



**Clatsop County**  
Community Development – Planning

800 Exchange St., Suite 100  
Astoria, OR 97103  
(503) 325-8611 phone  
(503) 338-3606 fax  
[www.clatsopcounty.gov](http://www.clatsopcounty.gov)

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**NOTICE OF DECISION**

**CONDITIONAL USE PERMIT #186-24-000117-PLNG**

**DATE:** March 28, 2023

**REQUEST:** Type II conditional use application for a coffee kiosk in a commercial zone.

**APPLICANT:** Chris Quackenbush  
201 Railroad Avenue, Gearhart, OR 97138

**PROPERTY OWNER:** Jackson Family Investments, LLC.  
84721 Happel Lane, Seaside, OR 97138

**PROPERTY DESCRIPTION:** T5N, R10W, SEC.04DD, Tax Lot 101

**ACTION:** **APPROVAL** – Subject to Conditions

Mr. Quackenbush,

The Community Development Department has completed review of the request cited above. This decision includes findings and conditions of approval, attached.

If you, or a party with standing, wish to appeal this decision, you may do so, up to the date and time appearing at the bottom of this letter. The appeal must comply with Section 2.2190 of the Clatsop County Land and Water Development and Use Code #20-03 (procedure for an appeal). This department will not issue development permits for any activities or structures until the 12-day appeal period has expired.

If you have any questions regarding this decision, appeal procedures or any of the conditions of approval, please contact me at (503) 325-8611.

Sincerely,

Gail Henrikson, Director  
Community Development Department

Attachments: Staff Report  
Exhibits

**DEADLINE TO APPEAL: 4:00 P.M. April 9, 2024**



# Clatsop County

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### **STAFF REPORT**

**CONDITIONAL USE PERMIT #186-24-000117-PLNG**

**DATE:** March 26, 2023

**REQUEST:** Type II conditional use application for a coffee kiosk in a commercial zone.

**APPLICANT:** Chris Quackenbush  
201 Railroad Avenue, Gearhart, OR 97138

**PROPERTY OWNER:** Jackson Family Investments, LLC.  
84721 Happel Lane, Seaside, OR 97138

**PROPERTY DESCRIPTION:** T5N, R10W, SEC.04DD, Tax Lot 101

**ZONING DESIGNATION:** GC - General Commercial.

**OVERLAYS/LAYERS:** FHO – Flood Hazard Overlay  
Peripheral Big Game Habitat

**COUNTY STAFF REVIEWER:** Jason Pollack, Planner

**TYPE II DECISION MAKER:** Gail Henrikson, Community Development Director

**APPLICATION SUBMITTED:** March 5, 2024

**DEEMED COMPLETE:** March 8, 2024 (150 days: September 4, 2024)

**STAFF RECOMMENDATION:** **APPROVAL** – Subject to Conditions

**AGENCY/PUBLIC COMMENTS:** Clatsop County Public Health  
Oregon Department of Transportation

**EXHIBITS:**

1. CUP Application/Site Plan
2. Public Notice and Comments
3. 2001 Land Use Permits

## APPLICATION SUMMARY

On March 5, 2024, Chris Quackenbush, on behalf of Jackson Family Investments, LLC. submitted a Conditional Use Permit (CUP) application for a new coffee kiosk to replace a coffee stand on property owned by the Jackson Family in the General Commercial (GC) Zone. The new permanent coffee kiosk would be 15' by 28' (420 square feet). According to the applicant, the proposed coffee stand would sell coffee via the drive-through only. The new coffee kiosk will sell coffee and drinks, both hot and cold, with the proposed hours of operation from 6:00AM – 6:00PM daily.

## PROPERTY HISTORY

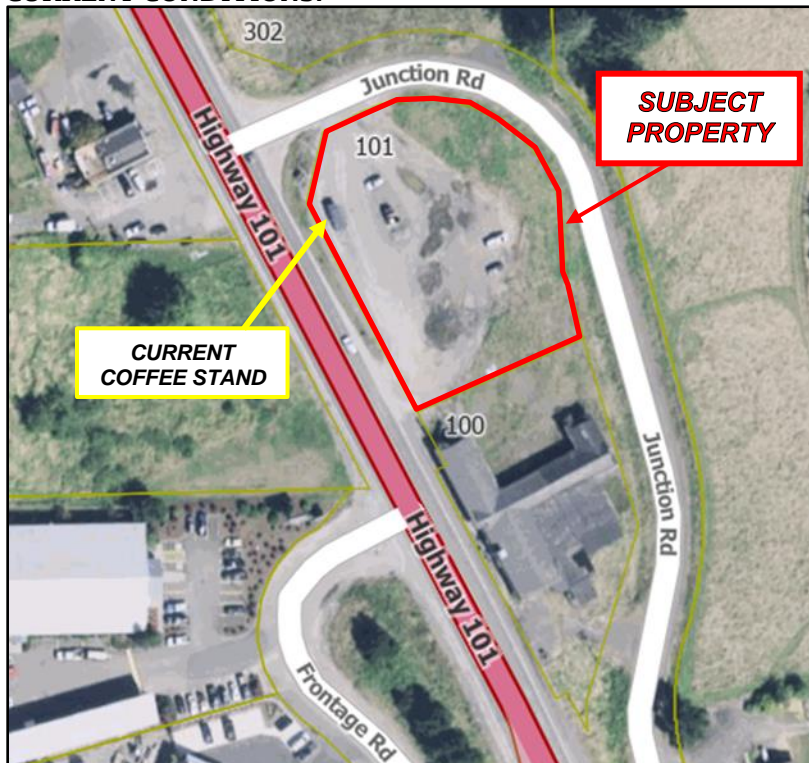
The property is approximately 40,366 square-feet (0.92-acre) in size, directly off of Highway 101, at the Highway 101 and Highway 26 Junction, which is also commonly called the Cannon Beach Junction, in unincorporated Clatsop County. According to County Assessor's records, the parcel includes a 128 square-foot coffee shop built in 2002. The parcel does not include any other structures, but does include a small fenced enclosure for a dumpster. Prior to 2010 and Partition Plat 2010-010 the property was previously referred to as 51004D000400 (TL400).

A Development Permit (186-20010438) in 2001 placed the current Espresso Stand on the property. A Sign Permit (186-20010439) allowed for a free-standing sign and menu boards attached to the Espresso Stand totaling 76.66 square feet of signage. It is undetermined when the dumpster enclosure area was added; per Google Street View the dumpster fence was added sometime between November 2007 and September 2013. The dumpster enclosure fencing was not included in the original 2001 Espresso Stand Development Permit.

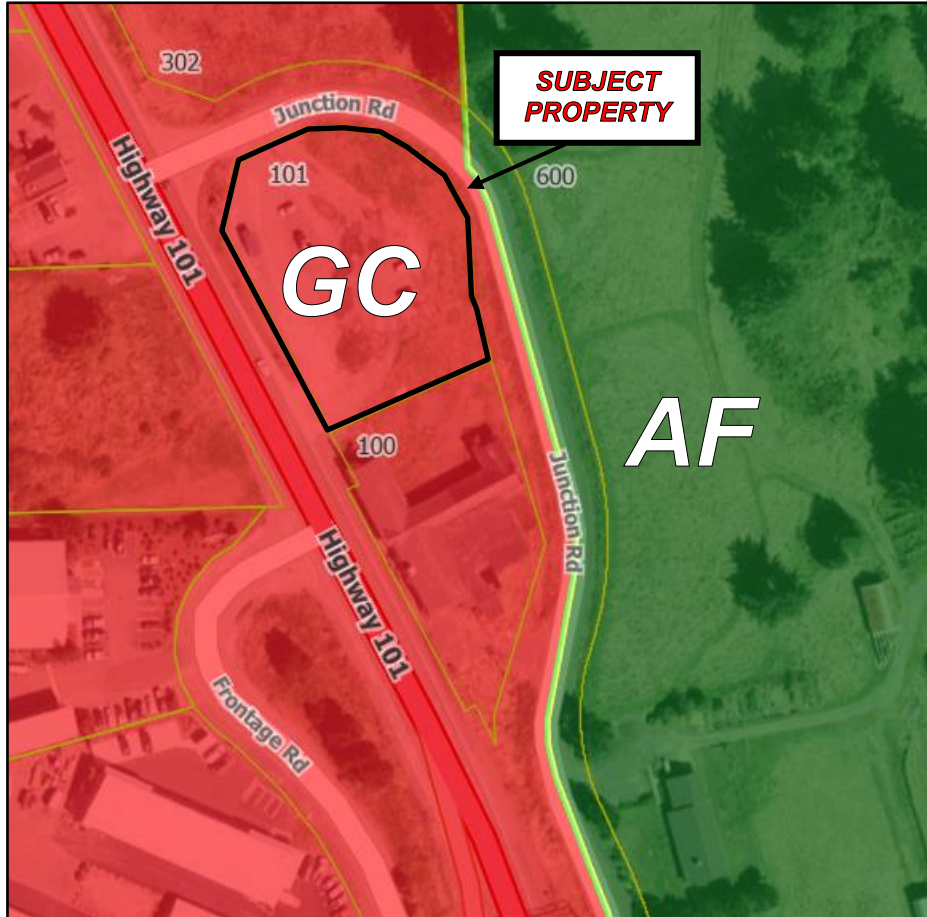
## PROPERTY STATUS

Tax Lot 101 (TL101), was created by Partition Plat 2010-010 with the Clatsop County Clerk on June 29, 2010 (Clatsop County Book of Partitions, Book 7, Page 75-77). The parcel meets the county's definition of "lot of record" (LAWDUC Section 1.0500).

## CURRENT CONDITIONS:

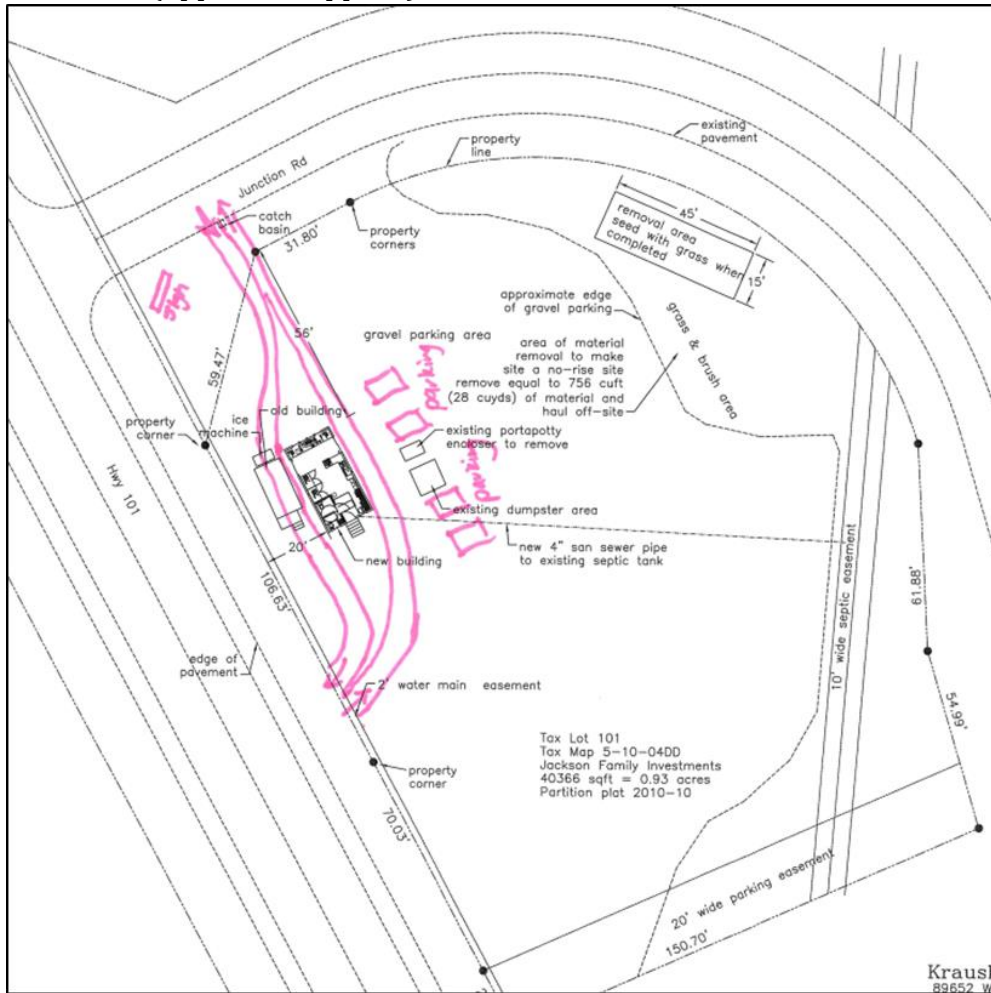


**ZONING:**

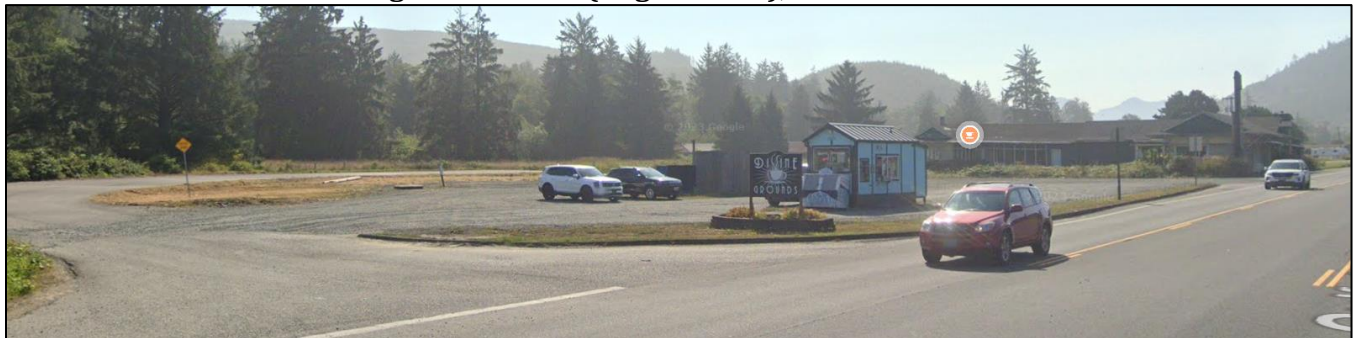




**SITE PLAN (applicant supplied)**



**CURRENT SITE STATUS - Google Street View (August 2023), South on HWY 101**



**CURRENT SITE STATUS - Google Street View (August 2023), North on HWY 101**



## CURRENT SIGNAGE - Google Street View (August 2023), South on HWY 101



### I. APPLICABLE CRITERIA

The applicable criteria for this land use application are contained in the following documents and sources:

#### **Land and Water Development and Use Code 20-03 (LAWDUC):**

- 1.0500 Definitions
- 2.1020 Type II Procedure
- 2.2040 Mailed Notice for a Type II Procedure
- 2.2050 Procedure for Mailed Notice
- 2.4000 Conditional Development and Use
- 2.9400 Site Plan Review
- 3.0060 Minimum Off-street Parking Space Requirements
- 3.0130 Sign Requirements
- 3.2000 Erosion Control Development Standards
- 3.000 Site Oriented Improvements
- 3.9500 Vehicle Access Control and Circulation
- 3.9800 Transportation Improvements and Road Standard  
Specifications for Design and Construction
- 4.3000 General Commercial Zone (GC)
- 5.1000 Flood Hazard Overlay (FHO)

### II. APPLICATION EVALUATION

The following section examines the application versus the applicable criteria.

