this is an opportunity to relieve a financial burden and collect revenues in the future. He was in favor of continuing the hearing to get more information about what the City would be responsible for if the lots were de-platted. The information might not change his mind, but a continuance would give him more time to consider the concerns.

Councilor Rocka stated he also supported a continuance. He was surprised to learn that the City was paying HOA fees for the lots. If the hearing is continued, he also wanted Staff to get expert advice about whether additional development on the pond would make a significance difference to the wildlife. Planner Johnson noted that when Mill Pond was platted, no environmental reviews were done because it was a contaminated and

unhabitated pond. Currently, every time a new home is built over pilings on the pond, the Division of State Lands (DSL), the Army Corps of Engineers, and the Division of Land Conservation and Development (DLCD) to get permits and reviews of the environmental impacts. The Applicants must hire someone to help with an analysis.

Mayor Jones did not believe Staff should be asked to do an environmental impact study given the costs and the fact that the work be done at the time of development.

Councilor Rocka clarified that he wanted Staff to informally ask an avian biologist about the potential impacts, not a full environmental study. Opinions are that development would drive away the wildlife. If true, that would be a concern.

Councilor West said she agreed with a continuance as well because she needed an answer to the question about the HOA fees before making a decision. Mr. Dulcich's offer is superior to the offer made by the Mill Pond residents, which is less attractive financially. However, her responsibility is to her constituents and she had received far more feedback supporting not developing the lots. The lots have been for sale for a long time and she wished people had been more proactive about securing them if they did not want them developed.

Councilor Herman believed the hearing should be continued. Being responsible for the HOA fees would be a deal breaker for her. The Council is charged with being stewards of the tax dollars. Part of the Council's vision for the city is preserving a quality of life. Even though the homeowners' offer would mean a loss of revenue, she would support it because revenues from the condominiums that might be built would be a drop in the bucket. Additionally, while supporting the homeowners' offer would mean losing the potential for 12 homes that the city desperately needs, they would not be workforce or middle-class housing. So much wildlife habitat has been lost in the community over the last 15 years. Even though the homeowners knew those lots could be developed, the City will be better if wildlife habitat can be preserved.

Councilor West added that if the City was responsible for paying the HOA fees, she would not support the homeowners' offer.

Mayor Jones stated that he supported wildlife habitat as much as anyone, but this artificial, man-made pond sits a few yards from a four-mile wide river that is full of cormorants, river otter, duck, and geese that fly by the thousands every day. Putting homes over a portion of this pond will not cause any loss of wildlife. The wildlife may shift a few yards to a new location, but most of those species co-exist with homes over the water in many places on a regular basis. Additionally, Mill Pond was always intended to be a residential neighborhood. He questioned whether the Council would ever go into another private residential development if every single lot had not been built after several years, take the remaining lots by eminent domain, and turn them into wildlife habitat. The Council is only considering this now because it owns the lots, which were always intended for development. Regardless of HOA fees, accepting the homeowners' proposal would be a net loss to the City. Funds to run the City come from property taxes. He was not in favor of a continuance and would not vote in favor of the homeowners' offer regardless of the HOA fees.

City Manager Estes reminded that the homeowners have offered to make a donation, not purchase the lots.

Mayor Jones confirmed that the Council needed to know if HOA fees would still be due in perpetuity if the City decommissioned the lots and if would that be subject to change.

Councilor West wanted to know if the homeowners would have any opportunity to improve their offer. City Manger Estes said as long as the public hearing was open, any offer can be submitted to City Council.

Mayor Jones added that 75 percent of the HOA members would need to vote on the HOA fees. He also asked the HOA to gather data on how many members supported the offer because only 16 members have offered to make a donation so far.

Ms. Spalding said she would like at least a month to gather the data and the votes because the HOA is currently looking for a new attorney.

Councilor Brownson said he would love to consider an offer by the homeowners to purchase the lot.

