



CITY OF CANNON BEACH

AGENDA

Meeting: City Council
Date: Tuesday, April 2, 2024
Time: 6:00 p.m.
Location: Council Chambers, City Hall

CALL TO ORDER AND APPROVAL OF AGENDA

CONSENT AGENDA

Minutes will be considered at the April 9th meeting.

PUBLIC COMMENT

*The Presiding Officer will call for statements from citizens regarding issues relating to the City.
The Presiding Officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.*

PRESENTATION

(1) Sunset Empire Transportation District Executive Director Introduction

PUBLIC HEARING

(2) Public Hearing for Hartnett Right-of-Way Waiver for 3823 Pacific *Council will hold a hearing to consider the ROW waiver request*

ORDINANCE

(3) Ordinance 24-02 an Ordinance Amending the Municipal Code Chapters 1.24.010, 4.01.200, 5.12.050, 5.14.090 and 12.28040 *If Council wishes to adopt Ordinance 2-02 the appropriate motion is in order*

RESOLUTION

(4) Resolution 24-05 for the Purpose of Updating System Development Charges to Reflect Inflation-Related Increases *If Council wishes to adopt Resolution 24-05 the appropriate motion is in order*

PROCLAMATION

(5) Proclamation 24-02 for the Purpose of proclaiming April 26, 2024, as Arbor Day in the City of Cannon Beach *If Council wishes to adopt Proclamation 24-02 an appropriate motion is in order*

- (6) **Proclamation 24-03 for the Purpose of proclaiming April 22, 2024, as Earth Day in the City of Cannon Beach**
If Council wishes to adopt Proclamation 24-03 an appropriate motion is in order
- (7) **Proclamation 24-04 for the Purpose of Honoring Terry and Judine Brooks**
If Council wishes to adopt Proclamation 24-04 an appropriate motion is in order
- (8) **Proclamation 24-05 for the Purpose of Designating the Month of April 2024, as Sexual Assault Awareness Month**
If Council wishes to adopt Proclamation 24-05 an appropriate motion is in order
- (9) **Proclamation 24-06 for the Purpose of Designating the Month of April 2024, as Child Abuse Prevention Mont**
If Council wishes to adopt Proclamation 24-06 an appropriate motion is in order

ACTION ITEMS

- (10) **Appointment of City Committee/Board/Commission**
If Council wishes to appoint an appropriate motion is in order
- (11) **Midtown Restroom Addition & Remodel Project Award**
If Council wishes to approve the award an appropriate motion is in order
- (12) **Tree Focus Group Update with Design Review Board and Parks Committee**
- (13) **Facility Capital Projects Bond Issue**

INFORMATIONAL/OTHER DISCUSSION ITEMS

- (14) **Monthly Status Report**
- (15) **Mayor Communications**
- (16) **Councilor Communications**
- (17) **Good of the Order**

ADJOURNMENT

To join from your computer, tablet or smartphone

Join Zoom Meeting

<https://zoom.us/j/99261084699?pwd=TkpjbGcxS0pCOGIMOCtSbSsxVWFmZz09>

Meeting ID: 992 6108 4699

Password: 365593

To join from your phone:

Phone: 1.669.900.6833

Meeting ID: 992 6108 4699

Password: 365593

View Our Live Stream: View our [Live Stream](#) on YouTube!

Public Comment: If you wish to provide public comment via Zoom for this meeting please use the raise your hand Zoom feature. Except for a public hearing agenda item, all Public to be Heard comments will be taken at the beginning of the meeting for both Agenda and Non-Agenda items. If you are requesting to speak during a public hearing agenda item, please indicate the specific agenda item number as your comments will be considered during the public hearing portion of the meeting when the public hearing item is considered by the Council. All written comments received by 3:00 pm the day before the meeting will be distributed to the City Council and the appropriate staff prior to the start of the meeting. These written comments will be included in the record copy of the meeting. Written comments received at the deadline will be forwarded to Council and included in the record, but may not be read prior to the meeting.

Please note that agenda items may not be considered in the exact order listed. For questions about the agenda, please contact the City of Cannon Beach at (503) 436.8052. The meeting is accessible to the disabled. If you need special accommodations to attend or participate in the meeting per the Americans with Disabilities Act (ADA), please contact the City Manager at (503) 436.8050. TTY (503) 436-8097. This information can be made in alternative format as needed for persons with disabilities.

Posted: 2024.03.27



CANNON BEACH CITY COUNCIL

STAFF REPORT

SUNSET EMPIRE TRANSPORTATION DISTRICT EXECUTIVE DIRECTOR INTRODUCTION

Agenda Date: April 2, 2024

Prepared by: Bruce St. Denis, City Manager

ANALYSIS/INFORMATION

Sunset Empire Transportation District Executive Director Craig Johnston will present a PowerPoint presentation and answer questions.

List of Attachments

A SETD Presentation



SUNSET EMPIRE TRANSPORTATION DISTRICT



RELIABILITY

ACCESIBILITY

EFFICIENCY

SAFETY

COMMUNITY NETWORKING



EXECUTIVE DIRECTOR INTRODUCTION

- Craig Johnston, Sunset Empire Transportation District Executive Director
- Over 25 years of transit experience in Oregon and Washington State. Oregon Transit Association Board Member.
- Started my career as a part-time relief operator and was most recently the Operations Manager at Basin Transit Service in Klamath Falls, Oregon.
- Began at Sunset Empire October 29, 2023.



RELIABILITY

ACCESIBILITY

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BOARD OF COMMISSIONERS

SETD is guided by a 7 Member elected Board of Commissioners:

- Debbie Boothe-Schmidt – Chair
- Tracy MacDonald – Vice Chair
- Pamela Alegria – Secretary/Treasurer
- Rebecca Read
- Charles Withers
- Guillermo Romero
- Paul Lewicki



RELIABILITY

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SUNSET EMPIRE FACTS

- On March 24, 1993, the Clatsop County Board of Commissioners voted to create the district with the help of a state transit grant.
- Sunset Empire Transit is a Special District similar to Fire and Irrigation Districts within the state of Oregon.
- The District relies on Property taxes, Timber taxes, State taxes, Federal Funding, and bus fares to provide services to the citizens of Clatsop County.



RELIABILITY

ACCESSIBILITY

EFFICIENCY

SAFETY

COMMUNITY NETWORKING



WHO WE ARE AND WHAT WE DO



Sunset Empire Transportation District operates all facets of public transportation with our own employees in Clatsop County. The leadership team of the District consists of an Executive Director, a Chief Operating Officer, a Finance Manager, a Mobility Manager, an Executive Assistant, and a Human Resources Manager.



Today: The District operates 4 Fixed route buses and 3 to 5 Para-transit buses for door-to-door service for seniors and persons with disabilities. The District serves a population of over 41,000. We averaged 500 daily riders before our services ceased. Since restarting services, we average about 250 daily riders.

RELIABILITY

ACCESIBILITY

EFFICIENCY

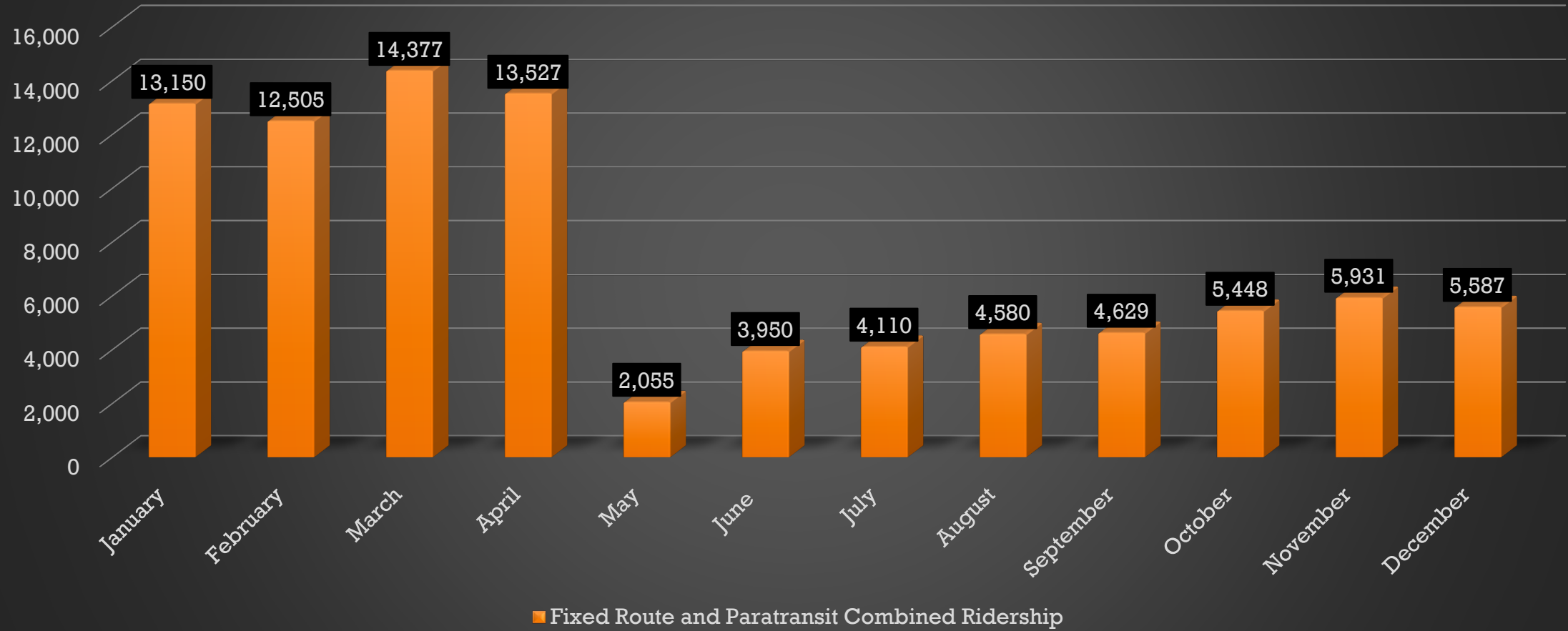
SAFETY

COMMUNITY NETWORKING



SUNSET EMPIRE RIDERSHIP

TOTAL RIDERSHIP BY MONTH 2023



RELIABILITY

ACCESSIBILITY

EFFICIENCY

SAFETY

COMMUNITY NETWORKING



THE FINANCIAL CRISIS-WHAT HAPPENED?

- In April of 2023 Sunset Empire ran out of money and shut down all services, but WHY did that happen?
- SETD was delayed in receiving Federal funding. During the delayed disbursement of Federal funds, SETD utilized state and local funds to meet payroll and continue serving the citizens of Clatsop County.
- The Board of Directors and ODOT were presented inaccurate financial information that reported the district still had over 800K in funds available. The Board of Directors was not made aware of SETD's precarious financial position until mid-April 2023.





THE FINANCIAL CRISIS-WHAT HAPPENED?

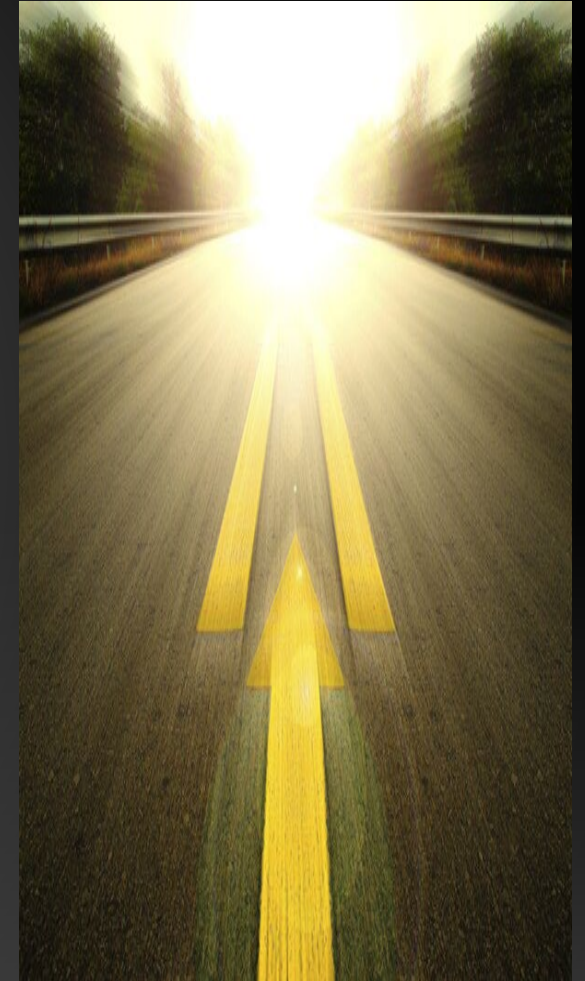
- Eventually the state and local funds that SETD was using to provide services to the citizens of Clatsop county ran out, and SETD ceased operations on 4/29/2023.
- With the help of Governor Tina Kotek, State Senator Suzanne Weber and State Representative Cyrus Javadi, SETD was given a \$1,000,000 loan from the Oregon Transportation Infrastructure Bank to restart services the following week. This loan will be paid back on a quarterly basis through the year 2027.





THE WAY FORWARD

- Better Community networking with other community service providers and leaders! Cooperative and constructive expansion in the future to meet the needs and interests of OUR community.
- Transparency of SETD's finances through improved reporting and fiscal oversight. Accurate, current, and complete disclosure of the district's financial standing.
- Board approved policies that diversify the roles in our small organization. Budget oversight, travel restrictions, and whistleblower protections are now in place.



