



CITY OF SEASIDE CITY COUNCIL AGENDA

Monday, April 22, 2024

To provide public comment for City Council meetings, participants should register prior to the meeting. Please complete the form linked below to offer public comment at an upcoming City Council meeting. You may provide public comment using the following methods:

1. In-person (meetings are held at Seaside City Hall, 989 Broadway, Seaside, OR)
2. Via Zoom web conference or telephone (obtain link and register at cityofseaside.us)
3. Written comments may be submitted using this [form](#), via e-mail to publiccomment@cityofseaside.us or in person at City Hall (989 Broadway, Seaside, OR).

If you are providing public comments in person or via Zoom, please keep in mind your comments will be limited to three (3) minutes. If your comments are longer than three (3) minutes, please submit your comment in writing and utilize your three (3) minutes to summarize your written document. Please review the [Public Comment Rules of Conduct](#) prior to the meeting.

CITY COUNCIL WORK SESSION: 5:00 PM

1. Discussion – Proposed Amendment to Seaside Library Policies {40 min}
2. Discussion Future City Council Agenda Items {10 min}

CITY COUNCIL MEETING: 6:00 PM

1. **Call To Order**
2. **Pledge Of Allegiance**
3. **Roll Call**
4. **Approval Of Agenda**
5. **If I Were Mayor Contest**
6. **Proclamation:**
 - A. Proclamation – Arbor Day
 - B. Proclamation - Older Americans Month
7. **Recognition:**

No recognitions
8. **Public Comments**

"Work sessions are an opportunity for Council members to discuss issues informally with staff and invited guests. The Council encourages members of the public to attend work sessions and listen to discussion but there is generally no opportunity for public comment. Members of the public wishing to address the Council are welcome to do so during the Council's regularly scheduled meetings."

Members of the public may use this time to provide comments to the City Council on items that are not scheduled on this agenda for a public hearing or public comment. Speaking time is limited to three minutes.

9. **Declaration Of Potential Conflict of Interest**

10. **Consent Agenda**

- A. Payment of the bills - \$361,423.78
- B. Approval of minutes – April 8, 2024

11. **Reports And Presentations:**

- A. Annual Report Seaside Fire Department.
- B. Annual Report Seaside Visitors Bureau

12. **City of Seaside Boards, Commissions, And Committees**

No items for boards, commissions, and committees

13. **Unfinished Business**

No items for unfinished business

14. **New Business**

- A. Discussion of City Council Meeting Scheduled for Memorial Day, May 27, 2024
- B. Ordinance 2024-03 – An Ordinance of the City of Seaside, Oregon, Repealing Section 6.135 (Bed & Breakfast Establishments), and Section 6.137 (Vacation Rental Dwelling (VRD)) from the Seaside Zoning Ordinance
 - Open Public Hearing
 - Close Public Hearing
 - Council Comments
 - Motion to Read Ordinance 2024-03 first reading by title only.
 - Optional: Motion to Read Ordinance 2024-03 second reading by title only.
- C. Ordinance 2024-04 – An Ordinance of the City of Seaside, Oregon, Adding Chapter 120 to Title XI (Business Regulations) of the Seaside Code of Ordinances
 - Open Public Hearing
 - Close Public Hearing
 - Council Comments
 - Motion to Read Ordinance 2024-04 first reading by title only.
 - Optional: Motion to Read Ordinance 2024-04 second reading by title only.

- D. Ordinance 2024-06 – An Ordinance of the City of Seaside, Oregon, Providing for the Vacation of a Portion of Property Described as a Portion of 20th Avenue that Extends from North Holladay Drive, and West to Necanicum River.
- Open Public Hearing
 - Close Public Hearing
 - Council Comments
 - Motion to Read Ordinance 2024-06 first reading by title only.
 - Optional: Motion to Read Ordinance 2024-06 second reading by title only.

15. **Comments From City Staff**

16. **Comments From the City Council**

17. **Executive Session: Recess into Executive Session**

In accordance with ORS 192.660(2)(e) regarding conducting deliberations with persons designated to negotiate real property transactions.

18. **Reconvene into Regular Session:**

In accordance with ORS 192.660(2)(e) regarding conducting deliberations with persons designated to negotiate real property transactions.

City Council action if any regarding executive session:

19. **Adjournment**

Complete copies of the Current Council meeting Agenda, Packets, and Minutes can be viewed 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.

Seaside Public Library

Policies and Procedures

I would like to start by quoting again from my 12/30/23 request for work session discussion about the library policy:

“After getting to know our library a little bit from my orientation this spring, and then more through the research that I’ve been doing since we spoke in early October, I have nothing but praise for our library staff, volunteers and the members of the library board. I am encouraged by their positive attitude and I am among the large group of supporters who is very impressed with their outsized results and the number of activities provided by our library in such a small city.”

Introduction

Last fall, I was approached by residents who had concerns about the content of books for children in our library. After learning from city staff about our library reconsideration process, I informed these residents of the process; some of these residents then submitted requests to the library for the reconsideration of two books from the children’s section. These requests were reviewed by the Library Board on January 2nd in accordance with our policy – the requests to remove the books were denied and the books were left on the shelves.

During that time I began exploring this topic and realized that it has been discussed more and more nationally in recent years, and it is now a local concern. I researched books in the children’ sections of our library, including books that were being promoted by our library to teenagers on social media. I chose three of these books to read and I realized that not only are we providing sexually explicit books to minors,¹ but we are promoting them as well. Out of all of the things that our library does so well I believe this practice is wrong, so I am asking our City Council to consider whether we should continue to provide sexually explicit material to minors in our library or whether we should impose some restrictions on this access.

One of the reasons there has been confusion about this subject recently is that there are multiple discussions happening simultaneously about our library policy and procedures. Additionally, people are using different definitions for some of the terms in these conversations. I am presenting these notes in an attempt to sort out the various conversations and definitions, focus on a single topic for review by this council, and then present solutions that the council can choose to implement.

Three conversations

1 – Freedom of speech

Throughout history, ideas, publications and discussions have been censored for political, religious, racial and social² reasons. (This, of course, is why “freedom of speech” was added to the first amendment to our constitution.) In my conversations over the past few months with people across the political and social spectrums I don’t think that anyone disagrees with this value – when it is applied to **adults**.

¹ For this document, “adult” means an Oregon citizen that is at least 18 years old, and “minor” or “child” mean those under 18.

² For this document, “social” includes cultural, ethnic and gender identities.

Please note, freedom of speech is not the discussion we are having today.

2 – Socially diverse books

Authors from a variety of social identities have taken the proactive approach of writing books to educate others about their lifestyle and/or identity. It appears that current disagreements across the country about these library materials are about two issues (which sometimes overlap). Some people object to books in our library that promote a lifestyle that is different than their own; others believe that some books have gone beyond the traditional norms of how our society treats children and have been presenting sexually explicit material that is age-inappropriate.

In response to the increase in these books that have been placed in library collections there has been an increase in the number of concerned parents speaking up about these books. This also seems to be where much of the emotion surrounding this subject originates – from some people because they feel that their identity is not being properly recognized or validated, and from some who feel that other people are targeting their children by distributing these books.

Please note, socially diverse books are not the discussion that we are having today.

3 - Tradition and laws identifying special treatment for minors

In American society, there are established laws and traditions that treat children differently from adults; these procedures restrict children's access to certain areas and resources. Federal law recognizes that minors can be treated differently than adults. Similarly, the state of Oregon acknowledges the need for special treatment for minors³. However, some people (including library associations) overlook this precedent and make arguments that are intended for adults. This diverts the discussion away from considering children separately.

For six months I have been trying to have a conversation with the council about this issue (how are we treating children now, and should we change our procedures), but my attempts at this conversation keep getting derailed by people having the other two discussions. I submit that if we are going to keep running a library, we need to both acknowledge this discussion and deal with it.

Definitions and confusion

Not only do we have multiple conversations going on, we also have multiple definitions of many of the words being discussed. As the saying goes, “a problem well stated is a problem half solved”⁴, but the partial truths, logical fallacies and misrepresentations put forward by various parties are taking us away from solutions (or even from understanding each other). If we’re going to make any progress in our discussion we need to be aware of this and avoid as many of the sources of confusion as we can.

³ See Oregon Revised Statutes: ORS 163.435, ORS 167.057, ORS 167.075, ORS 167.080, ORS 167.262, ORS 167.830, etc.

⁴ Inventor and businessman Charles Kettering

Multiple definitions: the word “ban” is one of the most misused, confusing and divisive words in this conversation. Among the many definitions of “ban” that have been used, please note two –

A “ban” is: restriction of access to books by the Nazis in the 1930’s for political, religious, racial and social reasons

A “ban” is: requiring parental permission for a child to have access to age-restricted material in a library⁵

Also, think about the various definitions of “censorship” being used when discussing this topic, and compare them to the historical occurrences of people being censored for their beliefs.

Furthermore, it seems disingenuous to act surprised by the increasing number of library book challenges,⁶ when a simple examination shows that these challenges are occurring in proportion to the number of socially diverse books directed at children that have been added to libraries in recent years. (It is also worth noting that the organization reporting these statistics is actively promoting the inclusion of these books in library collections.)⁷

Solutions

In response to this issue I suggest that we make some small changes to the library policy and to two procedures.

First, acknowledge the fact that minors are different than adults, and remove sections from the Seaside Public Library Policy Manual which specifically say otherwise. Our manual states that minors should be able to read all materials to which adults have access (pages 30, 34 & 35), and on page 34 states that our library opposes “all attempts to restrict access to library services, materials, and facilities based on the age of library users.”

This can be done by editing the policy and striking “age,” on page 30, section “V.” (of the quoted American Library Association (ALA) library bill of rights⁸), and by striking Appendix G on pages 34 and 35.⁹

⁵ “If a district mandates that students must acquire permission from parents to read or check out specific titles, then that constitutes a ban” <https://pen.org/book-bans-frequently-asked-questions>

⁶ American Library Association - <https://www.ala.org/advocacy/bbooks/book-ban-data>

⁷ American Library Association -

<https://www.ala.org/advocacy/diversity/culturalprogrammingtopromotediversity>

⁸ (As I mentioned in my letter to the City Manager in January) the label “Library Bill of Rights’ sounds very impressive (even intimidating), but the library association is not a government agency, and this ‘bill of rights’ has no legal consequence. Think of this list of ideals more as the mission statement of an organization which is provided to keep its members focused on common goals and courses of action. When the ALA (or our library policy) states that someone is ‘violating the library bill of rights’, at no time should anyone be concerned that they are ‘violating’ a legal statute by debating a statement in their document – they are simply disagreeing with other people about the best practices in running a library.”

⁹ Please note that this policy did not originate in Seaside, but is part of a few pages in our policy manual that were imported from ALA recommended policies.

Second, modify our reconsideration process. Part of the duties of the Library Director is to select materials for our library; the library board oversees the performance of the Director's duties. Our existing reconsideration process directs any resident with a concern about an item to first converse with the Director. After that conversation, if they want to proceed with a challenge to the material, they must fill out a reconsideration form which is presented to the library board for review. The final decision regarding the reconsideration request rests with the library board.¹⁰

An alternative to this process is to establish a review committee comprised of a cross section of Seaside residents and parents (this is being done by libraries across the country). The establishment of such a committee serves two important purposes: 1 – it provides an independent appeal process for selected materials rather than having someone “appeal” a choice for material to the same people that were responsible for choosing the material in the first place; and 2 – it provides a process for citizen input in the review process which should help keep a large part of our residents from feeling excluded.

Third, establish a dedicated section of the library to place any materials identified by the review committee as inappropriate for certain age groups. These materials will be able to be accessed or checked out by minors after parental authorization. (Variations of this procedure are also being practiced in libraries around the country.)

Respectfully submitted,

Steve Dillard
City Council
City of Seaside
cityofseaside.us



¹⁰ This policy also follows ALA advice: <https://www.ala.org/tools/challengesupport/respond> ; <https://www.ala.org/tools/challengesupport/selectionpolicytoolkit/formalreconsideration>

Appendix

Preview of coming attractions...

This conversation about the library is complex and it overlaps several other subjects that also affect the city. In an effort to stay focused on the one topic of discussion I've put a couple of the other items into this appendix. I believe that these issues are also worth analyzing, and if another councilor wants to evaluate one of these topics in open session I will second their request.

Parental Rights

Chief Justice Warren Burger wrote that "The history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition."¹¹

Even though the library materials issue is intertwined with the parental rights issue, I have worked to keep the two separated in this discussion. "Parental rights" have been described as a "fundamental" right, meaning that they are so much a part of the fabric of a society that they were "understood", and thus not called out in our founding documents. Now that many government agencies are usurping this right to raise one's own children, legislation is being enacted that define and confirm this right. The state of Washington recently passed the parental rights Initiative 2081, and more bills spelling out parental rights are pending across the country in other states and in congress.

Review the City's vendor relationship with the ALA

Our library staff has been faithfully implementing our library policy as it has been written and approved (and adopted by this council); this includes receiving advice on policies and best practices from library associations.

The American Library Association (ALA) is almost 150 years old and provides guidance and support for libraries around the country. Unfortunately, in recent years the new leadership of this organization has been moving in a direction that I believe it's founders never intended. The current leaders of the ALA are using the goodwill and the credibility gained over generations of service to American library patrons (as well as sheer inertia) to implement policies that are both political and anti-family.¹² Because of this change in direction, several states and counties have severed ties with this vendor and others are discussing doing the same.

As I continued to research library policy and practices, many of them pointed back to the ALA and its' new direction (including policies of the Oregon Library Association).¹³ The more research I do the more I agree with the states that have cut ties with the ALA, which has led me to question any policy or procedure that this organization recommends.

¹¹Wisconsin v. Yoder, U.S. Supreme Court (1972)

¹² The Advocate, 11/21/23 https://www.theadvocate.com/acadiana/news/lafayette-library-board-violates-open-meetings-law/article_752033do-8820-11ee-a1c0-b3198805fodf.html

¹³ Please note that when it comes to library materials provided to children, the OLA takes their direction from the American Library Association (ALA): <https://www.olaweb.org/intellectual-freedom-committee-home>

Seaside Public Library Policy Manual



MISSION STATEMENT

The freedom to know is the foundation of democracy. The Seaside Public Library dedicates itself to collecting and distributing an array of information and ideas that is diverse in material, varied in formats and rich in viewpoint, reflecting the multi-cultural character of the community and world it serves. The Seaside Library offers equal access to its resources and encouragement in their use so that enlightenment, literacy, and life-long learning may flourish.

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LIBRARY ORGANIZATION

LIBRARY ADVISORY BOARD

The Seaside Public Library is a department of the City of Seaside, advised by a five-member appointed Library Board. The library operates under the direction of the Library Director. The City Manager is responsible for all departments of the City of Seaside.

The Seaside Public Library is advised by a Library Board appointed by the City Council. The Board shall consist of five members, with the Library Director as an ex-officio member.

The term of office shall be four years beginning on December 31st, and no member shall hold office for more than two consecutive terms.

New Board members shall be accorded a welcoming orientation program to introduce the new member to the staff, provide information about the library and to acquaint them of local, state and national programs.

The Board shall elect a chair and a vice-chair at the beginning of each serving year, and in the absence of the chair, the vice-chair shall assume the duties of the chair.

Board members receive no salary or compensation for services rendered, nor any financial interest either directly or indirectly in any contract to which the library is a party. Board members may be reimbursed for expenses incurred in the performance of duties.

The Board, should it so desire, may appoint the Library Director as secretary to the board to take

minutes and to keep a record of its actions.

At each meeting, the board shall follow an agenda prepared by the Library Director prior to the meeting with other pertinent information on which the board members will be required to make decisions.

The Board shall meet at least once a month in the library at a designated time. Special sessions may be called by the chair of the board should the chair deem it necessary.

Three Board members present shall meet the requirements of a quorum.

Failure of a Board member to attend any three meetings within a twelve-month period without valid reason shall be grounds for dismissal. A twelve-month period is defined as beginning in January of each calendar year.

Business meetings shall be governed by Robert's Rules of Order.

The Board believes that censorship is an individual matter and declares that while anyone is free to reject materials of which one does not approve; one cannot exercise this right of censorship to restrict the freedom to read of others.

CONFIDENTIALITY

Oregon State Law¹ makes the following library records exempt from disclosure: The records of a library, including circulation records, showing use of specific library material by a named person or consisting of the name of a library patron together with the address or telephone number.

It is the policy of the Seaside Public Library not to release information that would reveal the identity of a library patron who checked out or used certain materials or requested an item of information from the Library. Information concerning the account of a patron will be released to that person only.

However, the Library will release information to the parent or guardian of a minor child for the purpose of recovering overdue material and settling accounts for lost, late or damaged material or charges incurred by minor children for which a parent or guardian may be considered liable. Information will not be provided to parents or guardians who are merely attempting to determine what library materials their minor children are using.

Other requests for the release of information of confidential patron records will be honored if submitted by an order from the court as outlined in the Oregon Revised Statutes.

¹ORS 192.502 (21).

REQUESTS FOR INFORMATION

The Library Director is the custodian of library records. All requests for records from law enforcement, the public, the press or any other source must be forwarded to the Director's office. The Library Director will consult with the City Attorney before deciding the appropriate response for records requests.

LAW ENFORCEMENT REQUESTS

If the Library Director is unavailable, staff members should

- Ask to see the identification of the officer or agent
- Write down
 1. the badge number
 2. the name of the law enforcement agency
 3. the officer/agent's name and phone number
- If possible, get a business card

Library records cannot be released without the approval of the Library Director or designee.

SEARCH WARRANTS AND SUBPOENAS

Any employee who receives the request for Library records shall ask for the identification of the person or entity making the request and then immediately refer such person or entity to the Library Director. In the absence of the Library Director, they should immediately refer to the designee in charge as assigned by the Library Director.

The Library Director or designee should attempt to contact the Library's legal counsel (City of Seaside Attorney) and to have such legal counsel present. In the event that legal counsel is not available, the Library Director or designee should only meet with the requesting person or agent with another Library staff member in attendance.

If the requesting person or entity or the agent or officer of that person or entity does not have a court-issued order, subpoena or search warrant compelling production of the records, the Library Director or designee shall explain the Library's confidentiality policy and the State's confidentiality law and inform the person that Library patron records are not available except when such an order, subpoena or search warrant has been presented.

If the court order is in the form of a court-issued order or subpoena, before any records are produced the Library's legal counsel shall examine the order or subpoena for any legal defect, including the manner in which it was served on the Library, the breadth of its request, its form, or any insufficient showing of good cause made to the court.

If the order is in the form of a duly-issued search warrant, the agent or officer may legally begin the search of Library records as soon as the Library Director or designee is served with the order. However, the Library Director or designee should ask to have the Library's legal counsel present

before the search begins in order to allow the Library's legal counsel an opportunity to examine the sufficiency of the search warrant and to assure that the search conforms to the terms of the search warrant.

If the order is a search warrant issued under the Foreign Intelligence Security Act, no information regarding the existence of the search warrant or of the records that have been produced pursuant to the warrant shall be disclosed to any other party, including the patron whose records are subject to the search warrant. The Library Director or designee does have the right to and shall seek legal advice concerning the warrant from the Library's legal counsel and shall request that the Library's legal counsel be present during the actual search and execution of the warrant.

LIBRARY MATERIALS AND SERVICES

Essential to the mission of the library is the active promotion of library services, collections, community outreach and partnerships.

All persons are welcome to use the library and library materials on the premises during operating hours. The privilege of borrowing materials however, requires a library card.

CARD ISSUANCE

APPLICATIONS

In order to receive a library card, patrons age 18 and over must complete a Seaside Library application form. Applicants age 17 and younger must have a parent or guardian sign the application.

PROOF OF ADDRESS

The person accepting responsibility for the use of the library card (the adult applicant or the parent/guardian signing a minor's application) must provide proof of a current resident address. For out of town cards, only a picture ID is required.

Due to identity theft, a picture ID AND proof of residency in the Seaside City limits must be shown (with current street address). For example, a valid driver's license with current street address would be acceptable for validating both requirements of picture identification and residency. If picture ID does not show current residence, a second item for proof of address is required.

A passport would be acceptable for picture ID. However, it cannot be used to verify residency since the address is written by the passport holder. Along with such a picture ID, A second item for residency would be required such as:

- A valid driver's license with current address in Seaside

- Oregon ID card
- Rental agreement
- Utility bill
- Insurance
- Current mail
- Property tax or closing documents on a property or home in Seaside.

With the exception of non-resident and visitors cards, no charge is made to a person or business for a library card. Responsibility for items borrowed with a library card rests with the owner of that card. The Seaside Public Library issues the following types of library cards:

RESIDENT CARDS

Resident cards are issued free of charge to City of Seaside residents and property owners.

Seaside residents are those who reside on property within the corporate city limits of the city of Seaside. A minimum residency of four weeks is required.

Property owners are those who own property within the corporate city limits of the city of Seaside. Proof of property ownership is required.

All resident cards are valid for a period of two years from the date of application and may be renewed by verifying the application information is current. Cards that have been expired for three consecutive years will be deleted.

NON-RESIDENT CARDS

Out-of-town cards are issued to those who do not qualify for resident cards. The out-of-town rates are set by the Seaside City Council. Cards must be paid in advance, and proof of current address is required. The current charge for an out-of-town card is \$70 a year,² \$35.00 for six-months, or \$17.50 for three months.

Visitors cards are offered to out-of-town residents at a charge of \$6.00 a month. Visitors must provide temporary and permanent addresses and have valid proof of residence. Visitor cards are limited to six items at a time. Visitors are not eligible for interlibrary loan privileges.

LIBRARIES READING OUTREACH CARDS

Libraries Reading Outreach in Clatsop County cards are for all children ages 0-19 who live outside the city limits of Astoria, Seaside, and Warrenton but reside within Clatsop County. It is requested

²City of Seaside Ordinance 94-09.

that children get the card at the public library closest to their home address. Cards are renewed annually.

“CARD IN HAND” REQUIREMENTS

To conduct circulation transactions or to receive information about a cardholder’s circulation records, patrons must present a valid library card. Patrons conducting business by phone must provide the library card barcode number or their last name. Discretionary exceptions to this policy may be made for the occasional forgotten library card if the patron offers valid identification or is identified by a member of the library staff.

CIRCULATION OF MATERIALS

LOAN PERIODS

The loan periods for all cards are as follows:

| 21 DAY LOAN | 7 DAY LOAN |
|-------------|-----------------|
| CDs | New fiction |
| E-Readers | Wi-Fi Hotspots |
| Books | Specialty Items |
| Audio Books | |
| Magazines | |
| DVDs | |

Books marked as Reference, current issues of all periodicals and all material in Archives are for in-library use only.

There is a limit of five interlibrary loan requests at any one time.

Interlibrary loan circulation periods are determined by the lending library.

RENEWALS

There is a limit of two renewals per item. Items may be renewed over the phone and also online.

Items on reserve for another patron may not be renewed.

Interlibrary loans may or may not be renewed depending on the policies of the lending library.

CHARGES AND FEES

The library operates best when all patrons cooperate for the timely check out and return of items. This enables all patrons to have a larger selection of materials available.

In the event that library materials are willfully detained, the Seaside library, in accordance with ORS 357.975 may impose fines or charges as follows.

OVERDUE CHARGES

There is a seven day grace period for all items, after which time fines will be charged retroactively to the original due date.

There is a charge of 25¢ per day per item for adult materials. Youth materials are fine free but are charged as lost after 30 days overdue. Lost items are charged based on value of the item that was lost.

No materials may be checked out on any card that has over \$5 in fines.

Patrons with \$5 in fines will be unable to access the public computer stations.

Reminder mailed notices or e-mails will be sent on the 30th and 45th days past the due date. A final reminder is sent before items are referred to collections.

On the 30th day past overdue, the book will be considered lost to the library. At this time, the Library Director may refer the charges to another agency (collection agency, court settlement, etc.) for collection. Patrons referred to another agency pay all charges to that agency as the library will not be able to accept payments directly from the patron after their account has been referred. Once the Library has been notified by the collection agency or courts that the account has been paid in full, library privileges will be reinstated.

LOST AND/OR DAMAGED MATERIAL CHARGES

If a lost item is found and returned to the library in good condition within 30 days, the lost book charges will be waived. After 30 days, lost book charges will not be waived. Overdue fines will not be waived regardless of when book is returned.

INTERLIBRARY LOAN CHARGES

There is no fee for requesting and receiving interlibrary loans. Lost items borrowed from other libraries will be charged according to the fees of the lending library.

PATRON RESPONSIBILITIES AND CONDUCT

It is the policy of the Seaside Public Library to provide a safe, comfortable environment that is conducive to the use of library materials and facilities. The library is designed for the use of all members of the public. Patrons are expected to observe the rights of other patrons and staff members regarding the use of the library and its intended purposes.

UNACCEPTABLE BEHAVIOR

The following behavior including, but not limited to, will not be allowed in the library:

- Any behavior that endangers the safety or health of others
- Violation of any local, state, or federal law
- Vandalism or deliberate destruction of library materials or property
- Theft of library materials or personal property of other patrons or staff
- Deliberate disruption of library procedures
- Use of foul, threatening or abusive language or actions
- Running, chasing, horseplay
- Screaming, shouting, yelling, loud laughing or other noise
- Eating or bringing food into the library except for a pre-approved event
- Abnormal, erratic behavior that hinders normal library use
- Sexual activity
- Pushing, hitting, fighting, biting
- Throwing books or other objects
- Prolonged crying or temper tantrums
- Bullying or bothering other people
- Jumping on furniture
- Use or possession of alcohol or controlled substances
- Personal hygiene that disrupts others' use of library facilities, collections or services
- Use of cell phones or other electronic devices that cause a disturbance

In most cases, disruptive patrons or those behaving inappropriately will be warned of their behavior and asked to behave in a more appropriate manner. Patrons who refuse to behave in an appropriate manner will be asked to leave the library.

No food is allowed in the library unless it is for a specific pre-approved event or meeting. Water and other non-alcoholic beverages are allowed in the library as long as they are in an enclosed container with a lid. No drinks are allowed in the computer lab areas of the library.

In cases in which a patron poses a clear danger to herself/himself or others, clearly violates the law, or refuses to leave the library after being requested to leave by a member of the staff, the police will be called to handle the situation.

DISRUPTIVE MINORS

Minors who are being disruptive will be requested to leave after one warning.

If minors are accompanied by an adult who cannot or will not control them, the adult will be asked to remove the minor from the building.

UNATTENDED CHILDREN

Children under the age of ten who are left unattended or appear to be in the facilities without adult supervision can be a cause of concern to the library. Issues of safety, liability and responsibility prompt the library to require that parents not leave children under the age of ten unattended in the library.

The following procedure will be used in the event of an unattended child:

1. A staff person will attempt to locate the child's parents/guardians in the building.
2. If the parent/guardian or responsible adult cannot be located in the building, a staff member will stay with the child while the supervisor attempts to locate the parents.
3. If the parents/guardians have not been located, or if the library is closing, the staff is directed to call the police.
4. Under no circumstances shall a staff member take the child out of the building.

