



AGENDA

ASTORIA CITY COUNCIL EXECUTIVE SESSION

August 18, 2014

6:30 p.m.

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

1. **EXECUTIVE SESSION**
 - (a) ORS 192.660(2)(a) – Employment of Public Officers, Employees and Agents
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AGENDA

ASTORIA CITY COUNCIL

August 18, 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**
 - (a) City Manager
4. **CHANGES TO AGENDA**
5. **PRESENTATIONS**
 - (a) Forestry Management at the Watershed
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 7/21/14
 - (b) Boards and Commissions Minutes
 - (1) Historic Landmarks Commission Meeting of 7/15/14
 - (2) Library Board Meeting of 7/22/14
 - (c) Library Department Status Report
 - (d) Authorize Department of State Lands (DSL) Easement for Wastewater Treatment Plant Outfall (Public Works)

7. REGULAR AGENDA ITEMS

- (a) Public Hearing and Ordinances regarding Development of Code Language to Implement the Civic Greenway (16th to 41st) Area of the Riverfront Vision Plan (1st reading) (Community Development)
- (b) Public Hearing and Ordinance regarding Amendment Request (A14-03) by Normadic Properties LLC on behalf of Cannery Loft Condominium Owners Association to the Land Use and Zoning Map to Rezone an Area from GI Zone (General Industrial) to S-2A (Tourist Oriented Shoreland) (1st reading) (Community Development)
- (c) Ordinance Vacating the 23rd and 26th Streets Rights-of-Way (2nd reading & adoption) (Public Works)
- (d) Astoria Landfill Closure/Redevelopment – Consider Resolution Approving IFA Funding Contract (Public Works)

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

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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August 14, 2014

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER PRO TEM

SUBJECT: ASTORIA CITY COUNCIL MEETING OF AUGUST 4, 2014

6:30 P.M. EXECUTIVE SESSION

Item 1(a): **ORS 192.660(2)(a) – Employment of Public Officers, Employees and Agents**

The Astoria City Council will meet in Executive Session to discuss the employment of public officers, employees and agents.

7:00 P.M. CITY COUNCIL MEETING

REPORTS OF COUNCILORS

Item 3(a): **City Manager**

The City Council will discuss the City Manager position.

PRESENTATIONS

Item 5(a): **Forestry Management at the Watershed**

The City's Consulting Forester Michael Barnes will make a presentation regarding forestry management in the City watershed.

CONSENT CALENDAR

Item 6(a): **City Council Minutes**

The minutes of the City Council meeting of July 21, 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 7/15/14, and (2) Library Board meeting of 7/22/14 are enclosed. Unless there are any questions or comments regarding the contents of these minutes, they are presented for information only.

Item 6(c): Library Project Status Report

Enclosed is a status report regarding major Library Department projects. This report is provided for information only.

Item 6(d): Authorize Department of State Lands (DSL) Easement for Wastewater Treatment Plant Outfall (Public Works)

The City has an existing easement from the Oregon Department of State Lands (DSL) for the wastewater treatment plant outfall that will expire this month. The easement document is the formal mechanism describing the City's right to construct, maintain, operate and replace the existing wastewater treatment plant outfall located within the Columbia River, waters of the State (owned and managed by DSL). The term of the renewal easement is 30 years. The City Attorney has reviewed and approved as to form the easement document. It is recommended that Council authorize the DSL easement for the existing City of Astoria outfall at the wastewater treatment plant.

REGULAR AGENDA ITEMS

Item 7(a): Public Hearing and Ordinances regarding Development of Code Language to Implement the Civic Greenway (16th to 41st) Area of the Riverfront Vision Plan (1st reading) (Community Development)

In 2008-2009, the City of Astoria developed the Riverfront Vision Plan (RVP) to address issues dealing with open space, land use, and transportation issues along the Columbia River. Significant public involvement opportunities were designed to gain public input. This process was initiated to plan for these issues in a comprehensive manner and to set a framework for the future of the study area. The City's north Riverfront (Columbia River to West Marine / Marine Drive / Lief Erikson Drive) was divided into four Plan areas of development: Bridge Vista (Port/Smith Point to 2nd Street), Urban Core (2nd to 16th Street), Civic Greenway (16th to 41st Street), and Neighborhood Greenway (41st Street to east end of Alderbrook Lagoon). City Council accepted the Riverfront Vision Plan in December 2009. Since that time, the City Council has set goals regarding implementation of the Riverfront Vision Plan.

The City received a Transportation Growth Management (TGM) grant through the Oregon Department of Transportation for the implementation phase of the Astoria Riverfront Vision Plan. Phase 1 of the project would develop land use

codes and/or new zones for the Civic Greenway Plan Area. Throughout the RVP implementation process, the Planning Commission (APC) focused on the Assumptions and Objectives of the approved Plan and did not attempt to change the Vision Plan as adopted. There was discussion and public comment during the work sessions on the interpretation of these objectives. Implementation of recommendations from the Riverfront Vision Plan in the Civic Greenway Plan Area will take the form of both map amendments and code amendments.

Proposed map amendments will include: 1) rezone the northern half of the blocks between 30th Street and 32nd Street from C-3 (General Commercial) to the new Compact Residential Zone (CR); 2) extend the Gateway Overlay (GO) Zone to cover the Civic Greenway Plan Area; and 3) apply the new Civic Greenway Overlay (CGO) Zone to the Civic Greenway Plan Area.

Proposed text/code amendments will include: 1) add a new Compact Residential (CR) Zone to allow for smaller cottage cluster development; 2) add a new Civic Greenway Overlay Zone to address the standards for over-water and land development and river access requirements; 3) add new provisions for Cottage Cluster Development for compact residential development; 4) add new "clear and objective" design standards for residential uses in the Gateway Overlay Zone and Civic Greenway Area; and 5) make "housekeeping" amendments related to the new CR Zone and CGO Zone.

The Planning Commission held a public hearing at the May 27, 2014 and June 24, 2014 APC meetings. At its July 22, 2014 meeting, the Astoria Planning Commission unanimously recommended that the City Council adopt the proposed amendments. A copy of the Staff Report and Findings of Fact as adopted by the Planning Commission is attached. Also attached to this memo are the proposed ordinances, minutes of the meetings, and public comments received.

It is recommended that the Council hold a public hearing and consider adoption of the ordinances. 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 two separate Ordinances to amend the Astoria Development Code Pertaining to the Civic Greenway Area issues, and amend the Astoria Land Use and Zoning Map to rezone an area from C-3 (General Commercial) to CR (Compact Residential).

Item 7(b): Public Hearing and Ordinance regarding Amendment Request (A14-03) by Normadic Properties LLC on behalf of Cannery Loft Condominium Owners Association to the Land Use and Zoning Map to Rezone an Area from GI Zone (General Industrial) to S-2A (Tourist Oriented Shoreland) (1st reading) (Community Development)

The area proposed to be rezoned is located on the north side of Abbey Lane east of 39th Street. It is two of three platted lots approved for development with

three Cannery Loft Condominium buildings and is developed with two condominium buildings. The site was originally zoned S-1 (Marine Industrial Shoreland) but was rezoned to GI (General Industrial) in 1992 as the parcels were not feasible for shoreland activities. The current GI Zone limits the variety of commercial uses allowed and mainly focuses on general industrial uses, but does allow multi-family dwellings above the ground floor under a conditional use permit. The existing buildings are developed with multi-family dwellings above the first floor and with professional office, ministorage, and several vacant general industrial use units on the ground floor. A maximum of 20% of the ground floor may be developed with other than general industrial use. The property to the west of 39th Street (Hampton Inn & Suites) was changed from S-1 Zone (Marine Industrial Shoreland) to S-2A Zone (Tourist Oriented Shoreland) to allow for the development of the new hotel which would support the East End Mooring Basin activities. The vacant property to the east was also recently rezoned from GI to S-2A Zone. The request to rezone the parcels at 3930 Abbey Lane and 3990 Abbey Lane to S-2A would continue with the tourist oriented shoreland possibilities while also allowing the multi-family dwellings. The requested zone change to S-2A would return the property to a waterfront zoning while allowing more flexibility in the range of commercial and tourist-oriented uses allowed.

At its July 24, 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 is attached. Also attached to this memo is the proposed ordinance. 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(c): Ordinance Vacating the 23rd and 26th Streets Rights-of-Way (2nd reading & adoption) (Public Works)

The City received a request from Columbia Memorial Hospital (CMH) for the vacation of 11,468 square feet of 23rd and 26th Streets rights-of-way adjacent to their property located at 2265 Exchange Street to construct a parking lot for the Hospital and improve highway access using a grant from the Oregon Department of Transportation. City staff reviewed the application and supports CMH's request with the following conditions: The vacation shall include an easement/provision for existing City/Franchise utilities and future utilities. Due to the public benefit that will be provided by the vacation, staff is recommending that an assessment does not appear to be applicable. The applicant will be charged actual costs for processing the request. At their August 8, 2014 meeting, the Council conducted the first reading of the ordinance of vacation. It is recommended that the Astoria City Council conduct the second reading, and adopt the ordinance to vacate of a portion of the 23rd and 26th Streets Rights-of-Way.

Item 7(d): Astoria Landfill Closure/Redevelopment – Consider Resolution Approving IFA Funding Contract (Public Works)

The City has been working on the closure of the old City Landfill located at 1800 Williamsport Road. The landfill closed in 1985 when land filling activities ceased and a transfer station began operation. At the December 16, 2013 City Council meeting, a 4-Party Agreement was approved by Council. Under the agreement, the City's financial contribution to the project was estimated at \$571,542.

Staff explored possibilities of obtaining a combination of grants and low interest loans to fund the City's share of the project. While no grants were available, a low interest loan from the Oregon Infrastructure Finance Authority (IFA) for \$900,000 was found to be the best available funding source. The loan would be paid using funds from the Public Works Improvement Fund (PWIF) (46% share) and the balance (54%) from the revenue associated with the Recology/Western Oregon Waste for operation and waste disposal.

The original cost estimate of City participation was \$571,542; however, as the project has progressed, additional costs have been identified. The additional City costs, due primarily to unforeseen site conditions, is \$261,566. The new estimated City participation is \$795,717. Staff is recommending Council authorize a \$900,000 loan agreement with IFA to cover any additional unexpected expenses, if needed. City Attorney Henningsgaard has reviewed the agreement and has approved as to form. It is recommended that Council adopt the resolution that authorizes IFA Financing in the amount of \$900,000 for the Landfill Closure Project.



CITY OF ASTORIA
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**NO DOCUMENTATION IS INCLUDED
FOR THIS AGENDA ITEM**

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 Pro Tem Estes, Police Chief Curzon, Parks and Recreation Director Cosby, Fire Chief Ames, Planner Johnson, Library Director Tucker, Public Works Director Cook, City Engineer Harrington, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

Mayor Van Dusen announced that a meet and greet of the four finalists for the City Manager position was scheduled for the evening of Wednesday, July 30, 2014 at the Maritime Museum's Barbey Center. The community is invited to attend the informal gathering to meet the candidates, who will each speak for about five minutes. On Thursday, July 31st, the candidates will be interviewed by three panels, the Astoria City Council, a panel of community members appointed by Council, and a panel of City employees appointed by City Manager Pro Tem Estes. Each Councilor has talked with citizens in the community about volunteering to be on the five member community member panel and announced their appointment of the following panel members:

- Councilor Herzig appointed Doris Queener.
- Councilor Warr appointed Jim Servino who used to have a radio station in Astoria, moved away, and has moved back. He is the Assistant Director of the Chamber of Commerce.
- Councilor Mellin appointed Frank Spence, who has city manager experience.
- Councilor LaMear's appointee is pending as they are currently out of town.
- Mayor Van Dusen appointed Zetty Nemlowill, Chairman of the Astoria Planning Commission.

Mayor Van Dusen recognized Planning Commissioner Sean Fitzpatrick, who was present, and thanked him for his service to Astoria.

REPORTS OF COUNCILORS:

Item 3(a): Councilor LaMear reported that she helped clean up Shively Park on Sunday, July 20th, as part of the Citizens Helping Improve Parks (CHIP-in) program, which is going well. She thanked Director Cosby and Janice Galizio who have been leading the volunteers. About 30 Upward Bound students and other volunteers did a lot of pruning and weeding. The park looks 100 percent better than it did before. She attended the first annual Tribute to the Columbia River on Friday, July 18th, at Clatsop Community College. The speakers talked about different aspects of the Columbia River. She hoped more people would attend next year.

Item 3(b): Councilor Mellin reported that Steven Tokarski invited her to talk to his oral history class at Upward Bound about living in Astoria during the 1950s.

Item 3(c): Councilor Warr reported that he attended the Northwest Area Commission on Transportation meeting in Banks, Oregon about ten days earlier. Even though Astoria was not honored this year with a grant from the Connect Oregon program, the region did extremely well given the total funds available in the State. The State gave a presentation on possible future issues with earthquakes, tsunamis, mudslides, and tides.

Item 3(d): Councilor Herzig noted that at the last City Council meeting, he said the City should pick up the tab for the Senior Center's utilities for a year because they were losing membership and revenue due to being displaced. He clarified that the utilities should not be paid for out of the Parks and Recreation budget, as the Department is struggling to do so much with the funds they have. The situation

with the Senior Center also affects the Parks Department because they are planning to expand. He still believed the City should pay the utilities for the next year since the Senior Center is being displaced through no fault of their own. He thanked the Parks Department for sharing space for an additional year while trying to expand so many programs. He reported that a self-guided studio tour of 35 artists in 23 locations was scheduled for July 26th and 27th from 10:00 am to 4:00 pm. Brochures for the event can be picked up at any downtown art gallery. The Column is hosting an arts festival on July 26th. Councilor LaMear will be at the festival with a book she wrote. The Column has been added as a destination on the studio tour. He reported that the fire department would host an open house on August 2nd. He thanked the citizens who have faithfully attended City Council and other commission meetings. Sitting in uncomfortable seats takes a lot of time and energy, but he values the citizen's input and dedication. Whether the comments are complimentary or critical, he believes it is great that the community cared enough about Astoria to challenge the City at times. The City should be proud of its citizens who give so much of their time to participate in democracy.

Item 3(e): Mayor Van Dusen reported that he and Councilor LaMear joined the Hospital Board at the landfill closure, where the new athletic facility will be located. The City was legally mandated to close the landfill. The landfill could have been fenced off and allowed to release methane into the air, leaving the property unusable; however, the landfill has been closed up very well, and the City will apply for an award. The property will be used by the Coast Guard and student athletes. The landfill closure event was very impressive. Turf will be rolled out on to the field on Monday, July 28th, and locker rooms have been built. This is a tremendous reuse of a beautiful piece of property that will be environmentally protected. He is proud of the community for closing the landfill in such a way that many people can enjoy the property for years to come.

CHANGES TO AGENDA: Councilor Herzig requested the addition of Regular Agenda Item 6(e): Proposed Amendment to the City Charter.

CONSENT CALENDAR:

The following items were presented on the Consent Calendar:

- 5(a) City Council Minutes of 6/16/14
- 5(b) Boards and Commission Minutes
 - (1) Library Board Meeting of 6/24/14
- 5(c) Fee Agreement with Propel Insurance (Finance)**

Councilor Warr requested Item 5(c): Fee Agreement with Propel Insurance be removed for further discussion.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Herzig, to approve Items 5(a) and 5(b) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 5(c): Fee Agreement with Propel Insurance (Finance)

Councilor Warr asked for an explanation of the fee agreement. It appears as if City County Insurance Services (CCIS) reduced the City's fees by enough to pay the contract with Propel Insurance and the City's agreement allows CCIS to give Propel commissions for services. It appears as if the City is paying \$12,000 per year to have Propel act in the best interest of the City while CCIS is also paying Propel to act in their best interest, which may not be in the City's best interest.

City Manager Pro Tem Estes explained that the City has worked with Propel and their representative for many years. In the past, the City was not encouraged to take on additional insurance above what was needed. While the contract does include that provision, the City does not believe the provision has been forced, or that additional funds have been taken as a commission from CCIS. He confirmed for Councilor Warr that he believed the insurance company was acting ethically with the City. Propel has been great to

work with and their representative, Scott Farmer, has developed a great working relationship with the City over the years.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Mellin, to approve Item 5(c) of 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 Amend Contract for Sale of Excess City Property (Public Works)

At their August 5, 2013 meeting, the City Council authorized award of a contract to Area Properties for the sale of excess City Property. The contract included a commission of 6% of the sale price and there was to be no commission paid until the property closed. All marketing, advertising, web presence and signage were to be paid for by Area Properties. It was later determined that the 6% commission would not cover the cost of Area Properties' expenses on some of the properties. In discussions with Area Properties relating to their costs, the City's Special Project Consultant agreed to a \$1,000 minimum commission on each property sold. As stated at the July 7, 2014 City Council meeting, a contract amendment would be brought to the July 21, 2014 Council meeting. It is recommended that the City Council authorize an amendment to Section 2.A Compensation of the contract with Area Properties to read: "The City agrees to pay Consultant an amount not to exceed 6% of the sales price or a minimum of \$1,000 per property sold for performance of those services provided herein."

Councilor Warr believed staff and the consultant authorized the \$1,000 payment without City Council knowledge or consent. While he intended to vote in favor of the amendment, he did not want to see something like this happen again in the future. This is not a good way for the City to conduct business.

Councilor Herzig agreed. He was concerned about setting precedence. Mike Morgan was employed by the City as staff. He negotiated the contract revision to say that City staff, without prior approval, could renegotiate a contract. City Council then feels obligated to honor the revision which sets a terrible precedent. He did not see how this could be allowed.

Councilor Mellin said this was a mistake; however, Area Properties is a reputable company that has consistently offered free assistance to the Women's Resource Center. Area Properties has contributed to the community and should be given the benefit of the doubt, as they are not making much money on the sales of the City's properties. She was in favor of the amendment.

Mayor Van Dusen asked how much more money the amendment would cost the City. Director Cook said he did not have that information with him, but so far, the total commission paid including the \$1,000 minimum was \$13,000.

Mayor Van Dusen asked how many times the minimum payment was paid. He wanted to keep what staff has done for the community in perspective. Millions of dollars in grants have been received because staff negotiated for the City. These grant funds have provided for projects like the 17th Street Dock, both bridges, City Hall, the public safety building, and the fire truck. The community is proud of the grants and takes credit for them. Then, a mistake was made, which cost the City less than \$13,000. People make mistakes and the City's integrity is involved. When the City goes to the Department of Environmental Quality (DEQ) to say it will close the landfill, the City closes the landfill. When the City says it will pay a \$1,000 minimum, the City pays the minimum. How much is the City's integrity worth? The citizens of Astoria do not want a City Council that fails to follow through. He believed it was important to support City staff on this issue. The community is proud of the money that staff brings in to make Astoria a better place and this was just a mistake. The mistake was not intentional.

Councilor Herzig responded to comments about integrity by reminding that Councilors took an oath of office that includes some fiduciary responsibility. He honored Mayor Van Dusen's sense of integrity and

his call to honor staff's agreement with a private consultant; however, he believed the integrity was misplaced because the amendment would betray City Council's fiduciary responsibility. City Council cannot give City money away just because a member of staff signed a contract, and then changed his or her mind. As much as Council would like to honor staff, the money is going to Area Properties, not staff. The City must not allow a consultant to say they want more money after the fact. If Area Properties wanted more money, they should have worked harder to sell the properties for more money.

City Council Action: Motion made by Mayor Van Dusen, seconded by Councilor Mellin to authorize an amendment to Section 2.A. Compensation of the contract with Area Properties to read: "The City agrees to pay Consultant an amount not to exceed 6% of the sales price or a minimum of \$1,000 per property sold for performance of those services provided herein." Motion carried 4 - 1. Ayes: Councilors LaMear, Warr, Mellin and Mayor Van Dusen; Nays: Councilor Herzig.

Item 6(b): Award Construction Contract for Astoria Headworks Hydroelectric Project (Public Works)

The Astoria Headworks Hydroelectric Project will be constructed within the City's existing municipal water system. A hydroelectric turbine will use up to six cubic feet per second of water for hydroelectric generation and will provide up to 30 kilowatts of power. The power will be used for Headworks operations and any excess power will be fed back into the Pacific Power grid and sold to Pacific Power. After the water passes through the turbine, the water will continue to the City of Astoria's existing water supply system for distribution for municipal use.

On June 2, 2014, the City Council authorized staff to solicit bids for the project. The following competitive bids were received:

Contractor	Total Bid
PCR Inc.	\$348,400.00
Big River Construction	\$375,375.00
James W. Fowler	\$458,750.00

The Engineer's Estimate prepared for the project was \$400,000 with a 10% Contingency. Funding for the project will come from the following grant sources:

Funding Source	Amount
Infrastructure Finance Authority	\$ 87,600.00
Pacific Corp Blue Sky Grant	\$169,000.00
Energy Trust of Oregon	\$143,000.00
Total Funding Available	\$399,600.00

Assembly and manufacturing of the vault and the turbine could take up to three months. Installation of the vault and turbine is anticipated to take approximately one month. Interconnection and testing will be carried out thereafter, and the project should be complete and operational by the end of January, 2015. This is consistent with the deadlines agreed upon by the funding agencies. It is recommended that Council authorize award of a construction contract to PCR Incorporated in the amount of \$348,400.00 for the Astoria Headworks Hydroelectric Project.

Councilor Herzig confirmed that completion by January 2015 was required by the funding agencies. City Engineer Harrington said the City would have time to test the facility to make sure it was operational.

Councilor Herzig said with regard to the Senior Center, the City has been told this was the wrong time of year to receive bids because the bids are inflated. He assumed that the City had to proceed with getting bids for this project because it was on a fixed timeline. Director Cook disagreed that it was the wrong time

of year to receive bids for hydroelectric projects. The industry is not the same as the Senior Center restoration project.

City Manager Pro Tem Estes confirmed that the total project with the contingency added is \$383,240, adding that the City had a \$400,000 grant to fund the project.

City Council Action: Motion made by Councilor Warr, seconded by Councilor LaMear to authorize award of a construction contract to PCR Incorporated in the amount of \$348,400.00 for the Astoria Headworks Hydroelectric Project. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 6(c): Resolution Setting a Public Hearing for the Vacation of the 23rd & 26th Streets Rights-of-Way (Public Works)

The City has received a request from Columbia Memorial Hospital (CMH) for the vacation of 11,453 square feet of 23rd and 25th Streets rights-of-way adjacent to their property located at 2255 Exchange Street. CMH would like to use the 23rd and 25th Streets rights-of-way to construct a parking lot for the Hospital. City staff has reviewed the applications and is in support of the CMH's request, with the following conditions: The proposed vacation will need to include an easement/provision for existing City/Franchise utilities and future utilities. Due to the public benefit that will be provided by the vacation, an assessment does not appear to be applicable for this proposal. The applicant will be responsible for actual costs for processing the request. It is recommended that the Astoria City Council adopt the resolution of intent to hold a public hearing on August 4, 2014 concerning the proposed vacation of 23rd and 25th Streets rights-of-way.

City Manager Pro Tem Estes showed a map indicating the area to be vacated.

City Council Action: Motion made by Councilor Mellin, seconded by Councilor Warr to adopt the resolution of intent to hold a public hearing on August 4, 2014 concerning the proposed vacation of 23rd and 25th Streets rights-of-way. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Councilor Herzig asked if a conflict of interest existed as Mayor Van Dusen and Councilor LaMear are on the Hospital Board.

Mayor Van Dusen and Councilor LaMear clarified that they were not on the Hospital's Board of Directors. They were only invited to sit with the board members. Mayor Van Dusen explained that he is a member of the committee that monitors the hospital's rating, and for more than 30 years, the City has allowed the hospital to borrow money if the hospital has a committee with the authority to monitor their rating.

Councilor Herzig apologized for the misunderstanding and explained that he misunderstood Mayor Van Dusen's comment that he and Councilor LaMear were invited to "join the board" which meant join the board at an event.

Item 6(d): Resolution to Become an Official Healthy Eating Active Living (HEAL) City (Parks)

The Parks and Recreation Department, with support of the Clatsop County Department of Public Health, is looking to join the Healthy Living Active Living (HEAL) Campaign. The HEAL Cities Campaign is based on the premise that cities play an important role in public health in the way they are designed and the kinds of programs offered to residents. The League of Oregon Cities Board of Directors resolved to partner with the Oregon Public Health Institute (OPHI) in the Healthy Eating Active Living (HEAL) Cities Campaign in 2012. HEAL Cities is a campaign working to implement policy which could shape the environment in which employees, residents and businesses make decisions about nutrition and physical activity. Within these cities, healthy and fit environments will allow residents to make the healthy choice, the easy choice.

The HEAL Cities Campaign does not require the City of Astoria or the Parks and Recreation Department to adopt any additional mandates nor does it require any additional funding; however, it does provide suggested policies, tools, resources, and possible granting opportunities to guide Astoria's businesses and residents in health and well-being. To assist in data collection, provide necessary resources, and reduce the impact to the Parks and Recreation Department, the Clatsop County Department of Public Health will provide an AmeriCorps VISTA dedicated to work on the HEAL Cities Campaign. It is recommended that City Council approve this resolution implementing the Healthy Eating Active Living (HEAL) Campaign.

Mayor Van Dusen noted this was Director Cosby's idea. Director Cosby said she believed the campaign would be a great resource for the City. The program offers several grant opportunities.

Councilor Mellin said the program was started by Kaiser, which Astoria does not have. Employers must consider insurance costs and good health means lower insurance costs. People in the community are encouraged to adopt healthier lifestyles. Many cities have joined the program because it is important for everyone to look after their health.

City Council Action: Motion made by Councilor Mellin, seconded by Councilor Warr to approve the resolution implementing the Healthy Eating Active Living (HEAL) Campaign. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 6(e): Proposed Amendment to the City Charter

This item was added to the agenda by Councilor Herzig during discussion of Item 4: Changes to the Agenda.

Councilor Herzig stated that any amendments to the City Charter needed to be approved by the voters. His proposed amendment would have to be published by August 15, 2014 and would be added to the November 2014 ballot by September 15, 2014. He proposed the addition of the following sentence to Chapter 5: Powers and Duties of Officer, Section 5.1: Mayor of the City Charter: "The Mayor shall appoint with the advice and consent of the Council." This would allow City Council to advise on future appointments to City commissions. He believed this resource would be an asset to the future Mayor. No one could replace Mayor Van Dusen's knowledge of the community and his connections to people, so he believed having the Council advise the Mayor on commission appointments was a good idea. He asked if City Attorney Henningsgaard could present wording at a City Council meeting in August 2014.

Councilor LaMear suggested the City contact the League of Oregon Cities to find out how appointments are made throughout the state in other cities. She believed the City should find out how effective other approaches have been, as she anticipated problems with trying to get Council's consent every time an appointment was made. A 15-member library steering committee was recently established and Council could spend a lot of time approving all 15 members. The Mayor takes suggestions from City Council and the public.

Councilor Warr believed finding people to serve on the many committees is a difficult situation. The Mayor works extremely hard at keeping the positions filled. Adding the possibility of opposition by one or two members of Council, dragging the process on, is unnecessary. He believed the Mayor was perfectly capable of making appointments, whoever the Mayor happens to be.

Mayor Van Dusen said he was curious to know how long the Charter has included the duty of the Mayor to appoint committee members.

Councilor Mellin believed the City elects a Mayor to make such decisions. Mayor Van Dusen always asks community members and Councilors for advice on who to appoint and she hoped subsequent Mayors would do the same. She did not believe a change in the Charter was necessary.

Councilor Herzig believed the voters should be allowed to weigh in on this issue. He did not believe this was up to City Council. People have talked to him about this and he has never personally been consulted by the Mayor about who to appoint to a commission. He wanted City Attorney Henningsgaard to present wording at the August 4, 2014 City Council meeting. In the meantime, the City can do some research with the League of Oregon Cities to find out how other cities make appointments. This would allow for a prepared discussion at the first City Council meeting in August.

City Council Action: Motion by Councilor Herzig to direct staff to conduct research with the League of Oregon Cities on how other cities appoint commission members and for City Attorney Henningsgaard to develop wording that reflects his proposed amendment to the City Charter for discussion at the first City Council meeting in August. Motion died for lack of a second.

Councilor Herzig said he hoped people would remember this in November.

NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS

Mayor Van Dusen asked if Irving Avenue would be closed at 18th Street until the new bridge is completed. Director Cook answered yes; the contractor will begin work the week of August 18, 2014. All of the washed out material that is part of the project will be replaced. An abutment will be built in the area as part of the bridge project. This is why the City has not refilled the material, but has kept it open. The project is allowed to take up to 16 months, but he believed it would be complete and Irving would be open in 10 to 12 months.

Mayor Van Dusen said he lives at 23rd and Irving. From 22nd and Irving to the east, a portion of Irving has a lot of trees that lean toward the street. If the trees are blown down, emergency vehicles would not be able to get to homes on Irving. He did not want to clear-cut the urban forest, but many of the trees fall each year. Double access makes the situation less critical than it could be over the winter. He asked if staff could look into this. Director Cook said the City's forester could review the area and an arborist could give an opinion on the safety of the trees. Staff could bring a plan to City Council.

Sue Skinner, 511 Jerome, Astoria, said she guessed there would not be any trees in the HEAL City. She wanted to know what action had been taken about the use of Casoron and other herbicides on City property. She also wanted a list of the pesticides and herbicides being used on City property. She requested signs be posted in areas that have been treated that indicate which herbicides and pesticides are being used. Director Cosby stated that the Parks Department began using Casoron two months ago. The City had not used Casoron for the past few years, but prior to about three or four years ago, it was used for decades. Over the past three years, the City has seen weeds greatly increase in some of the parks. The weeds are beginning to take over and something needs to be done about this. The Parks Department has been confronted with the challenge of meeting the community's request and demand to have green grass or a weed-free roundabout. Casoron 4G has been used cautiously only at the roundabout to help control weeds and it is not being used at any other park site. Since the last City Council meeting, she conducted some research on some of the concerns voiced at that meeting. She believed there might have been some confusion with other herbicides and pesticides that are used. A harsher dose of Casoron, called Atrazine, has been banned in many other places, but not in the United States. Atrazine is the second most commonly used product in the United States. She printed informational documents on the chemicals and offered to share them. This issue has been added to the Parks Board agenda for the next meeting on Wednesday, July 23, 2014. The Parks Department has asked the Parks Board to give them guidance on the issue.

Ms. Skinner said Casoron was used in Europe and was banned by the European Union in 2011. Casoron should not be used anywhere, especially near water, because it is very dangerous. She understood that no other herbicides or pesticides were being used anywhere else in the City. Director Cosby clarified the only location these chemicals were being used by the Parks Department was at the roundabout. Director Cook added that the Public Works Department uses a product similar to Roundup that has been approved for use near bodies of water. It is used to maintain the trolley tracks. The chemical is called Rodeo. No

pesticides or insecticides are used. Director Cosby indicated to Ms. Skinner that the City did not have plans to use Casoron in any other locations.

Chris Farrar, 3023 Harrison Avenue, Astoria, said he felt compelled to speak out as a citizen. City Council voted for integrity in the opposite direction that it should have. A contract was made with a strong company. Area Properties has been around for a long time and they know what they are doing. They knew when they signed the contract that it meant something. Area Properties also knew who they were dealing with when signing the contract. The company was not dealing with a shadowy figure that is a nebulous employee of the City. All of the Council members are aware of the proper move. It does not seem appropriate that City Council believes a contract should be changed because of what an employee did. City Council decides what the contract should be and Council should stick with that. There was only one Councilor who was correct on this issue tonight. He was sorry to have to say this because he knew the Mayor will only have a few more meetings. He was not accusing anyone at the dais of wrongdoing. He understood the Councilors were all good people that were trying to represent the town and do a good job. There is nothing illegitimate about what City Council has been doing; however, when City Council does not do things right, it hurts the City. City Council has set a precedent that says contracts signed by the City do not mean anything. This is a terrible precedent. The City should pay attention to the pesticide issue because the companies that sell the pesticides have adequately tested only a few of the chemicals. The glyphosates in Rodeo are the only ingredients tested; the carrier chemicals and other ingredients are not tested. The inactive ingredients are often the most toxic and make up 90 percent or more of the herbicide. In the Gulf of Mexico, the chemicals used to clean up the spilled oil did more damage than the oil. The ingredients that never get tested, because they are not really the product, are the chemicals the City needs to start watching out for. He understood the issue was complicated and staff members cannot all become organic chemists; however, staff can use common sense and minimize use of the chemical techniques. These chemicals are expensive and support companies that the City should not want to support. The City could employ a lot of people to do mechanical weeding. The mechanical weeding done on the brush in Alderbrook is really impressive. He thanked those who did the weeding.

George McCartin, 490 Franklin Avenue, Astoria, thanked Mr. Farrar for his statements on the contract with Area Properties. He was pleased to see that the turbine was connected to the water system and that the alternative energy project would not cost the people anything. He thanked staff for working so hard to obtain the financing. After hearing Councilor Herzig's comments about the Senior Center's utility bills, he believed adding solar panels to the improvements being made to the Senior Center would provide long-term electrical savings. On January 13, 2014, he asked if any action would be taken under the Derelict Building Code on the Waldorf Hotel. He was informed that the City anticipated action would begin on April 13, 2014, but as far as he knew, this has not occurred. He believed it was time to move forward on this issue.

Item 7(a): Change First Meeting Date in September, 2014 (City Council)

Astoria City Hall will be closed on Monday, September 1, 2014, due to the Labor Day holiday; therefore, the first Council meeting in September will need to be changed. Past practice has been to hold the Council meeting on the following day, which in this case will be Tuesday, September 2, 2014.

Discussion of this item was postponed to the City Council meeting on August 4, 2014.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:53 pm.

APPROVED:

City Manager Pro Tem /
Community Development Director

HISTORIC LANDMARKS COMMISSION MEETING

City Council Chambers

July 15, 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 pm.

ROLL CALL – ITEM 2:

Commissioners Present: President LJ Gunderson, Vice President Michelle Dieffenbach, Commissioners Jack Osterberg, Thomas Stanley, Paul Caruana, Mac Burns, and Kevin McHone

Staff Present: Planner Rosemary Johnson Community Development Director Brett Estes and City Attorney Blair Henningsgaard arrived at approximately 5:48 pm.

PRESENTATIONS – ITEM 3(a):

Dr. Harvey Historic Preservation Honorable Mention Award: 1254 Commercial (Links Outdoor) – Owners, Kyle and Julie Johnson

President Gunderson read the memorandum in the Staff report detailing the 2014 Dr. Edward Harvey Historic Preservation Award. Kyle and Julie Johnson were awarded the honorable mention award; however were not able attend the meeting to receive the plaque honoring their accomplishments.

APPROVAL OF MINUTES – ITEM 4(a):

President Gunderson asked if there were any changes to the minutes. There were none. Commissioner Stanley moved to approve the minutes of May 20, 2014 as presented; seconded by Vice President Dieffenbach. Ayes: President Gunderson, Vice President Dieffenbach, Commissioners Caruana, Osterberg, Stanley, Burns, and McHone. Nays: None.

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 5(a):

EX 14-06 Exterior Alteration EX14-06 by Michael Nisbett to add a front porch and rear deck, replace garage door with metal rollup panel door with upper lites on an existing single family dwelling at 3525 Harrison in the R-2, Medium Density Residential zone.

President Gunderson asked if anyone objected to the jurisdiction of the Historic Landmarks Commission (HLC) to hear this matter at this time. There were no objections. President Gunderson asked if any member of the HLC had a conflict of interest, or any ex parte contacts to declare. None declared. 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.

Michael Nisbett, 3525 Harrison Drive, Astoria, agreed with Planner Johnson's report, noting he wanted to put a porch across the front of his house, change the garage door, and build a deck in the back. The interior has been completely modified and some work has been done to the exterior. He did receive permits for the work, but the contractor was only notified of the historic designation when applying for the permit to build the porch.

President Gunderson called for any presentations by persons in favor of, impartial to or against the application. Hearing none, she called for closing remarks from Staff. There were none. She closed the public testimony portion of the hearing and called for Commission discussion and deliberation.

President Gunderson said the house was reminiscent of one she grew up in that had a low patio and a brick planter across the front. She was in favor of the application.

Commissioner McHone believed the work would be a great enhancement.

Commissioner Stanley said this was a first step into the world of post World War II houses in Astoria. He liked the idea of the low porch and believed it would enhance the neighborhood. He understood why the Applicant wanted a deck.

Commissioner Burns agreed and said the work would be a nice improvement.

Commissioner Caruana said he would encourage the use of a vinyl garage door instead of a metal door because the metal door could rust five years from now. Aesthetically, everything in the application is fine. However, metal doors do not hold up well in this area and vinyl is comparably priced.

Planner Johnson said the Applicant could get a metal garage door with coatings that do not rust. She would have to do research to find out if a vinyl door on a house of this period would be appropriate for the era. If vinyl was a material used on garage doors during the 1948 period, Staff could approve this over the counter. If vinyl was used in a later period, it would need to be approved by the HLC.

Commissioner Caruana stated the use of vinyl was not a condition for him, just a suggestion.

Vice President Dieffenbach believed the application looked good.

Commissioner Stanley moved that the Historic Landmarks Commission adopt the Findings and Conclusions contained in the Staff report and approve Exterior Alteration EX14-06 by Michael Nisbett, with conditions; seconded by Commissioner Burns. Motion passed unanimously.

Planner Johnson added fiberglass would be an acceptable material that would prevent issues with rust and Staff could approve the use of fiberglass over the counter.

Commissioner Osterberg said 10 years ago, he put vinyl over the metal doors on his house and they still look like they did when he installed them. He believed with new and improved materials, the Applicant would be safe with whatever he chose to use.

Planner Johnson said the Applicant just needed to come to City Hall for building permits. She confirmed he already had a permit for the front porch.

President Gunderson read the rules of appeal into the record.

ITEM 5(b):

MR 14-03 Miscellaneous Review MR14-03 by James Defeo, Astoria Coffeehouse to paint a mural on the east elevation of an existing commercial building within the Downtown National Register Historic District at 1084 Commercial in the C-4, Central Commercial zone.

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

President Gunderson declared that Mr. Defeo was a tenant in one of her residential properties. She also serves on the Astoria Downtown Historic District Association (ADHDA) Board of Directors, which is supportive of murals in the downtown area. She did not believe this would affect her decision.

Vice President Dieffenbach declared that she was working on the arcade located on the corner block where part of the mural would be painted, but did not believe she would benefit financially.

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 called for the Applicant's presentation.

James Defeo stated from the audience that he had no presentation as Planner Johnson's report was fine.

Commissioner Osterberg asked the Applicant how the proposed mural relates to the historic nature of the Historic District.

James Defeo, 243 11th Street, Astoria, replied he was more concerned that the wall facing 11th Street was blank, which is different from everything else on the street. The building has three large garage doors with black framing, so the artist did a deconstructed version of the garage doors. The mural complements the rest of the building without being too colorful. He confirmed that the mural was an artist's conception of the lines of the building and garage doors. The design will be geometric and look a bit three-dimensional.

Commissioner Burns asked how much the mural would contrast with the businesses in the neighborhood.

Mr. Defeo said the mural would have just four colors, black, white, grey, and a few blocks of orange. The blocks will be painted solid colors and have a very clean look.

Commissioner Osterberg asked if any other part of the building would be repainted and if any aspect of the mural would relate to that repainting.

Mr. Defeo said he did not know what other property owners planned to do with their facades along Commercial. He had wanted to paint the mural since before the property owner next to him took over the space. The intent is to have a stand-alone mural that will not wrap around the building. The background of the mural will be painted the same shade of white as other areas within the design.

Commissioner Caruana asked if the Applicant had received any feedback from the ADHDA.

Mr. Defeo replied that the ADHDA was excited and many people have been talking about the mural.

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

Dulcye Taylor, 1287 Commercial Street, Astoria, said she supported public art and believed the 1000 block of Commercial was unique because there are many colors along the block. Only one storefront has been painted one color. The mural will be unique and will attract people. The mural might not be historic, but she believed it was perfect for the neighborhood.

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

Vice President Dieffenbach believed the building was in the only block in Astoria where the mural would be appropriate. The mural was not her style, but she believed it worked with the character of the block. The mural is

not permanent and can be painted over if the character of the neighborhood changes. She believed it would add some variety and spice to downtown.

Commissioner Caruana said he liked the mural. At one time, that block of 11th Street was the back door to the businesses on Commercial. He likes art that attracts a broad range of people and the mural celebrates the industrial and mechanical side of the properties where trucks used to roll in and out. The mural is a bit of an aggressive graphic, but so is the street.

Commissioner McHone believed the mural will be great and he would vote to approve of the application.

Commissioner Stanley believed the area around 11th and Commercial is becoming a unique and hip village. The mural seems to fit in with the ambiance.

Commissioner Burns agreed with the previous comments; the mural worked in the neighborhood and complements the colors on the street.

Commissioner Osterberg disagreed, somewhat. He was troubled by the mural's design and ability to meet the criteria. The mural is a stand-alone piece unrelated to the architecture of the building or other design elements found along the street. He recognized that others may have a different viewpoint. He supported public art and agreed that the mural is an art piece. The mural will not necessarily have a negative impact to historic structures in the surrounding National Historic District. However, he did not understand how the mural met Criterion A that it be appropriate in terms of color, scale, location, and design. Staff has drawn the conclusion that the mural is appropriate to the immediate surrounding area of just the storefronts along the one block section of the street. He understood, but was not sure he agreed. Cubism is over 100 years old and other abstract art is at least 80 years old. Therefore, the design of the mural is not new. However, he was still troubled with how well the mural coordinates or is appropriate with the surrounding historic character of the area.

President Gunderson appreciated Commissioner Osterberg's comments, noting that she would not have chosen that design. However, she believed this mural reflected the direction the block is going. She just returned from a trip to Canada where she visited several different downtown historic districts. All of the downtown historic districts had murals that were free expressions of art. Some of the murals encouraged people to write on them and they reminded her of the block this mural would be in. She supported the application.

Commissioner McHone said the art could be considered a reflection of the residents, not necessarily the heritage or the architecture.

Planner Johnson confirmed for Commissioner Osterberg that this and any mural could be painted over at any time without review by the HLC. Property owners must keep murals maintained, but the owner or artist could paint over it at any time. President Gunderson added that if the property owner wanted a different design, the design would need to be reviewed by the HLC.

Commissioner Caruana moved that the Historic Landmarks Commission adopt the Findings and Conclusions contained in the Staff report and approve Miscellaneous Review MR14-03 by James Defeo, Astoria Coffeehouse, with conditions; seconded by Commissioner Stanley. Motion passed 6 - 1. Ayes: President Gunderson, Vice President Dieffenbach, Commissioners Caruana, Stanley, Burns, and McHone. Nays: Commissioner Osterberg.

President Gunderson read the rules of appeal into the record.

City Attorney Henningsgaard arrived at approximately 5:48 pm with Director Estes arriving shortly thereafter.

ITEM 5(c):

EX 14-07 Exterior Alteration EX14-07 by Monica Hartney, Adobe Connections LLC to add 2 windows on 2nd floor south elevation; add one window 2nd floor dormer north elevation; move paired windows on rear; add double doors & 5' x 10' porch on 1st floor, rear; add double doors & 4' x 7.5' balcony on 2nd floor, rear at 813 14th in the R-3, High Density Residential zone.

President Gunderson asked if anyone objected to the jurisdiction of the Historic Landmarks Commission (HLC) to hear this matter at this time. There were no objections. President Gunderson asked if any member of the HLC had a conflict of interest, or any ex parte contacts to declare. None declared. 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. She confirmed that the HLC has reviewed this property before.

President Gunderson opened public testimony for the hearing and asked for the applicant's presentation. The Applicant did not provide a presentation. President Gunderson called for any presentations by persons in favor of, impartial to or against the application. Hearing none, she called for closing remarks from Staff. There were none. She closed the public testimony portion of the hearing and called for Commission discussion and deliberation.

Commissioner McHone said he remembered looking at this house in the past and this application is very different from the last one. He believed the proposed work would make the house look very nice.

Commissioner Burns believed all of the proposed enhancements were positive and he wholeheartedly supported the application.

Commissioner Osterberg agreed and believed all of the proposed changes were appropriate for the architecture of the house and met the criteria for approval. He noted it was nice that the Applicant would be removing two windows that are not appropriate and replacing them with something better.

Vice President Dieffenbach agreed.

Commissioner Stanley said he appreciated the form and function. All of the proposed changes will create a good balance and add functionality.

President Gunderson also agreed. This is the third application for this house that the HLC has reviewed since she has been on the Commission. The house has been given many facelifts, but this one is a good one.

Commissioner Osterberg moved that the Historic Landmarks Commission adopt the Findings and Conclusions contained in the Staff report and approve Exterior Alteration EX14-07 by Monica Hartney, with conditions; seconded by Commissioner Burns. Motion passed unanimously.

President Gunderson read the rules of appeal into the record.

REPORTS OF OFFICERS/COMMISSIONERS – ITEM 6(a):

Historic Preservation Renovation Grant

Planner Johnson explained that this grant will be a pass-through grant and Astoria has offered such grants twice in the past. The program has already been advertised and about 450 residential and commercial properties are eligible. She reviewed the guidelines of the grant, which were included in the Staff report. She will send an email to each Commissioner and the State Historic Preservation Office, outlining a synopsis of each application with a deadline to respond. If she receives no response by the deadline, she will approve the application.

Commissioners should contact her prior to the deadline with any questions or concerns about a particular application. Applications can be reviewed by the HLC if there are any issues. She confirmed that the program information had already been sent to the ADHDA.

Planner Johnson announced that she would be retiring on September 1, 2014.

The Commissioners congratulated Planner Johnson and expressed their appreciation for her work.

Community Development Director Estes said Staff would be developing a hiring process that will take into consideration the functions of the Community Development Department. Staff will need someone to fill the position temporarily until a new planner is hired. He has spoken with Planner Johnson about the possibility of her

working part time after her retirement until the position is filled. Planner Johnson has been with the City for 35 years and 27 of those years have been in the Planning Department. A timeframe for hiring a new planner is yet to be determined.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 6:05 pm.

ATTEST:

APPROVED:

Secretary

Community Development Director/
Assistant City Manager

DRAFT

Astoria Library Board Meeting

Astoria Public Library

July 22, 2014

5:30 pm.

Present: Library Board members David Oser, Susan Brooks, and Kate Summers. Staff Library Director Jane Tucker and ALFA Representatives Charlotte Langsev.

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

Approval of Agenda: The agenda was approved as submitted.

Approval of Minutes: Susan Brooks noted that at the April 2014 meeting, the Board discussed that she would remain on the Board. Since this was reflected in the April minutes, the June minutes should be modified to officially reflect that she was reappointed to the Library Board.

The minutes of June 24, 2014 were approved with the change.

Renovation Update: Director Tucker said the Renovation Committee meeting has been scheduled for Tuesday, August 12th, from 5:30 to 7:00 pm at the Library. Chairman Oser and Arline LaMear have been appointed to the Committee, but all Board members are encouraged to attend. At the meeting, committee members will review renovation efforts to date and tour the library.

Chairman Oser said the Astoria Public Library Foundation is now incorporated. However, a few more things need to be done before the foundation can apply for 501(c)(3) status, including approval of the by-laws. Beth Lafleur notified him via email that she would not be able to volunteer for the Foundation. The next meeting is tentatively scheduled for Thursday, July 24th. It is important for a member of the public, not himself or a Library Board member, to get the foundation started.

The Library Board discussed finding someone to lead the Foundation. Chairman Oser noted the role of the Foundation is to do some local fundraising and some Foundation level fundraising with entities that could not contribute to a municipality. The Foundation needs to be established as a 501(c)(3) before tax-deductible donations can be accepted.

Director Tucker said as part of the funding plan, Laura Meeker has created a spreadsheet of granting entities with details about each one. Granting entities are concerned with getting the maximum benefit for the dollars they are contributing. Given the complexity of funding plans, she will encourage the City to consider hiring a professional fundraiser.

Board Reports:

Item 5(a): Reports of Community Presentations

Director Tucker said she had not given any formal presentations.

The Board discussed that it might be beneficial to pay attention to the Clatsop Community College bond, for which professionals were hired to run the campaign, in case the library ends up going out for a bond.

Library Director's Report: Director Tucker shared a photo of the Millicent Library in Fairhaven, Massachusetts, Director Tucker's hometown, from *The Public Library of Photographic Essay* by Robert Dawson, who has photographed libraries all over the United States.

- The Summer Reading Program and Rural Outreach in Clatsop County (ROCC) have been very successful. She described the Bug Chicks event, which had 161 participants. Chris Leebrick will be at the library on Wednesday, July 23th. The library has received a lot of positive feedback on the blended service provided by ROCC, which enables them to interchange between the three libraries in Seaside, Astoria and Warrenton.
- The Public Library Division Board of the Oregon Library Association wrote new standards for libraries. Board members are applying a scoring sheet to their own libraries to see if the new standards will

work. Director Tucker reviewed the specific details regarding how Astoria scored on the new standards. She suggested the Library Board discuss one section of the new standards each month in preparation for the Strategic Plan. This would lead to a work plan and a guide to present for public input. This work would also inform the Communications Plan, temporary service disruptions, etc. She hoped to have all seven standards reviewed by April 2015.

- She explained Planning for Results, a specific process that involves community leaders in pinpointing community's needs. The panel then reviews how the library could meet those needs. The process results in a set of outcomes used to measure the library's success and a description of the types of activities that meet community needs. Information gained while reviewing the standards will inform the strategic planning process. Planning for Results provides a targeted response to the public.
 - There is also an annual boot camp for libraries trying to implement a Strategic Plan. Many attendees at the boot camp did not believe a library as small as Astoria's could implement a Strategic Plan. However, the library was able to implement the entire plan and beyond, with the exception of the building. An OCF liaison said that fact was important to note this when applying for grants.
 - She distributed copies of the new standards, which have been adopted by the Oregon Library Association membership.

The Library Board consented to review one standard at each meeting, beginning in August 2014, in preparation for the Strategic Plan and provide feedback to Director Tucker. The Board and Staff discussed how the review process should be conducted and decided to review Governance first.

Update on ALFA Activities: Charlotte Langsev reported on some of ALFA's larger expenses from the previous month, which included a new display stand that will allow the front cover of the books to face out, making the stacks more inviting. The ALFA balance is \$4016.47. ALFA is also looking for new members.

New Business: The Board members and Staff introduced themselves to Kate Summers, the newest member of the Library Board. Kate Summers shared information about herself and her family, noting her education and work experience.

Old Business: No new business.

Public Comments: No members of the public were present.

Items for Next Meeting's Agenda: Review and discuss the new governance standard would be included as New Business.

Director Tucker reminded that the next two Library Board meetings were rescheduled for August 19th and September 9th 2014 at 5:30 pm. The November and December meetings are typically combined to accommodate the holidays and are usually scheduled for the first or second week of December.

Adjournment: There being no further business, the meeting was adjourned at 6:20 pm.


Respectfully submitted,

Paula Pinyerd, ABC Transcription Services, Inc.



August 6, 2014

MEMORANDUM

TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER PRO TEM
SUBJECT: LIBRARY DEPARTMENT STATUS REPORT

The following are summaries of Library Department projects and activities.

FACILITIES OVERVIEW

The Astoria Public Library opened to the public on October 8, 1967. At 49 years old, the building regularly experiences challenges to its roof, architectural systems, and use of its space. Citizen use of the building continues to grow, stimulated by programs for all ages, popular collections, and those who are tutoring or conducting small meetings.

RENOVATION

The Renovation Committee for the Astoria Public Library was appointed by the Mayor in May. The first meeting of the Renovation Committee is scheduled for August 12, 2014.

Led by Library Board Chairman David Oser, a private foundation in support of the renovation capital campaign, has been formed. Patricia Oser and Bruce Jones are initial officers.

These latest steps in renovation activity add to the progress to date, which includes Library Board and City Council acceptance of *The Astoria Public Library Renovation Study Report, Part 1: Needs Assessment and Cost Estimate and Part 2: Building Program*, produced by RMA, Ruth Metz Associates.

LANDSCAPING

Volunteers, under the direction of Jessica Schleif, a local business woman and volunteer herself, continue to maintain library landscaping along the south and west sides of the building. The majority of the plants for these beds were contributed by the volunteers.

Parks crew assisted with a major pruning of the hedges in the spring. They had grown to a height that obstructed visibility, endangering both pedestrians and drivers. The hedges will be maintained at a height of three feet.

LIGHTING

Lighting continues to be addressed by Public Works and the Library staff. Changing the lights is planned six weeks in advance. A highlift, needed to replace bulbs in fixtures that are two and a half stories in height, is ordered. Other citywide tasks that may require a high lift are scheduled while the highlift is rented.

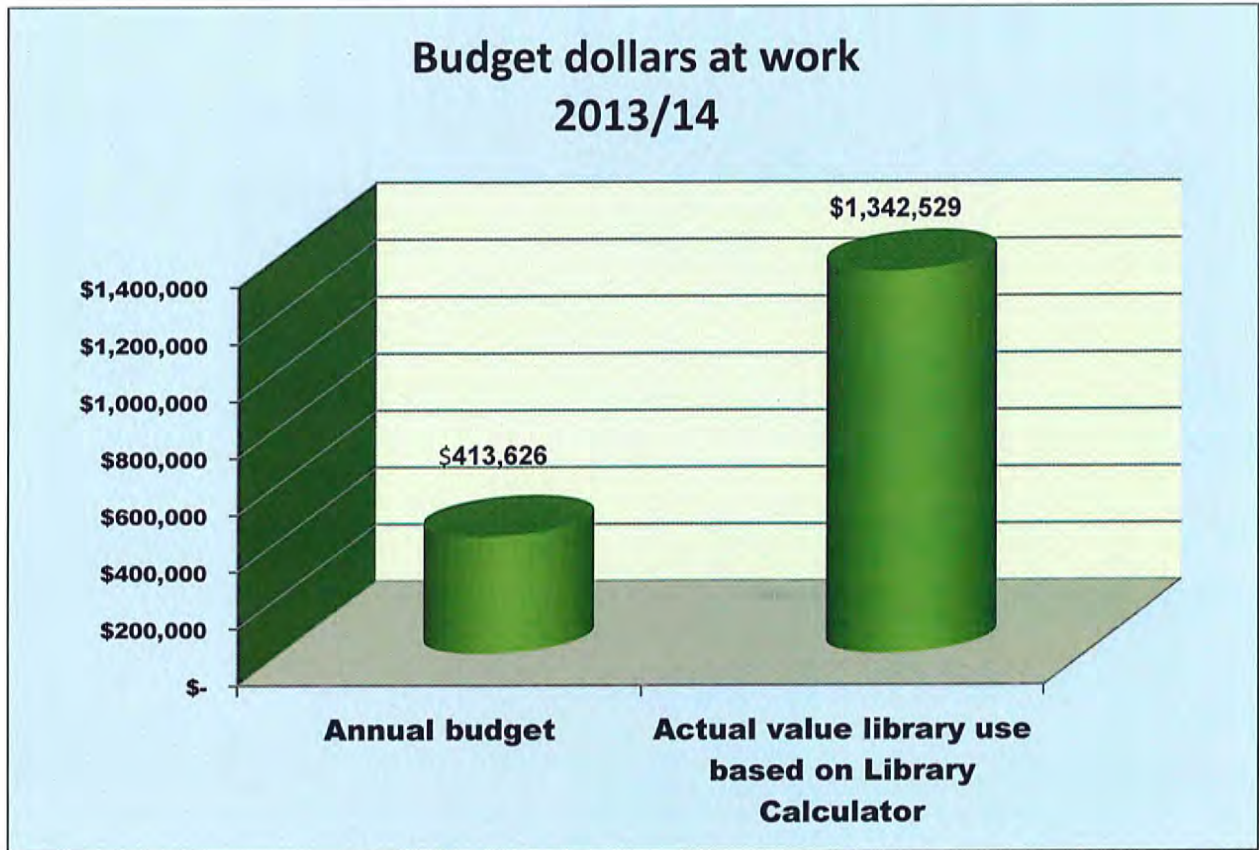
ROOF

The roof has been leaking in the winter months for many years. However, this year the roof leaked in the Director's office in both June and July during relatively light rains. Repairs for the roof are being assessed by Public Works and Library staff.

PROGRAMS AND SERVICES OVERVIEW

Library services and programs are organized according to the goals of the 2007-2011 strategic plan. During the writing of that plan, the public emphasized five roles as being of priority importance in Astoria: Create Young Readers, Visit Comfortable Spaces, Satisfy Curiosity, Stimulate Imagination, and Connect to the Online World. The Library Advisory Board and staff update the strategic plan as needed. During the renovation process, the Library Advisory Board will write a new plan based on a renovated library.

The Library staff consists of 4.5 full time equivalent (fte). The Director and two Library Assistants are full time employees and the remaining are temporary part time employees. With an annual budget of \$413,626, the Library Use Calculator* describes a value to the community of \$1,342,529.



*The Library Use Calculator measures total value of library use per visit. It was developed by Massachusetts Library Association and Maine State Library. The value of each service is periodically updated by our staff keeping values in line with other Oregon libraries. Patrons may access the calculator through our website to see the value of their individual use.

WHAT IS YOUR LIBRARY WORTH TO YOU?

How much would you pay out-of-pocket for your library services?

EXAMPLE FOR A TYPICAL VISIT FOR A FAMILY OF 4

Library Use	Library Services	Value of Service	Total per Service
12	Books Borrowed	\$15.00	\$180.00
1	Newspapers Read (Daily A, Oregonian)	\$3.00	\$3.00
2	Magazines Borrowed	4.00	\$8.00
5	Movies Borrowed	4.00	\$20.00
2	Audio Books Borrowed	15.00	\$30.00
0	Library2Go Downloads	15.00	\$0.00
0	Meeting Room Use per Hour	35.00	\$0.00
0	Participants in Adult/Young Adult and teen Programs	10.00	\$0.00
0	Participants in Children's Programs	6.00	\$0.00
2	Hours of Computer Use (Public computers)	12.00	\$24.00
1	Library Website	10.00	\$10.00
1	Use of Database Searching like Gale, Freegal, Mango	20.00	\$20.00
2	Reference Questions Asked	7.00	\$14.00
0	Newspaper Archives (microfilm reader/Astoria newspapers)	10.00	\$0.00
	Total Value of Library Use that visit	\$166.00	\$309.00

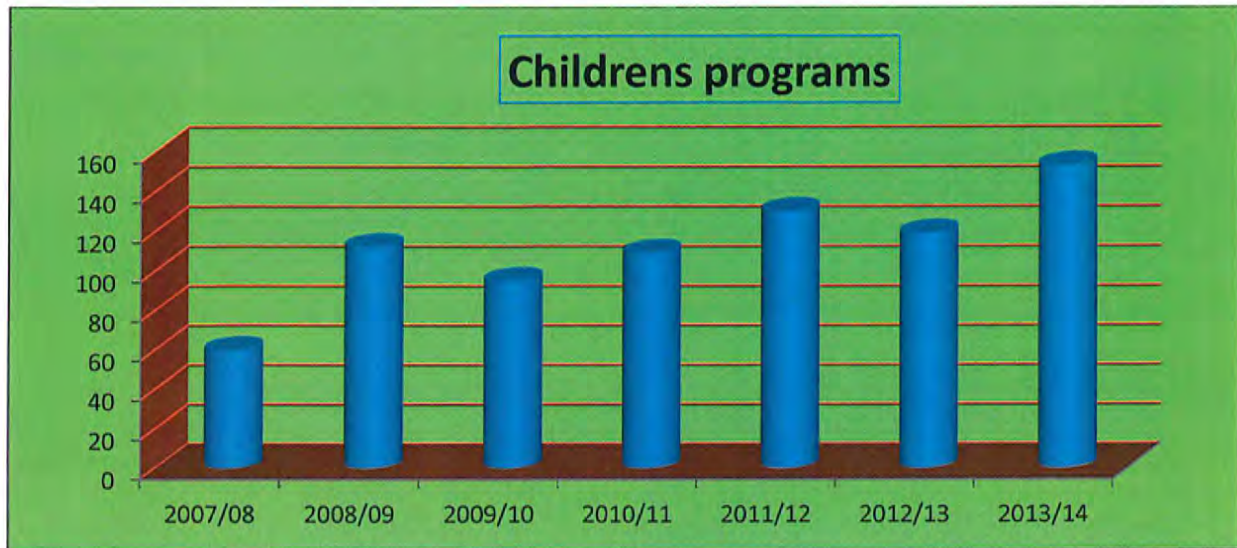
CREATE YOUNG READERS

Babies and preschoolers will have access to a wide variety of early literacy programs and materials. School age children will have access to reading motivation programs and materials.

The public library is the only free institution that specifically serves birth to preschool aged children. It is also one of few public institutions serving all school age children.

Patty Skinner, a full time Library Assistant with advanced degrees in pre-literacy and education, concentrates on children's services, providing weekly programs specifically dedicated to infants, toddlers, and preschoolers. Preschool, Toddler and Infant programs occur throughout the year, with exceptions during holidays and months in which staff is preparing for summer. These age groups generally need consistency, tending to need programs that are delivered at the same time and on the same day of the week.

Comparing 2013/2014 to 2007/2008 demonstrates the outcomes achieved. The number of programs offered increased by 155%, from 60 to 153 programs. Attendance at those programs increased by 41%, from 2655 to 3748. Children and young adult materials circulated increased from 11,717 in 2007/2008 to 21,698 in 2013/2014, an increase of 85%.



PRESCHOOL

Preschool programs concentrate on early literacy practices and on preparing children to enter school ready to learn. Mrs. Skinner is helping children with pre-reading skills and also how to be part of a group, how to be able to listen, and how to be able to follow directions. Preschool story times are presented on Wednesday mornings at 10:30 am.

TODDLER

Toddler programs concentrate on pre-literacy concepts. In these programs, Mrs. Skinner is helping parents learn these concepts and how to use them on a daily basis. Toddlers tend to move around and are supplied with both books and toys in a stimulating environment. Toddler Time is generally held on Thursday mornings at 10:30.



These busy toddlers reach for toys and books.

INFANT

During infant programs, Mrs. Skinner guides parents in helping their infants develop a love of sounds and words. These pre-literacy skills are the foundation of eventual success in reading. Children who hear more words have larger vocabularies, which contribute to educational success. Baby Bounce programs are generally held on Friday mornings.

SCHOOL AGE PROGRAMS

School age programs support reading and STEM skills. During K-3 grades, children are learning to read. In grades 4 -12, children are now reading to learn. The collections and programs supporting activities in each grade are geared toward these educational goals and also toward recreational reading. Programs in this category include a concentration on 3rd grade during the school year and summer reading for all ages between June and August.

SUMMER READING

Summer Reading is a family wide program, with elements for infants through adults. For school age children, however, Summer Reading is the primary program supporting school activity. Studies have shown that children who read during the summer retain more of what they learned in the year before and are more ready to succeed in their new grade. All library staff contribute to summer reading. There can be as many as 175 children and adults in the library during an SR program. Additionally, 2014 is the second year of a countywide summer reading effort involving collaboration with the Seaside and Warrenton public libraries and the Jewell and Knappa schools.

Summer Reading special programs are delivered to all ages on Tuesday mornings. Given the size of the program, the library is opened early for participants. In 2014, Astoria was pleased to host several day cares and preschools that brought their children to performances by Alex Zerbe, the Bug Chicks, and Christopher Leebrick. The Astor Library Friends Association sponsored Zerbe and the Bug Chicks. Leebrick was sponsored by the Oregon College Savings Plan.



Alex Zerbe about to juggle while simultaneously balancing on a moving platform.

TEENS and TWEENS

Teen programs are supervised by temporary part time employee Lindsay Johnson. Programs for this age group are intended to encourage appreciation of the library and build an enjoyment in being in the library. In the spring, Lindsay participated in a training program for service to teens.

Although results from summer 2014 indicate progress in reaching this demographic, teens have proven difficult to attract. There is no dedicated space in which they can express themselves and no existing space is conducive to their needs. All children who use a library many times are transported by adults. For teens, this can be an additional barrier to library use. Tweens are between being children and being teens. They typically read well but may be disinterested in younger literature and yet not ready for teen literature. They may attend family programs, such as storytellers or performances, and they may also come to teen events. It is a staff goal to develop the staffing and/or collaborations to better serve teens and tweens, which includes a dedicated space for teens in the renovated library.

ADULT and FAMILY PROGRAMS

Adult and family programs span a wide array of interests and ideas. Library Assistants Ami Kreider, Anne Odom, and Lindsay Johnson created a variety of programs. The current library building lends itself well to transformation into a dark and eerie space, resulting in two consecutive Haunted Library programs. Families especially enjoy monthly First Thursday Trivia nights, with an eclectic variety of questions accompanied by visual clues. Library After Hours occurred on Friday evenings and included lectures, authors, music, storytellers, a game night, and a celebration of Oregon poet William Stafford.

VISIT COMFORTABLE SPACES

Residents of all ages and backgrounds will find a welcoming and inviting physical place where they can interact with others or sit quietly and read. They will have open and accessible virtual spaces that support social networking.

The library has fulfilled the technological part of this role. Website hits jumped from 3046 to 43,973, an increase of 1344%. However, with regard to the physical space, this role would be met in a renovated library. It requires comfortable seating and good lighting, inviting environments for community meetings, and a sense of the library as community destination space. Programs for adults and families were non-existent in 2007/2008. In this current year, staff offered 90 programs with participation of 1194 people. The public clearly indicated a desire for additional programming for the adult population.

SATISFY CURIOSITY: LIFELONG LEARNING

Residents of all ages and backgrounds will have the non-fiction resources they need to explore topics of personal interest and continue to learn throughout their lives.

Library After Hours programs included philosophical programs, community conversations, music, and storytelling performances. In celebration of William Stafford, Paulann Peterson provided both a night of poetry reading and a writing workshop. Christopher Leebrick provided a night of dramatized story telling, followed by a workshop for the public on the following day.

Circulation of non-fiction materials has increased by 15% when comparing 2007/2008 to 2013/2014. Staff believes the introduction of adult programming in 10/2013 has increased the use of the non-fiction collections and highlighted areas of public interest.

STIMULATE IMAGINATION: READING, VIEWING AND LISTENING FOR PLEASURE

Residents of all ages and backgrounds will find a wide variety of current and popular materials to satisfy their personal interests and enhance their leisure time. They will have the help they need to make choices from among the options.

Fiction reading and dvd viewing are two of the most popular collections. Circulation of materials in these popular categories jumped from 7700 in 2007/2008 to 21,259 in 2013/2014, an increase of 176%. Online databases offer a variety of options to meet the many ways in which people learn and acquire information. (See Databases under Technology Overview for more information.

CONNECTING TO THE ONLINE WORLD AND INFORMATION LITERACY

Residents of all ages and backgrounds will have high-speed access to the digital world. They will have the tools and skills to find, evaluate and use information resources that best meet their needs.

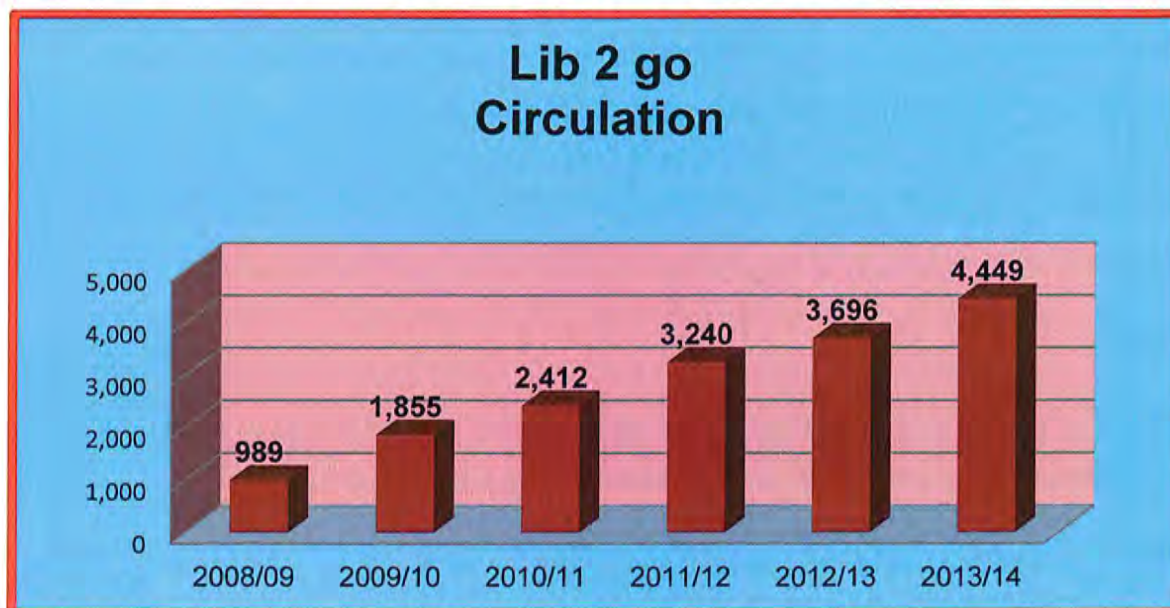
Through the efforts of iFocus Consulting, the City of Astoria, and library staff, our residents enjoy high speed access through both hardwired and wireless connections. The Library offers between eight and ten hardwired workstations. Use of those workstations increased by 15% since the inception of the strategic plan in 2007/2008. In addition to 12,091 sessions on the public computers, staff has noticed an increase in people using their own devices. iFocus is currently working on a way to document wifi use. Currently there are only two electrical outlets in the main room of the library, and charging stations are included in the renovation plan.

TECHNOLOGY OVERVIEW

In June, 2014 the Astoria Library migrated its operating system to a hosted service, continuing its highly effective association with TLC, The Library Corporation. Because this move facilitated resource sharing with the Seaside Library, a reimbursement of \$9000 from ROCC, Rural Outreach in Clatsop County, offset the cost of the migration.

DATABASES

The library continues to offer popular databases via its website. At the current time, library patrons can access a wide range of informational databases supplied by the Oregon State Library through LSTA funding. Freegal, downloadable music, was added in 2013. Mango Languages continues to grow in popularity, offering more than fifty languages. Library2Go, the downloadable audio and ebook database, offers smaller, stand alone municipal libraries the ebook opportunities of the larger urban libraries. Sanborn Maps provide a unique access to these important documents.



ASTOR LIBRARY FRIENDS ASSOCIATION -- ALFA

As it has since the 1960's, ALFA continues to support the programs and activities of the Astoria Library. The majority of their income, derived from activities such as book sales and copier income, is used to support the programs and activities described above, including Library After Hours, the Haunted Library, Summer Reading, and activities of the ROCC grant.

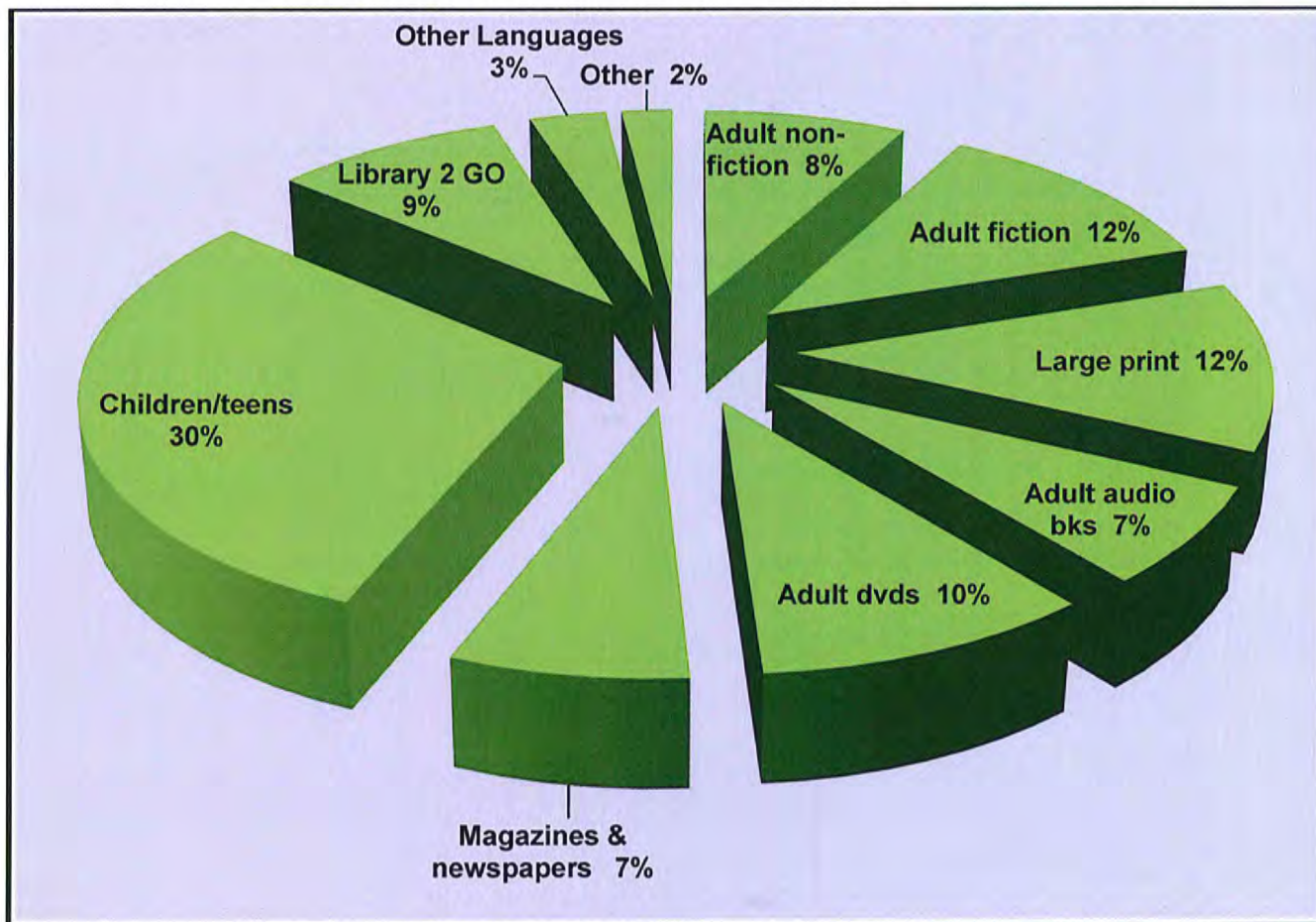
GRANTS and DONATIONS

The Astoria and Seaside libraries successfully achieved a fifth year of funding for ROCC, Rural Outreach in Clatsop County. This important grant provides a library card to all children in Clatsop County who want a library card. Participants obtain a card at the library of their choice. In 2013/2014, the ROCC grant made it possible for area libraries to issue 550 cards and circulate 18,741 items. The Seaside and Astoria libraries shared 640 items. The Seaside and Astoria libraries combined entertained 5,358 children and families at 240 programs.

The Warrenton Community Library joined the grant in this fifth year. Goals for the year ahead include establishing a formal fundraising effort to both leverage and sustain the investment to date and facilitate improved resource sharing among the Warrenton, Seaside and Astoria libraries.

COLLECTIONS

The following graph shows the major collection areas at this time. There are more than 25 categories of collection. In Children/teens for example, there are board books for infants, picture books for pre-literacy, I Can Read early chapter books, and multiple other categories.





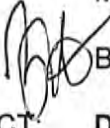
CITY OF ASTORIA

Founded 1811 • Incorporated 1856

August 8, 2014

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER PRO TEM

SUBJECT: **DEPARTMENT OF STATE LANDS EASEMENT-WASTEWATER TREATMENT PLANT OUTFALL**

DISCUSSION/ANALYSIS

The City has an existing easement from the Oregon Department of State Lands (DSL) for the wastewater treatment plant outfall that will expire this month after a 40-year duration. The easement document is the formal mechanism describing the City's right to construct, maintain, operate and replace the existing wastewater treatment plant outfall located within the Columbia River, waters of the State (owned and managed by DSL).

The term of the renewal easement is 30 years. On June 2, 2014 an administrative processing fee of \$750 was paid to DSL. There is no additional compensation required. The City Attorney has reviewed and approved as to form the easement document.

RECOMMENDATION


Recommend that City Council authorize the DSL easement for the existing City of Astoria outfall at the wastewater treatment plant.

Submitted By



Ken P. Cook, Public Works Director

Prepared By



Cindy D. Moore, City Support Engineer



Oregon

John A. Kitzhaber, MD, Governor

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregonstatelands.us

July 25, 2014

AG410\42149-EA
CITY OF ASTORIA
ATTN: KEN COOK
1095 DUANE ST.
ASTORIA, OR 97103

RECEIVED
JUL 28 2014
Public Works Administration

State Land Board

John A. Kitzhaber, MD
Governor

Kate Brown
Secretary of State

RE: State Easement No. 42149-EA

Ted Wheeler

State Treasurer

Dear Mr. Cook:

Enclosed are the draft easements for the sewage treatment plant outfall pipe over state-owned land in the Columbia River in Clatsop County.

The \$750.00 administrative processing fee was received on June 2, 2014. Neither additional compensation nor a surety bond is required.

Review the DRAFT easement and if you agree with the terms and conditions of the easement, please notify this office in writing. Please sign the attached Certificate of Conveyance for each Easement.

Once DSL has received your approval of the easement, an authorized representative of the Department will sign them. The fully executed easement will then be returned to you for your records.

If you have any questions, please call me at 503-986-5309.

Sincerely,

Michael De Blasi
Land Manager-North Coast Region
Land Management Operations Division

Enclosure

STATE OF OREGON
Department of State Lands

EASEMENT NO. 42149-EA
S&S Outfall

The STATE OF OREGON, by and through its Department of State Lands, GRANTOR, for and in consideration of N/A , hereby grants to GRANTEE,

NAME of GRANTEE:
City of Astoria

ADDRESS:
1095 Duane St
Astoria, OR 97103

an easement and right to construct, maintain, operate and replace a Sewage treatment facility outfall 10' on each side of center line, over, upon, and across the following particularly described property situated in Clatsop County, Oregon, more particularly described as follows:

A strip of land 20 feet wide, ten feet either side of the following described centerline.

Beginning at a point on the Northwest side of the S.P. & S.R.R. right- of-way, said point being 1906 feet more or less North and 340 feet more or less East of the Southwest corner of Section 2, also being 63 feet Southwesterly from a railroad trestle abutment and 50 feet Northwesterly from the centerline of R.R.;

thence 520 feet North- westerly on a line perpendicular to the centerline of R.R. all in Township 8 North, Range 9 West, Willamette Meridian;

Containing .24 acres, more or less, and as shown on the attached Exhibit "A".

TO HAVE AND TO HOLD the same unto GRANTEE for 30 years, subject to the following conditions:

1. GRANTOR has the right to grant additional easements within the area authorized by this easement subject to the provisions of the administrative rules governing the granting of easements.
2. GRANTEE shall obtain prior written approval from GRANTOR prior to:
 - a) Changing the type of use authorized by this easement;
 - b) Expanding the number of authorized developments or uses;
 - c) Changing the authorized area; and/or

- d) Permitting other persons to utilize the easement for uses and developments requiring separate written authorization by GRANTOR pursuant to the administrative rules governing the granting of easements or other GRANTOR requirements.
3. The easement area shall remain open to the public for recreational and other non-proprietary uses unless restricted or closed to public entry by the State Land Board or GRANTOR.
4. GRANTOR and/or its authorized representative(s) shall have the right to enter into and upon the easement area at any time for the purposes of inspection or management.
5. Except as expressly authorized in writing by the Department, GRANTEE shall not:
 - a) Cut, destroy or remove, or permit to be cut, destroyed or removed any vegetation, or
 - b) Remove any sand and gravel, or other mineral resources for commercial use or sale, that occur in the easement area except as expressly authorized in writing by GRANTOR.

Routine right-of-way maintenance including vegetation trimming shall be allowed.

6. GRANTEE shall compensate GRANTOR for the fair market value of any commercially valuable timber or sand and gravel resources in the easement area that must be removed during or after placement of the authorized use, or which cannot be developed because of the authorized use.
7. GRANTEE shall conduct all operations within the easement area in a manner that conserves fish and wildlife habitat; protects water quality; and does not contribute to soil erosion, or the introduction or spread of noxious weeds or pests. Upon completion of construction, GRANTEE shall reclaim disturbed lands to a condition satisfactory to GRANTOR.
8. GRANTEE shall obtain a surety bond in the amount of N/A to ensure compliance with the terms and conditions of this easement.
9. The right to use this easement shall automatically terminate if it, or the development authorized by GRANTOR, is not used within five (5) consecutive years of the date this easement was granted, pursuant to the provisions of the administrative rules governing the granting of easements.
10. Unless otherwise approved in writing by GRANTOR, GRANTEE shall remove all cables, pipes, conduits, roads, and other developments placed by GRANTEE on the easement, and shall restore the surface of the easement area to a condition satisfactory to GRANTOR within one (1) year following termination of use or expiration of this easement.

11. GRANTEE shall inspect the condition of the area authorized by this easement and the developments authorized by this easement on a frequency of:
12. GRANTOR shall have the right to stop operation of the use authorized by this easement for noncompliance with the conditions of this easement, the provisions of the administrative rules governing the granting of easements, and/or any lawful requirement by a regulatory agency of this STATE.
13. If this easement authorizes the use of state-owned submerged and/or submersible land:
 - a) Construction in navigable waters shall conform to the standards and specifications set by the U.S. Army Corps of Engineers and the U.S. Coast Guard for the use authorized by this easement.
 - b) Any blasting which may be necessary, or in-water placement, maintenance, or repair of the authorized use shall be performed according to the laws of this STATE, including strict adherence to Oregon Department of Fish & Wildlife in-water work windows.
14. GRANTEE shall pay to GRANTOR the current market value, as determined by GRANTOR, for any unnecessary and non-approved damages to state-owned lands caused by construction or maintenance of the easement.
15. GRANTEE shall pay all assessments that may be legally charged on public lands which are levied against the property subject to this easement, whether or not such assessments have been levied against the easement area or STATE by the assessing agency.
16. GRANTEE shall use the authorized easement area only in a manner or for such purposes that assure fair and non-discriminatory treatment of all persons without respect to race, creed, color, religion, handicap, disability, age, gender or national origin.
17. This easement is freely transferable. However, no transfer may increase the burden on the easement area or detract from the value of the underlying state-owned land.

This easement does not convey an estate in fee simple of the lands used for a right-of-way. This grant is for an easement only, and title remains in the State of Oregon.

WITNESS the seal of the Department of State Lands affixed this _____ day of _____, 20__.



STATE OF OREGON, acting by and through its Department of State Lands

DSL Authorized Signature

Printed Name

STATE OF OREGON)
)ss
County of Marion)

This foregoing instrument was acknowledged before me this ____ of _____, 20__ ,
by _____, the _____ of the
Department of State Lands.

Signature
My commission Expires _____, 20__.

CERTIFICATE OF APPROVAL OF CONVEYANCE
(ORS 93.808)

_____, Grantee, hereby approves and accepts, pursuant to ORS 93.808, the grant of an interest in real property from _____, Grantor, as described in the instrument to which this Certificate is attached.

A copy of this Certificate may be affixed to, and recorded with, the instrument described above.

DATED this ____ day of _____, 20__.

_____,
Grantee

By: _____

Name: _____

Title: _____

STATE OF OREGON)
) ss.
County of _____)

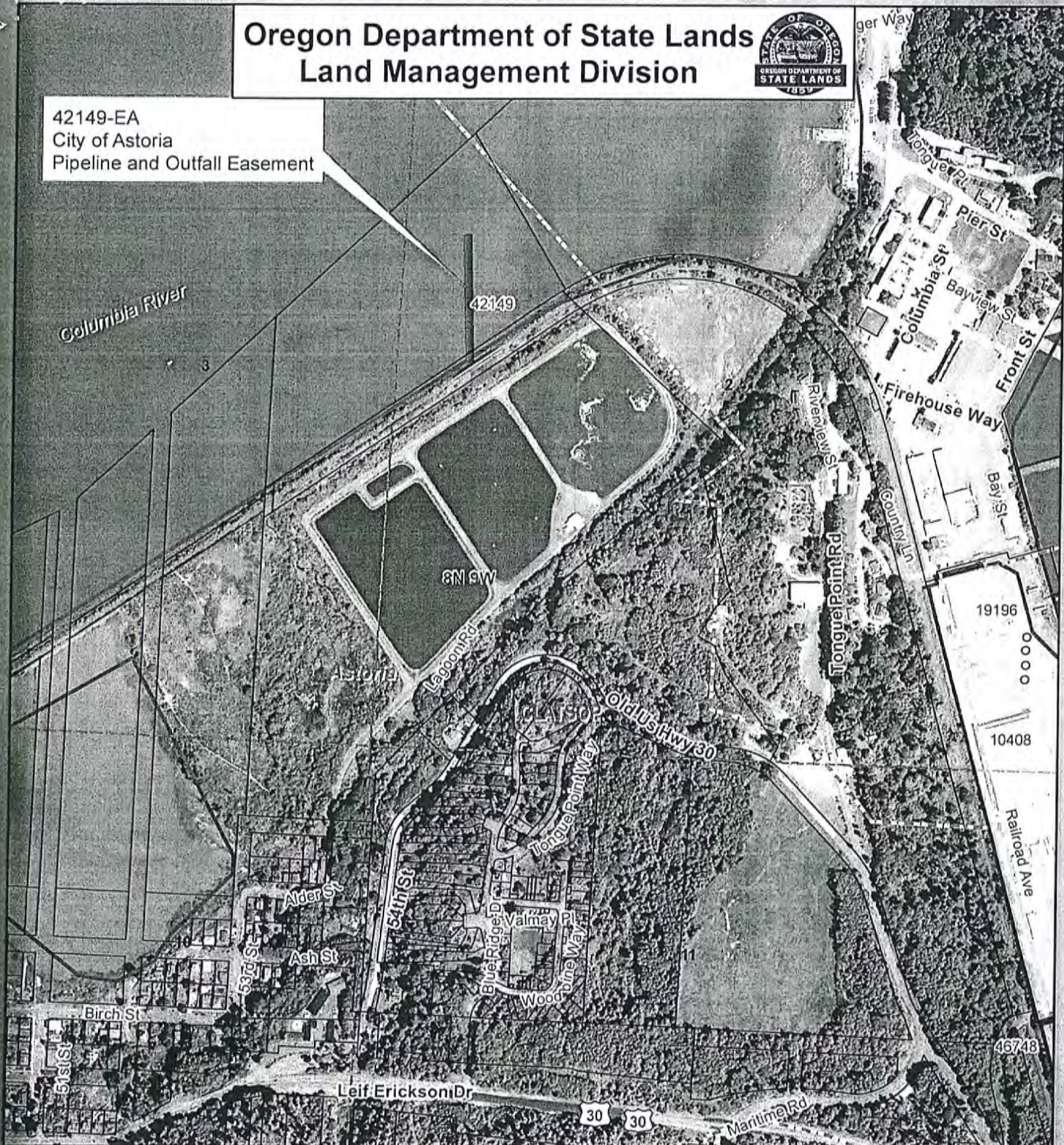
On this _____ day of _____, 20__, before me personally appeared _____, who being duly sworn stated that he/she is the _____ of _____, Grantee, and acknowledged the foregoing instrument to be the voluntary act of said Grantee and that he/she executed the foregoing instrument under authority granted by said Grantee.