Staff explained that when the subdivision was platted, a minimum number of units had to be built to meet minimum density requirements, which Staff has been tracking. If the lots were decommissioned, the land would be subtracted from the area that the minimums are based on. If the property remains platted as 12 lots but only two homes are developed, that will reduce the density of the neighborhood but not below the minimum.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor West, to continue the public hearing in consideration of property sale proposals for City-owned lots in Mill Pond to November 4, 2019. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 7(c): Public Hearing and First Reading – Amendment Request (A19-01B) for Bridge Vista Overlay Zone Codes

The City Council held a public hearing at their August 19, 2019 meeting and continued the deliberation to the September 3, 2019 meeting regarding the Bridge Vista Overlay Zone amendment changes. At that meeting, Council members expressed concern that the proposed standards did not meet their desired outcome. Due to the number of suggested changes to the draft from what was presented during the public hearing on August 19, 2019, the City Attorney advised that new public notice would be required and as well as a new public hearing on the draft amendment would need to be held. Public notice in accordance with Development Code requirements was provided.

If the draft code meets Council's expectations, it would be in order for Council to hold a public hearing and conduct a first reading of the ordinance for Bridge Vista Overlay Zone Code amendments. If the Council holds a first reading of the ordinance, the proposed amendment would be scheduled for consideration of a second reading and adoption at a future Council meeting.

Planner Johnson provided an overview of the most recent amendments via PowerPoint, as discussed by Council at their September 3rd meeting.

Mayor Jones said after the last Council meeting, comments were made that if the new proposal was adopted, the Fairfield hotel would be just the same. However, that is not true. The hotel would be a full story shorter and much narrower with a significantly larger view corridor.

Councilor Rocka stated that after the last Council meeting, he stayed awake for hours wondering if the Council had made the right decision. He believed the 0.75 floor to area ratio (FAR) would result in a lot of one-story buildings covering three-quarters of the lot. Additionally, a three-story building with 20 percent lot coverage did not seem practical. He wanted third stories to be conditional with clear standards about what would make that allowable. Additionally, landscaping should also be discussed. Planner Johnson said the currently adopted landscaping requirements for this area were not being reviewed as part of these amendments.

Councilor West asked if the pedestrian oriented zone was a separate overlay? Planner Johnson explained the pedestrian zone is a subarea overlay. The intent was to change design features for a more pedestrian friendly area.

Councilor West believed some of the concern was that the lots are so large that multiple buildings could be built on one lot. Planner Johnson said the Astoria Warehouse site was the only parcel that large. Under the new Codes, each building could be 30,000 square feet, three stories tall, and have a 60-foot wide public access corridor between each building. The parcel could accommodate five or six buildings. If the parcel was divided up and sold, each parcel would be handled on its own merit.

Mayor Jones opened the public hearing at 8:28 pm and asked if anyone objected to the jurisdiction of the City Council to hear this matter at this time. There were no objections. He 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. He called for testimony in favor of the application.

Frank Spence, 5169 Birch Street, Astoria, Port of Astoria Commissioner, noted that the agenda packet (Page 216, Section 12) referred to the Port of Astoria West Mooring Basin District as a subarea of the Bridge Vista Overlay (BVO), which he believed was a misunderstanding. The purpose of the subarea is to permit adoption of

development standards known as a planned district that are not applicable to other properties in the BVO. The planned district can only be approved if certain criteria are met and the application to establish the district must be submitted no later than January 1, 2025. He asked if this meant that the area being referred to as the West Mooring Basin District would just be considered a subarea until a master plan application was submitted. The Port is a unique property in a unique location and with a unique function. The Port cannot and does not want to comply with the restrictions elsewhere in the overlay zone. At their next meeting, the Port will approve their 5-year strategic business plan, which would coincide with the sunset clause. The Port supports the concept of a separate planning district in the proposed ordinance.

Planner Johnson explained that Code has been written to allow the opportunity to create a planned district in the future. The Port would have to submit a master plan that meets the criteria, shows why the district is necessary, and demonstrates how the Codes as adopted would not work for the master plan. The Planning Commission and City Council would review the plan, which could be adopted if it benefited the City. Once the master plan is adopted and the district is created, Codes will be amended. The Planning Commission recommended the 5-year timeline because they wanted to allow time for the area to develop, which would serve as an indication of whether there was still support for a potential planned district. The only difference between this district and the East Mooring Basin District is the sunset clause.