RELIABILITY

ACCESIBILITY

EFFICIENCY

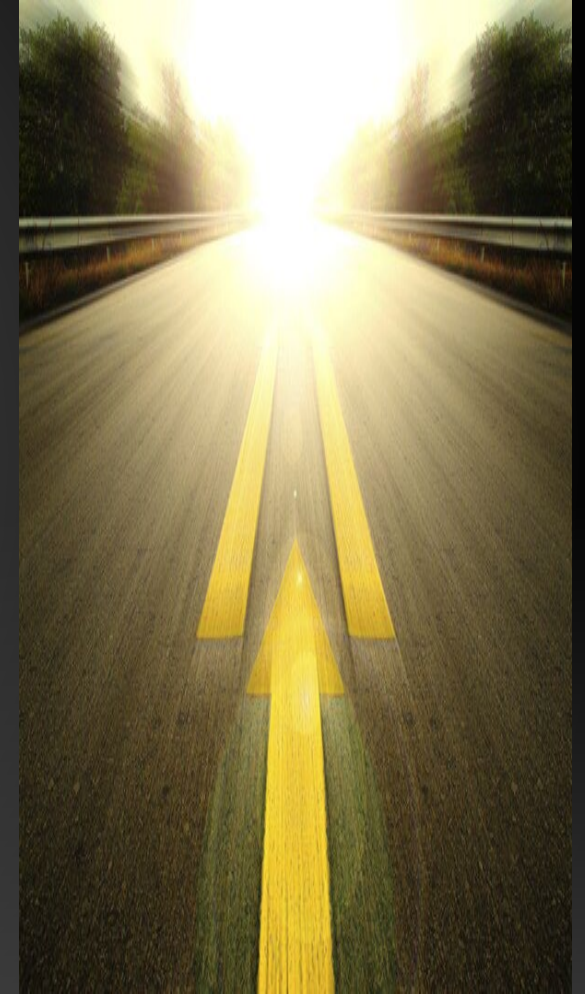
SAFETY

COMMUNITY NETWORKING



THE WAY FORWARD

- Divest of the Executive Director being the sole authority in all financial reporting and budget preparation.
- Required staff and Board of Commissioners training on District Financial Management. The Executive Director, Finance Director, and 6 board members have attended ODOT's Transit District Financial Management training.
- Having a reserve fund set aside to prevent any future disruptions of service.
- And Finally, a fiscally responsible restoration of services.



RELIABILITY

ACCESIBILITY

EFFICIENCY

SAFETY

COMMUNITY NETWORKING



THANK YOU

Contacts:

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Executive Director
cjohnston@ridethebus.org
(503)861-5399

Debbie Boothe-Schmidt
Chair, Board of Commissioners
debbie@ridethebus.org
(503)338-3645

Jennifer Geisler
Chief Operations Officer
jennifer@ridethebus.org
(503)861-5364



RELIABILITY

ACCESSIBILITY

EFFICIENCY

SAFETY

COMMUNITY NETWORKING



CANNON BEACH CITY COUNCIL

STAFF REPORT

PUBLIC HEARING – HARTNETT ROW WAIVER - 3823 PACIFIC

Agenda Date: April 2, 2024

Prepared by: Karen La Bonte, Public Works Director

BACKGROUND

The Hartnett's, who own 3823 Pacific, are requesting a ROW waiver under Cannon Beach Ordinance **12.38.060** (*see attachment D*) to allow approximately 24" inches of existing grass-crete pavers to remain in place in the City's Right-of-Way as part of their newly completed landscape and driveway design.

Last fall, Hartnett's hired Green Hills Construction to landscape their yard after a remodel of their home. The landscape design included a new driveway designed with grass-crete pavers. The pavers extended significantly into the City's Right-of-Way (*see attachment A*).

Per Cannon Beach Ordinance **12.38.040** (*see attachment D*), the contractor and homeowner were contacted by the city regarding the encroachment.

ANALYSIS/INFORMATION

The contractor explained the purpose of the landscape design, and the items he was tasked with working into the design. Two key factors were a raised wall (*see attachment A*) and an old growth tree they carefully incorporated into the new landscape design.

After talking with city staff, the landscaper was given a copy of Cannon Beach **Ordinance Chapter 12.38 ENCROAHMENTS INTO PUBLIC STREET ROW** (*see attachment D*) and asked to make the appropriate modifications to follow the ordinance.

The contractor reached out to Public Works asking for consideration of a waiver following modifications he would make to remove most of the grass-crete pavers from the city ROW. He was asking the city to allow for approximately 24" inches of the grass-crete pavers to remain in place as part of the challenge to address the raised wall, and their desire to incorporate the old growth tree into the design.

In preparation for this staff report, Public Works has provided a utility map (*see attachment C*) showing Council the area that would have to be excavated should we have a water or sewer line failure requiring repairs. All the city utilities are on the opposite side of the street from where the waiver area is being considered. Should excavation need to occur, it would be unlikely the area where the 24" inches of grass-crete pavers exist, as well as the old growth tree, would need to be disturbed to make the necessary line repairs.

RECOMMENDATION

Historically ROW waivers are granted on a very rare occasion and are usually driven based on a unique situation as well as the potential impact to the city's critical infrastructure underground. In this specific case, the city does not have underground utilities that would be obstructed by this waiver request. In addition, the old growth tree that has been in place for years was obviously considered when infrastructure was added at the time the home was built. These two factors make this request a reasonable one, in that it would be very unlikely that the waiver area would ever have to be excavated to repair a line break.

After your review and consideration of the waiver request, provide staff with directions for moving forward.

List of Attachments

- A ROW Waiver App with photos
- B Photo of 24 Inch Allowance Request
- C Utility Map and Residence
- D Ordinance Chapter 12.38

CITY OF CANNON BEACH
APPLICATION FOR WAIVER FROM REQUIREMENT
TO REMOVE AN ENCROACHMENT OF PRIVATE IMPROVEMENT INTO
PUBLIC STREET RIGHTS-OF-WAY

Please fill out this form completely. Please type or print.

Applicant Name: TRAVIS HARTNETT / LESLI VON EBERSTEIN
 Mailing Address: P.O. Box 1475
CANNON BEACH, OR 97110
 Telephone: 206-295-7819 DESK (CONTRACTOR) 503-440-2105
 Property-Owner Name: Travis Hartnett and Lesli von Eberstein
 (if other than applicant)
 Mailing Address: PO Box 1475
Cannon Beach, 97110
 Telephone: 206-850-6016
 Property Location: 3823 Pacific Avenue, Cannon Beach, 97110
 (street address)
 Map No.: _____ Tax Lot No.: _____

Encroachment Description: please attach a sketch or copy of survey. Use additional sheets as necessary.

See PHOTO AND DRAWING

Explain how this encroachment represents (1) an exceptional circumstance that does not generally apply to other properties; or (2) that requiring the removal of the encroachment would create a practical difficulty or an unnecessary hardship that is not proportional to the proposed action of the requested building permit.

*ASKING FOR APPROX 24" INTO EASEMENT
SO AS NOT TO REMOVE EXISTING CONCRETE
WALL.*

Waiver Application Fee: \$400.00



Applicant Signature: [Signature] Date: 1/23/2024

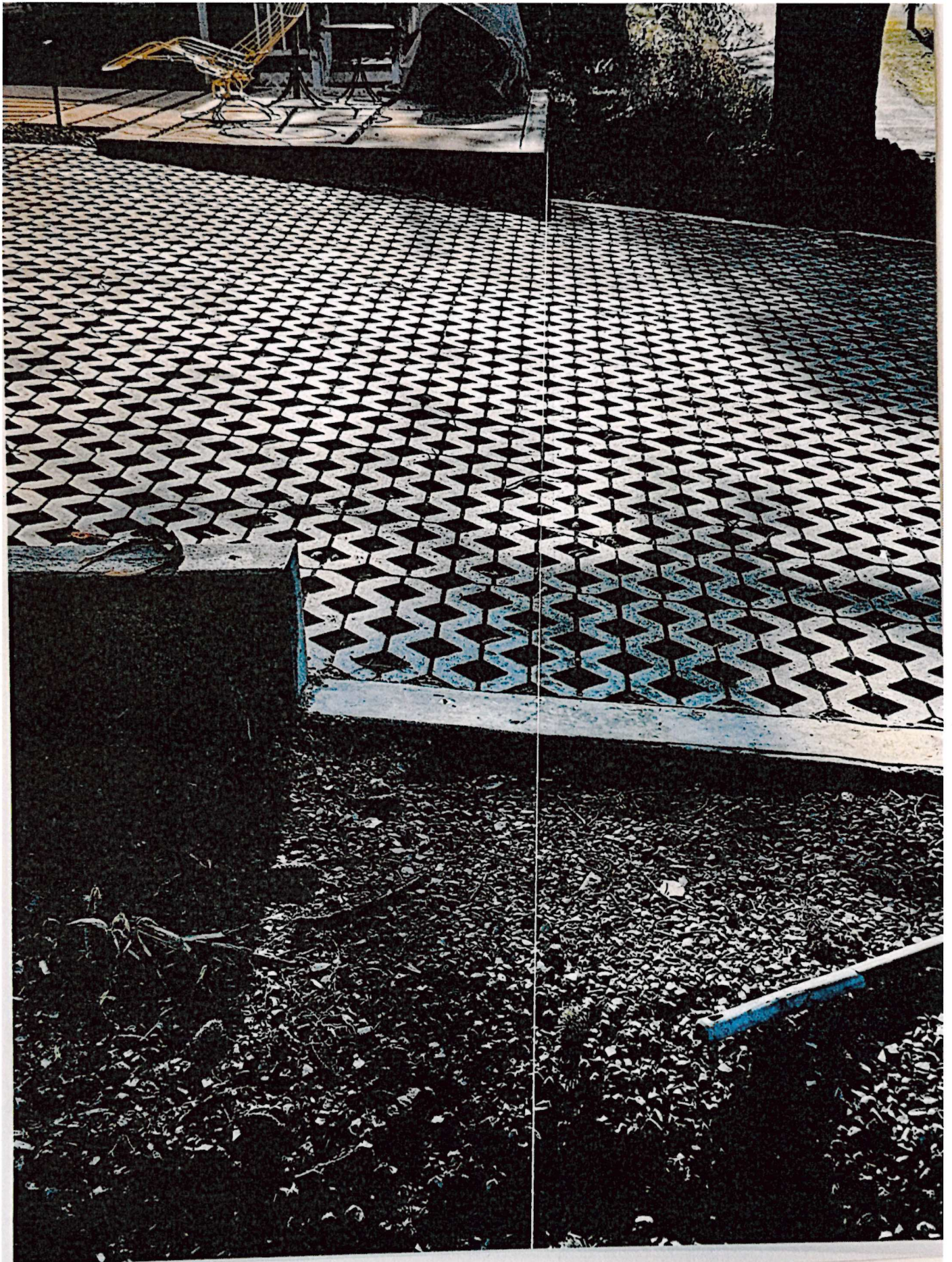
Property Owner Signature: [Signature] Date: 01/23/24 1.23.24

If the applicant is other than the owner, the owner hereby grants permission for the applicant to act on his/her behalf. Please attach the name, address, phone number, and signature of any additional property owners. As Property Owner, my signature or an authorized applicant's signature, allows any duly authorized employee of the City to enter upon all properties affected by this permit for the purpose of follow-up inspection, observation, or measurement.

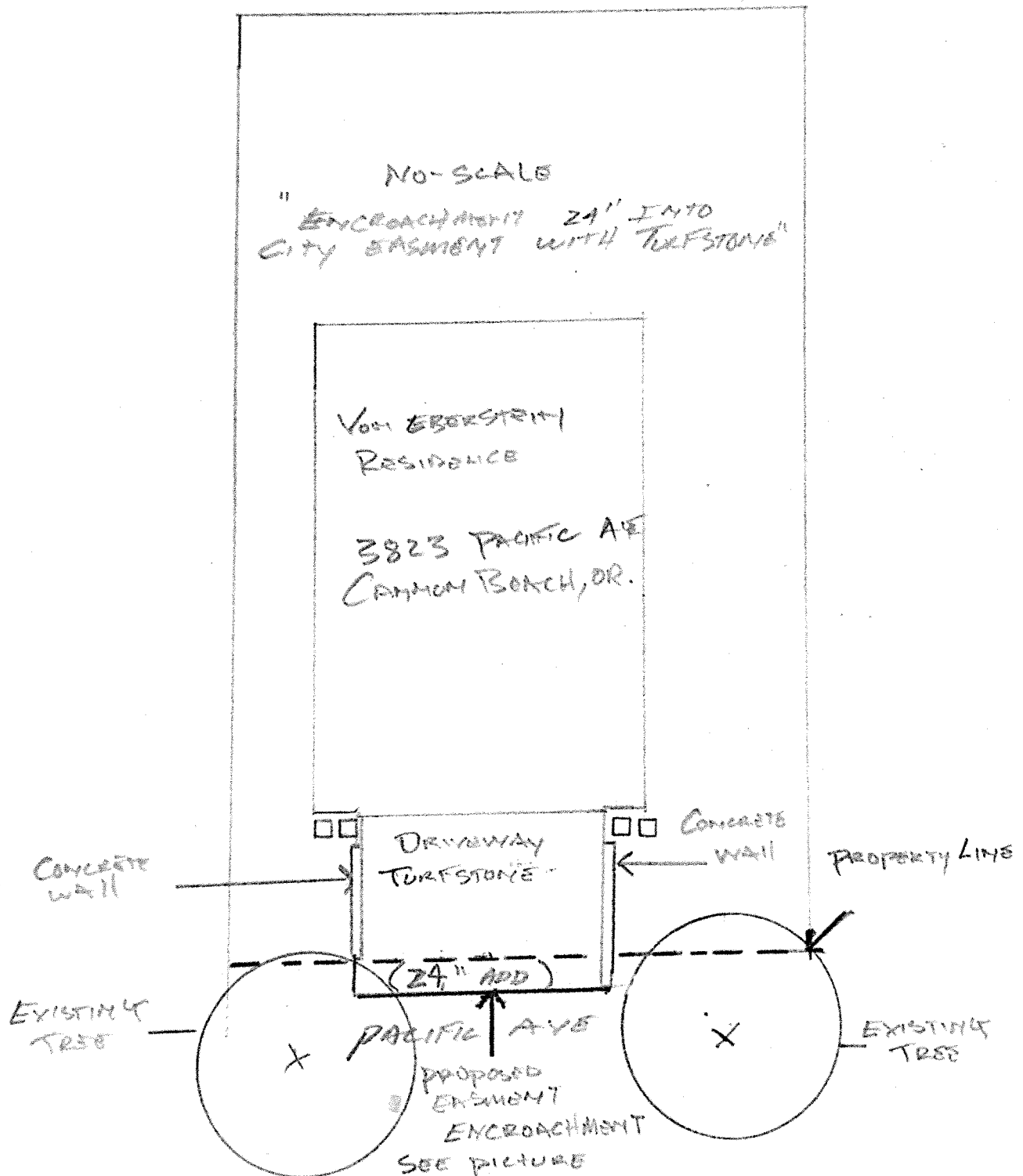
For Staff Use Only:

Received on: _____ By: _____

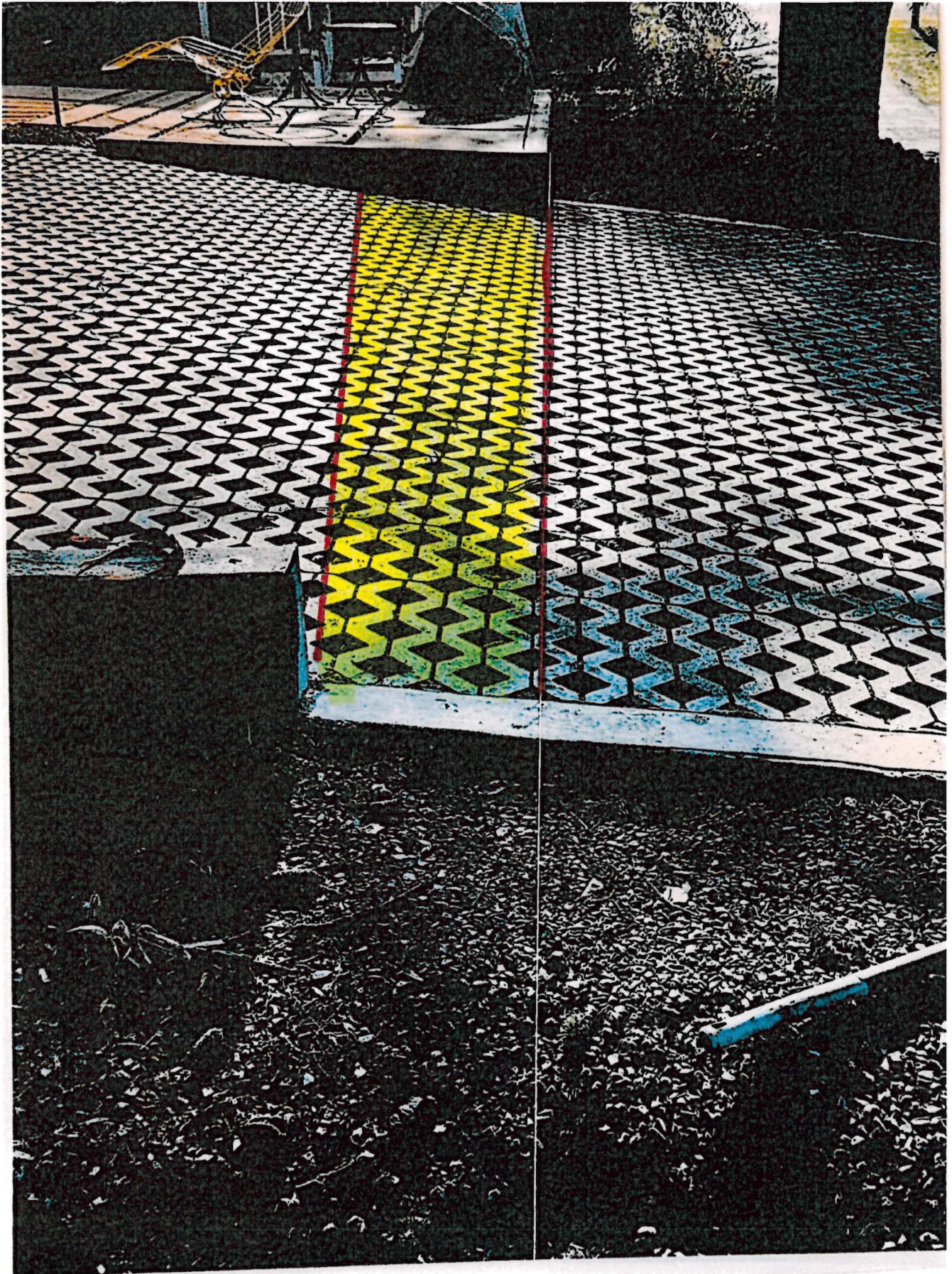
Fee Paid: _____ Receipt No.: _____

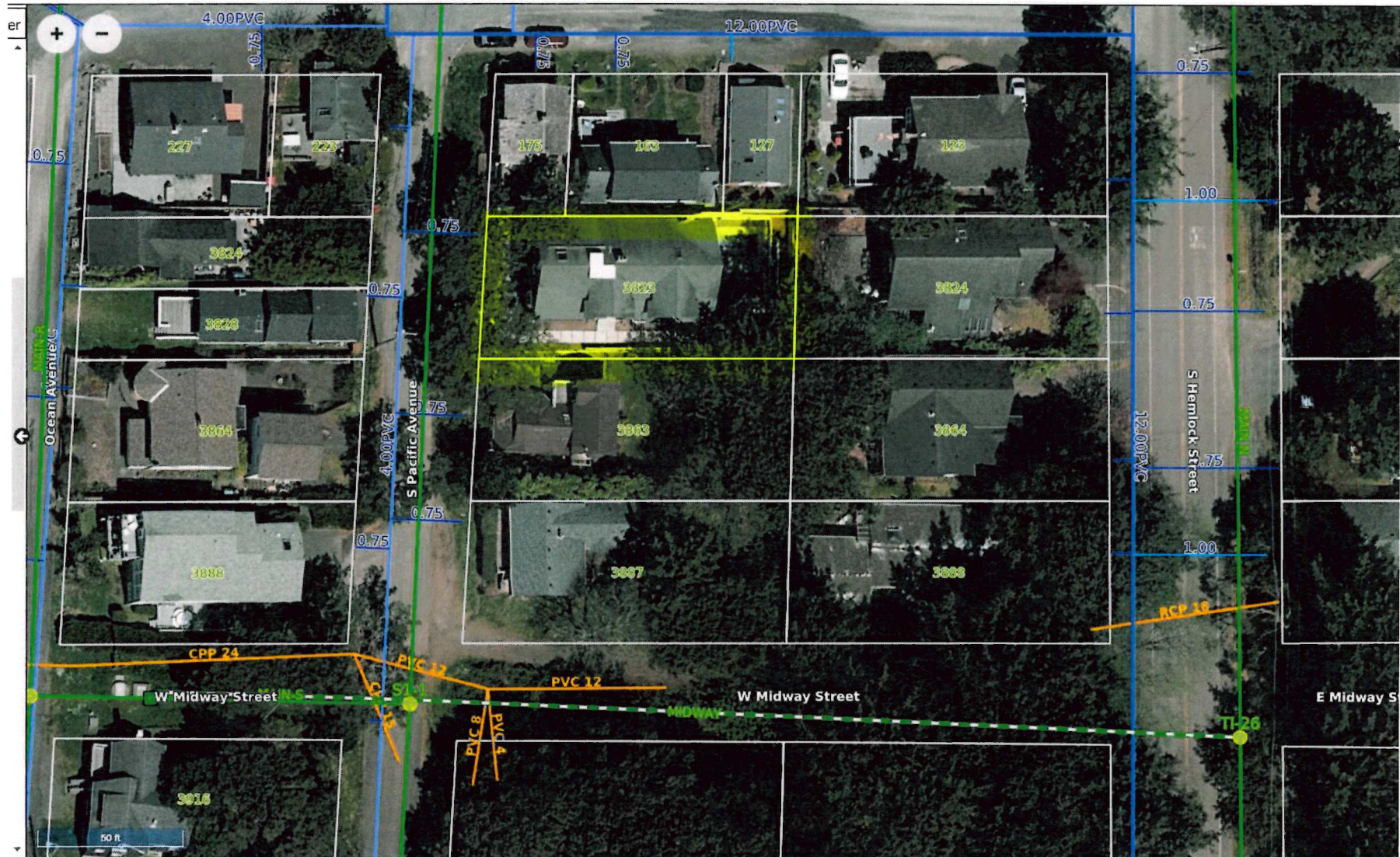


DEREK M GILLILAND
GREEN HILLS CONSTRUCTION
339 W NIAGARA AVE
ASTORIA, OR 97103-5735



ATTACHMENT B





CHAPTER 12.38
ENCROACHMENTS INTO PUBLIC STREET RIGHTS-OF-WAY

§ 12.38.010. Purpose.

The purpose of this chapter is to establish a procedure for addressing encroachments of private improvements into public street rights-of-way.

(Ord. 96-6 § 1)

§ 12.38.020. Definitions.

Definitions used in this chapter have the following meanings:

"Structure" is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

"Landscaping" means living plant material such as trees, grass, shrubs, flowers and nonliving material such as brick, decorative rock or other man-made decorative material which is not joined together in a manner making it a "structure" as defined above.

(Ord. 96-6 § 1)

§ 12.38.030. Policy.

It is the city's general policy to remove structural encroachments into public street rights-of-way. Landscaping within public street rights-of-way shall be regulated according to the provisions of Chapter 12.36.

(Ord. 96-6 § 1)

§ 12.38.040. Property owner notification.

When the city becomes aware of a structure that encroaches into a public street right-of-way, the affected property owner will be notified of the encroachment. The notification will include a statement of the city's policy with regard to structural encroachments, including notice that no building permit will be issued in conjunction with the property unless the encroachment is removed, or a waiver is granted by the council.

(Ord. 96-6 § 1)

§ 12.38.050. Removal of structural encroachments.

Prior to the issuance of any building permit for a property which has a structural encroachment into a public street right-of-way, the structural encroachment must be removed, or the building permit application must include the removal of the encroachment. This requirement does not apply to structures for which a permit was received pursuant to Section 12.36.030. This requirement shall not apply to any object which existed prior to requiring a permit which in the opinion of the public works director and building official would have been granted a permit meeting the criteria of Section 12.36.030.

(Ord. 96-6 § 1; Ord. 96-21 § 1)

§ 12.38.060. Waiver of requirement.

- A. A property owner with a structural encroachment into a public street right-of-way may request that the council issue a waiver from the requirement that the encroachment be removed.
- B. A request for a waiver shall be reviewed in the following manner:
 - 1. Application. Application for a waiver shall be filed with the city on forms prescribed by the city.
 - 2. Notice of Hearing. Notice of the public hearing shall be provided in the following manner:
 - a. Notice of the proposed waiver shall be mailed to the property owners within one hundred feet of the exterior boundary of the property which contains the structure encroaching on the right-of-way. Notice shall also be mailed to the person requesting the waiver.
 - b. Notice of the hearing shall contain the following information:
 - i. The name of the applicant;
 - ii. The date, time, place of the hearing;
 - iii. A description of the location of the property affected by the waiver request, including the street address, and a subdivision lot and block designation, or the tax map designation of the county assessor;
 - iv. A concise description of the proposed action;
 - v. A statement that a copy of the application and all relevant documents are available for inspection at no cost and will be provided at a reasonable cost;
 - vi. The name of a city representative to contact and the telephone number where additional information may be obtained.
 - c. Notice shall be mailed and posted twenty days prior to the hearing date.
 - 3. Public Hearing. The city council shall hold a public hearing on the waiver request.
 - 4. Criteria. The council shall determine whether the application meets the following criteria:
 - a. i. That there is an exceptional circumstance which does not generally apply to other properties; or
 - ii. That requiring the removal of the encroachment would create a practical difficulty or an unnecessary hardship that is not proportional to the proposed action of the requested building permit.

- b. That granting the request will not adversely affect the ability of the city to utilize the right-of-way, or adversely affect adjacent property.
 - 5. Decision. Following the public hearing, the council shall approve, approve with conditions or deny the application. The decision shall be by means of a written order. The order shall incorporate findings of fact and conclusions that include a statement of the facts which the council relied on in establishing compliance or noncompliance with each applicable criteria or standards and how those facts support the decision.
 - 6. Notice of Decision. Notice of the council's decision shall be provided to all parties to the hearing within five working days of the date that the final order was signed. The notice of the decision shall include a brief description of the decision reached and a statement that the complete case, including the final order, is available for review at the city.
 - C. City council approval of a waiver shall be limited to the specific application and the building permit application which initiated the action. The granting of a waiver does not preclude the city from requiring the removal of the encroachment at a later date.
- (Ord. 96-6 § 1)



CANNON BEACH CITY COUNCIL

STAFF REPORT

ORDINANCE 24-02 AN ORDINANCE AMENDING the MUNICIPAL CODE CHAPTERS 1.24.010, 4.01.200, 5.12.050, 5.14.090, 9.08.050 and 12.28.040

Agenda Date: April 2, 2024

Prepared by: Bruce St. Denis, City Manager

BACKGROUND

At the November 7th, 2023 meeting Council adopted an Ordinance to remove the word misdemeanor from the Cannon Beach Municipal Code (Code) under prohibition on attracting and feeding wild animals. The word misdemeanor was found in other areas of the code.

ANALYSIS/INFORMATION

On November 14th and December 12th meetings Council reviewed those areas of the Code and discussed if modifications should be made to the amount of the fines listed on addition to the removal of the word misdemeanor.

Further review of the Code also revealed other parts of the Code where violations were made criminal and resulted in jail time or imprisonment. As such, those sections of the Code were also included here to be updated so that the only penalty for violations of the Code will be monetary fines. This does not impact the ability of the police to cite individuals for criminal behavior, but those criminal citations would go to Clatsop County for potential prosecution, etc.

It was also discovered that the Code had a general penalty section under Chapter 1.24 which indicated which jail individuals would be imprisoned at but there was no establishment of a general penalty. A general penalty provision states that in the event there is no set fine (i.e. within the Code) for a violation of the Code, a fine might still apply and setting an amount for that fine. In the attached revised Code language, the general penalty amount is listed as up to \$1000 per day.