NOTARY PUBLIC FOR OREGON
My commission Expires: _____

Oregon Department of State Lands Land Management Division



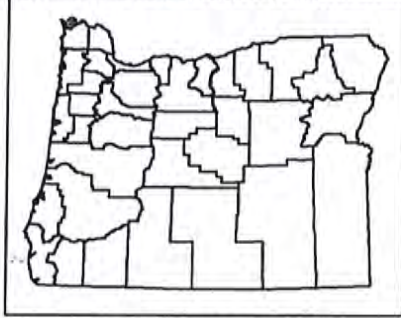
42149-EA
City of Astoria
Pipeline and Outfall Easement



0 290 580
Feet

1 in = 587 feet

Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet



Vicinity Map

Legend

- Legal Description
- Authorizations

This map depicts the approximate location and extent of a Department of State Lands, Land Management Division authorization for use. This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

EXHIBIT A

2009 Half Meter Imagery
State of Oregon

Contact:
OR Department of State Lands
Land Management Division
503-986-5200
www.oregonstatelands.us

Date: August 1, 2011

Oregon Department of State Lands Land Management Division



Astoria

42449
0.25 acre
10,000 sq ft

Lagoon Rd
CLATSOP
CO

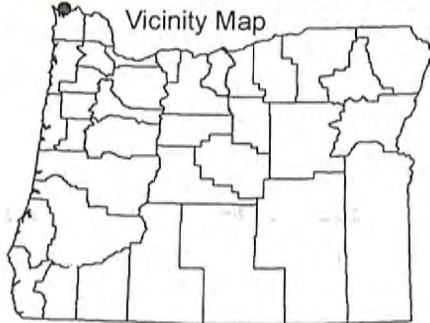
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community, Copyright: © 2014 Esri, DeLorme, HERE, TomTom, Sources: Esri, DeLorme, USGS, NPS, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors



0 100 200
Feet

1 inch = 200 feet

Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet



- Legal Description Line
- Authorization Area

Exhibit A

This map depicts the approximate location and extent of a Department of State Lands, Land Management Division authorization for use. This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

State of Oregon
Department of State Lands
775 Summer St, NE, Suite 100
Salem, OR 97301
503-986-5200
www.oregon.gov/DSL
Date: 6/18/2014

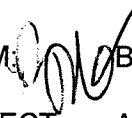


CITY OF ASTORIA
Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

August 8, 2014

TO: MAYOR AND ASTORIA CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER PRO TEM

SUBJECT: AMENDMENT REQUEST (A14-02) ON RIVERFRONT VISION PLAN IMPLEMENTATION ORDINANCES

BACKGROUND

In 2008-2009, the City of Astoria developed the Riverfront Vision Plan (RVP) to address issues dealing with open space, land use, and transportation issues along the Columbia River. Significant public involvement opportunities were designed to gain public input. This process was initiated to plan for these issues in a comprehensive manner and to set a framework for the future of the study area. The City's north Riverfront (Columbia River to West Marine / Marine Drive / Lief Erikson Drive) was divided into four Plan areas of development: Bridge Vista (Port/Smith Point to 2nd Street), Urban Core (2nd to 16th Street), Civic Greenway (16th to 41st Street), and Neighborhood Greenway (41st Street to east end of Alderbrook Lagoon).

During the Plan development, four community-wide forums, three open houses, and numerous community meetings were held at various locations within the four Plan areas. In addition, staff and/or consultants conducted stakeholder interviews, distributed and tabulated surveys. Development of the Vision Plan was structured to gain as much public input as possible. On December 7, 2009, after holding a final public hearing, the City Council accepted the Riverfront Vision Plan. For Fiscal Years 2011-2012, 2012-2013, 2013-2014, and 2014-2015 the City Council set goals regarding implementation of the Riverfront Vision Plan.

On October 22, 2012, the City was notified that an application to the Department of Land Conservation and Development (DLCD) to fund code writing activities for up to two areas of the Riverfront Vision Plan was approved. The funding would be a Transportation Growth Management (TGM) grant through the Oregon Department of Transportation (ODOT). Under the TGM program, no cash is provided to the City and ODOT uses the services of planning firms already under contract with ODOT. The proposed Code Assistance Project is for the implementation phase of the Astoria Riverfront Vision Plan. Phase 1 of the project would develop land use codes and/or new zones for the Civic Greenway Plan Area. Phase 2 of the project would develop land use codes and/or new zones for the Bridge Vista Plan Area, contingent upon available funds as approved by TGM staff.

The consultant team identified to work on this project is Angelo Planning Group. One of the project team members is Matt Hastie, who was directly involved in development of the Riverfront Vision Plan. The scope of work for the TGM grant included public involvement opportunities held during Planning Commission work sessions. The final product would be code amendments and land use zoning map amendments which are being presented to the City Council for consideration of adoption. There would be two separate approval processes for Phase 1 and Phase 2.

The first step in this process is to address the Civic Greenway Plan Area, generally located from Columbia River Maritime Museum to 41st Street at Abbey Lane and the River to Marine / Lief Erikson Drive. After reviewing the Code Evaluation Report, the Astoria Planning Commission and the project team began drafting preliminary code amendment language to address selected code issues for the Civic Greenway Plan Area. The team divided the amendments into three sections to allow for adequate review of the draft code amendments with the Planning Commission and public. The Planning Commission held five public work sessions (October 22, 2013, December 3, 2013, January 7, 2014, January 28, 20, February 25, 2014) on the draft amendments with notifications to the general public and to individuals who expressed interest in the Riverfront Vision Plan or implementation process. A presentation to the City Council on the progress made to date was held on April 7, 2014. The work sessions have been well attended.

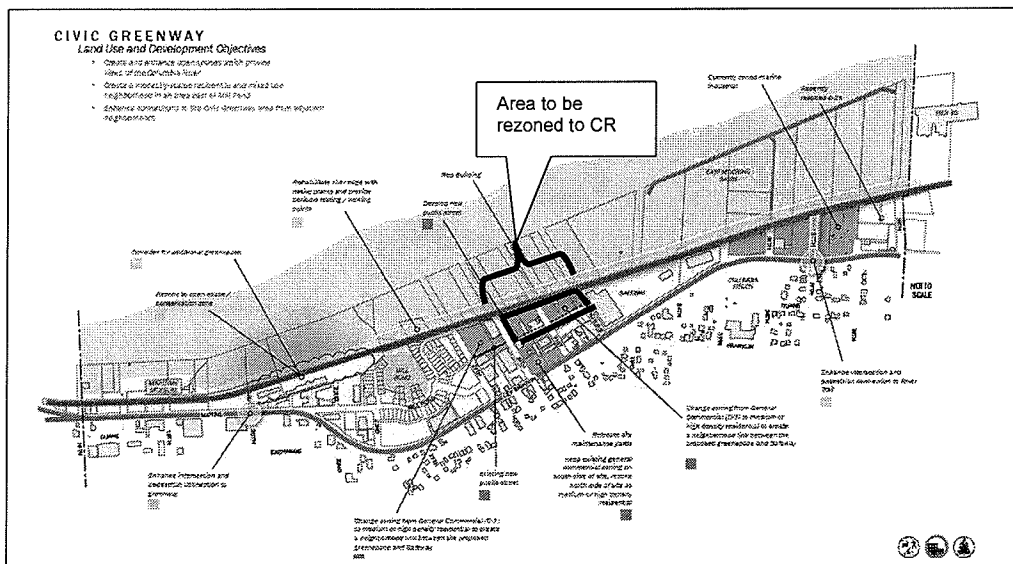
The RVP for the Civic Greenway Planning Area identified Land Use Assumptions and Objectives which state that *"It is expected that large amounts of overwater development will not occur in the Civic Greenway ..."* The objectives include:

- Protect river vistas to maintain physical and visual connections to the river.
- Create and enhance open spaces which provide views of the river.
- Encourage maritime related uses consistent with Astoria's working riverfront such as docks, piers and associated uses.
- Create a modest scale residential and mixed use development east of Mill Pond.
- Architectural design standards or design review is recommended for all future development in this area.

Throughout the RVP implementation process, the Planning Commission (APC) focused on these Assumptions and Objectives and did not attempt to change the Vision Plan as adopted. There was discussion and public comment during the work sessions on the interpretation of these objectives. Implementation of recommendations from the Riverfront Vision Plan in the Civic Greenway Plan Area will take the form of both map amendments and code amendments.

Proposed map amendments will include:

1. Rezone the northern half of the blocks between 30th Street and 32nd Street from C-3 (General Commercial) to the new Compact Residential Zone (CR).
2. Extend the Gateway Overlay (GO) Zone to cover the Civic Greenway Plan Area.
3. Apply the new Civic Greenway Overlay (CGO) Zone to the Civic Greenway Plan Area.



Proposed text/code amendments will include:

1. Add a new Compact Residential (CR) Zone to allow for smaller cottage cluster development on the land side of the River Trail in the Civic Greenway Area.
2. Add a new Civic Greenway Overlay Zone to address the standards for:
 - over-water and waterfront development including building height, building mass, width of structures, allowable uses, landscaping, and public access to the water, etc.;
 - land side development including building heights, setback, stepback, and landscaping; and
 - river access requirements.
3. Add new provisions for Cottage Cluster Development detailing the location, size, orientation, public open space, etc. for compact residential development.
4. Add new "clear and objective" design standards for residential uses in the Gateway Overlay Zone and Civic Greenway Area.
5. Make "housekeeping" amendments related to the new CR Zone and CGO Zone. This will include renumbering the Gateway Zones to Article 2 and renumbering all Overlay Zones to Article 14.

At the last Planning Commission (APC) meeting, the APC directed staff to have a landscaper review the proposed landscape material and revise the list to best address the desires of the proposed code language. Staff had that section reviewed and have revised the list of plant materials which has been incorporated into the draft code amendment presented to the Council.

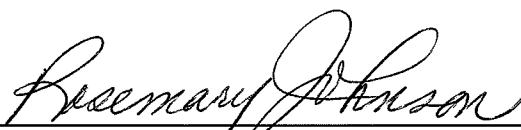
The Planning Commission held a public hearing at the May 27, 2014 and June 24, 2014 APC meetings. At its July 22, 2014 meeting, the Astoria Planning Commission unanimously recommended that the City Council adopt the proposed amendments. A copy of the Staff Report and Findings of Fact as adopted by the Planning Commission is attached. Also attached to this memo are the proposed ordinances, minutes of the meetings, and public comments received. A public hearing on the Amendment has been advertised and is scheduled for the August 18, 2014 City Council meeting.

RECOMMENDATION

It is recommended that the Council hold a public hearing and consider adoption of the ordinances. 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 two separate Ordinances as follows:

1. Amending the Astoria Development Code Pertaining to the Civic Greenway Area issues
2. Amending the Astoria Land Use and Zoning Map to rezone an area from C-3 (General Commercial to CR (Compact Residential

By:



Rosemary Johnson, Planner




CITY OF ASTORIA

Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

August 13, 2014

TO: MAYOR AND ASTORIA CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER PRO TEM

SUBJECT: AMENDMENT REQUEST (A14-02) ON RIVERFRONT VISION PLAN
IMPLEMENTATION ORDINANCES – CORRESPONDENCE FROM JORDAN RAMIS PC

BACKGROUND

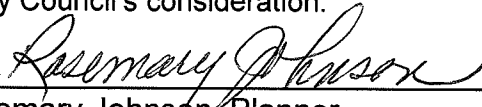
During the public hearing process before the Astoria Planning Commission, the Port of Astoria and a private property owner proposed a process to allow flexibility to development through a Master Plan process. Specifically, they were concerned with the East End Mooring Basin area from 33rd to 41st Street and their desire to continue developing this area for Port and other waterfront associated activities. On behalf of the Port and private property owner, the legal firm of Jordan Ramis PC proposed an amendment to the draft code language that would allow the Port to develop and adopt an East Basin District Plan that would allow exceptions to the proposed Civic Greenway Area regulations for the East Basin area.

The attached proposal from the Port establishes a process which would allow the City to adopt an East Basin District Plan in the future. The East Basin District Plan would include provisions whereby a master plan would be considered by the City that could allow some exemptions to certain codes within the Civic Greenway Area. The area proposed to be included in this District Plan would be the land and water area north of Lief Erikson Drive between 35th and 39th Street and the land and water area north of Abbey Lane between 39th and 41st Street. Should City Council decide to move forward with this proposal, the City Attorney and Planning staff have concerns with the inclusion of the land area north of Abbey Lane between 39th and 41st Street.

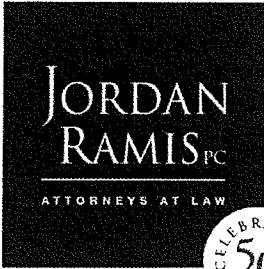
Should the City Council adopt this language to allow a Master Plan process, the Port could then develop a Master Plan with associated proposed code regulations and present it to the Planning Commission and ultimately to the City Council for adoption as an amendment to the Development Code. The proposed code regulations would correspond to a specific development plan proposed by the Port and/or private property owners within the Plan area. At the time of these public hearings, the Planning Commission / City Council would have the option to approve or deny the request based on the criteria being proposed with the attached draft language. Should Council accept the attached language, this would establish the District Plan and allow for future projects within the approved Plan area to apply for a land use permit and to propose exemptions for a specific development. The City's adoption of the Plan and associated regulations in the future would require public hearings before both the Planning Commission and City Council as an amendment to the Development Code.

The draft language proposed by the Port is compatible with the established processes currently within the Development Code and would not grant any exceptions to the Civic Greenway Area codes at this time. The draft language would only enable the concept of a Plan District to be established in the future. The attached language is being forwarded for City Council's consideration.

By:



Rosemary Johnson, Planner



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August 15, 2014

Hon. Willis L. Van Dusen
1095 Duane St.
Astoria, Oregon 97103

Re: **Plan district proposal for the Civic Greenway**
Zoning and Land Use

Our File No. 43046-72920

Dear Mayor Van Dusen and City Council:

For Council consideration I am submitting on behalf of the Port of Astoria an amendment to the proposed zoning regulations for the Civic Greenway area. The proposal is intended to allow, subject to the public hearing process, development flexibility for a part of the Civic Greenway area. The concept is consistent with:

1. The Riverfront Vision Plan, which encourages:
 - a mix of economic uses while enhancing the river trail;¹ and
 - creation of "a variety of strategies to the design and location of buildings in the riverfront relative to the River Trail and other public rights-of-way. . . ."²
2. The Comprehensive Plan, which encourages:
 - sub-area planning for future business and employment uses;³
 - public-private partnerships;⁴ and
 - major Port of Astoria development at the East End Mooring Basin, among other places.⁵

The Port of Astoria appreciates the opportunity to engage with the Council and explain our proposal to create a plan district within territory in and near the East Mooring Basin. The Planning Commission

¹ Riverfront Vision Plan, p. 1.

² Riverfront Vision Plan, p. 68

³ City of Astoria Comprehensive Plan, Section CP.208(4).

⁴ City of Astoria Comprehensive Plan, Section CP.020(6)

⁵ City of Astoria Comprehensive Plan, Section CP.020(2)

August 15, 2014

Page 2

approved text that, in effect, eliminates many development opportunities in this area. The reductions diminish the value of public and private property. Indeed, much of this land is in public ownership, meaning there is significant risk of profoundly reducing the public's investment in job creation and economic activity should the Port and the City fail to find a common pathway forward.

But, at the same time members of the Planning Commission expressed their sense that there should be a process for some accommodation or variance. The plan district we have proposed allows reasonable flexibility, but only under Council oversight.

The plan district proposal adds an additional regulatory tool to those already in the Astoria Development Code. The concept that we propose is a "master planning" tool and which has been used successfully in other jurisdictions. The essential feature of a plan district is communication and collaboration to encourage higher-quality, more creative development. The plan district tool tasks landowners to create master plans, then collaborate with staff and the Council to agree on the rules, obtain review in the public hearing process, and finally to apply for development under those rules.

There is a three-step process for development under a plan district. First, the City Council creates authority in the zoning code for affected property owners to identify territory where special circumstances exist, such that the public would benefit from development regulations in addition to those provided in the Code. We are proposing that language today.

At the second step, property owners, who wish to create a master plan for one or more parcels in the territory, propose plan district regulations to guide development on those parcels. The City Council would be responsible for conducting hearings in order to approve those regulations. Should Council authorize plan district text at the first step, the Port is likely to collaborate with private property owners in the East Basin area and submitting one or more applications for plan district text.

As the third and final step, a property owner would apply for quasi-judicial land use approval to develop property under the plan district regulations. The public process for these applications would be determined by the plan district regulations.

Sincerely,

JORDAN RAMIS PC



Timothy V. Ramis

Admitted in Oregon

tim.ramis@jordanramis.com

OR Direct Dial (503) 598-5573

cc: Michael J. Weston, II, MPA, Port of Astoria

ORDINANCE NO. 14-_____

AN ORDINANCE AMENDING THE ASTORIA DEVELOPMENT CODE PERTAINING TO IMPLEMENTATION OF THE ASTORIA RIVERFRONT VISION PLAN

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

.....

14.061 EAST BASIN PLAN DISTRICT

The property situated approximately between 35th Street to the west, 41st Street to the east, the pierhead line to the north, and Marine Drive/Lief Eriksen Drive to the south, shall constitute a subarea within the civic greenway overlay zone. The purpose of this subarea is to permit adoption of development standards, known as a plan district, not applicable to other properties in the civic greenway overlay zone. If approved under the criteria of section 14.061(A) the plan district shall be known as the East Basin Plan District.

A. Plan district adoption criteria

A plan district may be established if all the following adoption criteria are met:

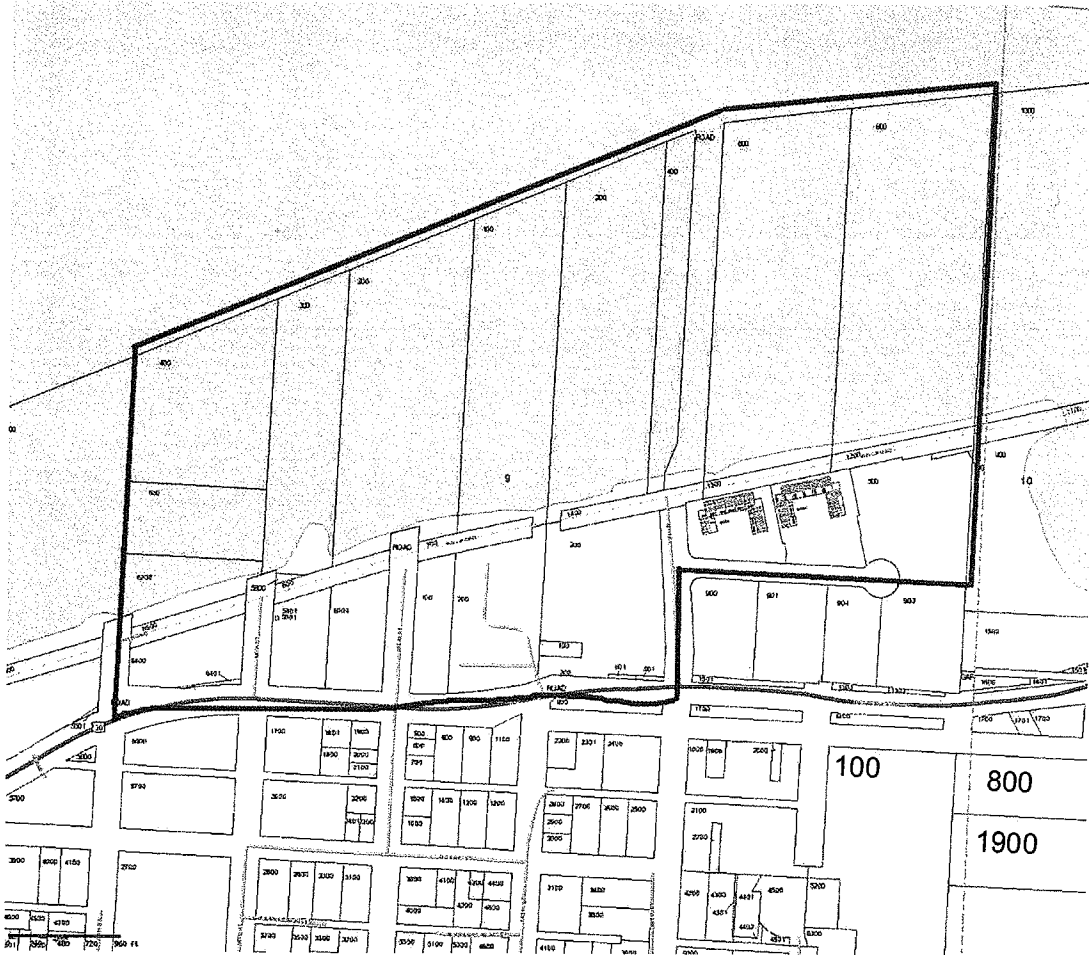
1. The area proposed for the plan district has special characteristics or problems of a natural, economic, historic, public facility, or transitional land use or development nature which are not common to other areas of the civic greenway area;
2. Existing base and overlay zone provisions are inadequate to achieve a desired public benefit as identified by the City Council, and/or to address identified needs or problems in the area;.
3. The proposed plan district and regulations result from a plan documenting the special characteristics or problems of the area and explain how a plan district will best address relevant issues; and
4. The regulations of the plan district conform with the Comprehensive Plan and do not prohibit or limit uses or development allowed by the base zone without clear justification.

B. Review

After adoption of East Basin Plan District regulations the Planning Commission shall periodically review the East Basin Plan District and its regulations to determine the impacts on development, the usefulness and usability of the regulations, and the public need for any amendments to the regulations.

C. Mapping

The boundaries of the East Basin Plan District are illustrated on a map referenced below. The boundaries may be refined as part of plan district adoption or amendment.



D. Standards

The standards within the East Basin Plan District may expressly change and vary from those applicable under the Civic Greenway Overlay Zone and those of the base zone. Such changes may include:

1. Adding uses, such as retail uses;
2. Changes to building height limits;
3. Setback or view corridor modifications;
4. Building size and permissible footprint.

E. Application Procedure

1. An application to establish the East Basin Plan District shall be processed through the following procedures:
 - a. The City or Port of Astoria may apply to establish development regulations that affect one or more properties within the East Basin Plan District.
 - b. An application to establish regulations that would govern development within the East Basin Plan District is a legislative text amendment processed in accordance with the procedures established in Section 14.061 and in Development Code Articles 9 and 10.
 - c. An application to establish the boundaries of the East Basin Plan District Overlay area is a legislative map amendment processed in accordance with the procedures established in Section 14.061 and in Development Code Articles 9 and 10 and may be processed concurrently with applications under subsection (1)(a).
2. An application to apply the East Basin Plan District regulations to a specific project shall be processed through the following procedures:
 - a. The Port of Astoria as a public entity shall be the applicant or co-applicant on all applications.
 - b. An application shall be processed as a quasi-judicial permit in accordance with the procedures established with the Plan District adoption and in accordance with the Development Code as applicable.

14.063 EAST BASIN PLAN DISTRICT REGULATIONS

(Reserved for codifying future Plan District regulations)

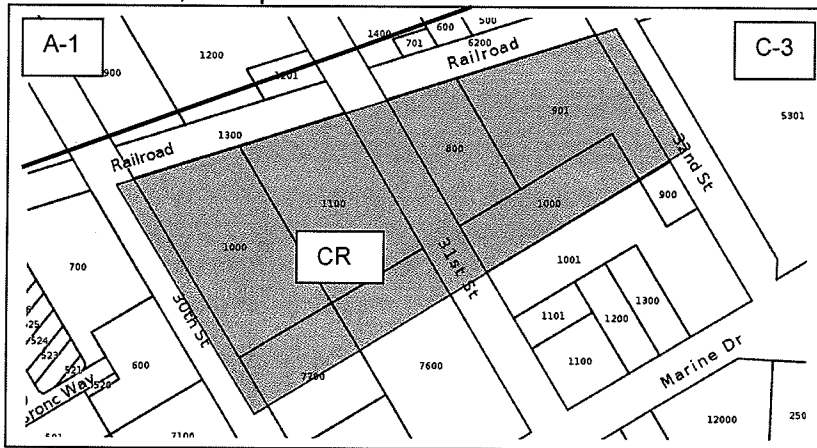
ORDINANCE NO. 14-_____

AN ORDINANCE AMENDING THE ASTORIA LAND USE AND ZONING MAP BY REZONING AN AREA BETWEEN 30TH AND 32ND STREETS AND NORTH OF MARINE DRIVE FROM C-3 (GENERAL COMMERCIAL) TO CR (COMPACT RESIDENTIAL).

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. The 1992 Astoria Land Use and Zoning Map is amended to rezone the following area from C-3 Zone (General Commercial) to CR Zone (Compact Residential) as indicated on the map:

The area from the mid block south of Marine Drive to the trolley/railroad property between 30th and 32nd Streets; Map T8N-R9W Section 9BC, Tax Lots 1000 & 1100; Section 9BD, Tax Lots 800, 901, 1000; Section 9CB, portion of Tax Lots 7700 & 7600; north 75' Lots 1 through 6, Blocks 148 & 149, Shively; unnumbered lots fronting Blocks 148 & 149; 461 32nd Street; portion of 550 30th Street; and portion of 555 31st Street.



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 Pro Tem

ROLL CALL ON ADOPTION: YEA NAY ABSENT

Commissioner LaMear
 Hertz
 Mellin
 Warr

Mayor Van Dusen

ORDINANCE NO. 14-_____

AN ORDINANCE AMENDING THE ASTORIA DEVELOPMENT CODE PERTAINING TO IMPLEMENTATION OF THE ASTORIA RIVERFRONT VISION PLAN

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. Astoria Development Code Sections 2.750 to 2.760 pertaining to Columbia River Estuary Shoreland Overlay District is hereby deleted and renumbered as follows with the text to remain the same:

“CRESO: COLUMBIA RIVER ESTUARY SHORELAND OVERLAY DISTRICT

- 14.500. PURPOSE AND AREAS INCLUDED.
- 14.505. PERMITTED AND CONDITIONAL USES.
- 14.510. DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS.”

Section 2. Astoria Development Code Sections 2.800 to 2.825 pertaining to Flood Hazard Overlay is hereby deleted and renumbered as follows with the text to remain the same:

“FHO: FLOOD HAZARD OVERLAY ZONE

- 14.520. PURPOSE AND OBJECTIVES.
- 14.525. DEFINITIONS.
- 14.530. GENERAL PROVISIONS.
- 14.535. ADMINISTRATION.
- 14.540. GENERAL PROVISIONS FOR FLOOD HAZARD REDUCTION.
- 14.545. SPECIFIC PROVISIONS FOR FLOOD HAZARD REDUCTION.”

Section 3. Astoria Development Code Sections 2.890 to 2.920 pertaining to Planned Development Overlay is hereby deleted and renumbered as follows with the text to remain the same:

“PD: PLANNED DEVELOPMENT OVERLAY ZONE

- 14.560. PURPOSE.
- 14.565. PERMITTED BUILDINGS AND USES.
- 14.570. DEVELOPMENT STANDARDS.
- 14.575. PROCEDURE - PRELIMINARY DEVELOPMENT PLAN.
- 14.580. PROCEDURE - FINAL APPROVAL.
- 14.585. MAPPING.
- 14.590. ADHERENCE TO APPROVED PLAN AND MODIFICATION THEREOF.”

Section 4. Astoria Development Code Sections 2.930 to 2.940 pertaining to Sensitive Bird Habitat Overlay Zone is hereby deleted and renumbered as follows with the text to remain the same:

“SBHO: SENSITIVE BIRD HABITAT OVERLAY ZONE

- 14.600. PURPOSE AND AREA INCLUDED.
- 14.605. GENERAL PROVISIONS.
- 14.610. USES PERMITTED OUTRIGHT AND CONDITIONAL USES.”

Section 5. Astoria Development Code Sections 2.950 to 2.960 pertaining to Management Plan for the Youngs Bay – Brown Creek Great Blue Heron Rookery is hereby deleted and renumbered as follows with the text to remain the same:

“MANAGEMENT PLAN
FOR THE YOUNGS BAY/BROWN CREEK GREAT BLUE HERON ROOKERY

- 14.620. DEFINITIONS.
- 14.625. BACKGROUND SUMMARY.
- 14.630. DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS.”

Section 6. Astoria Development Code Sections 14.040 to 14.070 pertaining to Maritime Heritage Zone is hereby deleted and renumbered as follows with the text to remain the same:

“MH: MARITIME HERITAGE ZONE

- 2.890. PURPOSE.
- 2.892. USES PERMITTED OUTRIGHT.
- 2.894. CONDITIONAL USES PERMITTED.
- 2.896. LOT COVERAGE.
- 2.898. LANDSCAPED OPEN AREA.
- 2.900. HEIGHT OF STRUCTURES.
- 2.902. OTHER APPLICABLE USE STANDARDS.”

Section 7. Astoria Development Code Sections 14.075 to 14.105 pertaining to Family Activities Zone is hereby deleted and renumbered as follows with the text to remain the same:

“FA: FAMILY ACTIVITIES ZONE

- 2.904. PURPOSE.
- 2.906. USES PERMITTED OUTRIGHT.
- 2.908. CONDITIONAL USES PERMITTED.
- 2.910. LOT COVERAGE.
- 2.912. LANDSCAPED OPEN AREA.
- 2.914. HEIGHT OF STRUCTURES.
- 2.916. OTHER APPLICABLE USE STANDARDS.”

Section 8. Astoria Development Code Sections 14.110 to 14.150 pertaining to Attached Housing – Health Care Zone is hereby deleted and renumbered as follows with the text to remain the same:

“AH-HC: ATTACHED HOUSING/HEALTH CARE ZONE

- 2.918. PURPOSE.
- 2.920. USES PERMITTED OUTRIGHT.
- 2.922. CONDITIONAL USES PERMITTED.
- 2.924. YARDS.
- 2.926. DENSITY.
- 2.928. LOT COVERAGE.
- 2.930. LANDSCAPED OPEN AREA.
- 2.932. HEIGHT OF STRUCTURES.
- 2.934. OTHER APPLICABLE USE STANDARDS.”

Section 9. Astoria Development Code Sections 14.155 to 14.185 pertaining to Health Care Zone is hereby deleted and renumbered as follows with the text to remain the same:

“HC: HEALTH CARE ZONE

- 2.936. PURPOSE.
- 2.938. USES PERMITTED OUTRIGHT.
- 2.940. CONDITIONAL USES PERMITTED.
- 2.942. LOT COVERAGE.
- 2.944. LANDSCAPED OPEN AREA.
- 2.946. HEIGHT OF STRUCTURES.
- 2.948. OTHER APPLICABLE USE STANDARDS.”

Section 10. Astoria Development Code Sections 14.190 to 14.225 pertaining to Education-Research-Health Care Campus Zone is hereby deleted and renumbered as follows with the text to remain the same:

“CA: EDUCATION/RESEARCH/HEALTH CARE CAMPUS ZONE

- 2.950. PURPOSE.
- 2.952. USES PERMITTED OUTRIGHT.
- 2.954. CONDITIONAL USES PERMITTED.
- 2.956. LOT SIZE.
- 2.958. LOT COVERAGE.
- 2.960. LANDSCAPED OPEN AREA.
- 2.962. HEIGHT OF STRUCTURES.
- 2.964. OTHER APPLICABLE USE STANDARDS.”

Section 11. Astoria Development Code Sections 14.230 to 14.260 pertaining to Hospitality-Recreation Zone is hereby deleted and renumbered as follows with the text to remain the same:

“HR: HOSPITALITY/RECREATION

- 2.966. PURPOSE.
- 2.967. USES PERMITTED OUTRIGHT.
- 2.968. CONDITIONAL USES PERMITTED.

- 2.969. LOT COVERAGE.
- 2.970. LANDSCAPED OPEN AREA.
- 2.971. HEIGHT OF STRUCTURES.
- 2.972. OTHER APPLICABLE USE STANDARDS.”

Section 12. Astoria Development Code Sections 14.265 to 14.295 pertaining to Local Service Zone is hereby deleted and renumbered as follows with the text to remain the same:

“LS: LOCAL SERVICE

- 2.975. PURPOSE.
- 2.976. USES PERMITTED OUTRIGHT.
- 2.977. CONDITIONAL USES PERMITTED.
- 2.978. LOT COVERAGE.
- 2.979. LANDSCAPED OPEN AREA.
- 2.980. HEIGHT OF STRUCTURES.
- 2.981. OTHER APPLICABLE USE STANDARDS.”

Section 13. Astoria Development Code Sections 14.300 to 14.340 pertaining to Attached Housing – Mill Pond Zone is hereby deleted and renumbered as follows with the text to remain the same:

“AH-MP: ATTACHED HOUSING/MILL POND

- 2.984. PURPOSE.
- 2.985. USES PERMITTED OUTRIGHT.
- 2.986. CONDITIONAL USES PERMITTED.
- 2.987. YARDS.
- 2.988. DENSITY.
- 2.990. LANDSCAPED OPEN AREA.
- 2.991. HEIGHT OF STRUCTURES.
- 2.992. OTHER APPLICABLE USE STANDARDS.”

Section 14. Section 2.965 pertaining to Gateway Overlay Area Zones is deleted in its entirety.

Section 15. Section 2.530.12 pertaining to Outright Uses in the A-2 Zone (Aquatic Two Development) is deleted in its entirety and amended to read as follows:

“12. Public use associated with a maritime related use.”

Section 16. Section 1.400 pertaining to Definitions is amended by the addition to read as follows:

“ACCESSORY STRUCTURE IN A COTTAGE CLUSTER DEVELOPMENT: Includes shared accessory structures such as parking or storage buildings; and individual accessory structures such as garages attached to cottages, which may not face the common open space.”

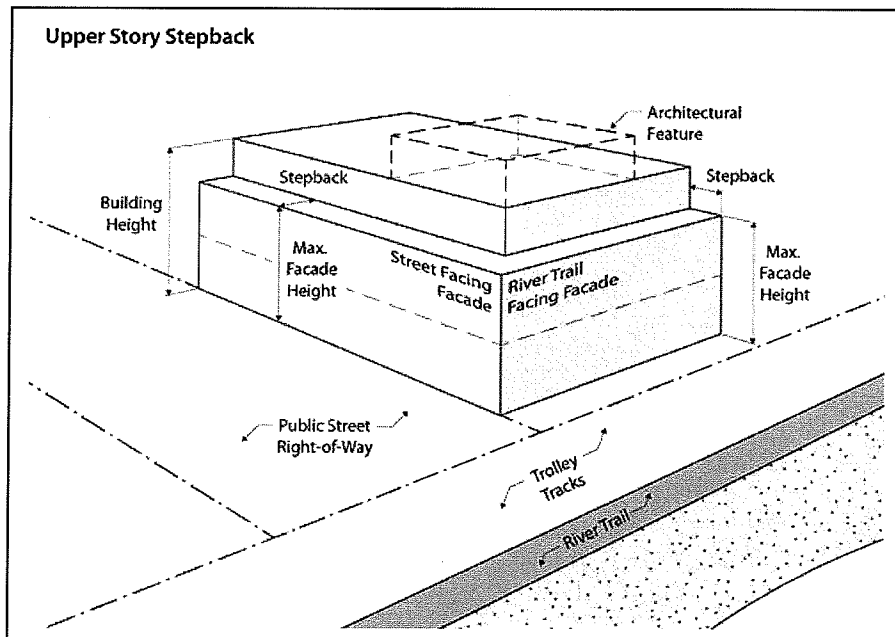
“CARRIAGE HOUSE DWELLING UNIT: A dwelling unit on the second floor of a common parking structure.”

“COMMON OPEN SPACE: An area improved for recreational use or gardening that all owners in the development own and maintain in common through a homeowner’s association, condominium association, or similar mechanism.”

“COTTAGE: A detached, site-built, single-family or two-family dwelling unit that is part of a cottage cluster development.”

“COTTAGE CLUSTER: A group of four (4) to 12 cottages, arranged around a common open space.”

“STEPBACK: Building setbacks are stepped or progressive recessions in a building’s face as the building rises higher. Setbacks are designed to reduce building mass to allow views around the building from above and/or from a distance, to allow more light down to the adjacent rights-of-way, and to improve the aesthetic experience of the building from adjacent rights-of-way.”



Section 17. Section 2.200 through 2.235 pertaining to Compact Residential Zone is added to read as follows:

“CR: COMPACT RESIDENTIAL ZONE

2.200. PURPOSE.

The purpose of the Compact Residential (CR) Zone is to provide opportunities for modest scale residential development, including single-family homes on smaller lots, two-family homes, and cottage cluster development, incorporating open space between homes and with a strong orientation to the Columbia River and adjacent commercial and other residential areas.

2.205. USES PERMITTED OUTRIGHT.

The following uses and their accessory uses are permitted in this CR Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 2.215 through 2.230, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Arts and crafts studio.
2. Family day care center.
3. Home occupation, which satisfies the requirements of Section 3.095.
4. Single-family dwelling.
5. Two-family dwelling.
6. Carriage house dwelling, meeting the requirements of Section 3.050.
7. Cottage cluster development meeting the requirements of Section 3.050.
8. Residential home.

2.210. CONDITIONAL USES PERMITTED.

The following uses and their accessory uses are permitted in the CR Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 2.215 through 2.230, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Day care center, only in the community building of a cottage cluster development meeting the requirements of Section 3.050.
2. Public or semi-public use.
3. Temporary use meeting the requirements of Section 3.240.

2.215. SETBACKS.

Uses in the CR Zone will comply with the following minimum setback requirements or the setback requirements of applicable overlay zones, whichever requirements are greater.

1. The minimum front setback shall be 10 feet. Front steps are permitted to encroach into front setbacks.
2. The minimum side setback shall be five (5) feet, except on corner lots where the side setback on the street side shall be a minimum of 10 feet.

3. The minimum rear setback shall be 15 feet, except on corner lots where the rear setback shall be a minimum of five (5) feet.
4. Uses in the CR Zone that are part of a cottage cluster development will comply with the setback requirements in Section 3.050.

2.220. LOT SIZE AND DENSITY.

Uses in the CR Zone shall meet the following lot size requirements that are applicable to the particular use:

1. The minimum lot size for a single-family dwelling is 2,500 square feet. The maximum lot size for a single-family dwelling is 4,000 square feet.
2. The minimum lot size for a two-family dwelling is 4,000 square feet. The maximum lot size for a two-family dwelling is 6,000 square feet.
3. Uses in the CR Zone that are part of a cottage cluster development shall have a maximum density of 24 units/acre.

2.220. BUILDING SIZE.

Buildings in the CR zone shall meet the following building footprint and floor area requirements.

1. The maximum footprint for a primary building is 1,000 square feet. The maximum footprint for a dwelling unit and a garage is 1,400 square feet.
2. The maximum gross floor area for a primary building is 1,800 square feet.
3. Uses in the CR Zone that are part of a cottage cluster development are subject to the building size requirements in Section 3.050.

2.225. LANDSCAPED OPEN AREA.

1. Minimum landscaping for individual lots in the CR Zone shall be 20%, except for cottage cluster development.
2. Cottage cluster development shall be subject to common open space and private open space requirements in Section 3.050.
3. All landscaping shall meet the requirements of Sections 3.105 through 3.120 and applicable overlay zones.

2.230. HEIGHT OF STRUCTURES.

No structure will exceed a height of 28 feet above grade, except where applicable overlay zones allow otherwise.

2.235. OTHER APPLICABLE STANDARDS.

1. Access to garages, carports, or other parking areas shall be from an alley or from the street adjacent to the side yard of a corner lot. Driveways shall have a minimum depth of 16 feet.
2. Outdoor storage areas will be enclosed by appropriate vegetation, fencing, or walls.
3. All uses will comply with access, parking, and loading standards in Article 7, with the following exceptions:
 - a. Parking requirement for single-family, two-family, and carriage house dwelling units shall have at least:
 - 1) one parking space for each unit with a gross floor area of 700 feet or less (rounded up to the nearest whole number);
 - 2) 1.5 parking spaces for each unit with a gross floor area of 701 square feet or more (rounded up to the nearest whole number).
 - b. Parking in the CR Zone is permitted on a separate lot provided it is within 100 feet of the development. An easement or other acceptable document shall be recorded to assure that the separate lot for parking remains with the units it services.
4. Where feasible, joint access points and parking facilities for more than one use should be established.
5. Access drives and parking areas should be located on side streets or non-arterial streets.
6. Conditional uses will meet the requirements in Article 11.
7. Signs will comply with requirements in Article 8 and specifically, residential uses will comply with the specific regulations in Section 8.160.
8. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.

9. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
10. All uses will comply with the requirements of applicable overlay zones.”

Section 18. Section 14.035 through 14.065 pertaining to Civic Greenway Overlay Zone is added to read as follows:

“CGO: CIVIC GREENWAY OVERLAY ZONE

14.035. PURPOSE.

The purpose of the Civic Greenway Overlay Zone is to implement the land use principles of the Astoria Riverfront Vision Plan, dated December 2009, as they pertain to the Civic Greenway Plan Area. The Civic Greenway Overlay (CGO) Zone is intended to protect views of and access to the Columbia River, provide for an enhance open space and landscaping, support water-dependent uses consistent with Astoria’s working waterfront, and encourage modest scale housing in areas recommended for residential use. The CGO Zone extends from approximately 16th Street to 41st Street and between Marine Drive and the Columbia River as depicted on the City’s Zoning Map.

14.040. APPLICABILITY AND REVIEW PROCEDURES.

The provisions of the Civic Greenway Overlay Zone shall apply to all new construction or major renovation, where “major renovation” is defined as construction valued at 25% or more of the assessed value of the existing structure, unless otherwise specified by the provisions in this Section.

Review of applications in the Civic Greenway Overlay Zone is subject to the administrative procedures and approval of the Community Development Director established in Article 9.

A. Residential Development.

Applications may be reviewed administratively subject to the Design Review Standards in Section 14.065 or through the public design review process subject to the Design Review Guidelines in Section 14.025.

B. Non-Residential and Mixed Use Development.

Applications shall be reviewed through the public design review process subject to the Design Review Guidelines in Section 14.025.

14.045. USES PERMITTED OUTRIGHT FOR OVERWATER DEVELOPMENT.

The following uses and activities and their accessory uses and activities are permitted in the Civic Greenway Overlay Zone, if permitted outright in the base zone for the site, and subject to the other appropriate development provisions of this Section.

1. Small boat building and repair.
2. Water-dependent facilities including dock, moorage, pier, terminal, transfer facility and marina for commercial and recreational marine craft, for passengers, or for waterborne commerce.
3. Public pier.
4. Public use associated with a maritime use.
5. Navigational structure.
6. Shoreline stabilization.
7. Flowlane disposal of dredged material.
8. Pipeline, cable, and utility crossing.
9. Storm water and treated wastewater outfall.
10. Communication facility.
11. Temporary dike for emergency flood protection limited to 60 days subject to State and Federal requirements.
12. New dike construction.
13. Maintenance and repair of existing structure or facility.
14. Dredging and filling, pursuant to the applicable standards in Section 4.050 and 4.070, for any of the permitted uses 1 through 10 listed above.
15. The following water-related commercial and industrial uses:
 - a. Boat and/or marine equipment sales;
 - b. Fish or shellfish retail or wholesale outlet;
 - c. Charter fishing office;
 - d. Sports fish cleaning, smoking, or canning establishment;
 - e. Retail trade facility for the sale of products such as ice, bait, tackle, gasoline or other products incidental to or used in conjunction with a water-dependent use;
 - f. Eating and drinking establishment that provides a view of the waterfront, and that is in conjunction with an associated water-dependent use such as a marina or seafood processing plant;

- g. Cold storage and/or ice-processing facility independent of seafood processing facility.
- 16. Navigation aid.
- 17. Piling and pile supported structure as necessary for any of the permitted uses 1 through 16 listed above, or as necessary for any use permitted in the adjacent shoreland.

14.050. CONDITIONAL USES PERMITTED FOR OVERWATER DEVELOPMENT.

The following uses and activities and their accessory uses and activities are permitted in the Civic Greenway Overlay Zone as Conditional Uses, if permitted as a Conditional Use in the base zone for the site, and when authorized in accordance with Article 11, Conditional Uses. These uses and activities are also subject to the other appropriate development provisions of this Section. It must also be shown that these uses and activities are consistent with the purpose of the Civic Greenway Overlay Zone.

- 1. Active restoration.
- 2. Bridge crossing and bridge crossing support structure.
- 3. Water-dependent or water-related recreational use not listed elsewhere in this zone.
- 4. A use for which an exception to the Estuarine Resources Goal has been adopted as an amendment to the Astoria Comprehensive Plan.
- 5. Fill in conjunction with any of the conditional uses 1 through 4 listed above pursuant to the applicable standards in Section 4.050.
- 6. Dredging and filling, pursuant to the applicable standards in Section 4.050 and 4.070, for any of the conditional uses 1 through 5 listed above.
- 7. Dredged material disposal at sites designated for dredged material disposal in the Comprehensive Plan.
- 8. Dredged material disposal at sites not designated for dredged material disposal in the Comprehensive Plan, provided the dredged material is utilized as a source of fill material for an approved fill project.
- 9. Water-related commercial or industrial use other than those listed under Section 14.045(15) of this zone.
- 10. Piling as necessary for any of the conditional uses 1 through 9 listed above.
- 11. Temporary use meeting the requirements of Section 3.240.

12. Non-water dependent and non-water related uses may be located in existing, under-utilized buildings existing prior to 2013 provided the use does not preclude future water-dependent or water-related uses.

14.055. STANDARDS FOR OVERWATER DEVELOPMENT.

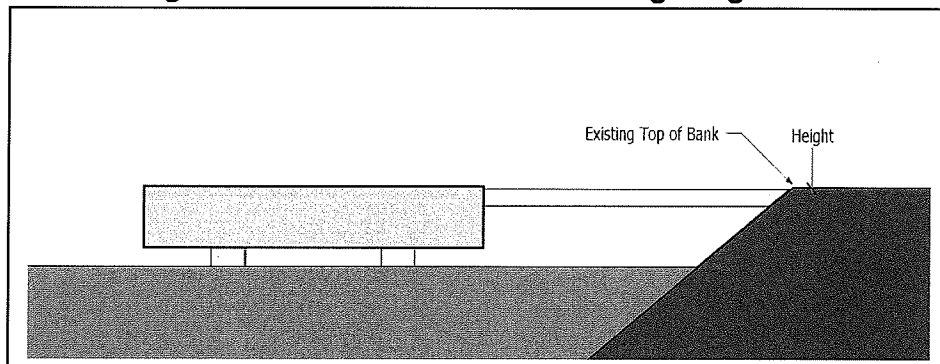
The following development standards apply to overwater development in the Civic Greenway Overlay Zone. The Overwater Development standards shall also apply to on-land development north of the River Trail / 50' wide railroad line property between 19th and 41st Streets. In the event of a conflict between this Section and other Sections of the Astoria Development Code, this Section shall control.

Maintenance, repair, or restoration of buildings existing prior to 2013 shall be exempt from the standards of this Section 14.055. Additions and/or new construction on these buildings shall be subject to these standards.

A. Height.

1. Maximum building height, except hand rails, shall be the top of the existing adjacent riverbank. No variance may be granted for an exception to this height limitation.

Figure 14.055-1: Maximum Building Height



2. 35th to 41st Street Exception.

For buildings located greater than 500' from the shoreline, the maximum height shall be 28' from the top of the existing adjacent riverbank. There shall be a minimum 75' wide, unobstructed view corridor separation between buildings.

B. Size.

1. The maximum gross floor area of enclosed structures is 4,000 square feet.
2. 35th to 41st Street Exception.

There shall be no maximum gross floor area for buildings located greater than 500' from the shoreline.

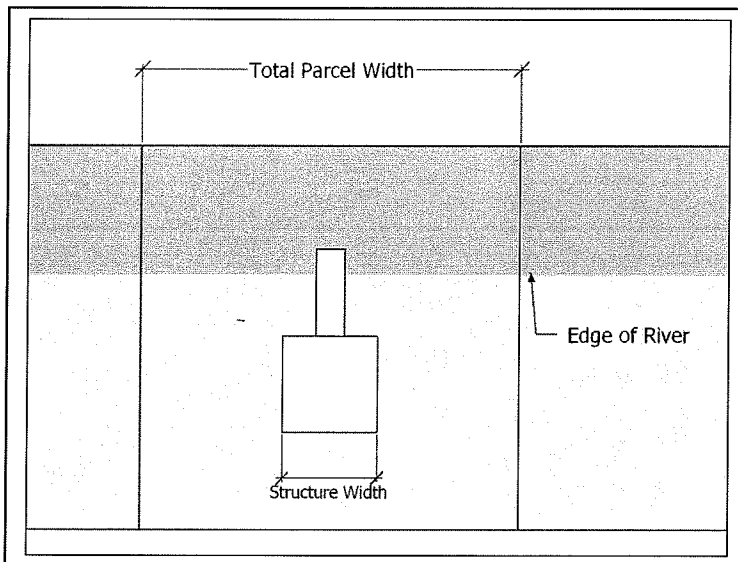
C. Width.

1. The maximum width of an overwater building is 25% of the total parcel width (measured along the parcel frontage adjacent to the Columbia River) or 50 feet, whichever is greater. In cases where total parcel width is 100 feet or less, the building width may be up to 25 feet.
2. 35th to 41st Street Exception.

The maximum width of an individual overwater building located greater than 500' from the shoreline shall be a maximum 50% of the total parcel width (measured along the parcel frontage adjacent to the Columbia River shoreline) or 150', whichever is less.

The maximum width of all overwater buildings located greater than 500' from the shoreline and located on a contiguous set of parcels under the same ownership shall be a maximum of 50% of the total width of the combined parcels (measured along the parcel frontage adjacent to the Columbia River shoreline).

Figure 14.055-2: Maximum Building Width



D. Access to the Columbia River.

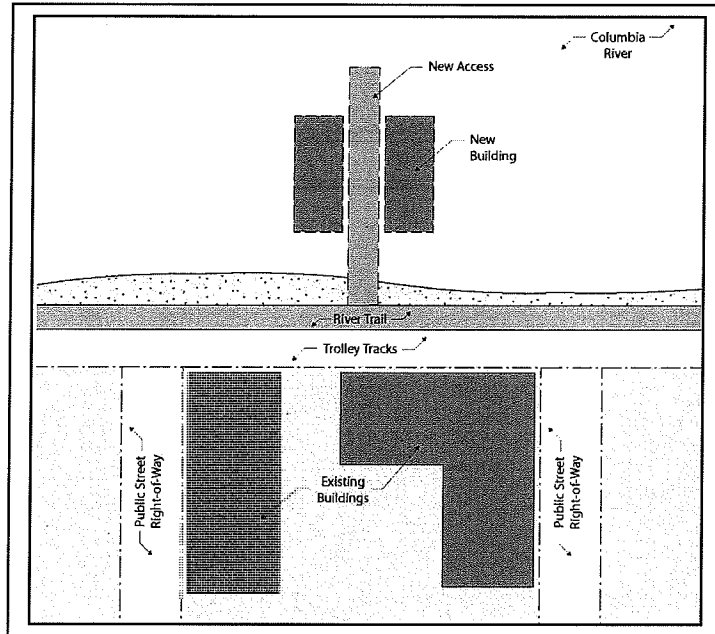
Access to the River shall be provided using piers and/or walkways as part of new construction and major renovations to structures constructed after the year 2013, where major renovation is defined as construction and alterations only to building exteriors valued at 75% or more of the assessed value of the existing structure.

Piers and walkways shall be constructed in accordance with Access Design A, Access Design B, or Access Design C, as shown and described below.

1. Access Design A - "Mid-Site Access".

This access design shall be provided in a public access easement provided through the middle of the development or structure.

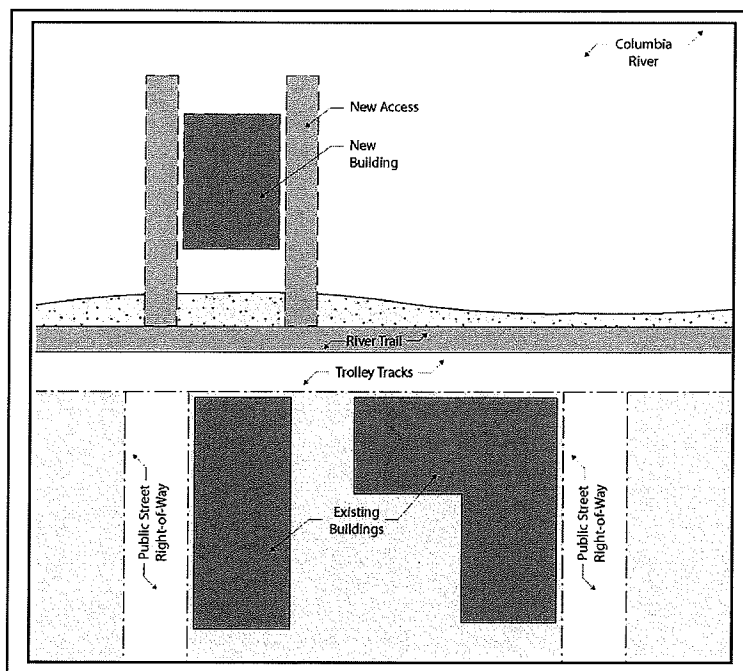
Figure 14.055-3: Access Design A



2. Access Design B - "Viewpoints".

This access design shall be provided through either existing right-of-way, right-of-way that is created and dedicated to the City, or a public access easement.

Figure 14.055-4: Access Design B



3. Access Design C – “Trail Extension”.

This access design serves as an extension of the River Trail and shall be provided through either existing right-of-way, right-of-way that is created and dedicated to the City, or easements for the piers on the east and west sides of the development. The boardwalk along the north side of the development shall be provided in a public access easement. [Note: Two possible scenarios are illustrated in the following figures for this option.]

Figure 14. 055-5: Access Design C.1

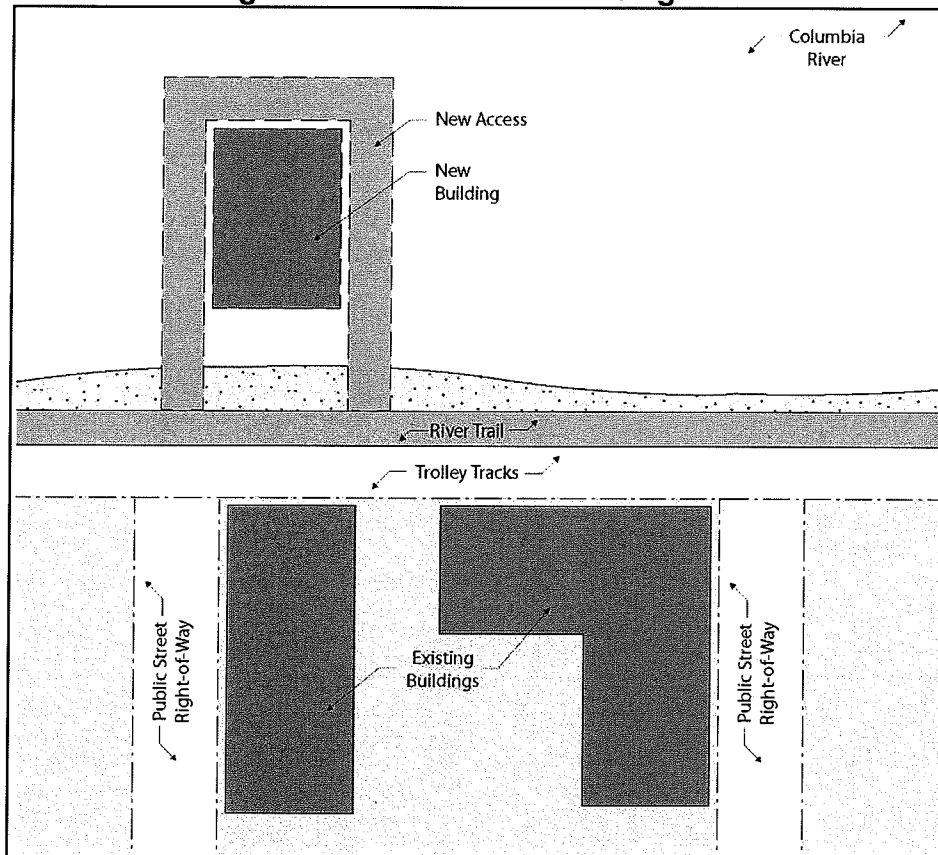
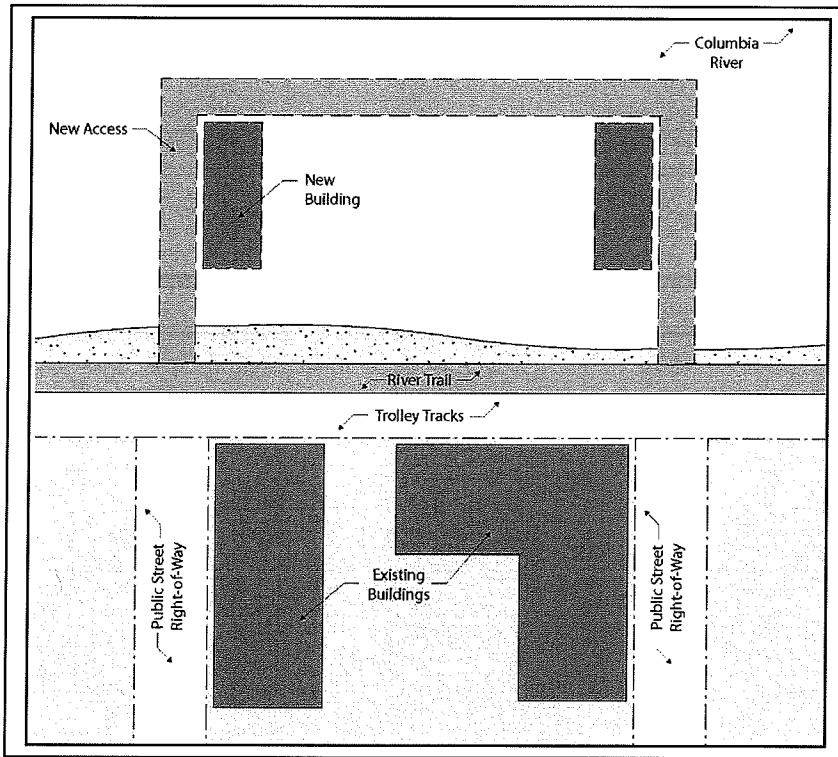


Figure 14.055-6: Access Design C.2



4. Pier and Walkway Width.

Minimum pier and walkway width is 10 feet if one side of the pier or walkway is developed with overwater structures. Minimum pier and walkway width is 14 feet if both sides of the pier or walkway are developed with overwater structures.

5. Pier and Walkway Length.

Piers and walkways shall extend beyond the north face of the overwater development a minimum length of 10 feet to ensure that the river is visible beyond the adjacent structure(s).

6. Hours of Access.

Access on overwater piers and walkways may be restricted during hours specified in City Code Section 5.926 to 5.928.

7. Maintenance Responsibility.

Responsibility for maintenance of the piers and walkway shall be established through a recorded maintenance agreement acceptable to the City.

E. Other Development Standards.

The Other Applicable Use Standards of the Gateway Overlay Zones (MH, FA, CA, HC, AH-HC, HR, LS, AH-MP) do not apply to overwater development in the Civic Greenway Overlay Zone.

14.060. STANDARDS FOR ON-LAND DEVELOPMENT.

The following development standards apply to on-land development in the Civic Greenway Overlay Zone south of the River Trail / 50' wide railroad line property. The Overwater Development standards shall apply to on-land development north of the River Trail / 50' wide railroad line property. In the event of a conflict between this Section and other Sections of the Astoria Development Code, this Section shall control.

A. Height.

1. Maximum building height is 28 feet.
2. Building height up to 35 feet is permitted when building stories above 28 feet are stepped back at least 10 feet in accordance with Section 14.060(C)(2).
3. Exceptions to building height restrictions may be granted through provisions in Section 3.075.

B. Setbacks.

A minimum view corridor width of 70 feet, centered on the right-of-way centerline, shall be provided on north-south rights-of-way between Marine Drive/Lief Erikson Drive and the Columbia River. Buildings shall be set back in order to achieve the 70-foot view corridor.

C. Stepbacks.

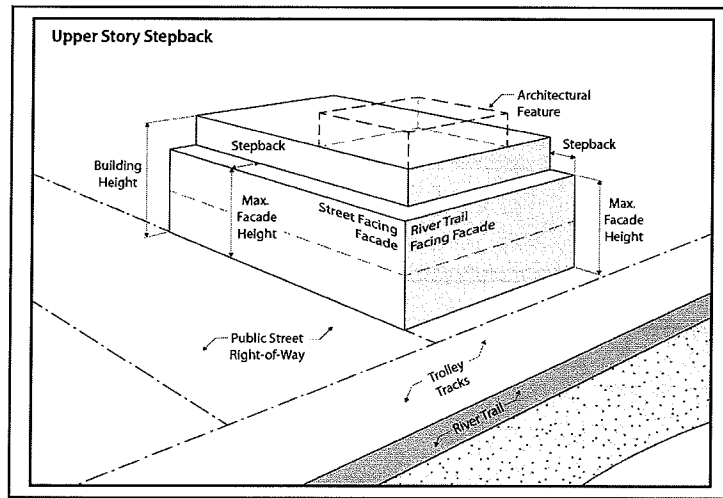
1. Purpose.

The purpose of a stepback is to allow for less obstructed views from above the building and to create a less imposing building scale as viewed from the street or parallel/adjacent trail. A stepback is also designed to allow more light down to the adjacent or fronting street, sidewalk, or trail.

2. Additional Building Height.

Where the height of a building or building addition is proposed to exceed 28 feet, at least that portion of the building exceeding 28 feet, shall provide a stepback of at least 10 feet from the front plane of the proposed building or building addition that faces the street or the River Trail.

Figure 14.060-1: Building Stepbacks



14.065. RESIDENTIAL DESIGN STANDARDS.

A. Residential Design.

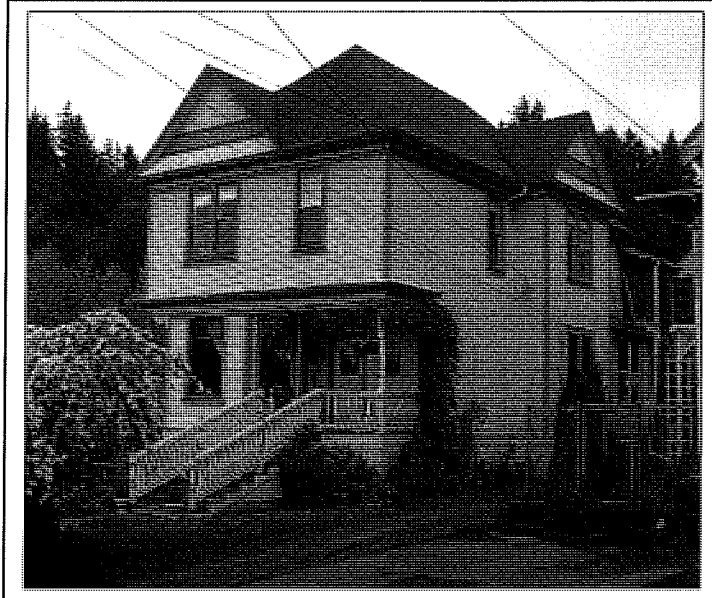
Residential development proposed in the Civic Greenway Overlay Zone may be reviewed in accordance with one of two review options: (1) pursuant to design review procedures and the design review guidelines applicable to all building types established in Article 14; or (2) pursuant to procedures for administrative review by the Community Development Director established in Article 9 and the following design review standards for residential development.

The following design standards apply to the administrative review of residential development and apply to all dwelling unit types (single-family, two-family, and multi-family dwelling unit buildings), unless specified otherwise.

1. Building Forms.

- a. All dwelling unit buildings shall be based on a rectangular or square form.
- b. Single-family and two-family dwelling units must have a front porch, at least six (6) feet deep and 60 square feet in area.

Figure 14.065-1: Residential Building Form

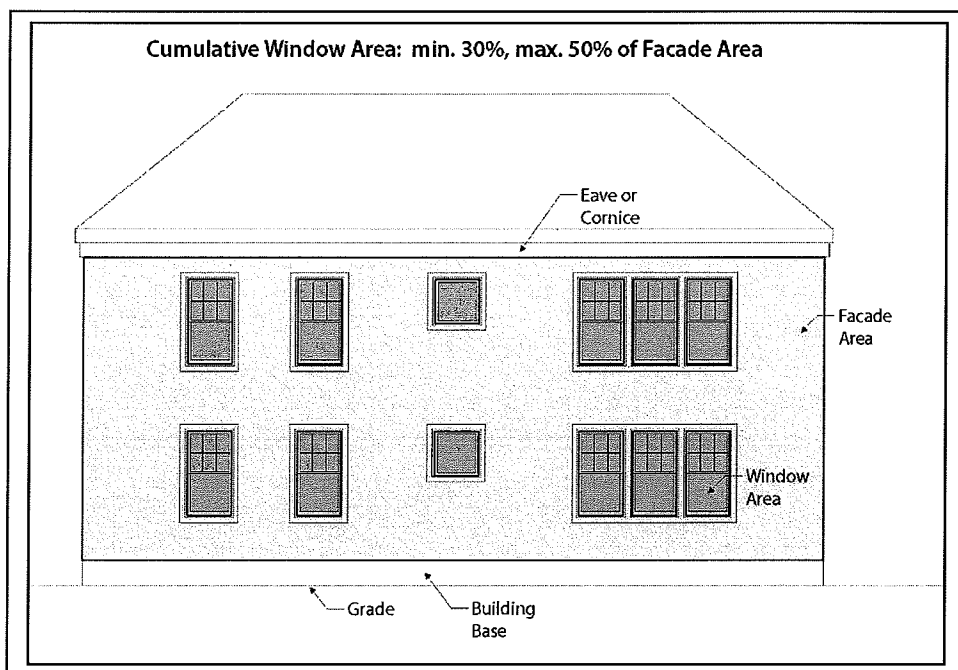


2. Window Design.

The following design standards apply to all façades for all dwelling unit types.

- a. Windows required. All façades facing a right-of-way, River Trail, or common open space shall have windows.
- b. Window area. Window area shall cover a minimum of 30% of all street-facing facade areas and shall not exceed 50% of street-facing facade areas.

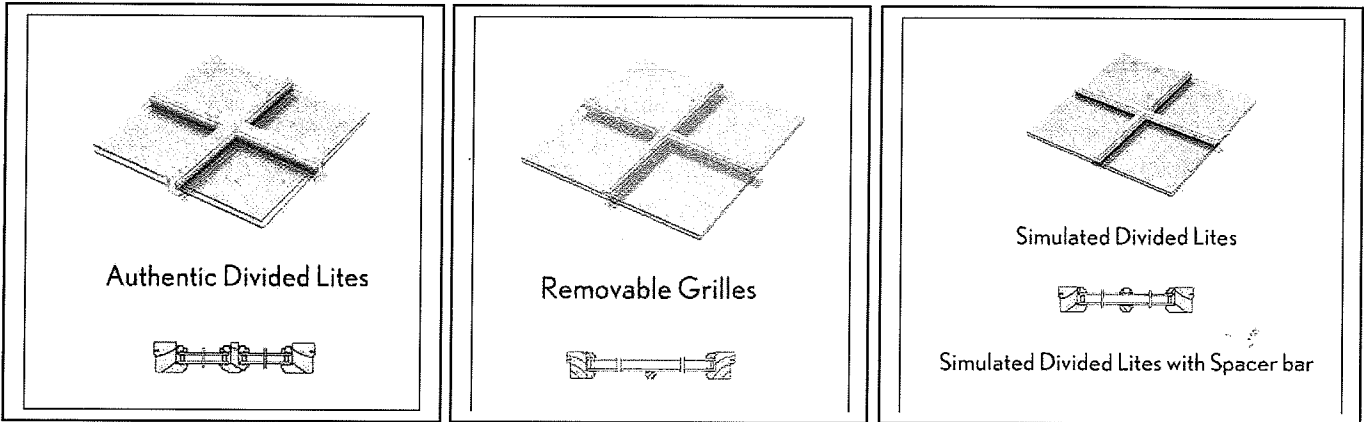
Figure 14.065-2: Window Area



c. Window lites. Window lite design shall be one of the following:

- 1) Single-lite windows; or
- 2) Multiple-lite true-divided windows; or
- 3) Combination of single and multiple-lite true-divided windows; or
- 4) Applied muntins with profile facing window exterior.

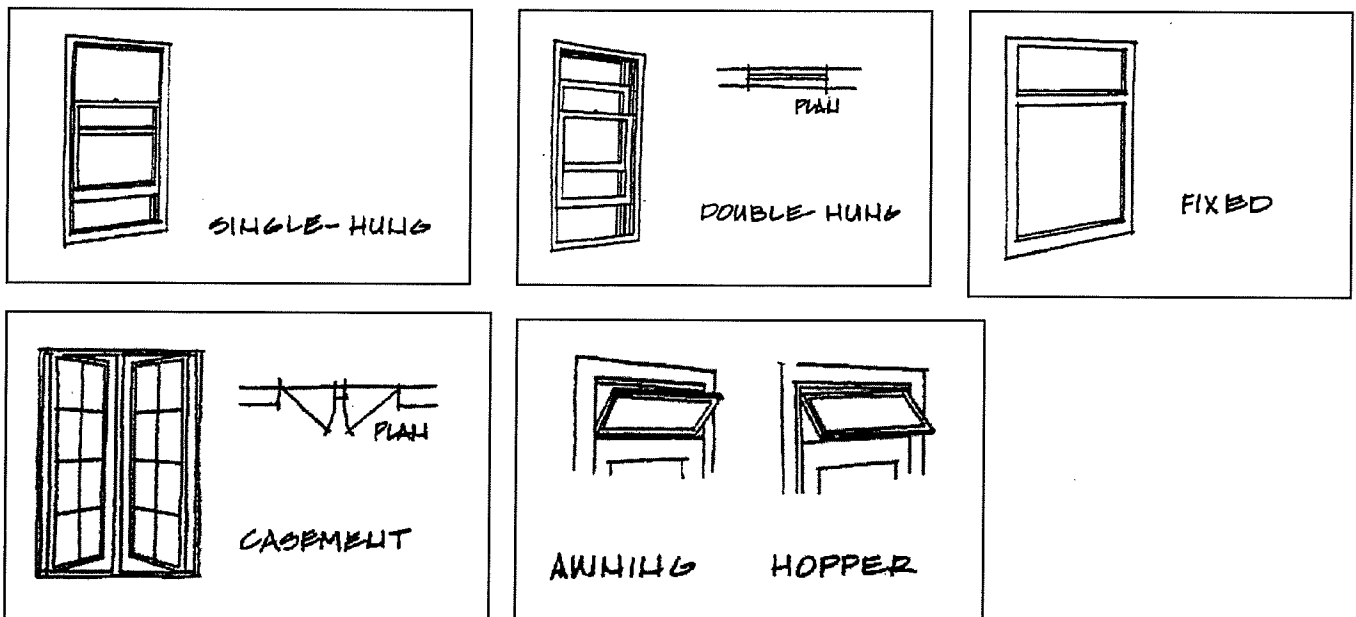
Figure 14.065-3: Window Lites



d. Windows shall be fixed or open in one of the following configurations:

- 1) Fixed window; or
- 2) Single-hung windows; or
- 3) Double-hung windows; or
- 4) Awning or hopper windows; or
- 5) Casement windows.

Figure 14.065-4: Fixed and Opening Windows

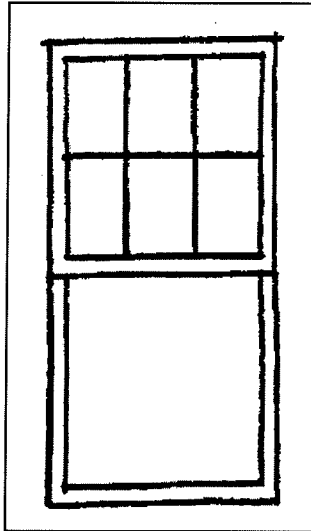


e. Window shape. Window shape shall be one of the following:

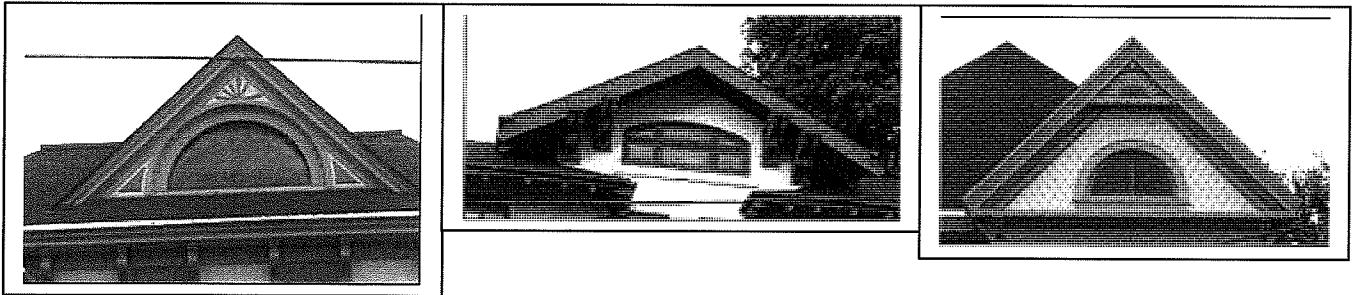
- 1) Vertical rectangle; or
- 2) Square.
- 3) Arched or decorative windows are permitted but should not exceed more than 30% of the total window coverage on all facades of the building.

Figure 14.065-5: Window Shapes

Vertical rectangular window



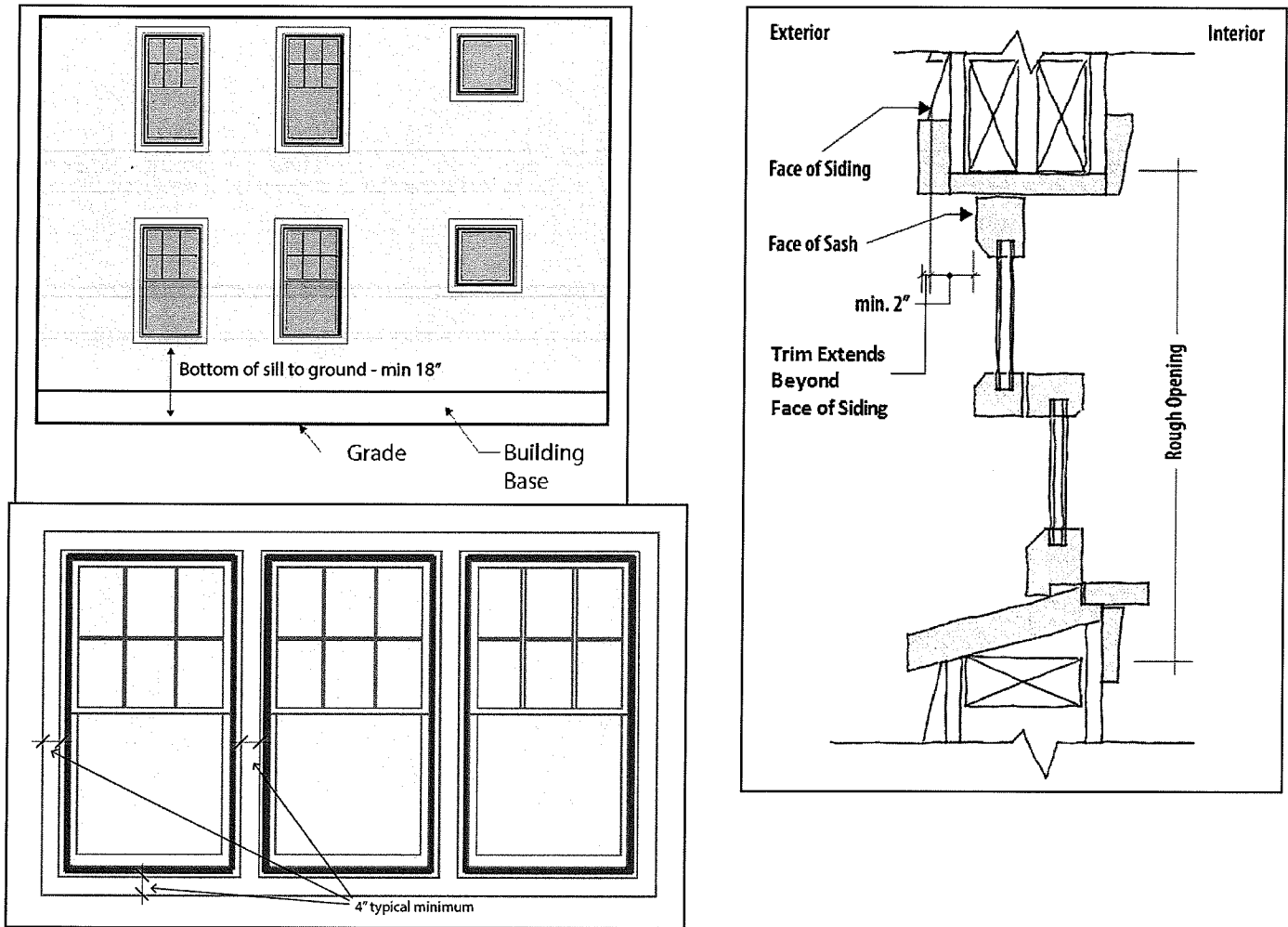
Examples of arched or decorative windows



f. Window detailing. Windows shall have casings/trim, sills, and crown moldings. Window detailing shall meet the following requirements.

- 1) Casings/trim shall have minimum dimensions of 5/4 inch x 4 inch and shall extend beyond the facade siding.
- 2) Windows shall be recessed a minimum distance of two (2) inches from the trim surface to ensure a shadow line/effect.
- 3) The bottom of the sill shall be a minimum of 18 inches above the ground or floor elevation.

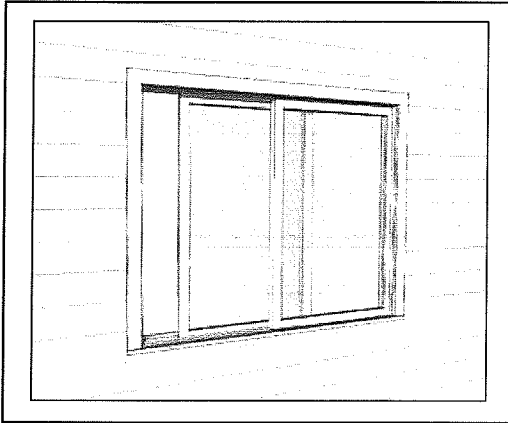
Figure 14.065-6: Window Detailing – Trim and casement location and dimensions



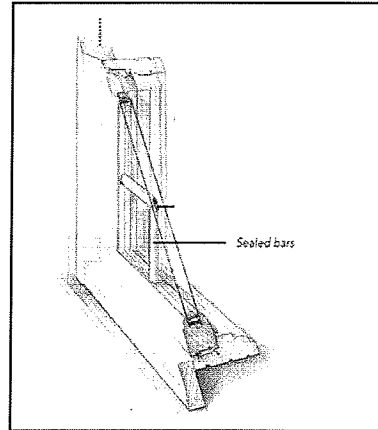
- g. Window design prohibited. The follow window design features are prohibited.
- 1) Applied muntins that have no profile.
 - 2) Smoked, tinted, or frosted glass, except for bathroom windows not on the street-facing facade.
 - 3) Mirrored glass.
 - 4) Horizontal sliding windows.
 - 5) Aluminum frame windows.

Figure 14.065-7: Window Design Prohibited

Horizontal sliding window



Muntins with no profile

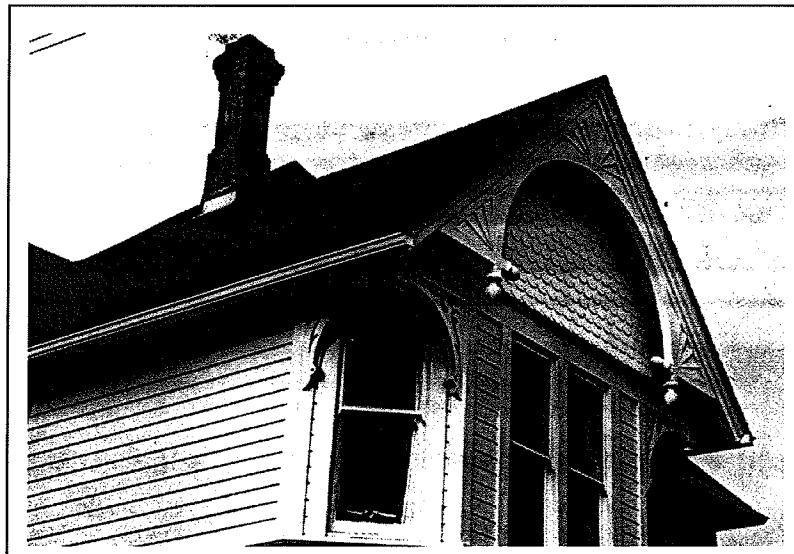
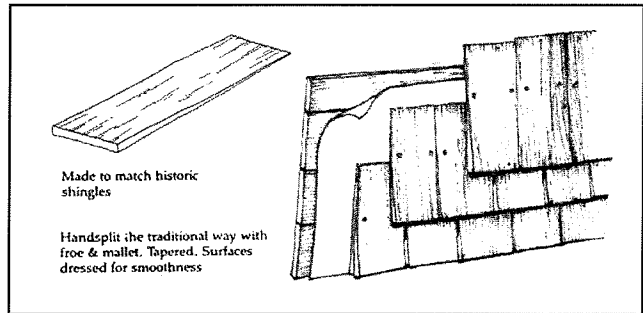
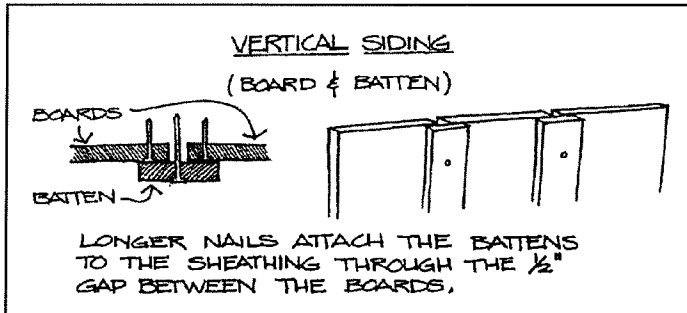
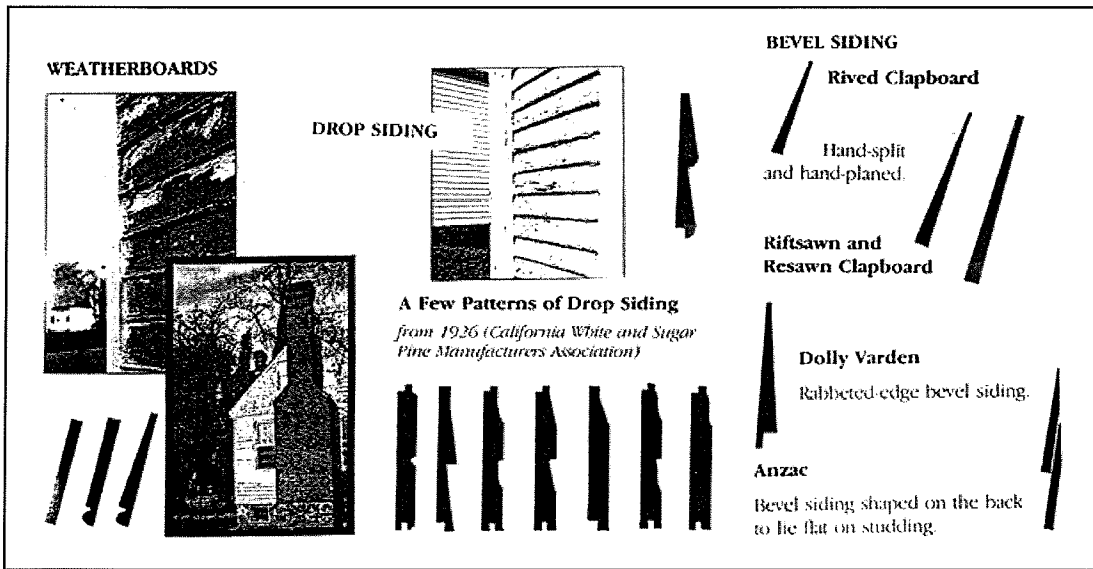


3. Exterior Wall Treatments and Materials.

The following design standards apply to all dwelling unit types.

- a. A minimum of 80% of exterior walls shall be constructed of one or more of the following sets of treatments and materials.
 - 1) Drop siding; or
 - 2) Weatherboard siding; or
 - 3) Clapboard; or
 - 4) Rectangular wood shingle; or
 - 5) Decorative wood shingle; or
 - 6) Board and batten.
- b. Horizontal siding shall have six inches or less exposure.
- c. Vertical board and batten shall have true battens.

Figure 14.065-8: Exterior Walls – Permitted Materials



- d. Paneled material shall be applied in a manner which avoids the occurrence of seams along the wall plane. Where seams cannot be avoided, they shall be located in a manner that relates logically to windows and other architectural features of the façade. Horizontal seams shall be covered by a trim board or cornice piece.

