

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

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

Councilors Excused: None

Staff Present: City Manager Estes, Contract Planner Johnson, Parks and Recreation Director Williams, Parks Maintenance Supervisor Dart-McLean, 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.

Mayor Jones thanked Representative Tiffany Mitchell, Port Commissioner Frank Spence, Clatsop Community College President Chris Breitmeyer and Astoria School Board members for attending.

PROCLAMATIONS

Item 3(a): School Board Appreciation Month

Mayor Jones read the proclamation declaring January 2020 as School Board Appreciation Month. He introduced the following school board members and students who were present: Heidi Wintermute, Jimmy Pearson, Jeanette Sampson, Kayla Heligso and Jenna Rickenbach.

REPORTS OF COUNCILORS

Item 4(a): **Councilor Rocka** reported that he attended an open house and ribbon cutting for the new vocational rehabilitation office at the Oregon Department of Human Services. He volunteered at the warming center, and attended Senator Wyden's town hall at the Performing Arts Center, as well as Representative Mitchell's listening session at the Brew Cup. He enjoyed reading the department's reports because he is always impressed by the countenance of Staff and the number of things they deal with at one time. He did not realize until he read the report that the Parks Department was hosting cycling karaoke. The Staff who are creative enough to think of cycling karaoke should attend Council meetings so they can add that kind of outside-the-box thinking to the Council's discussions.

Item 4(b): **Councilor West** reported that she attended Senator Wyden's town hall and listened to a lot of excellent questions from the community. Representative Mitchell attended as well. She hosted a Meet and Greet, which had a great turnout and some good discussions. She continued to meet with Craig Hoppes and Judith Nyland to discuss the mural at Astor Elementary. She rang in the New Year at a sold-out show at the Columbian Theatre. She looked forward to getting a lot done this year.

Item 4(c): **Councilor Brownson** reported that he attended Senator Wyden and Representative Mitchell's events. He noted that the Staff reports were a great opportunity to see what Staff was doing on a daily basis. Many people do not know the extent of their jobs and all of the issues they deal with on a regular basis. The reports are easy to access and are relatively short and to the point. Public Works is in the process of getting bids to replace all of the lighting in their buildings with LED lights. This may cost the City a little bit of money up front, but it will do good for lighting in general and save money and power. He announced that the plastic bag ban in Oregon took effect January 1st. The Council discussed a ban last year and decided to wait and see what the State would do. He believed the State did the right thing.

Item 4(d): **Councilor Herman** reported that she spent two weeks in December getting to know one of Astoria's most important institutions, Columbia Memorial Hospital. Community hospitals do not often have a good reputation. However, during her 12 days at Astoria's community hospital, she was treated with a lot of kindness, professionalism, and skill. She was grateful that Astoria has such an institution in the community. She was also grateful for the cancer center, where she receives antibiotic infusions. She does not have cancer,

but the cancer center prevents her from having to go out of town when she least feels like doing so. She stated she always learned a lot reading the department reports and appreciates the thoroughness and detail. She encouraged everyone to read the department reports.

Item 4(e): Mayor Jones reported that he had appointed Nichelle Seely to the Design Review Commission (DRC) and Lynette Tealsmith to the Historic Landmarks Commission (HLC). He briefly provided information about each appointees' qualifications and professional experience that would allow them to serve Astoria. He joined Representative Mitchell, Senator Johnson, Oregon Housing and Community Services staff, and Julie Garver on a tour of the Merwin. The renovation work being done is very impressive and challenging. The 40 new units in the building will be an asset to the community. The same group also toured Helping Hands, where Allen Evans and Raven Russell provided an update on their programs. He was impressed by the thoroughness and effectiveness of their programs. He learned they had a custom-built data system that enables them to track any measure that affects the clients. The data enables Helping Hands to determine what works and what does not work. The data system and tracking techniques will be applied to their new facility in Multnomah County. He congratulated the Fire Department for their work helping the Coast Guard vessel that capsized. The fire crew used the Port's trident to assist and it was a great operational exercise of that asset.

CHANGES TO AGENDA

City Manager Estes requested the addition of Item 8(b): LaPlante Park Tree Update. The agenda was approved with changes.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) City Council Minutes of December 2, 2019
- 6(b) Finance and Administration Services Quarterly Report
- 6(c) Parks Department Status Update
- 6(d) Fire Department Status Update
- 6(e) Community Development Department Status Update
- 6(f) Public Works Status Update
- 6(g) Astoria Police Status Update
- 6(h) Library Status Update
- 6(i) Liquor License Application from Cervesia Gratis, Inc. Doing Business as Fort George Brewery & Public House, Located at 426 14th/1483 Duane Street, for a Full On-Premises, Commercial Sales License.

