

**AGENDA SEASIDE CITY COUNCIL MEETING
FEBRUARY 10, 2020 7:00 PM**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. COMMENTS FROM STUDENT REPRESENTATIVE, Tristyn McFadden
6. COMMENTS – PUBLIC – (please keep speaking time to four minutes)
7. DECLARATION OF POTENTIAL CONFLICT OF INTEREST
8. CONSENT AGENDA
 - a) PAYMENT OF THE BILLS – \$800,082.18
 - b) APPROVAL OF MINUTES – January 27, 2020
9. REPORTS AND PRESENTATIONS: NONE
10. UNFINISHED BUSINESS:
 - a) ORDINANCE #2020-02 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING THE CODE OF SEASIDE CHAPTER 100 TRAILER PARKS (Third and Final Reading)
 - OPEN PUBLIC COMMENTS
 - CLOSE PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION FOR THIRD READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT - ROLL CALL VOTE
 - b) PUBLIC HEARING - ORDINANCE #2020-01 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, REGARDING AN ISLAND ANNEXATION FOR CERTAIN TERRITORY LOCATED SOUTH OF THE CITY (An Island of properties South of the City of Seaside, located on the east and west side of Highway 101) – (Third and Final Reading)
 - OPEN PUBLIC HEARING
 - CLOSE PUBLIC HEARING
 - COUNCIL COMMENTS
 - MOTION FOR THIRD READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT - ROLL CALL VOTE

11. NEW BUSINESS

- a) **COUNCIL SUPPORT - CLATSOP COUNTY TOBACCO RETAIL LICENSING ORDINANCE, Michael McNickle**
- b) **HOLLADAY DRIVE IMPROVEMENT PROJECT AVENUE 'C' TO 1ST AVENUE – CHANGE ORDERS, Dale McDowell**
- c) **VACANCY – TRANSPORTATION ADVISORY COMMISSION**

12. COMMENTS FROM THE CITY STAFF

13. COMMENTS FROM THE COUNCIL

14. ADJOURNMENT

Complete copies of the Current Council meeting Agenda Packets can be viewed at: *Seaside Public Library and Seaside City Hall. The Agendas and Minutes can be viewed on our website at www.cityofseaside.us.*

All meetings other than executive sessions are open to the public. When appropriate, any public member desiring to address the Council may be recognized by the presiding officer. Remarks are limited to the question under discussion except during public comment. This meeting is handicapped accessible. Please let us know at 503-738-5511 if you will need any special accommodation to participate in this meeting.

ORDINANCE NO. 2020-02

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CODE OF SEASIDE ORDINANCE CHAPTER 100.06: APPLICATION FOR LICENSE TO OPERATE AN EXISTING TRAILER PARK, CREATING AN EXEMPTION FOR NEWLY ANNEXED PARKS.

WHEREAS, Chapter 100 in the Code of Seaside was established to regulate Trailer Parks in the City of Seaside prior to the adoption of the City of Seaside Zoning Ordinance and Comprehensive Plan that was acknowledged by the State of Oregon; and

WHEREAS, certain provisions in Chapter 100 are outdated and inconsistent with the currently adopted City of Seaside Zoning Ordinance; and

WHEREAS, the City Council is in the process of considering the annexation of certain properties that are outside the city limits but currently regulated by the Seaside Zoning Ordinance in accordance with an Urban Growth Boundary Joint Management Agreement between the City of Seaside and Clatsop County; and

WHEREAS, the proposed annexation area includes an existing trailer park that would become subject to provisions in the City of Seaside's Trailer Park Ordinance in a manner inconsistent with the provisions in the City of Seaside Zoning Ordinance that allow for the continuation of non-conforming uses unless the Trailer Park Ordinance is amended.

NOW, THEREFORE, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

SECTION 1: Chapter 100.06, Subsection (A) in the Code of Seaside is hereby amended to read:

100.06 APPLICATION FOR LICENSE TO OPERATE AN EXISTING TRAILER PARK.

(A) An application to operate an existing trailer park shall be filed with the city building inspector. The application shall contain information required in the application for license of a new park in §100.05 of this chapter. The city Building Inspector shall examine the park and identify the conditions or facilities which do not meet the standards provided for in division (C) of this section, and shall prepare an agreement setting forth the improvements required and the time limits to bring the trailer park up to the standards provided in this chapter. The owners of the trailer park shall enter into an agreement regarding installation of required improvements prior to the time the license is issued. **This subsection and subsections (B) & (C) of this chapter do not apply to those parks that are exempt under subsection (D).**

SECTION 2: Chapter 100.06, Subsection (D) in the Code of Seaside is hereby amended to read:

(D) **Exception: If a trailer park is located in an area subsequently annexed to the city, the park can continue to operate in the manner and to the extent it operated prior to the annexation without requirement for obtaining a license or conforming to the relevant license requirements under this Chapter and it would be regulated in accordance with the non-conforming use provisions in Article 8 of the City of Seaside Zoning Ordinance. If a trailer park is located in an area subsequently annexed to the city, the effective date of the chapter shall be the effective date of the annexation.**

ADOPTED by the City Council of the City of Seaside on this ___ day of _____, 2020, by the following roll call vote:

YEAS:
NAYS:
ABSTAIN:
ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ___ day of _____, 2020.

JAY BARBER, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

CITY OF SEASIDE MEMORANDUM

To: Mayor & City Council
From: Community Development Department
Date: January 27, 2020
Subject: Trailer Park Ordinance Amendment, Ordinance No. 2020-02

Request Summary:

The Community Development Department reviewed certain sections of the City of Seaside's Trailer Park Ordinance, Code of Seaside Chapter 100, and found there are inconsistencies between that ordinance and the City of Seaside Zoning Ordinance, Code of Seaside Chapter 158. Although the City's Trailer Park Ordinance needs to be fully reviewed and updated, there are immediate concerns about how Chapter 100 would impact Trucke's existing trailer park if that property is annexed by the City.

In an effort to relieve that immediate concern, staff prepared an amendment to the Trailer Park Ordinance (Ordinance No. 2020-02, Attached) that would allow Trucke's park to continue to operate in the manner and to the extent it operated prior to the annexation. This is consistent with the provisions in the City of Seaside Zoning Ordinance that regulate non-conforming uses.

The amended text in the ordinance is identified in **red-bold-underline** and the deleted text is **black-bold-underline-strikethrough**.

Recommended City Council Action:

Following consideration of any modification that may be necessary based on testimony during the public hearing, the Council should move to have ordinance 2020-02 read "by title only" for it's first reading. If the ordinance is read, a motion for the second reading "by title only" will allow for the Council to consider a third and final reading at the next regularly scheduled Council meeting on February 10, 2020.

Attachments:

Ordinance No. 2020-02

ORDINANCE NO. 2020-02

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CODE OF SEASIDE ORDINANCE CHAPTER 100.06: APPLICATION FOR LICENSE TO OPERATE AN EXISTING TRAILER PARK, CREATING AN EXEMPTION FOR NEWLY ANNEXED PARKS.

WHEREAS, Chapter 100 in the Code of Seaside was established to regulate Trailer Parks in the City of Seaside prior to the adoption of the City of Seaside Zoning Ordinance and Comprehensive Plan that was acknowledged by the State of Oregon; and

WHEREAS, certain provisions in Chapter 100 are outdated and inconsistent with the currently adopted City of Seaside Zoning Ordinance; and

WHEREAS, the City Council is in the process of considering the annexation of certain properties that are outside the city limits but currently regulated by the Seaside Zoning Ordinance in accordance with an Urban Growth Boundary Joint Management Agreement between the City of Seaside and Clatsop County; and

WHEREAS, the proposed annexation area includes an existing trailer park that would become subject to provisions in the City of Seaside's Trailer Park Ordinance in a manner inconsistent with the provisions in the City of Seaside Zoning Ordinance that allow for the continuation of non-conforming uses unless the Trailer Park Ordinance is amended.

NOW, THEREFORE, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

SECTION 1: Chapter 100.06, Subsection (A) in the Code of Seaside is hereby amended to read:

100.06 APPLICATION FOR LICENSE TO OPERATE AN EXISTING TRAILER PARK.

(A) An application to operate an existing trailer park shall be filed with the city building inspector. The application shall contain information required in the application for license of a new park in §100.05 of this chapter. The city Building Inspector shall examine the park and identify the conditions or facilities which do not meet the standards provided for in division (C) of this section, and shall prepare an agreement setting forth the improvements required and the time limits to bring the trailer park up to the standards provided in this chapter. The owners of the trailer park shall enter into an agreement regarding installation of required improvements prior to the time the license is issued. This subsection and subsections (B) & (C) of this chapter do not apply to those parks that are exempt under subsection (D).

SECTION 2: Chapter 100.06, Subsection (D) in the Code of Seaside is hereby amended to read:

(D) Exception: If a trailer park is located in an area subsequently annexed to the city, the park can continue to operate in the manner and to the extent it operated prior to the annexation and it would be regulated in accordance with the non-conforming use provisions in Article 8 of the City of Seaside Zoning Ordinance. If a trailer park is located in an area subsequently annexed to the city, the effective date of the chapter shall be the effective date of the annexation.

ADOPTED by the City Council of the City of Seaside on this ___ day of ____, 2020, by the following roll call vote:

YEAS:
NAYS:
ABSTAIN:
ABSENT:

Proposed insertion: ", without requirement for obtaining a license or conforming to the relevant license requirements under this Chapter,"

SUBMITTED to and APPROVED by the Mayor on this ___ day of ____, 2020.

JAY BARBER, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

Kimberley Jordan

From: Christian Zupancic <christian@zuplaw.com>
Sent: Sunday, January 26, 2020 3:24 PM
To: Kimberley Jordan (kjordan@cityofseaside.us); Kevin Cupples (kcuppies@cityofseaside.us)
Cc: Lorri Trucke
Subject: Proposed additions to Chapter 100 amendment- for City Council Meeting 1/27/20
Attachments: Chapter 100 Trailer Park Amendment Memo Ord. No 2020-02- CZ comments.pdf

Hi Kim,

See attached for my additions to Kevin's proposed language (as specified in the "callout box" on pg. 2 of the document). My reason for the addition is that I want to make it clear that Trucke's would not only be allowed to continue to operate in its current condition post-annexation, but that it would also be absolved from having to get a license. (See section 100.04).