#### **A. Clatsop County Land and Water Development and Use Code (20-03)**

#### **ARTICLE 1. INTRODUCTORY PROVISIONS**

#### **SECTION 1.0500. DEFINITIONS**

COFFEE KIOSK -- Single-tenant coffee and donut restaurants with drive-through windows. Freshly brewed coffee and a variety of coffee-related accessories are the primary retail products sold at these sites. They may also sell other refreshment items, such as donuts, bagels, muffins, cakes, sandwiches, wraps, salads, and other hot and cold beverages.

CONDITIONAL USE -- A type of development which requires special consideration prior to being permitted in a particular zone because of its possible impact on adjacent developments, land and water resources and the growth and development of the County. The characteristics of designated conditional developments shall be reviewed to determine whether or not the development is appropriate and compatible in the particular location proposed and what, if any, conditions are necessary to ensure compatibility. A conditional development may be permitted or denied at the discretion of the Community Development Director or hearing body based on findings of fact.

LOT OF RECORD -- Any lot or parcel lawfully created by a subdivision or partition plat of record in the County Clerk's Office, or lawfully created by deed or land sales contract prior to land use partitioning requirements, and of record in the Deed Records of Clatsop County. Development of a "lot of record" must meet all other applicable development standards, except for the minimum lot size or lot dimensions of the zone. Development standards include all applicable requirements of the zone, overlay district, the Land and Water Development and Use Ordinance and the Standards Document, and state and federal statutes and administrative rules. Lot of record status does not authorize development of a lot or parcel without compliance with the requirements in Section 1.1020.

## **ARTICLE 2. PROCEDURES FOR LAND USE APPLICATIONS.**

### **Section 2.1020. Type II Procedure.**

### **Section 2.2040. Mailed Notice for a Type II Procedure.**

**STAFF FINDINGS and CONCLUSION:** Notice of the application was mailed to property owners within 250 feet of the subject property in accordance with the requirements of Section 2.2040 (see Exhibit 2). Comments received during the 10-day public comment period can be found in Section III of this staff report. **The criteria for a Type II review procedure have been satisfied.**

## **SECTION 2.4000. CONDITIONAL DEVELOPMENT AND USE.**

### **Section 2.4020. Application for a Conditional Development and Use.**

If a development and use is classified as conditional in a zone, it is subject to approval under Sections 2.4000 to 2.4050. An applicant for a proposed conditional development and use shall provide facts and evidence and a site plan in compliance with Section 2.9400 sufficient to enable the Community Development Director or hearing body to make a determination.

### **Section 2.4030. Authorization of a Conditional Development and Use.**

- (3) In addition to the other applicable standards of this ordinance, the hearing body must determine that the development will comply with the following criteria to approve a conditional development and use.
- (A) The proposed use does not conflict with any provision, goal, or policy of the Comprehensive Plan.
  - (B) The proposed use meets the requirements and standards of this ordinance.

**STAFF FINDINGS and CONCLUSION:** The subject property is zoned General Commercial (GC), which allows retail uses, including an eating or drinking establishment subject to a Type II conditional use review procedure, meaning the use has been determined to be generally compatible with the Comprehensive Plan and LAWDUC subject to applicable criteria and appropriate conditions of approval. **This report evaluates the proposal against the applicable criteria found in the Comprehensive Plan and LAWDUC, demonstrating all criteria are satisfied or can be satisfied with conditions of approval.**



(C) The site under consideration is suitable for the proposed use considering:

- 1) The size, design, and operating characteristics of the use, including but not limited to off-street parking, fencing/buffering, lighting, signage, and building location.
- 2) The adequacy of transportation access to the site, including street capacity and ingress and egress to adjoining streets.
- 3) The adequacy of public facilities and services necessary to serve the use.
- 4) The natural and physical features of the site such as topography, natural hazards, natural resource values, and other features.

**APPLICANT RESPONSE:**

1)

- Removing existing mobile unit coffee shop and replacing with new drive through coffee shop in general same location as existing. New location is few feet further away from Hwy 101 from existing building. Overall size of new building is 15' x 28'
- Hours of operation – Current hours are 6am-6pm and these hours are proposed to continue.
- There are currently 2 employees at a time during business hours. The plans moving forward are the same.

2)

- There is open area on the south end of the lot from the highway to entry and exit for access to the drive through. On the north end of the lot there is access from the side road for entry and exit for the drive through.

3)

- City of Seaside supplies water. Sewer is supplied from City of Seaside.
- Fire protection - This is also City of Seaside.

4)

- The wetlands delineation notes and surveyor's notes show details regarding this information. Yes, there are, but they are not in the way for this building. And, they have noted what is required for the foundation to ensure they meet the requirements this information. Yes, there are, but they are not in the way for this building. And, they have noted what is required for the foundation to ensure they meet requirements for where the building will be and the wetlands noted.
- The property is generally flat. Plans show that there is slight slope but overall the whole lot is flat.

**STAFF FINDINGS and CONCLUSIONS:**

(1) The subject property is in the GC Zone, which allows eating or drinking establishment as subject to a Type II conditional use. According to the site plan the applicants are proposing a 15' by 28' (420 square feet) permanent coffee kiosk to replace the current coffee stand on a trailer.

Off-street parking for Coffee Kiosks, per Section 3.0060(2), is two parking spaces. Section 3.0060 is addressed in greater detail, below, where it will be demonstrated that the applicant's proposed site plan demonstrates adequate off-street parking. Hours of operation would be, 6:00am – 6:00pm. The site plan provided (see Exhibit 1) doesn't include additional fencing or vegetation. The proposed site plan and building drawings show lighting and signage related to the use. An updated site plan shall be provided to the Planning Division prior to issuance of a Development Permit (Conditions of Approval 1a).

According to the applicant, signage will be limited to 123.60 square feet. Signage standards are further addressed under Section 3.0130, below. The applicants will be required to provide a signage plan that depicts the location and dimensions of all proposed signs, including any existing signs to remain. A signage plan shall comply with Section 3.0130 and include information demonstrating that individual signs are not greater than 32 square feet for individual signs and less than 200 square feet overall. The final signage plan shall be provided to the Planning Division when applying for a Sign Permit (Condition of Approval 3).

The applicants have indicated they will use approved shielded lighting. The final site plan shall include the location of all outdoor light fixtures and the applicants shall demonstrate that all fixtures comply with



Ordinance 20-02 Outdoor Lighting. If the existing fixtures are not compliant with Ordinance 20-02, they will need to be replaced as appropriate (Condition of Approval 1b).

**As proposed, the site appears to be suitable for the proposed use considering the items listed in Subsection (1)(C), above. Conditions of approval will ensure the final configuration satisfies all criteria and development standards (Conditions of Approval 1, 1a, 1b, 1c, 1f, and 2).**

(2) The property has one access point to Highway 101 (southwest, side property line) and one access point to Junction Road (northwest, front property). The applicant shall provide documentation from ODOT for access to Highway 101 and Junction Road.

**This criterion will be satisfied with a condition of approval (Condition of Approval 1f).**

(3) Public Facilities -

Fire District:

The subject property is within the Seaside Rural Fire Protection District.

**This criterion will be satisfied with a condition of approval (Condition of Approval 1c).**

Water District:

Drinking water is provided by the City of Seaside, Water Department. Additionally, as the coffee stand intends to provide drink items, the standards and requirements of the Clatsop County Public Health, Environmental Health shall be met.

**This criterion will be satisfied with conditions of approval (Condition of Approval 1c).**

Septic:

The subject property is served by an onsite septic system. As such, the applicant will be required to update or connect to the septic system, meeting requirements of the Clatsop County Public Health, Onsite Septic Program.

**This criterion will be satisfied with a condition of approval (Condition of Approval 1c).**

Waste:

As proposed, trash and recyclables are to be deposited in bins surrounded by an established fence enclosure just east of the proposed coffee kiosk. All trash or recycling storage or containers on TL101, shall be screened by fencing and be indicated on the site plan supplied with a Development Permit.

**This criterion will be satisfied with a condition of approval (Condition of Approval 1d).**

**Condition of Approval #1c will require submittal of a completed Agency Review & Approval Form with signatures from the local fire district, water district, and onsite septic to confirm there is adequate services for the proposed use. This criterion will be satisfied with a condition of approval (Condition of Approval 1c).**

Address:

When the property was partitioned in 2010 a new address wasn't assigned to TL101. The 84806 Junction Road address is for the old Crab Boiler Restaurant on TL100, just south of the subject property. As such, the new coffee kiosk will be required to obtain a new address.

**Condition of Approval #1g will require submittal of a New Address Request so the property is easily found by emergency services and the general public. This criterion will be satisfied with a condition of approval (Condition of Approval 1g).**

(4) The subject property is a flat gravel parking lot with a coffee stand on a trailer. The subject property is also within Peripheral Big Game Habitat. As proposed it is not anticipated to impact big game habitat due to the level of development already present along Hwy 101 and current use as a coffee stand. However, the property is within the floodplain. The floodway and floodplain will be reviewed in detail later in this report.

**This criterion is satisfied.**

**Through compliance with development standards and the conditions of approval listed above, the subject property is suitable for the proposed use.**

- (D) The proposed use is compatible with existing and projected uses on surrounding lands, considering the factors in (C) above.

**STAFF FINDINGS and CONCLUSION:** The building on the property to the south is currently not occupied with a business, but is also in the GC Zone and was formerly the Crab Boiler Restaurant. Across Highway 101 is also GC Zoning and includes various commercial business. Commercial uses across Highway 101 include, Builders FirstSource, a lumber yard, the Sea Breeze Restaurant, and Junction 26 Storage, a mini-storage business. The proposed coffee kiosk is expected to be compatible with existing and projected uses on surrounding properties as the use is also taking place in a commercial zone.  
**This criterion is satisfied.**

## **SECTION 2.9400. SITE PLAN REVIEW**

### **Section 2.9410. Site Plan Review Requirements**

Before a permit can be issued for development in a special purpose district or for a conditional development and use or a development and use permitted with review, a site plan for the total parcel and development must be approved by the Community Development Director or Planning Commission. Information on the proposed development shall include sketches or other explanatory information the Director may require or the applicant may offer that present facts and evidence sufficient to establish compliance with Sections 1.1040, 1.1050 and the requirements of this Section.

**STAFF FINDINGS AND CONCLUSION:** The application included a site plan for the placement of a permeant coffee kiosk (see Exhibit 1).  
**This section will be satisfied with conditions of approval (Condition of Approval 1a).**

## **ARTICLE 3. STRUCTURE SITING AND DEVELOPMENT STANDARDS**

### **SECTION 3.0000. SITE ORIENTED IMPROVEMENTS**

#### **Section 3.0050. Off-Street Parking Required**

Off-street parking and loading shall be provided for all development requiring a development permit according to Sections 3.0050 to 3.0120.

#### **Section 3.0060. Minimum Off-Street Parking Space Requirements**

Any uses described herein may provide up to 30% of the required number of parking spaces, except ADA-required spaces, as compact spaces, measuring no less than seven feet wide by eighteen feet long. Compact spaces shall be clearly marked accordingly. The minimum off-street parking space requirements are as follows:

2) **Commercial type of development and number of parking spaces.** [ORD. 23- 07]

KSF: 1,000 Square Feet  
GHFA: Gross Habitable Floor Area  
GLA: Gross Leasable Area

Food & Beverage	
Coffee Kiosk	2 spaces. Drive-thru coffee kiosks are not intended for onsite consumption of products. Two spaces would allow for an ADA accessible space and space for the employee or manager

**Staff Finding:** The applicants are proposing a 15' by 28' (420 square feet) coffee kiosk. Following the adoption of Ordinance 23-07, Section 3.0060(2) includes a requirement for coffee kiosk at two spaces. In total four parking spaces are shown on the applicant's site plan. In total, the applicants shall be required to show a total of two parking spaces on the final site plan/parking plan when submitting for a Development Permit.

**Section 3.0080. Off-Street Parking Plan**

A plan indicating how the off-street parking and loading requirement is to be fulfilled, shall accompany the application for a development permit. The plan shall show all those elements necessary to indicate that these requirements are being fulfilled and shall include but not be limited to:

- 1) Delineation of individual parking spaces.
- 2) Circulation area necessary to serve spaces.
- 3) Access to streets, alleys, and properties to be served.
- 4) Curb cuts.
- 5) Dimensions, continuity and substance of screening.
- 6) Grading, drainage, surfacing and subgrading details.
- 7) Delineations of all structures or other obstacles to parking and circulation on the site.
- 8) Specifications as to signs and bumper guards.
- 9) Pedestrian access ways.

**Section 3.0090. Off-Street Parking Construction**

Required parking spaces shall be improved and available for use at the time of final building inspection.

**Section 3.0100. Design Requirements for Off-Street Parking**

Parking spaces shall be a minimum of 9 feet by 19 feet in size. Driveways and turnarounds providing access to parking areas shall conform to the following provisions:

- 1) Except for a single or two family dwelling, groups of more than three parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner.
- 2) Except for a single or two family dwelling, more than three parking spaces shall be served by a driveway designed and constructed to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined. In no case shall two-way and one way driveways be less than eighteen (18) feet and twelve (12) feet in width respectively.
- 3) Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of twelve (12) feet for their entire length and width but such clearance may be reduced in parking structures.
- 4) Service drives and accessways to public streets shall have minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and straight line joining said lines through points twenty (20) feet from their intersection (see diagram). No obstruction including plantings, fences, walls, or temporary or permanent structures, exceeding 2.5 feet in height that has a cross section over one (1) foot shall be located in a clear vision area, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the grade.
- 5) The following off-street parking development and maintenance shall apply in all cases, except single and two family dwellings:
  - (A) Parking areas, aisles and turnarounds for standing and maneuvering of vehicles shall have durable and dustless surfaces or be graveled to a two inch depth and maintained adequately for all weather use. (B) Parking areas, aisles and turnarounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-ways, and abutting private property.
  - (B) Spaces shall be permanently and clearly marked.
  - (C) Wheel stops and bumper guards shall be provided where appropriate for spaces abutting a property line or building, and no vehicle shall overhang a public right-of- way and other property line.
  - (D) Where parking abuts a public right-of-way, a wall or screen planting shall be provided sufficient to screen the parking facilities but without causing encroachment into vision clearance areas.

Except in residential areas, where a parking facility or driveway is serving other than a one or two family dwelling and is located adjacent to residential, agricultural or institutional uses, a site obscuring fence, wall or evergreen hedge shall be provided on the property line. Such screening shall be maintained in good condition and protected from being damaged by vehicles using the parking area.

- (E) Artificial lighting which may be provided shall be deflected so as not to shine directly into adjoining dwellings or other types of living units and so as not to create hazard to the public use of a street.

**Staff Finding:**

- 1) The two parking spaces shall have adequate space for vehicles to enter the highway in a forward manner. The design of the parking lot allows vehicles to enter the highway in a forward manner, meeting the criteria listed in Section 3.0100(1).
- 2) The current parking lot has one access point to Highway 101 (southwest, side property line) and one access point to Junction Road (northwest, front property). The access to Highway 101 (southwest, side property line) features an access that is at least 50 feet in width. The Junction Road (northwest, front property) features an access that is at least 50 feet in width. The north and west access points meet the criteria listed in Section 3.0100(2). **The criteria will be met with a condition of approval (Condition of Approval 2).**
- 3) Vertical clearance of driveways, aisles, turnaround areas, and ramps meet the 12 feet minimum vertical clearance requirement. The parking lot does not feature large overhanging trees or other vertical clearance issues. The parking lot meets the criteria listed in Section 3.0100(3).
- 4) The accesses to Highway 101 and Junction Road currently have clear vision areas that wouldn't be altered by the proposed coffee stand. There are no obstructions near the driveways, per Clatsop County Webmaps, Google Street View, and the applicants' site plan. The parking lot meets clear vision guidance at the access points for the parking lot and shall continue to meet the criteria listed in Section 3.0100(4) as a condition of approval. **The criteria will be met with a condition of approval (Condition of Approval 2).**

5)

(A) The property is currently gravel, which wouldn't change. Additionally, there are no known complaints or issues with water drainage onsite.