NO SMOKING ON LIBRARY PROPERTY

On July 14, 2014, the City of Seaside passed a resolution, RESOLUTION #3826, designating the entire Seaside Public Library property smoke-free from cigarettes and other personal smoking devices in accordance with ORS 433.855 and OAR 333-015-0064(2).

COLLECTION DEVELOPMENT AND MATERIALS SELECTION

COLLECTION DEVELOPMENT POLICY

The Seaside Public Library Collection Development Policy is intended to guide the selection of materials to be added to the collections, whether by purchase, through gifts, or through donation. The policy will provide the basis for the systematic development of the Library collection and sets forth the criteria to be met in selecting books, serials, media, electronic products, and other forms of research materials.

The Library Board of the Seaside Public Library recognizes that American democracy functions only if the full range of human ideas is accessible to the people. Proponents of various points of view must be able to fully and openly make their cases, however popular or unpopular they may be. These principles are guaranteed in the First Amendment of the Constitution. A public library is a First Amendment institution.

The library collection, protected by the First Amendment, exists for the benefit of its patrons. Seaside Public Library must offer a storehouse of ideas that are varied, divergent and inclusive.

Collection development at the Seaside Public Library is founded on the principles of intellectual freedom, equal access for all, and the preservation of the documentary record of culture. The library provides a collection that balances viewpoints across a broad spectrum of opinion and subject matter in formats suitable to a variety of learning and selection practices that are flexible and responsive to the changing needs of the community. The library builds and maintains collections for the general public while recognizing the needs of special population groups.

The library collection will be selected and maintained to enable each person to find the library materials and information that she or he wants according to his or her own free choice. The collection, taken as a whole, will be an excellent and unbiased source of information. It will include as wide a selection as possible. Subjects and viewpoints will be covered in sufficient depth to meet anticipated and expressed needs.

Factors to be considered in adding specific materials to the library collection will include any one or more of the following: composition of the present collection, collection objectives, public interest, patron requests, and timeliness of topic, audience for material, current or historical significance of author or subject.

COLLECTIONS ACCESS

The Library Board recognizes that full, confidential, and unrestricted access to information is essential for patrons to exercise their rights as citizens. The Board believes that reading, listening, and viewing are individual private matters. While anyone is free to select or reject materials for themselves or their own minor children, the freedom of others to read, view, listen or inquire cannot be restricted.

The library collection will be organized and maintained to facilitate access. No materials will be labeled, restricted, sequestered, or altered because of any controversy about the author or the subject matter. Items are cataloged and placed in the library's collection based on best location for the intended audience.

RESPONSIBILITY FOR THE COLLECTION

Ultimate responsibility for the selection of library materials rests with the Library Director who operates within the framework of policies determined by the Library Board. Suggestions from staff members and patrons are encouraged and given serious consideration in the selection process.

GENERAL SELECTION CRITERIA

The selection of library materials is based on the patron's right to read and view, as well as the right to freedom from censorship by others. Selection is a discerning and interpretive process, involving a general knowledge of the subject and its important literature, a familiarity with the materials in the collection, an awareness of the bibliographies on the subject, and recognition of the needs of the community. To build a well-balanced collection of merit and significance, materials in all forms must be measured by objective guidelines. Since the Library does not promote particular beliefs or views, the collection will contain various positions on important questions, including unpopular or unorthodox positions. The Seaside Public Library actively strives to ensure that materials representing many differing views and a broad diversity of human thought and creativity are represented in its collection.

Acquisition of materials are based on the general principles of selection which include diversity of viewpoint, effective expression, creativity, imagination, reading enjoyment, and popularity as

measured by accepted "best seller" lists. No materials will be excluded because of race, nationality, religion, gender, sexual orientation, political or social view of the material or the author.

SPECIAL COLLECTIONS

Special collections of the Seaside Public Library are diverse and include both permanent and rotating collections. The rotating collections, such as the library of things collection, may change depending on audience interest as well as selection and maintenance of the collection. The permanent collections may include but are not limited to: the permanent art collection, archives, and other collections which are intended to be kept as long as they hold interest and value to the Seaside Public Library and the Seaside community. The library director has the final say on the maintenance and development of these collections. The art collection is curated with the assistance of the Seaside Public Library's art committee, made up of staff and volunteers. The list of art pieces and their estimated value is updated by library staff with the assistance of the art committee. Special collections may include but are not limited to: archival materials, microfilm, first edition books, donated miscellaneous items, library of things, and bike locks.

DONATIONS AND GIFTS

Donations of materials and gift items are gratefully accepted as long as no restriction is placed upon their use or disposal.

Acceptance of books and other library materials will be determined by the Library Director on the basis of their suitability to library purposes and needs. Ultimate use or disposal of all gift materials will be determined by the Library Director or designated agent.

The library has the right to discard any gifts in poor physical condition.

Gifts will not be appraised for value by library staff.

MEMORIALS

The Seaside Library Trust was established to accept funds donated in honor or memory of a loved one. Funds will be used upon the discretion of the Library Director for library projects or materials for the library. Unless otherwise advised, bookplates will be placed in each item purchased in honor of the loved one.

PATRON REQUESTS

The library strongly encourages its patrons to suggest items, topics, or authors they would like to see included in the collection. Patron suggestions will receive serious consideration and requested materials will be purchased whenever possible.

The Seaside Public Library enhances its borrowing and lending capabilities through use of a shared library system called the Northcoast Library Cooperative (NLC) which shares materials between Astoria Public Library, Warrenton Community Library, and Seaside Public Library. The Seaside Public Library also offers an extended interlibrary lending system that borrows books from

libraries throughout the United States. This service is provided at no additional charge to library patrons unless the items become lost or damaged.

GENERAL DESELECTION CRITERIA

The Library Board recognizes that discarding materials from the collection is an important part of maintaining the Library collection. The discard policy of the Library will consider the same factors as the selection policy.

Materials that no longer meet the stated objectives of the library will be systematically withdrawn on a continual basis. Disposition and replacement of weeded library materials will be at the discretion of the Library Director.

Weeded materials may include unneeded duplicate copies, outdated materials, and materials that are badly worn or damaged.

Systematic withdrawal of materials no longer useful is necessary in order to maintain an accurate, timely and relevant collection. Library materials are typically discarded based on the CREW (Continuous Review, Evaluation and Weeding) method developed by Joseph P. Segal of the Texas State Library and recognized as the role model for de-selection.

- Misleading (and/or factually inaccurate)
- Ugly (worn and beyond repair or mending)
- Superseded by a new edition or better book on the subject
- Trivial (of no discernible literary or scientific merit)
- Your collection has no use for this book (is irrelevant to the interest of needs of the library community)

DISPOSITION OF MATERIALS

Disposition of library materials is subject to all relevant provisions of the Charter of the City of Seaside.

The two methods of disposition of library materials are donation and discard.

Donation

Materials may be donated to the Friends of the Seaside Library to be sold on behalf of the city for the benefit of the Library. Materials may be offered to other libraries and/or institutions (hospitals, nursing homes, e.g.).

Materials that are of limited use to the public, and cannot be sold or donated to other institutions may be recycled or discarded.

RECONSIDERATION OF MATERIALS

The Board recognizes the right of individuals to question materials in the Library collection. Anyone questioning material in the collection may ask the staff about such materials. A staff member will give the patron a copy of this policy.

Individuals still questioning library materials may state their opinion in writing on the "Request for Reconsideration of Library Materials" form. The form will be referred to the Library Board. The patron may attend the open meeting of the Library Board to hear the opinions expressed. The Board will consider whether the material meets the criteria of the selection policies described herein. If there is more than one complaint, each will be considered and taken seriously. The Library Director will respond in writing to each individual as soon as practical, citing the decision of the Board.

CONSTITUTIONAL PROTECTION

The Library Board considers all materials selected under this policy constitutionally protected under the First Amendment of the Constitution of the United States.

If a patron charges that a particular item is not protected under the First Amendment, the burden of proof rests with the complainant.

If a court having jurisdiction over the Seaside Public Library decides that any material in the collection is unprotected by the Constitution, such material will be removed immediately. Material under court consideration will remain available to patrons until a final ruling.

POLICY REVIEW

This Policy for the Selection and Discarding of Materials will be reviewed periodically to be revised or reaffirmed.

LIBRARY COOPERATIVE

On July 1, 2019, the Seaside Public Library joined the Northcoast Library Cooperative (NLC) to support library resource sharing in Clatsop County. The Astoria Public Library, Seaside Public Library, and Warrenton Community Library are the founding members of the Cooperative. The NLC has a policy and procedures manual to help guide resource sharing between the libraries. Participation in this cooperative is approved by the Seaside City Council. To date the following services are agreed upon through the cooperative: courier services between the libraries, shared library automation services, Overdrive/Library2go services (Seaside and Warrenton), and some shared library services to cardholders within the cooperative.

ELECTRONIC INFORMATION AND SERVICES

ACCESS TO ELECTRONIC INFORMATION, SERVICES AND NETWORKS

The library's public computers allow users to search a variety of electronic resources. Library Online Public Access Computers, also known as the Library Catalog computers, are exclusively for searching the library's holdings. Computer lab computers in the adult and teen areas provide access to the Internet, word processing software, and printing capabilities in addition to other applications. Computer lab computers do not provide support for all file types, browsers, browser plug-ins, or the vast array of all technology.

The library strives to balance the rights of users to access information resources with the rights of users to work in a public environment free from sounds and images that might disturb other library users or library staff.

The library's goal in providing Internet access is to provide further resources beyond the physical Library collection, and, as a public access agency, to give anyone who wishes to use the Internet the chance to do so.

COMPUTER USE FOR CHILDREN AND YOUNG ADULTS

The Children's area in the library is designed to be welcoming for children. To best serve children, all electronic devices in the Children's area are for use of children from grade school age and under and their parents or caregivers.

The Young Adult area is designed to be used by middle school and high school students.

The Seaside Public Library does not filter any computer stations in the Library. Parents or legal guardians shall assume responsibility for deciding which library resources are appropriate for their own children. Parents or legal guardians should guide their children in use of the Internet.

Parents shall be aware that not all sites are appropriate for their children.

The Seaside Public Library affirms the safeguarding of First Amendment rights, intellectual freedom, equality of access, confidentiality of information about users, and their use of library resources. The library affirms the principles concerning Access to Digital Information, Services, and Networks, as delineated within the American Library Association's Library Bill of rights.

TIME AND OTHER LIMITATIONS

To access the Internet a customer must use his or her own library card number. A visitor who does not have a library card may receive an Internet guest pass by giving their name or showing identification. Visitors under the age of 16 need not show identification.

Patrons who have outstanding fines and charges over \$5 will not be allowed to use the Internet. Each individual must use his or her own library card number or guest pass number to log in. If other computers are available, extra time may be allowed if the patron is in the process of seeking employment, paying taxes, taking an examination or testing, or other need that is deemed appropriate by staff. During periods when demand for computers is slower, the library director may allow computer time extensions at staff discretion.

The library's computers are set up for use by a single individual. A maximum of two persons may sit/work together at any one computer, except in special situations such as when a parent/guardian is with children.

Users have both the right of confidentiality and the right of privacy. The library should uphold these rights by policy, procedure, and practice. Users should be advised, however, that because security is technically difficult to achieve, electronic transactions and files could become public.

Users are responsible for complying with copyright law, licensing agreements and the policies of individual websites that are viewed.

Computers will turn off fifteen minutes prior to closing

RULES GOVERNING USE OF LIBRARY COMPUTERS

Illegal activities or activities that interfere with or disrupt the network, users, services or equipment are prohibited. The library does not routinely monitor public computers, but reserves the right to do so when a violation of this policy or illegal activity is suspected. Staff is authorized to take immediate action to protect the security of computers and the network and to enforce the following rules. This includes confiscating any removable media, requiring a user to leave a computer or the premises, and contacting law enforcement authorities.

Failure to comply with the following rules may result in loss of computer privileges, loss of library privileges and prosecution.

At each log-in, library computer users must complete a click-through agreement acknowledging these rules and must agree to follow the rules.

1. Log on using your own library card or guest pass number and promptly give up the computer when your time has elapsed.
2. Promptly give up the computer when requested by staff.
3. The library is not responsible for damage to your media or for corruption of your data, including damage caused by mechanical malfunction or corruption caused by virus or spyware infection while using library computers. Do not attempt to run or execute programs or applications from personal storage media.
4. Software and other files downloaded from the Internet may contain viruses or spyware that may infect other computers. The library does not allow downloading to their computers.
5. There is a charge of 5¢ per page for printing black and white from public computers. Color printouts are not available. Pages printed in error, or pages not needed after printing will still be paid for by the customer.
6. Stop viewing any site that creates a hostile environment for other library users and staff. If a staff member asks you to stop, do not continue viewing the questionable site and do not view similar sites while others are present.
7. Use headphones when listening to audio content, and keep volume low so you do not disturb others.
8. As a courtesy to others, log off completely when you are finished with your session. This also protects the privacy of your search.
9. Do not gather around computers when doing so may obstruct others or create noise that distracts others.
10. Whether or not they are in use, young adult and children's computers in all locations are for the exclusive use of young adults and children and their accompanying caregivers.
11. Do not use another's identification, bar code or pin number, with or without permission, to sign up or log on to a computer.

12. Do not misuse computer equipment or software.
13. No drinks allowed around computers or in the computer lab areas.

Misuse includes but is not limited to:

- Viewing material that violates federal, state or local laws or regulations, including those regarding accessing, viewing, printing and distributing obscenity or child pornography
- Hacking into the library computer system or any other computer system
- Mishandling, damaging or attempting to damage computer equipment or software; tampering with computer settings
- Interfering with system operations, integrity or security
- Attempting to gain or gaining access to another person's files or authorization code
- Engaging in any activity that is deliberately offensive or creates an intimidating or hostile environment
- Violating copyright laws and software licensing agreements or the policies of the individual websites that you view
- Failing to pay for printing
- Failing to log in using your own library card number or guest card number
- Failing to comply with time limits

WIRELESS ACCESS

The Seaside Library provides free wireless access to its patrons. Users who bring personal electronic devices into the library may be able to access a library wireless connection from inside the library. Other public wireless networks may be accessible in some library areas as well.

The Library provides wireless access during normal library operating hours. However, high demand, reliability of technology and other factors may affect access. For these reasons the Library cannot guarantee the availability or reliability of the service.

RULES GOVERNING USE OF WIRELESS COMPUTERS

- Users may request the Wi-Fi connection information at the front desk.
- Signal strength may vary throughout the library. Please move to a different location within the library if you are having trouble securing a connection or staying online.
- Library staff cannot perform repairs or troubleshoot your equipment.
- Wireless connections are not secure; use caution when transmitting personal information.
- Do not plug into an outlet where you block aisles, exits or access to materials or equipment.
- Libraries have limited electrical outlets available for public use in designated areas.
- The library cannot guarantee your equipment will work with the library's network.
- Do not leave your equipment unattended. The library is not responsible for equipment that is lost or stolen.

- The library printer will not print from a wireless laptop. To print from the wireless network, you will need to save your work and print from a Library PC. Black and white copies are five cents.
- Please access WIFI and other applications with sound using your own headphones.

Specifically, as a wireless Internet user, you must:

- Stop viewing any site that creates a hostile environment for other library users and staff if a staff member asks you to stop.
- Follow the rules of the websites you visit.
- Never harass others with prints, images or messages.
- View and print only legal material and conduct only legal activity.
- Make appropriate choices about the sites you view when others are present, since the library is a public place that serves children as well as adults.
- Use sound-muffling headphones or mute sound to avoid disturbing others.
- Never block aisles, exits, access to library materials, exhibit cases or other resources.

Wireless users who do not follow the rules for wireless Internet use will be prohibited from further use. Additional action may be taken.

E-READERS

E-Readers check out for a 7-day period. E-Readers may not be renewed or placed on hold. The charge for overdue E-Readers is \$1 per day. The charge for a lost or damaged E-Reader will be the cost to replace the item. Replacement cost includes replacing the device, charging cord, case, and processing fee. E-Readers may not be requested through interlibrary loan unless approved by the Library Director. If E-Reader devices are returned in the drop box, there is a fine of \$25. Library patrons may not add or remove any materials (e-books, applications, or any other installed software) on the E-Readers.

Notice: Warning of Copyright Restrictions

As a patron, your ability to post or link to copyrighted material is governed by United States copyright law. The library reserves the right to delete or disable any post or link that, in the judgment of library staff, violates copyright law. In accordance with 17 USC S 512 (i)(1)(A), the library may terminate a patron's access to the system or network for disrespect of the intellectual property rights of others, or for repeat infringements of copyright. The library has adopted this policy and will make all reasonable effort to enforce it in appropriate circumstances.

PHYSICAL FACILITIES AND GROUNDS

HOURS OF OPERATION

DAILY SCHEDULE

| | |
|-----------|-----------------|
| Tuesday | 9 a.m. - 8 p.m. |
| Wednesday | 9 a.m. - 8 p.m. |

| | |
|----------|-----------------|
| Thursday | 9 a.m. - 8 p.m. |
| Friday | 9 a.m. - 5 p.m. |
| Saturday | 9 a.m. - 5 p.m. |
| Sunday | 1 p.m. - 5 p.m. |

The Library is closed Mondays.

HOLIDAYS

The following holidays are recognized by the Library:

New Year's Day
President's Day
Martin Luther King Day
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving
Day after Thanksgiving
Christmas

The library makes every effort to keep its regular hours in inclement weather. However, there may be occasions when this is not possible. For example, weather conditions may deteriorate to the point where it would not be safe for staff on duty to get home, or road conditions may prevent library staff from getting to the library in time to open it. The library staff reserves the right to close the library early or open it late when conditions mandate.

MEETING ROOM USE POLICY

The Seaside Public Library makes its meeting rooms available without charge to individuals and non-profit community groups. The primary purpose of this service is to provide space for educational and cultural enrichment and lifelong learning, and to support the Library's role as a gathering place for all ages, creating a sense of community and neighborhood belonging, and a welcoming environment for all residents.

For profit agencies must meet all other community room policy criteria for use and are charged at the rate of \$25 for the first 2 hours and \$10 for each additional hour. (City of Seaside Resolution #3815 Adopting Fees For City Services, 34.03 Fees for Services (K) Library Fees (4) Library Community Room Charges.)

ELIGIBILITY FOR MEETING ROOM USE

1. When meeting rooms are not in use for Library sponsored programs, non-profit community groups and individuals may use rooms for meetings or programs of an educational, cultural or civic nature. All meetings must be open to the public and free of charge.
2. No private meetings or events are permitted, except for Library, municipal, or other governmental meetings.

3. Meeting rooms shall not be used for commercial purposes, for the solicitation or development of business, for profit or for fundraising, or for gambling or games of chance.
4. Except for Library sponsored events, no admission fees may be charged or solicited; no donations of money or other property may be solicited or collected from the audience; no contact or sales lists may be compiled; and no goods or services shall be promoted, sold, or exchanged upon the premises or by sample, pictures, or descriptions, except with advance permission from the Library Director.
5. Community Room users must adhere to the City of Seaside's meeting room insurance policy.
6. In permitting use of its meeting rooms, the Library does not imply endorsement of the beliefs, policies, or activities of any group or individual. The Library endeavors to present a broad spectrum of opinions and a variety of viewpoints.

SCHEDULING AND RESERVATION PROCEDURE

7. Meeting rooms will be scheduled according to the following priorities:
 - Library programs
 - Municipal related meetings or programs
 - Other government departments and agencies
 - Local non-profit community groups and individuals
8. Reservations for all meeting rooms will be handled by the Library Director or designated library staff member. Applications are available at the Seaside Library. All applications will be approved or disapproved by the Library at its sole discretion; an application for use does not assure approval.
9. Meeting room use applications must be made at least one week in advance and up to three months in advance. The Library reserves the right to regulate the frequency of meeting room use by any group or individual in order to ensure equitable access by eligible applicants.
10. If an applicant must cancel a meeting room reservation, at least 24 hours' notice should be given. Any applicant that fails to honor its reservation of meeting space without notification of cancellation will forfeit the right to reschedule.
11. The Library may cancel a meeting room reservation due to building conditions, weather conditions, or other special situations.
12. On the rare occasion that the Library finds it must use a meeting room unexpectedly for Library or governmental purposes, even though a non-Library meeting has been previously scheduled, the Library will make every effort to schedule an alternate time for the non-Library meeting.

AVAILABILITY OF FACILITIES AND EQUIPMENT

13. The following meeting rooms are available for non-Library booking:

| Room | Seating Capacity | Food Allowed | Other |
|-----------------|--|---|---|
| Community Room | <ul style="list-style-type: none"> • 107 with chairs only • 50 with tables and chairs • (12 person minimum) | <i>Yes with prior permission from library staff</i> | Internet (wireless), pull down screen, kitchen, bathrooms |
| Conference Room | 12 | No | |

14. The Conference room is available during regular library hours, from the start of the Library’s business day until 15 minutes before the end of its business day. The conference room is not available when the Library is closed.
15. The Community room is available during regular library hours. The community room is not available when the Library is closed.
16. Kitchen facilities adjacent to the Community meeting room are available upon request and with permission from the Library Director.

PUBLICITY

17. In publicizing a meeting to be held in a Library meeting room, the Library phone number should not be listed for further information and the sponsoring group must be clearly identified. Groups must not imply Library endorsement or sponsorship of their program or organization in their publicity.

USE OF MEETING ROOMS

18. The meeting facilitator must check in at a public service desk upon arrival for access to a meeting room.
19. Meeting room activities must begin and end at the times specified in the reservation.
20. Tables and chairs are available. The group is responsible for setting up, rearranging, and taking down tables and chairs. Nothing may be attached to the walls or ceiling.
21. Meeting rooms must be left clean, in good repair and in the same condition as found. Any group that damages library property will be liable for costs incurred in connection with such damage and may lose the privilege of using meeting rooms in the future.
22. Only beverages and light refreshments may be served in meeting rooms where food is allowed. Preparing and serving meals is not permitted.

23. No cooking with grease laden vapors. All beverage spills must be reported immediately to the Library.
24. Applicants must provide their own kitchen supplies and are responsible for kitchen cleanup after use. All food, beverages, and supplies must be removed from the kitchen immediately after a meeting.
25. All City of Seaside ordinances, including the fire code, and Library policies, including posted room capacities, must be strictly observed.
26. Nothing may be stored for a group before or after a meeting and all equipment, materials and supplies must be removed immediately after a meeting.
27. Children must be supervised at all times by a responsible adult or child aged 14 or older. At least one adult age 18 or older must be present when youth groups use the meeting rooms.
28. Meeting room activities must not interfere with or disturb Library staff or users. Music and other noise must be kept to a level acceptable to the Library.
29. Smoking and alcoholic beverages are prohibited in meeting rooms. Alcoholic beverages are not allowed on Library property. No smoking is allowed on Library property, City of Seaside Resolution #3826.
30. The Library telephone will be available for emergency use only. No messages will be taken for non-Library organizations or individuals.

LIABILITY AND RESPONSIBILITY

31. One person aged 18 or older must be responsible to the Library for the conduct of a non-Library meeting. Any individual or organization using a meeting room must acknowledge the policies and regulations governing its use and assume responsibility for observing them by signing the application or checking the “terms” box on the online application form.
32. The Library assumes no responsibility for lost, stolen or damaged items brought into a Library meeting room.
33. Any individual or organization using a Library meeting room agrees to indemnify and hold harmless the Library, the Library Board, the City of Seaside, and its officials for any and all liability which may arise from the use of the premises.

BULLETIN BOARDS, READERBOARDS, AND EXHIBIT SPACES

BULLETIN BOARD ACCEPTABLE USES

1. The Library bulletin board is for posting of non-profit or educational notices.
2. There will be no political campaigning or signature gathering posted.
3. Postings must be dated and will be removed after one month.
4. All announcements and posters must be approved and posted by the library staff.
5. Posting of a notice does not imply endorsement by the library staff, library board, or the City of Seaside.

OUTDOOR READER BOARD ACCEPTABLE USES

6. The purpose of the outdoor reader board is to disseminate information regarding events. Due to time and space limitations only events that are sponsored and put on by the Seaside Library will be posted on the outdoor reader board.

EXHIBIT SPACES

7. The Seaside Library offers display space for the exhibition of artwork. Exhibit space is made available on an equitable basis to artists' work that is reviewed and accepted by the Seaside Library Art Committee.

8. Temporary art exhibits are displayed in the community room, the entrance cabinets, and hallway. Exhibits must conform to the space restrictions of the exhibit areas.

9. All exhibitions must not conflict with the library schedule of events. The allotted time for exhibits will be determined by the Art Committee.

10. The library is an exhibition only space; sales of artwork are not available. Information, including artwork prices, may be placed with the front desk staff. Inquiries will be forwarded to the artist.

11. The library will not provide storage for property of exhibitors.

12. The Seaside Library Art Committee and Library Director reserve the right to make final decisions about the items to be exhibited.

13. Permanent art hung in the library, whether donated or purchased, will be exhibited or decommissioned at the discretion of the Library Board, Library Director, and Art Committee.

APPENDIX A
SMOKE FREE LIBRARY PROPERTY

RESOLUTION #3826

**A RESOLUTION OF THE CITY OF SEASIDE, OREGON,
EXTENDING THE SMOKE-FREE AREA ON THE SEASIDE PUBLIC
LIBRARY PROPERTY**

WHEREAS, ORS 433.855 regulates smoke-free areas in places of employment including within ten feet of public entrances; and

WHEREAS OAR 333-015-0064 (2) states that "Nothing in these rules shall prevent an employer from increasing the amount of property where smoking is prohibited beyond the 10 foot requirement or from designating the entire premises as smoke free"; and

WHEREAS the library has received complaints from the public concerning secondhand smoke affecting those patrons entering the library building; and

WHEREAS for the health and wellbeing of employees and library users, especially those youth and families with small children that are encouraged to regularly attend story times, family programs, and use of the library's services generally.

NOW, THEREFORE, BE IT RESOLVED that smoking shall not be permitted on the Library's grounds up to the sidewalks on the north side of the building, on the west side of the building to the fence or property line, on the east side of the building up to the cement sidewalk, and behind the building on the south side including the area surrounded with grass. May it also be resolved that the library grounds would be designated as a smoke-free area; and that the city manager or designee is authorized to post signs stating that smoking is prohibited on the library property.

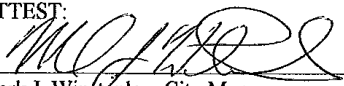
This Resolution shall become effective on July 22, 2014.

PASSED by the City Council of the City of Seaside this 14 day of July, 2014.

SUBMITTED to the Mayor and **APPROVED** by the Mayor on this 15 day of July, 2014.



