



AGENDA

ASTORIA CITY COUNCIL

December 1, 2014

7:00 p.m.

2nd Floor Council Chambers
1095 Duane Street * Astoria OR 97103

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **REPORTS OF COUNCILORS**
4. **CHANGES TO AGENDA**
5. **PRESENTATIONS**
 - (a) FEMA Flood Plain Map Update and Consideration of IGA to Provide Up to \$7,000 for Professional Services
6. **CONSENT CALENDAR**

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

 - (a) City Council Minutes of 11/5/14
 - (b) Boards and Commissions Minutes
 - (1) Historic Landmarks Commission of 10/21/14
 - (2) Library Board of 10/28/14
 - (3) Planning Commission of 10/28/14
 - (c) Authorization to Apply for Grant to Support Community Wellness Challenge (Parks)
7. **REGULAR AGENDA ITEMS**
 - (a) Public Hearing and Ordinance regarding Vacation of 1700 Block of Duane Street (1st reading) (Public Works)
 - (b) Request to Schedule a Public Hearing regarding Purchase of City Owned Property Adjacent to 1610 Coxcomb Drive (Public Works)
 - (c) Public Hearing and Ordinance regarding Amendment Request (A14-04) for Wireless Communication Facilities (1st reading) (Community Development)
 - (d) Authorization to Lease Property to Buoy Beer Company at 1 – 8th Street (Parks)
 - (e) Franklin Avenue Sewer Main Replacement Project (23rd – 27th Street) – Final Pay Adjustment (Public Works)
 - (f) Liquor License Application from Young's Bay Restaurant Seafood & Grill LLC., Nicole Keller, at 1820 SE Front Street, Astoria for a New Outlet for a Limited On-Premises Sales License and an Off-Premises Sales License (Finance)
8. **NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS (NON-AGENDA)**
9. **EXECUTIVE SESSION**
 - (a) ORS 192.660(2)(h) – Legal Counsel

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



CITY OF ASTORIA

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November 26, 2014

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: ASTORIA CITY COUNCIL MEETING OF DECEMBER 1, 2014

PRESENTATIONS

Item 5(a): FEMA Flood Plain Map Update and Consideration of IGA to Provide Up to \$7,000 for Professional Services

Over the last few years, the Federal Emergency Management Agency (FEMA) and Department of Geology and Mineral Industries (DOGAMI) have been developing new flood zone maps for the entire State of Oregon. In 2010, new FEMA maps were adopted by the City with the knowledge that additional mapping would soon be completed by DOGAMI for coastal communities to better identify the "at risk" areas of each community. On December 10, 2013, the City received the draft FEMA Flood Insurance Rate Maps (FIRM) for review. With the new drafts, there are major changes that will impact the citizens of Astoria and their ability to obtain flood insurance and/or to develop along the Columbia River and Youngs Bay. A letter was sent to FEMA/DOGAMI identifying questions and concerns with the new mapping. Clatsop County and Warrenton also sent letters of concerns. FEMA responded to the letters in June 2014 but did not completely answer the concerns identified. There is still question as to the accuracy of the information in the new mapping, the data, and model used to calculate the potential flood risks in Clatsop County. Several of the issues/concerns include the change of the Columbia River and Youngs Bay to a "velocity zone" which increases the potential flood impact areas and raises the Base Flood Elevation. In addition, the draft maps use an extremely high data point from the Tongue Point Tidal Station that may be an anomaly and alters the Base Flood Elevation by one foot or more. The inclusion of this data in the model has a tremendous impact on not only development in these areas, but could also have an effect on insurance rates for citizens in these areas. There were several other issues noted in the letter to FEMA/DOGAMI.

Based on the fact that FEMA did not adequately address our concerns, it was determined that Clatsop County, Warrenton, and Astoria should present a unified response to FEMA as the issues impact the entire north County area. Over the last few months, jurisdictions have been meeting with FEMA to obtain the data

necessary to review and analyze FEMA's findings. We have now received the data and intend to hire a consultant to review the material in order to prepare a formal response to FEMA. The County, Warrenton, and Astoria would consolidate resources and share in the costs to hire the consultant through an Intergovernmental Agreement (IGA). A draft IGA will be presented to Council to consider providing up to \$7,000 towards this effort. Depending on the results of the consultant's analysis and FEMA's response to these findings, additional actions may be necessary to protect the interests of the north County communities relative to the proposed flood maps. Colin Stelzig, Otak / Warrenton City Engineer, Warrenton Mayor Mark Kujula, Astoria Planner Rosemary Johnson, and City Engineer Jeff Harrington will be present to make a presentation to the City Council explaining the concerns with the proposed FEMA maps and identifying the steps the communities will be taking to assure that the correct information is used in adopting the maps.

CONSENT CALENDAR

Item 6(a): City Council Minutes of November 5, 2014

The minutes of the City Council meeting of November 5, 2014 are enclosed for review. Unless there are any corrections, it is recommended that Council approve these minutes.

Item 6(b): Boards and Commissions Minutes

The minutes of the (1) Historic Landmarks Commission meeting of October 21, 2014, (2) Library Board meeting of October 28, 2014, and (3) Planning Commission meeting of October 28, 2014 are enclosed. Unless there are any questions or comments regarding the contents of these minutes, they are presented for information only.

Item 6(c): Authorization to Apply for Grant to Support Community Wellness Challenge (Parks)

The Parks and Recreation Department will be offering the 2nd annual Astoria Wellness Challenge beginning January 2015. The Parks and Recreation Department is seeking authorization to apply for a Community Wellness Investment Fund Grant in the amount of \$5,000 provided by Columbia Pacific Coordinated Care Organization to assist in offsetting the cost of the 2nd annual Astoria Wellness Challenge. If the grant is awarded, the Parks Department will provide an additional 25% match as required by the grant. This will assist in covering the cost for prizes, staff, rental fees for the Columbia Memorial Hospital Coho Room and kitchen, and other needed supplies. In addition to the health benefits participants receive, this program will also introduce new community members to the services provided by the Parks and Recreation Department. It is recommended that Council authorize submittal of an application to the Columbia

Pacific Coordinated Care Organization Community Wellness Investment Fund grant in the amount of \$5,000 to fund the Astoria Wellness Challenge.

REGULAR AGENDA ITEMS

Item 7(a): Public Hearing Regarding Vacation of the 1700 Block of Duane Street (1st reading) (Public Works)

On December 2, 2013, the City vacated a portion of the 1700 Block of Duane Street adjacent to the Columbia River Maritime Museum (CRMM) storage area at 1777 Marine Drive. At that time, there was discussion concerning possible vacation of the remaining west portion of Duane Street that is adjacent to the Maritime Texaco Station property at 1701 Marine Drive and the Moose Lodge at 420 17th Street. Subsequently, staff met with representatives of both the Maritime Texaco Station and the Moose Lodge concerning the possible vacation of the portion of Duane Street adjacent to their properties. Both parties expressed interest and have submitted applications to the City. The proposed vacation would provide the Maritime Texaco Station with a 10' x 100' portion of the street, as previous owners acquired the 20' x 100' section of the street in 1944. The Moose Lodge would acquire a 30' x 100' portion of the right-of-way. Staff has reviewed the request and has determined that the area to be vacated does not appear to have any future potential as an access route; however, staff believes it would be in the best interest of the City to reserve easement rights on the vacated area for any existing and/or potential future utilities. At their November 17, 2014 meeting, the Astoria City Council acted to schedule a public hearing on the proposed street vacation on December 1, 2014 at 7:00 p.m. It is recommended that the City Council conduct the scheduled hearing and first reading of the proposed ordinance to vacate a portion of the Duane Street right-of-way.

Item 7(b): Request to Schedule a Public Hearing regarding the Purchase of City Owned Property Adjacent to 1610 Coxcomb Drive (Public Works)

The City has received a request from William Armington to purchase a City owned parcel adjacent to 1610 Coxcomb Drive to provide additional yard space and protect his views. The property is approximately 12,326 square feet and located directly east of the applicant's property. The applicant has requested to purchase Lot 2 and the vacated portion of Madison Avenue which is approximately 8,200 square feet. The parcel is not included within the Astoria Column Park boundaries. It is currently located within the Institutional Zone (IN) and is not zoned for residential use. If the property is sold, it would eventually need to be rezoned to the adjacent residential zone. The applicant recently had the property appraised and the estimated market value is listed at \$15,000. It is recommended that Council set a public hearing for December 15, 2014 to take public comment on the potential sales and approve or deny the sale of the property.

Item 7(c): Public Hearing and Ordinance regarding Amendment Request (A14-04) for Wireless Communication Facilities (1st reading) (Community Development)

In 2002, the City adopted a Wireless Communication Facility Ordinance to address where and how communication towers and antennae could be located within the City. For aesthetic purposes, lattice towers were prohibited requiring that any new communication towers be monopoles. The ordinance provided that “public emergency communication” facilities were not subject to the requirements of the code to facilitate public safety; however, the code did not address co-location of a private provider with a public emergency communication facility and, therefore, if a public emergency communication tower includes private providers, then it would be required to be a monopole construction. The current public emergency communication facility and Verizon private facility located on Coxcomb Hill adjacent to the Astoria Column are proposed to be relocated. The public emergency equipment is proposed to be co-located on the proposed Verizon tower in the forested Land Reserve area above Irving Avenue near Reservoir 3 and would, therefore, include both private and public facilities. Due to the type of facilities needed for public emergency communication services, and in order to allow co-location by other private providers, the tower needs to be fairly substantial in construction. The tower would need to be approximately 150’ tall to accommodate quality two-way radio coverage. A lattice tower would provide the needed height and space on the tower for co-location of private provider antennas and allow for quicker repairs to emergency communication outages. If the tower were used only for emergency service facilities, the existing code would not apply and they would be allowed to install a lattice tower; however, since the tower will have co-location of private providers, it is subject to the Wireless Communication Facility Ordinance which prohibits lattice towers. By co-locating both public and private facilities, the number of towers is reduced and only one tower would be required at Reservoir 3 site. Therefore, staff has initiated a proposed code amendment to allow lattice towers in the LR Zone and only if they also accommodate an emergency service facility regardless of additional co-location by private providers. The intent of the original code was to prevent a forest of cell towers and to maintain the visual quality of the Astoria skyline. Since the tower could be lattice if it was only for emergency services, and since co-location would reduce the need for additional towers, it would be consistent with the intent of the code to allow a co-located emergency service tower to be a lattice tower.

At its October 28, 2014 meeting, the Astoria Planning Commission held a public hearing and recommended that the City Council adopt the proposed amendment. A copy of the Staff Report and Findings of Fact as adopted by the Planning Commission are attached. Also attached to this memo is the proposed ordinance. A public hearing on the Amendment has been advertised and is scheduled for the December 1, 2014 City Council meeting. It is recommended that the Council hold a public hearing and adopt the ordinance as recommended by the Planning Commission. If the Council is in agreement with the recommendation of the

Planning Commission, it would be in order for Council to hold a first reading of the Ordinance.

Item 7(d): Authorization to Lease Property to Buoy Beer Company at 1 – 8th Street (Parks)

The City has received a request from Buoy Beer Company, to lease a portion of the rail corridor behind the Buoy Beer building at 1 8th Street, site of the former Bornstein Seafoods. The request is to utilize an area between the building and the River Trail to fence an outdoor seating area, allow parking and/or deliveries, for the restaurant/brewery operations at the facility. In lieu of a yearly lease amount, Buoy Beer agrees to maintain, repair, replace, and make any needed improvements to the decking, pilings, and other structural support. Through this agreement the savings in maintenance and repair costs to Parks and Recreation Department and Public Works Department exceeds the yearly lease amount the City would receive. The Parks Advisory Board recommends approval of this lease due to the fact that the property does not restrict access to the Riverwalk, has views of the river, nor is the property commonly used as a parks setting. It is recommended that Council authorize the Mayor and City Manager to sign the attached Lease Agreement for Buoy Beer Company.

Item 7(e): Franklin Avenue Sewer Main Replacement Project (23rd - 27th Street) – Final Pay Adjustment

On August 4, 2014, City Council authorized award of a construction contract to TFT Construction, Inc., in the amount of \$182,475.45 for the Franklin Avenue Sewer Main Replacement Project (23rd to 27th Street). At the time of award, staff noted that challenging project conditions, including groundwater and contaminated soil, may result in the need for change orders. TFT Construction, Inc., is requesting a pay adjustment to account for unforeseen conditions, constructability revisions, quantity adjustments, and added project scope. The project is substantially complete with only minor punch list items remaining. The final pay adjustment, totaling \$17,993.31, is within the project contingency of \$18,250.00. Funds for the pay adjustment are available in the Public Works Improvement Fund. It is recommended that Council authorize a final pay adjustment in the amount of \$17,993.31 with TFT Construction, Inc., for the Franklin Avenue Sewer Main Replacement Project.

Item 7(f): Liquor License Application from Young's Bay Restaurant Seafood & Grill LLC., Nicole Keller, at 1820 SE Front Street, Astoria for a New Outlet for a Limited On-Premises Sales License and an Off-Premises Sales License (Finance)

A liquor license application has been filed by Young's Bay Restaurant Seafood & Grill LLC., Nicole Keller, located at 1820 SE Front Street, Astoria for a New Outlet

for a Limited On-Premises Sales License and an Off-Premises Sales License. The appropriate departments have reviewed the application. After conducting an investigation into the application for OLCC licenses at Young's Bay Restaurant Seafood & Grill, Police staff is recommending denial.

EXECUTIVE SESSION

Item 9(a): ORS 192.660(2)(h) – Legal Counsel

The City Council will recess to executive session to consult with counsel concerning legal rights and duties regarding current litigation or litigation like to be filed.



CITY OF ASTORIA
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COMMUNITY DEVELOPMENT

November 21, 2014

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: FEMA FLOOD INSURANCE MAPS – PRESENTATION

Over the last few years, the Federal Emergency Management Agency (FEMA) and Department of Geology and Mineral Industries (DOGAMI) have been developing new flood zone maps for the entire State of Oregon. In 2010, new FEMA maps were adopted by the City with the knowledge that additional mapping would soon be completed by DOGAMI for coastal communities to better identify the "at risk" areas of each community. DOGAMI completed a LIDAR survey of the entire Oregon coast, including Astoria, and had prepared a set of maps to identify potential hazard areas and to eliminate areas that were previously thought to be a hazard based on old, less detailed information. With the LIDAR survey, the maps now can identify the specific elevation of the land in more detail thereby removing guess work from the equation.

Staff has been working with FEMA and DOGAMI to assure that the information and maps for Astoria reflect the issues and concerns specific to our community. On December 10, 2013, the City received the draft FEMA Flood Insurance Rate Maps (FIRM) for review. Prior to this draft, the adopted 2010 flood zone designations in Astoria had not changed dramatically from the 1978 FIRMs and therefore, Astoria had little concern with the new mapping. With the new drafts, there are major changes that will impact the citizens of Astoria and their ability to obtain flood insurance and/or to develop along the Columbia River and Young's Bay. At the same time as the proposed map changes, the Biggert-Waters National Flood Insurance Reform and Modernization Act (2012) was adopted which drastically increased the flood insurance rates nationwide. Staff spoke with representatives from Clatsop County, Warrenton, and Seaside to coordinate the responses from the various communities concerning the proposed changes. A letter was sent to DOGAMI identifying questions and concerns with the new mapping. A copy of the letter was sent to the City's US Senators to keep them apprised of our concerns. Clatsop County and Warrenton also sent letters of concerns. The City received a response from FEMA in June 2014 which did not completely answer the City's concerns. There is still question as to the accuracy of the information in the new mapping and the data and model used to calculate the potential flood risks in Clatsop County.

Several of the issues/concerns include the change of the Columbia River and Young's Bay to a "velocity zone" which increases the potential flood impact areas and raises the Base Flood Elevation. In addition, the draft maps use an extremely high data point from the Tongue Point Tidal Station that may be an anomaly and alters the Base Flood Elevation by one foot or more. The inclusion of this data in the model has a tremendous impact on not only

development in these areas, but could also have an effect on insurance rates for citizens in these areas. The City of Astoria, City of Warrenton, Clatsop County, Port of Astoria, and several diking districts have been actively pursuing additional information from FEMA to understand more about the anomaly. There were several other issues noted in the letter to DOGAMI. Staff have been in contact with the US Senators who continue to monitor and work on this issue on the Federal level.

Based on the fact that FEMA did not adequately address our concerns, it was determined that Clatsop County, Warrenton, and Astoria should present a unified response to FEMA as the issues impact the entire north County area. Over the last few months, the local jurisdictions have been meeting with FEMA to obtain the data necessary to review and analyze FEMA's findings. We have now received the data and intend to hire a consultant to review the material in order to prepare a formal response to FEMA. The County, Warrenton, and Astoria would consolidate resources and share in the costs to hire the consultant through an Intergovernmental Agreement (a copy of the IGA will be provided at Monday's Council meeting). This initial review is estimated to cost \$20,000 with a not to exceed amount of \$7,000 for each jurisdiction. Depending on the results of the consultant's analysis and FEMA's response to these findings, additional actions may be necessary to address the interests of the north County communities relative to the proposed flood maps.

Department of Land Conservation and Development representative Patrick Wingard is assisting with the map overview and getting the answers needed to address the County and cities' concerns. Staff will continue to work with the representatives and other local communities on the draft maps. Staff will ultimately present the draft maps to the Planning Commission and City Council for consideration once they are finalized by FEMA and DOGAMI.

Colin Stelzig, Otak / Warrenton City Engineer, and Warrenton Mayor Mark Kujula will be present along with City of Astoria Public Works and Community Development staff to make a presentation to the City Council explaining the concerns with the proposed FEMA maps and identifying the steps the communities will be taking to assure that the correct information is used in adopting the maps.

By:



Rosemary Johnson, Planner

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

Councilors Present: LaMear, Herzig, Warr, Mellin, Mayor Van Dusen

Councilors Excused: None

Staff Present: City Manager Estes, Interim Police Chief Johnston, Parks and Recreation Director Cosby, Financial Analyst Snyder, Fire Chief Ames, Planner Johnson, Library Director Tucker, Public Works Director Cook, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

Mayor Van Dusen announced the results of the elections on November 4, 2014, as follows:

Mayor Elect – Arline LaMear
City Councilor Elect – Cindy Price
City Councilor Elect – Zetty Nemlowill

He congratulated the new Mayor, new City Councilors, and George McCartin, who ran for a seat on the City Council.

REPORTS OF COUNCILORS:

Item 3(a): Councilor LaMear reported that she attended a meeting with the new Port director, which included a great group of Astorian's from all walks of life. She attended the ribbon cutting at the new sports complex and the first half of the football game. She went to an economic forum hosted by Columbia Memorial Hospital. The three south county mayors, City Manager Estes, and Clatsop County Manager Scott Summers also attended the forum to discuss economics in the county.

Item 3(b): Councilor Herzig reported that on Sunday, November 9, 2014, the Lower Columbia Diversity Project (LCDP) is hosting a workshop on understanding racism at 2:00 pm in the Judge Boynton Building. The workshop is free and open to the public. The workshop is a follow-up to the presentation about the lack of black people in Oregon. He noted that high winds were forecast for that night and the next day, reminding everyone to prepare for the weather. He attended the Coast Guard's open house about the new housing development and wished more people had attended. The Coast Guard did a great job and is still looking for input from the citizens. The PowerPoint presentation that was given at the open house was made available in the lobby of City Hall. The Coast Guard said at the open house that they would save as many trees as possible, consider the hydrology, and extend the walking trail from Klaskanine to Lexington or Kensington. The trail extension will be open to the public. One man at the meeting had said the road was moved a couple of feet to save two trees, so the Coast Guard is taking great care to address the public's concerns. The Coast Guard does not usually accommodate the public this way, but they knew the community really cared about this development. He promised the City would do everything possible to help with pedestrian safety in the new housing area, which is a concern of the Coast Guard. A report from the municipal judge stated the Police Department recently conducted a pedestrian safety enforcement program. There was a significant increase in citations for failure to yield to a pedestrian in a crosswalk. At a number of hearings, drivers said they were not aware of unmarked crosswalks located at each block's intersection. Many drivers indicated they saw the pedestrians, but did not believe stopping was necessary because the crosswalk was not marked. Oregon law requires drivers to stop for pedestrians at every unmarked crosswalk, which are typically located at each intersection. The City needs to do a better job of getting the word out. There are new crosswalk stripes going in around town, but people do not understand that unmarked crosswalks at each intersection are equally protected for pedestrians.

Item 3(c): Councilor Mellin reported that she attended the meeting with the new Port director, Jim Knight. The reception was wonderful and everyone seemed very positive. There is a fresh, new feel about the Port and she believed Astoria would see some good progress. She sat with Councilor LaMear at the ribbon cutting at the new sports complex and learned that Councilor LaMear loves football. Being at the new sports complex was an incredible experience. It is a great use of land that would have remained vacant. She enjoyed

the elections and was happy with the results. She believed three women on City Council was the result of many years of work by the Women's Political Caucus, which she has been a member of for about 20 years.

Item 3(d): Councilor Warr reported that he attended the same events as Councilors LaMear, Herzig, and Mellin, who already gave great reports. He congratulated Councilor LaMear and said the City Council has a bright future.

Item 3(e): Mayor Van Dusen reported that there would be two football games at the new sports complex over the weekend. The games are playoff games with Knappa High School and Clatskanie High School. The visiting teams and their fans will be reserving rooms in Astoria, adding to the city's economy.

CHANGES TO AGENDA: No changes.

CONSENT CALENDAR:

The following items were presented on the Consent Calendar:

- 5(a) Boards and Commissions Minutes
 - (1) Library Board Meeting of 8/19/14
 - (2) Library Board Meeting of 9/3/14
 - (3) Parks Board Meeting of 9/24/14

City Council Action: Motion made by Councilor Warr, seconded by Councilor Mellin, to approve the Consent Calendar. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

REGULAR AGENDA ITEMS

Item 6(a): Authorization to Join Houston-Galveston Area Council (HGAC) to Enter into a Contract to Purchase a New Fire Pumper Truck from Pierce Manufacturing (Fire)

At the April 21, 2014 Astoria City Council meeting, Fire Chief Ames made a presentation regarding the current status of Fire Department equipment. The high cost of ongoing repairs, coupled with the fact that two of the apparatus have reached the end of their useful life, resulted in the recommendation to replace both apparatus. The first is the 1986 Fire Pumper Truck 2521. The recommended replacement is a Pierce Arrow XT Pumper. The second is the Quint Aerial Ladder Truck 2541 which would be replaced with a Pierce Arrow XT 105' Aerial Ladder Truck. At the August 4, 2014 Astoria City Council meeting, Financial Analyst John Snyder provided information on possible funding strategies for discussion by Council. It was explained that projections of revenue and expense for the 17th Street Dock Fund indicate resources would be available to secure a seven (7) year annual lease payment towards the purchase of the Pierce Arrow XT Pumper truck.

The Houston-Galveston Area Council (HGAC) is an interstate cooperative procurement agency that facilitates contracts between member jurisdictions and member manufacturers. The Pierce Manufacturing Company is a member manufacturer. The request for authorization to join the HGAC would allow the City to enter into a contract for the purchase of a Pierce Arrow XT Pumper truck. The process for joining the HGAC has been reviewed by the City Attorney and required a seven (7) business day advertisement noting the City's intent to establish a contract (ORS 279A). The advertisement was published October 3, 2014. No comments were received. After considerable research and time, Fire Chief Ames is recommending the purchase of a Pierce Arrow XT Pumper truck through a contract with HGAC. Purchasing the Pierce Arrow XT will result in a fire pumper that should serve the needs of the City for many years into the future as well as providing the best in modern safety features for our Firefighters. It is recommended that Council authorize joining the Houston-Galveston Area Council to facilitate entering into a contract with Pierce Manufacturing for a lease/purchase of a new Pierce Arrow XT pumper truck.

Councilor LaMear asked if Pierce Manufacturing used to make cars. Chief Ames replied no, the company is a subsidiary of Oshkosh Corporation, which is a multi-national company that builds many types of vehicles for the military and other companies around the world.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Herzig to authorize joining the Houston- Galveston Area Council to facilitate entering into a contract with Pierce Manufacturing for a lease/purchase of a new Pierce Arrow XT pumper truck. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

Item 6(b): Consider Authorization to Purchase a New Fire Pumper Truck and Associated Resolution for a Lease/Purchase Agreement (Fire)

It is proposed that a lease/purchase agreement be used to procure the pumper. Financing for the new pumper truck will be through Oshkosh Capital. Oshkosh is the parent company of Pierce Manufacturing. Financing will be accomplished through a seven (7) year lease to purchase agreement with Oshkosh with the first payment of \$75,000 due on January 31, 2015. Annual payments of \$76,360.30 each will be due in January of each of the following six (6) years. Financial Analyst John Snyder has verified that the lease payments starting with the January 31, 2015 payment can be made with available resources from the 17th Street Dock Fund without adverse financial effect.

