

SEASIDE PLANNING COMMISSION AGENDA
989 Broadway - City Hall Council Chambers
April 1, 2014
7:00 p.m.

- 1. CALL TO ORDER:**
- 2. PLEDGE OF ALLEGIANCE:**
- 3. OPENING REMARKS:**
- 4. DECLARATION OF CONFLICT OF INTEREST OR EXPARTE CONTACTS:**
- 5. APPROVAL OF MINUTES:** March 4, 2014
- 6. PUBLIC HEARING:**

A.) 14-008VRD & 14-013V is a request by **Adam and Laura Schmidt** for a **two (2)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **six (6)** people over the age of three. The owners are also requesting a variance to the 50% side and rear yard landscaping requirement based on pre-existing development of the site. The property is located at **832 N Holladay** and it is zoned High Density Residential (R-3).

B.) 14-011HOZ is a request by the South County Community Food Bank for the relocation of their facility within the Highway 101 Overlay Zone. The Food Bank is also requesting a variance (**14-012V**) to the 10' building setback based on the configuration of the existing parcel. The building will have a gross area of approximately 2,120 square feet. The property is located at 2041 N Roosevelt and it is zoned General Commercial (C-3).

C.) 14-014SV: A sign code variance request that will allow the Coming Attractions Theater additional sign area so that decorative lighting features can be incorporated into their exterior building facade. The subject property is located at 1026 12th Avenue (6 10 15CA TL: 7900, 8000, 8100, 8600, 8700, 8800, 9000, 9100) and is zoned General Commercial (C-3).

- 7. ORDINANCE ADMINISTRATION:**
- 8. PUBLIC COMMENTS:** Not related to specific agenda items:
- 9. PLANNING COMMISSION & STAFF COMMENTS:**
- 10. ADJOURNMENT**

MINUTES SEASIDE PLANNING COMMISSION

March 4, 2014

CALL TO ORDER: Chair Ray Romine called the regular meeting of the Seaside Planning Commission to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Virginia Dideum, Ray Romine, Tom Horning, Chris Hoth, Bill Carpenter, and Robert Perkel. Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director. Commissioner Ridout was absent.

OPENING REMARKS & CONFLICT OF INTEREST/EX PARTE CONTACT: Chair Romine asked if there was anyone present who felt the Commission lacked the authority to hear any of the items on the agenda. There was no response. Chair Romine then asked if any of the Commissioners wished to declare a conflict of interest or ex parte contact. There was no response.

APPROVAL OF MINUTES: Motion to approve the March 4, 2014 minutes;
Commissioner Carpenter made a motion to approve the minutes as submitted. Commissioner Perkel seconded. The motion was carried unanimously.

AGENDA:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chair Romine:

1. The applicable substantive criteria for the hearing items are listed in the staff report(s) prepared for this hearing.
2. Testimony and evidence shall be directed toward the substantive criteria listed in the staff report(s) or other criteria in the plan or land use regulation, which you believe applies to the decision.
3. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue.
4. The applicant will testify first, then any opposition will testify, and then the applicant will be given time for rebuttal.

PUBLIC HEARING:

A.) 14-003VRD & 14-004V are requests by Steven V. Brewer for a **Three** (3) bedroom Vacation Rental Dwelling Permit with a maximum occupancy of **nine** (9) people over the age of three. Mr. Brewer is also requesting a variance to the 50% front yard landscaping requirement. The property is located at **660 Necanicum** and it is zoned High Density Residential (R-3).

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria, findings, conditions, and conclusions.

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Erin Barker, 800 N Roosevelt, Seaside. Erin stated that this had been a vacation rental since 2005 and has not had any complaints. There is a new owner which is why it is before the planning commission. Erin passed out photos of both units being rented and noted that there is enough parking and they show the current landscaping. Erin introduced the Pomeroy's who own the unit next door at 662 Necanicum and they are in favor of the vacation rental. Their home is also a vacation rental.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. There was no response.

Chair Romine indicated the issue was opened for Commission discussion. Commissioner Carpenter asked what the occupancy was with the previous owners. Erin stated that it was 9, same as this request.

Commissioner Hoth asked about the plot plan that shows the parking and noted that there is a 6ft hash marked stretch that says add for parking. Mr. Cupples stated that they used the same parking plan that was submitted in 2005. They didn't have adequate room to park the cars at that time. Back in 2005, it

was a condominium, so they jointly owned the whole front area in common. Now that it is a townhome, and the lot is divided equally, they own ½ of the property in front yard. That is way they need the variance for the front yard landscaping.

Commissioner Dideum asked what's the difference between a townhome and a condominium? Mr. Cupples stated that with a condominium you only own the box and jointly own the land as common area. In the case of a townhome, you own the land that the home sits on and there is a firewall along the zero lot line in between the two units.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Commissioner Hoth made a motion to approve the conditional use and variance under the guidelines that staff has presented.

Vice Chair Didiem seconded and the motion was carried unanimously.

ORDINANCE ADMINISTRATION:

COMMENTS FROM THE PUBLIC:

COMMENTS FROM COMMISSION/STAFF: Mr. Cupples stated that there is a visioning questionnaire on the City's website and it would be great if everyone could fill one out.

Commissioner Horning mentioned that March 27th is the 50 year anniversary of the Tsunami of 1964.

ADJOURNMENT: Adjourned at 7:15 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant

To: Seaside Planning Commission
From: Planning Director, Kevin Cupples
Date: April 1, 2014
**Applicant/
Owner:** Adam & Laura Schmidt
PO Box 2741
Hillsboro, OR 97123
Location: 832 N Holladay, T6-R10-S 16DD TL#11300
Subject: Conditional Use 14-008VRD, 14-0013V; Vacation Rental Dwelling Permit and Variance

REQUEST:

The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at 832 N Holladay. In conjunction with this request, the applicant is requesting a variance to the landscaping percentage for the side and rear yards.

The subject property is zoned High Density Residential (R-3) and the applicant is requesting a maximum occupancy of six (6) people over the age of three (no more than 10 regardless of age) within the existing three bedroom dwelling. The property is located at 832 N Holladay.

The review will be conducted in accordance with Articles 6, 7, and 10 of the Seaside Zoning Ordinance which establish the review criteria and procedures for a Conditional Use & Variance. The specific review criterion for Vacation Rental Dwellings is included in Section 6.137 of the Ordinance.

DECISION CRITERIA, FINDINGS AND CONCLUSIONS:

The following is a list of the decision criteria applicable to the request. Each of the criteria is followed by findings or justification statements which may be adopted by the Planning Commission to support their conclusions. The Commission may include conditions which they consider necessary to protect the best interests of the surrounding area of the city as a whole. Although each of the findings or justification statements specifically applies to one of the decision criteria, any of the statements may be used to support the Commission's final decision.

DECISION CRITERIA # 1: Pursuant to Section 6.137, Vacation Rental Dwellings (VRDs) within the R-2 and R-3 zones shall be reviewed by the Planning Commission whenever the surrounding VRD density is 20% or greater. A permit shall be issued as an accessory use provided the applicant can demonstrate by written application that all of the following standards are met:

- A. Parking.** One 9' x 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.
- B. Number of Occupants.** The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom. The maximum

occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations.

The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of inspection for valid code reasons.

C. Residential yard areas. Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.

D. Local responsible party. A local responsible party that permanently resides within the County must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding the operation of the VRD. The owner shall provide the telephone number of the local contact person to the City, and to the immediate neighbors within the notification area (within 100' of the subject property).

E. Spatial distribution requirements. Within the medium density residential (R-2) zones and high density residential (R-3) zones, not more than 20% of the properties within 100' of the subject property can be currently licensed for VRD use without Planning Commission review based on the following additional criteria:

1. The use of the property as a VRD will be compatible with the surrounding land uses.

2. The VRD will not contribute to excessive parking congestion on site or along adjacent streets.

A decision by the Commission to approve a VRD request may include conditions that would restrict the number of renters or total occupants in the VRD.

FINDINGS & JUSTIFICATION STATEMENTS:

1. The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **832 N Holladay**. The subject property is zoned **High Density Residential (R-3)** and the applicant is requesting a maximum occupancy of **six (6) people** over the age of three (no more than 10 regardless of age) within the existing **three** bedroom dwelling.

The applicant's submitted justification is adopted by reference and summarized below:

- a. The applicant's plot plan indicates there are **two** off-street parking spaces that are available on the site. **One car adjacent to the dwelling in the side yard and one behind the dwelling in the rear yard.**
- b. The existing **three** bedroom residence will have a limited occupancy of **six (6) people**.