Thanks!

Christian Zupancic



Zuplaw Law Firm, LLC
615 Broadway St., Suite 216
Seaside, OR · 97138
O. (503)747-9836 · Fax (503) 902-7900

www.zuplaw.com
christian@zuplaw.com

Confidentiality Notice: This email may contain privileged or confidential information. If you believe you may have received this email in error, please delete all copies and notify the sender right away. Thank you!

ORDINANCE NO. 2020-01

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, REGARDING AN ISLAND ANNEXATION FOR CERTAIN TERRITORY LOCATED SOUTH OF THE CITY

(An Island of properties South of the City of Seaside, located on the east and west side of Highway 101)

WHEREAS, there has been submitted to the City of Seaside, a proposal for an Island Annexation and consent thereto by the requisite majority of owners that represent all of the assessed value of all real property in the territory described below; and

WHEREAS, the property owners in the Island Annexation were sent first and second notice annexation letters, regarding the desire to annex their property into the City of Seaside.

NOW, THEREFORE, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

SECTION 1. ANNEXATION AREA:

PARCEL NO. 1

REAL PROPERTY LOCATED IN THE SOUTHEAST QUARTER OF SECTION 21 AND THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 6 NORTH, RANGE 10 WEST OF THE WILLAMETTE MERIDIAN, CLATSOP COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Section corner common to Sections 21, 22, 27, and 28, Township 6 North, Range 10 West of the Willamette Meridian, Clatsop County, Oregon; thence North 111.73 feet to the South right-of-way line of Avenue "S"; thence West along the South line of Avenue "S" 754.20 feet to the northeast corner of that Tract of land described as Parcel No. 1 in deed to Dorothy Nimitz, Trustee of the Dorothy Nimitz Revocable Trust, recorded as Instrument #201405648, Records of Clatsop County **Point of Beginning** of the herein described real property;

thence continuing West, along said south right-of-way line, 228.30 feet to the West line of the abandoned SP&S railroad right-of-way;

thence South 18°35' West, along said West right-of-way line, 211.00 feet to the north right-of-way line of Avenue "T";

thence West, along said North right-of-way line, 42.76 feet to the southeast corner of Lot 16, Block 25, Plat of Cartwright Park Blocks 25, 26 & 27;

thence North, along the east lines of said Lot 16 and Lot 3, said Block 25, 200.00 feet to the northeast corner of said Lot 3;

thence West, along the North line of said Lot 3, 50.00 feet to the northwest corner of said Lot 3;

thence South, along the West lines of said Lot 3 and said Lot 16, 200.00 feet to the southwest corner of said Lot 16 and the north right-of-way line of said Avenue "T";

thence West, along the North right-of-way line of said Avenue "T", 100.00 feet to the southeast corner of Lot 13, said Block 25;

thence South 40.00 feet to the northeast corner of Lot 4, Block 26, of said Plat;

thence South, along the East line of said Lot 4, 100.00 feet to the southeast corner of said Lot 4;

thence West, along the South lines of said Lot 4 and Lot 5, said Block 26, 100.00 feet to the southwest corner of said Lot 5;

thence North, along the West line of said Lot 5, 100.00 feet to the northwest corner of said Lot 5;

thence North 40.00 feet to the southeast corner of Lot 11, said Block 25;

thence West, along the South line of said Lot 11, 115.87 feet to the southwest corner of said Lot 11;

thence North 10°34'02" East, along the West line of said Lot 11, 50.86 feet to the northwest corner of said Lot 11 and the southwest corner of Lot 10, said Block 25;

thence North 11°10'40" East, along the West line of said Lot 10, 43.97 feet to the northwest corner of that Tract of land described as Parcel 1 in Instrument #201800718, Records of Clatsop County, Oregon;

thence South 89°26'29" West 61.63 feet to the southeast corner of Lot 16, Block 28, Plat of Cartwright Park Blocks 28-29-30;

thence North 74°49' West, along the North line of said Lot 16, 115.18 feet to the southwest corner of said Lot 16, which is on the East bank of the Necanicum River;

thence southerly, along said East bank, which is also the west line of Blocks 28 and 29 in said Plat of Cartwright Park Blocks 28-29-30, on the following seventeen courses: South 12°33'57" West 93.19 feet;

thence South 32°28'47" West 87.21 feet;

thence South 13°33'54" West 15.26 feet;

thence South 0°51'39" East 58.33 feet;

thence South 23°02'51" West 31.31 feet;

thence South 04°04'28" West 39.26 feet;

thence South 10°10'58" East 42.03 feet;

thence South 09°48'08" West 65.24 feet;

thence South 01°43'09" West 56.91 feet;
thence South 02°08'38" East 76.24 feet;
thence South 10°36'49" West 137.98 feet;
thence South 01°27'14" West 61.46 feet;
thence South 06°56'59" West 72.87 feet;
thence South 03°13'16" East 21.31 feet;
thence South 09°03'56" West 58.88 feet;
thence South 00°35'03" East 22.83 feet;
thence South 21°17'50" East 6.84 feet to the southwest corner of Lot 18, said Block 28 and the northwest corner of that tract of land conveyed to Ramsay Signs Inc. by deed recorded as Instrument #200401781;

thence continuing along said East bank, and the west line of said Ramsay Signs Inc. Tract, South 14°36'44" East 56.30 feet;

thence continuing along said East bank and said west line South 02°10'47" East 28.27 feet to the southwest corner of said Ramsay Signs Inc. Tract and the North line of that tract of land conveyed to Dale L. Clark by deed recorded as Instrument #200101314, Records of Clatsop County;

thence North 82°26' West, along the North line of said Clark Tract, 8.00 feet to the mean low water line on the East bank of the Necanicum River and the northwest corner of that tract of said Clark tract;

thence southerly, along said mean low water line, and the West line of said Clark Tract, along the following four courses: South 12°10'46" West 11.45 feet;

thence South 01°51'26" East 13.04 feet;

thence South 35°32'50" East 8.15 feet;

thence South 12°33'15" East 61.08 feet to the north right-of-way line of Avenue "U" and the southwest corner of said Clark Tract;

thence South 74°56' East, along the North right-of-way line of Avenue "U" and the South line of said Clark Tract, 8.82 feet to the East bank of the Necanicum River;

thence southerly, along the east bank of the Necanicum River, South 07°49'40" West 60.48 feet, to the South right-of-way line of Avenue "U" and the northwest corner of that Tract of land conveyed to the State of Oregon by deed recorded in Book 140, Page 401, Deed Records of Clatsop County;

Thence southerly, along said East bank, and the West line of said State of Oregon Tract, on the following five courses: South 00°34'27" West 123.17 feet;

thence South 12°48'17" West 82.25 feet;

thence South 17°29'54" West 103.51 feet;

thence South 19°10'49" West 99.07 feet;

thence South 33°02'51" West 43.61 feet to the southwest corner of said State of Oregon Tract;

thence leaving said East bank, along the South line of said State of Oregon Tract, South 60°20' East, 48.08 feet to the West right-of-way line of U.S. Highway 101, the Oregon Coast highway, and the southeast corner of said State of Oregon Tract;

thence northerly, along said West right-of-way line, along the arc of a 924.93 foot radius curve, concave westerly, the central angle of which is 6°32'14", the long chord of which bears North 24°59'37" East, 105.47 feet, an arc length of 105.53 feet to a point opposite the southwest corner of that tract of land described as Parcel 1 in Instrument #201900748, Records of Clatsop County;

thence South 68°16'30" East 60.00 feet to the southwest corner of said Parcel 1, and the East right-of-way line of said Highway 101;

thence northerly, along said East right-of-way line, along the arc of a 984.93-foot radius curve, concave westerly, the central angle of which is 14°09'30", the long chord of which bears North 14°38'45" East, 242.77 feet, an arc length of 243.38 feet;

thence continuing along said East right-of-way line North 07°34'00" East 76.90 feet to the southwest corner of that Tract of land conveyed to Joe I. Meyer and Kimberly A. Myer by deed recorded as Instrument #200203382, Records of Clatsop County;

thence leaving said East right-of-way line, along the South line of said Myer Tract, South 75°03' East 114.53 feet to the southeast corner of said Meyer Tract;

thence North 18°33' East, along the East line of said Myer Tract, 107.40 feet to the northeast corner of said Meyer Tract;

thence North 82°26' West, along the North line of said Myer Tract, 134.04 feet to the northwest corner of said Meyer Tract, and the southwest corner of Lot 10, Block 30, Plat of Cartwright Park Blocks 28-29-30, and the East right-of-way line of said Highway 101;

thence North 07° 34' East, along said East right-of-way line of said Highway 101, 350.00 feet to the southwest corner of Lot 3, said Block 30;

thence South 82°26' East, along the South line of said Lot 3, 100.00 feet to the southeast corner of said Lot 3;

thence North 07°34' East, along the East line of said Lot 3, 50.00 feet to the southeast corner of Lot 2, said Block 30;

thence North 82°26' West, along the South line of said Lot 2, 100.00 feet to the southwest corner of said Lot 2 and the East right-of-way line of said Highway 101;

thence North 07°34' East, along the West lines of said Lot 2 and Lot 1, said Block 30, 100.00 feet to the northwest corner of said Lot 1;

thence East, along the North line of said Lot 1, 100.88 feet to northeast corner of said Lot 1;

thence South 07°34' West, along the East lines of said Lot 1 and said Lot 2, 113.28 feet to the southeast corner of said Lot 2, and the southwest corner of that Tract of land described as Parcel No. 2 in deed to Kiran Patel et. al. recorded as Instrument #200800046, Records of Clatsop County;

thence South 82°26' East, along the South boundary of said Patel Tract, 179.09 feet to the West right-of-way line of the abandoned SP&S Railroad right-of-way;

thence East 31.65 feet to the center line of said SP&S Railroad right-of-way;

thence North 18°35' East, along said center line, 143.35 feet to a point on the easterly projection of the South right-of-way line of Avenue "V";

thence West, along said easterly projection, 31.65 feet to the West right-of-way line of said SP&S Railroad right-of-way;

