

This meeting is to take care of city business and the public is allowed in the building at any given time. Mask are required at this meeting. Public Comments can be emailed to publiccomment@cityofseaside.us. Thank You for your patience.

****6:20 PM and 6:30 PM - INTERVIEWS – PARKS ADVISORY COMMITTEE APPLICANTS****

**AGENDA SEASIDE CITY COUNCIL MEETING
JANUARY 10, 2022 7:00 PM**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. COMMENTS - STUDENT REPRESENTATIVE, EMMA ARDEN
6. COMMENTS – PUBLIC – (please keep speaking time to four minutes)
7. DECLARATION OF POTENTIAL CONFLICT OF INTEREST
8. CONSENT AGENDA
 - a) PAYMENT OF THE BILLS - \$558,783.64
 - b) APPROVAL OF MINUTES – December 13, 2021
 - c) RESOLUTION #3997 – A RESOLUTION OF THE CITY OF SEASIDE, OREGON, ADJUSTING THE 2021-2022 CITY OF SEASIDE BUDGET
9. REPORTS AND PRESENTATIONS: None
10. UNFINISHED BUSINESS:
 - a) ORDINANCE #2021- 06 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, ADDING CHAPTER 102 TO THE CODE OF SEASIDE, ESTABLISHING CAMPING REGULATIONS, DEFINITIONS, TEMPORARY CAMPING PROGRAM, PROHIBITED CAMPING, PENALTIES AND ENFORCEMENT (Second Reading)
 - OPEN PUBLIC COMMENTS
 - CLOSE PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION FOR SECOND READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - b) VACANCY - LIBRARY BOARD
CITY TREE BOARD
BUDGET COMMITTEE
PARKS ADVISORY COMMITTEE (**TWO APPLICATIONS**)
AIRPORT ADVISORY COMMITTEE
TRANSPORTATION ADVISORY COMMISSION
11. NEW BUSINESS:
 - a) PUBLIC HEARING - RESOLUTION #3996 – A RESOLUTION ADOPTING AND APPROPRIATING A SUPPLEMENTAL BUDGET OF GREATER THAN 10% FOR THE 2021-2022 CITY OF SEASIDE BUDGET
 - OPEN PUBLIC HEARING
 - CLOSE PUBLIC HEARING
 - COUNCIL COMMENTS

- MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED
- b) RESOLUTION #3995 – A RESOLUTION ADOPTING AND APPROPRIATING SUPPLEMENTAL BUDGET INCREASES AND DECREASES OF LESS THAN 10% FOR THE 2021-2022 CITY OF SEASIDE BUDGET
- PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION TO READ BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT – ALL IN FAVOR AND OPPOSED
- c) LIQUOR LICENSE APPLICATION – THE WHET SPOT, 12 N. HOLLADAY (Owner Rick Berry)
- d) LIQUOR LICENSE APPLICATION – BELL BUOY OF SEASIDE, 1800 S. ROOSEVELT (Owner Trent Hartill)
- e) PUBLIC HEARING - ORDINANCE #2022- 01 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, GRANTING AN ELECTRIC UTILITY FRANCHISE AND GENERAL UTILITY EASEMENT TO PACIFICORP (First Reading)
- OPEN PUBLIC HEARING
 - CLOSE PUBLIC HEARING
 - COUNCIL COMMENTS
 - MOTION FOR FIRST READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
- f) ORDINANCE #2022- 02 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CEMETERY REGULATIONS FOR PLOT PRICE INCREASES (First Reading)
- OPEN PUBLIC COMMENTS
 - CLOSE PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION FOR FIRST READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
- g) REQUEST WATER METER INSTALLATION OUTSIDE CITY OF SEASIDE CITY LIMITS, 34043 HIGHWAY 26 (Owner Mike Maltman)
- h) REQUEST WATER METER INSTALLATION OUTSIDE CITY OF SEASIDE CITY LIMITS, 33745 HIGHWAY 26 (Owner Hendrik Horlings)
- i) APPROVAL – AMENDMENT TO TRANSPORTATION SYSTEM PLAN, Dale McDowell
12. COMMENTS FROM THE CITY STAFF
13. COMMENTS FROM THE COUNCIL
14. ADJOURNMENT

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

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

RESOLUTION #3997

**A RESOLUTION OF THE CITY OF SEASIDE, OREGON, ADJUSTING THE
2021-2022 CITY OF SEASIDE BUDGET**

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside hereby adjusts the 2021-2022 budget, as follows:

	Water Requirements		
	<u>Present</u>	<u>Changes</u>	<u>New</u>
Personnel Services	\$ 805,167	\$ 38,107	\$ 843,274
Materials and Services	619,950	(38,107)	581,843
Capital Outlay	250,000	0	250,000
Debt Service	222,262	0	222,262
Interfund Transfers	952,222	0	952,222
Contingency	200,000	0	200,000
Total Appropriations	<u>3,049,601</u>	<u>0</u>	<u>3,049,601</u>
Ending Fund Balance	<u>1,714,521</u>	<u>0</u>	<u>1,714,521</u>
Total Budget	<u>\$ 4,764,122</u>	<u>\$ -</u>	<u>\$ 4,764,122</u>

The purpose of this adjustment is to provide for funding associated with employee retirement.

	Convention Center Bond Reserve Requirements		
	<u>Present</u>	<u>Changes</u>	<u>New</u>
Materials & Services	\$ 1,667,035	\$ (1,284,762)	\$ 382,273
Special Payments	0	1,284,762	1,284,762
Total Appropriations	<u>1,667,035</u>	<u>0</u>	<u>1,667,035</u>
Ending Fund Balance	<u>1,141,175</u>	<u>0</u>	<u>1,141,175</u>
Total Budget	<u>\$ 2,808,210</u>	<u>\$ -</u>	<u>\$ 2,808,210</u>

The purpose of this adjustment is to provide for an interfund loan to the Water Fund.

PASSED by the City Council of the City of Seaside this ____ day of _____, 2022.

SUBMITTED to the Mayor and **APPROVED** by the Mayor on this ____ day of _____, 2022.

JAY A. BARBER, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

ORDINANCE NO. 2021-06

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, ADDING CHAPTER 102 TO THE CODE OF SEASIDE, ESTABLISHING CAMPING REGULATIONS, DEFINITIONS, TEMPORARY CAMPING PROGRAM, PROHIBITED CAMPING, PENALTIES AND ENFORCEMENT

WHEREAS, the City Council is interested in creating a Camping Ordinance in the City of Seaside, Oregon.

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

SECTION 1: Chapter 102 of the Code of Seaside is hereby created and added to read:

Chapter 102 CAMPING REGULATIONS

102.01 Title and purpose.

The title of this chapter shall be known as the "City of Seaside, Oregon, camping regulations." The purpose of this chapter is to protect the safety of citizens and regulate use of publicly owned property by establishing time, manner, and place guidelines.

102.02 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the content clearly indicates or requires different meaning:

- A. "Camp" or "camping" means to pitch, erect, create, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia.
- B. "Camp facilities" include, but are not limited to, tents, huts, temporary shelters, or vehicles.
- C. "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or outdoor cooking devices or utensils and similar equipment.
- D. "Campsite" means any place where one or more persons have established temporary sleeping accommodations by use of camp facilities and/or camp paraphernalia.
- E. "City manager" means the Seaside City Manager, or the city manager's designee.
- F. "Family" means two or more persons related by blood, marriage, adoption, legal guardianship, or other duly authorized custodial relationship, or not more than two unrelated adults.
- G. "Motor vehicle" has the meaning given that term in ORS 801.360.
- H. "Park areas" has the meaning all public parks in the City of Seaside.
- I. "Parking lot" means a developed location that is designated for parking motor vehicles, whether developed with asphalt, concrete, gravel, or other material.
- J. "Prohibited campsite" means any campsite:
 - (a) Described in Code of Seaside 102.03 and 102.04; or
 - (b) Not authorized under the Code of Seaside.
- K. "Public owned property" means any real property or structures owned, leased, or managed by the city or other government agency including public rights-of-way.
- L. "Public rights-of-way" has the meaning set forth in Code of Seaside 95.01.
- M. "Recreational fire" means a fire for the cooking of food, warmth, fellowship or ceremonial purposes.
- N. "Recreational vehicle" has the meaning given that term in ORS 174.101.
- O. "Solid waste" means any garbage, trash, debris, yard waste, food waste, or other discarded materials.
- P. "Solid waste disposal services" means contracted solid waste collection service for a campsite with the city's exclusive franchisee for the collection of solid waste.

- Q. "Store" or "storage" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.
- R. "Street" means any highway, lane, road, street, right-of-way, alley, and every way or place in the city of Seaside that is publicly owned or maintained for public vehicular travel.

102.03 Temporary camping program.

- A. With written authorization of the private property owner of the property:
- (a) Up to three total motor vehicles or tents, in any combination, may be used for camping in any parking lot on the following types of property:
- (1) Real property developed and owned by a religious institution, place of worship, regardless of the zoning designation of the property;
 - (2) Real property developed with one or more buildings occupied and used by any organization or business primarily for nonprofit, commercial or industrial purposes;
 - (3) Vacant or unoccupied commercial or industrial real property, after the property owner has registered the temporary camping location with the city. The city may require the site to be part of a supervised program operated by the city or its agent.
- B. Up to one family may use a residentially zoned property developed with an occupied residential dwelling, with further authorization from property owner and tenants of the property, for camping by either:
- (a) Using a tent to camp in the back yard of the residence; or
 - (b) Using a single motor vehicle parked in the driveway of the dwelling.
- C. A property owner who authorizes any person to camp on a property pursuant to subsection (A) and (B) of this section must:
- (a) Provide or make available sanitary facilities; (i.e., including toilets, wash facilities, and drinking water facilities).
 - (b) Provide garbage disposal services so that there is no accumulation of solid waste on the site;
 - (c) Provide a storage area for campers to store any personal items so the items are not visible from any public street;
 - (d) Require a tent or camping shelter in a residential backyard to be not less than five feet away from any property line; and
 - (e) Not require or accept the payment of any monetary charge nor performance of any valuable service in exchange for providing the authorization to camp on the property; provided, however, that nothing in this section will prohibit the property owner from requiring campers to perform services necessary to maintain safe, sanitary, and habitable conditions at the campsite.
- D. A property owner who permits camping pursuant to subsection (1) of this section may revoke that permission at any time and for any reason.
- E. Notwithstanding any other provision of this chapter, the city manager or their designee may:
- (a) Revoke the right of any person to authorize camping on property described in subsection A of this section upon finding that any activity occurring on that property by the camper(s) is incompatible with the uses of adjacent properties or constitutes a nuisance or other threat to the public welfare; or
 - (b) Revoke permission for a person or family to camp overnight on city-owned property upon finding that the person or family member has violated any applicable law, ordinance, rule, guideline or agreement, or that any activity occurring on that property by a camper(s) is incompatible with the use of the property or adjacent properties.
- F. Any person whose authorization to camp on property has been revoked pursuant to subsections (3) and (4) of this section must vacate and remove all belongings from the property within four hours of receiving such notice.

- G. All persons participating in the temporary camping program described in this section do so at their own risk, and nothing in this code creates or establishes any duty or liability for the city or its officers, employees or agents, with respect to any loss related to bodily injury (including death) or property damage.

102.04 Prohibited camping.

- A. Except as expressly authorized by the Code of Seaside, at all times it is unlawful for any persons to establish or occupy a campsite on the following city property:
- (a) All Park areas;
 - (b) All publicly owned or maintained parking lots; and
 - (c) All publicly owned or maintained restrooms; and
 - (d) All publicly owned property located within and adjacent to the following residential zoning districts:
 - (1) Low density residential (R1)
 - (2) Medium density residential (R2)
 - (3) High Density Residential (R3)
 - (4) Resort Residential (RR)
 - (5) Residential Commercial (RC)
 - (e) All publicly owned property along 12th Avenue.
 - (f) All publicly owned property between 1st Avenue to Avenue A.
 - (g) All publicly owned property along and Avenue G.
 - (h) All publicly owned property along Avenue U.
 - (i) All publicly owned property along and Necanicum Drive.
 - (j) All publicly owned property along Holladay Drive.
 - (k) All publicly owned property along Highway 101.
 - (l) All publicly owned property along Wahanna Drive.
 - (m) All publicly owned property along Sunset Boulevard.
- B. Except as expressly authorized by the Code of Seaside, it shall be unlawful for any person, other than persons camping in a vehicle or recreational vehicle, to camp or maintain a campsite on any publicly owned property during the hours of 6:00 a.m. to 8:00 p.m.
- C. Except as expressly authorized by the Code of Seaside, it shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, on any public property during the hours of 6:00 a.m. to 8:00 p.m.
- D. Except as expressly authorized by the Codes of Seaside or special event permit, it shall be unlawful to have a recreational fire on public property.
- E. A person or persons camping in a vehicle or recreational vehicle must adhere to parking regulations, Code of Seaside Chapter 72, and public right-of-way regulations, Code of Seaside Chapter 95.01.
- F. Notwithstanding the provisions of this chapter, the city manager or designee may temporarily authorize camping or storage of personal property on public property by written order that specifies the period of time and location:
- (a) In the event of emergency circumstances;
 - (b) In conjunction with a special event permit; or
 - (c) Upon finding it to be in the public interest and consistent with council goals and policies.
- G. The city manager may adopt administrative rules to implement any of the provisions of this chapter.

102.99 Penalties and enforcement.

- A. Violation of any provisions in Code of Seaside 102.03 is a Class D violation pursuant to ORS 153.012. Each day that a violation occurs will be considered a separate offense.

- B. Violations of any provisions in Code of Seaside 102.04 is a Class D violation and may result also in a violation of Oregon Revised Statutes.
- C. In addition to any other penalties that may be imposed, any campsite used for overnight sleeping in a manner not authorized by this section or other provisions of this code shall constitute a public nuisance and may be abated as such.

SECTION 2: Ordinance 2021-06 will take effect on the thirtieth day after its adoption.

ADOPTED by the City Council of the City of Seaside on this ____ day of _____, 2021 by the following roll call vote:

YEAS:
NAYS:
ABSTAIN:
ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ____ day of _____, 2021

JAY BARBER, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, ADDING CHAPTER 102 TO THE CODE OF SEASIDE, ESTABLISHING CAMPING REGULATIONS, DEFINITIONS, TEMPORARY CAMPING PROGRAM, PROHIBITED CAMPING, PENALTIES AND ENFORCEMENT (First Reading)

Mayor Barber stated now before us is Ordinance 2021-06, an ordinance, regarding the City of Seaside, Oregon regarding chapter 102 of the Code of Seaside, dealing with camping. This has been circulated and, published. I'll open the floor to any public comments regarding this ordinance. Anyone have any comments they want to make. Hearing none, I will close the public comments. Council comments.

Councilor Montero stated I have a series of questions going through this, so I'd like to, go through them. Let's see, we look at the definitions 102.02 definition F of a family. We say not more than two unrelated adults. Can somebody explain to me why, going through here, are we limiting the ability of people to be in camp, in tents or, RVs to a family so that you have no more than two, unrelated adults? Is that somewhere in the ordinance?

Mr. Winstanley stated well, I can, talk to the definition. Certainly, the definition does define family as not more than two unrelated adults.

Councilor Montero stated I understand that. But for the purposes, that definition is probably in there because somewhere along the line, it says a family can't or can, or limited to a family, and I did not detect that, but I want to make sure are we saying that camping as this is defined, cannot be done, can only be done in family groups?

Mr. Winstanley stated I think the definition is in reference to 102.03 B where it, starts out up to one family may use a residential zone property and goes on in the definition. I think that's where that definition is referring and, defining what a family then would be.

Councilor Montero stated so in essence, this ordinance would say that should a household, offer their front yard for someone to put their tent in it that that tent could not be occupied or their RV that could not be occupied by more than two adults who are not related to each other. And we don't define what related means, but, so I have a concern there. All right. Let's keep going down the line.

Mayor Barber stated Tita, could I interrupt you just a second with your questioning, Mark, this model ordinance, comes from, Coos Bay.

Mr. Winstanley stated Mr. Mayor. Maybe, just a little bit of background. The current ordinance that the city has on the books is basically been struck down by, the courts at this point. One of the things that we did was we, went looking there's, this is, our ordinance is not unique in the State of Oregon. A number of camping ordinances have been struck down in the State of Oregon. Then the challenge was what will meet, the legal criteria of the courts at this point. This is patterned off of, an ordinance that was developed down in Coos Bay, and the Coos Bay ordinance is in place. And at this point has, I don't want to say been unchallenged, because virtually all ordinances at this point are, have some challenge, but this is one that up, until at least up until this point has been able to stay on the books.

Councilor Montero stated it was passed in August, which made it effective in September. So, it's been in effect, two and a half, maybe three months.

Mr. Winstanley stated which in the current situation a fairly long time is. But that's why we use this ordinance, is because it was one that was suggested to us as one that so far has been able to stand if you will, legal challenge at this point. We patterned this ordinance off of the Coos Bay ordinance, right. It doesn't mean, and, and I want to, I think it's important. Mr. Mayor, I know that, you and I have had conversations about this. This does not mean that, by any stretch of the imagination, that this ordinance, is perfect, it's not, and it's not because, it needs to go through examination by the Council. I think that's terribly important.

And staff is going to listen very carefully to, what it is that Councilors questions are. I don't know that we're going to know the answers tonight, right. Discussing these items, bringing them to our attention, and, allowing us to come back to you, at your next Council meeting with answers, I think is a very important part of this process.

Councilor Montero stated and that's where my questions come from, wanting clarification so we do know that we're all discussing apples and apples. If I could just paraphrase, what I got out of this is that this ordinance would provide, permission to, property owners, homeowners to, allow camping on their property, under the guidelines in the ordinance,

Mr. Winstanley stated Councilor, I believe that is correct. Again, I think the, best way for us to go about this is you would, I'm going to, rephrase what you're saying. Because I'm not comfortable with telling you that that's correct. But what we will do is we will go back and pose those questions certainly too legal counsel and say, this is the question that's being asked.