(B) All parking spaces shall be marked per Section 3.0100(5)(B).

(C) As proposed, vehicles will not overhang into Highway 101 or Junction Road. The applicant's parking plans shall include any parking upgrades needed per Section 3.0100(5)(A, B, C).

**The criteria will be met with a condition of approval (Condition of Approval 2).**

(D) The applicant's site plan doesn't include proposed parking abutting a public right-of-way; HWY 101 or Junction Road. As such, the applicant is not required to provide screening on the front property line. If the applicant would like to have parking abutting a public right-of-way, a wall or screen planting shall be required to be provided sufficient screening to parking facilities but without causing encroachment into vision clearance areas. **This criterion is satisfied.**

(E) The applicants aren't proposing lighting for the parking lot and the parking lot currently doesn't have freestanding lights. If artificial lights are installed they shall not shine directly into adjoining dwellings or other types of living units and not create a hazard to the public use of a street (Highway 30) per Section 3.0100(5)(E) and Outdoor Lighting Ordinance 20-02.

**The criteria will be met with a condition of approval (Condition of Approval 1b).**

Parking Summary:



The applicants shall provide an updated off-street parking plan per Section 3.0080 and meet the design requirements outlined in Section 3.0100(1-5). Additionally, the applicants shall have the required parking spaces available prior to obtaining final building permits and before opening the coffee stand to customers on a permanent basis. Parking spaces shall be a minimum of 9 feet by 19 feet in size.

**The criteria will be met with a condition of approval (Condition of Approval 2).**

**The proposal satisfies the criteria listed in Section 3.0100(1-5).**

### **SECTION 3.0130. SIGN REQUIREMENTS**

- 1) **Sign placement:** No permanent sign or temporary sign in excess of six (6) square feet may be placed in or extend over a required non-street side yard or a street right-of-way, or within 10 feet of the front property line in a required front yard. Temporary signs of no larger than six (6) square feet may be placed in or extend over a required non-street side yard or a street right-of-way, or within 10 feet of the front property line in a required front yard. No sign may be located in a manner that will impair the use of an existing solar energy system on adjoining property. A minimum of 8 feet above sidewalks and 15 feet above driveways shall be provided under free-standing signs.
- 6) **Signs in Commercial and Industrial zones:** The following signs are permitted in Commercial and Industrial zones for activities occurring on the property upon which the sign is located:
  - (A) Signage not exceeding 200 square feet for commercial establishments. Individual signs may not exceed thirty-two square feet, unless otherwise provided by these regulations.
- 7) **Temporary (including campaign) signs:** In residential, commercial and industrial zones signs placed for a period of not more than six consecutive months are allowed provided they meet the following standards:
  - (A) The sign may not exceed thirty-two (32) square feet.
  - (B) The sign may not be illuminated.
  - (C) The sign shall be removed from the premises fifteen (15) days following the event being advertised or six months after first placement, whichever is earliest.
- 8) **Calculating Sign Area:** The structure supporting or appearing to support a freestanding sign need not be included in the area of the sign, unless that structural element is conveying information as part of the sign. In calculating the square footage, the width shall be measured at the widest part of the sign, including any cut-outs, and the length shall be measured at the longest part of the sign, including any cut-outs. For multiple-sided signs (signs having 3 or more faces) the area size standard shall be applied to the cumulative total of all sides of the sign.
- 9) **Copy Area:** Copy is allowed only on the face of the sign. Copy is prohibited in the ledger area of the sign, on the post of the sign, or other structure of the sign, except to the extent that the sign owner's logo or other disclosure is required by law to be placed on the ledger, post or other structure of the sign. For purposes of this Section, "copy" is defined as any text or image.
- 10) **Non-conforming signs:** Signs and sign structures not conforming to the requirements of this ordinance shall be subject to the following:
  - (A) Text or images on the face of a legal non-conforming sign may be changed but the sign may not be expanded.
- 11) **Permit required:** Except as otherwise provided, a Type I development permit is required for the following activities:
  - (A) Installation of a new permanent sign;
  - (B) A Type 1 permit shall be required for an increase in the face of any permanent sign face by fifty (50) percent or more;
  - (C) Expanding the text or images of any non-conforming sign.

**APPLICANT RESPONSE:** *[The applicant provided measurements and pictures of the large established double-sided sign near the north property line, along with the new signage information below.]*

- There is a Devin Grounds sign noted on the plans on the upper part of the north wall approximately 6'x12'
- There is a Devin Grounds sign on the upper part of the south wall approximately 4'x10'

Any menu boards will be on the wall next to the service windows. They are not proposed for exact dimensions yet, as it will depend on the menu at the time and how it looks when it's put together, but generally around 16" x 32" and one on both service windows. No other signage has been noted by the owners at this time.

#### **STAFF FINDINGS AND CONCLUSION:**

##### Proposed Signage:

- 1) Large Existing Divine Grounds Sign, at north property line (26.04 sq. ft., double sided 52.80 sq. ft.)
  - 2) New North Wall Divine Grounds Sign (72 sq. ft.) **[required to not exceed 32 sq. ft.]**
  - 3) New South Wall Divine Grounds Sign (40 sq. ft.) **[required to not exceed 32 sq. ft.]**
  - 4) New Menu Boards, one each on the east and west side (3.40 x 2= 6.8 sq. ft.)
- TOTAL: 123.60 sq. ft. [when using a maximum of 32 sq. ft. for individual signs and not what was proposed for signs two and three above.]**

##### Sign Placement:

Based on the applicants provided photos and site plan, the signage for the proposed coffee kiosk will include an existing large main sign (see picture, below) near the north property line. The new coffee kiosk will include large *Devine Grounds* signs on the north and south of the new building and small menu boards on the east and west side of the new building. The large main sign is 56" x 68", or 26.04 square-feet (double sided, 52.80 square-feet total) in size. A Sign Permit (186-20010439) obtained in 2001 was for a 72" x 30" "business sign", or 15 square feet (Double Sided, 30 square-feet total) in size. The 2001 Development Permit site plan shows that the original sign was placed approximately where the current sign stands today. Based on the size of the current sign, it is newer then what was originally permitted. Additionally, after reviewing the applicants site plan and Clatsop County Webmaps, it appears that the sign is within the public right-of-way (ROW). As such, if the applicant intends to keep the large main sign in its original location, documentation shall be provided from ODOT or a licensed land surveyor showing the sign is fully within Tax Lot 101. If the sign is not approved by ODOT or documentation shows that the sign is within the ROW, then the sign shall be moved and meet the requirements of Section 3.0130(1) and (6).

**The criteria will be met with a condition of approval (Condition of Approval 3b).**



##### Commercial Zone:

Per Section 3.0130(6), signage in the commercial zone may not exceed 200 square feet total and individual signs may not exceed thirty-two (32) square feet in size. As such, the applicants proposed signage is less than 200 square feet in size. However, it should be noted that two of the proposed signs would be greater than 32 square feet in size. Staff simply accounted for all signage meeting the 32 square feet requirement for individual signs and a total of 123.60 square feet was calculated. The applicant shall adjust their signage to meet the 32 square feet signage requirement for individual signs. The applicant shall provide a final

signage plan with the location and dimensions of all proposed signs, including any existing signs to remain onsite when applying for a Sign Permit.

**The criterion will be met with a condition of approval (Condition of Approval 3a).**

Permit Required:

All signage shall be permitted with a sign permit, which shall be accompanied by a signage plan depicting the location and size of all signs, including any existing signs to remain. Signage shall comply with Section 3.0130 and shall also include information demonstrating that individual signs are not greater than 32 square feet and total signage is less than 200 square feet overall. A final signage plan be provided with a Sign Permit as outlined in Section 3.0130(11).

**The criterion will be met with a condition of approval (Condition of Approval 3a).**

**The applicant shall apply for a Sign Permit and include calculations for new and existing signage, making sure individual signs are not greater than 32 square feet and total signage is less than 200 square feet overall (Condition of Approval 3).**

### **Section 3.2000 EROSION CONTROL DEVELOPMENT STANDARDS**

#### **Section 3.2010. Purpose.**

The objective of this section is to manage development activities including clearing, grading, excavation and filling of the land, which can lead to soil erosion and the sedimentation of watercourses, wetlands, riparian areas, public and private roadways. The intent of this section is to protect the water quality of surface water, improve fish habitat, and preserve top soil by developing and implementing standards to help reduce soil erosion related to land disturbing activities. In addition, these standards are to serve as guidelines to educate the public on steps to take to reduce soil erosion.

**STAFF FINDINGS AND CONCLUSION:** As proposed, the applicants will place the coffee kiosk on a graveled parking lot.

**For any new grading activities related to commercial development, a Grading, Drainage, and Erosion Control Plan Review Permit commensurate with Section 3.2000 shall be provided to the Planning Division for review and approval prior to issuance of a development permit (Condition of Approval 1e).**

### **ARTICLE 4. ZONE REGULATIONS**

#### **SECTION 4.3000. GENERAL COMMERCIAL ZONE (GC)**

##### **Section 4.3040. Conditional Development and Use**

The following developments and their accessory development may be permitted under a Type II procedure and Sections 2.4000 to 2.4050 subject to applicable criteria and development standards and site plan review.

- 5) Eating or drinking establishment, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.

**Staff Finding:** The property currently contains an Espresso Stand (128 square feet) on a trailer chassis. The parcel doesn't include any other structures, but does include fencing to obscure the dumpster onsite from Highway 101. As proposed the new coffee kiosk would be 420 square feet in size and be built as a permanent structure. The coffee kiosk will continue to operate as a drive through only. As proposed, the coffee stand will sell coffee and other drinks. **Section 4.3040(5) is satisfied.**

##### **Section 4.3050. Conditional Development and Use Criteria**

The following limitations and requirements shall apply to conditional developments.

- 1) Stored materials shall not be exposed to view from outside the property.
- 2) The development is not objectionable due to odor, dust, smoke, noise, vibration or appearance.

- 1) The applicants do not have plans to store materials on the property, all activities will take place within the new coffee kiosk. The dumpster fence will stay in the same location and serve to fence off the dumpster area for appearance purposes. **Section 4.3050(1) is satisfied**
- 2) At the time of application for this CUP, the applicants have not proposed development or additional storage for materials, including new fencing on the property. The new coffee stand wouldn't increase vibration on the property, noise, or an increase dust and smoke greater than the current Espresso Stand on the property. Additionally, staff has also reviewed the lighting requirements for development in unincorporated Clatsop County with the applicant. **Section 4.3050(2) is satisfied**

#### **Section 4.3060. Development and Conditional Development and Use Standards (GC)**

The following standards are applicable for all permitted and conditional development and use.

- 5) Setbacks:
  - (A) Front yard for structures: 25 feet.
  - (B) Side and rear yard when abutting a residence or a residential zone: 10 feet.
  - (E) All structures shall be a minimum of 50 feet from any adjacent resource zones.
- 6) Maximum building height: 35 feet.
- 7) An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that it is no closer than five (5) feet to a property line.

A condition of approval shall require the applicants to demonstrate that the coffee stand meets the setbacks requirements of the GC Zone on the site plan.

**The criterion will be met through a condition of approval (Condition of Approval 1).**

- 8) Building size:
  - 1) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 4.3040 unless:
    - 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
    - 2) The use is limited to a size of building or buildings intended to serve the surrounding rural area of the travel needs of people passing through the area; and
    - 3) The total floor area of building or buildings does not exceed 10,000 square feet.

The proposed coffee kiosk is 420 square feet in size, well below the standard listed in Section 4.3040(5) of 3,000 square feet of floor area for each commercial use on a parcel. The property currently contains 128 square feet Espresso Stand on a trailer chassis. The proposed coffee kiosk would not exceed the maximum building size for new commercial uses outlined in Section 4.3040(5).

**The proposal satisfies the criteria listed in Section 4.3060(8).**

#### **SECTION 5.1000. FLOOD HAZARD OVERLAY (FHO)**

##### **Section 5.1020. Definitions**

"BASE FLOOD" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". Designation on maps always includes the letters A or V.

"BASE FLOOD ELEVATION (BFE)" means the water surface elevation during the base flood in relation to a specified datum. The Base Flood Elevation (BFE) is depicted on the FIRM to the nearest foot and in the FIS to the nearest 0.1-foot.

"BUILDING" means a building or structure subject to building codes.



“FLOODWAY” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

“NEW CONSTRUCTION” means a structure for which the “start of construction” commenced after July 3, 1978 and includes subsequent substantial improvements to the structure.

### **Section 5.1130. Development Standards**

#### **1) General Standards**

In all areas of special flood hazards as presented on the FIRM, the following standards shall apply for all new construction and substantial improvements:

##### **(D) Building Design and Construction:**

1. Buildings and structures, including manufactured dwellings, within the scope of the building codes, including repair of substantial damage and substantial improvement of such existing buildings and structures, shall be designed and constructed in accordance with the flood-resistant construction provisions of these codes, including but not limited to Section R322 of the Residential Specialty Code and Section 1612 of the Structural Specialty Code.

##### **(E) Construction Materials and Methods:**

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be elevated to one foot above flood level so as to prevent water from entering or accumulating within the components during conditions of flooding.

##### **(F) Review of Development Permits:**

1. Where elevation data is not available, either through the flood insurance study or from other administrative source, applications for development permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc. where available. Failure to elevate to at least two feet above grade in these zones may result in higher insurance rates.

##### **(G) Anchoring:**

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All manufactured dwellings must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

##### **(H) Utilities:**

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
3. C) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality regulations. (I) Foundation Protection: A registered professional civil engineer shall develop or review the structural design, specifications and plans for the foundation of the building and shall certify that the design and methods of construction are in accordance with accepted practices to withstand flotation, collapse,

lateral movement, erosion and scour, undermining, and the effects of water and wind acting simultaneously on all building components during the base flood.

## 2) Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-A30, AH and AE) as set forth in this ordinance, the following provisions are required:

### (D) Non-Residential Construction:

New construction or substantial improvement of any commercial, industrial, or other non-residential structure shall either have the lowest floor, including basement, elevated to a minimum of one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, shall:

1. Be flood proofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certification shall be provided as set forth in Section 5.1060(2).
4. Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below).
5. If construction will be elevated instead of floodproofed, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - a. A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
  - b. The bottom of all openings shall be no higher than one (1) foot above grade; and
  - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

### (F) Fences and Walls:

1. New fencing shall be designed to collapse under conditions of the base flood or to allow the passage of water by having flaps or openings in the areas at or below the base flood elevation sufficient to allow flood water and associated debris to pass freely.

### (G) On-site Sewage Systems:

1. Soil absorption systems shall be located outside of flood hazard areas. Where suitable soil absorption sites outside of the flood hazard area are not available, the soil absorption site is permitted to be located within the flood hazard area provided it is located to minimize the effects of inundation under conditions of the base flood.
2. Mound systems in flood hazard areas shall be prohibited.

#### General Standards:

The proposed coffee kiosk shall conform to the requirements of Section 5.1130(1)(D-H).