Councilor Herman asked how many Airbnb type establishments and homestay lodgings were currently licensed. She also asked if applications for the license were still coming in.

City Manager Estes stated he did not have the numbers, but would get that information. Applications come in one at a time. Some homestay lodgings are under Code enforcement review. One person removed their property from online listings and Staff is monitoring that property. Staff is also working with the Clatsop County Assessment and Taxation Office, sharing information and data to ensure Code compliance and accurate collections. He would follow up with a full report.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor West, 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): Fort George Enterprise Zone Application Approval

At the October 24, 2019 City Council work session meeting, representatives of Fort George Brewery spoke to a Clatsop County Enterprise Zone application in process. As a part of that discussion, representatives from Fort George stated they wished to secure approval for a fifteen-year long-term rural enterprise zone abatement as provided by State law. Other representatives from the four jurisdictions who sponsor the

Clatsop County Enterprise Zone were present at the work session including City of Warrenton, Port of Astoria, and Clatsop County. Kevin Leahy, who is the Enterprise Zone Manager, and Melanie Olson representing Business Oregon, were also present and answered questions. Attached to the memorandum packet are materials presented at that work session.

Since that time, the application submitted by Big Beams, LLC (Fort George) has been processed by the Enterprise Zone Manager. With the aid of tax incentives from the four enterprise zone sponsors, Big Beams, intends to invest approximately \$12,500,000.00 by redeveloping the former Astoria Warehousing property located on Marine Drive.

Also attached to the packet is the draft agreement for a rural enterprise zone abatement between the four Clatsop County Enterprise Zone sponsors and Big Beams, LLC. This document was prepared by the Clatsop Enterprise Zone Manager. City Attorney Henningsgaard has reviewed and approved as to form. The Astoria City Council will be the first to consider the draft agreement with the other three jurisdictions following. All jurisdictions must consider and approve the same agreement document. Following approval of the agreement by City of Astoria, City of Warrenton, Port of Astoria and Clatsop County, resolutions would anticipated to be brought to the Astoria City Council and Clatsop County Commission for final ratification.

Chris Nemlowill of Fort George Brewery, Enterprise Zone Manager Kevin Leahy, Chris Breitmeyer, Clatsop Community College President, and Melanie Olson from Business Oregon will be present at the Council meeting to answer questions.

It is recommended that the Council approve the rural enterprise zone abatement agreement with Big Beams, LLC as presented.

City Manager Estes said Astoria was the first of the four jurisdictions to consider approving the agreement. The other three jurisdictions will review and vote on the agreement by the end of January. Once all four jurisdictions have approved the agreement, a final resolution will need to be adopted by City Council.

Mayor Jones noted that there had been several public meetings to discuss enterprise zones, eligibility, and what the state allows. Yet, he has seen comments on social media from people wondering why their businesses are not eligible for tax breaks. The law clearly specifies what types of business are eligible and in what locations the benefits are available. The other jurisdictions have already indicated they agree with the package being presented to Council tonight.

Councilor Rocka said he had also heard a lot about why certain businesses could not get tax breaks. He hoped people would begin to understand the nature of this tax break. The taxes that have already been paid on this property will continue to be paid on the property. The property owner is not getting tax relief. The agreement enables the new operators to invest in and expand the property, which will increase its value, without immediately having to pay taxes on the increase. The City is investing to help the business afford the improvements that everyone will benefit from. It is not like someone is relieving taxes. The City will not be getting less than it was before.

Councilor Brownson said he was generally in favor of the agreement. It is great for Astoria that Fort George has taken on this property. There could have been an outside investor or no investor at all. This is a win because Fort George has shown themselves to be good community members. He confirmed with Staff that the \$12.5 million investment included the purchase price. The deferred property taxes will be on new equipment that is brought into the facility, not on the facility itself. The documentation seemed misleading when it said a "total investment of \$12.5 million." When a company buys new equipment, the business begins depreciating that equipment from the day it is purchased. So, the tax value on that equipment decreases each year. After 15 years, there is a chance that the equipment will have depreciated to a number that is not significant. He believed there was an attempt to address this in the charts attached to the documentation. He wanted to make sure Councilors understood that even though \$2 million might be invested, there would not be \$2 million to be taxed at the end of 15 years. The equipment will have depreciated off the tax rolls to a high degree.