Councilor Montero stated I think we're all in a questioning mode on this.

Mr. Winstanley stated that's correct. And you're going to find that, as you ask questions, I'm going to be hesitant to just give you a flat answer to it, because I think that's what this is all about.

Mayor Barber stated we're getting all these questions down.

Councilor Montero stated now what, I saw a mention of public property, but I don't know that I saw where public property can't be used, but I didn't think I saw where it could be used. And I know I have to read this again another time and another time to get that detail.

Mr. Winstanley stated and Councilors, I guess what I would, tell you as far as that subject is concerned is, normally, and I, assume in this case that if, public property is not called out as being restricted, then that would mean that it would be allowed. Normally things are allowed unless they are called out as not being allowed.

Councilor Montero stated that's really good to know. On 102.03 A, up to three total motor vehicles are tents in any combination could be used on the following types of property. And I have a little question there, city owned property. And it does say under, number C. E the, property owners could not require or accept the payment of any monetary charge nor performance of any valuable service in exchange for providing the authorization to camp on the property. If I'm understanding this right, that would mean that if I told somebody they could camp in my backyard and I comply with everything else where I'm providing, water, sewer hookup, everything, I could not charge them for anything. Could I charge them for the water they use? Could I charge them for, the extra waste receptacle that I have to get Recology to pick up? So, I would like clarification on that.

Mr. Winstanley stated and again, we can see clarification on it. I think the purpose of that section is to say, you know, we don't want this to be a way that somebody kind of enters into the rental business. The purpose of this is to, say, if you're going to allow somebody to, have a tent on your property, it's, not because you're trying to make money.

Councilor Montero stated and that makes sense. But if I incur extra costs for water, for utilities, what am I allowed to pass along? And it says nothing in this section will prohibit the property owner from requiring campers to perform services necessary, to maintain safe sanitary, etcetera, which means I could require that people pick up trash.

Mr. Winstanley stated it would seem to me that you have a right to just as I could have a family member, have a tent in the, backyard. Maybe I wanted to have my grandkids camp in, my backyard. It would seem to me that would be allowed. And you could establish what rules that you wanted, for your property, as far as that's concerned.

Councilor Montero stated so corollary to that then is, I'm going to talk a little bit about enforcement, which I didn't seem to see anywhere here. And that is, what kind of enforcement would there be on me as the property owner. If I let somebody camp in my backyard, that it's only a family, I don't have more than two unrelated adults that in fact, we're all following the rules, et cetera. What is the enforcement and what is the consequence? And I don't seem to have seen that anywhere in here. At the very end it kind of.

Mr. Winstanley stated I'm probably going to have to look to the police chief on this. My understanding is, that the way this ordinance is written, this would be a class d violation under the Oregon Revised Statutes. And I am not an expert on,

Councilor Montero stated but how would they know that I'm not following the rules in my yard? Would it be

Mayor Barber stated a neighbor would probably complain?

Mr. Winstanley stated these kinds of situations are based on complaint.

Councilor Montero stated as the homeowner would incur no, consequence, but the people camping would incur the consequence.

Mayor Barber stated I think the homeowner would incur the consequences.

Mr. Winstanley stated we would have to find out for you on, I could imagine that depending upon the situation, that either, or could probably be cited in this situation, because if, you, as a homeowner were to say to us, you know, I have, told these people that as an example, they have to leave my property. They're not following my rules, but they won't leave that we could cite, the person that was there. Or if you said, well, I, don't care if they do whatever it is that they're doing, then we could cite you for that. Because you are not, following, the ordinances as stated.

Councilor Montero stated so I would like to make a, suggestion that any city ORS, or excuse me, any city ordinance or any ORS referred to in this ordinance be attached so that as I'm reading the ordinance, I don't have to go out and, do all the research shall we say that if you do it once, then everybody has it clear. The people who are, looking to do this, the people who are being, I'm going to say, accused of doing stuff, but if you have that, so that's one I would like to see attached.

Mr. Winstanley stated I have to, jump in on this one. The, difficulty with that is that ORS has changed without our knowledge. And so, an attachment of a document that could be fluid in this case, by the state. And I'm in this case, I'm concerned about the ORS that could, be an issue, as far as this document is concerned.

Councilor Montero stated but I can also say that as someone who researches the ORS is a lot, for a lot of different reasons. It is not easy to research and find ORS. So at least for the beginning, just for the beginning, I would like to see that attached so that as we consider this, it is a full piece of information that people are making.

Councilor Frank stated Tita, is there a difference between being attached and just provided for information?

Mr. Winstanley stated I think we can provide it as, information. But not as a formal attachment to the document.

Councilor Montero stated and I think that's what I meant. Thank you, Randy. The other thing that I think could be attached because these don't change and that is in, lower in the, ordinance, it makes, reference to zones and it says you could do it except in these zones. Or you can only do it in these zones. Again, people don't know where those zones are.

If we had zone maps and attach them that would make our citizens, our users, everyone, more able to understand where are we talking about? So, I would like to see that. That's a suggestion I'd like to see.

Councilor Frank stated Tita you're talking about, 102.03 B. Is that zone.

Councilor Montero stated I'm talking about page three, I believe.

Council President Wright 102.04 where it says prohibited camping. It's the zoning map? The, R1, R2, and R3.

Councilor Montero stated it's the, 102.04, A parenthesis D. And even on the map to, designate the E, F, G, H, I, J, K all those.

Council President Wright stated are there zoning maps on the website?

Mr. Winstanley stated zoning maps are on the website, Kevin aren't they,

Councilor Montero stated and you cannot assume that everybody has a computer and access to the internet.

Kevin Cupples, Planning Director, stated you can access them via the county maps.

Mr. Winstanley stated we certainly can provide that as additional information.

Mayor Barber stated is there anything more Tita.

Councilor Montero stated number F any person whose authorization has been pursuant? They would be must vacate and remove all belongings from the property within four hours of receiving such notice. I do not believe that that's enough time. The state requires a 72-hour notice if you're cleaning out camp grounds. I don't think telling somebody that they have to be gone and have all their items out within four hours. I would like to have us think about that. And then number G it says anybody participating in the temporary camping program does, so at their own risk, nothing establishes reliability for the city or its offices, and, with respect to any loss related to bodily injury. Somebody's camping on public property and somebody else comes along and they don't like that, so they knife em.

Mr. Winstanley stated I think this is an important line, paragraph. It would not be our responsibility then that, action happened. Okay. Okay. I mean, this, is an individual breaking the law, and we cannot guarantee, that an individual will not break the law.

Councilor Montero stated I understand that, but I think that's an important portion of this. And something just thinking about this minute, if I was a homeowner and I let somebody camp in my backyard backyard, I'm not sure my homeowner's insurance would cover that, but that's not the city's problem. I understand. I think I did that one and that one, the map. And then you say that, if somebody is camping in a vehicle or RV, to camp or maintain a campsite on any publicly owned property, they must not be there during the hours of 6:00 AM to 8:00 PM. So, what you're saying is, if somebody wants to camp, they can come in at 8:00 PM, but they have to be gone by 6:00 AM.

Mr. Winstanley stated that would be correct.

Councilor Montero stated I would like us to look at that further. I don't know, I mean, I don't even get up at 6:00 AM. Maybe somebody else does, but.

Councilor Phillips stated that's not the point.

Councilor Montero stated well, I know that's not the point, but still. We still need to make this reasonable. We need to make this humanistic. You know, I just want, have us look at that a little bit more.

Mayor Barber stated okay, noted.

Councilor Montero stated and again, under E adhere to parking regulations, code of Seaside, chapter 72, again, I'd like to make sure that all of these referenced documents are easily obtainable by anybody who is going to be, under this ordinance. And that means anybody from a homeowner to a homeless person. And then F says that, the city manager may designate, may temporarily authorize camping or storage where people cannot camp or store between 6:00 AM and 8:00 PM. But the city manager can say, it's okay, in certain instances. And one of those is a special event permit. I'm just going to tell you my reaction when I read that was that, when we do special events, it's sort of tourism related and, this kind of puts the tourists ahead of our residents. That was my first reaction reading it.

Mr. Winstanley stated maybe though I understand what you're saying. We certainly do special events that way. But there are situations where, as an example, our parking lots or things like that are used by, the general citizens of Seaside. And those would be the kind of things where, I guess I would envision that, it may be that, you know, I need to make allowances for somebody who maybe, has been sleeping in their car for, you know, at the right time and doing the right things. But we need to get them moved out of that area and I need to make an allowance for them to be somewhere else. I kind of look at this as being a situation where the, the city, can help them comply and we can still accomplish what it is that we need to use the area for.

Councilor Montero stated I understand that. I don't ever want to see us though, in a position where we appear to be giving, more consideration to certain classes of citizens.

Mr. Winstanley stated and I understand and I don't disagree, but I also think that we need within this ordinance to give us some latitude, to be able to make the accommodation. If we don't have language, then, we basically have to say, look, the only thing we can do is enforce not accommodate.

Councilor Montero stated because this is based on the ordinance at Coos Bay, I would like to get some feedback from Coos Bay. One anticipation I would have is that if you have people camping in people's backyards or people who are parked in a public, approved lot, but they have to be out by six in the morning and they can't come back till eight in the evening. I would like to know when Coos Bay, where did those people go? Did they move and sit in the streets somewhere in Coos Bay? Because most of these people don't have another place to go. I really would like to understand more what have been the results in Coos Bay? Not just from the Coos Bay Police Department, but I think I'd like to hear it from a city councilor. I'd like to hear it from somebody who maybe has had people camp in their yards, because we can learn from other people's experience. I'll stop there.

Mayor Barber stated all good questions.

Councilor Frank stated I just had a couple of comments and, one of them I mentioned to Kim, under this, 102.04 under G and I, we just need to strike a couple of and in each of those, sentences that's about it, I'll mention, I did look up in our, codes and this stuff was easily accessible.

Mayor Barber stated Tom, on your end, any comments?

Councilor Horning stated well I think Tita might have covered it. It's under, item 102.04, the prohibited camping, item B the language, I think it intends to limit, camping, except as expressly authorized by the code of Seaside. It shall be unlawful for any person to camp or maintain a campsite on any publicly owned property during the hours of 6:00 AM to 8:00 PM. except, other than persons camping in a vehicle or recreational vehicle.

Is this intended to make camping in your RV anywhere in town, possible? Or is, that, the intention, do we want to have RVs camping throughout town or do we restrict it to the point of it goes away.

Mayor Barber stated that's a good question.

Councilor Horning stated I broke the, phrase out the, subordinate clause, whatever it is. For other than persons owning a vehicle or recreational vehicle, just to, for the, for the sake of emphasis, I don't think I would change the language.

Councilor Frank stated I had underlined that. Not, quite understanding.

Council President Wright stated what I understood from it was, the people in a, vehicle, a recreational vehicle covered by, E they have to pay attention to the parking regulations, public right away regulations.

Councilor Montero stated if I take the understanding, you have Tom B and C mean that anybody who's in a tent has to pull down their tent and be gone by six in the morning, but if somebody's in an RV, they can stay and sit there, subject to the parking regulations.

Councilor Horning stated well, that's the ambiguity. It depends on your perspective.

Mayor Barber stated I think item B gives the 6:00 AM to 8:00 PM designation. Except for vehicles.

Council President Wright stated except for vehicles.

Mayor Barber stated right, that one needs to be clarified.

Council President Wright stated but vehicles can park during the day at, legally specified spots already. So, you can't, disallow that,

Councilor Montero stated but people in tents, where did they go?

Council President Wright stated anywhere, not one of these,

Councilor Montero stated between 6:00 AM. So, if they're comfy in their tent, 6:00 AM you better be outta there?

Councilor Horning stated I kind of wonder whether we should be, compiling lists of comments and submitting them for sharing. I think this is a little disorganized passing information back and forth up the table.

Councilor Montero stated except we can't do that.

Mr. Winstanley stated you're on record though. I mean, this is, we have to be on the record to allow for this, for the public, to, listen to what questions you have concerning the ordinance.

Councilor Horning stated but when we're done it would be nice if we could get that properly.

Mayor Barber stated I think it be possible for staff to delineate what the questions were. And my hope is that, tonight we will, start with, the number one reading, but this can be, strung out as long as we want to make sure we have good, legislation, but next meeting, I'm hoping that we'll hear from the community, a little more, they're just now learning about this. And we'll get some good feedback from the community as well.

Councilor Montero stated and I'm going to play devil's advocate here. If we want good feedback from the community, make this accessible as much as possible to the community. If it's not accessible, people will, people who can't access it, who maybe are

the ones that need to access it, won't be able to,

Mayor Barber stated how do you suggest that we make it more accessible?

Councilor Montero stated well maybe it means that we have paper documents available, a paper copies available here at city hall that somebody can pick up people who are homeless, do not have printers. Many of them do not have computers.

Mr. Winstanley stated we certainly, can provide copies to them.

Mayor Barber stated and for others who, do have accessibility, this will be available on the website and, then it'll be published as well.

Councilor Frank moved to read by title only ordinance number 2021-06 with a second from Councilor Phillips; carried unanimously. (Frank/Phillips)

Mr. Winstanley read Ordinance 2021-06 by title only.

Mayor Barber stated this will be on the agenda for our first meeting in January, for lots of good public comment and accessible to anyone who wants to stop by city hall to pick up a copy and on our website as well,

Memo

To: Mayor and City Council
From: Kim Jordan, City Recorder
Date: January 10, 2022
Re: Camping Ordinance Input Coos Bay

At the last City Council meeting December 13, 2022, there was a discussion regarding Ordinance 2021-06 Camping Ordinance. Since the City of Seaside Ordinance is based on Coos Bay's Camping Ordinance there was a request from Councilor Montero for some information:

Councilor Montero stated because this is based on the ordinance at Coos Bay, I would like to get some feedback from Coos Bay. One anticipation I would have is that if you have people camping in people's backyards or people who are parked in a public, approved lot, but they have to be out by six in the morning and they can't come back till eight in the evening. I would like to know when Coos Bay, where did those people go? Did they move and sit in the streets somewhere in Coos Bay? Because most of these people don't have another place to go. I really would like to understand more what have been the results in Coos Bay? Not just from the Coos Bay Police Department, but I think I'd like to hear it from a city councilor. I'd like to hear it from somebody who maybe has had people camp in their yards, because we can learn from other people's experience.

Kim Jordan, City Recorder, emailed Councilor Montero statement to the Coos Bay Mayor and Council, City Manager, Police Chief, and Assistant City Manager and received a call from Roger Craddock the City Manager of Coos Bay since 2001.

Roger Craddock, City Manager, statement:

No camping on private property unless permission given by owner of property or permission given rental properties otherwise no camping allowed. The ordinance gives permission to private property owners and rentals with permission. (No issues at this point)

Streets have RV Camping (20 vehicles approximately) and cannot be there for then 72 hours.

The Camping and Towing Ordinance they have created work together.

Camping allowed along Highway 101 but not near the water ways. (72 hours)

The City of Coos Bay enacted a pallet house program and used \$100,000 of Urban Renewal Funds to add in pallet houses and restroom/shower serves and it is designated on City Property that was donated for the program is located by transfer station on a dead-end street that runs into the public works yard. Each pallet house (small) but has bed and furniture and kitchen accessories and heat and electric. There is an onsite manager and they are ready to expand to add on another six units.

Camping in all parks is illegal – they can be in the parks during the day but cannot stay overnight.

Constant work maintaining all the rules, etc.

Some of the houseless moved to North bend, Oregon, (they have no camping ordinance but are now creating one) because of the Coos Bay Camping Ordinance.

Towing ordinance works well with Camping ordinance – Tow Company of Record and they store the motor homes that are towed and charge \$1,200.00.

Homeward Bound Program has served five local homeless individuals since August. The Homeward Bound program began through a partnership between the city and Oregon Coast Community Action. Since being established, a total of five homeless individuals have been bused home to family and friends. "This program connects folks with resources they already have in another location. We sent folks with housing choice vouchers home where they can use them. We do our due diligence by making sure they have those resources available to get them off the streets. If that's in another location, we try our best to make that happen for them."

Nichole Rutherford, Assistant City Manager/Finance Director, statement:

I have reached out to our Police Department to get some feedback from them, however, that has been a bit delayed so wanted to get back to you in the interim. Part of our process included an identification of the areas of the city that we would find it acceptable for folks to be alongside the road temporarily which has provided for a location for these folks to be in the day time. They can't remain there long, of course, otherwise they would violate the tow ordinance timelines which I believe limits to 72 hours. We also have a Community Resource Officer who spent a great deal of time working with folks prior to the enactment of the ordinances. This dedicated position has led to an open communication relationship between this officer and the homeless individuals in our community. He often helps assess their circumstance, aligning them with support and resources available in our community, with one option available through a non-profit is assistance to return to their home town (provided contact with a person in their home town who is willing to provide them a place to reside and assistance to connect them with local resources). I can say that we have seen less parked vehicles, including RVs, since enactment. We have had to tow a few vehicles, but in comparison to the number of vehicles we had within our city originally, the few tows are insignificant to the overall success. Our Homeless Work Group, established several years ago, which is comprised of Coos Bay city staff, our neighboring city North Bend's staff, Coos County Commissioner, area resource representatives, neighborhood watch representatives, school district representatives, and community members, have played a major role in all of the efforts undertaken by our city to help find solutions to homelessness in our community.

Once I receive feedback from our Police Department, I can pass that on. I'd also encourage folks to reach out to speak with any of our staff, should they like some direct communication. We are happy to share what we are doing in our community.