RECOMMENDATION

Staff recommends Council adopt Ordinance 24-02

Recommended motions:

“I move to approve the first reading of Ordinance No. 24-02”

“I move to approve the second reading and adopt Ordinance No. 24-02”

List of Attachments

A Ordinance 24-02

BEFORE THE COMMON COUNCIL OF CANNON BEACH

AN ORDINANCE AMENDING MUNICIPAL) ORDINANCE NO. 24-02
CODE CHAPTERS 1.24.010, 4.01.200, 5.12.050,)
5.14.090, 9.08.050 and 12.28.040)

WHEREAS, the Cannon Beach Municipal Code (CBMC) Chapters 1.24.010, 4.01.200, 5.12.050, 5.14.090, 9.08.050 and 12.28.040 make violations of the CBMC criminally punishable as misdemeanors and or with jail time or imprisonment; and

WHEREAS, Council reviewed some of these sections at meetings on November 14, 2023 and December 12, 2023 and reached the consensus to remove any potential criminal violations; and

WHEREAS, Council desires to modify the CBMC to remove criminal violations/penalties, to impose monetary fines only, and to establish a general penalty.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF CANNON BEACH ORDAINS AS FOLLOWS:

1. The Cannon Beach City Council amends Chapters 1.24.010, 4.01.200, 5.12.050, 5.14.090, 9.08.050 and 12.28.040 of the Cannon Beach Municipal Code as described in Exhibit A to this ordinance, which is attached and incorporated by reference.
2. This ordinance is effective 30 days after adoption.

ADOPTED by the Common Council of the City of Cannon Beach this 2nd day of April 2024, by the following roll call vote:

YEAS:

NAYS:

EXCUSED:

Barbara Knop, Mayor

Attest:

Approved as to Form:

Bruce St. Denis, City Manager

Ashley Driscoll, City Attorney

EXHIBIT A

Chapter 1.24 GENERAL PENALTY

1.24.010 Designated.

~~In all instances where any person may be imprisoned or subject to imprisonment for a violation of an ordinance of the city, that person may be imprisoned in the Clatsop County Jail facility, pursuant to ORS 221.914[2].~~ It shall be unlawful for any person or entity to violate any provision or to fail to comply with any requirement imposed by the Cannon Beach Municipal Code. Any person or entity violating any provision or failing to comply with any requirement imposed by this code, unless provision is made specifically otherwise in this code, is subject, upon a determination that such violation or failure has occurred, to a civil penalty of up to \$1,000 per day for each day the violation or failure to comply has existed. Any act or omission made unlawful under the city code includes causing, allowing, permitting, aiding, abetting, or concealing such act or omission.

Chapter 4.01 SPECIAL EVENTS

4.01.200 Violations.

A. Violations of the terms and conditions of any of the following prohibitions in this chapter will ~~constitute a misdemeanor~~ punishable by a fine of up to ~~one million dollars~~ one thousand dollars:

1. To stage, present, or conduct any special event without first having obtained a permit under this chapter;
2. To hamper, obstruct, impede, or interfere with any special event or with any person, vehicle or animal participating or used in the special event;
3. To carry any sign, poster, plaque, or notice, whether or not mounted on a length of material, unless such sign, poster, plaque, or notice is constructed or made of a cloth, paper, or cardboard material;
4. For any person participating in any special event to carry or possess any length of metal, lumber, wood, or similar material for purposes of displaying a sign, poster, plaque or notice, unless such object is one and one-fourth inch or less in thickness and two inches or less in width, or if not generally rectangular in shape, such object may not exceed three-fourths inch in its thickest dimension.

B. Violations of the terms and conditions of any of the following prohibitions in this chapter will constitute an infraction and shall be punished as provided for by law:

1. To participate in a special event for which the person knows a permit has not been granted;
2. To knowingly fail to comply with any condition of the permit;
3. For a participant in or spectator at a special event to knowingly violate any conditions or prohibitions contained in the special events permit;

4. For any driver of a vehicle to drive between the vehicles or persons of a special event when the vehicles or persons are in motion and are conspicuously designated as a special event;

5. The police chief may prohibit or restrict the parking of vehicles along a street constituting a part of a special event if the police chief posts or cause to be posted signs to that effect. It is unlawful for any person to park or leave unattended any vehicle in violation of the posted signs.

C. The police chief may, when reasonably necessary, waive parking regulations along a street constituting a part of a special event.

Chapter 5.12 BINGO AND LOTTO

5.12.050 Violation—Penalty.

Any charitable, fraternal or religious organization which violates the provisions of this chapter ~~is guilty of a misdemeanor and~~ shall be punished by a fine not to exceed five hundred dollars. Further, a license may be suspended or revoked for repeated violations of the provisions of this chapter by the licensee after conviction in a court of competent jurisdiction.

Chapter 5.14 SOCIAL GAMING

5.14.090 Penalties.

In addition to the suspension or revocation of any license hereunder, any licensee, firm, corporation, association, or person(s) associated with licensee who violates any provision of this chapter, may, ~~upon conviction, be guilty of a misdemeanor and~~ be fined in the amount not to exceed five hundred dollars for each violation. Each day that a violation is permitted to occur is considered a separate violation.

Chapter 9.08 OFFENSES AGAINST PUBLIC PEACE

9.08.050 Violation—Penalty.

A.

Obstructing, delaying or interfering with a police officer is punishable by a fine not to exceed two thousand five hundred dollars, ~~or by imprisonment not to exceed three hundred sixty days, or both.~~

Chapter 12.28 HAYSTACK ROCK

12.28.040 Violation—Penalty.

Violation of this chapter shall ~~constitute a misdemeanor and be punishable on conviction by a fine of not more than five hundred dollars~~ up to one thousand dollars.



CANNON BEACH CITY COUNCIL

STAFF REPORT

CONSIDERATION OF RESOLUTION 24-05 FOR THE PURPOSE OF UPDATING SYSTEM DEVELOPMENT CHARGES TO REFLECT INFLATION RELATED INCREASES

Agenda Date: April 2, 2024

Prepared by: Bruce St. Denis, City Manager
Karen La Bonte, Public Works Director

BACKGROUND

Per municipal Code 3.16.040, the city manager shall report to the city council annually with respect to the inflationary calculation. Such calculations will be based upon changes in the Engineering News Records Construction Index (ENR Index).

At the March 12, 2024 meeting, the City Council deferred the decision to adopt Resolution 22-08, for The Purpose Of Adopting A New System Development Charge Methodology and Establishing New Rates For Water, Wastewater, Stormwater, and Parks. Council asked staff to bring back further clarification based on a letter received (see ATTACHMENT A) from a Cannon Beach resident expressing concerns over the way the calculations had been done by FCS and proposed to Council by staff.

ANALYSIS/INFORMATION

Staff asked the FCS consultant to review the letter received by the Cannon Beach resident and provide interpretation and clarification regarding the expressed concerns. The following response is from FCS consultant Doug Gabbard.

"The crux of the document is the claim that "By statute it is not appropriate for SDC's to be used for tourism activities." Although "tourism activities" is an imprecise phrase, context makes clear that the document's position is that SDCs should not be used for the acquisition or development of park facilities that will serve tourists.

This is simply not true. There is no such statutory prohibition."

In compliance with Oregon statutes, the current methodology recommends that the city use the *Engineering News-Record* (ENR) Construction Cost Index (CCI) 20-City Average as the basis for adjusting SDCs annually. The percentage increase of the index from the last update on March 12, 2023 to January 2025 is 1.012%, which represents a \$107.00 total increase over last year.

Should the City Council determine upon this annual review that the City increase SDCs as recommended by the adopted methodology, staff will bring a resolution to the next meeting for Council's adoption per Cannon Beach Municipal Code (CBMC) Sections 3.16.040 and 3.16.050 and

ORS chapter 223, which provide that the Council shall by resolution establish and modify SDCs methodologies and rates.

RECOMMENDATION

After Council discussion on the proposed changes, and additional information provided by the FCS consultant, provide staff with directions on agreed upon changes.

Suggestion Motion:

“I move to approve Resolution 24-05 for the purpose of updating system development charges to reflect inflation related increases”

List of Attachments:

- A Letter From Resident
- B Resolution 24-05
- C SDC Revenue To-Date

2024 Annual Review of SDC Charges – March 2024

Suggestion: Eliminate the Parks System Development Charge

Background: In September 2021 Consultants Draft SDC Report a new SDC charge for PARKS was proposed and then subsequently approved (and raised per inflation.)

The overwhelming cost driver of this SDC charge was improvements for NeCus Park via the Parks Master Plan. The detail for the \$1.2M cost estimate was never presented. However 29% of its expenses ‘were’ incorporated into the \$1116 SDC charge. These expenses constitute 93% of the total SDC charge established for Parks.

VI.B.2. Improvement Fee Cost Basis

Table 15 below shows all the projects in the parks system improvement fee cost basis. The eligibility for each project is shown in the Eligibility Percentage column, and the SDC-Eligible Costs column shows that full amount of the improvement fee cost basis is \$372,092.

Table 15: Parks SDC Improvement Fee Cost Basis

ID	Project	Timing	Cost	Eligibility Percentage	Eligible Costs
P-1	NeCus' Park (school site) improvements	1-5 years	\$ 1,200,000	29%	347,479
P-4	Treatment Pond Improvements	1-10 years	2,000	29%	579
P-5	Beach Access and Mini-Park Guide	1-5 years	3,000	0%	-
P-6	Interpretive Signs	Ongoing	10,000	29%	2,896
P-10	Main City Park	10-20 years	70,000	29%	20,270
B-1	Beach Access Signage	1-5 years	3,000	29%	869
B-2	Ecola Court	1-5 years	1,600,000	0%	-
Total			\$ 2,888,000		\$ 372,092

Source: 2017 Parks and Trails Master Plan (projects); City staff (cost)

Parks System Development Charges represent fees that should be charged to new developments (homes) that drive future improvements needed by an influx of new residents. In the methodology, it was implied that the new homes would cover 29% of the parks design (no mention was made what the source for the remaining 71% would be.) By statute it is not appropriate for SDC's to be used for tourism activities. Nor it is appropriate for SDC's being collected for a justified methodology be used for some other purpose.

Since 2021, it has become clear that the entire NeCus Park space has been deemed a tourist facility and will be totally funded by tourism sources. The original \$500K land purchase was purchased by tourist tax dollars. The subsequent \$4.5M initial bond borrowing was funded by tourism tax dollars – and the remainder of the \$12M site/facility is planned to be funded by tourism tax dollars.

There have been many public discussions on the plans for the site and the park. Never has it been positioned that park improvements are necessary to meet the needs of future new development / homes. All of the discourse has been totally focused on its other purposes.

If no current resident will be expected to cover any portion of the NeCus Parks Master Plan, it is inappropriate for any 'new' resident to contribute to costs. This would be discriminatory.

The Parks SDC Fee should either be eliminated (or massively reduced) and prior collected funds should be refunded.

BEFORE THE CITY OF CANNON BEACH

FOR THE PURPOSE OF UPDATING SYSTEM DEVELOPMENT CHARGES TO REFLECT INFLATION-RELATED INCREASES) RESOLUTION NO. 24-05)

INTENT AND PURPOSE. The intent and purpose of this Resolution is to update system development charges (SDC) in accordance with adopted methodology and establish new SDC rates for water, wastewater, stormwater and parks for the City of Cannon Beach.

WHEREAS, the SDCs and methodology were established by Resolution 22-08 and updated to reflect inflation by Resolution 23-06; and

WHEREAS, Cannon Beach Municipal Code (“CBMC”) Sections 3.16.040 and 3.16.050 and ORS chapter 223 provide that the City Council shall review annually and by resolution establish and modify SDCs methodologies and rates; and

WHEREAS, the City Council finds it necessary to adhere to the SDC methodology for water, stormwater and wastewater consistent with ORS 223.304 and CBMC Section 3.16.050; and

WHEREAS, the Methodology Report adopted in Resolution 22-08 recommends increasing the SDCs using the Engineering News Record Construction Cost Index (ENR CCI), the rate of which increased by 1.012% between the last update in March 2023 and the current figure in January 2024;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Cannon Beach that system development charges for water, wastewater, stormwater and parks shall be established as follows:

1. The following system development charges are consistent with the methodologies outlined in the Methodology Report and shall be adopted per dwelling unit equivalents as specified below:
 - a. Water: \$2,175
 - b. Wastewater: \$5,187
 - c. Stormwater: \$453
 - d. Parks: \$1,194
2. This resolution shall go into effect on May 1, 2024.

PASSED by the Common Council of the City of Cannon Beach this 2nd day of April 2024, by the following roll call vote:

YEAS:

NAYS:

EXCUSED:

Barb Knop, Mayor

Attest:

Bruce St. Denis, City Manager

**City of Cannon Beach
SDC Revenue To-Date**

YEAR	PARKS	WATER	WASTEWATER	STORM DRAIN	TOTAL	# of Permits
fye 2024	1,116	2,034	4,849	424	8,423	2
fye 2023		3,262	3,356	1,889	8,507	2
fye 2022		13,047	13,426	7,555	34,028	8
fye 2021		22,833	20,138	13,221	56,192	10
fye 2020		13,047	12,167	7,188	32,402	7
fye 2019		13,047	13,426	7,555	34,028	3



CANNON BEACH CITY COUNCIL

STAFF REPORT

CONSIDERATION OF PROCLAMATION 24-02; ARBOR DAY

Agenda Date: April 2, 2024

Prepared by: Karen La Bonte, Public Works Director

BACKGROUND

Cannon Beach has recently been designated for its 16th year as a "Tree City USA" by the Arbor Day Foundation in honor of its commitment to effective urban forest management. The City is one of more than 3,400 Tree City USAs. The Tree City USA program is sponsored by the Arbor Day Foundation in partnership with the U.S. Forest Service and the National Association of State Foresters.

National Arbor Day is April 26th this year.

Arbor Day activities, including the annual tree planting ceremony, will take place during the 12 Days of Earth Day festivities in Cannon Beach.

RECOMMENDATION

Adopt the proclamation.

Suggested motion:

“I move to adopt proclamation 24-02 for the Purpose of proclaiming April 26, 2024, as Arbor Day in the City of Cannon Beach.”