- c. The plot plan shows that parking will not take up more than 50% of the front yard; however, the south side and rear yard were previously paved as part of a comprehensive development plan for the subject property and the neighboring lots.
 - d. A variance to the landscaping requirements has been requested based on the recognition the side and rear yard parking area is already existing and it is not being altered in order to provide adequate parking area for two cars.
 - e. **Oregon Beach Vacations (201 S Holladay, Seaside, OR 97138) will be the manager for the VRD (800-723-2383). After hours number is (503)468-9085**
 - f. The owner/applicants, **Adam & Laura Schmidt** have read all of the standards and conditions applicable to VRDs.
2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single family dwellings. Currently **25%** of the surrounding dwellings are licensed for VRD use and all of the property is zoned **High Density Residential (R-3)**.
3. All property owners within 100 feet of the subject property were notified of the applicant's request. At the time of this report the Community Development Department **has not** received written comments about the applicant's request.
4. The proposed use is located within the tsunami inundation zone identified by the State of Oregon.
5. The property has undergone a preliminary compliance inspection. All of the corrections noted during the inspection must be completed and approved by final inspection prior to any transient rental of the property.
6. The City of Seaside Planning Commission adopted a list of policies and a uniform list of conditions they believed should be incorporated into the vacation rental dwelling review process. These were reviewed with the City Council prior to adoption and they are consistent with the provision in Section 6.031 which in part states: "...the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area of the city as a whole."
7. The glare from outdoor lighting can have an impact on adjacent properties. All exterior lighting should conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This would basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any fixture that exceeds the equivalent lumens of a 40 watt bulb (450 lumens).

CONCLUSION TO CRITERIA #1:

With the exception of the side and rear yard landscaping, the Vacation Rental Dwelling requirements have been adequately addressed by the applicant and the request can be approved subject to the following list of standard and special conditions. Approval of the request is contingent on the variance request.

Compliance Inspection: The proposed vacation rental dwelling (VRD) must pass a compliance inspection conducted by the Community Development Department prior to any transient rental. This inspection will verify compliance with all VRD standards and conditions of approval and the applicant is hereby advised that failure to meet certain standards can result in a reduction in the maximum occupancy. The final occupancy will be noted in land use file **(14-008VRD)** and reflected on the City of Seaside Business License. The license is not valid until the appropriate occupancy has been established by the approval of a final compliance inspection by the Community Development Department.

- 1. Parking spaces: Two (2) off-street parking spaces (9' X 18' per space) are required on site.** These spaces shall be permanently maintained and available on-site for use by the vacation rental occupants. Vacation Rental Dwelling (VRD) tenants are required to park in the spaces provided on site for the VRD. No on-street parking associated with this VRD is allowed at this location. Vehicles parked at VRDs may not project over the sidewalk and block pedestrian traffic. A parking map shall be posted inside the dwelling for the VRD tenants. .
- 2. Maximum number of occupants: Six (6) persons over the age of three (no more than 10 regardless of age).** The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. If the number of occupants is less than the original number requested, it may have been reduced for valid code reasons.
- 3. Applicability of Restrictions:** Properties licensed for VRD use will be expected to adhere to the VRD standards and rules throughout the entire year even when they are not being rented for profit. This will not apply to the dwellings when members of the owner's family are present.
- 4. Open Yard Areas:** Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. **The current landscaping within each yard area shall not be further reduced below current levels so parking will not dominate the yard.**
- 5. Local Contact: Oregon Beach Vacations (201 S Holladay, OR 97138) will be the local contact for the VRD and can be reached at (800) 723-2383. The after hours number is (503) 468-9085**

The contact person must be available 24 hours a day to address compliance issues while the property is rented. Upon any change in the local contact, the owner must provide formal notice of the updated contact information to the

City and all of the neighboring property owners within 100'. Managers are required to notify the City any time they stop representing a VRD.

Local contact information is available at the Community Development Department (503) 738-7100, City Hall (503) 738-5511, or after business hours at the Seaside Police Department (503) 738-6311.

6. **Compatibility:** A VRD will be compatible with the surrounding land uses and shall not contribute to excessive parking congestion on site or along adjacent streets.
7. **Exterior Outdoor Lighting:** All exterior lighting must conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This will basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any fixture that exceeds the equivalent lumens of a 40 watt bulb.
8. **Ordinance Compliance & Solid Waste Pick-up:** All vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick-up is required during all months.
9. **Required Maintenance:** It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, Traveler's Accommodation Statutes, and with the Uniform Housing Code. **Owners are hereby advised that Carbon Monoxide detectors must be installed and maintained in all newly established transient rental occupancies.**
10. **Permit Non-transferability:** Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she so desires, may apply for a new permit in accordance with City Ordinance.
11. **Business License, Room Tax Requirements, & Revocation for Non Payment:** A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.
12. **Conflicts & Potential Denial for Non Compliance:** Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning

Commission as provided in Subsection 5 of this Section. Failure on the applicant's part to meet the standards or conditions will result in modification or denial of the permit.

- 13. Complaints:** Applicants are hereby advised the City Code Compliance Officer routinely follows-up on individual complaints if there is a valid code issue that needs to be addressed by the owner and/or manager of a VRD. Staff does not wait until the occupants of two different residences submit written complaints before they take action to achieve compliance. The VRD complaint procedures are outlined in an attachment to the notice of decision and the forms can also be accessed on the City of Seaside's web site <http://www.cityofseaside.us/sites/default/files/docs/VRD-COMPLAINTFORM.pdf> This should be used to report alleged violations that are not being addressed by the local contact or property manager.
- 14. Time Period for Approval, Required Re-inspection:** This VRD approval shall be limited to 5 calendar years unless the dwelling is re-inspected (subject to the applicable fee) for compliance with the VRD policies and ordinances applicable at the time of the re-inspection. Re-inspection notices will be provided to the owners at the time business licenses are issued for the 5th calendar year. If the re-inspection is not completed during the 5th year, the permit will expire and a new VRD application must be approved prior to obtaining a new business license for the 6th calendar year. Compliance with the re-inspection requirements will reauthorize the VRD for an additional 5 calendar years.
- 15. Tsunami Information & Weather Radio:** The owner shall post or otherwise provide a tsunami evacuation map in a conspicuous location within the VRD. In addition, a NOAA weather radio, with automatic alert capabilities, must be permanently affixed in a central part of the VRD along with an informational sheet that summarizes the warning capabilities of the radio in the event of a distant tsunami.
- 16. Grace Period:** If a currently licensed VRD sells to another party, staff is allowed to grant a temporary grace period of not more than 60 days in which current bookings can be cleared without being recognized as a violation. The manager or owner must provide staff with a list of the bookings during the grace period and no additional bookings can be taken during that time.

REVIEW CRITERIA #2: Variance Section 7.031, the property owner must demonstrate by written application that all of the following circumstances exist:

- 1. The manner in which exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of this Ordinance, topography, or other circumstances over which the applicant has no control.**

2. How literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

3. That the special conditions and circumstances do not result from the actions of the applicant, and

4. Evidence that granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of land, structures or buildings in other districts shall be considered grounds for issuance of a variance.

FINDINGS & JUSTIFICATION STATEMENTS:

8. The applicant is requesting a variance the 50% side and rear yard landscaping requirement for vacation rental dwellings (Section 6.137, 2. C). The applicant's submitted justification is adopted by reference and summarized below:

- Parking for the property is all pre-existing and subject to a parking easement that was created at the time the property was originally divided. The easement specifies where cars are allowed to park and no additional parking spaces are being proposed in order to obtain a permit for a vacation rental dwelling.
- Landscaping is provided in the front yard; however, the side and rear yards are utilized for vehicular access to the property located behind the subject property.
- No changes are proposed to the current parking spaces and landscaping would violate the easement.

CONCLUSION TO CRITERIA #2:

The pre-established parking layout and landscaping in side and rear yards is not being modified in order to permit a higher occupancy and the elimination of the spaces would conflict with the existing easement. The variance is subject to the following condition:

17 The existing area dedicated to landscaping in the front yard will not be further reduced below current levels.

FINAL STAFF RECOMMENDATION

Conditionally approve application **14-008VRD & 14-013V** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **six (6)** persons over the age of three (no more than 10 regardless of age) at **832 N Holladay**. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

- This approval will become void one (1) year from the date of decision unless VRD license is obtained or an extension of time is approved in the manner prescribed under the Seaside Zoning Ordinance.
- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance such as erosion control provisions and any other applicable City of Seaside Ordinances.