Unraveling Complications to Address Local Homelessness Issue

May 21, 2021



Oregon has the dubious distinction of being among the top four states in the nation with high homeless rates. As many of you may witness, there is visual examples of homelessness throughout our community. At first glance, it may seem as if the current situation has gone unnoticed by those who should take action, but that is quite far from the case. A court case called *Martin v. Boise* has definitely impacted the ability of communities in Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Washington and here in Oregon to respond to street homelessness. In a nutshell, the Ninth Circuit Court ruling essentially says that imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter is unconstitutional. While the case was appealed to the Supreme Court, they declined to take up the case, thus the original Ninth Circuit precedent will stand.

Homelessness is a major and growing concern for our community and has been identified as one of the City Council's top priorities. Unlike a public works project or an economic development initiative, homelessness is a complex social issue with many contributing factors that cannot be easily or quickly solved by a single agency or organization. Solutions require both immediate and long-term strategies, and partnerships with county agencies, nearby cities, community organizations and individuals in the community.

The Council created a Homeless Workgroup several years ago, comprised of members from various agencies, governmental entities, non-profits, and interested citizens, to discuss how best to assist the homeless individuals living in our community. From this group, several action items have been recommended to the City Council. Some of those recommendations resulted in programs or action steps which include, but are not limited to the following:

- Partnership with Oregon Coast Community Action on a Homeward Bound Program which provides travel assistance to homeless individuals back to a community where they have confirmed support and housing waiting for them.
- Enacting a Vacant Property Registration ordinance.
- Enacting an Exclusionary Ordinance.
- Development of Property Watch Program for commercial properties through the Police Department.

- Hiring a Community Resource Officer to work directly with members of our homeless community.
- Development of a Warming Center Policy.
- Enacting a Temporary Shelter Ordinance.
- And most recently, site preparation for an organized / supervised Urban Campground.

Though we have had some successes, we are very much aware of the frustration still felt in the community related to homelessness, both by those who are experiencing homelessness and impacts of homelessness on our overall community. The Council remains steadfast in our desire to continue to work with our community partners in an effort to address this complex social issue.

-Joe Benetti, Mayor of Coos Bay

TITLE 59
OREGON VEHICLE CODE

- Chapter 801. General Provisions and Definitions for Oregon Vehicle Code
- 802. Administrative Provisions
 - 803. Vehicle Title and Registration
 - 805. Special Registration Provisions
 - 806. Financial Responsibility Law
 - 807. Driving Privileges and Identification Cards
 - 809. Refusal, Suspension, Cancellation and Revocation of Registration, Title, Driving Privileges and Identification Card; Vehicle Impoundment
 - 810. Road Authorities; Courts; Police; Other Enforcement Officials
 - 811. Rules of the Road for Drivers
 - 813. Driving Under the Influence of Intoxicants
 - 814. Pedestrians; Passengers; Livestock; Motorized Wheelchairs; Vehicles With Fewer Than Four Wheels
 - 815. Vehicle Equipment Generally
 - 816. Vehicle Equipment: Lights
 - 818. Vehicle Limits
 - 819. Destroyed, Totaled, Abandoned, Low-Value and Stolen Vehicles; Vehicle Identification Numbers; Vehicle Appraisers
 - 820. Special Provisions for Certain Vehicles
 - 821. Off-Road Vehicles; Snowmobiles; All-Terrain Vehicles
 - 822. Regulation of Vehicle Related Businesses
 - 823. Carrier Regulation Generally
 - 824. Railroads
 - 825. Motor Carriers
 - 826. Registration of Commercial Vehicles

Chapter 801 — General Provisions and Definitions for Oregon Vehicle Code

2019 EDITION

GENERAL PROVISIONS AND DEFINITIONS

OREGON VEHICLE CODE

GENERAL PROVISIONS

- 801.010 Short title
- 801.015 Effect of naming offenses
- 801.020 Statements of policy and purpose; applicability of vehicle code

- 801.026 General exemptions; exceptions
- 801.030 Exemptions from amendments to vehicle code
- 801.038 Local government regulation of cell phones in motor vehicles
- 801.040 Authority to adopt special provisions
- 801.041 Terms and conditions for imposition of registration fee by county; rules
- 801.042 Terms and conditions for imposition of registration fee by district; rules
- 801.043 Moneys required by department for initial implementation of registration fees
- 801.045 Permissive use of private roadway
- 801.050 Privilege of motorist to use highways
- 801.055 Weight standards; Department of Transportation responsibility for weight determination; rules

DEFINITIONS

- 801.100 Definitions generally
- 801.110 "Alley"
- 801.115 "Ambulance"
- 801.120 "Ambulatory disability"
- 801.125 "Antique vehicle"
- 801.127 "Arterial"
- 801.130 "Assembled vehicle"
- 801.133 "Autocycle"
- 801.135 "Axle"
- 801.140 "Balance trailer"
- 801.150 "Bicycle"
- 801.155 "Bicycle lane"
- 801.160 "Bicycle path"

- 801.163 “Biometric data”
- 801.165 “Bus trailer”
- 801.170 “Business district”
- 801.175 “Canceled”; “cancellation”
- 801.180 “Camper”
- 801.183 “Certificate of sale”
- 801.185 “Certificate of title”
- 801.187 “Circulatory roadway”
- 801.190 “Class I all-terrain vehicle”
- 801.193 “Class II all-terrain vehicle”
- 801.194 “Class III all-terrain vehicle” and “Class IV all-terrain vehicle”
- 801.197 “Collector”
- 801.198 “Combination of vehicles”
- 801.199 “Combined weight”
- 801.200 “Commercial bus”
- 801.205 “Commercial bus trailer”
- 801.207 “Commercial driver license” and “commercial driving privileges”
- 801.208 “Commercial motor vehicle”
- 801.210 “Commercial vehicle”
- 801.215 “Commission”
- 801.217 “Converter dolly”
- 801.220 “Crosswalk”
- 801.225 “Department”
- 801.230 “Director”

- 801.236 “Dismantler”
- 801.237 “District” defined for certain purposes
- 801.245 “Driver license”
- 801.250 “Driver permit”
- 801.255 “Driving privilege”
- 801.258 “Electric assisted bicycle”
- 801.259 “Electric personal assistive mobility device”
- 801.260 “Emergency vehicle”
- 801.261 “Endorsement”
- 801.263 “Engine brake”
- 801.265 “Farm tractor”
- 801.270 “Farm trailer”
- 801.272 “Field sobriety test”
- 801.275 “Fifth wheel hitch”
- 801.280 “Financial responsibility requirements”
- 801.285 “Fixed load vehicle”
- 801.288 “Funeral escort vehicle”; “funeral lead vehicle”; “funeral procession”
- 801.290 “Future responsibility filing”
- 801.295 “Golf cart”
- 801.297 “Gross combination weight rating”
- 801.298 “Gross vehicle weight rating”
- 801.300 “Group of axles”
- 801.303 “Hazardous materials”
- 801.305 “Highway”

- 801.308 “Identity source documents”
- 801.310 “Implement of husbandry”
- 801.317 “Inhalant”
- 801.320 “Intersection”
- 801.323 “Issue”; “issuance”
- 801.325 “Limited visibility condition”
- 801.330 “Loaded weight”
- 801.331 “Low-speed vehicle”
- 801.333 “Manufactured structure”
- 801.335 “Manufacturer”
- 801.341 “Medium-speed electric vehicle”
- 801.345 “Moped”
- 801.348 “Motor assisted scooter”
- 801.350 “Motor home”
- 801.355 “Motor truck”
- 801.360 “Motor vehicle”
- 801.365 “Motorcycle”
- 801.366 “Motorcycle helmet”
- 801.368 “Narrow residential roadway”
- 801.370 “Operation”
- 801.375 “Owner”
- 801.377 “Ownership record”
- 801.380 “Park” or “parking”
- 801.385 “Pedestrian”

- 801.387 "Person with a disability"
- 801.390 "Pole trailer"
- 801.395 "Police officer"
- 801.397 "Prefabricated structure"
- 801.400 "Premises open to the public"
- 801.402 "Primary ownership record"
- 801.404 "Racing activity vehicle"
- 801.406 "Rail fixed guideway public transportation system"
- 801.408 "Reconstructed vehicle"
- 801.409 "Recreational vehicle"
- 801.410 "Registration" or "register"
- 801.415 "Registration plate"
- 801.420 "Registration weight"
- 801.425 "Replica"
- 801.430 "Residence district"
- 801.435 "Revoked"
- 801.440 "Right of way"
- 801.445 "Road authority"
- 801.447 "Road machinery"
- 801.450 "Roadway"
- 801.451 "Roundabout"
- 801.454 "Salvage title certificate"
- 801.455 "School activity vehicle"
- 801.460 "School bus"

- 801.462 “School zone”
- 801.465 “Security interest”
- 801.470 “Self-supporting trailer”
- 801.475 “Semitrailer”
- 801.480 “Shoulder”
- 801.485 “Sidewalk”
- 801.490 “Snowmobile”
- 801.495 “Special mobile equipment”
- 801.500 “Special use trailer”
- 801.505 “Stand” or “standing”
- 801.507 “Stinger-steered”
- 801.510 “Stop”
- 801.513 “Street rod”
- 801.515 “Suspend”
- 801.520 “Tandem axles”
- 801.522 “Tank vehicle”
- 801.524 “Throughway”
- 801.525 “Tire”
- 801.526 “Title”
- 801.527 “Totaled vehicle”; “totaled”
- 801.529 “Tow dolly”
- 801.530 “Tow vehicle”
- 801.540 “Traffic control device”
- 801.545 “Traffic crime”

- 801.555 “Traffic offense”
- 801.557 “Traffic violation”
- 801.560 “Trailer”
- 801.562 “Transitional ownership record”
- 801.565 “Travel trailer”
- 801.575 “Truck tractor”
- 801.580 “Truck trailer”
- 801.585 “Unloaded weight”
- 801.590 “Vehicle”
- 801.592 “Vehicle appraiser”
- 801.595 “Vehicle code”
- 801.600 “Vehicle identification number”
- 801.605 “Vehicle of special interest”
- 801.608 “Vulnerable user of a public way”
- 801.610 “Worker transport bus”

GENERAL PROVISIONS

801.010 Short title. (1) ORS chapters 801 to 826 may be cited as the Oregon Vehicle Code.

(2) ORS 809.600 to 809.640 may be cited as the Habitual Traffic Offenders Act.

(3) ORS 813.095, 813.100, 813.131, 813.132, 813.140, 813.150, 813.310, 813.320 and 813.410 to 813.440 may be cited as the Motorist Implied Consent Law. [1983 c.338 §1; 1985 c.16 §2; 1995 c.733 §10; 1997 c.25 §4; 2003 c.814 §4]

801.015 Effect of naming offenses. The names given offenses in the vehicle code do not establish or limit the elements of the offense described but are merely for the convenience of the readers of the vehicle code and of the persons administering and enforcing the vehicle code. [1983 c.338 §2]

801.020 Statements of policy and purpose; applicability of vehicle code. This section contains statements of purpose or intent that are applicable to portions of the vehicle code as described in the following:

801.335 “Manufacturer.” “Manufacturer” means any person engaged in the manufacture of new vehicles as a regular business. [1983 c.338 §57]

801.340 [1983 c.338 §58; 1985 c.16 §16; repealed by 1993 c.696 §19]

801.341 “Medium-speed electric vehicle.” “Medium-speed electric vehicle” means an electric motor vehicle with four wheels that is equipped with a roll cage or a crushproof body design, can attain a maximum speed of 35 miles per hour on a paved, level surface, is fully enclosed and has at least one door for entry. [2009 c.865 §12]

801.345 “Moped.” “Moped” means a vehicle, including any bicycle equipped with a power source, other than an electric assisted bicycle as defined in ORS 801.258 or a motor assisted scooter as defined in ORS 801.348, that complies with all of the following:

- (1) It is designed to be operated on the ground upon wheels.
- (2) It has a seat or saddle for use of the rider.
- (3) It is designed to travel with not more than three wheels in contact with the ground.
- (4) It is equipped with an independent power source that:
 - (a) Is capable of propelling the vehicle, unassisted, at a speed of not more than 30 miles per hour on a level road surface; and
 - (b) If the power source is a combustion engine, has a piston or rotor displacement of 35.01 to 50 cubic centimeters regardless of the number of chambers in the power source.
- (5) It is equipped with a power drive system that functions directly or automatically only and does not require clutching or shifting by the operator after the system is engaged. [1983 c.338 §59; 1985 c.16 §19; 1997 c.400 §5; 2001 c.749 §25]

801.348 “Motor assisted scooter.” “Motor assisted scooter” means a vehicle that:

- (1) Is designed to be operated on the ground with not more than four wheels;
- (2) Has a foot support or seat for the operator’s use;
- (3) Can be propelled by motor or human propulsion; and
- (4) Is equipped with a power source that is incapable of propelling the vehicle at a speed of greater than 24 miles per hour on level ground and:
 - (a) If the power source is a combustion engine, has a piston or rotor displacement of 35 cubic centimeters or less regardless of the number of chambers in the power source; or
 - (b) If the power source is electric, has a power output of not more than 1,000 watts. [2001 c.749 §2; 2018 c.3 §1]

801.350 “Motor home.” “Motor home” means a motor vehicle that:

- (1) Is reconstructed, permanently altered or originally designed to provide facilities for human habitation; or
- (2) Has a structure permanently attached to it that would be a camper if the structure was not permanently attached to the motor vehicle. [1983 c.338 §60]

801.355 “Motor truck.” “Motor truck” means a motor vehicle that is primarily designed or used for carrying loads other than passengers. [1983 c.338 §61]

801.360 “Motor vehicle.” “Motor vehicle” means a vehicle that is self-propelled or designed for self-propulsion. [1983 c.338 §62]

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ALARM SYSTEMS
- 91. CEMETERY REGULATIONS
- 92. ANIMALS
- 93. BEACHES
- 94. FIRE PREVENTION
- 95. STREETS AND SIDEWALKS
- 96. NUISANCES
- 97. (RESERVED)
- 98. TREES
- 99. ABANDONED VEHICLES
- 100. TRAILER PARKS
- 101. OUTDOOR LIGHTING

CHAPTER 95: STREETS AND SIDEWALKS

Section

- 95.01 City jurisdiction over public rights-of-way
- 95.02 Construction of city sidewalks required
- 95.03 Permit required for cutting sidewalks and street pavement
- 95.04 Permit required for constructing driveways
- 95.05 Private sidewalks
- 95.06 City sidewalks

- 95.99 Penalty

Cross-reference:

Numbering of buildings, see § 150.01

§ 95.01 CITY JURISDICTION OVER PUBLIC RIGHTS-OF-WAY.

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

PERSON. Individual, corporation, association, firm, partnership, joint stock company, and similar entities.

PUBLIC RIGHTS-OF-WAY. Include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including subsurface and air space over these areas.

WITHIN THE CITY. Territory over which the city now has or acquires jurisdiction for the exercise of its powers.

(B) *Jurisdiction.* The city has jurisdiction and exercises regulatory control over all public

rights-of-way within the city under the authority of the city charter and state law.

(C) *Scope of regulatory control.* The city has jurisdiction and exercises regulatory control over each public right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and regulatory control over each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation; condemnation, annexation, foreclosure or other means.

(D) *City permission requirement.* No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises, licenses and permits.

(E) *Obligations of the city.* The exercise of jurisdiction and regulatory control over a public right-of-way by the city is not official acceptance of the right-of-way, and does not obligate the city to maintain or repair any part of the right-of-way.
(Ord. 97-04, passed 2-24-97)

§ 95.02 CONSTRUCTION OF CITY SIDEWALKS REQUIRED.

(A) No building permit with a construction value of over \$5,000 shall be granted for the construction, addition, or remodeling of any building unless the required building plans provide for the construction of cement sidewalks on all sides of the property that abut city streets.

(B) In residential areas, the sidewalk shall be from the right-of-way line to the curb or a minimum width of four feet, whichever is greater. The grade shall be that approved by the City Engineer.

Chapter 174 — Construction of Statutes; General Definitions

2019 EDITION

CONSTRUCTION OF STATUTES; DEFINITIONS

STATE LEGISLATIVE DEPARTMENT AND LAWS

CONSTRUCTION OF STATUTES

- 174.010 General rule for construction of statutes
- 174.020 Legislative intent; general and particular provisions; consideration of legislative history
- 174.030 Construction favoring natural right to prevail
- 174.040 Severability
- 174.060 Effect of amendment of statute adopted by reference
- 174.070 Effect of repeal of validating or curative Act
- 174.080 Effect of repeal of repealing Act
- 174.090 Effect of repeal of repealing constitutional provision

GENERAL DEFINITIONS

(Miscellaneous)

- 174.100 Definitions
- 174.101 “Manufactured structure,” “recreational vehicle” defined
- 174.102 “Agricultural commodity,” “agricultural product” defined; harvesting or baling of straw as farming practice
- 174.104 “Public notice” defined
- 174.107 “Person with a disability” defined

(Public Bodies)

- 174.108 Effect of definitions

- 174.109 “Public body” defined
- 174.111 “State government” defined
- 174.112 “Executive department” defined
- 174.113 “Judicial department” defined
- 174.114 “Legislative department” defined
- 174.116 “Local government” and “local service district” defined
- 174.117 “Special government body” defined
- 174.118 Application of definitions to ORS 174.108 to 174.118

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- 174.127 Singular or plural number; masculine, feminine or neuter gender
- 174.129 Statutes, rules and orders to use sex-neutral terms
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different in the nature of its essential provisions from what the statute to which reference was made was when the statute making the reference was enacted.

174.070 Effect of repeal of validating or curative Act. The repeal of a validating or curative Act shall not affect any validation or cure theretofore accomplished.

174.080 Effect of repeal of repealing Act. Whenever a statute which repealed a former statute, either expressly or by implication, is repealed, the former statute shall not thereby be revived unless it is expressly so provided.