Figure 14.065-9: Exterior Walls – Seam Treatment

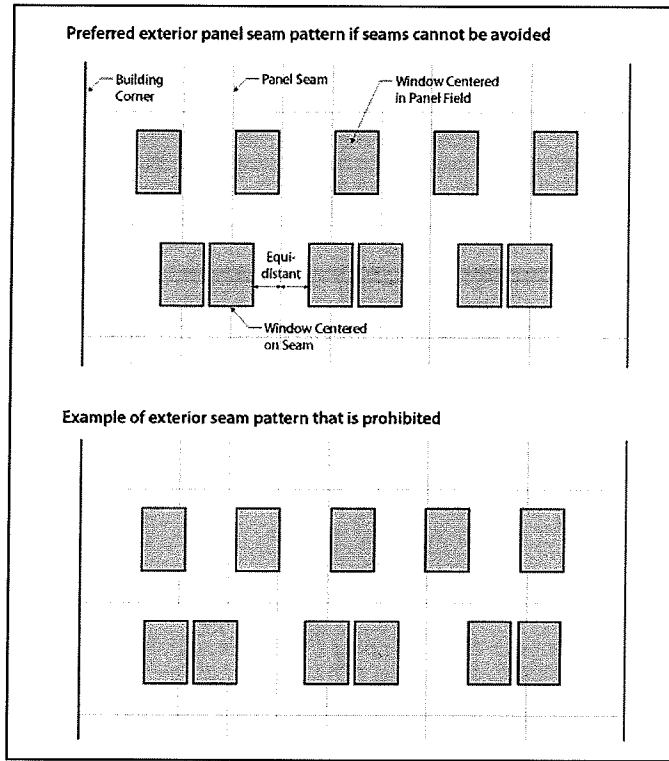
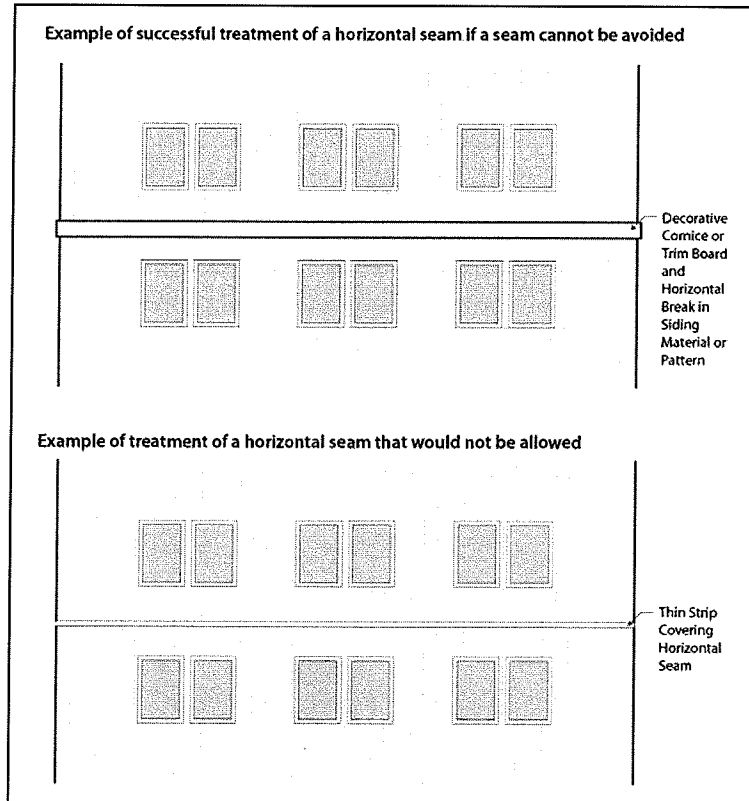


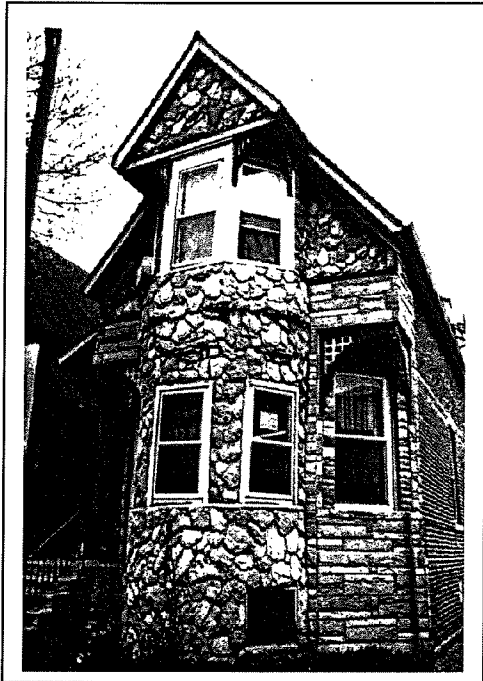
Figure 14.065-10: Exterior Walls – Horizontal Seam Treatment



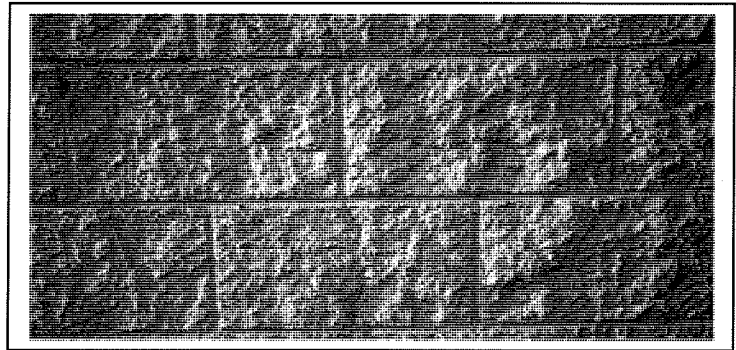
- e. Exterior wall treatments and materials prohibited. The following types of treatments and materials are prohibited.
- 1) Exposed textured concrete block.
 - 2) Flagstone or other applied stone products.
 - 3) Precast concrete or decorative concrete panels.
 - 4) Wood shakes.
 - 5) Plywood paneling.

Figure 14.065-11: Exterior Wall Treatments and Materials Prohibited

Applied stone



Textured concrete



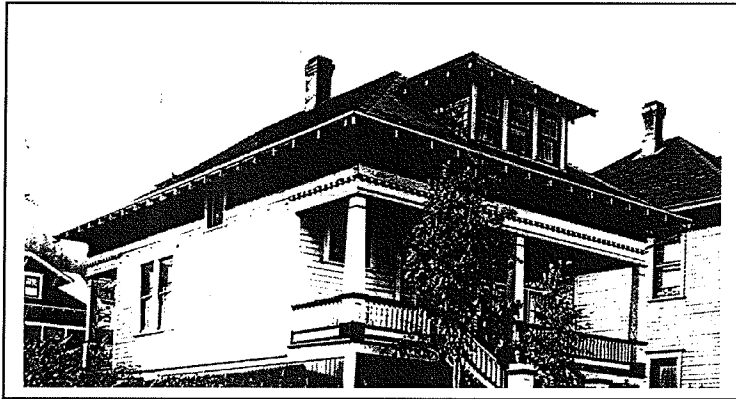
4. Roof Elements.

The following design standards apply to all dwelling unit types.

- a. Roof design shall be one of the following:
- 1) Steep (minimum 5:12 pitch) gable with broad (minimum 1 foot) eaves;
 - 2) Steep (minimum 5:12 pitch) hip with broad (minimum 1 foot) eaves; or
 - 3) An "Italianate" style hip, gable, or cube roof with a minimum roof pitch of 4:12 and broad (minimum 1 foot) eaves.

Figure 14.065-12: Roof Design Permitted

Steep pitched hip roof with broad eaves and dormer elements



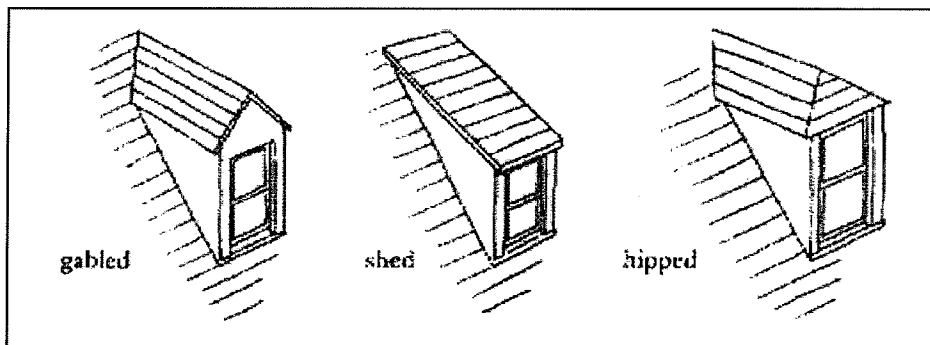
Italianate Roof



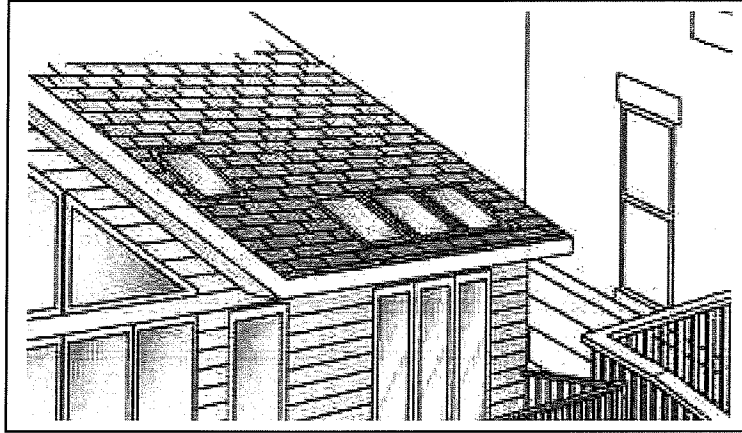
- 4) A roof may consist of sections of flat roof for up to 75% of the roof area.
- b. Roof elements permitted. The following roof design elements are permitted.
 - 1) Dormers with gable, hip, or shed roofs.
 - 2) Flat panel skylights or roof windows on secondary elevations.

Figure 14.065-13: Roof Elements Permitted

Gabled, shed, and hipped dormers



Flat panel skylights

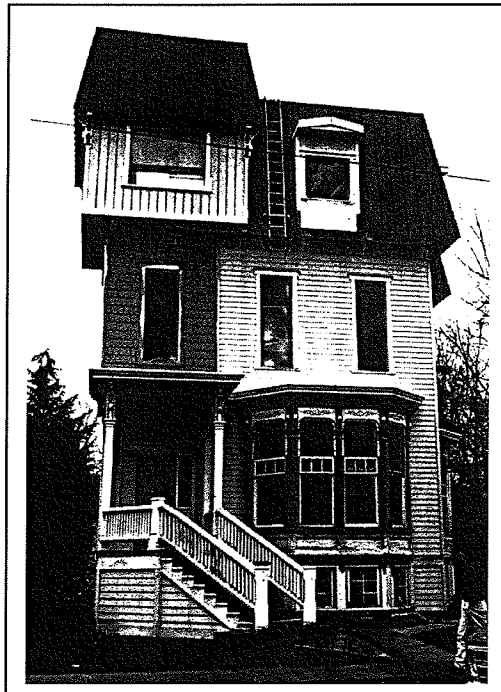


c. Roof elements prohibited. The following roof design elements are prohibited.

- 1) False mansard or other applied forms.
- 2) Dome skylights.

Figure 14.065-14: Roof Elements Prohibited

False mansard roof



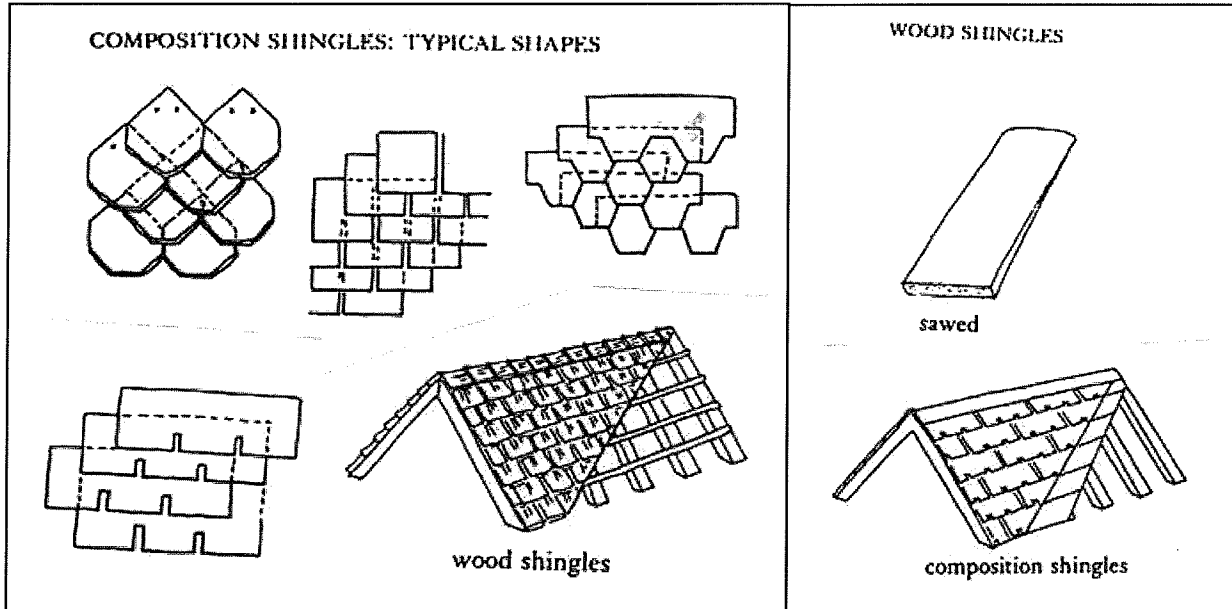
5. Roofing Materials.

The following design standards apply to all dwelling unit types.

- a. Roofing material. Roofing shall be one of the following materials:

- 1) Wood shingle; or
- 2) Composition roofing; or
- 3) Metal with no-profile seams or low-profile seams (less than 1/4 inch x 1 ¼ inch).

Figure 14.065-15: Roofing Material Permitted



- b. Roofing material color. Roofing material shall be gray, brown, dark green, black, or deep red. Other subdued colors may be approved by the Community Development Director.
- c. Roofing materials prohibited. The following roofing materials are prohibited.
 - 1) High profile standing seam (1/4 inch x 1 ¼ inch or greater) metal roof.
 - 2) Brightly colored roofing material, as determined by the Community Development Director.

Figure 14.065-16: Roofing Material Prohibited

High profile metal seam roof



6. Signs.

Signs are subject to the sign provisions in Section 8.040 and 8.160.

7. Doors.

The following design standards apply to all dwelling unit types.

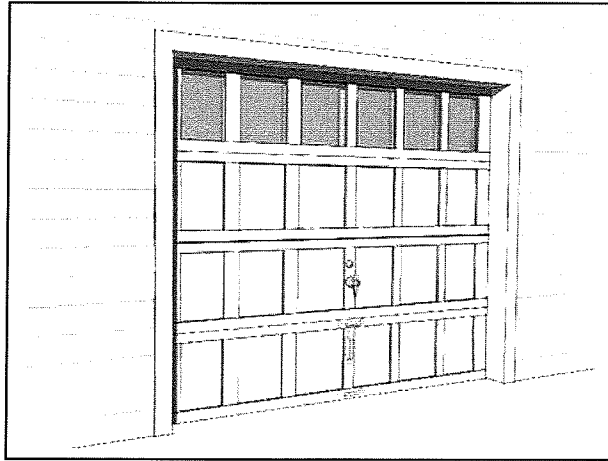
- a. Doors shall have at least one light (glass) panel.
- b. Sliding doors are not permitted on the ground floor of the front façade.
- c. All materials are permitted.
- d. Metal or metal-clad doors shall be painted.

8. Garage Doors.

The following design standards apply to attached and detached garages:

- a. Each garage door shall be a maximum of ten (10) feet in width and seven (7) feet in height.
- b. A minimum of 10% of each garage door shall be window panels, raised trim, or other architectural details.

Figure 14.065-17: Garage Doors Permitted



B. Other Development Standards.

1. Floor area ratios.

Floor area ratio and height standards in Section 14.030(B)(1) and Section 14.030(B)(2) of the Gateway Overlay Zone do not apply to on-land development in the Civic Greenway Overlay Zone. Other use standards in Section 14.030 apply.

2. Exterior lighting.

Outdoor lighting shall be designed and placed so as not to cast glare into adjacent properties. Light fixtures shall be designed to direct light downward and minimize the amount of light directed upward. The Community Development Director may require the shielding or removal of such lighting where it is determined that existing lighting is adversely affecting adjacent properties or contributing to light directed into the night sky.

3. Fences.

Fences located between the River Trail and the Columbia River shall not exceed a height of three (3) feet.

C. Landscaping.

Landscaping is required in the Civic Greenway Overlay Zone in accordance with the provisions in this Section and those in Section 3.120. The provisions in this Section apply to new construction or exterior renovations with a value of at least 20% of the assessed value of the structure, or in the event of installation of new parking areas

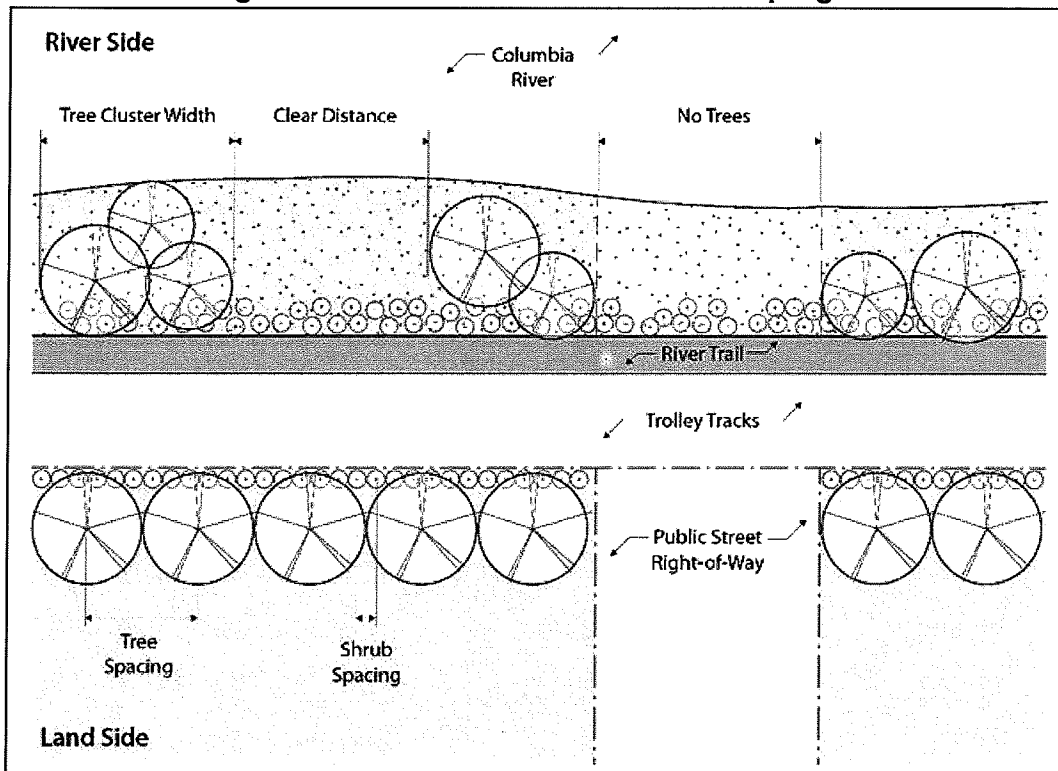
1. River side or riparian standards.

The following standards apply to required landscaping in the area between the River Trail and the shoreline, which is defined as the landward limit of Columbia River aquatic vegetation or, where aquatic vegetation is absent, the Mean Higher High Water.

a. Height and spacing.

- 1) Maximum shrub height is 30 inches.
- 2) Maximum width of clusters of trees is 50 feet.
- 3) Clusters of trees shall have a minimum of 50 feet clear between branches at maturity.
- 4) Trees are not permitted to be planted on the river side of the River Trail within the extended public right-of-way or view corridor extending from it for a distance of 70' centered on the right-of-way centerline.
- 5) Trees shall not exceed 35 feet in height at maturity
- 6) Maximum height of fences is three (3) feet.

Figure 14.065-18: River Side Landscaping



b. Native plants.

Landscaping shall consist of native plants from the list of recommended native trees, shrubs, grasses and groundcover listed in Section 14.065.C.4 below, or that are otherwise determined to be native plants. (*Flora of the Pacific Northwest* (1973) by Hitchcock & Conquist; *Gardening with Oregon Native Plants, West of the Cascades* (2008) by

Oregon State University Extension Service, or a comparable document recommended by the City staff will be the reference for determining other native plants.)

The Community Development Director, or designee, may approve plants that are not native if it is determined that the plant better addresses environmental constraints, habitat value, transparency, height, resilience, and maintenance needs.

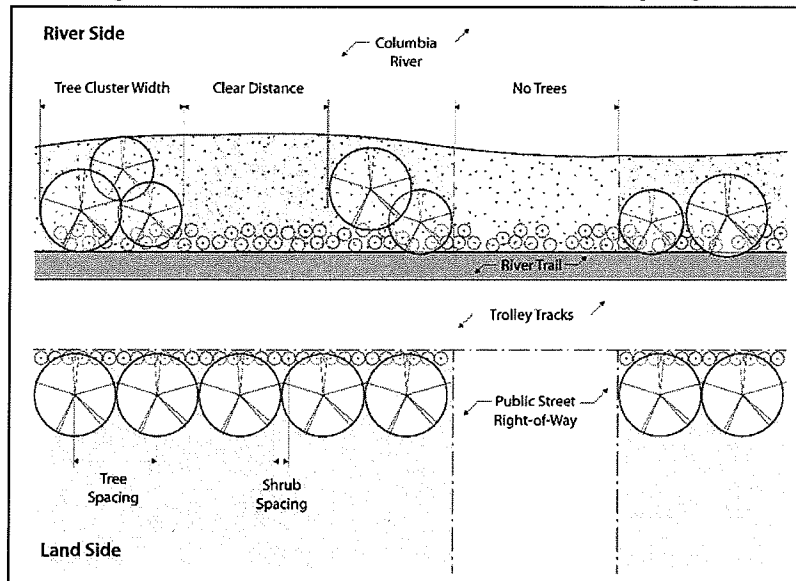
2. Land side or upland standards.

The following standards apply to required landscaping along the frontage of parcels abutting the River Trail to the south.

a. Height and spacing.

- 1) Maximum spacing of trees is 20 feet on center.
- 2) Maximum spacing of shrubs is five (5) feet on center.
- 3) Ground cover landscaping is required in between shrubs and trees.
- 4) Trees shall not exceed 35 feet in height at maturity

Figure 14.065-19: Land Side Landscaping



b. Parking area landscaping.

Landscaping required between parking areas, streets, and sidewalks in accordance with Section 3.120(A)(7) shall also be required between parking areas and the River Trail.

c. Landscaping credits for non-vegetation features.

- 1) The Community Development Director may approve non-vegetative features to account for up to 10% of required landscaping.
- 2) The Community Development Director may approve installation of non-vegetative features within the public right-of-way and/or River Trail to account for up to 25% of required landscaping when the non-vegetative features include at least one of the following amenities meeting the City approved design:
 - (a) bike rack
 - (b) bench
 - (c) table
 - (d) drinking fountain
 - (e) directional or interpretive/information signage
 - (f) trash or recycling container
 - (g) lighting
 - (h) restroom
- 3) An application proposing more than 25% of required landscaping be credited by non-vegetative features is subject to approval in accordance with procedures in Article 9 and Article 12.
- 4) Non-vegetative features allowed in the public right-of-way and/or on the River Trail in lieu of required landscaping shall be maintained by the applicant. There shall be a maintenance agreement or other City approved agreement. Failure to maintain or loss of the non-vegetative feature will result in the requirement for installation of the landscaping in accordance with the Code at the time of the loss.

3. Street Trees.

Street trees are required to be planted within the right-of-way along both sides of the street in the Civic Greenway Overlay Zone in accordance with the provisions in this Section and those in Section 14.030(D).

- a. Maximum height for street trees along north-south streets between Marine Drive and the Columbia River is 45 feet.
- b. Street trees along north-south streets between Marine Drive and the Columbia River shall have narrow profiles and/or be pruned to a maximum width of 15 feet.
- c. Street trees along north-south streets between Marine Drive and the Columbia River shall be one of the columnar species listed below, unless otherwise approved by the Community Development Director.

- d. Required street trees shall be maintained by the adjacent property owner and/or other identified entity. There shall be a maintenance agreement or other City approved agreement.
4. Native Plants.

The following is a list of recommended native plants for use in the Astoria riverfront area.

a. Trees

1) Native Trees

Acer circunatum - Vine Maple
Alnus rubra - Red Alder
Amelanchier grandiflora - Serviceberry
Malus fusca - Western Crabapple
Pinus contorta – Shore Pine
Rhamnus purshiana – Cascara

2) Street Trees - 15 feet diameter

Acer rubrum - Bowhall, R. Columnare
Fagus fastigiata - Dawyck Purple Beech

3) Trees for parking lots and other uses

Acer palmatum - Japanese maple varieties
Arbutus unedo - Strawberry Tree
Prunus serrulata - Kwanzan, Mt. Fuji, Shirofugen var.
Fraxinus pennsylvanica 'Patmore' - Raywood ash

b. Shrubs

1) Native Shrubs

Arbutus menziesii - madrone
Cornus sericea ssp. sericea - Red-osier Dogwood
Gaultheria shallon - salal
Oemleria cerasiformis - Indian Plum
Malus fusca - Western Crabapple
Myrica pacifica – Wax myrtle
Physocarpus capitatus - Pacific Ninebark
Prunus virginiana - Common Chokecherry
Ribes lobbii - Pioneer Gooseberry
Ribes sanguineum - Red Currant
Rosa gymnocarpa - Baldhip Rose
Rosa nutkana - Nootka Rose

Salix fluviatilis - Columbia River Willow
Salix hookeriana – Hookers Willow
Salix sessilifolia - Soft-leafed Willow
Salix sitchensis - Sitka Willow
Sambucus cerulea - Blue Elderberry
Sambucus racemosa - Red Elderberry
Spiraea douglasii - Douglas' Spirea
Symphoricarpos albus - Common Snowberry

2) Non native shrubs – widely used ornamentals with many varieties in each of the following plant groups

Barberry
Ceanothus
Cistus
Chaenomeles (Flowering quince)
Escallonia
Euonymus
Fuschia (hardy)
Laurel – 'Schipka'
Rhododendron
Rosa rugosa
Salix purpurea – Alaska blue willow
Syringa vulgaris - Lilac
Viburnum (Hydrangea, etc)

c. Herbaceous Perennials, Grasses and Groundcover Plants

1) Natives

Adiantum pedatum - Northern Maidenhair Fern
Alopecurus geniculatus - Water Foxtail
Aquilegia formosa - Red Columbine
Angelica arguta - Sharptooth Angelica
Arnica amplexicaulis var. piperi - Clasping Arnica
Aruncus sylvester - Goatsbeard
Aster Aruncus subspicatus - Douglas' Aster
Athyrium filix-femina - Lady Fern
Blechnum spicant - Deer Fern
Boykinia occidentalis - Slender Boykinia
Cardamine oligosperma - Little Western Bittergrass
Carex deweyana ssp. leptopoda - Dewey's Sedge
Carex unilateralis - One-sided Sedge
Chrysosplenium glechomaefolium - Pacific Water-carpet
Claytonia perfoliata or *Montia perfoliata* - Miner's Lettuce
Corydalis scouleri - Western Corydalis
Cyperus aristatus - Awned flatsedge
Cyperus erythrorhizos - Red-Rooted flatsedge

Cyperus strigosus - Straw-colored flatsedge
Dicentra formosa - Pacific Bleedingheart
Dicentra formosa ssp. oregana - Oregon Bleeding Heart
Epilobium ciliatum spp. glandulosum - Common Willow–reed
Epilobium ciliatum spp. watsonii - Watson’s Willow–reed
Festuca occidentalis - Western Fescue–grass
Festuca subuliflora - Coast Range Fescue–grass
Festuca subulata - Bearded Fescue–grass
Fragaria vesca var. bracteata - Wood Strawberry
Fragaria vesca var. crinita - Wood Strawberry
Galium trifidum - Small Bedstraw
Gentianella amerella spp. acuta - Northern Gentian
Geum macrophyllum - Oregon Avens
Heracleum lanatum - Cow–parsnip
Heuchera glabra - Smooth Alumroot
Heuchera micrantha - Smallflowered Alumroot
Juncus ensifolius - Dagger–leaf Rush
Lupinus rivularis - Stream Lupine
Mertensia platyphylla - Western Bluebells
Mitella pentandra - Five–stamened Mitrewort
Montia sibirica - Candy Flower
Oxalis trilliifolia - Trillium–leaved Wood–sorrel
Polypodium glycyrrhiza - Licorice Fern
Polystichum munitum - Sword Fern
Pteridium aquilinum - Bracken Fern
Pyrola asarifolia - Wintergreen
Scirpus cyperinus - Woolly Sedge
Streptopus amplexifolius - Clasping–leaved Twisted–stalk
Tellima grandiflora - Fringecup
Thalictrum occidentale - Western Meadowrue
Tiarella trifoliata - Laceflower Trillium
Vancouveria hexandra - White Inside-out Flower
Viola glabella - Stream Violet

2) Non-native ornamentals

Alchemilla mollis – Lady’s mantle
Aquilegia - Columbine
Ajuga
 Cranesbill geraniums
Digitalis – foxglove
Helebore
Heuchera – coral bells
Hosta
Lavandula - Lavender
Rosmarinus officinalis - Rosemary
 Sedums
Thalictrum – meadow rue”

Section 19. Astoria Development Code Section 3.090 pertaining to Cottage Cluster Development is added to read as follows:

“3.090. COTTAGE CLUSTER DEVELOPMENT.

A. Purpose.

A cottage cluster development is a small cluster of dwelling units appropriately sized for smaller households and available as an alternative to the development of typical detached single-family and two-family homes on individual lots. Cottage cluster development is intended to address the changing composition of households, and the need for smaller, more diverse, and often, more affordable housing choices. Providing for a variety of housing types also encourages innovation and diversity in housing design and site development, while ensuring compatibility with surrounding single-family residential development.

B. Ownership and Parcelization.

Cottage cluster developments may be sited on one commonly owned parcel with individual cottages owned in a condominium, cooperative, or similar arrangement, or cottages may be on individual lots with shared amenities and facilities owned in common. Applicants must submit proof that a homeowner's association or other long-term management agreement will be established to ensure the maintenance of development elements in common ownership.

C. Review Procedures.

1. Applications for cottage cluster development on a single lot will be reviewed by the Community Development Director.
2. Applications for cottage cluster development involving creation of multiple lots shall be reviewed in accordance with Article 13, Subdivision.

D. Standards.

Cottage cluster developments are subject to the following standards:

1. Density.

Cottages may be built up to the density established for cottage cluster development in the underlying zone.

2. Number of cottages.

A cottage cluster development is composed of four (4) to twelve (12) dwelling units.

3. Cottage design.

The cottages in a cottage cluster development are subject to the following standards:

a. Maximum floor area.

The gross floor area of each cottage shall not exceed 1,250 square feet.

b. Maximum footprint:

The footprint of each cottage unit shall not exceed 800 square feet, or 1,200 square feet including a garage. A communal garage or parking structure is permitted, and is not subject to the maximum footprint requirements for cottages.

c. Average size.

The average size of all dwellings combined within a cottage cluster development will be less than 1,050 square feet.

d. Maximum height.

The height of each cottage shall be the same as required by the underlying zoning and applicable overlay zoning.

e. Placement.

If cottages differ in size, smaller cottages shall be located adjacent to or in closer proximity than larger cottages to the adjacent public street or River Trail to which the development is oriented.

f. Setbacks.

The setbacks from adjacent property lines along the perimeter of the cottage cluster development shall be the same as required by the underlying zone. The minimum distance between all structures, including accessory structures, shall be in accordance with building code requirements (at least six (6) feet spacing between buildings).

g. Private open space.

Each cottage may have private open space for the exclusive use of the cottage residents. Private open space does not count towards the required common open space.

h. Orientation of cottages.

Cottages shall be clustered around the common open space. Each cottage shall have a primary entrance and covered porch oriented to the common open space. All cottages shall be within 10 feet from the common open space, measured from the façade of the cottage to the nearest delineation of the common open space.

Lots in a cottage cluster development are not required to abut a public right-of-way, except that the parent parcel shall have frontage on a public right-of-way in accordance with Subsection D.8.a of this Section.

i. Common Open Space.

The design of the common open space shall not use unusable lot area or projections to meet the requirement for common open space. Unusable lot area includes, but is not limited to, foundation landscaping, enlarged or enhanced parking strips or sidewalks, narrow strips of land, or small dead zones of the lot.

j. Public street facing facades.

Cottages abutting a public right-of-way or River Trail shall have a secondary entrance or a porch, bay window, or other major architectural feature oriented to the public right-of-way or the River Trail. Garage or carport entrances may not face a public right-of-way or the River Trail.

k. Porches.

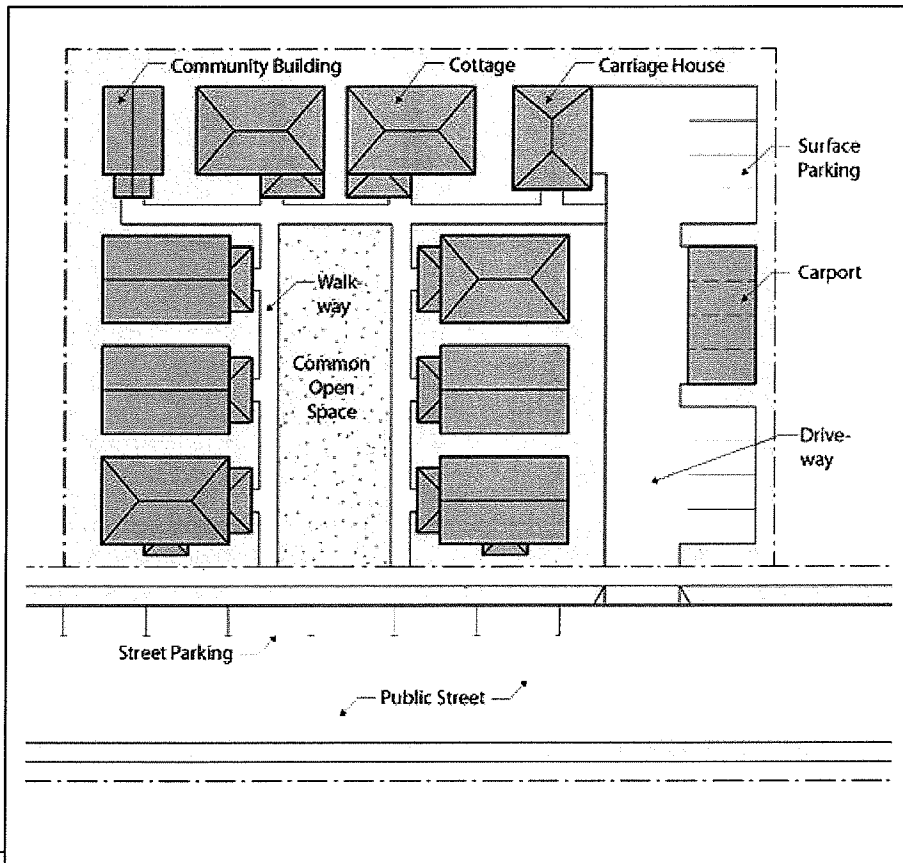
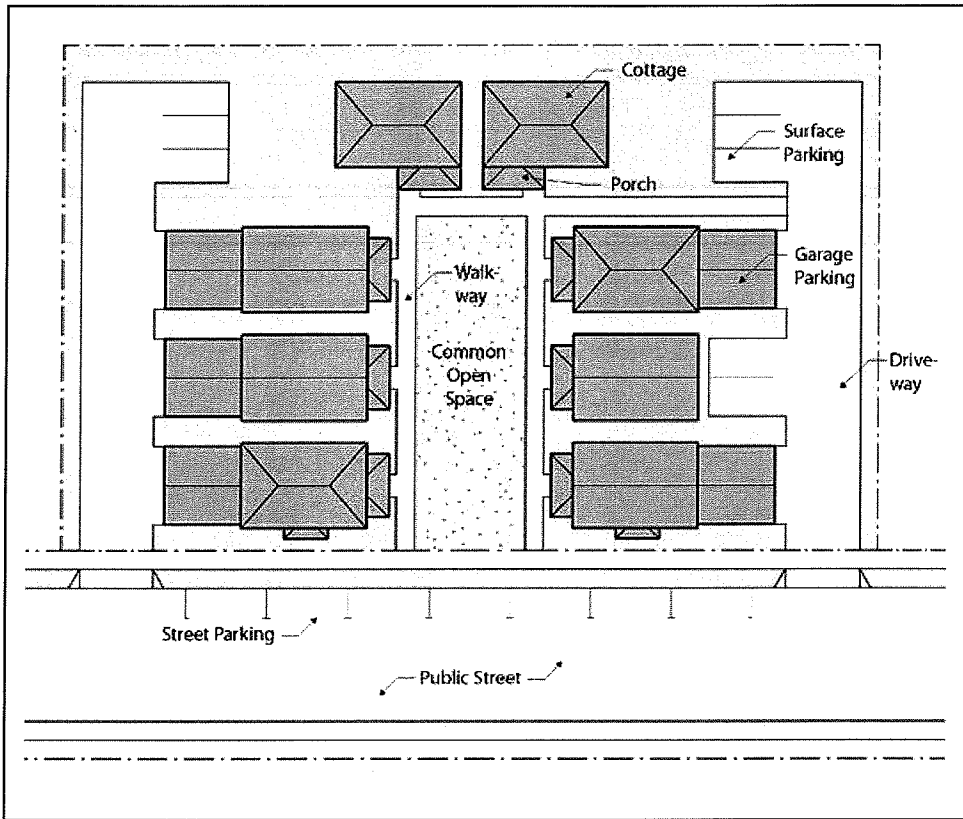
Each cottage shall have a covered open porch that shall be oriented toward the common open space and that shall be at least six (6) feet in depth measured perpendicular to the abutting building facade and at least 60 square feet in area.

4. Community buildings.

Cottage cluster developments may include community buildings that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. They shall have a footprint of no more than 800 square feet and may not exceed one story in height. Their design, including the roof lines, shall be similar to and compatible with that of the cottages within the cottage cluster development.

Figure 3.090-1: Cottage Cluster Development Layout

[Note: Two alternative layouts are included to illustrate key elements of the Cottage Cluster requirements.]



5. Common open space.

Cottage cluster developments shall have a common open space in order to provide a sense of openness and community of residents. Common open space is subject to the following standards:

- a. Each cottage cluster development shall contain a minimum 2,000 square feet of common open space regardless of the number of cottages in the cluster, and not less than 400 square feet of common open space per cottage.
- b. The common open space shall be in a single, contiguous, useable piece.
- c. Cottages shall abut the common open space on at least two sides of the open space.
- d. Parking areas, required yards, private open space, and driveways do not qualify as common open space.

7. Parking. Parking for a cottage cluster development is subject to the following standards:

- a. Minimum number of parking spaces.

Cottage cluster developments shall have at least one parking space for each unit with a gross floor area of 700 feet or less and 1.5 parking spaces for each unit with a gross floor area of 701 square feet or more (rounded up to the nearest whole number).

- b. Guest parking.

Cottage cluster developments shall have at least 0.5 additional guest parking spaces for each cottage in the development, rounded up to the nearest whole number. These spaces shall be clearly identified as being reserved for guests.

- c. Reduction in number of required parking spaces.

The required number of guest parking spaces may be reduced by the number of on-street parking spaces on public streets adjacent to and immediately abutting the cottage cluster development.

- d. Clustering and parking structures.

Parking areas may be arranged in clusters limited to no more than five contiguous spaces. Clustered parking areas may be covered. Up to two (2) carriage house dwelling units are permitted on the second floor of a parking structure, with a maximum of one (1) carriage house dwelling

unit per four (4) cottages (rounded to the nearest whole number).
Parking structures may or may not be located on the same lot as the cottage they serve. Parking structures shall not be located within a common open space and are required to be screened from view from common open space areas.

e. Parking access.

Parking areas shall be accessed only by a private driveway or public alley. No parking space may access a public street directly. No parking space may be between a public street and cottages abutting the public street.

f. Design.

The design of garages, carports, and parking structures, including the roof lines, windows, and trim, shall be similar to and compatible with that of the cottages within the cottage cluster development.

g. Screening.

Landscaping or architectural screening at least three feet tall shall separate parking areas and parking structures from the common area and public streets. Solid fencing (e.g., board, cinder block) shall not be allowed as an architectural screen.

h. Location.

Parking can be grouped and located on a separate lot within 100 feet of an edge of the cottage cluster development.

8. Frontage, access, and walkways.

a. Frontage.

The parent parcel shall have frontage on a public street. If individual lots are created within the cluster development, each lot shall abut the common open space, but is not required to have public street frontage.

b. Access.

No part of any structure shall be more than 150 feet, as measured by the shortest clear path on the ground, from fire department vehicle access, unless the building has a fire suppression system.

c. Walkways.

A cottage cluster development shall have sidewalks abutting all public streets. A system of interior walkways shall connect each cottage to the common open space, parking areas, private driveways, any community buildings, the sidewalks abutting any public streets bordering the cottage cluster development, and other pedestrian or shared use facilities such as the River Trail. Sidewalks abutting public streets shall meet the width requirements established in the Astoria Engineering Design Standards, and interior walkways shall be at least four (4) feet in width.

9. Interior fences.

Fences on the interior of the cottage cluster development shall not exceed three (3) feet in height and shall not consist of solid (e.g., board, cinder block) fencing.

10. Existing structures.

On a lot or parcel to be used for a cottage cluster development, an existing detached single-family dwelling that may be nonconforming with respect to the requirements of this section may remain, but the extent of its non-conformity may not be increased. Such dwellings shall count towards the number of cottages allowed in the cottage cluster development.

F. Conflicts.

In the event of a conflict between this Section and other Sections of the Astoria Development Code, this Section shall control.”

Section 20. Astoria Development Code Section 1.300 pertaining to Establishment of Zones is hereby amended with the addition to read as follows:

“Civic Greenway Overlay	CGO
Compact Residential	CR”

Section 21. Astoria Development Code Section 8.160, pertaining to Sign Regulations is hereby deleted in its entirety and replaced to read as follows:

“8.160. R-1, R-2, R-3, CR, AH-MP, AND PD ZONES SIGN REGULATIONS.

For all uses and sites in the R-1 (Low Density Residential), R-2 (Medium Density Residential), R-3 (High Density Residential), Compact Residential (CR), AH-MP (Attached Housing - Mill Pond for residential uses), and PD (Planned Development) Zones, the sign regulations of Table 1 apply. All allowed signs must also be in conformance with the sign regulations of Sections 8.070 through 8.080.”

Section 22. Astoria Development Code Section 14.015 pertaining to General Provisions in the Gateway Overlay Zone is hereby amended with the addition to read as follows:

- “9. Civic Greenway Overlay Zone (CGO)
- 10. Compact Residential Zone (CR)”

Section 22. 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 Pro Tem

ROLL CALL ON ADOPTION: YEA NAY ABSENT

Commissioner LaMear
 Herzig
 Mellin
 Warr

Mayor Van Dusen

**AMENDMENT REQUEST
A14-02**

**RIVERFRONT VISION PLAN
IMPLEMENTATION
ORDINANCE**

FINDINGS OF FACT

BEFORE THE ASTORIA PLANNING COMMISSION
OF THE CITY OF ASTORIA

IN THE MATTER OF A AMENDMENT)

FOR THE FOLLOWING PROPERTY: MAP T8N-R9W)
CIVIC GREENWAY AREA - 16TH STREET TO 41ST STREET,)
MARINE DRIVE TO THE COLUMBIA RIVER, ASTORIA OR 97103)

ORDER NO. A14-02

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

The above named applicant applied to the City for Amendment A14-02 to amend the Development Code to implement the Riverfront Vision Plan in the Civic Greenway Area (16th to 41st Streets, Marine Drive to the Columbia River); add Compact Residential Zone; add Civic Greenway Overlay Zone; add clear and objective design standards for residential development; renumber several zones and overlay zone; misc. related changes with new code references; and rezone the area on the north half of the blocks between Marine Drive and the Columbia River from 30th to 32nd Streets, from C-3 (General Commercial) zone to CR (Compact Residential) zone at Civic Greenway Area - 16th Street to 41st Street, Marine Drive to the Columbia River, Astoria, Oregon 97103.

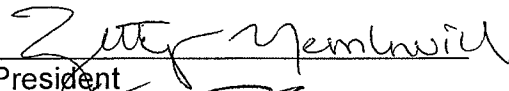
A public hearing on the above entitled matter was held before the Astoria Planning Commission on May 27, 2014; and the Astoria Planning Commission closed the public hearing and rendered a decision at the May 27, 2014 meeting.

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.*

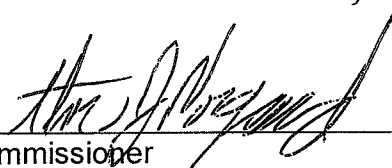
DATE SIGNED: JULY 22, 2014

DATE MAILED: 7-23-14

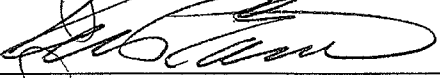
ASTORIA PLANNING COMMISSION



President




Commissioner



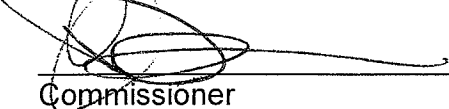
Commissioner

Commissioner



Commissioner

Commissioner



Commissioner



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

July 15, 2014

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER

SUBJECT: AMENDMENT REQUEST (A14-02) ON RIVERFRONT VISION PLAN
IMPLEMENTATION ORDINANCE

Background

At its June 24, 2014 meeting, the Astoria Planning Commission closed the public hearing on the Amendment Request (A14-02) concerning the implementation ordinance for the Civic Greenway Area of the Riverfront Vision Plan. Since the public hearing was closed, any written testimony received since the last meeting will not be transmitted to the Commission along with this memorandum. Letters received since the last APC meeting will be presented to the City Council for their consideration at a City Council public hearing on this matter.

At the June 24 meeting, the APC determined that there was general consensus on the issues related to on-land development including the design guidelines and standards, landscaping, Compact Residential Zone, cluster development, and other site development standards. The APC recommended City Council approval on the portion of the ordinance concerning the land area of the proposed amendments. However, there were several issues concerning the over-water standards that the APC determined needed additional discussion at the next meeting.

The following is a list of the key issues that were still pending after that meeting.

1. Height of development over-water

It was generally agreed that "top of bank" should be the maximum height for over-water development for much of the Plan area. The majority of Commissioners agreed that no variance from that height limitation should be established for portions of the area. There was discussion as to whether the "no variance" option should apply to 16th to 31st/35th Street or if it should apply to the entire area 16th to 41st Street. The proposed ordinance states that no variance may be granted to the bank height limitation for the entire area.

2. Development at the East End Mooring Basin

The draft ordinance proposes exceptions to building height, size, and width for development 500' from the shoreline between 35th and 41st Streets. This would allow

for some development in this area while preserving the broad vistas and views for the majority of the Civic Greenway Area.

3. Restaurants

The APC was split on the concept of allowing restaurants to be constructed over-water in the 35th to 41st Street area. The majority of APC members agreed that a restaurant could be allowed if it is associated with a water-dependent use. The draft ordinance includes restaurants associated with a water-dependent use as an allowable use.

4. Land Development North of the Railroad / River Trail Property

Towards the end of the last meeting, the APC agreed that on-land development north of the Railroad / River Trail Property would have the same impact as over-water development in that same area. It was agreed that the over-water development standards would also apply to this shoreline land area. There are very few areas that could accommodate on-land development. The draft ordinance includes language to include the land area north of the River Trail to be subject to the same standards as over-water development in that area.

After the meeting, staff realized that one land area north of the River Trail is already developed with the Columbia River Maritime Museum (CRMM). This is the largest land area north of the River Trail. Therefore, the draft ordinance has been amended to state *"The Overwater Development standards shall also apply to on-land development north of the River Trail / 50' wide railroad line property between 19th and 41st Streets."* This draft would exclude the land area between 16th and 19th Street from the overwater standards. All other standards for development of this site would apply.

Recommendation

Staff recommends that the APC approve the draft ordinance and adopt the Findings of Fact to recommend that the City Council approve the Amendment Request. A public hearing will be held at the City Council meeting prior to their decision on adoption.

This memo is incorporated as part of the Findings of Fact on Amendment A14-02.



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

July 15, 2014

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER

SUBJECT: AMENDMENT REQUEST (A14-02) ON RIVERFRONT VISION PLAN
IMPLEMENTATION ORDINANCE

I. BACKGROUND SUMMARY

A. Applicant: Community Development Department
City of Astoria
1095 Duane Street
Astoria OR 97103

B. Request: Amend the Development Code and Zoning map to implement the Riverfront Vision Plan in the Civic Greenway Area (16th to 41st Streets, Marine Drive to the Columbia River); add Compact Residential zone; add Civic Greenway Overlay zone; add clear and objective design standards for residential development; renumber several zones and overlay zone; misc. related changes with new code references; and rezone the area on the north half of the blocks between Marine Drive and the Columbia River from 30th to 32nd Streets, from the C-3 (General Commercial) zone to CR (Compact Residential) zone.

C. Location: City-wide

II. BACKGROUND

In 2008-2009, the City of Astoria developed the Riverfront Vision Plan (RVP) to address issues dealing with open space, land use, and transportation issues along the Columbia River. Significant public involvement opportunities were designed to gain public input. This process was initiated to plan for these issues in a comprehensive manner and to set a framework for the future of the study area. The City's north Riverfront (Columbia River to West Marine / Marine Drive / Lief Erikson Drive) was divided into four Plan areas of development: Bridge Vista (Port/Smith Point to 2nd Street), Urban Core (2nd to 16th Street), Civic Greenway (16th to 41st Street), and Neighborhood Greenway (41st Street to east end of Alderbrook Lagoon).

During the Plan development, four community-wide forums, three open houses, and numerous community meetings were held at various locations within the four Plan areas.

In addition, staff and/or consultants conducted stakeholder interviews, distributed and tabulated surveys. Development of the Vision Plan was structured to gain as much public input as possible. On December 7, 2009, after holding a final public hearing, the City Council accepted the Riverfront Vision Plan. For Fiscal Years 2011-2012, 2012-2013, and 2013-2014, the City Council set goals to "Implement Riverfront Vision Plan on a Zone by Zone Basis."

At its August 2, 2012 meeting, the City Council approved submittal of a funding application to the Department of Land Conservation and Development (DLCD) to fund code writing activities for up to two areas of the Riverfront Vision Plan. The funding would be a Transportation Growth Management (TGM) grant through the Oregon Department of Transportation (ODOT). On October 22, 2012, the City was notified that the project had been approved for funding. Under the TGM program, no cash is provided to the City and ODOT uses the services of planning firms already under contract with ODOT.

The proposed Code Assistance Project is for the implementation phase of the Astoria Riverfront Vision Plan. Phase 1 of the project would develop land use codes and/or new zones for the Civic Greenway Plan Area. Phase 2 of the project would develop land use codes and/or new zones for the Bridge Vista Plan Area, contingent upon available funds as approved by TGM staff.

The consultant team identified to work on this project is Angelo Planning Group. One of the project team members is Matt Hastie, who was directly involved in development of the Riverfront Vision Plan. The project includes public involvement opportunities held during Planning Commission work sessions. The final product would be code amendments and land use zoning map amendments which would ultimately be presented to the City Council for consideration of adoption. There would be two separate approval processes for Phase 1 and Phase 2.

As a first step in this process to address the Civic Greenway Plan Area, the project team prepared a Code Evaluation Report summarizing development code issues to be addressed in drafting amendments. The Civic Greenway Plan Area is generally located from Columbia River Maritime Museum to 41st Street at Abbey Lane and the River to Marine / Lief Erikson Drive. After reviewing the Code Evaluation Report, the Astoria Planning Commission and the project team began drafting preliminary code amendment language to address selected code issues for the Civic Greenway Plan Area. The team divided the amendments into three sections to allow for adequate review of the draft code amendments with the Planning Commission and public. The Planning Commission held five public work sessions (October 22, 2013, December 3, 2013, January 7, 2014, January 28, 20, February 25, 2014) on the draft amendments with mailed, e-mailed, and published notification to the general public and to anyone who has expressed interest in the Riverfront Vision Plan or implementation process. A presentation to the City Council on the progress made to date was held on April 7, 2014. The work sessions have been well attended.

The RVP for the Civic Greenway Planning Area identified Land Use Assumptions and Objectives which state that *"It is expected that large amounts of overwater development will not occur in the Civic Greenway ..."* The objectives include:

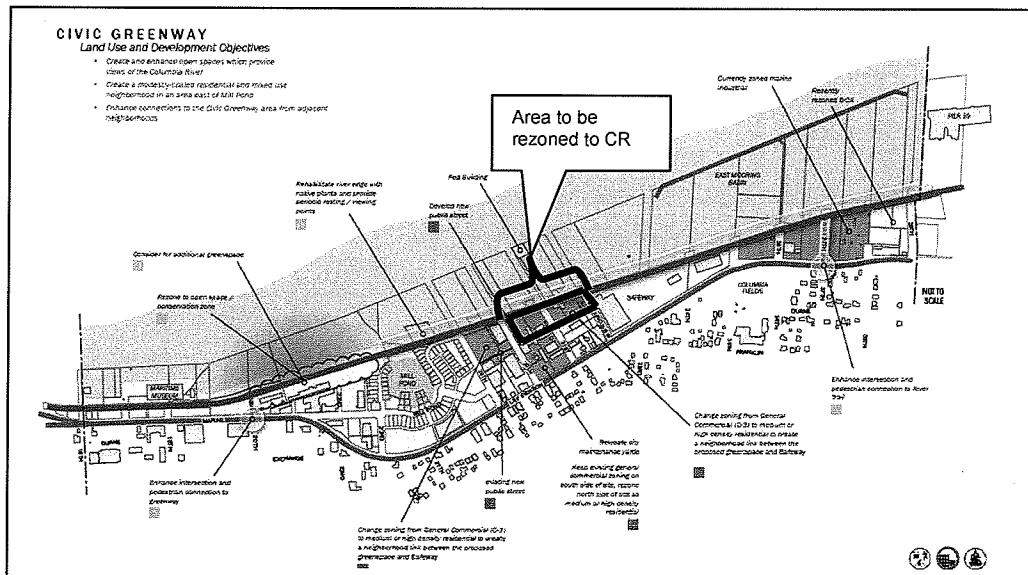
- Protect river vistas to maintain physical and visual connections to the river.
- Create and enhance open spaces which provide views of the river.
- Encourage maritime related uses consistent with Astoria's working riverfront such as docks, piers and associated uses.
- Create a modest scale residential and mixed use development east of Mill Pond.
- Architectural design standards or design review is recommended for all future development in this area.

Throughout the RVP implementation process, the Planning Commission (APC) focused on these Assumptions and Objectives and did not attempt to change the Vision Plan as adopted. There was discussion and public comment during the work sessions on the interpretation of these objectives.

At work sessions through Commissioner feedback and straw votes, the Planning Commission ultimately developed a set of proposed amendments to implement the Civic Greenway Plan Area. Implementation of recommendations from the Riverfront Vision Plan in the Civic Greenway Plan Area will take the form of both map amendments and code amendments.

Proposed map amendments will include:

1. Rezone the northern half of the blocks between 30th Street and 32nd Street from C-3 (General Commercial) to the new Compact Residential Zone (CR).
2. Extend the Gateway Overlay (GO) Zone to cover the Civic Greenway Plan Area.
3. Apply the new Civic Greenway Overlay (CGO) Zone to the Civic Greenway Plan Area.



Proposed text/code amendments will include:

1. Add a new Compact Residential (CR) Zone to allow for smaller cottage cluster development on the land side of the River Trail in the Civic Greenway Area.
2. Add a new Civic Greenway Overlay Zone to address the standards for:
 - over-water and waterfront development including building height, building mass, width of structures, allowable uses, landscaping, and public access to the water, etc.;
 - land side development including building heights, setback, stepback, and landscaping; and
 - river access requirements.
3. Add new provisions for Cottage Cluster Development detailing the location, size, orientation, public open space, etc. for compact residential development.
4. Add new “clear and objective” design standards for residential uses in the Gateway Overlay Zone and Civic Greenway Area.
5. Make “housekeeping” amendments related to the new CR Zone and CGO Zone. This will include renumbering the Gateway Zones to Article 2 and renumbering all Overlay Zones to Article 14.

III. PUBLIC REVIEW AND COMMENT

A. Astoria Planning Commission

A public notice was mailed to Neighborhood Associations, various agencies, and interested parties on May 2, 2014. In accordance with ORS 227.186(5), a notice was mailed on May 2, 2014 to all property owners within the area and within 250' of the area proposed for the code and map amendments advising that “. . . the City of Astoria has proposed a land use regulation that may affect the permissible uses. . .” of their or other property. In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on May 20, 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 public hearing was opened at the May 27, 2014 APC meeting and was continued to and closed at the June 24, 2014 meeting.

The APC's recommendation will be forwarded to the City Council for public hearing tentatively at the August 18, 2014 City Council meeting.

B. City Council

Should the APC make a recommendation at their July 22, 2014 meeting, a public notice will be mailed to Neighborhood Associations, various agencies, and interested parties on July 25, 2014 for a public hearing at the City Council meeting on August 18, 2014. In accordance with Section 9.020, a notice of public hearing will be published in the Daily Astorian on August 11, 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.*
2. *A zone change action that the Community Development Director has designated as legislative after finding the matter at issue involves such a substantial area and number of property owners or such broad public policy changes that processing the request as a quasi-judicial action would be inappropriate.”*

Finding: The proposed amendment is to amend the text of the Astoria Development Code Article 2 concerning Use Zones, and Article 14 concerning Overlay Zones. The amendment would create new overlay zone standards. The request is also to amend the Astoria Land Use and Zoning Map to create a new Compact Residential (CR) Zone. The Code is applicable to a large area of the City. Processing as a legislative action is appropriate.

- C. Section 10.070(A)(1) concerning Text Amendments, 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 City adopted the Riverfront Vision Plan in 2009 to address the changing needs and desires of the citizens concerning Riverfront development and the need to protect the environment. The City Council directed staff to initiate Development Code amendments to implement the Plan recommendations. The renumbering of various sections of the Code creates a more useable format for the Development Code sections.

2. CP.010(2), Natural Features states that *“The City will cooperate to foster a high quality of development through the use of flexible development standards, cluster or open space subdivisions, the sale or use of public lands, and other techniques. Site design which conforms with the natural*

topography and protects natural vegetation will be encouraged. Protection of scenic views and vistas will be encouraged.”

Finding: The proposed amendments will implement the Riverfront Vision Plan for the Civic Greenway Area. The amendments include design standards for development, protection of scenic views and vistas, and the development of a Compact Residential Zone and new cluster development standards.

3. CP.010(3), Natural Features states that *“Density of housing developments in a planned unit or cluster subdivision will be consistent with the density of the zone in which it is located; however, a mixture of housing types will be encouraged in order to promote diverse neighborhoods and to preserve open space.”*

Finding: The proposed cluster development standards and new CR Zone allow for a mixture of housing types and encourages a compact neighborhood that preserves communal open space as well as protects the Riverfront open space vistas and views. The density of the CR Zone is less than, but consistent with, the neighborhood due to the location of the CR Zone adjacent to the existing C-3 Zone which allows denser multi-family dwellings.

4. CP.015(1), General Land & Water Goals states that *“It is the primary goal of the Comprehensive Plan to maintain Astoria's existing character by encouraging a compact urban form, by strengthening the downtown core and waterfront areas, and by protecting the residential and historic character of the City's neighborhoods. It is the intent of the Plan to promote Astoria as the commercial, industrial, tourist, and cultural center of the area.”*

CP.015(1), General Land & Water Goals states that *“Because of the City's strong water orientation, the Plan supports continuing regional efforts to manage the Columbia River estuary and shorelands. The City's land use controls, within this regional context, will be aimed at protecting the estuary environment and at promoting the best use of the City's shorelands.”*

Finding: The proposed amendments create a new Compact Residential Zone and new cluster development standards. This addresses the need to encourage a compact urban form. The design and landscaping standards protect the historic character of the City and waterfront areas. The reduction in allowable uses and development along the shoreland in this area, and the use of native vegetation will help protect the estuary environment. The proposed ordinance is intended to provide the guidance to help achieve these goals.

5. CP.020(2), Community Growth, Plan Strategy, states that *“New small scale industrial growth will be encouraged on the scattered sites identified in the Economic Section of the Plan. Major port development will be encouraged*

at the existing Port docks and at the East End Mooring Basin. North Tongue Point is considered a major deep draft port expansion area for use as a cargo handling and shipping facility. South Tongue Point is primarily designated for multiple water-dependent uses requiring medium draft water access."

CP.020(2), Community Growth, Plan Strategy, states that "The Columbia River waterfront is considered a multiple use area. The development of this area is to be encouraged in a flexible manner, under the shorelands and estuary section."

CP.185(A.3), Regional Estuary and Shoreland Policies, Deep Water Navigation, Port and Industrial Development, states that "Development, improvement and expansion of existing port sites is preferred prior to designation of new port sites."

CP.185(H.2), Regional Estuary and Shoreland Policies, Fisheries and Aquaculture Policies, states that "Sufficient space for present and anticipated needs shall be reserved for the following uses: Fishing vessel moorage; seafood receiving and processing; boat repair; gear storage; ice making; cold storage; other seafood industry support facilities."

CP.203, Economic Development Goal 4 and Goal 4 Policies, goal states "Continue to encourage water-dependent industries to locate where there is deep water, adequate back-up space, and adequate public facilities." Policies states "1. Maintain areas of the City in order to provide sufficient land for water dependent as well as non-water dependent industries."

CP.210(1), Economic Element, Economic Development Recommendations, states that "The City should reevaluate its Plan and zoning designation for its waterfront in light of the decline of the fishing industry. The reevaluation should focus on the waterfront's potential for tourist oriented development. Plan policies and implementing measures should be developed to encourage and promote tourist oriented development of the waterfront. Possible rezonings should include the A-1 area between 6th and 10th Streets, and in the vicinity of the former Samuel Elmore Cannery between Columbia Avenue and 1st Street."

Finding: While the proposed amendments create new design criteria and limit development within the Civic Greenway Area, it does not prohibit development. It would allow flexibility for some limited development. Structure height, width, and size would be regulated so there would not be large amounts of over water from 16th to 41st Street. It is anticipated that there may be future development at and around the East End Mooring Basin that would be compatible with the Riverfront Vision Plan for this area such as moorage, and other piers and dock activities. However, seafood industry, and other maritime related buildings would require larger facilities. Therefore, for the established East End Mooring Basin area between 35th Street and 39th Street which is currently owned by the Port and in private

ownership, it is proposed that if a structure is located 500' from the shoreline, that it may be 28' high and a maximum width of 150' with no limitation on the square footage of the building. This would allow some development in this area where some overwater and in-water activity has occurred in the past while preserving the broad vistas as viewed from the River Trail and adjacent properties.

The proposed allowable uses within the Civic Greenway Area eliminate some of the non-maritime related uses from the A-1 and A-2 Zones within this area. The allowable uses would support marinas, docks, piers, water-related commercial and industrial uses, and the associated maintenance related uses such as dredging, piling, and utilities. The following is a list of uses proposed to be eliminated from the Civic Greenway Area that are currently allowed in the A-1 and A-2 Zones. These uses would continue to be allowed within the A-1 and A-2 Zones in other portions of the City.

Current Allowable Uses	A-1 Zone	A-2 Zone
Water dependent commercial or industrial use	Outright	Outright
Mining and mineral extraction	Conditional Use	Conditional Use
In-water log dump, sorting operation	Conditional Use	
Aquaculture and water dependent portion of aquaculture facility		Conditional Use
Eating and drinking establishment not associated with a water depended use such as marina/seafood processing		Conditional Use
Hotel, motel, inn, bed and breakfast		Conditional Use
Tourist oriented retail sales		Conditional Use
Indoor amusement, entertainment, and/or recreation establishment		Conditional Use
Professional and business office, personal service establishment, residence, arts and crafts meeting the requirements of Section 2.540.10 (limited to upper stories or 25% max of first floor)		Conditional Use
Conference Center		Conditional Use
Public use in conjunction with the CRMM – <i>removed reference to CRMM and changed to maritime related use</i>		Outright

As noted in this Comprehensive Plan Section, the North and South Tongue Point areas are the areas identified for deep and medium draft water access development. The East End Mooring Basin is not identified as a “deep water” site and there is limited shoreland space for the supporting facilities for a deep water site. The requirements for shoreland and estuary development in Development Codes Articles 4 and 5 would remain applicable to any development in this area.

The rezoning of the C-3 Zone adjacent to the River Trail to CR Zone would create a new residential neighborhood that is compatible with the River Trail development and would buffer it from the more intrusive commercial development along Marine Drive. This area is not conducive to maritime related industries as it is not immediately accessible to the waterfront as it sits south of the trolley line and does not abut the River and shoreland. It would not eliminate any shoreland/maritime related zoned land.

6. CP.020(7), Community Growth, Plan Strategy, states that *“Future development of the Gateway Overlay Area should be planned in accordance with the Gateway Master Plan. Special attention should be given to architectural design, landscaping, street frontages, location of parking lots, and other circulation issues. Future uses should serve to complement the Downtown Area.”*

CP.058, Gateway Overlay Area Policies, states that

- “1. *The City will utilize the general vision of the Gateway Master Plan to direct future development in the Gateway Overlay Area. The overall Comprehensive Plan objectives are to:*
 - a. *promote development that complements the Downtown Area;*
 - b. *enhance the primary uses, such as the Columbia River Maritime Museum and Columbia Memorial Hospital, and work to redevelop areas such as the former Plywood Mill Site, which have significant development potential;*
 - c. *promote new land uses complementary to the riverfront and existing development, particularly visitor oriented uses and high density housing;*
 - d. *establish visual and physical linkages within and around the Gateway Overlay Area, with special emphasis on the Columbia River riverfront;*
 - e. *create a pedestrian-friendly environment throughout the Gateway Overlay Area through the careful siting of buildings and parking lots, careful consideration of street frontage design, and extension of the Astoria River Trail; and*
 - f. *create investor interest by promoting complementary land uses and quality development in the surrounding area.*
2. *The City will maintain the Gateway Overlay Area plan element of the Comprehensive Plan through its Development Code, including new planning zones and development standards, and through a design review process.*
3. *The City, through its Development Code, will maintain a set of Design Review Guidelines for the Gateway Overlay Area which address the architecture, landscaping, public and private circulation, signs, lighting, and other aspects of the built environment. The guidelines are fundamental principles which are applied to specific projects.”*

CP.204, Economic Development Goal 5 and Goal 5 Policies, Goal states *"Encourage the preservation of Astoria's historic buildings, neighborhoods and sites and unique waterfront location in order to attract visitors and new industry."* Policy 2 states *"The City will use the Gateway Master Plan as the guiding document for redevelopment of the Gateway Overlay Area."*

Finding: The project includes the Gateway Overlay Area. The proposed amendments draw from the existing Gateway Overlay Area Zone (GOZ) standards and guidelines and expands the GOZ to be applicable to the entire Civic Greenway Area from 16th to 41st Streets. The proposed amendments create increased visual and physical linkages along the Columbia River with limitation on development and special siting standards for buildings and landscaping. The proposed amendments include additional architectural design, landscaping, lighting, and circulation, etc. consistent with the GOZ and Uppertown and Downtown areas.

7. CP.020.9, Community Growth - Plan Strategy, states *"The Buildable Lands Inventory completed in April 2011 identified a deficit of 15.54 net acres of residential buildable lands. In order to address this deficit, OAR 660-24-0050 requires that the City amend the Plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the boundary or by expanding the UGB, or both."*

Finding: The City conducted a Buildable Lands Inventory which was adopted in 2011. The report states that *"A comparison of need and supply of industrial and other employment lands indicates an overall surplus of approximately 6.7 acres of employment land. While there is sufficient land for industrial uses (27.8 acre surplus), there is a deficit of land zoned for commercial and particularly retail use. However, a portion of the land identified as "Other" can accommodate specific commercial, industrial, and high-density residential development and help meet the need for additional commercial land."* With other recent amendments to rezone properties, there is an overall deficit of Residential land of 15.84 acres and an excess of Employment land of 7.1 acres. This includes a deficit of 20.7 acres for Commercial and excess of 27.8 acres for Industrial lands.

The area proposed to be rezoned from C-3 (General Commercial) to CR (Compact Residential) is approximately 4.7 acres. Much of the land is currently developed leaving approximately 0.84 acres included in the BLI as buildable lands. The proposed map amendment reduces the Employment Total for Commercial Land Supply by approximately 0.84 acres and increases the Residential Land Supply by approximately 0.84 acres. While it will reduce the amount of Commercial land, the overall Employment land would result in an excess of 6.26 acres and it would reduce the overall deficit of Residential land from 15.84 acres to a deficit of 15.0 acres.

Estimated Net Land Surplus/(Deficit) by Zoning Designation, Astoria UGB, 2027				
Growth Scenario	Type of Use	Commercial (Office/Retail)	Industrial/Other	Total
Medium	Land Need	38.2	11.5	49.7
	Land Supply	17.1	39.3	56.4
Surplus/(Deficit)	Surplus/(Deficit)	(21.1)	27.8	6.7

Source: Cogan Owens Cogan

Estimated Net Land Surplus/(Deficit) by Zoning Designation, Astoria UGB, 2027

Type of Use	R1	R2	R3	AH-MP	Total
Land Need	115.4	51.2	67.0	2.7	236.3*
Land Supply	25.20	74.99	119.18	1.49	220.86
Surplus/(Deficit)	(90.20)	23.79	52.18	(1.21)	(15.44)*

Source: Wingard Planning & Development Services

* Note: Scrivener's Error in actual figure. BLI shows 236.4 and (15.54) but should be 236.3 and (15.44).

The proposed map amendment would rezone Employment land to Residential land supply thereby addressing the overall deficit of available Residential buildable land.

8. CP.025(2), Policies Pertaining to Land Use Categories and Density Requirements, states that *"Changes in the land use and zoning map may be made by boundary amendment so long as such change is consistent with the goals and policies of the Comprehensive Plan."*

Factors to be considered when evaluating requests for zoning amendments will include compatibility with existing land use patterns, effect on traffic circulation, adequacy of sewer, water and other public facilities, contiguity to similar zones, proposed buffering, physical capability including geologic hazards, and general effect on the environment."

Finding: Consistency with the goals and policies of the Comprehensive Plan are addressed in this Section of the Findings of Fact. The factors are addressed in this Section and Sections D & E below of the Findings of Fact.

9. CP.175 (F), Uppertown / Alderbrook Subarea Plan, Aquatic and Shoreland Designations states that *"The aquatic area between 29th and 41st Streets is designated Development to the pierhead line, except at the East End Mooring Basin where the designation corresponds to the outer boundary of the pier. East of 41st Street, the aquatic area is designated Conservation."*

Shorelands are designated Development, except for the Water-Dependent Development site west of Alderbrook Cove between 35th and 41st Streets."

Finding: The proposed amendments do not change the zoning in the aquatic areas. The area between 30th and 32nd Streets is zoned C-3 and is not a shoreland designation.

10. CP.185(M), Regional Estuary and Shoreland Policies, Public Access Policies, states that *"Public access" is used broadly here to include direct*

physical access to estuary aquatic areas (boat ramps, for example), aesthetic access (viewing opportunities, for example), and other facilities that provide some degree of public access to Columbia River Estuary shorelands and aquatic areas.”

CP.185(M.2 to 5), Regional Estuary and Shoreland Policies, Public Access Policies, states that

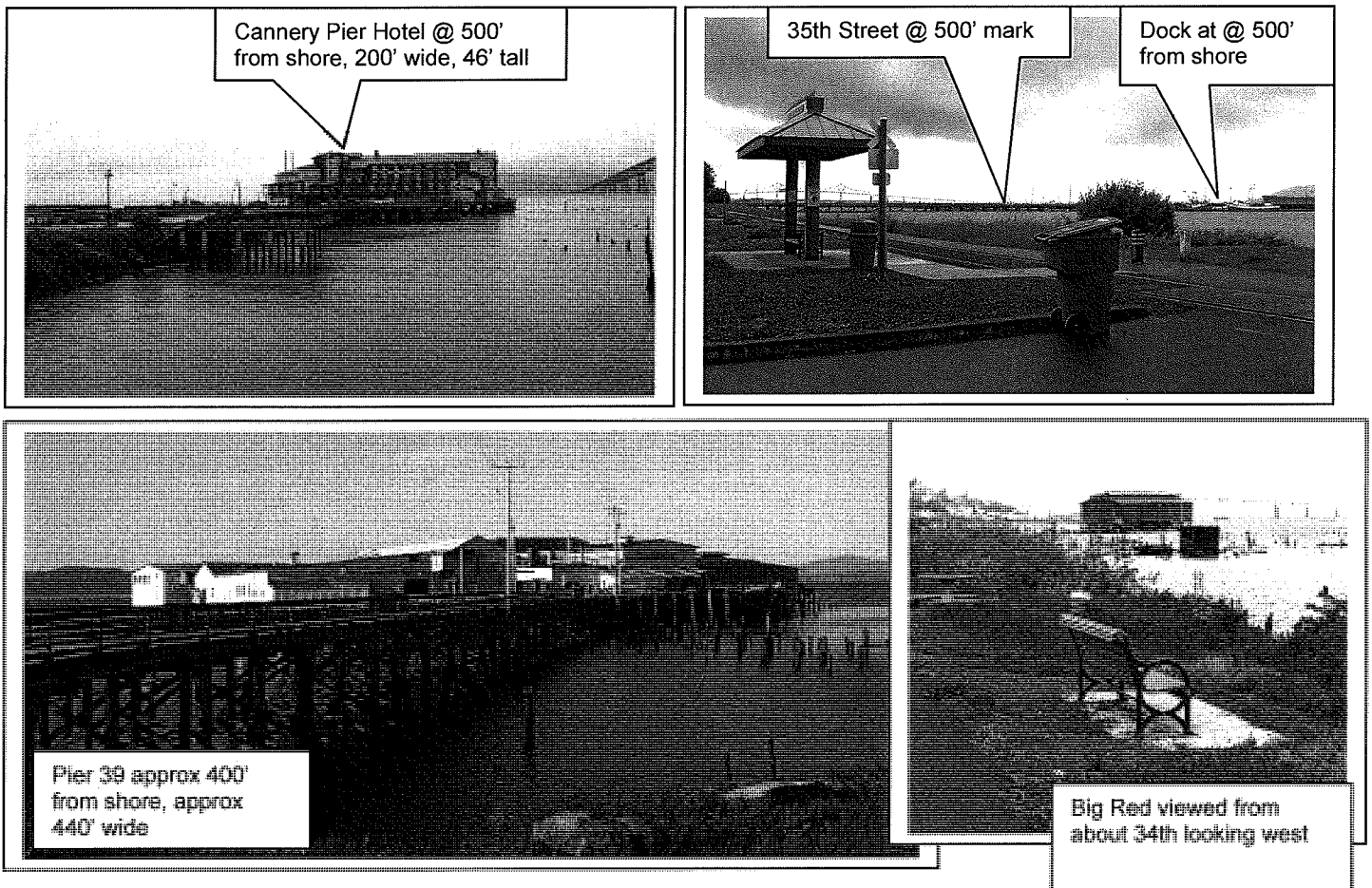
- “2. Public access in urban areas shall be preserved and enhanced through waterfront restoration and public facilities construction, and other actions consistent with Astoria's public access plan.*
- 3. Proposed major shoreline developments shall not, individually or cumulatively, exclude the public from shoreline access to areas traditionally used for fishing, hunting or other shoreline activities.*
- 4. Special consideration shall be given toward making the estuary accessible for the physically handicapped or disabled.*
- 5. Astoria will develop and implement programs for increasing public access.”*

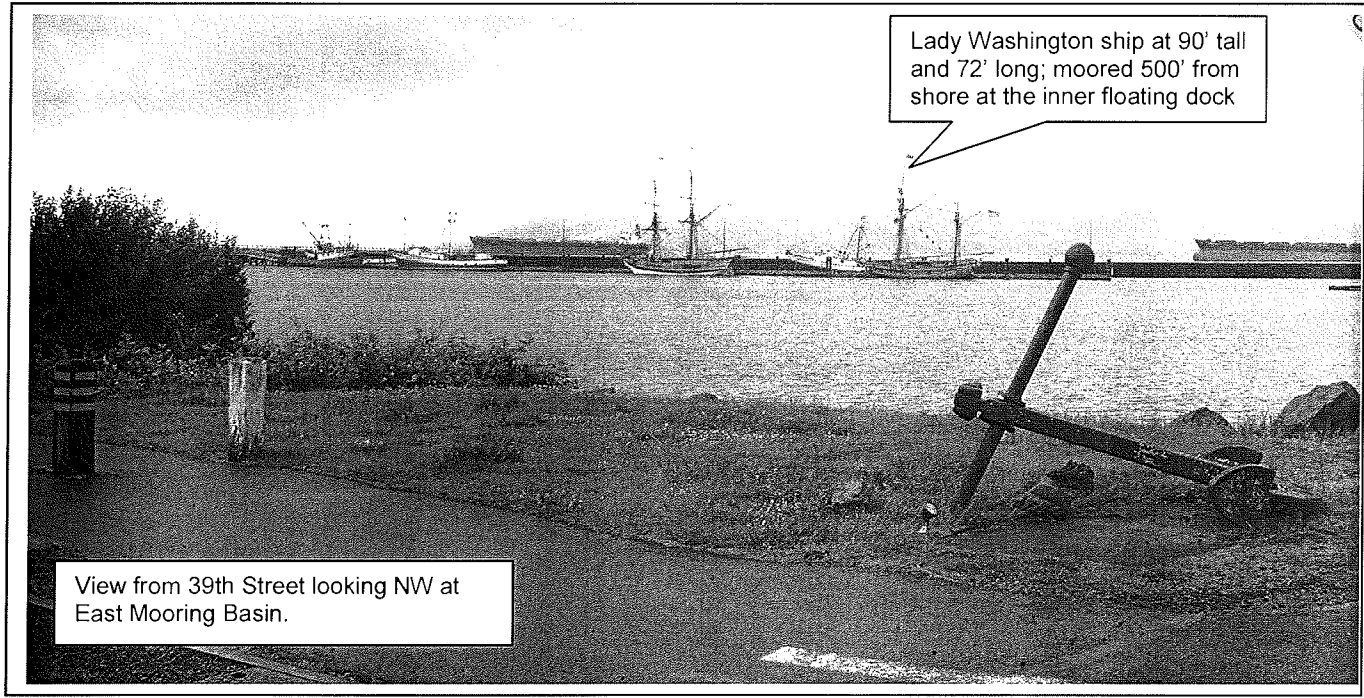
CP.185(N.2), Regional Estuary and Shoreland Policies, Recreation and Tourism Policies, states that *“Recreation uses in waterfront areas shall take maximum advantage of their proximity to the water by: providing water access points or waterfront viewing areas; and building designs that are visually u {typo from original ordinance} with the waterfront.”*

CP.204, Economic Development Goal 5 and Goal 5 Policies, Goal states *“Encourage the preservation of Astoria's historic buildings, neighborhoods and sites and unique waterfront location in order to attract visitors and new industry.”* The Policy 1 states *“Provide public access to the waterfront wherever feasible and protect existing access. The importance of the downtown waterfront in terms of aesthetics, public access and business improvement cannot be overemphasized. The City supports the concept of the "People Places Plan," and encourages local organizations in the construction and maintenance of waterfront parks and viewing areas.”*

Finding: One of the reasons the Riverfront Vision Plan was developed was to enhance public access to the estuary and allow for preservation of public open space and park areas along the Columbia River. Public access includes both physical and visual access. The River Trail along the Columbia River is used by locals as well as visitors and is maintained for its aesthetic values as well as for its transportation values. The Civic Greenway Area was identified as an area to allow more visual and public access than the more developed areas to the west (Bridge Vista and Urban Core). The proposed on-land building and landscaping setback and stepbacks create wider view corridors from Marine Drive / Lief Erikson Drive.

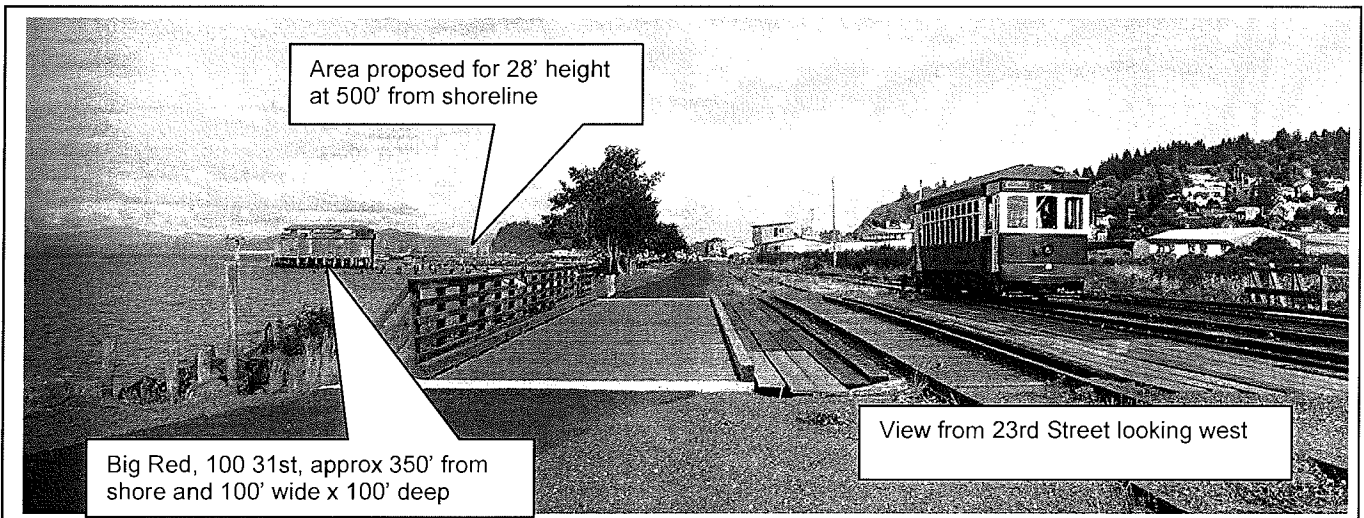
The proposed implementation of the RVP will allow for limited over-water development of maritime related facilities while protecting public visual and physical access to the River. The proposed amendment would limit the size, height, and location of development to minimize the impact on public access. The maximum height of buildings is proposed to be at existing shoreline bank height which would limit the type of development that could occur. However, it is recognized that some development could occur near the established East End Mooring Basin. The draft ordinance includes an exception for the area between 35th and 39th Street to allow 28' high buildings with larger footprint and width if the building is located a minimum of 500' from the shoreline. These standards were based on the visual impacts of the dimensions and site location of the existing Cannery Pier Hotel (10 Basin Street) located on the west end of the River Trail, and two other over-water structures at 100 31st Street (Big Red) and 100 39th Street (Pier 39). Big Red and Pier 39 are located out from the shoreline (approximately 350' and 400' respectively) and are existing historic buildings. Future development in the East End Mooring Basin area would still be subject to allowable uses, design, and other development standards of the proposed Civic Greenway Area Overlay.





Lady Washington ship at 90' tall and 72' long; moored 500' from shore at the inner floating dock

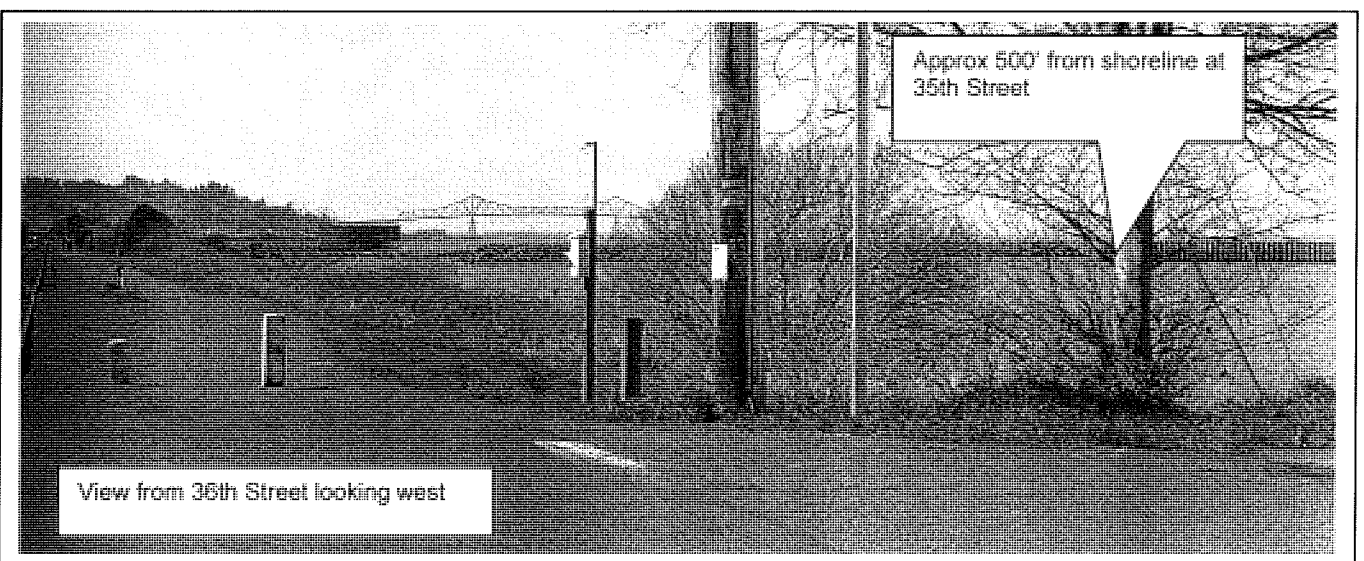
View from 39th Street looking NW at East Mooring Basin.