**The criterion will be met with a condition of approval (Condition of Approval 1h).**

#### Specific Standards/Non-Residential Construction:

The proposed coffee kiosk shall conform to the requirements of Section 5.1130 (2)(D)(1-5)

**The criterion will be met with a condition of approval (Condition of Approval 1h).**

**Fencing and Walls:**

The dumpster fencing shall meet the requirements of Section 5.1130(2)(F); meaning the dumpster fence will be designed to allow the passage of flood waters and associated debris.

**The criterion will be met with a condition of approval (Condition of Approval 1i).**

**Onsite Septic**

The proposed septic system for coffee kiosk shall conform to the requirements of Section 5.1130(2)(G)(1-2).

**The criterion will be met with a condition of approval (Condition of Approval 1j).**

**Section 5.1140. Development in Floodways**

- 1) Except as provided in paragraphs (3) and (4), encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that such encroachments shall not result in any increase in base flood or floodway elevations when compared to pre-project conditions.
- 2) Any fill allowed to be placed in the floodway shall be designed to be stable under conditions of flooding, including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and flood-related erosion and scour.
- 3) Applicants shall obtain a Conditional Letter of Map Revision (CLOMR) before an encroachment in the floodway is permitted that will cause any increase in the base flood elevation. Applicants must obtain a Letter of Map Revision (LOMR) no later than six months after project completion.

The proposed coffee kiosk is 420 square feet in size and within a mapped floodway per FEMA Floodplain Mapping. As such the applicant shall conform to all requirements for Development in Floodways per 5.1140(1-3).

**The criterion will be met through a condition of approval (Condition of Approval 1k).**

**III. PUBLIC & AGENCY COMMENTS**

**Clatsop County Public Health:** Via e-mail (Exhibit 2), Meredith Reiley, Environmental Health Specialist, stated that plans for food service establishment shall be submitted and approved by the local health authority (Clatsop County Public Health) prior to construction of the facility.

**Clatsop County Public Health:** Via e-mail (Exhibit 2), Lucas Marshall, Environmental Health Supervisor, stated the property is serviced by an Onsite Septic System. A permit application with onsite is required to a connect the structure to the existing system.

**Staff Response:** No response required.

**Oregon Department of Transportation:** Via e-mail (Exhibit 2), Zdenek Vymazal, Development Review Coordinator, "the property abuts Hwy 101, and the site plan proposes to use an existing approach at MP 24.9. The proposed a coffee kiosk replacement will not add enough vehicular traffic to trigger change of use. The proposal also does not include any physical modifications to the existing highway approach, and as such, ODOT has no objections to the proposal. However, there are 2 existing approaches serving the property, ODOT would recommend close the one directly connected to the highway. The reason would be close proximity to the interchange in south. If the county decides to close this approach, ODOT would support it."

**Staff Response:** According to Clatsop County Public Works, the AASHTO site distance recommendation is 360 feet. After reviewing the south entrance/exit to TL101, Clatsop County determined that the sight distance exceeds 500 feet. Due to the sight distance offered by the southern entrance/exit to TL101 from Highway 101, staff cannot support closing the access, if the access is an existing ODOT approved approach.

#### IV. CONCLUSION AND DECISION

Based on the application materials received staff finds that the criteria relevant to this request have been met, or can be met through conditions of approval. The application is hereby **APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:**

##### **CONDITIONS OF APPROVAL:**

1. Prior to construction, the applicant shall obtain a Type I Floodplain Development Permit, Development Permit, and a Grading, Drainage, and Erosion Control Plan Review from the Planning Division.

##### Development Permit application shall include the following items:

- a. A final site plan, including the size and location of all structures and sufficient information to demonstrate all development standards and conditions of approval will be satisfied.
- b. An outdoor lighting plan demonstrating the type and location of all outdoor light fixtures. All fixtures, including any existing fixtures to remain, shall comply with Ordinance 20-02 Outdoor Lighting. The lighting plan may be included on the final site plan.
- c. A completed Agency Review & Approval Form.  
The applicant shall also obtain a signature from Clatsop County Onsite Septic, Seaside Rural Fire Protection District, and the City of Seaside Water Department.
- d. Trash and recycling containers or storage on Tax Lot 101 shall be screened by fencing and be indicated on the site plan.
- e. For new grading activities related to commercial development, a Grading, Drainage, and Erosion Control Plan Review Permit, accompanied with an erosion control plan commensurate with Section 3.2000.
- f. The applicant shall provide documentation of legal access from Highway 101 and Junction Road from the Oregon Department of Transportation (ODOT).
- g. Obtain a new address for Tax Lot 101.

##### Floodplain Development Permit application shall include the following items:

- h. Documentation for Section 5.1130(1)(D-H) and (2)(D)(1-5) shall be denoted on site plans and building plans.
  - i. The dumpster fencing shall meet the requirements of Section 5.1130(2)(F).
  - j. Documentation that the proposed septic system for coffee kiosk shall meets the requirements of Section 5.1130(2)(G)(1-2).
  - k. Documentation shall be provided for develop of the Coffee Kiosk in the floodway per Section 5.1140.
2. Parking Requirements:
  - a. A total of two (2) parking spaces shall be shown on the final site plan/parking plan.
  - b. Required parking spaces shall be improved and available for use at the time of final building inspection.



- c. Per Section 3.0080 the applicants shall create an Off-Street Parking Plan. An Off-Street Parking Plan can be shown on the site plan or as a separate parking plan. Additionally, the applicants shall have the required parking spaces available prior to obtaining final building permits and before opening the coffee stand to customers.

The parking plan shall meet the design requirements of Section 3.0100(1-5) and Section 3.0060, with the following information:

- 1) Delineation of individual parking spaces.
- 2) Circulation area necessary to serve spaces.
- 3) Access to streets, alleys, and properties to be served.
- 4) Curb cuts.
- 5) Delineations of all structures or other obstacles to parking and circulation on the site.
- 6) Specifications as to signs and bumper guards.
- 7) Pedestrian access ways.
- 8) Parking spaces shall be a minimum of 9 feet by 19 feet in size.
- 11) In no case shall two-way and one-way driveways be less than eighteen (18) feet and twelve (12) feet in width respectively.

3. Sign Permit Requirements:

- a. A signage plan for all new signs shall be submitted with a Sign Permit depicting the location and size of all signs, including any existing signs to remain. A signage plan shall comply with Section 3.0130 and include information demonstrating that individual signs are not greater than 32 square feet and less than 200 square feet overall for all signage.
- b. Documentation shall be provided for the large (26.04 square-feet) sign near the north property line showing the sign is not within the public right-of-way. If the sign is not approved by ODOT or documentation shows that the sign is within the ROW, then the sign shall be moved and meet the requirements of Section 3.0130(1) and (6).

*Acceptable Documentation:*

- 1) *Documentation from the Oregon Department of Transportation (ODOT), OR;*
- 2) *Documentation from a land surveyor showing the sign is within Tax Lot 101.*

4. Prior to the coffee kiosk opening on a permanent basis, appropriate building permits and approvals from the Building Codes Division shall be obtained.
5. Development shall comply with all applicable state, federal and local laws and regulations. Copies of all required state and/or federal permits shall be provided to the Planning Division.

***Other regulations also apply, including, but not limited to, the following:***

1. This conditional use dwelling permit is valid for a period of two (2) years from the date of approval. This authorization is void after two (2) years from the date of approval unless substantial construction has begun per Section 1.0500. The Community Development Director has the discretion to authorize extension of this approval for an additional one (1) year upon request, provided the request is submitted in writing at least 10 days before and no more than 30 days prior to expiration of the permit.

**EXHIBIT 1:**

**CUP Application/Site Plan**



Clatsop County  
Community Development  
800 Exchange Street, Suite 100  
Astoria, Oregon 97103  
Phone 503 325-8611 Fax 503 338-3606  
comdev@clatsopcounty.gov www.clatsopcounty.gov

#24-000117

## Conditional Use Permit

Fee: Type II \$1,200 Type Ila-III: \$1,500

(Double if a violation exists)

Owner: Jackson Family Investments LLC Email: erinkhenson@yahoo.com

Mail Address: 84721 Happel Ln City/State/Zip: Seaside, OR 97138

Phone: 503 440-1879 Phone: \_\_\_\_\_

Owner: Casey Jackson Email: \_\_\_\_\_

Mail Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Phone: \_\_\_\_\_

→ Other: Chris Quackenbush Email: quackenbushbuilders@gmail.com

Mail Address: 201 Railroad Ave City/State/Zip: Gearhart, OR 97138

Phone: 503 440-2827 Phone: \_\_\_\_\_

Property Address: 84806 Junction Rd Seaside

Proposed Use: existing use w/ solid building

### General description of the property:

Existing Use: commercial - existing mobile unit coffee shop

Proposed Development: same use - drive through coffee shop w/ solid building

### General description of adjoining property:

Existing Use: drive through coffee

**SIGNATURES:** All owners of record, per Clatsop County Assessment records, must sign the application. Representatives of public agencies, corporations, trusts, etc. must provide documentation of signing authority. The information contained in this application is in all respects true, complete and correct to the best of my knowledge.

Signature: [Signature] Date: 2/24/24

Signature: [Signature] Date: 2/24/24

### FOR OFFICE USE ONLY:

Comprehensive Plan Designation: \_\_\_\_\_

Existing Zoning: GC Overlay District: FHO

Property Description - Map ID: 51004DD00/01

## Devine Grounds Coffee

1. Property is suitable for proposed use
  1. Size of property — shown on plans
2. Project design
  1. Size and location of building on property — see lot layout
  2. Project design
    1. Size & location of building — see plans and lot layout
    2. How many parking spaces — see plans showing 4 parking spaces, but additional can be noted if needed
    3. Lighting proposed — layout is noted on plans
3. For non-residential projects
  1. What are the hours of operation — 6am-6pm daily
  2. How many employees and consumers — 7 employees at a time and drive through customers. No walk-in parking
  3. Is a landscape buffer or fencing proposed? — NO
  4. Are any signs proposed? — Current sign in place. See papers with pictures. In process with ODOT and Owners
4. How is access provided to the site - See plans noted for in and out
5. Who supplies water? — Seaside Sewer/septic? — Sewer from Seaside Fire protection — Seaside
6. Are there any streams, waterways, wetlands, etc? — see wetlands delineation notes and surveyor's notes
7. Is your property flat or hills? — Flat
8. What are the surrounding properties used for — Commercial and residential - Won't impact anything, as it has been used this way for many many years
9. If your property is zoned AF, EFU, or F-80... — NA

### REQUIRED ATTACHMENTS AND INFORMATION-

Residential - NA

Non-Residential project -

1. Site plan of the property showing
  - Lot dimensions — DONE (see No Rise Studdy, Layout, etc)
  - Size & location of all existing & proposed structures —- DONE
    - \* See drawings
  - Distance of existing & proposed structures to all property lines
    - \* See drawings and layouts

- Access to the site
  - \* See drawings and layouts
- Parking area layouts, including
  - + parking space size and location - NOTED
  - + width of any parking aisles - NOTED
  - \* See layouts
- Location of any stream, wetland, lake or...
  - \* See No Rise Study, layouts, etc.
- 2. Hours of operation - 6am-6pm
- 3. Number of employees - 2 employees at a time
- 4. Estimated number of daily customers - Drive through only
  - possibly 200 per day... drive through only
- 5. Lighting plan - SEE PLANS
- 6. Location, number and size of any proposed signs
  - See plans for signs on structure
  - See pics of sign on property
- 7. List of equipment and materials to be stored on site
  - N/A unless noted in the building plans
- 8. Narrative addressing CUP criteria
  - SEE ABOVE



















## Devine Grounds Coffee

1. Property is suitable for proposed use
1. Size of property — Property dimensions are generally 21k sq ft with angled corners on the back of the lot
2. Project design
  1. Size and location of building on property — Removing existing mobile unit coffee shop and replacing with new drive through coffee shop in general same location as existing. New location is a few feet further away from Hwy 101 from the existing building. Overall size of new building is 15' x 28'
2. Project design
  1. Size & location of building — Building is 15'x28' and location is generally in the middle of the lot from north to south and 20' east of the west property line at the Hwy 101 side
  1. How many parking spaces — Proposed 4 parking spaces, but plenty of room for additional can be added if needed
  2. Lighting proposed — Lighting is noted on plans to show clear exterior lighting on upper north side of the building to show Devine Grounds signage. There are lights above each of the drive through serving windows. There is a light above the entry door. Those are all the exterior lights noted.
3. For non-residential projects
  1. What are the hours of operation — Currently hours are from 6am-6pm for all days of the week. The same is proposed for the new building.
  2. How many employees and consumers — Currently there are 2 employees at a time during operation. The same is proposed for the new building. And there are only drive through customers. No walk up parking. So, there are around 150-200 per day but only driving through.
  3. Is a landscape buffer or fencing proposed? — No landscape buffer is necessary and no fencing is wanted
  4. Are any signs proposed? — Currently there is 1 sign in place by the north entrance to the lot. The support posts for the sign have been there long before these owners purchased the lot. They currently have their sign on that support. They are looking to keep it where it is. It is in process with ODOT and Owners to see if it has been on record with them, or they will do what is necessary to get it approved with ODOT
4. How is access provided to the site - There is open area on the south end of the lot from the highway to entry and exit for access to the drive through. On the north end of the lot there is access from the side road for entry and exit for the drive through
5. Who supplies water? — City of Seaside supplies water
  1. Sewer/septic? — Sewer is supplied from City of Seaside
  2. Fire protection— This is also City of Seaside
6. Are there any streams, waterways, wetlands, etc? — The wetlands delineation notes and surveyor's notes show details regarding this information. Yes there are, but they are not in the way for this building. And, they have noted what is required for the foundation to ensure they meet the requirements for where the building will be and the wetlands noted



7. Is your property flat or hills? — The property is generally flat. Plans show that there is slight slope but overall the whole lot is flat
8. What are the surrounding properties used for — Most of the surrounding properties are Commercial. However, on the east side of the lot there are residential properties. This won't impact anything, as it has been used as commercial for many many years
9. If your property is zoned AF, EFU, or F-80... — NA

## REQUIRED ATTACHMENTS AND INFORMATION-

Residential - NA

Non-Residential project -

1. Site plan of the property showing
  - Lot dimensions — Overall lot dimensions are generally 21k sq ft, but there are angled corners on the back of the lot, which impact the specifics of the overall dimensions (see No Rise Studdy, Layout, etc)
  - Size & location of all existing & proposed structures
    - \* Size of existing structure (TO BE REMOVED) - 12'x16'
    - \* Size of proposed structure - 15' x 28'
  - Distance of existing & proposed structures to all property lines
    - \* From west of property the building will be 20'
    - \* Approx 70' from north property & 70' from south property
  - Access to the site
    - \* The plans are showing there is an in and an out driveway area for access to the building on the north side of the lot when coming from Junction Rd. The access from the south side of the lot would be from Hwy 101 for the drive in and the drive out onto the highway on the south (west) end of the property
  - Parking area layouts, including
    - + parking space size and location - Parking ONLY for employees. There are 4 noted on the plans, but there is plenty more space for more if needed. They are identified on the north and south side of the walls where the dump and recycle are located
    - + Width of any parking spaces - noted as 9'x18'
  - Location of any stream, wetland, lake or...
    - \* There is a river on the east side of the property, past the roadway on that side of the lot and on the east side of the property on that side of the road. See No Rise Studdy, layouts, etc.
2. Hours of operation - Current hours are 6am-6pm and these hours are proposed to continue
3. Number of employees - There are currently 2 employees at a time during business hours. The plans moving forward are the same.
4. Estimated number of daily customers - This is a drive through only. No customers are staying at the building or on the lot.
  - possibly 200 drive through customers per day

5. Lighting plan - The plans show the lighting with one light on the north side of the building above the Devin Grounds sign. There is a light above each of the drive through serving windows. There is a light above the entry door. Those are all the exterior lights noted.

