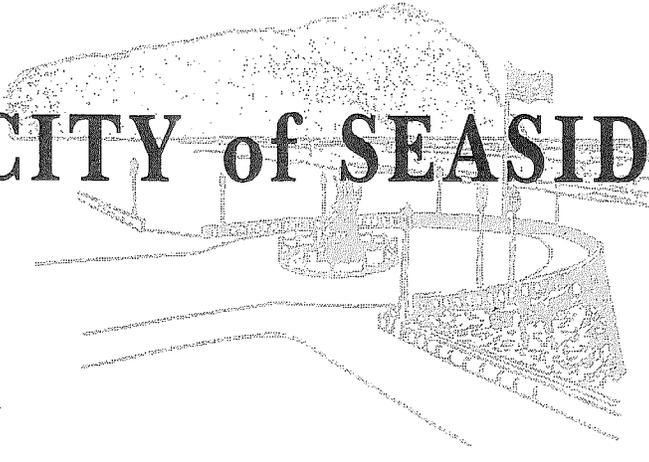


AGENDA SEASIDE CITY COUNCIL MEETING
JULY 25, 2016 7:00 PM

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. PROCLAMATION – NATIONAL NIGHT OUT, Bruce Holt
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 – \$464,550.33
 - b) APPROVAL OF MINUTES – July 11, 2016
9. UNFINISHED BUSINESS:
 - a) VACANCY - CITY TREE BOARD
10. NEW BUSINESS:
 - a) PRESENTATION - CONTRIBUTION TO LOWER COLUMBIA HISPANIC COUNCIL JORGE GUTIERREZ
 - b) PUBLIC HEARING - RESOLUTION #3878 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE, OREGON, APPROVING A BALLOT TITLE TO BE SUBMITTED TO THE VOTERS AT THE NEXT GENERAL ELECTION; REGARDING A MEASURE THAT WOULD IMPOSE A THREE PERCENT TAX ON THE SALE OF RECREATIONAL MARIJUANA PRODUCTS IN THE CITY OF SEASIDE
 - 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
 - c) APPROVAL - PROPOSED PROPERTY FOR A DOG PARK IN THE CITY OF SEASIDE, Dale McDowell
 - d) UPDATE - NORTH HOLLADAY DRIVE IMPROVEMENT PROJECT, Dale McDowell
11. COMMENTS FROM THE CITY STAFF
12. COMMENTS FROM THE COUNCIL
13. 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.



CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT

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

PROCLAMATION

Whereas, the National Association of Town Watch (NATW) is sponsoring "National Night Out" on Tuesday, August 2, 2016 entitled "National Night Out"; and

Whereas, the "33rd annual National Night Out" provides a unique opportunity for the City of Seaside to join forces with thousands of other communities across the country in promoting cooperative police efforts; and

Whereas, the City of Seaside plays a vital role in assisting the Seaside Police Department through joint crime, drug and violence prevention effort in the City of Seaside and is supporting "National Night Out 2016" locally; and

Whereas, it is essential that all citizens of Seaside be aware of the importance of crime prevention programs and impact that their participation can have on reducing crime, drugs and violence in Seaside; and

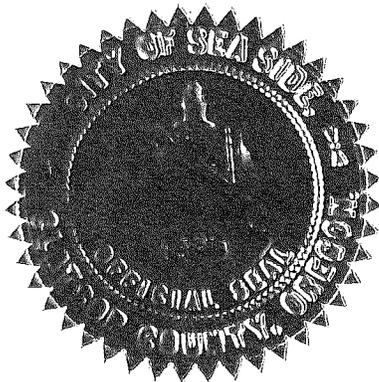
Whereas, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the "National Night Out" program;

NOW, THEREFORE, I, Don Larson, Mayor of the City of Seaside, in the State of Oregon, do hereby proclaim Tuesday, August 2, 2016 as

National Night Out

in Seaside, and urge all citizens to join in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Seaside to be affixed this 25th day of July, 2016.



DON LARSON, MAYOR

SEASIDE CITY TREE BOARD

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.