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

Attachments: Applicant's Submittal



City of Seaside, Planning Department

989 Broadway, Seaside, OR 97138 (503) 738-7100 Fax (503) 738-8765

Land Use Application

Kevin Cupples, Director

PLEASE PRINT OR TYPE

NAME OF APPLICANT Adam + Laura Schmidt	ADDRESS PO Box 2741 Hillsboro OR	ZIP CODE 97123
STREET ADDRESS OR LOCATION OF PROPERTY 832 N Holladay, Seaside		

ZONE R-3	OVERLAY ZONES	TOWNSHIP 4	RANGE 10	SECTION 16 DD	TAX LOT 11300
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PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

Vacation rental property

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.
IF ADDITIONAL SPACE IS NEEDED OR SUPPLEMENTAL INFORMATION IS REQUIRED PLEASE ATTACH)

OWNER:	APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):
PRINT NAME OF PROPERTY OWNER Adam + Laura Schmidt	PRINT NAME OF APPLICANT/REPRESENTATIVE
ADDRESS PO Box 2741, Hillsboro OR 97123	ADDRESS
PHONE / FAX / EMAIL 503-314-9188 / laurie_kle@aol.com	PHONE / FAX / EMAIL
SIGNATURE OF PROPERTY OWNER <i>Laura Schmidt</i>	SIGNATURE OF DULY AUTHORIZED APPLICANT/REPRESENTATIVE

FOR CITY USE ONLY – DO NOT WRITE BELOW THIS LINE

CHECK TYPE OF PERMIT REQUESTED:

- | | | | |
|--|---|---|--|
| <input type="checkbox"/> CONDITIONAL USE | <input type="checkbox"/> NON CONFORMING | <input type="checkbox"/> SUBDIVISION | <input type="checkbox"/> ZONING CODE AMENDMENT |
| <input type="checkbox"/> LANDSCAPE/ACCESS REVIEW | <input type="checkbox"/> PLANNED DEVELOPMENT | <input type="checkbox"/> TEMPORARY USE | <input type="checkbox"/> ZONING MAP AMENDMENT |
| <input type="checkbox"/> MAJOR PARTITION | <input type="checkbox"/> PROPERTY LINE ADJUSTMENT | <input checked="" type="checkbox"/> VACATION RENTAL | <input type="checkbox"/> APPEAL |
| <input type="checkbox"/> MINOR PARTITION | <input type="checkbox"/> SETBACK REDUCTION | <input type="checkbox"/> VARIANCE | <input type="checkbox"/> |

PLANNING DEPARTMENT USE:	
DATE ACCEPTED AS COMPLETE 2-21-14	BY DK
CASE NUMBER (S) 14-008	VRD
HEARING DATE 4-1-14	P.C. ACTION

OFFICE USE:	
FEE	RECEIPT
DATE FILED	BY

**CITY OF SEASIDE
VACATION RENTAL DWELLING (VRD) APPLICATION**

The City of Seaside requires approval for short term (less than 30 day) rental of certain types of residential property. These uses are referred to as vacation rental dwellings (VRDs) and they must be approved in accordance with the conditional use provision in Chapter 6.137 of the Seaside Zoning Ordinance (see attached). Although most requests can be reviewed by the Planning Director; in some cases, the requests require a public hearing before the City Planning Commission. In both cases, VRD applicants must provide the following information and submit it for review along with their business license application.

In addressing the following questions, additional information and supporting evidence can be referenced and attached to the submittal.

SUBMITTAL INFORMATION

1. Applicant's Name: Adam + Laura Schmidt
2. Mailing Address: PO Box 2741
3. Telephone #: Home 503-314-9188, Laurie cell: 503-703-9764, Work 503-703-9764, Adam cell: 503-703-9764, Fax _____
4. If the applicant is not the current owner, the applicant must also submit a signed statement from the owner that authorizes the VRD application.
5. VRD Street Address: 832 n Holladay
6. Tax Map Ref.: Township 6, Range 10, Section 16 PD, Tax lot # 11300
7. What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use? 3 The VRD ordinance states: One 9' X 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.
8. How many bedrooms are in the dwelling? 3 Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed? 3 Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD 9. The VRD ordinance states: The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of inspection for valid code reasons.
9. All off street parking spaces must be clearly indicated on the applicant's site plan. Will the existing parking spaces or any planned expansion of parking take

ORIGINAL

9634

CITY OF SEASIDE

FEB 19 2014

PAID

20
100
430
550 @
11736

past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.

- Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in the VRD ordinance. Failure on the applicant's part to meet the standards or conditions will result in denial of the application. This would be in addition to any violation procedures specified in Article 12 of the Seaside Zoning Ordinance.

Has the owner or the duly authorized applicant read all the standard conditions and answered all of the questions honestly based on their understanding of the VRD request? yes.

By signing this application, the applicant is also acknowledging that if the request requires review by the Planning Commission (Ordinance Provision 6.137E), the Applicant or a duly Authorized representative must attend the Public Hearing.

Applicant's Signature: Laura Schmidt Date: 1/9/14.

-----For Office Use Only-----

At the time of submittal, the applicant must pay the annual business license fee based on the proposed occupancy of the VRD: 1-5 occupants \$75.00, 6-10 occupants \$100.00, 11+ occupants 150.00. This fee must be accompanied by a one time filing fee of \$20.00.

In addition to the business license fee, a \$430.00 planning review fee must be submitted with this application. If the surrounding density of VRDs (see question 11) requires a Planning Commission review, an additional fee of \$240.00 must be paid before staff will schedule the public hearing to review the application.

If the VRD application is not approved, only the business license fee will be refunded.