List of Attachments

A Proclamation 24-02: Arbor Day

BEFORE THE CITY OF CANNON BEACH

FOR THE PURPOSE OF PROCLAIMING)
 APRIL 26, 2024, AS ARBOR DAY IN THE)
 CITY OF CANNON BEACH)

PROCLAMATION NO. 24-02

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

WHEREAS, the holiday called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

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

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal,

BE IT RESOLVED, that I, Barb Knop, by virtue of the authority vested in me as Mayor of the City of Cannon Beach in the State of Oregon do hereby proclaim April 26, 2024, as

ARBOR DAY

in the City of Cannon Beach, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and

FURTHER, I urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

PASSED by the Common Council of the City of Cannon Beach this 2nd day of April 2024, by the following roll call vote:

YEAS:
 EXCUSED:
 NAYS:

 Barb Knop, Mayor

Attest: _____
 Bruce St. Denis, City Manager



CANNON BEACH CITY COUNCIL

STAFF REPORT

CONSIDERATION OF PROCLAMATION 24-03; EARTH DAY

Agenda Date: April 2, 2024

Prepared by: Karen La Bonte, Public Works Director

BACKGROUND

April 22, 2024, marks the 54th year of the Earth Day celebration. As part of the Earth Day celebration each year, the Parks and Community Services Committee coordinates the 12 Days of Earth Day event to educate the community and visitors about the unique, complex coastal environment and ecosystem of the area.

ANALYSIS/INFORMATION

We would like to take this opportunity to acknowledge and recognize Earth Day and the work that the Parks and Community Services Committee and volunteers have done to continue the tradition of the 12 Days of Earth Day.

RECOMMENDATION

Adopt the proclamation.

Suggested motion:

“I move to adopt proclamation 24-03 for the Purpose of proclaiming April 22, 2024, as Earth Day in the City of Cannon Beach.”

List of Attachments

A Proclamation 24-03: Earth Day

BEFORE THE CITY OF CANNON BEACH

FOR THE PURPOSE OF PROCLAIMING)
 APRIL 22, 2024, AS EARTH DAY IN THE)
 CITY OF CANNON BEACH)

PROCLAMATION NO. 24-03

WHEREAS, the first Earth Day was enacted in 1970 and engaged over twenty million Americans to advocate for a cleaner environment; and

WHEREAS, April 22, 2024 marks 54 years of Earth Day; and

WHEREAS, Earth Day now has become a worldwide event and has highlighted some of the most critical environmental issues on the world stage; and

WHEREAS, all species play a unique role in the complex web of life and contribute to the ecosystem services on which all life on Earth depends, and hence, protecting our species is crucial to the survival of this planet and its inhabitants; and

WHEREAS, the Parks and Community Services Committee has played an integral role to educate the community and visitors about the unique, complex coastal environment and ecosystem of the area by coordinating the celebration of Earth Day through a 12-day program of educational and community activities.

BE IT RESOLVED, that I, Barb Knop, by virtue of the authority vested in me as Mayor of the City of Cannon Beach in the State of Oregon do hereby proclaim April 22, 2024, as

EARTH DAY

in the City of Cannon Beach, and I encourage all of its citizens, businesses, and institutions to use EARTH DAY to celebrate the Earth and promote the protection of our species.

PASSED by the Common Council of the City of Cannon Beach this 2nd day of April 2024, by the following roll call vote:

YEAS:
 EXCUSED:
 NAYS:

 Barb Knop, Mayor

Attest: _____
 Bruce St. Denis, City Manager



CANNON BEACH CITY COUNCIL

STAFF REPORT

CONSIDERATION OF PROCLAMATION 24-04; HONORING TERRY AND JUDINE BROOKS

Agenda Date: April 2, 2024

Prepared by: Bruce St. Denis, City Manager

BACKGROUND

This is a proclamation honoring Terry and Judine Brooks commitment to art and more specifically literary art in Cannon Beach. They helped create and grow Get Lit at the Beach-A Gathering for Readers event since 2012, bringing many well-known and celebrated authors to Cannon Beach. They helped reorganize after COVID forced the event to be canceled three years in a row. Terry is a beloved and well-known fantasy writer for all ages and backgrounds.

ANALYSIS/INFORMATION

Terry and Judine are moving closer to family and out of Cannon Beach. A request was made to create a proclamation of their contribution to the community of Cannon Beach.

RECOMMENDATION

Adopt the proclamation.

Suggested motion:

“I move to adopt proclamation 24-04 for the Purpose of Honoring Terry and Judine Brooks.”

List of Attachments

A Proclamation 24-04: Honoring Terry and Judine Brooks

FOR THE PURPOSE OF HONORING)
TERRY AND JUDINE BROOKS)
)

PROCLAMATION NO. 24-04

WHEREAS, Terry and Judine Brooks have made a commitment to the arts in Cannon Beach, especially the literary arts, and

WHEREAS, Terry and Judine Brooks helped create and grow the event, “Get Lit at the Beach-A Gathering for Readers”, created in 2012. This event brings many well-known and celebrated authors to Cannon Beach; as well as readers from all over the Pacific Northwest.

WHEREAS, Terry and Judine Brooks have contributed their time, expertise, and resources to encouraging a love of books among young adults, especially through the Shannara series and other books.

WHEREAS, Cannon Beach has been enhanced in other aspects of civic life by the involvement of Terry and Judine Brooks.

NOW, THEREFORE, BE IT PROCLAIMED that the City of Cannon Beach honors Terry and Judine Brooks for their longstanding service and dedication to the arts and culture of the City.

PASSED by the Common Council of the City of Cannon Beach this 2nd day of April 2024 by the following roll call vote:

YEAS:

NAYS:

EXCUSED:

Barb Knop, Mayor

Attest:

Bruce St. Denis, City Manager



CANNON BEACH CITY COUNCIL

STAFF REPORT

CONSIDERATION OF PROCLAMATION 24-05; SEXUAL ASSAULT AWARENESS MONTH

Agenda Date: April 2, 2024

Prepared by: Police Chief Jason Schermerhorn

BACKGROUND

Sexual Assault Awareness Month is intended to draw attention to the fact that sexual violence is widespread and impacts every community member. Every individual and community in Oregon has a role to play to help eliminate sexual violence by working together to promote social change.

In Clatsop County, The Harbor's mission is to provide advocacy, prevention and support while promoting self-determination and hope for survivors of domestic violence, sexual assault and stalking. Through partnerships in the local area, and across Oregon, The Harbor is committed to protecting survivors. Their goal is to break the cycle of violence through education, one on one support, practical assistance and referrals.

RECOMMENDATION

Adopt the proclamation.

Suggested motion:

"I move to adopt proclamation 24-05 for the Purpose of Designating the Month of April 2024, as Sexual Assault Awareness Month."

List of Attachments

A Proclamation 24-05: Sexual Assault Awareness Month

BEFORE THE CITY OF CANNON BEACH

FOR THE PURPOSE OF DESIGNATING THE) PROCLAMATION NO. 24-05
 MONTH OF APRIL 2024, AS SEXUAL)
 ASSAULT AWARENESS MONTH)

WHEREAS, Sexual assault affects Oregonians every day, whether as a victim or survivor or as a family member, friend, partner, neighbor, employer or co-worker of a survivor; and

WHEREAS, Oregonians of all gender identities experience sexual violence, including an estimated 1 in 4 adult women who has been the victim of rape, and nearly 1 in 5 men who has experienced sexual violence in their lifetime; and

WHEREAS, 1 in 10 Clatsop County middle and high school students report inappropriate sexual contact by an adult before they turn 18; and

WHEREAS, Certain populations in Oregon experience much higher rates of sexual violence due to systemic oppression and inequity; and

WHEREAS, Out of 1,000 sexual assaults, only 25 perpetrators will face any legal repercussions for the assault; and

WHEREAS, Sexual violence is preventable, and all communities are strengthened by encouraging healthy non-violent interactions, relationships and social norms; and

WHEREAS, Every individuals and communities in Oregon have a role to play to help eliminate sexual violence by working together to promote social change.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of Cannon Beach does hereby proclaim the month of April 2024, to be

SEXUAL ASSAULT AWARENESS MONTH

in Clatsop County and call upon all community members and local agencies to speak out against sexual violence, educate one another on sexual violence prevention, and support and believe survivors.

PASSED by the Common Council of the City of Cannon Beach this 2nd day of April 2024, by the following roll call vote:

YEAS:
 NAYS:
 EXCUSED:

Barb Knop, Mayor

Attest:

Bruce St. Denis, City Manager



CANNON BEACH CITY COUNCIL

STAFF REPORT

CONSIDERATION OF PROCLAMATION 24-06; NATIONAL CHILD ABUSE PREVENTION MONTH

Agenda Date: April 2, 2024

Prepared by: Police Chief Jason Schermerhorn

BACKGROUND

Spring is a time of new beginnings. It's also the time to renew our commitment to the protection of children in our community. Since 1983, a Presidential Proclamation has designated April as National Child Abuse Prevention Month. Observing Child Abuse Prevention month allows us to raise awareness of the severity of this issue and to arm citizens with the tools to help prevent abuse from happening.

Awareness of a problem creates intentional change. Hundreds of children in Clatsop County are exposed to violence, drug abuse, emotional abuse, physical abuse, sexual abuse, and neglect. Chances are all of us know at least one child who has been the victim of child abuse and neglect.

Nakesha Womble, the Clatsop CASA Program Executive Director, is here to speak about the Proclamation and CASA program.

RECOMMENDATION

Adopt the proclamation

Suggested motion:

"I move to adopt proclamation 24-06 for the Purpose of Designating the Month of April 2024, as Child Abuse Prevention Month."

List of Attachments

A Proclamation 24-06: National Child Abuse Prevention Month

BEFORE THE CITY OF CANNON BEACH

FOR THE PURPOSE OF DESIGNATING THE) PROCLAMATION NO. 24-06
 MONTH OF APRIL 2024, AS CHILD ABUSE)
 PREVENTION MONTH)

WHEREAS, child abuse and neglect is a serious problem affecting every segment of our community, and finding solutions requires input and action from everyone; and

WHEREAS, every child is precious and deserves to grow up in a healthy, safe, nurturing environment free from the dangers and harmful effects of child abuse and neglect; and

WHEREAS, our children are our most valuable resources and will shape the future of Clatsop County, Oregon; and

WHEREAS, child abuse can have long-term psychological, emotional, and physical effects that have lasting consequences for victims of abuse; and

WHEREAS, child abuse prevention succeeds through partnerships among parents, child-welfare agencies, mental and physical health care providers, schools, law enforcement agencies, faith-based organizations, businesses and community members by fostering loving, supportive and violence-free homes; and

WHEREAS, we acknowledge that we must work together as a community to increase awareness about child abuse and contribute to promote the social and emotional well-being of children and families in a safe, stable, and nurturing environment; and

WHEREAS, prevention remains the best defense for our children and families.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of Cannon Beach does hereby proclaim the month of April 2024, to be

NATIONAL CHILD ABUSE PREVENTION MONTH

in the City of Cannon Beach and urge all citizens to recognize this month by dedicating ourselves to the task of improving the quality of life for all children and families.

PASSED by the Common Council of the City of Cannon Beach this 4th day of April 2024, by the following roll call vote:

YEAS:
 NAYS:
 EXCUSED:

 Barb Knop, Mayor

Attest:

 Bruce St. Denis, City Manager



CANNON BEACH CITY COUNCIL

STAFF REPORT

APPOINTMENT OF CITY COMMITTEE/BOARD/COMMISSION

PARKS & COMMUNITY SERVICES: one (1) vacancy to fill a four-year term beginning immediately.

Applicants: Mark Morgans

If the Council wishes to appoint an applicant to the Parks and Community Services Committee an appropriate motion is in order.

“I move to appoint _____ to the Parks and Community Services Committee beginning immediately”



CITY OF CANNON BEACH

City of Cannon Beach
Finance Department

FEB 29 2024

Received

APPLICATION FOR CITY COMMITTEE, BOARD, OR COMMISSION

Applicant Name: <u>Mark R. Morgans</u>	Type of Application:
Mailing Address: [REDACTED]	<input checked="" type="checkbox"/> New
Telephone (Home): [REDACTED]	<input type="checkbox"/> Renewal
Alt. Telephone: [REDACTED]	
Email Address: [REDACTED]	

Which Committee, Board, or Commission would you like to serve upon (see full qualifications required for each Committee on reverse)? Submit completed application questionnaire with this application.

<input type="checkbox"/> Budget Committee Must provide copy of voter registration card with application	<input checked="" type="checkbox"/> Parks & Community Services Committee
<input type="checkbox"/> Design Review Board	<input type="checkbox"/> Planning Commission
<input type="checkbox"/> Farmers Market Committee	<input type="checkbox"/> Public Works
<input type="checkbox"/> Tourism and Arts Commission (TAC) See specific requirements in Municipal Code Chapter 2.32.040 D	

Please indicate which committee(s) you are already a member of: None currently. Past member of CB Public Works, South Wind Project, and Cannon Beach RFPD.

If you are applying for more than one committee, are you willing to serve on both? If not, indicate your order of preference for service:

Applicants must have resided within the city or its urban growth boundary during the one year immediately preceding appointment; or at the time of appointment, shall have owned real property located within the city or its urban growth boundary for at least one year immediately preceding appointment. **Note:** Tourism and Arts Commission applicants are not required to reside in Cannon Beach and are eligible if he or she has worked, at least part-time, within the City of Cannon Beach for at least one year immediately preceding appointment. Do you meet this criterion?

Why are you interested in this position? Please use extra sheets as necessary.

As a recent retiree from the corporate world and after living in town for 25 years, I'm interested in this particular committee because of its interactions and engagement with both the environment and community members.

What knowledge, skills or experience can you bring to this position? Please use extra sheets as necessary.

I have over 38 years of experience with natural resource management as a professional Forester. I have a BS in Forest Management from OSU and I'm a Certified Forester. I have also enjoyed opportunities to bring education and the arts to the outdoor setting including tree plantings and outdoor concerts.

What is your current occupation?

I retired in December 2023 from a full-time career in forestland management and I'm currently work-part time as a Consulting Forester in my own small firm.