thence North 18°35' East, along said West right-of-way line, 42.20 feet to the North right-of-way line of said Avenue "V";

thence East, along the easterly projection of said North right-of-way line, 31.65 feet to the center line of said SP&S Railroad right-of-way;

thence North 18°35' East, along said center line, 211.00 feet to a point on the easterly projection of the South right-of-way line of Avenue "U";

thence West, along said easterly projection, 31.65 feet to the West right-of-way line of said SP&S Railroad right-of-way;

thence North 18°35' East, along said West right-of-way line, 42.20 feet to the North right-of-way line of Avenue "U";

thence East, along the easterly projection of said North right-of-way line, 31.65 feet to the center line of said SP&S Railroad right-of-way;

thence North 18°35' East, along said center line, 196.23 feet to the southwest corner of that Tract of land described as Parcel #3 in deed to Dorothy Nimitz, Trustee of the Dorothy Nimitz Revocable Trust, recorded as Instrument #201405648, Records of Clatsop County;

thence East, along the south line of said Parcel #3, 10.91 feet to the northwest corner of that Tract of land described as Parcel #2 in deed to Dorothy Nimitz, Trustee of the Dorothy Nimitz Revocable Trust, recorded as Instrument #201405647, Records of Clatsop County;

thence South, along the West line of said Parcel #2, 10.01 feet to the southwest corner of said Parcel #2, and the northwest corner of that Tract of land described as Parcel #1 in Instrument #201405647, Records of Clatsop County;

thence South 79°33'06" East, along the South line of said Parcel #1, 275.71 feet to the southwest corner of that Tract of land conveyed to David Joe Burnham by deed recorded in Book 393, Page 616, Deed Records of Clatsop County;

thence East, along the South line of said Burnham Tract, 164.93 feet to the southeast corner of said Burnham tract;

thence North, along the East line of said Burnham Tract and along the east line of the First Tract of land described in Instrument #200701229, Records of Clatsop County, Oregon, 174.01 feet to the northeast corner of said First Tract;

thence West, along the North line of said First Tract, 164.93 feet to the northwest corner of said First Tract and the East line of that Tract of land described as Parcel No. 1 in deed to Dorothy Nimitz, Trustee of the Dorothy Nimitz Revocable Trust, recorded as Instrument #201405648, Records of Clatsop County;

thence North, along said East line, 140.00 feet to the **Point of Beginning**.

Containing 13.72 acres, more or less.

Bearings are based on the Plat of Cartwright Park; Plat of Cartwright Park Blocks 25, 26 & 27; and Plat of Cartwright Park Blocks 28-29-30; recorded in the Plat Records of Clatsop County, Oregon.

PARCEL NO. 2

REAL PROPERTY LOCATED IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 6 NORTH, RANGE 10 WEST OF THE WILLAMETTE MERIDIAN, CLATSOP COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the corner common to Sections 21, 22, 27 and 28, Township 6 North, Range 10 West, Willamette Meridian;

thence North, along the line between Sections 21 and 22, 111.73 feet to the south line of 4th Street in Cartwright Park (Avenue S);

thence West, along the south line of said 4th Street, 219.41 feet to the northeast corner of that parcel of land described in Book 836, Page 831, which point is marked by a 5/8" rebar with yellow plastic cap stamped "K. Foeste LS 849";

thence South, parallel to the line between Sections 21 and 22, 111.73 feet to a 5/8" rebar with yellow plastic cap stamped "K. Foeste LS 849";

thence South 00°03'31" East, parallel with the line between Sections 27 and 28, 149.87 feet to the **True Point of Beginning** of the parcel herein described, which point is marked by a 5/8" rebar with yellow plastic cap stamped "LS 2683 City of Seaside";

thence continuing South 00°03'31" East, parallel with the line between Sections 27 and 28, 266.54 feet to a point which is the southeast corner of that parcel described in Book 836, Page 831;

thence West 164.93 feet to a point which is the southwest corner of said Book 836, Page 831;

thence North 00°03'31" West, parallel with the line between Sections 27 and 28, 266.54 feet to a point which is marked by a 5/8" rebar with yellow plastic cap stamped "LS 2683 City of Seaside";

thence East 164.93 feet to the **True Point of Beginning**.

Containing 1.01 acres, more or less.

SECTION 2. ZONE – The island property is zoned General Commercial (C-3) and Industrial (M-1) in accordance with the zones established under the City of Seaside Comprehensive Plan & The Zoning Ordinance of Seaside, Oregon.

SECTION 3. RECORD – The City Auditor shall submit to the Secretary of the State of Oregon: (1) A copy of this Ordinance. The City Auditor shall also send a description by metes and bounds or legal subdivisions of the new boundaries of the City of Seaside within ten (10) days of the effective date of annexation to the Clatsop County Assessor, the Clatsop County Clerk, and the Clatsop County Planning Department.

SECTION 4. FIRE PROTECTION – The subject property is hereby withdrawn from the Seaside Rural Fire Protection District and included in the City of Seaside for fire protection purposes.

SECTION 5. ROAD DISTRICT - The subject property is hereby withdrawn from the Clatsop County Road District and included in the City of Seaside Road District.

SECTION 6. POLICE PROTECTION – The subject property is hereby withdrawn from the Clatsop County Law Enforcement District and included in the City of Seaside for police protection purposes.

SECTION 7. WATER PROVISION – The subject property is hereby withdrawn from the outside the City of Seaside City Limits and included in the City of Seaside for the purpose of providing water.

SECTION 8. FINDINGS – The City Council makes the following findings pertinent to the annexation:

- A. The City of Seaside has an acknowledged Comprehensive Plan.
- B. The subject property is within the City's adopted Urban Growth Boundary.
- C. The properties are contiguous to the City Limits.
- D. There were letters and overview map sent to all property owners October, 2018, with a second letter and response map to property owners November, 2018. There was consent received from seventy-percent (70%) of the property owners.

SECTION 9. EFFECTIVE DATE – The effective date of this Ordinance is ____ day of _____, 2020, in accordance with ORS 222.040 and 222.180.

ADOPTED by the City Council of the City of Seaside on this ____ day of _____, 2020, by the following roll call vote:

YEAS:
NAYS:
ABSTAIN:
ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ____ day of _____, 2020.

JAY BARBER, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

BASIS OF BEARINGS:

BEARINGS ARE BASED ON RECORD BEARINGS ON THE PLATS OF CARTWRIGHT PARK, CARTWRIGHT PARK BLOCKS 25, 26 & 27; AND CARTWRIGHT PARK BLOCKS 28-29-30; RECORDED IN THE PLAT RECORDS OF CLATSOP COUNTY, OREGON.

PURPOSE:

THE PURPOSE OF THIS EXHIBIT, PREPARED AT THE REQUEST OF THE CITY OF SEASIDE, IS TO ILLUSTRATE THE BOUNDARIES OF TWO TRACTS OF LAND PROPOSED FOR ANNEXATION TO THE CITY OF SEASIDE.

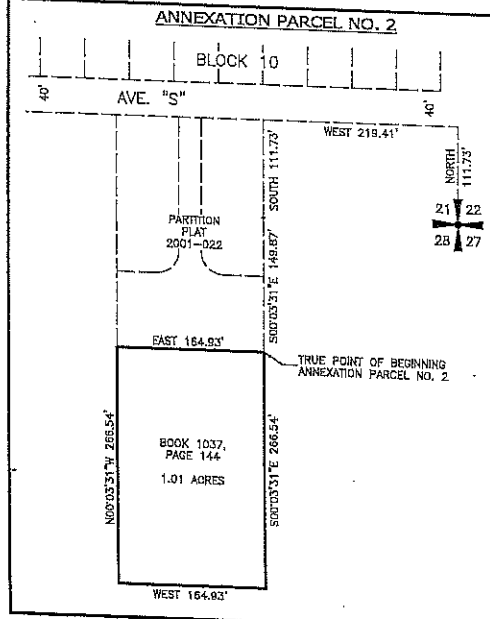
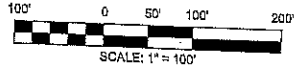
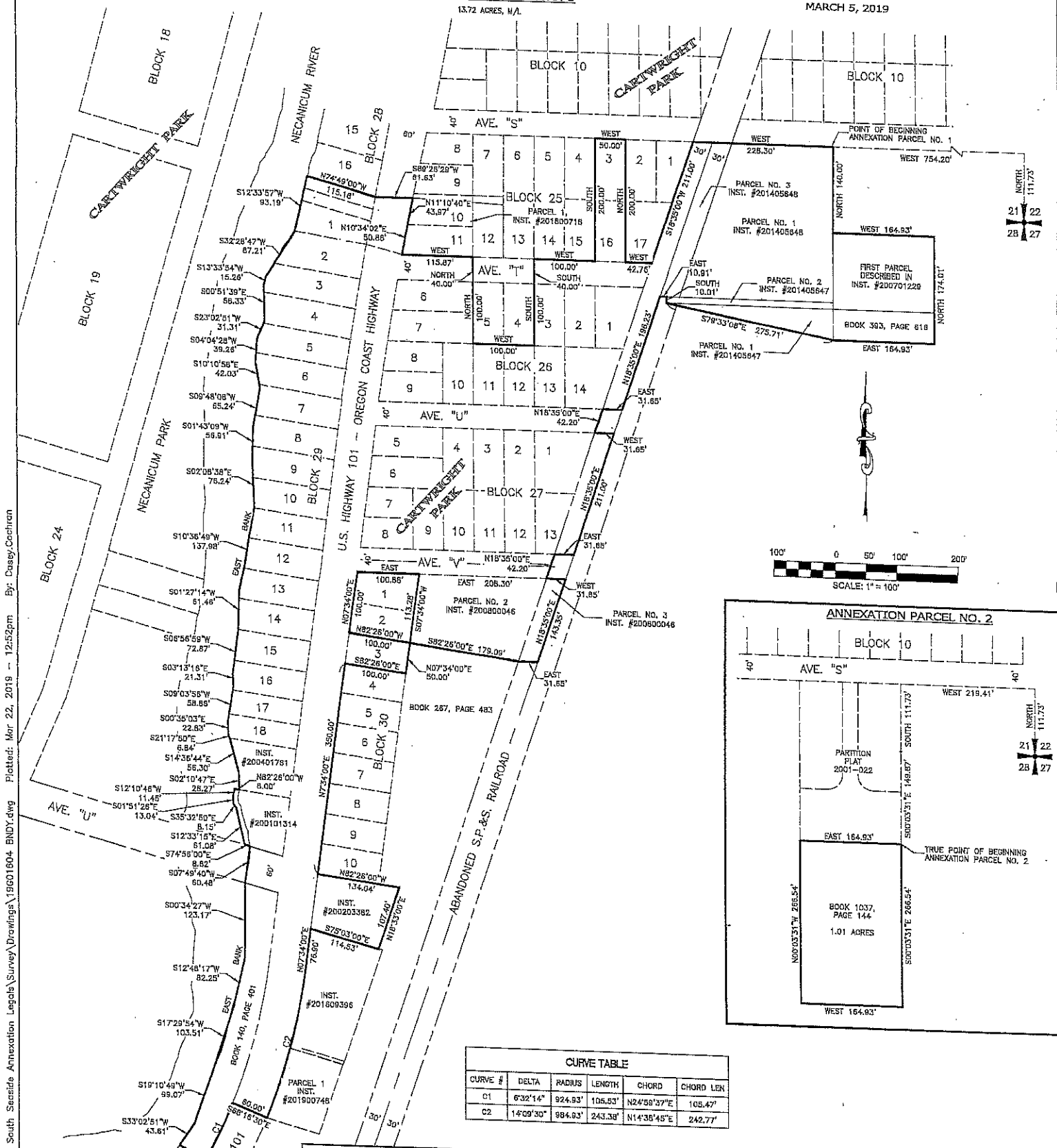
**EXHIBIT MAP
SOUTH SEASIDE ANNEXATION**