Jim Knight, 42041 Eddy Point Lane, Astoria, said it was important to consider the planned districts because they would allow the City to take advantage of the community's participation in development and design. The public process is the most important part of the decisions made over the next few years, which will create a vision everyone hopes to enjoy. He asked the City Council to trust the public process and not go forth with preconceived notions of what might or might not happen. He encouraged the City Council to approve the special districts for Astoria Warehouse and the Port. It will be important for both districts to work together to create jobs and opportunities. Both properties need as much help as possible with Astoria's difficult and convoluted process and permitting challenges.

Mayor Jones called for testimony opposed to the application.

Chris Farrar, 3023 Harrison Avenue, Astoria, said the BVO area largely consists of the two planned district areas, the Port and Astoria Warehouse properties. The rest of the BVO area is a small area. The Port's support for a planned district suggests that the Port does not like the provisions that would apply to the BVO. Therefore, he wanted the planned district provisions removed from this proposal so that the entire area would be subject to the BVO requirements. Otherwise, the planned districts should not be allowed to increase building heights or building mass. He would be fine with a park or museum at the Port. The intent of the BVO was to keep buildings small and keep vistas open for the residents.

Planner Johnson clarified that height restrictions and view corridor requirements would apply to the planned districts. However, the step backs could be changed.

Mayor Jones added that the BVO Code amendments would apply to the entire BVO zone. He called for any testimony impartial to the application.

Zetty Nemlowill, 478 Kensington, Astoria, said she believed that everyone wanted character preservation, family wage jobs, redevelopment, and historic preservation. Many of the Code changes being discussed seemed based around things people do not want. She did not want the Code amendments to prevent redevelopment. The main building at the Astoria Warehouse site is over 60,000 square feet and the inside is charming, post-modern industrial. It would break the heart of anyone who had seen the inside to think about it being demolished. She hoped the Council's decision did not make good development or redevelopment impossible or so difficult no one would want to do it.

Diana Kirk 281 West Marine Drive, Astoria, Owner, Worker's Tavern, said her only concern was the 60-foot area because under the Uniontown Reborn project, the lease of 50 feet of the area at Memorial Park had not been renewed and was granted to Hollander. The City was trying to get the north side of the tracks for the memorial. Now, if Hollander builds a hotel, the Uniontown historical core will not have a view of the water. All of the Uniontown businesses along West Marine Drive have a bridge in their backyard, ODOT land in their front yard, and the Port on the other side of the road. If the Port submits a master plan, who will advocate for the Uniontown businesses? The businesses will need a lot of help to stop something that may or may not happen in the next

five years. The Uniontown historical core is older than downtown. She wanted the Council to consider the fact that the City was setting the businesses up for a secondary battle.

Planner Johnson explained that first, a master plan would be submitted to the City and reviewed by the Planning Commission and City Council at open public hearings. The City Council would vote on whether to adopt the master plan and apply the district with specific changes. Then, each development project would have to request that the planned district criteria be applied, which would require additional public reviews.

City Manager Estes added that the 60-foot corridors are required between buildings when buildings are three stories. There is no requirement for where the corridors must be located. Bay Street heads north off Marine Drive and terminates in an area that looks like a portion of Maritime Memorial Park. There is a memorandum of agreement (MOA) between the City and the Port Commission allowing the City to improve the park until the Port decides to do something else with the area. The area has been leased to Mr. Hollander. Nothing mandates a 60-foot view corridor north of Bay Street.

Planner Johnson noted that the master plan would have to be for the entire area, not just one lot.

Councilor Brownson believed the property that the City leased from the Port did not include the zone between the end of Bay Street and the memorial. City Manager Estes clarified that the area north of the tracks is leased by the City for the Maritime Memorial. Ms. Kirk was referring to property south of the tracks. The Port granted the City the use of a portion of that property on the west side of Maritime Memorial Park through an MOA.