6. Location, number and size of any proposed signs

- There is a Devin Grounds sign on the upper part of the north wall approximately 6'x12'

- There is a Devin Grounds sign on the upper part of the south wall approximately 4'x10'

7. List of equipment and materials to be stored on site

- N/A unless noted in the building plans

8. Narrative addressing CUP criteria

- The purpose of the proposal is to remove the existing mobile unit that is the current Devine Grounds Coffee drive through building and replace it with a solid structural building to ensure it will last longer. It is slightly larger than the existing to meet code for the space required for serving and for a bathroom in the building. The drive through in and out areas of both sides of the building will remain in the same areas as they are and have plenty of space for the vehicles to wait in line. There is electric, water, and sewer in the space currently. There is plenty of parking space for the employees on the east side of the building. Overall, the proposal for this structure is helpful in the sense that it is not changing the business that is currently in place, nor is it chaining to overall location. It is replacing the current mobil unit (which is becoming structurally not save) with a solid structure to upgrade the serving area and allow for employees to have more comfortable space to work, as well as provide a solid space for the drive through customers to have access

## Jason Pollack

---

**From:** Jason Pollack  
**Sent:** Monday, March 11, 2024 12:22 PM  
**To:** 'Chris Quackenbush'  
**Subject:** Jackson Family/Devine Grounds

Hi Chris,

Is it possible to provide additional information about the signage for the proposed coffee stand? Can you provide dimensions for the large Devine Grounds signs on the coffee kiosk (north/south side) ? Will the kiosk have menu boards? Any miscellaneous signs you can think of on the exterior of the proposed coffee kiosk?

Dimensions help me in writing the staff report. If you don't have this information, at the time of the sign permit you would provide documentation and dimensions.

Additionally, 84806 Junction Road is the address for Tax Lot 100, the property with the old Crab Boiler Restaurant. This goes back to when the property was Tax Lot 400, prior to the 2010 Partition that split the property. At some point you will need to apply for a new address for Tax Lot 101.

Please let me know if you have questions or need assistance.

Regards,



**Jason Pollack**

Planner

**Clatsop County**

Clatsop County – Land Use  
800 Exchange St., Suite 100

Astoria, OR

(503) 325-8611

(503) 338-3606 fax

[www.clatsopcounty.gov](http://www.clatsopcounty.gov)

## Jason Pollack

---

**From:** Chris Quackenbush <quackenbushbuilders@gmail.com>  
**Sent:** Monday, March 11, 2024 2:14 PM  
**To:** Jason Pollack  
**Subject:** Re: Jackson Family/Devine Grounds

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The plans show the signs on the building and I noted the size of the signs. But here it is.

- There is a Devin Grounds sign noted on the plans on the upper part of the north wall approximately 6'x12'
- There is a Devin Grounds sign on the upper part of the south wall approximately 4'x10'

Any menu boards will be on the wall next to the service windows. They are not proposed for exact dimensions yet, as it will depend on the menu at the time and how it looks when it's put together, but generally around 16" x 32" and one on both service windows.

No other signage has been noted by the owners at this time.

I will discuss with the owners about the tax lot.

Thank you,  
Chris Quackenbush  
Quackenbush Builders, Inc.  
503-440-2827  
Quackenbushbuilders@gmail.com

On Mar 11, 2024, at 12:22 PM, Jason Pollack <jpollack@clatsopcounty.gov> wrote:

Hi Chris,

Is it possible to provide additional information about the signage for the proposed coffee stand? Can you provide dimensions for the large Devine Grounds signs on the coffee kiosk (north/south side) ? Will the kiosk have menu boards? Any miscellaneous signs you can think of on the exterior of the proposed coffee kiosk?

Dimensions help me in writing the staff report. If you don't have this information, at the time of the sign permit you would provide documentation and dimensions.

Additionally, 84806 Junction Road is the address for Tax Lot 100, the property with the old Crab Boiler Restaurant. This goes back to when the property was Tax Lot 400, prior to the 2010 Partition that split the property. At some point you will need to apply for a new address for Tax Lot 101.

Please let me know if you have questions or need assistance.

Regards,

## **EXHIBIT 2:**

### **Published Notice and Comments**





# Clatsop County

## Community Development – Planning

800 Exchange St., Suite 100  
Astoria, OR 97103  
(503) 325-8611 phone  
(503) 338-3606 fax  
[www.co.clatsop.or.us](http://www.co.clatsop.or.us)

## **PUBLIC NOTICE**

### **CONDITIONAL USE APPLICATION #186-24-000117-PLNG**

#### **COMMENT PERIOD ENDS:**

**4:00 p.m. on March 18, 2024**

#### **SEND COMMENTS TO:**

Community Development Department  
800 Exchange Street, Suite 100  
Astoria, Oregon 97103  
Jason Pollack, Planner

#### **CONTACT PERSON:**

*You are receiving this notice because you own property within 250 feet of the request listed below, or you are considered to be an affected state or federal agency, local government, or special district.*

NOTICE IS HEREBY GIVEN that Clatsop County's Community Development Department, Land Use Planning Division has received the application described in this letter. Pursuant to *Section 2.2040* of the Clatsop County Land and Water Development and Use Code (LAWDUC), the Department Director has the authority to approve the request in accordance with the requirements as depicted in the County Ordinance 20-03.

Chris Quackenbush, on behalf of Jackson Family Investments, LLC. has submitted an application to replace a coffee kiosk at 84806 Junction Road at the HWY 26/101 Junction, in unincorporated Clatsop County. The subject property is further identified as Township 5N, Range 10W, Section 04DD, Tax Lot 101 (51004DD00101). According to the applicant, the proposed coffee stand would sell coffee via the drive-through only. The proposed hours of operation would be 6:00AM –6:00PM daily. The subject property is zoned General Commercial (GC), which allows an eating or drinking establishment subject to a Type II conditional use review procedure. The entire project area is within the floodway and will be subject to the requirements of the Flood Hazard Overlay (FHO).

**See reverse side for vicinity map and a diagram of the proposal.**

All interested persons are invited to submit written comments relevant to the proposed development and applicable standards to the Clatsop County Community Development Department (address above). Written comments may also be sent via FAX to [503-338-3606](tel:5033383606), or email to [comdev@clatsopcounty.gov](mailto:comdev@clatsopcounty.gov). Written comments must be received in this office no later than **4:00 p.m. on March 18, 2024**, in order to be considered in the review. Planning representative for the application is Jason Pollack, Planner, (503) 325-8611 or [jpollack@clatsopcounty.gov](mailto:jpollack@clatsopcounty.gov).

If written objections are received regarding how the request fails to meet the standards of the zone or other ordinance requirements on or before the date above, the Community Development Director may place the request on the next appropriate Planning Commission agenda for review. Failure to raise an issue in person or by letter precludes appeal; and in raising an issue, the relevant Zoning Ordinance or Comprehensive Plan criterion to which the issue is directed must be specified. The following criteria apply to the request:

#### **LAWDUC 20-03\***

Article 1. Introductory Provisions  
2.1020 Type II procedure  
2.2040 Mailed Notice for a Type II Procedure  
2.2050 Procedure for Mailed Notice  
2.4000 Conditional Development and Use  
Section 3.000 Site Oriented Improvements  
3.9500 Vehicle Access Control and Circulation  
3.9800 Transportation Improvements and Road Standard  
    Specifications for Design and Construction  
4.3000 General Commercial Zone (GC)  
5.1000 Flood Hazard Overlay (FHO)

#### **Comprehensive Plan**

Goal 1 Citizen Involvement  
Goal 2 Land Use Planning  
Goal 6 Air, Water and Land Resources  
Goal 11 Public Facilities and Services

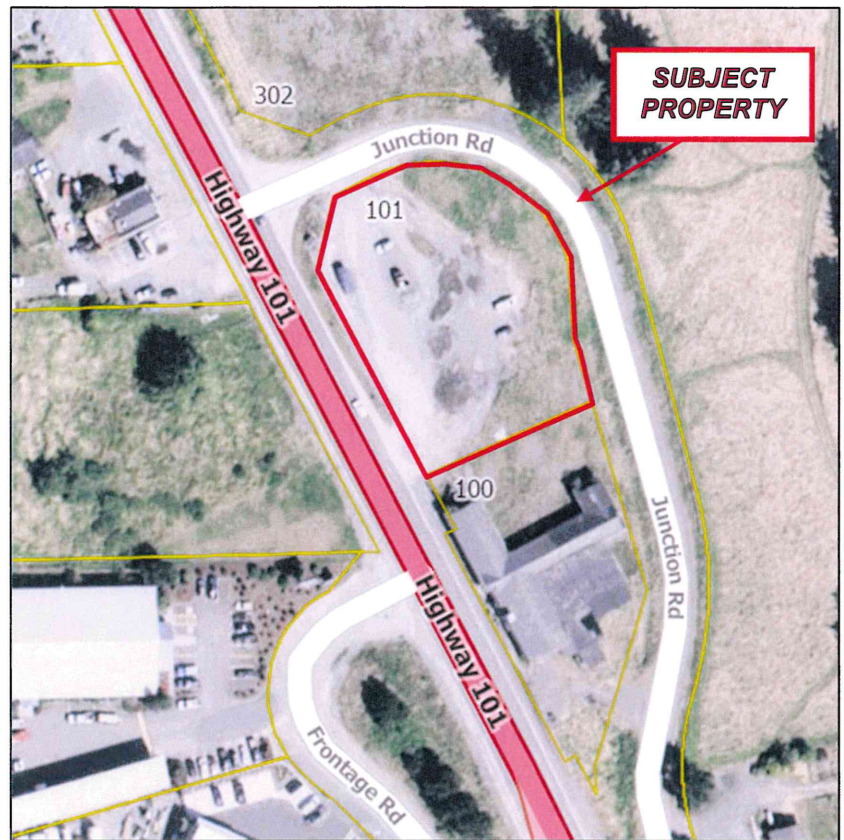
*\* All documents listed above are available for review at the Clatsop County Community Development Department office, 800 Exchange Street, Suite 100, Astoria, Oregon, and on-line at the county's website, [www.clatsopcounty.gov](http://www.clatsopcounty.gov).*

A copy of the application is available for inspection at the Clatsop County Planning office at no cost and will be provided at a reasonable cost. Application materials can also be viewed online on the permitting website, <https://aca-oregon.accela.com/oregon/>, and on the county's website, [www.clatsopcounty.gov](http://www.clatsopcounty.gov).

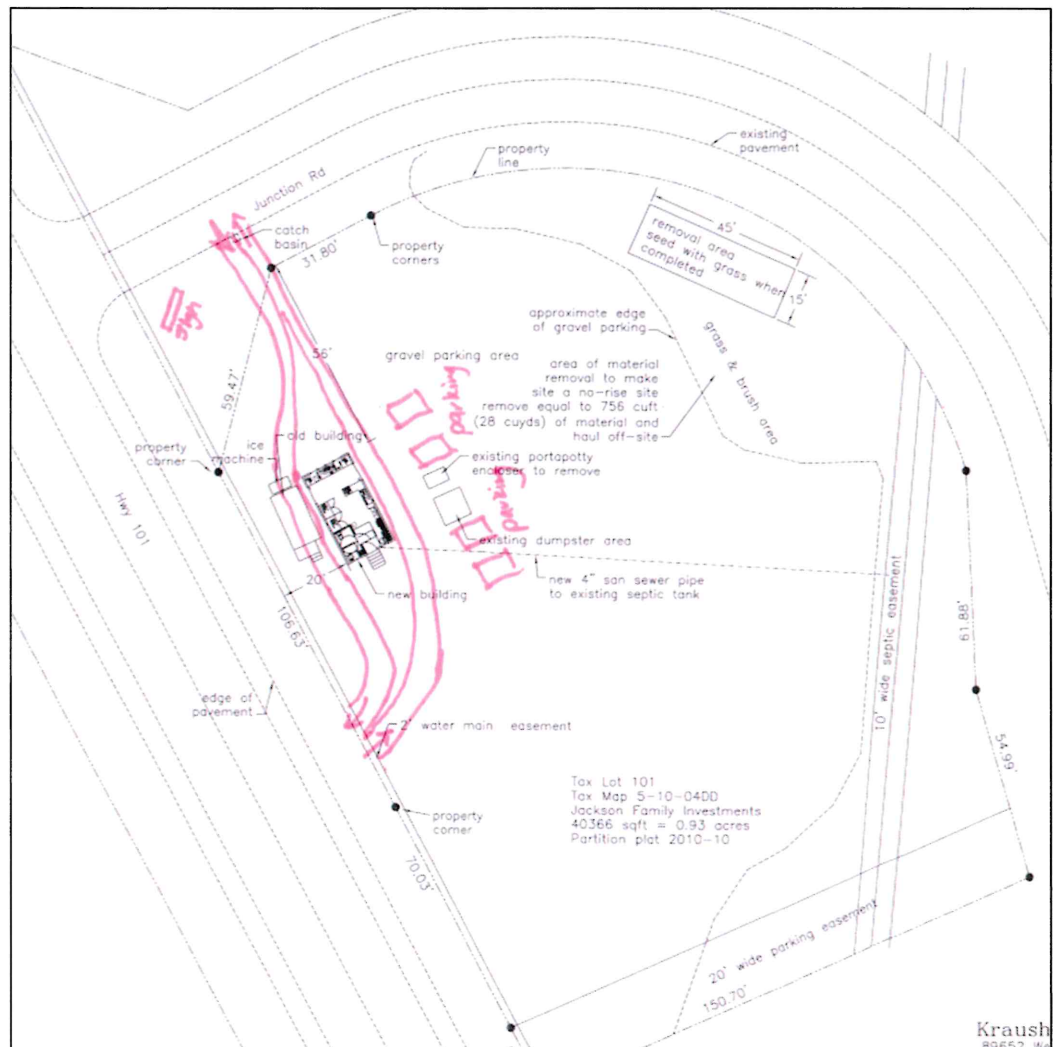
**Notice to Mortgagee, Lien Holder, Vendor or Seller:** ORS Chapter 215 requires that if you receive this notice it must promptly be forwarded to the purchaser.