FOR CITY OF SEASIDE
LOCATED IN THE SE 1/4 OF SECTION 21 & NE 1/4 OF SECTION 28,
TOWNSHIP 6 NORTH, RANGE 10 WEST, W.M.
CITY OF SEASIDE, CLATSOP COUNTY, OREGON

ANNEXATION PARCEL NO. 1

13.72 ACRES, M.A.

MARCH 5, 2019



CURVE TABLE

CURVE #	DELTA	RADIUS	LENGTH	CHORD	CHORD LEN
C1	6°32'14"	924.93'	106.53'	N24°59'37"E	108.47'
C2	1°40'30"	984.93'	243.38'	N14°36'46"E	242.77'

Q:\2019-0016-04 South Seaside Annexation Legals\Survey\Drawings\19001604-BNDY.dwg Plotted: Mar 22, 2019 12:52pm By: Casey Cochran

S&F Land Services

PORTLAND BEND SEASIDE
 4858 SW SCHOLLS FERRY RD. 51396 SOUTH HWY 97 1725 N ROOSEVELT DR.
 PORTLAND, OR 97223 SEASIDE, OR 97138 SEASIDE, OR 97138
 (503) 345-0326 (541) 797-0864 (503) 738-3425
 WWW.SFLANDS.COM EMAIL: INFO@SFLANDS.COM

DATE: MAR 5, 2019 JOB NO.: 2019-0016-04 FIELD: DRAWN: CHECKED: CC: CCS

EXHIBIT FOR:
CITY OF SEASIDE

LEGAL DESCRIPTION
FOR SOUTH SEASIDE ANNEXATION
S.E. 1/4 SEC. 21 & N.E. 1/4 SEC. 28
T6N, R10W, W.M.
CITY OF SEASIDE, CLATSOP COUNTY, OREGON

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Christopher C. Sherry

OREGON
MAY 11, 2009
CHRISTOPHER C. SHERRY
7450265

RENEW 6/30/20



CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT

989 BROADWAY
SEASIDE, OREGON 97138
(503) 738-5511

December 13, 2019

DEAR PROPERTY OWNER,

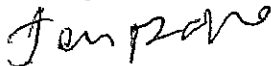
Enclosed is Ordinance #2020-01 for a proposed annexation of certain territory located South of the City (An Island of properties South of the City of Seaside, located on the east and west side of Highway 101).

There has been submitted to the City of Seaside, a proposal for an Island Annexation and consent thereto by the requisite majority of owners that represent all of the assessed value of all real property described in the ordinance itself. The property owners in the Island Annexation were sent first and second notice annexation letters, regarding the desire to annex property into the City of Seaside.

You are hereby notified the City Council will hold the first Public Hearing on Ordinance #2020-01 at the January 13, 2020, City Council meeting to be held at City Hall, 989 Broadway, at 7:00 PM. If you are unable to attend but wish to comment, written testimony is welcome and if submitted by 5:00 PM, Wednesday, January 8, 2020, to be included with the information provided to City Council.

If you have any questions, please call Jon Rahl, or Kim Jordan at (503) 738-5511.

Sincerely,



Jon Rahl
Assistant City Manager

**CITY OF SEASIDE
NOTICE OF PUBLIC HEARING
CITY COUNCIL**

Notice is hereby given that the City Council of the City of Seaside will conduct a public hearing Monday, January 13, 2020, at 7:00 PM, in the Council Chambers, at Seaside City Hall, 989 Broadway. The purpose of the hearing is to take public testimony for Ordinance #2020-01, regarding an Island Annexation for Certain Territory Located South of the City. (An Island of properties South of the City of Seaside, located on the east and west side of Highway 101)

All property owners and interested persons are invited to attend the meeting and submit oral testimony in favor of or in opposition to the proposal.

Written testimony is welcome and if submitted by 5:00 PM, Wednesday, January 8, 2020, it will be included with the information provided to the City Council.

PUBLISH: Daily Astorian – December 19, 2019
December 26, 2019
January 2, 2020

LEGAL DESCRIPTION
SOUTH SEASIDE ANNEXATION

Parcel No. 1

Real Property located in the southeast quarter of Section 21 and the northeast quarter of Section 28, Township 6 North, Range 10 West of the Willamette Meridian, Clatsop County, Oregon, more particularly described as follows:

Commencing at the Section corner common to Sections 21, 22, 27, and 28, Township 6 North, Range 10 West of the Willamette Meridian, Clatsop County, Oregon;
thence North 111.73 feet to the South right-of-way line of Avenue "S";
thence West along the South line of Avenue "S" 754.20 feet to the northeast corner of that Tract of land described as Parcel No. 1 in deed to Dorothy Nimitz, Trustee of the Dorothy Nimitz Revocable Trust, recorded as Instrument #201405648, Records of Clatsop County **Point of Beginning** of the herein described real property;

1. thence continuing West, along said south right-of-way line, 228.30 feet to the West line of the abandoned SP&S railroad right-of-way;
2. thence South 18°35' West, along said West right-of-way line, 211.00 feet to the north right-of-way line of Avenue "T";
3. thence West, along said North right-of-way line, 42.76 feet to the southeast corner of Lot 16, Block 25, Plat of Cartwright Park Blocks 25, 26 & 27;
4. thence North, along the east lines of said Lot 16 and Lot 3, said Block 25, 200.00 feet to the northeast corner of said Lot 3;
5. thence West, along the North line of said Lot 3, 50.00 feet to the northwest corner of said Lot 3;
6. thence South, along the West lines of said Lot 3 and said Lot 16, 200.00 feet to the southwest corner of said Lot 16 and the north right-of-way line of said Avenue "T";
7. thence West, along the North right-of-way line of said Avenue "T", 100.00 feet to the southeast corner of Lot 13, said Block 25;
8. thence South 40.00 feet to the northeast corner of Lot 4, Block 26, of said Plat;
9. thence South, along the East line of said Lot 4, 100.00 feet to the southeast corner of said Lot 4;
10. thence West, along the South lines of said Lot 4 and Lot 5, said Block 26, 100.00 feet to the southwest corner of said Lot 5;
11. thence North, along the West line of said Lot 5, 100.00 feet to the northwest corner of said Lot 5;
12. thence North 40.00 feet to the southeast corner of Lot 11, said Block 25;
13. thence West, along the South line of said Lot 11, 115.87 feet to the southwest corner of said Lot 11;
14. thence North 10°34'02" East, along the West line of said Lot 11, 50.86 feet to the northwest corner of said Lot 11 and the southwest corner of Lot 10, said Block 25;
15. thence North 11°10'40" East, along the West line of said Lot 10, 43.97 feet to the northwest corner of that Tract of land described as Parcel 1 in Instrument #201800718, Records of Clatsop County, Oregon;
16. thence South 89°26'29" West 61.63 feet to the southeast corner of Lot 16, Block 28, Plat of Cartwright Park Blocks 28-29-30;
17. thence North 74°49' West, along the North line of said Lot 16, 115.18 feet to the southwest corner of said Lot 16, which is on the East bank of the Necanicum River;