Councilor Rocka understood the concern about the narrow corridor between two buildings. As long as Mr. Hollander went along with the current proposal, he could submit an application to build a hotel and would not have to wait for a planned district. Building a lobby between the two buildings would cut off the view from the businesses along that section of West Marine Drive.

Councilor Brownson said the beauty of the public process is the opportunity to preserve that view corridor. The only potential for a view corridor on that piece of property is the one that exists and no reduction in view corridors shall be allowed. Planner Johnson clarified that the view corridor would not protect the view down Bay Street. A structure could be placed anywhere on that lot. The protection is that the building must have a north/south orientation on the lot, which means the building must be more narrow than deep. The 60-foot wide view corridor is only required when there is more than one building on a lot. The lot is narrow but could accommodate three or four buildings. It is not likely a hotel would be built of separate buildings.

Mayor Jones noted that any Code applied to an entire zone will not be perfect on every block. The only way to make everyone happy in every case is to create a different Code for each block.

Councilor Brownson added that the pedestrian oriented zone goes into that lot. He asked what additional restrictions would be imposed. Planner Johnson said the pedestrian oriented zone only applied to design features and would not protect views.

Councilor Rocka stated that any construction in that corridor would block off Fisherman's Memorial Park. Planner Johnson explained that in order to protect the area, a view corridor would have to be required on privately owned Port property. This would require writing Code specific to one or two lots, which might not be legal and would require changes to the proposed language for the planned districts. She recommended requiring view corridors on street-end properties.

City Attorney Henningsgaard confirmed he would need to see the changes in order to determine whether a new public hearing would be required.

Chris Nemlowill, 478 Kensington, Astoria, said it felt like a lot of this was in response to a large chain hotel being permitted on the waterfront. It also seemed as if the changes were very complicated. A lot of work was put into the original BVO. It seemed like the town wants to preserve its unique identity and does not want a bunch of chain hotels on the waterfront. He supported the planned district but wondered why all of this needed to be put in place.

Nancy Montgomery 279 West Marine Drive, Astoria, said her business is at the top of Bay Street facing the view corridor. She appreciated the attention to a small parcel.

Mayor Jones closed the public hearing at 9:08 pm and called for a recess. The meeting reconvened at 9:21 pm.

Mayor Jones asked Staff to discuss the considerations regarding view corridors on street ends.

Planner Johnson explained that the current Code requires north/south rights-of-way between West Marine Drive and the Columbia River to have a 70-foot wide view corridor for the extended rights-of-way out into the river. The view corridor must be centered on the right-of-way and buildings must be set back in order to achieve the 70-foot wide corridor. She recommended amending that Code language to say not only the extended rights-of-way, but also any property within the extended rights-of-way areas. The Port is the only property with a right-of-way. Currently, the proposed Port planned district would prohibit any exceptions to the view corridor requirements. This language could be amended to allow an exception for the rights-of-way extension view corridors as noted, allowing an amendment to the view corridor with a reduction in building height, increased step-backs, or other considerations as approved by the City.

Mayor Jones stated he preferred the second option because it achieves the intended goal of preserving view corridors while allowing flexibility through the planned district.

Planner Johnson explained that the new Code language would only apply to two properties. She pointed out the location of these properties on the map. She did not believe these properties were currently platted. The proposed view corridor would not require public access. While no buildings would be allowed within the view corridor, parking could still be developed in those areas.

City Attorney Henningsgaard noted that most streets are platted all the way to the City boundaries, which extend into the middle of the river. The two pieces of private property would have to be condemned by restricting the use. Additionally, no notice has been given to those property owners of this discussion. If the Council wanted to consider moving forward on this view corridor requirement, the property owners would need to be noticed in advance and the issue would have to be continued to a date certain. The public hearing could be re-opened only to address that topic, continued, and still conduct the first reading of the ordinance tonight.