Submittal Date: _____ Amount Paid: _____

~~~~~ For Community Development Use ~~~~~

Date application was received at Community Development: \_\_\_\_\_.

File Reference # \_\_\_\_\_ Date determined to be complete: \_\_\_\_\_

If applicable, date for Planning Commission Hearing: \_\_\_\_\_



**City of Seaside, Planning Department**

989 Broadway, Seaside, OR 97138 (503) 738-7100 Fax (503) 738-8765

**Land Use Application**

Kevin Cupples, Director

PLEASE PRINT OR TYPE

|                                                                          |                                             |                          |
|--------------------------------------------------------------------------|---------------------------------------------|--------------------------|
| NAME OF APPLICANT<br><i>Laura Schmidt</i>                                | ADDRESS<br><i>PO Box 2741, Hillsboro OR</i> | ZIP CODE<br><i>97123</i> |
| STREET ADDRESS OR LOCATION OF PROPERTY<br><i>832 N Holladay, Seaside</i> |                                             |                          |

|      |               |          |       |         |         |
|------|---------------|----------|-------|---------|---------|
| ZONE | OVERLAY ZONES | TOWNSHIP | RANGE | SECTION | TAX LOT |
|      |               |          |       |         |         |

**PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):**

*Vacation rental property*

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(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.  
IF ADDITIONAL SPACE IS NEEDED OR SUPPLEMENTAL INFORMATION IS REQUIRED PLEASE ATTACH)

|                                                              |                                                       |
|--------------------------------------------------------------|-------------------------------------------------------|
| <b>OWNER:</b>                                                | <b>APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):</b>   |
| PRINT NAME OF PROPERTY OWNER<br><i>Adam + Laura Schmidt</i>  | PRINT NAME OF APPLICANT/REPRESENTATIVE                |
| ADDRESS<br><i>PO Box 2741, Hillsboro OR 97123</i>            | ADDRESS                                               |
| PHONE / FAX / EMAIL<br><i>503-314-9188; lauriele@aol.com</i> | PHONE / FAX / EMAIL                                   |
| SIGNATURE OF PROPERTY OWNER<br><i>Laura Schmidt</i>          | SIGNATURE OF DULY AUTHORIZED APPLICANT/REPRESENTATIVE |

**FOR CITY USE ONLY – DO NOT WRITE BELOW THIS LINE**

**CHECK TYPE OF PERMIT REQUESTED:**

- |                                                  |                                                   |                                          |                                                |
|--------------------------------------------------|---------------------------------------------------|------------------------------------------|------------------------------------------------|
| <input type="checkbox"/> CONDITIONAL USE         | <input type="checkbox"/> NON CONFORMING           | <input type="checkbox"/> SUBDIVISION     | <input type="checkbox"/> ZONING CODE AMENDMENT |
| <input type="checkbox"/> LANDSCAPE/ACCESS REVIEW | <input type="checkbox"/> PLANNED DEVELOPMENT      | <input type="checkbox"/> TEMPORARY USE   | <input type="checkbox"/> ZONING MAP AMENDMENT  |
| <input type="checkbox"/> MAJOR PARTITION         | <input type="checkbox"/> PROPERTY LINE ADJUSTMENT | <input type="checkbox"/> VACATION RENTAL | <input type="checkbox"/> APPEAL                |
| <input type="checkbox"/> MINOR PARTITION         | <input type="checkbox"/> SETBACK REDUCTION        | <input type="checkbox"/> VARIANCE        | <input type="checkbox"/>                       |

|                                 |             |
|---------------------------------|-------------|
| <b>PLANNING DEPARTMENT USE:</b> |             |
| DATE ACCEPTED AS COMPLETE       | BY          |
| CASE NUMBER (S)                 |             |
| HEARING DATE                    | P.C. ACTION |

|                    |         |
|--------------------|---------|
| <b>OFFICE USE:</b> |         |
| FEE                | RECEIPT |
| DATE FILED         | BY      |
|                    |         |

**ARTICLE 7      VARIANCES      FEE: \$ 430.00 Planning Director Decision**  
**\$670 for Planning Commission Decision**

The Planning Director may authorize variances from the requirements of the Seaside Zoning Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of the Ordinance would cause an undue or unnecessary hardship.

No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

In accordance with Article 7.031, a variance shall not be granted unless and until the following standards are met. The property owner must demonstrate by written application that all of the following circumstances exist. Please address how your request complies with the following standards.

1. What exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this Ordinance (6/28/83), topography, or other circumstances over which the applicant had no control?

We request variance with regard to the condition that 50% of the yard be landscaped. The area to the side of the house is close to 50% landscaped + the non-landscaped part of the side + back yards were approved as parking areas in a Parking Easement approved by the County in March 2011 by the previous property owner + neighbors.

2. Which literal interpretations of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance?

If we were required to landscape 50% of the yard areas we would lose our County-approved parking areas (per the Parking Easement).

3. Are these special conditions and circumstances a result of the actions of the applicant?

No, the property was purchased in its current condition. The driveway, parking areas, and shared access were all paved prior to the applicant's purchase of the property and were not a result of any actions on our part.

4. Is there any evidence that granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district? No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of land, structures or buildings in other districts shall be considered grounds for issuance of a variance.

This variance would not provide us with any special privilege as we did not pave this area or participate in the Parking Easement process in 2011. Further, all non-paved areas are well landscaped.

In addition to addressing the standards above, applications shall be accompanied by plans and specifications (plot plan), drawn to scale, showing the actual shape and dimension of the lot to be built upon, the sizes and locations on the lot of the buildings and other structures, existing and proposed, the existing and intended use of each building, structure, and/or part thereof, the number of families, if any, to be accommodated thereon, and such other information as is needed to determine conformance with this Ordinance.

After Recording Return Original To:  
Paul Goodell  
2425 SW 64<sup>th</sup> Avenue  
Portland, OR 97221



Recording Instrument #: 201102642  
Recorded By: Clatsop County Clerk  
# of Pages: 3 Fee: 52.00  
Transaction date: 3/29/2011 15:39:29  
Deputy: tromeyn

## PARKING EASEMENT

TAX ACCOUNTS: 61016DD11300 (832 N. Holladay), 61016DD11301 (830 N. Holladay) &  
61016DD11302 (828 N. Holladay)

This document is written to modify and clarify the "PRIVATE ACCESS AND NON-EXCLUSIVE UTILITIES EASEMENT" as created by Partition Plat No. 2006-35, Plat Records, Clatsop County, Oregon.

KNOW ALL MEN BY THESE PRESENTS, Blake Osburn and Paul Goodell, as the owners of Parcel 1, said Partition Plat No. 2006-35 referred to hereafter as **Party A**, Blake Osburn and Paul Goodell, as the owners of Parcel 2 referred to hereafter **Party B** and that David L. and Shirley A. Durham, as owners, of Parcel 3 referred to hereafter as **Party C**, do hereby establish and designate parking spaces for the uses as stated herein, located in the Southeast ¼ of Section 16, Township 6 North, Range 10 West, Willamette Meridian, City of Seaside, Clatsop County Oregon, for the benefit of the owners, their heir(s), successor(s) and assign(s) as shown on the attached Exhibit "A":

This "PARKING EASEMENT" is established for the purpose of allowing the owner(s) of said Parcels 1, 2 & 3, said Partition Plat, exclusive use of the designated spaces for parking automobiles. Said easement shall be maintained by the owners, their heir(s), successor(s) and assign(s) of the spaces as designated below.

This established "PARKING EASEMENT" is subject, however, to the following conditions to which **Parties A, B & C**, their successor(s) and assign(s) agree:

1. Parking Space 1A and 1B as shown on the attached Exhibit "A" will be for the exclusive use and benefit of **Party A**. Space 2A will be for the exclusive use and benefit of **Party B**. Space 3A and 3B will be for the exclusive use and benefit of **Party C**, established hereunder covers only such rights in the real property described above and is subject to all restrictions and conditions limiting the right to occupy said property:
2. David L. and Shirley A. Durham agree to pay the valuable consideration of \$5,000.00 to **Party B** for the rights and use of SPACE 3B.
3. Should **Party C** (current owners) convey Parcel 3, prior to the sale of Parcel 2 by Party B (current owners), then **Party B** will have the first right of refusal to purchase Space 3B from **Party C**, their successor(s) and assign(s).

Recorded by Titor.360  