Mailing Date: March 8, 2024

**CURRENT CONDITIONS:**



**PROPOSED SITE PLAN:**





Jackson Family Investments LLC	Holden LLC
RAM Investments LLC	
J R Zukin Corporation	Meadow Outdoor Advertising dba
Jackson Family Investments LLC	
Farlow Andrew	Thrasher Alisa
LN Real Estate LLC	Lumbermens Inc Lessee
Fililiger GA & Diehl-Fililiger SL Trust	Diehl-Fililiger Susan L Tr
Divine Grounds Coffee LLC	Jackson Erin
Russell, Steven Michael	Russell, Lisa Kay
<b>Property Owner</b>	<b>Jackson Family Investments LLC</b>
<b>Applicant</b>	<b>Chris Quackenbush</b>
ODOT	ODOT Rep
DLCD	Brett Estes
Septic	Lucas Marshall
Septic	Annette Brodigan
Public Works	Dean Keranen
Public Works	Terry Hendryx
County Surveyor	Vance Swenson
Interim Building Official	Matt Moore
Assessment & Taxation	Adam Niles
Assessment & Taxation	Heather Chapman
Assessment & Taxation	County Assessor
Seaside Fire	Joey Daniels
City of Seaside, PW, Water	Mike Dimmick

Fililiger Greg A Tr

84721 Happel Ln	Seaside, OR 97138
7355 SE Johnson Creek Blvd	Portland, OR 97206-9329
PO Box 331	The Dalles, OR 97058
94721 Happel Ln	Seaside, OR 97138
84776 Highway 101	Seaside, OR 97138
PO Box 460069	Houston, TX 77056-8069
34628 Highway 26	Seaside, OR 97138-3612
PO Box 2445	Gearhart, OR 97138-2445
84776 Highway 101	Seaside, OR 97138

[erickbenson@yahoo.com](mailto:erickbenson@yahoo.com)

[quackenbushbuilders@gmail.com](mailto:quackenbushbuilders@gmail.com)

[ODOTR2PLANMGR@ODOT.STATE.OR.US](mailto:ODOTR2PLANMGR@ODOT.STATE.OR.US)

[brett.estes@state.or.us](mailto:brett.estes@state.or.us)

[lnmarshall@clatsopcounty.gov](mailto:lnmarshall@clatsopcounty.gov)

[abrodiran@clatsopcounty.gov](mailto:abrodiran@clatsopcounty.gov)

[dkeranen@clatsopcounty.gov](mailto:dkeranen@clatsopcounty.gov)

[thendryx@clatsopcounty.gov](mailto:thendryx@clatsopcounty.gov)

[vswenson@clatsopcounty.gov](mailto:vswenson@clatsopcounty.gov)

[mmoore@clatsopcounty.gov](mailto:mmoore@clatsopcounty.gov)

[aniles@clatsopcounty.gov](mailto:aniles@clatsopcounty.gov)

[hchapman@clatsopcounty.gov](mailto:hchapman@clatsopcounty.gov)

[assessor@clatsopcounty.gov](mailto:assessor@clatsopcounty.gov)

[jdaniels@cityofseaside.us](mailto:jdaniels@cityofseaside.us)

[mdimmick@cityofseaside.us](mailto:mdimmick@cityofseaside.us)

# CERTIFICATE OF MAILING

I hereby certify I served a copy of the attached public notice to those paid and deposited in the US Post Office, Astoria, Oregon, on said day or via email.

Date: 3/8/24

Roan Dickey, Permit Tech



## Jason Pollack

---

**From:** Lucas Marshall  
**Sent:** Friday, March 8, 2024 11:55 AM  
**To:** Jason Pollack  
**Subject:** RE: Conditional Use Application #186-000117-PLNG

Hi Jason,

The subject property is also serviced by an onsite septic system. Authorization notice permit application is required to connect new structure to existing system. Please let me know if you have any questions.

Thanks

*Lucas Marshall, REHS  
Environmental Health Supervisor  
Clatsop County Environmental Health  
820 Exchange St, Suite 100, Astoria, OR  
Phone: (503)-338-3687  
Email: [lmarshall@clatsopcounty.gov](mailto:lmarshall@clatsopcounty.gov)*

[Clatsop County Onsite Septic Program](#)  
Permit Applications, Guides, FAQ

[Clatsop County Environmental Health](#)  
Food, Pool, Lodging, Drinking Water, Household Hazardous Waste

**From:** Meredith Reiley <mreiley@clatsopcounty.gov>  
**Sent:** Friday, March 8, 2024 11:48 AM  
**To:** Jason Pollack <jpollack@clatsopcounty.gov>  
**Cc:** Lucas Marshall <lmarshall@clatsopcounty.gov>  
**Subject:** Conditional Use Application #186-000117-PLNG

For inclusion in the Conditional Use Permit for the drive through coffee/food service to be constructed at Highway 101 and Junction Road:

- OAR 333-150 Chapter 8, requires that plans for a proposed food service establishment be submitted and approved by the local health authority (Clatsop County Environmental Health) prior to the construction of the facility. This is to be completed prior to the required food service license can be issued.
- In addition, although not currently required by OAR 333-150 (Oregon Food Sanitation Rules) it is highly recommended that the waste water system include an effective grease interceptor to protect the plumbing and septic systems.

Thank you.

Meredith Reiley, REHS  
Environmental Health Specialist 2  
Clatsop County Public Health  
820 Exchange Street, Suite 100

Astoria, OR 97103

Phone: (503) 338-3753

Fax: (503) 325-8678

E-mail: [mreiley@clatsopcounty.gov](mailto:mreiley@clatsopcounty.gov)



## Jason Pollack

---

**From:** Roan Dickey  
**Sent:** Tuesday, March 12, 2024 1:43 PM  
**To:** Jason Pollack  
**Subject:** FW: 13244\_Quackenbush (Public Notice for 186-24-000117 Jackson Family Investment LLC )

**Roan Dickey** (he/him)  
Permit Technician  
Community Development Department  
800 Exchange Street, Suite 100, Astoria, OR 97103  
Tel: 503•325•8611 | Fax: 503•338•3606  
[rdickey@clatsopcounty.gov](mailto:rdickey@clatsopcounty.gov)

**From:** ODOT Reg 2 Planning Manager <ODOTR2PLANMGR@odot.oregon.gov>  
**Sent:** Tuesday, March 12, 2024 1:25 PM  
**To:** Roan Dickey <rdickey@clatsopcounty.gov>  
**Cc:** WILLIAMS Virginia L <Virginia.L.WILLIAMS@odot.oregon.gov>; FEAR Kimberly <Kimberly.FEAR@odot.oregon.gov>  
**Subject:** RE: 13244\_Quackenbush (Public Notice for 186-24-000117 Jackson Family Investment LLC )

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Roan,

Thank you for inviting the Oregon Department of Transportation (ODOT) to review and comments on submitted application to replace a coffee kiosk at 84806 Junction Road at the HWY 26/101 Junction. Please include these comments in the public hearing record and notify ODOT of the staff decision by sending a copy to [odotr2planmgr@odot.state.or.us](mailto:odotr2planmgr@odot.state.or.us) when available.

The property abuts Hwy 101, and the site plan proposes to use an existing approach at MP 24.9. The proposed a coffee kiosk replacement will not add enough vehicular traffic to trigger change of use. The proposal also does not include any physical modifications to the existing highway approach, and as such, ODOT has no objections to the proposal. However, there are 2 existing approaches serving the property, ODOT would recommend close the one directly connected to the highway. The reason would be close proximity to the interchange in south. If the county decides to close this approach, ODOT would support it.

If the applicant needs to modify the approach in any way, please have them contact, Virginia Williams (503-325-5853) or Kimberly Fear (503-325-1082) District 1 Permit Specialists, as they will need a permit to upgrade the existing approach.

Thank you,

*Zdenek "Z" Vymazal, PE, PLS  
Development Review Coordinator (Area 1)  
ODOT – Region 2  
455 Airport Rd. SE, Bldg. B  
Salem, OR 97301  
(971)-345-1318 Cell/Office*

[zdenek.g.vymazal@odot.oregon.gov](mailto:zdenek.g.vymazal@odot.oregon.gov)

Hours: 6:30 AM to 3:00 PM Monday - Friday

**From:** Roan Dickey <[rdickey@clatsopcounty.gov](mailto:rdickey@clatsopcounty.gov)>

**Sent:** Friday, March 8, 2024 10:08 AM

**To:** 'erickbenson@yahoo.com' <[erickbenson@yahoo.com](mailto:erickbenson@yahoo.com)>; 'quackenbushbuilders@gmail.com' <[quackenbushbuilders@gmail.com](mailto:quackenbushbuilders@gmail.com)>; ODOT Reg 2 Planning Manager <[ODOTR2PLANMGR@odot.oregon.gov](mailto:ODOTR2PLANMGR@odot.oregon.gov)>; 'brett.estes@state.or.us' <[brett.estes@state.or.us](mailto:brett.estes@state.or.us)>; Lucas Marshall <[lmarshall@clatsopcounty.gov](mailto:lmarshall@clatsopcounty.gov)>; Annette Brodigan <[ABRODIGAN@clatsopcounty.gov](mailto:ABRODIGAN@clatsopcounty.gov)>; Dean Keranen <[dkeranen@clatsopcounty.gov](mailto:dkeranen@clatsopcounty.gov)>; Terry Hendryx <[THENDRYX@clatsopcounty.gov](mailto:THENDRYX@clatsopcounty.gov)>; Vance Swenson <[VSWENSON@clatsopcounty.gov](mailto:VSWENSON@clatsopcounty.gov)>; Matt Moore <[MMOORE@clatsopcounty.gov](mailto:MMOORE@clatsopcounty.gov)>; Adam Niles <[aniles@clatsopcounty.gov](mailto:aniles@clatsopcounty.gov)>; Heather Chapman <[hchapman@clatsopcounty.gov](mailto:hchapman@clatsopcounty.gov)>; County Assessor <[assessor@clatsopcounty.gov](mailto:assessor@clatsopcounty.gov)>; 'jdaniels@cityofseaside.us' <[jdaniels@cityofseaside.us](mailto:jdaniels@cityofseaside.us)>; 'mdimmick@cityofseaside.us' <[mdimmick@cityofseaside.us](mailto:mdimmick@cityofseaside.us)>; David Cook <[dcook@clatsopcounty.gov](mailto:dcook@clatsopcounty.gov)>; Gail Henrikson <[ghenrikson@clatsopcounty.gov](mailto:ghenrikson@clatsopcounty.gov)>; Jason Pollack <[jpollack@clatsopcounty.gov](mailto:jpollack@clatsopcounty.gov)>; Jay Blake <[jblake@clatsopcounty.gov](mailto:jblake@clatsopcounty.gov)>; Roan Dickey <[rdickey@clatsopcounty.gov](mailto:rdickey@clatsopcounty.gov)>

**Subject:** 13244\_Quackenbush (Public Notice for 186-24-000117 Jackson Family Investment LLC )

You don't often get email from [rdickey@clatsopcounty.gov](mailto:rdickey@clatsopcounty.gov). [Learn why this is important](#)

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Public Notice for 186-24-000117 Jackson Family Investment LLC

**Roan Dickey** (he/him)

Permit Technician

Community Development Department

800 Exchange Street, Suite 100, Astoria, OR 97103

Tel: 503•325•8611 | Fax: 503•338•3606

[rdickey@clatsopcounty.gov](mailto:rdickey@clatsopcounty.gov)

This message has been prepared on resources owned by Clatsop County, Oregon. It is subject to the Internet and Online Services Use Policy and Procedures of Clatsop County.

## **EXHIBIT 3:**

### **2001 Land Use Permits**

# Property History

Account ID:51902

## Legal Description:

<u>Legal Type</u>	<u>Twنشp</u>	<u>Range</u>	<u>Sec</u>	<u>QSec</u>	<u>QQSec</u>	<u>TaxLot</u>	<u>TaxMapKey</u>
Metes and Bounds	5	10	4	D	D	00101	51004DD00101A01
<u>Additional Information:</u>							
'10 Map change per cartography 5104D-400A1 to 5104DD-100A1							
Partition Plat	1			2010-10			
<u>Additional Information:</u>							
'10 Formerly part of TL 100 mpdaf: Parcel 1 of PP2010-10							

## Account History:

<u>From Account Id</u>	<u>From TaxMapKey</u>	<u>To Account Id</u>	<u>To TaxMapKey</u>	<u>Year of Change</u>
51902	51004D000400	51902	51004DD00101	2010

## Owner(s):

### Current Ownership:

<u>Owner Name</u>	<u>Ownrshp %</u>	<u>Type</u>
Jackson Erin		Individual
Divine Grounds Coffee LLC		LLC

### Ownership History:

<u>Create Dte</u>	<u>Effective Dte</u>	<u>Instrmnt ID</u>		
06/27/2002	00/00/0000		Rosenlund Jackie	Owner
10/09/2006	07/30/2003	AC2006-090	Bair David	Owner
10/09/2006	07/30/2003	AC2006-090	Bair Robin	Owner
10/09/2006	01/14/2006	AC2006-091	Morris Desshia	Owner
10/09/2006	01/14/2006	AC2006-091	Neuman Jenny	Owner
03/25/2010	02/27/2009	AC 2010-027	Divine Grounds Coffee LLC	LLC
03/25/2010	02/27/2009	AC 2010-027	Newton Jane	Individual
03/25/2010	02/27/2009	AC 2010-027	Jackson Erin	Individual
04/19/2012	04/19/2012	AC 2012-035	Jackson Erin	Individual
04/19/2012	04/19/2012	AC 2012-035	Divine Grounds Coffee LLC	LLC

## Voucher History:

<b>Voucher 1</b>	Source: <b>Assessment</b>	Effective Date: <b>04/19/2012</b>	Map Key: <b>61015CC11100</b>
Document Type Code: <b>AC Copies</b>		Date Created: <b>04/19/2012</b>	Instrument Id: <b>AC 2012-035</b>
Operation: <b>Name Change</b>	Completed Date: <b>04/19/2012</b>	Book:	
Operation Type: <b>Name</b>	Voucher Type: <b>Assessment</b>	Page:	
Completeness Status: <b>Completed</b>	Consideration:	Status: <b>Active</b>	
Partition Flag: <b>No</b>	Remarks: <b>Separation Agreement Includes 61015-11100, 5104DD-101</b>		
User Id: <b>SRADFORD</b>			

## Property History

Account ID:51902

---

<b>Voucher 2</b>	Source: <b>Assessment</b>	Effective Date: <b>01/01/2010</b>	Map Key:
Document Type Code: <b>Cartography</b>		Date Created: <b>07/08/2010</b>	Instrument Id:
Operation: <b>Map Change</b>		Completed Date: <b>07/08/2010</b>	Book:
Operation Type: <b>Map</b>		Voucher Type: <b>Assessment</b>	Page:
Completeness Status: <b>Completed</b>		Consideration:	Status: <b>Active</b>
Partition Flag: <b>No</b>		Remarks: <b>From 5104D -400A1 to 5104DD-101A1</b>	
User Id: <b>JHARTILL</b>			
<b>Voucher 3</b>	Source: <b>Assessment</b>	Effective Date: <b>02/27/2009</b>	Map Key:
Document Type Code: <b>AC Copies</b>		Date Created: <b>03/25/2010</b>	Instrument Id: <b>AC 2010-027</b>
Operation: <b>Name Change</b>		Completed Date: <b>03/25/2010</b>	Book:
Operation Type: <b>Name</b>		Voucher Type: <b>Assessment</b>	Page:
Completeness Status: <b>Completed</b>		Consideration: <b>\$125,000</b>	Status: <b>Active</b>
Partition Flag: <b>No</b>		Remarks: <b>Bill of Sale Includes 5104D-400A1, 61015CC-11100A1</b>	
User Id: <b>SRADFORD</b>			
<b>Voucher 4</b>	Source: <b>Assessment</b>	Effective Date: <b>01/14/2006</b>	Map Key: <b>51004D000400</b>
Document Type Code: <b>AC Copies</b>		Date Created: <b>10/09/2006</b>	Instrument Id: <b>AC2006-091</b>
Operation: <b>Name Change</b>		Completed Date: <b>10/09/2006</b>	Book:
Operation Type: <b>Name</b>		Voucher Type: <b>Assessment</b>	Page:
Completeness Status: <b>Completed</b>		Consideration: <b>\$75,000</b>	Status: <b>Active</b>
Partition Flag: <b>No</b>		Remarks: <b>Agreement to Sell Business know as Jackies Java</b>	
User Id: <b>MHILLARD</b>			
<b>Voucher 5</b>	Source: <b>Assessment</b>	Effective Date: <b>07/30/2003</b>	Map Key: <b>51004D000400</b>
Document Type Code: <b>AC Copies</b>		Date Created: <b>10/09/2006</b>	Instrument Id: <b>AC2006-090</b>
Operation: <b>Name Change</b>		Completed Date: <b>10/09/2006</b>	Book:
Operation Type: <b>Name</b>		Voucher Type: <b>Assessment</b>	Page:
Completeness Status: <b>Completed</b>		Consideration: <b>\$55,000</b>	Status: <b>Active</b>
Partition Flag: <b>No</b>		Remarks: <b>Agreement for Sale &amp; Purchase of Business Assets for Jackies Java</b>	
User Id: <b>MHILLARD</b>			
<b>Voucher 6</b>	Source: <b>Assessment</b>	Effective Date:	Map Key:
Document Type Code: <b>Misc</b>		Date Created: <b>06/27/2002</b>	Instrument Id:
Operation: <b>New Account</b>		Completed Date: <b>06/27/2002</b>	Book:
Operation Type: <b>New</b>		Voucher Type: <b>Assessment</b>	Page:
Completeness Status: <b>Completed</b>		Consideration:	Status: <b>Active</b>
Partition Flag: <b>No</b>		Remarks:	
User Id: <b>MPINCOMBE</b>			