In addition to consideration of approval of a resolution to enter into the lease agreement with Oshkosh Capital, the purchase of the new pumper truck would require authorization from Council to enter into a Contract with Pierce Manufacturing for the construction of the pumper. The Contract with Pierce Manufacturing for the new pumper would be in the amount of \$488,251. Oshkosh Capital has provided two (2) lease/purchase options for consideration. Option "A" was described with the \$75,000 payment due on January 31, 2015 followed by the six annual payments thereafter of \$76,360.30. Option "B" consists of seven (7) annual payments in the amount of \$77,954.42. Staff recommends Option "A" which would save the City approximately \$12,500 in interest charges over the life of the lease/purchase. The total cost with 2.86% interest would be \$533,161.80. The City Attorney has approved the sample Lease/Purchase Agreement with Oshkosh Capital and the Contract with Pierce Manufacturing as to form.

It is recommended Council approve the attached resolution for the Lease/Purchase of a Pierce Arrow XT pumper truck from Oshkosh Capital using the Oshkosh Capital Option "A" as described above. It is further recommended that Council approve entering into a Contract with Pierce Manufacturing for the construction of the new pumper truck.

Mayor Van Dusen confirmed that funds for this purchase would come from Astoria's lease with the Coast Guard for the 17th Street Dock.

Chief Ames recognized that this purchase was a lot of money, but the equipment is needed. The Fire Department is experiencing enormous expenditures to keep its equipment running. After a lot of research and experience with purchasing vehicles, he believed the pumper truck would be the best vehicle for Astoria's hilly terrain. The truck will serve Astoria well in the long run.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor LaMear to approve the resolution for the Lease/Purchase of a Pierce Arrow XT pumper truck from Oshkosh Capital through the HGAC using the Oshkosh Capital Option "A" as described in the memo. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Mellin to approve entering into a Contract with Pierce Manufacturing for the construction of the new pumper truck. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

Item 6(c): Resolution Appropriating Funds for Purchase of a Fire Pumper Truck (Finance)

The budget for FY 2014-15 anticipated the lease purchase of a fire pumper truck. \$75,000 was allocated as a transfer to the Capital Improvement Fund in the 17th Street Dock Fund in support of this expenditure. The transfer was not allocated as a resource for the Capital Improvement Fund because the terms of the transaction were not in place. A lease purchase agreement is now being proposed in a separate memo. The terms of the lease are for a down payment of \$75,000 that will leave six (6) annual payments of \$76,360.30 from FY 2015-16 to 2020-21. It is anticipated that these payments will be made by subsequent transfers from the 17th Street Dock

Fund. It is recommended that Council consider adopting this resolution to allocate \$75,000 as a down payment on a fire pumper.

Mayor Van Dusen explained that the Coast Guard housing area and other Coast Guard properties within the City limits do not pay property taxes, which are deposited into the General Fund to be used by the Fire and Police Departments. However, Astoria has a very favorable lease with the Coast Guard on the 17th Street Dock, where their two cutters are moored. The Coast Guard wants to help the community and is glad the funds will be used to purchase a fire truck. He wanted to make it clear that funds for the truck were coming from the 17th Street Dock lease, not property taxes.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Mellin to adopt the resolution to allocate \$75,000 as a down payment on a fire pumper truck. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

Item 6(d): Geologic Hazards Mapping Update (Public Works)

The City's existing Past Landslides Map needs to be updated to clearly show all recent slides and changes to the boundaries of existing known landslides. This information is very useful in making land use decisions since our City Development Code requires that all development within 100 feet of a known slide area have a geologic report prepared. It is proposed that the map be updated to a new map titled "City of Astoria Geologic Hazards Map". In July of 2014, staff applied for a \$5,000 Oregon Division of Land Conservation and Development (DLCD) Technical Assistance Grant. The Public Works Department had budgeted \$5,000 to begin the map update. With the additional \$5,000 in grant funds, staff anticipates that the project can be completed. City staff will match the grant funds with approximately \$5,000 in in-kind services (staff labor).

In October 2013, the Oregon Department of Geology and Mineral Industries (DOGAMI) published geologic mapping for the City of Astoria. The new City mapping, in conjunction with the state mapping, will provide the valuable information needed by planners and consultants in making decisions regarding geologic hazards in Astoria. City Attorney Henningsgaard has reviewed and approved the contract as to form. It is recommended that Council accept the Oregon Department of Land Conservation and Development grant for \$5,000 and authorize the Mayor to sign the grant agreement. Staff will be requesting that the City Manager approve a contract with Horning Geosciences that will be under the amount of his \$10,000 spending authority.

City Manager Estes clarified for Councilor Herzig that the contract is expected to be under \$10,000, which is within the City Manager's spending authority.

City Council Action: Motion made by Councilor Warr, seconded by Councilor LaMear to accept the Oregon Department of Land Conservation and Development grant for \$5,000 and authorize the Mayor to sign the grant agreement. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

Item 6(e): Irving Avenue Tree Removal (Public Works)

At the July 21, 2014 Council meeting Mayor Van Dusen requested that staff have an arborist inspect the Irving Avenue roadway east of the Irving Avenue Bridge Project (between 19th and 33rd Streets) for dangerous trees that could possibly fall during winter wind and/or ice storm events. The purpose of the task was to minimize the risk of road closure and injury from falling trees. Staff hired a licensed arborist to perform a tree hazard assessment and approximately 50 trees were recommended for removal. A subsequent review by the Mayor, local citizens, and staff reduced the number to approximately 35 trees. Some of the trees are covered with ivy and are structurally defective. The arborist also recommended removing ivy at ground level from trees that have a good vertical growth habit and minimal ivy growth. If Council is in agreement with the arborist's and staff's modified recommendation, staff will obtain three quotes from tree removal companies. If the lowest quote exceeds the City Manager's purchasing authority, staff will return to Council for authorization to proceed. It is recommended that the City Council authorize staff to request quotes to have the trees removed.

Sue Skinner, 511 Jerome, Astoria, said she was glad the small maple trees would not be removed.

Mayor Van Dusen explained that the City had a very specific goal, to remove trees that would block Irving Avenue for emergency vehicles. This had nothing to do with views. The number of trees to be removed was reduced from 50 to 35 trees, many of which are very small. Some of the trees may fall, but they will fall toward the river and not block Irving Avenue, which helped determine whether or not they should be removed.

Director Cook noted the City hired arborist Joe Balden from Nehalem, who is the only arborist in the area that does not have a tree cutting service. Therefore, his opinion about tree removal is neutral.

Councilor Herzig thanked Mayor Van Dusen for involving the citizens in this issue. He said the Mayor, Sue Skinner, the Whites, and a few other people went to Irving Avenue on a rainy day to look at the trees. He believed the public involvement in this process was a great thing.

Councilor Mellin believed this tree removal was proactive. It is good that the City is looking ahead at what its needs will be.

City Council Action: Motion made by Councilor Mellin, seconded by Councilor Warr to authorize staff to request quotes to have the trees removed. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

Item 6(f): Niagara Landslide (between 14th and 16th Streets) Study (Public Works)

The City Public Works Department has been maintaining the roadway surface at the Niagara slide area located between 14th and 16th Streets for approximately 75 years. Records show that the slide was first identified in December of 1939. The slide can be described as a slow creeper and requires routine asphalt repair work periodically to maintain the roadway. Staff believes that seeking a permanent repair would be beneficial when public safety, public inconvenience, and the ability to have the road open after a seismic event are considered. In order to prepare a plan for a permanent repair, staff is proposing to initiate a slide study that will characterize the slide and help identify possible repair methods. The first phase of the study would include a Geotechnical study of the history of the slide, field reconnaissance, one exploratory boring, and installation of a slope inclinometer to measure movement. A technical memorandum would then be prepared summarizing the results of the field investigation. The study would cost \$20,000 to complete and includes \$8,500 for a drilling subcontractor to complete the exploratory boring. The work is expected to take approximately three months to complete. A personal services contract defining the scope of work is attached. City Attorney Henningsgaard has reviewed and approved the contract as to form. It is recommended that Council execute a contract with Landslide Technology for a total not to exceed the amount of \$20,000 for geotechnical engineering services on Phase 1 of the Niagara Landslide Study.

Councilor Mellin said she believed everyone who drives through the area thinks about the landslide potential because the land looks like it will slide at any moment. The land has looked this way for as long as she could remember, so she was glad the City will do something about the issue.

Councilor LaMear believed the study would likely benefit the City in other areas that are also slide prone, like along Alameda. She hoped the results of the study would suggest permanent repairs.

Councilor Herzig asked if the south side of Niagara between 14th and 15th Streets where the roadway has settled would be included in the study. Director Cook showed the study area on the screen, which was close enough to the area Councilor Herzig mentioned that the results of the study could be applied to it. Councilor Herzig said this issue came up earlier in the year and City Council was told staff was waiting for dryer weather to do the study. It is great that the scope of the study has been expanded in the mean time. It is very noticeable that the south side of the road is settling between 14th and 15th Streets. Two large areas have settled almost to the center of the roadway. Director Cook said the area has not been as active as the portion of the road within the study area, but it is a problem. Councilor Herzig believed Directory Cosby was also concerned about the slide risk because she lives in the area.

Mayor Van Dusen explained that an inclinometer is a piece of bamboo driven into a hole. When the earth moves, the bamboo breaks, indicating how deep the movement is. He asked why this area was chosen for the study, as there are other areas of the city that have land movement. Director Cook said the area is a prime route

for emergency vehicles to get to the east part of Astoria. If the route is inaccessible, travel to the hospital would be significantly delayed. Also, the new sports complex has increased the amount of traffic in the area.

Councilor Herzig noted that the contract includes the City's new nondiscrimination policy.

City Council Action: Motion made by Councilor Mellin, seconded by Councilor Warr to execute a contract with Landslide Technology for a total not to exceed the amount of \$20,000 for geotechnical engineering services on Phase 1 of the Niagara Landslide Study. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS

George McCartin, 490 Franklin Avenue, Astoria, said the heavy rain season was beginning. He recalled that during the previous rainy season there was flooding in the lower level of City Hall because of the adjoining hotel. He asked if contact had been made with the owner of the hotel and wanted to know if the problem had been alleviated. City Manager Estes said staff has been in contact with the owner in the last few weeks. It appears as if the drains are clear.

LJ Gunderson, 413 Franklin Avenue, Astoria, said the Astoria Downtown Historic District Association (ADHDA) is encouraging the downtown businesses to begin staying open until 7:00 pm on Fridays, from Friday, November 7 through December 19, 2014, in anticipation of the holiday season. The ADHDA website lists the businesses that will be open late and the list continues to grow. The downtown lighting will be on Saturday, November 29th at 5:00 pm. The lighting event will include pictures with Santa at Santa's Workshop, which will be located at the Astoria Armory. A movie and children's activities will also be at the Armory. Santa's Workshop will open at 2:00 pm and the movie will begin at 3:15 pm. The entire event is free and open to the public and donations of canned food will be collected for Clatsop Community Action. She noted that the Astoria-Megler Bridge has been featured on a Google commercial. She had the YouTube address of the commercial for anyone who wanted to see it.

Marietta Hope-Zell, 8137 SW Edgewater Drive, Wilsonville, Oregon, introduced her mother, Ruth Hope, and distributed items to the City Council related to the issues she and Ms. Hope planned to address. These items included an article from Chicora Foundation Incorporated called *Best Practices for Cemetery Lawn Maintenance* and the Oceanview Cemetery brochure.

Mayor Van Dusen confirmed that Ms. Hope's presentation was going to be about the cemetery. He understood that Ms. Hope-Zell and Ms. Hope traveled a long way and encouraged them to speak, but noted that City Council would recommend their concerns be submitted to the Parks Department and Parks Board because they were in charge of the cemetery.

Ruth Hope, 747 Augusta Court NW, Albany, Oregon 97321, said she understood and read her letter which discussed her family's history with and their concerns about the condition of the Oceanview Cemetery. She compared the quality and thoroughness of prior maintenance to the maintenance done today and noted the deplorable conditions, equipment, and practices used at the cemetery conflicted with best practices and several rules and guidelines outlined in the Oceanview Cemetery brochure. Her letter included several questions about the dollar value of the endowment and subsidized monies used to address shortfalls; plans for future expansion; the details and timeframe for the new irrigation project; and the discrepancies between current operations and the Oceanview Cemetery brochure. She noted that as a final resting place for many residents of Astoria and an enduring historical record, Oceanview Cemetery should be well maintained by the City. The family's goal is to improve the cemetery and they looked forward to a dialogue with the person designated to make the improvements happen. She would love to be proud of the historical aspects of Astoria, particularly the cemetery since she visits it often. She hoped the City Council would allocate funds for cemetery improvements to bring the cemetery up to standards that everyone in the City could be proud of.

Mayor Van Dusen dismissed the department heads, except for Director Cosby, during Ms. Hope's testimony.

Councilor Warr said that he owns the monument company in town and had built the monument for Ms. Hope's mother. He thanked Ms. Hope for speaking up because the City has been slow to address this issue.

Doris Queener, 4940 Cedar Street, #2A, Astoria, asked when would the City get a new Finance Director and if the audit would occur on its normal schedule, six months after the fiscal year ends. Staff had told her the City's current liability for employee's retirement health insurance was \$220,000, except for Planner Johnson. She has worked in accounting for government entities for most of her life. During the last 10 years, she has worked for the Department of Administrative Services. For seven of those years she worked as a fiscal analyst for the Facilities Division, monitoring budgets, funding sources, items approved by the legislature, and worked with as many as seven project managers on multi-million dollar projects. She also tracked contract commitments, change orders, and amendments and processed payment requests. She referred to the contract with Area Properties that was not formally amended to include the \$1,000 minimum commission fee, asking why the bill for these fees was processed and approved when it was not covered by a written executed contract.

City Manager Estes said the application period for the Finance Director position would be closing at the end of November. The City has advertised the position locally, through state and regional professional organizations, and through the International City Managers Association. He asked Ms. Queener to contact him the following day for a copy of the job description. The audit has begun and is proceeding normally. He was not aware of any problems with the audit, but Financial Analyst Snyder could provide more information. With regard to the contract with Area Properties, a staff member had made a verbal commitment to pay a \$1,000 minimum commission on each property sold. The verbal commitment was presented to City Council and Council approved a contract amendment to include the minimum commission.

Ms. Queener said she was concerned because in Oregon, it does not matter if a commitment is agreed upon verbally; only executed contracts are adhered to. She believed this was against statutes and rules as she had been through many audits.

Mayor Van Dusen said the contract amendment was brought to City Council for a vote, so the issue was readdressed.

Ms. Queener said she remembered how forceful Mayor Van Dusen was about the fact that a mistake had been made. She was concerned that agreement was only verbal. This was public money. If someone approves spending public money, but the expenditure does not match the language in the contract, the expenditure should not be processed, according to her understanding of how public money is handled.

City Manager Estes confirmed for Mayor Van Dusen that there were some commissions paid at the verbally agreed upon rate before City Council approved the contract amendment.

Ms. Queener said she understood this was an anomaly that had been addressed; however, from the perspective of someone who handles payments, the payment should always match the language in the executed contract. She wanted to make sure this would be addressed to ensure it does not happen again.

Mayor Van Dusen thanked Ms. Queener for her comments and noted that the Port of Astoria, which is owned by the citizens, is currently going through difficult and expensive financial resources. The City should have answers to her questions, and if not they would be provided; and if a mistake is made, the City will say so. Ms. Queener said she appreciated that, adding that there has been discussion about staff being overburdened at times and changes were being made, but she has been pushed to authorize a payment, which she refused to authorize because it violates the statute. Mayor Van Dusen added it does not matter how big or small the payment. He said at least Ms. Queener has forced the City to give a good explanation. Ms. Queener added that she wanted everybody to be on the same page about how much due diligence is owed for public monies.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:58 pm.

ATTEST:

APPROVED:

Finance Director

City Manager

HISTORIC LANDMARKS COMMISSION MEETING

City Council Chambers

October 21, 2014

CALL TO ORDER – ITEM 1:

A regular meeting of the Astoria Historic Landmarks Commission was held at the above place at the hour of 5:15 p.m.

ROLL CALL – ITEM 2:

Commissioners Present: President LJ Gunderson, Commissioners Jack Osterberg, Thomas Stanley, Paul Caruana, and Mac Burns.

Commissioners Excused: Vice President Michelle Dieffenbach and Kevin McHone.

Staff Present: Planner Rosemary Johnson and City Manager Estes

APPROVAL OF MINUTES – ITEM 3:

President Gunderson asked if there were any changes to the minutes of September 16, 2014. There was none.

Commissioner Burns moved to approve the minutes of September 16, 2014 as presented; seconded by Commissioner Caruana. The minutes were approved 4 to 0 to 1. Ayes: President Gunderson, Commissioners Caruana, Burns, and Stanley. Nays: None. Abstentions: Commissioner Osterberg.

Commissioner Osterberg noted that he abstained from voting because he did not attend the meeting of September 16, 2014.

PUBLIC HEARINGS:

President Gunderson explained the procedures governing the conduct of public hearings to the audience and advised that the substantive review criteria were listed in the Staff report.

ITEM 4(a):

HD14-02 Historic Designation HD14-02 by Kris Haefker to designate the residential structure as historic within the Shively-McClure National Register Historic District. Designation will be based upon proposed alteration plans to restore the building to its historic design at 665 12th in the R-3, High Density Residential zone.

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

President Gunderson declared that Easom Property Management managed this property until it was purchased by the Applicant, Mr. Haefker. However, she had not discussed the remodel with Mr. Haefker.

President Gunderson requested a presentation of the Staff report.

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

President Gunderson called for questions of Staff. Hearing none, she opened public testimony for the hearing and asked for the applicant's presentation.

Kris Haefker, 2034 N. Killingsworth, Portland, stated he was present to answer questions.

Commissioner Osterberg said he appreciated much of the detail work the Applicant planned to do, particularly the restoration of the building's small-scale elements, like the belt course between floors. He believed this was important, but would have preferred to review a set of architectural elevations. Because Mr. Haefker had shown the repairs and changes already made to the back of the building, he understood the project would be a good one. Even though there were no architectural elevation plans, the quality of work that had already been done combined with the Applicant's detailed written statement gave him confidence in Mr. Haefker's work.

President Gunderson called for presentations by persons in favor of the application.

John Goodenberger, 856 Harrison, # 2, Astoria, stated he supported the project. He lives in the neighborhood and was pleased to see that the neighborhood would get another historic structure and to see the work of previous owner Roberta Stramiello be completed after so many years. He said Mr. Haefker has restored another house in the neighborhood and has worked on the Home Apartments. He believed Mr. Haefker had the capability of doing good work and he looked forward to seeing Mr. Haefker's work again on this building.

President Gunderson called for presentations by persons impartial to or against the application. Seeing none, she called for closing remarks from Staff. There were none. President Gunderson closed the public hearing and called for Commission discussion and deliberation.

President Gunderson stated she was familiar with the building and believed Mr. Haefker had done excellent work on his projects, following through with what he said he would do. She supports anyone who is going to bring the glory back to a historic home.

Commissioner Stanley said he supported the application. He was pleased to see that the building would be restored back to its original condition. Commissioners Burns, Osterberg, and Caruana said they supported the application. Commissioner Osterberg noted he had already stated his reasons for supporting the application.

Commissioner Caruana moved that the Historic Landmarks Commission adopt the Findings and Conclusions contained in the Staff report and approve Historic Designation HD14-02 by Kris Haefker with the conditions listed in the Staff report; seconded by Commissioner Burns. Motion passed unanimously.

President Gunderson read the rules of appeal into the record.

ITEM 4(b):

NC14-04 New Construction NC14-04 by Warren M. Williams to construct a new approximate 1,800 square foot single family dwelling adjacent to properties designated as historic at 3011 Grand in the R-2, Medium Density Residential zone.

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

President Gunderson declared that her company manages property at 3008 Grand, which is directly across the street. However, this would not affect her decision. She requested a presentation of the Staff report.

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

President Gunderson called for questions of Staff.

Commissioner Osterberg asked how the required variance would be processed. Planner Johnson replied the variance would be approved administratively. She explained that administrative variances are publicized just as for public hearings. After a 20-day public review period, she would prepare a Staff report and approve or deny the request. The public review period for this variance had passed and no correspondence in objection to the request was received. Therefore, it was Staff's intent to approve the variance. No one was on record to appeal the decision.

Planner Johnson confirmed for Commissioner Osterberg that no street improvements had been proposed. The street is a substandard street and the City allows a certain extent of in-fill development on substandard streets. When the building permit application is submitted, any street improvements would be reviewed by the City Engineer. Commissioner Osterberg asked if a sidewalk extension would be proposed or required. After speaking with the City Engineer about this project, it was her understanding that no additional street improvements would be required. However, this would still need to be reviewed by the City Engineer.

Commissioner Osterberg said he assumed the review by the City Engineer would be completed prior to Staff's approval or denial of the variance request. Planner Johnson explained that street improvements are not a condition of the setback variance because the Applicant is only asking for a small variance that would still allow a five-foot setback. This would create a typical side yard, but one that is substandard for a street side yard. She confirmed that this would not be tied to a land use application, but would be under the review of the City Engineer.

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

Andrew Olson, 3710 Harrison Avenue, Astoria, said he had attended on behalf of Warren Williams to answer any questions.

Commissioner Caruana said he would like to see a cornice return on the roof and fascia to give the house a historic feel. He believed the proposed boxed cornice dated the house as new construction and asked if the Applicant would be opposed to making the roof and fascia wrap around the eave. Mr. Olson said he would not be opposed, but could not speak specifically for Mr. Williams. However, he would be working with Mr. Williams on the project. Commissioner Caruana said cornice returns would require a little more work, but it really would give the house a more classic feel. This is the only feature on the home that stands out as new construction. Mr. Olson said he appreciated the idea and planned to make the house beautiful.

President Gunderson asked if the stone veneer would be limited to the minimal amount shown in the Staff report. Mr. Olson said Mr. Williams obtained the architectural drawings from Mascord. He believed stone veneer must be done well or it looks cheesy. He might choose the look of stacked concrete like a lot of the older homes in the area. President Gunderson and Commissioner Caruana said they preferred the stacked concrete over the stone. Mr. Olson said he understood and believed that Mr. Williams was not set on having stone veneer.

Commissioner Osterberg asked Commissioner Caruana to consider specifying a specific length for the return. He wanted the condition of approval to be clear. Commissioner Caruana said typically, the return is the same as the depth of the eave as it turns a corner to form a box. The roofing rolls around the corner as well.

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

Planner Johnson verified that the HLC wanted to add the following conditions:

- Install full cornice returns the full depth of the roof eave
- Stone veneer shall be concrete or other stucco style or wood siding to match the house

President Gunderson closed the public hearing and called for Commission discussion and deliberation.

Commissioner Stanley said he had no objections with the conditions that were proposed. Commissioners Caruana and Burns and President Gunderson said they supported the request with the additional conditions. Commissioner Osterberg said he agreed with the Staff report and the additional conditions of approval for the design. He added that he is always disappointed when new construction occurs without street or sidewalk improvements. However, he understood that in some circumstances, the City might find that such improvements are not warranted.

Commissioner Burns moved that the Historic Landmarks Commission adopt the Findings and Conclusions contained in the Staff report and approve New Construction NC14-04 by Warren M. Williams with the conditions listed in the Staff report and the addition of the following new conditions:

- "4. The applicant shall install full cornice returns the full depth of the roof eaves.

5. The applicant shall use a concrete, stucco, or wood siding material in lieu of the stone veneer on the front entry."

Motion seconded by Commissioner Caruana. Motion passed unanimously.

President Gunderson read the rules of appeal into the record.

ITEM 4(c):

NC14-05 New Construction NC14-05 by Steve Hockman, Steele Associates Architects to construct an approximately 5,200 square foot, two-story commercial building adjacent to structures designated as historic at 1122 Duane in the C-4, Central Commercial Zone.

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

Commissioner Caruana declared that he banks at Columbia Bank. Commissioner Burns stated he also banks at Columbia Bank and that the Applicant is a member of the Clatsop County Historical Society. He stated this should not affect his opinion or judgment.

President Gunderson requested a presentation of the Staff report.

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

President Gunderson called for questions of Staff.

Commissioner Osterberg understood that virtually all glazing on similar structures must have some amount of tinting or reflection in order to meet energy codes. He believed he understood Staff's intention with regard to the condition of approval requiring clear glass. However, Staff should keep in mind that the building plan examiner would know that some amount of tinting or reflective glazing would probably be required to meet the energy codes. Planner Johnson said the condition could be edited to say that no additional tinting or reflective glazing be allowed. She has worked with the building official and the minimum glazing required by Code would be allowed. The condition is intended to prevent tinted glass like the State Office building (450 Marine Drive) with blue tinted glass and would not supersede Building Code requirements.

Commissioner Osterberg believed the condition would satisfy the HLC's purpose. The existing language would allow the developer options or alternatives. However, he preferred the Staff report be edited to include Planner Johnson's revised language.

President Gunderson opened public hearing and asked for the applicant's presentation.