18. thence southerly, along said East bank, which is also the west line of Blocks 28 and 29 in said Plat of Cartwright Park Blocks 28-29-30, on the following seventeen courses: South 12°33'57" West 93.19 feet;
19. thence South 32°28'47" West 87.21 feet;
20. thence South 13°33'54" West 15.26 feet;
21. thence South 0°51'39" East 58.33 feet;
22. thence South 23°02'51" West 31.31 feet;
23. thence South 04°04'28" West 39.26 feet;
24. thence South 10°10'58" East 42.03 feet;
25. thence South 09°48'08" West 65.24 feet;
26. thence South 01°43'09" West 56.91 feet;
27. thence South 02°08'38" East 76.24 feet;
28. thence South 10°36'49" West 137.98 feet;
29. thence South 01°27'14" West 61.46 feet;
30. thence South 06°56'59" West 72.87 feet;
31. thence South 03°13'16" East 21.31 feet;
32. thence South 09°03'56" West 58.88 feet;
33. thence South 00°35'03" East 22.83 feet;
34. thence South 21°17'50" East 6.84 feet to the southwest corner of Lot 18, said Block 28 and the northwest corner of that tract of land conveyed to Ramsay Signs Inc. by deed recorded as Instrument #200401781;
35. thence continuing along said East bank, and the west line of said Ramsay Signs Inc. Tract, South 14°36'44" East 56.30 feet;
36. thence continuing along said East bank and said west line South 02°10'47" East 28.27 feet to the southwest corner of said Ramsay Signs Inc. Tract and the North line of that tract of land conveyed to Dale L. Clark by deed recorded as Instrument #200101314, Records of Clatsop County;
37. thence North 82°26' West, along the North line of said Clark Tract, 8.00 feet to the mean low water line on the East bank of the Necanicum River and the northwest corner of that tract of said Clark tract;
38. thence southerly, along said mean low water line, and the West line of said Clark Tract, along the following four courses: South 12°10'46" West 11.45 feet;
39. thence South 01°51'26" East 13.04 feet;
40. thence South 35°32'50" East 8.15 feet;
41. thence South 12°33'15" East 61.08 feet to the north right-of-way line of Avenue "U" and the southwest corner of said Clark Tract;
42. thence South 74°56' East, along the North right-of-way line of Avenue "U" and the South line of said Clark Tract, 8.82 feet to the East bank of the Necanicum River;
43. thence southerly, along the east bank of the Necanicum River, South 07°49'40" West 60.48 feet, to the South right-of-way line of Avenue "U" and the northwest corner of that Tract of land conveyed to the State of Oregon by deed recorded in Book 140, Page 401, Deed Records of Clatsop County;
44. Thence southerly, along said East bank, and the West line of said State of Oregon Tract, on the following five courses: South 00°34'27" West 123.17 feet;
45. thence South 12°48'17" West 82.25 feet;
46. thence South 17°29'54" West 103.51 feet;
47. thence South 19°10'49" West 99.07 feet;

48. thence South 33°02'51" West 43.61 feet to the southwest corner of said State of Oregon Tract;
49. thence leaving said East bank, along the South line of said State of Oregon Tract, South 60°20' East, 48.08 feet to the West right-of-way line of U.S. Highway 101, the Oregon Coast highway, and the southeast corner of said State of Oregon Tract;
50. thence northerly, along said West right-of-way line, along the arc of a 924.93 foot radius curve, concave westerly, the central angle of which is 6°32'14", the long chord of which bears North 24°59'37" East, 105.47 feet, an arc length of 105.53 feet to a point opposite the southwest corner of that tract of land described as Parcel 1 in Instrument #201900748, Records of Clatsop County;
51. thence South 68°16'30" East 60.00 feet to the southwest corner of said Parcel 1, and the East right-of-way line of said Highway 101;
52. thence northerly, along said East right-of-way line, along the arc of a 984.93 foot radius curve, concave westerly, the central angle of which is 14°09'30", the long chord of which bears North 14°38'45" East, 242.77 feet, an arc length of 243.38 feet;
53. thence continuing along said East right-of-way line North 07°34'00" East 76.90 feet to the southwest corner of that Tract of land conveyed to Joe I. Meyer and Kimberly A. Myer by deed recorded as Instrument #200203382, Records of Clatsop County;
54. thence leaving said East right-of-way line, along the South line of said Myer Tract, South 75°03' East 114.53 feet to the southeast corner of said Myer Tract;
55. thence North 18°33' East, along the East line of said Myer Tract, 107.40 feet to the northeast corner of said Myer Tract;
56. thence North 82°26' West, along the North line of said Myer Tract, 134.04 feet to the northwest corner of said Myer Tract, and the southwest corner of Lot 10, Block 30, Plat of Cartwright Park Blocks 28-29-30, and the East right-of-way line of said Highway 101;
57. thence North 07° 34' East, along said East right-of-way line of said Highway 101, 350.00 feet to the southwest corner of Lot 3, said Block 30;
58. thence South 82°26' East, along the South line of said Lot 3, 100.00 feet to the southeast corner of said Lot 3;
59. thence North 07°34' East, along the East line of said Lot 3, 50.00 feet to the southeast corner of Lot 2, said Block 30;
60. thence North 82°26' West, along the South line of said Lot 2, 100.00 feet to the southwest corner of said Lot 2 and the East right-of-way line of said Highway 101;
61. thence North 07°34' East, along the West lines of said Lot 2 and Lot 1, said Block 30, 100.00 feet to the northwest corner of said Lot 1;
62. thence East, along the North line of said Lot 1, 100.88 feet to northeast corner of said Lot 1;
63. thence South 07°34' West, along the East lines of said Lot 1 and said Lot 2, 113.28 feet to the southeast corner of said Lot 2, and the southwest corner of that Tract of land described as Parcel No. 2 in deed to Kiran Patel et. al. recorded as Instrument #200800046, Records of Clatsop County;
64. thence South 82°26' East, along the South boundary of said Patel Tract, 179.09 feet to the West right-of-way line of the abandoned SP&S Railroad right-of-way;
65. thence East 31.65 feet to the center line of said SP&S Railroad right-of-way;
66. thence North 18°35' East, along said center line, 143.35 feet to a point on the easterly projection of the South right-of-way line of Avenue "V";
67. thence West, along said easterly projection, 31.65 feet to the West right-of-way line of said SP&S Railroad right-of-way;
68. thence North 18°35' East, along said West right-of-way line, 42.20 feet to the North right-of-way line of said Avenue "V";

69. thence East, along the easterly projection of said North right-of-way line, 31.65 feet to the center line of said SP&S Railroad right-of-way;
70. thence North 18°35' East, along said center line, 211.00 feet to a point on the easterly projection of the South right-of-way line of Avenue "U";
71. thence West, along said easterly projection, 31.65 feet to the West right-of-way line of said SP&S Railroad right-of-way;
72. thence North 18°35' East, along said West right-of-way line, 42.20 feet to the North right-of-way line of Avenue "U";
73. thence East, along the easterly projection of said North right-of-way line, 31.65 feet to the center line of said SP&S Railroad right-of-way;
74. thence North 18°35' East, along said center line, 196.23 feet to the southwest corner of that Tract of land described as Parcel #3 in deed to Dorothy Nimitz, Trustee of the Dorothy Nimitz Revocable Trust, recorded as Instrument #201405648, Records of Clatsop County;
75. thence East, along the south line of said Parcel #3, 10.91 feet to the northwest corner of that Tract of land described as Parcel #2 in deed to Dorothy Nimitz, Trustee of the Dorothy Nimitz Revocable Trust, recorded as Instrument #201405647, Records of Clatsop County;
76. thence South, along the West line of said Parcel #2, 10.01 feet to the southwest corner of said Parcel #2, and the northwest corner of that Tract of land described as Parcel #1 in Instrument #201405647, Records of Clatsop County;
77. thence South 79°33'06" East, along the South line of said Parcel #1, 275.71 feet to the southwest corner of that Tract of land conveyed to David Joe Burnham by deed recorded in Book 393, Page 616, Deed Records of Clatsop County;
78. thence East, along the South line of said Burnham Tract, 164.93 feet to the southeast corner of said Burnham tract;
79. thence North, along the East line of said Burnham Tract and along the east line of the First Tract of land described in Instrument #200701229, Records of Clatsop County, Oregon, 174.01 feet to the northeast corner of said First Tract;
80. thence West, along the North line of said First Tract, 164.93 feet to the northwest corner of said First Tract and the East line of that Tract of land described as Parcel No. 1 in deed to Dorothy Nimitz, Trustee of the Dorothy Nimitz Revocable Trust, recorded as Instrument #201405648, Records of Clatsop County;
81. thence North, along said East line, 140.00 feet to the **Point of Beginning**.

Containing 13.72 acres, more or less.

Bearings are based on the Plat of Cartwright Park; Plat of Cartwright Park Blocks 25, 26 & 27; and Plat of Cartwright Park Blocks 28-29-30; recorded in the Plat Records of Clatsop County, Oregon.

Parcel No. 2

Real Property located in the northeast quarter of Section 28, Township 6 North, Range 10 West of the Willamette Meridian, Clatsop County, Oregon, more particularly described as follows:

Commencing at the corner common to Sections 21, 22, 27 and 28, Township 6 North, Range 10 West, Willamette Meridian;
thence North, along the line between Sections 21 and 22, 111.73 feet to the south line of 4th Street in Cartwright Park (Avenue S);

thence West, along the south line of said 4th Street, 219.41 feet to the northeast corner of that parcel of land described in Book 836, Page 831, which point is marked by a 5/8" rebar with yellow plastic cap stamped "K. Foeste LS 849";
thence South, parallel to the line between Sections 21 and 22, 111.73 feet to a 5/8" rebar with yellow plastic cap stamped "K. Foeste LS 849";
thence South 00°03'31" East, parallel with the line between Sections 27 and 28, 149.87 feet to the **True Point of Beginning** of the parcel herein described, which point is marked by a 5/8" rebar with yellow plastic cap stamped "LS 2683 City of Seaside";
thence continuing South 00°03'31" East, parallel with the line between Sections 27 and 278, 266.54 feet to a point which is the southeast corner of that parcel described in Book 836, Page 831;
thence West 164.93 feet to a point which is the southwest corner of said Book 836, Page 831;
thence North 00°03'31" West, parallel with the line between Sections 27 and 28, 266.54 feet to a point which is marked by a 5/8" rebar with yellow plastic cap stamped "LS 2683 City of Seaside";
thence East 164.93 feet to the **True Point of Beginning**.

Containing 1.01 acres, more or less.



RENEWS 6/30/20

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR

RECORDED

CLATSOP COUNTY, OREGON

JAN - 9 2020

Doc# 2020010017

In the Matter of Licensing Retail Sales
of Tobacco Products

)
)
)

ORDINANCE No. 2019-03

The People of Clatsop County, Oregon, ordain as follows:

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2019-03 the "Clatsop County Retail Sales of Tobacco Product Licensing Ordinance".

SECTION 2. AUTHORITY.

This Ordinance is adopted pursuant to Chapter 3, Section 8 of the Clatsop County Home Rule Charter.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to regulate the sale of tobacco and inhalant delivery products with a goal of enhancing public health and preventing teenagers from accessing tobacco or inhalant products.

SECTION 4. ADOPTION.

The Board of County Commissioners hereby adopts the Clatsop County Retail Sales of Tobacco Products Licensing Ordinance as shown in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 5. SEVERABILITY.