174.090 Effect of repeal of repealing constitutional provision. Whenever a constitutional provision which repeals or suspends in whole or in part a former constitutional provision, either expressly or by implication, is repealed, the former constitutional provision so repealed or suspended thereby shall not be revived unless it expressly is so provided.

GENERAL DEFINITIONS

(Miscellaneous)

174.100 Definitions. As used in the statute laws of this state, unless the context or a specially applicable definition requires otherwise:

- (1) "Any other state" includes any state and the District of Columbia.
- (2) "City" includes any incorporated village or town.
- (3) "County court" includes board of county commissioners.
- (4) "Husband and wife," "husband or wife," "husband" or "wife" means spouses or a spouse in a marriage.
- (5) "May not" and "shall not" are equivalent expressions of an absolute prohibition.
- (6) "Person" includes individuals, corporations, associations, firms, partnerships, limited liability companies and joint stock companies.
- (7) "Sexual orientation" means an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth.
- (8) "State Treasury" includes those financial assets the lawful custody of which are vested in the State Treasurer and the office of the State Treasurer relating to the custody of those financial assets.
- (9) "To" means "to and including" when used in a reference to a series of statute sections, subsections or paragraphs.
- (10) "United States" includes territories, outlying possessions and the District of Columbia.
- (11) "Violate" includes failure to comply. [Amended by 1953 c.145 §2; 1957 c.360 §1; 1963 c.213 §1; 1965 c.518 §1; 1967 c.409 §1; 1983 c.327 §1; 1993 c.73 §1; 1995 c.93 §30; 2001 c.671 §1; 2007 c.100 §1; 2015 c.629 §33]

174.101 "Manufactured structure," "recreational vehicle" defined. (1) As used in the statutes of this state, "manufactured structure" has the meaning given that term in this section only if the statute using "manufactured structure" makes specific reference to this section and indicates that the term used has the meaning given in this section. As used in the statutes of

this state, “recreational vehicle” has the meaning given that term in this section only if the statute using “recreational vehicle” makes specific reference to this section or ORS 446.007 and thereby indicates that the term used has the meaning given in this section.

(2) “Manufactured structure” means a manufactured dwelling, as defined in ORS 446.003, or a recreational vehicle, as defined in this section.

(3) “Recreational vehicle” means a vehicle with or without motive power that is designed for use as temporary living quarters and as further defined by rule by the Director of Transportation. [2019 c.422 §25; 2019 c.585 §6a]

174.102 “Agricultural commodity,” “agricultural product” defined; harvesting or baling of straw as farming practice. As used in the statute laws of this state and in any administrative rule adopted pursuant thereto unless the context or a specifically applicable definition requires otherwise:

- (1) The term “agricultural commodity” or “agricultural product” includes straw.
- (2) The harvesting or baling of straw is a farming practice. [1995 c.601 §1]

174.103 [1987 c.162 §§1,2; 1989 c.264 §1; 2001 c.90 §1; repealed by 2003 c.242 §7]

174.104 “Public notice” defined. As used in the statute laws of this state, unless the context or a specially applicable definition requires otherwise, “public notice” means any legal publication which requires an affidavit of publication as required in ORS 193.070, or is required by law to be published. [Formerly subsection (1) of 193.010]

174.105 [1967 c.409 §2; 2005 c.22 §122; repealed by 2009 c.41 §26]

174.106 [2001 c.783 §1; repealed by 2009 c.11 §15]

174.107 “Person with a disability” defined. (1) As used in the statute laws of this state, “person with a disability” means any person who:

- (a) Has a physical or mental impairment which substantially limits one or more major life activities;
- (b) Has a record of such an impairment; or
- (c) Is regarded as having such an impairment.

(2) Specific types of disabilities shall be considered subcategories under the definition of person with a disability. [1989 c.224 §2a; 2003 c.14 §70; 2007 c.70 §39]

(Public Bodies)

174.108 Effect of definitions. (1) As used in the statutes of this state, a term defined in ORS 174.108 to 174.118 has the meaning provided by ORS 174.108 to 174.118 only if the statute using the term makes specific reference to the provision of ORS 174.108 to 174.118 that defines the term and indicates that the term has the meaning specified in that provision.

(2) Nothing in ORS 174.108 to 174.118 affects the meaning of any statute that uses one or more of the terms defined in ORS 174.108 to 174.118 and that is in effect on January 1, 2002. Nothing in ORS 174.108 to 174.118 affects the meaning of any statute that uses one or more of the terms defined in ORS 174.108 to 174.118 and that is enacted after January 1, 2002, unless the statute makes specific reference to the provision of ORS 174.108 to 174.118 that defines the term and indicates that the term has the meaning specified in that provision.

TITLE VII: TRAFFIC CODE

Chapter

70. GENERAL PROVISIONS

71. TRAFFIC RULES

72. PARKING REGULATIONS

CHAPTER 72: PARKING REGULATIONS

Section

Parking Regulated

- 72.01 Method of parking
- 72.02 Prohibited parking and standing
- 72.03 Parking prohibited for certain purposes
- 72.04 Loading zones
- 72.05 Action by police officer
- 72.06 Standing or parking of buses and taxicabs; bus and taxicab stands
- 72.07 Parking time limits
- 72.08 Exemption

Parking Citations and Impoundment

- 72.20 Traffic citation on illegally-parked vehicle
- 72.21 Failure to comply with citation
- 72.22 Owner responsibility
- 72.23 Registered owner presumption
- 72.24 Impoundment of vehicles

PARKING REGULATED

§ 72.01 METHOD OF PARKING.

(A) Where parking space markings are placed on a street, no person shall stand or park a vehicle other than in the indicated direction and, unless the size and shape of the vehicle makes compliance impossible, within a single marked space.

(B) The operator who first begins maneuvering his motor vehicle into a vacant parking space on a street shall have priority to park in that space, and no other vehicle operator shall attempt to deprive him of his priority or block his access.

(C) Whenever the operator of a vehicle is parked close to a building to which the Fire Department has been summoned, he shall immediately remove the vehicle from the area, unless otherwise directed by police or fire officers.
(Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95) Penalty, see § 70.99

§ 72.02 PROHIBITED PARKING AND STANDING.

In addition to the state motor vehicle laws prohibiting parking, no person shall park or stand:

(A) A vehicle in an alley other than for the expeditious loading or unloading of persons or materials, but in no case for a period in excess of 30 consecutive minutes.

(B) Between the hour of sunset and the hour of sunrise, it is unlawful for any person or persons to park any of the vehicles described in division (C) upon any public street or roadway within the city, within an area of one block, or within a like area upon any street or roadway which is not designated in blocks, for a period of more than two hours.

(C) The vehicles covered by the provisions of this section are as follows:

- (1) A motor truck as defined by O.R.S. 801.355;
- (2) A motor bus as defined by O.R.S. 801.200;
- (3) A trailer as defined by O.R.S. 801.560;

- (4) Logging trucks, logging truck trailers, logging trucks with trailer attached;
- (5) Any trucks with trailers or semi-trailers attached;
- (6) Truck trailers;
- (7) Gravel trucks; and
- (8) Any vehicle of an overall length exceeding 20 feet and any vehicle of a width at its widest point exceeding 80 inches.

(D) A motor truck or trailer, as defined in division (C), proceeding upon Broadway from Roosevelt Drive to the Turnaround for any purpose between the hours of 12:00 noon and 12:00 midnight except by permission of the City Council.

(E) A vehicle upon a parkway or freeway, except as authorized.
(Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95; Am. Ord. 98-16, passed 9-14-98)

§ 72.03 PARKING PROHIBITED FOR CERTAIN PURPOSES.

No operator shall park and no owner shall allow a vehicle to be parked upon a street for the principal purposes of:

- (A) Displaying a vehicle for sale.
- (B) Repairing or servicing the vehicle, except repairs necessitated by an emergency.
- (C) Displaying advertising from the vehicle.
- (D) Selling merchandise from the vehicle except where authorized.
(Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95) Penalty, see § 70.99

§ 72.04 LOADING ZONES.

No person shall stand or park a vehicle for any purpose or length of time, other than for the

expeditious loading or unloading of persons or materials, in a place designated as a loading zone when the hours applicable to that loading zone are in effect. In no case shall a person stand or park a vehicle in a loading zone for the purpose of loading or unloading materials during the hours applicable in violation of posted time limits. If no time limits are posted, then the use of the zone shall not exceed 30 minutes.

(Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95) Penalty, see § 70.99

§ 72.05 ACTION BY POLICE OFFICER.

Whenever a police officer shall find a motor vehicle parked unattended with the ignition key in the vehicle in violation of O.R.S. 811.585, the police officer is authorized to remove the key from the vehicle and deliver the key to the person in charge of the police station.

(Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95)

§ 72.06 STANDING OR PARKING OF BUSES AND TAXICABS; BUS AND TAXICAB STANDS.

(A) The operator of a bus or taxicab shall not stand or park the vehicle upon a street in a business district at a place other than a bus stop or taxicab stand, respectively, except that this provision shall not prevent the operator of a taxicab from temporarily stopping his vehicle outside a traffic lane while loading or unloading passengers.

(B) No person shall stand or park a vehicle other than a taxicab in a taxicab stand, or a bus in a bus stop, except that the operator of a passenger vehicle may temporarily stop for the purpose of and while actually engaged in loading or unloading passengers, when stopping does not interfere with a bus or taxicab.

(Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95) Penalty, see § 70.99

§ 72.07 PARKING TIME LIMITS.

Where maximum parking time limits are designated by sign, movement of a vehicle within a block shall not extend the time limits for parking. (Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95) Penalty, see § 70.99

§ 72.08 EXEMPTION.

The provisions of this title regulating the parking or standing of vehicles shall not apply to a vehicle of the city, county or state or public utility while necessarily in use for construction or repair work on a street, or a vehicle owned by the United States while in use for the collection, transportation or delivery of mail. (Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95) Penalty, see § 70.99

PARKING CITATIONS AND IMPOUNDMENT

§ 72.20 TRAFFIC CITATION ON ILLEGALLY-PARKED VEHICLE.

Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this title, the officer finding the vehicle shall take its license number and any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to the vehicle a traffic citation for the operator to answer to the charge against him or pay the penalty imposed within five days during the hours and at a place specified in the citation. (Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95)

§ 72.21 FAILURE TO COMPLY WITH CITATION.

If the operator does not respond to a traffic citation affixed to such vehicle within a period of five days, the Police Department and/or the City Auditor may send to the owner of the vehicle to which the

traffic citation was affixed a letter informing him of the violation and warning him that in the event the letter is disregarded for a period of five days, a warrant for his arrest may be issued. (Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95)

§ 72.22 OWNER RESPONSIBILITY.

The owner of a vehicle placed in violation of a parking restriction shall be responsible for the offense, except where the use of the vehicle was secured by the operator without the owner's consent. (Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95)

§ 72.23 REGISTERED OWNER PRESUMPTION.

In a prosecution of a vehicle owner, charging a violation of a restriction on parking, proof that the vehicle at the time of the violation was registered to the defendant shall constitute a presumption that he was then the owner in fact. (Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95)

§ 72.24 IMPOUNDMENT OF VEHICLES.

(A) Whenever a vehicle is placed in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, or is abandoned, a police officer shall order the owner or operator of the vehicle to remove it.

(B) If the vehicle is unattended, found to be a traffic hazard or obstruction to traffic a police officer may cause the vehicle to be towed and stored at the owner's expense. The owner shall be liable for the costs of towing and storing, notwithstanding that the vehicle was parked by another, or that the vehicle was initially parked in a safe manner, but subsequently became an obstruction or hazard.

(C) If the vehicle is abandoned, it shall be the duty of the Police Department, whenever a vehicle is found abandoned upon the streets or alleys, or any

public property, in the same position for a period of two days, to:

(1) Make a routine investigation to discover the owner and request the removal of the vehicle; and

(2) If the owner is not found, to place a notice upon the windshield, or some other part of the vehicle easily seen by the passing public.

(3) Such notice shall state that the Police Department will remove and impound the vehicle under provision of this title within 24 hours of the day of the posting, unless the owner removes the vehicle or a hearing is requested in writing as provided by O.R.S. 819.190.

(D) The impoundment of a vehicle will not preclude the issuance of a citation for violation of a provision of this title.

(E) Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.

(F) Whenever a police officer observes a vehicle parked in violation of a provision of this title, if the vehicle has four or more unpaid parking violations outstanding against it, the officer may, in addition to issuing a citation, cause the vehicle to be impounded. A vehicle so impounded shall not be released until all outstanding fines and charges have been paid.

(Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95; Am. Ord. 97-13, passed 6-23-97)

Chapter 153 — Violations and Fines

2019 EDITION

VIOLATIONS AND FINES

PROCEDURE IN CRIMINAL MATTERS GENERALLY

VIOLATIONS

(Generally)

- 153.005 Definitions
- 153.008 Violations described
- 153.012 Violation categories
- 153.015 Unclassified and specific fine violations
- 153.018 Maximum fines
- 153.019 Presumptive fines; generally
- 153.020 Presumptive fines; highway work zones, school zones and safety corridors
- 153.021 Minimum fines; audit of court
- 153.022 Authority of agency to specify rule violation as particular level of violation
- 153.025 Authority of political subdivision to specify ordinance violation as particular level of violation

(Procedures)

- 153.030 Applicability; statute of limitations
- 153.033 Rules of procedure
- 153.036 Venue
- 153.039 Stop and detention for violation
- 153.042 Citations; issuance
- 153.045 Citation; requirements

153.012 Violation categories. Violations are classified for the purpose of sentencing into the following categories:

- (1) Class A violations;
- (2) Class B violations;
- (3) Class C violations;
- (4) Class D violations;
- (5) Unclassified violations as described in ORS 153.015; and
- (6) Specific fine violations as described in ORS 153.015. [1999 c.1051 §4]

153.015 Unclassified and specific fine violations. (1) An offense described in the Oregon Revised Statutes that is designated as a violation but does not specify the classification of the violation is an unclassified violation. An unclassified violation is a Class B violation.

(2) A specific fine violation is any offense described in the Oregon Revised Statutes that is designated as a specific fine violation or:

- (a) Is not designated as a crime or as a class A, B, C or D violation;
- (b) Is not punishable by a term of imprisonment as a penalty for committing the offense; and
- (c) Is punishable by a specific fine as the penalty for committing the offense. [1999 c.1051 §5; 2011 c.597 §6a]

153.018 Maximum fines. (1) The penalty for committing a violation is a fine. The law creating a violation may impose other penalties in addition to a fine but may not impose a term of imprisonment.

(2) Except as otherwise provided by law, the maximum fine for a violation committed by an individual is:

- (a) \$2,000 for a Class A violation.
- (b) \$1,000 for a Class B violation.
- (c) \$500 for a Class C violation.
- (d) \$250 for a Class D violation.
- (e) \$2,000 for a specific fine violation, or the maximum amount otherwise established by law for the specific fine violation.

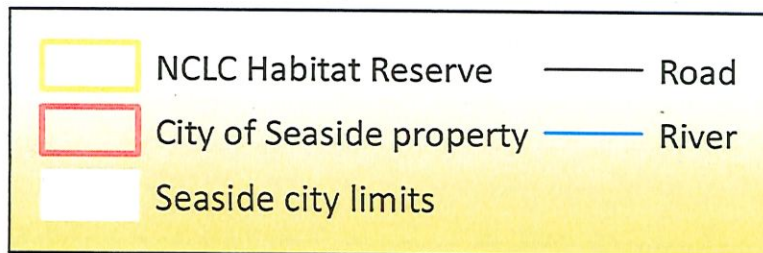
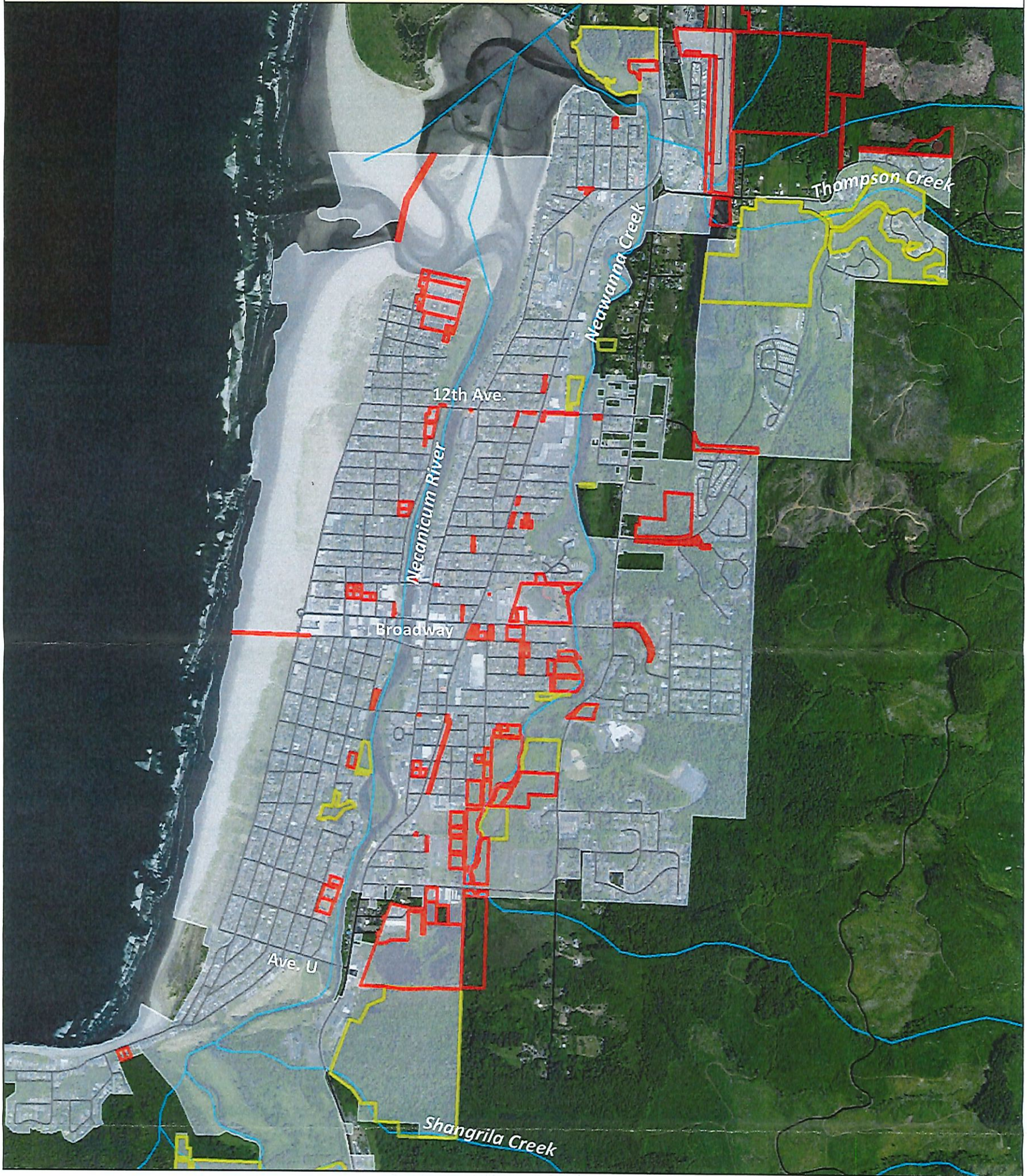
(3) If a special corporate fine is specified in the law creating the violation, the sentence to pay a fine shall be governed by the law creating the violation. Except as otherwise provided by law, if a special corporate fine is not specified in the law creating the violation, the maximum fine for a violation committed by a corporation is:

- (a) \$4,000 for a Class A violation.
- (b) \$2,000 for a Class B violation.
- (c) \$1,000 for a Class C violation.
- (d) \$500 for a Class D violation. [1999 c.1051 §6; 2003 c.737 §103; 2011 c.597 §7]

153.019 Presumptive fines; generally. (1) Except as provided in ORS 153.020, the presumptive fines for violations are:

- (a) \$440 for a Class A violation.
- (b) \$265 for a Class B violation.
- (c) \$165 for a Class C violation.
- (d) \$115 for a Class D violation.
- (2) The presumptive fine for a specific fine violation is:

NCLC Habitat Reserves & City of Seaside properties

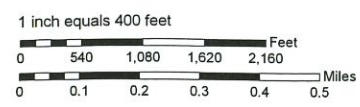


Projection: NAD 1983 UTM Zone 10N
 Imagery: NAIP 2016
 Date: 12/6/2017

Zoning Map of Seaside, Oregon



Legend		Zoning			
	City Limits	A1	- Aquatic Natural	OPR	- Open Space Parks
	UGB	A2	- Aquatic Conservation	R1	- Low Density Residential
	Urban Growth Boundary	A3	- Freshwater Wetlands	R2	- Medium Density Residential
	Tax Lots	AD	- Airport Development	R3	- High Density Residential
	Ocean	C1	- Neighborhood Commercial	RA2	- Residential Agriculture 2 (County)
		C2	- Resort Commercial	RC	- Residential-Commercial
		C3	- General Commercial	RR	- Resort-Residential
		C4	- Central Commercial	SR	- Residential/Suburban
		EFU	- Exclusive Farm Use	PD	- Planned Development
		M1	- Industrial	LW	- Lake and Wetlands (County)
				AF	- Agriculture-Forestry (County)



May 2005. Map created by CREST for the City of Seaside. This project was funded by a coastal project grant from the Oregon Department of Land Conservation and Development. Zoning based on adopted City Zoning Map adjusted to 2002 aerial photography and April 2004/May 2005 tax lot data from Clatsop County.



SEASIDE LIBRARY BOARD

(Meetings are scheduled the first Tuesday of each month at 4:00 PM)

The Seaside Public Library Board acts in an advisory capacity to the Library Director and Seaside Public Library on behalf of Seaside City Council regarding the operations of the City Library. The Seaside Public Library Board advises the Library Director on matters that relate to library services, policies, and funding. The Seaside Library Board shall approve bylaws, recommend library policies to the city council, follow Oregon's open meetings law and public records laws, build a good community support for the library's services, while actively listening and responding to the community requests for library services.

The board consists of five members appointed by the Mayor subject to City Council approval. The Seaside Public Library is advised by the library board. All terms of office shall be four years beginning on December 31st, and no member shall hold office for more than two full consecutive terms.

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

The board shall elect a chairman and vice-chair at the beginning of each serving year, and in the absence of the chairman, the vice chair shall assume the duties of the chairman. The board, should it so desire, may appoint the librarian as secretary to the board to take minutes and to keep a record of its actions.

The members shall serve without salary or compensation for services rendered.

COMMITTEE/COMMISSION APPOINTMENT

1. **Date Council Notified:** November 22, 2021
Name: **Catriona Penfield**
Commission/Committee: Library Board
Resignation Date: **Penfield - Served Two Terms**
Term Expiration Date: **December 31, 2021**
Wants to be considered again: **Penfield - N/A Served Two Terms**
2. **Applicants:**
3. **Nominations:**
4. **Appointment:**



CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT

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

LIBRARY BOARD

Term of Office: 4 years

Number of Members: 5

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXPIRES</u>
(VACANCY) PENFIELD			12/31/2021
EVE MARX	2356 S. DOWNING ST.	914-588-7051	12/31/2022
KATHLEEN TEEPLE	33230 BEERMAN CREEK LANE	738-3155	12/31/2023
TESS RATTY	89637 LAKESIDE CT. WARRENTON, OR 97146	738-5055	12/31/2024
CHERYL ADAMSCHECK	3345 BAYVIEW TERRACE	206-434-2216	12/31/2024

*CHAIR

SEASIDE CITY TREE BOARD

(Meetings are scheduled every other month on the third Wednesday at 4:00 PM)

The purpose of the City Tree Board is to study, investigate, and develop and/or update annually, a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees in parks, along streets, and in other public areas. The Tree Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its duties and responsibilities,

- (1) Develop criteria for city staff and/or contractors to apply in making decisions entrusted to staff and/or contractor discretion,
- (2) Designate Heritage Trees on public and private lands within the city,
- (3) Promote the planting and proper maintenance of trees through special events including an annual local celebration of Arbor Day, and
- (4) Obtain the annual Tree City USA designation by the National Arbor Day Foundation.

The Board consists of five members, appointed by the City Council for a three-year term, and who are residents, or owners or employees of businesses within the city limit.

The City Tree Board shall schedule meetings as needed and elect a chairperson and a vice-chairperson. No more than 3 unexcused absences allowed in a calendar year.

Tree Board members serve without salary or compensation of any nature.

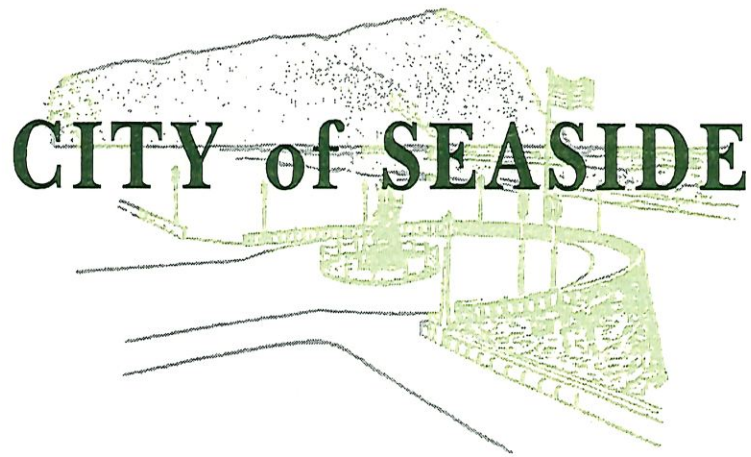
COMMITTEE/COMMISSION APPOINTMENT

1. **Date Council Notified:** March 17, 2021
Name: Arnold Olsen
Commission/Committee: City Tree Board Committee
Resignation Date: March 17, 2021
Term Expiration Date: June 30, 2021
Wants to be considered again: No

2. **Applicants:**

3. **Nominations:**

4. **Appointment:**



OREGON'S
FAMOUS
ALL-YEAR
RESORT

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

CITY TREE BOARD

Term of Office: 3 years

Number of Members: 5

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXPIRES</u>
(VACANCY) OLSEN			6/30/2021
JOHN CARTER	PO BOX 679	738-4387	6/30/2022
PAM FLEMING	1255 AVENUE 'B'	738-5637	6/30/2023
DAN STARK	802 25 TH AVENUE	440-0415	6/30/2023
WILLIAM BARNES	2070 COOPER ST.	503-739-2118	6/30/2024
DALE MCDOWELL	1387 AVENUE 'U'	738-5112	STAFF REPRESENTATIVE

SEASIDE BUDGET COMMITTEE

(Meetings are held in April and May of each year)

The Seaside Budget Committee meets publicly to review the budget documents as proposed by the budget officer. The budget committee receives the budget and budget message and provides an opportunity for the public to ask questions about and comment on the budget. The committee also approves a budget, and, if ad valorem property taxes are required, approves an amount or rate of tax for all funds that receive property taxes.

The budget committee is composed of the governing body and an equal number of electors appointed by the governing body. All members of the budget committee have equal authority. An elector is a qualified voter who has the right to vote for the adoption of any measure. If the governing body cannot find a sufficient number of electors who are willing to serve, those who are willing and the governing body become the budget committee.

Applicants for the Budget Committee need to be registered voters of the City of Seaside for at least one year prior to serving on the Committee. The appointive members of the budget committee cannot be officers, agents or employees of the local government. Spouses of officers, agents or employees of the local government are not barred from serving on the budget committee if they are qualified electors and not themselves officers, agents, or employees. Appointive members of the budget committee are appointed for three-year terms.

The committee shall elect a presiding officer from among the members at the first meeting. No member of the budget committee may receive any compensation for their services as a member of the committee.

COMMITTEE/COMMISSION APPOINTMENT

1. **Date Council Notified:** November 22, 2021
Name: George Stacey
Commission/Committee: Budget Committee
Resignation Date: Stacey – Lives in Portland
Term Expiration Date: December 31, 2021
Wants to be considered again: Stacey – N/A
2. **Applicants:**
3. **Nominations:**
4. **Appointment:**



CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT

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

BUDGET COMMITTEE

Term of Office: 3 years

Number of Members: 14 (Includes City Council)

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXPIRES</u>
(VACANCY) STACEY			12/31/2021
LES MCNARY	1624 S. FRANKLIN	738-0759	12/31/2022
KATHLEEN PETERSON	1640 HUCKLEBERRY DR.	440-5543	12/31/2022
JAMES SHIPLEY	284 ALPINE ST.	717-0392	12/31/2023
REBECCA BUCK	P O BOX 1152	738-3045	12/31/2023
NANCY MCCUNE	822 NECANICUM #101	503-260-8905	12/31/2023
ROBERT PERKEL	2039 HUCKLEBERRY DR.	971-320-0008	12/31/2024

SEASIDE PARKS ADVISORY COMMITTEE

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

The purpose of the Seaside Parks Advisory Committee is to act as an advisory body to the City Council, the City Manager, and the Public Works Director regarding issues concerning the Seaside Parks.

The committee shall consist of seven members who are not officials or employees of the City and who will be appointed by the City Council. A minimum of six members shall reside within the city limits, and a maximum of one member may reside within the Urban Growth Boundary, or be an owner or employee of a business located in the city limits. No more than two members shall be engaged in the same kind of occupation, business, trade, or profession. The Mayor shall appoint one member of the City Council as Council liaison, and the City Manager or his designee, shall be the Staff liaison to the Committee.

The members shall serve without salary or compensation of any nature.

All members shall be appointed by the City Council and shall serve for a term of three years. The initial terms will be: two members shall be appointed for a term of one year, two members for two years, and three members for three years. As those terms expire, all vacancies will be filled for three-year terms.

Each year, at the first Committee meeting in January, the members shall appoint one of their members as Chairperson and one as Vice-Chairperson. One of the Committee members will serve as Secretary. Minutes of all meetings will be filed with the City Council.

The Committee shall hold a regular meeting at least once each month of the calendar year. The meetings shall be open to the public. Any person appointed by the City Council to serve on this committee who misses three or more regularly scheduled meetings during a 12-month period shall be notified by letter that the position must be vacated. The individual may appeal the decision to the City Council. (A 12-month period is defined as beginning in January of each calendar year.)

COMMITTEE/COMMISSION APPOINTMENT

- Date Council Notified:** September 13, 2021

Name: Mathew Stolberg

Commission/Committee: Parks Advisory Committee

Resignation Date: Does not live in City Limits

Term Expiration Date: March 31, 2022

Wants to be considered again: No

- Applicants:**
Noah Dolinajec – Nominated November 22, 2021
Shelly Owen – Not Nominated

- Nominations:**

- Appointment:**

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

CITY OF SEASIDE
Interest Form for Committee/Commission/Board Vacancies

*Nominated
11/22/2021*

NAME Noah Dolinajec PHONE 503 /717 1458
Last First

ADDRESS 819 Glasgow Ave, Astoria, OR

MAIL ADDRESS (DIFFERENT THEN ABOVE) 1115 Broadway Ave, Seaside, OR

BUSINESS ADDRESS (IF APPLICABLE) _____

EMAIL ADDRESS necanicumwatershed@gmail.com

LENGTH OF TIME IN SEASIDE _____ ARE YOU A REGISTERED VOTER IN SEASIDE: Yes No

OCCUPATION Executive Director - Necanicum Watershed Council

PAST OCCUPATIONS Project Coordinator - Birds with Fish

List committee/commissions on which you would like to serve: _____
Parks Advisory

List committee/commissions you are currently appointed to: _____

List employment and volunteer activities, which may relate to service on committee/commissions:
Coordination for Birds with Fish Competitive athlete for 15 years
Volunteer researcher for USFWS Director of Necanicum WC

List skills and special knowledge that you may have acquired from these activities:
I have in depth knowledge of both ecological factors in anthropogenically utilized areas and
community engagement and involvement in conservation and outdoor education.


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

When? _____ Please explain: _____

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

NAME	RELATIONSHIP	ADDRESS	PHONE
Joyce Hunt	Board Co-Chair		503-739-1825
Keith Chandler	Board member		503-440-4040
Angela Benton	Professional		571-455-3522

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

DATE 10/28/2021 SIGNATURE 

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

CITY OF SEASIDE
Interest Form for Committee/Commission/Board Vacancies

(Not nominated)

NAME Owen Shelly PHONE 714, 812.0762
Last First

ADDRESS 764 3rd Ave Seaside 97138

MAIL ADDRESS (DIFFERENT THEN ABOVE) P.O. Box 132 Seaside

BUSINESS ADDRESS (IF APPLICABLE) _____

EMAIL ADDRESS dear.Shelly@yahoo.com

LENGTH OF TIME IN SEASIDE 4yrs ARE YOU A REGISTERED VOTER IN SEASIDE: Yes No

OCCUPATION Egmont Assistant

PAST OCCUPATIONS Preschool Teacher / Youth Programs Manager @ SEPRD

List committee/commissions on which you would like to serve: Parks Advisory Board/Committee

List committee/commissions you are currently appointed to: _____

List employment and volunteer activities, which may relate to service on committee/commissions:
Park & Recreation employee 24yrs
In CA + OR

List skills and special knowledge that you may have acquired from these activities:
Creating & implementing programs for the community,
especially children.

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

When? _____ Please explain: _____

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

NAME	RELATIONSHIP	ADDRESS	PHONE
<u>Skylar Archibald</u>	<u>Former employer/friend</u>	<u>(SEPRD)</u>	<u>(503) 739-1523</u>
<u>Marian Rose</u>	<u>Friend</u>	<u>(SEASIDE LIBRARY)</u>	<u>(503) 440-5324</u>
<u>Seana Fields</u>	<u>Cousin/colleague</u>		<u>(503) 440-7190</u>

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

DATE 12.16.21 SIGNATURE Shelly Owen

Skyler	1140 Broadway	Seaside	(Business)
Marian	1131 Broadway	Seaside	(Business)
Seana	962 2nd Ave	Oldport	(Home)



CITY of SEASIDE

OREGON'S
F A M O U S
A L L - Y E A R
R E S O R T

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

PARKS ADVISORY COMMITTEE

Term of Office: 3 years
Number of Members: 7
Chairperson*
Vice Chairperson**
Secretary***

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXP.</u>
PAM BIERLY***	120 12TH AVENUE	738-8107	3/31/2022
(VACANCY) STOLBERG			3/31/2022
MARY BLAKE	1668 Whispering Pines	717-3810	3/31/2023
WILLIAM MONTERO	2471 SUNSET BLVD.	206-250-5919	3/31/2023
DAFFNE MEJIA ALVAREZ	1610 SPRUCE DR. APT. 'F'	503-739-0926	3/31/2023
MICHAEL HINTON	1015 S. IRVINE PL.	738-5748	3/31/2024
NANCY HOLMES*	1520 COOPER ST.	717-1614	3/31/2024
TOM HORNING	808 26TH AVENUE	738-5770	horning@pacifier.com
DALE MCDOWELL	1387 AVENUE 'U'	738-5112	dmcdowell@cityofseaside.us

SEASIDE AIRPORT COMMITTEE

(Meetings are scheduled every other month on the last Tuesday at 6:00 PM)

The purpose of the Seaside Airport Committee is to act as an advisory body to the City Council, the City Manager, and the Public Works Director/City Engineer regarding issues concerning the Seaside Public Airport.

The committee shall consist of the following Seven (7) members: resident of the City of Gearhart, and Six (6) members, who are not employees of the City, and at least (4) of the members shall reside within the City limits who shall serve as members. The Mayor shall appoint one member of the City Council as Council liaison, and the Public Works Director shall be the Staff liaison to the Committee.