City Manager Estes clarified that if Council wanted to introduce this new concept of view corridors on street-ends, direction would need to be given to Staff.

Mayor Jones called for Council discussion.

Councilor Brownson said picking at the minutia seemed like a bad way to go. However, he was willing to advocate for the view corridor on street ends. If the view corridors are added, he also wanted the exceptions for the planned districts. He believed the Port needed all the options for flexibility it could get.

Councilor West said she only supported the additional view corridors, not the opportunities for a planned district exception. She had already heard from property owners and the public, so re-opening the public hearing was not a strong argument.

Councilor Rocka stated he wanted to hold the first reading tonight and was comfortable with either or both options for the view corridors on street ends.

Mayor Jones said he wanted to vote on a motion to hold the first reading of the amendment package as presented, approve a continuance, and direct Staff to prepare Code language for the additional view corridors for consideration on the date specified.

Councilor Herman also supported just the view corridors and not the exception. She recommended the proposal be amended to restrict one- and two-story buildings to 10,000 square feet per floor. She asked if clearly defined public access was a view corridor. Planner Johnson explained that on a three-story building, it would be considered a view/public access, which requires physical access to that corridor over private property. The proposed Code specifies a width, requires public amenities and an easement, and a direct route to the river trail or the river.

Councilor Herman confirmed with Staff that a planned district with a master plan would not allow buildings to exceed the height limits. However, the footprint of the building could be changed if it met the criteria.

Planner Johnson reminded that City Council can make changes to the Code at any time, so a future Council could change any exceptions that are approved as part of this amendment package.

Councilor Herman stated the required public access for a three-story building would be unnecessary if a street ran along the building.

Planner Johnson noted there are only two streets in the district.

Councilor West said she was not aware that the height restriction applied to the planned districts no matter what, which addresses some of Mr. Farrar's concerns. She supported Councilor Herman's recommended amendment.

Mayor Jones re-opened the public hearing at 9:49 pm to allow public testimony on October 7, 2019 on view corridors on street ends with exceptions.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor West to conduct a first reading of the Ordinance amending the Bridge Vista Overlay Zone as proposed by Staff and continue the hearing to October 7, 2019 to discuss additional amendments implementing view corridors on street ends with exceptions for planned districts [3:17:30]. Motion carried 4 to 1. Ayes: Councilors Brownson, Rocka, West, and Mayor Jones; Nays: Councilor Herman.

Director Pearson conducted the first reading of the ordinance.

Item 7(d): Public Hearing and First Reading – Amendment Request (A19-05) for Uniontown Reborn Plan and Code Amendments

In 2017, the City of Astoria Community Development Department initiated the Uniontown Reborn Master Plan effort, utilizing a Transportation and Growth Management Grant from the Oregon Department of Transportation (ODOT) and the Department of Land Conservation and Development (DLCD). The purpose was to address issues dealing with land use and transportation issues in Astoria's historic west gateway area known as Uniontown. The planning process began in earnest in the Fall of 2018 with a consultant team consisting of Jacobs Engineering and Angelo Planning Group and based on the plan development and community and stakeholder input, code amendments have been proposed.

The Planning Commission held a public hearing on August 6, 2019 and August 27, 2019 regarding the proposed code amendments. A copy of the proposed ordinances, the proposed Master Plan, and the Findings of Fact are included in the packet for Council consideration. The APC recommends that the City Council adopt the proposed amendments. The proposed ordinance has been reviewed and approved as to form by the City Attorney.

If the draft Master Plan, and code amendments meet Council's expectations, it would be in order for Council to hold a public hearing and conduct a first reading of the ordinance for the Uniontown Reborn Master Plan adoption and amendments. If the Council holds a first reading of the ordinance, the proposed amendment would be scheduled for consideration of a second reading and adoption at a future Council meeting.

Scott Richmond, Jacobs Engineering Group, and Kate Rogers, Angelo Planning Group, presented the Uniontown Reborn Master Plan via PowerPoint. Their presentation included master planning objectives, the project timeline, recommended Code amendments for two zoning areas, the intent of the recommended Code amendments, transportation and pedestrian considerations, and consideration of opportunities for public amenities.