If for any reason any court of competent jurisdiction holds any portion of this Ordinance, including its attachments or any portion therein, to be invalid, and such holding is upheld on any appeal, such portion shall be deemed a separate, distinct and independent portion. Any such holding shall not affect the validity of the remaining portions.

SECTION 6. SCRIVENER'S ERRORS.


A scrivener's error in any portion of this ordinance or its attachments may be corrected by order of the Board of County Commissioners.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall be effective 30 days after passage.

Dated this 8 day of January, 2020.

BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON



Chair

By 

Theresa Dursse, Recording Secretary

First Reading: 12-11-19

Second Reading: 1-8-20

EXHIBIT A

1. Definitions.

The following words and phrases, whenever used in this ordinance, shall have the meanings defined herein unless the context clearly requires otherwise:

- A. "Arm's Length Transaction" means a sale in good faith and for valuable consideration that reflects the fair market value in the open market between two informed and willing parties, neither of which is under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for which a significant purpose is avoiding the effect of any violations of this ordinance is not an Arm's Length Transaction.
- B. "Cigar" means any roll of tobacco that is wrapped in tobacco leaf or in any substance containing tobacco, with or without a tip or mouthpiece, and that is not defined as a cigarette under Oregon Revised Statutes Section 323.010.
- C. "Department" means Clatsop County Public Health and any agency or Person designated by the Department to enforce or administer the provisions of this ordinance.
- D. "Flavored Product" means any Licensed Product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to or during the consumption of the product, including, but not limited to, any taste or smell relating to chocolate, cocoa, menthol, mint, wintergreen, vanilla, honey, fruit, or any candy, dessert, alcoholic beverage, herb, or spice. A public statement or claim, whether express or implied, made or disseminated by the manufacturer of a licensed product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such products, that a product has or produces a taste or smell other than a taste or smell of tobacco will constitute presumptive evidence that the product is a Flavored Product.
- E. "Inhalant Delivery System" means a device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device, or a component of such a device or a substance in any form sold for the purpose of being vaporized or aerosolized by such a device, whether the component or substance is sold separately or is not sold separately. "Inhalant Delivery System" does not include Tobacco Products and does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for any therapeutic purpose, if the product is marketed and sold solely for that approved purpose.
- F. "Licensed Product" collectively refers to any tobacco product, Tobacco Paraphernalia, or Inhalant Delivery System. "Listed or Non-Discounted Price" means the higher of the price listed for a Licensed product on its package or the price listed on any related shelving, posting, advertising or display at the place where any such products are sold or offered for sale. Listed or Non-Discounted Price includes all applicable taxes if such taxes are not included in the stated price, and before the application of any discounts or coupons.
- G. "Person" means any natural person, business, partnership, cooperative association, employer, corporation, personal representative, receiver, trustee, assignee, or any other legal entity, excluding a government agency.

- H. "Proprietor" means a Person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a Person has a ten percent (10%) or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a Person can, does have, or shares ultimate control over the day-to-day operations of a business.
- I. "School" means any public school – including any kindergarten, elementary, middle, junior high, or high school.
- J. "Tobacco Paraphernalia" means cigarette papers, wrappers, pipes, cigarette rolling machines, and any other item designed for the consumption, use, or preparation of any Tobacco Product.
- K. "Tobacco Product" means any bidi, cigarette, as defined in Oregon Revised Statutes, Section 323.010 (definitions for ORS323.005 to 323.482), cigar, cheroot, stogie, perique, granulated, plug cut, crimp cut, ready rubbed, pipe tobacco and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobacco, snus, short, refuse scrap, clipping, cutting, and sweeping of tobacco. "Tobacco Product" also means any device that can be used to deliver tobacco products to a person using the device. "Tobacco Product" does not include any drug, device, or combination product authorized by the United States Food and Drug Administration for sale as a tobacco cessation product or for any other therapeutic purpose, if the product is marketed and sold solely for the approved purpose.
- L. "Tobacco Retailer" means any Proprietor or entity, as defined in Oregon Revised Statutes Section 60.001 that sells, offers for sale, or exchanges or offers to exchange, for any form of consideration, any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System. "Tobacco Retailing" shall mean the doing of any of these things. This definition is without regard to the quantity of Tobacco Products, Tobacco Paraphernalia, or Inhalant Delivery Systems sold, offered for sale, exchanged, or offered for exchange.

2. License required.

- A. A Tobacco Retailer License is required for each address at which any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System is sold, exchanged, or offered for sale or exchange.
- B. Each applicant for a Tobacco Retailer license must meet all requirements of this ordinance and all rules adopted pursuant to this ordinance, and all federal, state, and local laws relating to the retail sale of Tobacco Products, Tobacco Paraphernalia, or Inhalant Delivery Systems.
- C. A Tobacco Retailer may only make Tobacco Products available from a licensed, fixed location. Tobacco Retailing by natural persons on foot or from vehicles or mobile units is prohibited.
- D. Application for a Tobacco Retailer license shall be made on forms provided by Clatsop County and shall be submitted in the name of each Proprietor proposing to conduct Tobacco Retailer sales and signed by each Proprietor or an authorized agent thereof. It shall be the responsibility of each Proprietor to be informed about all applicable laws affecting a Tobacco Retailer license. All applications for a Tobacco Retailer license shall contain the following information:
 - 1. The name, address, and telephone number of each Proprietor of the business seeking a license;
 - 2. The business name, address, and telephone number of the single fixed location for which a license is sought;
 - 3. A single name and mailing address authorized by each Proprietor to receive all communications

and notices (“the Authorized Address”) required by, authorized by, or convenient to the enforcement of this ordinance, provided that, if an Authorized Address is not provided, each Proprietor will be understood to consent to the provision of notice at the business address specified in subparagraph two (2) above;

4. Proof that the location for which a Tobacco Retailer license is sought has been issued a valid state license for the sale of Tobacco Products, Tobacco Paraphernalia and Inhalant Delivery Device if the Tobacco Retailer sells products that require state licensure;
 5. Whether or not any Proprietor or any agent of the Proprietor has admitted violating, or has been found to have violated, this ordinance and, if so, the dates and locations of all such violations within the previous five (5) years; and
 6. Such other information as the Department deems necessary for the administration and enforcement of this ordinance, as specified on the required application form.
- E. A licensed Tobacco Retailer shall inform the Department, in writing, of any change in the information submitted on an application for a Tobacco Retailer license within ten (10) business days of any such change.
- F. A license fee shall be submitted with an application for a new license or the renewal of a license. The fee shall be established from time to time by resolution of the Clatsop County Board of Commissioners and shall be calculated so as to recover the costs of administration and enforcement of this ordinance including, but not limited to, issuing a license, administering the Tobacco Retailer license program, providing Tobacco Retailer education, conducting Tobacco Retailer inspections and compliance checks, documenting violations, and prosecuting alleged violators. The fee established shall not exceed the costs of the administration and enforcement of this ordinance. All fees and interest upon proceeds of fees shall be used exclusively to fund the costs of the administration and enforcement of this ordinance.
- G. All information specified in an application pursuant to this section is subject to disclosure under the Oregon Public Records Act or any other applicable law, subject to the laws' exemptions.
- H. All Tobacco Retailer licenses issued are valid for one calendar year from the date of issuance.
- I. Each Tobacco Retailer license shall be prominently displayed in plain view of the general public at each licensed location and shall be exhibited to any person upon request.
- J. As part of program administration, the Department shall provide educational resources to licensed Tobacco Retailers to support compliance with the license requirements. Upon request, the Department shall provide educational materials in the preferred language of a Tobacco Retailer. In addition to the provision of educational materials, the Department, in its discretion, may offer Tobacco Retailers, including managers or other employees, annual, free, culturally responsive training on federal, state, and local laws affecting Tobacco Retailers and Tobacco Retailing to support clerks, managers, and owners in meeting applicable legal requirements. The Department shall update its educational resources when federal, state, or local laws are enacted and provide the updated resources to Tobacco Retailers in a timely manner.
3. **Prohibition within 1000 feet of school.** No license will be issued to a Tobacco Retailer located within 1,000 feet of any school as follows:

- A. Except as provided in subsection (B), no Tobacco Retailer license will be issued within one thousand (1,000) feet of a school as measured by a straight line from the nearest point of the property line of the lot or parcel on which the school is located to the nearest point of the property line of the parcel on which the applicant's business is located. For the purposes of this subsection, a "school" is a public kindergarten, elementary, middle, junior high or high school.
- B. A Tobacco Retailer that has been in operation, or whose predecessor in interest has been in operation, at a location governed by subsection (A) above consistently since January 1, 2019, is exempt from the requirements of section (A) above. A Tobacco Retailer that has been in operation, or whose predecessor in interest has been in operation, at a location governed by subsection (A) above consistently since January 1, 2019, that would otherwise be ineligible to receive or renew a Tobacco Retailer license due to the creation or relocation of a school is exempt from the requirements of this subsection.

4. License Conveys a Limited, Conditional Privilege.

Nothing in this ordinance grants any Proprietor obtaining and maintaining a Tobacco Retailer's license any status or right other than the limited conditional privilege to act as a Tobacco Retailer at the location identified on the face of the license. Nothing in this Ordinance renders inapplicable, supersedes, or applies in lieu of any other provision of applicable law, including but not limited to, any provision of this Ordinance, or any condition or limitation on smoking in an enclosed place of employment under ORS 433.847 and OAR 333-015-0068 or other federal or local ordinances. Obtaining a Tobacco Retailer's license does not make the Tobacco Retailer a certified smoke shop under ORS 433.847 and OAR 333-015-0068.