The members of the committee shall be selected from, but are not limited to, members of the following groups: persons with a demonstrated interest in public airport, educators, private businesspersons, persons with a diversity of ethnic and cultural affiliations, and persons of diverse economic backgrounds and interests.

The members shall serve without salary or compensation of any nature.

All members shall be appointed by the City Council and shall serve for a term of three years. However, three of the first non-permanent members shall be appointed for a term of one year, two years, and three years respectively. As those terms expire, the vacancy will be filled for three-year terms in each case.

Each year, at the first Committee meeting in January, the members shall appoint one of their members as Chairperson and one as Vice-Chairperson. One of the Committee members will serve as Secretary. Minutes of all meetings will be filed with the City Council.

The Committee shall hold a regular meeting at least once each month of the calendar year. The meetings shall be open to the public. Any person appointed by the City Council to serve on this committee who misses three or more regularly scheduled meetings during a 12 month period shall be notified by letter that the position must be vacated. The individual may appeal the decision to the City Council. (A 12 month period is defined as beginning in January of each calendar year.)

COMMITTEE/COMMISSION APPOINTMENT

1. **Date Council Notified:** August 9, 2021
Name: Teri Carpenter
Commission/Committee: Seaside Airport Committee
Resignation Date: July 27, 2021 – Verbally at Airport meeting
Term Expiration Date: June 30, 2022
Wants to be considered again: No
2. **Applicants:**
3. **Nominations:**
4. **Appointment:**



CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT

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

AIRPORT COMMITTEE

Term of Office: 3 years

Number of Members: 7

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXPIRES</u>
JOYCE HUNT	510 13TH AVENUE	503-739-1825	6/30/2022
(VACANCY) CARPENTER**			6/30/2022
RANDALL HENDERSON*	89066 OCEAN DRIVE WARRENTON, 97146	503-577-6153	6/30/2023
ROY BENNETT	2026 FERNWOOD ST.	738-4102	6/30/2023
BRUCE FRANCIS	90250 SHORE LINE DR. WARRENTON, 97146	440-0033	6/30/2024
DIANNE WIDDOP	PO BOX 2116 GEARHART, 97138	440-0358	6/30/2024
JESSE TAYLOR***	2041 ALDERCREST ST.	440-7564	6/30/2024
DALE MCDOWELL	1387 AVENUE 'U'	738-5112	Public Works
RANDY FRANK	454 HIGHLAND DR.	440-3090	City Council

*Chair

**Vice Chair

***Secretary

TRANSPORTATION ADVISORY COMMISSION

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

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

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

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

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

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

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

COMMITTEE/COMMISSION APPOINTMENT

1. **Date Council Notified:** September 13, 2021
Name: Matthew Stolberg
Commission/Committee: Transportation Advisory Commission
Resignation Date: Stolberg – Lives outside City Limits
Term Expiration Date: October 1, 2024
Wants to be considered again: No

2. **Applicants:**

3. **Nominations:**

4. **Appointment:**

RESOLUTION #3996

A RESOLUTION ADOPTING AND APPROPRIATING A SUPPLEMENTAL
BUDGET OF GREATER THAN 10%
FOR THE 2021-2022 CITY OF SEASIDE BUDGET

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside hereby adopts the following supplemental budget increases for 2021-2022; and

BE IT FURTHER RESOLVED that the amounts for the fiscal year beginning July 1, 2021, and for the purpose shown below are hereby adjusted and appropriated as follows:

SPECIAL ASSESSMENTS
Resources

	Present	Changes	New
Beginning Fund Balance	\$ 1,436	\$ 67,291	\$ 68,727
Assessment Principal	5,000	0	5,000
Assessment Interest	1,500	0	1,500
Interfund Loan-Sys Dev (Wtr)	121,564	0	121,564
Total Budget	\$ 129,500	\$ 67,291	\$ 196,791

SPECIAL ASSESSMENTS
Requirements

	Present	Changes	New
Materials and Services	\$ 4,500	\$ (33)	\$ 4,467
Capital Outlay	75,000	0	75,000
Special Payments	50,000	67,324	117,324
Total Budget	\$ 129,500	\$ 67,291	\$ 196,791

EMERGENCY READINESS
Resources

	Present	Changes	New
Beginning Fund Balance	\$ 129,797	\$ 16,084	\$ 145,881
Transfer - Room Tax	68,100	0	68,100
Interest On Investments	1,200	0	1,200
Miscellaneous	50	0	50
Donations	1,000	0	1,000
Total Budget	\$ 200,147	\$ 16,084	\$ 216,231

EMERGENCY READINESS
Requirements

	Present	Changes	New
Personal Services	\$ 48,970	\$ 1,700	\$ 50,670
Materials and Services	80,200	0	80,200
Capital Outlay	0	14,384	14,384
Contingency	25,000	0	25,000
Total Appropriations	\$ 154,170	\$ 16,084	\$ 170,254
Ending Fund Balance	45,977	0	45,977
Total Budget	\$ 200,147	\$ 16,084	\$ 216,231

**AIRPORT
Resources**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 3,110	\$ 4,082	\$ 7,192
Transfer - Public Works	3,000	0	3,000
Interest On Investments	40	0	40
Rentals & Leases	1,000	0	1,000
Donations	0	500	500
Total Budget	<u>\$ 7,150</u>	<u>\$ 4,582</u>	<u>\$ 11,732</u>

**AIRPORT
Requirements**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Materials and Services	\$ 2,250	\$ -	\$ 2,250
Capital Outlay	4,900	4,582	9,482
Total Budget	<u>\$ 7,150</u>	<u>\$ 4,582</u>	<u>\$ 11,732</u>

**911 SPECIAL REVENUE
Resources**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 149,711	\$ 8,696	\$ 158,407
Interest On Investments	900	0	900
911 Revenue - City	143,000	46,000	189,000
Total Budget	<u>\$ 293,611</u>	<u>\$ 54,696</u>	<u>\$ 348,307</u>

**911 SPECIAL REVENUE
Requirements**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Personal Services	\$ 107,326	\$ 9,480	\$ 116,806
Materials and Services	6,525	0	6,525
Capital Outlay	179,760	45,216	224,976
Total Budget	<u>\$ 293,611</u>	<u>\$ 54,696</u>	<u>\$ 348,307</u>

Passed by the City Council of Seaside on this ____ day of _____, 2022.

Submitted to the Mayor and Approved by the Mayor on this ____ day of _____, 2022.

JAY BARBER, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

**NOTICE OF A PUBLIC HEARING
FOR BUDGET ADJUSTMENTS OF GREATER THAN 10%**

A public hearing on proposed supplemental budgets of greater than 10 % for the City of Seaside, Clatsop County, State of Oregon, for the fiscal year July 1, 2021 to June 30, 2022 will be held at City Hall, 989 Broadway, Seaside, Oregon. The public hearing will take place during the regularly scheduled City Council meeting on the 10th day of January, 2022 at 7:00 P.M. The purpose of the public hearing is to discuss the budget adjustments with interested persons. A copy of the budget document may be inspected or obtained on or after December 23, 2021 at City Hall, between the hours of 8:00 A.M. and 5:00 P.M.

SUMMARY OF BUDGET ADJUSTMENTS

FUND: Special Assessments			
Resources		Requirements	
Beginning Fund Balance	\$ 67,291	Materials & Services	\$ (33)
		Special Payments	67,324
Revised Total Resources	\$ 196,791	Revised Total Requirements	\$ 196,791

COMMENTS: To increase budget for repayment of end of year loan.

FUND: Emergency Readiness			
Resources		Requirements	
Beginning Fund Balance	\$ 16,084	Personal Services	\$ 1,700
		Capital Outlay	14,384
Revised Total Resources	\$ 216,231	Revised Total Requirements	\$ 216,231

COMMENTS: To increase budget for personnel and infrastructure.

FUND: Airport			
Resources		Requirements	
Beginning Fund Balance	\$ 4,082	Capital Outlay	\$ 4,582
Donations	500		
Revised Total Resources	\$ 11,732	Revised Total Requirements	\$ 11,732

COMMENTS: To increase budget for construction of bike shed.

FUND: 911 Special Revenue			
Resources		Requirements	
Beginning Fund Balance	\$ 8,696	Personal Services	\$ 9,480
911 Revenue - City	46,000	Capital Outlay	45,216
Revised Total Resources	\$ 348,307	Revised Total Requirements	\$ 348,307

COMMENTS: To increase budget for personnel and infrastructure.

RESOLUTION #3995

A RESOLUTION ADOPTING AND APPROPRIATING SUPPLEMENTAL
BUDGET INCREASES AND DECREASES OF LESS THAN 10%
FOR THE 2021-2022 CITY OF SEASIDE BUDGET

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside hereby adopts the following supplemental budget increases for 2021-2022; and

BE IT FURTHER RESOLVED that the amounts for the fiscal year beginning July 1, 2021, and for the purpose shown below are hereby adjusted and appropriated as follows:

GENERAL
Resources

	Present	Changes	New
Beginning Fund Balance	\$ 2,480,445	\$ 408,964	\$ 2,889,409
Admin Cost - Water	132,021	0	132,021
Admin Cost - Sewer	182,412	0	182,412
Admin Cost - State Tax Street	55,314	0	55,314
Admin Cost - Convention Ctr	232,641	0	232,641
Admin Cost - District Road	18,297	0	18,297
Admin Cost - Downtown Maint	7,583	0	7,583
Admin Cost - Public Safety	482,392	0	482,392
Admin Cost - Community Dev	40,638	0	40,638
Admin Cost - Public Works	115,477	0	115,477
Transfer - Water	267,181	0	267,181
Tax Base	4,227,294	0	4,227,294
Est Taxes Not Rec'd	(295,911)	0	(295,911)
Delinquent Taxes	105,000	0	105,000
Tax Offsets	1,000	0	1,000
Interest On Investments	15,000	0	15,000
Interest On Tax Receipts	11,294	0	11,294
Liquor License Fees	2,300	0	2,300
Bus Lic & Room Tax Penalties	10,000	(7,000)	3,000
Room Tax - Vacation Rentals	1,150,000	0	1,150,000
Cigarette Tax	5,000	0	5,000
Library Grant	5,200	0	5,200
Healthy Benefits Grant	750	0	750
State Grant Reimbursement	0	0	0
Library	14,000	(3,000)	11,000
Community Center	2,000	(2,000)	0
Rental/Sale City Property	4,000	(2,000)	2,000
Miscellaneous	10,000	0	10,000
Total Budget	\$ 9,281,328	\$ 394,964	\$ 9,676,292

GENERAL
Requirements

	Present	Changes	New
Mayor & Council	\$ 24,502	\$ 541	\$ 25,043
City Attorney	52,100	0	52,100
Business Office	689,855	29,995	719,850
Library	773,506	25,410	798,916
Community Center	61,900	0	61,900
Non-Departmental	435,600	5,000	440,600
Special Payments	750	0	750
Debt Service	267,181	0	267,181
Interfund Transfers	4,500,989	0	4,500,989
Contingency	200,000	128,518	328,518
Total Appropriations	\$ 7,006,383	\$ 189,464	\$ 7,195,847
Ending Fund Balance	2,274,945	205,500	2,480,445
Total Budget	\$ 9,281,328	\$ 394,964	\$ 9,676,292

**PUBLIC SAFETY
Resources**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 2,143,185	\$ 178,778	\$ 2,321,963
Transfer - Room Tax	858,060	0	858,060
Transfer - General	4,489,989	0	4,489,989
Tax Levy	119,873	0	119,873
Est Taxes Not Rec'd	(8,391)	0	(8,391)
Delinquent Taxes	4,000	0	4,000
Tax Offsets	50	0	50
Interest On Investments	12,000	0	12,000
Interest On Tax Receipts	418	0	418
Dog Licenses	2,000	0	2,000
Liquor Taxes	121,000	0	121,000
Marijuana Taxes	107,000	0	107,000
State Revenue Sharing	110,000	0	110,000
Police Grants	1,000	0	1,000
Rural Fire Protection	41,000	0	41,000
Dispatch Service	93,003	0	93,003
Fines & Forfeitures	300,000	0	300,000
Parking Tickets	12,000	18,000	30,000
False Alarms	400	0	400
State Fire Reimbursement	85,818	48,000	133,818
Rental or Sale of City Property	25,000	200,000	225,000
Miscellaneous - Police	15,000	20,000	35,000
Miscellaneous	7,500	0	7,500
Donations	500	0	500
Total Budget	\$ 8,540,405	\$ 464,778	\$ 9,005,183

**PUBLIC SAFETY
Requirements**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Municipal Court	\$ 196,421	\$ 4,100	\$ 200,521
Police	4,207,191	95,000	4,302,191
Lifeguards	76,272	0	76,272
Fire	1,404,018	365,678	1,769,696
Non-Department	42,500	0	42,500
Interfund Transfers	482,392	0	482,392
Contingency	200,000	0	200,000
Total Appropriations	\$ 6,608,794	\$ 464,778	\$ 7,073,572
Ending Fund Balance	1,931,611	0	1,931,611
Total Budget	\$ 8,540,405	\$ 464,778	\$ 9,005,183

**COMMUNITY DEVELOPMENT
Resources**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 1,616,311	\$ (11,089)	\$ 1,605,222
Transfer - Business Licenses	265,000	0	265,000
Interest On Investments	13,000	0	13,000
Building and Heating Permits	125,000	45,000	170,000
Mechanical Permits	30,000	0	30,000
Plumbing Permits	40,000	0	40,000
Plan Review Fees	85,000	35,000	120,000
Planning	40,000	0	40,000
Miscellaneous	4,000	0	4,000
Total Budget	\$ 2,218,311	\$ 68,911	\$ 2,287,222

**COMMUNITY DEVELOPMENT
Requirements**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Planning	\$ 312,023	\$ 10,000	\$ 322,023
Building	299,792	10,000	309,792
Interfund Transfers	40,638	0	40,638
Contingency	100,000	48,911	148,911
Total Appropriations	\$ 752,453	\$ 68,911	\$ 821,364
Ending Fund Balance	1,465,858	0	1,465,858
Total Budget	\$ 2,218,311	\$ 68,911	\$ 2,287,222

**CONVENTION CENTER CAPITAL
Resources**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 1,312,831	\$ (24,025)	\$ 1,288,806
Segr Beg Food Service Fee	47,247	2,784	50,031
Transfer - Business Lic	25,000	0	25,000
Transfer - Room Tax	248,765	0	248,765
Interest On Investments	10,000	0	10,000
Food Service Fees	25,000	0	25,000
Total Budget	<u>\$ 1,668,843</u>	<u>\$ (21,241)</u>	<u>\$ 1,647,602</u>

**CONVENTION CENTER CAPITAL
Requirements**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Materials & Services	\$ 40,000	\$ -	\$ 40,000
Capital Outlay	180,000	0	180,000
Contingency	300,000	(24,025)	275,975
Total Appropriations	<u>\$ 520,000</u>	<u>\$ (24,025)</u>	<u>\$ 495,975</u>
Ending Fund Balance	1,116,596	0	1,116,596
Ending Fund Balance-Food Service	32,247	2,784	35,031
Total Budget	<u>\$ 1,668,843</u>	<u>\$ (21,241)</u>	<u>\$ 1,647,602</u>

**LIBRARY TRUST
Resources**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Beginning Fund Balance	\$ 95,426	\$ (4,145)	\$ 91,281
Interest On Investments	750	0	750
Donations	1,500	0	1,500
Total Budget	<u>\$ 97,676</u>	<u>\$ (4,145)</u>	<u>\$ 93,531</u>

**LIBRARY TRUST
Requirements**

	<u>Present</u>	<u>Changes</u>	<u>New</u>
Materials & Services	\$ 10,000	\$ -	\$ 10,000
Capital Outlay	20,000	0	20,000
Contingency	30,000	(4,145)	25,855
Total Appropriations	<u>\$ 60,000</u>	<u>\$ (4,145)</u>	<u>\$ 55,855</u>
Ending Fund Balance	37,676	0	37,676
Total Budget	<u>\$ 97,676</u>	<u>\$ (4,145)</u>	<u>\$ 93,531</u>

Passed by the City Council of Seaside on this ____ day of _____, 2022.

Submitted to the Mayor and Approved by the Mayor on this ____ day of _____, 2022.

JAY BARBER, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

**NOTICE OF A PUBLIC MEETING
FOR SUPPLEMENTAL BUDGETS
Of less than 10% of Fund Expenditures**

A public meeting on proposed supplemental budgets of less than 10% for the City of Seaside, Clatsop County, State of Oregon for the fiscal year July 1, 2021 to June 30, 2022 will be held at City Hall, 989 Broadway, Seaside, Oregon. The public meeting will take place during the regularly scheduled City Council meeting on the 10th of January, 2022 at 7:00 P.M. The purpose of the public meeting is to consider a resolution adopting supplemental budgets and making necessary appropriations. A copy of the supplemental budget document may be inspected or obtained on or after December 23, 2021 at City Hall, between the hours of 8:00 A.M. and 5:00 P.M.

SUMMARY OF SUPPLEMENTAL BUDGETS

FUND: General			
Resources		Requirements	
Beginning Fund Balance	\$ 408,964	Mayor & Council	\$ 541
Bus Lic & Room Tax Penalties	(7,000)	Business Office	29,995
Library	(3,000)	Library	25,410
Community Center	(2,000)	Non-Departmental	5,000
Rental/Sale City Property	(2,000)	Contingency	128,518
		Ending Fund Balance	205,500
Revised Total Resources	\$ 9,676,292	Revised Total Requirements	\$ 9,676,292

COMMENTS: To increase operational costs for Mayor, Business Office, Library, and Non-Departmental.

FUND: Public Safety			
Resources		Requirements	
Beginning Fund Balance	\$ 178,778	Municipal Court	\$ 4,100
Parking Tickets	18,000	Police	95,000
State Fire Reimbursement	48,000	Fire	365,678
Rental or Sale of City Property	200,000		
Miscellaneous - Police	20,000		
Revised Total Resources	\$ 9,005,183	Revised Total Requirements	\$ 9,005,183

COMMENTS: To increase the court and police for operational costs and fire for equipment purchases.