Kevin Leahy, 1759 5th Street, Astoria, Clatsop Enterprise Zone Manager, said the chart that was handed out at the October 24th work session was prepared by the Tax Assessor's Office. The chart showed the exempt tax

amount for Fort George going from \$54,000 in 2021 down to \$24,547 in 2035. He could get more specific updates from the Tax Assessor's Office.

Councilor Brownson added that the owner's would continue to pay taxes on the property, which could increase up to three percent each year. The jobs added and wages were important to point out as well. People have a lot of questions about the tax exemptions.

Councilor West confirmed with Mr. Leahy that 15 years was the maximum amount of time that a business could apply for the enterprise zone.

Councilor Herman said she believed the \$12.5 million investment was just for equipment.

Mr. Leahy clarified that the purchase price of the property plus the equipment totaled a \$12.5 million investment. An investment of that size is not often seen in rural parts of the state, so this opportunity is very significant and something to be proud of.

Mayor Jones said he liked the community benefit proposal, which would be a great partnership between Fort George and Clatsop Community College. He thanked Clatsop Economic Development Resources (CEDR) and Ms. Olson for being involved as well. He looked forward to getting the other three jurisdictions to approve the agreement soon. He confirmed there were no public comments.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Rocka, to approve the rural enterprise zone abatement agreement with Big Beams, LLC as presented. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 7(b): Public Hearing and First Reading of Ordinance Readopting Certain State Statutes to Reflect Changes Made by the 2019 Legislature

The 2019 legislation passed by the Oregon Legislature, for the most part, became effective on January 1, 2020. Many of our City ordinances refer to or incorporate state statutes. Every year, the City routinely re-adopts all referenced ORS sections to pick up any changes made by the legislature.

This is done by a "global re-adoption", which is the technique recommended by the League of Oregon Cities. The City is legally unable to prospectively adopt Oregon legislative changes, that is, we cannot adopt a state statute "as it now exists and is from time to time amended." It is recommended that Council conduct the public hearing and first reading of the proposed ordinance.

Mayor Jones opened the public hearing at 7:32 pm and called for testimony on readopting certain state statutes. Hearing none, he closed the public hearing at 7:32 pm.

Councilor Brownson asked where he could see the changes that were being made. He also asked if any of the statute changes were significant. City Attorney Henningsgaard thanked Jenn Benoit for asking the same question. The City ordinances include a list of ORS references. Ms. Benoit had sent the proposed language to him and asked if any changes were necessary. Apparently, the City had not updated the list of ORS references for about 20 years. Later this year, Staff will be going through the Astoria Code to update specific references to State statutes. It is likely that a second version of this global adoption will be produced so that readers can see exactly which statutes have been adopted. City Manager Estes added that other related updates will be necessary as well. One example is the plastic bag ban. The legislature has required enforcement at the local level, but the City's ordinances do not specifically reference plastic bags. He was not aware of any significant changes. City Attorney Henningsgaard noted that the State statutes generally involve procedural matters, like the organization of a municipal court and a number of criminal statutes.

Councilor Brownson said the state adopted legislation about accessory dwelling units (ADU) which was not part of this ordinance. City Manager Estes explained that the ADU language dictated the need for cities to amend their Development Codes, not City Codes. The Planning Commission is currently working on implementing the state legislation as it affects Astoria's zoning ordinances.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Herman, to conduct the first reading of the ordinance re-adopting certain state statutes to reflect changes made by the 2019 Legislature. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Director Brooks conducted the first reading of the ordinance.

Item 7(c): Public Hearing and First Reading of Amendment Request (A18-01) for Urban Core Overlay Riverfront Vision Codes

In 2008 - 2009, the City of Astoria developed the Riverfront Vision Plan (RVP) to address issues dealing with open space, land use, and transportation along the Columbia River. The City's north Riverfront (Columbia River to West Marine / Marine Drive / Leif Erikson Drive) was divided into four Plan areas of development: Bridge Vista BVO (Portway to 2nd Street), Urban Core UCO (2nd to 16th Street), Civic Greenway CGO (16th to 41st Street), and Neighborhood Greenway NGO (41st Street to east end of Alderbrook Lagoon). On December 7, 2009, after many public meetings and holding a final public hearing, the City Council accepted the Riverfront Vision Plan. Civic Greenway Overlay Zone was adopted on October 6, 2014; Bridge Vista Overlay Zone was adopted on June 15, 2015; and Neighborhood Greenway Overlay Zone was adopted on December 7, 2015. City Council directed further amendments to Bridge Vista in 2019. Those subsequent amendments were adopted on October 21, 2019. The current proposed amendment would implement the codes for the final section of the Riverfront in the Urban Core area.