5. Grounds for denial of license.

Upon receipt of a complete application for a Tobacco Retailer license and the license fee required by this ordinance, the Department shall issue a license unless substantial evidence demonstrates that one or more of the following bases for denial exists:

- A. The information presented in the application is inaccurate, misleading, or false. Intentionally supplying inaccurate, misleading, or false information shall be a violation of this ordinance;
- B. The application seeks authorization for a Tobacco Retailer license at a location for which this ordinance prohibits issuance of a Tobacco Retailer license. This subparagraph shall not constitute a basis for denial of a license if the applicant provides Clatsop County with clear and convincing evidence that the applicant has acquired, or is acquiring, the location or business in an Arm's Length Transaction from a Tobacco Retailer that is exempt from all applicable location prohibitions in this ordinance;
- C. The application seeks a Tobacco Retailer license for a Proprietor to whom this ordinance prohibits a license to be issued;
- D. The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to Licensed products, or any other violation of law related to retailing that the Department deems disqualifying;
 - a. The applicant has had a license to sell licensed products suspended or revoked within the

preceding 12 months of the date of application;

- E. The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding a license; or
- F. The application seeks a Tobacco Retailer license for activities that are prohibited by law or municipal Ordinance including, without limitation, a zoning ordinance, building code, or business license, or that is unlawful pursuant to any other local, state, or federal law.

6. License renewal and expiration.

- A. A Tobacco Retailer license is invalid if the appropriate fee has not been timely paid in full or if the term of the license has expired. Each Tobacco Retailer shall apply for the renewal of the license and submit the license fee no later than thirty (30) days prior to expiration of the one-year license term.
- B. A Tobacco Retailer license that is not timely renewed will expire at the end of its one-year term. To renew a license not timely renewed as described herein, the Tobacco Retailer must:
 - 1. Submit the license fee and application renewal form; and
 - 2. Submit a signed and notarized affidavit affirming that the Tobacco Retailer:
 - (a) Has not sold and will not sell any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System after the license expiration date and before the license is renewed; or
 - (b) Has waited the period of time required by Section 10 of this ordinance, for the violation of Tobacco Retailing without a valid license, before seeking renewal of the license.

7. Licenses nontransferable.

Tobacco Retailer license may not be transferred from one Tobacco Retailer to another or from one location to another. Any prior violation of this ordinance at any location will continue to be counted against a location unless the location has been transferred to new proprietors(s) in an Arm's Length Transaction and the new proprietors provide the Department with clear and convincing evidence, that the business has been acquired in an Arm's Length Transaction.

8. Prohibitions.

- A. No Proprietor who holds a Tobacco Retailer license issued under this ordinance, nor any employee or agent of same, shall make available, dispense, sell, offer to sell, or cause to be sold any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System:
 - 1. Without a valid Tobacco Retailer license.
 - 2. Outside original packaging containing health warnings required under federal law.
 - 3. By any other means, to any other person, or in any other manner or form prohibited by federal, state, or other local law, ordinance provision, or other regulation.
- B. No Person shall sell, exchange, transfer, offer to sell, exchange or transfer, or otherwise distribute any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System to any Person under the minimum legal sales age of twenty-one (21).
 - 1. No Proprietor who holds a Tobacco Retailer license issued under this ordinance, nor any employee or agent of same, shall sell, exchange, transfer, offer to sell, exchange or transfer, or

- otherwise distribute a Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System to another Person who appears to be under the age of thirty (30) years without first examining the government-issued photographic identification of the recipient to confirm that the recipient is at least the minimum legal sales age to purchase and possess the Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System.
2. No Proprietor engaged in Tobacco Retailing shall locate any Tobacco Products, Tobacco Paraphernalia, or Inhalant Delivery Systems in any location in a retail store or other establishment where such products are accessible by a customer without the assistance of a Tobacco Retailer or an employee or agent of the Tobacco Retailer. This prohibition does not apply to a Person in a licensed establishment that is permanently and entirely off-limits to Persons under the age of twenty-one (21) and that prohibits Persons under twenty-one (21) from entering the establishment at any time.
- C. No Tobacco Retailer with a license issued under this ordinance, nor any employee or agent of same, shall:
1. Accept or redeem, offer to accept or redeem, or cause or hire any Person to accept, redeem, or offer to accept or redeem any coupon that provides any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System without charge or for less than the listed or non-discounted price; or
 2. Sell, offer to sell, or cause to be sold any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System to any Person through any multi-pack discounts, such as a buy-two-get-one-free discount or a cents- or dollars-off discount, or otherwise provide or distribute to any Person any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System without charge, or for less than the listed or non-discounted price, in exchange for the purchase of any other Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System; or
 3. Distribute, or cause to be distributed, any free or nominally-priced sample of any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System at any retail location or at any other public place within Clatsop County.
- D. A Person without a valid Tobacco Retailer license, including, but not limited to, a Person whose license has been suspended, revoked, or not renewed shall keep all Tobacco Products, Tobacco Paraphernalia, and Inhalant Delivery Systems out of public view, and shall not display any indoor outdoor advertisement or otherwise publish or distribute any advertisement relating to a Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System that promotes the sale or distribution of such products from the Tobacco Retailer location or that could lead a reasonable consumer to believe that such products can be obtained at that location. The public display of any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System in violation of this provision shall constitute Tobacco Retailing without a license.
- E. It is a violation of this ordinance to fail to comply with license provisions or rules adopted pursuant to this ordinance and federal, state, and local laws relating to Tobacco Retailing.

9. Enforcement and monitoring.

- A. The Department will monitor and enforce compliance with this Ordinance. In addition, any peace officers may enforce the penal provisions of this Ordinance and Clatsop County Code Compliance

Specialist may enforce compliance with this Ordinance.

- B. The Department will endeavor to inspect each Tobacco Retailer at least one time per twelve-month period. Nothing in this paragraph creates a right of action in any licensee or other Person against the County, Department or its agents.

10. Administrative penalties, license suspension or revocation.

- A. In addition to any other penalty authorized by law, a Tobacco Retailer shall be charged an administrative penalty and the Tobacco Retailer's license shall be suspended or revoked if a court of competent jurisdiction determines, or the Department finds, based on a preponderance of the evidence, after the Tobacco Retailer is afforded notice and an opportunity to be heard, that the Tobacco Retailer, or any agent or employee of the licensee, has violated any of the requirements, conditions, or prohibitions of this ordinance or has pleaded guilty, "no contest" or its equivalent, or admitted to a violation of any law designated in Section 8 above.
 - 1. Upon a finding by the Department of a first violation of this ordinance at a location within any twenty-four (24) month period, the Tobacco Retailer shall be charged an administrative penalty of \$500 for a first violation.
 - 2. Upon a finding by the Department of a second violation of this ordinance at a location within any twenty-four (24) month period, the Tobacco Retailer shall be charged an administrative penalty of \$2500 and the Tobacco Retailer's license shall be suspended for thirty (30) days.
 - 3. Upon a finding by the Department of a third violation of this ordinance at a location within any twenty-four (24) month period, the Tobacco Retailer shall be charged an administrative penalty of \$5000 and the Tobacco Retailer's license shall be suspended for ninety (90) days.
 - 4. Upon a finding by the Department of four or more violations of this ordinance at a location within any twenty-four (24) month period, the Tobacco Retailer shall be charged an administrative penalty of \$7500 and the Tobacco Retailer's license shall be revoked.
- B. A decision of the Department to assess a penalty and suspend or revoke a license is appealable to the Clatsop County Manager. Any appeal must be filed in writing with the County Manager within ten (10) days of mailing of the Department's decision. If such an appeal is timely made, it shall stay enforcement of the appealed action. An appeal to the County Manager is not available for a revocation made pursuant to subsection (C) below.
- C. A Tobacco Retailer license shall be revoked if the Department finds, after the licensee is afforded notice and an opportunity to be heard, that one or more of the bases for denial of a license under this Ordinance existed at the time application was made or at any time before the license issued. The decision by the Department shall be the final decision of Clatsop County. Such a revocation shall be without prejudice to the filing of a new license application.
- D. A Tobacco Retailer whose license has been revoked due to violation of this ordinance shall not be able to reapply until five (5) years have passed from the date of violation.

11. Tobacco retailing without a valid license.

- A. In addition to any other penalty authorized by law, if a court of competent jurisdiction determines, or the Department finds, based on a preponderance of evidence, after notice and an opportunity to be heard, that any Person has engaged in Tobacco Retailing at a location without a valid Tobacco Retailer license, either directly or through any agent or employee of the Person, the Person shall be ineligible to apply for, or to be issued, a Tobacco Retailer license as follows:
 - 1. After a first violation of this section at a location within any twenty-four (24) month period, no new license may issue for the Person or the location (unless ownership of the business at the location has been transferred in an Arm's Length Transaction), until thirty (30) days have passed from the date of the violation.
 - 2. After a second violation of this section at a location within any twenty-four (24) month period, no new license may issue for the Person or the location (unless ownership of the business at the location has been transferred in an Arm's Length Transaction), until ninety (90) days have passed from the date of the violation.
 - 3. After of a third or subsequent violation of this section at a location within any twenty-four (24) month period, no new license may issue for the Person or the location (unless ownership of the business at the location has been transferred in an Arm's Length Transaction), until five (5) years have passed from the date of the violation.
- B. Tobacco Products, Tobacco Paraphernalia, and Inhalant Delivery Systems offered for sale or exchange in violation of this section are subject to seizure by the Department or any peace officer and shall be forfeited after the licensee and any other owner of any Tobacco Products, Tobacco Paraphernalia, and Inhalant Delivery Systems seized is given reasonable notice and an opportunity to demonstrate that the Tobacco Products, Tobacco Paraphernalia, and Inhalant Delivery Systems were not offered for sale or exchange in violation of this ordinance. The decision by the Department may be appealed pursuant to the procedures set forth in Section 10B. Forfeited Tobacco Products, Tobacco Paraphernalia, and Inhalant Delivery Systems shall be destroyed after all internal appeals have been exhausted.
- C. For the purposes of the civil remedies provided by this Ordinance, each day on which a Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System is offered for sale in violation of this ordinance, or each individual Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System that is distributed, sold, or offered for sale in violation of this ordinance, shall constitute a separate violation of this ordinance.

12. Additional remedies.

- A. The remedies provided by this ordinance are cumulative and in addition to any other remedies available at law or in equity.
- B. Violations of this ordinance are hereby declared to be public nuisances and may be abated pursuant to Chapter 1.12 of the Clatsop County Code, State law, or any applicable municipal ordinance.
- C. In addition to other remedies provided in this ordinance, municipal code, or by other law, any violation this ordinance may be remedied by a civil action including, for example, through administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.