FUND: Community Development			
Resources		Requirements	
Beginning Fund Balance	\$ (11,089)	Planning	\$ 10,000
Building & Heating Permits	45,000	Building	10,000
Plan Review Fees	35,000	Contingency	48,911
Revised Total Resources	\$ 2,287,222	Revised Total Requirements	\$ 2,287,222

COMMENTS: To increase operational costs for Planning & Building.

FUND: Convention Center Capital			
Resources		Requirements	
Beginning Fund Balance	\$ (24,025)	Contingency	\$ (24,025)
Segr Beg Food Service Fees	2,784	Ending Fund Balance - Food Service	2,784
Revised Total Resources	\$ 1,647,602	Revised Total Requirements	\$ 1,647,602

COMMENTS: To decrease contingency for lower than expected beginning fund.

**NOTICE OF A PUBLIC MEETING
FOR SUPPLEMENTAL BUDGETS
Of less than 10% of Fund Expenditures**

FUND: Library Trust
Resources

Requirements

Beginning Fund Balance	\$ (4,145)	Contingency	\$ (4,145)
Revised Total Resources	\$ 93,531	Revised Total Requirements	\$ 93,531

COMMENTS: To decrease contingency for lower than expected beginning fund.

LIQUOR LICENSE APPLICATION

Rick Berry
The Whet Spot
12 N. Holladay.
Seaside

This business has applied for a Full On-premises Commercial Sales Liquor License. This for an existing business that had a Limited On-premises sales license.

Full On-Premises Sales License – allows the sale of distilled spirits, malt beverages, wine, and cider for consumption at the licensed business. This license also allows private catering if the applicant receives pre-approval from OLCC.

The Police Department has reviewed the business and applicant(s) applying for the liquor license and the information received is attached.

Criteria for consideration

The City Council, after consideration, may determine to make a favorable, unfavorable, conditionally favorable or no recommendation to the OLCC. If the City Council makes an unfavorable or conditionally favorable recommendation to the OLCC regarding any application for liquor license, the recommendation will be based on a finding that one or more of the following conditions exist:

1. There is a history or pattern of illegal or disorderly activity on the premises.
2. There have been disturbances and/or other problems (such as fights, altercations, drug dealing by patrons, furnishing alcohol to minors by patrons, public drunkenness, alcohol related litter, etc.) related to the exercise of the applicant's alcohol license privilege and the applicant has failed to take reasonable and timely corrective action when notified of these problems by the police or the OLCC.
3. There is a continuing problem of noise from this business disturbing neighbors.
4. The applicant would be a poor risk for compliance with liquor laws, as indicated by a felony conviction, which reflects on the applicant's ability to be a responsible liquor licensee.
5. The applicant would be a poor risk for compliance with liquor laws, as indicated by a failure to comply with liquor laws.
6. The applicant has a history of abusing alcohol or other controlled substances and would be a poor risk for compliance with liquor laws.
7. The applicant has made an intentional and materially false statement about a matter that reflects on the applicant's ability to comply with the State's liquor laws.
8. An unlicensable person or a party not named as applicant has an ownership interest in the business to be licensed.
9. The applicant has failed to operate as originally proposed to the City Council, the original proposal having been a deciding factor in the Council's favorable recommendation to the OLCC.
10. The applicant has expanded the boundaries of the licensed premises to areas not originally considered by the Council and without City and OLCC approval.
11. The business is located within 500 feet of a school, child care facility, church, hospital, nursing or convalescent care facility, a park or child oriented recreation facility, or an alcohol and other drug treatment facility and there is evidence that the business will adversely impact the facility.

Seaside Police Department

December 29th, 2021

MEMORANDUM

TO: Mayor and City Council

FROM: Josh Gregory, Detective Sergeant

SUBJECT: **The Whet Spot**

The Seaside Police Department has reviewed the current liquor application for The Whet Spot, located at 12 N. Holladay, Seaside, OR. This is a request for a continued Full On-premise license while adding a new member to the business LLC, Matthew Ryan Lang (4/9/1999). The Whet Spot remains in business and in good standing.

There are no new issues with the current owner, John Berry, who remains in good standing using in-house records.

Matthew Lang had no issues using in-house records and is in good standing.

There have been no calls for service at this establishment.

I did not find any disqualifying information or reason to deny this application.

If you have any additional questions, please let me know.

Working Together We Can Make A Difference

LIQUOR LICENSE APPLICATION

Trent Hartill
Bell Buoy of Seaside
1800 S. Roosevelt Ave.
Seaside

This business has applied for a Limited On-Premises Sales Liquor License. This would be for an existing business with no existing liquor license and new owner.

Limited On-premises sales license – allows the sale of malt beverages, wine, and cider for consumption at the licensed business, and the sale of kegs of malt beverages to go. Licensees can cater small scale and large-scale private events if they have pre-approval from OLCC.

The Police Department has reviewed the applicant and business applying for the liquor license and attached is the information received.

Criteria for consideration

The City Council, after consideration, may determine to make a favorable, unfavorable, conditionally favorable or no recommendation to the OLCC. If the City Council makes an unfavorable or conditionally favorable recommendation to the OLCC regarding any application for liquor license, the recommendation will be based on a finding that one or more of the following conditions exist:

1. There is a history or pattern of illegal or disorderly activity on the premises.
2. There have been disturbances and/or other problems (such as fights, altercations, drug dealing by patrons, furnishing alcohol to minors by patrons, public drunkenness, alcohol related litter, etc.) related to the exercise of the applicant's alcohol license privilege and the applicant has failed to take reasonable and timely corrective action when notified of these problems by the police or the OLCC.
3. There is a continuing problem of noise from this business disturbing neighbors.
4. The applicant would be a poor risk for compliance with liquor laws, as indicated by a felony conviction, which reflects on the applicant's ability to be a responsible liquor licensee.
5. The applicant would be a poor risk for compliance with liquor laws, as indicated by a failure to comply with liquor laws.
6. The applicant has a history of abusing alcohol or other controlled substances and would be a poor risk for compliance with liquor laws.
7. The applicant has made an intentional and materially false statement about a matter that reflects on the applicant's ability to comply with the State's liquor laws.
8. An un-licensable person or a party not named as applicant has an ownership interest in the business to be licensed.
9. The applicant has failed to operate as originally proposed to the City Council, the original proposal having been a deciding factor in the Council's favorable recommendation to the OLCC.
10. The applicant has expanded the boundaries of the licensed premises to areas not originally considered by the Council and without City and OLCC approval.
11. The business is located within 500 feet of a school, child care facility, church, hospital, nursing or convalescent care facility, a park or child oriented recreation facility, or an alcohol and other drug treatment facility and there is evidence that the business will adversely impact the facility.

Seaside Police Department

December 29th, 2021

MEMORANDUM

TO: Mayor and City Council
FROM: Josh Gregory, Detective Sergeant
SUBJECT: **Bell Buoy of Seaside**

The Seaside Police Department has reviewed the current liquor application for Bell Buoy of Seaside, located at 1800 S. Roosevelt, Seaside, OR. This is a request for a new, Limited On-premise license. The business states the times open to serve alcoholic beverages will be from 1100 to 1700, every day of the week. There are currently 14 seats available for indoor consumption and 36 outdoor with the area being roped or fenced off from the general public.

There are no issues with the current owner, Trent Gavin Hartill, who remains in good standing using in-house records.

The only calls for service to this establishment of note have been a few after-hour alarm calls, and some transient activity around the premise after-hours, which would be considered outside the control of the business owner.

Using in-house records, I did not find any disqualifying information or reason to deny this application.

If you have any additional questions, please let me know.

Working Together We Can Make A Difference

ORDINANCE NO. 2022-01

**AN ORDINANCE GRANTING AN ELECTRIC UTILITY FRANCHISE
AND GENERAL UTILITY EASEMENT TO PACIFICORP WITHIN THE
CITY OF SEASIDE, OREGON**

This Franchise Agreement (“Franchise”) is between the City of Seaside, Oregon, hereinafter referred to as the “Grantor” and PacificCorp d.b.a. Pacific Power, hereinafter referred to as the “Grantee.”

WHEREAS, PacifiCorp d.b.a. Pacific Power, is a regulated public utility that provides electric power and energy to the citizens of the City of Seaside, Oregon (the “City”) and other surrounding areas; and

WHEREAS, providing electrical power and energy requires the installation, operation and maintenance of power poles and other related facilities to be located within the public ways of the City; and

WHEREAS, the City desires to set forth the terms and conditions by which PacifiCorp shall use the public ways of the City;

NOW, THEREFORE, the Grantor and Grantee agree as follows:

SECTION 1
Grant of Franchise and General Utility Easement

The City hereby grants to PacifiCorp the right, privilege and authority to construct, maintain, operate, upgrade, and relocate its electrical distribution and transmission lines and related appurtenances, including underground conduits and structures, poles, towers, wires, guy anchors, vaults, transformers, transmission lines, and communication lines (collectively referred to herein as “Electric Facilities”) in, under, along, over and across the present and future streets, alleys, public ways and public places (collectively referred to herein as “Public Ways”) within the City, for the purpose of supplying and transmitting electric power and energy to the inhabitants of the City and persons and corporations beyond the limits thereof.

SECTION 2
Term.

The term of this Franchise and General Utility Easement is for twenty (20) years commencing on the date of acceptance by the Company as set forth in Section 3 below.

SECTION 3
Acceptance by PacifiCorp.

Within sixty (60) days after the passage of this ordinance by the City, PacifiCorp shall file an unqualified written acceptance thereof, with the City Recorder, otherwise the ordinance and the rights granted herein shall be null and void.

SECTION 4
Non-Exclusive Franchise.

The right to use and occupy the Public Ways of the City shall be nonexclusive and the City reserves the right to use the Public Ways for itself or any other entity that provides service to City residences; provided, however, that such use shall not unreasonably interfere with PacifiCorp’s Electric Facilities or PacifiCorp’s rights granted herein.

SECTION 5
City Regulatory Authority.

In addition to the provision herein contained, the City reserves the right to adopt such additional ordinances and regulations as may be deemed necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties or exercise any other rights, powers, or duties required or authorized, under the Constitution of the State of Oregon, the laws of Oregon or City Ordinances.

SECTION 6
Indemnification.

The City shall in no way be liable or responsible for any loss or damage to property or any injury to, or death, of any person that may occur in the construction, operation or maintenance by PacifiCorp of its Electric Facilities. PacifiCorp shall indemnify, defend and hold the City harmless from and against claims, demands, liens and all liability or damage of whatsoever kind on account of PacifiCorp's use of the Public Ways within the City, and shall pay the costs of defense plus reasonable attorneys' fees for any claim, demand or lien brought thereunder. The City shall: (a) give prompt written notice to PacifiCorp of any claim, demand or lien with respect to which the City seeks indemnification hereunder; and (b) unless in the City's judgment a conflict of interest exists between the City and PacifiCorp with respect to such claim, demand or lien, permit PacifiCorp to assume the defense of such claim, demand, or lien with counsel satisfactory to City. If such defense is not assumed by PacifiCorp, PacifiCorp shall not be subject to liability for any settlement made without its consent. Notwithstanding any provision hereof to the contrary, PacifiCorp shall not be obligated to indemnify, defend or hold the City harmless to the extent any claim, demand or lien arises out of or in connection with any negligent or willful act or failure to act of the City or any of its officers or employees.

SECTION 7
Annexation.

7.1 Extension of City Limits. Upon the annexation of any territory to the City, the rights granted herein shall extend to the annexed territory to the extent the City has such authority. All Electrical Facilities owned, maintained, or operated by PacifiCorp located within any public ways of the annexed territory shall thereafter be subject to all of the terms hereof.

7.2 Annexation. When any territory is approved for annexation to the City, the City shall, not later than ten (10) working days after passage of an ordinance approving the proposed annexation, provide by certified mail to PacifiCorp: (a) each site address to be annexed as recorded on county assessment and tax rolls; (b) a legal description of the proposed boundary change; and (c) a copy of the City's ordinance approving the proposed annexation. The notice shall be mailed to:

PacifiCorp Customer Contact Center
P.O. Box 400
Portland, Oregon 97202-0400

With a copy to:
PacifiCorp
Attn: Office of the General Counsel
825 N.E. Multnomah, Suite 2000
Portland, Oregon 97232

Additional or increased fees or taxes, other than ad valorem taxes, imposed on PacifiCorp as a result of an annexation of territory to the City shall become effective on the effective date of the annexation provided notice is given to PacifiCorp in accordance with ORS 222.005, as amended from time to time.

SECTION 8
Planning, Design, Construction and Installation of Company Facilities.

8.1 All Electric Facilities installed or used under authority of this Franchise shall be used, constructed and maintained in accordance with applicable federal, state and city laws, codes and regulations.

8.2 Except in the case of an emergency, PacifiCorp shall, prior to commencing new construction or major reconstruction work in the public way or street or other public places, apply for a permit from the City which permit shall not be unreasonably withheld, conditioned, or delayed. PacifiCorp will abide by all applicable ordinances and all reasonable rules, regulations and requirements of the City, and the City may inspect the manner of such work and require remedies as may be necessary to assure compliance. Notwithstanding the foregoing, PacifiCorp shall not be obligated to obtain a permit to perform emergency repairs.

8.3 All Electric Facilities shall be located so as to cause minimum interference with the Public Ways of the City and shall be constructed, installed, maintained, cleared of vegetation, renovated or replaced in accordance with applicable rules, ordinances and regulations of the City.

8.4 If, during the course of work on its Electrical Facilities, PacifiCorp causes damage to or alters the Public Way or public property, PacifiCorp shall (at its own cost and expense and in a manner approved by the City) replace and restore it to a condition comparable to that which existed before the work commenced.

8.5 In addition to the installation of underground electric distribution lines as provided by applicable state law and regulations, PacifiCorp shall, upon payment of all charges provided in its tariffs or their equivalent, place newly constructed electric distribution lines underground as may be required by City ordinance.

8.6 The City shall have the right without cost to use all poles and suitable overhead structures owned by PacifiCorp within Public Ways for City wires used in connection with its fire alarms, police signal systems, or other communication lines used for governmental purposes; provided, however, any such uses shall be for activities owned, operated or used by the City for a public purpose and shall not include the provision of CATV, internet, or similar services to the public. Provided further, that PacifiCorp shall assume no liability nor shall it incur, directly or indirectly, any additional expense in connection therewith, and the use of said poles and structures by the City shall be in such a manner as to prevent safety hazards or interferences with PacifiCorp's use of same. Nothing herein shall be construed to require PacifiCorp to increase pole size, or alter the manner in which PacifiCorp attaches its equipment to poles, or alter the manner in which it operates and maintains its Electric Facilities. City attachments shall be installed and maintained in accordance with the reasonable requirements of PacifiCorp and the current edition of the National Electrical Safety Code pertaining to such construction. Further, City attachments shall be attached or installed only after written approval by PacifiCorp.

8.7 PacifiCorp shall have the right to excavate the Public Ways subject to reasonable conditions and requirements of the City. Before installing new underground conduits or replacing existing underground conduits, PacifiCorp shall first notify the City of such work and shall allow the City, at its own expense, to share the trench of PacifiCorp to lay its own conduit therein, provided that such action by the City will not unreasonably interfere with PacifiCorp's Electric Facilities or delay project completion.

8.8 Before commencing any street improvements or other work within a Public Way that may affect PacifiCorp's Electric Facilities, the City shall give written notice to PacifiCorp.

8.9 No structures, buildings or signs shall be erected below PacifiCorp's facilities or in a location that prevents PacifiCorp from accessing or maintaining its facilities.

8.10 PacifiCorp shall provide the City with a report of all new services created within City boundaries on an annual basis during the term of this Franchise. The City shall provide written confirmation of the accuracy of the report and/or any corrections thereto to PacifiCorp within a reasonable time following receipt of the report.

SECTION 9

Relocation of Electric Facilities.

9.1 The City reserves the right to require PacifiCorp to relocate overhead Electric Facilities within the Public Ways in the interest of public convenience, necessity, health, safety or welfare at no cost to the City. Within a reasonable period of time after written notice, PacifiCorp shall promptly commence the overhead relocation of its Electrical Facilities. Before requiring a relocation of Electric Facilities, the City shall, with the assistance and consent of PacifiCorp, identify a reasonable alignment for the relocated Electric Facilities within the Public Ways of the City. The City shall assign or otherwise transfer to Company all right it may have to recover the cost for the relocation work and shall support the efforts of PacifiCorp to obtain reimbursement. In cases of capital improvement projects undertaken by the City, PacifiCorp shall convert existing overhead distribution facilities to underground, so long as PacifiCorp is allowed to collect the costs associated with conversion from overhead to underground distribution facilities consistent with OAR 860-022-0046, the Oregon Public Utility Commission rule on forced conversions.

9.2 PacifiCorp shall not be obligated to pay the cost of any relocation that is required or made a condition of a private development. If the removal or relocation of facilities is caused directly or otherwise by an identifiable development of property in the area, or is made for the convenience of a customer, PacifiCorp may charge the expense of removal or relocation to the developer or customer. For example, PacifiCorp shall not be required to pay relocation costs in connection with a road widening or realignment where the road project is made a condition or caused by a private development. In such event, the City shall require the developer to pay PacifiCorp for such relocation costs as part of its approval procedures. Grantee shall pay to the Grantor an annual franchise fee in an amount equal to ~~five~~ **seven** percent (~~5%~~) (**7%**) of the annual Gross Revenue. Franchise fees may be passed through to Subscribers as a line item on Subscriber bills or otherwise as Grantee chooses, consistent with federal law. The amount of franchise fee and the method of calculation shall be equal when compared to the amount or method of calculation of the franchise fee in any other cable franchise or authorization to provide video service granted by Grantor. In the event any other cable franchise or authorization to provide video service provides for a lesser franchise fee than this Franchise, Grantee's obligation to pay a franchise fee under this Section 10.1 shall be reduced by an equivalent amount.