Applicant Signature: Mark R. Morgans Date: 2-29-2024

PO Box 368 Cannon Beach, Oregon 97110 • (503) 436-1581 • TTY (503) 436-8097 • FAX (503) 436-2050
www.ci.cannon-beach.or.us • cityhall@ci.cannon-beach.or.us



CITY OF CANNON BEACH

INTERVIEW QUESTIONS FOR BUDGET, FARMERS MARKET, PARKS & COMMUNITY SERVICES OR PUBLIC WORKS COMMITTEE

Applicant Name: <u>Mark R. Morgans</u>	Type of Application:
Mailing Address: [REDACTED]	<input type="checkbox"/> Budget Committee
Telephone (Home): [REDACTED]	<input type="checkbox"/> Farmers Market Comm.
Alt. Telephone: [REDACTED]	<input checked="" type="checkbox"/> Parks/Com Services
Email Address: [REDACTED]	<input type="checkbox"/> Public Works

Please answer the questions below and return with your application. Use extra pages as necessary.

1. Have you attended any meetings of this committee?
I have watched recorded videos of past meetings.
2. Have you read the ordinance defining this committee to understand its purpose and duties?
Yes, I understand responsibilities and roles. As past member of the CB Public Works Comm., I understand how committees work.
3. Are you willing to learn and follow the Oregon ethics rules, including those regarding conflict of interest?
<https://www.oregon.gov/ogec/Pages/Guide-for-Public-Officials.aspx> for details.
Yes, always willing to learn more and currently have a basic understanding as a past CBRFPD Board member.
4. Will you be able to regularly attend the meetings and possible work sessions?
Yes, and will work to manage my schedule around these events. I do have one known conflict for the May meeting as I'll be traveling.
5. What is it about this committee that attracts you?
I'm looking for opportunity to share my skills, knowledge and experience with neighbors and visitors of CB. I really like working with plants, appreciate the arts and like the idea of leaving a legacy thru involvement with both. Also, like the idea of a little fun.
6. What would you like to accomplish by being a member of this committee?
To be a productive team-member and deliver results thru collaboration. Help build on existing accomplishments to foster a healthy and sustainable Parks environment.

Applicant Signature: Mark R. Morgans Date: 2-29-2024



CANNON BEACH CITY COUNCIL

STAFF REPORT

MIDTOWN RESTROOMS ADDITION & REMODEL PROJECT AWARD

Agenda Date: April 2, 2024

Prepared by: Karen La Bonte, Public Works Director

BACKGROUND

In February 2024, city staff publicly advertised this project for contractor quotes on the for the 2023-2024 Midtown Restroom Addition & Remodel project. After evaluating the two proposals received, the estimated project cost with the lowest responsive bidder is \$447,522.78.

The 2023-24 adopted budget allocated \$250,000 to fund a building addition and the remodel of the existing Midtown restroom facilities. The difference of \$197,522.78 could be made up in several different funding sources. The Tourism and Arts Commission has expressed their desire to fund this entire project from the current Tourism and Arts Fund, which would be ideal in this case. Should the Council not agree with that approach, funding could be covered through the current General fund contingency.

ANALYSIS/INFORMATION

After publicly bidding this project three times between 2023-2024 and revising the scope each time in the spirit of driving the cost down, only two responsive bids were received. The apparent low responsive bidder was James E. John Construction Co., LLC from Vancouver, WA with a bid amount of \$447,522.78. This bid is almost \$90K lower than the previous public bid process and our efforts to modify the project scope and reduce costs. Further delays will challenge that “savings” with the ongoing increase in material cost and labor.

RECOMMENDATION

City staff recommend utilizing the TAF funds as suggested by the TAC for this public improvement project that is primarily used by our visiting tourists. Staff requests Council provide direction on the funding source.

Suggested motion:

“I move to approve the contract award to James E. John Construction for the Midtown Restrooms Addition and Remodel contingent on an adopted budget resolution at the April 9th Council meeting.”



CANNON BEACH CITY COUNCIL

STAFF REPORT

TREE FOCUS GROUP UPDATE WITH DESIGN REVIEW BOARD AND PARKS COMMITTEE

Agenda Date: April 2, 2024

Prepared by: Bruce St. Denis, City Manager

BACKGROUND

A group of local citizens formed a Tree Focus Group to review the tree portion of the municipal code.

ANALYSIS/INFORMATION

The focus group will give an update on their research and findings.

RECOMMENDATION

List of Attachments

- A Tree Focus Group Findings of Fact
- B Replacement Tree List Resolution
- C Tree Removal Matrix

Findings of Fact

WHEREAS the City of Cannon Beach recognizes that trees in Cannon Beach serve an important role in mitigating climate change; provide important ecological processes for the health of the community and provide aesthetic value to both community members and visitors alike.

WHEREAS the City recognizes that significant trees are the foundation anchoring our forest canopy and sequester the most carbon and contribute the most seed to the next generation of trees.

WHEREAS the City recognizes that groves of trees anchored by significant trees, buffer most effectively against high winds, soil erosion fluctuating surface temperatures, and provide canopy continuity for wildlife.

WHEREAS The Cannon Beach Comprehensive Plan directs the city to regulate the removal of trees to control soil erosion, landslide hazards and to preserve the City's aesthetic character.

WHEREAS, the City is establishing these tree regulations to maximize the storm and surface water, wildlife, climate change, human health and other benefits provided by trees and their understory vegetation including everything from their canopy to their roots.

17.70.010 Purpose.

- A. The purpose of this chapter is to establish protective regulations for trees within the city to control problems of soil erosion, landslide, air pollution, noise, wind and destruction of scenic values and wildlife habitat, and to protect trees as a natural resource which establishes the wooded character of the city.
- B. The intent is not to prohibit the removal of trees completely, or to require extraordinary measures to build structures; rather the intent is to stop the wanton and oftentimes thoughtless destruction of that vegetation which has a beneficial effect on the value of property, and on the city in general.
- C. The goal(s) of the Cannon Beach Tree Ordinance are to:
 1. Implement strategies for protection and management of Cannon Beach's urban forest resources.
 2. Mitigate the economic, environmental, aesthetic, public health, and general welfare consequences of tree loss through protection of existing trees and planting of new trees on public and private lands.

3. Preserve and enhance the Cannon Beach tree canopy by mandating the protection of existing trees and groves of trees and the replanting of new trees to replace those lost to construction and development.
4. Where there is insufficient space on the property to plant replacement trees, the applicant shall pay into a City tree fund an amount deemed to represent the value of the removed tree to the community.
5. Set forth guidelines to protect trees from adverse impacts of construction and development.
6. Retain trees and tree canopy through the design of partitions or planned developments; placement of roads and utilities shall preserve trees wherever possible. The need to remove trees shall be considered in the review process for partitions or planned developments.
7. Encourage project designs that utilize existing trees in the landscape.
8. Maintain and protect the public health and general welfare.

17.70.012 Definitions

“At-risk tree” means a tree that is exposed to potential damage but can be preserved during the construction process of development through strict adherence to recommendations from the city’s qualified arborist.

“Best Management Practices” (BMP’s) means adherence to tree health care standards as detailed in the most current edition of the American National Standards Institute (ANSI)A300, and the current edition of the International Society of Arboriculture (ISA).

“Caliper” means the industry standard for measurement of nursery stock size. Caliper is measured six inches above the root collar for nursery stock that is four inches in diameter and smaller.

“Canopy” means the part of the tree crown composed of leaves and small twigs or the collective branches and foliage of a group of tree crowns.

“City Arborist” means an individual certified as an arborist with the International Society of Arboriculture and licensed by the State of Oregon, who is retained or contracted by the City of Cannon Beach for the purpose of assessing the health of trees within the city boundary. To preserve the appearance of fairness, the city arborist will not engage in the actual business of tree removal, pruning, or topping within the City of Cannon Beach.

- 1 **“Critical root zone” (CRZ)** means the area of soil around a tree where the minimum volume of
2 roots considered critical to the structural or health of the tree are located.
- 3 **“Crown”** means that portion of the tree’s stem that is occupied by branches with live foliage.
- 4 **“DBH” (Diameter at Breast Height)** means the measure of the maximum diameter of a tree
5 measured 4.5 feet above ground level. For multi-stemmed trees, the DBH for the tree is the
6 square root of the sum of the DBH for each individual stem squared (example with three stems:
7 $DBH = \text{square root of } [(stem\ 1)^2 + (stem\ 2)^2 + (stem\ 3)^2]$).
- 8 **“Dead Tree”** means a tree with no live crown and no functioning vascular tissue.
- 9 **“General Tree List”** means a list of tree species that is maintained by the city and approved by
10 the city’s qualified arborist for planting as replacement trees This list is maintained in
11 Resolution XX-XX
- 12 **“Immediate danger of collapse”** means that the tree is already leaning, with the surrounding
13 soil heaving, and there is a significant likelihood that the tree will topple or otherwise fail and
14 cause damage before a tree removal permit can be obtained. “Immediate danger of collapse”
15 does not include hazardous conditions that can be alleviated by pruning or treatment.
- 16 **“Multi-stemmed tree”** means a tree that has one stem at ground level but that splits into two
17 or more stems above ground level. Trees whose stems diverge below ground level are
18 considered separate trees.
- 19 **“Pruning”** means the selective removal of tree branches to manage risk and tree health by
20 promoting a sound tree structure that resists failure, provides clearance, and improves
21 aesthetics.
- 22 **“Significant Tree”**. Any conifer tree that exceeds 24 inches DBH or any deciduous tree
23 exceeding 18 inches DBH.
- 24 **“Solar energy system”** means either: (1) a device employed in the collection of solar radiation
25 for the purpose of heating or cooling a building, the heating of water, or the generation of
26 electricity; or (2) the roof of a dwelling which has been designed for the collection of solar
27 energy for space heating purposes.
- 28 **“Stand (of trees)”** means a distinct area of grown trees, often predominantly native and with
29 contiguous canopies, which form a visual and/or biological unit.
- 30 **“Tree”** is defined as any woody plant having at least one well-defined stem at least six inches in
31 diameter measured at a height of four and one-half feet above the natural grade.
- 32 **“Tree Appraisal”** means assigning a monetary value to a tree.

1 **“Tree topping”** means the removal of the top of the central stem of a tree, called the leader, as
2 well as the removal of the upper main branches. They are usually sheared off at a uniform
3 height.

4 **“Tree Protection Zone” (TPZ)** means a defined within which certain activities are prohibited or
5 restricted to prevent or prevent potential injury to designated trees, especially during
6 construction or development. The TPZ shall encompass the CRZ, based on the judgement of
7 the arborist.

8 **17.70.015 Tree removal without a permit prohibited.**

9 No person shall remove a tree (tree removal) without first obtaining a permit from the city
10 pursuant to this chapter, unless the tree removal is exempted by provisions of this chapter.

11 **17.70.017 Tree Removal Permit**

12 A. A property owner may initiate a request for approval for removal of a tree on the owner’s
13 property by filing an application with the city using forms prescribed by the city. The
14 property owner’s signature is required. If a tree straddles the border between properties,
15 each property owner must sign. A tree removal request signed by the property owner shall
16 clearly and explicitly grant permission to city staff and/or to the city’s arborist to enter the
17 subject property for purposes of examining the tree(s) proposed for removal and monitoring
18 the status of replacement trees.

19 1. Anyone may initiate a request for approval of tree removal in a city right-of-way or on
20 city-owned property.

21 2. Trees within the city ROW shall not be removed without a written report by the city
22 arborist

23 B. Notice of all applications shall be as follows:

24 1. Each tree proposed to be removed shall be marked; and

25 2. Notice of the proposed removal, identifying the affected property and tree(s), as well
26 as the right to appeal, shall also be provided

27 a. By mail to property owners within two hundred fifty (250 ft) feet of the
28 property where the tree proposed for removal is located;

29 b. Posted on the city’s website; and

30 c. Posted in the bulletin boards at City Hall and the Post Office.

31 C. In making its decision on such a tree removal request, the city shall evaluate comments
32 received within fourteen (14) business days of the date of posting. To be considered,

1 comments must address the tree removal criteria of Section 17.70.020. Any person who has
2 commented on the tree removal request shall be notified of the city's decision and may
3 appeal that decision in accordance with Section 17.70.017(I).

4 D. At the conclusion of the specified comment period, the city may issue a tree removal permit
5 which shall not be acted upon until expiration of the 14-day appeal period or resolution of all
6 appeals.

7 E. A tree removal permit approved by the city is valid for twelve months from the date of
8 issuance, or resolution of all appeals, if an appeal is filed. The permit may be extended for
9 an additional twelve months at the owner's request if there has been no material change in
10 circumstances.

11 1. Applicant shall provide written documentation requesting extension and explaining
12 to the City that no material change in circumstances has occurred.

13 2. Failure to provide the extension request prior to original tree removal permit
14 expiration date shall make the original tree removal permit null and void and a new
15 permit application must be submitted.

16 F. A copy of the approved tree removal permit shall be kept on-site when the removal is
17 carried out.

18 G. Tree pruning does not require a permit. All trees shall be pruned in conformance with
19 International Society of Arboriculture (ISA) ANSI A300 Pruning Standards (updated for most
20 current edition).

21 H. Tree topping is prohibited except for where trees have been severely damaged in a storm as
22 determined by a city arborist.

23 I. Decisions on the issuance of a tree removal permit may be appealed to the planning
24 commission in accordance with Section 17.88.140 (A).

25 **17.70.020 Permit issuance—Criteria.**

26 The city shall issue a tree removal permit if the applicant demonstrates that one of the
27 following criteria is met:

28 A. Removal of a tree(s) which pose(s) a safety hazard, provided that

29 1. The condition or location of the tree presents either a clear and present danger to
30 public safety, or a clear and present danger of property damage to an existing
31 residential or commercial structure; and

1 2. Such hazard or danger cannot be alleviated by pruning, bracing, treatment of the tree
2 with nutrients, natural or non-synthetic pesticides, or water or other Best
3 Management Practices.

4 3. If the condition of a tree presents an immediate danger of collapse, and if such
5 potential collapse represents a clear and present hazard to persons or property, a
6 tree removal permit is not required prior to tree removal. However, within seven (7)
7 days after the tree removal, the tree owner shall make application for an after-the-
8 fact permit.

9 4. Where an "Immediate danger of collapse" safety hazard exists, the city may require
10 the tree's removal. If the tree has not been removed after forty-eight hours, the city
11 may remove the tree and charge the costs to the owner.