Steve Hockman, Steele Associates Architects, 760 NW York Drive # 200, Bend OR 97701, said the design of the new bank was driven by several factors; branding of the bank in the cream-colored stucco, the blue metal roof, and blue awnings; and the function of the building, which will be asymmetrical so that each side of the building will be different. He wanted to tie everything together to meet the historical aspects of the City and meet the branding aspects of the bank. He worked with the bank and City Staff to come up with some accent colors for the branding elements. The awnings and pyramid will be blue to represent the bank. The field colors will be earth tones. Jumbo brick will be used on the base with smaller field brick above. The windows will be slightly articulated with mullions to help bring in a more historic look. He intends to develop and repair some of the sidewalks and has spoken with the City about the elevated sidewalks. The project will be phased because demolition is involved. The building will be constructed first, and then the old building will be removed.

Commissioner Osterberg understood that Staff worked with the Applicant on the domed tower roof. However, he was concerned about the choice to use standing seam metal on that roof. He believed the scale, size, and height of the roof feature was appropriate and roughly mirrored some of the same features on other downtown buildings. However, to his knowledge, the standing seam metal was not found elsewhere in the downtown area.

Other similar roofs described in the Staff report are covered with terra cotta or ceramic, which is the character of the historic nature of the domed roof features. He asked if the Applicant would be willing to consider a different material for the roof that would be more appropriate. Mr. Hockman said metal is a standard material used by Columbia Bank. He would have to speak with staff about this. He believed terra cotta was available in blue, but his team would need to do some research. The proposed roof, which is one small element of the entire building, is a branding element for the bank. Therefore, he would need to discuss alternative materials with the bank. He confirmed for Commissioner Osterberg that he was not able to suggest an acceptable alternative at this time. He believed he had seen another bank in Astoria with a standing seam metal roof.

Commissioner Osterberg said it was possible to find standing seam metal, but not on historic structures. He was not sure that he would want to see standing seam metal introduced as a desirable building material in such a prominent location. The proposed design is prominent, well balanced, and reasonably attractive, but he believed the metal was not appropriate with the historic character the bank is trying to achieve. The metal is also not compatible with the surrounding buildings or the buildings cited in the Staff report.

Commissioner Burns asked how this building would be different from a bank building in Longview. He understood branding, but he wanted to know how this building would be unique to Astoria. Mr. Hockman said most Columbia Bank buildings are one-story instead of two-story buildings and have not been in a historic area. The one-story buildings have sloping roofs, gabled roofs, a lot of blue standing seam metal, and stucco and earth tones below the roofs. He tried to introduce those features and originally had a more prominent roof in mind. After working with the City, he scaled it back so the parapet would be more prominent. The Staff report includes the schematic design package, so the building is not fully designed yet. There are definitely some items that can still be tweaked, but he is not sure about the roof and would have to do some research.

Commissioner Burns asked what the difference in square footage would be between the old and new buildings. Mr. Hockman believed the existing building footprint is about 10,000 square feet, which includes a full basement. The new building would have a footprint of about 5,200 square feet. A reduction in square feet appears to suit the needs of the bank, allowing for more parking and a better drive-through lane.

Commissioner Caruana asked Mr. Hockman to clarify what would be brick and what would be stucco. Mr. Hockman confirmed that only the stucco would be cream colored. He pointed out on the plan elevations where the stucco would be located. The jumbo brick would be used along the base and the field brick would be a lighter tone. He has not yet decided if standard faced brick would be used. Materials have not yet been selected, so the Staff report includes established concepts. Materials would still need to be approved by the bank and City Staff. The north side of the building will have more stucco because a portion of the north side is just one story. A lot of steel would be necessary to support the weight if brick was used on the inset second floor. However, the same horizontal elements would still be used on the north side.

President Gunderson noted that she did not see any rooftop mechanical equipment. Mr. Hockman explained that the roof was flat. He intended to install the mechanical equipment below the roof or set them back far enough that they could not be seen. The mechanical equipment have not yet been developed and he would be speaking with the mechanical engineer to find out how large the equipment would be. The preliminary schematic design stated there would probably be one unit on the roof.

President Gunderson said she looked at the Columbia Bank website to get an idea of the branding and noticed that branding features were across the board. She asked how the blue proposed in the Staff report compared to the blue she saw online. She also wanted to know if the proposed building featured a new branding style. Mr. Hockman said the bank would be following the same standard color scheme, like the cream-colored stucco. The computer images do not replicate the exact shades.

President Gunderson called for any presentations by persons in favor of the application.

Heather Seppa, 89471 Shady Pine Road, Warrenton, said she is a regional manager for Columbia Bank and thanked the HLC for listening to their presentation. She believed the new building would be a nice asset to downtown Astoria. Her office will be relocated to the new building. The bank is swimming in its current building that is about 10,000 square feet. A lot of the space is unused. She is excited for her employees, customers, and the community.

President Gunderson called for any presentations by persons impartial to the application.

Cindy Price, 1219 Jerome, Astoria, said she has an account at Columbia Bank. She thanked the HLC for encouraging as much historical quality and materials as possible and for making the building as distinctive as possible. The location is very prominent.

Lucien Swerdloff, 1087 11th Street, Astoria, noted that the Staff report showed a stairwell on the east side of the building, which he assumed was the required second egress. The second floor plan shows a hallway connecting the main building to the stairwell was shown. However, no indication of this connection was shown on the elevation. Mr. Hockman explained that an exterior exit was located on the roof. Mr. Swerdloff said it still appeared as if the building was not high enough for a roof level door. He believed this would change. Mr. Hockman said the height shown should be pretty close, reminding that the Staff report contained a schematic design. The intent was to have the second exit on the roof. Steele Associates Architects has done this on its own roof.

Chris Haefker, 2034 N. Killingsworth, Portland, believed historical continuity downtown was very important. He did not object to the shape of the roof, but did object to the color. He believed zinc aluminum roofing and the colors proposed were post war features. Standing seam roofs on historic buildings are usually galvanized and painted red or copper. He believed the HLC should consider this because blue clashes. He understood branding, but did not care for branding when he looks out his window.

President Gunderson called for any presentations by persons opposed to the application. Seeing none, she called for closing remarks of Staff.

Planner Johnson asked if the HLC wanted to change the Staff report to require a different roof material and add a condition concerning the texture of the brick façade. She explained that on new construction, color is not a criteria reviewed by the HLC, but the materials need to be compatible, not necessarily historic, with the downtown area. There are newer downtown buildings with standing seam metal, but none are historic.

President Gunderson understood the HLC could not review colors. However, if the HLC were presented with something the Commission believed did not compliment the surrounding historic area, they could make a statement.

Planner Johnson said the criteria specifically states scale, mass, height, architectural details, and materials must be compatible with adjacent historic structures. The HLC can consider the orientation of the building and the location of the entrances. The HLC does have the authority to state that a feature is not compatible when compared to adjacent historic structures. She understood her answer was not clear because color is not a criterion. However, if color plays into the overall design and material, the HLC may address the issue.

President Gunderson closed the public hearing and called for Commission discussion and deliberation.

Commissioner Caruana said metal roofs have been around for thousands of years. Color may not be a factor, but he believed the HLC would prefer galvanized, stainless, or copper instead of standing seam metal. Blue with the right materials could be gorgeous. He understood the branding aspects and recognized that this may be something the HLC could not enforce, but would like the Applicant to consider using a more appropriate combination of color and material.

President Gunderson believed the color and material proposed for the pyramid dome did not complement the downtown area and was concerned about the shade of blue. She understood the branding aspects, but would prefer a different material on the roof.

Commissioner Stanley believed the branding could and should be compatible with the historic aspects of the City. He did not believe it would be necessary to conduct research before making a decision on this request. The size, scope, and scale of this project at this location justified the argument that the type of roof proposed was not acceptable. Terra cotta or copper would be more appropriate materials. If the roof was blue, the shade of blue would not need to be one that electrified the City. He suggested a shade of blue that would be more complementary. He was thrilled about the building and loved the idea of filling in the corner, but did not support the request as proposed.

President Gunderson said Leavenworth, Washington has done a great job of helping national corporations make their branding fit with the town. She believed Astoria could do the same with Columbia Bank.

Commissioner Osterberg agreed with the other Commissioners. He asked if the application would go through a design review process. Planner Johnson explained that this hearing was the last step in the design review process. Commissioner Osterberg said he would not restate his comments about the roof, but noted that his focus was the material; the color was of less concern. However, other Commissioners made some good points about the color. The Applicant stated the design process was not complete and some details are yet to be decided. Commissioner Osterberg said that some of the concerns stated during the public hearing seemed to argue in support of additional review of two or three design details. He hoped the Applicant would consider requesting a continuance of the application and come back to the HLC to address the concerns. He did not believe the application met criteria with the proposal of standing seam metal because materials must be compatible with the surrounding historic structures and the historic district. He believed the other Commissioners and members of the public who gave testimony agreed, even though the public testimony was impartial to the application.

Planner Johnson said the HLC could approve the request with the condition that the Applicant comes back with a revised roof plan.

Commissioner Caruana believed the roof material was not the only concern. A two-story building will look great, but the HLC would need to see brick and roof samples before approving the request. He wanted to allow the Applicant to move forward with the architectural aspects of the building and return to the HLC for final approval of the details.

President Gunderson asked the Applicant to state whether he preferred a full continuance of this hearing or a decision now with the additional conditions desired by the HLC. Mr. Hockman stated he would need to speak to the bank about the standing seam metal roof and the color. He would like clarification on whether the color was an enforceable issue, but was sure the bank wanted to work with the HLC to come to an agreement with all of the materials.

President Gunderson said the HLC definitely wants the project to move forward and does not want to be a stumbling block. However, she believed the Applicant could bring some other material options to the HLC.

Mr. Hockman said he would work with the HLC regardless of its decision tonight.

City Manager Estes said if this hearing were continued, it could be continued just for certain issues. However, he believed the City would prefer a continuance of the entire request.

Commissioners Osterberg and Stanley agreed that the entire request should be continued.

Commissioner Caruana asked if it would be advantageous to the Applicant if the HLC approved the request contingent on the final selection of brick and roof materials.

Mr. Hockman understood that the bank wanted approval of this request before going any further. However, they would probably need more time to finish the design because there are underground issues that must be resolved.

City Manager Estes explained that requiring the Applicant to come back to the HLC to have material approved would result in a new land use application because the issue could be appealed.

Commissioner Osterberg believed it would be faster for the Applicant to have the entire request continued for one month. Having some items come back at another time would require the public review process to start over from the beginning, which would take longer.

Commissioner Stanley moved that the Historic Landmarks Commission continue New Construction NC14-05 by Steve Hockman to the November 18, 2014 Historic Landmarks Commission meeting at 5:15 pm at City Hall, Council Chambers; seconded by President Gunderson. Motion passed unanimously.

Planner Johnson confirmed for Commissioner Osterberg that Staff would not need an extension to the 120-day land use decision requirement.

City Manager Estes clarified that the HLC wants additional materials to be considered for the pyramid roof. Staff will provide clarification on the issue of color. However, he agreed with Planner Johnson that the Code does not allow for any discretion with regard for color, only on specific material. He did not hear any concerns about the mass or scale of the building and confirmed that the HLC wanted material samples.

Commissioner Burns believed, and Commissioner Osterberg agreed, that the footprint, mass, and size of the project was acceptable to the Commission. City Manager Estes added that Staff would work with the Applicant on any possible issues with the rooftop mechanical equipment.

REPORTS OF OFFICERS/COMMISSIONERS – ITEM 5:

ITEM 5(a): Update on Oregon Heritage All Star Community application

Commissioner Burns said Planner Johnson had already completed most of the work. He made a few inquiries to organizations like the Columbia River Maritime Museum. He has received nothing but support for this project and did not believe it would be too difficult to complete the application. He would collaborate with other Commissioners to gather the rest of the information necessary to complete the application. Planner Johnson added that Staff would like to submit the application in December. Commissioner Burns said he had asked the other organizations to begin gathering information within two weeks.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 6:37 p.m.

ATTEST:

APPROVED:

Secretary

City Manager

Astoria Library Board Meeting

Astoria Public Library

October 28, 2014

5:30 pm.

Present: Library Board members David Oser, Arline LaMear, Susan Brooks, Kate Summers, and one vacancy. Staff Library Director Jane Tucker and ALFA Representative Steve Emmons.

Excused: None

Others Present: None

Call to Order: Chairman David Oser called the meeting to order at 5:30 pm.

Approval of Agenda: The agenda was approved with the addition of discussion about the dates of the Board's next meetings.

Approval of Minutes: The minutes of August 19, 2014 and September 2, 2014 were approved as presented.

Renovation Update:

Item 4(a): Foundation Update

Chairman Oser reported that the Foundation had not met and is waiting for further direction from the City. He would be meeting with Pam Lum, and possibly Bruce Jones, on October 29th to discuss Lum's Auto's support for the renovation, possibly through a corporate sponsorship.

Director Tucker reported that the Estate of Ruth Jensen has indicated Ms. Jensen had left \$7,400 to the Library. Her daughters indicated they would like the funds to be used as the initial donation for furnishing the new children's area of the renovated library. The check will be sent to the city finance department.

Another person has inquired about including the library in their estate planning, and this person might donate to the Foundation as well.

Item 4(b): Renovation Committee Update

Chairman Oser said the Committee meeting on October 8 included a discussion about moving forward with the plan developed by Ruth Metz Associates and a presentation by John Goodenberger about using an alternative location. A majority indicated they wanted to move forward with Ms. Metz's plan for a variety of reasons.

Item 4(c): Staff Reports

Director Tucker sent a memo to City Manager Estes notifying him that the Renovation Committee would like to move forward with Ms. Metz's plan. As a result, City Manager Estes resumed negotiations with the owner of the Waldorf. She asked if the Committee could do anything to help get the Foundation going and to collect donations.

Chairman Oser said the 1023EZ was ready to be filed, but the Foundation needs \$700 or \$800 to pay the fees, pay a \$50 debt, and for other various expenses. Susan Brooks offered to request a portion of the funds from Kiwanis be given to the Foundation for these expenses. Chairman Oser added that the Foundation also needs more members and needs to form a board.

The Board and Director Tucker discussed the 1023EZ, which they believed could be filed before December 31, 2014. Suggestions for ways to recruit Foundation board members included hosting a meet-and-greet reception during the first part of December 2014 and asking Renovation Committee members and members of the public to serve. Several individuals were mentioned as good candidates for the Foundation board.

Director Tucker said she was working on a vision statement for the Committee that outlines the goals of the renovation. The vision statement will be used when applying to foundations and in communications of the Foundation.

Library staff are exploring inexpensive ways to promote the upcoming renovation in the current building by showing what a renovated library would offer. Director Tucker suggested a small display of new furniture that would show library patrons a vision of what to expect after the renovation. The Board and Director Tucker discussed the display and how beneficial it would be when promoting the renovation and asking for donations.

Board Reports:

Kate Summers reported that during the last Clatsop Community College Library staff meeting, she gave an update on the renovation and talked about programming at the Astoria Library.

The Library Board and Director Tucker discussed how to meet the community's need for computer classes for seniors.

Library Director's Report:

Director Tucker reported on the presentation that she and Esther Moberg made on October 8th to the Clatsop County Commission about the LSTA grant funded Rural Outreach in Clatsop County (ROCC). The program has demonstrated success in meeting its goals and is now being transitioned to a mix of private and public funding this year. Directors Tucker and Moberg asked the County Commissioners to consider funding up to \$5000 for summer reading support in Jewell and Knappa and support of the contracted outreach coordinator. County Manager Scott Somers informed the Commission that a request for \$5000 to support ROCC is currently included in the 2015/2016 budget proposal that will come to the Commissioners. ROCC sent a letter of thanks to the County Commissioners for considering a contribution to the program. The ROCC grant for this year includes funds to research using e-readers and other technology to provide services to underserved populations. She briefly reviewed how the ROCC program progressed in the county over the last five years, noting the program's goals and achievements.

Update on ALFA Activities:

Steve Emmons reported that the ALFA balance was a little more than \$5,000 and Nick Benas has been appointed chairman of the new Membership Committee. ALFA members could be a resource for renovation donations. The next ALFA Board meeting will include a discussion about the recent changes to the way ALFA sells donated and deselected items.

Director Tucker described how library staff and ALFA disperse and sell donated books.

New Business:

The Library Board decided to reschedule the meetings in November and December into a combined November/December meeting on December 2, 2014.

Arline LaMear excused herself from the meeting at 6:26 pm.

Old Business:

Item 9(a): Review of OLA Public Library Standards

Director Tucker said some library boards in the state are using the new standards for strategic planning, just like the Astoria Library Board. The Board and Director Tucker discussed which facilities standards were and were not currently being met by the library.

Public Comments: Mr. Emmons thanked the Library Board and Staff for their work.

Director Tucker announced that the next City Council meeting was rescheduled to November 5, 2014.

Items for Next Meeting's Agenda: Election of Officers was added to the agenda.

Adjournment: There being no further business, the meeting was adjourned at 6:47pm.

Respectfully submitted,

Jane Tucker, Library Director

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall
October 28, 2014

CALL TO ORDER:

President Nemlowill called the meeting to order at 7:06 pm.

ROLL CALL:

Commissioners Present: President Zetty Nemlowill, Vice President McLaren Innes, David Pearson, Kent Easom, Peter Gimre, and Sean Fitzpatrick

Commissioners Excused: Thor Norgaard

Staff and Others Present: City Manager Brett Estes, Planner Rosemary Johnson, City Attorney Blair Henningsgaard and consultant Matt Hastie, Angelo Planning Group. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

APPROVAL OF MINUTES:

President Nemlowill called for approval of the minutes of the September 23, 2014 meeting.

Vice President Innes and Commissioner Easom noted the following changes:

- Page 2, 5th paragraph: "Vice-President Innes declared that she has been a member of the Astoria Co-Op for a long time. She shops there regularly, but believed she could make an unbiased decision about this application."
- Page 3, 3rd paragraph under Reports of Officers: "... Seeing that there were members of the audience who wished to speak on the record, she reconvened the meeting at 6:49 pm."
- Page 4, 4th paragraph: "... . Planner Johnson said she would have to check with the building official."
- Page 4, 5th paragraph, 4th line: "Black plastic has been sitting on the buffer zone for two weeks..."

Commissioner Pearson moved that the Astoria Planning Commission approve the minutes with the corrections noted; seconded by Vice President Innes. Motion passed unanimously.

PUBLIC HEARINGS:

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

ITEM 4(a):

A14-04 Amendment A 14-04 by the Community Development Department to amend Development Code Section 15.065.A.5 concerning wireless communication facility structures to allow lattice towers and support structures for public emergency communication facilities within the LR, Land Reserve, zone, City Wide. Staff recommends that the Planning Commission recommend adoption by the City Council. The City Council will hold a public hearing tentatively scheduled for December 1, 2014 at 7:00 pm in the City Hall Council Chambers.

President Nemlowill asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. She asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare. Hearing none, she asked Staff to present the Staff report.

Planner Johnson reviewed the written Staff report. No correspondence had been received and Staff recommended that the Planning Commission approve the request and recommend adoption by the City Council.

President Nemlowill asked if Commissioners had questions for Staff.

Commissioner Gimre asked how tall the existing tower was at the Column. Planner Johnson said she was not sure about the height of the tower on Coxcomb, but the proposed lattice tower would be taller. She confirmed that the tower might be seen, but the height of that tower would be considered by the Planning Commission when the wireless communication permit is reviewed. She clarified the Commission is not approving a specific tower or height, but reviewing a code amendment would allow a lattice tower that could be presented later. The lattice tower may be seen from various points in town, but it would be located above the reservoir off Pipeline Road. City Manager Estes said the tower would be similar to the KAST transmission tower.

Commissioner Gimre asked Staff to define the necessary upgrades. He was concerned about erecting new towers around town if existing towers could not be upgraded. City Manager Estes explained that the existing tower at the Column has come to the end of its life and cannot structurally accommodate any additional antennas. The Friends of the Column have stated to City Council they would like the tower removed from the top of Coxcomb Hill. City Council has established a goal to implement the City's Emergency Communication Plan. The other alternative presented to City Council was to build a new tower at the Column. Planner Johnson added that the existing location at the Column has blind spots with poor reception for emergency services and private providers. The new location will rectify this issue.

President Nemlowill opened the public hearing, noting the Applicant's presentation was made by Staff during presentation of the Staff report. She called for any testimony in favor of the application.

Yvonne Hughes, 1390 Jerome, Astoria, believed there was a 150-foot building height limit that applied to the wooded area off Irving because storms and mudslides could cause the tall trees to fall on the towers. She asked if this would increase the cost of building a foundation that would secure the tower. Planner Johnson said the design was still in a preliminary stage and the engineers were looking at the depth of the foundation. A monopole tower requires a deeper foundation than a lattice tower. Engineers would also consider the geology of the area. However, this request is only to allow a lattice tower, not for a tower in a specific location. The design features, location, and geologic issues would be addressed when the permit is reviewed in the future. City Manager Estes added that all towers must meet State building codes, regardless of where they are located. State building codes address wind loads.

Ms. Hughes confirmed that the city-owned tower was currently being shared with Verizon, and asked if AT&T could provide options that would increase cellular reception. Planner Johnson said the City is also working with Sprint and AT&T. She believed Sprint had completed its upgrade and Staff is currently working on AT&T's permit. City Manager Estes added that any new tower constructed must accommodate co-location of facilities. The reach of the cellular reception would not be known until all of the logistics are in place.

Ms. Hughes said she supported the amendment, especially with all of the emergency preparedness going on in the county.

President Nemlowill called for testimony impartial to the application.

George (Mick) Hague, 1 3rd Street, Astoria, said he wanted the service providers and the City to use more stealth implementations, especially if the towers would have flashing lights. There are cities in the United States that push for stealth implementations and he believed it would be appropriate for Astoria to do the same. He was sure the tower would be built in an attempt to attract additional customers. He suggested the Planning Commission find out why other cities prefer the stealth methods and consider those stealth methods for Astoria.

President Nemlowill called for testimony opposed to the application. Hearing none, she called for closing comments of Staff.

Planner Johnson reminded that this request is just for the ability to install a lattice tower for emergency services, not for any specific tower.

President Nemlowill closed the public hearing and called Commission discussion and deliberation.

Commissioner Pearson said he supported the Code amendment because the Staff report addressed all his concerns. Moving some of the electronics away from the Column is a benefit.

Commissioner Fitzpatrick agreed. The discussion about AT&T reminded him that he needed to declare prior to voting that he owns shares of AT&T and possibly Verizon. However, he believed he could be impartial when making a decision. He apologized for failing to make the declaration when asked.

City Attorney Henningsgaard confirmed his declaration was acceptable as long as it was made prior to voting.

Commissioner Easom said he had no comments.

Vice President Innes said she was in favor of this opportunity to examine moving towers away from the Column.

Commissioner Gimre said he supported anything that would improve emergency communications.

Vice President Innes moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report, approve Amendment A14-04 by the Community Development Department, and recommend adoption by the City Council; seconded by Commissioner Easom. Motion passed unanimously.

President Nemlowill read the rules of appeal into the record.

ITEM 4(b):

V14-14 Variance V14-14 by Buoy Beer Company from the maximum 150 square feet of signage and 100 square foot maximum of a single sign to install two signs for a total of approximately 266 square feet on an existing commercial building at 1 8th Street in the A-2, Aquatic Two Development zone.

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

Commissioner Gimre declared a conflict of interest as an investor in Buoy Beer. He stepped down from the dais.

Commissioner Fitzpatrick declared that the president of Buoy Beer rents a home from him, but he believed he could be impartial.

President Nemlowill declared that she had an interest in Fort George Brewery and did not want to give the perception of bias. She turned the hearing over to Vice President Innes and stepped down from the dais.

Commissioner Easom declared that he serves on the Clatsop County Historical Society board with Andrew Bornstein, but believed he could vote impartially.

Vice President Innes called for the Staff report.

Planner Johnson reviewed the written Staff report. No correspondence had been received and Staff recommended approval of the request.

Vice President Innes confirmed that the Commissioners did not have any questions for Staff and opened the public hearing. She called for a presentation by the Applicant. No presentation was provided.

Yvonne Hughes, 1390 Jerome Ave, Astoria, said the building is a large aluminum building. Other than a beautifully painted mural, she believed bigger signage would be most appealing and create a much better sense of space. Due to its location right off the Riverwalk and the limited visibility coming off Marine Drive, a large sign would be adequate for visitors and people trying to locate the restaurant. Walking west on the Riverwalk, pedestrians see the big yellow building with banners. There is a beautiful 12-foot garage door that opens and a large parking area in the front and on the side of the building. She believed increasing the size of the logo and coordinating it with both corners would be effective and aesthetically pleasing. She asked the Planning Commission to approve the variance.

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

Commissioner Easom said he was in favor of the application. He believed the size and locations were appropriate for the business. The building is large and the signs would work.