Mayor Jones asked what the process, timeline, and funding was for adoption and implementation.

Mr. Richmond replied that from a transportation standpoint, the next step for the W Marine Drive reconfiguration would be a refinement plan with more detailed designs. The project would be dependent upon getting funding, presumably through the Statewide Transportation Improvement Program (STIP).

City Manager Estes noted that the City's Transportation System Plan (TSP) included a lane reconfiguration project from Uniontown to downtown. However, the City has not been successful at getting STIP funding for the project. Adopting the Uniontown Master Plan would make the project eligible for that funding in the future via a joint ODOT/City application.

Mayor Jones asked what the total cost would be and if the City would have to provide matching funds. City Manager Estes said this would be determined once a refinement plan was completed. STIP projects typically require a match equal to 10.27 percent of the project costs. Additionally, this area is within the Astor West Urban Renewal District, so the City could meet the match requirement with Urban Renewal funds. The Planning Commission had discussed opportunities for streetscape improvements, which have been included in the master plan. Ideally, the lane configuration would be done in concert with streetscape improvements.

Councilor West asked if Urban Renewal funds could be used for parking. City Manager Estes said yes and noted parking was one of the biggest discussion topics among businesses in Uniontown. In order to ameliorate concerns, the master plan requires that off-street parking improvements were done first.

Councilor West asked if public restroom projects were included. City Manager Estes confirmed the master plan only addressed transportation and land use.

Councilor Herman said she heard the lane configuration would occur in 2035.

Councilor Brownson explained it was a matter of getting funding and the City would not get funding during the current cycle. It could be six years before the City receives funding.

Michael Duncan, 250 W Marine, Astoria, ODOT, added that forecasting the year is required for transportation plans. There is strong support and interest in realizing these projects, but they simply did not make the cut. The timeline does take the STIP cycles into consideration. Even if the project gets funding during the next cycle, by the time it goes out to bid might be an additional two years. Six to eight years would be the earliest and 10 to 12 years would be the longest. All sorts of things can happen during the legislative session. The last transportation bill had all sorts of big projects in it. The first step is getting what the community wants into a plan just like this one.

Councilor Herman asked when the design standards would take effect if the plan was approved. City Manager Estes replied one month after adoption.

Councilor Herman believed that because of what happened with the Fairfield Inn, being very clear was important. Therefore, she recommended the word adjacent be stricken from the following sentence: "The design of new construction should respect significant original characteristics, scale, and mass of adjacent structures that are visible from the public right-of-way within three blocks of the development site." She did not want some developer saying it was not clear. To her, adjacent meant right next to a building.

Staff explained that in the BVO, in order to clarify the issues in the Fairfield appeal, the Code was amended with that language to indicate that the adjacent area was defined as the view within three blocks. In the Fairfield application, the applicability of design standards was for the entire district, which made it difficult for the Design Review Committee and City Council to determine whether something on 3rd Street should match something eight to ten blocks to the west. The area of purview was limited to give more specific criteria as to what should be considered.

Councilor Herman hoped someone would not say the word adjacent was not clear and squeeze through a design that was not compatible. Planner Johnson added that the language defines what adjacent means. Adjacent means visible from the public right-of-way and within three blocks of the development.

Councilor Rocka stated that tying off-street parking to the loss of street spaces resolved serious concerns. He was concerned about the illustration that showed a 45-foot tall building adjacent to the trolley tracks because it

seemed to be in conflict to the BVO ordinance. At one time, ODOT said a test could be done on the lane configurations using some of their cones and lines. He asked if that was still a possibility. There has not been total agreement on the lane configuration as proposed. He believed two lanes with a turning lane would be ideal through the Uniontown business district and through the multi-family housing to the west.

Mr. Duncan clarified that ODOT does pilot and demonstration projects, but that's not to say they could set out cones and replicate what is being proposed. The pilot and demonstration projects involve paint on the ground, curb to curb, but the City would not want to do lane configurations without the crossings that have been discussed for safety reasons.