Proposed code text amendments will include a new Urban Core Overlay Zone to address the standards for over-water, waterfront development, and land-side development including building height, building mass, width of structures, allowable uses, landscaping, new design standards, and public access to the water, etc. Proposed map amendments will include the creation of an Urban Core Overlay Zone and rezone of the area north of Marine Drive from the tourist-oriented commercial and shoreland zoning to C-3 (General Commercial) and C-4 (Central Commercial) zones similar to those south of Marine Drive.

The Planning Commission held a public hearing on October 22, 2019 and November 26, 2019. The APC recommends that the City Council adopt the proposed amendments (A18-01) for the Urban Core Overlay Area. The proposed ordinance has been reviewed and approved as to form by the City Attorney. The consultant team and staff will make a presentation at the City Council meeting on January 6, 2020.

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 the Urban Core Area 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 the January 21, 2020 Council meeting.

Mayor Jones 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 opened the public hearing at 7:39 pm and called for the Staff report and Applicant's presentation, noting that the Applicant was the City.

City Manager Estes, Contract Planner Johnson, and Matt Hastie of Angelo Planning Group presented the written Staff report and Findings of Fact via PowerPoint. During the presentation, they answered clarifying questions of Councilors about how the Codes would be applied.

Councilor Brownson asked where rear parking would be located on a property. He believed the rear of a property depended on where one was standing. Staff explained that a project would face a specific direction. The rear depended on what was defined as the front façade of a project. The front would have a public entry and would generally face a right-of-way.

Councilor Brownson asked what was meant by a working waterfront. He believed the definition had changed since places like Bornstein's had moved to the Port. Planner Johnson confirmed that the term working waterfront had never been defined by the City. Some cities have waterfronts with parks and no development.

She believed that when the Riverfront Vision Plan was written, the intention was to keep businesses and the working atmosphere with a trail alongside.

Councilor Brownson believed one goal was having development in the area that complements but does not compete with the Downtown Core. He asked what types of businesses this encompassed. City Manager Estes explained that Staff, the Planning Commission, and the Astoria Downtown Historic District Association (ADHDA) have discussed this at length. Originally, that language was added to the Vision Plan at the request of the ADHDA. However, the ADHDA now feels it is more important to be inclusive of the area. The Planning Commission discussed what would be appropriate for the area and recommended professional offices along the waterfront that were similar to those in downtown.

Councilor Brownson stated he wanted to maintain the character of the community. The December 31, 2019 edition of the *Daily Astorian* showed the downtown area between 11th and 12th Streets, which is the Astoria that people love and do not want ruined. There are very few tall buildings in that area. He wanted the Council to be careful about trying to maintain what everyone loves. Planner Johnson noted the Planning Commission considered 28 feet and 35 feet building heights. The tower on Pier 11 is 35 feet and many of the other buildings are between 25 and 30 feet high, so, their recommendation is consistent with the existing buildings.

Councilor Herman said buildings located 100 feet from the riverbank could be up to 45 feet tall. She asked how far from the bank that would be. Planner Johnson used a map displayed on the screen to explain that would be about mid-block. She noted that buildings are currently allowed to be 45 feet tall.

Mayor Jones thanked Staff, consultants, and the Planning Commission for their transparency and extensive work on this process. He believed the proposal reflected an extraordinary amount of compromise that considered public input. The plan provides extensive new protections that did not exist before, including areas that can never be developed, extended river views along the Rivertrail and through the north/south corridors.

Mayor Jones called for a recess at 8:38 pm and reconvened the meeting at 8:53 pm.

Mayor Jones called for testimony in favor of the request. Hearing none, he called for testimony opposed to the request. There were none. He called for testimony impartial to the request.