Commissioner Fitzpatrick agreed that a large building should have larger signage. He noted that the timing of the application was interesting as the Planning Commission would begin reviewing the Bridge Vista Area of the Riverfront Vision Plan. While this restaurant is not in the Bridge Vista Area, the recommendations include preserving sweeping open vistas along the river's edge and focusing on the working riverfront character and industrial scale. The building blocks the view, but there is a great view of the water from inside the building. The Riverfront Vision Plan talks about built elements that respect and complement the working riverfront character, which the Applicant has done. The Plan also discusses continuing to support water-dependent uses, allowing a mix of commercial uses that support but do not compete with the downtown core, as well as new uses consistent with Astoria's working waterfront, and recommends rehabilitating buildings that respect Astoria's character and providing visual and physical access to the water, which the Applicant has done. He believed Buoy Beer had been a good neighbor and the Planning Commission should approve the request.

Commissioner Pearson believed the signage fit the scale of the façade and the Staff report showed that the request met the criteria to qualify for a variance. He supported the application. Vice President Innes agreed.

Commissioner Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Variance V14-14 by Buoy Beer Company; seconded by Commissioner Fitzpatrick. Motion passed unanimously.

Vice President Innes read the rules of appeal into the record. President Nemlowill and Commissioner Gimre returned to the dais.

REPORTS OF OFFICERS/COMMISSIONERS:

Commissioner Fitzpatrick reported that the Mayor's Ball was held on October 1, 2014. He thanked the Commissioners and members of the audience who attended. He also attended the Coast Guard Open House at the Astoria Middle School on October 27th to discuss the development of Klaskanine Avenue. On Friday, October 31st, the Monster Bash will be held at the Armory. The Armory's open skate will be on November 1st. While filling out his ballot, he noticed there were no candidates for any zone of the Clatsop Soil and Water Conservation District. There has been some concern about why the proactive Mayor was appointing people to positions in the City. So many positions go unfilled and he has attended commission and committee meetings in Astoria and other areas to find there are only four commissioners instead of seven. He believed Mayor Van Dusen deserved accolades for being proactive and making sure the committees in the City are filled.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:40 pm to convene the Work Session.

WORK SESSION – RIVERFRONT VISION PLAN, BRIDGE VISTA AREA

The Work Session convened at 7:43 pm.

Staff gave a brief overview of the Riverfront Vision Plan (Plan) and implementation process, noting that tonight's work session would focus on the Code language necessary to implement the Bridge Vista Area. Staff is currently working on future phases of the Plan and the City expects to receive a grant for Phase 3, the Neighborhood Greenway Area. The last phase to be implemented will be the Urban Core/Downtown Area.

Matt Hastie, Angelo Planning Group, explained the Code issues identified for the Bridge Vista Area would be reviewed over three meetings. This work session would address Comprehensive Plan policies, physical access to the water and building heights, setbacks, and stepbacks on land and over water. He presented the following overview of those Code issues, which were based on recommendations in the Plan:

- The Bridge Vista Area is an area from 2nd Street to just past the West Mooring Basin, and between Marine Drive and the outer edge of the overwater parcels. Objectives for this area include support water dependant uses, promote the working waterfront and provide occasional access to and views of the water.
- Overwater Development – Two locations that are most appropriate for visual access to the river should have limited development at least out to a certain point in the river. The Plan specifically states views of the bridge should be preserved. Most other areas should allow development where it is currently allowed.
 - He suggested some specific building heights, widths, setbacks, and types of access to the river that might be appropriate for the Bridge Vista Area. He described how development would affect views of the bridge and river from various locations on the Riverwalk.
- On Land Development – He suggested provisions similar to the Civic Greenway Area. He also proposed an additional setback for two buildings adjacent to the Rivertrail to provide space for landscaping, plazas, and pedestrian activities, particularly on the north side of the trail.
- Next Steps – Receive feedback from the Planning Commission and public, update proposed Code amendments based on the feedback received, and begin on the next set of Code amendments to be discussed in November, which will include permitted uses and modification or rezone of the Tourist Commercial Zone. In December, the Commission will review design guidelines and landscaping. In January, he would present revisions of all the Code amendments.
 - After discussing the City's December schedule, Mr. Hastie and the Planning Commission agreed to consider December 17 or 18, 2014 at 6:30 pm as a possible meeting date.
 - This phase of the project should be complete by the end of June 2015.

President Nemlowill asked if the Commissioners had questions for Mr. Hastie. Hearing none, she invited public testimony on the presentation.

Drew Herzig, 628 Klaskanine Avenue, Astoria, asked where the deep water channel was located in relation to the shore. Planner Johnson explained the deep water channel was located beyond the pier head line and did not appear on the map of the Bridge Vista Area.

George (Mick) Hague, 1 3rd Street, Astoria, said he presented the Planning Commission with a letter. He wanted views of the bridge to be preserved as the Bridge Vista Area is developed. Broad views along the river are valued and should be maximized. The Plan should include a sentence that says people do not have to pay to enjoy the views. People should not have to go into a restaurant, hotel, or business in order to enjoy the vista. The vista can currently be enjoyed as one walks west along 2nd Street and people of all economic backgrounds enjoy the vista, which should be cherished. It would not take much to start putting a few buildings here and there, destroying the vista that brings people to Astoria. He believed a 35-foot or 20-foot building in areas east of the bridge could compromise the vista. With the exception of the warehousing in this area, most of the walk allows people to enjoy a wonderful view of the bridge. Page 37 of the Plan shows pictures of the trolley traveling through a tunnel of buildings. He believed buildings on the south side of the Rivertrail would be appropriate, but not over the water. He appreciated the recommendation to preserve views by limiting development in an area west of 2nd Street and near the bridge. The area west of 2nd Street contains some historical elements that he hoped would be preserved, like the ballast that appears when the river is low, the pilings from the historic canneries that used to exist, and the boiler that was taken from a ship to be used by a cannery. He rides the trolley on a regular basis and hears people talk about these historic elements, not new buildings. The few jobs that vista blocking buildings would provide could allow and would cumulatively impact the tourist industry in our area. He was not against development on the south side of the trolley, but was against forming a tunnel for the trolley. Buildings 35 feet tall would block views of the ships coming up the river and the bridge vista. He would not be able to attend the Planning Commission meetings in November and December, so he asked the Commission to think about his comments. If his building were currently being reviewed by the Commission, he would be protesting. He would try to send comments for meetings he would not be able to attend and hoped the Planning Commission would consider his thoughts.

Cindy Price, 1219 Jerome Ave, Astoria, said it seemed highly likely that the conversation about all areas of the Plan would suggest keeping as much open space as possible. She said she hears often that when reviewing possible Code amendments, the Planning Commission should consider what an area would be like if it were developed to its maximum potential. Slides often show pictures of what an area would look like with one building when the area allows for more. She read in the Plan that murals should be painted on the warehouses to disguise the buildings. She was pleased to see President Nemlowill's reaction to this, as she had the same reaction.

Yvonne Hughes, 1390 Jerome Ave, Astoria, agreed with Ms. Price there would be a lot of discussion about what has been done throughout the Riverfront Project. She often speaks with her son about what is going on in the city and he said the discussion about the riverfront was difficult given the topics involved like renewing housing, painting walls to preserve how they were in the old days, and adding more parks; it was frustrating. She lives on a hill and can see everything, but having lower buildings closer to the water was important because it is difficult to see the river with large buildings in front of you. Her son suggested higher buildings be built further from the river.

- She believed 98 percent of what was planned between 19th Street to 39th Street was excellent and she looked forward to working on the Bridge Vista phase. There is a lot of commercial industry in the Bridge Vista Area, including a gorgeous yacht club, some beautiful hotels, and a lot of vacant open parking spaces that are used heavily during the fishing season. However, time needs to be spent considering what could be built in the area. Building codes should be very specific, allowing for views and potential economic development. Tourism has grown in the area and she believed it would continue to grow. She wanted to preserve the tourism growth, the trolley, and the Riverwalk. The City also has a unique opportunity to bring in other types of industries. There are many vacant buildings in the area and there are places on the south side of the Riverwalk that could be built on. She believed the City should be cautious about building out over the water. Jake Jacobs did a phenomenal job on the Cannery Pier Hotel, which looks beautiful and sets a tone for the bridge. This was the first place she stayed when she discovered Astoria. She still had a photo of herself walking out of her hotel room at sunset with the sun hitting the bridge. This view should be available to everyone. There are buildings with aluminum siding on Marine Drive. The businesses in these buildings are still very active and those types of commercial industries should continue. The areas near the yacht club can be built up. Moving forward, the Commission should put just as much time and attention to detail into the Building Codes. Her son said the City needs to renew the housing and the walls from the old days. She believed it was critical to maintain and uphold the buildings that exist before thinking about building something new. There are a lot of incredible spaces in the area that could move everyone forward with some preservation.

Mr. Haag asked how he could get the PowerPoint presentation emailed to him. City Manager Estes said Staff could email it to him the next day and it would be available on the project website. Mr. Haag asked the Planning Commission to separate the Bridge Vista Area into two parts, one area east of the bridge and one area west of the bridge. This would preserve most of the vistas that the average person enjoys. City Manager Estes clarified that the Riverfront Vision Plan does not include the finger piers of the port. The Bridge Vista Area extends from 2nd Street to the Riverwalk Inn Hotel.

Mike Weston, Port of Astoria, said he spoke earlier in the week with Mr. Hastie and City Manager Estes. He was concerned about limiting development opportunities through building size and stepbacks. If wider buildings are allowed, a dock or walkway should be provided to allow for public access. The Bridgewater Bistro could have its view totally blocked if a building were constructed 100 feet off the waterfront in the Exception Area. Therefore, the building should be closer to the shoreline and built in line with the bistro. The west side of the bridge does not work the same as the east side. There is a large pile field to the west of the Astoria-Megler Bridge that could be redeveloped, but chances are slim this pile field would actually be developed. Encouraging development in that direction could be counterproductive to what the community wants to accomplish. This area is high-tuned for tourism. The Port receives a lot of interest for hotels along the marina and the waterfront. He liked the photo of the view platform at the end of the walkway because this is part of the Port's long range plan. The Port has also discussed partnering with the City to install a monument. He believed most of the Port's properties were 45 feet tall, which is optimal for a hotel. The bridge is about 300 feet high and the highway is 20 to 30 feet off the ground, so the current building heights allow plenty of room. A 45-foot high hotel would not affect the view. There is a nice view shed where the Maritime Memorial and park are located, which is partially located on Port property, partially on an ODOT right-of-way, and partially on City property. The Port's interest is the property west of the bridge and the Port would like the Planning Commission to be liberal with zoning codes on this property. He asked the Commission to allow uses that would be productive. The current uses are not clear and do not allow for things like parking lots. Parking space is at a premium in the area because people must park in the streets and fight for parking spots. He asked the Planning Commission to keep the Port in mind as they complete the process of recommending Code amendments.

Suenn Ho, 3742 SE Mill, Portland, said she was speaking on behalf of Professor Jim Petenari, who came to Astoria on Sunday, October 26, 2014 to return five boards. About 25 years earlier, Paul Benoit and Professor Petenari worked on a project where five beautiful hand drawn studies of Astoria's waterfront were developed

from the water looking at the city. Professor Petenari said there are not very many working waterfront cities left along the coasts and rivers. He asked Ms. Ho to tell the City how precious their waterfront is. Looking at the boards that show the land from the water, one will begin to see what Astoria has. If Astoria begins to put things in front of the waterfront, the City needs to look at those structures in the context of its cityscape, landscape, and waterscape. It is very easy to look at what Astoria has from a bird's eye view, but photos and satellite show the city from other views. A building should be seen from the water as well as experienced from between the water and the land. Views from the water are not presented much. The boards will help the Planning Commission. Cities develop their character in response to building codes. She suggested the Commission be very careful about how building codes and design guidelines are developed because many times buildings of a certain era will look the way they do because of the rules. Astoria has a very eclectic type of architecture and a lot of different uses on the waterfront. A working waterfront has buildings that reflect their uses. Therefore, height limits and setbacks can force a factory or cannery to do something that does not work with what is required inside the building. She asked the Commission to consider that many of the existing buildings were built before the building codes and they were built according to how they needed to function. This is where authenticity comes in. The outside of a building will destroy what happens inside if blanket regulations do not consider a building's use. The boards are orphans that have come home; they are precious and tell a lot about Astoria. Astoria has something very precious. She said she was not a preservationist and not pro-development, but as an urban designer, she believed the community needed to think together about how to grow authentically. She suggested the Planning Commission refrain from blanket regulations. She believed Astoria was wonderful and dynamic because it changes all the time. She asked the Commission to be very critical about what guidelines are implemented and to allow for flexibility. A project that breaks all the rules could be exactly what Astoria wants, but the rules would have preceded the opportunity. So, review projects on a case by case basis and allow Astoria to grow. There are many opportunities on land and she hoped they would all be activated. Astoria is a beautiful city.

Commissioner Fitzpatrick asked if the Planning Commission could see the illustrations. Planner Johnson said Staff could bring them to a meeting.

Drew Herzig, 628 Klaskanine Avenue, Astoria, agreed with Ms. Ho's comments about the bird's eye view. When Michelle Reeves was advising the Astoria Downtown Historic District Association (ADHDA), she put a camera on her dashboard. Video taken as she drove into town was part of her presentation, which was incredibly revealing. The bird's eye view does not show what people see on the Riverwalk. He suggested having a pedestrian record images walking through the area so the Planning Commission and City Council can see the area at the pedestrian level. This would be useful for planning, but he agreed it was important to see what people see at that level.

Chris Farrar, 3023 Harrison Avenue, Astoria, said he did not walk in the Bridge Vista Area of the Riverwalk, so the issues being discussed were new to him. He would begin to walk in the area and stay engaged in this Code amendment process by attending all of the meetings. There is a lot of concern about the bird's eye view. The view between two buildings depends on where those buildings are placed. The view of the river cannot be seen half a mile from a 40 foot separation because the buildings appear to be right against each other. The location of the separation between buildings in relation to the Riverwalk should be considered. Huge separations between buildings will be necessary. Otherwise, the buildings will appear to be a solid wall and there will be no views of the river. He did not support tall buildings over the water. People want to see the horizon where the river meets the atmosphere, not a view across the top of a building that just looks into Washington. He wanted to preserve a lot of views in the area and believed a working wharf or port area would be fine. He wanted the Planning Commission to set a specific maximum total coverage.

Robert Jacob, 140 Grand, Astoria, said it is difficult to think about tomorrow with today's brain. He appreciated Ms. Ho's comments about blanket zoning and recognized the Planning Commission faced tough decisions. In many places, the pier line is 600 feet or up against the building. Some of the best architecture is created by the function of the inside of a building. Who would have thought that the cold storage would have become Pier 39 and such an interesting structure? He has had many friends in architecture and many consultants told him his ideas were bad. If it hadn't taken him 13 years, he would have had an ugly structure. The view corridors, types of uses, zoning, variances and all of the issues being discussed have no easy answer. There are quite a few cities with rivers, so many of these issues have been addressed before. He suggested the Planning Commission make sure everyone involved explored the problems and solutions addressed by other cities. Pedestrians should be able to walk past something that is unique to Astoria, like fish being unloaded. He has many investors with unfinished projects. This process will be difficult because every part of the river is unique. It will be tough for the

Planning Commission to collect ideas and find solutions. The Planning Commission needs input from people who are good at planning and river design, developers, and business owners. It's too bad these decisions need to be made so quickly and he did not understand why.

President Nemlowill confirmed there was no further public comment.

Mr. Hastie asked for feedback from the Planning Commission on his presentation. He needed direction in order to refine his recommendations.

Commissioner Fitzpatrick appreciated that Suenn Ho and Robert Jacob were able to articulate some thoughts about the Bridge Vista Area. Their ideas were the same or better than his own. It is difficult to put a limit on something without knowing what could come before the Planning Commission. He believed it was important to remember that Mr. Jacob's building should not fall under what has been presented and should be exempt. He also believed the Commission needed to consider what is in the area, including Mr. Haag's home that is over the water. If the home did not exist yet, people would protest building it. However, the home has become part of the waterfront.

Commissioner Easom said people have talked about the vistas and views, but those views also include the buildings that are constructed along the riverfront. This is part of what makes Astoria unique. No development on the waterfront makes the city very plain and not a working waterfront. The Bridge Vista Area is designated for development, so the Planning Commission needs to make the development possible.

Commissioner Gimre said in the 50 years he has lived in Astoria, the only riverfront development has been the condominiums that Mr. Haag lives in. He asked Staff if anyone has approached the City about developing within the Bridge Vista Area.

Planner Johnson said Mr. Jacob's hotel and the condominiums have been built and the City has received inquiries for one other structure west of the bridge. The City issued a permit, which expired, for a condominium at the foot of Columbia. The City also received one proposal for development at the end of the pier at the foot of 1st Street.

Commissioner Gimre questioned whether development would be cost prohibitive. There has been such limited development over the last 50 years. Any new development should fit in to what the waterfront already provides and this will be a real challenge. He supported more restrictions for overwater development because it would be cost prohibitive for a developer to build a structure up to 45 feet. He admitted he could be wrong, but this has not occurred more than twice in the last 50 years. He wanted to preserve Astoria's vistas and views. He suggested taking a closer look at building on the land side.

Vice President Innes appreciated Ms. Ho's comments and looked forward to seeing the illustrations. However, it seemed as if the working waterfront aspect of the Bridge Vista Area already exists. She needed to think about how to preserve and encourage the working waterfront.

Commissioner Pearson said the Riverfront Vision Plan is a working document and there are still a lot of details to work out. However, he believed the recommendations included some fair compromises. Some views and vistas are being preserved, exception zones have been proposed, and development is being encouraged. He believed the Planning Commission was off to a good start, but still needed to consider some details.

Commissioner Fitzpatrick said the Cannery Pier Hotel, the Red Building, Buoy Beer, Baked Alaska, the Docks on 12th Street, and the Pilot House on 14th Street all have access to the water. He and his wife go out on the dock at 12th Street all the time. He believed it was more interesting to view the water from the dock because it adds to the monotony of going back and forth over the same riverwalk each time. If the fishing dock had not been built next to Dock's on 12th Street, the views would be different.

President Nemlowill asked how design review should be considered in the Bridge Vista Area.

Mr. Hastie said design guidelines and standards would be reviewed for the area. The intent would be to promote the character of this area in the city. These provisions could take more time to discuss, so they are scheduled to be reviewed with the third set of recommendations.

President Nemlowill believed the design standards would be difficult because there is no existing template, like there was in the Civic Greenway Area. She understood there were no strong objections from Commissioners about anything proposed. She is trying to look at this with a fresh set of eyes, and has a lot of new information to consider, including the public testimony and comments from the other Commissioners. She asked if Staff had any additional comments.

City Manager Estes said the Commissioners would be given more information prior to the next Planning Commission meeting.

There being no further business, the work session adjourned at 8:23 pm.

ATTEST:

APPROVED:

Secretary

City Manager


DRAFT



MEMORANDUM

DATE: NOVEMBER 21, 2014

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: GRANT APPLICATION TO SUPPORT COMMUNITY WELLNESS CHALLENGE

DISCUSSION

The Astoria Parks and Recreation Department will be offering the 2nd annual Astoria Wellness Challenge this January. The Astoria Wellness Challenge program has a wrap-around approach to health and fitness and will include preliminary and concluding health screenings, twice weekly meetings and educational sessions, and a competitive approach to participate in physical activity and healthy eating.

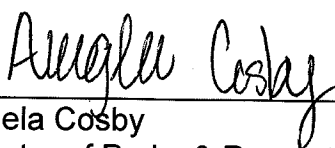
The Astoria Wellness Challenge will be limited to 30 participants and will run through January 2015 and February 2015. The cost to participants will be \$85. This low fee will not cover the full cost of the program to the Parks and Recreation Department. In hopes of offsetting this cost, the Parks and Recreation Department has identified the Community Wellness Investment Fund Grant provided by Columbia Pacific Coordinated Care Organization as a potential funding source. The Astoria Wellness Challenge is a strong candidate for this grant of \$5,000, as they share the goals of innovation, collaboration, and transformation in addressing health inequalities. The Astoria Wellness Challenge was also successful in receiving a Columbia Pacific Coordinated Care Organization grant in 2013.

The Parks and Recreation Department will provide an additional 25% match as required by the grant. If the grant is awarded, the funds will assist in covering the cost for prizes, staff, rental fees for Columbia Memorial Hospital Coho Room and Kitchen, and other needed supplies.

In addition to the health benefits participants receive, this program will also introduce new community members to the services provided by the Parks and Recreation Department.

RECOMMENDATION

It is recommended that City Council authorize submittal of an application to the Columbia Pacific Coordinated Care Organization Community Wellness Investment Fund grant in the amount of \$5,000 to fund the Astoria Wellness Challenge.

By: 
Angela Cosby
Director of Parks & Recreation



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

November 4, 2014

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: **VACATION OF 1700 BLOCK DUANE STREET**

DISCUSSION/ANALYSIS

On December 2, 2013, the City vacated a portion of the 1700 Block of Duane Street adjacent to the Columbia River Maritime Museum (CRMM) storage area at 1777 Marine Drive to accommodate their use of the area between their buildings and as part of a larger land swap concerning the train station property and the USCG parking area on Duane Street. At that time, there was discussion concerning possible vacation of the remaining west portion of Duane Street that is adjacent to the Maritime Texaco Station property at 1701 Marine Drive and the Moose Lodge at 420 17th Street. However, due to the need to proceed with the CRMM issues without additional delays, the remainder of the Duane Street right of way was not vacated at that time.

Since then, staff has met with representatives of both the Maritime Texaco Station and the Moose Lodge concerning the possible vacation of the portion of Duane Street adjacent to their properties. Both parties are interested in the street vacation and have submitted applications to the City.

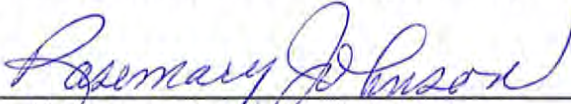
This portion of Duane Street is platted 60' wide but due to a previously approved partial street vacation, the existing right-of-way is only 40' wide. The Maritime Texaco Station would acquire a 10' x 100' portion of the street as the previous owners had acquired the 20' x 100' section of the street in the previous vacation in 1944. The Moose Lodge would acquire a 30' x 100' portion of the right-of-way. Staff has reviewed the request and has determined that the area to be vacated does not appear to have any future potential as an access route, but staff believes it would be prudent and in the best interest of the City to reserve easement rights on the vacated area for any existing and/or potential future utilities. The vacated portions of the right-of-way will revert back to the adjacent property owners.

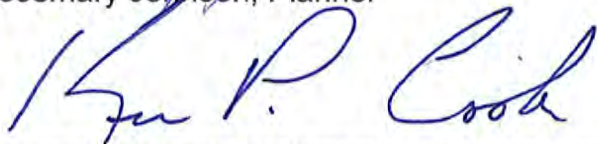
Based on County Assessor's records, staff has calculated the real market land value of properties adjacent to the right-of-way at \$6.12 per square foot. Staff is proposing that an assessment of \$611.89 for Maritime Texaco and \$1835.67 for the Moose Lodge, (this calculates to 10% of the real land value), be considered for the vacation of this portion of the Duane Street right-of-way.

At their November 17, 2014 meeting, the Astoria City Council acted to schedule a public hearing on the proposed street vacation on December 1, 2014 at 7:00 p.m.

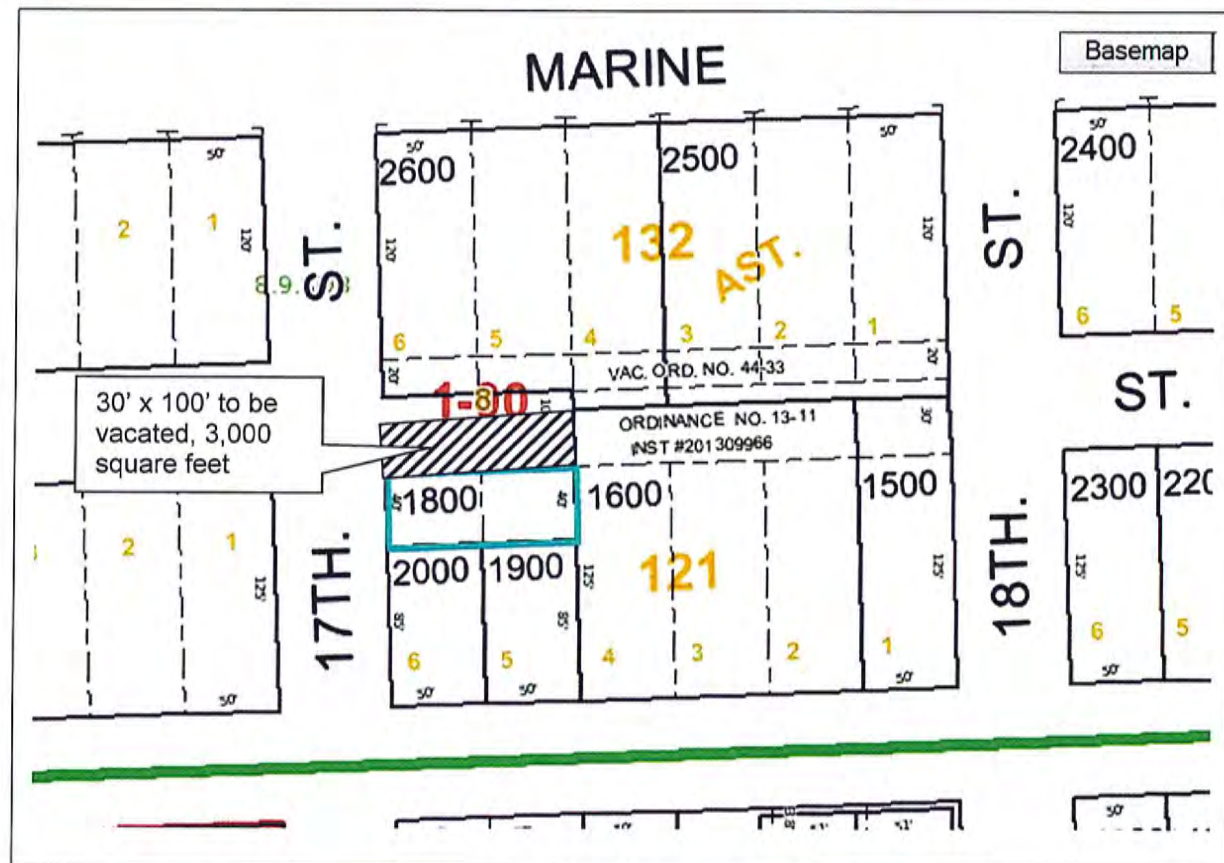
RECOMMENDATION

Recommend the Astoria City Council conduct the scheduled hearing and first reading of the proposed ordinance to vacate a portion of the Duane Street right-of-way.