Title Ins. Co. 4/1005937

IN WITNESS WHEREOF, this instrument has been executed this 18th day of March, 2011.

Blake Osburn  
Blake Osburn

Paul Goodell  
Paul Goodell

STATE OF OREGON )  
 ) SS  
COUNTY OF CLATSOP )

Known by all men these presents that on this 18th day of March, 2011, before me, a notary public in and for said county and state, personally appeared the above named Blake Osburn & Paul Goodell, whom being first duly sworn did say that they are the identical persons named in the foregoing instrument, and that said instrument to be their voluntary act and deed.

Suzanne Harris  
Notary Public for Oregon  
My Commission Expires: 11-27-2013



David L. Durham  
David L. Durham

Shirley A. Durham  
Shirley A. Durham

STATE OF OREGON )  
 ) SS  
COUNTY OF CLATSOP )

Known by all men these presents that on this 31st day of March, 2011, before me, a notary public in and for said county and state, personally appeared the above named David L. and Shirley A. Durham, whom being first duly sworn did say that they are the identical persons named in the foregoing instrument, and that said instrument to be their voluntary act and deed.

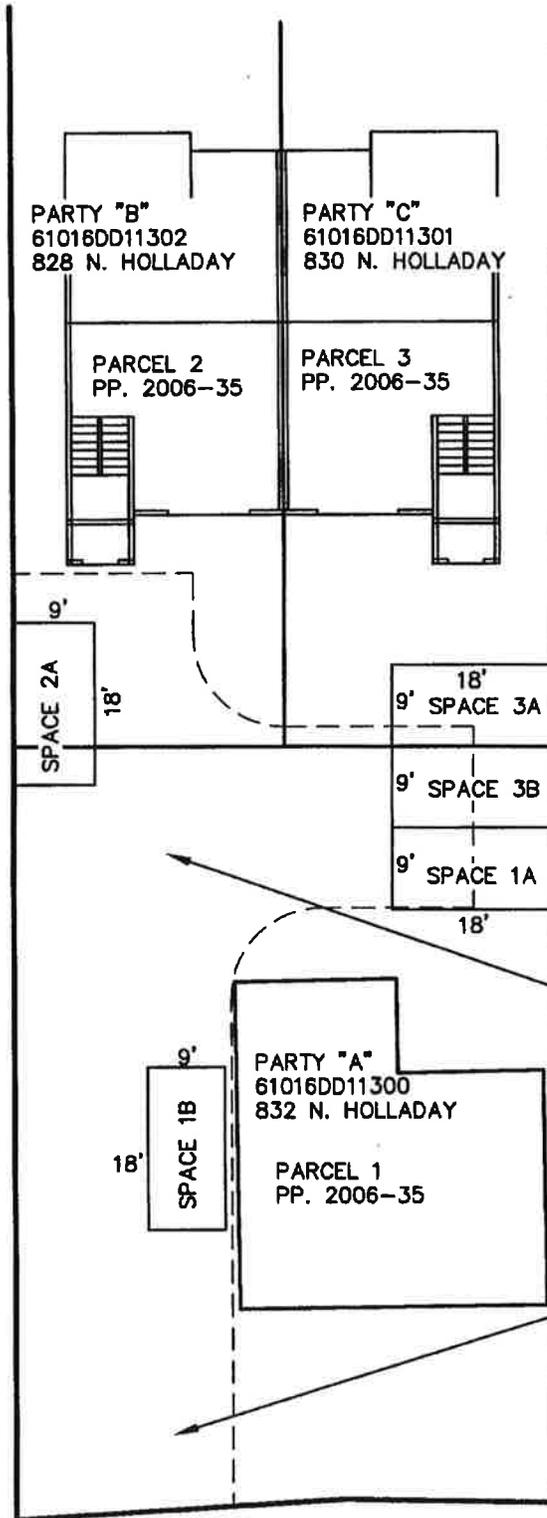
Suzanne Harris  
Notary Public for Oregon  
My Commission Expires: 11-27-2013



# EXHIBIT "A"

NEACANICUM RIVER

IN THE SE 1/4 OF SECTION 16, T6N, R10W, W.M.  
CITY OF SEASIDE, CLATSOP COUNTY, OREGON  
DATE: MARCH 18, 2011 SCALE 1" = 20'

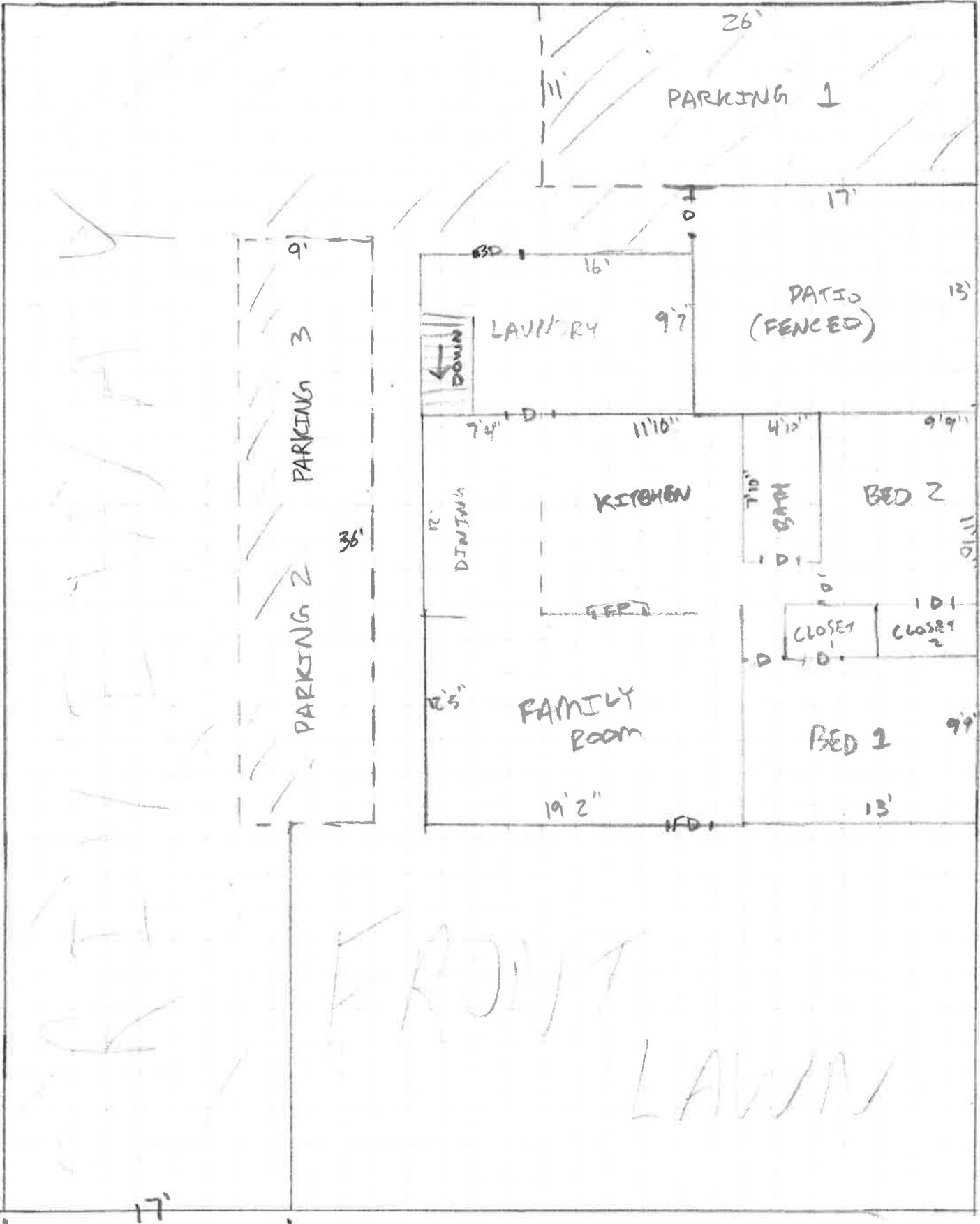


PRIVATE ACCESS EASEMENT  
AND NON-EXCLUSIVE  
UTILITIES FOR THE MUTUAL  
BENEFIT AND USE OF  
PARCELS 1, 2 AND 3 PER  
PARTITION PLAT NO.  
2006-35.



HOLLADAY DRIVE

DRAWING NAME: 4-052EAS DATE OF PLOT: 4/18/11



**CITY OF SEASIDE STAFF REPORT**

**To:** Seaside Planning Commission  
**From:** Planning Director, Kevin Cupples  
**Date:** April 1, 2014  
**Applicant:** South Clatsop County Food Bank, 881 S Edgewood St.  
Seaside, OR; Neal Wallace, Representative  
**Owner:** Bank of the Pacific, 761 Avenue G, Seaside, OR 97138  
**Location:** 2041 N Roosevelt  
**Subject:** Highway Overlay Zone 14-011HOZ, New Food Bank Facility &  
Variance to the HOZ standards

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**REQUEST:**

The applicant is requesting approval to establish a new South Clatsop County Food Bank building within the Highway 101 Overlay Zone. The building will have a gross area of approximately 2,120 square feet and utilize two prefabricated classroom structures that are being donated by the Seaside School District. The property is located at 2041 N Roosevelt and it is zoned General Commercial (C-3). This site was previously occupied by the M&F plumbing business and the access is jointly shared by the bus barn located just south of the site.

The review will be conducted in accordance with Section 3.400 and Article 10 of the Seaside Zoning Ordinance which establishes the review criteria and procedures for a Planning Commission review within the Highway Overlay Zone. A variance to the building setback and access requirements is also being requested in conjunction with this request.

**DECISION CRITERIA, FINDINGS, AND CONCLUSIONS:**

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

**REVIEW CRITERIA # 1:** Pursuant to Section 3.400 of Appendix G of Seaside's TSP, all development that will create a significant number of additional trips (more than 5 peak hour or 30 average daily trips) must address the following review standards and criteria:

**Section 3.407 Highway Overlay Zone Standards**

**1. Building Size:** The maximum building size will be 20,000 square feet. Buildings larger than 20,000 square feet may be considered, but are subject to additional design review.

**2. Landscaping:** A landscaped area must be provided along the highway frontage to assure that a buffer is provided between the development and the road surface. As a minimum requirement, the area must be equal to a 10' width multiplied by the length of the highway frontage. Any public sidewalk area provided on private property adjacent to the highway would be deducted from the required area.

**3. Exterior Lighting:** All exterior lighting shall be designed so the lighting source or lamp is recessed or otherwise covered to eliminate line of site visibility from neighboring properties, street travel lanes, or the surrounding environment. All exterior lighting must be dark sky compliant and shielded, screened, or otherwise provided with cut-offs in order to prevent direct lighting on the adjacent properties, riparian area, or the state highway subject to the following exception: Line of site visibility and direct lighting of neighboring property can be permitted subject to a formal agreement with the neighboring property owner when the lighting will benefit joint parking, access, or safety.

**4. Yards Abutting the Highway Frontage:** In an effort to promote more pedestrian oriented development, regardless of yard requirements of the underlying zone, buildings must be located close to the property line adjacent to highway such that the property line setback for the building entrance will not exceed 10'.

**5. Off Street Parking:** In addition to the requirements in Section 4.100, parking areas must address the specific design standards in Section 3.410.

#### **FINDINGS & JUSTIFICATION STATEMENTS:**

1. The applicant's submitted justification and site plan are adopted by reference. The applicant's plan calls for the following:
  - A Traffic Impact Analysis (TIA) is not required for the proposed use because it will not generate more than 600 daily trips or 100 hourly trips.
  - The proposed building is accessed by way of an established access into the property previously occupied by the M&F Plumbing property and the access is jointly utilized by the bus barn. The access is considered permitted by ODOT based on prior use.
  - The proposed commercial building will consist of two prefabricated structures. The western most building is approximately 28' X 41' (1148 sq. ft.) and the eastern half is approximately 24' X 40' (972 sq. ft.).
  - A landscaping areas will be provided between the structure and N Roosevelt along with a pedestrian sidewalk. The landscaping will provide a buffer between the structure and the highway.

- Direct access from the sidewalk will be provided up to the front door of the building located adjacent to the off street parking area.
  - The site will provide 8 automobile parking spaces and it will include one van accessible parking space.
  - Short and long term bike parking facilities will be provided on site in accordance with ordinance standards.
  - A trash enclosure will be provided on the east side of the building.
  - All exterior lighting will be dark sky compliant and appropriately shielded.
2. The applicant's proposed parking spaces exceed the requirements in Section 4.100 and no parking will be provided between the building and the highway frontage in accordance with Section 3.410.
  3. The ordinance calls for building accesses to be located adjacent to the highway within 10 of the front property line. The applicant has submitted a preferred alternative plan that would set the structure further back on the property in an effort to make better use of the wider lot width further back from the front property line.
  4. The prefabricated structures have existing entrances that will be located adjacent to the parking area and the entry ramps will provide access into the buildings.
  5. Building a new entrance on the west side of the building would require the development of a ramp that would start in the central part of the property and it would not be immediately accessible from the sidewalk. The preferred option one would locate the building approximately 30 feet from the front property line and provide adequate room to develop an access ramp directly up to the front door to the facility.
  6. Locating the building within 10 of the front property line (option two) would reduce the setback from the north property line to five feet; require the construction of a fire wall, and construction of a parapet wall. A sprinkler system may be used as an alternative method of construction instead of providing the parapet wall..

**CONCLUSION TO CRITERIA #1:**

The proposed office building will satisfy the applicable development standards in the Highway Overlay Zone provided the following conditions are attached to the approval.