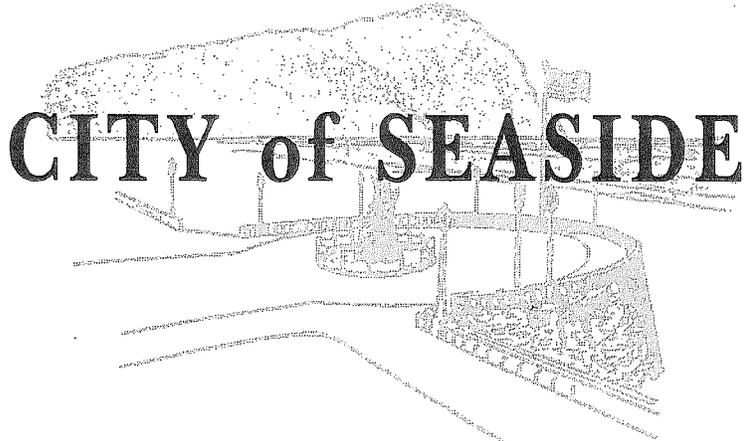
Tree Board members serve without salary or compensation of any nature.

COMMITTEE/COMMISSION APPOINTMENT

1. **Date Council Notified:** July 11, 2016
Name: Taylor Barnes
Commission/Committee: City Tree Board Committee
Resignation Date: Barnes - June 22, 2016
Term Expiration Date: Barnes - June 30, 2018
Wants to be considered again: Barnes - No Resigned
2. **Applicants:**
3. **Nominations:**
4. **Appointment:**

I formally resign from the
Seaside city tree board. Because of
a college commitment.

W Barnes 06/22/2016



CITY of SEASIDE

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>
NEAL WALLACE	881 S. EDGEWOOD	717-2927	6/30/2017
PAM FLEMING	1255 AVENUE 'B'	738-5637	6/30/2017
MELYSSA GRAEPER	10075 7 TH ST. BAY CITY, OR 97107	503-939-9210	6/30/2018
VACANCY			6/30/2018
CRAIG SORTER	840 5 TH AVENUE	440-7201	6/30/2019
DALE MCDOWELL	1387 AVENUE 'U'	738-5112	STAFF REPRESENTATIVE

RESOLUTION #3878

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE, OREGON, APPROVING A BALLOT TITLE TO BE SUBMITTED TO THE VOTERS AT THE NEXT GENERAL ELECTION; REGARDING A MEASURE THAT WOULD IMPOSE A THREE PERCENT TAX ON THE SALE OF RECREATIONAL MARIJUANA PRODUCTS IN THE CITY OF SEASIDE

WHEREAS, the Council of the City of Seaside desires to impose a three percent tax on the sale of marijuana products in the City of Seaside.

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. That the following Ballot Title shall be submitted to the voters of the City of Seaside at the November 8, 2016, general election.

LOCAL OPTION TAX LEVY FOR IMPOSING A THREE PERCENT TAX ON THE SALES OF MARIJUANA PRODUCTS

Question: Shall the City of Seaside impose a three percent tax on the sale of marijuana products by a marijuana retailer.

Explanation: Approval of this measure would impose a three percent tax on the sale of marijuana by a recreational marijuana retailer within the City of Seaside. Revenues generated by this tax are restricted to public safety operations. Oregon voters adopted Measure 91 in November, 2014, which was amended by the Oregon Legislature in 2015. Pursuant to this law the Oregon Liquor Control Commission must license the retail sale of recreational marijuana. The law provides that a city council may adopt a resolution imposing up to a three percent tax on the sale of marijuana products, which include marijuana concentrates, extracts, edibles, and other marijuana products intended for human consumption and use. Council must refer the resolution to the voters at a general election. The Seaside City Council has enacted a resolution imposing a three percent tax on the sale of marijuana by a recreational marijuana retailer in the city and is referring the measure to the voters.

SECTION 2. Those polling places, form of election, judges, and times, shall be the same as established by the County for Special Election.

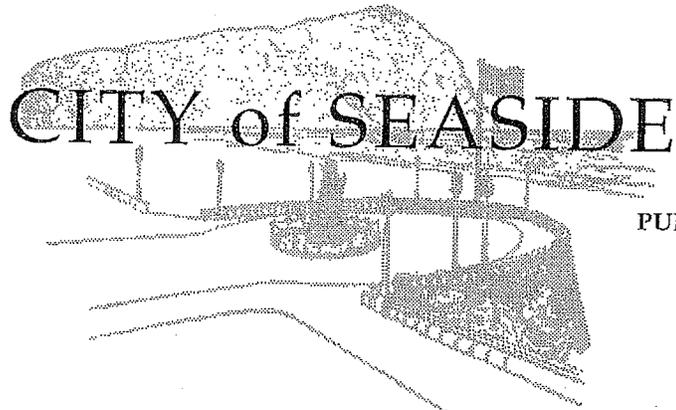
PASSED by the City Council of the City of Seaside this ____ day of _____, 2016.