By: 
Rosemary Johnson, Planner

Through: 
Ken P. Cook, Public Works Director

Street Vacation
 1700 Block Duane
 Adjacent to 420 17th Street



Ordinance No. 14- _____

AN ORDINANCE GRANTING THE PETITION FOR THE VACATION OF A PORTION OF DUANE STREET RIGHT-OF-WAY LOCATED IN THE 1700 BLOCK OF DUANE STREET

The City of Astoria does ordain as follows:

Section 1. Vacation Allowed. That the petition for vacation of the right-of-way is described as follows, is hereby granted:

The remaining 40 foot by 100 foot west portion of the Duane Street right-of-way located in the 1700 Block of Duane Street adjacent to Lots 5 & 6, Block 132, and Lots 5 & 6, Block 121, Shively.

Section 2. Combining Lots. The above described vacated right-of-way and property is hereby combined into one lot and may not be separated except in compliance with Astoria Development Code and other applicable land use regulations.

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

Section 5. Effective Date. The provisions of this ordinance shall take effect 30 days after its passage.

The vacation of that portion of the right-of-way as described in Section 1 of this ordinance is ordered and allowed, subject to the provisions and restrictions contained in Section 2.250 and 2.310 of the Astoria Code.

ADOPTED BY THE COMMON COUNCIL THIS _____ DAY OF _____ 2014.

APPROVED BY THE MAYOR THIS THIS _____ DAY OF _____ 2014.

Mayor

ATTEST:

City Manager, Pro Tem


ROLL CALL ON ADOPTION	YEA	NAY	ABSENT
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Councilor LaMear			
Herzig			
Mellin			
Warr			
Mayor Van Dusen			



CITY OF ASTORIA
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COMMUNITY DEVELOPMENT

November 6, 2014

TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: **REQUEST TO PURCHASE CITY OWNED PROPERTY ADJACENT TO 1610 COXCOMB DRIVE**

DISCUSSION/ANALYSIS

The City has received a request from William Armington to purchase a City owned parcel adjacent to 1610 Coxcomb Drive. Mr. Armington wishes to purchase a portion of the lot for additional yard space and to protect his views. The property is approximately 12,326 square feet and located directly east of the applicant's property. The applicant has requested to purchase Lot 2 and the vacated portion of Madison Avenue (formerly South Street) which is approximately 8,200 square feet of the lot. The parcel is not included within the Astoria Column Park boundaries. It is currently located within the Institutional Zone (IN) and is not zoned for residential use. If the property is to be developed in the future with any associated residential use, other than landscaping, it would need to be rezoned to the adjacent residential zone.

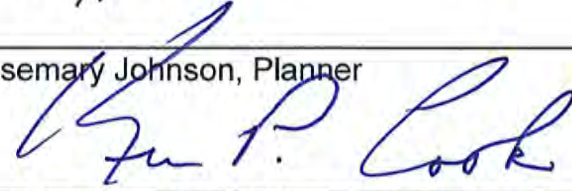
The applicant recently had the property appraised by Steven Weed, MAI SRA and the estimated market value is listed at \$15,000. Mr. Armington has indicated a willingness to buy this property at the appraised value.

RECOMMENDATION

It is recommended that the City Council set a public hearing for December 15, 2014 to take public comment on the potential sales and approve or deny the sale of the property.

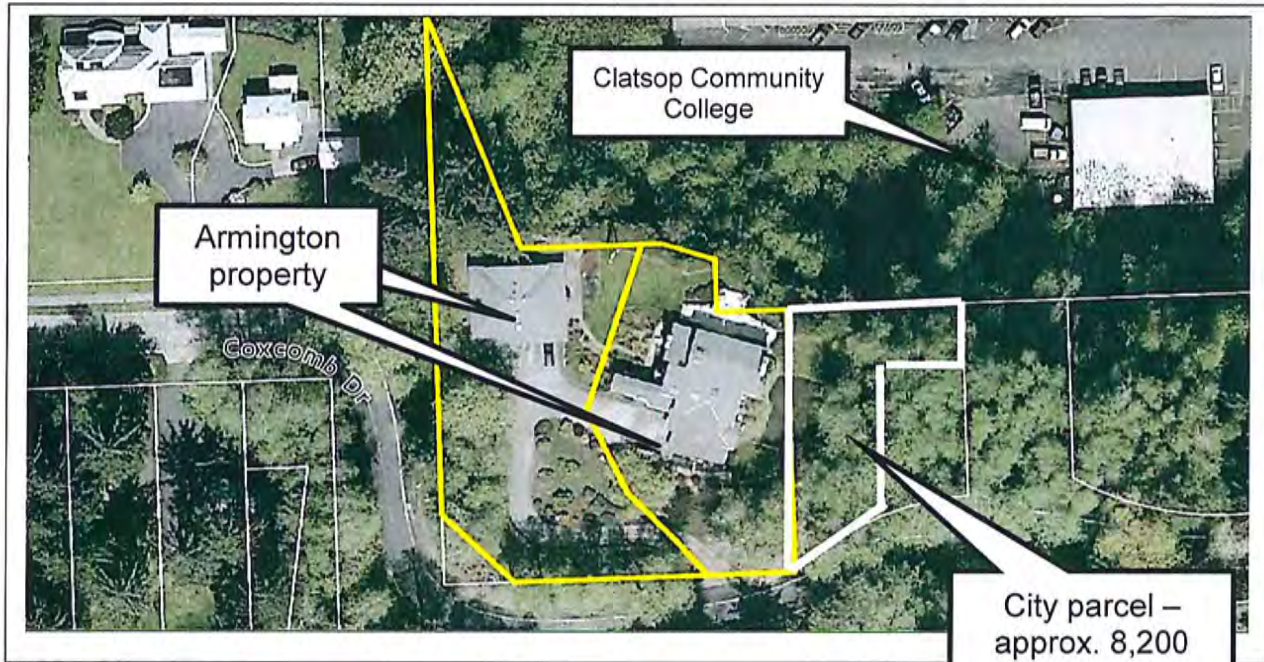
By: 

Rosemary Johnson, Planner

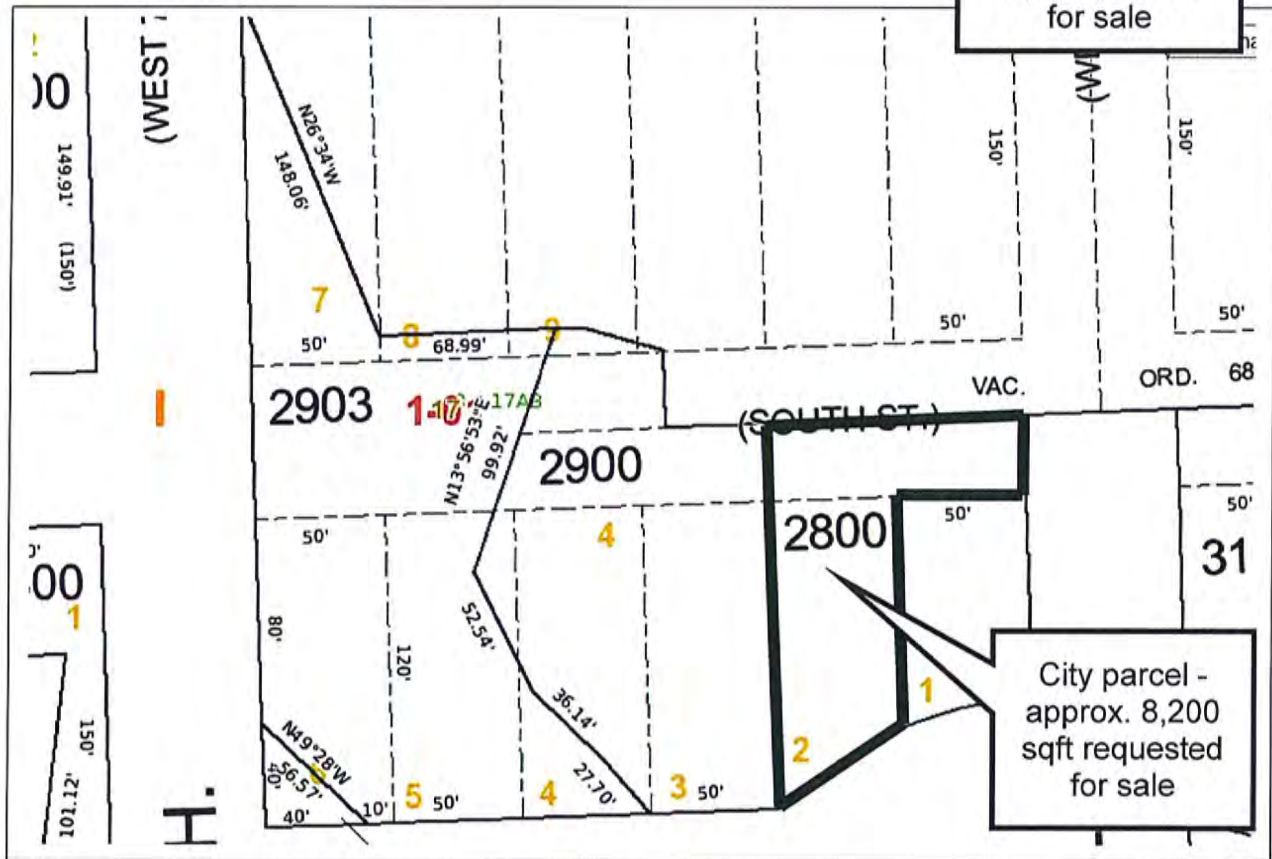
Through: 

Ken P. Cook, Public Works Director

REQUEST TO PURCHASE CITY OWNED PROPERTY
 ADJACENT TO 1610 COXCUMB DRIVE
 Lots 1 & 2, Block 95, Shively and vacated portion of Madison Avenue



City parcel –
 approx. 8,200
 sqft requested
 for sale



City parcel -
 approx. 8,200
 sqft requested
 for sale



SUMMARY APPRAISAL REPORT

OF THE REAL PROPERTY LOCATED AT

East of 1610 Coxcomb Hill Rd
Astoria, OR 97103

for

William & Deborah Armington

as of

November 18, 2014

by

Steven A. Weed
P.O. Box 2304
Gearhart, OR 97138

Estimated Market Value
\$15,000

Steven A. Weed, MAI, SRA

Summary Appraisal Report
LAND APPRAISAL REPORT

Coxcomb Parcel
File No. G1342

IDENTIFICATION	Borrower <u>Client: Williams & Deborah Armington</u> Census Tract <u>9502</u> Map Reference <u>80917AB2800</u>
	Property Address <u>East of 1610 Coxcomb Hill Rd</u>
	City <u>Astoria</u> County <u>Clatsop</u> State <u>OR</u> Zip Code <u>97103</u>
	Legal Description <u>Metes & Bound -- See Attached Map</u>
	Sale Price <u>\$N/A</u> Date of Sale <u>N/A</u> Loan Term <u>N/A</u> yrs. Property Rights Appraised <input checked="" type="checkbox"/> Fee <input type="checkbox"/> Leasehold <input type="checkbox"/> De Minimis PUD <input type="checkbox"/>
Actual Real Estate Taxes <u>\$Not Taxed</u> (yr.) Loan charges to be paid by seller <u>\$N/A</u> Other sales concessions <u>N/A</u>	
Lender/Client <u>William & Deborah Armington</u> Address _____	
Occupant <u>Vacant Land</u> Appraiser <u>Steven A. Weed</u> Instructions to Appraiser <u>Estimate Current Market Value</u>	

NEIGHBORHOOD	Location <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Rural	Good Avg. Fair Poor
	Built Up <input checked="" type="checkbox"/> Over 75% <input type="checkbox"/> 25% to 75% <input type="checkbox"/> Under 25%	Employment Stability <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Growth Rate <input type="checkbox"/> Fully Dev. <input checked="" type="checkbox"/> Rapid <input type="checkbox"/> Steady <input type="checkbox"/> Slow	Convenience to Employment <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Property Values <input type="checkbox"/> Increasing <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Declining	Convenience to Shopping <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Demand/Supply <input type="checkbox"/> Shortage <input checked="" type="checkbox"/> In Balance <input type="checkbox"/> Over Supply	Convenience to Schools <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Marketing Time <input type="checkbox"/> Under 3 Mos. <input checked="" type="checkbox"/> 4-6 Mos. <input type="checkbox"/> Over 6 Mos.	Adequacy of Public Transportation <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Present Land Use <u>85</u> % 1 Family <input type="checkbox"/> % 2-4 Fam <input type="checkbox"/> % Apts. <input type="checkbox"/> % Condo <input type="checkbox"/> % Commercial	Recreational Facilities <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	<input type="checkbox"/> % Industrial <u>15</u> % Vacant <input type="checkbox"/> %	Adequacy of Utilities <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Change in Present Land Use <input type="checkbox"/> Not Likely <input checked="" type="checkbox"/> Likely (*) <input type="checkbox"/> Taking Place (*)	Property Compatibility <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Predominant Occupancy (*) From _____ To _____	Protection from Detrimental Conditions <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant <input type="checkbox"/> % Vacant	Police and Fire Protection <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Single Family Price Range \$ <u>175,000</u> to \$ <u>1,000,000</u> Predominant Value \$ <u>250,000</u>	General Appearance of Properties <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Single Family Age <u>4</u> yrs. to <u>120</u> yrs. Predominant Age <u>60</u> yrs.	Appeal to Market <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, noise) Astoria is an older, established city located near the mouth of the Columbia River with a population of about 10,000. The immediate neighborhood has large, higher quality homes located near the road to Coxcomb Hill and the Astor Column. Most sites have steep slopes on their side yards.

SITE	Dimensions <u>L-Shaped--Approx. (30x50 + 50 x 110)</u> = <u>8500 sf (estimate)</u> <input type="checkbox"/> Corner Lot
	Zoning Classification <u>IN (Institutional Zone)</u> Present Improvements <input type="checkbox"/> do <input type="checkbox"/> do not conform to zoning regulations
	Highest and best use: <input checked="" type="checkbox"/> Present use <input type="checkbox"/> Other (specify) _____
	Elec. <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other (Describe) _____ OFF SITE IMPROVEMENTS
	Gas <input checked="" type="checkbox"/> <u>Not to site</u> Street Access: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private
	Water <input checked="" type="checkbox"/> <u>Not to site</u> Surface <u>Not Developed</u> Topo <u>Level near cliff, slopes downward to Coxcomb Road</u>
	San. Sewer <input checked="" type="checkbox"/> <u>Not to site</u> Maintenance: <input type="checkbox"/> Public <input checked="" type="checkbox"/> Private Size <u>8500 sf</u>
	<input type="checkbox"/> Undergound Elect. & Tel. <input type="checkbox"/> Storm Sewer <input type="checkbox"/> Curb/Gutter Shape <u>L-Shaped</u>
	<input type="checkbox"/> Sidewalk <input type="checkbox"/> Street Lights View <u>Good River View</u>
	Is the property located in a HUD Identified Special Flood Hazard Area? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes

Comments (favorable or unfavorable including any apparent adverse easements, encroachments or other adverse conditions) Subject parcel is located adjacent to a residence at 1610 Coxcomb Hill Road. The northern portion of the site has been landscaped and most of the site is more natural tree and brush cover similar to land adjacent to Coxcomb Hill Road. Site is zoned Institutional, but is separated from the college by a steep cliff.

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

ITEM	Subject Property	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	<u>Kensington & Sonora Astoria</u>	<u>462 6th Street Astoria</u>	<u>3rd & Exchange Astoria</u>	<u>Adj 140 W. Grand Ave Astoria</u>
Proximity to Subj.		<u>0.68 miles NW</u>	<u>0.80 miles NW</u>	<u>0.86 miles W</u>
Sales Price	<u>\$ N/A</u>	<u>\$ 6,500</u>	<u>\$ 22,500</u>	<u>\$ 7,200</u>
Price	<u>\$ N/A</u>	<u>\$ 1.30</u>	<u>\$ 2.25</u>	<u>\$ 0.72</u>
Data Source	<u>Inspection</u>	<u>Doc 20140533 / 80908CC00400</u>	<u>Doc 201401524 / 8097DD04100</u>	<u>Doc 201400262 / 80907DD12700</u>
Date of Sale and Time Adjustment	<u>Current</u>	<u>01/27/2014</u>	<u>03/17/2014</u>	<u>01/15/2014</u>
Location	<u>Suburban</u>	<u>Suburban</u>	<u>Suburban</u>	<u>Suburban</u>
Site/View	<u>River View</u>	<u>River View</u>	<u>River View</u>	<u>River View</u>
Site Area	<u>8500 sf (estimate)</u>	<u>5000 sf</u>	<u>10,000 sf</u>	<u>10000 sf</u>
Topography	<u>Steep Slope</u>	<u>Steep Slope/Unbuild.</u>	<u>Steep Slope</u>	<u>Steep Slope/Unbuild.</u>
Utilities	<u>Not Developed</u>	<u>Not Developed</u>	<u>Ltd Development Pot.</u>	<u>Not Developed</u>
Street	<u>Asphalt</u>	<u>Asphalt</u>	<u>Gravel</u>	<u>Asphalt</u>
Sales or Financing Concessions	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
Net Adj. (Total)		<input checked="" type="checkbox"/> Plus <input type="checkbox"/> Minus \$ <u>3,500</u>	<input type="checkbox"/> Plus <input checked="" type="checkbox"/> Minus \$ <u>-5,500</u>	<input type="checkbox"/> Plus <input checked="" type="checkbox"/> Minus \$ <u>-1,500</u>
Indicated Value of Subject		<u>Gross 53.8%</u> <u>Net 53.8% \$ 10,000</u>	<u>Gross 24.4%</u> <u>Net -24.4% \$ 17,000</u>	<u>Gross 20.8%</u> <u>Net -20.8% \$ 5,700</u>

Comments on Market Data: Five sales presented which have topography and residential development issues similar to the subject property. Sales Price per square foot range from \$0.72 to \$3.00, unadjusted. A grid adjustment of \$1.00 per square foot was made for site size differences. See Report Comments.

Comments and Conditions of Appraisal: The appraiser certifies disclosure to the client of no previous appraisal service on the subject property within the last three years. The subject has a restricted zoning, institutional, and limiting topography, similar to the sale properties. The highest and best use is as plottage use in conjunction with the residence at 1610 Coxcomb Hill Road. See Report Comments.

Final Reconciliation: The two most appropriate methods of estimating the value of the subject property is the above grid and value per square foot. The subject is approximately 8500 square foot and giving most weight to Sales No. 2, No. 3, and No. 4, a value of \$1.75 per square foot is most appropriate, or (8500 sf x \$1.75 /sf = \$14,875, rounded to \$15,000. Grid indication indication is 15,000

ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF November 18 2014 to be \$15,000

Appraiser(s) <u>Steven A. Weed</u> Review Appraiser (if applicable) <input type="checkbox"/> Did <input type="checkbox"/> Did Not Physically Inspect Property
Signature <u>[Signature]</u> Signature _____
Name <u>Steven A. Weed</u> Date <u>11/26/2014</u> Name _____ Date _____
State <u>OR</u> <input type="checkbox"/> License <input checked="" type="checkbox"/> Certification # <u>C000170</u> State _____ <input type="checkbox"/> License <input type="checkbox"/> Certification # _____

Steven A. Weed, MAI, SRA

ADDITIONAL COMPARABLES

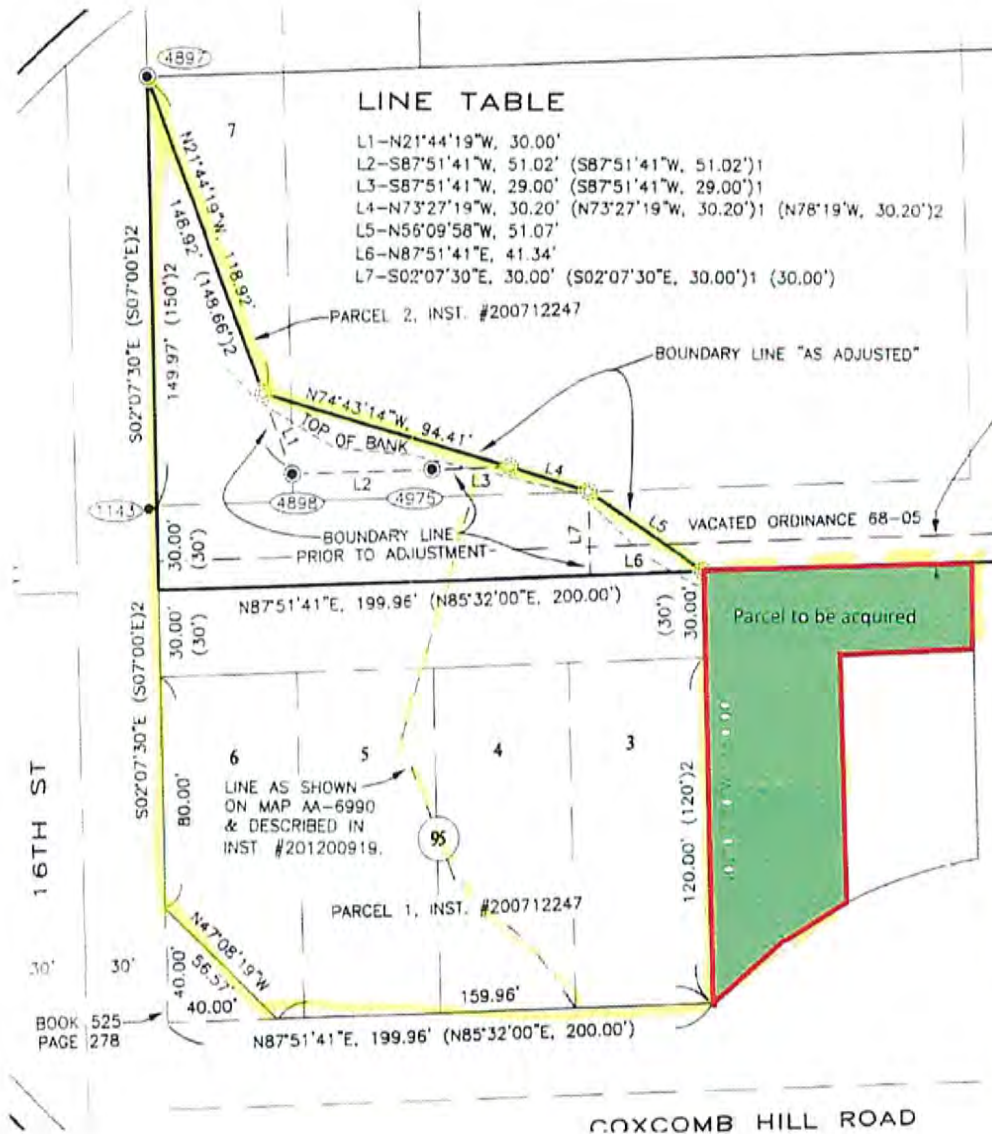
Borrower/Client **Client: Williams & Deborah Armington**
 Property Address **East of 1610 Coxcomb Hill Rd**
 City **Astoria** County **Clatsop** State **OR** Zip Code **97103**
 Lender **William & Deborah Armington**