Area proposed for 28' height at 500' from shoreline

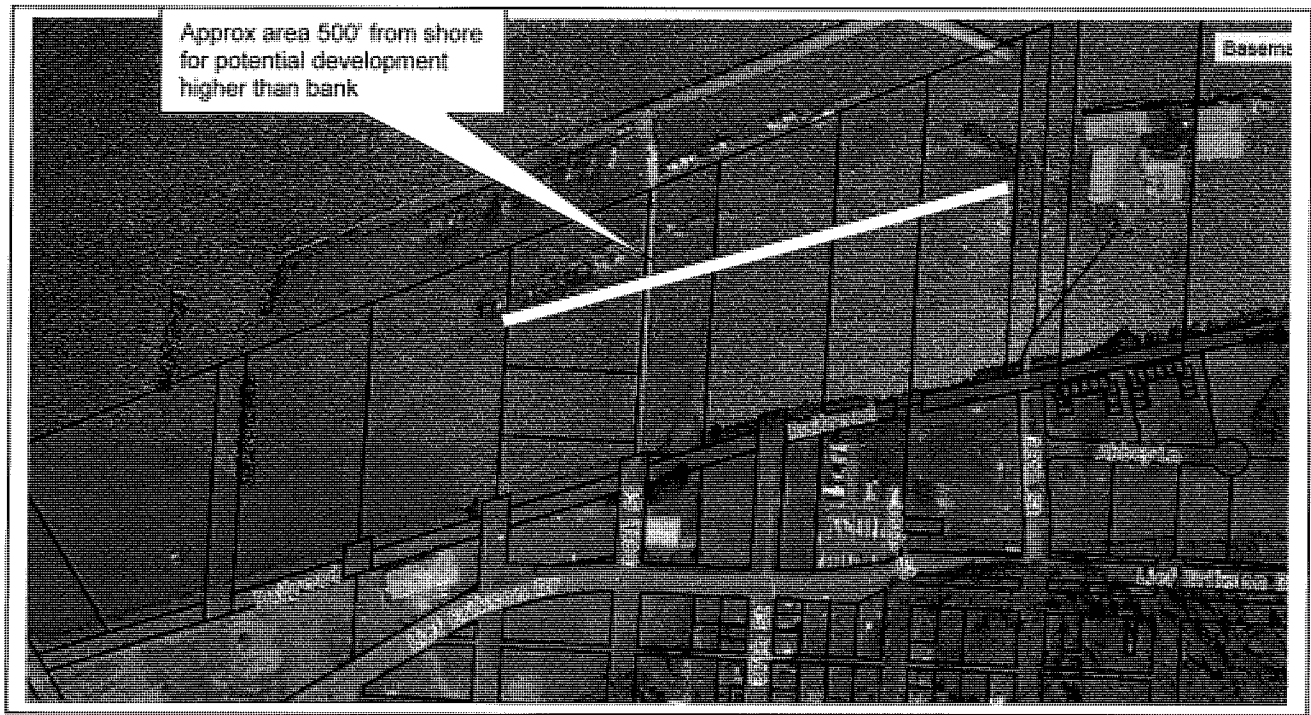
Big Red, 100 31st, approx 350' from shore and 100' wide x 100' deep

View from 23rd Street looking west



Approx 500' from shoreline at 35th Street

View from 35th Street looking west



11. CP.185(G), Estuary and Shoreland Policies states that *“This subsection applies to uses and activities with potential adverse impacts on fish or wildlife habitat, both in Columbia River estuarine aquatic areas and in estuarine shorelands.*
1. *Endangered or threatened species habitat shall be protected from incompatible development.*
 2. *Measures shall be taken protecting nesting, roosting, feeding and resting areas used by either resident or migratory bird populations.*
 3. *Major nontidal marshes, significant wildlife habitat, coastal headlands, and exceptional aesthetic resources within the Estuary Shorelands Boundary shall be protected. New uses in these areas shall be consistent with the protection of natural values, and may include propagation and selective harvest of forest products, grazing, harvesting, wild crops, and low intensity water-dependent recreation.”*

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.”*

Finding: The proposed amendment allows for minimal over water development and encourages the use of native plants along the Riverfront. The standards maintain open areas for protection of the estuary habitat and to maintain vistas and views.

12. CP.204(3 & 4), Economic Development Goal 5 and Goal 5 Policies, Goal states *“Encourage the preservation of Astoria's historic buildings, neighborhoods and sites and unique waterfront location in order to attract visitors and new industry.”* The Policies state
 3. *Encourage the growth of tourism as a part of the economy.*
 - a. *Consider zoning standards that improve the attractiveness of the City, including designation of historic districts, stronger landscaping requirements for new construction, and Design Review requirements.*
 4. *Protect historic resources such as downtown buildings to maintain local character and attract visitors.”*

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(3), Historic Preservation Goals states that *“The City will Encourage the application of historical considerations in the beautification of Astoria's Columbia River waterfront.*

CP.200(6), Economic Development Goals states that the City will *“Encourage the preservation of Astoria's historic buildings, neighborhoods and sites and unique waterfront location in order to attract visitors and new industry.”*

CP.205(5), Economic Development Policies states that *“The City encourages the growth of tourism as a part of the economy. Zoning standards which improve the attractiveness of the city shall be considered including designation of historic districts, stronger landscaping requirements for new construction, and Design Review requirements.”*

Finding: The proposed amendments will adopt design standards to allow for development that is consistent with the design of the historic Uppertown area and that is compatible with the existing development within the area. The River and River Trail are important tourism/economic assets for the City and will be protected from incompatible development with the proposed amendments. The proposed amendments exempt the existing historic over water buildings from some of the requirements so as to encourage and support the restoration of these buildings. However, additions to these buildings would be subject to the proposed development standards. The code would also protect the scenic views of the Columbia River waterfront

with standards for height, design, and location of development. It establishes design standards that would protect historic neighborhoods and the many scenic views that bring visitors to the community.

13. CP.218 (1), Housing Element, Housing Goals, states *“Provide opportunities for development of a wide variety of housing types and price ranges within the Urban Growth Boundary.”*

CP.220, Housing Element, Housing Policies, states

“1. Maintain attractive and livable residential neighborhoods, for all types of housing. . .

4. Encourage planned unit and clustered developments that preserve open space, reduce infrastructure and construction costs, and promote variety in neighborhoods.

5. Encourage low and moderate income housing throughout the City, not concentrated in one area. . .

18. Zone adequate land to meet identified future housing needs for a broad range of housing types, including single-family attached and detached homes, manufactured homes, two-family dwellings, and multi-family dwellings.”

CP.223, Housing Element, Housing Tools and Actions, states *“Revise zoning requirements to accommodate a variety of housing types as identified in the City’s Housing Needs Analysis.”*

Finding: The request to rezone approximately 4.7 acres of C-3 Zone to CR to accommodate medium density residential development would allow for smaller, compact housing development. The CR Zone and the proposed cottage cluster development standards would establish maximum square footage for the dwellings encouraging homes that would be more affordable. The compact nature of these developments with smaller lot sizes would provide more options for housing types rather than the standard 5,000 square foot minimum lot size for single-family dwellings. This would also reduce the infrastructure costs associated with a traditional subdivision plan. The proposed amendments also allow for an accessory dwelling above the garage area of the cottage cluster development. The proposed rezone would support the goals of the Comprehensive Plan to find alternative ways to address the need for housing identified in the *City’s Housing Needs Analysis*.

The Riverfront Vision Plan adopted by the City Council on December 7, 2009, established a goal for the Civic Greenway Area to *“Create a modest scale residential and mixed use neighborhood in an area east of Mill Pond.”* It states that *“A new residential neighborhood is proposed for the area between Mill Pond and Safeway. . .”* The Plan calls for single-family and duplex housing types, pedestrian scaled development in this area. The

area proposed to be rezoned to a CR Zone is the same area identified in the Riverfront Vision Plan.

14. CP.270, Parks, Recreation, and Open Space Element, Goals states that *"The City of Astoria will work:*
1. *To develop a balanced park system.*
 2. *To reflect Astoria's special qualities and characteristics. . .*
 5. *To provide or encourage waterfront parks. . .*
 7. *To promote general beautification. . .*
 12. *The City will continue its efforts to improve public access to the shoreline through:*
 - a. *The construction of public access points, pathways, and street ends;*
 - b. *The encouragement of public access projects in conjunction with private waterfront development actions, possibly through the use of local improvement districts and/or grant funds; and*
 - c. *The protection of street ends and other public lands from vacation or sale where there is the potential for public access to the water. The City will work with the Division of State Lands (DSL) to determine the status of submerged and submersible lands adjacent to the City street ends."*

Finding: The City has established a River Trail along the Columbia River as a City park. The Riverfront Vision Plan identifies this as a public area and encourages protection of the public views and vistas in the Civic Greenway Area. The proposed amendments address the design, location, size, height, etc. for development on both the water and land side of the River Trail. Setbacks, building stepbacks, and landscape view corridors are proposed to allow street end visual access to the River. The proposed amendments also address public amenities and the ability of a developer to provide specific public amenities in conjunction with their development and promote the general beautification of the waterfront area. The limitation of building size and height, and reduction in allowable uses along the waterfront would protect the waterfront park from incompatible intrusions. The City owns several of the lots within the Civic Greenway Area and there are numerous street ends. These properties would be protected as public access areas.

15. CP.470(1), Citizen Involvement states that *"Citizens, including residents and property owners, shall have the opportunity to be involved in all phases of the planning efforts of the City, including collection of data and the development of policies."*

Finding: Throughout the process of drafting the proposed ordinance, the City has provided extensive public outreach. The APC has held five work sessions over the last year with invitations and notices sent to interested parties, neighborhood associations, stakeholders, email lists, web site, etc. Anyone interested in the proposed ordinance was encouraged to submit suggestions and comments. Work sessions were open for discussion with

the public to allow for interactive feedback at this early stage of the adoption process. The following is a list of public work sessions, public hearings, and newspaper articles concerning the draft ordinance:

October 22, 2013	APC
December 3, 2013	APC
December 4, 2013	Daily Astorian article
January 7, 2014	APC
January 28, 2014	APC
February 25, 2014	APC
April 7, 2014	City Council presentation
May 27, 2014	APC public hearing
June 24, 2014	APC public hearing

The City was very conscious of the interest in protection of the Riverfront and the need to have an ordinance that would meet the needs of the citizens, protect the environment and historic resources, be in compliance with State regulations, and would be a permit process that was easy for both the citizens and staff.

Finding: The request is consistent with the Comprehensive Plan.

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

Section 10.070(B.2) concerning Map Amendments requires that *“The amendment will: a. Satisfy land and water use needs; or . . .”*

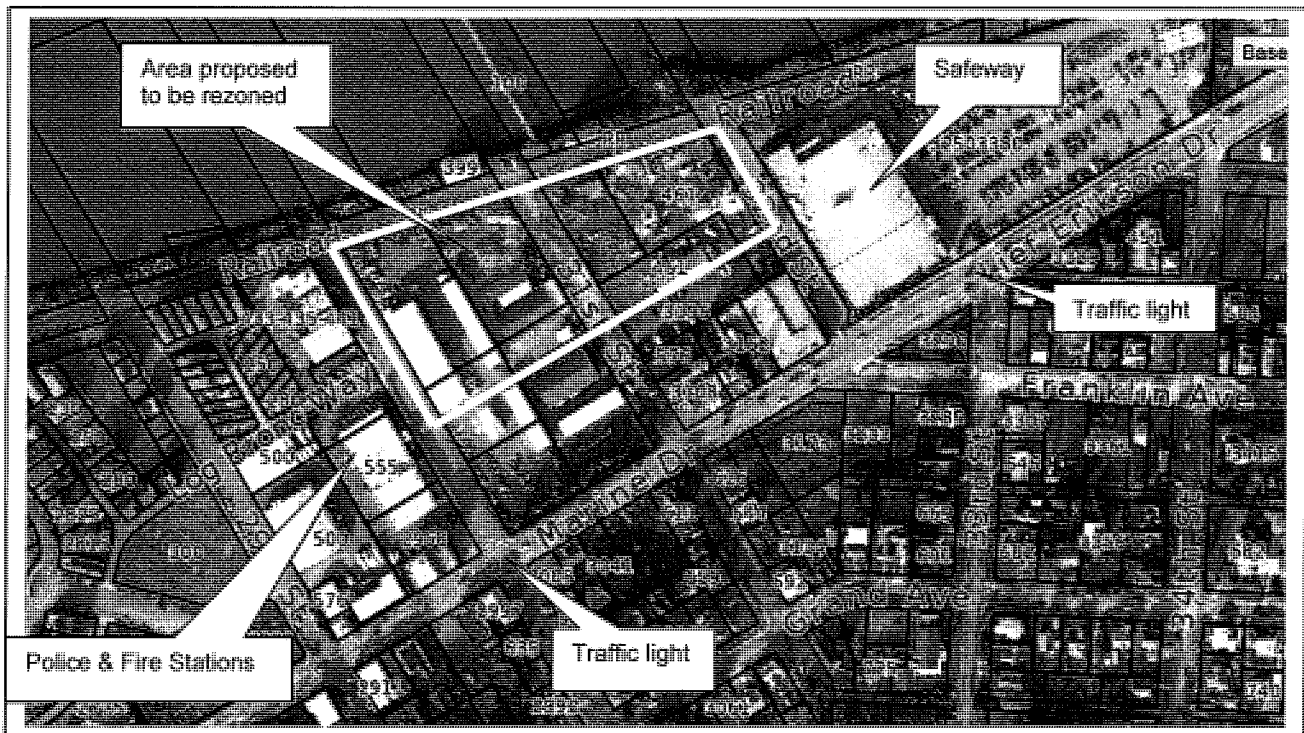
Finding: The proposed amendment will satisfy land use needs in that it will allow for the development of private properties while protecting the vistas and views along the Civic Greenway Area of the River Trail. The proposed amendment limits the allowable development in this area thereby reducing some of the impacts associated with a more intensive development. Most of the area is zoned A-1 (Aquatic One Development) and A-2 (Aquatic Two Development) which have limited allowable development, most of which is maritime related. Proposed lighting and open space landscaping standards would decrease impacts to Police and Fire protection services by the creation of appropriately lit and open areas. As noted in Section C.7 above concerning the BLI, the proposed amendment will not adversely affect the ability of the City to satisfy land and water use needs.

- E. Section 10.070(B.2) concerning Map Amendments requires that *“The amendment will:*
- a. Satisfy land and water use needs; or*
 - b. Meet transportation demands; or*
 - c. Provide community facilities and services.”*

Finding: As noted in Section C.7 above concerning the BLI, the proposed map amendment will reduce the deficit of Residential lands while maintaining an excess in Employment lands.

The site is located on the north side of and halfway between Marine Drive and the Riverfront. It is currently partially developed with the City Public Works Shops and Bee-Line Roofing yard area. The site fronts the River Trail and the Civic Greenway Area of the Riverfront Vision Plan. Other development in the general area include the Mill Pond and Columbia Landing housing areas, City Police and Fire Station to the west; gas station, veterinary, animal grooming, and Education Service District offices to the south; and Safeway retail store to the east. The developed area to the south facing Marine Drive would remain zoned C-3 (General Commercial).

There is a traffic light at 30th Street. In accordance with Statewide Planning Goal 12 concerning Transportation, and the Transportation Planning Rule (TPR) (OAR 660-12-060), any plan amendment having a significant effect on a transportation facility (i.e. Highway 30) must assure that the allowed land uses are consistent with the function, capacity, and level of service of the facility. In addition, OAR 734-051-0080, and OAR 734-051-0100 state that a proposed development or land use action where an on-site review indicates that operational or safety concerns may be present requires a Traffic Impact Study.



The following is a comparison of some of the uses for both the existing and proposed zones.

Uses	C-3 Zone		CR Zone	
	Outright	CU	Outright	CU
Business Service	X			
Commercial laundry or dry cleaning	X			
Communication service	X			
Construction service	X			
Educational service	X			
Family day care center	X		X	
Day care center		X		X in community building only
Motel, hotel, bed & breakfast, home stay, or other tourist lodging		X		X home stay lodging only
Multi-family dwelling	X			
Personal service	X			
Professional service	X			
Repair service	X			
Retail sales	X			
Single-family and two-family dwelling	X with limitations		X	
Arts & crafts studio			X	
Commercial or public parking lot.	X			
Transportation service		X		
Indoor family entertainment		X		
Temporary use meeting the requirements of Section 3.240		X		X
Animal hospital or kennel		X		
Automotive repair, service, and garage; gas station		X		
Hospital		X		
Light manufacturing; wholesale trade; warehousing		X		
Public or semi-public use	X			X

The zone change to CR Zone will provide for less variety of uses within the approximate 4.7 acre site, decreasing most of the commercial uses while retaining the single and two-family dwelling and associated uses. All of the uses proposed in the CR Zone are currently allowed in the C-3 Zone except for the addition of arts and craft studio. Therefore the traffic impact would be reduced due to the elimination of some of the heavier commercial uses. All City utility services are available to the area. The nature of the traffic would be more private vehicles versus the larger commercial trucks and patron/client vehicles associated with the commercial uses. There is no indication that operational or safety concerns are present nor would they be increased as a result of the proposed uses on the existing transportation system. Any future development would be subject to a Traffic Impact Study as required by Development Code Article 3.

The site is relatively flat and there are no designated wetlands.

In April 2014, the City Council adopted the Transportation System Plan (TSP). This Plan was conducted by the City of Astoria in conjunction with the Oregon Department of Transportation (ODOT) and studied the existing and forecasted transportation needs in the City. The subject property proposed for rezone is located on Marine Drive between 30th and 32nd Streets. These intersections were not identified in the TSP as having any major concerns. Project D3 identifies "Marine Drive Coordinated Signal Timing Plans" as a project for this area. Bike lanes are proposed to be enhanced in this general area with Project B48. Project D27 identifies Log Bronc Way, a frontage road parallel to Marine Drive, to be extended from 30th to 32nd Street within the area to be rezoned. Project D31 identifies US Highway 30 Safety Enhancement with the addition of a center turn lane/median between 27th and 33rd Street. Redevelopment of this area for residences would support and be consistent these projects.

Since the area proposed to be zoned CR is accessed from City streets and not directly from the State Highway, ODOT no longer comments on the TPR review. However, ODOT has been included in the draft amendment review process. From the existing TSP and projected traffic volumes and projected uses, it appears that the transportation facilities in this area are sufficient to accommodate the uses allowed in the proposed CR Zone.

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.

**AMENDMENT REQUEST
A14-02**

**RIVERFRONT VISION PLAN
IMPLEMENTATION
ORDINANCE**

**PLANNING COMMISSION
MINUTES**

ASTORIA PLANNING COMMISSION MEETING - EXCERPT

Astoria City Hall
May 27, 2014

ROLL CALL:

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

Commissioners Excused: David Pearson, Thor Norgaard

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

ITEM 4(b):

A14-02 Amendment A14-02 by the Astoria Community Development Department to amend the Development Code and Zoning map to implement the Riverfront Vision Plan in the Civic Greenway Area (16th to 41st Streets, Marine Drive to the Columbia River); add Compact Residential Zone; add Civic Greenway Overlay Zone; add clear and objective design standards for residential development; renumber several zones and overlay zone; misc. related changes with new code references; and rezone the area on the north half of the blocks between Marine Drive and the Columbia River from 30th to 32nd Street, from the C-3 (General Commercial) zone to CR (Compact Residential) zone. Staff recommends that the Commission recommend adoption by the City Council. The City Council meeting is tentatively scheduled for July 7, 2014 at 7:00 pm in the City Hall Council Chambers.

President Nemlowill asked Staff to present the Staff report.

Planner Johnson briefly reviewed the written Staff report, noting that Matt Hastie would review the Code amendments. Instead of reviewing the entire Staff report, copies were made available to the Commissioners and the audience. She noted the Staff report addressed the various Comprehensive Plan sections that are applicable to the request, all of the sections concerning the Buildable Lands Inventory due to zone changes, and transportation issues pertaining to the change of uses in the area. She offered to answer any questions after Mr. Hastie's presentation. The only piece of correspondence received was a letter from Bob Goldberg, which was included in the Staff report.

President Nemlowill gave the Commissioners a moment to review the letter from Mr. Goldberg. She 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 opened the public hearing and called for a presentation by the Applicant.

Matt Hastie, Angelo Planning Group, 921 SW Washington Street, Suite 468, Portland, said his firm had been assisting the City with the proposed Code amendments. He highlighted the recommended Code amendments via PowerPoint, noting that the amendments were intended to implement land use recommendations in the Riverfront Vision Plan.

President Nemlowill called for questions from the Commission. Hearing none, she called for any testimony in favor of or impartial to the application. There were none. She called for testimony opposed to the application.

Floyd Holcom, 100 39th Street, Astoria, said he opposed the amendments for numerous reasons. Many things have been combined into two ordinances that affect a large portion of the east end of Astoria. At the last meeting he attended, three of the five people who testified did not live in the area. He left that meeting thinking that the opinions of those who live and work in the area did not matter. He constantly heard that the public supported the consultant's recommendations. All of the meetings he attended and the work he has done over the last 18 years

was not included in the consultant's report or the Comprehensive Plan report from the Planner's office. Many people who work on the waterfront have very little time to defend their positions. However, he spent two days reading the ordinance changes. If 25 percent of the assessed value is used to change a building, the entire amount for everything a building owner does is affected. Clatsop County has kept assessed values down for so long because of Measure 51. The assessed value of Pier 39 is currently about \$650,000. This means if he spent \$65,000 to \$100,000 improving his historic building on Pier 39, he would trigger everything in the new zoning ordinance and his building and its use would be non-conforming. He recalled when his office was on 31st Street before Safeway came to town. Many people were planning the entire east end of Astoria. Many of the things they were able to move forward with were not done overnight. However, the Riverfront Vision Plan and the proposed ordinance amendments were done overnight in his opinion. All of a sudden, he must stop to read the documents. Now, his historic building is non-conforming even though it is included in the Comprehensive Plan. He questioned how to tell this to the bank, the Division of State Lands, and to all of the people he must work with to get approvals for what he does. He believed the Code amendments needed to be changed to accommodate his and the other building on Pier 39. Royal Nebeker's building was assessed at \$6,500, so if Mr. Nebker wanted to put a new roof on his building, he would trigger a review and his building would be non-conforming as well. The Code amendments have nailed the only two buildings on the waterfront. He apologized that he was not 15 feet above the mean high water mark. The consultant did not conduct any engineering study for the development plan, with regard to the 15-foot height limit. He added that Planner Johnson was currently being challenged by Federal Emergency Management Agency (FEMA) on the flood plain maps. When the railroad laid track through Astoria in 1897, the 100-year flood plain was set at the elevation of the railroad track. Floodwaters have come close to the tracks a couple of times, but not over it. He questioned what would happen if he followed the new standards and FEMA told him his foundation could not be below the 100-year flood plain. Fifteen feet above the mean high water mark would put his foundation about eight feet above the 100-year flood plain and he would not have much room left. He questioned why the area included everything at the Maritime Museum and down through 41st Street. He was concerned about uses in conjunction with the Maritime Museum. For the last 10 years, he has hosted the Hanthorn Cannery Foundation's Bumble Bee Reunion. Now, he must call the Maritime Museum and host the event in conjunction with them. This is a public activity. He questioned what this had to do with his building in the Overlay Zone. Pier 39 has nothing to do with the Maritime Museum. He supports the museum, but the museum is not a government entity. He did not understand why he would have to work in conjunction with the museum. He believed the museum had enough going on right now. He believed there were many things in the proposed amendments that the City should spend more time on. Many things in the proposed amendment affect many people on the waterfront within the zone. Now, people will be educated. If the Planning Commission approves this, people will go to City Council. He did not believe the Code amendments deserved to go to City Council yet. He recommended that the Planning Commission go back through the documents, host more public workshops, and get all of the fine details aligned. He wanted people within the zone to have the opportunity to attend Planning Commission meetings to discuss how these Code amendments would affect them. He has spoken at public hearing twice and he has only one of two buildings on the waterfront. His concerns, which have been pretty well outlined, have not been heard. He did not believe the proposed changes were consistent with the Comprehensive Plan. While the Riverfront Vision Plan may have been adopted, it was not really adopted into the Comprehensive Plan. He questioned how the City could pass an ordinance that was not in the Comprehensive Plan. If he decides to spend \$300,000 on his building, he did not want to be subject to all of the proposed criteria all of a sudden. He believed the buildings should be grandfathered and building owners should not have to explain what has happened on the waterfront over the last 145 years. He thanked the Planning Commission for their time and effort. Many things still needed work and he did not believe the proposed changes should be passed to City Council.

Planner Johnson clarified that the public use in conjunction with the Maritime Museum is a specific use. However, the requirement does not prohibit other uses in other buildings. Pier 39 is a private entity, not a public entity that would fall under other codes allowing water-related uses like marinas, fish retail outlets. The public use in conjunction with the Maritime Museum is specific to a public non-profit use.

Director Estes added that the language currently exists is Astoria's Code. The current Code language could be amended to refer just to public use.

Planner Johnson noted that the two historic buildings were exempt from design review in the draft; this was to encourage redevelopment and restoration of these buildings. She apologized that she was unable to find the exemption in the current draft and believed it may have been accidentally omitted. Buildings over the water

constructed prior to a specific date should be exempt. The Planning Commission could vote to approve these amendments with corrections and changes and Staff would put the exemption back in to the draft.

Mike Weston, Executive Director, Port of Astoria, thanked Staff. He said that as a former planner, he understood all of the hard work that went into these amendments. Angelo Planning Group has done a great job. Currently, the zone at the Port is Marine-Related Industrial Use, which does not include a height restriction. There is a difference between a typical overlay and Astoria's zoning code. The proposed amendments put an overlay on top of a zoning code. Overlays are usually more in line with design review criteria and serve as guidelines that promote the kind of development the City is seeking. However, the proposed amendments place restrictions on height and size that could devalue property. This could cause property owners to face economic hardships in the future. There are currently multiple things going on at the Port, some development, some concepts, and some proposals. The Code amendments would conflict with those uses, preventing the Port from doing certain things. He believed Astoria was built on its working waterfront, which is a key feature for the city. Putting restrictions on the waterfront is not a good idea as the unpredictable economic ramifications this would create would be numerous. Jobs would be lost. Properties would be impacted, as they would not be developable. Property owners would be put into a stalemate, unable to move forward on anything. He recommended the Planning Commission do more work on the amendments. The proposed height limit is better because it is above the ordinary high water mark. However, this height limit results in a 7-foot high building, which is not sufficient to meet the need. The maximum gross floor area of 4,000 square feet would not do anything for him. He has garages at the Port larger than 4,000 square feet and he is unable to do anything with them. Direct limitations do not need to be applied. He suggested more of a constructive design review criteria that would allow creativity to make things look nice. The proposed standards would devalue the economic possibilities on public land and for the waterfront owners. He recommends Staff be directed to develop a more creative and fluid document that allows more creativity.

Tim Ramis, 2 Center Point, Lake Oswego, said his law firm serves as general counsel for the Port of Astoria and represents Pier 39. He presented a letter, on behalf of the Port, opposing the proposed amendments. Limiting height, size, use, and the distance between buildings, as proposed, completely undermines the Port's use of its property. This proposition is difficult for the Port, given its responsibility as a steward of public land. It is not unknown in Oregon for Planning Commissions to face situations where one set of values is argued by one constituent group, while a port has economic development and employment interests. Examples of this include the development of lands in northeast Portland where the Port of Portland went against environmental regulations and the Port of Hood River where the recreational uses of the waterfront needed to be balanced against employment uses. In each of those cases, the entities have not ended up in conflict to the point that lawyers were arguing with each other because there has been a reasonable balancing of interests. The resolutions in those cases were not as one sided as what is proposed in Astoria. The proposed amendments leave no serious economic ability to use land in a way that meets the public mission of the Port. As stated in its letter, the Port suggests the City take time to focus on the design issues and allow development to take place in the area so the Port can pursue its mission. The current design solution is 4,000 square foot buildings, 25-foot wide, spaced 75 feet apart, with certain limitations on use. This seems to be a blunt instrument way of designing a waterfront and does not seem effective for anyone. He suggested other solutions be explored. The harbors in Sydney and San Francisco are places where interests have been balanced in an effective way, allowing all users to enjoy the use of those areas. He asked the Planning Commission to remember that the Riverfront Vision Plan has no legal status under Oregon law because it is not a legally adopted document; its policies are not legally binding in any way. The binding policies are found in the Comprehensive Plan and Zoning Code. The Comprehensive Plan states that major Port development will be encouraged at the existing Port docks and the East End Mooring Basin. The policy of the City, as presented to the State of Oregon in order to obtain acknowledgment of the plan, stated that major development by the Port would be encouraged. The overlay does not accomplish this and is not consistent with the policy. The Development Code for the A-1 Zone states that the purpose of the Aquatic 1 Development Zone is to provide for the maintenance, enhancement, and expansion of areas, activities, and structures needed for navigation and water-dependent industrial, commercial, and recreational uses. The adopted policies that are legally binding do not support the plan as it has been presented. Therefore, he asked that the Planning Commission take time to focus on design issues and address the legal policies, rather than just the policies of the Riverfront Vision Plan, which is not a legally binding document.

Jan Faber, 3015 Harrison Avenue, Astoria, said he has had many visitors. He takes his visitors to the Riverwalk, which he is proud of because the City put so much effort into building it. The Riverwalk is used by countless numbers of people during the day, as it is a great attraction in the city and makes the city more useable. He

spent part of his winter in Fort Meyers, Florida, where the City Council indicated that riverfront land was too valuable to be a park and should be developed. Parks and forests are not built by developers; they are set aside from development. He was proud of Astoria and ashamed of Fort Meyers. Last month, he was at Central Park in Manhattan, New York, where the park land is priceless. The park had been set aside for non-development and is a focus for all of the residents. All of the housing near the park has gone up in value because they have access to the park. One neighborhood has a green path that divides the housing and runs south along the Hudson River. This riverfront land is too valuable to be a park. When the green path was preserved as a park, the apartment buildings along the path went up in value. Preserving land for citizens and for development does not mean development needs to be in the park. The reason people want to build on the riverfront is because Astoria has created things like the Riverwalk. Once the area gets crowded with houses and view corridors, the city will no longer have that appeal. The entire downtown area of Montevideo, Uruguay is on the riverfront, where there is no housing or development on the river. One side of the river is a public park and the other side is apartments with a view of the river, facing the park, and not blocking anyone. The apartments are very valuable because of their access to the river and the park. The proposed amendments allow for 10 foot corridors, little alleyways where people can go to see the river. What will happen to the wow factor when people come to Astoria? Currently, people think the view is beautiful. He believed the land was too valuable to be a park. Little housing clusters and little buildings along the side seem good for development in the short term. However, Astoria will lose future visitors. A 12-foot building along the Riverwalk might as well be 30 feet because the river cannot be seen. It is not great to peak between buildings to see the river. The condominiums east of 39th Street created a canyon along the Riverwalk, preventing views of the hills in Astoria. Omitting setbacks on the land side of the trail is incredible. You don't get the feeling of being blocked in when you get to the Hampton Inn. The plan is basically development; it includes housing clusters, but does not address preservation of greenways. He wanted a greenway for walking along the river, not exceptions, corridors, and viewing stands. Portland's Waterfront Park and the Mackenzie River in Eugene, Oregon were created this way. He was disappointed that he did not see this in the plan. He asked the Planning Commission to think about his concerns as they consider adopting the amendments.

Shel Cantor, 1189 Jerome, Astoria, said he did not live on the river, but believed he was entitled to speak because many people have access to the river and the Riverwalk is available to everyone. He read the following testimony into the record:

Three months ago, during your February 25 meeting, while debating a one-story allowance versus a riverbank height restriction for new construction over the river in the Civic Greenway, the two Commissioners who favored a one-story allowance supported that position by asserting no one would ever build there. According to the minutes from that meeting, Commissioner Gimre "believed it was unlikely that development would occur along this section of the river, agreeing that it would likely be cost prohibitive. He did not anticipate development regardless of the restrictions. It is good to have code, but he did not believe development would be an issue. Therefore, he had no concerns. [in favoring the one-story allowance] "Commissioner Fitzpatrick agreed. He believed the proposed [one-story] height limit would not result in any feasibility issues."

The minutes recount President Nemlowill's response as follows:

"Some Commissioners did not believe building height mattered because development would not occur in the Civic Greenway Area anyway. So, why not lower the building height?" If, for argument's sake, we presume that it would be foolish to try to build new construction over the river in this area, then the only people who could conceivably be inhibited by a riverbank height restriction would be those who would have otherwise tried to do such a foolish thing. One of the strongest rationales for implementing any restriction is to prevent people from trying to do something foolish, leaving the rest of us to deal with the consequences.

In addition, getting back to this lack of concern, if a resident, as opposed to a Planning Commissioner, truly believes no one would build above the riverbank height in this area, that resident should not be concerned with whatever restriction there might be. But a Planning Commissioner does not have that luxury. With all due respect, the obligations of a Commissioner go unfulfilled when a Commissioner takes a position and claims his ability to predict the future excuses him from his responsibility to justify his position. Furthermore, you've been tasked to implement the Riverfront Vision Plan. Whether or not any of the code you approve for that purpose ends up being superfluous and whether you can infallibly predict that outcome are both irrelevant to your task. So now turning to that task, again from the minutes of your February 25 meeting, where Mr. Hastie's opening presentation to you is summarized, comes the following: "Limiting building height to the bank height was a popular idea at previous work sessions; however this would prohibit building anything other than a marina or dock, and essentially eliminate the ability to have any kind of actual building. This could be what people are looking for, but [Mr. Hastie] and Staff did not believe this was consistent with the Riverfront Vision Plan.

Director Estes noted the Riverfront Vision Plan does not state that there would be no development in the Civic

Greenway Area, but that development would be limited." I can corroborate that. Because the Plan explicitly calls out what that allowable, limited development could be, giving three, and only three, examples: "docks, piers, marinas," all structures routinely below riverbank height. That is the limited development the Plan's actual words allow, not one-story buildings.

The meeting minutes continue: "The committee that worked on the recommendations for the Plan agreed that small buildings associated with water-dependent and water-related uses would be acceptable in the Civic Greenway Area like a bait shop, snack shop or smoke shop." I was not able to corroborate that. I don't doubt that was discussed by the Steering Committee as they formulated the Vision Plan. Yet, when I searched for the words "bait" or "snack," or "smoke" in the Vision Plan appendix, which includes the Steering Committee meeting minutes, I didn't find any mention of those words. What I found there, however, is that Steering Committee meeting #8 (on April 21, 2009) was the only meeting wherein the minutes included any decision by the committee regarding over-water development in the Civic Greenway.

Here is the relevant excerpt on that subject. "The committee also agreed that several types of improvements should be allowed in these areas, such as piers, docks, marinas and repairs or renovations to existing structures."

Incidentally, the minutes of the subsequent Steering Committee meeting, on June 9, 2009, include the following: "Steve Faust gave a brief summary of results from the Civic Greenway and Neighborhood Greenway open house. Approximately 40 people attended the open house, [several of Faust's comments were included here, finishing with] They do not want to see overwater development in these areas.

"Steering committee members who attended reported on their conversations with open house attendees. They generally confirmed Steve's summary and also noted that people want to see open spaces and broad vistas in these areas... Some participants also say they have concerns about their voices being heard." If you reviewed the Vision Plan appendix, you observed that the theme of we "do not want to see [new] overwater development" predominated, and the concern about our "voices being heard" was often repeated in the feedback documented in that appendix.

Returning to your task now, Staff has instructed you on several occasions that you are not allowed to change the Vision Plan, because this Plan was approved by the City Council as written. The Plan states, "such as docks, piers, marinas;" not, "such as bait shops, snack shops, smoke shops," nor any other example of a building above the riverbank height which would block our river vistas. The Vision Plan also states the primary objective for the Civic Greenway is to protect our river vistas. You do not protect a view by allowing it to be blocked. Therefore, it is the one-story allowance which does not comply with the approved Plan. In contrast, the Riverbank height restriction protects our river vistas and allows precisely the limited development specifically called out in the Plan "such as docks, piers, marinas." The riverbank height restriction is consistent with the spirit and objective of the Plan, consistent with what residents who participated in the Visioning process overwhelmingly wanted, consistent with the documented decision of the Steering Committee in formulating the Plan, and, most importantly for your task, consistent with the actual words in the approved Plan.

Commissioners Nemlowill and Innes staunchly understood this. As a result, to date, according to your minutes, there has not been a single working session when a majority of the Commissioners present endorsed the one-story allowance. I urge you to poll yourselves this evening. Let each commissioner, in turn, state clearly for the record which of the two options meets your requirement of complying with the approved Vision Plan, and please justify your position.

George Brugh, Astoria OR said he has lived in the community for 45 or 46 years. He owns a parcel that is proposed to be rezoned as Compact Residential. He believed this zone should be at Mill Pond, not on his commercial parcel. At one time, he had barge loads of rock and sand delivered to this parcel, which required a water-dependent use. He has since sold this business. He commended Mr. Holcom and Mr. Weston for what they have attempted to convey to the Planning Commission. Mr. Holcom had the opportunity to spend two days going over the proposed code amendments, but he has not done the same. He believed there would be an appeal if the Planning Commission is unable to see the light at the end of the tunnel. The greenway Astoria currently has at the river is enjoyed every day and he could not see how it would go anywhere else or be built on. He owns about six parcels in the water on the other side of the Riverwalk and he did anticipate he would not own them much longer because there is no future for those parcels. The Riverwalk views must be protected. Maybe we could keep from getting into a cluster.

Cindy Price, 1219 Jerome, Astoria, said a lot of history was being discussed at this meeting. She believed what Mr. Cantor did was very important, going back over the history of what had been promised, said, and discussed. Citizens elect people based on what they say. Elected officials appoint Planning Commission members based on

how the public has voted for them. There is a lot in the record, but she was not able to find anything about bait shacks, snack shop, sea lions, dogs, or baby carriages. The record does reflect that virtually everyone, except for the few people who own property in the area, want to protect broad vistas and views. This is in the minutes of the various meetings. She was attending meetings from the beginning in early 2008. At a recent meeting, Mr. Cantor spoke about the Civic Greenway Area being the bone that was thrown to the people who wanted much less development than the current Plan allows. She believed Mr. Holcom had some good points and she agreed that it was too early to send the code amendments to City Council. There is a lot that needs to be looked at. She believed Pier 39 was a marvelous addition to the waterfront and she did not believe the owner should be limited to \$100,000 in improvements; this seemed nutty to her. When she first came to Astoria in 1996, there was a landscape architect, Robert Murasse, who spoke about the riverfront as being a gem that needs polishing. Mr. Murasse has said that in life and in art, people can become so engrossed in history that it becomes limiting. You can learn from history, but you also have to fight for a path beyond it. She believed this was what Astoria has done over and over again, trying to get away from the fact that Astoria used to be filled with canneries and a working waterfront that everyone supported at the time. Astoria has not been this way for a long time and we need to move beyond this. If the only people who have a say about what goes on along the waterfront are the property owners there, then we have all been wasting a lot of time. Everyone owns the waterfront. Everyone has a say in it, so let's have more discussion about it. She believed that the Riverfront Vision Plan was a good plan. For two years, there was massive amounts of public comment and the Plan is a very nice compromise that needs a little tweaking. She suggested another meeting before moving.

Elizabeth Menetrey, 3849 Grand Avenue, Astoria, said she became involved in this process when the condominiums near 39th Street were built. She is always walking on the Riverwalk. When the condominiums were built, she began to ask Staff how it happened and how to prevent more from being built. She began discussing ways to change the Development Code many years ago. These conversations have been going on for a while and the process has been very emotional. She understood that the historic buildings, like Pier 39, are not part of the code amendments.

Planner Johnson explained that the intent was to exempt the existing buildings from restoration percentages, so they would not be required to comply with the Civic Greenway Overlay Zone during renovations.

Ms. Menetrey knew that this had been discussed before, so she was surprised that she did not hear it. She agreed with Mr. Cantor and Mr. Faber, who both spoke eloquently. She believed she was speaking for a lot of people who feel strongly about the riverfront. You have to work hard to preserve things. Before the economy tanked, there was talk about building projects. If the City does not have a strict guideline, things will be built. Restrictions must be laid out. Variances and vague code language allow things to be built. This is why the Planning Commission needs to restrict development to riverbank height. She was surprised to see eating and drinking establishments had been included, referring to Page 10, Item 15(f) of the Staff report. She recalled discussing that these establishments would not be allowed and she opposed them. She noted that she was a member of the Riverfront Vision Plan Steering Committee. This area was meant to be clear and have wide open vistas. The Port has come late to this discussion and she questioned where they were over the years spent working on the Plan. Suddenly, at the last moment, the Port has decided to give input, which confuses her. This seems to be skewing things a certain way. She recalled City Attorney Henningsgaard say that legally, the code amendments must follow the Plan and the Port is part of the Civic Greenway Area.

City Attorney Henningsgaard said the Port has property in the Civic Greenway area.

Ms. Menetrey agreed and understood that the Port would be included in any decisions made about the whole area. She was concerned about what the Port wanted as opposed to the rest of the area and whether decisions would be based on what the Port wanted. She clarified that the Port was not considered during discussions of the Civic Greenway Area; the East End Mooring Basin was considered separate. The Port did not come forward, so it was not part of the discussion during the Riverfront Vision planning process. Someone from the Port came forward at a Planning Commission meeting to express their concerns, but the Plan had already been developed. She questioned whether City Council could deal with this separately.

President Nemlowill asked if Ms. Menetrey was suggesting the scope of this stretch of the Riverfront Vision Plan be changed.

Ms. Menetrey said if the Civic Greenway Area was going to be based on what the Port needs, then the Civic Greenway Area and the Port must be separate. She asked if the Port would be limited to the riverbank side, no higher than the riverbank. This could be tricky and the Port might need to be considered separately. Astoria has a gem that must be preserved for future generations. This is absolutely vital.

Sylvia Davis, 2775 Steam Whistle Way, Astoria, said the trolley and Riverwalk are superb. She noted that several bushes along the Riverwalk were over one-story high, blocking part of the river. She believed the Riverwalk should be left alone.

Chris Farrar, 3023 Harrison Avenue, Astoria, appreciated all of the comments that had been given. Upon reviewing the proposed amendments, he agreed with Mr. Holcom that the amendments were too comprehensive to implement as a simple amendment. The amendments should have been separated into parts, as the changes to the plan are radical. He cared about the green, the view, and the open space. He commended Mr. Faber for his comments, which reflected his feelings closely. The riverfront view is worth something; it is worth more than a business that sells French fries and has lasting value. What business has been in Astoria for 200 years in the same building? The edge of the river will remain for thousands of years, even after a tsunami cleans out all of the development built in the flat land. The river is a lasting piece of value and we should not obscure it from people. People are getting too far removed from nature. Many children don't look at flowing water; they look at a picture of it on a screen to try to get in touch with it. We need to be taking children down to the river to get them in tune with the environment and use the great asset to the community. The river is what makes this a fine community. Astoria has commercial areas, but needs open space. People need the opportunity to get their brains back in focus after being immersed in development and noise by walking on the river. He asked the Planning Commission to promise not to pass the amendments on to City Council at this meeting because the amendments are not ready. The amendments throw out the essential greenway entry way to the town. The Planning Commission cannot just throw that out and say that Astoria is not going to have a vision of the river from that location anymore. The basic idea of this part of the Plan was the dog bone thrown to the community. The City would give Astoria a little bit of view down at the east end of town and Astoria would like to keep this view, as this was the deal that the citizens expected the City to keep. He wants the view to be preserved and wants the Planning Commission to walk the full length of the river to get an appreciation for it. Maybe the Commissioners had been away from the river too long. Blocking the view is a bad idea.

LaRee Johnson, 1193 Harrison Avenue, Astoria, said she did not own property on the river, but hearing all of the comments has reminded her of the saying about selling your soul to the devil. She recalled working on the Lewis and Clark Bicentennial, noting that she was on the board for many years. One of the board's first trips was to Great Falls, Montana, where she was impressed with their Lewis and Clark Interpretive Center, which included 17 miles of a river trail along the riverfront. Nothing was on the trail and it was open to the public. People were biking, walking, and enjoying the outdoors. She believed there were health benefits to the community because the open green space encouraged people to get out and walk. People are not as interested in walking down a concrete tunnel, like Seaside created in their downtown. She echoed the previous comments about the amendments not being ready and keeping the area green. Looking down at the river from the Column, it is difficult not to imagine the small canoe that Lewis and Clark came down the river in. When you see the river, you appreciate what the 33 men did to explore the area and establish the community. Astoria has an historic view shed that needs to be preserved without obstructions for generations to come.

Charlene Goldking, Marine Drive, Astoria, said she has lived in Astoria for two and a half years. The vista is absolutely priceless. The view from Jerome is the same as the view from the Column. She can see the view from her apartment. Along the Riverwalk, the weeds are as tall as she is in some areas. Keep what we have, but let's also start maintaining it. Don't sell the vista short because it is priceless.

Tracy Black, 2505 Mill Pond Lane, Astoria, said he and his wife recently moved to Astoria from California. The wow factor of Astoria led to their decision to make it their permanent home. After doing some due diligence, they believed there might be a pier out on the water. However, this seemed to go into the toilet overnight. He wished he had known more about this issue before digging a hole in the ground. It is a shame. He and his wife love the community and the people in Astoria are so friendly and nice. He lived in the same California town for 55 years in the same home and no one said hello when you walked down the street, unless they wanted something. In Astoria, people say hello when he walks down the street. He asked that Astoria be kept the way it is.

Ted Thomas, 398 Atlantic, Astoria, said he agreed with almost all of the other comments, especially Mr. Cantor. He has heard that if the Riverwalk were developed, there would be nothing left but view corridors. He questioned how big the view corridors would be. It is easy to understand that the Civic Greenway Area and the view shed of the Riverwalk is a commons that enriches the entire community. Property values are very tangible, but will be eroded, just like when Central Park in New York City was developed. Enabling development is a taking of public wealth and a closure of the commons.

Jim Wolcott, 2735 Mill Pond Lane, Astoria, said he recently moved to Astoria after spending 45 years looking for a place in Oregon to retire. He noted that he was from Anaheim, California where there is no downtown area. Anaheim is almost as old as Astoria. Everything was moved as the town focused on Disneyland and the downtown declined. The history that existed there disappeared. He was concerned that focusing too much on the east side of town, a Compact Residential zone, high density development, and fish and chip stands over the river would suck more vitality from downtown. We still have an opportunity to do something with downtown as there are still many vacancies. Water-related businesses obviously need to be on the water, but fish and chip shops could be on land. He encouraged the Planning Commission to look comprehensively at what the City wanted to do. It is great to go after tax revenue and development, building 24 units per acre and creating a nifty residential area. However, this creates parking issues and problems with egress. The public hearing for Item 4(a): CU14-06 indicated that parking was 1½ parking spaces per unit. This means 36 parking spaces would be needed to accommodate 24 units per acre. In many cases, the streets are substandard for the existing traffic. He did not believe that enough practical energy had been spent looking at development of the area and its impact on the rest of the community. He urged the Planning Commission to step back and take a look at all of Astoria and consider how major development on the east side would impact the rest of the town.

Pamela Alegria, 1264 Grand Avenue, Astoria, said she had not thoroughly read the proposed amendments, but attended the meeting because she loves the Columbia River. The river is a magnificent river and an economic engine for Astoria. Once development occurs, the river will be gone and Astoria will be just like any other town. Sometimes, people who have lived here all their lives forget the beauty of the river. There are a few clusters. She understood that the Plan had been well thought out, but perhaps not always agreed upon. She could not see using the Plan to develop residences. There are other places to develop and redevelop. She agreed that something should be done about the Port and was not sure 4,000 square feet was appropriate for economic viability. She did not agree with allowing a few people in the cluster development to enjoy the river, as opposed to every resident and visitor. She said she would try to address this, as it pertains to the criteria, in a letter. She asked that the river be preserved.

President Nemowill called for rebuttal.

Planner Johnson recalled comments that the flood elevation could impact how far over the river a building would be allowed. Currently, buildings are to be 12 feet above the bank. This is based on current flood maps. The proposed flood maps are not adopted. Any changes in those maps would be considered in the future. The Plan is based on existing adopted flood maps, not proposed maps.

Director Estes noted that many people at the meeting had not been involved in the process that the Planning Commission had been working on for over six months. Several people commented that they wanted the area to be left as is. Currently, some areas along the river do not have any height limits, which would allow development to occur. The Planning Commission is proposing a new set of guidelines that would establish height limits within the area, both over water and on land. The proposed code amendments are based on discussions Staff had with the Planning Commission and feedback from the public. At this meeting, the Planning Commission can discuss items they would like to adjust. The new residential area between Mill Pond and Safeway has been proposed because it was part of the adopted Riverfront Vision Plan. This residential area would be compact, consisting of smaller single-family homes on small lots with low heights. This plan reduces the height in some zones, so a developer could not build as tall as the apartment complexes in Mill Pond. This was done at the direction of the Planning Commission.

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

The Planning Commission and Staff discussed the possibility of considering the Port property separately from the rest of the Civic Greenway area. Staff explained how this could be done in accordance with the Riverfront

Vision Plan, noting that uses could be changed, but design standards needed to remain consistent. However, recommendations could be made to City Council to amend the Riverfront Vision Plan.

City Attorney Henningsgaard explained that the task of the Planning Commission was to implement the Riverfront Vision Plan and the Riverfront Vision Plan does not segregate the Port property, public properties, or private properties. The Plan does not include a separate set of standards for each type of property. The Planning Commission could make a recommendation that the Plan include such differentiations, but this would likely result in a situation where the Port had no building height limits or other restrictions on the size and scope of the structures.

Director Estes noted for President Nemlowill that the Blueway Zone was a concept that was applied to the entire Civic Greenway Area.

City Attorney Henningsgaard responded to Mr. Ramis' argument that the Riverfront Vision Plan was never officially adopted as part of the Comprehensive Plan. He had not looked into this statement in depth, but it could be true. If the Riverfront Vision Plan was never adopted and it conflicts with the current Comprehensive Plan, the City may need to officially adopt the Plan or portions of it into the Comprehensive Plan.

Director Estes confirmed for Commissioner Fitzpatrick that different types of zoning could be allowed in different areas along the waterfront. Commissioner Fitzpatrick believed the area in front of the Barbey Center was very different from the area near Pier 39. Director Estes said the Planning Commission could consider different sets of uses in different areas, like restaurants and gift shops in one area and residential units in another. City Attorney Henningsgaard said different development standards could be implemented to the extent that they were consistent with the Riverfront Vision Plan. The Riverfront Vision Plan does not specifically mention heights, but does state views should be protected and any overwater uses should be maritime uses. It is up to the Planning Commission to decide how to implement this direction.

President Nemlowill recalled discussion that she did not want buildings higher than the riverbank and did believe uses like eating and drinking establishment should be allowed, as they are not water-dependent uses. Those statements have not been reflected in this application. However, there is real potential for the public to make use of public economic land, like the Port of Astoria, with water-dependent uses that could be small enough to preserve the views and provide more balance and viability to the land. The Port has a mission to create economic development for the public, despite what everyone thinks. Allowing the Port to create jobs could balance the Riverfront Vision Plan well if most of the areas in the Civic Greenway Area had such reduced height limits that there would be no development. She did not have enough information, nor had she received feedback from the public as to whether she supported two or three story buildings over the water along the riverfront on Port property. She supported forwarding a plan to City Council that would reduce development below bank height from the Maritime Museum to the Port property and prohibit uses like eating and drinking establishments.

Commissioner Gimre agreed that the view of the waterfront should be protected for future generations. He did not have a problem with the residential use as proposed because the zone is more height restricted than Mill Pond. He believed the residential zone would bring more people to Astoria. He was concerned with what occurred on the waterfront, but did not want to prohibit what occurred on 39th Street. Therefore, he supported separating the waterfront.

President Nemlowill clarified that she had been speaking about residences over the water, not the proposed Compact Residential zone.

Commissioner Gimre continued, stating that he had no opposition to what was proposed for the south side of the Riverwalk. There is a reason no development, including docks and marinas, has occurred on the north side over the last 50 years; it is cost prohibitive, regardless of height restrictions. He believed all development on the river should be prohibited because he did not anticipate anyone trying to build with the proposed limits.

Mr. Holcom said that for the last 18 years, he has planned to build an additional marina in the area he owns. If these amendments pass, he would not be able to continue with this plan.

Vice President Innes said the Planning Commission has had a lot of meetings about each part of this plan. The Planning Commission thought they had heard from people who were concerned, interested, and informed.

Apparently, there were many more. She has become lost in the details, but hoped the City would end up with a Civic Greenway Area that could be enjoyed as parks and a lot of visuals across the river. She believed the Planning Commission was doing well at finding middle ground on height limits. Throughout the process she felt accountable to some level of development and no level of development and believed the plan had accomplished this. She indicated that she was unsure how to vote.

Commissioner Fitzpatrick understood that the waterfront from 16th to 41st Streets was required to have one set of restrictions. He did not understand how different zoning or uses could be applied to the parcels on the south side, but the entire waterfront had to be considered as one parcel. He had strong feelings about what should and should not be allowed in the area beginning at 16th Street and heading east. He also understood the importance of property rights and allowing a certain level of development on Port property and Mr. Holcom's property. Public input at this meeting clearly indicated that no one liked the proposed amendments. He was aware of this as he left the Planning Commission meeting on February 25, 2014 and there was some misunderstanding about the comments that he and Commissioner Gimre made. He recalled that the height limit would allow a shack that could be used for something like renting kayaks to be built on a floating dock. He was clear that no one could build a building over the water. He did not believe anyone in the audience was suggesting no development at Pier 39, nor did he believe that Mr. Holcom or the Port was suggesting condominiums or any other development be built in front of the Barbey Center. Therefore, he hoped the areas could be divided in some way to allow different height limits in different areas. He was not comfortable with a blanket for the entire area. He wanted to reconsider the proposed housing in the current commercial zone, as at least two people opposed the residential area. He also wanted to know what the Port had planned for their property.

The Planning Commission and Staff discussed where and how to divide the riverfront. The on-land portion of the Civic Greenway Area already allows for different zoning restrictions and varying height restrictions. Therefore, the overwater portion of the Civic Greenway Area was being considered for division. However, this division needed to be done in compliance with the Riverfront Vision Plan.

- Commissioner Fitzpatrick believed the wording indicated that large scale development was not anticipated in the area, rather than prohibiting development in the area. He primarily wanted to change the height and use of various areas on the water, not the landscaping or design review. However, some landscaping might need to be changed as well.
- Proposed use and height restrictions over-water within the area between 16th and 34th Streets, excluding the Port property, was discussed.
 - Commissioner Gimre reminded that building over the water allows public access out on the river, which he believed people would support. He did not have a problem with the height limitation on the river and the proposed uses because those restrictions get more people out where they enjoy being and enhance the waterfront more than no development would. He supported the use and height restrictions as written.
 - Commissioner Fitzpatrick recalled his understanding that the 12-foot height limit would only allow a shack to be built on a floating dock. No one could build a fixed 12-foot structure on piling. He said he defaulted to the height restriction he discussed on February 25, 2014.
 - Planner Johnson clarified that the proposed height limit did not restrict permanent structures. The amendment did not require structures to be built on a floating dock; it only required a height limit of 12 feet above the bank.
 - Commissioner Fitzpatrick noted that this was not his understanding. He and Staff recalled the discussion, noting that Mr. Holcom had brought up issues with tides and base flood elevations. He recalled discussing the height restriction again where his understanding of it was different from the discussion on February 25, 2014. He confirmed that he did not agree with height restrictions and uses as outlined in the current draft of proposed code amendments, especially after the public input at this meeting.
 - Vice President Innes was uncomfortable proceeding with the entire draft. Parts of the draft are okay, but there were inconsistencies and lack of information. She was okay with the use and height restriction for over-water development because the Port was excluded and there were no current plans for development.
 - Commissioner Easom was opposed to the use and height limit. He believed the use should be more broad and the height limit should be higher. Limiting development by zoning allows for broad view corridors and some development.

Director Estes understood that the biggest issue was overwater heights and uses. The Planning Commission has a variety of opinions, but there seemed to be interest in splitting up the waterfront into areas with low height limitations and areas near the Port with higher height limitations. He asked the Planning Commission to specifically define those areas and set a height threshold.

Mr. Hastie noted that the Compact Residential zoning recommendations in the Riverfront Vision Plan are pretty clear. He believed the proposed code amendments were consistent with the Plan and did not contain as much ambiguity. He heard a few comments about the residential zone, but not many. He agreed that most comments were about the over-water development height and use restrictions.

President Nemlowill said that without a proposal, it was difficult for her to decide what the threshold should be. However, the Riverfront Vision Plan preserves vistas and limits development in this area, but doesn't necessarily preclude water-dependent development.

Planner Johnson suggested that over-water development be limited to the height of the riverbank from 16th to 35th Streets, and 38th to 41st Streets. Over-water development in the area from 35th to 38th Streets could be limited to 28 feet high.

President Nemlowill, Vice President Innes, and Commissioner Fitzpatrick agreed they would be comfortable with limiting over-water development to bank height from 16th to 34th or 35th Streets. Commissioner Gimre said he would support the height restriction to 30th or 31st Streets.

Staff understood that the Planning Commission was not able to determine appropriate height limits at this meeting and asked if they believed the other proposed building restrictions were appropriate for over-water development in the area that includes the Port property. Staff wanted more direction on the Commission's threshold for development within the area before making recommendations.

Commissioner Fitzpatrick did not like the proposed building restrictions for maximum square footage, height, and width. He believed these restrictions were a bad compromise that would not be effective. He and Vice President Innes wanted to know what the Port considered feasible.

President Nemlowill re-opened the public hearing.

Commissioner Fitzpatrick said he would not be opposed to allowing the Port and Mr. Holcom to prepare a presentation to be given at a later time.

President Nemlowill confirmed that the meeting would be continued, but the Planning Commission currently needed to provide Staff with some direction. She invited the public to speak about the Port in an effort to help guide this direction.

Floyd Holcom, 100 39th Street, Astoria, said he agreed with Commissioner Fitzpatrick that he should be given time to prepare a more detailed presentation. He noted past public hearings indicate his plans have not changed over the last 15 years. He would like to continue with these plans. At this meeting, he was focused on whether or not the Planning Commission would forward the code amendments to City Council. His recommendation was to vote against forwarding the amendments and schedule another work session.

Mike Weston, Port of Astoria, said he agreed with the comments regarding the area between 35th and 16th Streets. He did not believe anything would be developed in that area, but did suggest Royal Nebeker's building be exempt from the building restrictions. He explained that the Port has two cruise ships come in at a time and the Port will need a place to put the second cruise ship. He would like to establish a dock, a welcoming center or convention center, and possibly an aquatic center. It was his intention to develop tourist friendly and industry based projects that would promote jobs. The Port has the potential to support manufacturers as well. The Columbia River is developing into one of the top 10 traffic highways in the world. He asked the Planning Commission to consider what the Port does for the community economically. For every dollar donated to the Port, about \$300 is generated. The Port generates about \$550 million in economic return for the community and cruise ships and logging are a big part of this. The Port employs many people and serves as a great economic engine. He asked the Planning Commission to consider what the Port could do with an extra six acres of developable land.

President Nemlowill asked why the Port was not involved in the Riverfront Vision planning process in 2008 and 2009.

Mr. Weston said he did not work for the Port at that time; He was working as a planner for Clatsop County.

Director Estes said the Port was involved in the Vision planning process and there have been some changes in their perspective over time. Mr. Weston confirmed that.

Mr. Weston confirmed for Vice President Innes that the Port was specifically concerned with the property between 35th and 38th Streets.

Director Estes continued, explaining that during the visioning process, the Port was interested in preserving the ability to continue to maintain the East End Mooring Basin. The Riverfront Vision Plan addressed this interest in its provision to include waterfront areas for maritime-related uses, including marinas, etc.

President Nemlowill reiterated that this meeting would be continued and called for more public testimony.

Elizabeth Menetrey, 3849 Grand Avenue, Astoria, said during the planning process, she did not believe the Port had any specific plans and wanted to leave their options open. There is currently a view of the river from the parking lot and she anticipated this view would be blocked by buildings. The ability to see part of the river while driving was part of the discussion. She did not envision large buildings along both sides, changing the entire nature of what she had been trying to talk about. The spirit of the Riverfront Vision Plan is that the Civic Greenway, from 16th to 41st Street, have very limited over-water development. She anticipated the Port asking for an exception for a specific project, which City Council could consider. However, allowing 28-foot buildings through the entire area is not appropriate. She believed the entire Civic Greenway Area should be a park and encouraged the Planning Commission to keep the bank height restriction. She suggested the Planning Commission suggest to City Council that the Port have some say in getting some variances when they have a project planned.

Jan Faber, 3015 Harrison, Astoria, understood the Planning Commission and the audience agreed that a large part of the area would be free of over-water development above the bank. He did not agree with the argument that the 12-foot height limit would be appropriate because development would not be economically feasible. If the city wants heights limited to bank height, then go ahead and set that limit.

Commissioner Fitzpatrick clarified that he was not just throwing something out there, saying it would not happen. As a business person and a real estate developer, he knows what is feasible and what is not. He reiterated that he had been speaking about a structure on a floating dock that would be a shack to rent or sell something out of. He was not taking this issue lightly, but wanted to make it clear that he had an understanding of the repercussions of a bad decision. He hoped that Mr. Faber and the audience understood. Every one of the Commissioners takes this seriously.

Mr. Faber said he was not suggesting that Commissioner Fitzpatrick had not taken the issue seriously. After sitting through the meeting and reading the Staff report, he understood and commended the Planning Commission for their work.

Shel Cantor, 1189 Jerome, Astoria, understood that Ms. Menetrey suggested the City wait until the Port has a project before considering a variance or exception. He believed the City should also consider whether the Port had funding for the project.

Connie Spencer, 3930 Abbey Lane, A307, Astoria, asked where Mr. Holcom's property was located.

Staff described the exact location of his property using a map, explaining that it was over the water. When Mr. Holcom applied for the zone change to build the Hampton Inn, he had also discussed the concept of a marina.

Chris Farrar, 3023 Harrison Avenue, Astoria, said he believed the wording in any amendments or recommendations to City Council must be definite. Basing restrictions on the idea that no one would build anyway is ridiculous. He was sorry if this offended Commissioner Fitzpatrick. If the City does not want 12-foot

high buildings, this should be unarguably stated. It is too risky to simply hope that no one would build 12-foot tall building. He believed Mr. Hastie's comment that large amounts of development were not expected was too nebulous. He wanted to discuss how many lots on land could be developed and asked how wide the lots between 16th and 41st Streets were. He believed some lots were quite large. The proposed restrictions would allow 50 percent of the area to be covered by buildings. He did not want a concrete canyon, like the one near 39th Street. Density should be considered, as well as the height. He hoped the wording would be made legally tight.

Cindy Price, 1219 Jerome, Astoria, said she now understood why Ms. Menetrey fought so hard during the planning process to have zoning as part of the plan. She believed most of the people involved in the planning knew this issue would come up and would take a long time to resolve because it is so complex. She believed the Planning Commission had been doing great and had come to a decision. The decision tonight is whether to send the draft amendments to City Council for approval. She understood that the Planning Commission did not agree with the amendments for one reason or another. She believed allowing the Port exemptions and variances made the most sense because it follows the intent of the Riverfront Vision Plan.

Planner Johnson explained that variances were for numeric issues, like height limits, building width, and square footage. Conditional Use permits allow a specific use under certain conditions if criteria for approval have been met. The use must be listed in the code; it is not a use that is added after the fact.

Director Estes said height could be limited to bank height and a variance could be granted to allow something higher. Usually, variances are requested when there are extenuating circumstances. He confirmed that Staff would present some recommendations at the next Planning Commission meeting on June 24, 2014. He would like to get documents from the Port in advance so they could be included in the Staff report.

Commissioner Gimre said he had commented that 12-foot high buildings might never be built. It is ludicrous to say that he was suggesting this statement be included in the wording of a document and he did not appreciate this accusation.

President Nemlowill asked if the Planning Commission unanimously agreed that over-water building heights should be limited to bank height and the Port property should be considered separately, while still reflecting the values as outlined in the Riverfront Vision Plan. Commissioner Fitzpatrick did not agree.

Staff understood there was not a consensus among the Planning Commission, but believed they had all of the information and direction they could get for the time being. Staff would prepare a recommendation for the Planning Commission to respond to.

President Nemlowill thanked the audience for speaking, noting that the Planning Commission was listening to their comments and concerns. She continued the public hearing to June 24, 2014 at 6:30 pm. and reminded that any comments about this application needed to be done at the meeting.

City Attorney Henningsgaard clarified that the Commissioners were entitled to visit the property, speak to constituents, and conduct their own investigation because this was more like passing a law, as opposed to a judicial matter.

ASTORIA PLANNING COMMISSION MEETING - EXCERPT
Astoria City Hall
June 24, 2014

ROLL CALL:

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

Staff Present: City Manager Pro Tem/Community Development Director Brett Estes, Planner Rosemary Johnson, and City Attorney Blair Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

ITEM 4(c):

A14-02 Amendment A14-02 by the Community Development Department, City of Astoria, to amend the Development Code and Zoning Map to implement the Riverfront Vision Plan in the Civic Greenway Area (16th to 41st Streets, Marine Drive to the Columbia River); add Compact Residential zone; add Civic Greenway Overlay zone; add clear and objective standards for residential development; renumber several zones and overlay zone; miscellaneous related changes with the new Code references; and rezone the area on the north half of the blocks between Marine Drive and the Columbia River from 30th to 32nd Streets from the C-3 (General Commercial) zone to CR (Compact Residential) zone. The City Council meeting is tentatively scheduled for July 21, 2014 at 7:00 pm in City Hall Council Chambers. This item was continued from the May 27, 2014 Planning Commission meeting.

Planner Johnson reviewed some highlights and changes in the written Staff Report and direction Staff received from the Planning Commission at the May 27, 2014 meeting. She handed out copies of the changes made to the draft at the dais. Page 13, Item C.2 contained a typographical error and should read "The maximum width of an individual overwater building located greater than 500 feet from the shoreline shall be a maximum of 50 percent of the total parcel width (measured along the parcel frontage adjacent to the Columbia River) or 150 feet, whichever is less." She noted that Tim Ramis' letter discussed the East End Mooring Basin Master Plan, but the Port does not currently have a master plan for the area that has been submitted to the City. Therefore, it is premature to include the master plan in the ordinance. Staff is recommending that the Port work on a master plan outside of this amendment process. Once a plan is adopted, the Port can come to the City to work on integrating the plan into the Code and/or make any necessary amendments. After the public hearing, Staff would like the Commission to respond to the following:

- If overwater building heights are limited to the bank height, does the Commission want to limit the restriction to no variances in the future?
- The exact location of the potential overwater development above the bank line, which Staff has recommended be located from 35th to 39th Streets and at 500 feet from the shoreline.
- Two pieces of correspondence were received, the letter from Mr. Ramis included in the Staff Report, and a letter from Annie Oliver. Staff recommends the Planning Commission recommend that the City Council approve the amendments.

President Nemlowill called for questions of Staff. Staff responded to Commissioner's questions and concerns with these comments:

- The Code currently allows potential development of the East End Mooring Basin area for grain terminals, coal and oil terminals, and cold storage. More research would be needed to determine if a liquefied natural gas facility would be allowed, which was mentioned in a document prepared by Port of Astoria representative Attorney Jordan Ramis. These uses would still be limited to height and mass restrictions in the new Code.
- Page 7 of the Amendment Request document cited Comprehensive Plan language that stated major Port development would be encouraged at the existing Port docks and East End Mooring Basin. Many of those Comprehensive Plan sections were written in 1982, and then amended in 1986. The Port had two major holdings, the west docks and the East End Mooring Basin. North and South Tongue Point were not under Port control at that time. At the time that language was written, it was envisioned that the two largest Port

areas would be the West end and Tongue Point areas and the Comprehensive Plan acknowledged that the Port had control of the East End Mooring Basin. The Plan did not specifically state what could be developed.

- The A-2 zone, which is the overwater area between 17th and 21st Street, currently allows professional and business office, personal service establishments, residences, and arts and crafts studios as conditional uses. These uses are limited to upper floors because the building must have approved commercial or tourist-oriented uses on the ground floor. Up to 25 percent of the ground floor can be used for the business and residential uses. These uses would be eliminated from the Civic Greenway Area, but other A-2 zones elsewhere in the City would retain these uses.
- The Gateway Overlay Zone would still be applicable within the Civic Greenway Area because the Gateway Overlay Zone has its own set of standards and its own design review criteria. The Civic Greenway Area overlaps some of the Gateway Overlay Zone. The design guidelines between the two areas are similar, but the overlap will put a few more restrictions on the Gateway properties, such as the setbacks and some building setbacks being proposed for on-land development standards.
- Home stay lodgings are being considered as a conditional use in the Compact Residential zone. However, the intentions for the neighborhood are affordable housing for working Astorians. This use could be removed if the Commission believes the area should not have any transient lodging. Home stay lodgings would be restricted to owner occupied, one or two bedroom dwellings.
- Transportation issues have not been included in the Compact Residential zone section of the Code because it has been addressed in the Transportation System Plan (TSP). Requirements for connections from developments within a certain distance of transit to transit facilities have been included in the TSP. Those requirements apply throughout most of the City. The proximity of subdivisions to transportation facilities and routes are considered at the time of development.
- The Planning Commission had been divided on the decision to include the allowance of overwater eating and drinking establishments in the Code. Staff kept the use in the Code, but added more restrictions, because clear and unanimous direction was not given by the Commission.
- Generally, variances are from numeric values. However, the proposed amendment includes a variance process from development that is restricted to below bank height, which is not a numeric value. Staff believed it was important to specifically state whether a variance was allowed to avoid future misinterpretations.
 - President Nemlowill stated that she hoped to hear from the public about the variance process because it was an important issue.
- Height restrictions for on-land development would apply to the vacant commercial property in Mill Pond along Marine Drive. The new height restrictions would be a reduction from the current allowable height, which is 45 feet. Staff understood that the Planning Commission wanted the remaining vacant lots to be reduced in height.
- The Recommended Native Plant List was reviewed by several people who deal with street trees as well as the Columbia River Estuary Study Taskforce (CREST), who reviews shorelands and native vegetation. President Nemlowill wanted to ensure that the trees conformed to size standards.
- Handrails on gangways and walkways must be at bank level, so the walkway would need to be stepped down from the bank level. Planner Johnson displayed a graphic showing two examples, Pier 39 and 36th Street causeway to the East Mooring Basin and noted that an exception for handrails could be included in the amendment.

Matt Hastie, Angelo Planning Group, 921 SW Washington, gave a PowerPoint presentation, which included a summary of the May 27, 2014 Planning Commission meeting. He noted that most of the proposed amendments are limited to the overwater development standards. He briefly reviewed these proposed overwater development standards, showing graphics that demonstrated examples of the standards. A local arborist and CREST reviewed the proposed tree species in conjunction with the rest of the Code amendments; however, he did not confirm whether the heights of the tree species would comply with building height limits. Criteria for the trees on the list include species that were not super tall and species that were columnar. The intent was to prevent planting trees that would block views of the river.

President Nemlowill opened the public hearing and called for testimony in favor of the application.

Elizabeth Menetrey, 3849 Grand Avenue, Astoria, said that like Planner Johnson, she has been involved with this project since 2007. She noted that no consensus was received from the Planning Commission that the eating

and drinking establishments were desired, but they felt out of place to her. She was unclear about the variance from the bank height. However, she was happy and believed this was the closest the City has been to something that is really in harmony with the spirit of preserving open water. Many people have talked to her about the ordinance and she believes she represents many of these people. She reiterated that she was happy with the proposal.

Planner Johnson explained that the Planning Commission needed to clarify for Staff whether they wanted to include variances to the bank height restriction in the Code.

Michael McCusker, 757 27th Street, Astoria, stated he was confused as to whether he was for or against the amendments. He read his written statement into the record, and gave a copy of his statement to Staff. He stated that it is essential that the City preserve the people's right to public use of the Riverfront. He did not want to see condominiums, cruise ship docks, aquariums, hotels, restaurants, etc. on the Riverfront. He stated that limited views from these facilities was not what was envisioned by the Riverfront Vision Plan as waterfront views. He believed a park atmosphere was the best use of the Riverfront.

President Nemlowill reminded that this portion of the public hearing was open to those who wish to speak in favor of the application.

Chris Farrar responded that Mr. McCusker's comments were the most favorable the Planning Commission would hear.

Cindy Price, 1219 Jerome, Astoria, said she felt a little like Mr. McCusker, but more like Ms. Menetrey. She believed that with some exceptions, Astoria had the best of the worst set of Codes. She encouraged the Planning Commission to refrain from implementing variances and implement President Nemlowill's suggestions into the Code. Her neighbor was surprised to hear that she had been attending Planning Commission meetings because implementation of the Riverfront Vision Plan has not been in the paper. Most Astorians who have known about the Riverfront Vision Plan have been very concerned about potential development on the river, particularly in the Civic Greenway Area, which she has come to love for its vast open spaces over the last seven years as she engaged in the Plan. Her neighbor thought the Riverfront Vision Plan had been put to bed years ago and was concerned that the river would be taken away from the citizens. Ms. Price told her neighbor there was talk about development on the river, like the Cannery Pier Hotel. The neighbor indicated that while she liked the hotel, she would not want more overwater development. Ms. Price believed this spoke to the types of exceptions being discussed. Stay below river bank height and do not allow variances. Shel Cantor and Ms. Menetrey's presentations at previous meetings were heartfelt and data-rich. She wanted to add to those presentations by bringing attention to the landscaping. She did not spend a lot of time looking at the trees because she believed European horned beams and sugar maples easily grow in this area up to 90 feet and are very wide. She understood the value of native plantings. She is a Master Gardner and has spent many of the last 16 years digging up plants in her own garden that she believed would be cool, but turned out to be thugs. Some of those plants are on the list of recommended shrubs to be planted on the river side of the River Walk at a maximum of three feet high. Most of the plants on the list start at three feet. The Ribes Lobbi stops at about six feet and most of them get as much as 28 feet high. The plants sucker prolifically and produce colonial thickets. Many produce beautifully colored berries that birds adore, eat, and deposit the seeds in yards, which have to be dug up. All of the shrubs on the list require a lot of maintenance, at least semi-annually. Almost all of the shrubs on the list will require some digging up because they will get so enormous, and she doubted digging was wanted on a riverbank. She urged the City to re-examine and extensively revise the shrub list because this is all about details. The same goes for the herbaceous grasses and ground covers list. Everyone should be wary of common firewood, horsetail, clasping arnica, sharp tooth angelica. These plants are not what the City wants. One aspect of open views of the river that she considers supremely important is the riverbank, the ebb and flow of the tide, the hide and seek the tides play with the rocks, piers and artifacts, and the slap of water made by the wake of a passing ship. She wants to see and hear all of these things and they need protection.

Robert Clark, 145 2nd Street, Astoria, said that implementation of the Civic Greenway Area would either be a feature or a problem for the sea lions in the East End Mooring Basin.

President Nemlowill believed Mr. Clark needed to address a different commission with his concern. Mr. Clark responded that the Civic Greenway Area would include the East End Mooring Basin. He wanted to know if this would be considered a feature or a problem since the sea lions would be in the East End Mooring Basin.

Director Estes explained that the City of Astoria had no control over how the sea lions were managed and where they congregate. State agencies deal with those issues. The zoning process did not include reviews of sea lion habitat.

Mr. Clark asked if the dwellings in the area would be floatation based.

Director Estes said no, that pilings would be driven and dwellings would have to comply with all Federal and State statutes for overwater development. This is required for any work done along the Columbia River.

Jan Faber, 3015 Harrison Avenue, Astoria, asked for clarification on the height requirements for on-land development on the river side of the River Walk. He wanted to know if the bank height restriction was only for overwater development

Planner Johnson confirmed that only overwater development was proposed to be restricted to bank height.

Mr. Faber said he didn't mind the look of the buildings on either side of the walkway out to Big Red, but if those buildings lined the shoreline all along the River Walk, it would not matter what occurred over the water because the water could not be seen.

Planner Johnson explained that the bank height restriction would not affect buildings on the land north of the River Trail. However, there are very few areas, if any, that would have enough land to support a building not partially over water. She believed the existing building near Big Red was partially over the water because it was built on pilings.

Mr. Faber stated that it makes no sense to allow development of this land and attempt to preserve views by limiting overwater development to bank height. He suggested the City conduct an inventory before the amendments are adopted to determine which parcels are open for building, even a one-story building. Otherwise, preservation means nothing. He asked if overwater development was allowed to be 500 feet out and 28 feet high. Planner Johnson said the only place 28-foot high buildings, 500 feet out, are being recommended is between 35th and 39th Streets. All other development would be limited to bank height. The Planning Commission could consider limiting development to bank height north of the railroad tracks, rather than just over the water, which would address Mr. Faber's issue of buildings along the bank. She showed a photograph of an existing building on the riverfront by Big Red (100 31st Street), noting that the building was partially supported by pilings.

Mr. Faber said after receiving the agenda packet, he wanted to express his appreciation to anyone who volunteers for commission work. The public attends the meetings when they are interested, but Commissioners are present even for things they are not interested in. Regardless of whether the public is for or against an issue, he appreciated the citizens who volunteer. He agreed that visitors are constantly appreciative of what Astoria looks like. He was sure that the Commissioners enjoyed that as well. The comparisons made in Mr. Ramis' letter are the reasons people live in Astoria and get off the cruise ships and walk around. This is not Chicago, Seattle, or San Francisco. He was reminded of Waterfront Park in Portland, also known as Tom McCall Waterfront Park. Mr. McCall and a group of citizens fought against commercial development on valuable land. What they did and preserved is enjoyed by everyone that comes to Portland and by Portland citizens. Years after Mr. McCall and the group of citizens have passed, people go to the park and say, "Look what a wonderful thing". By preserving the area for the future, people who come to town years after the Planning Commission and their children are gone will remember that this is what the Commission preserved for posterity. He urged the Planning Commission to preserve the area. He stated he was always worried about restrictions that offer the opportunity for exceptions. The next Planning Commission or City Council could be pressured for exceptions and it is not possible to know the criteria. If the Commission is going to preserve the area, they need to do it without exception. He urged the Planning Commission to say no to variances from overwater height limits. He was interested in the exception for restaurants with fish processing plants and asked about its purpose. He was concerned about people wiggling around the preservation standards. He was unsure why the exception would allow a dock possibly with only two slips to have a restaurant. Astoria is not such a large city that someone would be unable to get to a restaurant from a marina. He preferred a preserved beautiful park through the entire area. Nevertheless, in view of competing interests, he believed the Planning Commission had made some accommodations. The Port and Floyd Holcom weighed in at the last meeting and it seems like the City Staff has come back with allowances for

what they want to do. After looking at the list of things Mr. Holcom wants struck out of the ordinance, he believed Mr. Holcom wanted the whole riverfront. He believed the proposed amendments were a good compromise. He urged the Planning Commission to support the amendments with the restrictions for on-land development north of the River Walk.

Vickie Baker, 3015 Harrison, Astoria, thanked the Planning Commission and Staff for all of the hard work they have done. She wanted the Planning Commission to consider no variances which would be very important for preserving the area because wiggle room allows many things to happen later down the road. She opposed the eating and drinking establishments. There are many wonderful restaurants and people would appreciate keeping them in the downtown area instead of in the Civic Greenway Area. Removing the eating and drinking establishments would prevent people from building more than Astorians want built out on the water. She believed the list of recommended plants should be removed from the proposed amendments. The City should consider asking Master Gardeners to look at the landscaping because so many plants are listed and they may have some serious repercussions.

President Nemlowill called for any testimony impartial to the application. Hearing none, she called for testimony opposed to the application.

Lorrie Durham, 398 Atlantic, Astoria, stated she agreed with Mr. McCusker and Mr. Faber. Through the County and the Port, she has seen the variance problem, which puts fear in her heart that at some point someone will put on the pressure and build whatever they want on either the north or south side of the River Walk. She believed the City needed to be very careful about this. She understood that the Planning Commission was trying to be fair, but the Commission really needs to preserve the area. Astoria is unique. Does Astoria want to become like Malibu or someplace where the ocean or a river cannot be seen without going down a little view corridor? She was surprised about the liquid natural gas (LNG) and knew this would not happen, but once the view is gone, it is gone and will never come back the way it is. Astoria has wonderful hotel and building renovations that are so important to the City's future. Astoria will either preserve the riverfront or allow room for people to maneuver and do what they want for economic gain. She knows Mr. Ramis, the Port's attorney, and she has been fighting against LNG terminals, whether import or export, for almost ten years. Mr. Ramis was one person supporting the people who want this development here. She does not trust Mr. Ramis.

Floyd Holcom, 652 Alameda Avenue, Astoria, said he lives on the south slope of Astoria and owns a building at 100 39th Street called Pier 39, formerly called the Hanthorn Cannery Foundation since 1875. He is not in favor of the ordinance whatsoever. As citizens, everyone must try their best, tell the truth, and give everyone what is believed to be the right way to do things. Being born and raised in Astoria, he had some great founding fathers. Duncan Law was his Scout Master in Boy Scouts. He looks at ordinances critically because they are law. So, he agreed with everyone who had spoken for or against this application. He believed several comments about economics and the environment were true. However, when it comes down to the ordinance there is a different perspective. People like Mr. Ramis are hired because no one out there is smart enough to really figure out the law the citizens just asked City Council to approve. The citizens really do not know how the law affects them. He was part of the Astoria Riverfront Vision Plan, but had to ask to attend because he was never invited. Many of the things he proposed never made it into the Plan. However, the City gave him the Dr. Edward Harvey Award for renovating a building over the water at the end of 31st Street. He has never received the award for Pier 39. He is a developer, but was offended by the names that Mr. McCusker called developers. Every dime he has made from his tenants at Pier 39 over the last ten years has gone back into the building; he has not made a dime. He believed the issue was getting off track because the facts were not facts, the citizens were presenting emotions to the Planning Commission. The Planning Commission must make a decision to send an ordinance, a change in the way Astoria does things, to City Council. He was opposed to the ordinance going to City Council. He moved his family back to Astoria so he could invest all of his funds in the community. He could count how many buildings he remodeled back to their historic significance. He wanted the Planning Commission to pass the ordinance between 16th and 31st Streets. But between 31st and 40th Streets, he was opposed to changing things midstream of someone with dreams who is trying to work on things. George Brugh has been working down there all of his life. Many people said it was great when Safeway bought several vacant properties because Safeway puts a lot of money into the school. This is not included in the Staff Report because no economic analysis on the benefits of development was completed. The Staff Report and newspapers indicate that developers are bad people trying to take the views and stop issues. This is not true; he was present to tell the facts. He just returned from the east coast on Wednesday, and Mr. Ramis had to tell him that another meeting was scheduled for

Tuesday because the City never bothered to let him know the hearing had been continued. Safeway, on 33rd Street, puts in over \$100,000 in taxes, almost \$40,000 of which goes to the school district and \$50,000 to the City of Astoria. Safeway bought the water lot in front of its store and there are pilings in that water lot. He was happy when Safeway was going in because he felt lonely down there in an old cannery that did not have a road. When Safeway began pounding pilings, there was no road to Pier 39 and it was all dirt. The Staff Report does not state that at that time, he asked Doug Tindall of the Oregon Department of Transportation (ODOT) to provide a grant for the City of Astoria to build a road out to Pier 39. ODOT provided \$550,000 and a turn lane into 39th Street. The City of Astoria did not pave this road; he had to ask the State for the road. The State said the City had to sponsor the project. He and his partners decided they needed to make the money back because roads cost money to develop. The developers who built the condominiums went bankrupt. Many people do not like the condominiums and he was not in favor of the design. When no one rents from you, or puts in a road, or a Coffee Girl, there is no money to renovate your historic building. These economic generators must occur. The City of Astoria did not invite him to put in a Coffee Girl and no one told him how to do what he does. He did it because he is an entrepreneur that wants to enhance the economic viability of a portion of town that was bad. He recalled the RV park owned by Mr. Brugh, noting that police reports indicated drugs and prostitution were occurring in the park. This is not stated in the Findings of the Staff Report. He purchased the RV park and decided to move all of those people out, get rid of the trailers, and make it reasonable for other families to move in and get rid of the drugs and prostitution. The City never asked him to do this. In fact, Planner Johnson told him he could not have a RV park in that location. Mr. Lovold, who was alive then, wrote him a letter informing him that the RV park was grandfathered into the Comprehensive Plan, according to Paul Benoit. The RV park is still in the same location. He had to attend the last meeting to defend himself again and retain attorneys. He questioned how many people had read the Development Code and Comprehensive Plan, calling for a show of hands. He read all of both documents on his vacation. The statement at the end of the letter that states this ordinance meets the Comprehensive Plan and the Development Code is false. He asked if the Planning Commission was going to send a false document to City Council for approval. The Code amendments need a lot of work. If the Planning Commission had approved the document at the last meeting and sent it to City Council, he would have had to go to City Council to defend his position. Pier 39 would have been non-compliant. Discussions about this issue indicated that the draft was supposed to change, but if he had not read the document or received a phone call about the continuance, he would not have caught that the building he just spent millions of dollars renovating was non-compliant. His bank would have called the note and the Division of State Lands would have required him to tear the building down. He suggested the Commissioners read an email he received from the Division of State Lands (DSL) if they did not believe him. The email states that if he does not renew his DSL lease in 9 ½ weeks, his building would be non-compliant and he would have to remove the historic building from the waterfront. Why do property owners who spend their life's earning have to defend themselves? When property owners read about the property at the time of purchase, considering all of the Codes and agreements in existence at that time, why do they need to come back and defend themselves over an ordinance that did not exist when the property was purchased? He was sure the people speaking after him would say the same thing because they are property owners. Many people received notices to appear at this meeting or read about the meeting in the newspaper. However, property owners east of 35th Street never received notices that their property would be affected by the discussion at this meeting. Anyone who owns property at the end of 39th Street or who is involved in this process should have received a notice from the agency that has proposed the ordinance. When your neighbor plans to paint their house, you get a notice. When zoning changes are made, property owners are required to receive a notice. If a developer is building something outside of the Code, you are supposed to get a notice. He could tell that some people in the room were unhappy with him, but this was one of the great things about being an Astorian. Astorians were raised to just act with the knowledge that some people would not be happy about what was being done. He and his family own NBSD, LLC, which owns or controls 28.91 acres within the zone between 35th and 40th Streets, making him the largest land owner affected by the zone. He asked Planner Johnson to display the photograph of Pier 39, pointing out two water lots just north of the RV park. In the last eight months, the consultant never called him to talk about what he might want to do on those lots. He has never spoken to the consultant about Pier 39 Marina and no one from the City has contacted him. He was surprised to see that he could not build anything within 500 feet of the shoreline. He is now reading about this for the first time, yet the ordinance is being sent to City Council. This is not fair. He does not plan to build any buildings on these lots, but he would like to have known what people do with property he owns. One great thing about being an American is that when you own property, you want to feel like you really own it, but he does not. He has been very proactive. He knew there had been discussions about development. When development of Pier 39 began, it was called Pier 39 and Fisherman Suites. He noted the Port is the second largest land owner between 35th and 39th Streets. Safeway and his colleagues own the next largest

portion of land in this area. He did not believe Safeway representatives were at the meeting. It would have been nice for them to attend because he would like to hear what they have to say. This is not just spot zoning, it is holistic development. Pier 39 and all of its tenants would not exist today if no one came down to visit. This year, Pier 39 had the highest amount of visitors during the Scandinavian Festival. The Development Code says that Astoria is going to enhance historical development by providing resources to enhance facilities and promoting areas for historical development. He is still waiting on this and had not heard from the City. Everything between 35th and 40th Streets has been done with private money on private lots. He has never received funds from the government and he never requested money from the City, yet everything has been returned to the community. One example of this is the K. Patel Hilton Hampton Suites Hotel. Pier 38 Marina and RV Park was his wholly owned subsidiary when K. Patel asked him what he planned to do with the water-logged lot. He had no plans at the time as funds were limited, so Mr. Patel offered to build the hotel. He spent \$140,000 of his own money going through reviews and zone changes to build the hotel. K. Patel paid \$22,671 in property taxes to the school district in 2013. This is not very greedy. K. Patel spent \$37,000 going directly to the City of Astoria for taxes. K. Patel's total taxes for 2013 was \$89,671 and his water/sewer expenditure for the year was close to \$30,000. He believed he paid about \$3,000 for water and sewer service, which was a horrible amount. These development costs were not included in the Findings. The Planning Commission is making a decision based on issues for which the facts are missing and on cherry-picked items, regardless if anyone will have money to build over the waterfront. He had to come to the Planning Commission at the last meeting to say that a building 12 feet high would only rise 3 feet above Pier 39 because of the mean high high water line. He did not see this in the revised copy. There is so much detail in the economic reports that are supposed to be included in the ordinance that the Planning Commission is taking on more than they can chew, especially between 16th and 40th Streets. He loved the Gateway Zone Plan and thought it was great when it passed. The area included the museum and parks. The new Comprehensive Plan and the proposed ordinance say the City wants to move that all the way down to 40th Street. If that was true at the time the Gateway Overlay Plan was developed, he would not have been able to remodel his building at 31st Street that won the Dr. Edward Harvey Award. At the time, the zone line cut the building in half, so he asked which zone he was in. This was his first time in front of the Planning Commission. As a property owner, he wanted both zones. He believed a tie went to the owner, which was naive. Paul Benoit was the Planner then, and he wrote both ordinance Codes in for his property and allowed him to have both S-1 and S-2 zones. This was not a very big deal, but it cost him a lot of money to get permission to remodel the building and put an in office. This was not done with government money either. He asked the Planning Commission to move forward with the ordinance as they see fit because he did not see anyone complaining from 16th to 31st Streets. However, he believed the Commission should give him some time to regroup and figure out what to do as a property owner between 31st and 40th Streets. He has great things planned and has not done anything wrong yet. He purchased the lot where the third condominium is because he did not want to see another one of those buildings go up; the second building looks horrible. This is what entrepreneurs do; they take a risk and try to do things that make things right with what their friends and colleagues encourage them to do. This is what community is all about, but the Planning Commission is not giving him the chance to be a part of the community by planning things without his review. He stated that the City should not do any plans without his review. He must run down to City Hall and try to defend himself at the last minute, which is not fair. If the Commissioners were in his position, they would likely question what is going on. He was never involved in the grant given to the City of Astoria by the State Department of Transportation to create this ordinance and neither were any of the other property owners who should have been consulted. He was not part of the 500 foot restriction proposal. The reality is that he must make this work for his 28.6 acres on the east side of Astoria. He would like to see a marina and a floating restaurant. He would like to see anyone with an idea come to attract more people. Visitors have already seen downtown and they want to see something else when they come out to Pier 39. This is what is great about the economic development of a community, the holistic approach that allows people to go to different areas of a community and enjoy it. Spot zoning like this takes away the innovation of the investors that the City needs to bring a return on the investment in the economic development of the community. He was glad to say that he has had a major positive impact in the economic development of Astoria and to the taxation of Clatsop County. Together, with the City and some of its zone changes, which was seen as spot zoning back then, he was able to increase property taxes. There has been no ill will or intent and no one will build an LNG plant in front of Astoria. However, if his dock was two feet longer he would pull a cruise ship up to Pier 39. He knows he can pull up a cruise ship in the East End Mooring Basin and believes it would be great. Cruise ships only show up two times each year, but this is not in the Staff Report. The economic potential is not in the Staff Report. The only thing in the Staff Report is what cannot be done, which is not fair to the innovators, investors, and citizens in the community. He did not understand why eating and drinking establishments were such a big deal. He has some retired friends that like coffee shops and he believes coffee shops are great. He

asked if anyone would come to a floating coffee shop. He would not be allowed to put a floating coffee shop off the East End Mooring Basin. Let's not say what we cannot do, let's say what we can do. If it gets bad, he believed Planning Commission meetings would fill up with twice with people and attorneys would get involved again. Let's not restrict development. Everyone likes the idea from 16th through 31st Streets. Allow property owners who own property between 31st and 40th Streets to regroup because they have too much money invested. He will be economically impacted if this ordinance passes and he does not know what he would do. Who could he call to ask for continued investments when there are so many restrictions? You don't tell an artist he can only paint in one color. This is the reality and the truth. There are many things in the current Staff Report that are not true. If the Planning Commission wants the details, the Commissioners should attend the City Council meeting because then he will show what the untruths are. He believed that if the Commissioners read the Development Code, they would direct Staff to do more work and discuss economic impacts with property owners east of 40th Street.