SUBMITTED to the Mayor and APPROVED by the Mayor on this ____ day of _____, 2016.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager



CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT

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

July 18, 2016

To: Honorable Mayor Don Larson and City Council Members

RE: Proposed Dog Park at Broadway Parking Lot

Dear Mayor and City Council,

The City of Seaside Parks and Recreation Committee have requested the approval of our first Dog Park to be located at the north end of the Broadway Middle School Parking Lot. The City has received an approval from the Seaside Parks and Recreation Committee, Seaside School District, the City of Seaside Planning Commission, and is now presenting to you for your approval of the proposed Dog Park.

The goal of this Dog Park is to have an ADA Accessible Dog Park, with two sections, one for Larger Dogs and one for Smaller Dogs. The following additional amenities will be installed.

Woof Waste Dispenser

Trash Receptacle

Benches

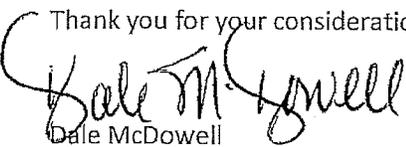
Dog Park Rules and hours of operation

Double Gates to assure security

The City of Seaside Public Works Department will be maintaining the area, along with Volunteers that have stepped forward to help.

With the prime location of this Dog Park, we believe tourists travelling through our City will appreciate the location adjacent to ample parking, Public Restrooms, and the Visitors Bureau, and within walking distance to the downtown area.

Thank you for your consideration.



Dale McDowell
Public Works Director

**SEASIDE PLANNING COMMISSION
NOTICE OF DECISION**

Date: July 12, 2016

To: Applicant & Interested Parties

From: Kevin Cupples, Planning Director

RE: **16-034CU:** A conditional use request by **the City of Seaside** that will allow the development of a dog park at the northwest corner of the Broadway Middle School's parking lot. The park would provide a centrally located, fenced off area where the public can exercise their dogs on & off leash. The property is referenced as 1120 Broadway (T6, R10, 22BB TL: 4700 & 5201). Development of the dog park is being supported by the Seaside Parks Advisory Committee, and as proposed, it would make use of an underutilized area that frequently becomes overgrown with brush and weeds. The property is currently zoned General Commercial (C-3).

PLANNING COMMISSION DECISION:

On **July 5, 2016**; the Seaside Planning Commission conditionally approved the above referenced requests in accordance with the provision in the City of Seaside Zoning Ordinance.

The Commission's decision was based on the oral and written testimony provided during the hearing, the information submitted by the applicant, and the staff report. Approval **to develop a dog park at the north end of the Broadway Middle School Parking Lot** is subject to all of the development standards in the Seaside Zoning Ordinance..

This decision was based on the findings, justification statements, and conclusions adopted by the Commission.

Although they are not conditions of approval, the following is a list of reminders to the applicant.

- The conditional use will become void one (1) year from the date of decision unless the permit is utilized or an extension of time is approved in the manner prescribed under the Seaside Zoning Ordinance.
- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance and any other applicable City of Seaside Ordinances.

APPEAL PROVISIONS:

The Planning Commission's decisions may be appealed in accordance with Section 10.068 of the Seaside Zoning Ordinance which states:

Any action or ruling of the Planning Commission pursuant to this Ordinance may be appealed to the City Council within fifteen (15) days after Notice of Decision is provided pursuant to Section 10.066. Written notice of the appeal shall be filed with the City Auditor. If the appeal is not filed (or postmarked) within the fifteen

(15) day period, the decision of the Planning Commission shall be final. If the appeal is filed, the City Council shall receive a report and recommendation on it from the Planning Commission and shall hold a public hearing on the appeal.

The appeal must be filed at the Planning Department (located at 1387 Ave. U) or mailed to 989 Broadway, Seaside, OR 97138. The appeal must include the applicable fee of \$625.00.

If you have any questions regarding this decision or the appeal process, please contact the Planning Department at (503)738-7100. The Notice of Decision date and appeal deadline are listed below. Appeals must be submitted or postmarked by this deadline.