ITEM	Subject Property	COMPARABLE NO. 4		COMPARABLE NO. 5		COMPARABLE NO. 6	
		DESCRIPTION	Adjustment	DESCRIPTION	Adjustment	DESCRIPTION	Adjustment
Address	Kensington & Sonora Astoria	29th & Grand Ave Astoria		181 Exchange St Astoria			
Proximity to Subj.		0.80 miles NE		0.85 miles NW			
Sales Price	\$ N/A	\$ 15,000		\$ 15,000		\$	
Price	\$ N/A	\$ 2.00		\$ 3.00		\$	
Data Source	Inspection	Doc 201401884 / 809CB05400		MLS 12-1028 DOM 407			
Date of Sale and Time Adjustment	Current	04/01/2014		11/14/12			
Location	Suburban	Suburban		Suburban			
Site/View	River View	River View		Ltd River Vw			
Site Area	8500 sf (estimate)	7500 sf	-1,000	5000 sf	+3,500		
Topography	Steep Slope	Steep Slope/Unbuild.		Steep Slope			
Utilities	Not Developed	Not Developed		Developed		-5,000	
Street	Asphalt	Asphalt		Gravel			
Sales or Financing Concessions	None	None		None			
	Cash Equivalent	Cash		Cash			
Net Adj. (Total)		Plus	x Minus \$ -1,000	Plus	x Minus \$ -1,500	Plus	Minus \$
Indicated Value of Subject		Gross 6.7%		Gross 56.7%			
		Net -6.7% \$ 14,000		Net -10.0% \$ 13,500			\$

Comments on Market Data Analysis _____

SITE PLAN

Borrower or Owner **Client: Williams & Deborah Armington**
 Property Address **East of 1610 Coxcomb Hill Rd**
 City **Astoria** County **Clatsop** State **OR** Zip Code **97103**
 Client **William & Deborah Armington**



Location Map

Borrower or Owner	Client: Williams & Deborah Armington				
Property Address	East of 1610 Coxcomb Hill Rd				
City	Astoria	County	Clatsop	State	OR
				Zip Code	97103
Client	William & Deborah Armington				



Aerial Photo (City of Astoria)

Borrower or Owner	Client: Williams & Deborah Armington						
Property Address	East of 1610 Coxcomb Hill Rd						
City	Astoria	County	Clatsop	State	OR	Zip Code	97103
Client	William & Deborah Armington						



Aerial Map with Sales

Borrower or Owner	Client: Williams & Deborah Armington				
Property Address	East of 1610 Coxcomb Hill Rd				
City	Astoria	County	Clatsop	State	OR
Zip Code	97103				
Client	William & Deborah Armington				



PHOTOGRAPH ADDENDUM

Borrower or Owner	Client: Williams & Deborah Armington						
Property Address	East of 1610 Coxcomb Hill Rd						
City	Astoria	County	Clatsop	State	OR	Zip Code	97103
Client	William & Deborah Armington						



FRONT VIEW OF
SUBJECT PROPERTY



REAR VIEW OF
SUBJECT PROPERTY



STREET SCENE OF
SUBJECT PROPERTY

PHOTOGRAPH ADDENDUM

Borrower or Owner	Client: Williams & Deborah Armington						
Property Address	East of 1610 Coxcomb Hill Rd						
City	Astoria	County	Clatsop	State	OR	Zip Code	97103
Client	William & Deborah Armington						



View of Youngs Bay from Subject Site



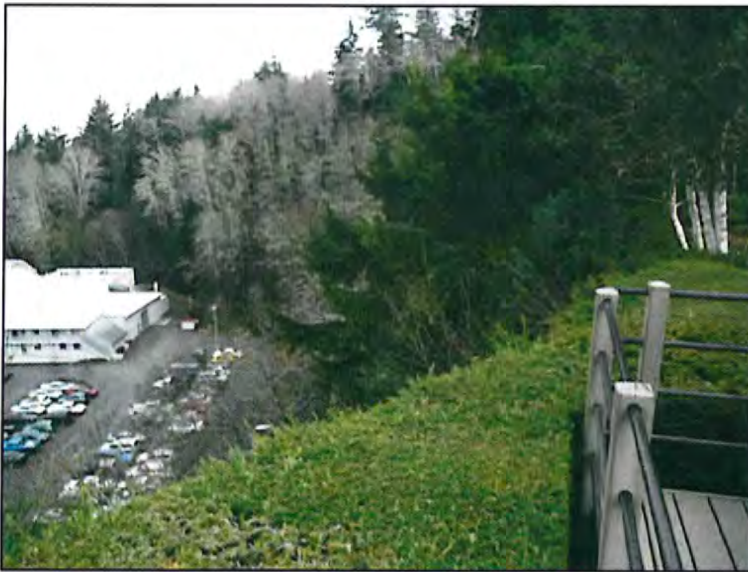
Looking at site from Coxcomb Hill Rd

PHOTOGRAPH ADDENDUM

Borrower or Owner	Client: Williams & Deborah Armington						
Property Address	East of 1610 Coxcomb Hill Rd						
City	Astoria	County	Clatsop	State	OR	Zip Code	97103
Client	William & Deborah Armington						



East of 1600 Coxcomb Hill Rd
Cliff Erosion



East of 1600 Coxcomb Hill Rd
View of College Parking from 1600 Coxcomb resident



East of 1600 Coxcomb Hill Rd
View from Coxcomb Rd (House/Subject Site)

PHOTOGRAPH ADDENDUM

Borrower or Owner	Client: Williams & Deborah Armington						
Property Address	East of 1610 Coxcomb Hill Rd						
City	Astoria	County	Clatsop	State	OR	Zip Code	97103
Client	William & Deborah Armington						



COMPARABLE #1

462 6th Street
Astoria

Price \$6,500
Price/SF 1.30
Date 01/27/2014

Site Area 5000 sf
Value Indication \$10,000



COMPARABLE #2

3rd & Exchange
Astoria

Price \$22,500
Price/SF 2.25
Date 03/17/2014

Site Area 10,000 sf
Value Indication \$17,000



COMPARABLE #3

Adj 140 W. Grand Ave
Astoria

Price \$7,200
Price/SF 0.72
Date 01/15/2014

Site Area 10000 sf
Value Indication \$5,700

PHOTOGRAPH ADDENDUM

Borrower or Owner **Client: Williams & Deborah Armington**
 Property Address **East of 1610 Coxcomb Hill Rd**
 City **Astoria** County **Clatsop** State **OR** Zip Code **97103**
 Client **William & Deborah Armington**



COMPARABLE #4

29th & Grand Ave
Astoria

Price \$15,000
 Price/SF 2.00
 Date 04/01/2014

Site Area 7500 sf
 Value Indication \$14,000

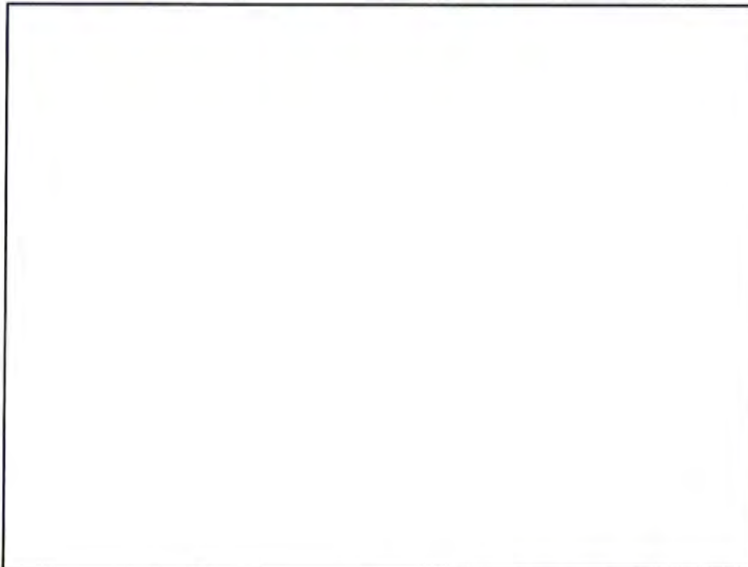


COMPARABLE #5

181 Exchange St
Astoria

Price \$15,000
 Price/SF 3.00
 Date 11/14/12

Site Area 5000 sf
 Value Indication \$13,500



COMPARABLE #6

Price \$
 Price/SF
 Date

Site Area
 Value Indication \$

This appraisal report is subject to the following scope of work, intended use, intended user, definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser may expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal assignment.

SCOPE OF WORK: The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal, including the following definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser must, at a minimum: (1) perform a complete visual inspection of the subject property, (2) inspect the neighborhood, (3) inspect each of the comparable sales from at least the street, (4) research, verify, and analyze data from reliable public and/or private sources, and (5) report his or her analysis, opinions, and conclusions in this appraisal report.

INTENDED USE: The intended use of this appraisal report is for the lender/client to evaluate the property that is the subject of this appraisal for a mortgage finance transaction.

INTENDED USER: The intended user of this appraisal report is the lender/client.

DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions* granted by anyone associated with the sale.

*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS: The appraiser's certification in this report is subject to the following assumptions and limiting conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it, except for information that he or she became aware of during the research involved in performing this appraisal. The appraiser assumes that the title is good and marketable and will not render any opinions about the title.
2. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in this appraisal report whether any portion of the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
3. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
4. The appraiser has noted in this appraisal report any adverse conditions (such as the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the research involved in performing this appraisal. Unless otherwise stated in this appraisal report, the appraiser has no knowledge of any hidden or unapparent adverse conditions of the property (such as, but not limited to, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property.
5. If the appraiser has based his or her appraisal report and valuation conclusion for an appraisal subject to certain conditions, it is assumed that those conditions will be met in a satisfactory manner.

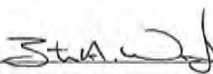
APPRAISER'S CERTIFICATION: The Appraiser certifies and agrees that:

1. I have, at a minimum, developed and reported this appraisal in accordance with the scope of work requirements stated in this appraisal report.
2. I performed a complete visual inspection of the subject property. I reported the site characteristics in factual, specific terms.
3. I performed this appraisal in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
4. I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have adequate comparable market data to develop a reliable sales comparison approach for this appraisal assignment.
5. I researched, verified, analyzed, and reported on any current agreement for sale for the subject property, any offering for sale of the subject property in the twelve months prior to the effective date of this appraisal, and the prior sales of the subject property for a minimum of three years prior to the effective date of this appraisal, unless otherwise indicated in this report.
6. I researched, verified, analyzed, and reported on the prior sales of the comparable sales for a minimum of one year prior to the date of sale of the comparable sale, unless otherwise indicated in this report.
7. I selected and used comparable sales that are locationally, physically, and functionally the most similar to the subject property.
8. I have reported adjustments to the comparable sales that reflect the market's reaction to the differences between the subject property and the comparable sales.
9. I verified, from a disinterested source, all information in this report that was provided by parties who have a financial interest in the sale or financing of the subject property.
10. I have knowledge and experience in appraising this type of property in this market area.
11. I am aware of, and have access to, the necessary and appropriate public and private data sources, such as multiple listing services, tax assessment records, public land records and other such data sources for the area in which the property is located.
12. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable sources that I believe to be true and correct.
13. I have taken into consideration the factors that have an impact on value with respect to the subject neighborhood, subject property, and the proximity of the subject property to adverse influences in the development of my opinion of market value. I have noted in this appraisal report any adverse conditions (such as, but not limited to, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing this appraisal. I have considered these adverse conditions in my analysis of the property value, and have reported on the effect of the conditions on the value and marketability of the subject property.
14. I have not knowingly withheld any significant information from this appraisal report and, to the best of my knowledge, all statements and information in this appraisal report are true and correct.
15. I stated in this appraisal report my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the assumptions and limiting conditions in this appraisal report.
16. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or opinion of market value in this appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
17. My employment and/or compensation for performing this appraisal or any future or anticipated appraisals was not conditioned on any agreement or understanding, written or otherwise, that I would report (or present analysis supporting) a predetermined specific value, a predetermined minimum value, a range or direction in value, a value that favors the cause of any party, or the attainment of a specific result or occurrence of a specific subsequent event (such as approval of a pending mortgage loan application).
18. I personally prepared all conclusions and opinions about the real estate that were set forth in this appraisal report. If I relied on significant real property appraisal assistance from any individual or individuals in the performance of this appraisal or the preparation of this appraisal report, I have named such individual(s) and disclosed the specific tasks performed in this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in this appraisal report; therefore, any change made to this appraisal is unauthorized and I will take no responsibility for it.
19. I identified the lender/client in this appraisal report who is the individual, organization, or agent for the organization that ordered and will receive this appraisal report.
20. The lender/client may disclose or distribute this appraisal report to: the borrower; another lender at the request of the borrower; the mortgagee or its successors and assigns; mortgage insurers; government sponsored enterprises; other secondary market participants; data collection or reporting services; professional appraisal organizations; any department, agency, or instrumentality of the United States; and any state, the District of Columbia, or other jurisdictions; without having to obtain the appraiser's or supervisory appraiser's (if applicable) consent. Such consent must be obtained before this appraisal report may be disclosed or distributed to any other party (including, but not limited to, the public through advertising, public relations, news, sales, or other media).
21. I am aware that any disclosure or distribution of this appraisal report by me or the lender/client may be subject to certain laws and regulations. Further, I am also subject to the provisions of the Uniform Standards of Professional Appraisal Practice that pertain to disclosure or distribution by me.
22. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

SUPERVISORY APPRAISER'S CERTIFICATION: The Supervisory Appraiser certifies and agrees that:

1. I directly supervised the appraiser for this appraisal assignment, have read the appraisal report, and agree with the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
2. I accept full responsibility for the contents of this appraisal report including, but not limited to, the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
3. The appraiser identified in this appraisal report is either a sub-contractor or an employee of the supervisory appraiser (or the appraisal firm), is qualified to perform this appraisal, and is acceptable to perform this appraisal under the applicable state law.
4. This appraisal report complies with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
5. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

APPRAISER

Signature 
Name Steven A. Weed
Company Name Steven A. Weed, MAI, SRA
Company Address P.O. Box 2304
Gearhart, OR 97138
Telephone Number 503-738-3800
Email Address _____
Date of Signature and Report November 26, 2014
Effective Date of Appraisal November 18, 2014
State Certification # C000170
or State License # _____
or Other (describe) _____ State # _____
State OR
Expiration Date of Certification or License 8/31/2015

ADDRESS OF PROPERTY APPRAISED
East of 1610 Coxcomb Hill Rd
Astoria, OR 97103
APPRAISED VALUE OF SUBJECT PROPERTY \$ 15000
LENDER/CLIENT
Name _____
Company Name William & Deborah Armington
Company Address _____
Email Address _____

SUPERVISORY APPRAISER (ONLY IF REQUIRED)

Signature _____
Name _____
Company Name _____
Company Address _____
Telephone Number _____
Email Address _____
Date of Signature _____
State Certification # _____
or State License # _____
State _____
Expiration Date of Certification or License _____

SUBJECT PROPERTY

Did not inspect subject property
 Did inspect exterior of subject property from street
Date of Inspection _____
 Did inspect interior and exterior of subject property
Date of Inspection _____

COMPARABLE SALES

Did not inspect exterior of comparable sales from street
 Did inspect exterior of comparable sales from street
Date of Inspection _____

Borrower or Owner Client: Williams & Deborah Armington
Property Address East of 1610 Coxcomb Hill Rd
City Astoria **County** Clatsop **State** OR **Zip Code** 97103
Lender or Client William & Deborah Armington

PURPOSE OF APPRAISAL

The purpose of this appraisal report is to estimate the market value of the subject property. It is not to be relied upon by any third parties for any purpose, whatsoever. Subject property is unique with a very limited number of potential purchasers and uses.

The appraisal is based on an analysis of the subject property as of the date of inspection. Valuation is based on current market conditions as of the date of inspection. Data and conclusions are based on the assumption that there have been no detrimental physical, functional or external factors transpiring between the date of inspection and date of completion of this report.

SCOPE OF APPRAISAL

In conducting the appraisal assignment, the appraiser first collected preliminary public record, title company information, and made an initial search of available market sales, trends, and influences. A physical inspection of the subject property was made in accordance with the information requirements of the land form format. The appraiser is not an expert in matters of pest control, structural engineering, hazardous waste, survey, or title matters, and no expertise or warranty is implied in these or other areas. General research on comparable properties in the subject and competing neighborhoods was performed. Sales selection was refined to the three or four most similar and recent sale properties. A thorough residential market analysis using standard residential appraisal methods and techniques was completed in accordance with Uniform Standards of Professional Practice as adopted by the Appraisal Foundation. An explanation of adjustments to comparable properties is presented in the Adjustments section.

The value indications from the comparable sale properties were reconciled into a final value estimate. The purpose of the final value reconciliation was to develop a rational, defensible conclusion of the most probable market value for the subject property. The scope of the assignment does not include a separate land value appraisal. The land value estimate is limited to a review of real market assessed land value, land sales in the neighborhood, and abstraction of land values from improved sales in the neighborhood.

DISCLOSURE OF COMPETENCY

The appraiser has the required experience, training, and education to complete the appraisal of the subject property competently. The appraiser has over 30 years of experience in appraising single family residential property in Clatsop and Tillamook Counties and has considerable knowledge in local market conditions. The appraiser's principal area of work is single family residential properties in Clatsop and Tillamook Counties. The appraiser maintains a current, active sales data base using county assessor records, real estate listings, title company records, and the appraiser's own sales files. The report has been prepared as an unbiased, objective value estimate.

HIGHEST & BEST USE

The following influences were considered in concluding the Highest & Best Use of the subject property is its current use as an auxiliary land adjacent to a single family residential use. The subject site's physical size and zoning regulations support restricted, limited use, such as yard and landscape. Supporting facilities to the site are typically residential in character. Surrounding land use is consistent with single family uses. Also, the report considered the existing land use regulations, reasonably probable modification of such land use regulations, economic demand, the physical adaptability of the property, neighborhood trends, and the optimal usage of the property. Finally, the probability that the above physical, locational, and legal influences will continue to exist was considered. There are no changes in land use within or near the subject property which would indicate a change in current land use.

From Astoria's zoning ordinance:

IN: INSTITUTIONAL ZONE 2.835.PURPOSE.

This zone is intended to facilitate uses such as parks, public works, schools, museums, open space, and similar activities on property which is presently committed to such uses.
2.840.

USES PERMITTED OUTRIGHT

The following uses and their accessory uses are permitted in an IN Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 2.835 through 2.860, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Caretaker dwelling.
2. Community building.
3. Low-intensity recreation.(Section 2.840(3) amended by Ordinance 96-01, 1-16-96)
4. Public parking lot or structure.
5. Public restroom.
6. Public utility shop and yard.
7. Recycling or solid waste transfer facility.
8. Reservoir.
9. School or college.
- 10.Single-family dwelling on lot where such use existed as of January 1, 1990.
- 10.Utilities.

ESTIMATED EXPOSURE TIME

The estimated marketing time for the subject property under current market conditions is approximately 120 days or less. The estimate is based on analysis of current market trends in the general area, and takes into account the size, condition, and price range of the subject and surrounding properties. The unique nature of the subject site limit potential marketing.

Borrower or Owner	Client: Williams & Deborah Armington		
Property Address	East of 1610 Coxcomb Hill Rd		
City	County	State	Zip Code
Astoria	Clatsop	OR	97103
Lender or Client	William & Deborah Armington		

MARKET APPROACH COMMENTS

The comparable sales used in this report represent the most recent sales available. The appraiser relied on prior land appraisal in Astoria, two reports were similar properties that had restricted use because of development and topography. In addition a review of recent sales was made and four sales with topography and developments were found from an initial screening of 60 vacant land sales in Astoria, refined to 15 potential comparable sales. Sources of sales information include county assessor records, title company deed recordings, real estate sales companies, and the appraiser's own sales files. The comparable sale properties were the most similar to the subject in location, size, features, and closest in proximity to the subject property. All comparable sales are closed sales, unless otherwise noted. Sales dates are close of escrow dates.

RECONCILIATION COMMENTS

Greatest weight was given the Sales Comparison Approach because it is the most reliable indicator of behavior in the local market and best reflects current market conditions. The Income Approach is not considered a reliable indicator of market value for residential land in the local market because of virtually no rental activity and reliable comparison with sale properties. The Cost Approach is not considered appropriate for a parcel of vacant land.

PERSONAL PROPERTY

No personal property has been valued in this report.

TIME ADJUSTMENT & PROXIMITY OF SALES PROPERTIES

The time between the date of the appraisal and the sale date of the comparable properties are sufficiently current that an adjustment was not warranted. Less weight was given Sale No.5 which is an older sale.

LOCATION ADJUSTMENT

The comparables are located in neighborhoods which are sufficiently similar and no adjustment was necessary.

SITE/VIEW

Adjustments for site size differences are based on the marginal contribution of additional site size. The subject and sale properties have views and most of the comparable sales were purchase by adjoining property owners to protect view and to control adjacent support.

APPRAISAL IS NOT A SURVEY

It is assumed that the utilization of the land and improvements is within the boundaries of the property lines of the property described and that there are no encroachments or trespass unless noted in the report. The appraiser has made no survey of the property and no responsibility is assumed in connection with such matters. Any maps, plats, legal descriptions or drawings reproduced and included in this report are intended only for the purpose of showing spatial relationships or giving a general idea of the property description. The reliability of information contained in any such map, description or drawing is assumed by the appraiser and cannot be guaranteed to be correct. A surveyor should be consulted if there is any concern on boundaries, setbacks, encroachments, legal description or other survey matters.

APPRAISAL IS NOT A LEGAL OPINION

Title and Boundaries - No responsibility is assumed for matters of a legal nature that affects the title to the property nor is an opinion of title rendered. The value is given without regard to questions of title, boundaries, encumbrances or encroachments. The appraiser is not usually provided with information regarding the title or legal description and, in any event, the appraiser neither made a detailed examination of it nor is any legal opinion given concerning it.

APPRAISAL IS NOT AN ENGINEERING OR PROPERTY INSPECTION REPORT

Structural Problems May Be Present. The reader of this appraisal should understand that purchasing a home entails a certain amount of risk. Properties may have latent problems that are not detectable at the time of the sale or at the time it is appraised. Many properties have hidden problems or may develop structural problems after the sale. The appraisal should not be considered a report on the physical items that are a part of this property. Although the appraisal may contain information about the physical items being appraised (including their adequacy and/or condition), it should be clearly understood that this information is only used as a general guide for property valuation and is not intended to be used to evaluate the condition or adequacy of the subject property. The observed condition of the foundation, roof, exterior walls, interior walls, floors, heating systems, plumbing, insulation, electrical service and all mechanicals and construction is based on casual inspection only and no detailed inspection was made. The appraiser is not acting as a professional engineer; builder, surveyor or other inspector and professionals should be consulted if there are any questions as to the condition of the subject property.

Additionally, properties with cliff faces have potential issues of support and adjacent support. It is beyond the scope of this assignment to estimate the potential impact of these or other issues. If the reader has questions, a qualified expert should be consulted.

APPRAISAL IS MADE WITH LIMITED DATA

Appraisal reports are technical documents addressed to the specific needs of clients. In most cases, appraisals are made for mortgage companies and/or banks whose use for this report may be wholly different than that of the casual reader. Therefore, the reader should understand that this report was made with a limited amount of data and limited ability to verify certain information. Information was verified when possible through public records, multi-listing services, real estate agents and exterior inspection. This includes verification that the comparables are actually closed sales and the transactions are arms length. No verification technique is one hundred percent accurate but the appraiser has made the assumption that all data is accurate as reported. From time to time, the indicated sizes of comparables shown in available sources such as MLS services or listing sheets appears to be incorrect based on the appraisers professional experience. If the size used in the MLS sheets does not correlate with other known data, the appraiser may use other methods to determine the size of comparables. These include assessor's sheets and physical inspection. The deviation of comparable size from published sizes only indicates an attempt at higher accuracy in the final report. Three or more comparables are used in this report to eliminate the limited data associated with any single comparable. While no factors is believed to be significant but unknown to the client have been knowingly withheld, it is always possible that we have information of significance which may be important to others but which, based on the original scope of this appraisal for mortgage or other purposes, was not included in the report to the client. A mortgage company or other professional client may not require data that may be

Borrower or Owner	Client: Williams & Deborah Armington		
Property Address	East of 1610 Coxcomb Hill Rd		
City	County	State	Zip Code
Astoria	Clatsop	OR	97103
Lender or Client	William & Deborah Armington		

important if the report is to be used for decision making outside the scope of the report. No decision should be made that is outside the scope of this report without first contacting the appraiser in writing for further clarification.

ZONING The appraiser has tried to use the most recently available zoning maps to determine the zoning of the subject property. However, no notification is given to the appraiser when zoning changes. Zoning may be different than that stated and may severely limit the possible use of the property. If a property is a legal non-conforming use, it may not be able to have continued residential use if fully or partially destroyed or vacated for any length of time. Zoning has only been checked as it relates to the highest and best use section of this report and any significant question regarding zoning should be addressed to local zoning or land use officials.

BUILDING CODES The appraiser has not checked for building code violations and the subject property may not conform to current building codes. It is assumed in this report that all buildings meet applicable codes.

DETRIMENTAL CONDITIONS There are a wide variety of detrimental conditions that can impact property values. These include, but are not limited to: non-market motivations, future temporary disruptions, stigmas, convicted criminals who reside in the neighborhood, neighborhood nuisances, future unannounced surrounding developments, structural and engineering conditions, construction conditions, soils and geotechnical issues, environmental conditions and natural conditions. The appraiser has inspected the subject property on a level that is consistent with the typical responsibilities of the appraisal profession; however, the appraiser does not have the expertise of market analysts, soils, structural or environmental engineers, scientists, specialists, urban planners and specialists in these various fields. Unless otherwise stated within the report, the appraiser assumes no responsibilities for the impact that the variety of detrimental conditions may cause.