President Nemlowill asked Director Estes to address Mr. Holcom's concerns about notifications of the public hearing. Director Estes stated that he had a copy of the notice of the first public hearing that was mailed to Mr. Holcom, NBSD, LLC.

Mr. Holcom said he did not receive a notice about this meeting. Director Estes explained that this meeting is a continuance of the first public hearing; therefore, another notice was not required.

Mr. Holcom understood that the notice was not required, but he was still a property owner. Director Estes noted that Mr. Holcom and his attorneys were present at the last meeting. The City is in compliance with the law for continuing the public hearing. He did not need to go into detail about the other concerns because City Staff had different positions on those matters.

Planner Johnson noted for the record that every condominium owner, every resident at Mill Pond, and every property owner from 15th Street to 42nd Street and from the water to across Marine Drive were mailed a notification for the first meeting. Once a meeting is continued, the announcement is made at the meeting. This is all that is legally required. She referred to comments about existing buildings on land and noted that those buildings would still be allowed to develop under the current proposed draft, such as Safeway. Safeway is on land and is less than 28 feet tall, so it fits within the Code amendments being proposed. At no time was Pier 39 considered a non-conforming use. The change in the draft Code that was made was the inclusion of the statement that the two existing buildings would not have to comply with the walkways and some of the additional requirements of the new Code for restoration and renovation. All of the existing uses were always allowed and considered conforming in the drafts. The proposed amendment states the buildings would not have to comply with some of the design review features for restoration and renovation.

President Nemlowill called for a recess at 8:21 pm and reconvened the Planning Commission meeting at 8:26 pm.

President Nemlowill stated that during the recess, a couple of people suggested a time limit for public comments be implemented. She believed this was a good idea, but also believed it was important that everyone gets the chance to say what they need to say. She stated there would be no time limits on public testimony and asked the public to stay on topic. She called for testimony opposed to the application.

George McCartin, 490 Franklin Avenue, Astoria, said it appears that over the years and more recently, many people have put many hours into the River Walk and are now incorporating that into an ordinance. It seems as if the Planning Commission is on the right track, but has recently been getting sidetracked. He was concerned that development would be allowed in the Civic Greenway Area, despite this development being limited. By allowing restaurants and residences, the Commission is opening the area up to developers. He was particularly concerned about the conditional uses and exceptions included in the draft. He suggested the Commission be particularly aware of Goal 5 of the Oregon Statewide Planning Goals and Guidelines, which states that local governments shall adopt programs that will protect natural resources, conserve scenic, historic, and open space resources for present and future generations. Development was never mentioned in Goal 5. He was sure that the Civic Greenway Area fit within the mandate of Goal 5. Goal 7 speaks to natural hazards planning and predictions indicate that Astoria's coastal zone is overdue for a large earthquake. The goal states the local governments shall adopt comprehensive plans to reduce risk to people and property from natural hazards,

including landslides, earthquakes, and tsunamis. When making final recommendations to City Council, the Planning Commission needs to pay attention to both of these Goals. He suggested the Planning Commission retreat, throw most of the amendments out, and present the ordinance without the amendments.

Shel Cantor, 1189 Jerome, Astoria, said since these meetings began in October, a one-story height allowance for new over river construction was fostered, so he was encouraged to see the change included in the current proposed ordinance. Bank height is what has been recommended. He thanked Mr. Faber for bringing up the distinction between north of the River Walk on shore, versus over the water. He said Planner Johnson had responded that it was not possible to make this distinction, which he supported. He did not understand why the distinction is necessary. The bank height restriction should be implemented from the River Walk to the north. If a building is 12 feet high from the riverbank, you don't see the river from the River Walk. The proposed ordinance includes the option to allow a variance from the bank height restriction. If the Planning Commission chooses not to allow variances, the Commission has complied with both of the two relevant criteria in the Riverfront Vision Plan for new overwater development. River vistas that maintain physical and visual connections to the Columbia River would be protected. Maritime related uses consistent with Astoria's working waterfront would be encouraged, like docks, piers, and marinas. Associated uses would also be protected, providing jobs and maintaining a historic connection to the river. If the Planning Commission chooses to allow variances from the bank height restriction, the riverfront will be left open to new construction that will block river vistas, changing the approved Plan by deleting its fundamental criterion to protect vistas. This argument justifies the selection of riverbank height with no variances allowed. Since these meetings began, no one has presented a cogent argument justifying how allowing the vistas to be blocked protects the vistas. He understood that some uses would require a real building higher than the riverbank, like hotels and restaurants. Those uses are currently included in the ordinance as conditional uses allowed on the north side of the River Walk.

Planner Johnson clarified that in some zones, on land uses on the north side of the River Walk would include hotels, restaurants, and professional offices. Some areas within this zone could have enough land for a small building. Director Estes added that the Code would not allow hotels over the water. The Code includes a provision to allow an overwater restaurant when it's associated with a marine-related use.

Mr. Cantor believed Director Estes contradicted himself. Director Estes stated that a hotel could not be built over the water and clarified that restaurants were being considered separate from hotels. The Planning Commission has discussed both sides of this issue, so Staff has included the proposed Code language for now.

Mr. Cantor stated he did not understand, saying the vistas will either be blocked or they will not be blocked. He did not understand why the distinction between hotels and restaurants had been made, unless he could see through a restaurant. Director Estes explained that the proposed height limitation from 16th to 35th Streets is bank height. He showed a photograph on the screen and explained that the area north of the white line (500' out from the shoreline) is the area that could potentially have a restaurant, but only if it were associated with a maritime-related use. This is also the only area proposed to allow development up to 28 feet high.

Mr. Cantor said this was the first time the exception zone was being proposed. He believed the exception zone was intended to be a suggested compromise based on comments made by Mr. Holcom and the Port's lawyer at the last meeting. The exception zone only benefits Mr. Holcom and the Port, allowing large buildings located well off shore. During the last meeting, he read sections of the Appendix of the Riverfront Vision Plan, reminding everyone of how much Astorians did not support the compromise already represented by the Plan. In the end, most people figured it was the best they could get. Since October, the community has been witnessing an attempt to erode the Plan's one significant concession, protection of river vistas in the Civic Greenway Area. The exception zone is yet another compromise, which is not in the direction of what Astorians told the steering committee they wanted. He suspected that the exception zone offer was written before Mr. Ramis' June 18 letter arrived, which reveals that Mr. Ramis is not a good faith negotiating partner. Page 3 of Mr. Ramis' letter proclaims that among the highest and best uses of his client's properties are the coal and oil terminals and an LNG facility that Vice President Innes pointed out. He said he wondered if the diners at the Rogue Restaurant would appreciate their food being served blackened from coal dust. Page 7 of Mr. Ramis' letter referred to the prior proposed ordinance, which restricted development in the Civic Greenway Area to such a degree that the Port would be required by its fiduciary obligations to legally challenge the ordinance. Any compromise that the Planning Commission offers will not obviate a potential Measure 37 or Measure 49 claim. It is outside the purview of the Planning Commission to try to accommodate what amounts to legalized extortion. He said he

hoped it was obvious to everyone that the treatise for Mr. Ramis should have been directed at City Council since the recommended revisions are tantamount to demanding City Council scrap their approved Riverfront Vision Plan, at least for the singular benefit of the Port and Mr. Holcom. The Planning Commission has been tasked by City Council to implement the approved Riverfront Vision Plan in its current form, not to change it. Therefore, the only correct approach here is not to implement any exception zone and refer Mr. Ramis to the City Council. Don't give away anything if you know it will turn out to be a rather major confrontation, discussion, and compromise. The 500-foot off shore requirement proposed for that zone is one granted variance away from being violated. If a developer asserts a financial hardship, the multi-story building moves closer to the shore or even on to the shore. This is why not allowing variances is so important. So far, the discussion has only been about not allowing variances from the bank height restriction outside of the exclusion zone. However, the Planning Commission has not achieved what they believed they have achieved, if the desire is to achieve a compromise like this in the future without variances. The 500-foot off shore and the trail extensions go away with variances. When the Planning Commission's decisions implementing the Riverfront Vision Plan are tallied, he hoped President Nemlowill would urge everyone to present cogent arguments justifying their positions with respect to the Riverfront Vision Plan's relevant criteria, just as she would with any other application, especially the fundamental criteria to protect the river vistas. Without a cogent justification, giving an irrational or arbitrary argument or no justification at all would undermine confidence in what we are witnessing.

Mike Weston, Interim Director, Port of Astoria, said that although the Riverfront Vision Plan states to protect river vistas and maintain visual and physical connections to the river, it also states to encourage maritime related uses consistent with Astoria's working riverfront, such as docks, piers, and other associated uses. The proposed ordinance amendments are still in line with the Plan. The Port is asking for a balance, not an LNG plant, a coal terminal, or a shipping yard. The Port simply wants the leeway and flexibility in the Code to allow them to develop a Master Plan that will suit the Port's property and the surrounding properties goal of adding economic stimulus to the economy. The proposed amendments create a situation where 90 percent of the available land will be undevelopable. He did not believe this was a balanced approach. If 90 percent of his property is not developable, then 90 percent of the value has been removed from the property. A 70-foot view corridor has also been proposed. He believed that the causeway leading out to the breakwater is only about 40 feet wide. It does not make sense to set buildings back another 25 or 30 feet, as he would have to build additional docking to get around. There are still ways to maintain connections to vistas and views, like viewing platforms, keeping the area open to the public, while building a fisherman's wharf, implementing cold storage concepts and building trinket shops and restaurants; even allowing for the sea lions. He believed there was room for a compromise in this community. His job is to protect the public's infrastructure and investments. Therefore, he is willing to try to keep the sea lions off the public infrastructure docks. The sea lions can still exist and will remain in the area because they have lived there for 34 years. They will not be going away anytime in the foreseeable future, so we have to learn to live with this and deal with it in a sustainable manner. He had issues with building heights and widths, both on land and over water. He agreed that the ordinance should not include variances, which is the concept the Port would like to propose in their Master Plan. The Plan should be designed to fit in with what you want to do and the Comprehensive Plan should be designed in a flexible way so that options are still viable. He believed that the currently proposed restrictions really limited that viability and crushed the economic capabilities of the public's property in that location. He considered many of the uses optimal for tourists and local hubs and would fit well. Right now, there is a dead zone between 31st Street and Pier 39 because there is not a lot of economic development in that area except in the summertime when the fishermen take over everything. He would like to see more activity and foot traffic in that area, which could be accomplished by promoting it like a fisherman's wharf style development out on the East Basin causeway. This could include cold storage, a cruise ship terminal with a processing area at the end of the dock, some trinket shops, a way to see the sea lions, or ice houses for the fishermen. We need to stick with what Astoria was built on, which is a working waterfront.

President Nemlowill said she had previously asked Staff what the Port's position was at the inception of the Riverfront Vision Plan. Director Estes had responded that the Port wanted to maintain its property at the East Mooring Basin. She noted that when Mr. Weston began coming to the meetings, he had not mentioned anything about a fisherman's wharf or a Master Plan, but just asked that some development be allowed at the Port. The Planning Commission had been interested in learning more about the Port's plans, but it seems like since then, Port staff, not elected officials, have begun to come up with plans. She believed the Staff Report and recommendation was reflective of the Commission's direction provided after listening to the public, who want to protect access, and to the Port, who wants to have some economic viability potential. She asked Mr. Weston if the Port's desires have changed and evolved through this process. As a citizen, she wondered who paid the

lawyer for the 29-page letter, which represents public and private interests. This bothers her and leads her to question the Port's credibility.

Mr. Weston stated that this has been a group effort. Everyone from 31st Street on down has a viable issue with this ordinance. The Port has been talking to and coordinating their efforts with these people. He did not believe there was anything wrong with this. Everyone has something at stake here and the Port has worked with Mr. Ramis to figure out a way to come up with a viable option that allows the Port to preserve its capabilities on their property. Currently, the Port has about 20 to 25 acres over the water and about another 10 acres on land. The Port has considered its options for the entire area. Substantial development could be possible, but he did not foresee this happening. Those developments are more likely to occur at Tongue Point, but the Port still needs to protect the viability of those options. His job is to protect that public investment, which currently has no height or building restrictions. The Port could build anything they needed to create jobs and a rolling economy for Astoria. Adding restrictions means those options go out the window.

President Nemlowill said she understood the Port's intent to protect economic viability of public property, but she still wanted to know if public or private funds paid for the legal work. The letter represents both public and private interests.

Mr. Weston stated the costs were shared, which he believed was appropriate because the Port must team up with its partners for potential developments. He was unable to give specific details about what the Port has been developing because he is bound by a confidentiality agreement, but said there are potentials for the property and the Port needs to be considered.

Tim Ramis explained that his letter, which was included in the Staff Report, addressed questions asked by the Planning Commission at the last public hearing, describing their vision for potential development and reflecting their ideas for major Port development done in partnership with area property owners. The letter agreed that the Planning Commission had the authority to tailor regulations within the area to different purposes in different areas, and described sample regulations that attempted to strike more of a balance between preservation of views and economic use particularly of public lands in the area. One part of his draft included enhanced design review, which takes Staff's current approach and increases the level of discretionary design criteria by replacing some of the more prescriptive numeric standards. The second part of his draft proposes to put the burden on the property owners to develop a master plan that is put through the public process. He said Staff's introductory remarks slightly mischaracterized this plan district by saying that the Port is asking the City to approve a plan it has not seen yet. However, this is not the case. The Port is asking the Planning Commission to put a Code provision in place that authorizes property owners in the area to come forward with a plan, apply for approval of the plan, and then work with the City to develop regulations that the City would adopt to implement the plan. The proposed enhanced design review changes have to do with using setbacks in the buildings as a way to protect views along the waterfront, rather than Staff's proposal to place buildings 500 feet out into the water. The intent is to bring the public into these uses, drawing them to the waterfront. However, putting major development 1 ½ or more football fields away would be antithetical to creating pedestrian-related energy that would invite people to the water. His proposal also suggests developers be required to create public spaces and public access so that people can enjoy the water in ways other than just from the trail. He asked the Planning Commission to consider the Port's suggestions. If the Planning Commission chooses to move ahead with the regulations from 30th Street to the west, the Port asked that the City delay implementation of the regulations from 30th Street to the east so that the Port can work with Staff to refine the proposal. He stated he wanted to set the record straight after hearing a specific attack on his firm, noting that he has represented public interests before planning commissions for the past 42 years. During this entire time, neither he nor his firm have represented LNG interests. His firm's current job is to represent the regulator that denied an LNG application, who is in litigation and under attack from LNG applicants. He was unsure how the confusion occurred and reiterated that while his firm is involved in litigation, they do not represent LNG interests.

Commissioner Pearson asked how long the Port would need to develop a Master Plan.

Mr. Ramis stated he did not have the authority to commit his client to a specific timeframe. In other Plan districts and Master Plan projects he has been involved with, the applicants have usually taken about a year to develop a Plan. The process continues until there has been enough public consensus to move ahead. He confirmed for Commissioner Pearson that developing a Master Plan would take a minimum of one year.

Dr. Ted Forcum, 3990 Abbey Lane, Astoria, said he owns commercial spaces in the Cannery Loft Condominiums and three residences in Clatsop County. He noted that Mr. Ramis spoke eloquently. He believed everyone was fearful of change, which is a normal and a natural instinct. He understood that the community does not want to see change because the community is so beautiful. However, he believed in the basic premise that your environment imposes demand on you, whether it is environmental or economic, and you must adapt to the environment in order to thrive. Systems that do not adapt will cease to exist. Therefore, he believed it was important to create some change. A tough balance must be created between preserving nature and preserving economic growth and development. He remembered when all you could see in Astoria was the cannery and the lumber mill, which was not very appealing. Now, Astoria is the place to go to and is exciting. He said he was excited about the development plan because it was a wonderful opportunity for the residents, visitors, and economic development. One of the leading generators for economic development is creating a livable community and the City's planning is doing a great job of this. As a board member on the Joint Commission of Sports Medicine, he is tasked with interfacing with the Center for Disease Control (CDC). How Astoria plans their city plays a major role in dealing with the obesity epidemic. Astoria can reduce public funded health care costs by almost two-thirds through designing the City. Some of this Plan addresses this through things like sidewalk crossing designs. The River Walk is a great asset and the City is doing a good job of creating a walkable community. However, the City needs to create assets around the community for people to walk to so they are not encouraged to get into a car to drive somewhere. People downtown will complain about lack of parking, but they are not used to walking. If the City can get services on the east side of the community, the health of the community will benefit. He believed that adhering to the existing plan from 16th to the beginning of the marina, then having a broader vision for potential development from the marina to the east, would serve the economic health needs and the public health needs. He was concerned about restricting handrails to bank height, which would require a ramp or a step down because American with Disabilities Act (ADA) compliant access would be necessary at some point, which would impair the view. This could be a challenge. He referred to a previous comment about Tom McCall Waterfront Park, noting that the park has a significant amount of development on the north and south ends of the park. The south end of the park has recently been going through a lot development, including towers, hotels, and a tram that services the entire region. On the north end, the park has a lot of housing and redevelopment. This is a good model for Astoria. He compared the different types of development to different personalities. The personality on the east end would probably be different from the personality of downtown. People will go to both areas, but for different flavors. People may go to the east end for more of the fisherman's wharf style, while people who want more history and character of the town may go to the downtown area. He thanked the Planning Commission for listening.

Pamela Alegria, 1264 Grand Avenue, Astoria, thanked the Planning Commission for continuing the public hearing and Staff for addressing the concerns raised at the previous meeting. She requested that no variance or exception be granted for the height restriction. Variances often include discussion of economic hardships, but offering a variance would create an economic hardship for the City because the City would lose the revenue generated by the river. The river is lovely.

Linda Oldenkamp, 1676 Jerome Avenue, Astoria, said she has been involved with this process from the very beginning, beginning with a huge crowd at the library years ago. She specifically remembered Mayor Van Dusen saying at a packed City Council meeting that the City was going to have a vision for the river and the River Walk. He had said this would be for Astorians, not for developers. She believed that was the Mayor's finest hour. From the process that started with the River Vision Committee, she lost a lot of hope and was very disappointed in this process. She believed that this was the most important thing to Astorians because they want their City to remain authentic. If Astoria is authentic, Astorians will continue to love their town, love being here, and visitors will come here because Astoria is so different from any other place in the country. Whether the community members are for or against the application, she was glad they attended this public hearing because this process is so difficult and has been ongoing for seven years. The community wants the Planning Commission to be strong, whether they approve or deny the application. Some of the Commissioners have asked important questions and the community expects the Planning Commission to keep Astoria authentic because this town really cares about this issue. She did not want any variances. Give City Council a break because they have to deal with all of this and the politics can be miserable. If the Planning Commission approves no variances, things can probably be changed later on. But, it is very important to say no variances in this Plan. She was also opposed to restaurants or buildings between the River Walk and the river. The Port and Pier 39 need to get their plan done and move forward with it. Therefore, they need to comply with the riverfront and make sure that their master plans comply. She stated that Mr. Holcom is a creative person who will figure out how to do this according to the Plan. She

mentioned a recent trip to San Francisco, noting that a local person and a guide book discouraged visitors from going to their fishermen's wharf. The local person and the guidebook encouraged visitors to visit a ferry building designed for tourists. She believed Astorians felt like keeping the City authentic and real, and would bring in tourists because that is what makes people want to come and stay.

David Noren, 217 East Main Street, Hillsboro, stated he is a land use attorney and was contacted by George Brugh last week after attending the last Planning Commission meeting. He understood that many people had been working on the Riverfront Vision Plan for seven years and the Planning Commission has invested a lot of time in the process. However, people usually begin to hire lawyers when laws begin to be presented. The Planning Commission has been tasked with implementing the Plan, which is not law. Implementation of this Plan is what will become law. This is why the Commission is seeing lawyers now. This part of the process involves testing the proposed ordinance against the Comprehensive Plan, State Goals, and ultimately the Constitution. He said the Planning Commission should take more time to think about how to better address development and protection east of 30th or 28th Streets. He believed the Port's concepts of a plan district were useful and he encouraged the Planning Commission to take this or a similar approach. There are other mechanisms to allow for future review with flexibility for how areas might develop. A quasi-judicial master planning approach would address the major concerns and allow for flexibility. Supporters of the ordinance have talked a lot about protecting vistas, which is certainly part of the Plan. However, the Constitution does not allow the government to take property in order to provide vistas to the public. If the City regulates things to such an extent that there is no economically viable use left, then it has "taken" the property. At least some of the time, the City has gotten close to this. He did not know whether there would be any viable economic use left if development were not allowed north of the River Walk. He believed restricting development over the water to 500 feet out to bank height would be so costly that it would not be economically viable, which would possibly be an unconstitutional taking. This is why lawyers get involved when the City begins to discuss these types of restrictions. He did not see anything in the Findings that reflect an analysis of the costs or economic viability of developing properties under the proposed restrictions. If the Planning Commission wants to be successful with this, it is important to take a look at the area one more time. He would like to work with the City's planning Staff and consultants and the Port to help the City come up with alternatives that he believes will continue to protect things and provide flexibility for considering specific proposals in the future.

Commissioner Fitzpatrick said he was surprised that he had not heard the term "taking" earlier and has been concerned about this since the very beginning. He asked Mr. Noren to expand on the definition of "a taking" so the other Commissioners and the audience could understand.

Mr. Noren stated that he was not an expert on the matter, but would try to explain. In general, the Fifth Amendment to the U.S. Constitution prohibits the government from taking private property for public use without just compensation. If property is "taken", due process of law is required. As these cases have evolved over the last 40 years or so through the U.S. Supreme Court, a couple of major concepts have evolved, which have to do with whether there is a relationship between a legitimate public purpose and the restrictions being imposed. He believed most people would agree that legitimate public purpose exists here. If the government is asking the developer to give something up in exchange for development, like a view or walking easement, then they need to be roughly proportional to the impact of the development. He noted that Mr. Ramis argued a case, Dolan versus City of Tigard, at the U.S. Supreme Court, so he would be the expert. If there is no economically viable use available to the property owner, the government has effectively taken the property. His concern with the proposed ordinance was the lack of Findings supporting the notion that property owners are being left with economically viable uses under some of the circumstances. Building something 150 feet wide and no taller than 28 feet, 500 feet out, might not be economically viable, meaning there is some risk that the regulation is unconstitutional.

Commissioner Fitzpatrick asked what the consequences of this would be.

Mr. Noren stated there were severable possibilities. It is difficult to anticipate the various paths of challenges to the ordinance. One path of challenge would be to appeal the ordinance, saying it is unconstitutional. Usually, this issue comes up when it is applied to a specific situation. He confirmed for Commissioner Gimre that the constitutionality of the entire document would be challenged, that is whether there would be no possibility of a particular property subject to the regulations developing in an economically viable way. He reiterated that it is difficult to anticipate the types of challenges to this ordinance because the ordinance applies to such a large

section of the waterfront. However, he expected issues to come up if the ordinance is challenged and is appealed.

President Nemlowill asked City Attorney Henningsgaard to remind the Planning Commission what their role is when threatened with litigation. City Attorney Henningsgaard was unsure that anyone had threatened litigation at this point, alternatives were just being discussed. He asked President Nemlowill for clarification.

President Nemlowill asked if their decision on this hearing should be influenced by the idea of possible legal challenges in the future. She understood that any Planning Commission action could and has been appealed. City Attorney Henningsgaard stated this process has been ongoing for a long time. He and Staff, as well as the previous City Attorney, have attempted to steer this in a direction that would be lawful. Issues like takings are very fact-specific. It is possible that a decision made at this hearing takes all economic value out of a particular piece of property. However, the City has not heard any facts to that effect. Adjustments can be made to the ordinance if this were to occur. He believed the Planning Commission needed to make their best effort to effectuate the Riverfront Vision Plan.

Yvonne Hughes, 1390 Jerome Avenue, Astoria, agreed with Ms. Oldenkamp. The Planning Commission is here to help create ordinances, which is supposed to be a holistic approach that is a benefit to the entire community, not just developers as their own entity. She used to work for Gill Martinez, a world renowned master planner. Developers go into a community creating plans that adhere to the policies and ordinances already in place. In real estate development, this is a high-risk game because lawsuits are bound to happen. She has not been in this community for as long as this process has been going on, but has been very interested in the Plan since she came to Astoria. She believed this issue needed to come to a closure. The Plan needs to uphold the original ideas of what is going to happen. No one can foresee what will happen in the future, but variances would allow for anyone to come in and change the Plan to fit what they want to develop or how they want to develop. Not allowing variances is critical. This should be done from a community approach, not just from a singular approach.

Ted Thomas, 398 Atlantic, Astoria, said he was recently corrected on the origins of the River Walk and the Greenway Area. The River Walk did not happen by accident and a lot of hard work and intelligent thought went into its construction. For the purpose of possible appeals, which Planning Commissions do face from time to time, he felt compelled to reiterate and clarify the point he made earlier. If Tom McCall Park were converted into building lots and skyscrapers were constructed, or if Central Park was parceled out and converted into taxable building lots, would the cities prosper? He questioned whether these cities could prosper from the taxes collected on the properties or is something more ineffable would be lost. He was sure that property values on Park Avenue and 5th Avenue in New York City would decline, as well as in Portland. After the River Walk was constructed, he was not surprised that he and the entire City of Astoria fell in love with it. The River Walk is the inspiration of the city, the jewel of the Columbia River, and its value is not in what it can be sold for. The River Walk is valuable to the entire community. Like Central Park, the River Walk increases the real value of all buildings and all land. You cannot go forward without capturing that value, at least in an assessment. This is why every plan should include a credible assessment of the economic impact, including the value of the river vistas from the River Walk, that does not arbitrarily discount the rightful love of the people of Astoria or the impact of the River Walk upon property values. He asked the Planning Commission to consider whether they had adequate information on the actual economic impacts to make this decision. If he represented the City in a future appeal, he hoped the City would have a water tight economic assessment.

LaRee Johnson, 1193 Harrison Avenue, Astoria, thanked the Planning Commission, noting that this was a critical point for Astoria. She appreciated that the Planning Commission was reading through everything and weighing everything. She has been a resident since 1991 and does not own any property on the River Walk. However, she is vested in the Riverfront Vision Plan because she appreciates the generations to come and hopes they get to enjoy what everyone enjoys now when they walk along the River Walk. She did not want anything built on the north side of the River Walk, either on land or further out. She also supported no variances because variances are a way for the camel to get his nose in the tent. She appreciated Mr. Faber, Mr. Cantor, and Ms. Oldenkamp's comments, as they echoed many of her feelings.

Elizabeth Menetrey, 3849 Grand Avenue, Astoria, said that if any change is made to preexisting regulations, a property owner can trigger a Measure 37 and 49 lawsuit. However, Planner Johnson stated in the *Daily Astorian*

in 2006 that, "Astoria City Council decided from the start the City would continue life as usual after Measure 37 and continue to develop City Codes the way the City wants." She was on the Riverfront Steering Committee, which was carefully comprised of waterfront owners, people interested in development, and all types of people. The Committee was supposed to be well balanced to represent people who owned property on the water. This Riverfront Vision Plan came from a group of people who represented all of those interests.

Suzie Blackmore, 5241 Ash Street, Astoria, said she has been an Alderbrook resident since 1971. She remembered how industrial the City was when she moved here. There was fishing, logging, the Plywood Mill, dirt, grime, and noise out in the river. The waterfront is nothing like that anymore. From where she lives in Alderbrook, she wants to look down the river and see the big open expanse. She asked who had jurisdiction over the East End Mooring Basin. She also wanted to know if the Riverfront Vision Plan would override the Port's plan.

Planner Johnson explained that City Codes control what development occurs. This hearing is about developing the Codes that determine what can and cannot occur in an area. Anything over water is owned by the Department of State Lands with the upland property owners having first right of refusal to lease the area from the State. The property owner who leases the water adjacent to their land could develop over the water. The Department of State Lands and City Code would control what was developed.

Ms. Blackmore understood that if the Port chooses to develop the Mooring Basin, it would probably be accessible without having anything to do with the Riverfront Vision Plan. Planner Johnson responded no, any Code the City has in place would apply to the area. The City's Code applies to everything within the City limits, which includes out in the river. Therefore, any development in the City limits would need to comply with City regulations and State regulations.

Ms. Blackmore stated she was in favor of keeping the open space as much as possible. Any walls between the citizens and the river are a great objection to most of her friends and residents who love what they moved to Astoria to enjoy.

Chris Farrar, 3023 Harrison Avenue, Astoria, believed there had been many good comments made at this meeting. He thought the stretch of land from 16th Street past Pier 39 was to be an open space to allow residents to look out and enjoy the river. The river is a big part of Astoria and it defines the community. Coming down the Columbia was the whole idea of getting here in the first place. This is Astoria's history, and building on all of the natural stuff draws crowds of people. People do not come here to buy trinkets at fishermen's wharfs, which is an idiotic concept. He asked the Planning Commission not to put variances in the Code because there will be constant requests for variances. It is fair to the developers to let them know up front that Astoria is really strict and will not let them do much. The developers will figure out something that works. Let Astorians have their views of the river in this one area. Much of the town is very developed and he does enjoy walking in the developed area, but he would like some open space to see the river. This is long range planning. He urged the Planning Commission to try not to develop any more of anything near the river and keep it as open space. Open space is the best tsunami proofing the City can have for the community. A tsunami is so far in the future that the Planning Commission does not believe this is important, but it is something to really think about. A tsunami is going to happen; it is just a matter of when.

Tim Ramis, speaking on behalf of the Port, noted that the issue of the variance appeared to be coming up frequently. The variance is an important tool, but only in very marginal cases because it really only grants relief from small dimensional requirements. A variance is not really a tool of flexibility. The other problem with a variance is that, if opposed and challenged, it is likely the decision would be overturned in LUBA. From a developer or the Port's point of view, a variance can be a useful tool in a small number of cases. He urged the Planning Commission not to consider variances to be an important tool of balancing the regulations or somehow creating significant flexibility. A variance is often the graveyard of development projects. He referred to the slide shown during Mr. Hastie's presentation that was colored in blue and green. Mr. Hastie's evaluation had been that the regulations in terms of general impact would provide protection of roughly 90 percent of the area, leaving 10 percent for major Port development referred to in the Comprehensive Plan. If the current regulations are at a 90/10 balance, the City has not struck the kind of balance that is working for the Port. This is why the Port has asked for the opportunity to include the plan district approach in the ordinance, so that the Port can talk with the City about what that balance should be in terms of specific buildings and development.

Commissioner Fitzpatrick noted that Page 3 of Mr. Ramis' letter stated "it was important to realize the consequences of failing to consider the public investment in the East Basin area. Under the current Marine Industrial zoning, the Port could develop a grain terminal, coal or oil terminal, LNG facility, cold storage or anything else that depends on a marine location." The letter states that "these are among the highest and best uses and the Zoning Code and Comprehensive Plan support these uses, acknowledging that they should be constructed regardless of their size and scope. The proposed amendment would render the Port's holdings essentially useless for these purposes." A member of the public commented that Mr. Ramis was aligned with LNG, to which Mr. Ramis rebutted he was not. Mr. Weston had stated that the Port has no interest in doing coal or LNG here. He confirmed that Mr. Ramis is currently representing someone who opposes LNG and asked Mr. Ramis if he represented LNG in the past.

Mr. Ramis answered no; his firm represents the government entity that denied the application. His job is to defend the government entity's position.

Commissioner Fitzpatrick said when he read the letter, LNG was a concerning issue for him. There have been letters to the editor that indicate people do not understand what the City is doing in this case. He recognized, and hoped people in the audience recognized, that the Mooring Basin could be used for many things. Portions of the property have no height limit at all, some have 60 feet and some have 40 feet height limits. So, when the City is reducing the height limits to 12 feet, they are taking something away, not suggesting that people should come in and develop. He was unsure if Mr. Ramis was using this as leverage, but he believed the uses listed in his letter were among the highest and best uses of the land, which really concerned him. He asked Mr. Ramis to explain why those uses were listed in his letter.

Mr. Ramis said he agreed with the Port Director, who indicated the Port did not have plans to pursue those uses. The point he was trying to make was that changing dimensional requirements so they do not fit the allowable uses means the City has made a policy decision to eliminate those uses by means of dimensional requirements. This may be the Planning Commission's purpose, but the Port's suggestion is that the design of the buildings is critical. A precise tool, like a master plan or plan district, rather than a blunt instrument, like saying everything must be 75 feet apart, is a more sensible way of getting at the dimensional requirements. He may have used a more dramatic example than needed, but at least he got people's attention. The City is risking wiping out potentially good uses, not necessarily uses the Port would choose at this point. Tightening the dimensional requirements eliminates uses.

Commissioner Fitzpatrick noted that Mr. Ramis said, "at this point," which leaves the door open for the future.

Mr. Ramis stated he knew of no plans by the Port for those uses.

President Nemlowill asked if the Port wanted to leave the door open for the proposed master planning process.

Mr. Ramis believed that the master plan process would be obligated to state which uses would be permitted. If someone wanted to preserve the opportunity for those uses, the master planning process would be the perfect time to advocate for them, otherwise they should not be listed. This is how a plan district is used. The City would be able to write precisely the kinds of uses it would allow in precise locations. He advocates the plan district because it is a better tool than the blunt zoning instruments typically used.

Veronica Montoya, 324 38th Street, Astoria, said she just found out about this hearing an hour before the meeting began and was not very prepared. There have been many good points made and she has learned a lot. She moved to Astoria about a year ago. Astoria is a gem of a city just the way it is. She was very concerned about the idea of building and blocking the river and possibly disrupting the wild life in the East Mooring Basin. Since she has been in Astoria and especially now that the dock is open, she has seen so many people enjoying visiting the sea lions. She would love to see the City embrace that as a tourist attraction. She hoped that residents would be able to keep their City as it is because she has not seen anything so beautiful. Destroying or taking away from that beauty would damage Astoria's tourism and the City will just be like everywhere else, not special.

President Nemlowill confirmed there was no further public testimony and called for closing remarks from Staff.

Director Estes explained that since last fall, Staff and the Planning Commission have been working on developing this Code language that would implement the Riverfront Vision Plan while trying to find the balance for what is appropriate. Currently, there is an overwater area around the Maritime Museum with a maximum building height of 45 feet. Everything from 21st Street to the east has no maximum height restrictions for overwater development. This set of Code provisions attempts to provide protections identified in the Riverfront Vision Plan and respond to some of the feedback and direction from the Planning Commission at the last meeting to allow more development around the East End Mooring Basin. The Code must meet the intent of the Riverfront Vision Plan and comply with the Comprehensive Plan. The City has received a lot of testimony from interested parties over the past few months that has affected the Code language currently being presented.

Planner Johnson reiterated that the proposed Code does allow uses along the waterfront, both over water and on land. The shore land has not changed dramatically, so there would be no loss of use on land. The only use being reduced is the CR zone proposed in the area between 30th and 32nd Streets. The City is not taking away the residential use, but is limiting the use to single family and two family dwellings. One of the comments indicated that limiting the size of buildings is a way of limiting the types of uses that could exist. This would need to be played out to see what could or could not be developed within those parameters. However, those uses are not prohibited and the zone does allow 150-foot wide buildings with any depth. This would allow square footages large enough for development. If the Planning Commission decides to move forward, Staff needs direction on the following:

- Do you want to limit the height on the shore north of the railroad tracks to top of bank?
- Do you want to allow variances from the height restriction?
- Do you want to allow restaurants?
- Do you want to allow handrails on walkways or roads to extend above the bank?
- Do you want to allow a variance from the 500-foot distance requirement?
- Should Staff do further research on the recommended plant species before the City Council meeting?

Mr. Hastie reiterated that Staff has had many meetings with the Planning Commission and there has been a lot of public testimony. Staff has been trying to strike a balance and from his perspective, the City is pretty much there. This may not be what every single person in the room wants, but it is certainly heading towards a balance. The Planning Commission has a lot of Code amendments in front of them. The issues that the vast majority of the audience members have spoken about are on overwater development. Other than a few details, he believed 90 to 95 percent of the Code amendments have not generated opposition or testimony.

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

President Nemlowill said she attended the workshop where Team Astoria came up with the idea for the Riverfront Vision Plan. At that time, there were 17 waterfront condominium proposals being discussed in Astoria, which created a lot of fear. It seemed important to have an area of the waterfront and views of the water that were truly protected from development. Overwater uses, the way buildings were constructed, and public access when building over the water were also important parts of the Riverfront Vision Plan. This is her ninth year on the Planning Commission and this is probably the most challenging decision she has ever had to make. There has been great public testimony in the eight meetings the Planning Commission has had to discuss implementing the Civic Greenway Area of the Plan. She wanted the public to know that she has listened to everyone. She believed the Staff Report did find balance. Her favorite part of the Riverfront Vision Plan is in the Executive Summary, which does not specifically pertain to the Civic Greenway Area, but states "the goal of continuing to plan the future of Astoria for Astorians" and "promote physical and visual access to the river and encourage a mix of uses that supports Astoria's working waterfront and the City's economy." If this is not balance, what is? Even though cities update their comprehensive plans, she did not believe the Planning Commission could ignore the fact that the current Comprehensive Plan states that major Port development would be encouraged at the existing Port docks and at the East End Mooring Basin. Therefore, she believed it made sense to have more development in that area. Her responses to Staff's questions and other recommendations were as follows:

- No variance in the areas that would limit development below bank height.
- No variance from the 500 feet distance requirement.
- No eating and drinking establishments should be an allowable use in the Civic Greenway Area. The Riverfront Vision Plan says that maritime related uses consistent with Astoria's working riverfront, such as docks, piers, and marinas should be encouraged, as well as associated uses that provide jobs and maintain

a historic connection to the river. She clarified that she was referring to restaurants over the water in the A-1 and A-2 zones. These are not appropriate uses over water in the Civic Greenway Area.

- Bank height for anything north of the railroad tracks would be appropriate.
- Home stays should not be allowed in the cluster housing development because the residential area is meant for working Astorians that live here year-round.
- Staff should do more research on the recommended plant species.
- She was undecided about handrails above bank height and wanted to consider other Commissioners comments.
- She supported forwarding the proposed Code amendments to City Council with the provisions she listed.

Commissioner Pearson thanked everyone who testified. This is a passionate topic for everyone involved. He reiterated that this process began in 2008. City Council approved the Riverfront Vision Plan in 2009 and the Planning Commission has been tasked with building the Code to match the vision that was approved. There are many details to this, but the Plan covers large areas. He believed the proposed amendments were a good compromise and he commended Staff and the consultants for their work. He believed 35th through 39th Streets was a different area compared to overwater versus 16th through 35th Streets. There should be latitude in this area and he believed Staff made a good attempt to include this in the amendment. A master plan at the Port could be a great working document, which he would like to see. This is the last two hours of a six year process and the Planning Commission has been tasked to bring this to City Council. Therefore, he believed it should be up to City Council to decide if the Planning Commission should consider a master plan by the Port as a proposal. He did not believe implementing the Riverfront Vision Plan could be stopped for something like a master plan. He supported the amendments as they have been proposed. He believed variances have always been a useful tool for planning departments, community development, and different projects. Variances are certainly not a free pass by any means, but they can allow some flexibility in the details. Therefore, he supported variances. Bank height north of the railroad tracks should be left as is, only limiting overwater development to bank height.

Commissioner Fitzpatrick said he was conflicted for a number of reasons. He agreed that the Planning Commission is very close to finding the right balance. There has been a lot of input and work done and some good progress had been made. The Civic Greenway Area covers a large area and we are down to arguing about one specific area. He agreed with much of what Commissioner Pearson and President Nemlowill said. He opposed variances as he has been involved in too many situations where the variances were taken advantage of. He would love to see absolutely no development between 16th Street and the existing developments because the public has indicated they do not want to see development in this area. He fell in love with Astoria in 1967 and he looks back and thinks that Astoria was a crappy place then. He understood why people 20 years ago would question why he wanted to be in Astoria. However, people understand today. Astoria has only improved; therefore, from a selfish standpoint, he would not like to see anything developed in the area. He was surprised that the word "taking" had not been brought up prior to Attorney Noren speaking. He walks along the River Walk almost every day, but does not always go past Safeway. Since this has started, he has tried to spend more time in the area. From the Maritime Museum several blocks to the east, if he were to testify or be hired as a consultant, he could not see that there would be a taking if the City did not allow anything over riverbank height. The area currently has a 45-foot height limit and he questioned whether the City has taken any value away by limiting the height to the riverbank. He stated he would feel confident testifying that no value had been taken. He is not an attorney, but has been hired in other areas for this area of expertise. He was concerned about what would or would not be allowed in the area of Mr. Brugh's property, the Port and Mr. Holcom's property because if he were consulting a client on this, he would say his client would lose. Therefore, he is very comfortable limiting certain areas of the riverfront and is very uncomfortable placing certain restrictions on other portions, specifically 35th through 39th Streets. 31st Street was mentioned at a previous meeting, and then someone mentioned 29th Street, and then 28th Street. Therefore, he understood the concern that the Planning Commission keeps creeping backwards. He did not like the sound of trinkets and agreed with Ms. Oldenkamp's statement. One of the things he likes about Astoria is that it really does not have any trinket stores. He believed this was because there is no need for them and he hoped that Astoria did not end up with trinket stores. It is true that local people in San Francisco do not go to the Fisherman's Wharf and he would not go to a trinket store in Astoria. He has seen similar situations in other small towns where the visitors love places that the local people do not. He was extremely concerned about seeing LNG and coal as one of the highest and best uses and he was still trying to understand why that was included in Mr. Ramis' letter. However, he was willing to give the benefit of the doubt. The document uses the word marina considerably. He understood what a marina meant because as a child, he would go to a marina on weekends to go sailing. He was concerned about others' definition of a marina, but to

him, a marina is an active place where you can rent kayaks, buy supplies for fishing, and buy snacks. He wanted to define what was meant by marina and associated uses. He agreed with President Nemlowill that Astoria is for Astorians and he understood the passion from those who spoke about the amendments. The Plan states it is expected that large amounts of overwater development will not occur in the Civic Greenway Area due to the amount of public control in areas such as the historic train depot, Mill Pond, and East End Mooring Basin. These areas represent about 75 percent of the overwater area in the Civic Greenway Area. He believed this meant at least 75 percent of the area is expected to be left in its current state, so the Planning Commission is really working on 25 percent. He did not agree that the Plan was saying no overwater development whatsoever; it says that 75 percent of the area will not have a certain level of overwater development and another portion will. There was discussion of the City working with upland property owners to work around their leases of the space overwater so that landowners would be compensated. He has not seen any mention of that in the proposed amendments. He did not want the Planning Commission to put something in front of City Council, have it approved, and then have lawsuits. He did not believe the City or the Port could afford a lawsuit and believed it was important to come up with something that works, that is fair, and does not get the City in trouble. He believed the Planning Commission was getting close, but was unsure if the current proposal worked.

City Attorney Henningsgaard responded that the taking clause refers to taking private property. All submerged and submersible lands are owned by the State of Oregon and are not private property. The restrictions placed on those properties would not result in a taking.

Commissioner Fitzpatrick clarified that he said earlier he was only speaking about on land, but when he began talking about taking, he was not specifically talking about that.

Vice President Innes believed the proposed amendments were livable. She had hesitations about the area from 35th to 39th Streets. She would like to believe the way it has been proposed would work, but some heavy questions have been raised. She wanted to finalize this with as much protection as possible for what the Planning Commission has learned that everyone wants to have in this Plan. If that means not allowing variances, then let's omit variance from both the bank height restriction and the 500 foot distance requirement. She was not in favor of restaurants over the water. Handrails above the bank really appealed to her because she is older and needs handrails. She wanted to know if Staff could begin researching the handrail issues by referring to ADA principles first. Director Estes stated handrails would be required. If the height of the dock was the same height as the riverbank, the handrail would be above the riverbank. The trestle going out to Pier 39 is one example of this. It would be difficult and challenging to build handrails above bank height. Staff recommended handrails be allowed above bank height. Vice President Innes clarified that she was suggesting handrails be above bank height.

Planner Johnson confirmed for Commissioner Norgaard that bank height restrictions for overwater development were being proposed from 16th to 41st Streets. Director Estes displayed an image on the screen and explained that in the areas shaded green, any overwater development could only be the height of the adjacent bank. The blue area, 500 feet from the bank, could be higher.

Vice President Innes said with regard to the plant species, the City should use the most affordable expertise available. It is one thing to put in the plants and trees the City is hoping for, but maintenance needs to be considered. This is such a huge production, so the City should try to get the area as well planted as possible. She favored bank height development north of the railroad tracks.

Commissioner Norgaard thanked the public for speaking as he has learned a lot at this meeting. While he has not been part of this process from the beginning, he takes this and all of the comments very seriously. Everyone seems to say that this process has been going on for so long and we should just get it over with. He understood that the Planning Commission needed to send this to City Council. However, the Planning Commission wants to do this right the first time. He agreed that railings should be allowed above bank height. He has lived in Astoria his whole life and he believed a lot of effort was put into the Riverfront Vision Plan. He agreed with protecting the views between 16th and 41st Streets, but between 35th and 39th Streets, he would not mind seeing some development, including a restaurant. He worked on his dad's boat through the 1980s when the waterfront was not the greatest looking, but it meant something to him and he has good memories. He is wondering if it is his job to restrict a property owner's building heights and distances.

President Nemlowill stated she respected what Commissioner Norgaard was saying. She understood that he did not want to tell other people what to do with their property. However, she believed this was his job as Planning Commissioner, which is tough.

Commissioner Norgaard said this was a difficult decision to make because everyone must agree on something that will be set for future generations. He believed the proposed amendments demonstrated a balance while implementing the Riverfront Vision Plan. He originally agreed that the 500-foot distance requirement was appropriate. But after listening to comments, he began to question the requirement. He agreed with Commissioner Pearson that a master plan from the Port would be interesting to see. He believed the Port and the City could work together and still preserve what is out there. He has faith that people in the City would put the right plants in the right places.

Commissioner Gimre thanked everyone who testified. What makes Astoria great is that everyone is involved and everyone has an opinion. The bottom line is that everyone loves Astoria. He understood there was consensus in support of what was proposed between 16th and either 30th, 31st or 32nd Streets, which he supports as well. He agreed no variance from the bank height should be allowed. He supports no variances from 16th through 30th Streets, but did favor variances from 31st through 39th Streets. Development is a dirty word sometimes, but if it done right, it does bring people to the waterfront. If there is a way to get people to the river or out on the river, people will go to the furthest point out on the river. He was not opposed to restaurants and believed any development would be done tastefully. He had faith in those who would request the variances and was not afraid of what would be done. The recommended plant list needs a serious look. There are currently 30-, 40-, or 50-foot high alder trees along the riverfront and he did not want more plants like these planted in the area. The City should be very restrictive on the height of the plants. He wanted to see a master plan from the Port, but they seem to be a little late to the game. Waiting another year to come up with a master plan is late at this point. The Port's job as a public entity is to create economic stimulus. He was unsure if the current Code was too restrictive to allow the Port to do what they have proposed. He was not in favor of LNG or grain terminals and doubted if anyone in town would be. However, he personally believed it would be good to have the cruise ships dock off the East End Mooring Basin. He reiterated that he supported no variances from 16th to 30th Streets and variances allowed from 31st to the east side.

President Nemlowill said the section being discussed was from 35th to 39th Streets. She asked if Commissioner Gimre was suggesting a change to Staff's proposal.

Planner Johnson confirmed that Commissioner Gimre supported no variances to 31st Street, but allowing variances from 31st Street on, not that he was opening up development from 31st Street. Mr. Brugh's property begins at 31st Street and the Port's property begins at 33rd or 34th Street and extends east. She confirmed that Commissioner Gimre agreed with Mr. Noren's comments.

Commissioner Gimre stated he was not suggesting a change to the allowable overwater bank height restriction between 31st and 35th Streets. He just wanted to allow variances in this area. He confirmed for President Nemlowill that he did not support variances between 16th and 35th Streets, but did support variances from the 500-foot distance restriction for overwater development between 35th and 39th Streets. He also supported a variance from the bank height restriction starting at 31st Street.

President Nemlowill did not understand how Commissioner Gimre's proposal would work. She asked how variances could be allowed from bank height, which is a non-numeric value, in some areas but not others. Planner Johnson stated this could be written into the Code to clarify if variances were allowed.

Commissioner Easom thanked everyone who participated in this process. He believed limiting overwater development was appropriate between 16th and 31st Streets. However, limiting such development between 31st and 40th Streets would not support what the Riverfront Vision Plan says about Port development and economic development. He agreed with Commissioner Fitzpatrick that the definition of a marina was important and eating and drinking establishments in conjunction with marinas is quite common; they make marinas more viable in some ways. He did not agree with the proposed height limit between 31st and 41st Streets and he believed the recommended plant list needed more work.

President Nemlowill stated that currently, the area between 31st and 41st Streets does not have a height limitation for overwater development. She asked if Commissioner Easom wanted this to remain as is in the Code.

Commissioner Easom clarified that he did not support unlimited height and the proposal for height limits in this area needed some work. He suggested a 28-foot height limit with the possibility for a variance to 45 feet between 31st and 41st Streets.

Planner Johnson confirmed the Planning Commissioners' position on the key issues as follows, noting the majority consensus:

- Four Commissioners opposed allowing variances between 16th and 31st Streets for the bank height restriction for overwater development.
 - The Commission was split on whether to allow height variances between 35th and 39th Streets for overwater development.
 - Two Commissioners supported allowing variances between 31st and 39th Streets.
- The entire Commission supported allowing overwater handrails above bank height.
- The entire Commission supported conducting more research on the recommended plant list.
- The Commission was split on whether to allow variances to the 500-foot distance requirement for overwater development.
- Three Commissioners supported making the shore north of the railroad tracks at bank height; only one Commissioner supported keeping the shore at the water level.
- Three Commissioners supported allowing eating and drinking establishments associated with a maritime use over the water, two Commissioners did not, and two Commissioners supported allowing them even without maritime association.

President Nemlowill asked if the Commissioners supported sending Staff's recommendations to City Council.

Commissioner Fitzpatrick said he was not in favor of sending the recommendations to City Council as is because some people have spoken in favor of and some people have spoken opposed to the recommendations. He was in favor of continuing to fine-tune the proposed amendments. He agreed that this process had gone on for a long time, but did not believe this was the time to cut it short and say we need to be done because it is late.

Commissioner Norgaard supported forwarding the proposed amendments to City Council with the changes as stated by Planner Johnson. He also supported the variance from the 500-foot distance restriction for overwater development and more research on the plant species list.

Commissioner Gimre stated he would not send the recommendations to City Council as currently written. Commissioner Easom agreed.

Staff proposed that the Planning Commission make a recommendation concerning the on-land provisions only and hold back the overwater section of the Code for further discussion and deliberation. The overwater portion of the recommended Code amendments could be continued to the next meeting. There seemed to be a consensus by the Planning Commission on all other parts of the recommended amendments. The public hearing is closed, but the Commission could continue discussion and deliberation on overwater development to the next meeting.

President Nemlowill questioned how the Planning Commission could move forward on the overwater issues right now. Some Commissioners have expressed their ideas for 31st Street, but she has not heard how those ideas apply to the Riverfront Vision Plan. She asked if Staff would amend the current proposal based on a few Commissioners' idea of bringing the Blueway Zone to 31st Street.

Staff explained that the Planning Commission could discuss the entire waterfront at the next meeting and forward everything else, like the Compact Residential zone, design guidelines, landscaping, setbacks and stepbacks, to City Council. There does not seem to be much opposition from the Planning Commission to any of the on-land development recommendations. At the next meeting, Commissioners would need to state how their individual proposals would comply with the Riverfront Vision Plan.

President Nemlowill stated she would be happy to continue that discussion. She did not believe the City was at a point where that discussion should change what is being proposed right now.

Motion by President Nemlowill, seconded by Vice President Innes, that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff Report regarding the proposed amendments for the on-land portion of the Civic Greenway Area of the Riverfront Vision Plan and continue the discussion of the overwater portion of the Civic Greenway Area of the Riverfront Vision Plan to the next Planning Commission meeting on July 22, 2014 at 6:30 p.m.

An unknown person in the audience interjected that the Planning Commission wanted to make changes to the height limit north of the railroad tracks, which was not included in Staff's recommendations. Planner Johnson stated this would be part of the future discussion.

President Nemlowill noted that the person was talking about land.

Attorney Noren asked if public testimony had been reopened.

President Nemlowill believed the area north of the railroad tracks was land and agreed with the unknown person in the audience and withdrew the motion.

Mr. Hastie believed the Planning Commission could adopt provision on land up to the railroad tracks and continue the discussion for provisions pertaining to overwater and the area on land to the railroad tracks. He has not heard any debate on the rest of the on-land recommendations.

President Nemlowill asked what benefit would come from dividing the recommendations, noting this would be the first time these recommendations would be divided.

Mr. Hastie explained that the Department of Land Conservation and Development (DLCD), who funded this grant, needs to decide whether or not they will approve funding for the next phase of this grant. The DLCD has been very concerned about making progress on this. If the Planning Commission cannot move forward on something, the funding could be jeopardized. The proposal is to move forward on the recommendations the Planning Commission agrees on and continue discussion on the recommendations the Planning Commission has not agreed on.

All of the Commissioners supported recommending to City Council the Code provisions that would apply to the on-land portion of the Civic Greenway Area to the railroad tracks and that discussion of Code provisions north of the railroad tracks be continued to the next Planning Commission meeting.

Motion by Commissioner Pearson, seconded by Commissioner Fitzpatrick, that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff Report and recommend to City Council the Code provisions that would apply to the on-land portion of the Civic Greenway Area of the Riverfront Vision Plan to the south side of the railroad tracks, and continue discussion of Code provisions north of the railroad tracks to the next Planning Commission meeting on July 22, 2014 at 6:30 p.m. Motion passed unanimously.

ASTORIA PLANNING COMMISSION MEETING - EXCERPT

Astoria City Hall
July 22, 2014

ROLL CALL:

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

Commissioners Excused: Peter Gimre

Staff Present: City Manager Pro Tem/Community Development Director Brett Estes and Planner Rosemary Johnson. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

ITEM 4(d):

A14-02 Amendment A14-02 by the City of Astoria Community Development Department to amend the Development Code and Zoning map to implement the Riverfront Vision Plan in the Civic Greenway Area (16th to 41st Streets, Marine Drive to the Columbia River), add Compact Residential zone; add Civic Greenway Overlay zone; and clear and objective design standards for residential development; renumber several zones and overlay zone; miscellaneous related changes with the new code references; and rezone the area on the north half of the blocks between Marine Drive and the Columbia River from 30th to 32nd Streets from the C-3 (General Commercial) zone to CR (Compact Residential) zone. Staff recommends that the Astoria Planning Commission recommend adoption by City Council. The City Council meeting is tentatively scheduled for August 26, 2014 at 7:00 pm in City Hall Council Chambers. This item was continued from the June 24, 2014 Planning Commission meeting. The public hearing was closed at the June 24, 2014 Planning Commission meeting and Commission deliberation was continued to the July 22, 2014 meeting.

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 Pearson declared that he is employed by the Columbia River Maritime Museum. However, the museum has no role in this application and he will be making a decision as an individual. He believed he could make an unbiased decision.

President Nemlowill declared that she did not believe she had a conflict, adding she had previously consulted with the City Attorney, who agreed. She noted that her husband is co-owner of Fort George Brewery. She asked Staff to present the Staff report.

Planner Johnson reviewed the written Staff report, which had been updated with new meeting dates. The proposed City Council meeting would be on August 18, 2014. Page 18 of the Staff report, Item 14, Findings, the last sentence has been corrected to state, "City ownership of these properties would allow protection as possible public access areas." She also reviewed the comments and discussions made during the public hearing at the previous Planning Commission meeting, noting the conclusions drawn by Staff of those discussions. Correspondence had been received, but was not available for presentation because the correspondence was received after the public hearing closed. However, this correspondence will be presented to City Council at their public hearing. Staff recommended approval of the request.

President Nemlowill called for questions of Staff. Hearing none, she called for Commission discussion and deliberation. She noted that Staff had broken down each issue in the memo and a straw vote was taken on each one with additional comments as noted.

1. No variances for height of development over water: Straw vote was 5 to 1 in favor of the proposed ordinance.

- Commissioner Pearson was opposed because he believed variances are a useful tool.
2. Development of the East End Mooring Basin: Straw vote was 5 to 1 in favor of the proposed ordinance.
 - Commissioner Pearson believed it was a good compromise to provide development in certain areas while also protecting the Greenway.
 - Vice President Innes stated she opposed the proposal because it could be the beginning of future view-blocking development in the area.
 - President Nemlowill believed this proposal provided great balance in the Riverfront Vision Plan, which states, "promote physical and visual access to the river" and "encourage a mix of uses that support Astoria's working water front and the City's economy." The City's Comprehensive Plan also encourages development in the East End Mooring Basin, which she also supported.
 3. Allow restaurants associated with a water dependent use: Straw vote was 3 to 2 in favor of the proposed ordinance, with Commissioner Fitzpatrick undecided.
 - President Nemlowill was opposed because she did not believe eating and drinking establishments are maritime related uses, which is the only type of development she saw in the Civic Greenway portion of the Riverfront Vision Plan.
 - Vice President Innes was also opposed because restaurants would introduce activities and a different type of population or experience. She wanted a calm, open-viewed environment in the area.
 4. Land development north of the railroad/Rivertrail property: Straw vote was 6 to 0 in favor of the proposed ordinance.
 - President Nemlowill read from the Staff report noting the ordinance had been amended to state, "The Overwater Development Standard shall also apply to on-land development north of the Rivertrail 50 ft wide railroad line property between 19th and 41st Streets. This draft would exclude the land area between 16th and 19th Street from the Overwater Standards. All other standards for development of that site would apply.

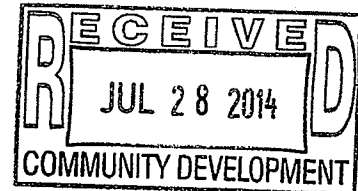
President Nemlowill moved that the Astoria Planning Commission find the proposed amendment to be necessary and recommend to the Astoria City Council that the proposed amendment A14-02 be approved; seconded by Commissioner Norgaard. Motion passed unanimously.

**AMENDMENT REQUEST
A14-02**

**RIVERFRONT VISION PLAN
IMPLEMENTATION
ORDINANCE**

**CORRESPONDENCE
RECEIVED**

July 26, 2014



Astoria City Council
1095 Duane St.
Astoria OR 97103

Re: Amendment A14-02

Dear members of the council:

I wish to draw your attention to Section 14.045, Uses Permitted Outright for Overwater Development, as presented by staff at the Planning Commission meeting on July 22.

Item 2 reads as follows: Water-dependent facilities including dock, moorage, pier, terminal, transfer facility and marina for commercial and recreational marine craft, for passengers or for waterborne commerce.

This is so loosely written as to permit outright practically any imaginable use with no opportunity for input or establishment of conditions by the City.

Potential uses, as this section is written, might include a coal transfer terminal, an oil transfer terminal, a liquified natural gas terminal or other uses that would be grossly inconsistent with the concept of a Civic Greenway, completely at odds with the wishes of a vast majority of Astoria's citizens, and ignorant to the blossoming of Astoria and its riverfront, and the economic development that has resulted.

I urge the council to delete, or completely revamp Item 2 to eliminate such uses as would be destructive to Astoria's economic growth and sense of place.

Sincerely,

Roger Rocka
362 Duane Street
Astoria, OR 97103

Scott W. Ferguson

3122 SW Dolph Court • Portland, Oregon 97219
Phone: 503-432-8442 • E-Mail: swferguson32@comcast.net

July 20, 2014

Zetty Nemowill, President
Astoria Planning Commission
1095 Duane St.
Astoria, OR 97103

RECEIVED
JUL 22 2014
CITY MANAGER

Re: Riverfront Vision Plan

Dear Ms. Nemowill,

I am writing as an Astoria riverfront property owner to advocate for adherence to the core values of the adopted Riverfront Vision Plan. Specifically, I believe these principles should be supported in the implementation plan:

- Promote physical and visual access to the river
- Protect the health of the river and adjacent natural areas
- Enhance the River Trail

As recommended in the plan, we should, "maintain views of the river and a sense of open space and connection to the natural environment." For the area east of 30th Street and north of the train tracks, I believe that means development should be limited or not allowed. Where development rights may already exist, structures and facilities should be restricted to the height of the riverbank. I also support a healthy riverbank with native plantings as noted and recommended in the plan:

- Complement the riverwalk with plantings that frame the views
- Consider the sensitivity of the river's edge with ecologically appropriate plant communities
- Incorporate open space and natural areas as a component of the riverfront
- Use plantings and landscaping that provide riverbank restoration and increase habitat
- Efforts to landscape the river's edge should include maintaining the connection to the river and protecting the view shed from the riverwalk as well as from a distance. Some of the shrubs and trees listed as potential plantings (cedar and hemlock for example) would grow to block views. Please revise the list to maintain open views.

Thank you for your consideration in maintaining Astoria's open river views and connections.



Scott Ferguson, Owner
3930 Abbey Lane, Unit 201
Astoria, Oregon 97103

✓ cc: Mayor Willis L. Van Dusen

Rosemary Johnson

From: S.M. Davis <s.m.davis@charter.net>
Sent: Wednesday, July 30, 2014 2:09 PM
To: ewilson@dailyastorian.com; Rosemary Johnson

Letter to the Editor:

Astoria is a unique town with our Maritime Museum, the Astoria Column, the Victorian Houses, and the Riverwalk. When visitors come to town as well as Astorians, they love to walk along the Columbia River, to view the ships and watch the various kinds of birds. There are so many empty buildings in the town of Astoria. Businesses along the Riverwalk will take away from the downtown area and the empty buildings will continue to be empty. If the Riverwalk gets developed, Astoria will just become another tourist town. The people of Astoria should be able to vote on this big, tremendous decision, not the six people of the Vision Planning Committee nor the City Council.

Sylvia Davis
503.325.8109

Sylvia

Rosemary Johnson

From: Sherri Williams
Sent: Tuesday, July 08, 2014 9:34 AM
To: Rosemary Johnson
Subject: FW: River vista. Atten sherry Williams for all members of planning commission & Brett Estes

FYI

Sherri

-----Original Message-----

From: EleanorGreen [mailto:eleanorgreen31@gmail.com]
Sent: Sunday, July 06, 2014 7:10 PM
To: Sherri Williams
Subject: River vista. Atten sherry Williams for all members of planning commission & Brett Estes

Because I have been unable to attend the last two planning commission meetings, I feel compelled to write a letter.

The objective of protecting the river vista seems to be 'falling by the wayside'! The 28 to 35 foot height, 500 feet from the river bank is ludicrous. Our river walk is Astoria's greatest asset. The river vistas from the walk are both meditative and nurturing. We should not allow the vistas to be blocked with any new structures from the train tracks north, any higher than the river bank.

The mighty Columbia river is the essence of Astoria! Preserve it!

Eleanor Green

FYI My view would not be affected by any plans!

Sherri Williams

From: EleanorGreen <eleanorgreen31@gmail.com>
Sent: Sunday, July 06, 2014 7:10 PM
To: Sherri Williams
Subject: River vista. Atten sherry Williams for all members of planning commission & Brett Estes

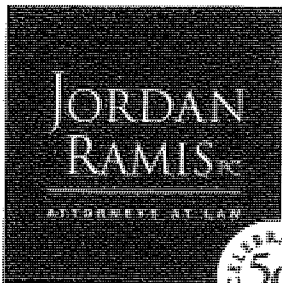
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Eleanor Green

FYI My view would not be affected by any plans!



Lake Oswego
 Two Centerpointe Dr., 6th Floor
 Lake Oswego, OR 97035
 503-598-7070
 www.jordanramis.com

Vancouver
 1499 SE Tech Center Pl., #380
 Vancouver, WA 98683
 360-567-3900

Bend
 360 SW Bond St., Suite 400
 Bend, OR 97702
 541-647-2979



July 17, 2014

Rosemary Johnson
 Community Development Department
 City of Astoria
 1095 Duane St
 Astoria OR 97103

Re: **Riverfront Vision Plan—East Basin Plan District text proposal**
Zoning and Land Use
 Our File No. 43046-72920

Dear Rosemary:

I enclose text proposed by the Port of Astoria, under which interested parties may establish regulations for properties within a defined area in the vicinity of the East Mooring Basin through a separate hearing process (Exhibit 1).

As a separate matter, I have also enclosed proposed amendments addressing the Port's continuing request with respect to two uses, Conference Center and Eating and drinking establishment (Exhibit 2).

Please feel free to give me a call if there are questions.

Sincerely,

JORDAN RAMIS PC

Timothy V. Ramis
 Admitted in Oregon
 tim.ramis@jordanramis.com
 OR Direct Dial (503) 598-5573

Enclosure

cc w/enc: Michael J. Weston, II, MPA, Port of Astoria

ORDINANCE NO. 14-_____

AN ORDINANCE AMENDING THE ASTORIA DEVELOPMENT CODE PERTAINING TO IMPLEMENTATION OF THE ASTORIA RIVERFRONT VISION PLAN

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

....

14.061 EAST BASIN PLAN DISTRICT

The property situated approximately between 35th Street to the west, 41st Street to the east, the pierhead line to the north, and Marine Drive/Lief Eriksen Drive to the south, shall constitute a subarea within the civic greenway overlay zone. The purpose of this subarea is to permit adoption of development standards, known as a plan district, not applicable to other properties in the civic greenway overlay zone. If approved under the criteria of section 14.061(A) the plan district shall be known as the East Basin Plan District.

A. Plan district adoption criteria

A plan district may be established if all the following adoption criteria are met:

1. The area proposed for the plan district has special characteristics or problems of a natural, economic, historic, public facility, or transitional land use or development nature which are not common to other areas of the civic greenway area;
2. Existing base and overlay zone provisions are inadequate to achieve a desired public benefit or to address identified needs or problems in the area;
3. The proposed plan district and regulations result from a plan documenting the special characteristics or problems of the area and explain how a plan district will best address relevant issues; and
4. The regulations of the plan district conform with the Comprehensive Plan and do not prohibit uses or development allowed by the base zone without clear justification.

B. Review

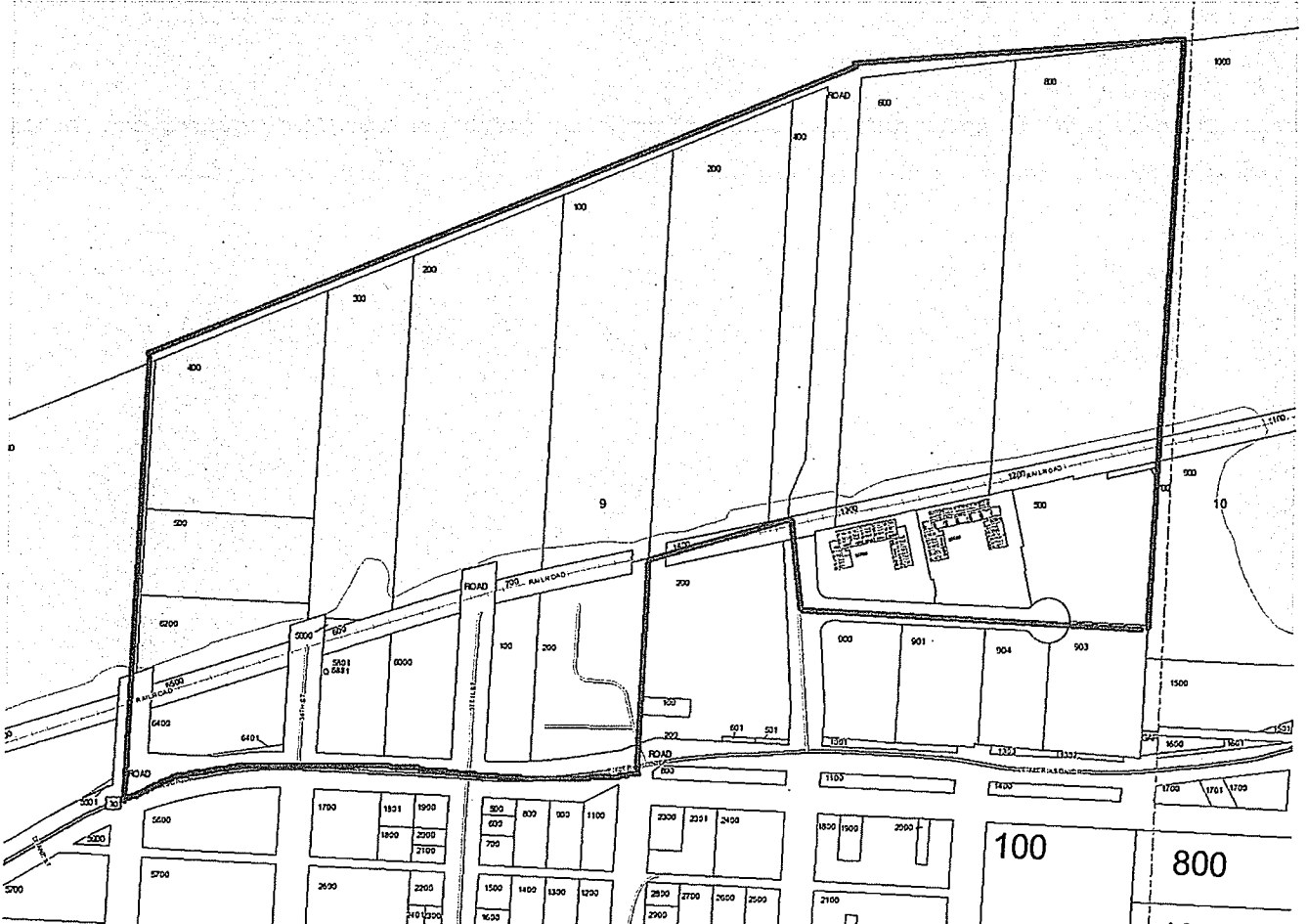
After adoption of East Basin Plan District regulations the Planning Commission shall, every 10 years, review the East Basin Plan District and its regulations to determine the impacts on development, the usefulness and usability of the regulations, and the public need for any amendments to the regulations.

Exhibit 1: East Basin Plan District proposal

p. 2

C. Mapping

The boundaries of the East Basin Plan District are illustrated on a map referenced below. The boundaries may be refined as part of plan district adoption or amendment.



D. Standards

The standards within the East Basin Plan District may expressly change and vary from those applicable under the Civic Greenway Overlay Zone and those of the base zone. Such changes may include:

1. Adding uses, such as retail uses;
2. Changes to building height limits;
3. Setback or view corridor modifications;
4. Building size and permissible footprint

E. Application

1. The City or any property owner within the East Basin Plan District may apply to establish development regulations that affect one or more properties within the East Basin Plan District.
2. Persons may apply for approval of regulations that pertain to one property in the East Basin Plan District, or a group of properties. The City may approve more than one application for regulations within the East Basin Plan District.
3. An application to establish regulations that govern one or more properties within the East Basin Plan District is a legislative text amendment application under section 10.070 and is not final until approved by the City Council.

14.063 EAST BASIN PLAN DISTRICT REGULATIONS

(Reserved for codifying future Plan District regulations)

ORDINANCE NO. 14-_____

AN ORDINANCE AMENDING THE ASTORIA DEVELOPMENT CODE PERTAINING TO IMPLEMENTATION OF THE ASTORIA RIVERFRONT VISION PLAN

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

.....
14.045 USES PERMITTED OUTRIGHT FOR OVERWATER DEVELOPMENT

The following uses and activities and their accessory uses and activities are permitted in the Civic Greenway Overlay Zone, if permitted outright in the base zone for the site, and subject to the other appropriate development provisions of this Section

.....
15. f. ~~Eating and drinking establishment that provides a view of the waterfront, and that is in conjunction with an associated water dependent use such as a marina or seafood processing plant;~~

.....
18. Conference Center

19. Eating and drinking establishment
.....

14.050 CONDITIONAL USES PERMITTED FOR OVERWATER DEVELOPMENT

The following uses and activities and their accessory uses and activities are permitted in the Civic Greenway Overlay Zone as conditional Uses, if permitted as a Conditional Use in the base zone for the site, and when authorized in accordance with Article 11, Conditional Uses. These uses and activities are also subject to the other appropriate development provisions of this Section. It must also be shown that these uses and activities are consistent with the purpose of the Civic Greenway Overlay Zone

.....
13. Conference Center

14. Eating and drinking establishment

Rosemary Johnson



From: Carol Scott <carolellen711@sbcglobal.net>
Sent: Wednesday, July 16, 2014 10:22 PM
To: Rosemary Johnson; Brett Estes
Subject: FW: Do you want Astoria to look like this? and A Tale of Three Cities
Attachments: DSCN1597.jpg; DSCN1592.jpg; DSCN1593.jpg; DO YOU WANT ASTORIA TO LOOK LIKE THIS.docx

Hello, my husband and I have been attending the meetings of the Riverfront Planning Commission. In this email , I have tried to convey my concerns . I would appreciate your consideration of this information. In addition, I would appreciate your forwarding this email to the commissioners. Thank you so much. See you at the upcoming meeting.

Carol Scott
3930 Abbey Lane # 404

This message is ready to be sent with the following file and link attachments:

DSCN1597

http://www.nytimes.com/2013/02/20/us/battle-in-genteel-charleston-over-cruis-e-ships.html?pagewanted=all&_r=1&

DSCN1592

DSCN1593

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

DO YOU WANT ASTORIA TO LOOK LIKE THIS?

Regarding the Riverfront Vision Plan

The attached photos were shot recently on Galveston Island Texas. The city of Galveston is about to celebrate its 175th birthday. When it was founded in 1840, it was one of the largest ports in America. Shipping, banking, and related businesses brought much wealth to the island. Beautiful residential and commercial structures were built in the city center and surrounding areas. Many of them are on the National Historic Registry. But, taking a walk today along Strand St. in the heart of downtown, one can see what has become of the pleasant streets and buildings many of which were designed by noted architects of that period. What happened here? Galveston has lived through tough times including devastating hurricanes which ended its position as the significant port on the eastern part of America. (The building of the Houston Ship Channel was a fatal blow.) Galveston was forced to foster other sources of income. Instead of preserving its stately buildings, the "powers that be" did not take care to promote economic recovery balanced with the preservation of one of its most important assets--the lovely look and feel of its streets. These photos tell the story. And just as, one of the community speakers at the most recent Riverfront Vision Planning meetings said, San Franciscans do not visit Fisherman's Wharf, so most Galvestonians stay off Strand St.

At the last meeting of the planning commission Floyd Holcom endorsed the idea of another cruise ship terminal at the East End Mooring Basin. This raised a red flag in my mind! The dramatic increase in cruise ship business has had an impact on the city of Galveston. A case in point in my personal experience was the forced closure of an art gallery and antique shop due to the raise in rent by the landlord who cited the probability of increased revenue due to the shopping by the "cruisers". That aforementioned gallery space now sells t-shirts and trinkets. PLEASE GO TO THE ATTACHED LINK WHICH TELLS OF THE DISTRESSING SITUATION IN CHARLESTON SOUTH CAROLINA DUE TO INCREASE IN CRUISE SHIPS IN THEIR PORT. IT WILL TERRIFY YOU AS IT DID ME

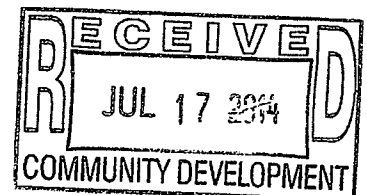
What gives me hope is that we have the chance, through our thoughtful consideration and resulting planning, we can keep and create the Astoria which we desire to have for ourselves now and for future generations.

I loved the quote of the mayor cited by a commissioner: "ASTORIA FOR ASTORIANS!"

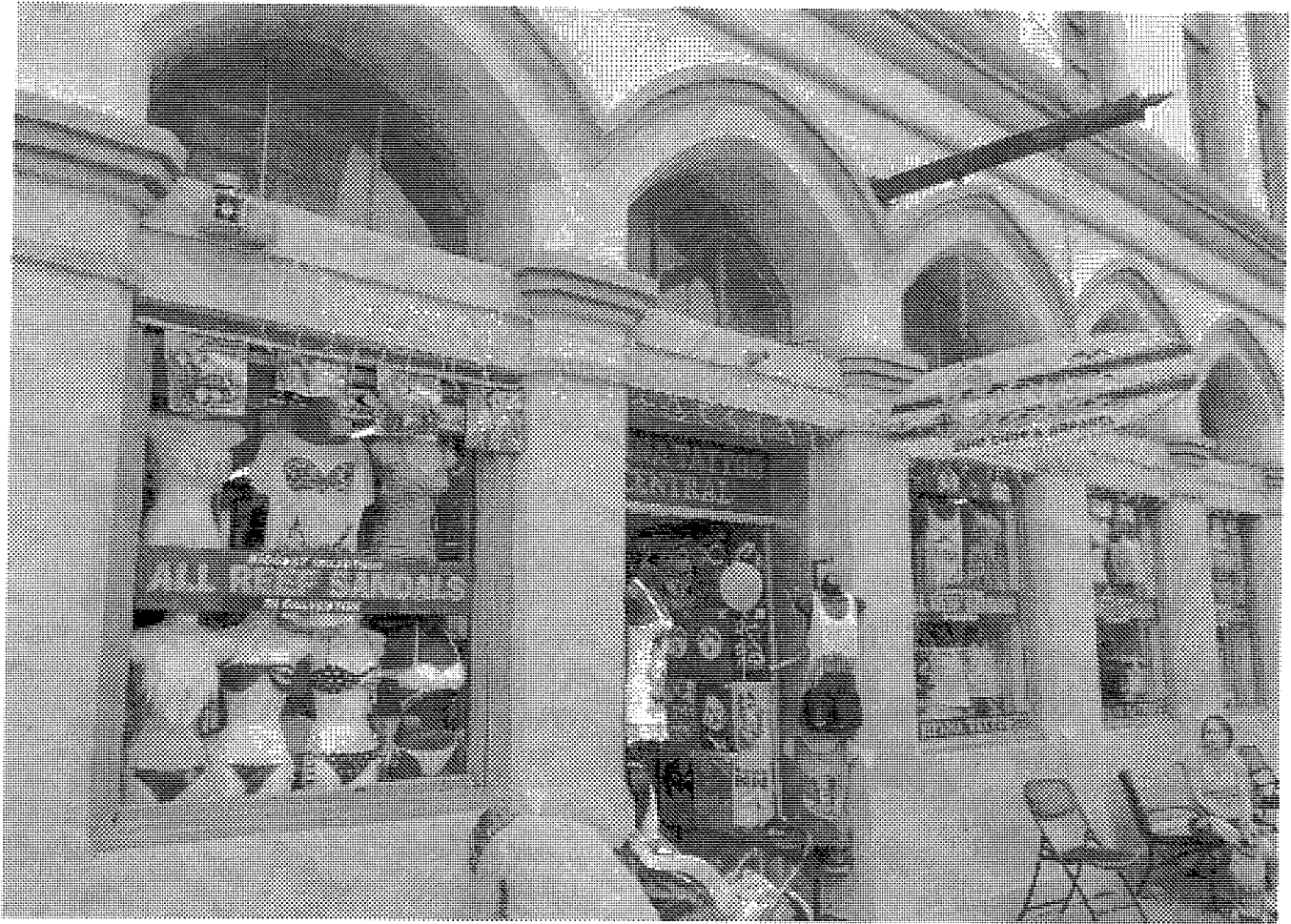
Respectfully submitted by:

Carol Scott

3930 Abbey Lane, Astoria





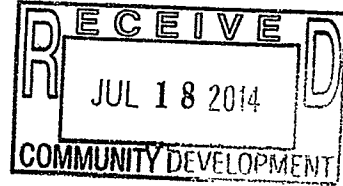


RECEIVED
JUL 17 1968
COMMUNITY DEVELOPMENT

Date: July 16, 2014

To: The Planning Commission of the City
of Astoria, Or.

Attn: Rosemary Johnson
1095 Duane St.
Astoria, Or. 97103



Subject: Riverfront Vision Plan - height
proposed changes presented
6/24/2014

Dear Members:

We live at 39th and Franklin Ave.
The proposed height changes to the
Vision Plan would adversely affect
our view. We have spent considerable
funds to affect our view by adding
double decks to enhance our great
view. Our property value would be
severely diminished. The diminished
views might adversely affect the
city tax base for much of upper
East Astoria. The Riverfront Vision
Plan is adequate with no variances.

Another point is the loss/benefit
cost of additional cruise ships
to Astoria. The experience of Sitka,
AK. is illustrative. Sitka has

2 - Heller to Planning Commission

9,000+ population, 150 seasonal days of
Cruise ships, a gorgeous setting very
akin to Astoria. I understand
regulatory rules from gross pollution
from cruise ships were achieved
in 2006; however, numerous violations
continue to be reported. The fisheries
are the greatest victims. Much of
the funding from the cruise ships
goes to provide extra security,
guards, paties, etc. One should
ASK about infrastructure costs
to the city? Would taxes rise
for our citizens? What is the
trade-off?

Thank you,

Jocelyn Heller

P.S. Astoria is the only port in Oregon
accomodating the Cruise ships.

Rosemary Johnson

From: Leslie Morehead <leslie.morehead@comcast.net>
Sent: Sunday, July 20, 2014 5:58 PM
To: Rosemary Johnson
Subject: Please do not obstruct the views from the River Trail !