DON LARSON, MAYOR

ATTEST:


Mark J. Winstanley, City Manager

APPENDIX B

FEES FOR CITY SERVICES

RESOLUTION #3815

A RESOLUTION OF THE CITY OF SEASIDE, OREGON, AMENDING RESOLUTION #3759, ADOPTING FEES FOR CITY SERVICES

THE SEASIDE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1. In accordance with Chapter 34.03 of the Seaside Code of Ordinances, fees for City Services are adopted as follows:

34.03 FEES FOR SERVICES.

A schedule of fees, unless otherwise provided by law, is established as follows:

- (A) Photocopy fee (8½" x 11" & 14") Black and White - \$0.25 per page; Color - \$0.50 per page

- (B) File location and research
 - (1) Location of requestor's personnel file - no charge
 - (2) Other file location and all research \$6 per quarter hour

- (C) Audio/video tape duplication reproductions \$25 per tape including tape-cassette copy

- (D) Non-sufficient funds (NSF) charge \$25 per check returned NSF

- (E) Meeting agenda
 - (1) Picked up at city hall or for newspaper and radio reporters - no charge
 - (2) Mailed
 - (a) Single meetings - \$3.50 minimum mail charge.
 - (b) Annual subscription (Jan-Dec) - \$3 per meeting
 - (3) Single agenda and single minutes - \$5 (includes postage and handling)

- (F) Agenda packets
 - (1) Requested in advance of copy day - \$0.25 per page plus mailing charges
 - (2) All others - see photo copy fee

- (G) Fax (requested in lieu of standard mail delivery) \$5 for first page and \$2 for each additional page

- (H) Mail charges, prepaid (for copies, reports, and the like) Actual cost, minimum of \$4

- (I) Print-out or email business licenses, \$25 for each printout
Print-out on labels or disc \$45 for each

- (J) Lien search \$10 per tax lot

(O) Copies of fire reports

- (1) Insurance companies \$10 per report
- (2) For general public \$0.25 per page

(P) Copies of 911 tapes \$15 - \$50 per request (depending on amount of staff time)

(Q) Other copies (books, journals, maps, and the like) Cost includes labor, materials, and copy equipment

| | |
|-----------------------------------|---------|
| Zoning ordinance only | \$20 |
| Zoning map | \$20 |
| Maps Large 3' x 6' | \$20 |
| Comprehensive plan | \$15.50 |
| Sign ordinance | \$13.00 |
| Subdivision & partition ordinance | \$14.50 |
| Inventory of historic residences | \$28.75 |

(R) Certified copies of Municipal Court Records \$10

- Monthly payment plan fee -- Violation \$25; Crime \$50
- Clear Driver's License Suspension Fee \$25

(S) City Hall Meeting Room Charges:

Non-Profit Agencies -- No charge

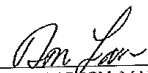
For Profit Agencies -- Council Chambers - \$50 for first 2 hours
\$20 for each additional hour

Conference Room - \$25 for first 2 hours
\$10 for each additional hour

SECTION 2. This Resolution shall become effective May 1, 2014.

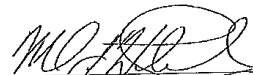
PASSED by the Council of the City of Seaside this 28 day of April, 2014.

SUBMITTED to the Mayor and APPROVED by the Mayor this 29 day of April, 2014.



DON LARSON, MAYOR

ATTEST:



Mark J. Winstanley, City Manager

APPENDIX C
NAMING OF LIBRARY BUILDING

RESOLUTION #3884

**A RESOLUTION OF THE CITY OF SEASIDE, OREGON,
NAMING THE SEASIDE LIBRARY BUILDING THE
DON LARSON BUILDING**

WHEREAS, since retiring and moving to Seaside, Don Larson has been involved in city business in a variety of ways. He served on the Planning Commission four years, was on the Seaside City Council for three years, and was then elected Mayor January 1, 2003; and

WHEREAS, throughout Don Larson's years of public service, he has built a solid reputation for strong organizational skills, leadership, and resolve; and

WHEREAS, Don Larson was nominated by the City of Seaside and received a Small City Award at the Oregon Mayors Association Conference in 2009, that recognized his numerous and extraordinary contributions to local government leading to positive changes for the future of Oregon; and

WHEREAS, Don Larson was a major contributor to the new library project; from the first discussion of a new library, to construction, and finally the completion, which has resulted in the public using and enjoying the new facility.

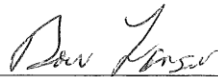
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SEASIDE:

That in honor of Don Larson's extraordinary passion and visionary leadership to the City of Seaside, the Seaside City Council hereby proclaims, the Seaside Library Building located at 1131 Broadway as the Don Larson Building.

PASSED by the City Council of the City of Seaside this 14 day of NOVEMBER, 2016.

SUBMITTED to the Mayor and **APPROVED** by the Mayor on this 16TH day of

NOVEMBER, 2016.



DON LARSON, MAYOR

ATTEST:



Mark J. Winstanley, City Manager

APPENDIX D

The Seaside Public Library supports the American Library Association Library Bill of Rights in affirming that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

AMERICAN LIBRARY ASSOCIATION LIBRARY BILL OF RIGHTS³

The American Library Association (ALA) affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

³Adopted June 19, 1939. Amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; and January 23, 1980; inclusion of "age" reaffirmed January 23, 1996, by the ALA Council

APPENDIX E

AMERICAN LIBRARIES ASSOCIATION FREEDOM TO READ⁴ STATEMENT

We therefore affirm these propositions:

1. *It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.*

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. *Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.*

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

3. *It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.*

⁴This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953, by the ALA Council and the AAP Freedom to Read Committee; amended January 28, 1972; January 16, 1991; July 12, 2000; June 30, 2004.

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

4. *There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.*

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

5. *It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.*

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. *It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information.*

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive. Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.

7. *It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.*

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

⁴This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953, by the ALA Council and the AAP Freedom to Read Committee; amended January 28, 1972; January 16, 1991; July 12, 2000; June 30, 2004

APPENDIX F

AMERICAN LIBRARY ASSOCIATION FREEDOM TO VIEW⁵

The **FREEDOM TO VIEW**, along with the freedom to speak, to hear, and to read, is protected by the **First Amendment to the Constitution of the United States**. In a free society, there is no place for censorship of any medium of expression. Therefore these principles are affirmed:

1. To provide the broadest access to film, video, and other audiovisual materials because they are a means for the communication of ideas. Liberty of circulation is essential to insure the constitutional guarantee of freedom of expression.
2. To protect the confidentiality of all individuals and institutions using film, video, and other audiovisual materials.
3. To provide film, video, and other audiovisual materials which represent a diversity of views and expression. Selection of a work does not constitute or imply agreement with or approval of the content.

⁵This statement was originally drafted by the Freedom to View Committee of the American Film and Video Association (formerly the Educational Film Library Association) and was adopted by the AFVA Board of Directors in February 1979. This statement was updated and approved by the AFVA Board of Directors in 1989. Endorsed January 10, 1990 by the ALA Council.

4. To provide a diversity of viewpoints without the constraint of labeling or prejudging film, video, or other audiovisual materials on the basis of the moral, religious, or political beliefs of the producer or filmmaker or on the basis of controversial content.
5. To contest vigorously, by all lawful means, every encroachment upon the public's freedom to view.

APPENDIX G

FREE ACCESS TO LIBRARIES FOR MINORS⁶

An Interpretation of the LIBRARY BILL OF RIGHTS

Library policies and procedures which effectively deny minors equal access to all library resources available to other users violate the Library Bill of Rights. The American Library Association opposes all attempts to restrict access to library services, materials, and facilities based on the age of library users.

Article V of the Library Bill of Rights states “a person’s right to use a library should not be denied or abridged because of origin, age, background, or views.” The “right to use a library” includes free access to, and unrestricted use of, all the services, materials, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, educational level, or legal emancipation of users violates Article V. Libraries are charged with the mission of developing resources to meet the diverse information needs and interests of the communities they serve. Services, materials, and facilities which fulfill the needs and interests of library users at different stages in their personal development are a necessary part of library resources. The needs and interests of each library user, and resources appropriate to meet those needs and interests, must be determined on an individual basis. Librarians cannot predict what resources will best fulfill the needs and interests of any individual user based on a single criterion such as chronological age, level of education, or legal emancipation.

The selection and development of library resources should not be diluted because of minors having the same access to library resources as adult users. Institutional self-censorship diminishes the credibility of the library in the community, and restricts access for all library users.

Librarians and governing bodies should not resort to age restrictions on access to library resources in an effort to avoid actual or anticipated objections from parents or anyone else. The mission, goals, and objectives of libraries do not authorize librarians or governing bodies to assume, abrogate, or overrule the rights and responsibilities of parents or legal guardians. Librarians and governing bodies should maintain that parents—and only parents—have the right and the responsibility to restrict the access of their children—and only their children—to library resources. Parents or legal guardians who do not want their children to have access to certain library services, materials or facilities, should so advise their children. Librarians and governing bodies cannot

⁶Adopted June 30, 1972; amended July 1, 1981; July 3, 1991, by the ALA Council.

Adopted 11/22/2021

assume the role of parents or the functions of parental authority in the private relationship between parent and child. Librarians and governing bodies have a public and professional obligation to provide equal access to all library resources for all library users.

Librarians have a professional commitment to ensure that all members of the community they serve have free and equal access to the entire range of library resources regardless of content, approach, format, or amount of detail. This principle of library service applies equally to all users, minors as well as adults. Librarians and governing bodies must uphold this principle in order to provide adequate and effective service to minors.



PROCLAMATION

Whereas, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and Arbor Day is now observed throughout the nation and world; and

Whereas, trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife; and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and trees wherever they are planted are a source of joy and spiritual renewal; and

Whereas, the City of Seaside has been recognized as a Tree City USA for the National Arbor Day Foundation for the twenty-sixth year, and celebrate this recognition, by planting trees in Seaside.

NOW, THEREFORE, I, STEVE WRIGHT, Mayor of the City of Seaside, in the State of Oregon, do hereby proclaim Friday, April 26, 2024, as

ARBOR DAY

and urge all citizens to support efforts to care for our trees and woodlands, and to plant trees to gladden the hearts and promote the well-being of present and future generations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Seaside to be affixed this 22nd day of April 2024.

STEVE WRIGHT, MAYOR



PROCLAMATION

Whereas, on this 61st anniversary of Older Americans Month, we honor our Nation's senior citizens, whose lifetimes of hard work, devotion to family, and commitment to community have laid the foundation for the country we are today. We have a rock-solid responsibility to ensure our Nation's seniors can age with dignity and financial security; and

Whereas, when President John F. Kennedy issued the first proclamation recognizing older Americans, approximately a third of seniors lived in poverty, and close to half were without health insurance. Our Nation rallied together to confront this crisis, passing Medicare to deliver affordable, quality health care to our seniors; strengthening Social Security, the bedrock of American retirement; and ultimately raising so many seniors out of poverty; and

Whereas, at the same time, standing by our seniors means honoring our Nation's fundamental promise that when it comes time to retire after working hard and contributing to our economy, Social Security and Medicare will be there for you. There is a commitment to defending vital programs which are a lifeline for millions of seniors; and

Whereas, older Americans should be able to live, work, and participate in their communities with dignity. Improving the quality and safety of nursing homes and protect vulnerable residents and the health care heroes who care for them; and

Whereas, older Americans are the pillars of our community, and we owe it to them to value their wisdom, celebrate their contributions, and champion their well-being. To older Americans across this Nation, you will always be supported.

Now, Therefore, I, STEVE WRIGHT, Mayor of the City of Seaside, in the State of Oregon, do hereby proclaim the month of May, 2024, as

OLDER AMERICANS MONTH

this month and beyond, I call upon all citizens to celebrate older adults for their contributions, support their independence, and recognize their unparalleled value to our Nation.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Seaside to be affixed this 22nd day of April 2024.

STEVE WRIGHT, MAYOR



CITY OF SEASIDE CITY COUNCIL

DRAFT MEETING MINUTES

City Hall, 989 Broadway, Seaside, OR 97138

Monday, April 8, 2024

Work Session 5:00 PM

1. Discussion – Site Amendments to Homeless Camp

Mayor Wright opened the work session to discuss the site amendments to the homeless camp.

City Manager Kyle presented the City Council with the site amendments to the homeless camp located at Avenue ‘S’ and Aldermill Road.

The City Council directed staff to keep the Homeless Camp away from existing neighborhoods and to continue with the site amendment to the homeless camp at Aldermill Road.

1. City Council Meeting 6:00 PM

2. Call to Order and Pledge of Allegiance

3. Roll Call

| Council Members | P/A |
|------------------------|------------|
| Tom Horning | P |
| Randy Frank | P |
| Seth Morrisey | P |
| Steve Dillard | P |
| Steve Wright, Mayor | P |
| Tita Montero | P |
| David Posalski | P |

| Staff Members | |
|--|-------------------------------------|
| Spencer Kyle, City Manager | Jon Rahl, Assistant City Manager |
| Kim Jordan, City Recorder | Dave Ham, Police Chief |
| Zach Fleck, Finance Director | Mitch Brown, Communications Manager |
| Jeff Flory, Community Development Director | Mike Dimmick, Public Works Director |

| Visitors in Chambers (attendance sheet) | Visitors on Zoom |
|--|-------------------------|
| John Hesse | |
| Janene Finger | |
| Kim Verne | |
| Phil Deras | |
| Steve Geiger | |
| Susan Penrod | |
| Kasha Kabanik | |
| Kendall Higgs | |
| Josh Modin | |
| Judy Mace | |

| | |
|--------------|--|
| Jeff Roberts | |
|--------------|--|

4. Approval of Agenda

Mayor Wright asked for approval for the agenda.

| | | | | |
|------------------|---|-------------------|---------------------|----------------------|
| Motion: | Move to approve the agenda. | | | |
| Moved: | Frank | | | |
| Seconded: | Morrisey | | | |
| Ayes: | Wright, Frank, Morrisey, Dillard, Posalski, Montero, Horning | Nays: 0 | Absent: 0 | Recused: 0 |
| Passed: | 7/0 | | | |

5. Proclamation

A. National Public Safety Telecommunicators Week

Communications Manager Brown commented on the Proclamation for National Public Safety Telecommunicators Week, adding telecommunicators take care of calls for the police and fire and answer all the 911 calls.

Councilor Frank read the proclamation for National Public Safety Telecommunicators Week

B. National Library Week

Councilor Montero read the Proclamation for National Library Week.

6. Recognition

There was no recognition.

7. Public Comments (time is limited to 3 minute's)

Jorjett Strumme commented on the Avenue 'S' Homeless Camp.

Jorjett Strumme commented for Daniel Jesse on the Avenue 'S' Homeless Camp.

Dave Koller commented on the Avenue 'S' Homeless Camp.

Kim Verne commented on the Avenue 'S' Homeless Camp.

Janene Finger commented on the Avenue 'S' Homeless Camp.

Steve Geiger commented on the Avenue 'S' Homeless Camp and the amount of marijuana dispensaries allowed in Seaside.

City Council Public Comment Submission Received:

Glenda Phillips Avenue 'S' Homeless Camp.

Max Ritchie Avenue 'S' Homeless Camp.

Seth Morrisey Seaside Homeless Camp.

Cathey Ryan Seaside Library first amendment intellectual freedom.

Crystal Evans and Greg Montgomery Avenue 'S' Homeless Camp.

Debra Gerttula Avenue 'S' Homeless Camp.

Dave Koller Avenue 'S' Homeless Camp.

Daniel Jesse Avenue 'S' Homeless Camp.

8. Declaration of Potential Conflict of Interest

| Council Members | Y/N | |
|---------------------------|------------|--|
| Steve Wright, Mayor | N | |
| Tom Horning | N | |
| Randy Frank | N | |
| Seth Morrisey | N | |
| Steve Dillard | N | |
| David Posalski, President | N | |
| Tita Montero | N | |

9. Consent Agenda

| | | | | |
|------------------|--|-------------------|---------------------|----------------------|
| Motion: | Move to approve the consent agenda, pay the bills, and approve the minutes for March 25, 2024. | | | |
| Moved: | Morrisey | | | |
| Seconded: | Montero | | | |
| Ayes: | Wright, Dillard, Morrisey, Frank, Posalski, Montero, Horning | Nays: 0 | Absent: 0 | Recused: 0 |
| Passed: | 7/0 | | | |

10. Reports and Presentations

A. Police Chief Ham and Communications Manager Brown presented the Seaside Police Department Annual Report.

B. Finance Director Fleck presented the Seaside Finance Department Annual Report.

11. City of Seaside boards, commissions, and committees

There were no board, commission, or committee items.

12. Unfinished Business

A. [Ordinance 2024-05 – An Ordinance of the City of Seaside, Oregon, Amending Chapter 30: City Council, Section 30.01 Council Meetings, of the Code of Ordinances Seaside.](#)

Mayor Wright opened the public hearing and there were no public comments.

| | | | | |
|------------------|--|-------------------|---------------------|----------------------|
| Motion: | Move to read Ordinance 2024-05, third reading by title only. | | | |
| Moved: | Frank | | | |
| Seconded: | Montero | | | |
| Ayes: | Wright, Dillard, Morrisey, Frank, Posalski, Montero, Horning | Nays: 0 | Absent: 0 | Recused: 0 |
| Passed: | 7/0 | | | |

| | | | | |
|------------------|--|------------|--------------|---------------|
| Motion: | Move to adopt. | | | |
| Moved: | Frank | | | |
| Seconded: | Montero | | | |
| Ayes: | Wright, Dillard, Morrissey, Frank, Posalski, Montero, Horning | Nays: 0 | Absent: 0 | Recused: 0 |
| Passed: | 7/0 | | | |

| Roll Call Vote | Y/N |
|-----------------------------------|------------|
| Tom Horning | Y |
| Randy Frank | Y |
| Seth Morrissey | Y |
| Steve Dillard | Y |
| Steve Wright, Mayor | Y |
| Tita Montero | Y |
| Davis Posalski, Council President | Y |

13. **New Business**

A. **Liquor License Application – The Cookie Jar LLC., 8 N. Holladay Drive.**

Mayor Wright introduced the Liquor License Application for the Cookie Jar.

Marcus Runkle, Cookie Jar Owner, commented on the liquor license application for the Cookie Jar, stating the license would be used for special events on premises for groups.

| | | | | |
|------------------|--|------------|--------------|---------------|
| Motion: | Move to approve the Liquor License for the Cookie Jar. | | | |
| Moved: | Posalski | | | |
| Seconded: | Frank | | | |
| Ayes: | Wright, Dillard, Morrissey, Frank, Posalski, Montero, Horning | Nays: 0 | Absent: 0 | Recused: 0 |
| Passed: | 7/0 | | | |

B. **Public Hearing School District Appeal of Planning Commission’s Decision.**

Mayor Wright read a script for the quasi-judicial hearing that would be conducted for an appeal received from the Seaside School District for the Planning Commission’s decision on a conditional use.

Community Development Director Flory updated the City Council on the appeal by the Seaside School District of the Planning Commission’s decision to their previous request to modify their conditions of use. The applicant requested the City Council overturn the Planning Commission’s requirement to place a 40-foot-tall netting along the first base line and the requirements to keep the netting on the north fence line up year-round.

Mayor Wright opened the public hearing.

Susan Penrod, Seaside School District Superintendent, commented on the appeal by the Planning Commission regarding their requirements for the netting for the baseball/softball field on Broadway.

Josh Modin, ZCS Engineering & Architecture, commented on the appeal adding this was a conditional use request by Seaside School District to modify Condition 5 of their prior approval which, if approved, will allow the Seaside School District to remove the netting on the west side, first base line, of the softball field and not keep the nets up year-round.

Mayor Wright asked if there was anyone who wished to testify in favor of the appeal.

Skylar Archibald, Sunset Empire Park and Receptions, spoke in favor of the Seaside School District appeal.

Jeff Roberts, Seaside School District Principal, spoke in favor of the Seaside School District appeal.

Mayor Wright asked if there was anyone who wished to testify in opposition to the appeal, there were no comments.

Mayor Wright asked for Council comments.

| | | | | |
|------------------|---|------------------------------|---------------------|----------------------|
| Motion: | Move to eliminate the requirement for netting on the west side of the softball field and require that netting be up before any organized baseball or softball play begins and continue until any organized baseball or softball play is booked. | | | |
| Moved: | Posalski | | | |
| Seconded: | Frank | | | |
| Ayes: | Wright, Morrissey, Frank, Posalski, Montero, Horning | Nays: 1 Dillard | Absent: 0 | Recused: 0 |
| Passed: | 6/0 | | | |

C. [Resolution #4037 – A Resolution of Intent to Vacate Certain Property in the City of Seaside, Oregon, Directing the City Manager to give Public Notice and Set a Date of Hearing.](#)

City Manager Kyle updated the City Council regarding Resolution #4037. Approval of the resolution will set a date for a public hearing and direct staff to begin the street vacation process.

Community Development Director Flory updated the City Council on the location of the street vacation.

Mayor Wright made a correction to Resolution #4037.

| | | | | |
|------------------|---|-------------------|---------------------|----------------------|
| Motion: | Move to read Resolution #4037 as amended replacing the word east with west and by title only. | | | |
| Moved: | Morrissey | | | |
| Seconded: | Montero | | | |
| Ayes: | Wright, Dillard, Morrissey, Frank, Posalski, Montero, Horning | Nays: 0 | Absent: 0 | Recused: 0 |
| Passed: | 7/0 | | | |

| | | | | |
|------------------|---|-------------------|---------------------|----------------------|
| Motion: | Move to adopt Resolution #4037. | | | |
| Moved: | Morrisey | | | |
| Seconded: | Montero | | | |
| Ayes: | Wright, Dillard, Morrisey, Frank, Posalski, Montero, Horning | Nays: 0 | Absent: 0 | Recused: 0 |
| Passed: | 7/0 | | | |

14. Comments from City Staff and Partner Organizations

There were no comments from City Staff.

15. Comments from City Council

Councilor Montero commented on the Library Board meeting.

Councilor Dillard commented on the public comments received regarding the homeless situation.

Mayor Wright announced the Budget Committee meeting, and the “If I were Mayor Contest” winners would be attending the next City Council meeting.

16. Executive Session: Recess into Executive Session: 8:03 PM.

In accordance with ORS 192.660 (2) (d) regarding conducting deliberations with persons designated to carry on labor negotiations.

In accordance with ORS 192.660 (2) (f) regarding consideration of information or records that are exempt from disclosure by law, including written advice from attorney.

17. Reconvene into Regular Session: 8:57 PM

In accordance with ORS 192.660 (2) (d) regarding conducting deliberations with persons designated to carry on labor negotiations.

City Council action if any regarding executive session: no action taken.

In accordance with ORS 192.660 (2) (f) regarding consideration of information or records that are exempt from disclosure by law, including written advice from attorney.

City Council action if any regarding executive session:

| | | | | |
|------------------|---|------------------------------|---------------------|----------------------|
| Motion: | I want to talk about a work session meeting on the way our library provides materials to children. One of those things would be to come up with a motion for Council, at some point, about removing language out of our policy that restricts us from doing that. And the other is to implement a procedural change on the way we review materials provided to children. I would talk about that in a work session so that then we can hammer out something very specific that we can bring to a Council meeting. | | | |
| Moved: | Dillard | | | |
| Seconded: | Morrisey | | | |
| Ayes: | Dillard, Morrisey, Frank, Horning | Nays: 3 Wright, | Absent: 0 | Recused: 0 |

| | | | | |
|----------------|-----|----------------------|--|--|
| | | Posalski, Montero | | |
| Passed: | 4/0 | | | |

18. Adjourn City Council Meeting 9:06 PM

Approved by Council on: _____

Minutes prepared by: _____
Kim Jordan, City Recorder

STEVE WRIGHT, Mayor

Hello Neighbors,

4/4/2024

I believe the City of Seaside has illegally created a public nuisance in our neighborhood. The camp on Ave S is dangerous to the health and safety of our community. I know many of you have had recent issues such as: stolen property, violent interactions with drug addicts, rat infestation, problems with trespassers, vandalism, human waste on your property and other issues which are a direct cause of the City of Seaside's "unhoused" camp.

The City of Seaside has knowingly created this nuisance and has shown an unwillingness to remove this danger from our neighborhood. Basic laws are not being upheld in the area surrounding the camp. This has undoubtedly placed our community in a desperate situation. Apparently, "citations are not even worth the paper they are printed on." We have neighbors afraid to go outside and walk their dog or be outside after dark. No property owner, not even the city, has the right to create a dangerous and intimidating situation in any neighborhood. I know most of us have heard that the City and the Seaside Police Department have their hands tied because this is a State/Federal directive. I do not believe this absolves them of the basic rights you have regardless of whether you are a tenant or a property owner in the area. The City has a responsibility to **ALL CITIZENS**, housed or unhoused. They cannot take away your basic rights and claim that they are providing a mandated service to a different segment of the population

Thank You,

Your neighbor

Kimberley Jordan

From: pugsnorts@yahoo.com
Sent: Saturday, April 6, 2024 4:39 AM
To: publiccomment
Subject: Seaside Public recycling center

Caution! This message was sent from outside your organization.

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I don't feel safe using the Alder Mill Ave and Avenue S Recycling Center anymore and now throw my recycles in the garbage. I am an over 65 years woman and when I went to the Recycling Center 2 weeks ago, more then one homeless person was crawling inside the Recycling bin. The homeless person stuck their hands out of the bin opening and took the recycle items from a person coming to the bin to put something in it.

My sister and husband said from now on if we decide to use the Recycling center we better go together to make sure we have help if we are harassed by the homeless there. I decided it wasn't worth it and just quit Recycling.

Glenda Phillips
1680 S Franklin St
Seaside

[Yahoo Mail: Search, Organize, Conquer](#)

Kimberley Jordan

From: Coastal Homes NW <coastalhomesnw@gmail.com>
Sent: Monday, April 8, 2024 9:49 AM
To: publiccomment
Subject: Site Amendments to Homeless Camp

Caution! This message was sent from outside your organization.

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To the Seaside City Council:

Our business owns land and builds homes at the Blue Heron Pointe subdivision at Avenue S and Wahanna. In the many years that we have been working there, the amount of theft, vandalism, and drug use has increased dramatically each year, and we strongly oppose the expansion or permanent creation of a homeless encampment on Avenue S.

The repeated direct and indirect impacts of the encampment that we are aware of include:

*Trespassing and theft from construction sites and other private property. Homes under construction have been broken into and appliances, tools, copper piping, and other building materials have been stolen. Homeowners have reported people rifling through their garbage cans and stealing other household items, and generally feeling unsafe with the encampment nearby.

*Open drug use and camping on the premises. The open space where future homes are to be constructed has become a frequent location for drug use and camping, impeding the sales and construction of new homes. Used needles are found regularly and this poses a health risk for all.

*Vendors have threatened to no longer serve the neighborhood as a result of vandalism.

The presence of the encampment on Avenue S has only increased these issues, and the Police log will confirm this. It impedes our ability to build needed homes in the City, and decreases the desire of prospective homeowners to live there. Slowed or limited construction has obvious impacts on City revenue and tax base. We applaud the efforts of the Seaside Police Department in managing these infractions, and the City Council's efforts to solve the local homelessness issue. We understand the need for housing solutions, but oppose any expansion or permanent siting of the homeless encampment on Avenue S.