Councilor Rocka said ODOT's preferred solution was two lanes heading west and one lane heading east. He asked why two lanes were necessary, when they funnel down to one again to get on the bridge.

Mr. Duncan clarified the recommendation was for two lanes, one eastbound and one westbound, and a center turn lane. It is important to think about mobility and only one lane would not meet the State's mobility targets. The State's perspective as a stakeholder in this project was to consider the movement of people and goods by meeting those mobility standards. The technical and public advisory committees indicated that the level of congestion did not align with the vision people wanted.

Councilor Rocka asked if a by-pass was still on ODOT's list.

Mr. Duncan replied there is a lot of money sitting somewhere.

City Manager Estes noted that the illustration of the building next to the trolley tracks (Page 247 of the Agenda packet) was reused from the Riverfront Vision Plan. All Staff needs to do is removed the reference to the trolley tracks in the revised version.

Councilor Brownson said Columbia to 8th Street was a safety corridor project that was proposed but will not happen. The proposal was to convert that section from four lanes to three lanes. He believed those three lanes would have been maintained through Uniontown all the way up to Basin Street. The road could be opened up at Basin Street, where the area becomes industrial. Traffic flow at the bridge intensifies. The Council should be looking at the TSP and considering Highway 30 from beginning to end. When a little section is done, the Council should make sure all sections are tied together. City Manager Estes stated the master plan accomplishes that and the lane configuration is a recommended project in the TSP.

Councilor Brownson said extending the three lanes beyond that was recommended in the TSP as well. He suggested the three lanes extend through the business district portion of Uniontown, and then open up into four or five lanes. He believed that would solve a lot of problems in that area. City Manager Estes explained that this project considered possible lane reconfigurations throughout the Uniontown area that would address the goals of better pedestrian and bicycle connectivity, while balancing freight needs and working with ODOT as a stakeholder to address the freight mobility targets. Some members of the stakeholder advisory committee, particularly Port of Astoria representatives, expressed concerns about limiting freight mobility. If a proposal did not meet ODOT's freight mobility targets, getting STIP funding would be limited.

Mr. Duncan added that the regional benefits of a project must be considered. However, freight issues are just part of the reason the State has mobility targets. That metric is considered by user groups because it is very easy to equate money with travel time, but mobility targets are like the canary in the coal mine. If the targets are being missed, everyone in the community will complain that it takes an additional 10 minutes to get from one side of Astoria to the other. He has not heard that anyone here was willing to accept that. When the other option was explored, dropping down a lane would not help congestion and the safety benefits would be significantly less. Additionally, the costs did not pencil out.

Councilor Brownson clarified that he was talking about extending the potential three lanes coming from the east into Uniontown two more blocks. He was not sure how going from one lane to two at Columbia would be any different from going from one lane to two at Basin. It would be a very positive thing for that historic section, which the City wants to be more pedestrian oriented. Four lanes plus new development on the Port will create problems with the left turn lane.

Mr. Duncan explained that the Columbia/Bond intersection has a lot of turn movements, so it is not as simple as extending three lanes through and east of that intersection. Three lanes would create merge issues, which would add to delays and create safety concerns. The idea could be tested and the plan does not preclude future designs. He was not sure this community was willing to tolerate additional delays during already congested periods.

Councilor Brownson wanted reassurance that in the future, the City could revisit this again, noting nothing will change for at least the next six years.

Mayor Jones opened the public hearing at 10:37 pm and asked if anyone objected to the jurisdiction of the City Council to hear this matter at this time. There were no objections. He 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. He called for testimony in favor of the application.

Diana Kirk, Owner, Worker's Tavern, 281 West Marine Drive, Astoria, said she had been with the project since day one. Everyone involved worked diligently on this project and most of the concerns had been taken care of. If this passes and a property ideal for parking becomes available before the other part of the project is approved, she wanted to know if Urban Renewal funds could fund the parking now.

City Manager Estes said the Astoria Development Commission would most likely approve that funding.