Date of Decision: Tuesday July 12, 2016

Last Day to Appeal: Wednesday July 27, 2016

PLANNING COMMISSION'S FINAL DECISION WAS SUPPORTED BY THE APPLICANT'S SUBMITTED JUSTIFICATION AND THE ADOPTED INFORMATION IN THE STAFF REPORT THE REPORT PROVIDES FINDINGS, JUSTIFICATIONS, CONCLUSIONS & CONDITIONS TO SUPPORT THEIR FINAL DECISION SUBJECT TO THEIR EDITS IF ADDITIONAL FINDINGS OR CONDITIONS WERE ADOPTED BY THE COMMISSION, THEY ARE NOTED AT THE END OF THE REPORT IMMEDIATELY FOLLOWING THE STAFF RECOMMENDATION

CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Planning Director, Kevin Cupples
Date: July 5, 2016
Applicant: City of Seaside, Dale McDowell, 989 Broadway, Seaside, OR 97138
Owner: Seaside School District, 1801 S Franklin St., Seaside, OR 97138
Location: 1120 Broadway, Seaside, OR 97138 ((T6, R10, 22BB TL: 4700 & 5201).
Subject: Conditional Use Request 16-034CU, development of Dog Park at the northwest corner of the Broadway Middle School parking lot.

REQUEST:

The applicant is requesting a conditional use that will allow the development of a small dog park at the northwest corner of the Broadway Middle School parking lot. The park would provide a centrally located, fenced off area where the public can exercise their dogs on & off leash.

Development of the dog park is being supported by the Seaside Parks Advisory Committee, and as proposed, it would make use of an underutilized area that frequently becomes overgrown with brush and weeds. The property is currently zoned General Commercial (C-3).

Although public facilities are permitted in the zone, similar uses and outdoor amusement activities are both conditionally permitted; therefore, the Commission is being asked to provide input through the conditional use permit process.

DECISION CRITERIA, FINDINGS, AND CONCLUSIONS:

The following is a list of the decision criteria applicable to the request. Each of the criteria is followed by findings or justification statements which may be adopted by the Planning Commission to support their conclusions. These may also include conditions which are necessary to ensure compatibility with the surrounding area or compliance with the Seaside Zoning Ordinance. Although each of the findings or justification statements specifically apply to one of the decision criteria, any of the statements may

be used to support the Commission's final decision.

DECISION CRITERIA # 1: Pursuant to Section 6.031 of the Seaside Zoning Ordinance, all conditional use requests must comply with the specific standards in the zone and other applicable supplementary provisions in Article 4. In permitting a new conditional use or alteration of an existing conditional use; the Planning Commission may impose additional conditions considered necessary to protect the best interests of the surrounding area of the city as a whole. These conditions may include the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking spaces.
6. Limiting the number, size, location and lighting of signs.
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.

FINDINGS & JUSTIFICATION STATEMENTS:

1. The applicant's submitted justification, aerial photo plan are adopted by reference. The applicant's justification is summarized as follows:
 - The City Public Works Director, on behalf of the Parks Advisory Committee would like to establish a fenced dog park at the northwest corner of the Broadway Middle School parking lot. The park would provide a fenced off area where the public can exercise their dogs on & off leash. The area is currently underutilized and it is centrally location in close proximity to the public restrooms, the Visitor's Bureau, & Chamber of Commerce. The ordinance does not specifically list the use; however, it does provide for outdoor amusement activities and staff believes it would generally fall under this use heading without the need to review it as a similar use in the zone. Either use would be conditionally permitted. Public facilities are listed as an outright permitted but given the examples, staff believed it was best to simply have the Commission provide input via the conditional use process.
 - The zone does not have setbacks applicable to the use and there is ample parking provided in conjunction with the school parking lot other than those times the school is conducting special events. We are assuming this will be used more often during the summer when school is out and tourists may simply walk their dogs over to the dog park while they are parked at the visitor's bureau. The fenced area will be set back from the front property line far enough that it will not create any visual clearance issues for cars entering or leaving the parking lot. The use will abut the landscaped area on the adjacent residential property to north that was previously approved for a commercial office space based on the location adjacent to the highway. The use is located within the highway overlay zone; however, a formal HOZ review is not required because

staff does not anticipate that it will produce a significant number of additional trips.

- Article 6 does not include specific standards for outdoor amusement activities.
 - The City will be cleaning up an area that commonly becomes overgrown with brush and weeds. The school has asked that the pathway currently used by students to cut the corner from the sidewalk to the school be relocated since the current path would be blocked by fencing. A pet bag dispenser will be provided near the entrance. The fence will be approximately 4' high cyclone fencing with a double gate system so only attended dogs can get out. Two gate systems will be provided so that PP&L can safely access their equipment. Final signage and/or rules have not been finalized at this time but some will be provided.
2. The Public Works Director has indicated a garbage can will be provided for use at the site.

CONCLUSION TO CRITERIA #1:

The proposed dog park will provide a centrally located facility that can be used by residents and visitors to Seaside that stop at the Chamber of Commerce & Visitor's Bureau.