Respectfully,
Max Ritchie
Coastal Homes NW

--
--

Coastal Homes NW
PO Box 2772
Seaside, OR 97138
503-395-0999

Kimberley Jordan

From: Seth Morrissey
Sent: Monday, April 8, 2024 12:33 PM
To: Kimberley Jordan; Spencer Kyle
Subject: Seaside Homeless Camp Memo
Attachments: Seaside Homeless Camp.png

Hi Kim,

Can you please forward this to the city council?

Hi Council,

Prior to our work session on the Seaside Homeless Camp today, I wanted to share a few thoughts that would be best to discuss internally at this point.

Camp Location - As I've mentioned in previous discussions I'm concerned about the current camp location and the unfair burden it puts on this area of town. While there's an argument to be made that the camp is working for the majority of the city, it's clearly not working for this specific area. In short, I'm not in favor of this location being the "permanent" camp and have attached a mapped detailing other proposed locations that I would prefer even on a "temporary" basis. One of which is the backside of the Seaside Public Works property.

In summary, I believe we must find a location that does not unfairly burden any of our residents.

Permanent Camp Location - There's a complaint amongst residents that live near the camp that we did not follow proper protocol when selecting this location. That protocol was supposed to include giving public notice of our intent to move the camp to this location followed by subsequent public meetings. Regardless of the location the council decides to choose for the permanent location, it's critical that we move forward with a process that includes both public notice and public input.

Camp Operation - I'm concerned that our leniency to the campers is creating an incentive that will bring more campers into our area. I'm in favor of the city pursuing the strictest possible enforcement of our local ordinances and state laws. This would include:

- Empower Seaside PD to enforce all camp rules and laws. If a camper refuses to follow the rules and laws of the city they should be immediately removed and banned from the camp.
- Reinstate the required camp move out at least once per month. This was never intended to be a permanent location and moving the campers periodically will help emphasize that.
- Reach out to the State of Oregon for all available funding and resources that are available.
- Contract with an organization to manage the camp and use the Seaside PD only for law enforcement when needed.

Thank you,

Seth Morrissey
City Councilor



JABER
RONALD
P

BURNHAM
DAVID
JOE

Ave U

Alder Mill Ave

SE



CITY OF SEASIDE

Published on *Seaside, OR* (<https://www.cityofseaside.us>)

[Home](#) > [Public Comment Submission or Registration](#) > [Webform results](#) > Submission #40

Submission information

Form: [Public Comment Submission or Registration](#) [1]

Submitted by Anonymous (not verified)

April 8, 2024 - 1:26pm

2601:1c0:4e00:3810:e828:c997:e81f:18c3

Full Name:

Max Ritchie

Full Address (Providing your address is required to offer public comment):

PO BOX 2772 Seaside, OR 97138

Phone Number:

5037760629

E-mail Address:

coastalhomesnw@gmail.com

Confirm E-mail Address:

coastalhomesnw@gmail.com

Is this comment for the City Council or the Planning Commission?

City Council

Meeting Date you will be providing public comment (Council Meets 2nd and 4th Monday of Month, Planning Meetings 1st Tuesday of Month)

April 8, 2024

Select which option you will be using to attend the meeting:

Written Comment

Written comment instructions:

I have read and understand the written comment instructions.

Written Comment:

To the Seaside City Council:

Our business owns land and builds homes at the Blue Heron Pointe subdivision at Avenue S and Wahanna. In the many years that we have been working there, the amount of theft, vandalism, and drug use has increased dramatically each year, and we strongly oppose the expansion or permanent creation of a homeless encampment on Avenue S.

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*Trespassing and theft from construction sites and other private property. Homes under construction have been broken into and appliances, tools, copper piping, and other building materials have been stolen. Homeowners have reported people rifling through their garbage cans and stealing other household items, and generally feeling unsafe with the encampment nearby.

*Open drug use and camping on the premises. The open space where future homes are to be constructed has become a frequent location for drug use and camping, impeding the sales and construction of new homes. Used needles are found regularly and this poses a health risk for all.

*Vendors have threatened to no longer serve the neighborhood as a result of vandalism.

The presence of the encampment on Avenue S has only increased these issues, and the Police log will confirm this. It impedes our ability to build needed homes in the City, and decreases the desire of prospective homeowners to live there. Slowed or limited construction has obvious impacts on City revenue and tax base. We applaud the efforts of the Seaside Police Department in managing these infractions, and the City Council's efforts to solve the local homelessness issue. We understand the need for housing solutions, but oppose any expansion or permanent siting of the homeless encampment on Avenue S.

Respectfully,
Max Ritchie

Is this comment for the general (open) comment period or for a specific agenda item?
Specific Agenda Item

Please list the specific item on the agenda that allows for public comment (Example: Item #11A - Resolution #3994):
Site Amendments to Homeless Camp

If you would like to submit a photo or other documents along with your comment please upload them here:

Please select one of the following required options:

I am stating that I would like this comment submitted to the City Council prior to its next meeting and included in the council packet. Further, I'm stating that by checking this box, I understand that it will become part of the public record. Comments made without a name and address cannot be added to the public record.

Source URL:<https://www.cityofseaside.us/node/20386/submission/14536>

Links

[1] <https://www.cityofseaside.us/public-comment-form>



CITY OF SEASIDE

Published on *Seaside, OR* (<https://www.cityofseaside.us>)

[Home](#) > [Contact the City Council](#) > [Webform results](#) > Submission #95

Submission information

Form: [Contact the City Council](#) [1]
Submitted by Anonymous (not verified)
April 8, 2024 - 1:48pm
47.7.8.12

Your Name:

Cathey Ryan

Your E-mail Address:

catheyryan@gmail.com

Your Phone Number:

206 747-4442

Subject:

Intellectual Freedom

Message:

Intellectual freedom is the right of library users to read, seek information, and speak freely as guaranteed by the First Amendment. Intellectual freedom is one of the core values of the library profession; it promotes access to information and guides the defense against censorship. The freedom to read is essential to our democracy. In a democratic society, individuals must be sufficiently knowledgeable to make informed decisions. Libraries provide their users with necessary information through a wide selection of materials from varying points of view. It is essential that library resources remain free to use for all, regardless of age

Councilor Morrisey

Councilor Frank

Councilor Dillard

Councilor Posalski

Councilor Montero

Councilor Horning

Mayor Wright

Kimberley Jordan

From: Crystal Evans <crystalevans25@hotmail.com>
Sent: Monday, April 8, 2024 2:29 PM
To: publiccomment
Subject: Homeless encampment

Caution! This message was sent from outside your organization.

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To the seaside city counsel:

I purchased our home just off of avenue S two years ago. Since moving to Seaside I have seen this area deteriorate to a state that no longer feels safe. Our garbage has been rummage through, I hear yelling late at night coming from the direction of the encampment, I don't feel safe walking to burly and the bean anymore after witnessing people clearly on drugs. The mess and junk around that area is disgusting and I'm sure is causing our property values to go down. I was under the understanding that it was a temporary fix but now I have been notified it's becoming permanent, I'm angry and disappointed it wasn't agreed upon by the homes in this area. I don't believe this is fair to our community and would like my voice and others in the area to be heard. There has to be another piece of property that can be purchased outside the main part of seaside that these people not paying taxes or respecting cleanliness can be placed.

Crystal Evans & Greg Montgomery

I live about 1 block from the homeless camp on ave S. I feel the problems being caused by many of the homeless is visably obvious and well documented through all the police reports and rise in crime. I realize that not all homeless are bad people or guilty of the stereotype, but the crim violence, destruction of the environment, pollution messiness, drugs, mental illness and possible gun sales that do occur, is enough to instill fear, anxiety, apprehension and frustration for residents living around them or nearby.

I haven't wanted to complain because I do feel sorry for homeless people and I'm grateful that I'm not homeless myself. And I recognize all of the efforts the city has made to try to find solutions Seaside is a small city trying to come to grips with a huge problem, and it seems to have exploded in the past three years. I know officials are struggling to find space enough to accommodate everybody by providing enough tiny-homes (or any at all) and that we are limited for space compared to Astoria or Warrenton, but I really wish this encampment could be relocated to somewhere less residential and away from here.

I miss feeling safe enough to walk my dog around the mill-pond or to leave my front gate open. I have to keep it pad-locked with a no-trespassing sign on it to keep people from walking into my yard at night and stealing my possessions. My car began getting broken into by at least one man, and recently it was vandalized when someone smashed part of my head-light when the turn signal is.

I'm tired of hearing all of the fights, or dispute occurring frequently and I think I may have witnessed a gun-sale across the street late at night, in front of the garage-door co. I saw someone getting out of the back-seat of a car and then ~~scampering~~ carrying away something that looked like a rifle, and then the car left.

I tried to help one homeless man because his dog was so pathetically neglected and tended-up being mistreated and become a target. I helped the little Yorky as much as he would allow me to, and I'm not sorry I did, but I have suffered his abuse and emotionally from experiencing his on-going neglect / abuse of this poor little dog. It makes me cry, even to this day.

I am partially disabled and almost 70 yrs old and I've made it my quest in life to help animals whenever I can, but it's really hard to witness / experience abuse when I see it, over and over.

I've lived in my home for 38 yrs. I take pride in my home and community. I've worked hard to try to create a pleasing, tranquil environment for myself and my animals. All I want is to be allowed to live-out my remaining years in peace and harmony.

Homelessness is a wide-spread problem. I feel it is a 'sign of the times' and the result of over-population and the dwindling of resources and space. We were warned decades ago that people would be living in their cars or motor-homes, or in the streets, but I don't think anybody foresaw all of the problems that would come with it.

I don't want the wilderness to become encroached upon by moving homeless away from the city, and into the woods but I do feel more buildings could be utilized within the city to provide housing such as the former Broadway School, churches, or the Red Lion Inn.

Another idea of mine, to provide more tiny-homes would be to utilize 3-D printing technology. It's an extremely fast, efficient, low-cost method of building very sturdy structures. And I feel it may set a precedent for other cities and save resources. We could be proud of our innovativeness and creativity, and show how compassionate, caring, and understanding we are as a city.

The problem of unhoused people is likely to grow in the next 10 or 20 years, and I feel it important to establish resolution that would set a standard for how many we can accommodate and for where they are allowed to camp, before it gets even more out of control.

Sincerely,
Debra K. Bettula
770 AVE S

Mr. Mayor, as a longtime Seaside resident and business person, it is apparent to me we are in the midst of a homeless crisis rooted in addiction to fentanyl. As this crisis relates to the City's camp, Seaside lacks the financial, institutional and land resources to legally abide by the state camping mandate.

This camp is an illegal public nuisance, and it is dangerous to the health and safety of our entire community. My neighbors and I experience stolen property, violent interactions with drug addicts, rat infestation, trespassers, vandalism, human waste, and other more unpleasant issues as a direct result of the City's camp. I even heard the rat nuisance raised in the last budget meeting regarding damage to city trucks parked at the property adjacent to the camp.

However, it is not just the nearby residents of the camp that are feeling the negative impact of this larger crisis. Vagrants broke into the basement of a small property I own on 1st Ave and began to make themselves at home there too. There are camps under several of the town's bridges. I know numerous residents who are constantly catching criminals and vagrants on their security cameras. Mr. Mayor, you must ensure that the police department is directed to enforce even the most basic laws that hold our community together.

I have been in the camp on several occasions to search for and recover items stolen from my construction site across the street. This is not a camp needed as a result of limited housing. This is homelessness specific to addiction. It will not be solved by a place to camp, a laxity of basic laws, and easy access to bottle deposit funds to trade in for fentanyl at \$1 a pill. The camp is filthy, it is not humane and the city should not be involved with managing this public health disaster without proper resources. The current path is growing this disaster and endangering the community you are tasked with serving.

Mr. Mayor, please show the leadership Seaside needs at this moment. I ask you to declare a State of Emergency in Seaside for homelessness specific to addiction. Demand more resources from the State of Oregon. Institutional help for drug addiction is necessary from the larger metro areas. Police resources are also needed to deal with the rise in property crimes we are experiencing. I also offer the idea of asking the governor for a 6-month moratorium on bottle deposit returns in Seaside and possibly all of Clatsop County. As you know, bottle deposit refunds help drive the fentanyl economy in our community. As we face this emergency, remove easy access to the drug during coming the summer months and allow Seaside to evaluate the future of responsible bottle refunds.

Please do not let the crisis continue to grow.

Your community needs you to take this action immediately!

Dave Keller
900 Ave S

Avenue S Self Storage LLC

P.O. Box 592 / 955 Avenue S.
Seaside, OR 97138
(503)717-2444

April 8, 2024

Honorable Mayor and Councilors,

As a former Councilor in Gearhart, I very much appreciate the predicament you are facing with the homeless epidemic. There is no place a camp can be placed within the community that will not impact the surrounding homes or businesses. Unfortunately for me, I am one of those businesses that is being impacted by the camp located adjacent to Avenue S.

I purchased this business 17 years ago, and though I have had minor issues with tenants and small homeless camps that have popped up around the mill ponds, I have never experienced the volume of garbage being dumped on our property, graffiti to our buildings, vagrant vehicles parked in our isles, and tenants feeling unsafe coming and going from their units, as I am dealing with at this point. It has become very apparent that the homeless camp and the adjacent homes and businesses are not compatible with each other.

It is inappropriate to provide a camp space for the homeless, and not provide a place for them to park their vehicles.

As a business owner, the burden of the camp is very taxing, I can't imagine what it must feel like to be an adjacent homeowner.

If the campers aren't willing to police their own actions, and be better neighbors, the city needs to provide more oversight to the camp to lessen the impact of the adjacent homes and businesses. We should not be responsible for picking up and hauling away their debris. We should not be responsible for towing their cars when they are blocking our tenants' entrances. We should not be responsible for the clean up of the defacing of our buildings. We should not have to be dealing with the safety concerns of ourselves or our tenants.

Please feel free to reach out if you have any questions or would like to discuss these issues further.

Respectfully,


Daniel Jesse



| | |
|------------------------|--|
| APPLICATION(S): | 769-24-000010-PLNG – Zoning Ordinance Amendment |
| MEETING DATE: | April 22, 2024 |
| PUBLIC HEARING: | Yes |
| Report Date: | April 17, 2024 |
| Applicant: | City of Seaside |
| Previous Meetings: | Planning Commission Public Hearing on April 2, 2024 Continued to April 16 |
| Previous Approvals: | None |
| Type of Action: | Legislative |
| Land Use Authority: | City Council |
| Future Routing: | City Council |
| Planner: | Jeff Flory, Community Development Director |

A. Summary:

On April 16, 2024, the Seaside Planning Commission voted to recommend changes to the Seaside Zoning Ordinance (SZO) to remove Vacation Rental Dwellings (VRDs) and Bed and Breakfasts (B&Bs) from the zoning code. A new Short-Term Rental (STR) ordinance will be introduced under the Code of Ordinances in Title 11 - Business Regulations.

Staff Recommendation:

Staff recommends the City Council hold the public hearing on the proposed amendment, take public comments, review and discuss the request, and have first reading of ordinance 2024-03.

B. Exhibits:

- 1. Ordinance 2024-03**
- 2. Public Comments**

C. Background:

In 1992, the City of Seaside passed an ordinance regulating VRDs within the SZO in some residential zones. The ordinance was amended in 2000 but remained under our land use codes. Due to recent court cases regarding short-term rentals, the City’s attorneys have recommended regulations for VRDs and B&Bs be moved out of land use and into business licensing.

D. Specific Request:

Ordinance 2024-03 will remove VRDs and B&Bs from the SZO. Should the City Council choose to approve this ordinance, a new ordinance (2024-04) that will regulate STRs will be introduced for first reading.

E. Process:

This request is being reviewed under Article 9 and Article 10 of the Seaside Zoning Ordinance. Article 9 establishes the criteria for amendments to the ordinance and Article 10 establishes the process and procedures that are applicable to this request.

F. Community Review:

Notice of this public hearing was published in the Daily Astorian on April 11, 2024. A mailed notice regarding the zoning ordinance change was sent to all addresses in Seaside on March 7, 2024. On March 21, 2024, another mailed notice was sent to all Seaside property owners who reside outside of the city stating the April 2, 2024, public hearing will be continued to a meeting on April 16, 2024.

G. Written Comments:

At this time, seven written comments have been submitted pursuant to this request. The comments are attached to this report and briefly summarized below.

Don Godard submitted a written comment with suggestions he would like to see in the new STR ordinance. *Finding: The Planning Commission does not make the decision on what will be included within the new ordinance. That authority lies solely with the City Council when they hold their hearings on the new STR ordinance.*

Seth Hague submitted comments regarding the approval of STRs within the Planned Development that will be located within the old high school property. *Finding: The allocation of STRs within the future Planned Development is pursuant to a purchase agreement for the Estuary Park. The Planned Development application has not been submitted and the type of housing that will be constructed is unknown.*

Robert Houghton submitted comments as to the impacts of removing VRDs and B&Bs from the SZO. Mr. Houghton expressed concerns about the impact not having short-term rentals will have on the local economy. *Finding: The Planning Commission is recommending the removal of the regulations for STRs from the land use codes. A new ordinance will be implemented within business licensing that will regulate STRs. STRs will still be allowed in some areas of the city.*

Tim Mancell expressed concerns regarding allowing 25% of the dwelling units within the old high school property’s future Planned Development as STRs. *Finding: Provisions for the*

development of the old high school property are pursuant to a purchase agreement for the Estuary Park. The number of dwelling units that will be proposed is unknown at this time.

Jesse Taylor expressed concerns regarding the provisions for the STRs within the planned development at the old high school property. *Finding: Provisions for the development of the old high school property are pursuant to a purchase agreement for the Estuary Park. The number of dwelling units that will be proposed is unknown at this time.*

Marnie Murray submitted suggested changes to some of the provisions of the ordinance including the fee schedule, fine schedule, densities, yard area, occupancies, waiting periods, and number of STRs per owner. *Finding: Many of the regulations in this ordinance are the result of Planning Commission and City Council work sessions dating back to the early 2000s. These regulations are in place as this is what the Planning Commission and City Council have determined is best for the community. These regulations are open to discussion and amending by the elected body.*

Chris Schwindt expressed concerns that the areas where STRs are allowed are unfair to those who own property outside of those designated locations. Chris stated that all restrictions should be lifted outside of common-sense safety and nuisance-related rules. *Finding: The areas of approval for STRs are designated to provide tourist-related housing near the city's most popular places for visitors, the ocean shore, and Broadway. These areas are also less common for lower-cost or affordable housing. The areas outside of the designated STR locations are more conducive for permanent residents, and long-term rental housing and should be protected from inundation of STRs.*

H. Comprehensive Plan:

Section 3.1.2 – Residential states:

Medium Density: These areas are characterized by moderately dense housing on generally small lots. Uses include mostly single-family housing dwellings with a mixture of duplex or two-family units and other uses consistent with residential neighborhoods, such as churches, schools, community facilities, and parks or recreational areas. This area may also contain manufactured homes, manufactured home parks, and vacation rental dwellings.”

High Density: These areas are characterized by urban high-density qualities such as apartment houses, as well as some mix of single-family, duplexes, and other uses consistent with high-density residential areas. These areas may also contain limited amounts of commercial uses that are a convenience to residents of high-density area. These convenience establishments have the purpose of providing convenient shopping for daily necessities within easy walking distance, which will help to cut down on traffic in areas presently congested because of very narrow streets. This will also help to conserve energy by saving on fuel consumption.

Dwelling units in this area should be for full-time residential use.”

Section 4.1 – Housing Policies states:

“2. Since the city of Seaside is a recreational community and major tourist attraction on the Oregon Coast, it is recognized that there is a need for recreational types of housing, including beach homes, vacation rentals, motels, recreational vehicle parks, and campgrounds...”

Section 4.0 – Housing states:

“Twenty-two percent of the housing units in Seaside are used only part-time as beach cabins. The city has attempted to separate the housing used by permanent residents and that used by visitors through the creation of a resort residential zone and by regulating vacation rentals in medium and high-density residential zones.”

I. Zoning Ordinance Criteria for Amendments:

Section 9.010 AUTHORIZATION TO INITIATE AMENDMENTS

An amendment to the text of this Ordinance or to a Zoning Map may be initiated by the City Council, the Planning Commission, or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the City Planner using forms prescribed pursuant to Section 10.040. Finding: The Planning Commission directed staff to initiate this amendment at the March 5, 2024, Planning Commission meeting.

Section 9.020 PUBLIC HEARINGS ON AMENDMENTS

The Planning Commission shall conduct a public hearing on the proposed amendment its earliest practicable meeting after the amendment is proposed and shall within forty (40) days after the hearing, recommend to the City Council approval, disapproval, or modified approval of the proposed amendment. After receiving the recommendation of the Planning Commission, the City Council may hold a public hearing on the proposed amendment. Finding: The April 2, 2024, Planning Commission meeting was the first opportunity for the Planning Commission to hold a public hearing on the proposed amendment. That public hearing was continued to the April 16, 2024 Planning Commission meeting. On April 16, 2024, the Planning Commission recommended this ordinance amendment to the City Council.

J. Additional Findings, Conclusions, and Justification Statements:

1. Based on criteria in the Comprehensive Plan, staff has prepared an ordinance to replace the regulations for VRDs and B&Bs within the land use code. The new STR ordinance will be codified under business licensing.
2. The STR ordinance will continue the allowance of STRs (Vacation Rental Dwellings and Homestay Lodging) within the tourist areas of Seaside. The STR ordinance will allow for the permitting of VRDs in areas west of the Necanicum River with specific densities so that the special distribution of VRDs do not concentrate in one specific neighborhood.
3. The City Council and Planning Commission have worked for several years to develop policies for the orderly regulation of STRs. These policies and the work that has previously been conducted are the basis for the new STR ordinance.
4. Although the new ordinance is outside of the purview of the Planning Commission, it is important to recognize that the Comprehensive Plan identifies a need for STRs and their orderly regulation.

K. Conclusion:

The Zoning Ordinance and Comprehensive Plan requirements have been adequately addressed and the City Council can approve the first reading of Ordinance 2024-03.

L. Recommendation

Staff Recommendation:

Staff recommends the City Council conduct a public hearing on the proposed amendment, take public comments, review and discuss the request, and have the first reading of ordinance 2024-03 by title only.

A City Councilor may make the following motion:

“I move to read Ordinance 2024-03 by title only.”

The information in this report and the recommendation of staff are not binding on the City Council and may be altered or amended during the public hearing.

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, REPEALING SECTION 6.135 AND SECTION 6.137 FROM THE SEASIDE ZONING ORDINANCE.

WHEREAS, the City of Seaside has issued business licenses for Vacation Rental Dwellings since 1992, and

WHEREAS, Vacation Rental Dwellings and Bed & Breakfasts have been conditionally permitted uses regulated through the Seaside Zoning Ordinance in some residential zones, and

WHEREAS, it appears to the City of Seaside that these activities are more appropriately regulated through a business regulation process rather than a land use process and that it is, therefore necessary to remove Vacation Rental Dwellings from the Seaside Zoning Ordinance.

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

Section 1.030, Section 3.033, Section 3.043, Section 3.049, Section 3.055, and Section 6.025 of the Seaside Zoning Ordinance are hereby amended to as follows:

Section 1.030 DEFINITIONS

~~**Vacation Rental Dwelling.** A single family dwelling, duplex or triplex which is rented or hired out for a period of less than 30 days. The dwelling may consist of individual units or be in a contiguous form to be considered a vacation rental dwelling. However, each individual unit is to be considered separately for licensing and regulation purposes.~~

Section 3.033 Conditional Uses Permitted. In the R-2 Zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6:

1. Church and other religious structures.
2. Primary, elementary, junior or senior high school; kindergarten, or day nursery; or a higher education institution.
3. Community meeting buildings.
4. Cemetery.
5. Golf course, except commercial driving ranges or miniature golf course.
6. Public park, playground, or other similar publicly owned recreational use.
7. Temporary real estate office in a subdivision.
8. Utility substation.
9. Radio or television transmitter or tower.
10. Government or municipal structure or use.
11. Manufactured Dwelling Park
12. Nursing homes and hospitals.
13. Professional offices when the lot adjoins a State Highway or major arterial and when the lot is contiguous to, or across the street from a commercial or industrial zone.
14. Private sports complex.
15. Manufactured Dwelling Subdivision.
- ~~16. Bed & Breakfast establishments subject to provisions in Sections 6.135 and 6.136.~~

~~17. Vacation Rental Dwellings subject to provisions in Section 6.137.~~

~~18.~~17. Manufactured home on an individual lot when placed upon a permanent foundation and subject to Section 4.135. This section does not apply to land designated as a historic district or land adjacent to a historic landmark.

~~19.~~18. Home Occupation subject to Sections 4.130 through 4.134.

~~20.~~19. Major modification of existing roads and public facilities and services; New roads that are not part of a partition or subdivision. These activities do not authorize the condemnation of property without due process.

~~21.~~20. Public facilities such as Fire Stations, Police Stations, or Ambulance Substations. (ORD. No. 99-11)

Section 3.043 Conditional Uses Permitted. In the R-3 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6:

1. Churches and other religious structures.

2. Primary, elementary, junior and senior high schools; or a higher education institution.

3. Kindergarten or day nursery.

4. Community meeting building.

5. Cemetery.

6. Golf course, except commercial driving ranges, or miniature golf courses.

7. Public park, playground, or other similar publicly owned recreational uses.

8. Temporary real estate office in a subdivision.

9. Utility substation.

10. Radio or television tower or transmitter.

11. Government or municipal structure or use.

12. Convenience establishments.

13. Boarding, lodging or rooming house.

14. Group care homes, homes for the aged, nursing homes, and hospitals.

15. Professional offices when the lot adjoins a state highway or major arterial, or is contiguous to, or across the street from a commercial industrial zone.

16. Private sports complex.

17. Manufactured Home Subdivision.

~~18. Bed & Breakfast establishments subject to provisions in Sections 6.135 and 6.136.~~

~~19. Vacation Rental Dwellings subject to provisions Section 6.137.~~

~~20.~~18. Manufactured home on an individual lot when placed upon a permanent foundation and subject to Section 4.135. This section does not apply to land designated as a historic district or land adjacent to a historic landmark.

~~21.~~19. Home occupations subject to Sections 4.130 through 4.134.

~~22.~~20. Major modification of existing roads and public facilities and services; New roads that are not part of a partition or subdivision. These activities do not authorize the condemnation of property without due process.

~~23.~~21. Public facilities such as Fire Stations, Police Stations, or Ambulance Substations. (ORD. No. 99-11)

Section 3.049 Conditional Uses Permitted. In the R-R Zone, the following Conditional Uses and their accessory uses are permitted subject to the provisions of Article 6:

1. Church and other religious structures.

2. Condominiums and Time Share Units.

3. Community meeting building.
4. Golf course, except commercial driving ranges or miniature golf courses.
5. Public park, playground, or other similar publicly owned recreational use.
6. Utility substation.
7. Professional offices, when the lot adjoins a state highway or major arterial, or when the lot is contiguous to, or across the street from a commercial or industrial zone.
8. Gift shop, or other uses appropriate to a motel or hotel, but only when a part of a hotel or motel.
9. Aquariums.
10. Restaurant and cocktail lounge, when in conjunction with a motel.
11. Group care homes, homes for the aged, and nursing homes.
- ~~12. Vacation Rental Dwellings subject to provisions in Section 6.137.~~
- ~~13.~~12. Manufactured home on an individual lot when placed upon a permanent foundation and subject to Section 4.135.
- ~~14.~~13. Major modification of existing roads and public facilities and services; New roads that are not part of a partition or subdivision. These activities do not authorize the condemnation of property without due process.
- ~~15.~~14. Public facilities such as Fire Stations, Police Stations, or Ambulance Substations. (ORD. No. 99-11)

Section 3.055 Conditional Uses Permitted. In the R-C Zone, the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6.