12 B. Removal of a tree(s) necessary to construct a residential or commercial structure, an
13 accessory dwelling unit or development approved or allowed pursuant to the Cannon Beach
14 Municipal Code, including required vehicular and utility access, subject to the requirements
15 in Section 17.70.020 (B) and Section 17.70.017 (E), provided that

16 1. Significant Tree(s) shall not be cut unless the following list of alternative actions,
17 listed from highest to lowest priority, cannot be implemented:

18 a. Move the building footprint so that the building footprint is not in the Root
19 Protection Zone of any significant trees.

20 b. Employ design techniques such as foundation bridges, pile foundations,
21 helical piles, and/or cantilevers, where permissible under the building code,
22 so as not to damage any roots in the Root Protection Zone of any significant
23 trees.

24 c. Apply for a setback reduction so as not to cause removal of any significant
25 trees.

26 d. Reduce the building footprint. If the resulting footprint is less than 1,000
27 square feet in the case of a primary residence or less than 600 square feet for
28 an accessory dwelling unit, then it is permissible to remove a significant tree.

29 2. Where the alternative actions listed above cannot be met for every Significant Tree
30 on the property, preference shall be given to preserving Significant tree(s) in the
31 following order of priority, highest to lowest:

32 a. Significant trees on slopes greater than twenty (20) percent;

33 b. Significant tree(s) adjacent to protected areas and their associated buffers;

- 1 c. Significant tree(s) that form a stand of trees;
- 2 d. Healthy and vital Significant tree(s) as determined by the City Arborist.
- 3 3. Significant Tree(s) may not be removed to construct home expansions, accessory
4 structure(s) or outdoor living spaces such as decks, patios, garages and driveways.
- 5 4. A building permit for the structure necessitating the tree removal shall not be issued
6 until after the city issues a tree removal permit which shall not be acted upon until
7 expiration of the 14-day appeal period or resolution of all appeals.
- 8 5. It is the city's responsibility to see that the list of alternative actions shown in
9 17.70.020 B (1) thru (2) have been completed and fully documented prior to issuing a
10 tree removal permit, an excavation permit or a building permit.
- 11 6. It is the responsibility of the applicant to ensure that there is no disturbance of the
12 Tree Protection Zone.
- 13 C. Removal of tree(s) that are found by the city arborist to be infested by any insect or infected
14 by any disease threatening the life of the tree,
- 15 D. Removal of a tree where required to provide solar access to a solar energy system where
16 pruning will not provide sufficient solar access to permit effective operations of the solar
17 energy system.
- 18 1. Where an applicant identifies the necessity to remove a tree(s) to install a solar
19 device or devices, the application shall include proof that the device(s) qualifies for an
20 Oregon Department of Energy solar tax credit, or other incentive for the installation
21 of solar devices offered by a utility.
- 22 2. No Significant Tree shall be removed or pruned solely for the purpose of obtaining
23 solar access.
- 24 3. Windows are not solar devices unless they are south-facing and include special
25 storage elements that distribute heat energy.
- 26 E. In any area that would constitute a potential geological hazard under 17.50.020, tree
27 removal will be permitted only where:
- 28 1. The geologic site investigation report indicates that there is not a hazard from
29 removal of the tree either to the property in question or to properties in the vicinity;
30 or

2. The geologic site investigation report and engineering report specifies engineering and construction methods which will eliminate the hazard or will minimize the hazard.

F. No tree shall be removed or topped solely for view.

G. Stumps and root structure shall be retained unless inside the planned building footprint.

H. City Arborist review and approval is required prior to issuance of any development permit that requests removal of a tree.

17.70.030 Required Documentation.

A. All tree-removal applications shall include the following:

1. A tree replacement plan showing the location, species, DBH of all tree(s) to be removed, the proposed location and species of replacement tree(s), TPZ(s) together with measures to maintain the replacement tree(s), including a written commitment on behalf of the owner of the property to maintain replacement trees for a period of five years following planting.

B. In any area that would constitute a potential geological hazard under 17.50.020, the City shall require a geological site investigation report prepared in accordance with Section 17.50.040 before issuance of a tree removal permit.

1. Where the tree-removal application is submitted pursuant to 17.17.020 (A) and/or (C), the application shall include an ISA Tree Hazard Evaluation Form together with certification from a certified arborist on behalf of the applicant that the tree is as represented in the ISA Tree Hazard Evaluation Form.

2. Where the applicant identifies the necessity to remove a tree(s) pursuant to Section 17.70.020 (B), the application shall include:

a. Site plan showing lot dimensions, slope of the lot, the location of structures already on the property, species and DBH of all trees, the location of tree(s) to be removed, and the proposed location of replacement trees, together with tree(s) on adjoining rights-of-way or on adjacent properties whose root structure might be impacted by excavation associated with the proposed structure, or by soil compaction caused by vehicular traffic or storage of materials; the TPZ for each tree not being removed.

b. Measures considered to avoid removal of trees, including but not limited to reducing the size of the structure, seeking setback reduction; and

c. Measures to be taken to preserve trees not proposed for removal, both on the subject property and off site (in the adjoining right-of-way or on adjacent property) during construction using best management practices.

C. Where an ISA tree hazard evaluation form is required, applicant shall leave the tree stump and any and all roots in place. Should the City determine that the condition of the tree was different than described in the ISA tree hazard evaluation report, the owner will be assessed the penalties in Section 17.70.035 (A).

D. An application for the removal of a dead tree does require an ISA Tree Hazard Evaluation Form.

E. A monthly report on tree removal permit actions shall be made to the Planning Commission in a form or format agreed upon by the Planning Commission and the Community Development Director or its equivalent.

17.70.035 Enforcement

A. If a tree is removed without a tree removal permit or if the conditions are not as represented on the ISA Tree Evaluation Report, a violation may be determined by measuring the stump at the surface of the cut. A stump that is twenty-two inches or more in circumference or seven inches or more in diameter shall be considered prima facie evidence of a violation of this chapter. Proof of violation of this chapter shall be deemed prima facie evidence that such violation is that of the owner of the property upon which the violation is committed.

1. Notwithstanding any other provisions of the code, any person who violates any provision of this chapter shall pay into the tree fund a civil fine calculated on a per tree basis as follows.

a. For each Significant Tree(s), an amount equal to the greater of
(i) 5 percent of the total assessed value of property and improvements as established on the property tax statement for the most current year.
(ii) \$20,000 per tree.

b. For all other trees, the civil fine shall be as specified in Table 1.

Table 1			
Conifer Tree		Deciduous Tree	
15" to 24" DBH	\$10,000 per tree	12" to 18" DBH	\$10,000 per tree
6" to <15" DBH	\$5,000 per tree	6" to <12" DBH	\$5,000 per tree

2. The civil fine shall be in addition to the other amounts payable under 17.70.040 (D).

3. Any builder, developer, tree service, or any other person holding a city business license who is convicted of violating any provision of this chapter is also subject to a proceeding to consider revocation of their business license, pursuant to Section 5.04.170.

4. Failure to protect or maintain trees on construction/demolition sites is a violation of the municipal code and shall be grounds for issuance of a stop work order or suspension of the building permit altogether until the condition is corrected.

5. Civil fines may be appealed to the Cannon Beach Municipal Court.

17.70.040 Tree replacement policy.

A. The city shall require the replanting of trees to replace those being removed in conformance with this city tree replacement policy.

B. The tree replacement policy shall be implemented as follows:

1. One (1) replacement tree is required for every six (6) inches of caliper at DBH of tree removed up to a maximum of four replacement trees for conifers removed and up to three replacement trees for every deciduous tree removed.

2. Where there is insufficient space on the property as determined by the city arborist to plant the required replacement tree(s) in accordance with this Chapter, Applicant shall pay into the City tree fund an amount deemed to value the tree(s) removed pursuant to this Section as follows:

a. The value of each tree removed pursuant to this chapter shall be established in accordance with the Trunk Formula Technique (TFT) formula, with the unit cost of the replacement tree set as the largest commonly available nursery stock of the tree species selected as set forth in the most recent edition of the International Society of Arboriculture, Guide for Plant Appraisal, 10th or subsequent editions. Figures used and those resulting from these calculations shall be rounded to the nearest dollar or inch, as applicable.

b. Amounts payable into the City tree fund for trees removed pursuant to this chapter shall be prorated for trees planted in replacement of removed tree(s) up to four replacement trees per each removed tree.

C. Replacement Tree Size and Quality

1 1. The objective of the tree replacement policy is to require the replanting of native
2 trees. All replacement tree(s) shall come from the General Tree List.

3 2. Trees offered in replacement must be a minimum of two (2) inch caliper and seven
4 (7) feet tall.

5 D. Location and Protection of Replacement Trees:

6 1. Trees shall be replaced on site.

7 2. Acceptable locations for replacement trees on site, deference shall be based on the
8 estimated critical root zone of the replacement tree(s) when mature.

9 3. The applicant's proposed location of replacement trees shall be subject to approval
10 of the Community Development Director and the City Arborist as part of the tree
11 replacement plan.

12 4. Replacement trees shall be maintained by the property owner. A written
13 commitment to maintain replacement trees for a period of five years following
14 planting shall be required on behalf of the owner of the property.

15 **17.70.045 City Tree Fund**

16 The city shall establish in the budget ordinance a city tree account in a separate fund.

17 A. The city shall credit to the city tree account:

18 1. All money paid to the city under this chapter; and

19 2. Other monies allocated by the city council.

20 B. The city shall use the city tree account funds for the following purposes:

21 1. Acquiring, managing, maintaining, and preserving forested areas within the city; or

22 2. Purchasing, planting and maintaining trees within the city, on city ROW or on city
23 owned property; or

24 3. Other purposes relating to preservation of trees in the city as determined by the city
25 council.

BEFORE THE CITY OF CANNON BEACH

FOR THE PURPOSE OF ESTABLISHING A LIST OF) RESOLUTION NO. 24-XX
 TREES WHICH SATISFY THE REQUIREMENTS OF)
 THE CANNON BEACH TREE CODE)

WHEREAS the City of Cannon Beach recognizes that trees in Cannon Beach serve an important role in mitigating climate change; provide important ecological processes for the health of the community and provide aesthetic value to both community members and visitors alike.

WHEREAS the City recognizes that significant trees are the foundation anchoring our forest canopy and sequester the most carbon and contribute the most seed to the next generation of trees.

WHEREAS the City recognizes that native trees and plants are most desirable for maintaining the natural beauty of the landscape, and that native trees and plants are most likely to flourish in the local climate and native soils.

NOW THEREFORE, the Cannon Beach City Council, declares that the trees and plants in this General Tree list are accepted native plants and authorizes their use in Cannon Beach in compliance with the requirements of the Cannon Beach Tree Ordinance:

General Tree List

1. Sitka spruce (*Picea sitchensis*);
2. Western redcedar (*Thuja plicata*);
3. Western hemlock (*Tsuga heterophylla*);
4. Shore pine (*Pinus contorta* var. *contorta*);
5. Pacific wax myrtle (*Myrica californica*);
6. Vine maple (*Acer circinatum*);
7. Cascara (*Rhamnus purshiana*);
8. Coast redwood (*Sequoiadendron sempervirens*);
9. Monterey cypress (*Cupressus macrocarpa*);
10. Strawberry tree (*Arbutus unedo*)
11. Douglas fir (*Pseudotsuga menziesii*);
12. Red alder (*Alnus rubra*);
13. Mountain ash (*Sorbus scopulina*);
14. Big leaf maple (*Acer macrophyllum*);
15. Willows of all types
16. Other non-invasive tree species approved by the city arborist or recommended by a licensed coastal landscape designer.

XXXXXX by the Common Council of the City of Cannon Beach this XXth day of XXXXX, 2024,
by the following vote:

YEAS:

NAYS:

EXCUSED:

ATTEST:

Barb Knopf, Mayor

Bruce St. Denis, City Manager

	DBH < 6"	DBH < 24" Conifer or < 18" Deciduous		SIGNIFICANT TREE	
ACTIVITY			REPLANTING REQUIRED		REPLANTING REQUIRED
PRUNING	No Permit Required	No Permit Required Must conform to ISA ANSI A300 Pruning Standards	NO	No Permit Required Must conform to ISA ANSI A300 Pruning Standards Not Allowed solely for Solar Access	NO
TOPPING	No Permit Required	Prohibited except for Storm Damage as determined by a city arborist	N/A	Not Allowed	N/A
SOLAR ACCESS	No Permit Required	Removal Permit Req'd	Yes	May not be removed solely for solar access	N/A
HAZARD TREES	No Permit Required	Removal Permit Required After the Fact if Emergency Removal	YES	Arborist Concurrence Req'd Removal Permit Required	YES
REMOVAL OF DISEASED OR INFESTED TREES	No Permit Required	Arborist Concurrence Req'd Removal Permit Required	YES	Arborist Concurrence Req'd Removal Permit Required	YES
REMOVAL FOR VIEW	No Permit Required	Not Allowed	N/A	Not Allowed	N/A
REMOVAL FOR DEVELOPMENT	No Permit Required	Arborist Concurrence Req'd Removal Permit Required	YES per the City Arborist approved Tree Replacement Plan	MUST ASSESS THE SCHEDULE OF ALTERNATIVE ACTIONS a) Move the building footprint b) Employ non-damaging building techniques c) Apply for a setback reduction d) Reduce the building footprint IF the resulting Building footprint is < 1,000 sq ft then Tree removal is permissible Requires an approved Tree Removal Permit	YES per the City Arborist approved Tree Replacement Plan
REMOVAL FOR ACCESSORY DWELLING UNIT	No Permit Required	Removal Permit Req'd	YES per the City Arborist approved Tree Replacement Plan	MUST ASSESS THE SCHEDULE OF ALTERNATIVE ACTIONS a) Move the building footprint b) Employ non-damaging building techniques c) Apply for a setback reduction d) Reduce the building footprint IF the resulting Accessory Dwelling Unit footprint is < 600 sq ft then Tree removal is permissible Requires an approved Tree Removal Permit	YES per the City Arborist approved Tree Replacement Plan
REMOVAL FOR HOME EXPANSION, ACCESSORY STRUCTURE, GARAGE OR DRIVEWAY	No Permit Required	Arborist Concurrence Req'd Removal Permit Required	YES per the City Arborist approved Tree Replacement Plan	Not Allowed	N/A
REMOVAL WITHOUT AN APPROVED REMOVAL PERMIT	No Permit Required	Fine \$5,000 to \$10,000 per tree depending on species and DBH	YES per City Arborist Direction	Fine Greater of \$20,000 or 5% of Total Assessed Property Value	YES per City Arborist Direction



CANNON BEACH CITY COUNCIL

STAFF REPORT

FACILITY CAPITAL PROJECTS BOND ISSUE

Agenda Date: April 2nd, 2024

Prepared by: Bruce St.Denis, City Manager

BACKGROUND

At the April 2nd meeting the council will discuss the project components listed below for consideration of voting on a Bond Resolution for the City Hall, Police Station and Cannon Beach Elementary (CBE) projects on April 9th. Part of that discussion will center on how much bond money will be requested. Both the Police Station and the CBE project have outstanding items for consideration that will affect the usability of the projects and potentially impact the project budgets.