32	33	34
5	4	3
6	7	8



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT

*This map was produced using Clatsop County GIS data. The data is maintained by Clatsop County to support its governmental activities. Clatsop County is not responsible for any map errors, possible misuse, or misinterpretation.*

LOT DATE: 2/23/2023

5 10 04 DD





CLATSOP COUNTY DEPARTMENT OF  
PLANNING & DEVELOPMENT

No. 01-438  
FEE: \$50.00

800 Exchange Street, Suite 100 • Astoria, Oregon 97103 • (503)325-8611 • FAX (503)325-8606

PROPOSED USE: ESPRESSO STAND BASE ZONE: GC  
OVERLAY DISTRICT: FHD

PROJECT LOCATION: T: 5 R: 10 S: 4D TL: 400 ACRES: \_\_\_\_\_

ADJACENT PROPERTY T: \_\_\_\_\_ R: \_\_\_\_\_ S: \_\_\_\_\_ TL: \_\_\_\_\_ ACRES: \_\_\_\_\_

IN SAME OWNERSHIP: T: \_\_\_\_\_ R: \_\_\_\_\_ S: \_\_\_\_\_ TL: \_\_\_\_\_ ACRES: \_\_\_\_\_

APPLICANT 1: (mandatory) PROPERTY OWNER: (if different than applicant)

Name: Andre Rosenlund Name: \_\_\_\_\_  
Address: P.O. Box 1115 Address: Unk  
City/State/Zip: Cannon Beach, OR City/State/Zip: \_\_\_\_\_  
Phone: (503) 436-2038 Phone: 436

ATTORNEY/SURVEYOR/CONSULTANT/AGENT:

INSTRUCTIONS

- Name: \_\_\_\_\_ 1. Complete form and attached site plan  
Address: \_\_\_\_\_ 2. For commercial and industrial uses, include  
City/State/Zip: \_\_\_\_\_ parking and loading plan, sign plan, and drainage plan.  
Phone: \_\_\_\_\_ 3. For residential and other uses, include a  
drainage plan.  
4. Review applicant's statement and sign this form.

I have read and understand the statements on the back of this form and agree to abide by them.

Applicant Signature: Andre Rosenlund Date: 5/31/01

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Agent Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Receipt No. \_\_\_\_\_

Clatsop County Department  
of Planning & Development  
Authorization: Chris Apple

Date: 5-31-01

**Zoning District Requirements**

Required Setbacks	Actual Setbacks
(N, S, E, W) Front: <u>25</u>	<u>48</u>
(N, S, E, W) Side: <u>10</u>	<u>100+</u>
(N, S, E, W) Side: <u>10</u>	<u>28</u>
(N, S, E, W) Rear: <u>10</u>	<u>200+</u>

- Clear Vision ☐ 20 feet  
Riparian Vegetation ☐ 50 feet  
Non-aquatic Vegetation (non L&W) ☐ 30 feet  
Resource Zone: ☐ 35 feet  
☐ 50 feet

**Structure Height**

- ☒ 35 foot maximum oceanfront, 18 ft. max. in RSA-SFR, CBR, CR  
☐ 26 foot maximum other:  
☐ no requirement

**Sewage Disposal**

- ☐ subsurface system  
☐ public sewer  
☐ private sewer  
☒ none required

**Water Requirements**

(must include approval from authorizing agent)

- ☒ OTHER BOTTLED/TAPS OK per OREGON HEALTH DEPT.  
☐ none required  
☐ well  
☐ spring  
☐ river, stream, pond, or hand-dug well  
☐ public water source:  
☐ potability test from certified water lab (attach certification)  
☐ Quantity: \_\_\_\_\_

**Access to Property**

- Yes ☒ No ☐  
Is a County or State permit required? Yes ☐ No ☒

SEE ORCL LTR

Applicant's Signature Jarvis Tasand Date 5/31/01

Applicant's Signature Chris Adick Date 5/31/01  
Clatsop County Authorization

**CLATSOP COUNTY COMPLIANCE**

The Clatsop County Department of Planning & Development finds the proposed use(s)/action(s) in compliance with the *Clatsop County Land & Water Development and Use Ordinance* and with the *Clatsop County Comprehensive Plan*. The evaluation of the land parcels outlined above is based on the information presented at this time and as shown on the Zoning/Comprehensive Plan Map.

- ☐ approved  
☒ approved w/ conditions (below or attached)  
☐ denied

Applicant's initials [Signature]

Applicant or property owner must comply with the conditions noted below or attached. This permit is not valid unless the conditions are met.

**CONDITIONS OF APPROVAL**

(those checked, written, and/or attached)

- Attachment: ☐ Yes ☐ No  
Access to property (attach County or ODOT permit)  
Address: \_\_\_\_\_  
Airport height/use standards  
Average grade (attach calculations)  
Beaches & Dunes (dune stabilization & revegetation)  
Coastal Shorelands  
Conditional Use Permit (R&O No. \_\_\_\_\_)  
DSL wetland fill/removal permit (378-3805)  
Design Review (R&O No. \_\_\_\_\_)  
Stormwater Drainage plan  
Engineer report  
Firebreak (clear & maintain a firebreak of at least \_\_\_\_\_ feet radius around proposed structure)  
☒ Floodplain (permit No. SEE ATTACHED)  
☒ Geologic hazards (R&O No. \_\_\_\_\_)  
☒ Parking Plan  
☐ Plot plan  
☐ Post-construction survey  
☐ Resource zone certification (recorded with County Clerk; copy in Department file)  
☐ Resource zone setback  
☐ Review Use (R&O No. \_\_\_\_\_)  
☐ Riparian vegetation setback  
☐ Road improvement  
☒ Sign permit (submit plans and receive approval prior to placement)  
☐ Temporary Use Permit (R&O No. \_\_\_\_\_)  
☐ US Army Corps of Engineers permit (325-1135)  
☐ Variance (R&O No. \_\_\_\_\_)  
Other conditions of approval:

COPY WITH HEALTH DEPARTMENT REQUIREMENTS

**AGENCY REVIEW & APPROVAL FORM**  
(STRUCTURE AND MOBILE HOME PLACEMENT)

Information on this form must be filled out and signed in this order

**OB SITE INFORMATION (to be filled out by applicant/owner/agent):**

Site Address: Jackie Rosenlund City: Seaside  
Phone: (503) 436-2038  
Fax Address: P.O. Box 1115, Cannon Beach OR 97110  
Used Development/Construction: Mobile Espresso Unit

**TATE DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) (to be filled out and signed by DEQ):**

Description: T 5W R 10W SEC. 40 Tax Lot(s) 400  
Site Needed - Yes ( ) No ( ) Site Approved - Yes ( ) No ( )  
Date: 4-3-01  
Remarks: NO DEQ NCCO REQUIREMENTS. WASTEWATER TO BE HANDLED AS PER HEALTH DEPARTMENT SPECIFICATIONS.

North Coast Branch Office, 65 North Highway 101, Suite G, Warrenton, Oregon 97146 Phone: (503) 861-3280 FAX (503) 861-3259

**LATSOP COUNTY PLANNING DEPARTMENT (to be filled out and signed by Planning):**

Description: T 5 R 10 SEC. 4D Tax Lot(s) 400  
GC Overlay District: FHO  
Development Permit - Yes ( ) No ( ) # 01-438  
Plain - Yes ( ) No ( ) Elevation Requirements:  
Special Hazard - Yes ( ) No ( ) Special Construction Requirements? - Yes ( ) No ( )  
Signature: Cheryl Atch Title: PLANNING TECH Date: 5-31-2001  
Fax:

Up County Dept. Of Planning and Development, 800 Exchange, Suite 100, Astoria, Oregon 97103 Phone: (503) 325-8611 (503) 338-3666

**BUILDING CODES** (located at Premarq Shopping Center, State of Oregon Building Codes Division, 65 N. Highway 101, G. Warrenton, Oregon). Phone: (503) 861-7140 FAX (503) 861-7324. Building Codes will review and issue the building permit.

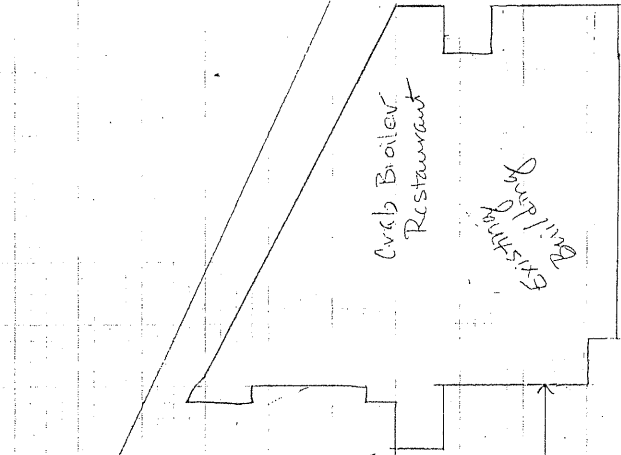


1/8" = 5' SITE PLAN

Clatsop County Dept. of  
Planning & Development

Initials GA

Date 9-31-2001



Customer Approval:

These plans have been reviewed and are acceptable as outlined on this layout. Only those cabinets and accessories indicated are included in the cabinet order unless otherwise noted.

Approved \_\_\_\_\_ Date \_\_\_\_\_

Refrigerator: Size \_\_\_\_\_ x \_\_\_\_\_ Type \_\_\_\_\_  
Range: Make & Model \_\_\_\_\_  
Microwave: Size \_\_\_\_\_ x \_\_\_\_\_ Type \_\_\_\_\_  
Finished Floor to Ceiling Height: \_\_\_\_\_  
Finished Floor to Soffit Height: \_\_\_\_\_  
☐ Window Height at Sink  
☐ Walls & Centerlines Measured

Dealer Name & Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

Customer Name & Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

**DONN C. BAUSKE  
ATTORNEY AT LAW**

1000 S. Holladay Drive  
Seaside, OR 97138

Phone: (503) 738-0178  
Cellular: (503) 738-2666  
Fax: (503) 738-8098

TO WHOM IT MAY CONCERN

I, Donn C. Bauske, Am the owner of  
the GIB Builder Retirement + parking Lot property  
Tax Lot 1003 510040 00400 TAX ID # 63694.

I have leased the parking lot to Jackson Oil  
Company & The oil company has my permission  
to sublease a portion of that land to Jackie  
ROSENBLUM to put in & run a coffee house  
at that location.

*Donn C. Bauske*

OHDP

Food Service Plan Review Submittal

Oregon Health Division/ESC  
700 S.E. Emigrant Site #240  
Pendleton Oregon 97810  
(541) 276-7880 FAX (541) 276-4778

Plan Review No: 03-01  
Establishment No: \_\_\_\_\_  
Time Spent: \_\_\_\_\_

Owner Information

Name: Jackie Restaurant  
Address: 20 2nd 1115  
City: Carrollton State: OR Zip: 97110  
Phone: (503) 436-2038  
County: \_\_\_\_\_

Facility Information

Name: Jackie's Java Shop  
Address: Highway 101 & 26 (Access from Unborn)  
City: Seaside State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: ( ) \_\_\_\_\_  
County: Columbia

all done  
by the plan  
for

Minimum Plan Requirements

Date Received: 11/5/01  
11/5/01  
4/5/01  
Completed Restaurant/MU Application  
Plan Review Fee \$25.00  
Completed Food Preparation Review

Plan Review Status

Endorsed and ready for completion.  
Conditionally Endorsed. Plans include outstanding issues that need to be addressed.  
Not enough information to complete Plan Review. Requested the following information:

Date Requested:

Plan Review Fee not received.  
No Plan Review Required for this project. Plans and fee returned to owner.

Health Division Initial: [Signature] Date: 04/29/01  
Plan Approved As Submitted





**Oregon**

John A. Kitzhaber, M.D., Governor

**Department of Human Services**

Health Division

800 NE Oregon Street # 21

Portland, OR 97232-2162

(503) 731-4030 Emergency

(503) 731-4012

(503) 731-4077

FAX

TTY-Nonvoice (503) 731-4031

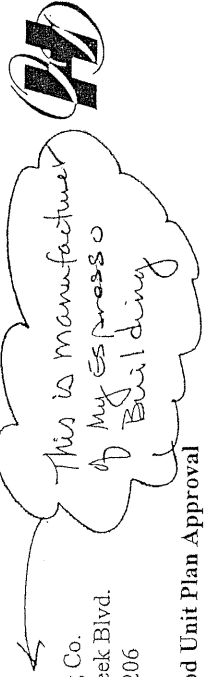
March 10, 2000

Mike Saban

C&M Manufacturing Co.

7410 SE Johnson Creek Blvd.

Portland, Oregon 97206



**Subject: Mobile Food Unit Plan Approval**

Dear Mr. Saban,

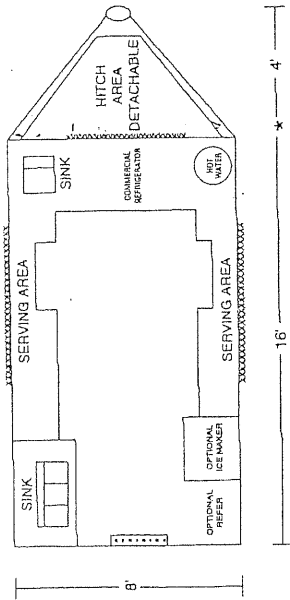
This letter is in response to your request for review and approval of your mobile food unit plans under OAR 333-162-0920 (2). This rule allows mobile food units having the approval of the Health Division to be accepted without the submission of plans.

I have reviewed the standard plan (with option list) for your espresso trailer, and it meets the requirements in the mobile food unit rules. During my site visit to view your units, I noted the following items which should be addressed:

- 1) Assure that all interior cabinet surfaces are constructed so that they are durable and easily cleanable.
- 2) Drainboard space for clean and dirty equipment and utensils should be provided on each side of the three-compartment sink. Easily movable dishtables may also be used to meet this requirement.
- 3) While the Mobile Food Unit rules do not require light-colored countertops, we recommend that they be provided in the units to facilitate cleaning.
- 4) As we have discussed in the past, units must be no greater than 8'6" in width.

*Assisting People to Become Independent, Healthy and Safe*  
An Equal Opportunity Employer

ESPRESSO TRAILERS ARE APPROVED FOR THE  
STATES OF OREGON, WASHINGTON, IDAHO AND CALIFORNIA.