1. Church and other religious structures.
2. Wedding chapel.
3. Group care homes, homes for the aged, nursing homes and residential homes.
4. Primary, elementary, junior or senior high schools; kindergarten or day nursery; or a higher education institution.
5. Public park, playground, or other similar publicly owned recreational use.
6. Government or municipal structures or use.
7. Utility substation.
- ~~8. Bed and Breakfast establishments subject to provisions in Section 6.135 and 6.136.~~
- ~~9.~~8. Grocery stores
- ~~10.~~9. Restaurants
- ~~11. Vacation Rental Dwellings subject to provisions in Section 6.137.~~
- ~~12.~~10. Manufactured home on an individual lot when placed upon a permanent foundation and subject to Section 4.135. This section does not apply to land designated as a historic district or land adjacent to a historic landmark.
- ~~13.~~11. Major modification of existing roads and public facilities and services; New roads that are not part of a partition or subdivision. These activities do not authorize the condemnation of property without due process.
- ~~14.~~12. Public facilities such as Fire Stations, Police Stations, or Ambulance Substations. (ORD. No. 99-11)

Section 6.025 ADMINISTRATIVE CONDITIONAL USE PERMITS

The Community Development Director, Planning Director, or their designee shall have the authority to approve the following conditional uses provided they comply with their respective criteria:

1. Manufactured homes on individual lots subject to Section 4.135.
- ~~2. Bed & Breakfast establishments subject to Sections 6.135 and 6.136.~~
- ~~3. Vacation Rental Dwellings subject to Section 6.137.~~
- 4.2. Home Occupations subject to Sections 4.130, 4.131, 4.132, 4.133, and 4.134.

Following the above criteria will take the place of Sections 6.020 through 6.043.

Section 6.135 Bed & Breakfast Establishments, 6.136 Variance Procedure for Bed & Breakfast Establishments, and Section 6.137 Vacation Rental Dwelling (VRD) of the Seaside Zoning Ordinance are hereby repealed in their entirety.

ADOPTED by the City Council of the City of Seaside on this ___ day of _____, _____ 2023, by the following roll call vote:

YEAS:
NAYS:
ABSTAIN:
ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ___ day of _____, 2023.

STEVE WRIGHT, MAYOR

ATTEST:

Spencer Kyle, City Manager

SUGGESTED CHANGES TO VRD and B&B ORDINANCES

No objections to the proposed deletions in Section 3. The February 15, 2024 memo from Community Development Direction states that a new Short-Term Rental Ordinance will be housed under Business Licensing. The following are suggested changes to the existing Ordinances that the **Planning Commission should suggest to the Council for incorporation in the new Ordinances.**

1. **Delete Section 6.136.1. (B&B).** This is an unlawful delegation of the Council's legislative authority. See attached Henningsgaard letter March 4, 2021 to Van Thiel.
2. **Section 6.135.2. (B&B) should include a definition of "owner occupied."** Currently, Zoning Ordinance Section 1.030 Definitions includes: "Owner: Includes an authorized agent of the owner." This definition should be included in the Business License Ordinance.
3. **Section 6.137.6.E. (VRD) should be deleted.** This section requires payment for a Business License and payment of Room Taxes and includes a penalty of revocation of the permit if payments are not made. There is no such requirement for B&Bs. The Business License & Room Tax Ordinances speak for themselves – a license & tax is required for all businesses (which includes VRD and B&B). The Business License Ordinance includes a penalty for failure to acquire a Business License. There is no reason to create a unique penalty for VRD's which does not exist for B&Bs or any other business.
4. **VRD and B&B distinctions should be replaced by an all-inclusive Short Term Rental category.** To preserve the essential differences the replacement Ordinance could state: "If occupancy up to and including 12 persons is approved, the premises make be occupied by the owner or not, at the owner's discretion. If occupancy of 13-15 persons is approved, the premises shall be owner occupied.



Don Godard

April 2, 2024

2411 Ocean Vista Drive

Seaside OR 97138



March 4, 2021

Dan Van Thiel
POB 805
Baker City OR 97814 vanthiellaw@gmail.com

Re: Seaside Variance Procedure for Bed and Breakfast Establishments - ZOS 6.136

Dear Dan,

I write to alert you to a conversation I anticipate you will have with the Seaside Mayor and /or planning staff. I represent Don Godard who resides at 2411 Ocean Vista Drive. My client's desire to increase the rental units in his bed and breakfast has collided with the objection of an absentee neighbor. For the reasons described below, I believe that ZOS 6.136(1) which allows an abutting property owner to veto a variance application violates Article I, section 21 of the Oregon Constitution. In its relevant part that section provides no law shall be passed "the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution* * *."

My client currently operates his home as a bed and breakfast under a variance from the city. He is in the process of increasing the number of bedrooms on his second floor and like to increase his allowable rental units. Any increase will require a variance for the additional units. The procedure is set forth in ZOS 6.136. This section provides:

Section 6.136 Variance Procedure For Bed & Breakfast Establishments. A variance for additional units may be considered if the following criteria are met:

1. Abutting property owners are in agreement.
2. House has architectural design that would accommodate the use without changing the character of the neighborhood.
3. Adequate approved parking is provided.
4. Building meets Fire & Life Safety Code with annual inspection required.

The only objection my client received from surrounding owners was from the trustee of a California trust that owns an adjacent property. Ironically the only beneficiary who regularly uses that house does not object. The objecting trustees are his parents, who live in Orange County and rarely come to Seaside. Their objection is not based on my

client's operation of the bed and breakfast but rather on a vague notion that there are enough visitors in the area already.

Several land use cases from Umatilla County hold that permitting private citizens to arbitrarily make a land use decisions is an unlawful delegation of decision making authority under Article I Section 21.

In *Cosner v Umatilla County LUBA* (2012) LUBA considered a county ordinance that allowed a private landowner to waive the two-mile setback to a wind power generator and substitute a lesser setback at the sole discretion of the landowner. That ordinance, just like ZOS 6.136.1 allowed a private citizen to arbitrarily make the decision. LUBA found that allowing the waiver in the "arbitrary and standardless" discretion of the landowner, ran afoul of the delegation clause of Article I, section 21 of the Oregon Constitution.

Umatilla County responded to the *Cosner* decision by adopting an ordinance which allowed a landowner to "effectively veto" an application by failing to sign a consent. The amended statute was also held to violate Article I, section 21 in *Iberdrola Renewables, LLC v Umatilla county* 67 Or LUBA 149 (2013).

In my mind there does not seem to be a significant difference between the defect LUBA found in the Umatilla ordinance and ZOS 6.136.1. I believe that this defect can be cured simply by disallowing the citizen veto. My client has met with Kevin Cupples concerning this problem and has a meeting scheduled with the mayor next week. If you have not already been advised of this issue I expect you will.

Please let me know if I can provide any further information or if you have questions.

Sincerely,



Blair J.
Henningsgaard cc
client

March 27, 2024

Seaside Planning Commission

989 Broadway

Seaside, OR 97138

RE: Ordinance 2024-04

Dear Planning Commissioners,

I'm writing to comment on proposed Ordinance 2024-04 regarding VRD dwellings. It appears the driver of this ordinance is regarding the purchase of the estuary park in exchange for allowing 25% of the units to be Vacation Rentals in a planned development at the old high school.

I think allowing any more areas to allow VRDs in Seaside is a terrible idea. We DO NOT need any more vacation rentals. Seaside as well as the entire area & the state is in a crisis regarding available & affordable housing. Vacation rentals take away so much housing that would otherwise be used to house working families as well as professionals such as doctors, law enforcement, teachers & other needed professionals here.

I think the planned development of housing is a great idea. But it should be only housing, not VRDs. VRDs cause a lot of problems with parking, rude guests, late parties, etc. I can't imagine living in a neighborhood fulltime with 25% of the houses VRDs where most weekends there will be a bunch of inconsiderate renters disturbing the peace. Look at the stuff that goes on off N. Franklin on 14th. Those residents are furious about the VRDs in their neighborhood causing problems & they have every right to be furious.

VRDs are nothing more than commercial lodging operations in residential neighborhoods. I know the developers are asking for VRDs as VRD properties fetch a higher price since they make income. But at the same time I think they reduce value of surrounding properties that have to put up the VRDs in their neighborhood. Many cities & counties have recognized the negative effects of vacation rentals & have capped and/or reduced the number of VRD units. Some more extreme than others but the consensus is there that local residents are tired of VRDs. We should be focused on having enough housing for locals. Businesses are struggling to find employees & a root cause of this is there is nowhere for them to live. Also full time residents support our economy year around instead of VRDs that sit empty most of the winter except some weekends & are only full during summer months. Seaside needs much more than a seasonal economy.

The city got duped on the development on S Wahanna & S. When that was planned the developers stated the intent was to build affordable housing. Much work went into defining what affordable was & 300-350k was max. When rates were low that was ok. But what ended up getting built was over 600k. Some 700k. Definitely not affordable.

The old high school is a perfect opportunity for Seaside to address our housing crisis. It's a rare opportunity. Let's not screw it up by allowing a bunch more VRDs.

Jordan Sprague

From: Jeff Flory
Sent: Monday, April 15, 2024 9:58 AM
To: Jordan Sprague
Subject: FW: Comments on proposed STR ordinances

This one too.

Jeff Flory
Community Development Director
City of Seaside
Office: (503) 738-7100
Mobile: (503) 583-4007
cityofseaside.us



**CITY OF
SEASIDE**

From: cdadmin <cdadmin@cityofseaside.us>
Sent: Thursday, April 11, 2024 9:20 AM
To: Jeff Flory <jflory@cityofseaside.us>
Subject: FW: Comments on proposed STR ordinances

Debbie Kenyon
Administrative Assistant
City of Seaside
Community Development
Mailing: 989 Broadway St.
Physical: 1387 Ave. U
Seaside, OR 97138
Office: (503) 738-7100
cityofseaside.us



**CITY OF
SEASIDE**

From: Christopher Schwindt <chris@cds-enterprise.com>
Sent: Wednesday, April 10, 2024 11:29 AM

To: cdadmin <cdadmin@cityofseaside.us>

Subject: Comments on proposed STR ordinances

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Dear Planning Commission:

These comments concern the proposed updates to City code concerning STRs / VRDs in the City of Seaside. My company currently owns property at 924 Ave H, Seaside.

I disagree with the proposed code changes. I have no issue with eliminating the Bed & Breakfast designation and streamlining the process through another department. The issue I have is with the limitations and quotas imposed on property owners concerning STR/VRD permits.

The City's proposal allows blanket 100% density approvals along the ocean front, which are the most valuable properties in town owned by the wealthiest owners. Then scaling it back from there not even to 101 and no one else in the City even gets to participate in the STR/VRD economy. This is so patently unfair and biased towards the wealthiest, best-positioned landowners I am shocked you would even propose this. I guess they probably pay the most local taxes too, but still. You are proposing to devalue every other landowner's property outside of the "anointed zone" and boost those within it tremendously. This is just totally unfair to your constituent landowner / taxpayers throughout the larger remaining area of Seaside. I also disagree with the City restricting STR/VRD use at all.

Inspections for safety and reasonable rules for operation to prevent nuisances for other landowners are OK. However, other restrictions amount to a taking without compensation at worst, and unnecessary, heavy-handed, diminution of value, economy-interfering regulation at best. You should allow the free market to do its own work of finding the right equilibrium among the possible uses of private property. Anything else is basically top-down, command and control economics, i.e., communism. What makes you the anointed ones to determine which individual economic decisions about use of private property are "best"? You pretend to know, but all you are doing is creating even worse distortions of the true economy, and there will be serious negative consequences, as there always are.

You should lift all restrictions other than common sense safety and nuisance related rules. The economy, through thousands of individual free-will choices, will determine the highest best use of individual private property. If you don't like the results, then take actions at the cost of the collective (taxpayers) to provide the benefit or amenity (e.g., low-income long-term housing) you think you can provide by just targeting the homeowners outside of your proposed "anointed zones" at their individual expense and the benefit of the selected few lucky landowners how somehow curried governmental favor. You should scrap this entire proposal and go back to the drawing board with free-market capitalism and constitutional rights at the forefront of your minds.

Regards,

Christopher Schwindt

Email: chris@cds-enterprise.com

Phone: (503) 810-6374

Mail: PO Box 80794, Portland, OR 97280

Jordan Sprague

From: Marnie Murray <marnie.murray@gmail.com>
Sent: Monday, April 8, 2024 7:14 PM
To: Jordan Sprague; Marnie Murray
Subject: Written comments on Vacation Rental Dwellings

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This email is my written comments on the Proposed Updates to the Seaside Zoning Ordinances and the changes to the Business Licenses to accommodate Vacation Rental Dwelling Units.

First, the website indicates that Seaside will only approval one VRD license per owner. Why this restriction? If I'm financially able to purchase more than one property in Seaside, why should I be prevented from using them both as Vacation Rentals?

I am using the version of the ordinance available at
chrome-

extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.cityofseaside.us/sites/g/files/vyhli6311/f/uploads/short_term_rental_ordinance.pdf

120.03.1 paragraph: a waiting period of 180 days after an expired application is excessive. Who knows what issues may be discovered by a Community Development inspection or how long it may take to fix the issues? Recommend 30 days maximum.

120.03.2 An Application Fee of \$500 is excessive. The standalone Inspection Fee is \$100, which makes the fee to process the paperwork \$400. If the paperwork is so complicated that it takes \$400 of a clerk's time to process it, then paperwork should be simplified. I recommend a reduction of the Application Fee to \$200, if which, \$100 is the paperwork process fee and \$100 is the Inspection Fee.

120.03.3 Please include a link to the location of the Business License.

120.03.4 Remove this requirement. Add a requirement that the new owner of the property must apply to change the name and contact information for the short-term rental license. Otherwise, the house is unchanged and the existing rentals are allowed to continue for a 90-day period, therefore there is no reason to make the short-term rental license non-transferable and void.

120.03.5 This clause is unclear. What does it mean "renting ... is required to be accessory to the primary, residential use of the dwelling?" Also, explain what documentation would satisfy "applicants must demonstrate, by written documentation" ?

120.03.6 Remove the 90-day waiting period for new Vacation Rental Dwellings. There is no reason to delay an approved licensed other than to make the process lengthy and difficult, and to prevent a homeowner from deriving income from their property. Likewise, remove the 2-year waiting period after issuance of Certificate of Occupancy for a newly constructed building. There is no reason to delay application for a Vacation Rental Dwelling for a newly constructed building, other than to make the process arbitrarily lengthy and difficult, and to prevent a homeowner from deriving income from their property.

120.05.5 State the amount of the Re-inspection Fee.

120.06.2 Remove 30% and 50% densities and make the entire Vacation Rental Area 100%. Failing that, change the Spatial Density of the 30% Zone to 50%.

In addition, for any Spatial Density that is being used, change the calculation from using Vacation Rentals and Tax Lots within 100 ft to using Total Number of Vacation Rental Dwellings as a percentage of the Tax Lots within the entire Zone, as follows: (Total number of VRDs) % (Total Number of Tax Lots).

120.06.4 The term "residential appearance" is subjective and open to interpretation. Once person's opinion of what is acceptable can be very different to another person's opinion. So, remove this sentence: "Front, side, and rear yards must maintain a residential appearance by limiting off-street street parking within yard areas." Retain the "50% of each yard area that is not occupied by buildings must be permanently landscaped" which is measurable.

120.06.6 Remove the prohibition "shall not exceed three person per bedroom". It's arbitrary. If someone has a vacation rental containing a bedroom with two bunk beds, meaning four persons could be in that room, where is the justification for restricting it to 3 people? Or if there are 4 bedrooms that can house 3 people each, where is the justification for saying only 10 people can stay there, not 12? Requiring an automatic fire suppression sprinkler system to have 12 people puts it out of reach of nearly every dwelling. After all, how many houses in Seaside actually contain these?

Remove the restriction that vacationers cannot invite people to the Vacation Rental if it increases the number of people in the house over the maximum people allowed. What, they can't invite a few friends for a quiet dinner together, or to watch a movie in the evening? What is the problem that you are trying to solve with this regulation? Why not address it directly, rather than penalizing every vacationer for some action they may never do.

120.06.7 This is very specific to the type of activity being performed. Let me guess that what is being attempted is to reduce noisy activities out of doors late at night in a residential area. By this clause, people could be outside on a deck or play beach volleyball in the backyard, and any noise generated would not be a problem, because it isn't by a fire ring or fire place, etc. If there is an applicable Seaside noise ordinance, it might be better to state: "As per Seaside Ordinance xx.xx.x outdoor activities of a noisy nature must stop during the hours of ..."

120.06.9 Remove this clause.

120.10 All of the fines are excessive and look punitive. Two offenses and their license is revoked? REALLY? This should be reserved for an owner or property manager who is flagrantly and deliberately contravening the regulations. The actions with regard to licenses escalate to soon and too fast, and an owner loses their license for 6 months after only two, possibly minor, offenses.

120.10.1 \$250 for a first offense should be reduced to \$100.

120.10.2 Change fine to \$100. Remove the "suspension of the short-term rental license for 6 months".

120.10.3 Change to \$250 fine. Remove everything after "fine"

120.10.4 Change to: "\$500 fine and suspension of short-term rental license for a period of 6 months, or if unlicensed, a six-month waiting period before a license may be issued."

120.10.5 The current clause in 120.10.5 says "Subsequent offenses within a one-year period: \$2000 fine." The previous clause, 120.10.4, permanently revokes the short-term license with that owner. Doesn't that mean the process stops at clause 120.10.4 and never reaches 120.10.5?

My recommendations would have the owner returning back to vacation rental after having their license revoked for 6 months. At this point, the count is reset and the owner starts back at the beginning of the process with an offense count at 0.



CITY OF
SEASIDE

From: Robert Houghton <robbadler@gmail.com>
Sent: Tuesday, April 2, 2024 3:45 PM
To: publiccomment <publiccomment@cityofseaside.us>
Subject: Comment on 769-24-000010-PLNG

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I am against the plan to remove Vacation Rental Dwellings and B&Bs from the Seaside Zoning Ordinance.

As a homeowner in Seaside, I am troubled by the plan to limit the use of my home. We bought a vacation home for my family, with the understanding that, in troubling times, we could convert the house to a rental to help support our income as my family has grown.

To have the city try and take away this right, without having published any reasoning on why, or a prospectus on the expected impact on:

- * Overall city rental capacity
- * Tourism dollar impact
- * Downstream job impacts (cleaning, landscaping, etc)
- * Home value in affected areas
- * Expected number of homes affected
- * Maps of zones affected

Furthermore, there are studies showing that implementing limits on Vacation Rentals can negatively impact community residential value. Services like Airbnb allow homeowners to make use of excess rooms in their homes for tourism, utilizing space that would otherwise be unused. Homes are purchased, refurbished, or renovated in order to make them appealing to renters. Removing the right, or applying barriers to entry, will

1

curtail the spend on residential property and renovation in the community.
See <https://ssrn.com/abstract=3874207> as an example.

Without having provided any of this supporting information, and possibly even if it were supplied, I cannot support a city motion to curb the rights of home owners. Do not repeal any allowances for Vacation Rental Dwellings in Seaside.

-Robert

Jeff Flory

From: Seth Hague <Seth.Hague@magamb.com>
Sent: Tuesday, April 2, 2024 9:28 AM
To: Jeff Flory
Cc: mark@missiondg.com
Subject: Questions for Planning Commission's consideration at 4.2.23 meeting

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Hi Jeff, I hope you are doing well.

I wanted to forward a few of these questions (in no particular order) to you in hopes you can pass them along to the planning commission to consider asking the owner of the old high school property when discussing **Ordinance NO. 2024-04.**

- Factoring in the need for affordable housing – both low-income and missing middle – how does the short-term rental benefit the community in the long run.
- What kind of housing is planned for the high school site? And what is the timeline?
 - Price point of planned housing if for sale housing?
 - Has a site plan been reviewed by the city in a pre-con meeting?
- Has there been any consideration from the owner of the high school site to work with the city to develop the low-income housing project in the N40 in return for the STR zoning at their site? Or visa-versa?
 - If not the N40 site, is there another site that the owner of the old high school owns that would be willing to contribute to affordable rental housing?
- Has there been a market study conducted by the owner of the high school stie showing the demand for STR in that area?
 - If so, what are the findings?
 - If no, what is the justification for STR over the entire site and not specific sections?

I appreciate your time and consideration.

thanks,

--

Seth Hague
Founding Principal
C: 503.440.2981
seth.hague@magamb.com

MAG-AMB
DEVELOPMENT

CONFIDENTIALITY STATEMENT & NOTICE:

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Jesse Taylor
2041 Aldercrest St
Seaside, OR 97138
March 14, 2024

RE: Ordinance No. 2024-04

To the Seaside Planning Commission,

I am writing in opposition to the portion of the proposed ordinance number 2024-04, section 120.12 Estuary Properties. This Planning Commission less than two years ago removed the ability for property owners to vacation rental their homes in this same area. The area removed was north of 12th Ave and west of Holladay Drive. The Planning Commission felt very strongly that they wanted to keep the residential feel of the neighborhoods. It was even said that this was one of the last affordable areas for locals to live and felt that vacation rentals were taking over. To hear that there is a proposal to allow VRD's in the new development is absurd, the proposed development wasn't even in the allowed VRD boundary beforehand. Per my conversation with Jeff Flory, there is no proposal for how many dwellings will be built. He said per the zoning, up to 10 dwellings per acre could be built which could equal 200+ dwellings. 25% equals 50+ VRD's, that is way more allowable VRD's than what could have been prior to the boundary change in 2022. How is that going to keep a residential feel?

Secondly, our family has owned a home on the west side of Holladay Dr since 1994. We had plans to vacation rental it, until the boundary change in 2022. How frustrated do you think we are to have that option taken away from us, and then less than 2 years later being offered to an investor ten-fold on a property not even in a previous VRD location?

I encourage the planning commission and the City of Seaside staff to go back and watch the YouTube videos from 04/19/2022, 05/03/2022, and 06/07/2022. It was very clear how you felt about VRD's in this proposed area. If this proposal passes for VRD's at the estuary lots, I couldn't think of a bigger F-you that you would be sending to all the surrounding property owners. It would probably be the most hypocritical decision the commission and city has made to date.

Thank you for your time,

Jesse Taylor



| | |
|------------------------|--|
| SUBJECT: | Short-Term Rental (STR) Ordinance 2024-04 |
| MEETING DATE: | April 22, 2024 |
| PUBLIC HEARING: | Yes |
| Report Date: | April 17, 2024 |
| Author: | Jeff Flory, Community Development Director |

A. Introduction:

The Seaside Planning Commission has recommended removing Vacation Rental Dwellings (VRDs) and Bed and Breakfasts (B&Bs) from the zoning code. Ordinance 2024-04 introduces Short-Term Rental (STR) rules and regulations under the Code of Ordinances in Title 11 - Business Regulations.

Staff Recommendation:

Staff recommends the City Council hold a public hearing, take public comments, review and discuss the ordinance, and have the first reading of Ordinance 2024-04 by title only.

B. Exhibits:

- 1. Ordinance 2024-04**
- 2. Public Comments**

C. Introduction:

Ordinance 2024-04 will implement STR rules and regulations in the Code of Seaside into business licensing. This ordinance is written based on previous work that has been done by the Seaside Planning Commission and Seaside City Council. This ordinance implements the Planning Commission’s policies regarding STR regulation, application process, and penalties for repeated offenders.

D. Background:

In 1992, the City of Seaside passed an ordinance regulating VRDs within the SZO in some residential zones. The ordinance was amended in 2000 but remained under our land use codes. Due to recent court cases regarding short-term rentals, the City’s attorneys have recommended regulations for VRDs and B&Bs be moved out of land use and into business licensing.

E. Department Review:

The Community Development Department put together this ordinance based on previous policies that were the product of many years of work from the Planning Commission and City Council. The ordinance strives to provide common sense regulation of STRs while attempting to preserve what has traditionally been lower-cost, long-term, rental housing.

Seaside’s tourism-based economy relies on lodging options such as VRDs and Homestay Lodging, along with hotels, to provide places for visitors to rent on a short-term basis. Lodging options like Homestay Lodging provide options for Seaside locals to rent out individual rooms in their primary residence to visiting tourists. VRDs and VRCs give the option for second homeowners to offset the costs of ownership by supplementing their income with STR. All of these short-term lodging options are subject to the City’s transient lodgings tax.

Many local businesses rely on these visitors as Seaside’s primary economic driver is tourism. Implementing regulations such as the locations where VRDs can be permitted as well as restricting the use of duplexes, triplexes, and apartments as STRs will preserve these types of traditional long-term rental housing while still providing lodging options for visitors.

Implementing STR regulations under business licensing will allow the City Council to adjust these restrictions as the economy and needs of the city change.

F. Community Review:

Notice of this public hearing was published in the Daily Astorian on April 11, 2024. A mailed notice regarding the zoning ordinance change was sent to all addresses in Seaside on March 7, 2024. On March 21, 2024, another mailed notice was sent to all Seaside property owners who reside outside of the city stating the April 2, 2024, public hearing will be continued to a meeting on April 16, 2024.

G. Written Comments:

At this time, seven written comments have been submitted pursuant to this request. The comments are attached to this report and briefly summarized below.

Don Godard submitted a written comment with suggestions he would like to see in the new STR ordinance. *Finding: The Planning Commission does not make the decision on what will*

be included within the new ordinance. That authority lies solely with the City Council when they hold their hearings on the new STR ordinance.