ANALYSIS/INFORMATION

Police Station Cost Considerations

- **Relocation of Connex boxes (PD) - \$100,000**
 - This project is required to allow site work to commence.

There are several Connex boxes on the site that are in that location for Emergency Management purposes. Because of the grade changes on the site it has been determined they will need to be relocated during site work for the police station. Most have power and some form of climate control to protect the contents. These functions will need to be maintained through construction. Options include moving them to another location on the site permanently or temporarily during site work and returning them to a location close to from where they came.

The optimal option has not yet been decided.

Options:

- Project reductions
- General fund
- Bond funds

Items below the line

“Items below the line” are those individual items that are desirable but not within the prescribed funding level for the project. Options are to delete the item, reprogram other project costs to pay for it, use general funds to pay for the item or increase bond proceeds to cover the cost.

- **Covered Parking for police vehicles.** - \$200,000

Options:

- Don't include covered parking
- Project reductions
- General fund
- Bond funds

- **Demo/rebuild/relocate existing garage** - \$125,000

A garage was built for Emergency Management use at the South Wind site. Police requested that it be made available to them for evidence storage. Because of the grade changes on the site, it needs to be moved or demolished and rebuilt after the grading is complete. Funds are also needed to replace the storage capacity for Emergency Management.

Options:

- Demo garage and don't replace
- Project reductions
- General fund
- Bond funds

Cannon Beach Elementary School cost considerations

- **Hard costs spent for COE #4 to #7 (9 months) - \$304,951**

The project was budgeted for 3 **Community Opportunities for Engagement** (COE's). It was a robust public process, and it was decided to include several additional COE's around June of 2022. CIDA was paid \$304,951 between the time of COE 4 through 7. That is a real cost that was not captured in the Bremick estimate of \$12.3 million for the project. And real funds were expended from the initial CBE bond issue. The initial Bond issue was for \$4.3 million.

We may want to consider reimbursing the project budget for the \$304,951 paid to CIDA for the extra COE's. The reason this is worthy of consideration is that when it was an “out of scope item” that was over and above the anticipated contract amount. Because the \$304,951 was anticipated to be an expenditure the dollars available from the initial bond have been reduced by that amount. The result is that the subtraction of \$4.3 million from the \$12.3 million budget would leave the project short by \$304,951. Returning these funds to the budget could make a difference in consideration of being able to fund the movable wall in the classrooms or furnishing the kitchen.

Options:

- Don't recover the funds for work done as part of COE #4 through #7
- Project reductions
- Tourism and lodging tax

- General fund
- Bond funds

- **Food bank building (After use by city hall project) - \$325,000**

We anticipate buying a portable to act as a temporary city hall during city hall construction. It would eventually be relocated to CBE to become the permanent food bank. Because of the final use as a food bank staff does not think it is appropriate to use project funds to purchase the facility and that this was always intended to be a General Fund purchase.

Sources:

- General Fund

- **Food bank Canopy_\$163,000**

The interior courtyard of the CBE project currently has a canopy on the exterior of each of the buildings. While the food bank will make excellent use of the canopy staff feel that it should not be part of the CBE project cost. If approved it may be constructed with the rest of the project, but TLT funding is not appropriate for the canopy construction in from of the food bank.

Sources:

- General fund

RECOMMENDATION

The council carefully considers each item for approval/disapproval and select what they feel if the appropriate option to deal with moving forward with the item or funding source.

List of Attachments

None

**City of Cannon Beach
Monthly Status Report**

To: Mayor and City Council
From: City Manager Bruce St. Denis
Date: April 2, 2024

Community Development Monthly Report, February 2024

Planning Commission: The Planning Commission met on February 1, 2024 to consider the following items:

- Adoption of findings from Thursday January 25, 2024, meeting. Continuation of Public Hearing of CU#23-04, Red Crow LLC on behalf of Patrick/David LLC for a Conditional Use Permit.

Planning Commission: The Planning Commission met on February 15, 2024 for a Work Session to consider the following items:

- Code Audit Reorganization Review

Planning Commission: The Planning Commission met on February 22, 2024 to consider the following items:

ZO 23-02, City of Cannon Beach request for Zoning Ordinance text amendments to Chapter 17.43 Wetland Overlay Zone.

Design Review Board: The Design Review Board met on February 21, 2024 to consider the following items:

Continuation of DRB 23-14, Scott Rochel applicant and property owner, to demolish old garage and rebuild new garage with an Accessory Dwelling Unit (ADU).

Continuation of DRB 24-02 Glen Miller applicant, on behalf of the Cannon Beach Conference Center, to remove and replace existing siding and install new siding.

Continuation of DRB 24-03 Jay Orloff of Tolovana Designs LLC applicant, on behalf of Patrick/Dave LLC, to build a new detached multi-family development with detached garages.

DRB 24-04 WRB Construction LLC, on behalf of Tolovana Sands Condominiums, Application for exterior alterations to existing buildings.

The Chair of the DRB, approved minor modifications for the following addresses:

None

Short-term Rentals February

Program	Number of permits
14-day permit	145
Lifetime Unlimited permit	43
5-year Unlimited permit	5
Total permits	193
New short-term rentals this month	0
Pending short-term rentals	4

Tree Report February

Date	Location	Hazard	Dead	Const.	Health other	Solar	Replant Req.
2/26/2024	143 E Tanana			4			Yes
2/28/2024	232 E Van Buren	1					Yes

Other Planning/Building Matters:

- CD Staff continues to support and work with Urbswork on the Wetlands Amendments, the zoning code reorganization, housing survey and code audit.
- CD Staff participated with CREST and regional planning partners for the Ecola Creek Design project.
- CD Staff participated with CREST and regional planning partners for Clatsop Regional Housing Task Force.
- CD Staff continues to participate in the Cannon Beach Elementary School, Police Station, and City Hall projects.
- CD Staff continues working with the attorney preparing for the Roberts LUBA appeal.

Building Department Permit Fees: February 1-29, 2024

Building	Issued	Permit Fees	Value	Affordable Housing Tax Fund*
New SFR	1	\$20,418.16	\$625,250.00	\$5,102.04
Addition	-	-	-	-
Alteration	2	\$781.06	\$12,000.00	-
Repair	2	\$2766.72	\$80,130.00	-
Replacement	-	-	-	-
Tenant	-	-	-	-
Commercial	1	\$683.23	\$40,000.00	-
Total	6	\$24,649.17	\$757,380.00	\$5,102.04

*Affordable Housing Tax Collection is 1% of the value of the building permit and is distributed as follows:

Four percent as an administrative fee to recoup the expenses of the city. After deducting the administrative fee, Fifteen percent is distributed to the Housing and Community Services Department to fund home ownership programs that provide down payment assistance (paid to the state). Fifty percent to fund developer incentives allowed or offered and Thirty-five percent for programs and incentives of the city related to affordable housing. This eighty-five percent goes into the City's Affordable Housing Fund.

Affordable Housing Summary	Month to Date	Year to Date	Total to Date
Residential	\$5,102.04	\$18,747.19	\$341,178.44
Commercial	\$0	\$0	\$64,823.42
Total	\$5,102.04	\$18,747.19	\$406,001.86
Other Permits	Issued	Permit Fees	
Mechanical	14	\$391.77	
Plumbing	8	\$199.44	
Total	22	\$591.21	

Public Works Department Report – March

Parks:

- Review status of playground equipment with Len Fransen
- 75 yards of engineered wood chips at playgrounds for safety
- Completed manor stone wall west of Siuslaw.
- Coos beach access – added crushed rock to trail.
- 10 yards topsoil installed at Warren Wy intersection to address trip hazard at the sidewalk.
- Planted two trees to replace Right of Way Trees removed.
- Painted purple martin houses to be put up soon.

Water:

- Several leak investigations on service lines.
- 2 new water services installed on 500 block of N Laurel.
- Seismic valves and flexible joints installed at North and South Reservoirs, Halme Excavating, Inc. as part of the Phase 1 Water Resiliency project.
- Six-inch meter replaced at Hallmark; large vault installed.
- Water training with OAWU and CEU's attained.
- Replaced several broken meter boxes and lids.
- Assisted Cindy Olson with backflow testing.
- Educated customers on Eye on Water (Total: 862 signed up).
- Completed weekly locates and work orders.

- Notified multiple users of water leaks and high use.
- Updated meter data and sent to GeoMoose.
- Entered LTE data into Beacon and Caselle.

Wastewater:

- Finish the sewer main upgrade on Spruce St. & Monroe St. (Upsizing from a 4" PVC sewer lateral that service 3 homes, to a 6" PVC sewer lateral.)
- Attend operator certification CEU classes.
- Pump station building maintenance, both inside and outside.
- Power wash treatment plant basin appurtenances.
- Replace a ballast and two bulbs on one of the Trojan UV banks.
- Training on E-Prep R.O. water treatment filter trailer.
- Stage equipment and prepare for Matanuska pump station electrical upgrade.

Roads:

- Storms brought a lot of wood to plug up the beach access ramps so that kept us busy clearing them and the outfalls to the beach.
- Cleaned and replaced numerous signs throughout town.
- Pothole sweeps both rock and cold mix asphalt.
- Picked up lots of trash, cleaned off and cleared plugged catch basins.
- Cleared the trail in the ECFR, a lot of trees blown down that made cutting them off the trail vary dangerous.

Emergency Management – March

- Wayfinding Wednesday –March 6th
- Complete reprogramming each cache site command radio – Added antennas to each site
- Whelen team arrived for a COW'S tour and April walkthrough
- CB Emergency Volunteer meeting with new Fire Marshall and Clatsop Emergency Manager Coordinator
- Work with CBFD chief to develop radio system for lifeguards on the beach
- Tour of cache sites – State representatives – City of Seaside – two dates
- Host community gathering to discuss ORAM/DHS Resiliency Hub Grants 3/18/24
- R/D cache tenting solutions - Added tents – sleeping bags to cache sites
- Cache inventory 2024 continued
- Chefs meeting to discuss "How to cook" for sheltered community with resiliency hub stored food
- Bid and walk through of possible site to move the TANGO resiliency hub equipment
- Bid for site development received and presented to City Manager
- Grant drafted to receive 2 CONEX boxes to replace large TANGO building equipment
- Coordinate with County EM - Resiliency Hub grant, how will this impact Clatsop County
- Attended Navigating Coastal Hazard conference in Astoria – 2 days with site tours
- Training with Public works team – Water Treatment Trailer - 2 days of training
- Participate in State ORAM– equipment typing for state resource deployment meeting
- Water resiliency probe for research and development small Water Treatment Trailers for coastal/rural use
- F/Y budget development 24/25 -Back up completed

Haystack Rock Awareness Program (HRAP) – March

- February Beach Contacts: 2432, season began February 16th
- Number of new volunteers: 3
- Number of staff interpreters hired: 2
- Bird Sightings: Common Merganser, Harlequin Duck, Common Murre, Bald Eagle, Black Oystercatcher, Surf Scoter, Pelagic Cormorant
- Injured Wildlife Rescues: 3
- Nesting Birds Reports: Common Murre in breeding plumage

Public Safety Report – February 2024

Staffing:	Authorized	Assigned
Sworn	9	8
Code Enforcement	1	1
Admin/Support	2	2
Parking/Information	6	0
Lifeguards	10	0 (15 incl. fire personnel)

<u>Station Activity:</u>	2024	2023
CBPD Walk-in	132	119
CBPD Incoming Phone	158	194
SPD Dispatched Calls	81	89
Overnight Camping Warnings	12	30
Local Security Checks	3228	1935
Parking Citations	12	6
Traffic Warnings	246	165
Traffic Citations	42	31
DUII Arrests	3	0
Alarm Responses	6	8
AOA, Including FD	18	15
Citizen Assists	10	10
Transient Contacts	4	5
<u>Total Case File Reports</u>	129	125

Cases of Significance:

Suspicious Circumstance	7 Cases	DV Disturbance:	1 Case
Crim Trespass II:	1 Case	Drug Laws:	1 Case
Menacing:	1 Case	Weapons Laws:	1 Case
DUII:	3 Cases	Welfare Check:	4 Cases
UUMV:	1 Case	Harassment:	1 Case
Theft III:	1 Case	Missing Person:	1 Case
Menacing:	1 Case	Theft I:	2 Cases
Runaway:	1 Case	Violation of Release Agreement:	1 Case

Traffic Citations:

Driving with Suspended License: 1-misd./1-violation	2 Citations	No Insurance:	4 Citations
Expired Registration/Improper Display:	4 Citations	Fail to Maintain:	1 Citation
Passing In a No Pass Zone:	1 Citation	No Proof of Insurance:	1 Citation
Reckless Driving:	2 Citations	No Operators License:	6 Citations
DUII: (.13%,.04%, Blood)	3 Citations	Breath Test Refusal:	1 Citation
Fail to IID:	2 Citations	Fail to Use Seatbelt-child:	1 Citation
Unlawful Use of Electronic Device:	6 Citations		
Violation of Basic Rule/Speeding: 67/55, 40/30)	8 Citations	(85/55,43/30, 76/55, 81/55, 73/50, 79/55,	

Code Enforcement Activities: During this period, 7 municipal code violations were addressed and resolved or pending resolution.