To the Astoria Planning Commission:

I am writing to express my view on the Riverfront Vision Plan. I wish to state my strong support for maintaining the views of the river (both near and far vistas) for people walking and biking the River Trail.

Astoria's six-mile River Trail is an amazing accomplishment for a city of our size. It is maintained in excellent condition by the City, and is enjoyed by thousands of residents and visitors each year.

There are numerous businesses and amenities -- the trolley, eating establishments, the downtown core -- along the "city-side" of the trail for users of the trail to enjoy. And very likely, over time, there will be more.

However, the RIVER side of the trail should remain free of buildings, piers, tall trees and all other obstructions that can block the view or vista of someone walking along the trail.

I recommend that anyone supporting development out into the river walk along the trail and imagine how any addition to the north side of the train tracks, whether on the bank or out into the water, will detract from the awe-inspiring views that the River Trail was intended to maximize.

Yours sincerely,

Leslie A. Morehead

3990 Abbey Lane, #406B

Astoria Oregon 97103

email: leslie.morehead@comcast.net

July 14, 2014
3606 Grand Avenue
Astoria, Oregon 97103

CITY OF ASTORIA

JUL 15 2014

Astoria City Hall
Attn: Planning Commission
1095 Duane Street
Astoria, Oregon 97103

BUILDING CODES

Dear Commission Members:

I am writing to encourage the Astoria Planning Commission to recommend zoning code amendments and design regulations that limit future development between the Columbia River Waterfront Trail and shoreline within the Civic Greenway Sub-area to the height of the existing bank and that otherwise protect open views of the river and this amazing recreation asset.

My involvement with this trail corridor dates back to 1998, when I helped the city of Astoria prepare a grant proposal seeking money to build a waterfront trail between the Columbia River Maritime Museum and East Mooring Basin. The application was submitted to the Oregon State Parks Department under a federal program known as the Recreational Trails Program.

In the grant materials, the city made its case for funding based in large part on the importance of the river as a public resource and the opportunity to provide a regional trail of statewide significance along this section of river. Letters of support were received from the Astoria-Warrenton Area Chamber of Commerce, Port of Astoria, Columbia River Maritime Museum, Clatsop County, Fort Clatsop District - Boy Scouts of America, Sentry Markets, and Venerable Properties which pledged \$15,000 to help with local matching requirements. As noted in the Maritime Museum's letter, the completed project will "provide breath-taking views of the Columbia River and provide residents with an extensive recreation area."

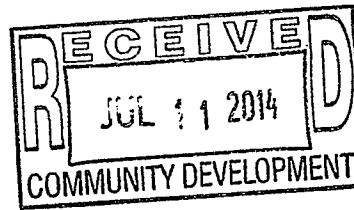
Ultimately, of course, the grant was funded and this trail section is now part of one of the most awe-inspiring waterfront regional trails in the state of Oregon. To me, it is unthinkable that the city of Astoria would allow development that significantly impedes the views of this great river or that diminishes the recreation experience that people enjoy every day.

Thank you for the opportunity to comment.

Sincerely,


Bill Dygert

Dear Planning Commission,



I have been involved with trying to amend the zoning map along the Astoria Riverfront since 2007. I was part of the Riverfront Vision Plan Steering Committee, which was made up of a range of stakeholders including waterfront property owners. We met over a year and held a series of public input meetings. The impression I got from many people was that the primary concern was view preservation.

When the Committee discussed the area between the Maritime Museum and Pier 39, there was general agreement on a Blue Way Zone where the over water development would be strictly Maritime related use such as piers & docks.

No one ever mentioned restaurants and I am quite puzzled as to why they are being discussed at all. Piers and docks do not block the view. A restaurant does. I implore you to remove restaurants from your list of possible uses.

If we are not having strict variances about height and how far a building must be from shore, than we must have very firm allowable uses. No restaurants, condos, tourist oriented retail sales, conference centers, etc.

Revisiting the issues raised by the Port, I think that it is a very good idea (and I quote from the staff document about 'Issues Raised by Attnys') for the Port to develop an 'East Mooring Basin Master Plan' to present to the city in the future.

The Port has come in very late in this process and I think that the Planning Commission has the responsibility to proceed with implementing the Vision Plan without compromise to the whims of the Port.

You have a big responsibility and it is impossible to please everyone. However this section of the waterfront was put forward as a place of vistas. PLEASE do your best to preserve it for future generations.

Thank you,
Elizabeth Menetrey
Astoria

P.S. Has there been any discussion of trading other city owned property for the waterfront holdings?

Rosemary Johnson

From: Elizabeth <elizm@kmun.org>
Sent: Friday, July 11, 2014 5:15 PM
To: Rosemary Johnson
Subject: Riverfront Planning
Attachments: Dear Planning Commission.doc

on email test

Rosemary,

Here are my thoughts for the Planning Commission. Please pass them on.
Thanks again for all your help and hard work!

Elizabeth Menetrey



To: Rosemary Johnson, City of Astoria Planner
Brett Estes, City Manager Pro Tem
Astoria Planning Commissioners
Mayor Willis Van Dusen

July 15, 2014

Re: Riverfront Vision Plan Civic Greenway Area
Specifically between 39th Street and 41st Street

From: Connie Spencer, 3930 Abbey Lane, A307, Astoria, Oregon

Thank you for creating this beautiful city which is a nicer balanced combination of old and new people, places and things than anywhere I have ever lived. I am convinced it is through your efforts this atmosphere exists.

I have attended the past two Planning Commission Meetings. I would like to input my ideas about the RVP between 39th Street and 41st Street. Pier 39 occupies in width the majority of area between those streets. For anyone walking on the river trail much of the river is blocked by that structure. It is a wonderful, historic structure and preserving it is important.

Because of the size of the Pier 39 structure, I am opposed to any further building between 39th St and 41st Street especially between the railroad tracks and the river and in the river no higher than bank height with no exceptions or variances. I am not in favor of widening the existing bridge that goes out to the Pier 39 should that topic arise.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Connie Spencer".

Connie Spencer

July 14, 2014

Zetty Nemowill, President
Astoria Planning Commission
1095 Duane St.
Astoria, OR 97103



Re: Riverfront Vision Plan

Dear Ms. Nemowill,

I am writing as an Astoria riverfront property owner to advocate for adherence to the core values of the adopted Riverfront Vision Plan. Specifically, I believe these principles should be supported in the implementation plan:

- Promote physical and visual access to the river
- Protect the health of the river and adjacent natural areas
- Enhance the River Trail

As recommended in the plan, we should, "maintain views of the river and a sense of open space and connection to the natural environment." For the area east of 30th Street and north of the train tracks, I believe that means development should be limited or not allowed. Where development rights may already exist, structures and facilities should be restricted to the height of the riverbank.

I also support a healthy riverbank with native plantings as noted and recommended in the plan:

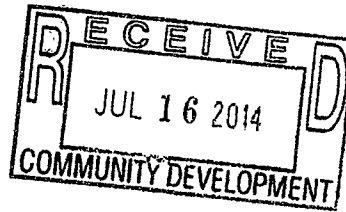
- Complement the riverwalk with plantings that frame the views
- Consider the sensitivity of the river's edge with ecologically appropriate plant communities
- Incorporate open space and natural areas as a component of the riverfront
- Use plantings and landscaping that provide riverbank restoration and increase habitat

Efforts to landscape the river's edge should include maintaining the connection to the river and protecting the view shed from the riverwalk as well as from a distance. Some of the shrubs and trees listed as potential plantings (cedar and hemlock for example) would grow to block views. Please revise the list to maintain open views.

Thank you for your consideration in maintaining Astoria's open river views and connections.

Jennifer Sims

cc: Mayor Willis L. Van Dusen



July 14, 2014

Zetty Nemowill, President
Astoria Planning Commission
1095 Duane St.
Astoria, OR 97103

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Thank you for your consideration in maintaining Astoria's open river views and connections.

Cliff Daves
3990 Abbey Lane # 409B
Astoria, OR 97103

cc: Mayor Willis L. Van Dusen

Planning Commission
by the City Council

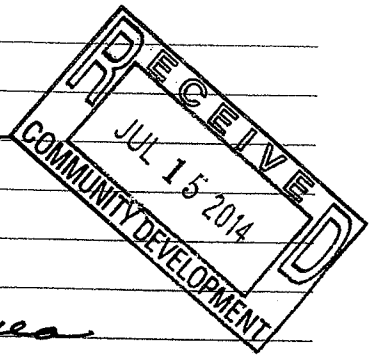
to be the protector of the
Riverfront Vision Plan
for the Civic Greenway Area

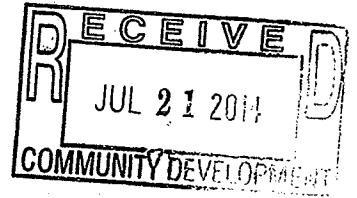
their objective - Protection and
Preservation of River Vistas

My husband and I have lived in
Clatsop Co. for over 50 years. The
Columbia River always a dynamic
and wondrous place to visit and
spend time to take in its majesty.
To glory in reflections of the sunsets,
squall lines coming with clouds, wind
and rain from the west in the spring.
Cold east winds in winter that sends
everyone scurrying in by the fire.
The fog horns are a symphony as
ships find their way up and down
"the river".

People from all the States and
over the world have discovered the
beauty of Astoria and its riverfront.
They all mention its unobstructed
views. Its easy accessibility, the
wonderful Riverwalk and the Trolley.
They are interested in the history of
"the river", and its connection to
the pathway to the Pacific and connection
to Indian Nations, the Maritime Museum.

This is just some of the Planning
Commission's duty and stewardship
to preserve for us with the
Riverfront Vision Plan - Sincerely
Russell and Donna Calahan





Planning Commission
 1095 Duane Street
 Astoria, Oregon
 97103

RE: Riverfront Vision Plan (For the Plan)
 Attn: Astoria City Council

Dear Astoria City Council

I am a owner of a condo at Connerly Sfts.
 My wife and I have owned a condo for five and a half years.
 We love the scenic beauty that we have along the water
 way.

I am not new to this area. We have owned property in
 Warrenton for eight years prior to the Connerly Sfts.

I am a retired contractor that has done alot of work in the
 area.

Astoria

- ① DHS Oregon Department of Human Services
- ② Oregon State University Seafood Research Lab.

Warrenton

- ① Bank that is now Columbia Bank
- ② Camp Relie Auto facility
- ③ Jail

Seaside

- ① Providence Hospital, Bakers, Medical Gas Tank Farm.
- Plus several TI Projects

Astoria is now a progressive township that is moving to the future.

The Cannery Softs first floor was to be industrial use. Really? Putting a tire shop or other repair facility will not work here.

Dr. Forum has done an excellent job putting medical related business into these spaces.

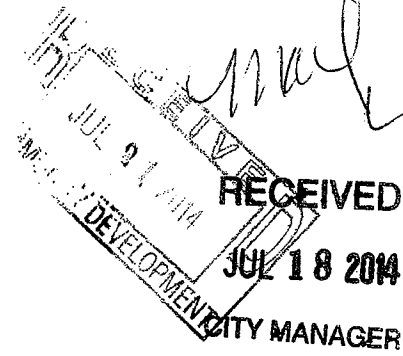
Cannery Softs now has a professional feel to the condos. I am very pleased with these changes.

Sincerely
John & Carol Witty

3737 N. Commercial Ave
Astoria OR 97227

July 14, 2014

Zetty Nemowill, President
Astoria Planning Commission
1095 Duane St.
Astoria, OR 97103



Re: Riverfront Vision Plan

Dear Ms. Nemowill,

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I also support a healthy riverbank with native plantings as noted and recommended in the plan:

- Complement the riverwalk with plantings that frame the views
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Efforts to landscape the river's edge should include maintaining the connection to the river and protecting the view shed from the riverwalk as well as from a distance. Some of the shrubs and trees listed as potential plantings (cedar and hemlock for example) would grow to block views. Please revise the list to maintain open views.

Thank you for your consideration in maintaining Astoria's open river views and connections.

A handwritten signature in black ink, appearing to read 'Jennifer Sims', is written in a cursive style.

Jennifer Sims

cc: Mayor Willis L. Van Dusen ✓

email
Scott W. Ferguson

3122 SW Dolph Court • Portland, Oregon 97219
Phone: 503-432-8442 • E-Mail: swferguson32@comcast.net

July 20, 2014

Zetty Nemowill, President
Astoria Planning Commission
1095 Duane St.
Astoria, OR 97103



Re: Riverfront Vision Plan

Dear Ms. Nemowill,

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- Complement the riverwalk with plantings that frame the views
- Consider the sensitivity of the river's edge with ecologically appropriate plant communities
- Incorporate open space and natural areas as a component of the riverfront
- Use plantings and landscaping that provide riverbank restoration and increase habitat
- Efforts to landscape the river's edge should include maintaining the connection to the river and protecting the view shed from the riverwalk as well as from a distance. Some of the shrubs and trees listed as potential plantings (cedar and hemlock for example) would grow to block views. Please revise the list to maintain open views.

Thank you for your consideration in maintaining Astoria's open river views and connections.

Scott Ferguson, Owner
3930 Abbey Lane, Unit 201
Astoria, Oregon 97103

cc: Mayor Willis L. Van Dusen

Rosemary Johnson

From: Robert Monserud <robert.monserud@comcast.net>
Sent: Monday, July 21, 2014 9:23 PM
To: Rosemary Johnson
Subject: Riverfront Vision Plan



To the Astoria Planning Commission:

I am writing regarding the Riverfront Vision Plan. I am quite upset to read that the Riverfront Vision Plan would allow structures to be built on the river, some to a height of over 30 feet.

Nearly five years ago we bought a home in Astoria. We bought it as a long-term investment for retirement. We love it and enjoy Astoria very much. One of the most important features of our home is the wonderful view of the river and the surrounding environment. I fear a significant loss in value and equity of our home if development --especially tall development-- is allowed on the river. I am particularly concerned about development near the 39th Street Pier area.

We love the excellent quality of life in Astoria, to the point where I do not mind paying taxes to maintain it. However, I simply cannot understand why our view, equity, and property values should be sacrificed for the financial gain of a private developer.

Please do not allow development on the river.

Sincerely,

Robert A. Monserud
3990 Abbey Lane
Astoria, OR 97103

Email: Robert.monserud@comcast.net

Submitted by:

David Noren, Attny

Date: 6/24/14

DAVID C. NOREN
Attorney at Law
217 E. Main P.O. Box 586
Hillsboro, Oregon 97123-0586
Telephone: (503) 640-2661 Fax: (503) 648-7216
e-mail: david@norenlaw.com

June 24, 2014

HAND DELIVERED

Astoria Planning Commission
Astoria City Hall
1095 Duane Street
Astoria, OR 97103

Re: Civic Greenway and Vision Plan Implementation

Dear President Nemlowill and Commissioners:

George and Shirley Brugh and their business entities have numerous property interests in the Uppertown/Civic Greenway area. They have recently asked me to assist them in working with the City, the Port and other interested parties in developing implementation ordinances that better account for the particular needs and advantages of both the overwater and upland properties in the area east of 30th Street. We support many of the positions advanced by the Port in the June 18, 2014, letter to you from their attorney Tim Ramis, and ask that you take some additional time to consider these alternative approaches before you forward a recommendation to the city council.

Of particular concern to the Brughs is the designation of their property south of Railroad between 31st and 32nd as Compact Residential. These properties are held under a unified ownership with overwater properties north of Railroad. As noted in the Port's letter, overwater and related upland properties should be allowed to develop coherently, particularly if there is a master plan mechanism available to assure appropriate review. Moreover, the properties south of Railroad are far better suited for commercial or other more intensive use than would be allowed by the proposed CR zoning, due to their proximity to existing commercial development of the Safeway property and their connection to the overwater properties. While the Riverfront Vision Plan does call for some compact housing in the area between Mill Pond and 32nd, compact residential zoning is not appropriate for these parcels, and such zoning would almost certainly result in the property remaining undeveloped indefinitely. It would be better implementation of the overall Riverfront Vision, and far more consistent with the City's need for commercial property articulated in the comprehensive plan, to retain the existing commercial zoning for this half-block, and allow it to be developed pursuant to a master plan that may include the related overwater properties.

Astoria Planning Commission

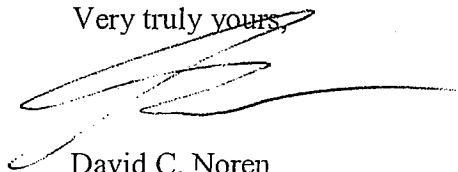
June 24, 2014

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There are a number of restraints imposed by the proposed overlay district ordinance that would likely have similar unintended consequences if there is not some provision for flexibility through master planning or a similar mechanism. We urge you to allow more time for the property owners and city staff and consultants to work out a more flexible and feasible implementation of the Riverfront Vision Plan than the proposed ordinances now before you.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "David C. Noren", written over the typed name below.

David C. Noren

Submitted by:
Michael McCusker

Date: 6/24/14

Tuesday 26 June 2014

STATEMENT TO THE ASTORIA PLANNING COMMISSION

Astoria's quality of life as a small community within an especially beautiful natural environment of mountains, forest, river and ocean is once again threatened by development that would catastrophically alter the city's character and rapidly make it difficult to live in our city, economically as well as communally and esthetically.

Despite Astoria's Comprehensive & Gateway Plans that call for an open waterfront primarily aimed at public access, this most recent attempt by city and port officials to amend the five year old Riverfront Vision Plan would allow intense private development and eradicate hardwon regulations that are essential to preserve the people's right to public use

This has happened in community after community — look to the south of us along the coast. Capital trumps community rights. But it shouldn't. As Rosemary Johnson said about identical issues at a Planning Commission meeting seven years ago concerning riverside development, "Citizens as a whole decide what the community should do."

We the people were nearly cheated out of our rightful say about LNG. Now it appears we are in danger of being annulled of our lawful status as the deciders of our community, as if so-called "market values" are the only significant consideration.

An Astoria city official once said nearly thirty years ago that the city forest might as well be clearcut because people don't look at the trees, they look at the river.

Well, we do look at the river. And we still have the trees to look at because we won that fight about logging off our hilltops. Most Astorians do not wish their city to be refabricated into an elysium of high-priced condominiums, so-called "cottage cluster housing", cruise ship docks, aquariums, marinas, convention centers or any more hotels and restaurants along our cherished riverfront.

Developers and timber companies are like evil twins with insatiable appetites for profit despite community or environmental concerns. They have no other sympathy than their own bottom lines, and like piranhas never stop gnawing. At the current rate of logging and building, all the forests and open waterfronts left in the Pacific Northwest just might soon be clearcut and/or developed into coal and crude-oil export terminals, stripmalls or wall-to-wall riverside and ocean beach hotels and condos.

I don't think the longrange goals for an open waterfront and public access were narrowly defined as consumer use in a store or café, or spending beaucoup bucks for a motel room simply to be by the river than runs past our homes.

I agree with McLaren Innes' proposal that we expand the remaining open waterfront area into a riverside public park with lots of trees and indigenous wildflower gardens, which will be much more attractive to tourists as well as the community.

Although critics who measure value by coin rather than esthetics deride the idea of a riverside park, it is the best "wise use" of the land that will profit Astoria in the long run, both in coin and esthetics.

Michael Paul McCusker, 757 27th St., Astoria, Oregon

Sherri Williams

From: williwaw1950@gmail.com on behalf of Annie Oliver <williwaw@charter.net>
Sent: Tuesday, June 24, 2014 10:26 AM
To: Sherri Williams
Subject: Riverfront

Dear Commissioners,

Astoria's river walk is one of Astoria's greatest assets. Tourists and cruise ship passengers use it constantly. More importantly locals use it daily. It is too important to our town to make a decision we will regret. I urge the planning commission to preserve the river views for the people of Astoria. The large population of Astorians who use and enjoy the river walk are extremely important and their opinions should be considered a priority.

As a former planning commissioner, I know how difficult it is for the public to come to a meeting and speak. So when many citizens do appear and speak up, what they say should be seriously considered by the commission.

I ask the commission to please protect our river views from development and preserve our views of our gorgeous Columbia River.

Thank you
Annie Oliver
3499 Grand Ave.

Astoria, OR

'The maximum height of buildings is proposed to be at existing shoreline bank height.... However it is recognized that some development could occur near the East End Mooring Basin. The draft includes an exception for the area between 35th and 39th Street to allow 28' high if the building is located a minimum of 500 feet from the shoreline.'

Rosemary Johnson

From: Bob Goldberg <bobgoldberg@mac.com>
Sent: Tuesday, May 27, 2014 4:19 PM
To: Rosemary Johnson
Subject: Amendment A14-02 of city development code for 5/27/14 Planning Commission meeting

Hi Rosemary and members of the Planning Commission,

I wanted to comment on item 1 on the agenda for tonight's planning commission meeting, which concerns the Greenway area of the Riverfront Vision Plan and proposed zoning changes. According to the Daily Astorian public notice, the commission will have a public hearing to discuss Amendment A14-02, which would evidently change the zoning between 30th and 32nd Streets near the river to compact residential from commercial. I believe this is where there is currently the remains of a cement plant. I know the city has been promoting the idea of more residential zoning near the water for a long time, and somehow got this change past the committee dealing with the plan a while ago. As I was then, I am still vehemently opposed to further residential development adjacent to the Riverwalk. This would effectively remove this whole area from public access, and set up opposing desires for vegetation along the waterfront edge. In general, people living by a river want full views of the river, even at ground level, so they would lobby for cutting down whatever meager vegetation already exists, even on the river side of the Riverwalk. Those of us using the Riverwalk daily would like to see vegetation on both sides, beautifying the already nice walkway. The vegetation plan was already discussed and agreed upon, and actually was supposed to be implemented by now, but nothing has been done.

The Mill Pond development and associated apartments in that area foretell what would happen in the Greenway area if more housing were established there. Even if this was artist loft housing, it would only benefit those living there, since the rest of us would not have access to this land. If instead the area were zoned commercial, or industrial, at least it might be possible for some of us to shop there, work there, or otherwise have access. There are countless examples of other cities, even in Oregon, that have enhanced their waterfronts with mixed development, mostly industrial and commercial. Even Astoria currently has a great yoga studio on the water near this area, and I would vote for more development like this on the south side of the Riverwalk.

Finally, I would limit heights in this area to the same height as Safeway (2 stories I think) or less, so as not to block the view of the hills from the Riverwalk. It's all about pedestrians using the waterfront, not real estate speculators, summer apartments and condos, cars, and endless roads. Again, as I've commented so many times before on this, my preference would be for a linear park in the Greenway area, with some commercial and industrial development here and there. Not residences.

Thanks for taking the time to read my comments and enter them into the public record for the hearing. I look forward to working with the city to implement the Riverfront Vision Plan in the way that the people want it, which is not necessarily the way it got written up.

Bob Goldberg
3741 Harrison Avenue
Astoria

Rosemary Johnson

From: Brett Estes
Sent: Wednesday, May 28, 2014 8:09 AM
To: Rosemary Johnson; Sherri Williams; Matt Hastie
Subject: Fwd: assistance in preparing minutes

FYI

Sent from my iPhone

Begin forwarded message:

From: shel and anne <shelandanne@dslnorthwest.net>
Date: May 27, 2014 at 10:09:32 PM PDT
To: Brett Estes <bestes@astoria.or.us>
Subject: assistance in preparing minutes

City Manager Estes --

I copied (below) the prepared remarks I read during the public hearing session (regarding implementing the Riverfront Vision Plan) for the May 27 Planning Commission meeting. I hope this will help the person(s) responsible for compiling meeting minutes. The brief comment I added impromptu prior to beginning to read my prepared remarks is negligible and so I did not try to document it below.

-- Shel Cantor

Three months ago, during your February 25 meeting, while debating a one-story allowance versus a riverbank height restriction for new construction over the river in the Civic Greenway, the two Commissioners who favored a one-story allowance supported that position by asserting no one would ever build there. According to the minutes from that meeting, Commissioner Gimre "believed it was unlikely that development would occur along this section of the river, agreeing that it would likely be cost prohibitive. He did not anticipate development regardless of the restrictions. It is good to have code, but he did not believe development would be an issue. Therefore, he had no concerns. [in favoring the one-story allowance]

"Commissioner Fitzpatrick agreed. He believed the proposed [one-story] height limit would not result in any feasibility issues."

The minutes recount President Nemlowill's response as follows:

"Some Commissioners did not believe building height mattered because development would not occur in the Civic Greenway Area anyway. So, why not lower the building height?"

If, for argument's sake, we presume that it would be foolish to try to build new construction over the river in this area, then the only people who could conceivably be inhibited by a riverbank height restriction would be those who would have otherwise tried to do such a foolish thing. One of the strongest rationales for implementing any restriction is to prevent people from trying to do something foolish, leaving the rest of us to deal with the consequences.

In addition, getting back to this lack of concern, if a resident, as opposed to a Planning Commissioner, truly believes no one would build above the riverbank height in this area, that resident should not be concerned with whatever restriction there might be.

But a Planning Commissioner does not have that luxury. With all due respect, the obligations of a Commissioner go unfulfilled when a Commissioner takes a position and claims his ability to predict the future excuses him from his responsibility to justify his position.

Furthermore, you've been tasked to implement the Riverfront Vision Plan. Whether or not any of the code you approve for that purpose ends up being superfluous and whether you can infallibly predict that outcome are both irrelevant to your task.

So now turning to that task, again from the minutes of your February 25 meeting, where Mr. Hastie's opening presentation to you is summarized, comes the following:

“Limiting building height to the bank height was a popular idea at previous work sessions, however this would prohibit building anything other than a marina or dock, and essentially eliminate the ability to have any kind of actual building. This could be what people are looking for, but [Mr. Hastie] and Staff did not believe this was consistent with the Riverfront Vision Plan. Director Estes noted the Riverfront Vision Plan does not state that there would be no development in the Civic Greenway Area, but that development would be limited.” I can corroborate that. Because the Plan explicitly calls out what that allowable, limited development could be, giving three, and only three, examples: “docks, piers, marinas,” all structures routinely below riverbank height. That is the limited development the Plan's actual words allow, not one-story buildings.

The meeting minutes continue: “The committee that worked on the recommendations for the Plan agreed that small buildings associated with water-dependent and water-related uses would be acceptable in the Civic Greenway Area like a bait shop, snack shop or smoke shop.” I was not able to corroborate that. I don't doubt that was discussed by the Steering Committee as they formulated the Vision Plan. Yet, when I searched for the words “bait” or “snack,” or “smoke” in the Vision Plan appendix, which includes the Steering Committee meeting minutes, I didn't find any mention of those words.

What I found there, however, is that Steering Committee meeting #8 (on April 21, 2009) was the only meeting wherein the minutes included any decision by the committee regarding over-water development in the Civic Greenway.

Here is the relevant excerpt on that subject. “The committee also agreed that several types of improvements should be allowed in these areas, such as piers, docks, marinas and repairs or renovations to existing structures.”

Incidentally, the minutes of the subsequent Steering Committee meeting, on June 9, 2009, include the following:

“Steve Faust gave a brief summary of results from the Civic Greenway and Neighborhood Greenway open house. Approximately 40 people attended the open house, [several of Faust's comments were included here, finishing with] They do not want to see overwater development in these areas.

“Steering committee members who attended reported on their conversations with open house attendees. They generally confirmed Steve’s summary and also noted that people want to see open spaces and broad vistas in these areas, ... Some participants also say they have concerns about their voices being heard.”

If you reviewed the Vision Plan appendix, you observed that the theme of we “do not want to see [new] overwater development” predominated, and the concern about our “voices being heard” was often repeated in the feedback documented in that appendix.

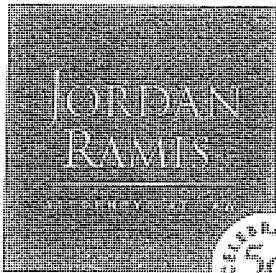
Returning to your task now, Staff has instructed you on several occasions that you are not allowed to change the Vision Plan, because this Plan was approved by the City Council as written. The Plan states, “such as docks, piers, marinas;” not, “such as bait shops, snack shops, smoke shops,” nor any other example of a building above the riverbank height which would block our river vistas.

The Vision Plan also states the primary objective for the Civic Greenway is to protect our river vistas. You do not protect a view by allowing it to be blocked. Therefore, it is the one-story allowance which does not comply with the approved Plan.

In contrast, the Riverbank height restriction protects our river vistas and allows precisely the limited development specifically called out in the Plan “such as docks, piers, marinas.” The riverbank height restriction is consistent with the spirit and objective of the Plan, consistent with what residents who participated in the Visioning process overwhelmingly wanted, consistent with the documented decision of the Steering Committee in formulating the Plan, and, most importantly for your task, consistent with the actual words in the approved Plan.

Commissioners Nemlowill and Innes staunchly understood this. As a result, to date, according to your minutes, there has not been a single working session when a majority of the Commissioners present endorsed the one-story allowance. I urge you to poll yourselves this evening. Let each commissioner, in turn, state clearly for the record which of the two options meets your requirement of complying with the approved Vision Plan, and please justify your position.

Thank you.



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Lake Oswego, OR 97035
503-598-7070
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Vancouver
1499 SE Tech Center Pl., #380
Vancouver, WA 98683
360-567-3900

Bend
360 SW Bond St., Suite 400
Bend, OR 97702
541-647-2979

June 18, 2014

Zetty Nemlowill, President
Astoria Planning Commission
1095 Duane Street
Astoria OR 97103

Re: **Development pathways in Civic Greenway**
Zoning and Land Use

Our File No. 43046-72920

Dear President Nemlowill and Planning Commissioners:

The Port of Astoria appreciates the opportunity to discuss a pathway for the Planning Commission to adopt the Riverfront Vision Plan ("RVP") in the future civic greenway.

As we have previously testified, the Port asks that the City avoid inhibiting nearly all overwater development in a future civic greenway. Instead, the Port requests that the City adopt text and findings that acknowledge the substantial public investment in properties within and around the east mooring basin.

The Port is the largest economic engine in the Astoria community. The Port's activity produces over 1,900 jobs, providing workers with \$157 million in labor income. The multiplier effect of this labor results in \$437 million of economic output to Clatsop County.

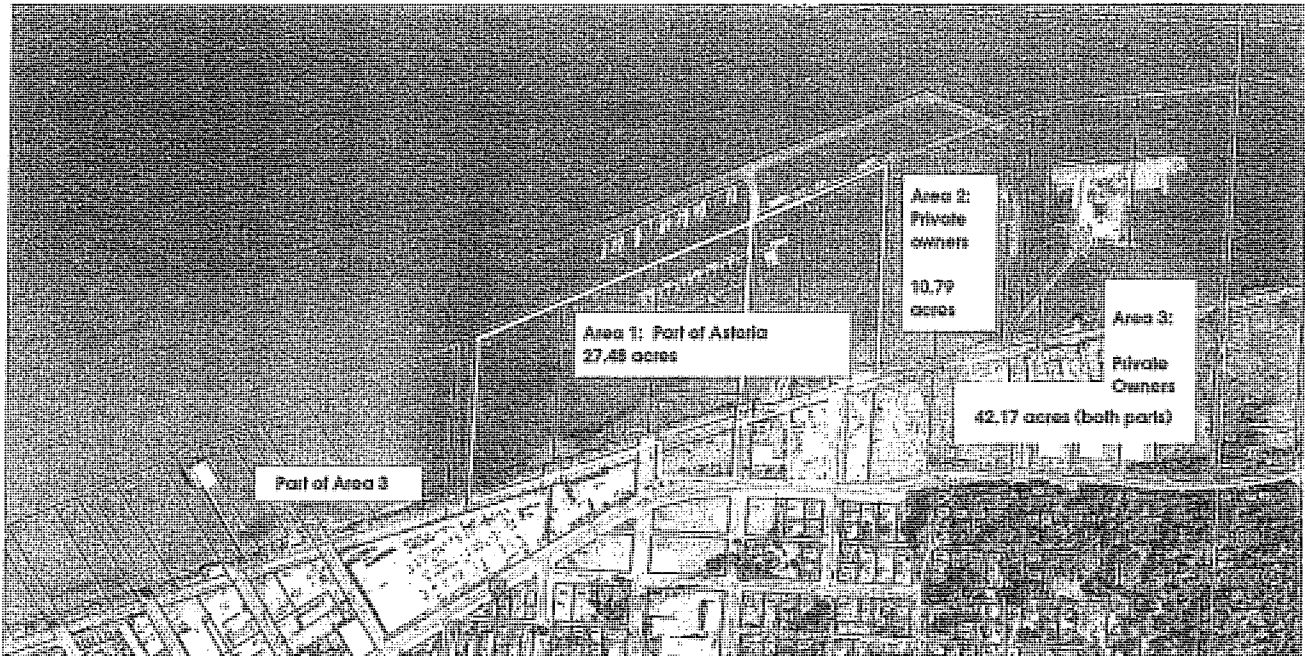
While much of this activity occurs in the Port's central waterfront, the Port is one of the largest single property holders in the future civic greenway area. Its parcels in this area are owned or controlled with public funds and possess untapped economic potential. The graphic at the top of the next page illustrates property in the civic greenway controlled by both the Port and nearby private parties.

I. What do the Port and other stakeholders see as their vision in the area?

To help the Planning Commission understand the Port's vision for the east basin area, we have broken the commercial and other employment type land into three areas.

Property within Area 1 is either controlled or owned by the Port. These properties constitute approximately 27.48 acres of upland and overwater property. Area 2 consists of privately-held or controlled overwater property, and includes about 10.79 acres. Finally, Area 3 represents property that is mostly built, for instance: the Pier 39 development, the Hampton Inn, Comfort Suites, condominiums, an RV park, industrial flex buildings that contain uses such as auto repair shops, and other uses.

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Area 3 “bookends” the general east basin area with overwater development. The overwater and on-land properties within Area 3 total around 42.17 acres. Importantly, Areas 1 through 3 together constitute merely part of the future civic greenway. Indeed, most of the civic greenway is not affected by the interests explained in this letter.

We would like to highlight three future development scenarios that are planned to occur within the east basin subarea.

1. Port of Astoria cruise ship terminal or other uses—Area 1

The Port plans to intensify the marina use of the property in Area 1 to accommodate additional boat moorages and uses that support a marina. The Port’s twin responsibilities to operate shipping facilities, and generate economic development, position it to create jobs that capitalize on Astoria’s position as a destination. In this capacity, the Port envisions creating a cruise ship terminal out of the current mooring basin facility. Exhibit A to this letter includes images that illustrate integrated cruise ship and upland facilities.

While some of the facilities are not the scale that is appropriate in Astoria, the themes of the facilities directly support what the City is trying to accomplish. Take, for example, Seattle’s Bell Street terminal which is Study No. 1 in the Exhibit. The construction uses building stepbacks to observe the City of Seattle’s view corridor rules, which apply both to upland and overwater properties, even right in the middle of Downtown Seattle. Moreover, the Bell Street facility allows tourists to walk into the vibrant Belltown neighborhood.

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As another theme important to Astoria, the facilities in Studies 3 and 5 supply pedestrian access around the entire perimeter of the structures. This allows pedestrians unparalleled access to views of the water; no other design concept would place pedestrians as close to the water.

The cruise ship terminal is an opportunity of critical significance to the City of Astoria and Clatsop County. Currently, the Port averages 18 cruise ships per year. These landings allow 40,000 people to arrive in the area, and these visitors spend approximately \$150.00 per couple. This results in a total spending of \$3 million. The Port believes an economic circulation factor of 7 is appropriate for this spending, meaning that our visitors provide a \$21 million stimulus to the Clatsop County area.

Along with adding a second a cruise ship terminal to further stimulate this activity, the Port could devote land to a cold storage facility, and simultaneously devote land to a public-private partnership to develop a "Fisherman's Wharf" concept in the immediate vicinity of the east basin. A future cruise terminal could require a 45 foot building height on shore, and an overwater building that could rise to 38 feet. The average cold storage facility requires a building between 28 and 48 feet. All these uses could reasonably coexist in the east basin area within the next decade.

Adding a terminal in the east basin area would immediately increase economic activity, and not just in terms of cash money infused by visitors as noted above. The economic increase could include between 24 and 50 full-time employment jobs on a sustained basis at the terminal. Cold storage could add about 30 full-time positions, plus offshoot employment. Add to that about 100 jobs that could be created in restaurants and tourist shops developed in a "Fisherman's Wharf" concept. . Importantly too, the increase includes the very activity the City seeks in this text amendment: pedestrian activity on, in, and in view of, the Columbia River and its upland greenway.

It is important to realize the consequences of failing to consider the public investment in the east basin area. Under the current marine industrial zoning the Port could develop a grain terminal, coal or oil terminal, LNG facility, cold storage, or anything else that depends on a marine location. These are among the highest and best uses, and the zoning code and comprehensive plan support these uses and acknowledge that they should be constructed regardless of their size and scope. The proposed text amendment would render the Port's holdings essentially useless for these purposes.

This is not mere talk. The lost potential output of the property could reach several millions of dollars, and several hundred jobs, especially if the property was filled and used as a shipping yard. The economic multiplier effect generated by these losses could cause losses to reach hundreds of millions of dollars, a diminishment to taxpayers throughout Clatsop County.

It is also vitally important to realize that development naturally goes hand-in-hand with water views. Cruise terminals are an ultimate hive of waterfront pedestrian activity because the visitors must walk off the ship and often continue their walkarounds within waterfronts and downtown areas, if any are available to them (which would be the case at East Mooring Basin). Essentially all such walking areas could be constructed to provide views of the Columbia River—and could in fact celebrate the river.

Identically, a "Fisherman's Wharf" concept would include viewing platforms for pedestrians to view the river, walkways to visit restaurants while viewing the river, and view the river while making way along one or more causeways for a more casual bite to eat or to shop for any number of souvenirs or necessary items.

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All these uses would provide Columbia River views almost heuristically—what waterfront developer in his or her right mind would fail to provide and capitalize on this ultimate amenity? The City does not need to require view corridors as such corridors are less apt to code descriptions and more apt to the architect's pen. Open space between buildings will be the rule, not the exception, and a reasonable way to legislate this may be to provide viewing platforms between buildings. This is because to be usable such platforms will cause developers to create public access to and within the property.

2. A "Fisherman's Wharf" type development—Area 2 and potentially part of Area 1

The private sector also represents significant economic opportunity in the civic greenway area. It is possible to use the overwater parcels in Area 2, possibly assembled with Port property, or other upland property, to create a development with the look and feel of a "Fisherman's Wharf" type development that harkens to its namesake in San Francisco, California. Such a development could include commercial uses, employment uses, other offices, an eatery, and could operate in tandem with existing hotel development which is a part of Pier 39 and other premises in Area 3.

There are at least 10.79 acres of privately-held land that could be recruited to serve a "Fisherman's Wharf" type development. Owners of these parcels would like the opportunity to explore public-private partnerships by potentially recruiting part of the Port's overwater acreage into service of such a development. Without changes to the proposed text amendment, the City will cause dramatic, instantaneous reductions to the investment-backed positions of these private owners. The City gains nothing by preventing development of properties already zoned and imagined for development. Similarly, the city loses much if it hands its voters the financial responsibility for causing these economic losses.

Again, the Port and private interests desire to create a positive regulatory environment. Recall our photo studies of design types that integrate development and river views. The interior picture for Study 4 illustrates how the internal retail environment of a structure can draw pedestrians to the building, through an atrium or other interesting walkway, to final locations at the water to obtain views of the Columbia River.

The exterior picture for Study 4 illustrates possible connections between boat moorages, overwater walkways, and upland buildings, adding even more pedestrian traffic to points along—and upon—the Columbia River. It also illustrates how an upland component of a development could be limited to three stories.

Finally, Study 5 illustrates how an overwater expression of a "Fisherman's Wharf" development can be constructed. Stepbacks suggested in the design can be devoted to promote views of the river from upland points. Study 5 also offers desired—and ample—pedestrian walkways adjacent to the water around the entire building. The placement of the yellow tent suggests construction of a pier end with open space that magnifies the pedestrian experience, adding possibilities to conduct social gatherings, or find solitude alone or among the intimacy of a small group.

3. Developed property—Area 3 plus Loft area (31st street)

Materials in the record identify Pier 39 and the red loft building as developed properties. However, this passing mention misses several points of critical significance. First, there are upland areas adjacent to the overwater construction that can be developed or that currently function, and the City should

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consider the interplay of overwater and upland uses in this text amendment. The amendment, as currently written, essentially cuts off overwater development and leaves upland activity to wither.

Second, the loft building is an object of community support so that it can become a functioning building now and into the future. It—like other overwater premises—should be protected by the code. It should be allowed to become useful and, over time, to become a location where pedestrians may obtain views of the Columbia River.

We also disagree with statements in the record that development of overwater parcels is difficult. The Port is in the business of operating maritime uses, many of which occur—and must employ—overwater facilities such as piers and docks. The Port is a specialized developer in this regard, and has the experience and know-how to obtain all permits necessary to take an overwater development plan from concept to construction.

Moreover, private owners are also qualified to marshal capital and obtain entitlements to develop in sensitive areas. For example, the Hampton Inn developers obtained entitlements for that development that hewed to the City of Astoria's development code and produced development, with river views, in the very part of the City in which the Planning Commission desires to establish river views.

Finally, the regulations as currently proposed would render overwater uses nonconforming. This is the bluntest, least imaginative tool in the planning toolkit, and ignores the hard work and financial investments made by private property owners in the greenway area. The damaging consequences of this approach are illustrated starkly by overwater development such as Pier 39, and development upland from Pier 39. It is shocking to us that the text amendment lacks an economic analysis of the impacts to such existing development. For example, unless the text amendment is enhanced in one of the ways we suggest below, Pier 39 will become a nonconforming use.

It is wrong to overlook this. Nonconforming status is a ticking time bomb—it impairs the use of property for security interests, discourages mutually-supportive development in the vicinity, and reduces the financial position of private property owners by reducing opportunities to raise capital. It is these and other owners who take the risks necessary for employment and commercial uses to become established within Astoria. And as we set forth in the next section, the City has long-standing policies that encourage economic uses of the waterfront.

II. Can the properties approximated as Areas 1 through 3 be treated differently than other properties in the future civic greenway?

Yes, because both the Riverfront Vision and the Comprehensive Plan already affect properties within the future civic greenway area differently. The following provisions illustrate this.

First, the City's most inclusive and fundamental land use policies recognize the diverse and divergent uses of Astoria's waterfront. Notably:

- There are different special qualities along the waterfront—from “scenic views” to “water-dominant uses.” The City is committed to protecting and promoting all these uses. CP.015.5.
- The City recognizes that it must simultaneously “protect[] the estuary environment,” and “promote the best use of the City's shorelands.” CP.015.4.

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- Any Riverfront Vision policies implemented by the City must coexist beside other policies to encourage "major Port development" at both the Port docks and at the Port's east mooring basin. CP.020.2.
- Mixed uses are development goal along the Columbia River. CP.020.3. Moreover, development must occur "in a flexible manner." Id.

Second, the City's CREST policies suggest that commercial and other employment uses on the one hand will coexist with view-preserving uses on the other hand. These policies include but are not limited to the following:

- The City should distinguish coastal shorelands necessary for water-dependent uses such as ports and recreation, from shorelands that offer scenic qualities. See, CP.130.
- The City supports improvements to the Port's east basin, along with vacant land between 35th and 41st streets that can be devoted to support use of the east basin. CP.175.D. In fact, the City acknowledges that the Port's east basin is underutilized at present. CP.175.E.
- The east mooring basin is already built out into the deep water (i.e. to water depths greater than 22 feet). Accordingly, the area is already poised for "water-dependent, recreational, commercial, industrial, or port development." CP.185.A.1.
- The City has already acknowledged that even with full development of the Port's water-dependent shoreline uses, the cumulative impact of such development "is expected to be minor." CP.186.C.1.

Third, the City's economic development policies support economic activity even while preserving access to shoreline areas. Such policies include the following:

- Currently, land available for water-dependent uses is underutilized. Moreover, because of changing economic conditions many areas formerly used for water-dependent uses are not longer needed for that purpose. See, CP.190. Accordingly, in an area such as the future civic greenway, where there were former canneries (amongst other uses), some shoreline property can remain in use for water dependent uses such as a "Fisherman's Wharf," while other shoreline property is devoted to other service, such as to provide parks or open space.
- The City encourages water-dependent uses to locate where there is deep water, such as at east basin. See, CP.203. By extension, other waterfront property is available for other uses, including public access and viewing.
- As the City implements its Riverfront Vision, it should focus on the shoreline's "potential for tourist-oriented development," CP.210.1, and encourage and promote such uses. Tourist income is a significant component of the City of Astoria's long term sustainability.

Finally, the Riverfront Vision Plan itself recognizes that the City may evaluate properties within Areas 1 through 3 differently than other parcels in the future civic greenway. This stems from reasons such as the following:

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- The RVP balances public and private investment on the one hand, with quality of life on the other hand. RVP p. 1.
- The City encourages a mix of economic uses while enhancing the river trail. Id.
- The RVP seeks to reduce—not prohibit—overwater development in the civic greenway. RVP p. 2. Directing overwater development towards some parcels but not others is one way to accomplish this goal.
- The RVP encourages use of design review, or new design review standards. Id. One reason to create new standards is to integrate new structures into the natural environment.
- The RVP recognizes that view corridors and public access to points offering Columbia River views are techniques to balance development with opens pace and view preservation. RVP p. 15.
- The principal open space amenity in the future civic greenway will be a large green open space or park between 20th and 23rd Streets. RVP p. 64. Development to the east, approximately between 31st and 41st streets, does not intrude upon this vision.

III. What regulations would make sense to implement policies from the Riverfront Vision Plan?

The proposed ordinance before the Planning Commission restricts development in the civic greenway to such a degree that the Port would be required by its fiduciary obligations to legally challenge the ordinance. The Port of Astoria and private stakeholders believe that a better result is to help the City of Astoria adopt text and findings that acknowledge significant financial investments in civic greenway properties, support the city's economic development policies, and embody the city's desire to provide pedestrian access to views of the Columbia River.

We offer two concepts for inclusion within the ordinance. The first concept includes revised design review criteria, accomplished by excising the most meritorious standards of Section 14.055 and distributing them into Section 14.060, with focus on a new subsection, 14.060.D. This concept accomplishes the following principal objectives:

- Creates design review criteria for overwater development, instead of width, height, and size limits that reduce approvable development to almost nil;
- Clarifies allowance of restaurants;
- More effectively carries out the Riverfront Plan's intent to stimulate adoption of design review criteria;
- Recognizes public and private investment in properties in and near the East Mooring Basin;
- Requires development to supply pedestrian access to areas where pedestrians may obtain views of the Columbia River.

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The second concept adds text that creates an opportunity to create a master plan for development in the vicinity of the east mooring basin for the owners. It accomplishes this by designating the vicinity as a plan design district called the East Basin Plan District. Within the district, owners may collaborate with the City, and each other, to propose development standards for the East Basin Plan District, and obtain conditional use master plan approval under those standards.

Importantly, the master plan process is an alternative to traditional permit approval. A master plan would allow stakeholders to obtain development that is evaluated in a more global way, for longer term or perhaps multi-phased development. A master plan process accomplishes the following objectives:

- Designates an "East Basin Plan District" consisting of the approximate geographic area around the East Mooring Basin, which are properties with recognized development potential;
- Recognizes financial investment in properties in and near the East Mooring Basin;
- Clarifies allowance of restaurants;
- Recognizes development that is either constructed, funded, or forecast;
- Requires the city to approve regulations for development within the East Basin Plan District and add those to the development code prior to rezoning property in the east basin area.

My staff and I, along with the Port and other stakeholders in the area, will be present at your June 24th meeting. We will be happy to answer any questions.

JORDAN RAMIS PC



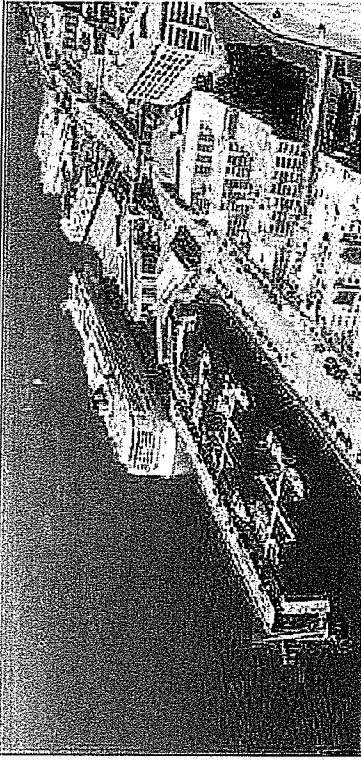
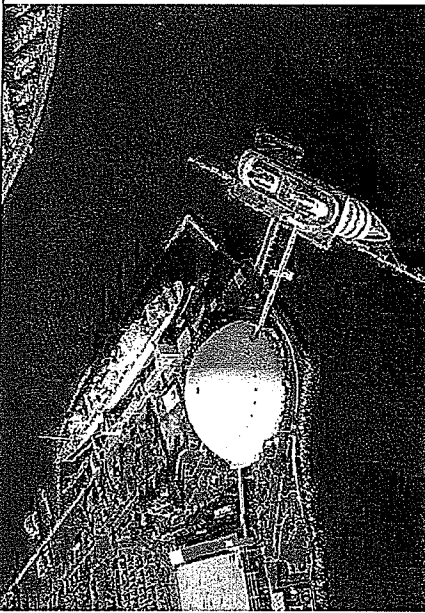
Timothy V. Ramis
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OR Direct Dial (503) 598-5573

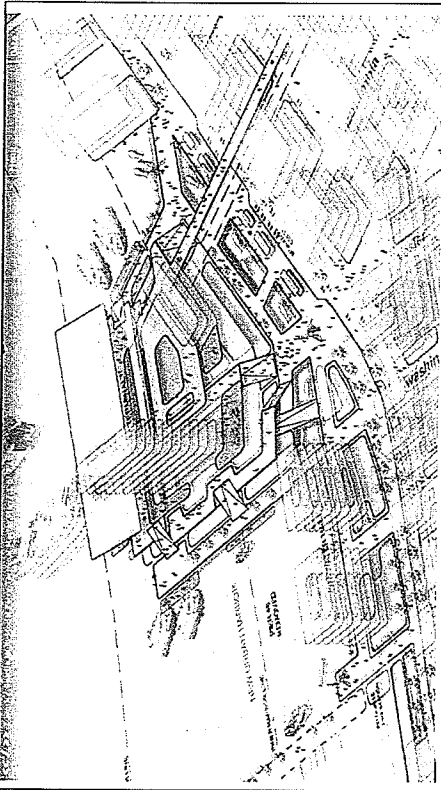

Enclosures

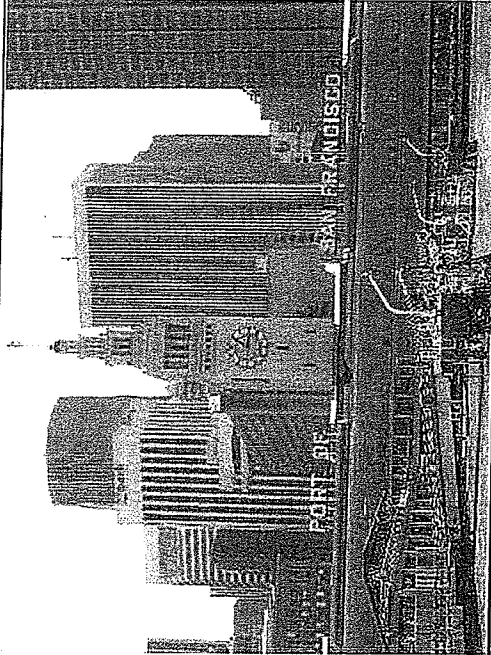
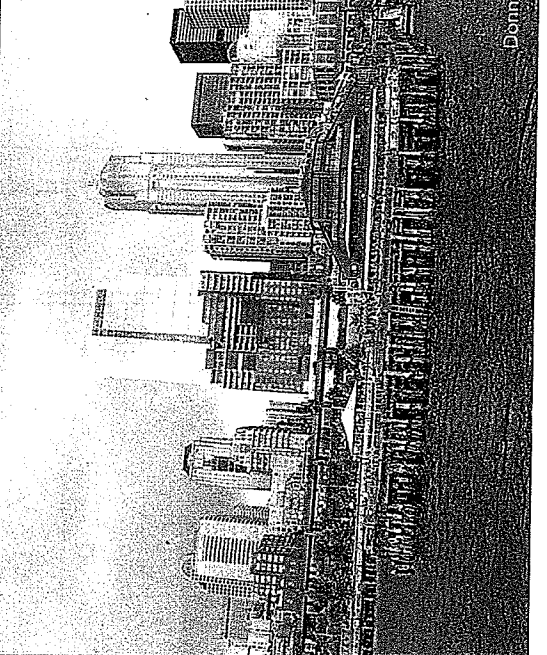
cc w/encs: Port of Astoria

Exhibit A—photo studies

Port of Astoria
Photographic examples of development potential in the east basin area

Item	Source	Importance	Images
<p>Study No. 1 Bell Street Cruise Terminal, Pier 66 Port of Seattle, WA</p>	<p>Port of Seattle, http://www.portseattle.org/Cruise/Explore-Terminals/Pages/default.aspx</p>	<p>This 11-acre facility brings cruise ship passengers into a neighborhood adjacent to the central downtown area. Passengers can walk from this terminal to attractions. Building heights are stepped both on the upland structures, and on the overwater structures. Dock facilities must provide access to passengers who disembark through ship hatches built above the waterline.</p>	
<p>Study No. 2 Carnival cruise ship terminal near the Queen Mary Port of Long Beach, CA</p>	<p>Carnival Cruise Lines, http://www.carnival.com/Funville/forums/t288552.asp x</p>	<p>The cruise ship is at the right, below, in this image. The overwater facility that serves the ship is not extensive. At some point, in the design, an accessway must reach the passenger doors on the ships although this design also uses an elevated walkway from ship to shore that would not be needed in Astoria.</p>	

<p>Study No. 3</p> <p>Conceptual design for passenger ferry terminal master plan</p> <p>Seattle, WA</p>	<p>LMN Architects, http://lnnarchitects.com/work/seattle_multi_modal_ferry_terminal_master_plan</p>	<p>This image was submitted by the LMN firm, for the Seattle Multi-Modal Ferry Terminal master plan in 2008.</p> <p>The image shows a good example of stepping-down elevations of overwater facilities to the water's edge. In this image, the left side of the building makes particularly good use of stepped-down surfaces to preserve views from upland areas, for example views from the multi-story buildings on the edge of the proposed urban harbor.</p>	
<p>Study No. 4</p> <p>Ferry Building (interior)</p> <p>San Francisco, CA</p>	<p>Interior view: http://www.jettingaround.com/wp-content/uploads/2013/02/San-Francisco-Ferry-Building-Marketplace-3.jpg</p>	<p>The image to the right shows the interior of the iconic Ferry Building in San Francisco, which is located upland from the bay. We offer the ideas embodied in this development as pertinent themes for Astoria officials. The building offers unique pedestrian experiences, and such interest is vital for generating and holding pedestrian traffic at levels that serves public policies. The pedestrians move and shop within a structure that offers pedestrians views of the water. The building also embodies creation of economic activity in the form of produce and other market stalls, restaurants, and cafes.</p>	

<p>Study No. 4 (continued)</p> <p>Ferry Building (from water)</p> <p>San Francisco, CA</p>	<p>Bay view. Trip Advisor, http://www.tripadvisor.com/LocationPhotoDirectLink-g60713-d1651521-i26122492-San_Francisco_Sailing_Company-San_Francisco_California.html#26122491</p>	<p>The image on the next page shows the Ferry Building from the bay. The Commission can see that overwater facilities consist of minimal passenger facilities to serve this building. The facilities are modest yet they must reach higher than 12 feet to serve passengers.</p> <p>Notably, too, from upland vistas within the Ferry Building and beyond, views of the water change as ships enter and leave this facility. This variety of watercraft is a source of visual interest to pedestrians on the shore.</p>	
<p>Study No. 5</p> <p>Pier 57, Seattle, Washington</p>	<p>Donna Moore, Redbubble, http://www.redbubble.com/people/donnamoore/works/646044-pier-57-in-historic-seattle-waterfront</p>	<p>As seen from the water in this image, Seattle's Pier 57 is an overwater building with stepped down elevations. This image demonstrates one way that overwater buildings can be constructed more or less perpendicular to the shore, with techniques to mitigate impacts on views.</p>	

**Study No. 6
Navy Pier,
Chicago, Illinois**

Navy Pier,
http://blog.navypier.com/wp-content/uploads/2012/08/Navy_Pier_Photo_134.jpg

Chicago's navy pier—while at an overall scale beyond Astoria's needs—premises over 50 acres of development on the availability of pedestrian access along and through the entire developed space.

The interior spaces are developed with region-wide attractions such as art museum uses, shops, eateries, amusement uses, and amenities.

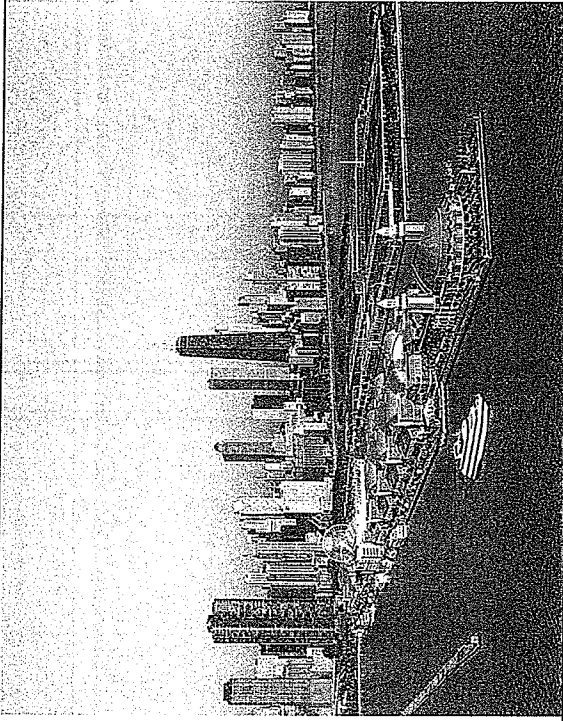


Exhibit B—Proposed changes to draft ordinance

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ORDINANCE NO. 14-_____

AN ORDINANCE AMENDING THE ASTORIA DEVELOPMENT CODE PERTAINING TO IMPLEMENTATION OF THE ASTORIA RIVERFRONT VISION PLAN

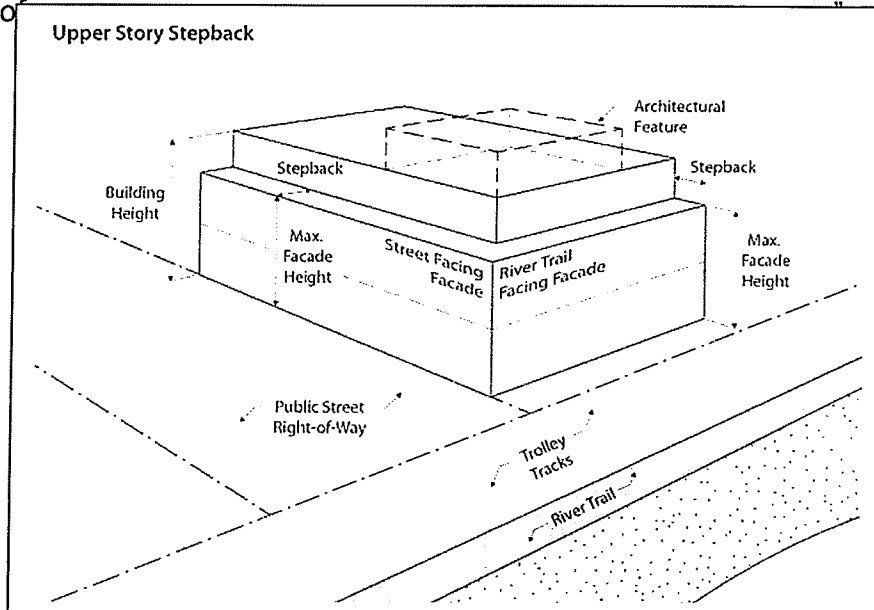
THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

.....

Section *. Section 1.400 pertaining to Definitions is amended by the addition to read as follows:

.....

“STEPBACK: Building stepbacks are stepped or progressive recessions in one or more of a building’s faces as the building rises higher. Stepbacks are designed to reduce building mass to allow views around the building from above and/or from a distance, to allow more light down to the adjacent rights-of-way, and to improve the aesthetic experience of the building from adjacent rights-of-



.....

Section *. Section 14.035 through 14.065 pertaining to Civic Greenway Overlay Zone is added to read as follows:

“CGO: CIVIC GREENWAY OVERLAY ZONE

14.035. PURPOSE.

Exhibit B—Proposed changes to draft ordinance

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The purpose of the Civic Greenway Overlay Zone is to implement the land use principles of the Astoria Riverfront Vision Plan, dated December 2009, as they pertain to the Civic Greenway Plan Area. The Civic Greenway Overlay (CGO) Zone is intended to protect views of and access to the Columbia River, provide for an enhance open space and landscaping, support water-dependent uses consistent with Astoria's working waterfront, and encourage modest scale housing in areas recommended for residential use. The CGO Zone extends from approximately 16th Street to 41st Street and between Marine Drive and the Columbia River as depicted on the City's Zoning Map.

14.040. APPLICABILITY AND REVIEW PROCEDURES.

The provisions of the Civic Greenway Overlay Zone shall apply to all new construction or major renovation, where "major renovation" is defined as construction valued at 25% or more of the assessed value of the existing structure, unless otherwise specified by the provisions in this Section.

Review of applications in the Civic Greenway Overlay Zone is subject to the administrative procedures and approval of the Community Development Director established in Article 9.

A. Residential Development.

Applications may be reviewed administratively subject to the Design Review Standards in Section 14.065 or through the public design review process subject to the Design Review Guidelines in Section 14.025.

B. Non-Residential and Mixed Use Development.

Applications shall be reviewed through the public design review process subject to the Design Review Guidelines in Section 14.025.

C. Conditional Use Master Plan

Persons may apply to establish or amend the East Basin Plan District text under Section 10.050.A. Owners of land within the East Basin Plan District may apply for conditional use master plan approval under Section 9.010.

14.045 USES PERMITTED OUTRIGHT.

The following uses and activities and their accessory uses and activities are permitted in the Civic Greenway Overlay Zone, subject to the other appropriate development provisions of this Section.

1. Small boat building and repair.

Exhibit B—Proposed changes to draft ordinance

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2. Water-dependent facilities including dock, moorage, pier, terminal, transfer facility and marina for commercial and recreational marine craft, for passengers, or for waterborne commerce.
3. Public pier.
4. Public use in conjunction with the Columbia River Maritime Museum.
5. Navigational structure.
6. Shoreline stabilization.
7. Flowlane disposal of dredged material.
8. Pipeline, cable, and utility crossing.
9. Storm water and treated wastewater outfall.
10. Communication facility.
11. Temporary dike for emergency flood protection limited to 60 days subject to State and Federal requirements.
12. New dike construction.
13. Maintenance and repair of existing structure or facility.
14. Dredging and filling, pursuant to the applicable standards in Section 4.050 and 4.070, for any of the permitted uses 1 through 10 listed above.
15. The following water-related commercial and industrial uses:
 - a. Boat and/or marine equipment sales;
 - b. Fish or shellfish retail or wholesale outlet;
 - c. Charter fishing office;
 - d. Sports fish cleaning, smoking, or canning establishment;
 - e. Retail trade facility for the sale of products such as ice, bait, tackle, gasoline or other products incidental to or used in conjunction with a water-dependent use;
 - f. Eating and drinking establishment that provides a view of the waterfront area or the Columbia River, ~~and that is in conjunction with an associated water-dependent use such as a marina or seafood processing plant;~~
 - g. Cold storage and/or ice-processing facility independent of seafood processing facility.
16. Navigation aid.

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17. Piling and pile supported structure as necessary for any of the permitted uses 1 through 16 listed above, or as necessary for any use permitted in the adjacent shoreland.

14.050. CONDITIONAL USES PERMITTED.

The following uses and activities and their accessory uses and activities are permitted in the Civic Greenway Overlay Zone as Conditional Uses when authorized in accordance with Article 11, Conditional Uses. These uses and activities are also subject to the other appropriate development provisions of this Section. It must also be shown that these uses and activities are consistent with the purpose of the Civic Greenway Overlay Zone.

1. Active restoration.
2. Bridge crossing and bridge crossing support structure.
3. Water-dependent or water-related recreational use not listed elsewhere in this zone.
4. A use for which an exception to the Estuarine Resources Goal has been adopted as an amendment to the Astoria Comprehensive Plan.
5. Fill in conjunction with any of the conditional uses 1 through 4 listed above pursuant to the applicable standards in Section 4.050.
6. Dredging and filling, pursuant to the applicable standards in Section 4.050 and 4.070, for any of the conditional uses 1 through 5 listed above.
7. Dredged material disposal at sites designated for dredged material disposal in the Comprehensive Plan.
8. Dredged material disposal at sites not designated for dredged material disposal in the Comprehensive Plan, provided the dredged material is utilized as a source of fill material for an approved fill project.
9. Water-related commercial or industrial use other than those listed under Section 14.045(15) of this zone.
10. Piling as necessary for any of the conditional uses 1 through 9 listed above.
11. Temporary use meeting the requirements of Section 3.240.
12. Non-water dependent and non-water related uses may be located in existing, under-utilized buildings provided the use does not preclude future water-dependent or water-related uses.

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13. Buildings with heights in excess of the figures set forth in Section 14.060.A(1) and (2) before any exception under Section 14.060.A(3) is applied.

14. Development that is approved under a conditional use master plan.

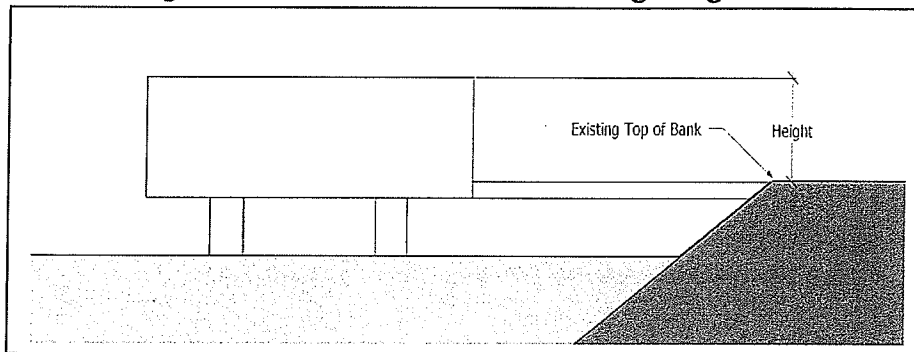
14.055. STANDARDS FOR OVERWATER DEVELOPMENT.

The following development standards apply to overwater development in the Civic Greenway Overlay Zone. In the event of a conflict between this Section and other Sections of the Astoria Development Code, this Section shall control.

A. Height.

Maximum building height is one story, with a maximum of 12 feet above the top of the existing adjacent riverbank.

Figure 14.055-1: Maximum Building Height



B. Size.

— The maximum gross floor area of enclosed structures is 4,000 square feet.

C. Width.

— The maximum width of an overwater building is 25% of the total parcel width (measured along the parcel frontage adjacent to the Columbia River) or 50 feet, whichever is greater. In cases where total parcel width is 100 feet or less, the building width may be up to 25 feet.

Figure 14.055-2: Maximum Building Width

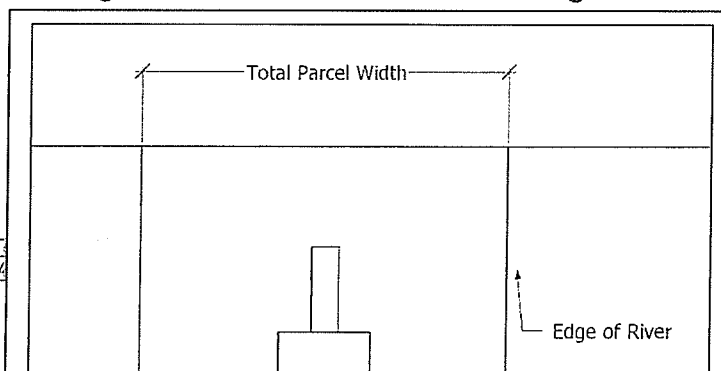


Exhibit B—Proposed changes to draft ordinance

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~~D. Access to the Columbia River.~~

~~Access to the River shall be provided using piers and/or walkways as part of new construction and major renovations to structures constructed after the year 2013, where major renovation is defined as construction and alterations only to building exteriors valued at 75% or more of the assessed value of the existing structure.~~

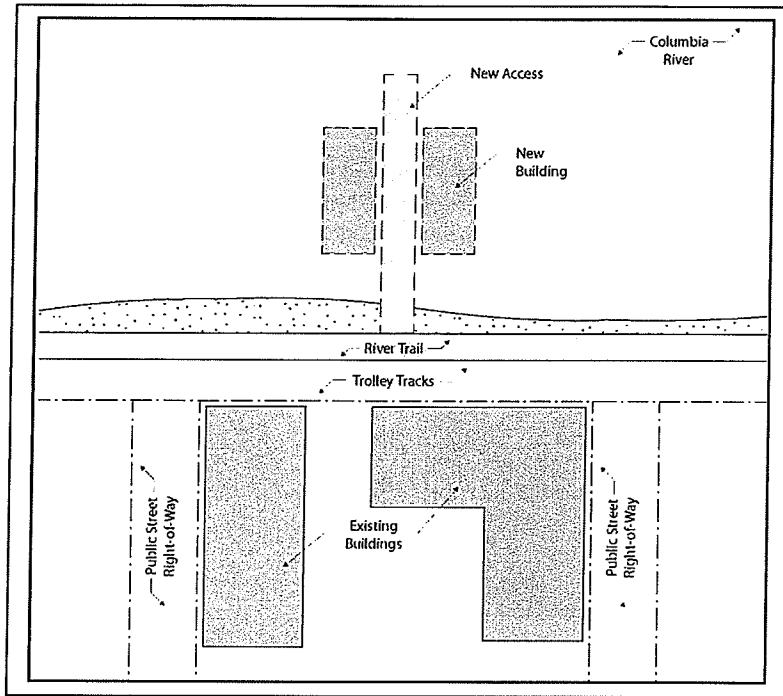
~~Piers and walkways shall be constructed in accordance with Access Design A, Access Design B, or Access Design C, as shown and described below.~~

~~1. Access Design A “Mid-Site Access”.~~

~~This access design shall be provided in a public access easement provided through the middle of the development or structure.~~

Exhibit B—Proposed changes to draft ordinance

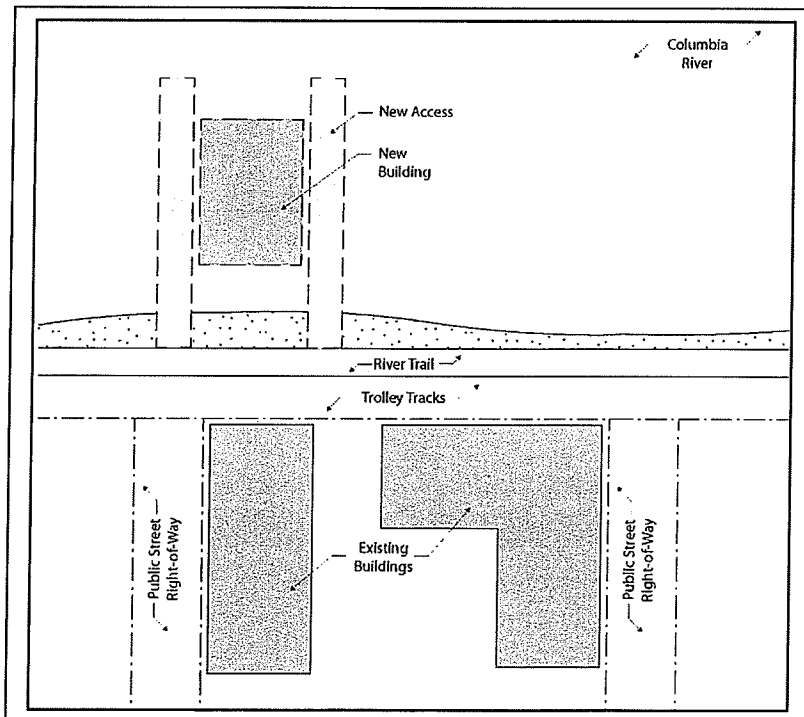
~~Figure 14.055-3: Access Design A~~



~~2. Access Design B "Viewpoints"~~

~~This access design shall be provided through either existing right of way, right of way that is created and dedicated to the City, or a public access easement.~~

~~Figure 14.055-4: Access Design B~~



~~2. Access Design C “Trail Extension”.~~

~~This access design serves as an extension of the River Trail and shall be provided through either existing right of way, right of way that is created and dedicated to the City, or easements for the pierc on the east and west sides of the development. The boardwalk along the north side of the development shall be provided in a public access easement. [Note: Two possible scenarios are illustrated in the following figures for this option.]~~

~~Figure 14.055-5: Access Design C.1~~

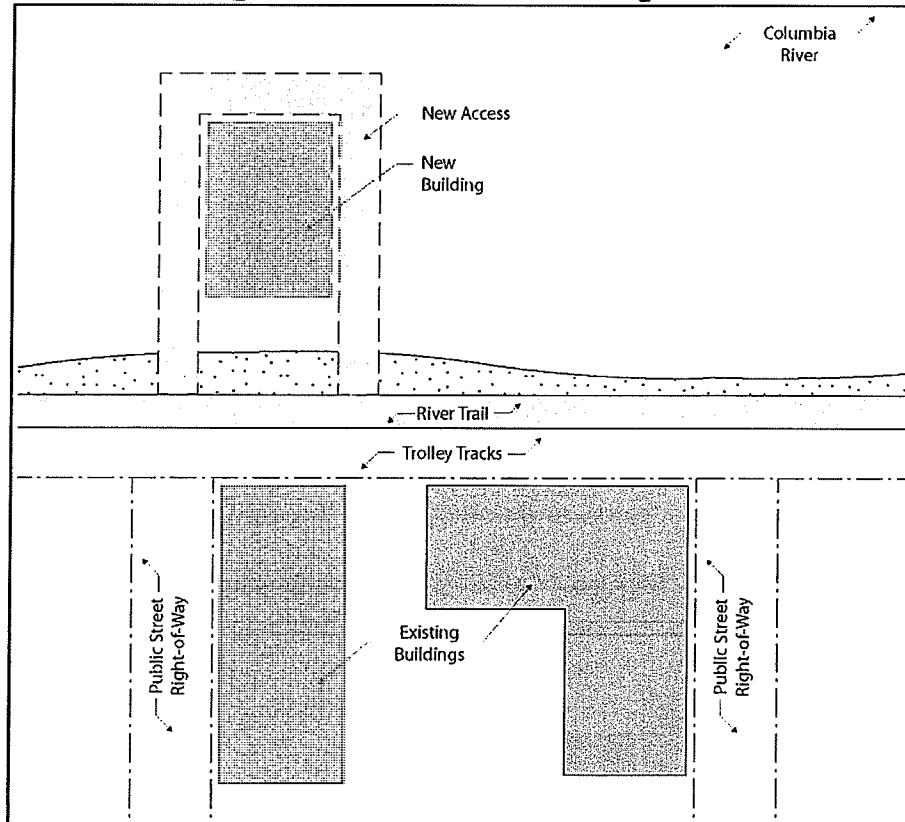
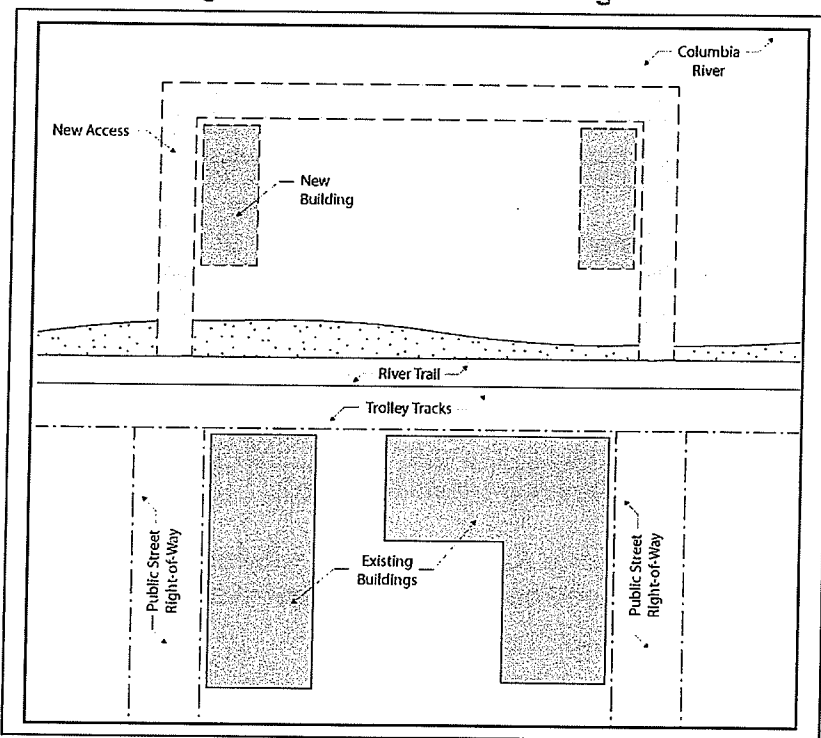


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~~Figure 14.055-6: Access Design C.2~~



~~4. Pier and Walkway Width.~~

~~Minimum pier and walkway width is 10 feet if one side of the pier or walkway is developed with overwater structures. Minimum pier and walkway width is 14 feet if both sides of the pier or walkway are developed with overwater structures.~~

~~5. Pier and Walkway Length.~~

~~Piers and walkways shall extend beyond the north face of the overwater development a minimum length of 10 feet to ensure that the river is visible beyond the adjacent structure(s).~~

~~6. Hours of Access.~~

~~Access on overwater piers and walkways may be restricted during hours specified in City Code Section 5.026 to 5.028.~~

~~7. Maintenance Responsibility.~~

~~Responsibility for maintenance of the piers and walkway shall be established through a recorded maintenance agreement acceptable to the City.~~

~~E. Other Development Standards.~~

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~~The Other Applicable Use Standards of the Gateway Overlay Zones (MH, FA, CA, HC, AH, HC, HR, LS, AH, MP) do not apply to overwater development in the Civic Greenway Overlay Zone.~~

14.060. STANDARDS FOR ON-LAND AND OVERWATER DEVELOPMENT.

The following development standards apply to on-land and overwater development in the Civic Greenway Overlay Zone. In the event of a conflict between this Section and other Sections of the Astoria Development Code, this Section shall control.

A. Height.

1. Maximum overwater building height is 38 feet and maximum on-land building height is 45 feet~~building height is 28 feet.~~
2. ~~Building height up to 35 feet is permitted when b~~Building stories above 28 feet ~~are~~must be stepped back at least 10 feet in accordance with Section 14.060(BG)(2).
3. Exceptions to building height restrictions may be granted through provisions in Section 3.075.

~~B. Setbacks.~~

~~A minimum view corridor width of 70 feet, centered on the right of way centerline, shall be provided on north-south rights-of-way between Marine Drive/Lief Erikson Drive and the Columbia River. Buildings shall be set back in order to achieve the 70-foot view corridor.~~

BG. Stepbacks.

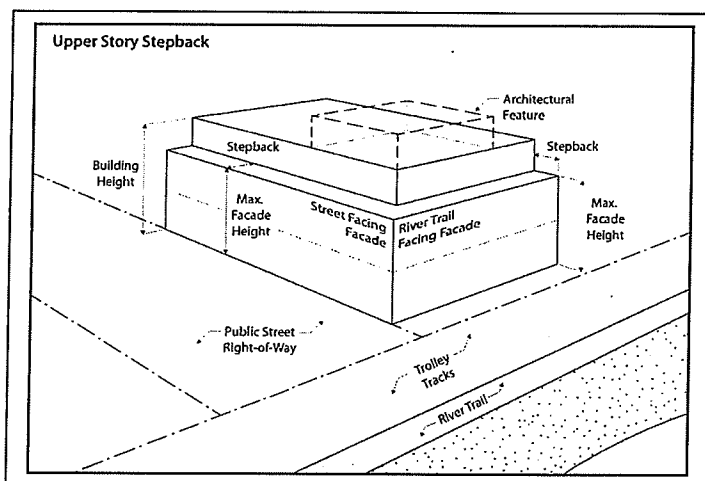
1. Purpose.

The purpose of a stepback is to allow for less obstructed views from above the building and to create a less imposing building scale as viewed from the street or parallel/adjacent trail. A stepback is also designed to allow more light down to the adjacent or fronting street, sidewalk, or trail.

2. Mandatory stepback~~Additional Building Height.~~

Where the height of a building or building addition is proposed to exceed 28 feet, at least that portion of the building exceeding 28 feet, shall provide a stepback of at least 10 feet from the front plane of the proposed building or building addition that faces the street or the River Trail.

Figure 14.060-1: Building Stepbacks



3. Setbacks. A minimum view corridor width of 70 feet. Stepbacks between adjacent on-land buildings, centered on the right-of-way centerline, shall be provided on north-south rights-of-way between Marine Drive/Lief Erikson Drive and the Columbia River. Such stepbacks shall be constructed with viewing platforms or other physical elements that allow persons to obtain views of the Columbia River. Buildings shall be set back in order to achieve a 70-foot view corridor.

C. Special Standards for Overwater Development

1. Design and building standards.

The following design and building standards shall guide overwater development in the civic greenway. The standards shall be interpreted and applied to promote development that supplies pedestrian access to views of the Columbia River, and to promote a pedestrian-friendly environment.

a. Construction at lot lines

Building facades adjacent to a lot line separating the overwater sections of two lots shall employ building stepbacks at each such facade. Such stepbacks shall have the effect of mitigating building mass and shall assist the building to achieve a design that provides pedestrian access to locations at which pedestrians may obtain views of the Columbia River.

b. Facades adjacent to a pedestrian facility

When a structure above 28 feet in height abuts a sidewalk, the River Trail, or other publicly-owned pedestrian access, the building shall, at 28 feet in height from finished grade, and at each story above 28 feet, be

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constructed with one or more of the following features, in addition to stepbacks, to reduce the perceived mass and height to a more human scale:

- (1) Trellis
- (2) Lower roof overhang
- (3) Horizontal projection that has a mitigating effect
- (4) Awning
- (5) Balcony
- (6) Other feature that allows pedestrian access
- (7) Other feature that reduces building height and mass

c. Required pedestrian access inside buildings.

The first story of an overwater building must be constructed such that ten (10) percent of the buildable square footage constitutes a publicly-accessible area where pedestrians may obtain views of the Columbia River.

d. Required pedestrian access outside of buildings

Each overwater structure must provide a pedestrian accessway that connects the River Trail to a point at or beyond the most northerly building elevation. The accessway must supply a view of the Columbia River or terminate in an area on the property that provides access to a view of the Columbia River. Pedestrian facilities that satisfy one of the Access Designs supplied by Section 14.060.D(2), below, are presumed to satisfy this requirement.

2D. Access to the Columbia River.

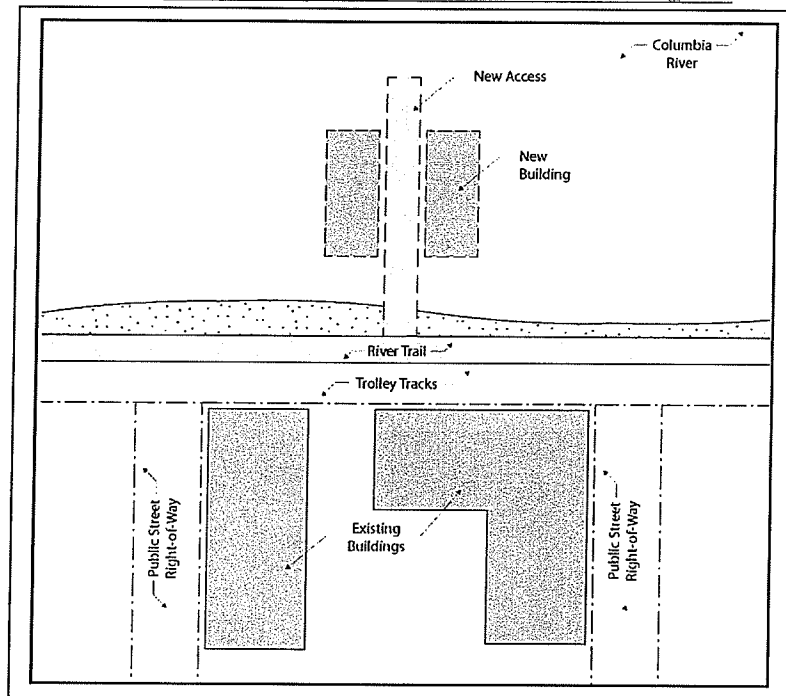
Access to the River shall be provided using piers and/or walkways as part of new construction and major renovations to structures constructed after the year 2013, where major renovation is defined as construction and alterations only to building exteriors valued at 75% or more of the assessed value of the existing structure.

Piers and walkways shall be constructed in accordance with Access Design A, Access Design B, or Access Design C, as shown and described below.

a4. Access Design A - "Mid-Site Access".

This access design shall be provided in a public access easement provided through the middle of the development or structure.

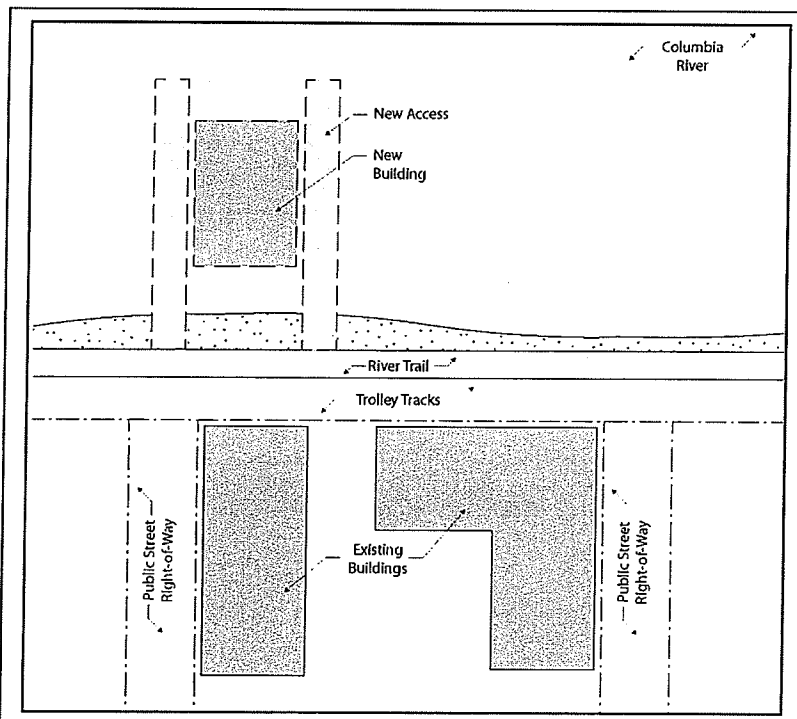
Figure 14.060-2055-3: Access Design A



b2. Access Design B - "Viewpoints".