FINAL STAFF RECOMMENDATION

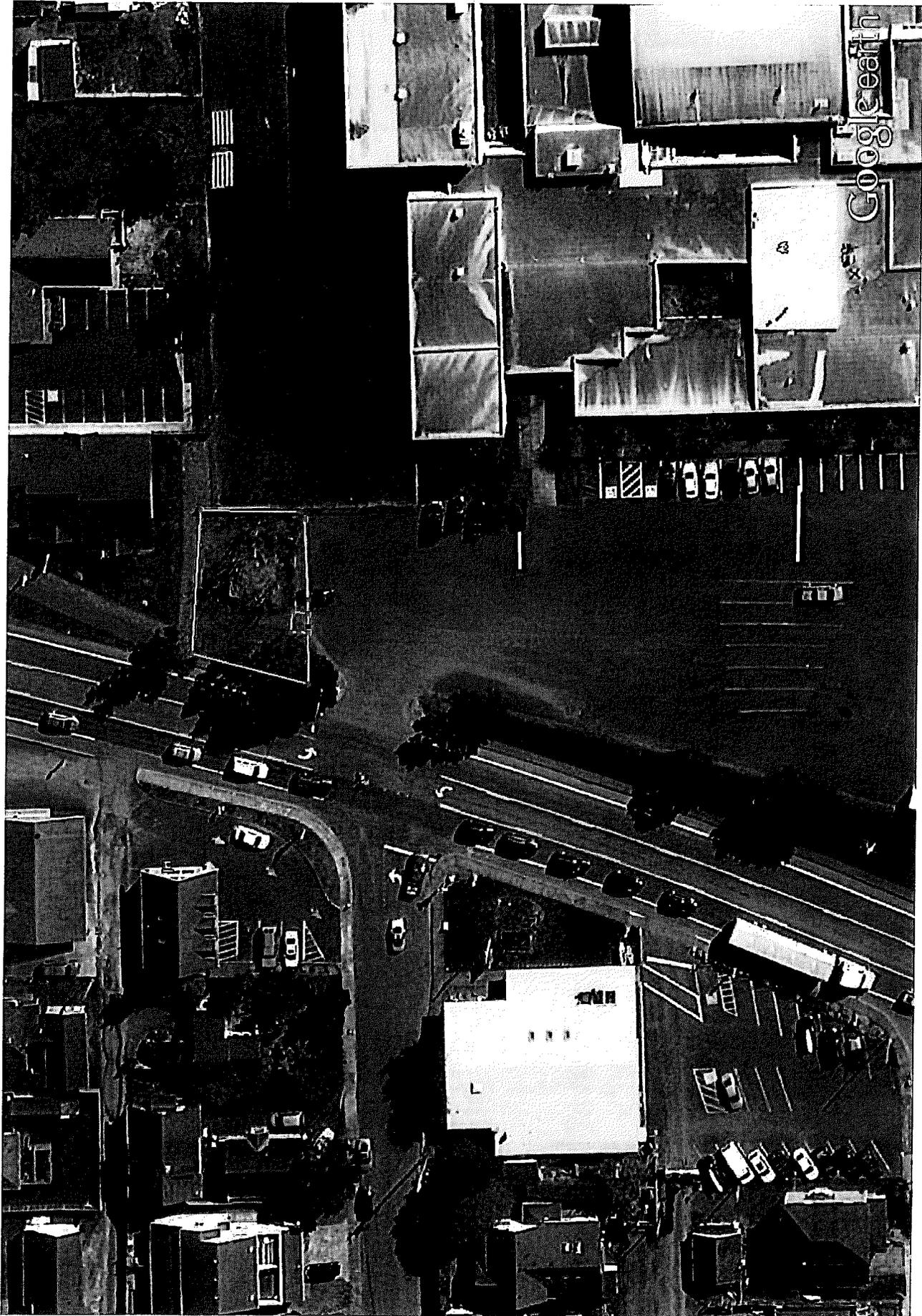
Approve the dog park at the Northwest corner of the Broadway Middle School parking lot located at 1120 Broadway. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report.

Although they are not conditions of approval, the following is a list of reminders to the applicant.

- The conditional use will become void one (1) year from the date of decision unless the permit is utilized or an extension of time is approved in the manner prescribed under the Seaside Zoning Ordinance.
- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance and any other applicable City of Seaside Ordinances.

The information in this report and the recommendation of staff is not binding on the Planning Commission and may be altered or amended during the public hearing.

Attachments: Applicant's Submittal



Google earth

feet
meters

300

100



Google earth