Seth Hague submitted comments regarding the approval of STRs within the Planned Development that will be located within the old high school property. *Finding: The allocation of STRs within the future Planned Development is pursuant to a purchase agreement for the Estuary Park. The Planned Development application has not been submitted and the type of housing that will be constructed is unknown.*

Robert Houghton submitted comments as to the impacts of removing VRDs and B&Bs from the SZO. Mr. Houghton expressed concerns about the impact not having short-term rentals will have on the local economy. *Finding: The Planning Commission is recommending the removal of the regulations for STRs from the land use codes. A new ordinance will be implemented within business licensing that will regulate STRs. STRs will still be allowed in some areas of the city.*

Tim Mancell expressed concerns regarding allowing 25% of the dwelling units within the old high school property's future Planned Development as STRs. *Finding: Provisions for the development of the old high school property are pursuant to a purchase agreement for the Estuary Park. The number of dwelling units that will be proposed is unknown at this time.*

Jesse Taylor expressed concerns regarding the provisions for the STRs within the planned development at the old high school property. *Finding: Provisions for the development of the old high school property are pursuant to a purchase agreement for the Estuary Park. The number of dwelling units that will be proposed is unknown at this time.*

Marnie Murray submitted suggested changes to some of the provisions of the ordinance including the fee schedule, fine schedule, densities, yard area, occupancies, waiting periods, and number of STRs per owner. *Finding: Many of the regulations in this ordinance are the result of Planning Commission and City Council work sessions dating back to the early 2000s. These regulations are in place as this is what the Planning Commission and City Council have determined is best for the community. These regulations are open to discussion and amending by the elected body.*

Chris Schwindt expressed concerns that the areas where STRs are allowed are unfair to those who own property outside of those designated locations. Chris stated that all restrictions should be lifted outside of common-sense safety and nuisance-related rules. *Finding: The areas of approval for STRs are designated to provide tourist-related housing near the city's most popular places for visitors, the ocean shore, and Broadway. These areas are also less common for lower-cost or affordable housing. The areas outside of the designated STR locations are more conducive for permanent residents, and long-term rental housing and should be protected from inundation of STRs.*

H. Staff Recommendation

Staff recommends the City Council conduct a public hearing, take public comments, review and discuss the ordinance, and read Ordinance 2024-04 by title only.

A City Councilor may make the following motion:

“I move to read Ordinance 2024-04 by title only.”

ORDINANCE NO. 2024-04

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON ADDING CHAPTER 120 TO TITLE XI OF THE SEASIDE CODE OF ORDINANCES.

WHEREAS, the City of Seaside has issued business licenses for Vacation Rental Dwellings since 1992, and

WHEREAS, Vacation Rental Dwellings and Bed and Breakfasts have been conditionally permitted uses regulated through the Seaside Zoning Ordinance in some residential zones, and

WHEREAS, it appears to the City of Seaside that these activities are more appropriately regulated through a business regulation process rather than a land use process and that it is therefore necessary to add Vacation Rental Dwelling, Vacation Rental Condominium, and Bed & Breakfast requirements to Title XI Business Regulations.

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

SECTION 1. Chapter 120 SHORT TERM RENTALS is hereby created within Title XI Business Regulations as follows:

120.01 PURPOSE

The short-term rental business license is made available in recognition of the desire of many people to rent their single dwelling, attached multi-dwelling condominium, or rooms in their property for periods of less than 30 days, and also in recognition of the need of the City to regulate such activities to reduce impacts on other City residents and for the protection of public health and welfare.

120.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Accessory Dwelling Unit (ADU): An interior, attached, or detached residential structure that is used in connection with or that is accessory to a single dwelling. Unlike a guesthouse, an ADU will include a kitchen and function as an independent dwelling unit.

Bedroom: A room or other space, at least 70 sq. ft., within a dwelling unit designed, intended, or used for sleeping. Roll-out beds, fold-out couches, or other temporary sleeping accommodations including tents and recreational vehicles shall not be considered a sleeping area and may not be used to increase the allowed occupancy of a short-term rental.

City: Means the City of Seaside.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, sanitation, and only one cooking area. A cooking area is a discrete area within a structure with any means of cooking, including a hot plate, stove, oven, cooktop, or any cooking apparatus other than a microwave or toaster.

Single-Dwelling Detached: A structure in which all habitable portions thereof are connected structurally and comprise one dwelling unit.

Single-Dwelling Attached: That portion of a structure comprising a single dwelling unit within a larger structure with more than three dwelling units in which all habitable portions thereof are connected structurally, each dwelling unit is connected by a common party wall, and each dwelling unit is on its own lot.

Multi-Dwelling: A structure in which all habitable portions thereof are connected structurally and which is comprised of more than three dwelling

units under common ownership or individually owned under condominium ownership, which does not meet the definition of Single-Dwelling Attached.

Duplex: A structure that contains two dwelling units, either under common ownership on a single lot or under separate ownership on separate lots.

Triplex: A structure that contains three dwelling units, either under common ownership on a single lot or under separate ownership on separate lots.

Homestay Lodging: A single-dwelling attached or single-dwelling detached that is the owner's primary residence and in which individual rooms or a guest house may be rented for a period of less than 30 days.

Guest House: A detached structure used for sleeping purposes that does not contain a cooking facility. A guest house is not an Accessory Dwelling Unit and may not be rented separately from the primary dwelling under a VRD business license.

Landscaping: Permanent features or plantings such as fencing, curbing, walls, shrubs, trees, bushes, grass, and other similar features that discourage or prohibit the parking of a vehicle.

Owner(s): The people or person, partnership, corporation, association, or other legally recognized person(s) or entity holding title to the dwelling unit in accordance with law.

Short-Term Rental: A dwelling unit, individual rooms within a dwelling unit, or a guest house made available to rent to any person for a period of less than 30 days. Stays in a dwelling unit for no consideration are not considered short-term rentals. Homestay lodging, vacation rental dwelling, and vacation rental condominiums are each specific types of short-term rental.

Vacation Rental Dwelling: A single-dwelling attached or single-dwelling detached that is not the owner's primary residence and which may be rented for a period of less than 30 days.

Vacation Rental Condominium: A dwelling unit within a multi-dwelling under a condominium form of ownership which may be rented for a period of less than 30 days.

120.03 Issuance of License; Fees

No person shall make a short-term rental available for rent without first obtaining a short-term rental license pursuant to the following requirements:

- 1. Application:** Applications must be submitted to the Community Development Department on a form specified by the department. The department will review the application for completeness and notify the applicant of any incomplete items within thirty days. The applicant will then have thirty days to submit any missing items; if the applicant fails to do so, the application will expire.

Upon determining that an application is complete, the department will review the application and the associated dwelling unit and property for compliance with the standards in this chapter, substantial compliance with the City of Seaside's adopted building and fire codes, and all applicable laws.

The applicant will have 180 days from the date the application is deemed complete to schedule and complete an inspection with Community Development staff and demonstrate that the application meets all of the requirements of this chapter. If the applicant fails to do so, the application will expire. If an application expires, the applicant is required to wait 180 days before re-applying.

The applicant must be an owner of the property at the time of submitting an application.

- 2. Application Fee:** An application and inspection fee of \$500.00 is due at the time of submittal. The application fee will not be refunded should the

application be canceled, expired, or denied. The fee for an inspection separate from an application is \$100.00.

3. **Annual Business License Required:** The applicant is required to obtain a business license after their short-term rental license application is approved and prior to any short-term rental, and to maintain an annual business license thereafter. Only one business license for a short-term rental will be allowed per owner or ownership.
4. **Non-Transferrable:** A short-term rental license is specific to a particular property and owner, and is non-transferrable and void upon the subject property transferring ownership. New property owners are required to obtain their own short-term rental license in order to operate a short-term rental. Notwithstanding the foregoing, new owners are provided a 90-day grace period from the date the title is recorded to close out or honor existing short-term rental bookings without first obtaining a short-term rental license. No new bookings shall be allowed until a short-term rental license for the new owner is approved.
5. **Accessory Use:** Renting a dwelling or part of a dwelling short-term is required to be accessory to the primary, residential use of the dwelling. Applicants must demonstrate, by written documentation, the primary, residential use.
6. **Waiting Period for New Vacation Rental Dwellings:** Short-term rental license applications for Vacation Rental Dwellings are subject to a 90-day waiting period, after approval and prior to issuance of the license, if the property was not previously licensed within the 30-day period prior to the application. Short-term rental license applications for a Vacation Rental Dwelling in a newly constructed building may not be submitted until two years after the issuance of a Certificate of Occupancy. Properties located in areas where 100% density is allowed for Vacation Rental Dwellings are not subject to the waiting periods in this section.
7. **Transient Lodgings Tax:** All short-term rentals are required to collect and remit transient lodgings taxes pursuant to Chapter 32 of the Seaside Code of Ordinances and fully comply with all other requirements of that chapter.

120.05 General Standards for all Short-Term Rentals

All short-term rental licensees shall comply with the following standards:

1. **Local Contact:** A local contact whose primary residence is within Clatsop County must be identified by the owner. The local contact will serve as an initial contact person if there are issues regarding the operation of the short-term rental. The local contact must be available twenty-four hours a day to respond to reported issues within two hours. The local contact is required to maintain a complaint log of reported issues that must be made available upon request by the City's Code Compliance Official.

Short-term rental owners are required to report in writing to the city, the homeowner's association if applicable, and to property owners within 100ft of their short-term rental the name and contact information for the Local Contact. Upon changing local contacts, short-term rental owners shall immediately notify in writing the City, their homeowner's association (if applicable), and property owners within 100ft of their short-term rental of the new local contact's name and contact information.

A preferred contact, who does not reside within Clatsop County, may be listed for a short-term rental; however, a preferred contact does not replace the requirement for each short-term rental to list a local contact who resides in Clatsop County.

2. **Signage:** Short-term rentals may elect to place signage on their dwelling. Signage is limited to one 1.5 sq. ft., non-illuminated, name plate.

3. **Required Postings:** Short-term rentals are required to have their short-term rental license, business license, occupancy certificate, parking map, tsunami evacuation map, and good neighbor rules posted in a conspicuous place within the short-term rental.
4. **Code Compliance:** A short-term rental shall remain in substantial compliance with the City's adopted building and fire codes, applicable state laws, and the City of Seaside Code of Ordinances.
5. **Re-Inspection:** All short-term rentals are required to be available for inspection by the City's Code Compliance Official annually, subject to the applicable fee.
6. **Public Alert Weather Radio:** All short-term rentals are required to maintain a functioning public alert certified weather radio in the dwelling or each tenant space.

120.06 Vacation Rental Dwelling Standards

In addition to the standards in Section 120.05, Vacation Rental Dwellings shall comply with the following standards:

1. **Vacation Rental Dwelling Approved Locations:** Short-term rental licenses are permitted for vacation rental dwellings only in the following locations:
 - Properties that abut Sunset Blvd. from the Tillamook Head Parking area north to Ocean Vista Dr. including Whaler's Point.
 - Properties that abut Ocean Vista Dr. north to S. Edgewood St.
 - All properties that abut S. Edgewood St. north to Avenue U from S. Edgewood St. west to the ocean shore.
 - Those properties that abut Avenue U east to the Necanicum River.
 - Properties that are west of the Necanicum River to the ocean shore north of Avenue U to 1st Ave.
 - Properties that are west of Holladay Dr. to the ocean shore from 1st Ave. north to 12th Ave.
 - Properties that are west of the Necanicum River to the ocean shore from 12th Ave. north to the Necanicum River estuary.

(See Exhibit A)
2. **Spatial Distribution:** The density of Vacation Rental Dwellings within 100ft of an applicant's property shall not exceed the percentage specified below depending on the property's location. Density is calculated by determining the total number of tax lots any portion of which are within 100ft of the applicant's property that are licensed Vacation Rental Dwellings and dividing that number by the total number of tax lots any portion of which are within 100ft of the subject property. The subject property is not counted when calculating density percentages. For purposes of this calculation, condominium complexes will be treated as one tax lot.

100% Density

- Properties that have ocean frontage from the southern end of Sunset Blvd. north to Ocean Vista Dr.
- Properties that are on the east side of Ocean Vista Dr. across from the Cove parking lot north to the Sailor's Grave.
- Properties that have ocean frontage north from the Sailors Grave to the end of N. Columbia St.
- Properties west of S Columbia St to the ocean shore from Avenue G north to Avenue A.
- Properties west of N. Downing St. to the ocean shore from 1st Ave. north to 9th Avenue.

50% Density

- Properties that abut Ocean Vista Dr. from the intersection of S. Edgewood St. north to Avenue U.
- Properties on the west side of Beach Drive from Avenue U north to Avenue G.

30% Density

- Properties that abut the east side of Sunset Blvd. from the Tillamook Head parking area north to the Cove Parking Lot
- Properties west of the Necanicum River to Beach Dr. from the intersection of Ocean Vista Dr. and S Edgewood St. north to Avenue A.
- Properties excluded from the 100% density areas west of N Holladay Dr. from 2nd Avenue north to 12th Avenue.
- Properties excluded from the 100% density areas west of the Necanicum River from 12th Ave. north to the Necanicum River estuary.

(See Exhibit B)

- 3. Parking:** One 9ft x 18ft off-street parking space must be provided for each bedroom (that is counted for occupancy purposes) in the unit, but in no event shall fewer than two off-street spaces be provided. The off-street parking spaces shall be easily accessible to renters and not require maneuvering that would deter renters from using them. Off-street parking areas using easement driveways shall provide space for maneuverability on the Vacation Rental Dwelling's property so renters are not required to back down from the easement to access the public right of way.

Parking spaces located inside garages or carports must have a minimum headroom clearance of 8ft. The garage door or carport opening must be a minimum of 8ft wide.

Off-street parking spaces and their access are required to be surfaced, concrete, pavers, or asphalt if access to those areas is from a surfaced public or private street. Street parking is strictly prohibited for guests of Vacation Rental Dwellings.

- 4. Residential Yard Areas:** Yard areas abutting a public right of way must maintain a residential appearance by limiting off-street street parking within that area. At least 50% of the yard area that is not occupied by buildings must be permanently landscaped so that parking will not dominate the yard.
- 5. Trash Service:** Weekly solid waste pick-up is required during all months. All trash and recycling containers are required to have wind latches installed. Container size shall be sufficient to accommodate the occupancy of the Vacation Rental Dwelling as determined by the Code Compliance Official based on solid waste industry standards.
- 6. Occupancy:** The maximum number of renters shall not exceed three persons per bedroom with a maximum total occupancy of ten persons (whichever is less) unless an automatic fire suppression sprinkler system is installed in the dwelling in which case, the maximum total occupancy shall not exceed twelve persons (whichever is less). In the event a Vacation Rental Dwelling does not have sufficient parking to accommodate the number of bedrooms, the occupancy will be calculated at three persons per available off-street parking space. When calculating maximum occupancy, the number of persons includes any visitors to the property at any time during the rental.
- 7. Outdoor Fire Rings, Fireplaces, Hot Tubs, and Spa Facilities:** If these outdoor facilities are provided, their use will only be allowed between the hours of 7:00 a.m. and 10:00 p.m. These hours must be posted along with any other established rules governing the use of the amenity.

8. **House Numbers:** A house number, clearly visible from the street shall be installed and maintained by the property owner.
9. **Pets:** If the Vacation Rental Dwelling allows pets and they generate three (3) complaints within twelve (12) months related to running at large, trespassing, or causing a disturbance due to excessive barking; pets will be prohibited from that Vacation Rental Dwelling.

120.07 Vacation Rental Condominium Standards

In addition to the standards in Section 120.05, Vacation Rental Condominiums shall comply with the following standards:

1. **Occupancy:** The occupancy of a Vacation Rental Condominium shall not exceed three persons per bedroom and shall not exceed six people (whichever is less). When calculating maximum occupancy, the number of persons includes any visitors to the property at any time during the rental.
2. **Off-Street Parking:** Two 9ft x 18ft off-street parking spaces are required for each Vacation Rental Condominium. A parking map directing renters to which spaces are available for their use is a required posting inside the condominium. Street parking is strictly prohibited for all renters of Vacation Rental Condominiums.
3. **Trash Service:** Trash services for the multi-dwelling building shall be of sufficient size to accommodate the total number of units in the building.

120.08 Homestay Lodging Standards:

In addition to the standards in Section 120.05, Homestay Lodging establishments shall comply with the following standards:

1. **Owner Occupancy Required:** The property shall be the owner's primary residence and must be owner-occupied during the guest's stay.
2. **Maximum Rental Units:** The maximum number of separately rentable units within a Homestay Lodging shall be two. Each rentable unit shall have no more than one bedroom.
3. **Guest Occupancy:** The total occupancy shall not exceed five renters per homestay lodging.
4. **Parking:** Two 9ft x 18ft off-street parking spaces are required for the residents of the Homestay Lodging plus one 9ft x 18ft off-street parking space for each separately rentable unit. The guest parking spaces shall be independent of the two required owner parking spaces allowing independent access to the rental property.

Off-street parking spaces and their access are required to be surfaced, concrete, pavers, or asphalt if access to those areas is from a surfaced public or private street. Street parking is strictly prohibited for renters of Homestay Lodging establishments.

5. **Trash Service:** Weekly solid waste pick-up is required during all months. All trash and recycling containers are required to have wind latches installed. Container size shall be sufficient to accommodate the occupancy of the Homestay Lodging establishment as determined by the Code Compliance Official based on solid waste industry standards.

120.09 Complaints

All complaints regarding Short-Term Rentals which are submitted to the City will initially proceed through the informal resolution process provided herein. If the complaint is unresolved after completion of the informal resolution process, then a more formal process shall be utilized as set forth below.

1. The complainant shall attempt to communicate with the designated local contact. The complainant shall describe the problem in detail and the requested resolution to the local contact.
2. The local contact shall promptly respond to the complainant and make reasonable efforts to remedy any situation that is out of compliance with the provisions of this chapter. The local contact is required to take action on a complaint within 2-hours of receiving notice.
3. If the response from the local contact is not satisfactory to the complainant, the complainant may file a complaint, in writing, to the City.
4. The City shall notify the property owner and property manager/local contact of the complaint. The owner or their property manager/local contact shall respond to the complaint in writing within five (5) days of the notification. The response shall list the date and time they were contacted regarding the complaint, the steps they took to resolve the complaint, and the steps they will take to prevent the same type of complaint in the future.
5. The City's Code Compliance Official shall document the complaint and response and issue a written determination to the parties involved. The Code Compliance Official may mediate any issues with a short-term rental and complainants. If the Code Compliance Official finds a violation of this chapter, the Code Compliance Official may take further enforcement action.

120.10 Enforcement

A person who violates or permits the violation of any of the provisions of this chapter shall, upon conviction thereof, be subject to a penalty as specified below. Each day on which a violation occurs or continues shall constitute a separate offense.

1. First offense: \$250 fine.
2. Second offense within a one-year period: \$500 fine and suspension of short-term rental license for a period of 6 months, or if unlicensed, a six-month waiting period before a license may be issued.
3. Third offense within a one-year period: \$1000 fine and revocation of a short-term rental license. The short-term rental license holder, and any other owner of the same property, will be ineligible to re-apply for a short-term rental license for a period of one year, provided the license holder remains an owner of the property. If unlicensed, a one-year waiting period shall apply before a license may be issued.
4. Fourth offense within a one-year period: \$1500 fine and permanent revocation of a short-term rental license. The short-term rental license holder, and any other owner of the same property, will be ineligible to re-apply for a short-term rental license while the license holder remains an owner of the property. If unlicensed, the owners shall be ineligible to apply for a short-term rental license.
5. Subsequent offenses within a one-year period: \$2000 fine.

120.11 Short-Term Rentals Prohibited

Short-term rentals are prohibited in the following dwellings and properties:

1. Properties that contain Accessory Dwelling Units.
2. Duplexes, except duplexes with each unit on a separate lot.
3. Triplexes, except triplexes with each unit on a separate lot.
4. Multi-dwelling attached apartment buildings not under a condominium form of ownership.
5. Properties with two or more single-dwelling detached units on one lot.

120.12 Estuary Properties

Pursuant to the purchase and sale agreement for the Estuary Park, twenty-five percent (25%) of the dwelling units incorporated in the Planned Development of tax lots

61015BC03800, 61015BC04201, 61015BC03000, and 61015BC02900 (See Exhibit C) shall be eligible for short-term rental licenses, notwithstanding any spatial distribution or dwelling unit type restrictions in this chapter, provided those dwelling units meet all other requirements of this chapter. The specific dwelling units to be eligible for short-term rental licenses under this section shall be designated by the developer at the time of the development approval and shall not be subject to change thereafter. No other dwelling units within said tax lots shall be eligible for short-term rental licenses.

In the event that substantial steps towards the commencement of construction for a significant development have not transpired within a period of two (2) years subsequent to the enactment date of this Ordinance, Section 120.12 Estuary Properties shall be rendered null and void

120.13 Non-Liability of the City of Seaside

Neither the city nor any official or employee of the City shall be liable for any damages, or claims from any owner or third party relating to the enforcement of any provision of this chapter.

120.14 Delegation of Authority

The City of Seaside Community Development Department is delegated the authority and responsibility to adopt rules, procedures, forms, and practices consistent with the overall intent of this chapter, to implement, administer, and operate the licensing program for the city.

120.15 Severability

Each section, sentence, clause, and phrase hereto are declared severable. If any section sentence clause, or phrase of this chapter is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this chapter.

In the event that substantial steps towards the commencement of construction on tax lots 61015BC03800, 61015BC04201, 61015BC03000, and 61015BC02900 (See Exhibit C) for a significant development have not transpired within a period of two (2) years subsequent to the enactment date of this Ordinance, Section 120.12 Estuary Properties shall be rendered null and void.

ADOPTED by the City Council of the City of Seaside on this ___ day of _____, 2024, by the following roll call vote:

- YEAS:
- NAYS:
- ABSTAIN:
- ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ___ day of _____, 2024.

STEVE WRIGHT, MAYOR

ATTEST:

Spencer Kyle, City Manager

VRD Approved Locations

Legend
VRD Approved Locations

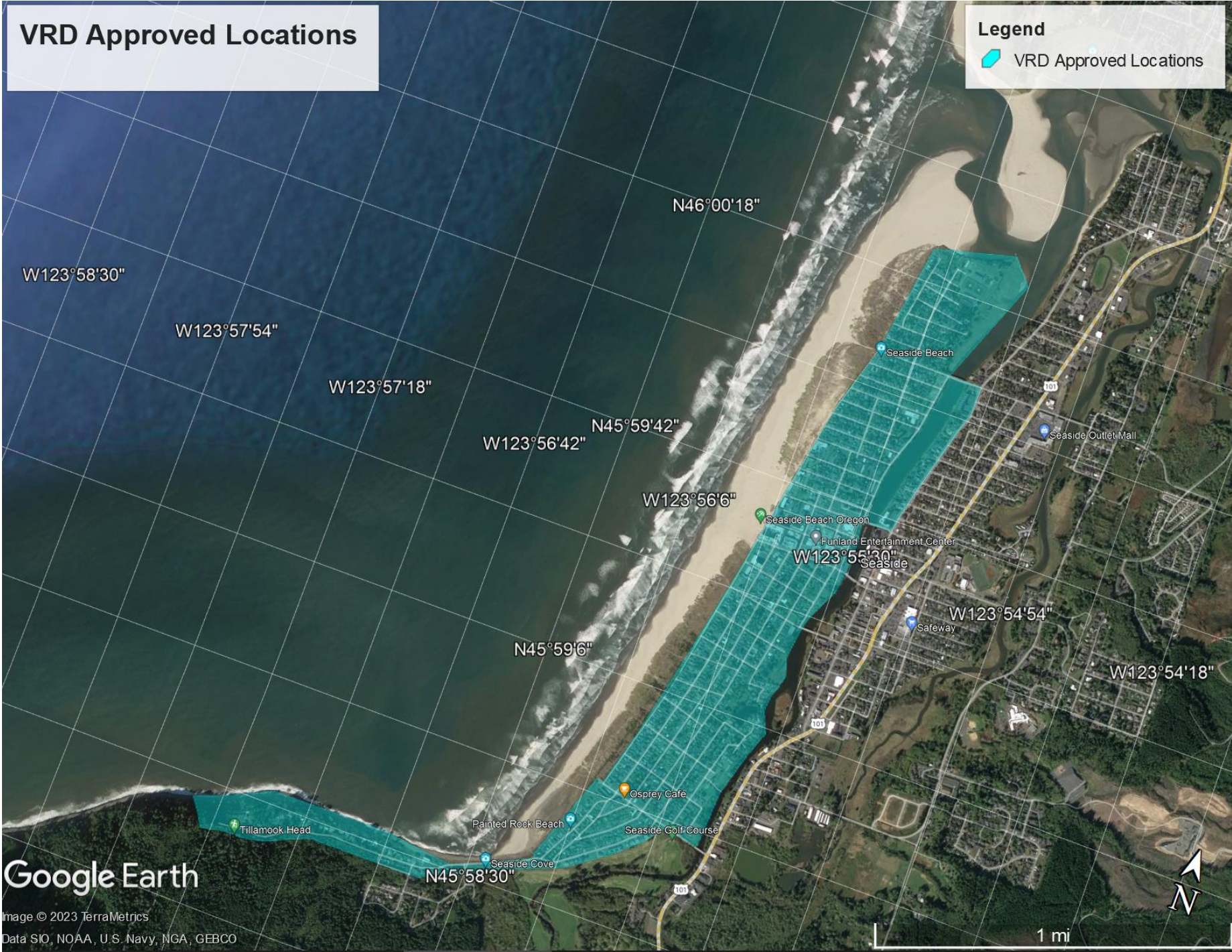


Exhibit A:

VRD Spacial Distribution

Legend

- VRD Spacial Distribution 100%
- VRD Spacial Distribution 30%
- VRD Spacial Distribution 50%