**Condition 1:** The Planning Commission must be willing to support the variance to the building entrance in order to allow development in accordance with Option One.

**Condition 2:** Minor modifications to the applicant's proposed plan must be reviewed and approved by the Planning Director. These could be required in order to comply with other code issues applicable to the request or reduce impacts to the neighboring property. Any major changes or conflicts over a proposed modification will be reviewed with the Planning Commission prior to the approval of any development permits.

**REVIEW CRITERIA #2: Section 3.408 Highway Overlay Zone Criteria**

**1. The proposal is consistent with the purpose of the overlay zone, and protects the capacity of US 101.**

**2. If the proposal involves a development with frontage along US 101, the required permits from ODOT will need to be obtained prior to construction. If a permit already exists, proof of permit shall be provided to the City and ODOT. Developers are advised to coordinate with ODOT concurrently with their development proposal to discern the appropriate permit requirements. To confirm an appropriate permit, or to obtain a permit, contact the Permit Specialist at ODOT.**

**3. The location, design, and size of the development are such that the development can be well integrated with the surrounding transportation facilities or anticipated future developments, and will adequately address the impact of development on US 101.**

**4. The location, design, and size of the development are such that traffic generated by the development can be accommodated safely and is less than the mobility standard on existing or planned streets, including US 101.**

**5. The location, design, and size of the development are such that the proposed uses will be adequately served by existing or planned facilities or services.**

**6. The location, design, and size of the development are such that the proposed uses will provide functional and efficient access and circulation for anticipated pedestrians, bicycles, and vehicles.**

**FINDINGS & JUSTIFICATION STATEMENTS:**

6. The proposed use will not create any new accesses onto N Roosevelt, Highway 101 and it will have a negligible impact on the long term traffic carrying capacity of this transportation facility.

7. As of January of 2014, ODOT recognizes all existing accesses as permitted and unless a change of use creates a significant number of additional trips under ODOT standards, a new permit is not required for this access.

8. The shared driveway access for the proposed development is well integrated into the site and it will not have an adverse impact on the mobility standards approved under Seaside's TSP.

9. The vehicle and bicycle access appears to be functional and efficient. The site design has also incorporated a pedestrian walkway that will lead directly to the front door of the proposed structure.

**CONCLUSION TO CRITERIA #2:**

The proposed office building site design will satisfy the applicable criteria in the Highway Overlay Zone.

**REVIEW CRITERIA #3: Variance Section 7.031, the property owner must demonstrate by written application that all of the following circumstances exist:**

1. The manner in which exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of this Ordinance, topography, or other circumstances over which the applicant has no control.
2. How literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. That the special conditions and circumstances do not result from the actions of the applicant, and
4. Evidence that granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of land, structures or buildings in other districts shall be considered grounds for issuance of a variance.

#### **FINDINGS & JUSTIFICATION STATEMENTS:**

10. The applicant is making use of prefabricated structures which limits siting options on the property and the pre-existing parcel configuration constrains development the closer the structures are located to the highway frontage. Although an alternative "Option Two" plan has been developed, it is not the applicant's preferred alternative and it will not promote the best utilization of the parcel.

#### **CONCLUSION TO CRITERIA #2:**

The variance to the front setback is a minor deviation to the development standard and Option One will promote functional use of the existing parcel.

#### **FINAL STAFF RECOMMENDATION**

Conditionally approve the proposed South Clatsop County Food Bank at 2041 N Roosevelt. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance such as erosion control provisions and any other applicable City of Seaside Ordinances.

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

Attachments:

Applicant's Submittal



# City of Seaside, Planning Department

989 Broadway, Seaside, OR 97138 (503) 738-7100 Fax (503) 738-8765

## Land Use Application

Kevin Cupples, Director

PLEASE PRINT OR TYPE

|                                        |                       |          |
|----------------------------------------|-----------------------|----------|
| NAME OF APPLICANT                      | ADDRESS               | ZIP CODE |
| SOUTH COUNTY COMMUNITY FOOD BANK       | P.O. BOX 1152 SEASIDE | 97138    |
| STREET ADDRESS OR LOCATION OF PROPERTY |                       |          |
| 2041 N. ROOSEVELT SEASIDE OR           |                       |          |

|      |               |          |       |         |         |
|------|---------------|----------|-------|---------|---------|
| ZONE | OVERLAY ZONES | TOWNSHIP | RANGE | SECTION | TAX LOT |
| C3   | HIGHWAY 101   | 6N       | 10 W  | 15 BC   | 3901    |

### PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

THE PROPOSED USE FOR THIS PROPERTY IS TO BUILD THE NEW SOUTH COUNTY COMMUNITY FOOD BANK (SCCFB) PANTRY. THE PURPOSE IS TO COMPLETE ACCESS REVIEW.

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.  
IF ADDITIONAL SPACE IS NEEDED OR SUPPLEMENTAL INFORMATION IS REQUIRED PLEASE ATTACH)

| OWNER:                                                                     | APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):                         |
|----------------------------------------------------------------------------|----------------------------------------------------------------------|
| PRINT NAME OF PROPERTY OWNER<br>BANK OF THE PACIFIC                        | PRINT NAME OF APPLICANT/REPRESENTATIVE<br>NEAL E. WALLACE            |
| ADDRESS<br>761 AVENUE G                                                    | ADDRESS<br>881 S. EDGEWOOD ST.                                       |
| PHONE / FAX / EMAIL<br>503-738-8341                                        | PHONE / FAX / EMAIL<br>503-717-2927 NWALLACE@CITYOFSEASIDE.ORG       |
| SIGNATURE OF PROPERTY OWNER<br>Bank of the Pacific BY: Dave [Signature] VP | SIGNATURE OF DULY AUTHORIZED APPLICANT/REPRESENTATIVE<br>[Signature] |

FOR CITY USE ONLY – DO NOT WRITE BELOW THIS LINE

### CHECK TYPE OF PERMIT REQUESTED:

- |                                                  |                                                   |                                          |                                                |
|--------------------------------------------------|---------------------------------------------------|------------------------------------------|------------------------------------------------|
| <input type="checkbox"/> CONDITIONAL USE         | <input type="checkbox"/> NON CONFORMING           | <input type="checkbox"/> SUBDIVISION     | <input type="checkbox"/> ZONING CODE AMENDMENT |
| <input type="checkbox"/> LANDSCAPE/ACCESS REVIEW | <input type="checkbox"/> PLANNED DEVELOPMENT      | <input type="checkbox"/> TEMPORARY USE   | <input type="checkbox"/> ZONING MAP AMENDMENT  |
| <input type="checkbox"/> MAJOR PARTITION         | <input type="checkbox"/> PROPERTY LINE ADJUSTMENT | <input type="checkbox"/> VACATION RENTAL | <input type="checkbox"/> APPEAL                |
| <input type="checkbox"/> MINOR PARTITION         | <input type="checkbox"/> SETBACK REDUCTION        | <input type="checkbox"/> VARIANCE        | <input type="checkbox"/>                       |

| PLANNING DEPARTMENT USE:             |             |
|--------------------------------------|-------------|
| DATE ACCEPTED AS COMPLETE<br>3-10-14 | BY          |
| CASE NUMBER (S)<br>14-011 Ho2        |             |
| HEARING DATE<br>4-1-14               | P.C. ACTION |

| OFFICE USE:          |                  |
|----------------------|------------------|
| FEE<br>670           | RECEIPT<br>13215 |
| DATE FILED<br>3-7-14 | BY               |

**ARTICLE 7      VARIANCES      FEE: \$ 430.00 Planning Director Decision**  
**\$670 for Planning Commission Decision**

The Planning Director may authorize variances from the requirements of the Seaside Zoning Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of the Ordinance would cause an undue or unnecessary hardship.

No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

In accordance with Article 7.031, a variance shall not be granted unless and until the following standards are met. The property owner must demonstrate by written application that all of the following circumstances exist. Please address how your request complies with the following standards.

1. What exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this Ordinance (6/28/83), topography, or other circumstances over which the applicant had no control?

The existing parcel is configured wider on the east side and narrower along the property frontage. This makes develop close to the highway frontage difficult. The Food Bank plans to make use of prefabricated structures which limits siting options on the property.

Although an alternative "Option Two" plan has been developed, it is not the applicant's preferred alternative and it will not promote the best utilization of the parcel.

2. Which literal interpretations of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance?

The 10' setback is unique to the Highway Overlay Zone & is not required in other C-3 districts. Locating the building within 10' of the front property line (option two) would reduce the setback from the north property line to five feet; require the construction of a fire wall, and construction of a parapet wall. A sprinkler system may be used as an alternative method of construction instead of providing the parapet wall.

3. Are these special conditions and circumstances a result of the actions of the applicant?