Chester Trabucco 19823 83rd Place W, Edmonds, WA, agreed that a lot of work had gone into this process. He had been well aware of the opportunities to provide input. Due to his own lack of involvement, he had not been aware of the lines being drawn for the limitation and non-limitation zones. The elephant in the room is the area between 6th and 7th Streets, which contains the former Number 10 Sixth Street building, a 35,000 square foot building. He wanted to make sure his comments about that site were on the record without breaking the laws regulating ex parte contacts about projects he may or may not be interested in. He agreed with Councilor Brownson that people come to see downtown Astoria, but people do not come to see the 6th Street viewing park. The original intent of that park was to provide panoramic views and stimulate investment on the other side of the dock. Bumble Bee Seafood headquarters was on the east side and the cannery was on the west side maintenance area. The west side was condemned by the City and he was ordered to tear down the building. He had appealed to save 35 feet of the building, which became the Cannery Café. The café was iconic in Astoria for the ten years that it operated. He wanted to see that sliver of 35 feet be reintroduced back into the buildable component because he has had many people say he should think about bringing back the café. A lot of Astorian's enjoyed going to the penthouse, also known as the residence of the first president of Bumble Bee Seafood. He believed the thing that would bring attention and viability back to the 6th Street viewing tower is activity on the dock. He planned to present an application for something much more scaled down than the original building for that dock. He hoped to include some element of housing in a mixed-use environment, which is currently allowed. His project would be very publicly accessible with a lot of view corridors and setbacks. He had not had an opportunity to present his concerns about that one property which played a significant role in Astoria. He wanted Councilors to consider what it would take to have the viewing tower be more active than it is today. The tower is occupied almost entirely by transients and that will likely continue unless there is development. The area was fun when the café was there. People would buy an ice cream cone and take it up to the tower to snap pictures. It will be difficult to build anything there without some element of housing.

Councilor Brownson stated the area Mr. Trabucco was speaking about was not within a limitation zone.

Mr. Trabucco clarified that half of the area is within the limitation zone.

Staff displayed a map on the screen that showed the proposed limitation zones. Planner Johnson explained that Mr. Trabucco was suggesting the boundary of the limitation zone be moved 35 feet so that the dock would be within the non-limitation area.

Mr. Trabucco added that he had agreed to back away from a project in exchange for the ability to obtain a conditional use permit for a kidney center in the area to the west of the Cannery Café. It used to cost about \$100 a foot to build over water. Now, it costs between \$200 and \$250 per foot just to build a deck. When the Cannery Café was built, he invested about \$250,000 after acquiring the building, which resulted in the 5,000 square foot café building. Today, it would cost \$1 million just to build the deck that would allow him to build the rest of the building. There is no danger this would happen any time soon. He and Staff spent about three years getting that zone changed to allow heights to go from 28 feet to 45 feet, which was necessary to make that project work economically. He encouraged the Council to let developers come in and at least offer ideas. The developers will be few and far between, and most ideas will not make any economic sense. If the zoning remains 100 percent commercial, the area will shut down at 5:00 pm and transients will remain at the 6th Street viewing tower. Number 10 Sixth Street and the City each own half of the view tower as part of a local improvement district (LID), so he would love to have something on the dock that will provide compensation for taking on half of the ownership and paying property taxes.

Pamela Mattsen MacDonald 258 Commercial, Astoria, said she hoped that when the Council considers transportation, they realize there are 1.5 million electric cars in the United States. The number of electric cars is increasing because this year there will be 17 new affordable cars available from Volkswagen, Toyota, and Nissan. She asked Councilors to encourage people to have zoning because charging stations are cheap now. A charging station can be installed for \$500 and many businesses are doing that now. She would appreciate it if the City could include that in the Transportation Plan for other places in the city.

Steve Fick, P.O. Box 715, Astoria, thanked Staff for working with the Planning Commission to create some flexibility in some of the C-3 zoning that would affect his company. He had some concerns. This proposal would cause him to lose about 38 percent of his buildable space. No one else in the city will have to take on that burden on their private property. He mentioned this several times in the past during public testimonies. He was on the committee that worked on the waterfront plan and the City is back to where it was 10 years ago. He was willing to work with the City on its takings because he really cared about the city. However, he did not believe he should be burdened with losing 38 percent of the possibilities on his property. It is great that Fort George is going in where Astoria Warehousing was. He wished them the best and hoped they are successful, but the funding found for the people who own that property are people who live outside the country and want to take 25 jobs away from the community. The City facilitated some of the responsibility for cleaning up the property. He hoped that helped Fort George, but there is a disproportional situation. He was losing a lot while some people get something. No one is offering to buy the property from him or do anything for him. He appreciated that the zoning was changed. He was also concerned about losing 80 percent of the structure because then he would be subject to the new guidelines. In his industry, a certain criterion does not fit the mold for retail or other uses on the waterfront. He wanted to work with Staff and the Council to address his concerns. Every year, his check for property taxes is cashed and he has always paid on time, so, he believed he was doing his part.

Councilor Rocka asked if Mr. Fick was speaking about losing building height.