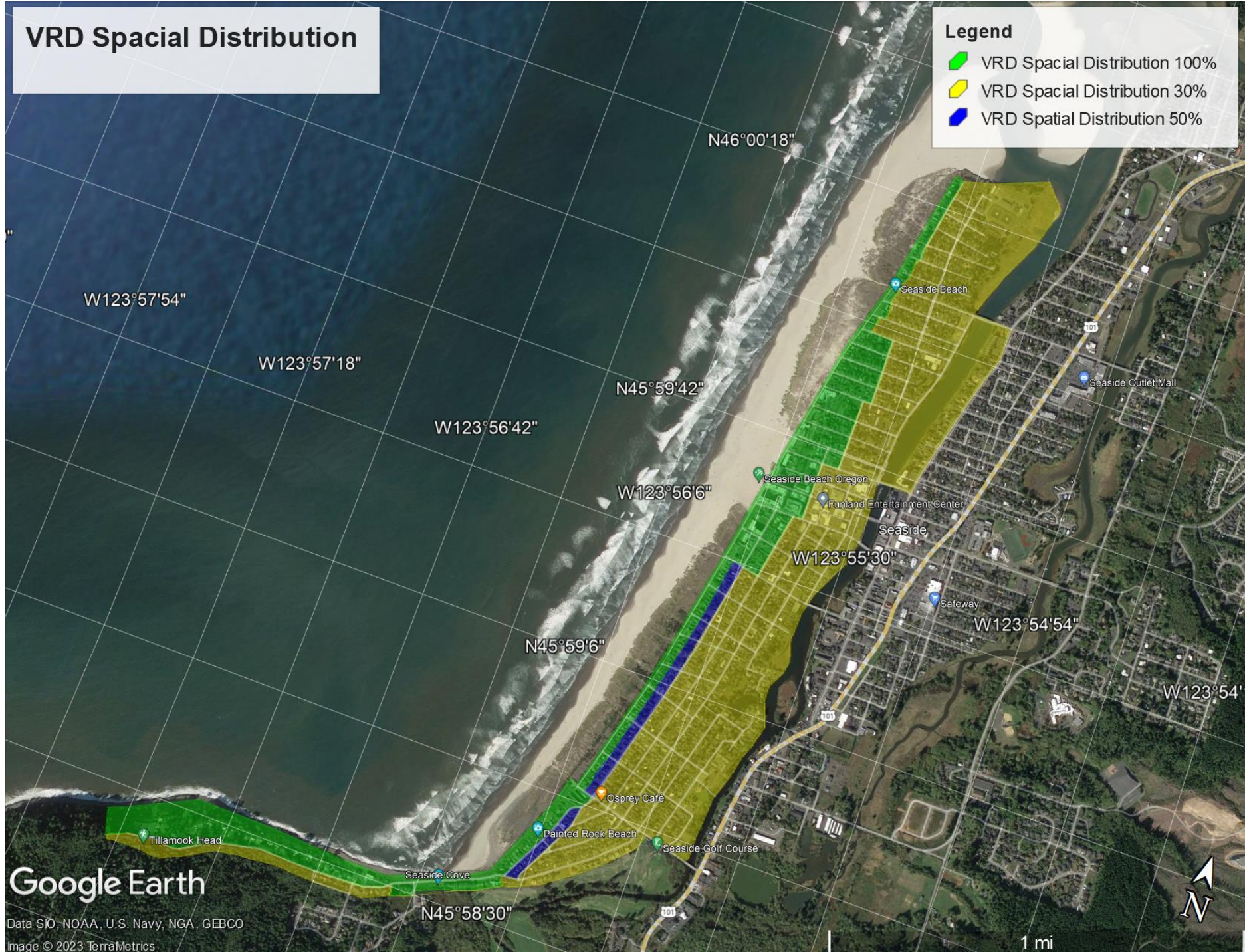
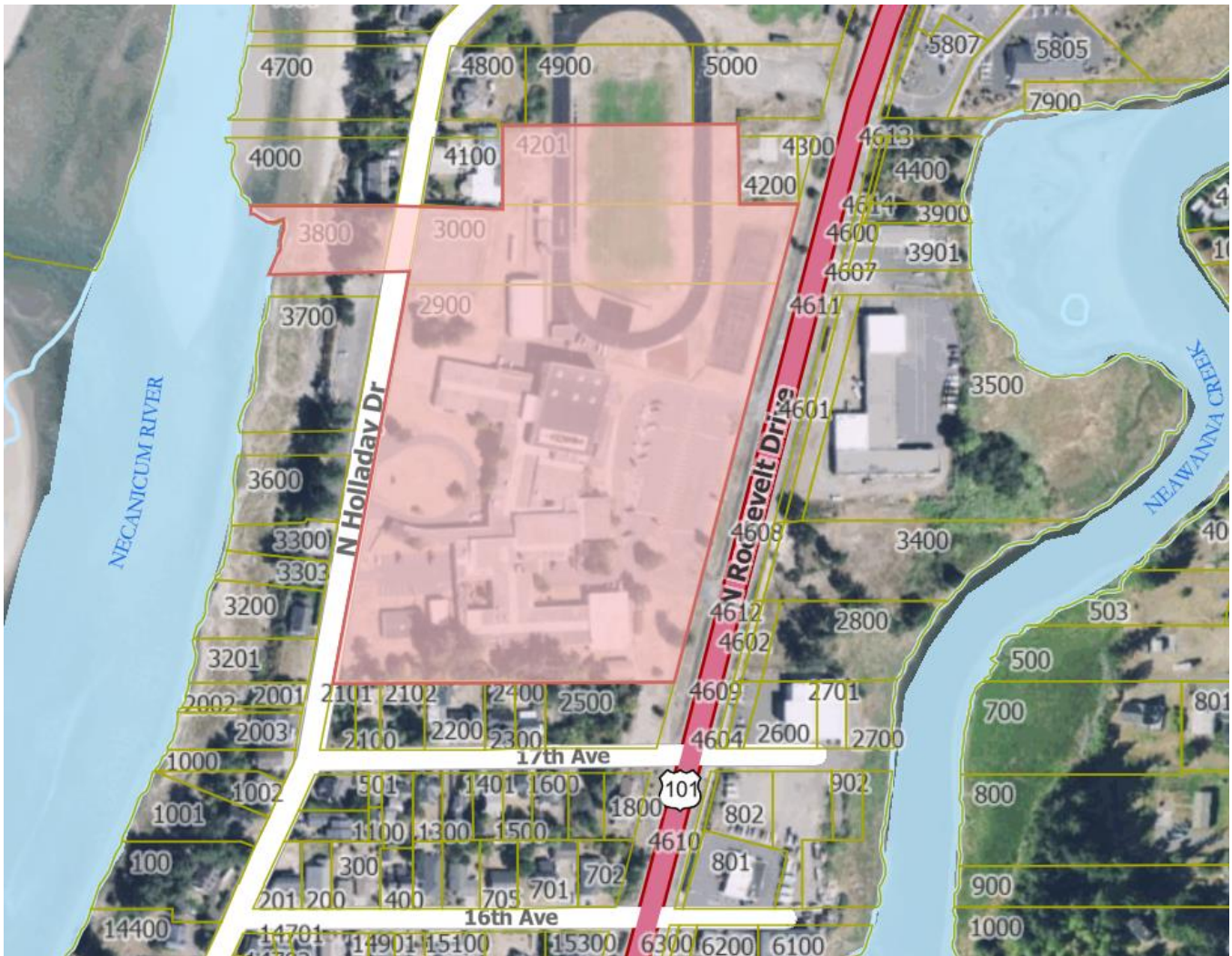


Exhibit B:

Exhibit C:



SUGGESTED CHANGES TO VRD and B&B ORDINANCES

No objections to the proposed deletions in Section 3. The February 15, 2024 memo from Community Development Direction states that a new Short-Term Rental Ordinance will be housed under Business Licensing. The following are suggested changes to the existing Ordinances that the **Planning Commission should suggest to the Council for incorporation in the new Ordinances.**

1. **Delete Section 6.136.1. (B&B).** This is an unlawful delegation of the Council's legislative authority. See attached Henningsgaard letter March 4, 2021 to Van Thiel.
2. **Section 6.135.2. (B&B) should include a definition of "owner occupied."** Currently, Zoning Ordinance Section 1.030 Definitions includes: "Owner: Includes an authorized agent of the owner." This definition should be included in the Business License Ordinance.
3. **Section 6.137.6.E. (VRD) should be deleted.** This section requires payment for a Business License and payment of Room Taxes and includes a penalty of revocation of the permit if payments are not made. There is no such requirement for B&Bs. The Business License & Room Tax Ordinances speak for themselves – a license & tax is required for all businesses (which includes VRD and B&B). The Business License Ordinance includes a penalty for failure to acquire a Business License. There is no reason to create a unique penalty for VRD's which does not exist for B&Bs or any other business.
4. **VRD and B&B distinctions should be replaced by an all-inclusive Short Term Rental category.** To preserve the essential differences the replacement Ordinance could state: "If occupancy up to and including 12 persons is approved, the premises make be occupied by the owner or not, at the owner's discretion. If occupancy of 13-15 persons is approved, the premises shall be owner occupied.



Don Godard

April 2, 2024

2411 Ocean Vista Drive

Seaside OR 97138



March 4, 2021

Dan Van Thiel
POB 805
Baker City OR 97814 vanthiellaw@gmail.com

Re: Seaside Variance Procedure for Bed and Breakfast Establishments - ZOS 6.136

Dear Dan,

I write to alert you to a conversation I anticipate you will have with the Seaside Mayor and /or planning staff. I represent Don Godard who resides at 2411 Ocean Vista Drive. My client's desire to increase the rental units in his bed and breakfast has collided with the objection of an absentee neighbor. For the reasons described below, I believe that ZOS 6.136(1) which allows an abutting property owner to veto a variance application violates Article I, section 21 of the Oregon Constitution. In its relevant part that section provides no law shall be passed "the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution* * *."

My client currently operates his home as a bed and breakfast under a variance from the city. He is in the process of increasing the number of bedrooms on his second floor and like to increase his allowable rental units. Any increase will require a variance for the additional units. The procedure is set forth in ZOS 6.136. This section provides:

Section 6.136 Variance Procedure For Bed & Breakfast Establishments. A variance for additional units may be considered if the following criteria are met:

1. Abutting property owners are in agreement.
2. House has architectural design that would accommodate the use without changing the character of the neighborhood.
3. Adequate approved parking is provided.
4. Building meets Fire & Life Safety Code with annual inspection required.

The only objection my client received from surrounding owners was from the trustee of a California trust that owns an adjacent property. Ironically the only beneficiary who regularly uses that house does not object. The objecting trustees are his parents, who live in Orange County and rarely come to Seaside. Their objection is not based on my

client's operation of the bed and breakfast but rather on a vague notion that there are enough visitors in the area already.

Several land use cases from Umatilla County hold that permitting private citizens to arbitrarily make a land use decisions is an unlawful delegation of decision making authority under Article I Section 21.

In *Cosner v Umatilla County LUBA* (2012) LUBA considered a county ordinance that allowed a private landowner to waive the two-mile setback to a wind power generator and substitute a lesser setback at the sole discretion of the landowner. That ordinance, just like ZOS 6.136.1 allowed a private citizen to arbitrarily make the decision. LUBA found that allowing the waiver in the "arbitrary and standardless" discretion of the landowner, ran afoul of the delegation clause of Article I, section 21 of the Oregon Constitution.

Umatilla County responded to the *Cosner* decision by adopting an ordinance which allowed a landowner to "effectively veto" an application by failing to sign a consent. The amended statute was also held to violate Article I, section 21 in *Iberdrola Renewables, LLC v Umatilla county* 67 Or LUBA 149 (2013).

In my mind there does not seem to be a significant difference between the defect LUBA found in the Umatilla ordinance and ZOS 6.136.1. I believe that this defect can be cured simply by disallowing the citizen veto. My client has met with Kevin Cupples concerning this problem and has a meeting scheduled with the mayor next week. If you have not already been advised of this issue I expect you will.

Please let me know if I can provide any further information or if you have questions.

Sincerely,



Blair J.
Henningsgaard cc
client

March 27, 2024

Seaside Planning Commission

989 Broadway

Seaside, OR 97138

RE: Ordinance 2024-04

Dear Planning Commissioners,

I'm writing to comment on proposed Ordinance 2024-04 regarding VRD dwellings. It appears the driver of this ordinance is regarding the purchase of the estuary park in exchange for allowing 25% of the units to be Vacation Rentals in a planned development at the old high school.

I think allowing any more areas to allow VRDs in Seaside is a terrible idea. We DO NOT need any more vacation rentals. Seaside as well as the entire area & the state is in a crisis regarding available & affordable housing. Vacation rentals take away so much housing that would otherwise be used to house working families as well as professionals such as doctors, law enforcement, teachers & other needed professionals here.

I think the planned development of housing is a great idea. But it should be only housing, not VRDs. VRDs cause a lot of problems with parking, rude guests, late parties, etc. I can't imagine living in a neighborhood fulltime with 25% of the houses VRDs where most weekends there will be a bunch of inconsiderate renters disturbing the peace. Look at the stuff that goes on off N. Franklin on 14th. Those residents are furious about the VRDs in their neighborhood causing problems & they have every right to be furious.

VRDs are nothing more than commercial lodging operations in residential neighborhoods. I know the developers are asking for VRDs as VRD properties fetch a higher price since they make income. But at the same time I think they reduce value of surrounding properties that have to put up the VRDs in their neighborhood. Many cities & counties have recognized the negative effects of vacation rentals & have capped and/or reduced the number of VRD units. Some more extreme than others but the consensus is there that local residents are tired of VRDs. We should be focused on having enough housing for locals. Businesses are struggling to find employees & a root cause of this is there is nowhere for them to live. Also full time residents support our economy year around instead of VRDs that sit empty most of the winter except some weekends & are only full during summer months. Seaside needs much more than a seasonal economy.

The city got duped on the development on S Wahanna & S. When that was planned the developers stated the intent was to build affordable housing. Much work went into defining what affordable was & 300-350k was max. When rates were low that was ok. But what ended up getting built was over 600k. Some 700k. Definitely not affordable.

The old high school is a perfect opportunity for Seaside to address our housing crisis. It's a rare opportunity. Let's not screw it up by allowing a bunch more VRDs.

Jordan Sprague

From: Jeff Flory
Sent: Monday, April 15, 2024 9:58 AM
To: Jordan Sprague
Subject: FW: Comments on proposed STR ordinances

This one too.

Jeff Flory
Community Development Director
City of Seaside
Office: (503) 738-7100
Mobile: (503) 583-4007
cityofseaside.us



From: cdadmin <cdadmin@cityofseaside.us>
Sent: Thursday, April 11, 2024 9:20 AM
To: Jeff Flory <jflory@cityofseaside.us>
Subject: FW: Comments on proposed STR ordinances

Debbie Kenyon
Administrative Assistant
City of Seaside
Community Development
Mailing: 989 Broadway St.
Physical: 1387 Ave. U
Seaside, OR 97138
Office: (503) 738-7100
cityofseaside.us



From: Christopher Schwindt <chris@cds-enterprise.com>
Sent: Wednesday, April 10, 2024 11:29 AM

To: cdadmin <cdadmin@cityofseaside.us>

Subject: Comments on proposed STR ordinances

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Dear Planning Commission:

These comments concern the proposed updates to City code concerning STRs / VRDs in the City of Seaside. My company currently owns property at 924 Ave H, Seaside.

I disagree with the proposed code changes. I have no issue with eliminating the Bed & Breakfast designation and streamlining the process through another department. The issue I have is with the limitations and quotas imposed on property owners concerning STR/VRD permits.

The City's proposal allows blanket 100% density approvals along the ocean front, which are the most valuable properties in town owned by the wealthiest owners. Then scaling it back from there not even to 101 and no one else in the City even gets to participate in the STR/VRD economy. This is so patently unfair and biased towards the wealthiest, best-positioned landowners I am shocked you would even propose this. I guess they probably pay the most local taxes too, but still. You are proposing to devalue every other landowner's property outside of the "anointed zone" and boost those within it tremendously. This is just totally unfair to your constituent landowner / taxpayers throughout the larger remaining area of Seaside. I also disagree with the City restricting STR/VRD use at all.

Inspections for safety and reasonable rules for operation to prevent nuisances for other landowners are OK. However, other restrictions amount to a taking without compensation at worst, and unnecessary, heavy-handed, diminution of value, economy-interfering regulation at best. You should allow the free market to do its own work of finding the right equilibrium among the possible uses of private property. Anything else is basically top-down, command and control economics, i.e., communism. What makes you the anointed ones to determine which individual economic decisions about use of private property are "best"? You pretend to know, but all you are doing is creating even worse distortions of the true economy, and there will be serious negative consequences, as there always are.

You should lift all restrictions other than common sense safety and nuisance related rules. The economy, through thousands of individual free-will choices, will determine the highest best use of individual private property. If you don't like the results, then take actions at the cost of the collective (taxpayers) to provide the benefit or amenity (e.g., low-income long-term housing) you think you can provide by just targeting the homeowners outside of your proposed "anointed zones" at their individual expense and the benefit of the selected few lucky landowners how somehow curried governmental favor. You should scrap this entire proposal and go back to the drawing board with free-market capitalism and constitutional rights at the forefront of your minds.

Regards,

Christopher Schwindt

Email: chris@cds-enterprise.com

Phone: (503) 810-6374

Mail: PO Box 80794, Portland, OR 97280

Jordan Sprague

From: Marnie Murray <marnie.murray@gmail.com>
Sent: Monday, April 8, 2024 7:14 PM
To: Jordan Sprague; Marnie Murray
Subject: Written comments on Vacation Rental Dwellings

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This email is my written comments on the Proposed Updates to the Seaside Zoning Ordinances and the changes to the Business Licenses to accommodate Vacation Rental Dwelling Units.

First, the website indicates that Seaside will only approval one VRD license per owner. Why this restriction? If I'm financially able to purchase more than one property in Seaside, why should I be prevented from using them both as Vacation Rentals?

I am using the version of the ordinance available at
chrome-

extension://efaidnbmnnnibpcajpcgclefindmkaj/https://www.cityofseaside.us/sites/g/files/vyhlf6311/f/uploads/short_term_rental_ordinance.pdf

120.03.1 paragraph: a waiting period of 180 days after an expired application is excessive. Who knows what issues may be discovered by a Community Development inspection or how long it may take to fix the issues? Recommend 30 days maximum.

120.03.2 An Application Fee of \$500 is excessive. The standalone Inspection Fee is \$100, which makes the fee to process the paperwork \$400. If the paperwork is so complicated that it takes \$400 of a clerk's time to process it, then paperwork should be simplified. I recommend a reduction of the Application Fee to \$200, if which, \$100 is the paperwork process fee and \$100 is the Inspection Fee.

120.03.3 Please include a link to the location of the Business License.

120.03.4 Remove this requirement. Add a requirement that the new owner of the property must apply to change the name and contact information for the short-term rental license. Otherwise, the house is unchanged and the existing rentals are allowed to continue for a 90-day period, therefore there is no reason to make the short-term rental license non-transferable and void.

120.03.5 This clause is unclear. What does it mean "renting ... is required to be accessory to the primary, residential use of the dwelling?" Also, explain what documentation would satisfy "applicants must demonstrate, by written documentation" ?

120.03.6 Remove the 90-day waiting period for new Vacation Rental Dwellings. There is no reason to delay an approved licensed other than to make the process lengthy and difficult, and to prevent a homeowner from deriving income from their property. Likewise, remove the 2-year waiting period after issuance of Certificate of Occupancy for a newly constructed building. There is no reason to delay application for a Vacation Rental Dwelling for a newly constructed building, other than to make the process arbitrarily lengthy and difficult, and to prevent a homeowner from deriving income from their property.

120.05.5 State the amount of the Re-inspection Fee.

120.06.2 Remove 30% and 50% densities and make the entire Vacation Rental Area 100%. Failing that, change the Spatial Density of the 30% Zone to 50%.

In addition, for any Spatial Density that is being used, change the calculation from using Vacation Rentals and Tax Lots within 100 ft to using Total Number of Vacation Rental Dwellings as a percentage of the Tax Lots within the entire Zone, as follows: (Total number of VRDs) % (Total Number of Tax Lots).

120.06.4 The term "residential appearance" is subjective and open to interpretation. Once person's opinion of what is acceptable can be very different to another person's opinion. So, remove this sentence: "Front, side, and rear yards must maintain a residential appearance by limiting off-street street parking within yard areas." Retain the "50% of each yard area that is not occupied by buildings must be permanently landscaped" which is measurable.

120.06.6 Remove the prohibition "shall not exceed three person per bedroom". It's arbitrary. If someone has a vacation rental containing a bedroom with two bunk beds, meaning four persons could be in that room, where is the justification for restricting it to 3 people? Or if there are 4 bedrooms that can house 3 people each, where is the justification for saying only 10 people can stay there, not 12? Requiring an automatic fire suppression sprinkler system to have 12 people puts it out of reach of nearly every dwelling. After all, how many houses in Seaside actually contain these?

Remove the restriction that vacationers cannot invite people to the Vacation Rental if it increases the number of people in the house over the maximum people allowed. What, they can't invite a few friends for a quiet dinner together, or to watch a movie in the evening? What is the problem that you are trying to solve with this regulation? Why not address it directly, rather than penalizing every vacationer for some action they may never do.

120.06.7 This is very specific to the type of activity being performed. Let me guess that what is being attempted is to reduce noisy activities out of doors late at night in a residential area. By this clause, people could be outside on a deck or play beach volleyball in the backyard, and any noise generated would not be a problem, because it isn't by a fire ring or fire place, etc. If there is an applicable Seaside noise ordinance, it might be better to state: "As per Seaside Ordinance xx.xx.x outdoor activities of a noisy nature must stop during the hours of ..."

120.06.9 Remove this clause.

120.10 All of the fines are excessive and look punitive. Two offenses and their license is revoked? REALLY? This should be reserved for an owner or property manager who is flagrantly and deliberately contravening the regulations. The actions with regard to licenses escalate to soon and too fast, and an owner loses their license for 6 months after only two, possibly minor, offenses.

120.10.1 \$250 for a first offense should be reduced to \$100.

120.10.2 Change fine to \$100. Remove the "suspension of the short-term rental license for 6 months".

120.10.3 Change to \$250 fine. Remove everything after "fine"

120.10.4 Change to: "\$500 fine and suspension of short-term rental license for a period of 6 months, or if unlicensed, a six-month waiting period before a license may be issued."

120.10.5 The current clause in 120.10.5 says "Subsequent offenses within a one-year period: \$2000 fine." The previous clause, 120.10.4, permanently revokes the short-term license with that owner. Doesn't that mean the process stops at clause 120.10.4 and never reaches 120.10.5?

My recommendations would have the owner returning back to vacation rental after having their license revoked for 6 months. At this point, the count is reset and the owner starts back at the beginning of the process with an offense count at 0.



CITY OF
SEASIDE

From: Robert Houghton <robbadler@gmail.com>
Sent: Tuesday, April 2, 2024 3:45 PM
To: publiccomment <publiccomment@cityofseaside.us>
Subject: Comment on 769-24-000010-PLNG

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I am against the plan to remove Vacation Rental Dwellings and B&Bs from the Seaside Zoning Ordinance.

As a homeowner in Seaside, I am troubled by the plan to limit the use of my home. We bought a vacation home for my family, with the understanding that, in troubling times, we could convert the house to a rental to help support our income as my family has grown.

To have the city try and take away this right, without having published any reasoning on why, or a prospectus on the expected impact on:

- * Overall city rental capacity
- * Tourism dollar impact
- * Downstream job impacts (cleaning, landscaping, etc)
- * Home value in affected areas
- * Expected number of homes affected
- * Maps of zones affected

Furthermore, there are studies showing that implementing limits on Vacation Rentals can negatively impact community residential value. Services like Airbnb allow homeowners to make use of excess rooms in their homes for tourism, utilizing space that would otherwise be unused. Homes are purchased, refurbished, or renovated in order to make them appealing to renters. Removing the right, or applying barriers to entry, will

1

curtail the spend on residential property and renovation in the community.
See <https://ssrn.com/abstract=3874207> as an example.

Without having provided any of this supporting information, and possibly even if it were supplied, I cannot support a city motion to curb the rights of home owners. Do not repeal any allowances for Vacation Rental Dwellings in Seaside.

-Robert

Jeff Flory

From: Seth Hague <Seth.Hague@magamb.com>
Sent: Tuesday, April 2, 2024 9:28 AM
To: Jeff Flory
Cc: mark@missiondg.com
Subject: Questions for Planning Commission's consideration at 4.2.23 meeting

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Hi Jeff, I hope you are doing well.

I wanted to forward a few of these questions (in no particular order) to you in hopes you can pass them along to the planning commission to consider asking the owner of the old high school property when discussing **Ordinance NO. 2024-04.**

- Factoring in the need for affordable housing – both low-income and missing middle – how does the short-term rental benefit the community in the long run.
- What kind of housing is planned for the high school site? And what is the timeline?
 - Price point of planned housing if for sale housing?
 - Has a site plan been reviewed by the city in a pre-con meeting?
- Has there been any consideration from the owner of the high school site to work with the city to develop the low-income housing project in the N40 in return for the STR zoning at their site? Or visa-versa?
 - If not the N40 site, is there another site that the owner of the old high school owns that would be willing to contribute to affordable rental housing?
- Has there been a market study conducted by the owner of the high school stie showing the demand for STR in that area?
 - If so, what are the findings?
 - If no, what is the justification for STR over the entire site and not specific sections?

I appreciate your time and consideration.

thanks,

--

Seth Hague
Founding Principal
C: 503.440.2981
seth.hague@magamb.com

MAG-AMB
DEVELOPMENT

CONFIDENTIALITY STATEMENT & NOTICE:

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Jesse Taylor
2041 Aldercrest St
Seaside, OR 97138
March 14, 2024

RE: Ordinance No. 2024-04

To the Seaside Planning Commission,

I am writing in opposition to the portion of the proposed ordinance number 2024-04, section 120.12 Estuary Properties. This Planning Commission less than two years ago removed the ability for property owners to vacation rental their homes in this same area. The area removed was north of 12th Ave and west of Holladay Drive. The Planning Commission felt very strongly that they wanted to keep the residential feel of the neighborhoods. It was even said that this was one of the last affordable areas for locals to live and felt that vacation rentals were taking over. To hear that there is a proposal to allow VRD's in the new development is absurd, the proposed development wasn't even in the allowed VRD boundary beforehand. Per my conversation with Jeff Flory, there is no proposal for how many dwellings will be built. He said per the zoning, up to 10 dwellings per acre could be built which could equal 200+ dwellings. 25% equals 50+ VRD's, that is way more allowable VRD's than what could have been prior to the boundary change in 2022. How is that going to keep a residential feel?

Secondly, our family has owned a home on the west side of Holladay Dr since 1994. We had plans to vacation rental it, until the boundary change in 2022. How frustrated do you think we are to have that option taken away from us, and then less than 2 years later being offered to an investor ten-fold on a property not even in a previous VRD location?

I encourage the planning commission and the City of Seaside staff to go back and watch the YouTube videos from 04/19/2022, 05/03/2022, and 06/07/2022. It was very clear how you felt about VRD's in this proposed area. If this proposal passes for VRD's at the estuary lots, I couldn't think of a bigger F-you that you would be sending to all the surrounding property owners. It would probably be the most hypocritical decision the commission and city has made to date.

Thank you for your time,

Jesse Taylor



City of Seaside City Council Meeting Staff Report

Meeting Date: April 22, 2024
Author: Jeff Flory, Community Development Director
Department: Community Development
Subject: Street Vacation
Type of Item: Ordinance

Request:

Staff are requesting the City Council have a public hearing and first reading of the attached ordinance providing for the vacation of a portion of 20th Avenue West of Holladay Drive. The ordinance would vacate a portion of 20th Avenue that extends from North Holladay Drive, West to the Necanicum River and is depicted on the map provided.

Background:

Pursuant to the purchase agreement for the Estuary Park, the seller is requesting the City of Seaside vacate a portion of 20th Avenue. The approval on Resolution #4037, at the City Council meeting April 8, 2024, set a date for the public hearing and ordinance directing staff to begin the street vacation process.

The City Council has the authority to vacate certain property or properties in the City of Seaside according to ORS Chapter 271 – Use and Disposition of Public Lands.

The intent of Ordinance 2024-06 is to conduct a public hearing to allow public comments for the street vacation process to begin.

Staff Analysis:

The City Council approves all ordinance all vacations of certain property in the City of Seaside. The ordinance introduces the street vacation for the property mentioned and will be considered by the City Council.

Budget Impact:

None

Requested Action:

If the City Council is inclined to approve the ordinance, a Councilor would state:

“I move for a first reading of Ordinance 2024-06 by title only.”

Optional: If the City Council is inclined to approve a second reading on the ordinance, a Councilor would state:

“I move for a second reading of Ordinance 2024-06 by title only.”

Alternatives:

If the City Council is not ready to move forward, you may discuss and postpone the first reading to a future date.