No, the 10' restriction intended to encourage more pedestrian friendly development in the overlay zone. This combined with the narrow lot configuration on the frontage side of the property are pre-existing conditions that were not created by the Food Bank.

4. Is there any evidence that granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district? No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of land, structures or buildings in other districts shall be considered grounds for issuance of a variance.

Granting the variance will make better functional use of the property and should not be considered a special privilege since it will still promote reasonable pedestrian access to the front door of the new facility. Without the variance, the development of ADA ramps would likely undermine the original intent of moving structures closer to the highway frontage.

In addition to addressing the standards above, applications shall be accompanied by plans and specifications (plot plan), drawn to scale, showing the actual shape and dimension of the lot to be built upon, the sizes and locations on the lot of the buildings and other structures, existing and proposed, the existing and intended use of each building, structure, and/or part thereof, the number of families, if any, to be accommodated thereon, and such other information as is needed to determine conformance with this Ordinance.









March 7, 2014

Mr. Bob Mitchell, Seaside Building Official  
989 Broadway  
Seaside, OR 97138

Re: Proposed Parapet Alternate Method of Construction

Dear Bob,

The South County Community Food Bank (SCCFB) is purchasing the property located at 2041 N. Roosevelt Drive and will be moving existing prefabricated modular structures on to the property for the use of a food pantry. Due to lot constraints the north building wall will be placed five feet from the north property line. This wall will be built with 5/8-inch Dense Glass Gold gypsum over the exterior T-1-11 siding along the north wall to meet a 1-hour fire-resistive rating requirement in the Building Code. Hardy Board lap siding will be used over the Dense Glass to dress up the structure.

In lieu of providing a parapet or a 1-hour ceiling assembly, as noted as an exception to the parapet in the Building Code, sprinkler coverage at the top of the wall will be provided. This will include installation of three Tyco horizontal sidewall sprinklers having a K factor of 5.6 rated for ordinary hazard just below the suspended ceiling in each of the two buildings. The buildings will be joined together, but the compartments for the sprinkler coverage will remain less than 40 feet in each of these two structures. The first sprinkler will be located 8 feet from the perpendicular west walls, the 2<sup>nd</sup> and third will be 12 feet on center leaving the last sprinkler in each compartment 8 feet from the other perpendicular walls.

A 1-inch Badger meter that can flow 55-gallons per minute will be installed along with a 1-1/4-inch PEX service that continues until past the last sprinkler. This potable water supply will then will be reduced according to supply the plumbing fixtures. The lot is relatively level with Roosevelt Drive so there will be a minimum pressure loss in elevation to the sprinklers.

This proposal can be comfortably made as an alternate to the parapet because of the proven ability of sprinklers to provide an equivalent effectiveness to the parapet.

Sincerely,

A handwritten signature in black ink, appearing to read "NE Wallace", written in a cursive style.

Neal E. Wallace  
SCCFB Board President

## CITY OF SEASIDE STAFF REPORT

**To:** Seaside Planning Commission  
**From:** Planning Director, Kevin Cupples  
**Date:** April 1, 2014  
**Applicant:** Rick Tiland, 3611 SW Hood Ave., Portland, OR 97239  
**Owner:** Coming Attractions Theaters Inc., 2200 Ashland St. Ashland OR 97520  
**Location:** 1026 12<sup>th</sup> Ave. (T6, R10, S15CA 7900, 8000,8100, 8600, 8700, 8800, 9000, 9100)  
**Subject:** 14-014SV, Sign Code Variance to permit additional wall mounted signs.

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### REQUEST:

The applicant is requesting a variance that will allow additional sign area so that decorative lighting features can be incorporated into their exterior building façade. The subject property is located at 1026 12 Avenue and the property is zoned general commercial (C-3).

The review will be conducted in accordance with Section 155.94 of the Seaside Sign Ordinance and Article 10 of the Seaside Zoning Ordinance. These provisions establish the review criteria and procedures for a sign variance request.

### DECISION CRITERIA, FINDINGS, AND CONCLUSIONS:

The following is a list of the decision criteria applicable to the request. Each of the criteria is followed by findings or justification statements which may be adopted by the Planning Commission to support their conclusions. These statements may be adopted by the Planning Commission to support their conclusions along with conditions that are necessary to ensure compliance with the Seaside Sign Ordinance (Code of Seaside Chapter 155). Although each of the findings or justification statements specifically applies to one of the decision criteria, any of the statements may be used to support the Commission's final decision.

**REVIEW CRITERIA #1: Section 155.94 B ; The sign owner must demonstrate by written application that all of the following circumstances exist.**

- a. That exceptional or extraordinary circumstances apply to the property or business which do not apply generally to other properties or businesses in the vicinity.**
- b. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties or businesses in the same district under the terms of this Ordinance.**

c. That the variance requested is the minimum variance which will make possible the reasonable use of the property and still meet the intent of the Ordinance.

**FINDINGS & JUSTIFICATION STATEMENTS:**

1. The applicant's submitted evidence is attached and adopted by reference.
2. The applicant believes the lighted stars and stripes should be classified as wall graphics under the definitions in the ordinance. Wall graphics would require approval by the Commission but they would not require a variance. The sign ordinance reads as follows:

***WALL GRAPHICS.*** Any mosaic, mural or painting or graphic art technique or combination or grouping of mosaics, murals, or paintings or graphic art techniques applied, implanted or placed directly onto a wall or fence and containing no copy, advertising symbols, lettering, trademarks or other references to any product, service, goods or advertising anything sold on or off the premises.

***WALL SIGN.*** A sign attached to or erected against or painted upon the wall of a building with the face in a parallel plane of the building wall.  
(Ord. 88-2, passed 3-28-88; Am. Ord. 96-18, passed 10-28-96; Am. Ord. 2002-06, passed 6-11-02; Am. Ord. 2007-14, passed 10-8-07)

3. Theater signage is unique in that much of the sign area is dedicated to the reader board so the public will know what is showing; however, the City of Seaside Sign Ordinance does not list theater leaderboards under exempt signage

**CONCLUSION TO CRITERIA #1:**

The applicant has provided sufficient justified to support allowing the lighted stars and stripes on the building regardless of whether or not they are classified as wall graphics or wall signs.

## **FINAL STAFF RECOMMENDATION**

Approve the Coming Attractions request (10-001SV) and allow the additional sign area necessary to permit the lighted stars and stripes at 1026 12<sup>th</sup> Avenue. This decision can be supported by the Commission adopting the findings, justification statements, and supporting conclusion in this report.

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

### **Attachments:**

Applicant's Submittal



**City of Seaside, Planning Department**

989 Broadway, Seaside, OR 97138 (503) 738-7100 Fax (503) 738-8765

**Land Use Application**

Kevin Cupples, Director

PLEASE PRINT OR TYPE

|                                                                           |                                          |                                |
|---------------------------------------------------------------------------|------------------------------------------|--------------------------------|
| NAME OF APPLICANT<br>Tiland/Schmidt Architects                            | ADDRESS<br>3611 S.W. Hood Ave, Suite 200 | ZIP CODE<br>Portland, OR 97239 |
| STREET ADDRESS OR LOCATION OF PROPERTY<br>1026 12th Ave Seaside, OR 97138 |                                          |                                |

|                                     |               |                |              |                |                 |
|-------------------------------------|---------------|----------------|--------------|----------------|-----------------|
| ZONE<br>Zoning Map<br>being updated | OVERLAY ZONES | TOWNSHIP<br>6N | RANGE<br>10W | SECTION<br>15A | TAX LOT<br>9100 |
|-------------------------------------|---------------|----------------|--------------|----------------|-----------------|

**PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):**

The existing 6-plex movie theater is being remodeled and an important part of that project is development of a new signage package for the building. The Planning Department has determined that the "stars and stripes" are considered signage and therefore a signage variance is required. The stars/stripes do not include lettering, trademarks or advertising. We are requesting that they be viewed as "wall graphics" and exempt for the sign standards, or be permitted to increase the allowed sign area.