Ms. Kirk stated at the very first meeting, burying the overhead lines was discussed. Sidewalks, lighting, and all kinds of issues are located in the same general area at the lines. There are 17 lines in front of her building. She asked if fund could be requested for burying the lines.

City Manager Estes said the Planning Commission added that language.

Ms. Kirk asked who would advocate for those funds since the lines were in a different area.

City Manager Estes explained that burying utility lines would be done at the same time as a road construction project. ODOT would not provide funding for that, but Urban Renewal could be a funding source. Additionally, the City would have to work with the utility providers to understand whether or not that is even possible for all of the lines and what the costs would be. If Urban Renewal funds were requested, the Development Commission would have to determine whether or not the funds were available and whether the City should spend funds on that project.

Ms. Kirk asked who would advocate for that since ODOT would be working in tandem with the City for STIP funding.

City Manager Estes said anytime a project applies for STIP funding, the City is a co-applicant. So, Staff and City Council get to weigh in. A full design process would be necessary to understand the true costs of all that work including burying utility lines.

Ms. Kirk stated that the lanes would be kept open for large trucks that are coming from two-lane roads. It is two lanes in and out of town. Lincoln City, Newport, Seaside, and Long Beach are also one lane in and one lane out. This one area in Astoria is supposed to be two lanes on one side and one lane on the other. This is just asking for cars to speed, which is Astoria's biggest problem. She did not understand why in this one section, large freight trucks are being discussed. Where are they coming from and where they going that they only need this small section of Astoria in order to move?

Pamela Mattsen MacDonald 258 Commercial, Astoria, said now that she lived in Uniontown, she was very concerned about crosswalks. She has to go downtown, but cannot cross anywhere near her house. She hoped there would be lighting to alert traffic and make traffic stop. It is important to have places for people to cross, especially if the plan is to have wider sidewalks. There is only place near Three Cups. This needs to be addressed on Marine Drive.

City Manager Estes said Public Works Staff have been talking with ODOT about improvements at 6th Street, which are recommended in the TSP. One benefit of the lane reduction project between downtown and the Doughboy is the ability to have a center turn lane with a center refuge.

Gordon Schriever 2778 Grand, Astoria, said he owned three properties on the south side of Marine Drive from Portway to the west. Marine is like a freeway, not a highway. Undergrounding the utilities is a big deal to him. There has been discussion about step backs and views, but when you step back and look, all you can see is utility poles. The project will be costly and he would be willing to pay extra property taxes if it could get done.

Nancy Montgomery, 279 West Marine Drive, Astoria, Owner, Old Finnish Meat Market, stated traffic speeds are part of the livability of the district. People who live on the west end and the businesses in the whole area consider the speeds to be scary. She was excited to see the master plan approved so that implementation could go forward.

Lisa Morley, 4908 Cedar Street, Astoria, stated she was in favor of trying to figure out how to slow traffic speeds down. She wanted to know why the bridge was not lighted like in San Francisco. Lighting the outline of the bridge would be memorable and beautiful for people who live here and for visitors.

Mayor Jones said lighting the bridge would be enormously expensive and funding for this plan would be delayed for even more years.

Ms. Morley stated funding was available for lighting the bridge.

Mayor Jones called for testimony opposed or impartial to the application. Hearing none, he closed the public hearing at 10:50 pm and called for Council discussion and deliberation.

Councilor Herman said she liked the plan, the specificity, the design standards, and the improved safety for cyclists and pedestrians. However, the City does need to come up with better and more visible crosswalks. She hoped that by the time this plan was implemented, the technology would provide for more visible crosswalks. Islands scare her because they make her feel like a sitting duck, especially being in a wheelchair.

City Council Action: Motion made by Councilor Rocka, seconded by Councilor Brownson to hold a first reading of the Ordinance implementing the Uniontown Reborn Plan and corresponding Code Amendments. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Director Pearson conducted the first reading of the ordinance.

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

There was none.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:53 pm.

ATTEST:



Finance Director

APPROVED:



City Manager