Mr. Fick said some of his property will be limited to 28 feet high. He explained that he did have any plans for his property, but he did not believe he should just give up his rights. He will lose about 38 percent of his building area.

Councilor West asked if Mr. Fick could fill in between the buildings.

Mr. Fick said that currently, he could fill in 100 percent. However, the new Codes will still result in a 38 percent reduction of buildable space. No one else is taking that much of a hit. Building out will not happen in his lifetime because it is too expensive and the permitting process is too monotonous. Just to access the brick building on the back side of his property, he either had to go through a three-year process with mitigation or get a waiver to build on existing pilings. He wanted to go 600 or 700 feet, but if he had gone one foot over it would have to be

torn down. Building over water is a huge deal. From a practical standpoint, the City should focus its energy on other areas.

Mayor Jones closed the public hearing at 9:12 pm and called for Council discussion and deliberation.

Councilor Brownson thanked the Staff and Planning Commission for working so hard on a reasonable compromise. If no one had given public testimony, he would have voted to move forward with the amendments as proposed. The city does not have a lot of developable property along this section of the waterfront. Building over water is difficult and expensive, so some limitations could help mitigate the public's concerns. However, he was primarily interested in making sure that any development that occurs in the area respects the historic architecture of the existing buildings in downtown. He was okay with 35 feet or 45 feet in downtown where big buildings exist. Existing view corridors have been memorialized, but people believe it is troublesome to build a path around a building over the water so that people can continue to have a view. However, the view from out on the water is more expansive than the view from the trail. That view is already available at restaurants and out on the piers. Whatever the Council decides, he did not believe there was much the Council could do wrong for the downtown unless they get away from the historic architectural features in the area. He was not in favor of condominiums or hotels because they take away from what the downtown looks like. He was concerned about changing something just for Mr. Fick because then the Council would have to make changes down the line. However, he did not believe Mr. Trabucco's request to move the limitation zone boundary was unreasonable because the buildings in that area already exist.

Mayor Jones noted that Mr. Trabucco's proposal was to exclude the south east corner of the limitation zone between 5th and 6th Street with the existing pier structure just south of the viewing tower. He had no problem with moving that area into the non-limitation zone.

Staff displayed a map of the limitation zones on the screen and pointed out the specific location that Mr. Trabucco had proposed the boundary be moved to.

Mayor Jones and each Councilor stated they supported the proposal to move the limitation zone boundary as requested.

Mr. Trabucco added that moving the boundary would activate activity on both sides and make the viewing tower more attractive.

Mayor Jones noted that the two other limitation zones create a pretty extensive protected area. He asked Staff if the Council should be considering any unintended consequences of moving the boundary.

Staff said if the footprint of the existing dock area is moved into the non-limitation area, up to 60 percent of the full lot could be built on even though part of the lot would still be within the limitation zone. However, the development could not be built into the part of the lot within the limitation zone.

Councilor Herman stated he did not want someone else to come in down the line and say they wanted to build 60 percent of that lot.

Mr. Hastie confirmed that Staff understood the Council's intent, what they were trying to prevent, and what they were trying to allow, so, Staff would draft language to reflect that.

Councilor Rocka said Staff had not dealt with parking. He understood that was not part of the C-4 zoning, but parking is becoming fierce in Astoria. He did not know how long the City could continue to look the other way. At some point, the City will have to deal with parking. Even in winter, downtown parking is in short supply. He also wanted to more about what no maximum gross floor area meant. Planner Johnson explained that a developer is allowed the percentage width of the lot and all the way out to the pier head line. Therefore, the square footage of a building is not limited. The width restriction allows view corridors. Additionally, height is limited to 28 feet. The width and height restrictions together limit a building's potential square footage.

Councilor Rocka stated all of the property being discussed is within the tsunami inundation zone. Like parking, this is something the City is not considering. He asked if the City had any building requirements for buildings on fill and in the inundation zone.

Mayor Jones noted that Mr. Hague had emailed with a similar question and his response was that the City has not yet dealt with what would be a very political issue, which is to prohibit any type of construction within the tsunami inundation zone or to require higher standards of building construction beyond what the Engineering Department already requires. That discussion would have to occur separate from these Code amendments.

City Manager Estes added that the State of Oregon Building Codes Division establishes building standards for this type of construction and Astoria cannot establish separate building codes. The only jurisdiction in the State that is allowed to have different building codes is the City of Portland. The City's Development Code does include geo-hazard standards, but building codes are set by the State. The City can limit uses, but State law requires the City to have a certain amount of different types of zoning. A development moratorium on properties within the tsunami inundation zone would include all of the commercial areas in Astoria, and the urban growth boundary could not be expanded to accommodate such a moratorium.