WELLS AND SEPTIC SYSTEMS Well and septic systems are common to many rural or suburban areas and usually provide adequate water and waste removal. However, well failure and septic failure involve substantial costs. Failure of the well and/or septic systems can cause sickness, birth defects and serious health problems. The marketability of the house will be affected by the failure of the well and/or septic system and serious financial loss may result. A water analysis and test of the septic system is considered a standard practice in the course of a real estate sale and is the sole responsibility of the owner or borrower as the appraiser is not a professional in this area. Even if there is water at the house and waste appears to be removed, the well or septic systems may not be located on the subject site. If this is the case, the property may not have continued access to these systems and the property value could be severely impacted. The appraised value assumes that these systems are functional and adequate and located on the subject site.

PRESENCE OF HAZARDOUS MATERIALS The presence of hazardous substances, including without limitation asbestos, polychlorinated biphenyls, petroleum leakage or other chemicals, which may or may not be present on or near the subject property, or other environmental conditions were not called to the attention of the appraiser at the time of the valuation or inspection. The appraiser is not qualified to test for any hazardous substance and has no knowledge of the existence of such materials on or near the subject property. If any hazardous material contamination exists, it may affect the value of the subject property to the point that the cost of cleanup far exceeds the value of the property. Unless otherwise stated, this appraisal is predicated on the assumption that there is no condition on or near the subject property that would cause a loss in value. No responsibility is assumed for any hazardous substance contamination that may exist on or near the subject and the client is urged to get a professional inspection if there are questions in this area. Below are detailed some more common problems found in residential homes. This is not a complete list but further details these problems.

LEAD BASED PAINT Lead and lead based products are found in many homes constructed prior to 1978 and particularly in those built or painted before 1960. The use of older paint on new homes may result in finding lead in even very new houses. Lead is found in moving parts of windows and doors, lead based paint, soils next to the exterior of buildings that may have been painted with lead based paint or had such paint recently stripped, and in pipes and solder used for drinking water supply. Lead poisoning can cause serious health problems including nervous system damage and even death. Children and women of childbearing age are most at risk from lead poisoning. The appraiser cannot detect whether a property has lead present on or in it and is not trained in the detection or remediation of lead. The detection of lead in a property can only be done by a qualified firm or laboratory. The full responsibility for lead or any hazardous substance lies with the client or user of this report.

MOLD The appraiser is not qualified to determine if mold is present in the property and if present, the appraiser is not qualified to determine the cause of the mold, the type of mold or whether it poses any risk or hazard to the inhabitants.

RADON Radon is a cancer-causing radioactive gas. It occurs naturally and may seep into houses via the basement. Abnormally high concentrations of Radon in a house may affect the marketability of the house. High levels of radon concentration may cause sickness or even cancer. The appraiser is not a professional at radon detection. Responsibility for detection or remediation of radon lies with the property owner.

Borrower or Owner Client: Williams & Deborah Armington
Property Address East of 1610 Coxcomb Hill Rd
City Astoria **County** Clatsop **State** OR **Zip Code** 97103
Lender or Client William & Deborah Armington

Qualifications of Steven A. Weed, MAI, SRA

Professional Affiliations

MAI Member Appraisal Institute, Chicago, Illinois, 1988 to Present
SRPA Senior Real Property Appraiser, Society of Real Estate Appraisers, Chicago, Illinois, 1982
SRA Senior Residential Appraiser, Society of Real Estate Appraisers, Chicago, Illinois, 1977 to Present

FIRREA Certification & Licensing

General Certified Appraiser #C000170, State of Oregon: From 1993, Expiration: 8/31/2015
Real Estate Broker License, State of Oregon: 1977 to 1993
Real Estate Salesman License, State of Oregon: 1972 to 1977

Education--General & Real Estate Appraisal

Portland State University, Portland, Oregon: B.S., Economics, 1972

SREA: An Introduction to Appraising Real Property Exam 101 1973

Principles of Income Property Appraising Exam 201 1974

Narrative Report Writing Seminar Exam R-2 1976

Standards of Professional Practice 1988

AIREA: Single Family Residential Appraisal Exam VIII 1975

Case Studies in Income Valuation Exam II 1978 Investment Analysis Exam VI 1978

Litigation Valuation Exam IV 1983 Standards of Professional Practice Exam 83 1980

Comprehensive Exam 1985 Basic Valuation Procedures 1988

Standards of Professional Practice Part A Exam SPP-A 1997

Seminars: Apartment Appraising, Report Writing, Expert Witness, Subdivision Analysis (AI: 5/92), How To Value Income Property (12/92), The 1994 Revised URAR Seminar (PGP: 12/93), HUD Refresher Training (HUD: 11/94), Non-Urban Properties Symposium (PGP: 11/94), FHA Appraising (AI: 6/95), Standards of Professional Practice, Part A (6/97), Litigation Skills (AI:11/98), Valuation of Detrimental Conditions (AI:11/98), Residential Design (AI:7/99), USPAP Part C (AI:11:99), FHA & The Appraisal Process (AI:7/01), Internet Search Strategies (AI:8/01), Feasibility, Market Value, Investment Timing: Option Value (AI:1/03), Intro. to GIS Applications for RE Appraisal (AI:1/03), Residential Appraiser Training (SFREP 9/03) Course 400, Online Analyzing Operating Expenses (AI:3/03), Business Practices and Ethics (AI:8/04), National USPAP Update Course (AI:2/05), FHA Update (HUD: 6/06), 2006 USPAP Update (AI: 1/07), Secondary Market & Appraiser Liability (McKissock:1/07), Guide to Fannie Mae 2-4 Unit Form 1025 (AI: 12/07), Analyzing Distressed RE (AI:12/07), USPAP Update (AI: 4/08), Business Practices & Ethics (AI: 10/09), Application of Cost Approach (AU: 10/09), Appraising Historic Property (AU: 7/10), Business Practices & Ethics (AI: 10/09), Planning 101 (1/11), 2011 USPAP Update (1/11), Practical Regression Using MS Excel (AI: 9/12), 2012-13 USPAP Update (5/13), Appraisal Math & Statistics (5/13), Residential Market Analysis and H&B Use (AI:6/14),UAD Dataset(6/14),Business Practices & Ethics (AI: 11/13),USPAP Update (6/14)

Representative Clients

Old Republic Title, Solidifi, Service Link, StreetLinks, Landsafe, LPS, Essential Mortgage, Unitus CU, FNMA, FDIC STARS, TLC Federal CU, Bank of America, Columbia Bank, Chase Mortgage, Oregon Tax Court

Employment History

Independent Fee Appraiser, Gearhart, Oregon: 1984 to Present

Appraiser, Clatsop County Assessor, Astoria: 1975 to 1983


Real Estate Salesman, Portland, Oregon: 1972 to 1975

Types of Property Appraised

Single Family Residential, Duplex, Four-plex, Condominiums, Commercial & Retail Buildings, Restaurants, Motels, Apartments, Warehouses & Industrial Buildings, Farms, Mini-Storage Buildings, Churches, Residential Subdivisions, Cranberry Bogs, Commercial & Industrial Land, Wetlands, Condemnations, Partial Takings, Transmission Line Easements, Mitigation, Casualty Loss From Sliding, Aesthetic Loss, National Park Trail Easement

Education Certification


As of the date of this report, I, Steven A. Weed, MAI, SRA, have completed the requirements under the voluntary continuing program of the Appraisal Institute.



Appraiser Certification and Licensure Board
State Certified General Appraiser
28 hours of continuing education required for renewal

License No.: C000170
Issue Date: **September 1, 2013**
Expiration Date: **August 31, 2015**

Steven A Weed
PO Box 2304
Seaside, OR 97138



Robert A Kelth, Administrator



CITY OF ASTORIA

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COMMUNITY DEVELOPMENT

November 21, 2014

TO: MAYOR AND ASTORIA CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: AMENDMENT REQUEST (A14-04) ON WIRELESS COMMUNICATION FACILITIES

BACKGROUND

In 2002, the City adopted a Wireless Communication Facility Ordinance to address where and how communication towers and antennae could be located within the City. For aesthetic purposes, lattice towers were prohibited requiring that any new communication towers be monopoles. The ordinance provided that "public emergency communication" facilities were not subject to the requirements of the code to facilitate public safety. However, the code did not address co-location of a private provider with a public emergency communication facility, and therefore if a public emergency communications tower includes private providers, then it would be required to be a monopole construction.

The current public emergency communication facility and Verizon private facility are located on Coxcomb Hill adjacent to the Astoria Column. For over five years, the City has been working with Verizon concerning the upgrade of their services and the need to upgrade the public emergency services. After much consideration of the existing site, it was determined that the facility should be relocated to another site to improve the aesthetics of the Astoria Column Park. The Friends of the Column, City, and Verizon have identified alternate locations that would provide emergency communications as well as cell service to replace what is provided by the tower at the Column. One site is located in the Land Reserve near Reservoir 3 (east of the Column) would include both private and public facilities.

Due to the type of facilities needed for public emergency communication services, and in order to allow co-location by other private providers, the tower needs to be fairly substantial in construction. The tower would need to be approximately 150' tall to accommodate quality two-way radio coverage. While monopoles can be built taller, generally they are a maximum of 100' or require extensive foundations. The topography and geology of the proposed site makes this challenging. A lattice tower would provide the needed height and space on the tower for co-location of private provider antennas. In addition, maintenance and emergency repair of the facilities can be accomplished quicker with a lattice tower to maintain the critical coverage needed should there be outages of the public emergency service facilities.

If the tower were used only for emergency service facilities, the existing code would not apply and they would be allowed to install a lattice tower. However, since the tower will have co-location of private providers, it is subject to the Wireless Communication Facility Ordinance which prohibits lattice towers. By co-locating both public and private facilities, the number of towers is reduced and only one tower would be required at Reservoir 3 site. Therefore, staff has initiated a proposed


code amendment to allow lattice towers in the LR Zone and only if they also accommodate an emergency service facility regardless of additional co-location by private providers. The intent of the original code was to prevent a forest of cell towers and to maintain the visual quality of the Astoria skyline. Since the tower could be lattice if it was only for emergency services, and since co-location would reduce the need for additional towers, it would be consistent with the intent of the code to allow a co-located emergency service tower to be a lattice tower.

At its October 28, 2014 meeting, the Astoria Planning Commission held a public hearing and recommended that the City Council adopt the proposed amendment. A copy of the Staff Report and Findings of Fact as adopted by the Planning Commission are attached. Also attached to this memo is the proposed ordinance. A public hearing on the Amendment has been advertised and is scheduled for the December 1, 2014 City Council meeting.

RECOMMENDATION

It is recommended that the Council hold a public hearing and adopt the ordinance as recommended by the Planning Commission. If the Council is in agreement with the recommendation of the Planning Commission, it would be in order for Council to hold a first reading of the Ordinance.

By:



Rosemary Johnson, Planner

ORDINANCE NO. 14-____

AN ORDINANCE AMENDING THE ASTORIA DEVELOPMENT CODE SECTION 15.065.A.5 PERTAINING TO WIRELESS COMMUNICATION FACILITIES

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. Astoria Development Code Section 15.065.A.5, General and Operating Requirements, Prohibited Structures, is deleted in its entirety and replaced to read as follows:

“5. Prohibited Structures.

a. ____ Lattice and guyed wire towers and support structures and speculation (“spec”) support structures are prohibited in all zones except as noted in Section 5.b.

b. Lattice towers and support structures that are required for Emergency Communications Facilities and Temporary Communications Facilities operated by public officials may be located in the LR Zone (Land Reserve). Co-location by private communication providers on a lattice tower with emergency communication facilities is allowed.”

Section 2. Effective Date. This ordinance and its amendment will be effective 30 days following its adoption and enactment by the City Council.

ADOPTED BY THE COMMON COUNCIL THIS ____ DAY OF _____, 2014.

APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2014.

ATTEST:

Mayor

Brett Estes, City Manager

ROLL CALL ON ADOPTION: YEA NAY ABSENT

Commissioner LaMear
 Herzig
 Mellin
 Warr
Mayor Van Dusen

BEFORE THE ASTORIA PLANNING COMMISSION
OF THE CITY OF ASTORIA

IN THE MATTER OF AN AMENDMENT

FOR THE FOLLOWING PROPERTY:
CITY WIDE, ASTORIA OR 97103

APPLICANT: COMMUNITY DEVELOPMENT DEPARTMENT,
CITY OF ASTORIA, 1095 DUANE, ASTORIA OR 97103

)
)
)
) ORDER NO. A14-04
)
)

The above named applicant applied to the City for Amendment A14-04 to amend Development Code Section 15.065.A.5 concerning prohibited wireless communication facility structures to allow lattice towers and support structures for public emergency communication facilities within the LR, Land Reserve, zone, City Wide, Astoria, Oregon 97103.

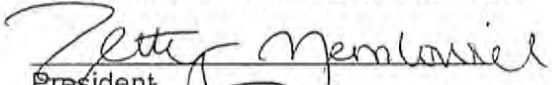
A public hearing on the above entitled matter was held before the Astoria Planning Commission on October 28, 2014; and the Astoria Planning Commission closed the public hearing and rendered a decision at the October 28, 2014 meeting.

The Planning Commission found the proposed amendment to be necessary and recommends to the Astoria City Council that the proposed amendment be approved. *A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.*


DATE SIGNED: OCTOBER 28, 2014

DATE MAILED:


ASTORIA PLANNING COMMISSION



President



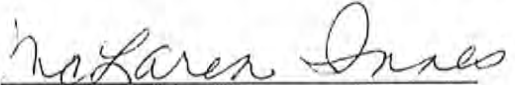
Commissioner



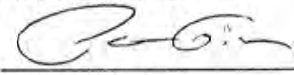
Commissioner



Commissioner



Commissioner



Commissioner

Commissioner



CITY OF ASTORIA

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COMMUNITY DEVELOPMENT

October 20, 2014

TO: ASTORIA PLANNING COMMISSION
FROM: ROSEMARY JOHNSON, PLANNER *Rosemary Johnson*
SUBJECT: AMENDMENT REQUEST (A14-04) ON WIRELESS COMMUNICATION FACILITIES

I. BACKGROUND SUMMARY

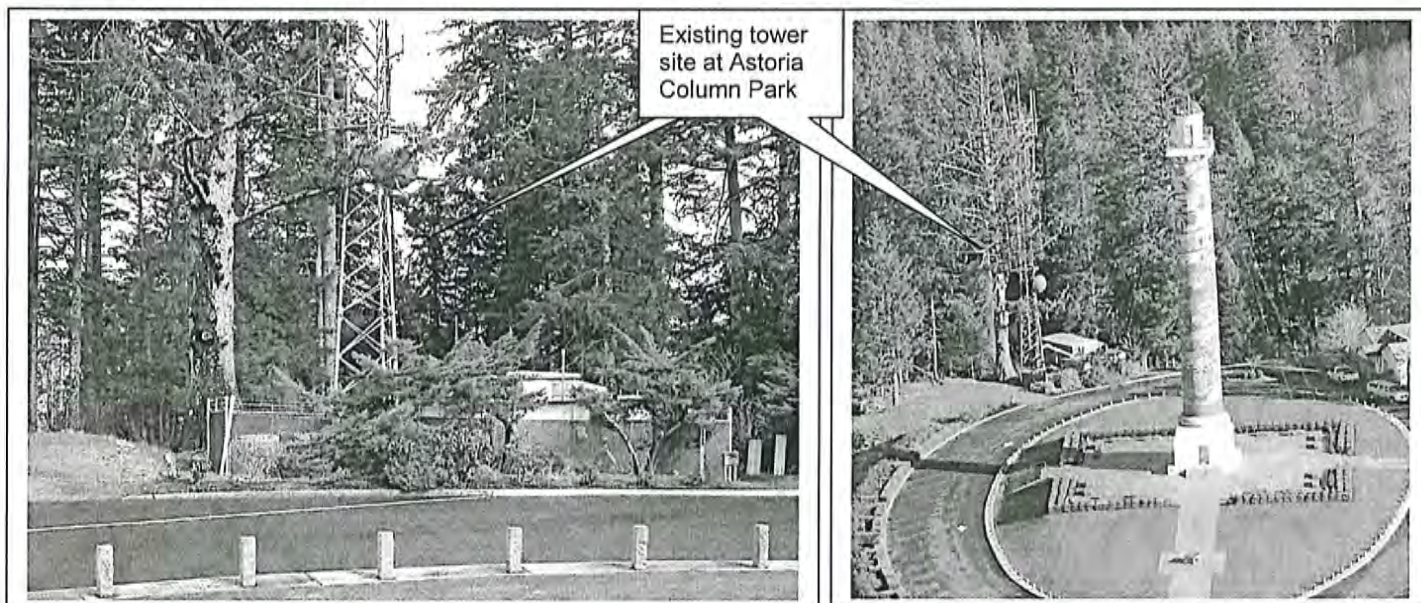
- A. Applicant: Brett Estes
Community Development Director
City of Astoria
1095 Duane Street
Astoria OR 97103
- B. Request: Amend the Astoria Development Code Section 15.065.A.5 concerning wireless communication facility structures to allow lattice towers and support structures for public emergency communication facilities within the LR Zone (Land Reserve)
- C. Location: City-wide

II. BACKGROUND

In 2002, the City adopted a Wireless Communication Facility Ordinance to address where and how these facilities could be located within the City. The intent was to encourage "stealth" location such as location on elevator penthouses, within church steeples, etc. The ordinance also encouraged co-location by multiple providers at one location/tower. Both of these requirements were intended to reduce the need for towers. For aesthetic purposes, lattice towers were prohibited requiring that any new support structures be monopoles. The ordinance provided that "public emergency communication" facilities were not subject to the requirements of the code to facilitate public safety. However, the code did not address co-location of a private provider with a public emergency communication facility, and therefore if the facility includes private providers, then it would be required to meet the code requirements.

The current public emergency communication facility and Verizon private facility are located on Coxcomb Hill adjacent to the Astoria Column. For over five years, the City has been working with Verizon concerning the upgrade of their services and the need to upgrade the public emergency services. After much consideration of the existing site, it

was determined that the facility should be relocated to another site to improve the aesthetics of the Astoria Column Park which is a major tourist attraction. The Friends of the Column, City, and Verizon have identified two alternate locations that would accommodate the needed towers and provide upgraded services to broader areas within the City and County. The two new locations would be at Shively Park and in the forested Land Reserve area above Irving Avenue. The Shively Park location would be for private companies and would not include emergency service facilities. However, the site in the Land Reserve near Reservoir 3 would include both private and public facilities.



Due to the type of facilities needed for public emergency communication services, and in order to allow co-location by other private providers, the tower needs to be fairly substantial in construction. The tower would need to be approximately 150' tall to accommodate quality two-way radio coverage. While monopoles can be built taller, generally they are a maximum of 100' or require extensive foundations. A lattice tower would provide the needed height and space on the tower for co-location of private provider antennas. In addition, maintenance and emergency repair of the facilities can be accomplished quicker with a lattice tower to maintain the critical coverage needed should there be outages of the public emergency service facilities.

If the tower were used only for emergency service facilities, the existing code would not apply and they would be allowed to install a lattice tower. However, since the tower will have co-location of private providers, it is subject to the Wireless Communication Facility Ordinance which prohibits lattice towers. By co-locating both public and private facilities, the number of towers is reduced and only one tower would be required at Reservoir 3 site. Therefore, staff has initiated a proposed code amendment to allow lattice towers in the LR Zone and only if they also accommodate an emergency service facility regardless of additional co-location by private providers. The intent of the original code was to prevent a forest of cell towers and to maintain the visual quality of the Astoria skyline. Since the tower could be lattice if it was only for emergency services, and since co-location would reduce the need for additional towers, it would be consistent with the intent of the code to allow a co-located emergency service tower to be a lattice tower.

III. PUBLIC REVIEW AND COMMENT

A. Astoria Planning Commission

A public notice was mailed to Neighborhood Associations, various agencies, and interested parties on October 3, 2014. In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on October 21, 2014. The proposed amendment is legislative as it applies City-wide. Any comments received will be made available at the Astoria Planning Commission meeting.

The APC's recommendation will be forwarded to the City Council for public hearing tentatively at the December 1, 2014 City Council meeting.

B. City Council

A public notice will be mailed to Neighborhood Associations, various agencies, and interested parties on November 7, 2014. In accordance with Section 9.020, a notice of public hearing will be published in the Daily Astorian on November 24, 2014. Any comments received will be made available at the City Council meeting.

IV. FINDINGS OF FACT

- A. Development Code Section 10.020(A) states that *"an amendment to the text of the Development Code or the Comprehensive Plan may be initiated by the City Council, Planning Commission, the Community Development Director, a person owning property in the City, or a City resident."*

Finding: The proposed amendment to the Development Code is being initiated by the Community Development Director.

- B. Section 10.050(A) states that *"The following amendment actions are considered legislative under this Code:*

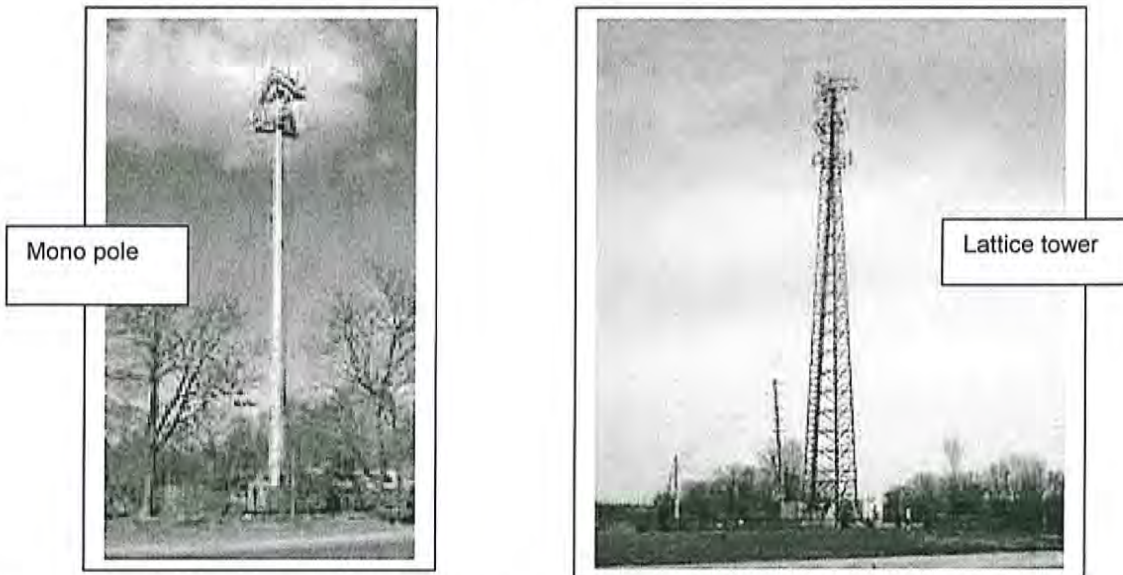
1. *An amendment to the text of the Development Code or Comprehensive Plan. . ."*

Finding: The proposed amendment is to amend the text of the Astoria Development Code Article 15 concerning Wireless Communication Facilities (WCF) to allow lattice towers in the LR Zone that include emergency service facilities. The Code is applicable City-wide. Processing as a legislative action is appropriate.

- C. Section 15.010, Wireless Communications Facilities, Purpose states that *"To accommodate the increasing communication needs of Astoria residents, businesses, and visitors, while protecting the public health, safety and general welfare, and visual and aesthetic environment of the City, these regulations are established to:*

1. *Provide a process and uniform comprehensive standards for the development and regulation of Wireless Communication Service Facilities.*
2. *Enhance the ability to provide communications services to City residents, businesses and visitors.*
3. *Protect the City's scenic, natural, cultural and historical resources, and visual environment from the potential adverse physical and visual effects of Wireless Communication Service Facilities, through careful design and siting standards."*

Finding: The proposed amendment would allow for the co-location of public and private communication facilities on a single tower that would provided the needed services to the City while protecting the historic and visual qualities of the City. The design change from a monopole to a lattice tower in the LR Zone would eliminate the need for multiple towers.



C. Section 10.070(A)(1) requires that *"The amendment is consistent with the Comprehensive Plan."*

1. CP.005(5), General Plan Philosophy and Policy Statement states that local comprehensive plans *"Shall be regularly reviewed, and, if necessary, revised to keep them consistent with the changing needs and desires of the public they are designed to serve."*

Finding: The WCF Ordinance did not address the possibility of co-location of private and public facilities. The proposed amendment would address the changes in the technology of wireless communication, and the need to provide better service to the community.