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.

IF ADDITIONAL SPACE IS NEEDED OR SUPPLEMENTAL INFORMATION IS REQUIRED PLEASE ATTACH)

|                                                                  |                                                       |
|------------------------------------------------------------------|-------------------------------------------------------|
| <b>OWNER:</b>                                                    | <b>APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):</b>   |
| PRINT NAME OF PROPERTY OWNER<br>Coming Attractions Theatres Inc. | PRINT NAME OF APPLICANT/REPRESENTATIVE<br>Rick Tiland |
| ADDRESS<br>2200 Ashland St. Ashland, OR 97520                    | ADDRESS<br>3611 S.W. Hood Ave, Portland, OR 97239     |
| PHONE / FAX / EMAIL<br>(541) 488-1021/ jcs@catheatres.com        | PHONE / FAX / EMAIL<br>(503) 220-8517                 |
| SIGNATURE OF PROPERTY OWNER                                      | SIGNATURE OF APPLICANT/REPRESENTATIVE<br>             |

FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

**CHECK TYPE OF PERMIT REQUESTED:**

- |                                                  |                                                   |                                          |                                                |
|--------------------------------------------------|---------------------------------------------------|------------------------------------------|------------------------------------------------|
| <input type="checkbox"/> CONDITIONAL USE         | <input type="checkbox"/> NON CONFORMING           | <input type="checkbox"/> SUBDIVISION     | <input type="checkbox"/> ZONING CODE AMENDMENT |
| <input type="checkbox"/> LANDSCAPE/ACCESS REVIEW | <input type="checkbox"/> PLANNED DEVELOPMENT      | <input type="checkbox"/> TEMPORARY USE   | <input type="checkbox"/> ZONING MAP AMENDMENT  |
| <input type="checkbox"/> MAJOR PARTITION         | <input type="checkbox"/> PROPERTY LINE ADJUSTMENT | <input type="checkbox"/> VACATION RENTAL | <input type="checkbox"/> APPEAL                |
| <input type="checkbox"/> MINOR PARTITION         | <input type="checkbox"/> SETBACK REDUCTION        | <input type="checkbox"/> VARIANCE        | <input type="checkbox"/>                       |

|                                 |             |
|---------------------------------|-------------|
| <b>PLANNING DEPARTMENT USE:</b> |             |
| DATE ACCEPTED AS COMPLETE       | BY          |
| CASE NUMBER (S)                 |             |
| HEARING DATE                    | P.C. ACTION |

|                    |         |
|--------------------|---------|
| <b>OFFICE USE:</b> |         |
| FEE                | RECEIPT |
| DATE FILED         | BY      |
|                    |         |

## CITY OF SEASIDE

### SIGN CODE VARIANCE CODE SECTION 155.94

### PLANNING COMMISSION DECISION FEE: \$ 50.00

The Planning Commission may authorize variances from the requirements of the Seaside Sign Ordinance (Seaside Code of Ordinance Chapter 155) where the sign owner can demonstrate that the situation is unique and that by complying with the Ordinance he will suffer substantial hardship. The owner cannot be granted any special privilege which would result in advantages over his neighbors.

To provide for reasonable interpretation of this Ordinance, and in certain instances where the Ordinance will produce hardship, a variance may be granted. In accordance with Section 155.94, the Planning Commission shall hear all appeals and requests for variances during a public hearing. A variance from the terms of the sign ordinance shall not be granted by the Planning Commission unless and until the property owner must demonstrate by written application that all of the following circumstances exist.

- a. That exceptional or extraordinary circumstances apply to the property or business which do not apply generally to other properties or businesses in the vicinity.
- b. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties or businesses in the same district under the terms of this Ordinance.
- c. That the variance requested is the minimum variance which will make possible the reasonable use of the property and still meet the intent of the Ordinance.

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Please address the following questions and explain how your particular request applies to each the following circumstances:

- 1. What exceptional or extraordinary circumstances apply to the property or business that does not apply generally to other properties or businesses in the vicinity? These could include, but they are not limited to, zoning, lot size or shape, topography, or other circumstances over which the applicant had no control.**

This is the only multi-plex movie theater in Seaside and is therefore unique in the community. The movie theater business is different than other retail/service businesses in that this is specifically an entertainment business. While the architectural design is respectful of the local design standards, it also must be reflective of its role as a community gathering place and a family entertainment facility. The proposed "stars/stripes" on the building will not be perceived as a "sign" by the public, but rather "wall graphics" that are an integral part of the building's overall architectural style that embodies an entertainment facility. The "stars/stripes" are not unique to Coming Attractions inc and are not trademarked. The "stars/stripes" may be interpreted to be wall graphics or artwork and will contain no reference to the Owner or specific services within the building. Our variance application is for the Planning Commission to deem these

elements as "wall graphics" consistent with the definition set forth in 155.03 (grouping of graphic art placed on an exterior wall without any lettering, trademarks or advertising) and therefore may be exempted from the maximum signage area allowed.

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**2. What literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties or businesses in the same district under the terms of this Ordinance?**

This multi-plex cinema building is unique in Seaside and is similar in its signage needs to the adjacent multi-tenanted retail building. Typically each auditorium will have a different movie that caters to a specific population demographic; this is similar to each retail shop offering a different set of products to a specific sector of the population. In the case of multi-tenanted centers, the Code has created an exception that allows each tenant to convey their product offerings to the public with additional signage. This six-plex should be offered the same opportunity. While we will continue to have "incidental" signs on the pylon for the movie name and times; those informational signs are for customer convenience, and are not for advertising. The only new "wall signs" being proposed will be high on the "tower" feature focused on the highway travelers; they will be approximately 40 sq ft each and note "Cinemas".

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**3. That the variance requested is the minimum variance which will make possible the reasonable use of the property and still meet the intent of the Ordinance. Are these special conditions and circumstances a result of the actions of the applicant?**

This building has long needed renovation, and the stars/stripes are an important part of the architectural style in this renovation. This facility is primarily occupied in the evening hours and these lit features are a necessary part of the building's architectural style to convey the family oriented entertainment business housed within. The lights are low voltage LED that will offer a warm glow without being bright or offensive.

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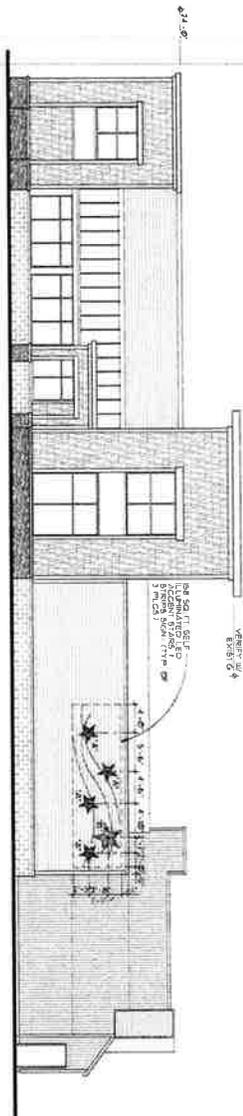
**4. Is there any evidence that granting the variance will confer on the applicant any special privilege or advantage over his neighbor?**

No.

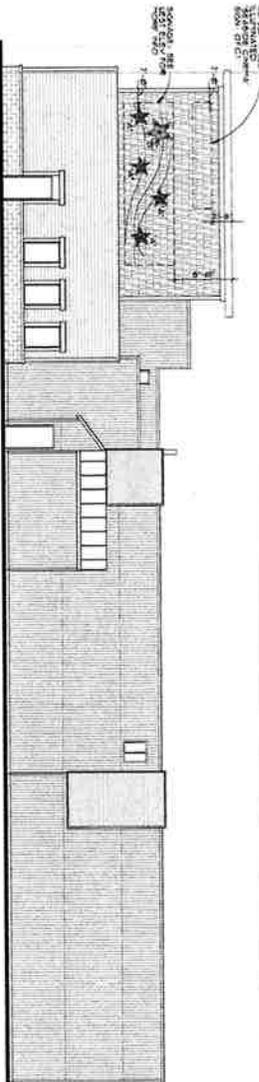
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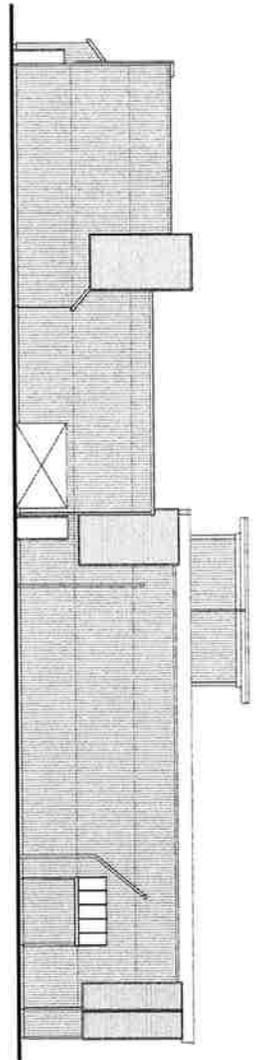
**In addition to addressing the criteria listed above, applications shall be accompanied by plans and specifications (plot plan), drawn to scale, showing the actual shape and dimension of the lot, building elevations or photo renderings, the size and locations of all existing and proposed signage, and other pertinent information needed to determine conformance with previously stated criteria.**



**WEST ELEV  
SIGNAGE PLAN**  
TOTAL ART GARAGE: 183 SF  
TOTAL SIGN AREA: 8 SF



**NORTH ELEV.  
SIGNAGE PLAN**  
TOTAL ART GARAGE: 773 SF  
TOTAL SIGN AREA: 140 SF



**EAST ELEV  
SIGNAGE PLAN**  
TOTAL ART GARAGE: 103 SF  
TOTAL SIGN AREA: 16 SF

**SOUTH ELEV.  
SIGNAGE PLAN**  
TOTAL ART GARAGE: 99 SF  
TOTAL SIGN AREA: 48 SF

TILLANDT  
SCHMIDT  
ARCHITECTS, PC  
341 8th 1/2nd Ave  
Portland, OR 97205  
Phone (503) 228-8888  
Fax (503) 228-8888

**SEASIDE CINEMA REMODEL**  
1026 12th AVENUE  
SEASIDE, OREGON

|           |                             |
|-----------|-----------------------------|
| A<br>3.2  | PROJECT NO.<br>12111        |
|           | DATE:<br>02/01/14           |
| REVISIONS | DESIGNED BY:<br>SHELDON ST. |
|           | CHECKED BY:<br>T.M.         |
| DRAWING   |                             |