Planner Johnson stated the types of use within an inundation zone are a consideration. The City has already excluded schools, hospitals, and in some cases, residences from tsunami inundation zones. Staff is also in the process of updating its pre-disaster hazard mitigation plan, which addresses the goals of communities county-wide.

Councilor Rocka stated he wanted to give Mr. Fick what he wanted, but he did not know how. The proposed Codes will affect the sale value of his property. Private wood lots that have been maintained to be handed down to children to provide permanent value to the family for years are now being sold to investment trusts. He was concerned that someone who buys Mr. Fick's building will not be someone who had ties or connections to Astoria. The City cannot make an exception for one property. City Manager Estes explained that throughout the whole process, there has been discussion about granting additional development rights for water-dependent uses on Mr. Fick's property. However, Mr. Fick is also looking for other types of opportunities.

Councilor West asked if a planned district could be created for Mr. Fick's property.

Councilor Rocka stated he was not comfortable with allowing 45 feet.

Councilor West said she was concerned about reselling to someone who does not care about the community and having no control over that. Someone could buy Mr. Fick's property and turn it into a hotel under the current codes. At some point, the City has to try to make decisions that benefit and honor Mr. Fick as much as possible but with future development in mind. There is only 200 linear feet not currently developed in the area, but there is a lot that could be redeveloped. She asked Staff to address concerns about new hotels over water in existing buildings, even as a conditional use. Planner Johnson explained that over the water, hotels would only be allowed in existing buildings and they would be limited to the existing height of the building or 28 feet. The Bowline, for example, went into a former fish processing facility. The building is a single story so they could build up to 28 feet, but within the existing building footprint.

Councilor West stated that was helpful because she had misunderstood.

Councilor Herman said the maximum building height for on-land development in C-4 zones is 45 feet. She asked for more details on the exceptions that could be granted for that requirement. Planner Johnson clarified that referred to mechanical equipment.

Councilor Herman noted that overlay zones could be more restrictive than the zoning. She asked if she could propose a reduction in the maximum height allowed in the C-4 zone to 35 feet, but just in the Urban Core Area. Planner Johnson clarified that is what an overlay does, makes the zoning more restrictive.

Councilor Herman said she liked what the Planning Commission came up with and appreciated that it encourages repurposing and renovating buildings. However, she was concerned about the 45-foot height limit. She realized the C-4 zone allowed that height and there are a few buildings downtown that are four stories, but

she supported a 35-foot height limit in the overlay zone. She asked if that would be an issue. Planner Johnson stated that would be up to the City Council. She explained that the Planning Commission recommended a stair-stepped approach to building heights, starting with 28 feet at the riverfront, 35 feet at the river trail, and then 45 feet where it currently exists.

Councilor Herman said she felt like 45 feet could result in a number of tall buildings down the line, all within 101 feet of the river trail.

Staff displayed a map of the proposed zoning on the screen and pointed out the boundaries of the each zone.

Councilor Brownson asked how many open lots were in one particular area. Planner Johnson said there were two parking lots, one on 11th Street and one at 11th and Marine. City Manager Estes reminded that downtown was a National Register Historic District, where it is more difficult to tear down buildings.

Councilor West stated she supported consideration of a 35-foot height limit in that area.

Councilor Herman said she was definitely in favor of a 35-foot height limit, but was primarily concerned about the area along Marine Drive. If the downtown is a historic district, then the height limit would not be an issue anyway.

Staff explained the historic guidelines and standards would make demolition almost impossible and would prevent a 45-foot high building renovation.

Mayor Jones said he was comfortable with the proposal as written, which protects against the fear of a wall of buildings. The proposed limitations are significant and adequate.

Councilor West added that anything that gets torn down or expanded would need to be approved by the Design Review Commission (DRC) and the Historic Landmarks Commission (HLC). City Manager Estes clarified that designated historic properties must go through the HLC for demolition and new construction on a historic property must go through both the HLC and the DRC.

Councilor Herman asked if the Fairfield Inn would look much different if the proposed design standards had been applied to the Fairfield Inn design. Planner Johnson said the Fairfield Inn is located in the Bridge Vista Overlay Zone. The Bridge Vista requirements would have been different from what was approved. If the Urban Core requirements were applied to that site, the development would be entirely different. As explained in the presentation, the proposed design standards are based on the City's downtown design and historic development.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Herman to conduct a first reading of the ordinance amending the Urban Core Overlay of the Riverfront Vision Codes, with the exception as noted about the property in the limitation zone being separated out and put in to a non-limitation zone.