Attachments:

- Ordinance 2024-06 and Map
- Resolution #4037

ORDINANCE NO. 2024-06

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, PROVIDING FOR THE VACATION OF A PORTION OF 20th AVENUE WEST OF HOLLADAY DRIVE

WHEREAS, the City Council of the City of Seaside has determined that the vacation of the hereinafter described property will not prejudice public interest and will be for the general welfare and benefit of the City of Seaside; and

WHEREAS, notices and hearings as required by law have been given and held by Resolution #4037 on April 8, 2024.

NOW, THEREFORE, THE CITY OF SEASIDE DOES ORDAIN AS FOLLOWS:

SECTION 1. That the following described property, located in the City of Seaside, is hereby vacated:

The Seaside City Council intends to vacate the following described property, in the City of Seaside, County of Clatsop, State of Oregon: A portion of 20th Avenue that extends from North Holladay Drive, West to the Necanicum River is depicted in the map provided.

SECTION 2. The City Council has established the following findings to support their favorable decision to vacate the property:

The above-described property is totally within a proposed development and once it is developed there will be no need for general public use of this portion of street.

SECTION 3. The vacation of this street and right-of-way shall not negate easement rights of public utilities including sanitary sewer and water.

SECTION 4. In the event that substantial steps towards the commencement of construction for a significant development have not transpired within a period of (2) years subsequent to the enactment date of this Ordinance, said Ordinance shall be rendered null and void, and ownership of the right-of-way shall revert back to the City of Seaside.

ADOPTED by the City Council of the City of Seaside on this ___ day of _____, 2024, by the following roll call vote:

- YEAS:
- NAYS:
- ABSTAIN:
- ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ___ day of _____, 2024.

STEVE WRIGHT, MAYOR

ATTEST:

Spencer Kyle, City Manager

20th Ave. Street Vacation



The public right of way depicted in red will be vacated per the purchase and sale agreement. The city will retain all of the existing asphalt to become a public park. Additionally, the developer will provide a utility easement and a public access easement for the existing stairway on the north end of the parking lot.

RESOLUTION #4037

A RESOLUTION OF INTENT TO VACATE CERTAIN PROPERTY IN THE CITY OF SEASIDE, OREGON, DIRECTING THE CITY MANAGER TO GIVE PUBLIC NOTICE AND SET A DATE OF HEARING

WHEREAS, the City Council of the City of Seaside has determined that the vacation of the hereinafter described property should be considered:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SEASIDE:

SECTION 1. The Seaside City Council intends to vacate the following described property, in the City of Seaside, County of Clatsop, State of Oregon:

A portion of 20th Ave. that extends from N. Holladay Dr. west to the Necanicum River is depicted in the map below.




SECTION 2. That the City Manager be and is hereby directed to give notice as provided for in Oregon Revised Statutes, Chapter 271.

SECTION 3. That a hearing be held on the matter, as provided for by law, on the 22nd day of April, 2024, and 13th day of May, 2024.

PASSED by the City Council of the City of Seaside this 8 day of April, 2024.

SUBMITTED to the Mayor and **APPROVED** by the Mayor on this 9 day of April, 2024.



STEVE WRIGHT, MAYOR

ATTEST:



Spencer Kyle, City Manager

Publish: April 6, 2024
April 11, 2024

Kimberley Jordan

From: Marilyn Blacketer <jblack@pacifier.com>
Sent: Monday, April 15, 2024 2:29 PM
To: publiccomment
Subject: public testimony concerning 20th Ave.

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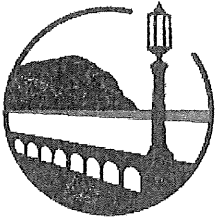
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4-15-24

It has come to my attention that the City Council City of Seaside will conduct a public hearing on Monday, April 22, 2024.... with the purpose to take public testimony concerning a proposal to vacate a portion of 20th Ave. that extends from N. Holladay Dr. west to the Necanicum River.

Please, do not vacate a portion of 20th Ave. because 20th Ave. provides public access to the estuary.

Thank YOU, Marilyn Blacketer (jblack@pacifier.com)



CITY OF SEASIDE

Published on *Seaside, OR* (<https://www.cityofseaside.us>)

[Home](#) > [Public Comment Submission or Registration](#) > [Webform results](#) > Submission #41

Submission information

Form: [Public Comment Submission or Registration](#) [1]
Submitted by Anonymous (not verified)
April 15, 2024 - 2:41pm
97.120.78.193

Full Name:

Marilynn Blacketer

Full Address (Providing your address is required to offer public comment):

1521 N. Holladay Dr. Seaside, OR 97138

Phone Number:

503-738-6661

E-mail Address:

jblack@pacifier.com

Confirm E-mail Address:

jblack@pacifier.com

Is this comment for the City Council or the Planning Commission?

City Council

Meeting Date you will be providing public comment (Council Meets 2nd and 4th Monday of Month, Planning Meetings 1st Tuesday of Month)

April 22, 2024

Select which option you will be using to attend the meeting:

In-Person

In-Person Instructions:

I have read and understand the in-person instructions.

Is this comment for the general (open) comment period or for a specific agenda item?

Specific Agenda Item

Please list the specific item on the agenda that allows for public comment (Example: Item #11A - Resolution #3994):

public hearing to take public testimony on proposal to vacate a portion of 20th Ave.

If you would like to submit a photo or other documents along with your comment please upload them here:**Please select one of the following required options:**

I am stating that I would like this comment submitted to the City Council prior to its next meeting and included in the council packet. Further, I'm stating that by checking this box, I understand that it will become part of the public record. Comments made without a name and address cannot be added to the public record.

Source URL: <https://www.cityofseaside.us/node/20386/submission/14616>

Links

[1] <https://www.cityofseaside.us/public-comment-form>

Kimberley Jordan

From: Christina Buck <christinaraebuck@gmail.com>
Sent: Tuesday, April 16, 2024 2:51 PM
To: publiccomment
Cc: Tita Montero; Steve Dillard
Subject: Re: Seaside has solved all of its serious problems?

This sender is trusted.

I am again reading that members of the City Council of Seaside are determined to censor and/or ban books in whatever manner they can (even though a decision was already made by the library board).

PLEASE, as I am disabled and unable to attend public meetings, forward my comment regarding this matter again.

As a resident of Seaside, OR I am 100% AGAINST ANY AND ALL EFFORTS TO BAN AND CENSOR BOOKS in any way.

Seaside has SERIOUS PROBLEMS that need to be resolved by the City Council and they are WASTING TIME ON THIS FASCIST ACTIVITY.

Seaside has a massive lack of housing (let alone affordable housing issue) and an exploding unhoused population.

Seaside has a hospital that is bit by bit being destroyed (first the pharmacy, now the lab services, what next)?

Seaside has infrastructure problems that have been identified and need to be addressed NOW, not later.

Why are the council and the mayor wasting time and money to argue over who should be allowed to read what books?

Are the council and the mayor also going to waste time and money arguing over what else Seaside residents can do (things that are already protected by the Constitution of the United States)?

Seaside residents should not have to constantly be subjected to the personal beliefs (Steve Dillard's for example) regarding what people should and should not be able to do when they elected the council and the mayor to take care of the serious problems Seaside is facing NOW and even more looking toward the future - as the population grows and the existing infrastructure is stressed.

If there is no Seaside, Oregon because the major problems are ignored, it won't matter what Mr. Dillard believes other people should or should not read. His agenda is abhorrent. I look forward to making sure he is not re-elected to the council.

Sincerely,
Christina Buck

Kimberley Jordan

From: publiccomment
Sent: Wednesday, April 17, 2024 11:14 AM
To: marnie.murray@gmail.com
Subject: Written comments on Vacation Rental Dwellings

Marnie,

Thank you for your written comments. I have forwarded those to the City Council

Thank you
Kim Jordan, City Recorder

From: Marnie Murray <marnie.murray@gmail.com>
Sent: Monday, April 8, 2024 7:14 PM
To: Jordan Sprague <jsprague@cityofseaside.us>; Marnie Murray <marnie.murray@gmail.com>
Subject: Written comments on Vacation Rental Dwellings

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This email is my written comments on the Proposed Updates to the Seaside Zoning Ordinances and the changes to the Business Licenses to accommodate Vacation Rental Dwelling Units.

First, the website indicates that Seaside will only approval one VRD license per owner. Why this restriction? If I'm financially able to purchase more than one property in Seaside, why should I be prevented from using them both as Vacation Rentals?

I am using the version of the ordinance available at
chrome-
extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.cityofseaside.us/sites/g/files/vyhlf6311/f/uploads/
short_term_rental_ordinance.pdf

120.03.1 paragraph: a waiting period of 180 days after an expired application is excessive. Who knows what issues may be discovered by a Community Development inspection or how long it may take to fix the issues? Recommend 30 days maximum.

120.03.2 An Application Fee of \$500 is excessive. The standalone Inspection Fee is \$100, which makes the fee to process the paperwork \$400. If the paperwork is so complicated that it takes \$400 of a clerk's time to process it, then paperwork should be simplified. I recommend a reduction of the Application Fee to \$200, if which, \$100 is the paperwork process fee and \$100 is the Inspection Fee.

120.03.3 Please include a link to the location of the Business License.

120.03.4 Remove this requirement. Add a requirement that the new owner of the property must apply to change the name and contact information for the short-term rental license. Otherwise, the house is unchanged and the existing rentals are allowed to continue for a 90-day period, therefore there is no reason to make the short-term rental license non-transferable and void.

120.03.5 This clause is unclear. What does it mean "renting ... is required to be accessory to the primary, residential use of the dwelling?" Also, explain what documentation would satisfy "applicants must demonstrate, by written documentation" ?

120.03.6 Remove the 90-day waiting period for new Vacation Rental Dwellings. There is no reason to delay an approved licensed other than to make the process lengthy and difficult, and to prevent a homeowner from deriving income from their property. Likewise, remove the 2-year waiting period after issuance of Certificate of Occupancy for a newly constructed building. There is no reason to delay application for a Vacation Rental Dwelling for a newly constructed building, other than to make the process arbitrarily lengthy and difficult, and to prevent a homeowner from deriving income from their property.

120.05.5 State the amount of the Re-inspection Fee.

120.06.2 Remove 30% and 50% densities and make the entire Vacation Rental Area 100%. Failing that, change the Spatial Density of the 30% Zone to 50%.

In addition, for any Spatial Density that is being used, change the calculation from using Vacation Rentals and Tax Lots within 100 ft to using Total Number of Vacation Rental Dwellings as a percentage of the Tax Lots within the entire Zone, as follows: (Total number of VRDs) % (Total Number of Tax Lots).

120.06.4 The term "residential appearance" is subjective and open to interpretation. Once person's opinion of what is acceptable can be very different to another person's opinion. So, remove this sentence: "Front, side, and rear yards must maintain a residential appearance by limiting off-street street parking within yard areas." Retain the "50% of each yard area that is not occupied by buildings must be permanently landscaped" which is measurable.

120.06.6 Remove the prohibition "shall not exceed three person per bedroom". It's arbitrary. If someone has a vacation rental containing a bedroom with two bunk beds, meaning four persons could be in that room, where is the justification for restricting it to 3 people? Or if there are 4 bedrooms that can house 3 people each, where is the justification for saying only 10 people can stay there, not 12? Requiring an automatic fire suppression sprinkler system to have 12 people puts it out of reach of nearly every dwelling. After all, how many houses in Seaside actually contain these?

Remove the restriction that vacationers cannot invite people to the Vacation Rental if it increases the number of people in the house over the maximum people allowed. What, they can't invite a few friends for a quiet dinner together, or to watch a movie in the evening? What is the problem that you are trying to solve with this regulation? Why not address it directly, rather than penalizing every vacationer for some action they may never do.

120.06.7 This is very specific to the type of activity being performed. Let me guess that what is being attempted is to reduce noisy activities out of doors late at night in a residential area. By this clause, people could be outside on a deck or play beach volleyball in the backyard, and any noise generated would not be a problem, because it isn't by a fire ring or fire place, etc. If there is an applicable Seaside noise ordinance, it might be better to state: "As per Seaside Ordinance xx.xx.x outdoor activities of a noisy nature must stop during the hours of ..."

120.06.9 Remove this clause.

120.10 All of the fines are excessive and look punitive. Two offenses and their license is revoked? REALLY? This should be reserved for an owner or property manager who is flagrantly and deliberately contravening the regulations. The actions with regard to licenses escalate to soon and too fast, and an owner loses their license for 6 months after only two, possibly minor, offenses.

120.10.1 \$250 for a first offense should be reduced to \$100.

120.10.2 Change fine to \$100. Remove the "suspension of the short-term rental license for 6 months".

120.10.3 Change to \$250 fine. Remove everything after "fine"

120.10.4 Change to: "\$500 fine and suspension of short-term rental license for a period of 6 months, or if unlicensed, a six-month waiting period before a license may be issued."

120.10.5 The current clause in 120.10.5 says "Subsequent offenses within a one-year period: \$2000 fine." The previous clause, 120.10.4, permanently revokes the short-term license with that owner. Doesn't that mean the process stops at clause 120.10.4 and never reaches 120.10.5?

My recommendations would have the owner returning back to vacation rental after having their license revoked for 6 months. At this point, the count is reset and the owner starts back at the beginning of the process with an offense count at 0.

Kimberley Jordan

From: eifxcm@gmail.com
Sent: Thursday, April 18, 2024 11:17 AM
To: Spencer Kyle
Cc: Kimberley Jordan; Tita Montero
Subject: FW: Library policies

This sender is trusted.

Please share with the council.

Tita 503.440.4454

From: Gini Dideum <gdideum@hotmail.com>
Sent: Friday, April 12, 2024 9:05 AM
To: Tita Montero <eifxcm@gmail.com>
Subject: Library policies

Tita--

I have followed the issue concerning certain books at the Seaside Library and watched the last city council meeting where Steve Dillard made multiple motions concerning the library's policies concerning minors. Although I do not pay Seaside taxes, I do pay an annual fee to have the privilege of using the Seaside Library. I can see that you voted against having a work session about this issue. Without knowing why you voted no, I hope that you oppose the city council becoming involved with library policies concerning books available to minors.

As a parent and retired educator, I celebrate kids that read and use the library. Children pick out books about topics that interest them. Just because you read a book about something does not mean you are going to become like a character in the book. If that was true, I would be an Israeli spy that likes artwork. Or, my students would have done a lot better on math tests. One of the books, "And Tango Makes Three", is about two male penguins that hatch an egg. After spending several hours learning and watching penguins on a recent trip to Australia, I know that penguins of both sexes sit on eggs, tend the hatchlings, get excited when their partners return from being at sea, and switch partners every two to three years.

Very young children come to the library with an adult or older sibling that helps with book selections. I see middle school aged children using the computers. I am not around when the teens are there. I am opposed to the Seaside Council becoming involved with what books are available to patrons of the library.

Gini Dideum

Jesse Taylor

2041 Aldercrest, Seaside.

4/18/2024

Seaside City Council and Planning Commission,

I am writing this to voice my concern and disapproval with how the city government has handled the discussion of the new zoning ordinance proposals. It has been extremely difficult to understand what is being proposed. The only discussion the city has talked about and took public comment on, is how the regulations will be moved from the planning department to business licensing. There is much more involved in this ordinance that the city is openly talking about.

Ordinance 2024-04 is an 11-page document that contains a paragraph that is easily overlooked labeled Estuary Properties. I would bet most of the citizens of Seaside have no knowledge of this paragraph. In the paragraph the city is proposing to give a property owner of a 12.47-acre parcel of land the right to build vacation rental properties in an area not eligible for VRD's. In this 1 paragraph the city is changing the VRD boundary and making special exceptions to the vacation rental rules for this property owner. The very rules that everyone else must follow or face fines. Why wasn't the planning commission involved in this decision? Even more concerning, why aren't all the planning commissioners aware of what's going on? Why is the city council moving this so quickly? Planning commission meetings are scheduled for once a month, the city has held 2 this month.

In 2022 the planning commission made recommendations to city council for changes to the zoning regulations and VRD boundary. At that time, they held a work session and 2 separate planning commission meetings with public comment before they made the recommendation. With that recommendation, the city council removed the same location as this proposed development from the VRD boundary. Why are we not following the same process?

I understand mistakes were made by not acquiring the land at the estuary park, but let's not continue to make more. Below is what I planned on reading at the 4/16/2024 planning meeting but was not given the opportunity to do so.

Thanks, Jesse

I'm here tonight to speak in opposition of the proposed zoning ordinance 2024-04, Specifically the section 120.12 estuary properties. I previously submitted a letter, hopefully the commission has had time to read it.

This 11-page proposed ordinance lays out the standards that the City of Seaside is requiring all property owners to abide by if they want to be eligible for a VRD. For example, I would love to vacation rental my property on Sunset Hills, but per this ordinance I can't because my property is not in a designated vacation rental area. As you read through this ordinance near the end you come across a little paragraph labeled estuary properties. In this paragraph the city is proposing to bend or change a majority of the VRD rules for this 1 property owner. A couple examples of this would be.

1. Location. This development is not located in an area that is eligible for vacation rentals. Furthermore, in 2022 this planning commission unanimously removed properties north of 12th Ave from the being eligible for VRD's.
2. This development is not being required to have dwelling unit type restrictions. Paragraph 120.11 identifies 5 different property types prohibited from being eligible for a VRD. They also are not required to have spatial distribution restrictions; I would say at least 90% of all vacation rentals in Seaside have some sort of spatial distribution restrictions.
3. Waiting periods. Will these properties have a waiting period? Per this ordinance a new construction property owner must wait 2 years after their issued occupancy before they can apply for a VRD permit. Is the city going to make another exception for this property owner?

I'm not sure how the city can tell a property owner that they must follow 1 set of standards, and then tell the next property owner we'll make an exception for you.

If this proposal passes, my application for a VRD permit will be the first 1 on your desk, and I will encourage any other property owner that wants to vacation rental their home regardless of if it qualifies to do the same. If the city is willing to make all these changes for 1 property owner, they can make some exceptions for everyone else.

Lastly, how can you even make an informed decision on this zoning proposal without knowing what is being proposed? Will there be 20 homes, so 5 VRD's, or will there be 200 homes with 50 VRD's? Shouldn't you know what the development is going to look like before you make a long-term decision like this? I will end this with a phrase my grandfather always said because I feel it applies to this decision process "you're putting the cart before the horse". Thank you for your time.

Kimberley Jordan

From: Bishy bob <thebeardedmemaw@hotmail.com>
Sent: Sunday, April 21, 2024 3:36 PM
To: publiccomment
Subject: Public comment

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My name is Sara and I am a long time resident and business owner here in Seaside.

I don't normally weigh in on city council proceedings, but I do so today in representation of my 8 year old granddaughter. As a transgender female, and an avid lover of reading, this is a subject near and dear to her heart, so she requested that I speak up.

I realize that at this point, Mr Dillard has asked for an item to be added to the agenda to discuss the modification of the existing Seaside Public Library's policy verbage regarding minors and materials provided to minors. Wanting the policy to reflect that minors not be treated the same as adults.

In advance of that, I would like to remind all of you that the US Supreme Court ruled in *Island Trees School District v. Pico* that **books may not be removed from library shelves just because officials find ideas in the books offensive**, and the SCOTUS has also held on numerous occasions that minors do have first amendment rights! Those rights include the right to receive information. **Book bans and censorship, particulary when done by government actors such as yourselves, violate the First Amendment because they deprive children the protected right to receive information and ideas!!**

I also refer you to Oregon HB 2243 passed in 2019 where it defines a public library as a public agency providing to **all residents** (not just adults, but minors too)...free and **equal access** to library and information services.

The 1st Amendment guarantees us the Freedom of Speech.

In conclusion, please allow me to quote case law from *Kreimer vs the bureau of police in the town of Morristown* in 1992:

To have Freedom of Speech you must have Freedom of Thought. In order to have Freedom of Thought you must have Freedom of informed thought. In order to have informed thought you must have Freedom of Information and where you get information is at your public library.

Thank you for your time and consideration.

Kimberley Jordan

From: City of Seaside Webform Submission via Seaside, OR <cmsmailer@civicplus.com>
Sent: Sunday, April 21, 2024 3:30 PM
To: Kimberley Jordan
Subject: Website Submission Sent to the City Council and the Mayor

This sender is trusted.

Submitted on Sunday, April 21, 2024 - 3:29pm
Submitted by anonymous user: 2001:5b0:2b42:5a58:5811:3edc:9e:68bc
Submitted values are:

Your Name: John Hesse
Your E-mail Address: : johndhesse@aol.com
Your Phone Number: : 5756494927
Subject: : Homeless encampment

Message: :

Mayor, council members and assembled public officials. I do not believe that the current homeless encampment located just off S Ave. should be there at all. It is not an appropriate location. I realize that this week, the Supreme Court of the United States is hearing the case from Grants Pass, Oregon regarding public camping and that you are wanting to know what they will rule. I am also aware that since September, Clatsop County has received more than 4 million dollars from the state through House Bill 5019 to combat the problem. I haven't seen any evidence that money has been used in Seaside at all. It has been used to make the Columbia Inn, in Astoria, a homeless shelter. I am somewhat curious as to how much of that money is being used for Seaside.

I am also somewhat mystified by the disparity of homeless encampments along the northern coast. The one in Seaside is obvious. Homeless people are gathered there day and night. In addition, homeless are allowed to congregate at the Safeway (particularly the bottle return and the street along the South Side of the building). As an avid walker in our city, I see homeless people begging in parking lots, riding bicycles all over in the ever-persistent search for bottles and cans, playing music on Broadway for donations, and going through every trash can in the area (public or private).

As a resident of the newly developed neighborhood called Blue Heron Point, I live on Seabright Way. This neighborhood is approximately one to two tenths of a mile from the homeless camp. Many in our neighborhood have experienced theft, property trespass, and dumping of trash onto the adjacent properties to our houses. We have an endless stream of people going through the neighborhood looking for anything that is not bolted down to steal. The police have been called by myself and my neighbors on numerous occasions because of this problem. You can't leave anything out, open your garage door, take out the trash or enjoy a walk around the neighborhood without feeling like a target. Mind you, this is not a neighborhood full of cheap housing. On average, each of these houses cost \$600,000. That means that we each pay a lot of taxes to support city services. Someone at the last council planning session made the comment that people who live in the area were contacted and there was a meeting about the encampment. Many of us were at that meeting and were taken by surprise as none of us were ever consulted. The result of placing that encampment where it is, is that property values plummet. I don't think that if anyone along S or in our neighborhood wanted to sell their property, that they would have any

luck at all. That also brings up the question, should realtors have to disclose the encampment? If the city authorized the encampment, are they liable for damages to property, theft and loss of value?

Interestingly, in Cannon Beach, you don't see homeless people. Why is that? The answer to that question was in the Astorian paper dated August 2, 2022. The camping ordinance there does allow camping from 9 pm to 7 am. No camping in parks, on streets and trails, within 40 feet of a residential zone and 100 feet of a school. In addition, the Police Chief stated that their police department is readily available to take people to shelters in Seaside and Astoria. According to our city council at the meeting earlier this month, you must have a place for them in your own city limits. Wonder how Cannon Beach gets away with it? In Astoria, you certainly see homeless people in the streets and doorways. But wasn't the state funding for all of Clatsop County?

In the city's own Temporary Camping Program Permit Application, it lists 9 violations that can have you removed from the camp. Every one of these rules are being ignored and broken daily while a blind eye is turned. The homeless have rights, I understand that. Their rights end where it effects my rights to live as a taxpayer. We have equal rights but must follow rules and laws. They are not doing that.

Finally, while complaining about a situation may make us heard and may even make us feel better, it brings no solutions. Here are a few proposals for your consideration:

1. Stop the bottle return business for a period to stop funding drug use.
2. Temporary shelter can be found at the old Seaside High School. It has bathrooms and a roof. I realize it is owned by Sunset Empire, but it seems like this could be worked out.
3. Since funds were allocated by the state, employ 24-hour security to enforce rules and laws wherever homeless are housed. Rules must be followed, or they need to leave. We can provide shelter but not shelter with no rules.
4. Check with Camp Rilea as to the availability of Army tents and cots. If its good enough for our service members, its good enough for the homeless.
5. Consider chairing a citizen's committee to come up with more ideas, parcels of land, buildings or whatever to help this problem.

As a final note, I have contacted the State Department of Health and spoken with the director of Clatsop County Health Department regarding the deplorable, unsanitary conditions in the camp and the disease, rat infestation, trash, drug paraphernalia, and generally unhealthy conditions for the campers and residents in the area. They are investigating. I will also be calling the news to see if I can get a reporter out here. This town will be spotlighted in an unfavorable light. Can't imagine it will help tourism.

Thank you, I will reiterate this at the meeting Monday.

John Hesse

Councilor Morrisey:

Councilor Frank:

Councilor Dillard:

Councilor Posalski:

Councilor Montero:

Councilor Horning:

Mayor Wright:

The results of this submission may be viewed at:

<https://www.cityofseaside.us/node/10116/submission/14671>

Kimberley Jordan

From: Chuck Murphy <cmurphy4@cox.net>
Sent: Saturday, April 20, 2024 11:34 AM
To: publiccomment
Subject: Short Term Rental Ordinance Comment - 2024-03 & 2024-04

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City of Seaside Council:

I am writing as a property owner in Seaside to comment on the proposed Ordinance 2024-03 and 2024-04.

Upon review of the proposed changes I support the recommendations maintaining the 100 foot inclusion zoning percentages (100%, 50%, 30%) as described in the proposal.

This will maintain that a property owner is not inundated with Short Term Rentals (STRs) changing out every 2-3 days in the summer. A current factual issue.

If we are to maintain Seaside as a community for tourism and residents, it is inherent that the city council aspire to maintain a percentage of homes as personal residences.

This can be accomplished through restrictions on number of Short Term Rentals (STRs) within a set geographical location. The proposed zoning percentages accomplish this.

Additionally, applications, monetary registration fees should **NOT** be transferable (grandfathered) to new homeowners. If a property owner sells the property, the new owners should be required to apply to the city if they intend to utilize the property as a Short Term Rental.

The fines (noise, barking dogs, occupancy limits) as written into this proposal seem in line with enforcing the regulations to maintain Seaside as a residential and vacation destination.

The new proposal as written accomplishes many of the issues we have here in Seaside.

Thank you for your time,
Chuck Murphy

Kimberley Jordan

From: Sandy Ward <sandyward2018@gmail.com>
Sent: Monday, April 22, 2024 3:52 PM
To: publiccomment
Subject: On proposed change in public library policy

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Members of the Seaside City Council,

As a retired public school teacher, aunty to many beloved children, and citizen of Seaside, I am adamantly opposed to Councilmember Dillard, or any Seaside citizen creating policies of censorship for our public library. I trust in and respect the wisdom of parents and family elders, with assistance they request from our excellent library staff to make decisions about what the children of this community read.

I believe the proposal from Councilmember Dillard is unconstitutional and violates the first amendment rights of members of our community and would prefer that the council focus their efforts on pressing matters of public safety.

Thank you for your consideration in this matter.

Sincerely,
Sandy Ward