



The Daily Astorian

The Port of Astoria faces more than \$158,000 in legal fees related to a lawsuit over operation of the Astoria Riverwalk Inn.

Port: Final agreement could be reached within the week

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Param, a Portland-based hotelier, had been trying to take over operation of the Riverwalk Inn since 2014 from former operator Brad Smithart, who eventually racked up more than \$300,000 in unpaid bills with the Port, Astoria and Clatsop County. The Port Commission voted in 2015 to approve the transfer of Smithart's remaining seven-year lease to Param in exchange for the company paying off his debts.

But the Port eventually terminated Smithart's lease and

opened up bids on the operation of the hotel to several suitors, including Param. The Port Commission eventually installed Astoria Hospitality Ventures, a company run by locally connected developers Chester Trabucco and William Orr, whose brother-in-law was a Port commissioner at the time.

Param sued, claiming the Port violated an agreement and favored a locally connected competitor. The Port argued that negotiations between Param and the agency fell apart, in part because of Smithart seeking other offers for

his lease.

Judge McIntosh sided with Param and gave the company a choice between taking the lease the Port promised or nearly \$900,000 in damages. Param chose the lease and is scheduled to take over operation of the hotel from Astoria Hospitality Ventures by November.

When Param takes over the hotel, the company would pay \$580,000 into an escrow account to pay off Smithart's debts. The Port would receive \$273,180 for back-due rent and revenue sharing, the city \$115,858 for lodging taxes

and the county \$4,633 for property taxes. The remainder — \$186,327 — would go to Smithart, who also owes significant amounts in taxes and has relocated to New York.

A separate case brought by the Port against Smithart over his unpaid rent and revenue-sharing has been paused until the resolution of Param's lawsuit.

The Port appealed McIntosh's verdict and is in settlement negotiations with Param. Jim Knight, the Port's executive director, said the agency and Param could reach a final agreement within the week.

Co-op: New store could be completed within the next year

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to the store will be from 23rd Street, on the west side of the property directly off Marine Drive. Steam Whistle Way will remain a neighborhood road. The redesign means the store will have a slightly smaller loading bay.

On Monday, the City Council accepted the compromise and voted unanimously to reject the neighbors' appeal. City Councilor Zetty Nemlowill, the marketing director for the co-op, did not attend the meeting and has recused herself from council decisions and discussions about the project.

City Manager Brett Estes said it is the first time in his career he has witnessed this kind of peaceful compromise after an issue has reached the battleground of the appeals process. The matter had the potential to go beyond the city to the state Land Use Board of Appeals, draining resources on both sides and further delaying or even halting the co-op's plans to build a new store.

"I would like to personally thank all of you for being involved with this," Mayor Arline LaMear told the two groups. "It's a wonderful example of how democracy should work."

"Now we get to do our work, which is put the plans together and get them in for permits and

build this," Vallaster said afterwards.

He anticipates the new store could be completed within the next year and perhaps open by early 2020. The co-op still must obtain necessary building permits from the city, but Vallaster doesn't expect to encounter any issues and hopes to have the permits in hand by the end of November. The Mill Pond Village Owners Association will also need to sign off on landscaping plans for the new store. Vallaster anticipates he might need to make a few changes based on the association's recommendations.

In their appeal, the three Mill Pond property owners emphasized that they were not against the co-op, but merely objected to the use of Steam Whistle Way.

On Monday, John Ryan, one of the neighbors, urged the City Council to accept the new plans, saying they represented a "conclusion that we could all agree on."

"I think the Mill Pond residents in total are going to come together and all support the co-op," he said afterwards. "We're looking forward to having a restaurant and a grocery store as neighbors."

In Ryan's opinion, the co-op's willingness to change the access road solidified the store's place in Mill Pond.

"It was a neighborly act," he said.

Lawsuit: No decision has been made yet on whether to appeal

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No decision has been made yet on whether the coalition will appeal the judge's ruling, she said.

The coalition's lawsuit arose from another filed against FEMA by environmental groups in 2009 over the National Flood Insurance Program, which provides coverage to more than 250 cities and counties in exchange for their adopting flood plain regulations. The groups claimed the flood insurance program damaged the habitat of federally endangered salmon, steelhead and southern resident

killer whales.

A settlement required FEMA to consult with the fisheries service and create alternative practices for the flood insurance program to better protect endangered species. In a 2016 biological opinion, the fisheries service proposed alternatives to limit development in flood- and erosion-prone areas, further protect salmon-bearing surface waters from development, enhance mapping and identification of flood- and erosion-prone areas, use local governmental help to track flood plain development and enhance enforcement.



Edward Stratton/The Daily Astorian

A coalition that fought new flood plain rules suffered a setback in federal court.

Body: 'When you're in the water that long, you know, everything goes'

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He appears to be in his 60s. The condition of the man's clothing was good, and his shirt was tucked into his pants. Due to body decomposition, his race is unidentifiable.

"He is unidentifiable, which is probably implied when you're in the water that long, you know, everything goes," Giuliani said.

Results of a finger-

print exam are pending, but Giuliani is unsure if it will provide much clarity due to the body's condition. The body will likely be sent to the state medical examiner's office for DNA and dental exams. "We think he's somebody that somebody's going to miss," Giuliani said. "It's very sad."

Anyone with information about the man can call the sheriff's office at 503-325-8635.

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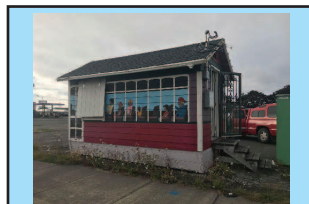
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