This access design shall be provided through either existing right-of-way, right-of-way that is created and dedicated to the City, or a public access easement.

Figure 14.060-3055-4: Access Design B



c3. Access Design C – “Trail Extension”.

This access design serves as an extension of the River Trail and shall be provided through either existing right-of-way, right-of-way that is created and dedicated to the City, or easements for the piers on the east and west sides of the development. The boardwalk along the north side of the development shall be provided in a public access easement. [Note: Two possible scenarios are illustrated in the following figures for this option.]

Figure 14. 060-4055-5: Access Design C.1

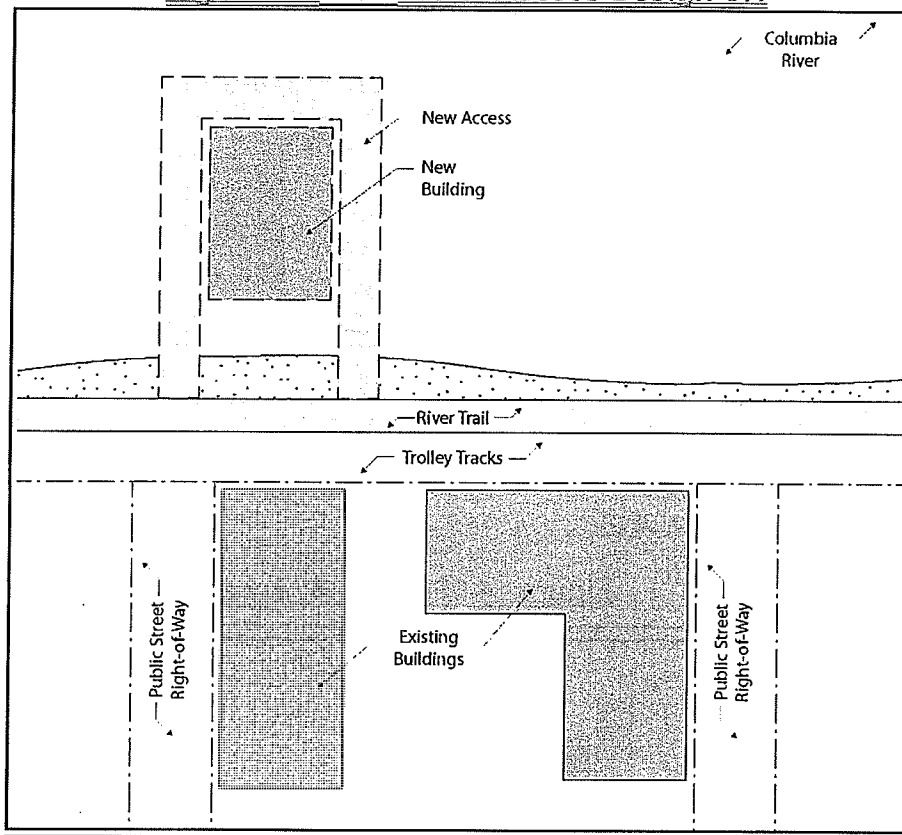
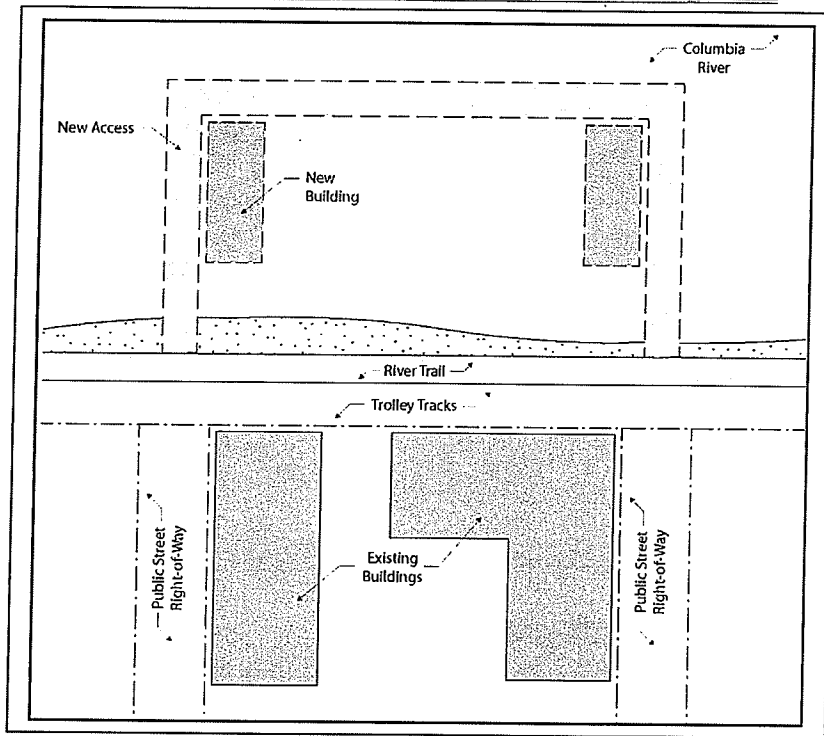


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Figure 14.060-5955-8: Access Design C.2



d4. Pier and Walkway Width.

Minimum pier and walkway width is 10 feet if one side of the pier or walkway is developed with overwater structures. Minimum pier and walkway width is 14 feet if both sides of the pier or walkway are developed with overwater structures.

e5. Pier and Walkway Length.

Piers and walkways shall extend beyond the north face of the overwater development a minimum length of 10 feet to ensure that the river is visible beyond the adjacent structure(s).

f6. Hours of Access.

Access on overwater piers and walkways may be restricted during hours specified in City Code Section 5.926 to 5.928.

g7. Maintenance Responsibility.

Responsibility for maintenance of the piers and walkway shall be established through a recorded maintenance agreement acceptable to the City.

Exhibit B—Proposed changes to draft ordinance
p. 16

2E. Other Development Standards.

The Other Applicable Use Standards of the Gateway Overlay Zones (MH, FA, CA, HC, AH-HC, HR, LS, AH-MP) do not apply to overwater development in the Civic Greenway Overlay Zone.

14.061 EAST BASIN AREA PLAN DESIGN DISTRICT

Prior to applying the CGO overlay to properties located approximately between 28th Street to the West, 41st Street to the East, the pierhead line to the north, and Marine Drive/Lief Eriksen Drive to the South, the city will create a plan district for the area. This plan district may be referred to as the East Basin Plan District.

A. Purpose

Properties within the East Basin Plan District share one or more of the following traits:

1. Currently developed;
2. Held for development by stakeholders with responsibility over public or privately-funded investments;
3. Development of the property is consistent with the policies of the Comprehensive Plan.

Accordingly the purpose of the East Basin Plan District is to supply development regulations that respond to the needs of this district in ways that the civic greenway overlay zone does not meet.

B. Scope

Regulations for the East Basin Plan District will be applied in conjunction with the base zoning, and the civic greenway overlay, but in lieu of development standards within the civic greenway overlay.

C. Plan district adoption criteria

The City shall establish design standards for the East Basin Plan District with legislative findings that address the following criteria:

1. The area proposed for the plan district has special characteristics or problems of a natural, economic, historic, public facility, or transitional land use or development nature which are not common to other areas of the civic greenway area;

Exhibit B—Proposed changes to draft ordinance

p. 17

2. The legislative process may identify and address any additional uses that need to occur in the civic greenway zone to address the special characteristics or problems.
3. The boundaries of the proposed plan district and regulations that apply within it result from land use policy studies and economic analysis that document the special characteristics of the area and explain how a plan district will address relevant issues; and
4. The regulations of the plan district conform with the Comprehensive Plan, continue to meet the general purpose and intent of the base zoning, and harmonize with the purpose of the civic greenway overlay zone.

D. Review

The planning commission should periodically review the East Basin Plan District and its regulations to determine the impacts on development, the usefulness and usability of the regulations, and the public need for any amendments to the regulations.

E. Mapping

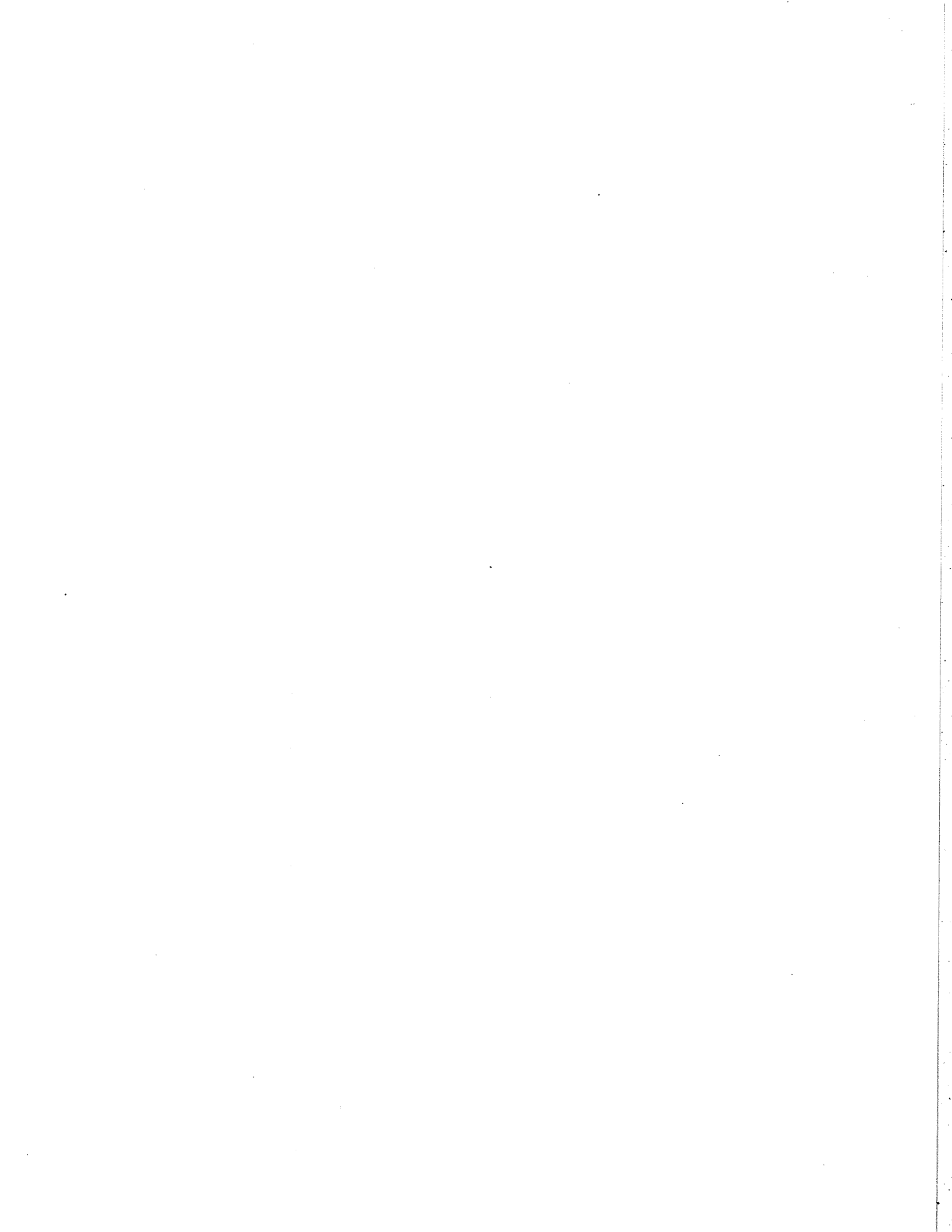
The boundaries of the East Basin Plan District should be illustrated on a map that City Council includes as part of an enacting ordinance, and that is reflected in the city's zoning map.

F. Application

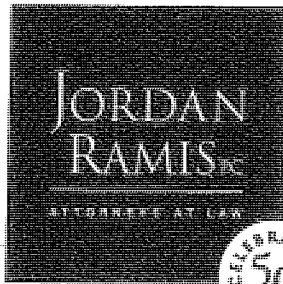
1. The City or any other person may apply for approval of a text amendment to establish development standards for the East Basin Plan District.
2. A property owner may apply for a conditional use master plan under permit approval standards established for the East Basin Plan District within Section 14.063. Development approved under such a conditional use master plan will be deemed to comply with the Sections 14.040, 14.050, and 14.060.

14.063 EAST BASIN AREA PLAN DISTRICT DEVELOPMENT GUIDELINES AND APPROVAL CRITERIA

(Reserved)



Submitted 5/27/14



Lake Oswego
Two Centerpointe Dr., 6th Floor
Lake Oswego, OR 97035
503-598-7070
www.jordanramis.com

Vancouver
1499 SE Tech Center Pl., #380
Vancouver, WA 98683
360-567-3900

Bend
360 SW Bond St., Suite 400
Bend, OR 97702
541-647-2979

May 27, 2014

Zetty Nemlowill, President
Astoria Planning Commission
1095 Duane Street
Astoria OR 97103

Re: **Text Amendment A 14-02**
Zoning and Land Use

Our File No. 43046-72920

Dear President Nemlowill and Planning Commissioners:

We represent the Port of Astoria, which does not support the proposed text amendment.

As Port Director Michael Weston has previously testified, this proposal limits or prohibits the Port from developing the East Mooring Basin area. The affected premises appear in the below illustration:



The affected area ranges from the Comfort Inn, located to the west near 35th Street, to the vicinity of 38th Street to the east. The upland, southern boundary reaches Highway 30, and the northern boundary follows the breakwater located at the end of the in-water causeway.

May 27, 2014
Page 2


The Port believes the City has far more work to do before it is ready to implement any part of the Riverfront Vision Plan. For one thing, it is necessary to create Comprehensive Plan policies to premise implementation of zoning code changes. Moreover, there are profound future economic and development questions that should be resolved before the City commits itself to a zoning code that is either unenforceable or unworkable.

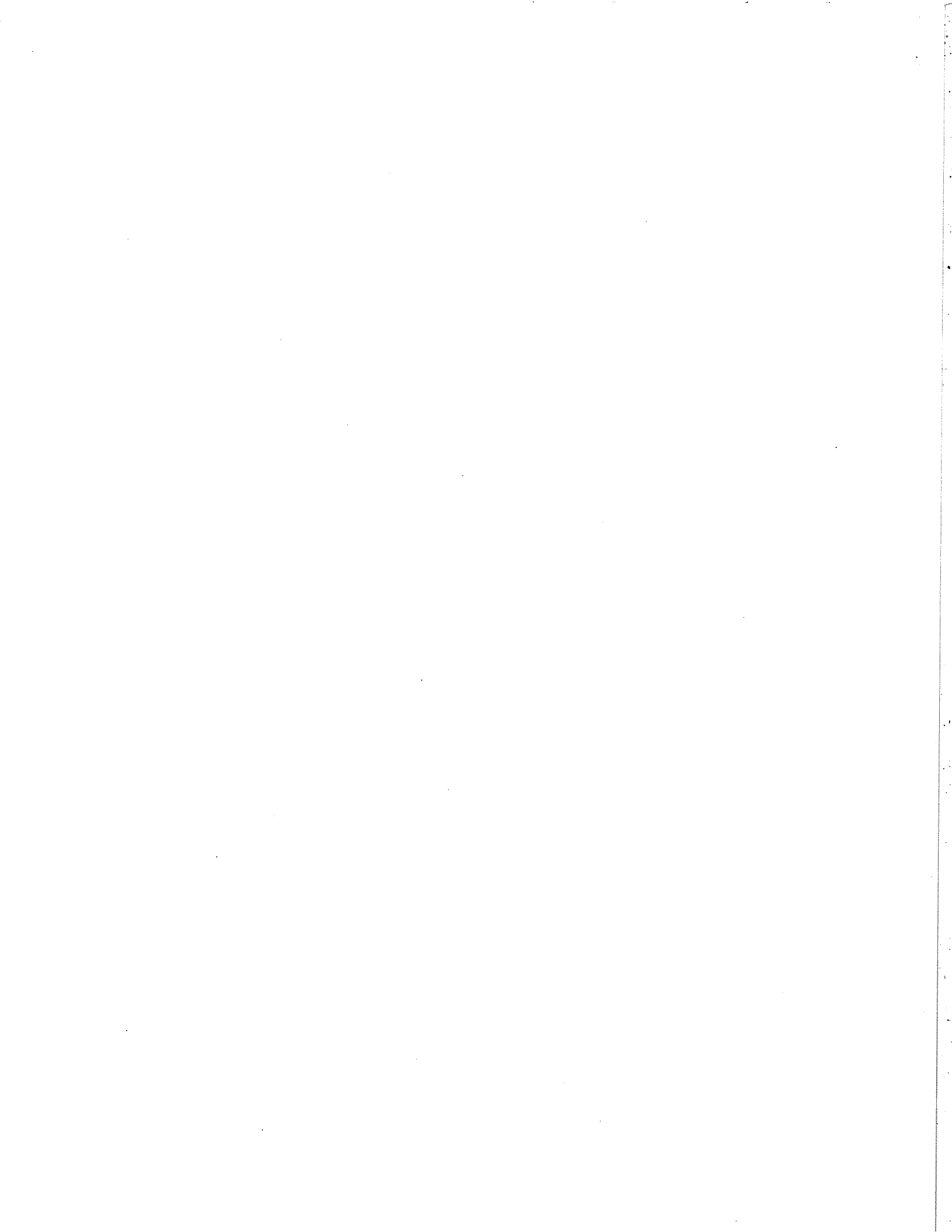
After applying the height, width, and mass limitations, and then applying the required pedestrian access, there is no reasonable development scenario remaining for developed or developable areas. Rather than adopting zoning standards that make land use impossible, the way forward should lean more heavily on design criteria. These criteria should prize and foster creative design that celebrates other desired polices: enjoyment of the water, pedestrian access to waterfront property, and views. This is far preferable to making impossible a vision that the Port and the City have operated under for many years.

The City has current Comprehensive Plan policies and should rely on those to determine what policies of the Riverfront Vision should be adopted into the Comprehensive Plan. The City should not bypass the Comprehensive Plan and leap to what it believes the zoning should be. Likewise, the City should not blind itself to the development and economic consequences of such zoning efforts.

Sincerely,

JORDAN RAMIS PC


Timothy V. Ramis
Admitted in Oregon
tim.ramis@jordanramis.com
OR Direct Dial (503) 598-5573



ISSUES RAISED BY JORDAN RAMIS ATTNYS

June 20, 2014

Submitted by:

Staff Planner Johns

Date:

6/24/14

1. Limitation on allowable uses. (Ramis memo page 3, 4, 5, 7)

The **shoreland (upland) zones are remaining the same with the same allowable uses.** The only exception is the rezoning of the north half of the block between 30th and 32nd Street which is proposed to be rezoned from C-3 (General Commercial) to CR (Compact Residential). (ordinance 6-9)

The shoreland (upland) zones in the Civic Greenway area include:

MH	Maritime Heritage	16th to 20th
HR	Hospitality Recreation	20th to approx 23rd
AH-MP	Attached Housing – Mill Pond	approx 23rd to 29th
C-3	General Commercial	29th to 35th
S-1	Marine Industrial Shoreland	35th to 38th
S-2A	Tourist Oriented Shoreland	38th to 39th and 40th to 41st
GI	General Industrial	39th to 40th

The majority of existing aquatic zones (over-water) uses are remaining the same with some limitations under the Civic Greenway Overlay which reduced some of the higher intensity uses (Staff report page 8) **while keeping uses such as:**

A-1 Zone (21st Street east past 41st Street)

water-dependent public recreational facility, including boat ramp, dock, moorage, and marina for commercial and recreational marine craft (would include a cruise ship terminal)

water-related commercial and industrial uses:

- a. *boat and/or marine equipment sales*
- b. *fish or shellfish retail or wholesale outlet*
- c. *charter fishing office*
- d. *sports fish cleaning, smoking, or canning establishment*
- e. *retail trade facility for sale of products such as ice, bait, tackle, gasoline or other products incidental to or used in conjunction with a water-dependent use*
- f. *eating and drinking establishment which provides a view of the waterfront, and which is in conjunction with a water-dependent use such as a marina or seafood processing plant*
- g. *cold storage and/or ice-processing facility independent of seafood processing facility.*

water-related recreational use (Conditional Use)

water-related commercial or industrial use other than those listed under Section 2.505(13) of this zone. (Conditional Use)

non-water dependent and non-water related uses may be located in existing, under-utilized buildings provided the use does not preclude future water-dependent or water related uses. (Conditional Use)

Development of the East Mooring Basin area for grain terminal, coal/oil terminal, Liquefied Natural Gas facility, and cold storage are potential Port uses listed by Ramis on memo page 3. Cold storage would still be an allowable use (ordinance page 11). A water-dependent terminal such as grain, coal, and oil would still be allowable uses (ordinance page 10). The only impact by the Riverfront Vision Plan (RVP) would be the inclusion of height and siting limitations. These limitations would not prohibit the uses and could be subject to variances.

Ramis memo page 7 asks for clarification of restaurant as an allowable use. Restaurants would be allowed over-water *“that provides a view of the waterfront, and that is in conjunction with an associated water-dependent use such as a marina or seafood processing plant.”* (ordinance page 11) Restaurants would be allowed in all of the existing shoreland (upland) zones the same as they are currently allowed as follows:

MH	outright
HR	outright
AH-MP	conditional use
C-3	outright
S-1	conditional use
S-2A	outright
GI	conditional use (3,000 sqft max)

2. Pier 39 as a non-conforming use and Big Red. (Ramis memo page 5)

The existing uses within Pier 39 would not become non-conforming. Most of the uses come under the allowable uses as water-related. The eating and drinking facility provides view of the river and is in conjunction with the other marine-related uses. The transient lodging and existing offices were approved as “non-water dependent” uses in an existing underutilized structure (which is allowed as a Conditional Use within the A-1 Zone) under Conditional Use Permit CU03-07 and would remain as allowable uses.

The Development Code 2.510.13 allows *“non-water dependent and non-water related uses may be located in existing, under-utilized buildings provided the use does not preclude future water-dependent or water related uses”* as a conditional use and therefore allows other uses not specifically listed in the zone to locate in the existing over-water buildings. (ordinance page 12)

To avoid new buildings from being constructed in compliance with the proposed Civic Greenway Overlay and then stating they are “existing” and therefore could be open to any “non-water dependent” use, staff recommends the Civic Greenway Overlay use be amended to state “buildings existing prior to 2013”.

3. Walkways.

Walkways provide easy public access to the River. While buildings over the water could include interior public areas to view the River (Ramis Ex B page 12), they are not as readily available to all public as some people do not want to enter a building if they are not customers, and the building could be closed at various times limiting hours of access. Exterior walkways are needed. (Ramis memo page 3-4)

4. Stepbacks.

Stepbacks provide a sense of open space along the River Trail and other public rights-of-way. (ordinance page 18) The stepback is needed on multiple elevations to lessen the mass of the building and create the broader views and expanses. One elevation stepback does not accomplish this. (Ramis Ex B page 1)

Use of trellis, roof overhang, awning, balcony may create a pedestrian scale atmosphere while adjacent to that particular building, the intent of the stepback is to reduce the impact of the mass of the building and create broader views and open air space along public ways. (Ramis Ex B page 12)

5. Building height.

Current draft proposes top of bank height for over water except between 35th and 39th which could be a 28' height if located 500' from shore (approximately at the inner pier). (ordinance page 12-13) Astoria Planning Commission (APC) needs to determine if top of bank could get variances. The 28' could have variances as appropriate. Ramis suggests 38' over water. (Ramis Ex B page 10)

Shoreland height is proposed at 28' with allowable 35' with stepback. Variances would be possible. (ordinance page 17) Ramis suggests 45' with stepback required after 28'. (Ramis Ex B page 10)

6. Protection of shoreland and scenic views versus Port development.

Comprehensive Plan CP.130 states City should distinguish use areas from scenic areas. (Ramis memo page 6) The RVP identified the areas proposed to be protected for scenic views and complies with the Comprehensive Plan to distinguish these areas.

Comprehensive Plan CP.175.D supports improvements on land between 35th to 41st. (Ramis memo page 6) The proposed ordinance does not change the allowable uses within that area but adds design review and height limitations with variance options.

Comprehensive Plan CP.186.C.1 addresses "cumulative impacts" of development in aquatic and shoreland areas. Ramis memo page 6 states that "*impact of such development is expected to be minor*". This is only part of the Comprehensive Plan section which goes on to state that it encourages "community" docks/piers not private

as public access, and that development “. . . *may have locally significant effects.*” The Riverfront Vision Plan is addressing those local effects by developing design and overlay codes that protect the public use and scenic qualities while allowing controlled development.

Comprehensive Plan CP.210.1 addresses shoreland tourist development. (Ramis memo page 6) The proposed ordinance is intended to protect the tourist area by allowing the development that is already allowed but with design and scenic protections that would benefit the tourist trade.

7. Riverfront Vision Plan (RVP) intent.

Ramis memo page 7 states RVP seeks to reduce, not prohibit overwater development in Civic Greenway. The RVP states “Plan for lower scale and reduced future overwater development particularly in Civic Greenway and Neighborhood Greenway areas to maintain views of river and a sense of open space and connection to the natural landscape along the riverfront.”

Ramis memo page 7 states that the RVP identifies 20th to 23rd as the “principal open space amenity” thereby allowing development between 31st to 41st. The RVP actually identifies 20th to 23rd as the “most prominent” natural feature. That does not exclude the rest of the area from importance as scenic areas. (RVP page 64)

8. East Mooring Basin Master Plan. (Ramis page 8 and Ex B page 16-17)

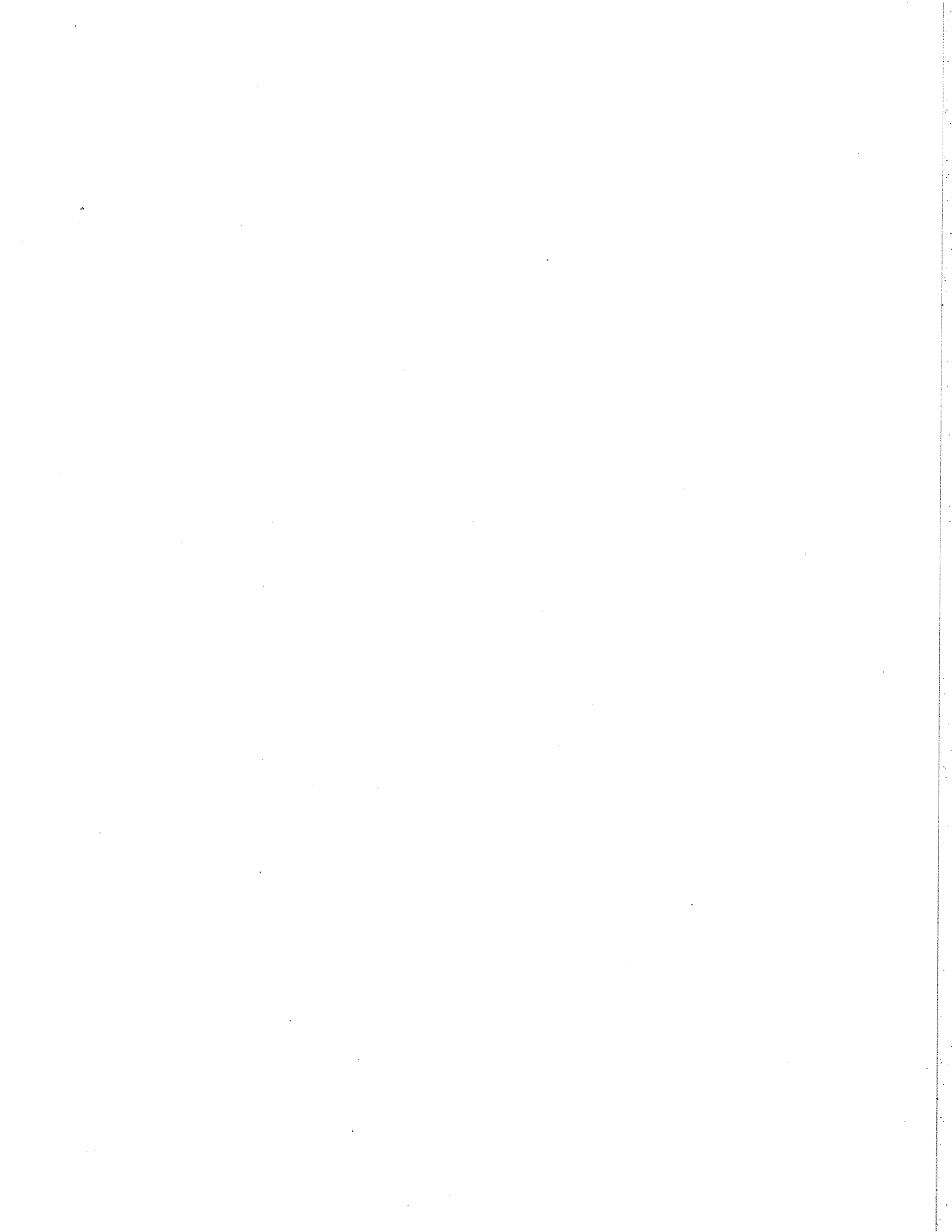
Ramis proposes a Master Plan for the Port be included in the Development Code. The issue before the APC is implementation of the RVP. If the Port wants to do a study and develop and adopt an East Mooring Basin Master Plan, they should work on that outside of this amendment process and present it to the City in the future for consideration. At that time, the Plan could be considered and possibly integrated into the Code with any necessary amendments at that time.

9. Economic viability of property.

Shoreland property in private and Port ownership would continue to be developable with all of the existing allowable uses (except the proposed Compact Residential Zone). However, the City is establishing design and siting standards to protect the economic viability of one of the City’s most important resources, the views of the Columbia River. Development would be controlled not eliminated. (Ramis memo page 5)

Aquatic property is not in private or Port ownership but is owned by the Department of State Lands and is leased generally to the adjacent property owner. As noted before, the uses within the A-1 Zone are not being eliminated and most uses would still be possible. (Ramis memo page 7) Design and siting standards would be adopted to control the development so as to protect the City’s scenic Riverfront asset.


The RVP is an recent document of the City addressing the change in economic importance of the tourist trade and scenic benefits of the Riverfront. The Plan identifies the Bridge Vista and Urban Core as the higher development areas and the Civic Greenway and Neighborhood Greenway as the areas to protect for their natural beauty and broad vistas. The proposed amendment is intended to balance the allowable uses with the goal to protect this area of the City. Ramis memo page 6 acknowledges the Comprehensive Plan CP.210.1 statement that *"the focus on the shoreline's potential for tourist-oriented development"* adding that *"Tourist income is a significant component of the City of Astoria's long term sustainability."* Protection of this scenic assets of the City with controlled development will work toward that sustainability.





August 8, 2014

TO: MAYOR AND ASTORIA CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER PRO TEM

SUBJECT: AMENDMENT REQUEST (A14-03) BY NORMADIC PROPERTIES LLC ON BEHALF OF CANNERY LOFT CONDOMINIUM OWNERS ASSOCIATION TO THE LAND USE AND ZONING MAP TO REZONE AN AREA FROM GI ZONE (GENERAL INDUSTRIAL) TO S-2A (TOURIST ORIENTED SHORELAND)

BACKGROUND

The area proposed to be rezoned is located on the north side of Abbey Lane east of 39th Street. It is two of three platted lots approved under Conditional Use permit (CU04-04) as amended by AEP05-05 for development with three Cannery Loft Condominium buildings and is developed with two condominium buildings. The third vacant lot to the east was rezoned (A13-02) to S-2A on June 3, 2013. The site was originally zoned S-1 (Marine Industrial Shoreland) but was rezoned to GI in 1992 (A92-03) as the parcels were not feasible for shoreland activities as they were cut off from the River and shoreland development opportunities.

The current GI Zone limits the variety of commercial uses allowed and mainly focuses on general industrial uses, but does allow multi-family dwellings above the ground floor under a conditional use permit. The existing buildings are developed with multi-family dwellings above the first floor and with professional office, ministorage, and several vacant general industrial use units on the ground floor. A maximum of 20% of the ground floor may be developed with other than general industrial use. The property to the west of 39th Street (Hampton Inn & Suites) was changed from S-1 Zone (Marine Industrial Shoreland) to S-2A Zone (Tourist Oriented Shoreland) to allow for the development of the new hotel which would support the East End Mooring Basin activities more than the industrial uses allowed by the S-1 Zone. The request to rezone the parcels at 3930 Abbey Lane and 3990 Abbey Lane to S-2A would continue with the tourist oriented shoreland possibilities while also allowing the multi-family dwellings. The requested zone change to S-2A would return the property to a waterfront zoning while allowing more flexibility in the range of commercial and tourist-oriented uses allowed.

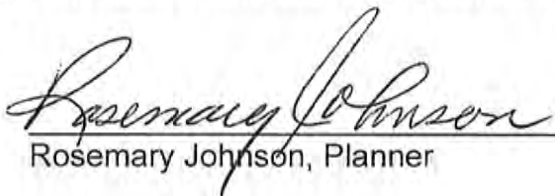
With separate individual ownership of each condominium unit, the City Attorney determined that the Cannery Loft Condominium Owners Association (CLCOA) had authority through their Bylaws to act on behalf of the entire body of owners to submit an application. The CLCOA held the necessary voting and adopted "Resolution 2014-14 of the Board of Directors of the Cannery Loft Owners Association Regarding Application to the City of Astoria to Rezone

Cannery Loft Property to S-2A" on May 29, 2014. Therefore, the proposed amendment to the zone boundary is being initiated by the property owners.

At its July 24, 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 is attached. Also attached to this memo is the proposed ordinance. A public hearing on the Amendment has been advertised and is scheduled for the August 18, 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

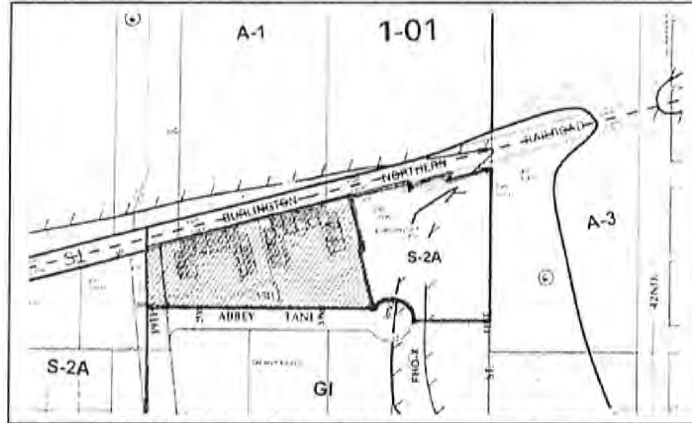
ORDINANCE NO. 14-_____

AN ORDINANCE AMENDING THE ASTORIA LAND USE AND ZONING MAP BY REZONING PARCELS AT 3930 AND 3990 ABBEY LANE FROM GI (GENERAL INDUSTRIAL) TO S-2A (TOURIST-ORIENTED SHORELAND)

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. The 1992 Astoria Land Use and Zoning Map is amended to rezone the following area from GI (General Industrial) to S-2A (Tourist-Oriented Shoreland) as indicated on the map:

Map T8N-R9W Section 9AA, Tax Lots 80000 & 90000, etal condominium tax lots; Cannery Loft Condominium and Cannery Loft Condominium Stage 2



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 Pro Tem

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 A AMENDMENT)

FOR THE FOLLOWING PROPERTY: MAP T8N-R9W)
SECTION 9AA; TAX LOT 80000 & 90000, ET. AL)
CONCOMINIUM TAX LOTS;)
3930 & 3990 ABBEY LANE, ASTORIA OR 97103)

ZONING: GI, GENERAL INDUSTRIAL)

ORDER NO. A14-03

APPLICANT: NOMADIC PROPERTIES LLC, HARPER HOUF)
PETERSON RIGHELLIS, INC, AND CANNERY LOFT)
CONDOMINIUM OWNERS ASSOCIATION,)

The above named applicant applied to the City for Amendment A14-03 amend the Land Use and Zoning Map to rezone an area from GI (General Industrial) to S-2A (Tourist Oriented Shoreland) zone for the property located at 3930 and 3990 Abbey Lane, Astoria, Oregon 97103.

A public hearing on the above entitled matter was held before the Astoria Planning Commission on July 22, 2014; and the Astoria Planning Commission closed the public hearing and rendered a decision at the July 22, 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: JULY 22, 2014

DATE MAILED: 7-24-14

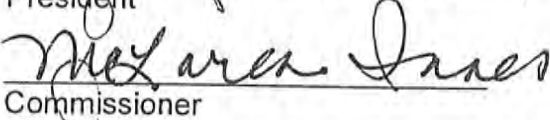
ASTORIA PLANNING COMMISSION



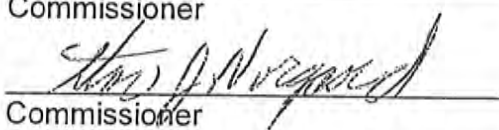
President



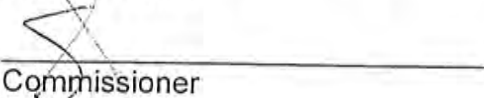
Commissioner



Commissioner

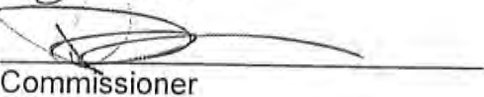


Commissioner



Commissioner

Commissioner



Commissioner

STAFF REPORT AND FINDINGS OF FACT

July 15, 2014

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER

SUBJECT: Amendment Request (A14-03) by Nomadic Properties LLC for Cannery Loft Condominium Owners Association to amend the Land Use and Zoning Map to rezone the property at 3930 and 3990 Abbey Lane from GI Zone (General Industrial) to S-2A Zone (Tourist-Oriented Shoreland)

I. BACKGROUND SUMMARY

- A. Applicant: Normadic Properties LLC (on behalf of the Condo owners)
10139 NW Skyline Heights Drive
Portland OR 97229

Stefanie Slyman
Harper Houf Peterson Righellis Inc
205 SE Spokane Street #200
Portland OR 97202
- B. Owner: Cannery Loft Condo Owners Assoc (representing all Condo owners)
Community Assoc Partners LLC
PO Box 2429
Beaverton OR 97075

Cannery Loft Condominium Owners Association
Gregory Kenney, Associate President
6600 SE Montego Bay St
Milwaukie OR 97267-1960
- C. Request: Amend the Land Use and Zoning Map to rezone the lots at 3930 and 3990 Abbey Lane from GI (General Industrial) to S-2A Zone (Tourist-Oriented Shoreland); approximately 2.3 acres
- D. Location: 3930 and 3990 Abbey Lane; Map T8N-R9W Section 9AA, Tax Lots 90000, 80000, et al condominium tax lots; Cannery Loft Condominium and Cannery Loft Condominium Stage 2
- E. Current Zone: GI (General Industrial)

Proposed Zone: S-2A (Tourist-Oriented Shoreland)

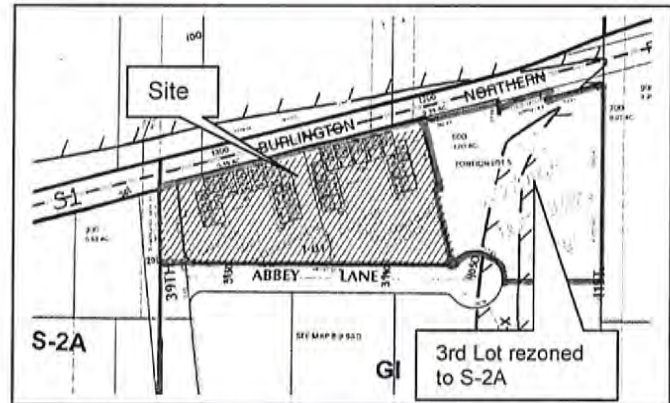
II. BACKGROUND

Subject Site:

The property to be rezoned is approximately 2.3 acres in size and is part of the Astoria Business Park general industrial area. It is located on the north side of the dead end cul-de-sac of Abbey Lane accessed from 39th Street off Lief Erikson Drive.



The lots are two of three platted lots approved for development with three Cannery Loft Condominium buildings. Only two of the approved buildings were constructed and the third lot remains vacant. The site is flat and developed with the two condo buildings. The third lot was rezoned to S-2A in 2013 under permit A13-02.



The site was originally zoned S-1 (Marine Industrial Shoreland) but was rezoned to GI in 1992 (A92-03) as the parcels were not feasible for shoreland activities as they were cut off from the River and shoreland development opportunities. With the change to GI Zone, the property is no longer included in the City's inventory of Goal 17 shorelands, or those lands which are Especially Suited for Water Dependent (ESWD) uses. An amendment was approved in 2001 (A01-03) which increased some of the allowable uses within the GI Zone.

The current GI Zone limits the variety of commercial uses allowed and mainly focuses on general industrial uses, but does allow for multi-family dwellings above the ground floor under a conditional use permit. The site was included in the Cannery Loft Condominium development proposal and approved under Conditional Use permit (CU04-04) as amended by AEP05-05 for construction of multi-family dwellings. The original owners were never able to complete construction of the third building and the lot subsequently changed ownership and was recently rezoned to S-2A (A13-02).

The property to the west of 39th Street was changed from S-1 Zone (Marine Industrial Shoreland) to S-2A Zone (Tourist Oriented Shoreland) to allow for the development of the new hotel which would support the East End Mooring Basin activities more than the industrial uses allowed by the S-1 Zone. The request to rezone the parcels at 3930 and 3990 Abbey Lane to S-2A would continue with the tourist oriented shoreland possibilities while allowing the multi-family dwellings to remain as allowable uses in the existing buildings.

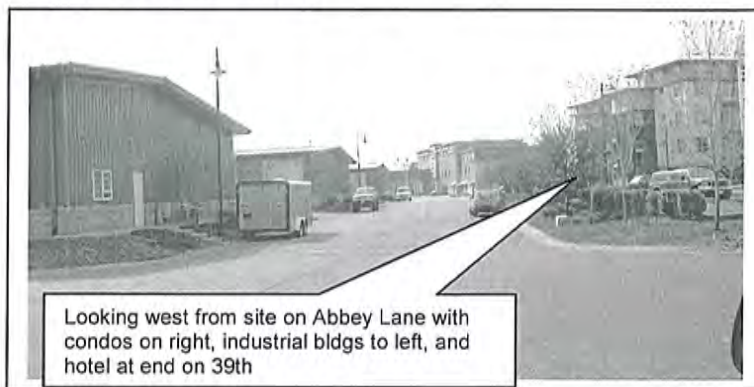
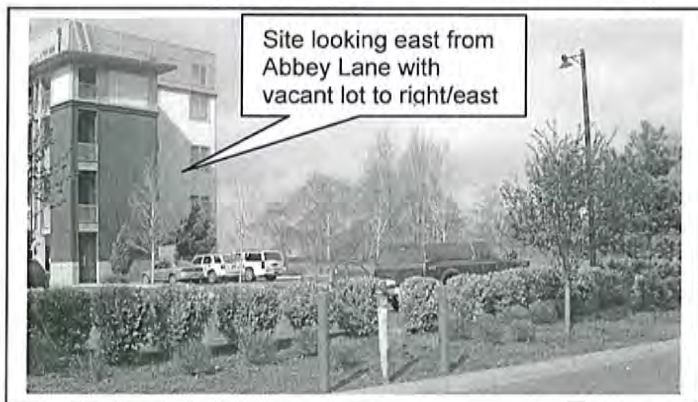
The applicant has stated that the nature of the two existing condominium buildings has not been conducive to general industrial uses and much of the ground floor spaces have remained vacant. There was a recent code amendment to allow mini storage in the two existing buildings to expand the allowable uses within those buildings. The requested zone change to S-2A would return the property to a waterfront zoning while allowing more flexibility in the range of commercial and tourist-oriented uses allowed.

The applicant has submitted Findings of Fact with the application dated June 4, 2014 which are hereby incorporated by reference into this report.



Neighborhood:

To the west across the 39th Street right-of-way is the Hampton Inn Hotel; to the northwest is the East End Mooring Basin, water area; to the north is the Columbia River, Pier 39, and River Trail (the trolley line ends at 39th Street); to the east a vacant parcel, the Alderbrook Lagoon, and wetlands; to the south are four industrial lots developed with three industrial buildings on the south side of Abbey Lane adjacent to Lief Erikson Drive. The area to the east is zoned S-2A (Tourist Oriented Shoreland) and A-3 (Aquatic Conservation). Properties to the south are zoned GI Zone (General Industrial). The area west of 39th Street is zoned S-2A (Tourist Oriented Shoreland).



III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet, pursuant to Section 9.020 on June 27, 2014. In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on July 15, 2014. Any comments received will be made available at the Planning Commission meeting.

IV. FINDINGS OF FACT

- A. Section 10.020(B) states that *“An amendment to a zone boundary may only be initiated by the City Council, Planning Commission, the Community Development Director, or the owner or owners of the property for which the change is proposed.”*

Finding: The area proposed to be rezoned is developed with two condominium buildings with separate individual ownership of each unit. The City Attorney has determined that the Cannery Loft Condominium Owners Association (CLCOA) had authority through their Bylaws to act on behalf of the entire body of owners to submit an application. The CLCOA held the necessary voting and adopted “Resolution 2014-14 of the Board of Directors of the Cannery Loft Owners Association Regarding Application to the City of Astoria to Rezone Cannery Loft Property to S-2A” on May 29, 2014. Therefore, the proposed amendment to the zone boundary is being initiated by the property owners.

- B. Section 10.050(B) states that *“The following amendment actions are considered quasi-judicial under this Code:*

1. *A zone change that affects a limited area or a limited number of property owners.”*

Finding: The proposed amendment is to amend the Astoria Land Use and Zoning Map to rezone a limited 2.3 acre site with only two parcels in multiple condominium ownership from G1 to S-2A Zone. Processing as a quasi-judicial action would be appropriate.

- C. Section 10.070(B.1) concerning a Map Amendment states that *“Before an amendment to a zone boundary is approved, findings will be made that the following criteria are satisfied: 1. The amendment be consistent with the Comprehensive Plan.”*

1. CP.010(2) concerning General Development Policies for Natural Features states that *“The City will cooperate to foster a high quality of development through the use of flexible development standards, cluster or open space subdivisions, the sale or use of public lands, and other techniques. Site design which conforms with the natural topography and protects natural vegetation will be encouraged. Protection of scenic views and vistas will be encouraged.”*

Finding: At the time development application(s) are submitted for review by the City, issues such as site design are addressed. The site is developed with two condominium buildings. No site design issues are being considered as a part of this request.

2. CP.015(4) concerning General Land and Water Use Goals states that *"Because of the City's strong water orientation, the Plan supports continuing regional efforts to manage the Columbia River estuary and shorelands. The City's land use controls, within this regional context, will be aimed at protecting the estuary environment and at promoting the best use of the City's shorelands."*

CP.020(3) concerning Community Growth-Plan Strategy states that *"The Columbia River waterfront is considered a multiple use area. The development of this area is to be encouraged in a flexible manner, under the shorelands and estuary section."*

Finding: The City will continue regional efforts to manage the Columbia River estuary and shorelands regardless of the zone change request. The property was rezoned in 1992 from a shoreland zone to GI and no longer retains the shoreland designation. However, the proposed zone would return the classification to a shoreland designation but with a tourist orientation. Removing this 2.3 acre parcel from the GI Zone and rezoning it S-2A (Tourist-Oriented Shoreland) will allow for an increased variety of uses to potentially occur on this property. This will allow for the redevelopment of the site in a flexible manner and allow for multiple uses.

3. CP.015(6) concerning General Land and Water Use Goals states that *"The plan establishes the goal of encouraging development which the City is capable of servicing. New industry or housing development should be permitted if public facilities such as sewer, water, police and fire protection, and schools, are capable of accommodating increased demand."*

Finding: The property is currently developed with two condominium buildings and is capable of being served by public facilities. The ground floors are partially vacant, and the actual demand on those services and ability to serve the increased demand cannot be determined until the actual use is proposed. The change in allowable uses could add a variety of commercial, tourist-oriented, and residential uses to the industrial, warehousing, light manufacturing, and other industrial-related uses. It is anticipated that public facilities should be sufficient to serve expanded uses in this area.

4. CP.020.9, Community Growth - Plan Strategy, states *"The Buildable Lands Inventory completed in April 2011 identified a deficit of 15.54 net acres of residential buildable lands. In order to address this deficit, OAR 660-24-0050 requires that the City amend the Plan to satisfy the need deficiency,*

either by increasing the development capacity of land already inside the boundary or by expanding the UGB, or both.”

Finding: The City conducted a Buildable Lands Inventory (BLI) which was adopted in 2011. The report states that “A comparison of need and supply of industrial and other employment lands indicates an overall surplus of approximately 6.7 acres of employment land. While there is sufficient land for industrial uses (27.8 acre surplus), there is a deficit of land zoned for commercial and particularly retail use. However, a portion of the land identified as “Other” can accommodate specific commercial, industrial, and high-density residential development and help meet the need for additional commercial land.” There is an overall deficit of residentially zoned land of 15.84 acres. The subject property currently is zoned GI which allows multi-family residential units above the first floor but the proposed S-2A Zone would allow multi-family dwellings on all floors increasing the possibility for additional residential development. The rezone would take approximately 2.3 acres (approximately 100,600 square feet) from GI Zone (industrial) to S-2A Zone (commercial/shoreland). Because these lots are already developed, they are not included in the calculations of “Land Supply” available for future development. The S-2A Zone is classified as “Other” in the Industrial category and is not classified as “Commercial” in the BLI. The rezone would not reduce the industrial land surplus but would generally help with the overall deficit of commercially zoned employment land particularly for office/retail use by increasing the availability to utilize these parcels for some commercial uses under the land category of “Other”. There would be no change to the BLI figures with this proposed zone change.

Growth Scenario	Type of Use	Commercial (Office/Retail)	Industrial/Other	Total
Medium	Land Need	38.2	11.5	49.7
	Land Supply	17.1	39.3	56.4
Surplus/(Deficit)	Surplus/(Deficit)	(21.1)	27.8	6.7

Source: Cogan Owens Cogan

Type of Use	R1	R2	R3	AH-MP	Total
Land Need	115.4	51.2	67.0	2.7	236.3*
Land Supply	25.20	74.99	119.18	1.49	220.86
Surplus/(Deficit)	(90.20)	23.79	52.18	(1.21)	(15.44)*

Source: Wingard Planning & Development Services

* Note: Scrivner's Error in actual figure. BLI shows 236.4 and (15.54) but should be 236.3 and (15.44).

With recent zone amendments, the current calculations of buildable lands is as follows. As noted above, the proposed lots would not change these figures as they are developed and not available land. The proposed amendment would not impact the Buildable Lands Inventory.

Type of Use	Location & total acreage	Commercial (Office/Retail)	Industrial/ Other	Employment Total	R1	R2	R3	AH-MP	Residential Total
Land Need		38.2	11.5	49.7	115.4	51.2	67.0	2.7	236.3
Land Supply		17.1	39.3	56.4	25.20	74.99	119.18	1.49	220.86
BLI Surplus/(Deficit)		(21.1)	27.8	6.7	(90.20)	23.79	52.18	(1.21)	(15.44)
A11-05	1303 Exchange (8CD 14100 & 14000) 0.22 acres								
A12-02	USCG (18AC 2200; 18AB 3500) 4.85 acres				-0.8	+0.8			
A12-03	620 Olney (17CC 900, 904) 0.46 acres	+0.46		+0.46		-0.46			-0.46
A13-01	1585 Exchange (8DC 17900, 18000, 18100) 0.3 acres	-0.06		-0.06			+0.06		+0.06
A13-02	4050 Abbey Ln (9AA 500) 2.09 acres		-1.29 Ind +1.29 Othr						
Final Surplus/(Deficit)		(20.7)	27.8	7.1	(91.0)	24.13	52.24	(1.21)	(15.84)

5. CP.075.6 concerning Uppertown Area Policies, states that *“The City should consider providing an alternate east-west route to Lief Erikson in the Uppertown area, particularly for emergency vehicles.”*

Finding: The alternate east-west route has been identified for the area between 36th and 39th Streets in the Astoria Transportation System Plan and is addressed below in Section D. A portion of this route has been completed between 38th and 39th Streets.

6. CP.175(E, Paragraphs 1, 2 & 3) concerning Uppertown/Alderbrook Subarea Plan Issues states that *“Shorelands in this subarea do not have direct access to deep water. The ship channel is 2,000 to 4,000 feet from the shoreline, though several ship anchorages are south of the channel.”*

The Corps of Engineers has completed improvements to the East End Mooring Basin breakwaters that correct the surge problem. Eliminating the surge opens the basin to a large number of vessels and increases the need for dredging and for backup land to support basin operations. Vacant shorelands should be reserved for support uses.

Most of the subarea shorelands are already developed and there are no large vacant parcels. Between 35th and 41st Streets, however, is mostly vacant land with the potential to support water-dependent and water-related uses associated with the boat basin.”

CP.175.F, Uppertown / Alderbrook Subarea Plan, Aquatic and Shoreland Designations states that

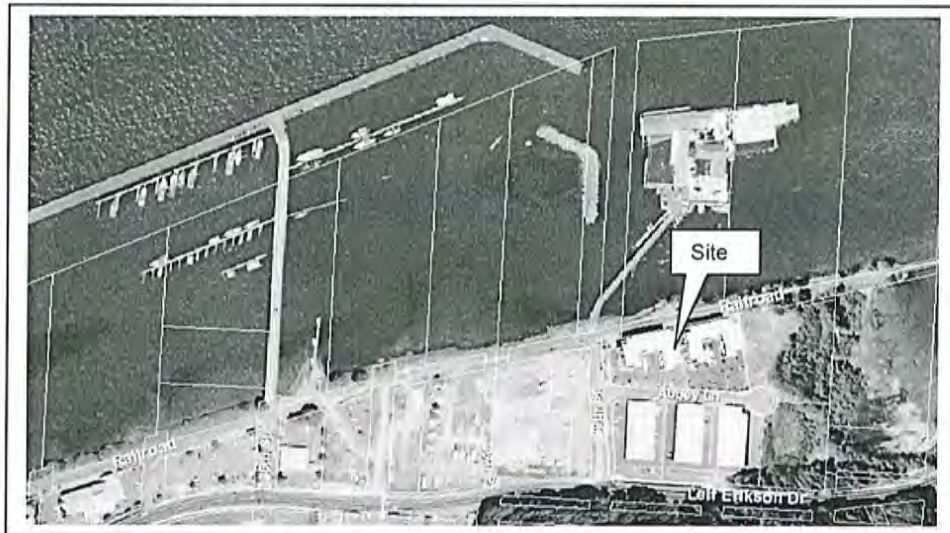
“ . . .Shorelands are designated Development, except for the Water-Dependent Development site west of Alderbrook Cove between 35th and 41st Streets.

The regulatory shoreland boundary in this subarea is 50 feet from the Columbia River shoreline except where it extends further inland to include the following shoreland resources: . . .

2. *Lands adjacent to Alderbrook Cove, in a Development Shorelands designation;*
3. *Lands adjacent to and east of the Astoria East End Mooring Basin, in a Development Shoreland designation. . .”*

Finding: The site was originally zoned S-1 (Marine Industrial Shoreland) but was rezoned to GI in 1992 (A92-03) as the parcels were not feasible for shoreland activities as they were cut off from the River and shoreland development opportunities. It is located approximately 58' to 60' from the Columbia River shoreline but is located west of the Alderbrook Lagoon and east of the Mooring Basin Area. Therefore the site is included in the Uppertown / Alderbrook Subarea.

The S-2A zone would include uses which would support the East Moorage Basin and the other tourist oriented uses in the area.



7. CP.200 concerning Economic Development Goal 1 Policies states that *“The City of Astoria will:*
 4. *Encourage private development such as retail, restaurants, commercial services, transient lodging.*

5. *Provide a supportive environment for new business.*
6. *Encourage a diversity of businesses, target firms to add to the business mix and strengthen the overall economic base. . .*
8. *Encourage the broadening of the economy, particularly in areas which help balance the seasonal nature of existing industries.”*

Finding: In addition to multi-family residential uses, the S-2A zone would permit other uses outright such as tourist-oriented retail sales, hotels, and restaurants. The S-2A zone would allow uses to develop which would support the existing mooring basin, hotel, industrial, and condominium development.

8. CP.210(1) concerning Economic Development Recommendations states that *“The City should reevaluate its Plan and zoning designation for its waterfront in light of the decline of the fishing industry. The reevaluation should focus on the waterfront’s potential for tourist-oriented development. Plan policies and implementing measures should be developed to encourage and promote tourist oriented development of the waterfront. Possible rezonings should include the A-1 area between 6th and 10th Streets, and in the vicinity of the Samuel Elmore Cannery.”*

Finding: The East Mooring Basin is used for smaller fishing operations as well as recreational fishing operations. The S-2A zone would allow for more tourist-based uses to develop on the site which could potentially take advantage of the character of the adjacent working waterfront and historic Pier 39 development.

Finding: The request is in compliance with the Comprehensive Plan.

- D. Section 10.070(B.2) requires that *“The amendment will:*
 - a. *Satisfy land and water use needs; or*
 - b. *Meet transportation demands; or*
 - c. *Provide community facilities and services.”*

Finding: The site is located on Abbey Lane accessed from Lief Erikson Drive (Highway 30) via 39th Street. There are no traffic lights, however there is a turn lane on Lief Erikson Drive at this intersection. In accordance with Statewide Planning Goal 12 concerning Transportation, and the Transportation Planning Rule (TPR) (OAR 660-12-060), any plan amendment having a significant effect on a transportation facility (i.e. Highway 30) must assure that the allowed land uses are consistent with the function, capacity, and level of service of the facility. In addition, OAR 734-051-0080, and OAR 734-051-0100 state that a proposed development or land use action where an on-site review indicates that operational or safety concerns may be present requires a Traffic Impact Study. A Traffic Impact Study (TIS) was completed by Lancaster Engineering, dated June 19, 2014. The Executive Summary indicates that the proposed zone change would not adversely impact the traffic situation in this area. The TIS was reviewed by

Oregon Department of Transportation (ODOT) with a response letter dated July 7, 2014. ODOT has indicated a couple of errors in the trip generation citations but have stated that “. . . neither error will have significant effects on the trip generation volumes or distributions.” They also noted that there was not a seasonal adjustment in the two traffic scenarios. ODOT has advised that the outcome of these adjustments would be the same and it is up to the City of a revised study would be required. As this property does not have direct access to US 30, ODOT’s review is advisory to the City.

Lancaster Engineering was contacted for a response to the ODOT comments. They responded with corrected pages for the errors in trip generation citations and have confirmed that the final outcomes remained the same. On the issue of seasonal adjustments, Lancaster Engineering states that *“It is Lancaster Engineering's policy to not utilize the seasonal adjustment factor when analyzing scenarios related to existing conditions. We understand that this goes against what is stated within the Analysis Procedures Manual; however, the primary reason for this policy is that we prefer the analysis of the existing conditions to reflect what was observed in the field around the same time that the site visit was performed. Having this direct comparison available between the computer analysis and actual in-person observations allows us to confirm whether or not the computer model is accurate and can then be used for the scenarios involving future projections or would need to be modified in order to reflect the reality of the situation. Applying the seasonal adjustment factor to the analysis of the existing conditions would provide a projected future scenario with no means to compare the model's accuracy.”*

With the fact that the corrections were made and did not change the results of the study, and the explanation on the reason for not applying the seasonal adjustment factor, the City does not find a need for a revised TIS.

The zone change to S-2A will provide for a wider variety of uses within the approximate 2.3 acre site, increasing some water-related commercial uses, but eliminating some of the heavier industrial uses. All City utility services are available to the area. Due to the small size of the site, and the information provided and analyzed in the TIS, the change in traffic impact to the area should not be significant. The existing transportation facilities are sufficient to accommodate the proposed zone change.

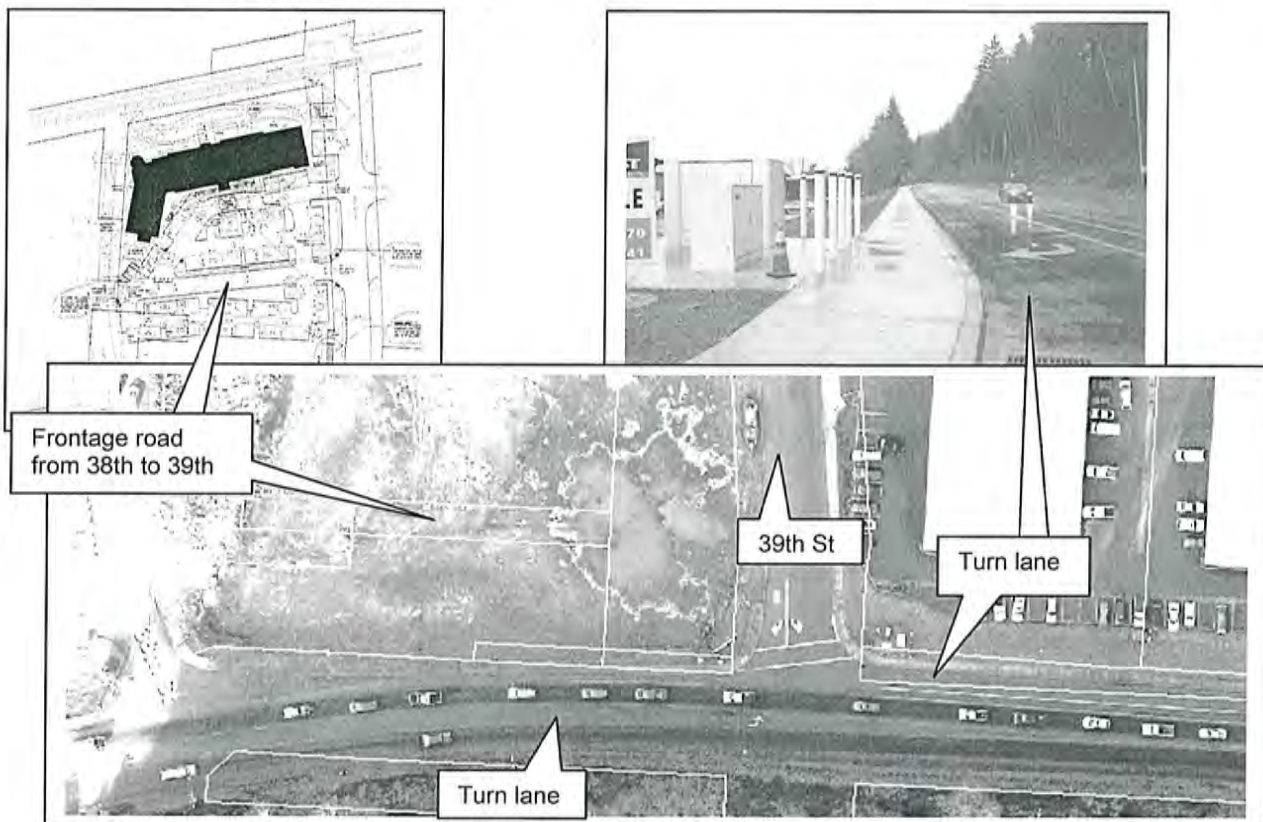
The following is a comparison of some of the uses for both the existing and proposed zones.

Uses	GI		S-2A	
	Outright	CU	Outright	CU
Seafood receiving and processing.			X	
Small boat building and repair.			X	
Boat and/or marine equipment sales.			X	
Automotive repair, service, and garage; bulk fuel, ice processing; truck & equipment storage	X			
Commercial testing laboratory	X			
Laundry, cleaning, and garment services	X		X	
Specialized food store, such as bakery, delicatessen and seafood market			X	
Food and kindred products processing		X		
Tourist oriented retail sales establishment.			X	
Non-tourist oriented retail sales establishment.		X with limitations		X
Light manufacturing, photo lab, graphic services, research lab, construction office & storage	X			
Eating, drinking and entertainment establishment without drive-through facility		X with limitations	X	
Park and museum; theater; conference center			X	
Arts and crafts studio.				X
Commercial or public parking lot.				X
Repair service establishment,	X			X not including automotive, heavy equipment, or other major repair service.
Professional and business office.		X with limitations		X
Temporary use meeting the requirements of Section 3.240				X
Hotel, motel, inn, bed and breakfast			X	
Theater			X	
Public or semi-public use appropriate to and compatible with the district.	X no semi-public use			X
Multi-family dwelling		X above 1st floor		X

The Astoria Transportation System Plan (TSP) was adopted in April 2014. It identified several projects in the general vicinity of this property. Project D28 identifies the Abbey Lane Extension from 36th to 39th Street. This project was partially completed with a frontage road from 38th to 39th during the construction of the Hampton Inn. Project P13 identifies a sidewalk infill for Lief Erikson Drive from 38th Street to 500' west of 43rd Street. Project B42 identifies bike lanes on US 30 from the eastern extent of the existing bike lane between 39th and 43rd

Streets to the eastern City limits. All of these are future projects in the TSP and would not be negatively impacted by the proposed zone change.

In February 2007, the City Council adopted the East Gateway Transportation System Plan. This Plan was conducted by the City of Astoria in conjunction with the Oregon Department of Transportation (ODOT) and studied the existing and forecasted transportation needs in this area. In a letter dated November 5, 2007 concerning the proposed rezone (A07-01) of the area on the west side of 39th Street from S-1 to S-2A, ODOT staff stated that following review of the East Gateway Transportation System Plan, they believed that proposed zone change would comply with the provisions contained in the Transportation Planning Rule. The East Gateway Transportation System Plan recommended a new frontage road connection between 36th and 39th Streets in order to improve safety and operational issues. At the time of that rezone, ODOT staff stated that from their assessment, there was capacity at the Highway 30 / 39th Street intersection provided a parallel road was developed between 38th and 39th Streets to accommodate the zone change. A new road connection between 38th and 39th Streets was constructed with the new Hampton Inn Hotel in 2012. In addition, the East Gateway TSP recommended a turn lane be constructed on Lief Erikson Drive to accommodate the projected development on 39th Street. Those turn lanes have been constructed.



Based on the existing 2013 TSP, East Gateway TSP, projected traffic volumes and projected uses as noted in the Lancaster Engineering TIS, it appears that the

transportation facilities in this area are sufficient to accommodate the uses allowed in the S-2A Zone.

- E. Section 10.070(B)(3) requires that *"the land is physically suitable for the uses to be allowed, in terms of slope, geologic stability, flood hazard and other relevant considerations."*

Finding: The location of this land is parallel to the former railroad right-of-way (current trolley line). The site is slightly below the grade of Highway 30 road improvements and is relatively flat.

The land area is in flood Zone X, "Areas determined to be outside the 0.2% annual chance floodplain", of the Flood Insurance Rate Map, Community Panel Number 410028-233-E, dated September 17, 2010. The site is located within an "Extreme Risk" Tsunami Inundation Zone as determined by the Oregon Department of Geology and Mineral Industries (map publication IMS-11) and governed by rules contained in Oregon Administrative Rules 632-005 et seq. The subject property is not adjacent to an area of known geologic instability.

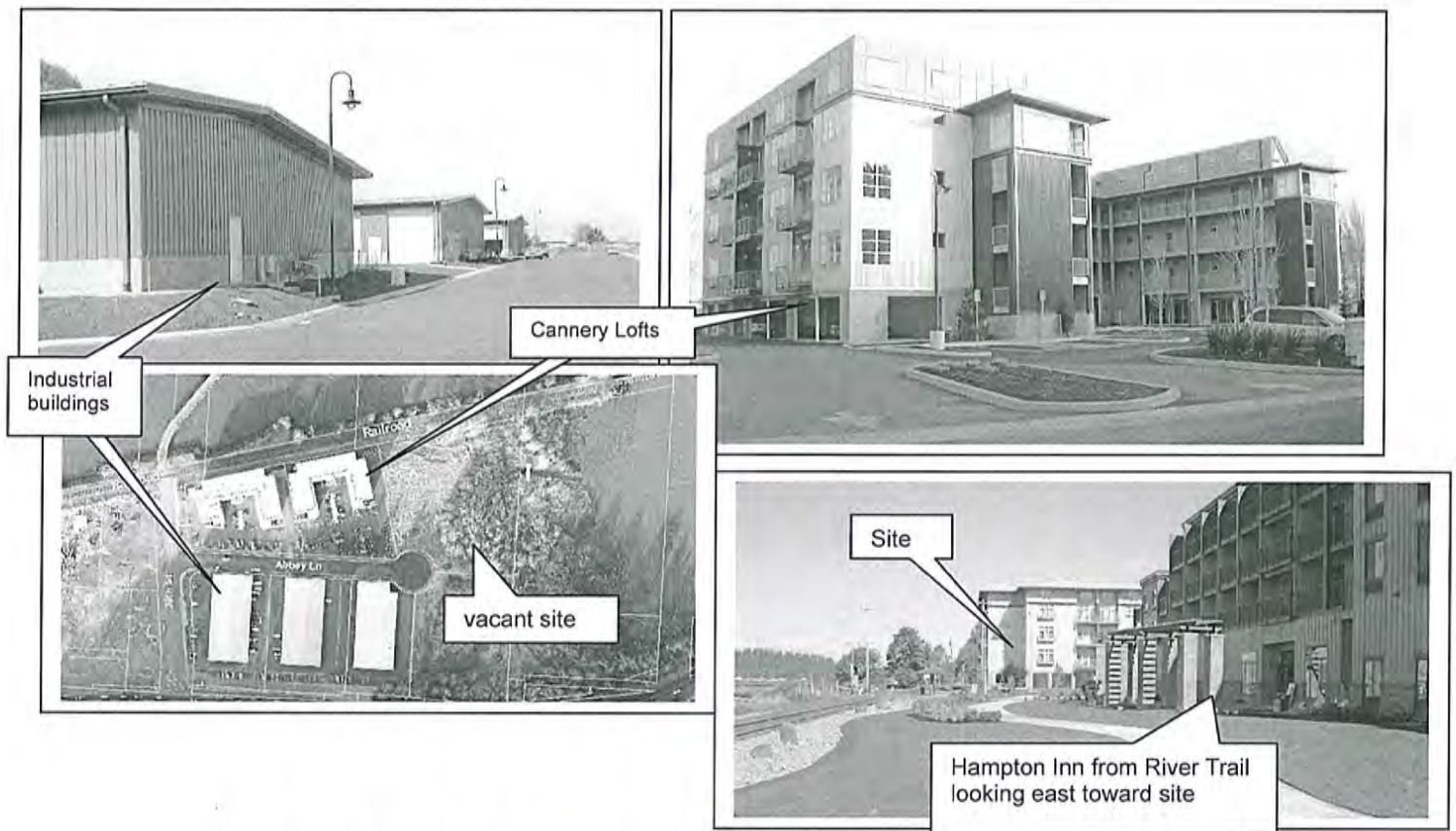
The site is developed with two condominium buildings. Any future construction proposed for the site would be reviewed at the time of the proposal for compliance with the site development constraints.

- F. Section 10.070(B.4) requires that *"resource lands, such as wetlands, are protected."*

Finding: There are no known wetlands on the site.

- G. Section 10.070(B.5) requires that *"the amendment is compatible with the land use development pattern in the vicinity of the request."*

Finding: The 39th Street area has a variety of development. On the west side of 39th is an S-2A Zone developed with the Hampton Inn Hotel with the East End Mooring Basin to the west of that; on the north is the Columbia River, trolley line, and Pier 39 with restaurant, museum, scuba shop, offices, transient lodging facility, and boat storage; to the east on the adjacent lot is the vacant lot recently rezoned to S-2A, a lagoon, and the start of the Alderbrook residential neighborhood; to the south across Abbey Lane right-of-way is the Astoria Business Park industrial development with auto detailing, carpet store, AAMCO store, Fastenal supplies, and martial arts / gym facility. Development Code Section 2.700 includes the purpose statement for the S-2A zone which states that the S-2A district ". . . is intended to provide for mixed-use tourist oriented development that retains and takes advantage of the working waterfront character of the area." Across the Lief Erikson Drive right-of-way is a forested hillside and residential with some neighborhood commercial development. The vicinity is effectively bordered to the south by Lief Erikson Drive and the north by the Columbia River.



The River Trail now extends the full length of the developed portion of the Columbia River in Astoria from Pier 3 at the Port to the Alderbrook Lagoon at 54th Street. The Trail in the area of 39th Street is developed more aesthetically with the hotel lawn, trolley stop, Cannery Loft Condominiums, benches, etc. The S-2A Zone would allow development of this site adjacent to the River Trail with uses that would complement the River Trail while keeping a working waterfront zone designation. With the mixture of uses in this neighborhood, the proposed S-2A Zone would be compatible as it would allow uses that would be able to service the other uses in the area. Multi-family dwelling development is allowed in both the GI and S-2A zones, so this possible use would not change. The site to be rezoned is small and allowable S-2A development would not be a major impact to the area.

H. Oregon Administrative Rule 660-009-0010(3), Economic Development, Application, states that

“(3) Cities and counties may rely on their existing plans to meet the requirements of this division if they conclude:

- (a) There are not significant changes in economic development opportunities (e.g., a need for sites not presently provided for in the plan) based on a review of new information about national, state, regional, county and local trends; and*
- (b) That existing inventories, policies, and implementing measures meet the requirements in OAR 660-009-0015 to 660-009-0030.*

- (4) *For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:*
- (a) *Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or*

Finding: As noted above, the area proposed to be rezoned is approximately 2.3 acres and located within the Uppertown / Alderbrook Subarea. The proposed amendment is to change from one employment zone (GI) to another employment zone (S-2A). The change impacts some of the uses allowed in the area mostly with the reduction in the allowable industrial uses with an increase in tourist related commercial uses. This is consistent with the employment trend in Clatsop County. State of Oregon Employment Department June 2014 edition of "Labor Trends", page 4, "Industry Employment and Wages in Northwest Oregon in 2013" states that *"Service industries provided about 61 percent of all UI-covered employment in the counties in 2013, up from 55 percent in 2001. Although production industries remain important, nonmanufacturing industries will continue to provide most of the jobs and job growth in northwest Oregon."* Page 5, "Main Industries" states that *"Leisure and hospitality businesses and trade, transportation and utilities businesses made up the region's two largest private industry sectors by employment in 2013. . . Manufacturing within northwest Oregon had been a bright spot in past years. Employment in this sector peaked at 5,517 jobs in 2008. Those good times came to an abrupt end late that year. The recent recession hit the region's manufacturers hard and 1,088 jobs were shed in the industry from 2008 through 2011. The region gained 106 jobs in 2012 and another 83 in 2013, but many may be gone forever."*

There is a shift in the northwest employment sector from manufacturing and industrial jobs to leisure and hospitality. The change from GI to S-2A Zone would allow the continuation of employment classification for this area while reducing the more industrial uses to uses associated more with tourism such as retail, eating and drinking, and some offices. As noted above, the zone change would not change the amount of buildable employment lands within the City.

In accordance with OAR 660-009-0015, Economic Opportunities Analysis, the City did complete a Buildable Lands Inventory with an Economic Analysis in April 2011. The results of that analysis estimated that *"Over the twenty-year period ending in 2026, the Astoria Market Area (City of Astoria UGB) is expected to add a total of 1,393 jobs under a Medium Growth Scenario. The Leisure & Hospitality, Education and Health Services and Retail Trade sectors are expected to comprise the majority of local employment growth."* Section 2, Summary of Commercial and Industrial Land Need Findings, concludes that *". . . The baseline "Medium Growth*

Scenario” indicates that Astoria can expect commercial and industrial land need in the vicinity of 60 acres through 2026 following a current growth assumption. Regardless of which growth scenario is realized, future need is expected to be heavily oriented toward tourist driven and service oriented retail uses.” It goes on to state that “. . . as Astoria transforms into a more service and tourism-oriented economy, industrial employment should not comprise as significant of a role in future economic growth.”

As noted above in Section , the City completed the Buildable Lands Inventory which identified a surplus of 27.8 acres of buildable “Industrial/Other” lands. The change from GI to S-2A for a site that was already developed would not change that figure both in that the land was not available for new development and the fact that both zones are classified in the “Industrial/Other” categories.

The proposed amendment is consistent with the most recent economic opportunities analysis and the Comprehensive Plan.

V. CONCLUSION AND RECOMMENDATION

The request is consistent with the Comprehensive Plan and Development Code, and staff recommends that the Planning Commission recommend to the City Council that the proposed amendment to the Land Use and Zoning Map be adopted.

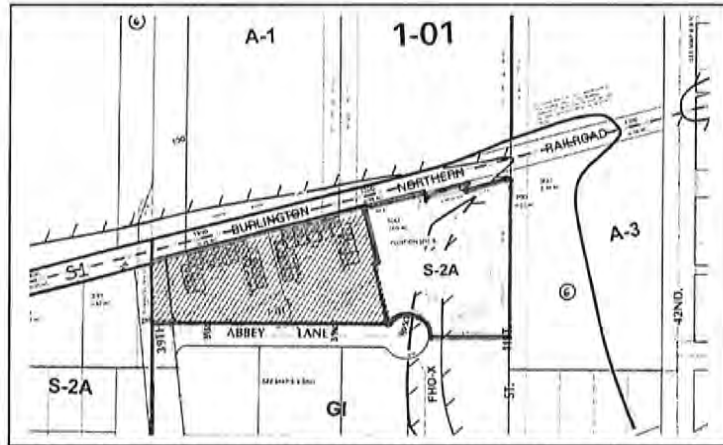
ORDINANCE NO. 14-____

AN ORDINANCE AMENDING THE ASTORIA LAND USE AND ZONING MAP BY REZONING PARCELS AT 3930 AND 3990 ABBEY LANE FROM GI (GENERAL INDUSTRIAL) TO S-2A (TOURIST-ORIENTED SHORELAND)

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. The 1992 Astoria Land Use and Zoning Map is amended to rezone the following area from GI (General Industrial) to S-2A (Tourist-Oriented Shoreland) as indicated on the map:

Map T8N-R9W Section 9AA, Tax Lots 80000 & 90000, etal condominium tax lots; Cannery Loft Condominium and Cannery Loft Condominium Stage 2



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

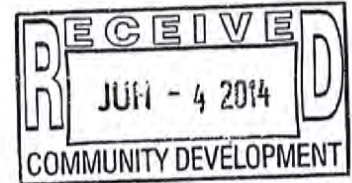
Brett Estes, City Manager Pro Tem

ROLL CALL ON ADOPTION: YEA NAY ABSENT

Commissioner LaMear
 Herzig
 Mellin
 Warr
Mayor Van Dusen



CITY OF ASTORIA
 1095 Duane Street
 Astoria OR 97103
 503-338-5183



A 14-03

Fee: \$400.00

pd by Nomadic

AMENDMENT

Property Address: 3930 and 3990 Abbey Lane, Astoria OR; (Cannery Loft Condominium and Cannery Loft Condominium Stage 2)
 Lot Cannery Loft Condominium and Block Cannery Loft Condominium Stage 2 Subdivision Astoria Business Park
 Map 8N9W09AA Tax Lot 90000 & 80000 Zone G1 - General Industrial
at condominium tax lots.
 Code or Map to be Amended: City of Astoria Land Use and Zoning Map

Applicant Name: Nomadic Properties, LLC | Representative: Stefanie Slyman, Harper Houf Peterson Righellis Inc.

Mailing Address: 10139 NW Skyline Heights Dr., Portland, OR 97229 | 205 SE Spokane St. #200, Portland, OR 97202

Phone: Nomadic Properties: 503-816-6581 Business Phone: Stefanie Slyman: 503-221-1131

Property Owner's Name: Cannery Loft Condominium Owners Association

Mailing Address: Attn: Gregory Kenney, Association President

Business Name (if applicable): _____

Signature of Applicant: *[Signature]*

Signature of Property Owner: *[Signature]*

Proposed Amendment Applicant proposes to amend City of Astoria Land Use and Zoning Map to rezone Cannery Loft Condominium and Cannery Loft Condominium Stage 2 from G1 to S-2A.

Applicant has authorization of Property Owner to submit application per attached Resolution 2014-14 and in compliance with Section 9.010.A.2 of the City of Astoria Development Code.

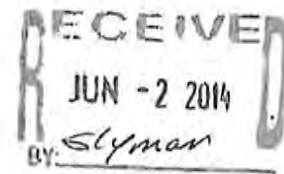
Amend the Land Use and Zoning Map to rezone an area from G1 (General Industrial) to S-2A (Tourist Oriented Shoreland) Zone for the property

For office use only:

Application Complete:		Permit Info Into D-Base:	<u>6-12-14</u>
Labels Prepared:	<u>0-2573</u>	Tentative APC Meeting Date:	<u>7/22/14</u>
120 Days:			

located at 3930 and 3990 Abbey Lane

ATTACHMENT A



**RESOLUTION 2014-14
OF THE BOARD OF DIRECTORS OF THE
CANNERY LOFT OWNERS ASSOCIATION
REGARDING APPLICATION TO CITY OF ASTORIA
TO REZONE CANNERY LOFT PROPERTY TO S-2A**

WHEREAS, Cannery Loft Condominium Owners Association (the "Association") was asked to submit an application to the City of Astoria to rezone the Cannery Loft property to S-2A which would change the zoning from General Industrial (G-I) to Shoreland Tourist (S-2A) and would allow a greater array of business uses for the existing commercial units in the condominium.

WHEREAS, the board of directors of the Association referred the issue to a vote of the owners pursuant to the Ballot Meeting procedures set out in Section 2.14 of the Association's Bylaws and in accordance with the Oregon Condominium Act; and

WHEREAS, the owners were timely provided with a notice of their right to petition for a secrecy ballot and no petition was received; and

WHEREAS, a vote of the owners was held from May 9-19, 2014 on the matter of approving the zone change an application; and

WHEREAS, a quorum was reached and surpassed according to the Association's Bylaws at Section 2.10; and

WHEREAS, the votes cast represented 84.2% of total membership interests in the Condominium with the final tally of votes cast was 92.7% in favor, and 7.3% opposed.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the Association has approved that the application for rezoning the condominium property be submitted to the City of Astoria;

BE IT FURTHER RESOLVED, that Gregory Kenney, as President of the Association, is authorized to execute the rezoning application on behalf of the Association.

This Resolution is effective the 29 day of May, 2014.


Secretary

ATTACHMENT B

Perkins
Coie

1120 N.W. Couch Street, Tenth Floor
Portland, OR 97209-4128
PHONE: 503.727.2000
FAX: 503.727.2222
www.perkinscoie.com

Christopher C. Criglow
PHONE: (503) 727-2007
FAX: (503) 346-2007
EMAIL: CCriglow@perkinscoie.com

April 7, 2014

VIA EMAIL (tforcum@bimsportsinjuries.com)

Dr. Ted Forcum

Re: Cannery Loft Condominium - Evidence of Consent of Ownership to Application

Dear Dr. Forcum:

One of the criteria of the Astoria Development Code ("Code") for a land use application is Section 9.010.A.2, which requires:

Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all parties in ownership of the affected property.

The property that you are seeking to have rezoned is subject to a condominium form of ownership. As such, the owners own units within the building constructed on the land, rather than the land itself, and have an undivided interest in the common elements of the condominium, which includes the land and other elements, subject to the terms and conditions of the Declaration and Bylaws of the Cannery Loft Condominium (the "Declaration" and the "Bylaws," collectively, the "Condominium Documents"), a copy of which are attached with this letter for reference. You asked us to review this requirement of the Code in the context of condominium ownership and advise you as to how the requirement of the Code may be met consistent with the requirements of the Condominium Documents.

Based on our review of the Condominium Documents and the Oregon Condominium Act, consent of the condominium owners to the application you propose requires the approval of a majority vote of the unit owners' association in accordance with the requirements of the Bylaws.

Section 2.11 of the Bylaws states that the vote of more than 50% of the voting rights present at a meeting in which a quorum is present is binding on all unit owners for all purposes except where a higher percentage is required by law or under the bylaws or declaration. The proposed zone change is not required by the Bylaws, Declaration or the Oregon Condominium Act to require

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Perkins Coie LLP

Dr. Ted Forcum
April 7, 2014
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more than a 50% vote of the owners, so this section of the Bylaws should control. Therefore, the approval of the application by more than a 50% vote of the unit owners in accordance with the Bylaws should be binding upon all of the unit owners and therefore evidence the consent of the owners to the application, which should meet the requirement of Section 9.010.A.2 of the Code.

Very truly yours,

A handwritten signature in black ink, appearing to read "Christopher C. Criglow", written over a circular scribble.