SECTION 10
Subdivision Plat Notification.

Before the City approves any new subdivision and before recordation of the plat, the City shall mail notification of such approval and a copy of the plat to PacifiCorp:

Pacific Power
Attn: Estimating Department
2340 SE Dolphin Road
Warrenton, Oregon 97146

SECTION 11
Vegetation Management.

PacifiCorp or its contractor may prune all trees and vegetation which overhang the Public Ways, whether such trees or vegetation originate within or outside the Public Ways, to prevent the branches or limbs or other part of such trees or vegetation from interfering with PacifiCorp's Electrical Facilities. Such pruning shall comply with the *American National Standard for Tree Care Operation (ANSI A300)* and be conducted under the direction of an arborist certified with the International Society of Arboriculture. A growth inhibitor treatment may be used for trees and vegetation species that are fast-growing and problematic. Nothing contained in this Section shall prevent PacifiCorp, when necessary and with the approval of the owner of the property on which they may be located, from cutting down and removing any trees which overhang streets.

SECTION 12
Compensation.

12.1 In consideration of the rights, privileges, and franchise hereby granted, PacifiCorp shall pay to the City from and after the effective date of the acceptance of this franchise, ~~five~~ **seven** percent (~~5%~~) (**7%**) of its gross revenues derived from within the corporate limits of City. The term "gross revenue" as used herein shall be construed to mean any revenue of PacifiCorp derived from the retail sale and use of electric power and energy within the municipal boundaries of the City after adjustment for the net write-off of uncollectible accounts and corrections of bills theretofore rendered. All amounts paid under this Section 12 shall be subject to review by the City; provided that only payments which occurred during a period of thirty-six (36) months prior to the date the City notifies PacifiCorp of its intent to conduct a review shall be subject to such review. Notwithstanding any provision to the contrary, at any time during the term of this Franchise, the City may elect to increase the franchise fee amount as may then be allowed by state law. The City shall provide PacifiCorp with prior written notice of such increase following adoption of the change in percentage by the City. The increase shall be effective sixty (60) days after City has provided such written notice to PacifiCorp.

12.2 The franchise fee shall not be in addition to any other license, occupation, franchise or excise taxes or charges which might otherwise be levied or collected by the City from PacifiCorp with respect to PacifiCorp's electric business or the exercise of this franchise within the corporate limits of the City and the amount due to the City under any such other license, occupation,

franchise or excise taxes or other charges for corresponding periods shall be reduced by deducting there from the amount of said franchise fee paid hereunder.

SECTION 13
Renewal.

At least 120 days prior to the expiration of this Franchise, PacifiCorp and the City shall agree to either extend the term of this Franchise for a mutually acceptable period of time or the parties shall use best faith efforts to renegotiate a replacement Franchise. PacifiCorp shall have the continued right to use the Public Ways of the City as set forth herein in the event an extension or replacement Franchise is not entered into upon expiration of this Franchise.

SECTION 14
No Waiver.

Neither the City nor PacifiCorp shall be excused from complying with any of the terms and conditions of this Franchise by any failure of the other, or any of its officers, employees, or agents, upon any one or more occasions to insist upon or to seek compliance with any such terms and conditions.

SECTION 15
Transfer of Franchise.

PacifiCorp shall not transfer or assign any rights under this Franchise to another entity, except transfers and assignments by operation of law, unless the City shall first give its approval in writing, which approval shall not be unreasonably withheld; provided, however, inclusion of this Franchise as property subject to the lien of PacifiCorp's mortgage(s) shall not constitute a transfer or assignment.

SECTION 16
Amendment.

At any time during the term of this Franchise, the City, through its City Council, or PacifiCorp may propose amendments to this Franchise by giving thirty (30) days written notice to the other of the proposed amendment(s) desired, and both parties thereafter, through their designated representatives, will, within a reasonable time, negotiate in good faith in an effort to agree upon mutually satisfactory amendment(s). No amendment or amendments to this Franchise shall be effective until mutually agreed upon by the City and PacifiCorp and formally adopted as an ordinance amendment.

SECTION 17
Non-Contestability – Breach of Contract.

17.1 Neither the City nor PacifiCorp will take any action for the purpose of securing modification of this Franchise before either the Oregon Public Utility Commission or any Court of competent jurisdiction; provided, however, that neither shall be precluded from taking any action it deems necessary to resolve difference in interpretation of the Franchise nor shall PacifiCorp be precluded from seeking relief from the Courts in the event Oregon Public Utility Commission orders, rules or regulations conflict with or make performance under the Franchise illegal.

SECTION 18
Notices.

Unless otherwise specified herein, all notices from PacifiCorp to the City pursuant to or concerning this Franchise shall be delivered to the City Recorder's Office. Unless otherwise specified herein, all notices from the City to PacifiCorp pursuant to or concerning this Franchise shall be delivered to the Customer and Community Affairs Vice President, Pacific Power, 825 NE Multnomah, Lloyd Center Tower Suite 2000, Portland, Oregon 97232, and such other office as PacifiCorp may advise the City of by written notice.

SECTION 19
Severability.

If any section, sentence, paragraph, term or provision hereof is for any reason determined to be illegal, invalid, or superseded by other lawful authority including any state or federal regulatory authority having jurisdiction thereof or unconstitutional, illegal or invalid by any court of common jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise or any renewal or renewals thereof.

SECTION 20
Waiver of Jury Trial.

To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

This ordinance will take effect thirty days after adoption.

ADOPTED by the City Council of the City of Seaside on this ___ day of _____, 2022, by the following roll call vote:

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

SUBMITTED to and **APPROVED** by the Mayor on this ___ day of _____, 2022.

JAY BARBER, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

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

Notice is hereby given that the City Council of the City of Seaside will conduct a public hearing Monday, January 10, 2022, at 7:00 PM, in the Council Chambers, at Seaside City Hall, 989 Broadway. The purpose of the hearing is to take public testimony regarding Ordinance #2022-01, granting an Electric Utility Franchise and General Utility Easement to Pacificorp. After the effective date of the acceptance of this franchise, 7 percent (7%) of its gross revenues derived from within the corporate limits of the City.

Ordinance #2022-01 will be on the City Council agenda for three City Council meetings starting with the January 10, 2022 meeting. The ordinance will be effective 30 days after the final approval and adoption of the ordinance.

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

Written testimony is also welcome and can be submitted by sending to publiccomment@cityofseaside.us to be included with the information provided to the City Council.

PUBLISH: Daily Astorian – January 4, 2022

OREGON'S
FAMOUS
ALL-YEAR
RESORT



CITY of SEASIDE

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

January 10, 2022

Recommendation to City Council

From: Dale McDowell – Public Works Director

To: The Honorable Mayor and City Council Members

RE: Request to Amend Chapter 91 of the Seaside Code of Ordinances regarding Evergreen Cemetery Regulations – plot price increase.

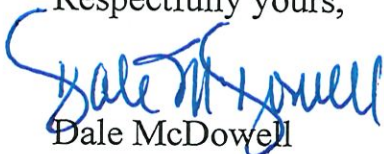
Dear Honorable Mayor and City Council Members,

Ordinance 91 was last updated in January 2016; over the last five years, significant maintenance improvements have been made to our Cemetery, and we are looking to expand the cemetery grounds, to accommodate our residents.

I have reviewed surrounding Cemetery plot pricing for Clatsop County, and the Seaside Evergreen Cemetery continues to be significantly less expensive per plot.

I would therefore like to recommend to City Council that we update and increase our Evergreen Cemetery Plot pricing from \$500.00 (current pricing) to \$750.00 per plot.

Respectfully yours,



Dale McDowell
Public Works Director

ORDINANCE NO. 2022-02
AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING
CHAPTER 91 OF THE SEASIDE CODE OF ORDINANCES REGARDING
EVERGREEN CEMETERY REGULATIONS

THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

SECTION 1. Chapter 91.07 DECENT OF PLOT. is amended to read as follows.

91.07 DESCENT OF PLOT.

Upon the death of the owner, unless he has disposed of the plot either by specific direction in his will, or by a written declaration of reservation, filed in the office of the City Manager, if no interment has been made in a plot, the plot descends to the heirs at law of the owner, subject to the rights of the surviving spouse.

SECTION 2. Chapter 91.09 DISINTERMENTS AND REMOVALS. is amended to read as follows:

91.09 DISINTERMENTS AND REMOVALS.

Disinterments and removals may be made with the written consent of the Public Works Director, surviving spouse, the surviving parents of a child or unmarried person, other persons who have the legal right to order disinterment, and the plot owner, provided all the requirements of the laws of the State of Oregon, ordinances of the city, and the rules and regulations of the cemetery are complied with. Failure to comply with the conditions stated herein, or any other good and sufficient reason, shall be full authority for the Public Works Director to postpone or deny such disinterment and removal.

SECTION 3. Chapter 91.13 PLOTS SOLD BACK TO THE CITY. is amended to read as follows:

91.13 PLOTS SOLD BACK TO CITY

In the event the owner of a plot decides not to utilize a plot purchased after October 1, 1985, it may be sold back to the city at 80% of the purchase price. Such a request for city purchase must be in writing.

SECTION 4. Chapter 91.14 PURCHASE PRICE. is amended to read as follows:

91.14 PURCHASE PRICE

The city shall charge ~~\$500~~ **\$750** for each plot until changed by future ordinance of the City Council.

ADOPTED by the City Council of the City of Seaside on this ____ day of _____, 2022 by the following roll call vote:

YEAS:

NAYS:

ABSTAIN:

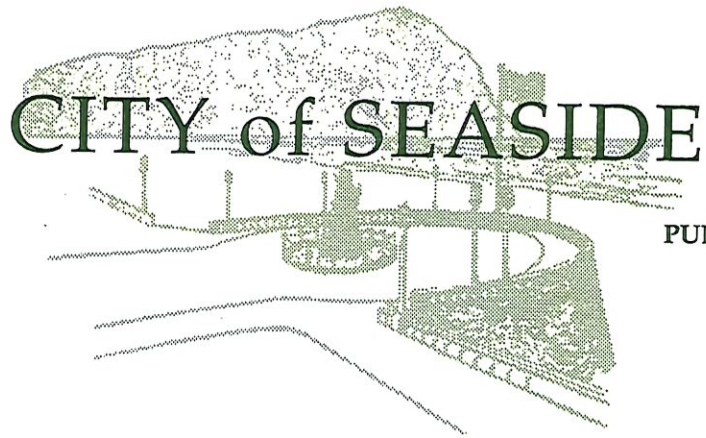
ABSENT:

SUBMITTED to and APPROVED by the Mayor on this ____ day of _____, 2022.

Jay Barber, Mayor

ATTEST:

Mark J. Winstanley, City Manager



OREGON'S
FAMOUS
ALL-YEAR
RESORT

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

December 9, 2021

Request to Mayor and City Council

From: Dale McDowell – Public Works Director

RE: Request for Water Meter Installation outside City of Seaside City Limits

Dear Honorable Mayor and City Council Members,

Michael Maltman owner of 34043 Highway 26, Seaside, Oregon has requested Water Service for an existing home outside the city limits of Seaside.

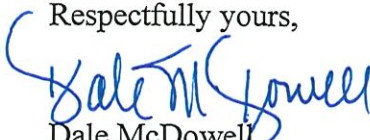
This home is currently sharing a Water Service with 33391 Hwy 26, but the two homes are being sold independently which will require each home have a dedicated service.

The Legal Description of the property is as follows: 34043 Hwy 26

Township: 5N
Range: 10W
Section: 14
Lot #: 1600

Based on the information provided to the City of Seaside Water Department, it is our recommendation to allow a Water Meter to be installed in this location.

Respectfully yours,


Dale McDowell
Public Works Director



CITY of SEASIDE

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(503) 738-5112

December 17, 2021

Request to Mayor and City Council

From: Dale McDowell – Public Works Director

RE: Request for Water Meter Installation outside City of Seaside City Limits

Dear Honorable Mayor and City Council Members,

Mr. Hendrik Horlings owner of 33745 Highway 26, Seaside, Oregon has requested Water Service for an existing home outside the city limits of Seaside.

This home has previously had City Water, and the Water Meter was removed per the owner's request, they now would like it reinstalled.

The Legal Description of the property is as follows: 33745 Hwy 26

Township: 5N
Range: 10W
Section: 10DA
Tax Lot #: 1000

Based on the information provided to the City of Seaside Water Department, it is our recommendation to allow the Water Meter to be reinstalled at this location.

Respectfully yours,



Dale McDowell
Public Works Director



CITY of SEASIDE

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

December 17, 2021

Recommendation to City Council

From: Dale McDowell – Public Works Director

To: The Honorable Mayor and City Council

RE: Amendment to Transportation System Plan

Dear Honorable Mayor and City Council Members,

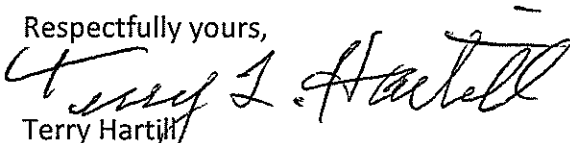
During design of the Avenue S reconstruction project, it was noted that the City of Seaside has a narrow forty-foot right of way from US101 to the bridge crossing.

On December 1, 2021, a presentation to the Improvement Commission highlighted the roadway detail in the TSP, Section 3-21 Paragraph 10, Figure 3.15 cross section of the proposed roadway shows a width of forty-eight feet. (See detail attached).

Commissioners were asked to review a design that would fit within the actual right of way width. The Commission supported the revised design.

The Transportation Advisory Commission hereby recommends to the Seaside City Council the Amendment to the Transportation System Plan to allow for the proposed cross section change in roadway detail. The proposed change will be forwarded to ODOT for review and remarks.

Respectfully yours,



Terry Hartill
Chairman

Cc: Dale McDowell
Public Works Director

Street Design Standards

Street design standards are based on the desired functional and operational characteristics, such as vehicular volume, capacity, operating speed, safety, and level of pedestrian and bicycle use. The standards are necessary to ensure that the system of streets, as it continues to develop within Seaside, can safely and efficiently serve motorists, cyclists, and pedestrians while also accommodating the orderly development of adjacent lands. Standards address street characteristics including travel lanes, sidewalks, bicycle lanes, and on-street parking for each street classification.

The street cross-section standards are summarized in Table 3.1, and Figure 3.3 illustrates the typical cross-section range for the preferred design of each of the street classifications found in Table 3.1.

Travel Lanes

Travel lanes will be between 10 and 14 feet wide depending on traffic volumes, percentage of trucks, speeds, and available right-of-way. A minimum of two travel lanes (or one 24-foot travelway) will be provided on each public street unless it is an otherwise authorized one-directional street. Streets will have a maximum of four travel lanes.

Center Lanes

Center lanes are a minimum of 14 feet wide unless documented approval from the owning agency is received, and could consist of a two-way center-turn lane, a directional left-turn pocket, or a painted or raised center median.

Parking Lanes

On-street parking lanes will be 8 feet wide and are an option on both major and minor collectors. No on-street parking is allowed on principal or minor arterials, and parking is allowed on local streets unless width is not sufficiently wide to allow safe parking.

Bicycle Lanes

Bicycle lanes will be 6 feet wide on minor arterials if no alternate multi-use path exists. On major collectors if there is no sharrow, 6-foot-wide bicycle lanes are required on both sides. Six-foot-wide bicycle lanes are optional on minor collectors, and are not required on local streets. Lanes will be separated from travel lanes with striping and contain bicycle lane markings consistent with the Manual on Uniform Traffic Control Devices (MUTCD) standards.

Sharrow

A sharrow is a lane marking on the pavement indicating that the roadway is a shared facility. Lanes with sharrows when possible will be wider than regular travel lanes to provide more room for both vehicles and bicycles. The standard is 12 feet. Sharrows are recommended on lower-volume or lower speed roadways.

Multi-Use Path

Multi-use paths will be between 10 and 14 feet wide, and are shared by bicyclists and pedestrians. They may be paved, gravel, or wood, and may be elevated or depressed from the adjacent lane depending on location constraints.

Shoulder

Roadway shoulders will be either gravel or paved adjacent to the side of the roadway. Standard widths vary between 3 and 5 feet. In the absence of parking and bike lanes, the outside lane should be widened to 15 feet to allow bicycles and pedestrians to travel safely alongside the roadway.

Sidewalk

Sidewalks will be between 5 and 8 feet wide depending on the type of roadway and in some cases, available right of way. On all roadways not classified as local streets except Wahanna Road, sidewalks are required on both sides of the highway. A 10 foot multi-use path could serve as an acceptable alternate facility to a sidewalk.

Planting Strip

Planting strips are optional on all roadway types, and may vary between 4-8 feet and be placed between the sidewalk and travelway. These provide a buffer for pedestrians on the sidewalk from the travel lanes and create a more pedestrian friendly environment.

Multi-Use Path

Multi-use paths will be between 10 and 14 feet wide, and are shared by bicyclists and pedestrians. They may be paved, gravel, or wood, and may be elevated or depressed from the adjacent lane depending on location constraints.

Shoulder

Roadway shoulders will be either gravel or paved adjacent to the side of the roadway. Standard widths vary between 3 and 5 feet. In the absence of parking and bike lanes, the outside lane should be widened to 15 feet to allow bicycles and pedestrians to travel safely alongside the roadway.

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Planting Strip

Planting strips are optional on all roadway types, and may vary between 4-8 feet and be placed between the sidewalk and travelway. These provide a buffer for pedestrians on the sidewalk from the travel lanes and create a more pedestrian friendly environment.



8' Sidewalk

13' Drive Lane

1' Striping

13' Drive Lane

5' Sidewalk