The Board of County Commissioners finally adopted the Tobacco Retail Licensing ordinance on Wednesday January 8th. I would like to ask the Council to adopt the ordinance by reference at the next Council meeting when there is sufficient time on your agenda.

If you could tell me what the process is for adoption of the ordinance, I would be most appreciative.

Thank you

Michael McNickle, PhD, MPH, MPA, REHS

Public Health Director

Clatsop County Department of Public Health

820 Exchange Street, Suite 100

Astoria, OR 97103

Phone: 503-338-3686

FAX: 503-325-8678

Email: mmcnickle@co.clatsop.or.us



CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT

PUBLIC WORKS DEPARTMENT
LOCATION: 1387 AVE U
MAIL: 989 BROADWAY
SEASIDE, OREGON 97138
(503) 738-5112

Recommendation to City Council

Date: February 5, 2020

From: Dale McDowell – Public Works

To: The Honorable Mayor and City Council Members

RE: Holladay Drive Improvements Avenue C to 1st Avenue

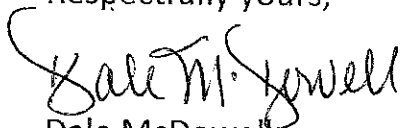
Dear Honorable Mayor and City Council Members,

The attached Change Orders are based on ODOT Specification 00140.40 Differing Site Conditions.

Unforeseen conditions such as Roof Rain Drains tied in to the Sanitary Sewer, broken Storm Drain lines, existing Utility Conflicts, discovery and removal of the 1914 era Wooden Waterline along with existing Storm Drainage reverse fall piping have all contributed to the additional work.

Based on these issues, it is my recommendation the Contractor be compensated for the additional work. The total for these changes is \$93,938.17

Respectfully yours,



Dale McDowell

Public Works Director

Holladay Avenue C to 1st Avenue

CHANGE ORDER #	DESCRIPTION	COST
CM 01	Abandon Water Service discovered and broken	\$5,550.12
CM 02	Pending	
CM 03	Repair Sewer Ave B to Ave A	\$11,863.07
CM 04	Repair Storm Ave B to Ave A	\$6,705.05
CM 05	Repair Storm MH8 to CB8A	\$6,156.95
CM 06	Repair Storm CB12 to CB 12A	\$6,156.95
CM 07	Repair Storm in Alley (1st to Oceanway)	\$6,156.95
CM 08	Repair Storm Lateral CB1 NE Corner 1st Ave	\$6,156.95
CM 09	Repair Storm - Broken Pipe Broadway going East	\$6,156.95
CM 9a	Bond Fee	\$121.72
CM 10	Adjust FM Alignment to avoid Gas Main	\$1,481.46
CM 11	Adjust FM Alignment to avoid Gas Main	\$1,481.46
CM 12	Lower Force Main to avoid Watermain	\$1,822.29
CM 13	Lower Force Main expose Gas Main	\$3,451.48
CM 14	Remove/Install New Catch Basin and Drains	\$3,936.57
CM 15	Broadway Storm Lateral repair reverse fall	\$678.89
CM 16	Broadway Intersection Storm Repair	\$6,594.67
CM 17	Broadway Alley Storm Separation and Repairs	\$8,386.01
CM 18	Avenue B Sewer Lateral Repair	\$1,285.70
CM 19	CB 9.5 Storm Lateral Repair	\$2,238.42
CM 20	Broadway Alley Rain Drain repairs	\$553.56
CM 21	Asphalt Prep for new Water Service	\$591.22
CM 22	Repair Traffic Signal Light and Pedestal	\$1,115.25
CM 23	Pending	
CM 24	Pending	
CM 25	Removal of Wooden Water Main at Avenue B Vault	\$1,287.25
CM 26	Removal of Wooden Water Main on Avenue B	\$1,478.23
CM 27	Removal of Wooden Water Main near Ave C & B	\$1,360.01
CM 28	Removal of Wooden Water Main near Avenue C	\$1,170.99
		\$93,938.17

TRANSPORTATION ADVISORY COMMISSION

(Meetings are scheduled the third Thursday of every month at 6:00 PM)

The purpose of the Transportation Advisory Commission is an advisory body to make recommendations to the City Council on matters concerning transportation and proposed transportation projects. The Transportation Advisory Commission shall have the powers and duties which are now or may hereafter be assigned to it by Charter, ordinance, resolution or order of this city and in addition it will:

- Assist the City Council in recognizing community priorities by advising on transportation policies and goals;
- Increasing communications between the City, the public, the Oregon Department of Transportation (ODOT), the County, and all interested parties;
- Reduce misunderstandings concerning transportation planning, design, and construction;
- Review current transportation related ordinances and recommend amendments;
- Review proposed transportation projects planned for the City of Seaside and make recommendations;
- Review the City of Seaside Transportation Systems Plan every five years and report to the City Council;
- Complete other projects, as they relate to transportation, as directed by the City Council.

The Commission shall consist of five members who are not employees of the City of Seaside and who will be appointed by the City Council. A minimum of four members shall reside within the city limits; and one member may live outside the city limits in order to represent concerns of neighboring properties and jurisdictions.

All members shall serve for a term of four years. Any portion of a term exceeding one-half the period of the term shall be considered a term.

Each year in January, the first meeting of the Commission, the members shall appoint one of their members as Chairperson and one as Vice-Chairperson. City staff shall serve as Secretary to the Transportation Advisory Commission. Minutes of all meetings will be filed with the City Council.

The commission shall hold a regular meeting at least once each month of the calendar year. The meeting shall be open to the public and legally noticed.

COMMITTEE/COMMISSION APPOINTMENT

1. **Date Council Notified:** January 27, 2020
Name: David Posalski
Commission/Committee: Transportation Advisory Commission
Resignation Date: January 13, 2020
Term Expiration Date: October 1, 2020
Wants to be considered again: No - Resigned

2. **Applicants:**
Matthew Stolberg

3. **Nominations:**

4. **Appointment:**

Please Note: It is Council policy that applicants must be a city or urban growth boundary resident, business owner or employee of a business for at least one year, depending on committee/commission residency requirements.

CITY OF SEASIDE

Interest Form for Committee/Commission/Board Vacancies

PLEASE RETURN TO CITY HALL BY: _____

NAME Stolberg Matthew PHONE 503 /739-2593
Last First
ADDRESS 870 Avenue I Unit 2 Seaside. OR 97138
LENGTH OF TIME IN SEASIDE 11 years 7 months
ARE YOU A REGISTERED VOTER IN SEASIDE: Yes No
OCCUPATION Retired
PAST OCCUPATIONS Emergency Medical Technician, Property Manager, Board Member

List committee/commissions you are currently appointed to: Parks Advisory Committee, Seaside Urban Renewal District Budget Committee (At Large Layperson)

List committee/commissions on which you would like to serve: Transportation Advisory Commission

List fields in which you have interest or ability: Public Service, Representing the interests of the public and bringing issues and ideas to bear for remediation and integration into the City of Seaside for the betterment of all.

List employment and volunteer activities, which may relate to service on committee/commissions:
Committee Service Volunteer Fire Dept. EMT service

List skills and special knowledge that you may have acquired from these activities:
I have learned over the years of my service, that it is not always an individual idea, or a desire that I bring to the table, that is the most significant. Rather it is the presentation of a perspective view that elicits a solution to a common problem. It is the gathering and sharing, the listening and consideration, that allows us to deliberate long enough to formulate a solution that proves to benefit us all.

Have you ever been convicted, pled guilty or pled "no contest" to any crime, offense, or major traffic violation? Yes () No (X) If yes, what offense? _____

When? _____ Please explain: _____

Please list 3 references including an employer or supervisor, and people that have known you for at least 2 years. (No City Council Members, Please)

NAME	RELATIONSHIP	ADDRESS	PHONE
<u>James Osterlund</u>	<u>Friend</u>	<u>903 Avenue I Seaside</u>	<u>(503) 738-7427</u>
<u>Jessica Justice</u>	<u>Friend/Colleague</u>	<u>1020 Fourth Ave. Seaside</u>	<u>(503) 440-0365</u>
<u>Jenny Ballweber</u>	<u>Neighbor</u>	<u>830 Avenue I Seaside</u>	<u>(503) 440-7974</u>

I authorize, any person or entity contacted by the City of Seaside to furnish information relating to my appointment to the Commission/Committee/Board indicated above and I release any such person or entity from any and all liability for furnishing such information. I also release the City of Seaside from any and all liability for conducting such an investigation.

DATE 01/26/2020 SIGNATURE Matthew Stolberg

Kimberley Jordan

From: David Posalski <davidposalski@gmail.com>
Sent: Monday, January 13, 2020 9:29 AM
To: Kimberley Jordan
Cc: Ben Olson; Bill Carpenter; Dale McDowell; Kathy Kleczek; Steve Wright; Terry Hartill; Tracy Mac
Subject: Re: Reminder: Transportation Advisory Meeting Thursday, January 16th at 6:00 pm
Attachments: image003.jpg

Unfortunately, due to scheduling conflicts with my wife's medical needs, I must resign from the Transportation Advisory Commission the committee and if scheduling allows I would reapply in the future.

Best regards

David Posalski

On Mon, Jan 13, 2020, 8:29 AM Kimberley Jordan <kjordan@cityofseaside.us> wrote:

Reminder: Transportation Advisory Commission meeting scheduled for Thursday, January 16, 2020, 6:00 pm.

Thanks

Kim Jordan, City Recorder

City of Seaside

989 Broadway

Seaside, OR 97138

(503) 738-5511





CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT

989 BROADWAY
SEASIDE, OREGON 97138
(503) 738-5511

TRANSPORTATION ADVISORY COMMISSION

Term of Office: 4 years
Number of Members: 5

Chairperson*
Vice Chairperson**

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXP.</u>
BILL CARPENTER	PO BOX 797	503-738-5410	10/01/2020
(VACANCY) POSALSKI			10/01/2020
BEN OLSON**	2025 MAPLE ST.	503-738-2956	10/01/2022
TERRY HARTILL*	85208 HWY 101	503-738-7108	10/01/2023
VINEETA LOWER	815 6TH AVENUE	503-621-6588	10/01/2023
DALE MCDOWELL	1387 AVENUE 'U'	503-738-5112	Public Works