Christopher C. Criglow

Attachments - Declaration and Bylaws

Cc: Stefanie Slyman

I. SUMMARY

Applicant: Nomadic Properties LLC
Attn: Dr. Ted Forcum
10139 NW Skyline Heights Drive
Portland, OR 97229

Representative: Stefanie Slyman, AICP
Harper Houf Peterson Righellis Inc.
205 SE Spokane St., Ste. 200
Portland, OR 97202

Owner: Cannery Loft Condominium Owners Association
Community Association Partners, LLC
Attn: Gregory Kenney, HOA President
PO Box 2429
Beaverton, OR 97075

Site: 3930 Abbey Lane; Map T8N R9W Sec 9AA, Tax Lots 90000 plus individual unit tax lots; Cannery Loft Condominium, Astoria Business Park, (1.00 acres), and 3990 Abbey Lane; Map T8N-R9W Section 9AA, Tax Lot 80000 plus individual unit tax lots; Cannery Loft Condominium Stage 2, Astoria Business Park (1.16 acres)

Request: Amend the City of Astoria Land Use and Zoning Map to rezone the site from GI (General Industrial) to S-2A Zone (Tourist-Oriented Shoreland)

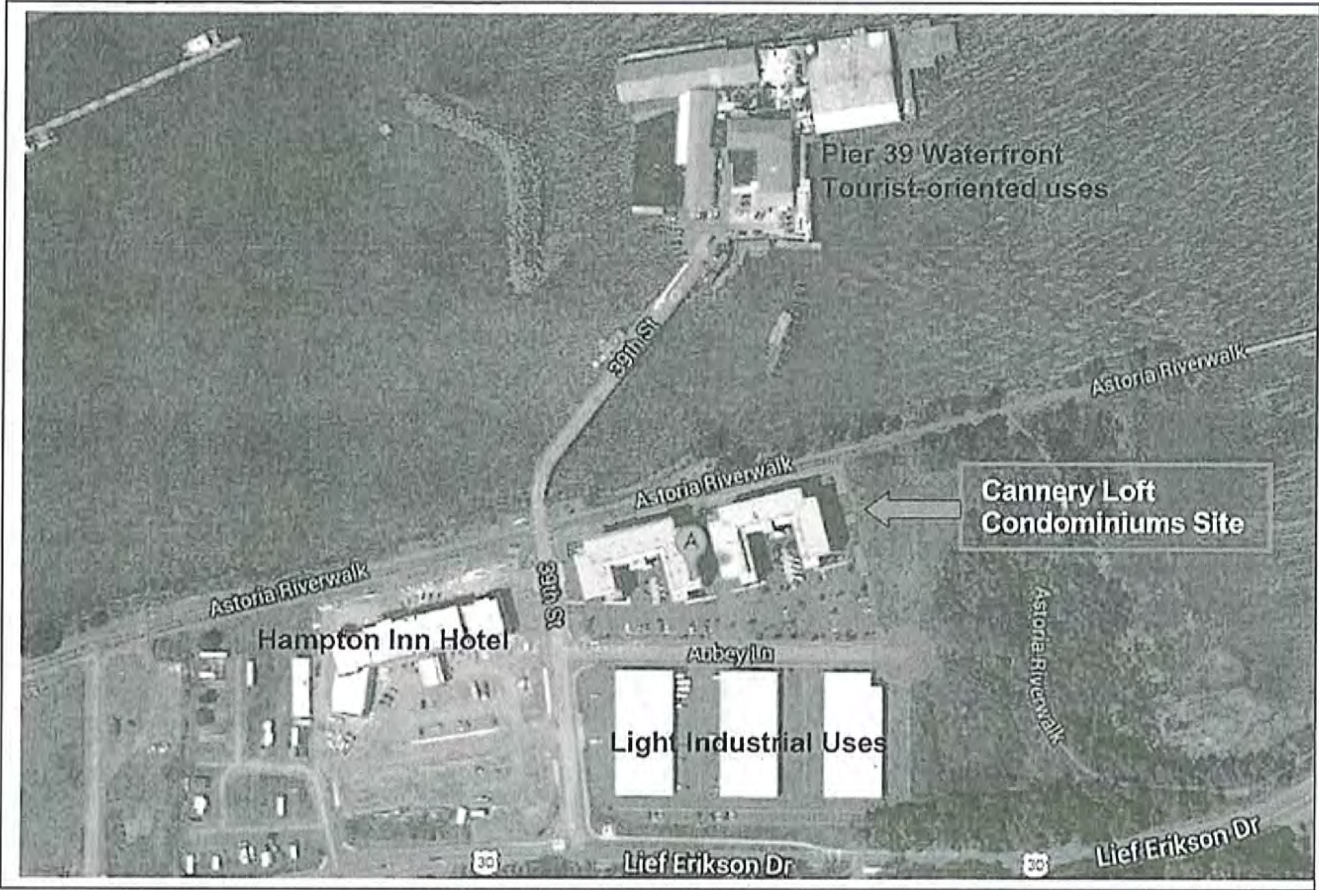
Justification: The site is currently developed with two mixed-use structures with 63 residential units on the upper two floors and 17 industrial/limited commercial units on the ground floor. The size and configuration of the ground floor units within the existing structures is not compatible with the types of uses permitted in the GI zone, resulting in chronic high vacancy of these units. Currently, of the 17 leasable units, only one (1) unit is occupied with a business permitted outright in the GI zone. Five (5) additional units are leased to businesses allowed as conditional uses, the maximum conditional uses allowed, leaving 11 units vacant. Rezoning the site to S2-A will allow more tourist-oriented uses to locate here and contribute to the area's economic vitality.

The request will result in no significant impact to surrounding transportation facilities as demonstrated by the Traffic Impact Analysis. Furthermore, it will benefit the City's Buildable Lands Inventory by rezoning surplus industrially-zoned land to commercially-zoned land for which the City currently has a deficit.

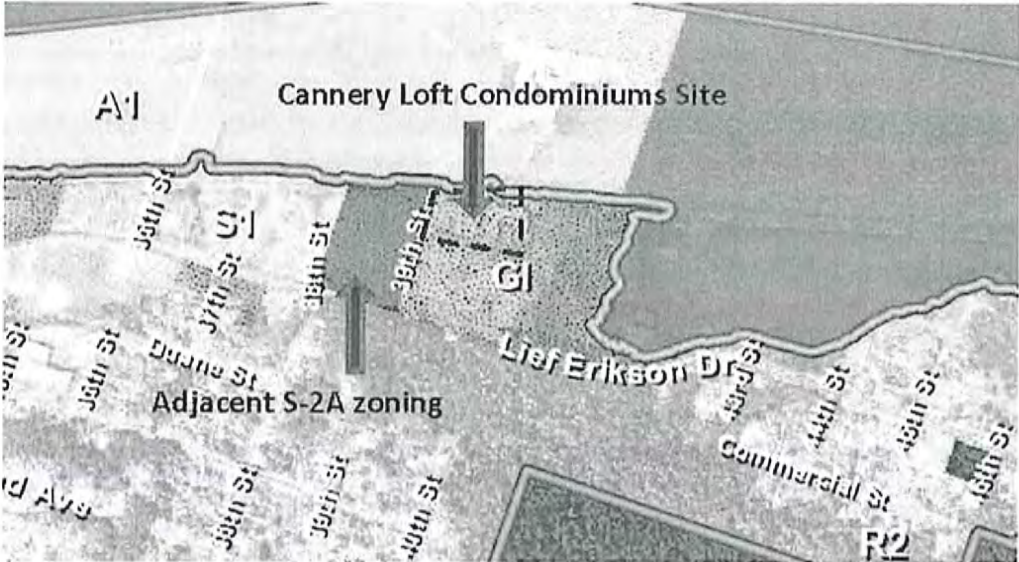
II. BACKGROUND

- Authorization:** This rezoning application is submitted on behalf of all parties in ownership of Cannery Loft Condominium and Cannery Loft Condominium Stage 2 in accordance with the Cannery Loft Condominium Owners Association Declaration and Bylaws and the Oregon Condominium Act, thereby satisfying Section 9.010.A.2 of the Astoria Development Code. Resolution 2014-14 (Attachment A) is provided as evidence of this consent to submit the application. See also letter dated April 7, 2014 from Christopher C. Criglow of Perkins Coie LLP (Attachment B) which provides the legal opinion in support of the resolution.
- Existing Use:** Two mixed-use condominium structures with a total of 12,328 square feet of ground floor space for industrial and limited commercial uses located in 17 separate units with 63 residential units above.
- Surrounding Uses:** To the east is the undeveloped third lot of the platted Cannery Loft Condominium site; across the 39th Street right-of-way is the Hampton Inn Hotel; to the northwest is the East End Mooring Basin; to the north is the Columbia River, Pier 39, and River Trail (the trolley line ends at 39th Street) to the south are four industrial lots developed with three industrial buildings on the south side of Abbey Lane adjacent to Leif Erikson Drive.
- Surrounding Zoning:** The area to the east is zoned A-3 (Aquatic Conservation). Properties to the south are zoned GI Zone (General Industrial). The area west of 39th Street is zoned S-2A (Tourist Oriented Shoreland).
- Land Use History:** According to information provided by the City, the site was developed per the approvals of Conditional Use permit (CU04-04) as amended by AEPO5-05 for construction of a multi-family dwelling. Originally zoned S-1 (Marine Industrial Shoreland) it was rezoned to GI in 1992 (A92-03) as the parcels were not feasible for shoreland activities as they were cut off from the River and shoreland development opportunities. With the change to GI Zone, the property is no longer included in the City's inventory of Goal 17 shorelands, or those lands which are Especially Suited for Water Dependent (ESWD) uses. An amendment was approved in 2001 (A01-03) which increased some of the allowable uses within the GI Zone. The property to the west of 39th Street was changed from S-1 Zone (Marine Industrial Shoreland) to S-2A Zone (Tourist Oriented Shoreland) to allow for the development of the new hotel which would support the East End Mooring Basin activities more than the industrial uses allowed by the S-1 Zone.

Vicinity Map



Zoning



Existing Development



Cannery Loft Condominiums; ground floor industrial/limited commercial units with residential units above



Typical industrial/limited commercial unit

III. RESPONSES TO APPROVAL CRITERIA

- A. Section 10.020(B) states that *“An amendment to a zone boundary may only be initiated by the City Council, Planning Commission, the Community Development Director, or the owner or owners of the property for which the change is proposed.”*

Response: The proposed amendment to the zone boundary is being initiated by the property owner per the attached Resolution 2014-14 of the Cannery Loft Condominium Owners Association authorizing consent for an application to be submitted. This approval criterion is met.

- B. Section 10.050(B) states that *“The following amendment actions are considered quasi-judicial under this Code:*

1. *A zone change that affects a limited area or a limited number of property owners.”*

Response: The proposed amendment is to amend the Astoria Land Use and Zoning Map to rezone the Cannery Loft Condominiums, a limited site area of 2.16 acres, from GI to S-2A Zone. This approval criterion is met.

- C. Section 10.070(B.1) concerning a Map Amendment states that *“Before an amendment to a zone boundary is approved, findings will be made that the following criteria are satisfied: 1. The amendment be consistent with the Comprehensive Plan.”*

1. CP.010(2) concerning General Development Policies for Natural Features states that *“The City will cooperate to foster a high quality of development through the use of flexible development standards, cluster or open space subdivisions, the sale or use of public lands, and other techniques. Site design which conforms with the natural topography and protects natural vegetation will be encouraged. Protection of scenic views and vistas will be encouraged.”*

Response: The site is currently developed and this rezoning request does not propose any changes to the existing site. Future development or redevelopment would be subject to the development standards of the S2-A zone.

2. CP.015(4) concerning General Land and Water Use Goals states that *“Because of the City’s strong water orientation, the Plan supports continuing regional efforts to manage the Columbia River estuary and shorelands. The City’s land use controls, within this regional context, will be aimed at protecting the estuary environment and at promoting the best use of the City’s shorelands.”*

Response: Rezoning of the site to S-2A does not conflict with the City’s ability to protect the estuary environment or promote the best use of the City’s Shorelands in accordance with this policy. This approval criterion is met.

CP.020(3) concerning Community Growth-Plan Strategy states that *“The Columbia River waterfront is considered a multiple use area. The development of this area is to be encouraged in a flexible manner, under the shorelands and estuary section.”*

Response: Rezoning will allow for a wider range of tourist-oriented uses along the Columbia River waterfront than the existing GI designation allows, thereby providing flexibility for development.

3. CP.015(6) concerning General Land and Water Use Goals states that *“The plan establishes the goal of encouraging development which the City is capable of servicing. New industry or housing development should be permitted if public facilities such as sewer, water, police and fire protection, and schools, are capable of accommodating increased demand.”*

Response: The property is currently served with adequate public facilities including sewer, water, police and fire protection, and schools. As shown in the table below, the S-2A and the GI zoning districts each provide for a wide range of uses of comparable intensity and resulting demand for public services. Moreover, the rezoning will have no effect on the residential units and their associated demand on public facilities. Therefore, rezoning the site to S-2A can be accommodated with existing services.

Uses	GI		S-2A	
	Outright	CU	Outright	CU
Seafood receiving and processing.			X	
Small boat building and repair.			X	
Boat and/or marine equipment sales.			X	
Automotive repair, service, and garage; bulk fuel, ice processing; truck & equipment storage	X			
Commercial testing laboratory	X			
Laundry, cleaning, and garment services	X		X	
Specialized food store, such as bakery, delicatessen and seafood market			X	
Food and kindred products processing		X		
Tourist oriented retail sales establishment.			X	
Non-tourist oriented retail sales establishment.		X with limitations		X
Light manufacturing, photo lab, graphic services, research lab, construction office & storage	X			
Eating, drinking and entertainment establishment without drive-through facility		X with limitations	X	

Park and museum; theater; conference center			X	
Arts and crafts studio.				X
Commercial or public parking lot.				X
Repair service establishment,	X			X not including automotive, heavy equipment, or other major repair service.
Professional and business office.		X with limitations		X
Temporary use meeting the requirements of Section 3.240				X
Hotel, motel, inn, bed and breakfast			X	
Theater			X	
Public or semi-public use appropriate to and compatible with the district.	X no semi-public use			X
Multi-family dwelling		X above 1st floor		X

4. CP.020.9, Community Growth - Plan Strategy, states *“The Buildable Lands Inventory completed in April 2011 identified a deficit of 15.54 net acres of residential buildable lands. In order to address this deficit, OAR 660-24-0050 requires that the City amend the Plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the boundary or by expanding the UGB, or both.”*

Response: The City adopted a Buildable Lands Inventory (BLI) in 2011 which indicated that there was a deficit of Commercial (Office/Retail) lands of approximately 21.1 acres and a surplus of 27.8 acres of Industrial/Other lands per the following table:

Estimated Net Land Surplus/(Deficit) by Zoning Designation, Astoria UGB, 2027

Source: Cogan Owens Cogan

Growth Scenario	Type of Use	Commercial (Office/Retail)	Industrial/Other	Total
Medium	Land Need	38.2	11.5	49.7
	Land Supply	17.1	39.3	56.4
Surplus/(Deficit)	Surplus/(Deficit)	(21.1)	27.8	6.7

Since adoption of the BLI, the City has approved a number of map amendments as shown in the table below which indicate a current deficit of 20.7 acres for Commercial lands and continued surplus of 27.8 acres of Industrial/Other lands.

Type of Use	Location & total acreage	Commercial (Office/Retail)	Industrial/ Other	Employment Total	R1	R2	R3	AH-MP	Residential Total
Land Need		38.2	11.5	49.7	115.4	51.2	67.0	2.7	236.3
Land Supply		17.1	39.3	56.4	25.20	74.99	119.18	1.49	220.86
BLI Surplus/(Deficit)		(21.1)	27.8	6.7	(90.20)	23.79	52.18	(1.21)	(15.44)
A11-05	1303 Exchange (8CD 14100 & 14000) 0.22 acres								
A12-02	USCG (18AC 2200; 18AB 3500) 4.85 acres				-0.8	+0.8			
A12-03	620 Olney (17CC 900, 904) 0.46 acres	+0.46		+0.46		-0.46			-0.46
A13-01	1585 Exchange (8DC 17900, 18000, 18100) 0.3 acres	-0.06		-0.06			+0.06		+0.06
A13-02	4050 Abbey Ln (9AA 500) 2.09 acres		-1.29 Ind +1.29 Othr						
Final Surplus/(Deficit)		(20.7)	27.8	7.1	(91.0)	24.13	52.24	(1.21)	(15.84)

As demonstrated in the table below, this proposal would add 2.16 acres to the City's Commercial land inventory, thereby decreasing the City's deficit in this category. Similarly, the proposal will remove 2.16 acres from the City's Industrial/Other surplus, thereby decreasing the surplus in this category. Therefore, the proposed rezoning will help the City move toward its buildable land inventory targets.

Type of Use	Location & total acreage	Commercial (Office/Retail)	Industrial/ Other	Employment Total	R1	R2	R3	AH-MP	Residential Total
Final Surplus/(Deficit)		(20.7)	27.8	7.1	(91.0)	24.13	52.24	(1.21)	(15.84)
Proposed Rezoning from GI to S-2A	3930 and 3990 Abbey Ln (Map T8N R9W Sec 9AA, Tax Lots 90000 and 80000)	+2.16	-2.16						
Proposed Final Surplus/(Deficit)		(18.54)	25.64	7.1	(91.0)	24.13	52.24	(1.21)	(15.84)

- CP.175(E, Paragraphs 1, 2 & 3) concerning Uppertown/Alderbrook Subarea Plan Issues states that *"Shorelands in this subarea do not have direct access to deep water. The ship channel is 2,000 to 4,000 feet from the shoreline, though several ship anchorages are south of the channel."*

The Corps of Engineers has completed improvements to the East End Mooring Basin breakwaters that correct the surge problem. Eliminating the surge opens the basin to a large number of vessels and increases the need for dredging and for

backup land to support basin operations. Vacant shorelands should be reserved for support uses.

Most of the subarea shorelands are already developed and there are no large vacant parcels. Between 35th and 41st Streets, however, is mostly vacant land with the potential to support water-dependent and water-related uses associated with the boat basin.”

Response: The area is no longer zoned shoreland but is within the Uppertown / Alderbrook Subarea Plan area. The S-2A zone would include uses which would support the East Moorage Basin.

6. CP.200 concerning Economic Development Goal 1 Policies states that *“The City of Astoria will:*
4. *Encourage private development such as retail, restaurants, commercial services, transient lodging.*
 5. *Provide a supportive environment for new business.*
 6. *Encourage a diversity of businesses, target firms to add to the business mix and strengthen the overall economic base. . .*
 8. *Encourage the broadening of the economy, particularly in areas which help balance the seasonal nature of existing industries.”*

Response: The S-2A zone would permit other uses outright such as tourist-oriented retail sales, hotels, and restaurants. The S-2A zone would allow uses to develop which would support the existing mooring basin, hotel, industrial, and condominium development.

7. CP.210(1) concerning Economic Development Recommendations states that *“The City should reevaluate its Plan and zoning designation for its waterfront in light of the decline of the fishing industry. The reevaluation should focus on the waterfront’s potential for tourist-oriented development. Plan policies and implementing measures should be developed to encourage and promote tourist oriented development of the waterfront. Possible rezonings should include the A-1 area between 6th and 10th Streets, and in the vicinity of the Samuel Elmore Cannery.”*

Response: The East Mooring Basin is used for smaller fishing operations as well as recreational fishing operations. The S-2A zone would allow for more tourist-based uses to develop on the site which could potentially take advantage of the character of the adjacent working waterfront and historic Pier 39 development.

Response: The request is in compliance with the Comprehensive Plan as demonstrated by the responses to the applicable policies above.

- D. Section 10.070(B.2) requires that *“The amendment will:*

- a. *Satisfy land and water use needs; or*
- b. *Meet transportation demands; or*
- c. *Provide community facilities and services.”*

Response: As demonstrated in previous response, the rezoning will satisfy land use needs by helping the City increase the commercial land supply, for which there is a current deficit, and decrease the industrial land supply, for which there is a current surplus.

As demonstrated in the Traffic Impact Analysis (submitted under separate cover) performed in accordance with the City’s Traffic Study Requirements that implement the Transportation Planning Rule (TPR) (OAR 660-12-060), the proposed rezoning will not have a significant impact on transportation facilities. The existing transportation facilities in this area are sufficient to accommodate the uses allowed in the S-2A Zone.

- E. Section 10.070(B)(3) requires that *“the land is physically suitable for the uses to be allowed, in terms of slope, geologic stability, flood hazard and other relevant considerations.”*

Response: No new development is proposed. Any new development or redevelopment of the site would be reviewed at the time of the proposal for compliance with the site development standards following the rezoning.

- D. Section 10.070(B.4) requires that *“resource lands, such as wetlands, are protected.”*

Response: No new development is proposed and there are no known resource lands on the site. Any new development or redevelopment of the site would be reviewed at the time of the proposal for compliance with the site development standards following the rezoning.

- E. Section 10.070(B.5) requires that *“the amendment is compatible with the land use development pattern in the vicinity of the request.”*

Response: The 39th Street area has a variety of development that has been characterized by City Planning staff as follows: “On the west side of 39th is an S-2A Zone developed with the Hampton Inn Hotel with the East End Mooring Basin to the west of that; on the north is the Columbia River, trolley line, and Pier 39 with restaurant, museum, scuba shop, offices, transient lodging facility, and boat storage; to the west on the adjacent lots is the Cannery Loft Condominiums with multi-family dwelling units above industrial/commercial facilities on the ground floor; to the south across Abbey Lane right-of-way is the Astoria Business Park industrial development with auto detailing, carpet store, AAMCO store, Fastenal supplies, and martial arts / gym facility; to the east is a lagoon and the start of the Alderbrook residential neighborhood. Development Code Section 2.700 includes the purpose statement for the S-2A zone which states that the S-2A district “. . . is intended to provide for mixed-use tourist oriented development that retains and takes advantage of the working waterfront character of the area.” Across the

Lief Erikson Drive right-of-way is a forested hillside and residential with some neighborhood commercial development. The vicinity is effectively bordered to the south by Lief Erikson Drive and the north by the Columbia River.

The River Trail now extends the full length of the developed portion of the Columbia River in Astoria from Pier 3 at the Port to the Alderbrook Lagoon at 54th Street. The Trail in the area of 39th Street is developed more aesthetically with the hotel lawn, trolley stop, Cannery Loft Condominiums, benches, etc. The S-2A Zone would allow development of this site adjacent to the River Trail with uses that would complement the River Trail while keeping a working waterfront zone designation.”

IV. CONCLUSION

As demonstrated in the responses above and supporting materials submitted with this application, the map amendment request is consistent with the City’s Comprehensive Plan policies and Development Code. The proposed rezoning of the site from GI to S-2A Zone will be compatible with the predominant adjacent tourist-oriented uses in the vicinity and will allow this site to contribute to the area’s economic vitality. The proposal will not have a significant impact on transportation facilities, and public services are adequate to serve the site. The proposal will additionally help the City achieve its Buildable Lands Inventory targets. Therefore, the applicant requests approval of the map amendment.

Cannery Loft Condominiums Rezone

Transportation Impact Study
Astoria, Oregon

DATE:

June 19, 2014

PREPARED FOR:

Nomadic Properties LLC

PREPARED BY:

Kirk Paulsen, EI
Michael Ard, PE



Full document available
for review at Community
Development Dept. Office
at 1095 Duane St.



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Executive Summary

1. This traffic study analyzes and addresses the potential transportation impacts of a proposed zone change for a one acre and a 1.16 acre plot of land located east of 39th Street and north of Abbey Lane in Astoria, Oregon. The western and eastern properties, located at 3930 and 3990 Abbey Lane, respectively, are currently used for multi-family residential housing above the first floors of the two existing buildings. The first floors of the two buildings are currently predominantly vacant. These buildings have been used in this capacity for the last six years. Both properties are presently zoned General Industrial (GI) and are proposed to be rezoned as Tourist-Oriented Shorelands (S-2A).
2. For the worst-case scenario related to the current GI zoning, it was assumed that all of the ground floor properties and covered parking areas could be redeveloped as an automobile care center replacing the existing businesses while retaining the multi-family residential units above the ground floor. The automobile care center land use was selected since it results in the highest trip generation of any allowed use under the existing GI zoning.
3. For the worst-case scenario related to the proposed S-2A zoning, it was assumed that all of the ground floor properties and covered parking areas could be redeveloped with a combination of a shopping center and fast-food restaurants without drive-through windows which would replace the existing businesses while retaining the multi-family residential units above the ground floor. The fast food and shopping center uses were selected for analysis since this combination of land uses represents the highest-intensity land use combination that can be reasonably developed under the proposed S-2A zoning.
4. The study intersection operates well within ODOT's performance standards throughout the planning horizon, with either the current zoning or the proposed zoning fully built-out. Accordingly, no mitigation is recommended.
5. The proposed zone change will not degrade the performance of any existing or planned transportation facility below the adopted ODOT performance standards. Accordingly, the Transportation Planning Rule is satisfied.
6. Based on the projected volumes through the study intersection for the year 2034, the intersection is not projected to meet traffic signal warrants. Accordingly, installation of a new traffic signal is not recommended.
7. Based on the review of all of the collision data, no crash patterns and no significant design concerns were identified at the study intersection. No safety mitigations are recommended.
8. Adequate intersection sight distance is available at the study intersection and no sight distance mitigations are recommended.

Introduction

This traffic study analyzes and addresses the potential transportation impacts of a proposed zone change for a one acre and a 1.16 acre plot of land located east of 39th Street and north of Abbey Lane in Astoria, Oregon.

The western and eastern properties, located at 3930 and 3990 Abbey Lane, respectively, are currently used for multi-family residential housing above the first floors of the two existing buildings. The first floors of the two buildings are currently predominantly vacant. These buildings have been used in this capacity for the last six years. Both properties are presently zoned General Industrial (GI) and are proposed to be rezoned as Tourist-Oriented Shorelands (S-2A).

Detailed information on traffic counts, trip generation calculations, and intersection capacity calculations are included in the technical appendix of this report.

Location Description

The intersection of US Highway 30 at 39th Street has been selected for analysis of projected traffic impacts during the weekday morning and evening peak traffic hours, and 16-hour count data was collected in order to facilitate a detailed traffic signal warrant analysis.

US Highway 30, also known as Leif Erickson Drive, is under the jurisdiction of ODOT and is classified as a Statewide Highway and a Freight Route. It is generally a two-lane facility with a posted speed of 35 mph. A center two-way left-turn lane is also provided west of the intersection of Highway 30 at 39th Street. Curbs and bike lanes are on both sides of the roadway. Sidewalks are on the northern side of the roadway in the vicinity of the project site. On-street parking is not provided.

39th Street is under the jurisdiction of the City of Astoria and is classified as a Local Street. It is generally a two-lane facility with a statutory residential speed limit of 25 mph. Curbs and sidewalks are in place on both sides of the roadway. On-street parking is allowed on both sides of the roadway. Bike lanes are not provided.

The intersection of US Highway 30 at 39th Street is a three-legged intersection that is stop controlled for southbound traffic approaching on 39th Street. The southbound approach has both a dedicated left-turn lane and a dedicated right-turn lane. The eastbound approach has a through lane and left-turning vehicles are able to utilize the center two-way left-turn lane. A bike lane is to the right of the through lane. The westbound approach has a through lane and a dedicated right-turn lane. A bike lane is provided between the through lane and the right-turn lane. There is a marked crosswalk crossing the northern leg of the intersection.

A vicinity map showing the project site, the study intersection, and the traffic control devices is shown in Figure 1 on page 6.

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Public Transportation

Sunset Transportation Services Bus Route 10, *Red Cedar Route*, serves stops along US Highway 30 on its route between Astoria and the City of Hammond. The bus line operates on weekdays from 5:45 AM to 7:15 PM with headways of one hour. The closest westbound bus stop is at the northwest corner of the intersection of US Highway 30 at 39th Street. The closest eastbound bus stop is at the southwest corner of the intersection of US Highway 30 at 37th Street.

Traffic Counts

Traffic counts were conducted at the study intersection on May 8, 2014, from 5:00 AM to 9:00 PM. Data between 7:00 AM – 9:00 AM and 4:00 PM – 6:00 PM was used to obtain the system-wide peak of 7:30 AM to 8:30 AM for the morning peak hour and 4:45 PM to 5:45 PM for the evening peak hour, respectively.

Figure 2 on page 7 shows the existing traffic volumes at the study intersection.



Oregon

John A. Kitzhaber, MD, Governor

Department of Transportation

Region 2 Tech Center

455 Airport Road SE, Building A

Salem, Oregon 97301-5397

Telephone (503) 986-2990

Fax (503) 986-2839

DATE: July 7, 2014

TO: Bill Johnston, ODOT Area 1 Planning

FROM: Keith Blair, ODOT Region 2 Traffic

SUBJECT: Cannery Loft TIA Review (6/19/14) – ODOT Comments

ODOT Region 2 Traffic has completed its review of the submitted TIA (dated 6/19/14) for the proposed zone change of the Cannery Loft development, located in the City of Astoria, with respect to consistency and compliance with current versions of ODOT's Analysis Procedures Manual (APM). Both versions of the APM were most recently updated in June 2014. Current versions are consistently published online at: <http://www.oregon.gov/ODOT/TD/TP/Pages/APM.aspx>. As a result, we submit the following comments for the City's consideration:

Appropriate Items:

- The utilized growth rate of 0.7% per year is appropriate.
- The traffic count was conducted during an acceptable month (requiring less than a 30% adjustment). The utilized seasonal adjustment of 1.26 is appropriate, based on the Seasonal Trend Method for the Coastal Destination trend.
- The utilized Peak Hour Factors are appropriate.
- Bicycle and pedestrian volumes were collected during the May count and appear to have been included within the analysis scenarios for the study intersection. Additionally, it would be acceptable if the analysis assumed a reasonable summer peak number of pedestrians and bicycles at the study intersection.

Items to be addressed:

1. Cited trip generation rates were identified as per the 9th Edition of the ITE Trip Generation Manual. However, the cited trip rates for land use code 720 have actually been taken from the 8th Edition. Additionally, the PM Peak of Generator has erroneously been cited instead of the AM Peak of Generator for land use code 826. Fortunately, neither error will have significant effects on the trip generation volumes or distributions.
2. Scenario 1 (Existing Conditions – AM Peak) and Scenario 2 (Existing Conditions – PM Peak) do not appear to have been seasonally adjusted. These scenarios should be reanalyzed with the approved seasonal adjustment of 1.26 applied.

Thank you for the opportunity to review this TIA. As the Vistro files were not provided, Region Traffic has only reviewed the submitted report. As the above comments will merit the need for reanalysis, we look forward to a second round of review. Please let us know if you have any questions.

Keith P. Blair, P.E.

Senior Transportation Analyst | ODOT Region 2

455 Airport Road SE, Bldg. A | Salem, Oregon 97301

(503) 986-2857 | Fax: (503) 986-2839 | Keith.P.Blair@odot.state.or.us

Rosemary Johnson

From: Kirk Paulsen <kirk@lancasterengineering.com>
Sent: Wednesday, July 16, 2014 2:51 PM
To: Rosemary Johnson
Cc: Mike Ard
Subject: Re: FW: A14-03 Cannery Loft Rezone: ODOT comments on traffic study
Attachments: Revised Trip Generation Worksheets - Cannery Loft Rezone.pdf

Hello Rosemary,

That is wonderful to hear this project will be recommended for approval. The following comments address ODOT's 'Items to be addressed':

Item #1: ODOT is correct that some of the trip generation rates had not been accurately updated. That was a minor error on our part, for which we apologize. Fortunately, after revising the trip generation rates, the number of vehicle trips associated with land use codes 720 and 826 remained identical to the number of trips previously provided within the report. Therefore, the main body of the report remains accurate and will not need any revisions. Attached to this message are the revised trip generation worksheets for land use codes 720 and 826, you can directly swap out the outdated pages with the revised versions and the entire report will then be complete.

Item #2: It is Lancaster Engineering's policy to not utilize the seasonal adjustment factor when analyzing scenarios related to existing conditions. We understand that this goes against what is stated within the Analysis Procedures Manual; however, the primary reason for this policy is that we prefer the analysis of the existing conditions to reflect what was observed in the field around the same time that the site visit was performed. Having this direct comparison available between the computer analysis and actual in-person observations allows us to confirm whether or not the computer model is accurate and can then be used for the scenarios involving future projections or would need to be modified in order to reflect the reality of the situation. Applying the seasonal adjustment factor to the analysis of the existing conditions would provide a projected future scenario with no means to compare the model's accuracy.

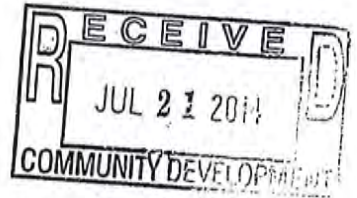
Please let us know if you have any other questions/comments/concerns. Thanks!

Cheers,
-Kirk

On Wed, Jul 16, 2014 at 11:46 AM, Rosemary Johnson <rjohnson@astoria.or.us> wrote:

Kirk, can you take a look at this and give me any input? As noted below, a revised analysis is not required. However, if there are any comments from you that should be included, please send them to me as soon as possible. We will be submitting the TIS along with the ODOT comments to the Planning Commission with a recommendation for approval. Thanks, Rosemary

Rosemary Johnson, Planner



Planning Commission
 1095 Duane Street
 Astoria, Oregon
 97103

RE: Riverfront Vision Plan (For the Plan)
 Attn: Astoria City Council

Dear Astoria City Council

I am a owner of a condo at Cannery Lofts.
 My wife and I have owned a condo for just over a half year.
 We love the scenic beauty that we have along the water
 way.

I am not new to this area. We have owned property in
 Warrenton for eight years prior to the Cannery Lofts.

I am a retired contractor that has done a lot of work in the
 area.

Astoria

- ① DHS Oregon Department of Human Services
- ② Oregon State University Seafood Research Lab.

Warrenton

- ① Bank that is now Columbia Bank.
- ② Com's Relief Auto facility
- ③ Jail

Seaside

- ① Providence Hospital, Barber, Medical Gas Tank Farm.
- Plus several TI projects

Astoria is now a progressive township that is moving to the future.

The Cannery Softs first floor was to be industrial use. Really? Putting a tire shop or other repair facility will not work here.

Dr. Forum has done an excellent job putting medical related business into these spaces.

Cannery Softs now has a professional feel to the condos. I am very pleased with these changes.

Sincerely
John & Carol Witty


3737 N. Commercial Ave
Portland OR 97227



August 12, 2014

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER PRO TEM

SUBJECT: **VACATION OF THE 23RD & 26TH STREETS RIGHTS-OF-WAY**

DISCUSSION/ANALYSIS

The City has received a request from Columbia Memorial Hospital (CMH) for the vacation of 11,468 square feet of 23rd and 26th Streets right-of-way adjacent to their property located at 2265 Exchange Street. CMH would like to use the 23rd and 26th rights of way to construct a parking lot for the Hospital. The Hospital has received a grant from the Oregon Department of Transportation to improve the highway access at this location. The improvements will include removing the 23rd Street access and reconfiguring the 27th Street access to better serve traffic flow for both vehicular traffic and pedestrian safety. With these improvements, a continuous sidewalk could be constructed along the south side of Marine Drive providing increased safety for pedestrian access.

City Staff has reviewed the application and is in support of the CMH's request, with the following conditions: The vacation will need to include an easement/provision for existing City/Franchise utilities and future utilities.

Due to the public benefit that will be provided by the vacation and because the vacation will also accommodate the larger ODOT improvements project to improve public safety, staff is recommending that an assessment does not appear to be applicable. The applicant will be charged actual costs for processing the request.

At their August 8, 2014 meeting, the Council conducted the first reading of the ordinance of vacation.

RECOMMENDATION

Recommend the Astoria City Council conduct the second reading, and adopt the ordinance to vacate a portion of the 23RD & 26TH Streets Rights-of-Way.

Submitted By


Ken P. Cook, Public Works Director

Prepared By


Jeff Harrington, City Engineer

Proposed West Niagara Street Vacation
Approximately 0.94 acres (41,000 square feet)
Adjacent to USCG owned property located at
Lots 1 to 10, Block 12, West Slope and
Lots 1 to 11, Block 13, West Slope

Date: April 1, 2014



The proposed new right-of-way would be approximately
40' wide by 1,000'± (approx. 41,000 square feet)



After recording return to:
Public Works Administration
1095 Duane Street
Astoria, OR 97103

Ordinance No. 14- _____

AN ORDINANCE GRANTING THE PETITION FOR THE VACATION OF THE 23RD AND 26TH STREETS RIGHT-OF-WAY ADJACENT TO 2265 EXCHANGE STREET, ASTORIA

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 street area where 23rd Street, 26th Street, and Franklin Avenue intersect just east of the Columbia Memorial Hospital Health and Wellness Pavilion. The south line of the vacation will be a westerly extension of the south line of vacated Franklin Street right-of-way to its intersection of the east line of Block 141. The north line will be a line from the northwest corner of Tax Lot 6700 to the northeast corner of Tax Lot 6800, Block 141.

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

Councilor LaMear
 Herzig
 Mellin
 Warr
Mayor Van Dusen




CITY OF ASTORIA
Founded 1811 • Incorporated 1856

August 12, 2014

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER PRO TEM

SUBJECT: **ASTORIA LANDFILL CLOSURE/REDEVELOPMENT – APPROVE IFA FUNDING CONTRACT**

DISCUSSION/ANALYSIS

The City has been working diligently on the closure of the former City Landfill located at 1800 Williamsport Road within the southeast municipal boundaries of the City of Astoria. The landfill was operated from 1965 until 1985 when land filling activities ceased and a transfer station began operation. While Recology (formerly Western Oregon Waste) continues to operate the transfer station, the City is in the process of closing the landfill at the direction of the Oregon Department of Environmental Quality (DEQ) as prescribed in our recently approved Landfill Closure Plan.

At the December 16, 2013 City Council meeting, a 4-Party Agreement was approved by Council. Under the agreement, the City's financial contribution to the project, inclusive of contingency, was estimated at \$571,542.

Staff has explored the possibilities of obtaining a combination of grants and low interest loans to fund the City's share of the project over a 5 year period. While no grants were available, a low interest loan from the Oregon Infrastructure Finance Authority (IFA) was found to be the best available funding source. The loan debt service would be paid using funds from the Public Works Improvement Fund (PWIF) (46% share) and the balance (54%) from the revenue associated with the land lease agreement with Recology/Western Oregon Waste for operation at the transfer station and Franchise agreement for waste disposal.

Staff has received an invitation from the Oregon Infrastructure Finance Authority (IFA) for a loan in the amount of \$900,000 at an interest rate of 3.25%. The original estimate of City participation costs was \$571,542; however, as the project has progressed, additional costs have been identified. The additional City costs, due primarily to unforeseen site conditions, total \$261,566 and includes the following items:

- \$4,132 Access road curbing in-lieu of ditch – the design plans called for a ditch on each side of the access road and it was determined that it would reduce maintenance to install curbing instead of ditches. The total cost was split 50/50 with Recology and the cost shown reflects the City share.

- \$11,708 12" Drainage Pipe at Rock Quarry – it was determined that additional drainage pipe was necessary to control stormwater at the existing City rock quarry.
- \$8,171 24" Outfall Piping Extension – the existing ditch line along the toe of the landfill (south side) was originally proposed to be left in place and during construction it was determined that extending the piping was a better solution and would result in less long term maintenance and reduce the potential for erosion.
- \$4,333 Additional catch basin frames and grates – the City requested that some catch basin frames and grates be added.
- \$10,345 Additional 18" Outfall Piping – this piping is on the east side of the landfill and runs down the south slope of the landfill. The additional piping will provide increased protection to the south slope of the landfill.
- \$2,023 Dewatering at East Craig Creek – dewatering was required to accommodate high groundwater during construction. The total cost was split 50/50 with CMH and the cost shown reflects the City share.
- \$102,232 Ground Water Interceptor Trench – excessive groundwater was discovered and it was determined by the design team that an interceptor trench be installed to provide adequate collection and disposal of groundwater. The total cost was split 50/50 with CMH and the cost shown reflects the City share.
- \$101,022 South Slope Closure – additional slope protection work was required to protect the south slope (downhill side) of the landfill from future erosion.
- \$15,000 Monitoring Well #1 Repairs (allowance – actual cost to be determined)
- \$2,600 Added manhole and control density fill at Williamsport and Highway 202 to accommodate a sanitary sewer alignment adjustment. The total cost was split 3 ways with the City, CMH and Recology and the cost shown reflects the City share.
- **\$261,566 Total**

The new estimated City participation is \$795,717. Staff is recommending that a loan in the amount of \$900,000 be requested to provide contingency for additional unforeseen items that may occur between now and the completion of construction. The final loan amount will be for the actual amount expended, which is currently expected to be \$795,717. As noted earlier, the City is under order by DEQ to close the land fill. It is important to note that even with the increase in construction cost, the amount proposed to be expended is well under what the City would have had to pay if the City had to perform the closure work on its own.

Please note that the attached contract includes a Condition of Approval stating that the City provide a signed Lease Agreement with the Astoria School District for the Sports Complex. The proposed lease area will be approximately 12 acres and consists of the ground surface

within the footprint of the Sports Complex. The property will remain under City ownership and the lease will remain in place as long as the premises are used for school purposes.

This lease agreement is expected to be ready for Council consideration at a Council meeting in September. The loan documents can be processed by IFA prior to the lease agreement being received.

City Attorney Blair Henningsgaard has reviewed the agreement and has approved as to form.

RECOMMENDATION

It is recommended that Council adopt the resolution that authorizes IFA Financing in the amount of \$900,000 for the Landfill Closure Project with the condition as stated above.

Submitted By



Ken P. Cook, Public Works Director

Prepared By

JEFF HARRINGTON

Jeff Harrington, City Engineer



CITY OF ASTORIA RESOLUTION NUMBER _____

AUTHORIZING A FINANCING LOAN FROM THE SPECIAL PUBLIC WORKS FUND
BY ENTERING INTO A FINANCING CONTRACT
WITH THE OREGON INFRASTRUCTURE FINANCE AUTHORITY

The Astoria Common Council (the "Governing Body") of the City of Astoria, Oregon (the "Recipient") finds:

A. The Recipient is a "municipality" within the meaning of Oregon Revised Statutes 285B.410(8).

B. Oregon Revised Statutes 285B.410 through 285B.479 (the "Act") authorize any municipality to file an application with the Oregon Infrastructure Finance Authority of the Business Development Department ("the IFA") to obtain financial assistance from the Special Public Works Fund.

C. The Recipient has filed an application with the IFA to obtain financial assistance for a "development project" within the meaning of the Act.

D. The IFA has approved the Recipient's application for financial assistance from the Special Public Works Fund pursuant to the Act.

E. The Recipient is required, as a prerequisite to the receipt of financial assistance from the IFA, to enter into a Financing Contract with the IFA, substantially in the form attached hereto as Exhibit A.

F. The project described in Exhibit A to the Financing Contract (the "Project") is a "development project" within the meaning of the Act which is needed by, and is in the public interest of the Recipient.

G. Notice relating to the Recipient's consideration of the adoption of this Resolution was published in full accordance with the Recipient's charter and laws for public notification.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Recipient as follows:

1. Financing Loan Authorized. The Governing Body authorizes the Mayor and City Manager to execute the Financing Contract and the Promissory Note (the "Financing Documents") and such other documents as may be required to obtain financial assistance in the form of a loan from the IFA to the Recipient is not in excess of \$900,000 and the interest rate is 3.25% per annum. The proceeds of the loan from the IFA shall be applied solely to the "Costs of the Project" as such term is defined in the Financing Contract.

2. Security. Amounts payable by the Recipient shall be payable from the sources described in section 4 of the Financing Contract and the Oregon Revised Statutes Section 285B.437(3) which include:

- (a) The revenues of any project, including special assessment revenues;
- (b) Amounts withheld under ORS 285B.449(1);
- (c) The general fund of the Recipient; or
- (d) Any other source.

3. Additional Documents. The Mayor and City Manager are hereby authorized to enter into any agreements and to execute any documents or certificates which may be required to obtain financial assistance from the IFA for the Project pursuant to the Financing Documents.

4. Tax-Exempt Status. The Recipient covenants not to take any action or omit to take any action if the taking or omission would cause interest paid by the Recipient pursuant to the Financing Documents not to qualify for the exclusion from gross income provided by Section 103(a) of the Internal Revenue Code of 1986, as amended. The Mayor and City Manager of the Recipient may enter into covenants on behalf of the Recipient to protect the tax-exempt status of the interest paid by the Recipient pursuant to the Financing Documents and may execute any Tax Certificate, Internal Revenue Service forms or other documents as shall be required by the IFA or their bond counsel to protect the tax-exempt status of such interest.

5. Reimbursement Bonds. The Recipient may reimburse expenditures for the Project with amounts received from the IFA pursuant to the Financing Contract. Additionally, the Recipient understands that the IFA may fund or reimburse itself for the funding of amounts paid to the Recipient pursuant to the Financing Documents with the proceeds of bonds issued by the State of Oregon pursuant to the Act. This Resolution shall constitute "official intent" within the meaning of Section 1.150-2 of the Income Tax Regulations promulgated by the United States Department of the Treasury with respect to the funding or the reimbursement for the funding of the costs of the Project with the proceeds of the Recipient's loan pursuant to the Financing Documents and with the proceeds of any bonds issued by the State of Oregon pursuant to the Act.

6. Declaration of Emergency. The Governing Body declares that an emergency exists in order that there be no delay in financing the Project as provided in this Resolution. Therefore, this Resolution shall be in force and effect from and after passage by the Governing Body.

DATED this ____ day of _____, 2014.

Mayor

ATTEST:

City Manager

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



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

August 6, 2014

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: BRETT ESTES, CITY MANAGER PRO TEM

SUBJECT: ASTORIA LANDFILL CLOSURE/REDEVELOPMENT – APPROVE IFA FUNDING CONTRACT

DISCUSSION/ANALYSIS

The City has been working diligently on the closure of the old City Landfill located at 1800 Williamsport Road within the southeast municipal boundaries of the City of Astoria. The landfill was operated from 1965 until 1985 when land filling activities ceased and a transfer station began operation. While Recology Western Oregon Waste continues to operate the transfer station, the City is in the process of closing the landfill at the direction of the Oregon Department of Environmental Quality (DEQ) as prescribed in our recently DEQ approved Landfill Closure Plan.

At the December 16, 2013 City Council meeting, a 4-Party Agreement was approved by Council. Under the agreement, the City's financial contribution to the project, inclusive of contingency, totaled \$571,542. The cost was proposed to be funded by both the Public Works Improvement Fund (PWIF) (46% share) and the balance (54%) from the revenue associated with the land lease agreement with Recology/Western Oregon Waste for operation at the transfer station and Franchise agreement for waste disposal. At that time, Council was informed that staff was working with several State agencies exploring the possibilities of obtaining a combination of grants and low interest loans to fund the City's share of the project over a 5 year period.

Staff has received an invitation from the Oregon Infrastructure Finance Authority (IFA) for a loan in the amount of \$900,000 at an interest rate of 3.25%. The original estimate of City participation costs was \$571,542; however, as the project has progressed, additional costs have been identified. The additional City costs, due primarily to unforeseen site conditions total \$261,566 and includes the following items:

- \$4,132 – Access road curbing in-lieu of ditch
- \$11,708 – 12" Drainage Pipe at Rock Pit
- \$8,171 – 24" Outfall Piping extension
- \$4,333 - Additional catch basin frames and grates
- \$10,345 – Additional 18" Outfall Piping
- \$2,023 – Dewatering at East Craig Creek

- \$102,232 – Ground Water Interceptor Trench (50% of total costs)
- \$101,022 – South Slope Closure
- \$15,000 – Monitoring Well #1 Repairs (allowance – actual cost to be determined)
- \$2,600 – Added manhole and control density fill at Williamsport and 202
- **\$261,566 Total**

The new estimated City participation is \$795,717. Staff is recommending that a loan in the amount of \$900,000 to pay for additional unforeseen items that may occur between now and the completion of construction. The final loan amount will be for the actual amount expended, which is currently expected to be \$795,717.


Please note that the attached contract includes a Condition of Approval stating that the City provide a signed Lease Agreement with Astoria School District for the Sports Complex. This lease agreement is currently being prepared and is expected to be ready for Council consideration at the first Council meeting in September.

City Attorney Blair Henningsgaard has reviewed the agreement and has approved as to form.

RECOMMENDATION

It is recommended that Council adopt the resolution that authorizes IFA Financing in the amount of \$900,000 for the Landfill Closure Project.

Submitted By 
 Ken P. Cook, Public Works Director

Prepared By JEFF HARRINGTON 
 Jeff Harrington, City Engineer

SPECIAL PUBLIC WORKS FUND DEVELOPMENT PROJECT
FINANCING CONTRACT

Project Name: Astoria Landfill Closure and Redevelopment

Project Number: L15001

This financing contract ("Contract"), dated as of the date the Contract is fully executed, is made by the State of Oregon, acting by and through the Oregon Infrastructure Finance Authority ("IFA"), and the City of Astoria ("Recipient") for financing of the project referred to above and described in Exhibit D ("Project"). This Contract becomes effective only when fully signed and approved as required by applicable law. Capitalized terms not defined in section 1 and elsewhere in the body of the Contract have the meanings assigned to them by Exhibit A.

This Contract includes the following exhibits, listed in descending order of precedence for purposes of resolving any conflict between two or more of the parts:

Exhibit A	General Definitions
Exhibit B	Security
Exhibit C	Form of Promissory Note
Exhibit D	Project Description
Exhibit E	Project Budget

SECTION 1 - KEY TERMS

The following capitalized terms have the meanings assigned below.

"Estimated Project Cost" means \$900,000.

"Loan Amount" means \$900,000.

"Maturity Date" means the 4th anniversary of the Repayment Commencement Date.

"Note Interest Rate" means 3.25% per annum, computed on the basis of a 360-day year, consisting of twelve 30-day months.

"Payment Date" means December 1.

"Project Closeout Deadline" means 90 days after the earlier of the Project Completion Date or the Project Completion Deadline.

"Project Completion Deadline" means 36 months after the date of this Contract.

"Repayment Commencement Date" means the first Payment Date to occur after the Project Closeout Deadline.

SECTION 2 - FINANCIAL ASSISTANCE

The IFA shall provide Recipient, and Recipient shall accept from IFA, financing for the Project in the form of a non-revolving loan (the "Loan") in an aggregate principal amount not to exceed the Loan Amount.

Notwithstanding the above, the aggregate total of Financing Proceeds disbursed under this Contract cannot exceed the Costs of the Project.

SECTION 3 - DISBURSEMENTS

- A. Reimbursement Basis. The Financing Proceeds will be disbursed to Recipient on an expense reimbursement or costs-incurred basis. The Recipient must submit each disbursement request for the Financing Proceeds on an IFA-provided or IFA-approved disbursement request form ("Disbursement Request").
- B. Financing Availability. The IFA's obligation to make, and Recipient's right to request, disbursements under this Contract terminates on the Project Closeout Deadline.
- C. Payment to Contractors. The IFA, in its sole discretion, may make direct payment to suppliers, contractors and subcontractors and others for sums due them in connection with construction of the Project, instead of reimbursing Recipient for those sums.

SECTION 4 - LOAN PAYMENT; PREPAYMENT

- A. Promise to Pay. The Recipient shall repay the Loan and all amounts due under this Contract and the Note in accordance with their terms. Payments required under this Contract are, without limitation, payable from the sources of repayment described in the Act and this Contract, including but not limited to Exhibit B, and the obligation of Recipient to make all payments is absolute and unconditional. Payments will not be abated, rebated, set-off, reduced, abrogated, terminated, waived, postponed or otherwise modified in any manner whatsoever. Payments cannot remain unpaid, regardless of any contingency, act of God, event or cause whatsoever, including (without limitation) any acts or circumstances that may constitute failure of consideration, eviction or constructive eviction, the taking by eminent domain or destruction of or damage to the Project, commercial frustration of purpose, any change in the laws, rules or regulations of the United States of America or of the State of Oregon or any political subdivision or governmental authority, nor any failure of IFA to perform any agreement, whether express or implied, or any duty, liability, or obligation arising out of or connected with the Project or this Contract, or any rights of set off, recoupment, abatement or counterclaim that Recipient might otherwise have against IFA or any other party or parties; provided further, that payments hereunder will not constitute a waiver of any such rights.
- B. Interest. Interest accrues at the Note Interest Rate on each disbursement from the date of disbursement until the Loan is fully paid. All unpaid interest accrued to the Repayment Commencement Date is (in addition to the first regular installment payment due) payable on the Repayment Commencement Date.
- C. Loan Payments. Starting on the Repayment Commencement Date and then on each succeeding Payment Date, Recipient shall make level installment payments of principal and interest, each payment sufficient to pay the interest accrued to the date of payment and so much of the principal as will fully amortize the Loan by the Maturity Date, on which date the entire outstanding balance of the Loan is due and payable in full.
- D. Loan Prepayments.
 - (1) Mandatory Prepayment. The Recipient shall prepay all or part of the outstanding balance of the Loan as required by this Contract or the Note.
 - (2) Optional Prepayment. The Recipient may prepay all or part of the outstanding balance of the Loan on any day except a Saturday, Sunday, legal holiday or day that banking institutions in Salem, Oregon are closed.

- E. Application of Payments. Regardless of any designation by Recipient, payments and prepayments by Recipient under this Contract or any of the Financing Documents will be applied first to any expenses of IFA, including but not limited to attorneys' fees, then to unpaid accrued interest (in the case of prepayment, on the amount prepaid), then to the principal of the Loan. In the case of a Loan prepayment that does not prepay all the principal of the Loan, IFA will determine, in its sole discretion, the method for how the Loan prepayment will be applied to the outstanding principal payments. A scheduled payment received before the scheduled repayment date will be applied to interest and principal on the scheduled repayment date, rather than on the day such payment is received.

SECTION 5 - CONDITIONS PRECEDENT

- A. Conditions Precedent to IFA's Obligations. The IFA's obligations are subject to the receipt of the following items, in form and substance satisfactory to IFA and its Counsel:
- (1) This Contract duly signed by an authorized officer of Recipient.
 - (2) The Note duly signed by an authorized officer of Recipient.
 - (3) A copy of the ordinance, order or resolution of the governing body of Recipient authorizing the borrowing and the contemplated transactions and the execution and delivery of this Contract, the Note and the other Financing Documents.
 - (4) An opinion of Recipient's Counsel.
 - (5) An executed lease agreement, between Recipient and Astoria School District 1C, for the property that is the subject of the Project.
 - (6) Such other certificates, documents, opinions and information as IFA may reasonably require.
- B. Conditions to Disbursements. As to any disbursement, IFA has no obligation to disburse funds unless all following conditions are met:
- (1) There is no Default or Event of Default.
 - (2) The representations and warranties made in this Contract are true and correct on the date of disbursement as if made on such date.
 - (3) The IFA, in the reasonable exercise of its administrative discretion, has sufficient moneys in the Fund for use in the Project and has sufficient funding, appropriations, limitations, allotments and other expenditure authority to make the disbursement.
 - (4) The IFA (a) has received a completed Disbursement Request, (b) has received any written evidence of materials and labor furnished to or work performed upon the Project, itemized receipts or invoices for payment, and releases, satisfactions or other signed statements or forms as IFA may require, (c) is satisfied that all items listed in the Disbursement Request are reasonable and that the costs for labor and materials were incurred and are properly included in the Costs of the Project, and (d) has determined that the disbursement is only for costs defined as eligible costs under the Act and any implementing administrative rules and policies.
 - (5) The Recipient has delivered documentation satisfactory to IFA that, in addition to the Financing Proceeds, Recipient has available or has obtained binding commitments for all funds necessary to complete the Project.
 - (6) Any conditions to disbursement elsewhere in this Contract or in the other Financing Documents are met.

SECTION 6 - USE OF FINANCIAL ASSISTANCE

- A. Use of Proceeds. The Recipient shall use the Financing Proceeds only for the activities described in Exhibit D and according to the budget in Exhibit E. The Recipient may not transfer Financing Proceeds among line items in the budget without the prior written consent of IFA.
- B. Costs of the Project. The Recipient shall apply the Financing Proceeds to the Costs of the Project in accordance with the Act and Oregon law, as applicable. Financing Proceeds cannot be used for costs in excess of one hundred percent (100%) of the total Costs of the Project and cannot be used for pre-Award Costs of the Project, unless permitted by Exhibit D.
- C. Costs Paid for by Others. The Recipient may not use any of the Financing Proceeds to cover costs to be paid for by other financing for the Project from another State of Oregon agency or any third party.

SECTION 7 - REPRESENTATIONS AND WARRANTIES OF RECIPIENT

The Recipient represents and warrants to IFA:

- A. Estimated Project Cost, Funds for Repayment. A reasonable estimate of the Costs of the Project is shown in section 1, and the Project is fully funded. The Recipient will have adequate funds available to repay the Loan, and the Maturity Date does not exceed the usable life of the Project.
- B. Organization and Authority.
 - (1) The Recipient is a Municipality under the Act, and validly organized and existing under the laws of the State of Oregon.
 - (2) The Recipient has all necessary right, power and authority under its organizational documents and under Oregon law to (a) execute and deliver this Contract and the other Financing Documents, (b) incur and perform its obligations under this Contract and the other Financing Documents, and (c) borrow and receive financing for the Project.
 - (3) This Contract, the Note and the other Financing Documents executed and delivered by Recipient have been authorized by an ordinance, order or resolution of Recipient's governing body, and voter approval, if necessary, that was adopted in accordance with applicable law and requirements for filing public notices and holding public meetings.
 - (4) This Contract and the other Financing Documents have been duly executed by Recipient, and when executed by IFA, are legal, valid and binding, and enforceable in accordance with their terms.
- C. Full Disclosure. The Recipient has disclosed in writing to IFA all facts that materially adversely affect the Project, or the ability of Recipient to make all payments and perform all obligations required by this Contract, the Note and the other Financing Documents. The Recipient has made no false statements of fact, nor has it omitted information necessary to prevent any statements from being misleading. The information contained in this Contract and the other Financing Documents is true and accurate in all respects.
- D. Pending Litigation. The Recipient has disclosed in writing to IFA all proceedings pending (or to the knowledge of Recipient, threatened) against or affecting Recipient, in any court or before any governmental authority or arbitration board or tribunal, that, if adversely determined, would materially adversely affect the Project or the ability of Recipient to make all payments and perform all obligations required by this Contract, the Note and the other Financing Documents.

E. No Defaults.

- (1) No Defaults or Events of Default exist or occur upon authorization, execution or delivery of this Contract or any of the Financing Documents.
- (2) The Recipient has not violated, and has not received notice of any claimed violation of, any agreement or instrument to which it is a party or by which the Project or its property may be bound, that would materially adversely affect the Project or the ability of Recipient to make all payments and perform all obligations required by this Contract, the Note and the other Financing Documents.

F. Compliance with Existing Agreements and Applicable Law. The authorization and execution of, and the performance of all obligations required by, this Contract and the other Financing Documents will not: (i) cause a breach of any agreement, indenture, mortgage, deed of trust, or other instrument, to which Recipient is a party or by which the Project or any of its property or assets may be bound; (ii) cause the creation or imposition of any third party lien, charge or encumbrance upon any property or asset of Recipient; (iii) violate any provision of the charter or other document pursuant to which Recipient was organized or established; or (iv) violate any laws, regulations, ordinances, resolutions, or court orders related to Recipient, the Project or its properties or operations.

G. Governmental Consent. The Recipient has obtained or will obtain all permits and approvals, and has made or will make all notifications, declarations, filings or registrations, required for the making and performance of its obligations under this Contract, the Note and the other Financing Documents, for the financing or refinancing and undertaking and completion of the Project.

SECTION 8 - COVENANTS OF RECIPIENT

The Recipient covenants as follows:

A. Notice of Adverse Change. The Recipient shall promptly notify IFA of any adverse change in the activities, prospects or condition (financial or otherwise) of Recipient or the Project related to the ability of Recipient to make all payments and perform all obligations required by this Contract, the Note or the other Financing Documents.

B. Compliance with Laws. The Recipient shall comply with all applicable laws, rules, regulations and orders of any court or governmental authority that relate to this Contract or the other Financing Documents, and the Project. In particular, but without limitation, Recipient shall comply with the following, as applicable:

- (1) State procurement regulations found in the Oregon Public Contracting Code, ORS chapters 279A, 279B and 279C.
- (2) State labor standards and wage rates found in ORS chapter 279C.
- (3) OAR 123-042-0165 (5) requirements for signs and notifications.

These laws, rules, regulations and orders are incorporated by reference in this Contract to the extent required by law.

C. Project Completion Obligations. The Recipient shall:

- (1) Provide IFA with copies of all plans and specifications relating to the Project, and a timeline for the bidding/award process, at least ten (10) days before advertising for bids.
- (2) Provide a copy of the bid tabulation and notice of award to IFA within ten (10) days after selecting a construction contractor.

- (3) Permit IFA to conduct field engineering and inspection of the Project at any time.
- (4) Complete the Project using its own fiscal resources or money from other sources to pay for any Costs of the Project in excess of the total amount of financial assistance provided pursuant to this Contract.
- (5) Complete the Project no later than the Project Completion Deadline, unless otherwise permitted by the IFA in writing.
- (6) No later than the Project Closeout Deadline, provide IFA with a final project completion report on a form provided by IFA, including Recipient's certification that the Project is complete, all payments are made, and no further disbursements are needed; provided however, for the purposes of this Contract, IFA will be the final judge of the Project's completion.
- (7) Obtain and maintain as-built drawings for all facilities constructed as part of the Project.

- D. Ownership of Project. During the term of the Loan, the Project is and will continue to be owned by Recipient. The Project will be operated by Recipient or by a person under a management contract or operating agreement with Recipient. Any such management contract or operating agreement will be structured as a "qualified management contract" as described in IRS Revenue Procedure 97-13, as amended or supplemented.
- E. Operation and Maintenance of the Project. The Recipient shall operate and maintain the Project in good repair and operating condition so as to preserve the long term public benefits of the Project, including making all necessary and proper repairs, replacements, additions, and improvements during term of the Loan. On or before the Project Closeout Deadline, Recipient shall adopt a plan acceptable to IFA for the on-going operation and maintenance of the Project without reliance on IFA financing and furnish IFA, at its request, with evidence of such adoption. The plan must include measures for generating revenues sufficient to assure the operation and maintenance of the Project during the usable life of the Project.
- F. Insurance, Damage. The Recipient shall maintain, or cause to be maintained, insurance policies with responsible insurers or self insurance programs, insuring against liability and risk of direct physical loss, damage or destruction of the Project, at least to the extent that similar insurance is customarily carried by governmental units constructing, operating and maintaining similar facilities. Nothing in this provision precludes Recipient from exerting a defense against any party other than IFA, including a defense of immunity. If the Project or any portion is destroyed, any insurance proceeds will be paid to IFA and applied to prepay the outstanding balance on the Loan in accordance with section 4.D.(1), unless IFA agrees in writing that the insurance proceeds may be used to rebuild the Project.
- G. Sales, Leases and Encumbrances. Except as specifically described in Exhibit D, Recipient shall not sell, lease, exchange, abandon, transfer or otherwise dispose of any substantial portion of or interest in the Project or any system that provides revenues for payment or is security for the Loan, unless worn out, obsolete, or, in the reasonable business judgment of Recipient, no longer useful in the operation of the Project. Nevertheless, IFA may consent to such disposition if it has received 90 days' prior written notice from Recipient. Such consent may require assumption by transferee of all of Recipient's obligations under the Financing Documents and payment of IFA's costs related to such assumption, and receipt by IFA of an opinion of Bond Counsel to the effect that such disposition complies with applicable law and will not adversely affect the exclusion of interest on any Lottery Bonds from gross income for purposes of federal income taxation under Section 103(a) of the Code. The term "Bond Counsel" means a law firm determined by IFA to have knowledge and expertise in the field of municipal law and whose opinions are generally accepted by purchasers of municipal bonds. In the case of sale, exchange, transfer or other similar disposition, Recipient shall, within 30 days of receipt of any proceeds from such disposition, prepay the entire outstanding balance on the

Loan in accordance with section 4.D.(1), unless IFA agrees otherwise in writing. If Recipient abandons the Project, Recipient shall prepay the entire outstanding balance of the Loan immediately upon demand by IFA.

- H. Condemnation Proceeds. If the Project or any portion is condemned, any condemnation proceeds will be paid to IFA and applied to prepay the outstanding balance of the Loan in accordance with section 4.D.(1).
- I. Financial Records. The Recipient shall keep accurate books and records for the revenues and funds that are the source of repayment of the Loan, separate and distinct from its other books and records, and maintain them according to generally accepted accounting principles established by the Government Accounting Standards Board in effect at the time. The Recipient shall have these records audited annually by an independent certified public accountant, which may be part of the annual audit of all records of Recipient.
- J. Inspections; Information. The Recipient shall permit IFA and any party designated by IFA: (i) to inspect, at any reasonable time, the property, if any, constituting the Project; and (ii) at any reasonable time, to inspect and make copies of any accounts, books and records, including, without limitation, its records regarding receipts, disbursements, contracts, investments and any other related matters, and financial statements or other documents related to its financial standing. The Recipient shall supply any related reports and information as IFA may reasonably require. In addition, Recipient shall, upon request, provide IFA with copies of loan documents or other financing documents and any official statements or other forms of offering prospectus relating to any other bonds, notes or other indebtedness of Recipient that are issued after the date of this Contract.
- K. Records Maintenance. The Recipient shall retain and keep accessible all books, documents, papers, and records that are directly related to this Contract, the Project or the Financing Proceeds until the date that is three years following the later of the final maturity of the Lottery Bonds or the final maturity or redemption date of any obligation, or series of obligations, that refinanced the Lottery Bonds, or such longer period as may be required by other provisions of this Contract or applicable law. Such documentation includes, but may not be limited to, all documentation necessary to establish the uses and investment of the Loan proceeds, all construction contracts and invoices detailing the costs paid from Loan proceeds, and all contracts related to the uses of the Project, including leases, management contracts and service contracts.
- L. Economic Benefit Data. The IFA may require Recipient to submit specific data on the economic development benefits of the Project and other information to evaluate the success and economic impact of the Project, from the date of this Contract until six years after the Project Completion Date. The Recipient shall, at its own expense, prepare and submit the data within the time specified by IFA.
- M. Minority, Women & Emerging Small Business. ORS 200.090 requires all public agencies to “aggressively pursue a policy of providing opportunities for available contracts to emerging small businesses...” The IFA encourages Recipient in any contracting activity to follow good faith efforts as described in ORS 200.045, available at <http://www.leg.state.or.us/ors/200.html>. Additional resources are provided by the Director of Economic & Business Equity at <http://www.oregon.gov/gov/MWESB/Pages/index.aspx>. Also, the Office of Minority, Women, and Emerging Small Business at the Oregon Business Development Department maintains a list of certified firms and can answer questions. Search for certified MWESB firms on the web at: <http://imd10.cbs.state.or.us/ex/dir/omwesb/>.

- N. Professional Responsibility. A professional engineer or architect, as applicable, registered and in good standing in Oregon, will be responsible for the design and construction of the Project. All service providers retained for their professional expertise must be certified, licensed, or registered, as appropriate, in the State of Oregon for their specialty. The Recipient shall follow standard construction practices, such as bonding requirements for construction contractors, requiring errors and omissions insurance, and performing testing and inspections during construction.
- O. Notice of Default. The Recipient shall give IFA prompt written notice of any Default as soon as any senior administrative or financial officer of Recipient becomes aware of its existence or reasonably believes a Default is likely.
- P. Indemnity. To the extent authorized by law, Recipient shall defend (subject to ORS chapter 180), indemnify, save and hold harmless IFA and its officers, employees and agents from and against any and all claims, suits, actions, proceedings, losses, damages, liability and court awards including costs, expenses, and attorneys' fees incurred related to any actual or alleged act or omission by Recipient, or its employees, agents or contractors; however, the provisions of this section are not to be construed as a waiver of any defense or limitation on damages provided for under Chapter 30 of the Oregon Revised Statutes or under the laws of the United States or other laws of the State of Oregon.
- Q. Further Assurances. The Recipient shall, at the request of IFA, authorize, sign, acknowledge and deliver any further resolutions, conveyances, transfers, assurances, financing statements and other instruments and documents as may be necessary or desirable for better assuring, conveying, granting, assigning and confirming the rights, security interests and agreements granted or intended to be granted by this Contract and the other Financing Documents.
- R. Exclusion of Interest from Federal Gross Income and Compliance with Code.
- (1) The Recipient shall not take any action or omit to take any action that would result in the loss of the exclusion of the interest on any Lottery Bonds from gross income for purposes of federal income taxation, as governed by Section 103(a) of the Code. IFA may decline to disburse the Financing Proceeds if it finds that the federal tax exemption of the Lottery Bonds cannot be assured.
 - (2) The Recipient shall not take any action (including but not limited to the execution of a management agreement for the operation of the Project) or omit to take any action that would cause any Lottery Bonds to be "private activity bonds" within the meaning of Section 141(a) of the Code. Accordingly, unless Recipient receives the prior written approval of IFA, Recipient shall not permit in excess of ten percent (10%) of either (a) the Financing Proceeds or (b) the Project financed or refinanced with the Financing Proceeds to be directly or indirectly used in any manner that would constitute "private business use" within the meaning of Section 141(b)(6) of the Code, including not permitting more than one half of any permitted private business use to be "disproportionate related business use" or private business use unrelated to the government use of the Financing Proceeds. Unless Recipient receives the prior written approval of IFA, Recipient shall not directly or indirectly use any of the Financing Proceeds to make or finance loans to persons other than governmental units, as that term is used in Section 141(c) of the Code.
 - (3) The Recipient shall not directly or indirectly use or permit the use of any of the Financing Proceeds or any other funds, or take any action or omit to take any action, which would cause any Lottery Bonds to be "arbitrage bonds" within the meaning of Section 148(a) of the Code.

- (4) The Recipient shall not cause any Lottery Bonds to be treated as “federally guaranteed” for purposes of Section 149(b) of the Code, as may be modified in any applicable rules, rulings, policies, procedures, regulations or other official statements promulgated or proposed by the Department of the Treasury or the Internal Revenue Service with respect to “federally guaranteed” obligations described in Section 149(b) of the Code. For purposes of this paragraph, any Lottery Bonds will be treated as “federally guaranteed” if: (a) all or any portion of the principal or interest is or will be guaranteed directly or indirectly by the United States of America or any agency or instrumentality thereof, or (b) five percent (5%) or more of the proceeds of the Lottery Bonds will be (i) used in making loans if the payment of principal or interest is guaranteed in whole or in part by the United States of America or any agency or instrumentality thereof, or (ii) invested directly or indirectly in federally insured deposits or accounts, and (c) none of the exceptions described in Section 149(b)(3) of the Code apply.
- (5) The Recipient shall assist IFA to ensure that all required amounts are rebated to the United States of America pursuant to Section 148(f) of the Code. The Recipient shall pay to IFA such amounts as may be directed by IFA to satisfy the requirements of Section 148(f) applicable to the portion of the proceeds of any tax-exempt bonds, including any Financing Proceeds or other amounts held in a reserve fund. The Recipient further shall reimburse IFA for the portion of any expenses it incurs related to the Project that is necessary to satisfy the requirements of Section 148(f) of the Code.
- (6) Upon IFA’s request, Recipient shall furnish written information regarding its investments and use of Financing Proceeds, and of any facilities financed or refinanced therewith, including providing IFA with any information and documentation that IFA reasonably determines is necessary to comply with the arbitrage and private use restrictions that apply to the Lottery Bonds.
- (7) Notwithstanding anything to the contrary, so long as is necessary to maintain the exclusion from gross income for purposes of federal income taxation of interest on any Lottery Bonds, the covenants contained in this subsection will survive the payment of the Loan and the Lottery Bonds, and the interest thereon, including the application of any unexpended Financing Proceeds. The Recipient acknowledges that the Project may be funded with proceeds of the Lottery Bonds and that failure to comply with the requirements of this subsection could adversely affect any exclusion of the interest on the Lottery Bonds from gross income for federal income tax purposes.
- (8) Neither Recipient nor any related party to Recipient, within the meaning of 26 C.F.R. §1.150-1(b), shall purchase any Lottery Bonds, from which proceeds were used to finance the Project, in an amount related to the amount of the Loan.

SECTION 9 - DEFAULTS

Any of the following constitutes an “Event of Default”:

- A. The Recipient fails to make any Loan payment when due.
- B. The Recipient fails to make, or cause to be made, any required payments of principal, redemption premium, or interest on any bonds, notes or other material obligations, for any other loan made by the State of Oregon.

- C. Any false or misleading representation is made by or on behalf of Recipient, in this Contract, in any other Financing Document or in any document provided by Recipient related to this Loan or the Project or in regard to compliance with the requirements of Section 103 and Sections 141 through 150 of the Code.
- D. (1) A petition, proceeding or case is filed by or against Recipient under any federal or state bankruptcy or insolvency law, and in the case of a petition filed against Recipient, Recipient acquiesces to such petition or such petition is not dismissed within 20 calendar days after such filing, or such dismissal is not final or is subject to appeal;
- (2) The Recipient files a petition seeking to take advantage of any other law relating to bankruptcy, insolvency, reorganization, liquidation, dissolution, winding-up or composition or adjustment of debts;
- (3) The Recipient becomes insolvent or bankrupt or admits its inability to pay its debts as they become due, or makes an assignment for the benefit of its creditors;
- (4) The Recipient applies for or consents to the appointment of, or taking of possession by, a custodian (including, without limitation, a receiver, liquidator or trustee) of Recipient or any substantial portion of its property; or
- (5) The Recipient takes any action for the purpose of effecting any of the above.
- E. The Recipient defaults under any other Financing Document and fails to cure such default within the applicable grace period.
- F. The Recipient fails to perform any obligation required under this Contract, other than those referred to in subsections A through E of this section 9, and that failure continues for a period of 30 calendar days after written notice specifying such failure is given to Recipient by IFA. The IFA may agree in writing to an extension of time if it determines Recipient instituted and has diligently pursued corrective action.

SECTION 10 - REMEDIES

- A. Remedies. Upon any Event of Default, IFA may pursue any or all remedies in this Contract, the Note or any other Financing Document, and any other remedies available at law or in equity to collect amounts due or to become due or to enforce the performance of any obligation of Recipient. Remedies may include, but are not limited to:
 - (1) Terminating IFA's commitment and obligation to make any further disbursements of Financing Proceeds under the Contract.
 - (2) Declaring all payments under the Note and all other amounts due under any of the Financing Documents immediately due and payable, and upon notice to Recipient the same become due and payable without further notice or demand.
 - (3) Barring Recipient from applying for future awards.
 - (4) Withholding amounts otherwise due to Recipient for application to the payment of amounts due under this Contract, including as provided in ORS 285B.449; however, this provision is not to be construed in a way that Recipient's obligations would constitute debt that violates Section 10, Article XI of the Oregon Constitution.
 - (5) Foreclosing liens or security interests pursuant to this Contract or any other Financing Document.

- B. Application of Moneys. Any moneys collected by IFA pursuant to section 10.A will be applied first, to pay any attorneys' fees and other fees and expenses incurred by IFA; then, to pay interest due on the Loan; then, to pay principal due on the Loan; and last, to pay any other amounts due and payable under this Contract or any of the Financing Documents.
- C. No Remedy Exclusive; Waiver; Notice. No remedy available to IFA is intended to be exclusive, and every remedy will be in addition to every other remedy. No delay or omission to exercise any right or remedy will impair or is to be construed as a waiver of such right or remedy. No single or partial exercise of any right power or privilege under this Contract or any of the Financing Documents will preclude any other or further exercise thereof or the exercise of any other such right, power or privilege. The IFA is not required to provide any notice in order to exercise any right or remedy, other than notice required in section 9 of this Contract.
- D. Default by IFA. In the event IFA defaults on any obligation in this Contract, Recipient's remedy will be limited to injunction, special action, action for specific performance, or other available equitable remedy for performance of IFA's obligations.

SECTION 11 - MISCELLANEOUS

- A. Time is of the Essence. The Recipient agrees that time is of the essence under this Contract and the other Financing Documents.
- B. Relationship of Parties; Successors and Assigns; No Third Party Beneficiaries.
- (1) The parties agree that their relationship is that of independent contracting parties and that Recipient is not an officer, employee, or agent of the State of Oregon as those terms are used in ORS 30.265.
 - (2) Nothing in this Contract gives, or is to be construed to give, directly or indirectly, to any third persons any rights and benefits greater than those enjoyed by the general public.
 - (3) This Contract will be binding upon and inure to the benefit of IFA, Recipient, and their respective successors and permitted assigns.
 - (4) The Recipient may not assign or transfer any of its rights or obligations or any interest in this Contract or any other Financing Document without the prior written consent of IFA. The IFA may grant, withhold or impose conditions on such consent in its sole discretion. In the event of an assignment, Recipient shall pay, or cause to be paid to IFA, any fees or costs incurred because of such assignment, including but not limited to attorneys' fees of IFA's Counsel and Bond Counsel. Any approved assignment is not to be construed as creating any obligation of IFA beyond those in this Contract or other Financing Documents, nor does assignment relieve Recipient of any of its duties or obligations under this Contract or any other Financing Documents.
 - (5) The Recipient hereby approves and consents to any assignment, sale or transfer of this Contract and the Financing Documents that IFA deems to be necessary.
- C. Disclaimer of Warranties; Limitation of Liability. The Recipient agrees that:
- (1) The IFA makes no warranty or representation, either express or implied, as to the value, design, condition, merchantability or fitness for particular purpose or fitness for any use of the Project or any portion of the Project, or any other warranty or representation.

form of defense or immunity, including but not limited to sovereign immunity and immunity based on the Eleventh Amendment to the Constitution of the United States.

J. Integration. This Contract (including all exhibits, schedules or attachments) and the other Financing Documents constitute the entire agreement between the parties on the subject matter. There are no unspecified understandings, agreements or representations, oral or written, regarding this Contract.

K. Execution in Counterparts. This Contract may be signed in several counterparts, each of which is an original and all of which constitute one and the same instrument.

The Recipient, by its signature below, acknowledges that it has read this Contract, understands it, and agrees to be bound by its terms and conditions.



STATE OF OREGON
acting by and through the
Oregon Infrastructure Finance Authority



CITY OF ASTORIA

By: _____
Paulina Layton, Manager
Program Services Division

By: _____
The Honorable Willis Van Dusen
Mayor of Astoria

Date: _____

Date: _____

**APPROVED AS TO LEGAL SUFFICIENCY IN
ACCORDANCE WITH ORS 291.047:**

/s/ Lynn Nagasako as per email dated 18 July 2014
Lynn T. Nagasako, Sr. Assistant Attorney General

By: _____
Brett Estes, Assistant City Manager /
Community Development Director

Date: _____

Digitally signed by
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APPROVED AS TO LEGAL SUFFICIENCY

EXHIBIT A - GENERAL DEFINITIONS

As used in this Contract, the following terms have the meanings below.

“Act” means ORS 285B.410 through 285B.482, as amended.

“Award” means the award of financial assistance to Recipient by IFA dated 15 July 2014.

“C.F.R.” means the Code of Federal Regulations.

“Code” means the Internal Revenue Code of 1986, as amended, including any implementing regulations and any administrative or judicial interpretations.

“Costs of the Project” means Recipient’s actual costs (including any financing costs properly allocable to the Project) that are (a) reasonable, necessary and directly related to the Project, (b) permitted by generally accepted accounting principles to be Costs of the Project, and (c) are eligible or permitted uses of the Financing Proceeds under applicable state or federal statute and rule.

“Counsel” means an attorney at law or firm of attorneys at law duly admitted to practice law before the highest court of any state, who may be of counsel to, or an employee of, IFA or Recipient.

“Default” means an event which, with notice or lapse of time or both, would become an Event of Default.

“Financing Documents” means this Contract and all agreements, instruments, documents and certificates (including but not limited to all promissory notes) executed pursuant to or in connection with IFA’s financing of the Project.

“Financing Proceeds” means the proceeds of the Loan.

“Lottery Bonds” means any bonds issued by the State of Oregon that are special obligations of the State of Oregon, payable from unobligated net lottery proceeds, the interest on which is exempt from federal income taxation, together with any refunding bonds, used to finance or refinance the Project through the initial funding or refinancing of all or a portion of the Loan.

“Municipality” means any entity described in ORS 285B.410(8).

“Note” means that certain promissory note evidencing the Loan, substantially in the form of Exhibit C, signed by Recipient in favor of IFA, as amended, extended or renewed from time to time.

“ORS” means the Oregon Revised Statutes.

“Project Completion Date” means the date on which Recipient completes the Project.

EXHIBIT B - SECURITY

General Fund Pledge. The Recipient pledges its full faith and credit and taxing power within the limitations of Article XI, sections 11 and 11 b, of the Oregon Constitution to pay the amounts due under this Contract and the Note. This Contract and the Note are payable from all legally available funds of Recipient.

EXHIBIT C - FORM OF PROMISSORY NOTE

City of Astoria

PROMISSORY NOTE

Dated XXXXXXXXXXXXXXXXXX, XXXX
XXXXXXXXXXXXXXXXXX, Oregon

FOR VALUE RECEIVED, the City of Astoria, 1095 Duane Street, Astoria, OR 97103 (“Recipient”), unconditionally promises to pay in lawful money of the United States of America to the order of the STATE OF OREGON, ACTING BY AND THROUGH THE OREGON INFRASTRUCTURE FINANCE AUTHORITY (“IFA”), at its principal office at 775 Summer Street NE, Suite 200, Salem, OR 97301-1280, or such other place as IFA or other holder of this Note may designate, the principal sum of Nine Hundred Thousand Dollars (\$900,000) or so much as is disbursed under the Contract (as defined below), plus interest on each disbursement at the Note Interest Rate of Three and 25/100 percent (3.25%) per annum, from the disbursement date until paid. Interest will be computed on the basis of a 360-day year, consisting of twelve 30-day months.

This Note is subject to and secured by that certain contract, number L15001, between IFA and Recipient (as amended from time to time, the “Contract”). Capitalized terms not otherwise defined in this Note will have the meanings assigned to them by the Contract.

The Recipient shall make level installment payments of principal and interest, commencing on the Repayment Commencement Date and thereafter on each Payment Date. Each such installment will be in an amount sufficient to pay the interest accrued to the date of payment and so much of the principal as will fully amortize the Loan by the Maturity Date. Notwithstanding the above, the first such installment payment will be adjusted to include actual unpaid interest that accrued to the Repayment Commencement Date. On the Maturity Date, the entire outstanding principal balance and all accrued unpaid interest will be due and payable in full.

This Note is subject to mandatory prepayment and is payable prior to its maturity, and each payment made by Recipient will be applied as provided in section 4 (Loan Payment; Prepayment) of the Contract.

This Note is given to avoid the execution by Recipient of an individual note for each disbursement of Loan proceeds by IFA to Recipient in accordance with section 3 (Disbursements) of the Contract. The Recipient authorizes IFA to record the date and amount of each such disbursement, the date and amount of each payment and prepayment by Recipient, and the amount of interest accrued and paid. Absent manifest error, such notations will be conclusive evidence of borrowing, payments and interest under this Note; provided, however, that failure to make any such notations will not affect the obligations of Recipient under this Note or the Contract.

If any Event of Default occurs, the outstanding balance of the Note (including principal, interest and other charges, if any), at the option of IFA, becomes immediately due and payable in accordance with section 10 (Remedies) of the Contract. Failure or delay of the holder of this Note to exercise any option available under the terms of this Note, the Contract or any of the Financing Documents will not constitute a waiver of the right to exercise the option in the event of any continuing or subsequent default of the same or of any other provision. Presentment, dishonor, notice of dishonor, and protest are hereby waived.

To the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, the prevailing party in any dispute arising from this Note is entitled to recover its reasonable attorneys' fees and costs at trial and on appeal. Reasonable attorneys' fees cannot exceed the rate charged to IFA by its attorneys. The Recipient shall, on demand, pay to IFA reasonable expenses incurred by IFA in the collection of Loan payments.

The laws of the State of Oregon (without giving effect to its conflicts of law principles) govern all matters arising out of or relating to this Note, including, without limitation, its validity, interpretation, construction, performance, and enforcement.

Notice to Recipient: Do not sign this Note before you read it.

CITY OF ASTORIA

By: _____XXXXXXXXXXXXXXXXXXXX

Title: _____XXXXXXXXXXXXXXXXXXXX

Sample

EXHIBIT D - PROJECT DESCRIPTION

The Recipient will close the landfill located at 1800 Williamsport Road, Astoria in accordance with the Oregon Department of Environmental Quality-approved Astoria Landfill Closure Plan Update (dated November 13, 2013), and construct site access and utility improvements.

City of Astoria
PROMISSORY NOTE

Dated _____, _____
_____, Oregon

FOR VALUE RECEIVED, the City of Astoria, 1095 Duane Street, Astoria, OR 97103 ("Recipient"), unconditionally promises to pay in lawful money of the United States of America to the order of the STATE OF OREGON, ACTING BY AND THROUGH THE OREGON INFRASTRUCTURE FINANCE AUTHORITY ("IFA"), at its principal office at 775 Summer Street NE, Suite 200, Salem, OR 97301-1280, or such other place as IFA or other holder of this Note may designate, the principal sum of Nine Hundred Thousand Dollars (\$900,000) or so much as is disbursed under the Contract (as defined below), plus interest on each disbursement at the Note Interest Rate of Three and 25/100 percent (3.25%) per annum, from the disbursement date until paid. Interest will be computed on the basis of a 360-day year, consisting of twelve 30-day months.

This Note is subject to and secured by that certain contract, number L15001, between IFA and Recipient (as amended from time to time, the "Contract"). Capitalized terms not otherwise defined in this Note will have the meanings assigned to them by the Contract.

The Recipient shall make level installment payments of principal and interest, commencing on the Repayment Commencement Date and thereafter on each Payment Date. Each such installment will be in an amount sufficient to pay the interest accrued to the date of payment and so much of the principal as will fully amortize the Loan by the Maturity Date. Notwithstanding the above, the first such installment payment will be adjusted to include actual unpaid interest that accrued to the Repayment Commencement Date. On the Maturity Date, the entire outstanding principal balance and all accrued unpaid interest will be due and payable in full.

This Note is subject to mandatory prepayment and is payable prior to its maturity, and each payment made by Recipient will be applied as provided in section 4 (Loan Payment; Prepayment) of the Contract.

This Note is given to avoid the execution by Recipient of an individual note for each disbursement of Loan proceeds by IFA to Recipient in accordance with section 3 (Disbursements) of the Contract. The Recipient authorizes IFA to record the date and amount of each such disbursement, the date and amount of each payment and prepayment by Recipient, and the amount of interest accrued and paid. Absent manifest error, such notations will be conclusive evidence of borrowing, payments and interest under this Note; provided, however, that failure to make any such notations will not affect the obligations of Recipient under this Note or the Contract.

If any Event of Default occurs, the outstanding balance of the Note (including principal, interest and other charges, if any), at the option of IFA, becomes immediately due and payable in accordance with section 10 (Remedies) of the Contract. Failure or delay of the holder of this Note to exercise any option available under the terms of this Note, the Contract or any of the Financing Documents will not constitute a waiver of the right to exercise the option in the event of any continuing or subsequent default of the same or of any other provision. Presentment, dishonor, notice of dishonor, and protest are hereby waived.

To the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, the prevailing party in any dispute arising from this Note is entitled to recover its reasonable attorneys' fees and costs at trial and on appeal. Reasonable attorneys' fees cannot exceed the rate charged to IFA by its attorneys. The Recipient shall, on demand, pay to IFA reasonable expenses incurred by IFA in the collection of Loan payments.

The laws of the State of Oregon (without giving effect to its conflicts of law principles) govern all matters arising out of or relating to this Note, including, without limitation, its validity, interpretation, construction, performance, and enforcement.

Notice to Recipient: Do not sign this Note before you read it.

CITY OF ASTORIA

By: _____

Title: _____

APPROVED AS TO LEGAL SUFFICIENCY



Digitally signed by
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