[2:51:25] Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Director Brooks conducted the first reading of the ordinance.

Item 7(d): Authorization to Solicit Request for Proposals (RFP) for the Public Works Shop Roof Replacement Project

The main building at the Public Works Shop has a metal roof that was installed in 1979. It is 40 years old and in need of replacement or retrofit. In order to properly evaluate the different replacement and retrofit options, staff recommends soliciting the project using a request for proposals (RFP).

City Council Action: Motion made by Councilor Brownson, seconded by Councilor West to authorize Staff to solicit Request for Proposals for the Public Works Shop Roof Replacement Project. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

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

Item 8(a): Election of City Council President

The City Council will elect a President to serve for the 2020 calendar year.

Mayor Jones said traditionally, the role of Council President has rotated among Councilors. He asked if any Councilors were willing to serve as President. All of the Councilors indicated they prefer that Councilor Brownson continue to serve as Council President.

City Council Action: Motion made by Councilor Rocka, seconded by Councilor Herman to re-elect Councilor Brownson as City Council President for 2020. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 8(b): LaPlante Park Tree Update

This item was added to the agenda during Item 5: Changes to the Agenda.

Parks Maintenance Supervisor Dart-McLean said in 2015, the Parks Department noticed a severe crack in an iconic maple tree in Violet LaPlante Park in the Alderbrook neighborhood. Local arbor companies investigated and determined a means of preserving the tree in its current state for a little bit longer. A cable support system was employed in December 2015 and it was estimated the tree was last another five to ten years. The Parks Department then contracted to have a replacement maple tree planted in the park in a similar location so that the replacement tree would be established by the time the original tree had to be removed. This was done to retain the character of the park. After this last round of severe weather, a citizen complained that some branches had come lose. Upon investigation, it was discovered that the crack had become significantly larger at the base of the tree. The Parks Department contracted with an arbor company to evaluate the tree's status and it was determined that the cable system was done as well as possible, but the tree could not remain without the City absorbing a significant amount of risk. The Parks Department will work with an arbor company to remove tree as quickly as possible to preserve public safety. Staff did its best to reach out to the neighborhood and did everything possible to preserve the tree.

City Manager Estes confirmed all adjacent property owners had been contacted and the tree needed to be removed within the week.

Councilor Brownson said conifers could be wind-sailed to make them hold up better and asked if pruning would allow the tree to continue standing. Maintenance Supervisor Dart-McLean explained that this tree has co-dominant trunks. When the cables were placed, tip reduction measures were used to cut down own the weight added when the tree leafs out. Only so much wood could be cut and there is damage at the base of the tree.

Councilor Rocka asked if the replacement tree was surviving. Maintenance Supervisor Dart-McLean said several hazard trees have been taken down as a result of the tree survey. Most of the replacement trees have been successful. The new trees that were not successful were either protected or replanted. The replacement tree at LaPlante Park is doing fine.

Mayor Jones called for public comments.

Jan Mitchell, no address stated, Astoria, said the last time a major tree was cut down, there was a bench for a while and then it was completely ground down to the ground. She asked if the stump could remain so people could sit on it and kids could climb on it.

Maintenance Supervisor Dart-McLean said Staff had considered that and has chosen not to have the stump completely ground down since it so large.

Pamela Mattsen MacDonald, no address stated, Astoria, asked what Staff would do with the wood.

Maintenance Supervisor Dart-McLean said this particular tree has a very nice grain because the tree twisted as it grew.


Ms. Mattsen MacDonald recommended Staff give the wood to Ed Overbay.

Maintenance Supervisor Dart-McLean explained that typically, Staff contracts with an arbor company that disposes of the wood however they see fit. Members of the community may reach out to the contractors if they are interested in using the wood.

ADJOURNMENT

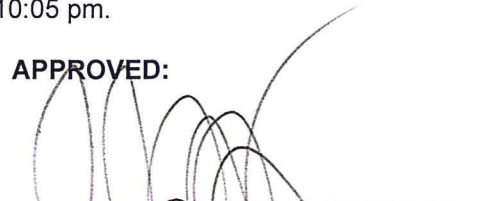
There being no further business, the meeting was adjourned at 10:05 pm.

ATTEST:



Finance Director

APPROVED:



City Manager