2. CP.440.5, Forest Resource Policies, states that *“Scenic forest lands such as the corridor along Williamsport Road, the area around the Astor Column, or areas which have significant value for open space or recreation will be designated as such in the City’s Plan.”*

CP.455, Overall Goal, states that *“The City of Astoria will, through its Plan and ordinances, protect the natural values that make the City a desirable place to live and work.”*

CP.460.1, Natural Resource Policies states that *“The Plan land and water use designations will protect those areas that have high natural value, and direct intensive development into those areas that can best support it.”*

CP.460.3 , Natural Resource Policies states that *“The City recognizes the importance of “trade offs” that must occur in the planning process. Although certain estuary areas have been designated for intensive development, other areas will be left in their natural condition in order to balance environmental and economic concerns.”*

CP.460.4, Natural Resource Policies, states that *“The City’s “Land Reserve” area has been designated as such in order to protect forest lands for forest uses, and to allow for limited, well planned residential development in certain areas. It is intended that forest uses include wildlife habitat, stream or drainage protection, windbreaks, recreation and scenic buffers. By requiring and encouraging techniques such as planned or cluster development, buffering, geologic site investigations, and similar measures, natural values will be protected.”*

CP.250.1, Historic Preservation Goals states that *“The City will Promote and encourage, by voluntary means whenever possible, the preservation, restoration and adaptive use of sites, areas, buildings, structures, appurtenances, places and elements that are indicative of Astoria’s historical heritage.”*

CP.250.6, Historic Preservation Goals, states that *“The City will promote appreciation of Astoria’s natural resource base, including wooded areas, marshlands, and water-based sites as elements of the City’s historic growth and development.”*

Finding: The intent of the WCF Ordinance is to allow for wireless facilities while preserving the scenic and historic character of Astoria. The proposed amendment would preserve the aesthetic views of the Astoria skyline with the ability to locate a tower that could accommodate both emergency services and private providers on one tower rather than multiple towers. This “trade off” is consistent with the intent of the WCF Ordinance.

Relocation of the existing towers at the Astoria Column would help to restore the Park to the original historic and natural setting. Allowing the use

of lattice towers in the LR Zone would help facilitate the relocation of the existing towers located adjacent to the historic Astoria Column.

3. CP.205, Economic Development Goal 6, states that the City will *"Maintain a system of public facilities and services capable of supporting existing and future industry, and commercial development."*

Finding: With the changing wireless communication industry, the private providers are continually upgrading the services in the Astoria and Clatsop County area. The upgraded services allow expansion of wireless based communications and industries in this area. The proposed change would allow co-location of public emergency services and private providers on a facility that would benefit both entities and reduce the need for multiple towers.

Finding: The request is consistent with the Comprehensive Plan.

- D. Section 10.070(A)(2) requires that *"The amendment will not adversely affect the ability of the City to satisfy land and water use needs."*

Finding: The proposed amendment will satisfy land use needs in that it will allow for the installation of a public emergency communications facility that is co-located with private providers on a single tower to provide both public and private wireless services. With the proposal that the lattice towers only be located in the LR Zone which is outside the Urban Growth Boundary does not impact the buildable area of the City. The proposed amendment will not adversely affect the ability of the City to satisfy land and water use needs.

V. CONCLUSION AND RECOMMENDATION

The request is consistent with the Comprehensive Plan and Development Code. Staff recommends that the Astoria Planning Commission forward the proposed amendment to the City Council for adoption.



November 21, 2014

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: LEASE OF PROPERTY BY BUOY BEER COMPANY AT 1 – 8TH STREET

DISCUSSION/ANALYSIS

The City has received a request from David Kroening, President of Buoy Beer Company, to lease a portion of the rail corridor behind the Buoy Beer building at 1 – 8th Street, site of the former Bornstein Seafoods. The request is to utilize an area between the building and the River Trail to fence an outdoor seating area, allow parking and/or deliveries for the restaurant/brewery operations at the facility.

Through the Federal Rails-to-Trails Act and Interim Trail Use Agreement, the City became the interim owner of the rail corridor along the Columbia River. The primary use of the railbanked property must be for a trail which the City has accomplished with the River Trail. Other uses / encroachments may occur with the understanding that in the case of future rail reactivation, any encroachment would need to be removed at the user's expense.

The proposed leased area is approximately 15.1' x 168' (2,537 square feet). This would leave ample room for the trolley operation and River Trail circulation. The Trail is not used by vehicles in this block except for delivery / service vehicles of Buoy Beer. Staff has had a railbanking attorney, Charles Montange, review a similar proposal previously approved for Astoria Brewing Company at 1196 Marine Drive for their grain silo. Mr. Montange has advised that lease of these areas would comply with the requirements of the Interim Trail Use Agreement. An agreement with Astoria Brewing Company was approved by Council at their September 17, 2012 meeting.

In calculating a fee for the lease area for Astoria Brewing Company, the amount charged for the River Trail parking spaces was used as a base point. The existing rail corridor parking spaces along the River Trail are leased at a fee of \$30 per month or \$300 per year. In calculating a fee for the leased space, the \$300 per space amount was used as a starting point resulting in \$600 per year for the 367.5 square foot area leased by Astoria Brewing Company. This calculates to \$1.63 per square foot. The proposed lease for Buoy Beer is for 2,537 square feet. Using the same per square footage rate as that of Astoria Brewing Company (\$1.63 / square foot), the yearly lease for Buoy Beer would be \$4,135.31; however, in lieu of a yearly lease amount, Buoy Beer agrees to maintain,

repair, replace, and make any needed improvements to the decking, pilings, and other structural support. The difference in this lease versus the earlier lease is the River Trail in front of Buoy Beer Co., is on a wooden trestle versus solid ground. Through this agreement the savings in maintenance and repair costs to the Parks and Recreation Department and the Public Works Department exceeds the yearly lease amount the City would receive.

Use of the space would include capital improvements on the site (fencing and building code required upgrades to the building); therefore, the lease is suggested to be for a 40 year period with the option for renewal. The lease also includes stipulations about removal of the improvements by the applicant should the rail line be reactivated in the future.

During the July 23, 2014 Parks Advisory Board meeting, the Parks Advisory Board recommended approval of this lease due to the fact that the property does not restrict access to the Riverwalk, have views of the river, nor is the property commonly used as a parks setting.

A map showing the proposed lease area is attached. A copy of the lease agreement is attached for Council consideration. The agreement has been reviewed and approved by City Attorney Blair Henningsgaard.

RECOMMENDATION

It is recommended that Council authorize the Mayor to sign the attached Lease Agreement for Buoy Beer Company.

By: Angela Cosby
Angela Cosby
Director of Parks & Recreation

After recording return to:
Community Development Dept.
City of Astoria
1095 Duane Street
Astoria OR 97103

LEASE AGREEMENT
(Use of Real Property)

This Lease Agreement, hereinafter referred to as "Agreement" made and entered into this _____ day of _____, 2014 by and between the City of Astoria, a municipal corporation of the State of Oregon, hereinafter referred to as "City", and River Barrel Brewing, Inc., an Oregon Corporation, dba Buoy Beer Company hereinafter referred to as "Lessee."

CIRCUMSTANCES

City is the owner of certain real property hereinafter described and has reached an agreement relative to Lessee's use of such property and the terms of such use as are hereinafter set forth

1. PREMISES

City hereby allows Lessee to use premises situated in the City of Astoria, County of Clatsop, State of Oregon, more particularly described as follows:

A portion of the former railroad right-of-way currently railbanked to the City of Astoria and described as approximately 15.1' x 168' (2,537 square feet) portion of Map T8N-R9W Section 8CB, Tax Lot 10200, the real property being south of the existing commercial structure located at 1 8th Street; Map T8N-R9W Section 8CB, Tax Lot 700.

There is attached hereto and incorporated herein by reference an attached map which depicts the subject real property.

2. USE

- a. City grants to Lessee the non-exclusive use of the subject premises for the purpose of vehicle access for parking and/or deliveries, restaurant and brewery operations, and constructing and maintaining an enclosed outdoor seating area for use by the Buoy Beer Company. No other use is approved by this Agreement.
- b. Lessee may post signage limiting the use of the area by others. Sign content and location shall be reviewed and approved by the City and shall be installed and maintained at the Lessee's expense.
- c. Lessee shall maintain, repair, and replace the Premises and the Improvements as necessary to keep them in good order, condition, and repair as compared to other comparable City maintained locations along the Riverwalk throughout the

entire Term. Lessee's obligations will extend to both structural and nonstructural items and to all maintenance, repair, and replacement work, including but not limited to unforeseen and extraordinary items.

- d. Lessee shall maintain a minimum 10' setback from the centerline of the railroad tracks for any structure installed above grade.
- e. Lessee shall install landscaping and/or some other visual separation at the south edge of any enclosure to provide clear identification of the area for pedestrians and cyclists on the River Trail. The landscaping and/or separation shall be reviewed and approved by the Parks and Recreation Director prior to installation and shall be installed prior to use of the area.

3. TERM

The term of this Agreement shall be 40 years from December 15, 2014 until December 14, 2054, unless terminated prior to such date. This Agreement may be extended for an additional period of 20 years upon the written request of the Lessee and approval of the City.

4. RENT

In lieu of a yearly lease amount, Lessee agrees to maintain, repair, and replace the Premises and the Improvements including the decking pilings and other structural support of the decking as necessary to keep them safe for vehicle access, parking, deliveries, restaurant and brewery operations, and also in good order, condition, and repair as compared to other comparable City maintained locations along the Riverwalk throughout the entire Term. Lessee's obligations will extend to both structural and nonstructural items and to all maintenance, repair, and replacement work, including but not limited to unforeseen and extraordinary items. Failure of the Lessee to maintain, repair, and/or replace the area shall be grounds for termination of the lease.

5. ADDITIONAL COSTS

If any required maintenance or repair of the area is not accomplished by the Lessee and the City is required to perform the maintenance and/or repair, the Lessee may be responsible for the costs of the City to do the needed work. The City shall bill the Lessee for the costs incurred. If the sum payable by Lessee to City is not paid within thirty days of the date when first due, Lessee shall pay to the City an additional sum equal to 5% of the sum payable. The parties agree that the late charge represents a fair and reasonable estimate of the costs that City will incur by reason of the late payment. Collection of the late charge will not be considered a waiver of default nor of any other right or remedy. In addition, all amounts past due will bear 15% interest per month from the date first due until the date paid in full.

As a result of this agreement, the Premises may become taxable pursuant to ORS 307.110. Tenant shall advise the Clatsop County Tax Assessor's office at 820 Exchange Street, Astoria Oregon of this lease and take all necessary steps to ensure

that the Premises are included on the annual tax role. Tenant shall pay all taxes levied against the Premises as additional rent. Throughout the Term of this Agreement, Lessee shall pay taxes as they become due.

6. RIGHTS OF TERMINATION

Either City or Lessee, upon prior written notice to the other, may terminate this Agreement upon thirty (30) days written notice without penalty or cost to the other, regardless of cause or lack thereof for termination. Lessee shall remove any improvements identified by the City from the site at Lessee's own expense within 90 days of notification by the City. Lessee shall surrender the Premises in a state of good condition and repair, free and clear of all occupancies.

In the event the Surface Transportation Board issues orders that provide, in effect, for reactivation of freight rail service on the railroad right-of-way a portion of which is covered by this lease, Lessee shall within 30 days notice by City or the reactivating railroad vacate the premises, without penalty or cost to the City or the reactivating railroad.

7. ASSIGNMENT AND SUBLEASING

Lessee will not sell, assign, or in any other manner transfer this Agreement or any interest in this Agreement or the estate of Lessee under this Agreement without the prior written consent of City, which consent will not be unreasonably withheld, delayed, or conditioned. Consent by Lessor to one sale or assignment shall not constitute consent to other transfers or waiver of this section. Any sale or other transfer of a controlling share of Lessee shall be considered an assignment subject to the requirement of Lessor's consent.

8. LIABILITY INSURANCE

During the term of this Agreement, Lessee shall, at Lessee's expense obtain and keep in force a policy of comprehensive public liability insurance with policy limits not less than \$500,000 per injury and \$1,000,000 per occurrence. The limit of said insurance shall not limit the liability of the Lessee hereunder. Lessee may carry such insurance under blanket policy provided such insurance has a City's protective liability endorsement thereon. If Lessee shall fail to procure and maintain said insurance, City may, but shall not be required to, procure and maintain said insurance, at the expense of Lessee. Upon request, Lessee shall deliver to City certificates evidencing the existence and amounts of such insurance and naming City as Additional Insured. No policy shall be cancelable or subject to reduction of coverage except after thirty (30) days prior written notice to City.

9. LIABILITY AND INDEMNITY

Lessee agrees to indemnify and save the City harmless from all claims (including costs and expenses of defending against such claims) arising or alleged to arise from any act or omission of Lessee or Lessee's agents, employees or contractors occurring

during the term of this Agreement in or about the Premises. Lessee agrees to use and occupy the Premises at Lessee's own risk and hereby releases City and City's agents and employees, from all claims for damage or injury brought on by Lessee to the full extent permitted by law. City in turn agrees to indemnify and save Lessee harmless from all claims, in negligence and torts (including cost and expenses of defending against such claims) arising or alleged to arise from any act or omission of City and City's agents, employees, or contractors occurring during the term of this Agreement.

10. ATTORNEY FEES

In the event a suit or action is instituted to enforce compliance with any of the terms, covenants or conditions of this Agreement, or to collect any rent payment which is due, the losing party shall pay such sum as may be adjudged reasonable as attorney fees at trial to be allowed by the prevailing party and in any appeal.

11. BINDING EFFECT

Subject to restrictions in this Agreement, this Agreement will be binding on and inure to the benefit of the successors and assigns of the parties.

In light of the right of each party to terminate this lease as set forth in Paragraph 6, there shall be no implied covenant of quiet enjoyment.

IN WITNESS WHEREOF, City and Lessee have executed this Agreement as of the date and year mentioned above.

City: THE CITY OF ASTORIA

By:

Attest:

Willis L. Van Dusen, Mayor

Brett Estes, City Manager

STATE OF OREGON)
) ss.
County of CLATSOP)

On this _____ day of _____, 2014, personally appeared BRETT ESTES, who, being first duly sworn, did say that he, BRETT ESTES, is the City Manager of the City of Astoria, a Municipal Corporation and that said instrument was signed on behalf of the City by authority of its City Council and they acknowledged the foregoing instrument to be its voluntary act and deed.

Notary Public for Oregon

Lessee: RIVER BARREL BREWING, INC.

By: _____
David Kroening, President

STATE OF OREGON)
) ss.
County of CLATSOP)

On this _____ day of _____, 2014, personally appeared DAVID KROENING, President of River Barrel Brewing Inc., and acknowledged the foregoing instrument on behalf of River Barrel Brewing Inc. to be his voluntary act and deed.

Notary Public for Oregon

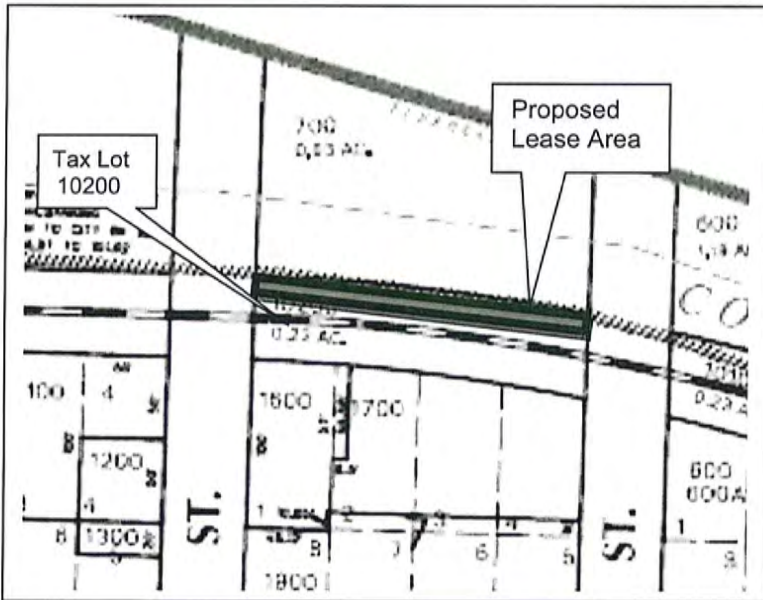
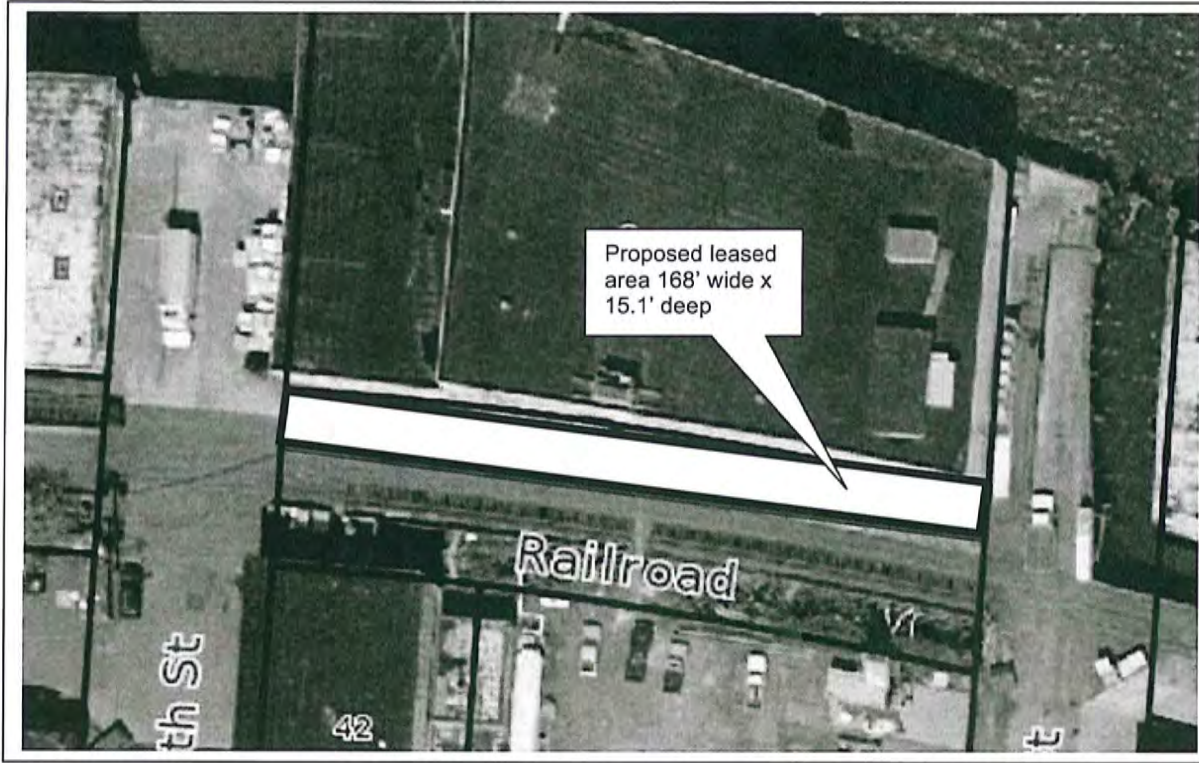
APPROVED AS TO FORM:



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Blair Henningsgaard, City Attorney

Exhibit A





November 18, 2014

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: **FRANKLIN AVE. SEWER MAIN REPLACEMENT PROJECT (23RD - 27TH ST.)
– FINAL PAY ADJUSTMENT**

DISCUSSION/ANALYSIS

On August 4, 2014, City Council authorized award of a construction contract to TFT Construction Inc. in the amount of \$182,475.45 for the Franklin Ave. Sewer Main Replacement Project (23rd to 27th St.). At the time of award, Staff noted that challenging project conditions, including groundwater and contaminated soil, may result in the need for change orders.

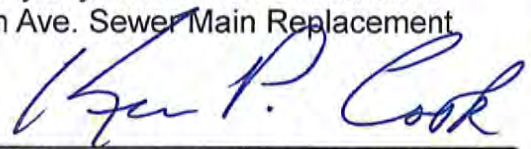
TFT Construction, Inc. is requesting a pay adjustment to account for unforeseen conditions, constructability revisions, quantity adjustments, and added project scope. Detailed change order and support documentation are attached to this memo. The project is substantially complete with only minor punch list items remaining.

The final pay adjustment, totaling \$17,993.31, is within the project contingency of \$18,250.00 authorized at the time of award. Funds for the pay adjustment are available in the Public Works Improvement Fund.

RECOMMENDATION

It is recommended that City Council authorize a final pay adjustment in the amount of \$17,993.31 with TFT Construction, Inc. for the Franklin Ave. Sewer Main Replacement Project.

Submitted By



Ken Cook, Public Works Director

Prepared By



Nathan Crater, Assistant City Engineer



Astoria

ENGINEERING DIVISION

CHANGE ORDER #1

DATE: November 17, 2014
 PROJECT: Franklin Ave. Sanitary Sewer Relocation Project (23rd to 27th Street)
 CONTRACTOR: TFT Construction, Inc.

The purpose of this change order is to account for work not covered in the bid items. This change order amount constitutes total compensation for the changes indicated below and their cumulative effects on the project to date.

Item	Description	Quantity	Unit Cost	Total Cost
1	(26) Handling and Disposal of Contaminated Soil – INCREASED QUANTITY	58.55 TON	\$64.66	\$3,785.84
2	(27) Additional Subsurface Investigation	1 LS	\$5,200.88	\$5,200.88
3	(28) Additional Sewer Lateral Potholing	1 LS	\$2,387.53	\$2,387.53
4	(29) Replace Extg. SSMH Cone with Flat Top Access	1 LS	\$757.77	\$757.77
5	(30) Special Waste Disposal Fee Adjustment	1 LS	\$887.00	\$887.00
6	(31) Additional Trench Preparation	1 LS	\$1,082.58	\$1,082.58
7	(32) SS Lateral Adjustment	1 LS	\$860.96	\$860.96
8	(33) Driveway Reconstruction for 2671 Marine Dr.	1 LS	\$2,976.75	\$2,976.75
Change Order Total =				\$17,939.31
Previous Contract Amount =				\$182,475.45
Revised Contract Amount =				\$200,414.76

This Change Order becomes part of and in conformance with the existing contract. The above changes warrant a 14 day time extension. The contract completion date is extended to October 25, 2014.

EXPLANATION:

The items above cover costs associated with unforeseen conditions, constructability revisions, quantity adjustments, and added project scope. They represent all changes on the project to date. Support documentation is attached.

CHANGE ORDER ACCEPTED BY:

Mark Cuta 11/18/14
 City Engineer Date

 Public Works Director Date

 City Manager Date

Walter M. Jones 11/17/2014
 Contractor Date



CITY OF ASTORIA
POLICE DEPARTMENT

November 24, 2014

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: YOUNG'S BAY RESTAURANT SEAFOOD AND GRILL OLCC APPLICATION

DISCUSSION/ANALYSIS

The City has received an application from Nicole Keller to license the premise located at 1820 SE Front Street. The license application is for limited on premise (beer wine and cider consumed on premise, growler fills) and off premise sales (beer, wine and cider to go). This business is formerly known as Tide Point.

As part of the application process, the Police Department conducted an investigation into the applicant and the neighborhood reactions to the licensing. A survey of neighbors had one person, who based on the applicant had concerns.

A check on the applicant revealed that the applicant has had her license to operate a vehicle in the state of Oregon suspended 6 times since 2001, the most recent in March of 2012. These suspensions were for Attempt to Elude and Failure to Comply. The Failure to Comply suspensions were from in Columbia County Circuit Court, Washington County Circuit Court, Scappoose Municipal Court, and Astoria Municipal Court. Ms. Keller also was convicted of two felonies in 2001: Deliver/Manufacture of Marijuana and Attempt to Elude a Police Officer. Ms. Keller has a number of arrests during the same period with no dispositions listed.

Chief Johnston spoke with Ms. Keller who indicated that these were matters of "youthful rebellion." She indicated that the suspensions were all for offenses that occurred during the 1999 – 2000 period. She said that the tickets went to collections and then after several years were returned to the courts uncollected. At this point the courts suspended her license but did not notify her. In April 2011 Ms. Keller was stopped by an Astoria Police Officer and cited for Driving While Suspended. She indicated that this is when she learned her license was suspended. Her license remained suspended until December 2012. Of significant note is that Astoria Municipal court, a year after her conviction on the offense, suspended her license for failure to comply.

The application for the OLCC license asks the question, "In the past 12 years have you been convicted in Oregon or any other state of driving a car with a suspended driver's license or driving a car with no insurance?" Ms. Keller answered this question no.

In addition to the above listed items, the business was featured in the Daily Astorian on October 30, 2014. The article implies that Ms. Keller and her fiancé Nick Clark are running the business together. In subsequent conversation with OLCC Inspector Marc Warren, Mr. Clark indicated that he was a signator on the lease and a guarantor for the business. By rule this gives Mr. Clark a licensable interest. The failure by the applicant to clearly list those with a licensable interest in the business is of concern. At the time of preparation of this memorandum, Police Chief Johnston and Marc Warren from OLCC are speaking to the applicant regarding a potential alternate processes to secure a liquor license.

RECOMMENDATION

Staff recommends denying the license as Ms. Keller was not candid in her application. There is a history of inability to interact with a regulatory process.



Brad Johnston
Chief of Police / Assistant City Manager