#### STANDARD FEATURES INCLUDE:

R-11 INSULATED WALLS  
R-19 INSULATED CEILINGS  
T-1-11 SIDING PRIMED  
3-TAB COMPOSITION ROOF  
60 GAL. FRESH WATER TANK  
70 GAL. HOLDING TANK  
20 GAL. WATER HEATER  
TRIPLE STAINLESS SINK  
SINGLE STAINLESS SINK  
WATER PUMP 3.3 G.P.M.  
LINOLEUM FLOORING  
SAFETY GLASS AS REQUIRED  
LAMINATED STORAGE CABINETS  
CITY WATER HOOK UP  
CEILING VENT FAN  
H/O FLUORESCENT OUTSIDE LIGHTING

#### OPTIONS INCLUDE:

AIR CONDITIONING  
VINYL SIDING  
✓ METAL ROOF *yes*  
GUTTERS  
SKIRTING PACKAGE  
✓ PAINT TWO COLORS *yes*  
ELECTRIC HEATER  
ICE MAKER  
ESPRESSO MACHINE  
CARPET  
MINI BLINDS  
STEREO SYSTEM  
✓ OAK DOOR CABINETS  
FLAT ROOF  
SECURITY LIGHTS  
COMMERCIAL REFRIGERATOR

**C & M**  
MANUFACTURING COMPANY

7410 SE JOHNSON CREEK BLVD. • PORTLAND, OREGON 97206  
PHONE (503) 777-5826 • FAX (503) 777-5827

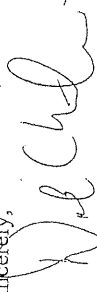
Mike Saban  
**Mobile Food Unit Plan Approval**  
March 10, 2000  
Page 2 of 2

This approval is only for a menu consisting of coffee-based drinks, juice, or other beverages, prepackaged food items, bagels, breads, pastries and associated condiments. Service of other food items may require plan review to assure that food will be prepared safely and that the unit meets all applicable standards.

A preoperational inspection will also be conducted by the local health department to assure compliance with this approval agreement and the rules. I will forward a copy of this letter to local health departments to inform them of this approval. Keep in mind that this approval is only good for the attached standard plan and listed options, and may be rescinded if deemed necessary by the Health Division. Any design changes to this unit must be submitted to our office for review and approval.

I appreciate your patience during this review process. If you have any questions, please contact me at (503)731-4012.

Sincerely,



Dave Martin, R.S.  
Food Program Coordinator  
Environmental Services and Consultation Section  
Center for Environment and Health Systems

DM/s  
attachment

c: County Supervising Sanitarians

OCT 27 '99 01:00PM

California # 06797

Washington # 97EC09077

Re: Espresso Mobile Bldg  
OL State Plan approval M-279-96-1061-D-P-R

Follows information on building materials and equipment for your unit.

DESCRIPTION	MFG	MODEL/SPEC'S
Ceiling	Georgia Pacific Corp.	prefinished real wood paneling : 1/4" Mckenzie
Paneling	Georgia Pacific Corp.	prefinished real wood paneling Brighton Oak #1
Flooring	Tarkett	Vinyl flooring or Commercial Tile
Countertops	Wilsonart	Formica
Shelving	Builders Square	3/4" lauan/melamine
Commercial Refer	Stevens Lee Co.	ULNSF Listed
Water Pump	Shurflo	115 V
Baseboards	Anrstrong	Standard wall base2 1/2"
Screens	Philip Ind	All opening windows are screened;

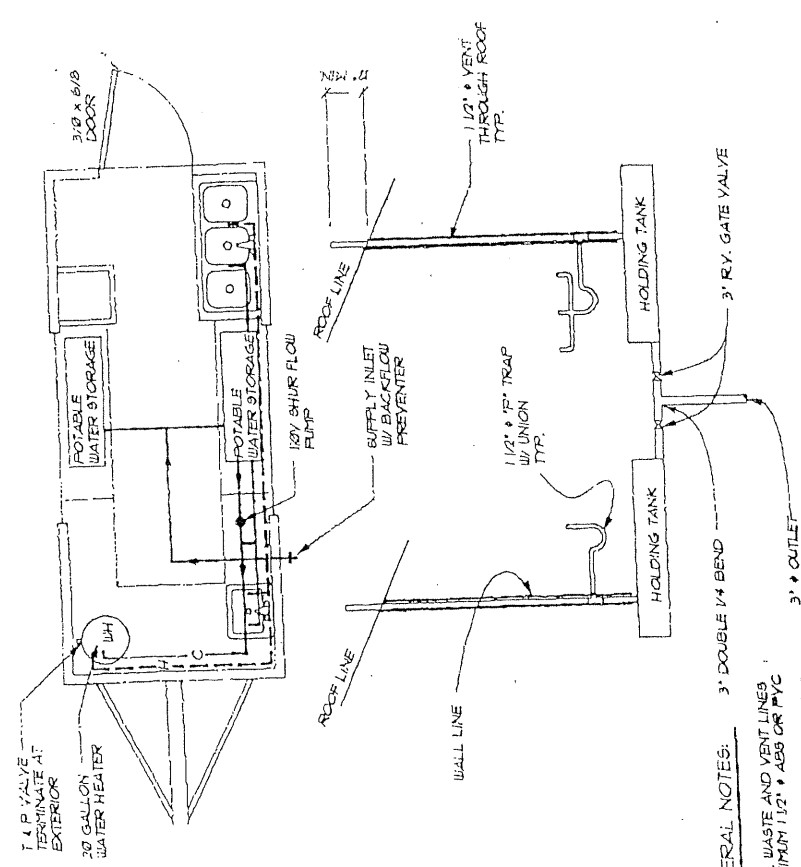
Connie Saban  
C & M Mfg. Co.  
7410 SE Johnson Creek Blvd  
Portland, Or 97206  
503-777-5826



OCT 27 '99 01:08PM

95095  
 SHEET NO. 1 OF 1  
 CALCULATED BY DATE 10/24/95  
 DESIGNED BY DATE  
 SCALE 1/4" = 1'-0"

ENGINEERED CONCEPTS, INC.  
 5710 S.E. JOHNSON CREEK BLVD.  
 PORTLAND, OREGON 97206  
 (503) 775-6775



GENERAL NOTES: 3' DOUBLE 1/4" BEND

1. ALL WASTE AND VENT LINES MINIMUM 1 1/2" ABS OR PVC
2. ALL WATER LINES TO BE 1/2" CPVC.
3. ALL JOINTS TO BE GLUE WELDED OR SOLDERED WATERTIGHT.
4. WASTE HOLDING TANKS: HIGH DENSITY POLYETHYLENE 37 GALLONS EA. CSA & APPROVED.
5. POTABLE WATER STORAGE TANKS: 35" x 15" x 13" 28 GALLONS EA. ASSE LOW DENSITY POLYETHYLENE CSA AND APPROVED

L W D  
 48" x 24" x 8"  
 L W D  
 35" x 15" x 13"

**PLUMBING PLAN**  
 SCALE: 1/4" = 1'-0"



# Oregon

John A. Kitzhaber, M.D., Governor

## Department of Transportation

District 1

350 W. Marine Drive

Astoria, OR 97103

(503) 325-7222

FAX (503) 325-1314

May 30, 2001

FILE CODE:

Clatsop County Planning  
Attn: Teri Allen  
800 Exchange Street  
Astoria, OR 97103

Dear Ms. Allen:

ODOT has no objection to Jackie Rosenlund placing an espresso stand in the parking area of the old Crab Broiler Restaurant on highway 101, as long as the only access is from the frontage road to the north.

If you have any questions please call me at 503-325-7222.

Sincerely,

Craig Dean  
District 1 Permit Specialist

FEDERAL EMERGENCY MANAGEMENT AGENCY  
NATIONAL FLOOD INSURANCE PROGRAM

(PRE CONSTRUCTION) ELEVATION CERTIFICATE

Important: Read the instructions on pages 1 - 7.

PROPERTY OWNER'S NAME Kie Rosenlund		SECTION A - PROPERTY OWNER INFORMATION	
BUILDING STREET ADDRESS (including Apt. Unit, Suite, and/or Bldg. No.) OR P.O. ROUTE AND BOX NO. site address (in parking lot of 84747 Hwy 101 N.)		For Insurance Company Use: Policy Number: Company/NAIC Number:	
PROPERTY DESCRIPTION (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Lot 400 5 10 4D		ZIP CODE 97138	

PROPERTY DESCRIPTION (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Lot 400 5 10 4D		STATE OR	
BUILDING USE (e.g. Residential, Non-residential, Addition, Accessory, etc. Use Comments section if necessary.) Commercial (Espresso Stand)		ZIP CODE 97138	

HORIZONTAL DATUM: NAD 1927 <input type="checkbox"/> NAD 1983 <input type="checkbox"/> USGS Quad Map <input type="checkbox"/> Other: _____		SOURCE: <input type="checkbox"/> GPS (Type): _____	
--	--	--	--

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION			
FIRM COMMUNITY NAME & COMMUNITY NUMBER Isop County, Oregon 410027		B3. STATE OR	
B5. SUFFIX A		B7. FIRM PANEL EFFECTIVE/REVISED DATE July 3, 1978	
B6. FIRM INDEX DATE July 3, 1978		B8. FLOOD ZONE(S) A1	
B9. BASE FLOOD ELEVATION(S) (Zone AO, use depth of flooding) 38.8 feet			

Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in B9.  
☐ FIS Profile ☒ FIRM ☐ Community Determined ☐ Other (Describe): \_\_\_\_\_  
Indicate the elevation datum used for the BFE in B9: ☒ NGVD 1929 ☐ NAVD 1988 ☐ Other (Describe): \_\_\_\_\_  
Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

Building elevations are based on: ☒ Construction Drawings\* ☐ Building Under Construction\* ☐ Finished Construction

A new Elevation Certificate will be required when construction of the building is complete.

Building Diagram Number 5 (Select the building diagram most similar to the building for which this certificate is being completed - see pages 6 and 7. If no diagram accurately represents the building, provide a sketch or photograph.)

Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO

Complete items C3a-i below according to the building diagram specified in item C2. State the datum used. If the datum is different from the datum used for the BFE in Section B, convert the datum to that used for the BFE. Show field measurements and datum conversion calculation. Use the space provided or the Comments area of Section D or Section G, as appropriate, to document the datum conversion.

Datum NGVD '29 Conversion/Comments \_\_\_\_\_

Elevation reference mark used USC & GS BM "DAN 1935" Does the elevation reference mark used appear on the FIRM? ☐ Yes ☒ No

40.3 ft.

a) Top of bottom floor (including basement or enclosure)	40.3 ft.
b) Top of next higher floor	NA ft.
c) Bottom of lowest horizontal structural member (V zones only)	NA ft.
d) Attached garage (top of slab)	NA ft.
e) Lowest elevation of machinery and/or equipment servicing the building	NA ft. (m)
f) Lowest adjacent grade (LAG)	38.8 ft. (m)
g) Highest adjacent grade (HAG)	39.2 ft. (m)
h) No. of permanent openings (flood vents) within 1 ft. above adjacent grade	NA
i) Total area of all permanent openings (flood vents) in C3h	NA sq. in. (sq. cm)

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

Certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. Affix the information in Sections A, B, and C on this certificate represents my best efforts to interpret the data available.

Surveyor's Name Dale Barrett		License Number PLS 1979	
Company Name HLB & Associates, Inc.		State OR	
Address A Hwy 101 N. Seaside		Zip Code 97138	
Signature Dale Barrett		Telephone 503-738-3425	

**IMPORTANT:** In these spaces, copy the corresponding information from Section A.

BUILDING STREET ADDRESS (including Apt. Unit, Suite, and/or Bldg. No.) OR P.O. ROUTE AND BOX NO.		For Insurance Company Use	
No Street Address TL 400, 5-10-4D		Policy Number	
CITY	STATE	ZIP CODE	Company NAIC Number
Seaside	OR	97138	

**SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)**

Copy both sides of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner.

The new structure is to be an Espresso Stand in the Parking Lot of an existing Commercial Site. The Site is located just North of the junction of Hwy 101 & Hwy 26, South of the City of Seaside in what on what is known as the Crab Broiler Restaurant property. Structure is a Portable (mobile Home style) structure on wheels secured to the ground.

**SECTION E - BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)**

For Zone AO and Zone A (without BFE), complete items E1 through E4. If the Elevation Certificate is intended for use as supporting information for a LOMA or LOMR-F, Section C must be completed.

E1. Building Diagram Number. (Select the building diagram most similar to the building for which this certificate is being completed - see pages 6 and 7. If no diagram accurately represents the building, provide a sketch or photograph.)

E2. The top of the bottom floor (including basement or enclosure) of the building is \_\_\_ ft (m) \_\_\_ in (cm) ☐ above or ☐ below (check one) the highest adjacent grade.

E3. For Building Diagrams 6-8 with openings (see page 7), the next higher floor or elevated floor (elevation b) of the building is \_\_\_ ft (m) \_\_\_ in (cm) above the highest adjacent grade.

E4. For Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown. The local official must certify this information in Section G.

**SECTION F - PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION**

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here.

PROPERTY OWNER'S OR OWNER'S AUTHORIZED REPRESENTATIVE'S NAME

Dale N. Barrett

ADDRESS	CITY	STATE	ZIP CODE
1253-A Hwy 101 N.	Seaside	OR	97138
SIGNATURE	DATE	TELEPHONE	
Dale N. Barrett	May 21, 2001	503-738-3425	
COMMENTS			

**SECTION G - COMMUNITY INFORMATION (OPTIONAL)**

☐ Check here if attachments

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below.

31. ☐ The information in Section C was taken from other documentation that has been signed and embossed by a licensed surveyor, engineer, or architect who is authorized by state or local law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)

32. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.

33. ☐ The following information (Items G4-G9) is provided for community floodplain management purposes.

G4. PERMIT NUMBER	G5. DATE PERMIT ISSUED	G6. DATE CERTIFICATE OF COMPLIANCE/OCCUPANCY ISSUED

37. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement

38. Elevation of as-built lowest floor (including basement) of the building is: \_\_\_ ft (m) Datum: \_\_\_

39. BFE or (in Zone AO) depth of flooding at the building site is: \_\_\_ ft (m) Datum: \_\_\_

LOCAL OFFICIAL'S NAME

TITLE

COMMUNITY NAME

TELEPHONE

SIGNATURE

DATE

COMMENTS

☐ Check here if attachments





CLATSOP COUNTY FLOOD HAZARD

BENCHMARK SURVEY FORM

Dear Applicant:

The Flood Hazard Review application required that an elevation benchmark be set on or near your property by a registered professional surveyor licensed in the State of Oregon. This form can be used to certify the location and elevation of the benchmark, which is used as a reference during the construction of a building, which is subject to floor elevation requirements.

BENCHMARK SURVEY:

I HEREBY CERTIFY THAT THE BENCHMARK SET ON THE PROPERTY IDENTIFIED AS:

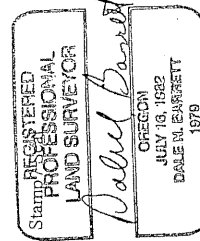
T 5N R 10W, W.M., SECTION 40, TAX LOT 400

IS SET AT AN ELEVATION OF 39.8 FEET, NGVD (MEAN SEA LEVEL).

BENCHMARK DESCRIPTION AND LOCATION:

See attached letter.

SIGNATURE: Dale Barrett  
NAME (Please Print) DALE BARRETT  
TITLE: Surveyor  
ADDRESS: 4253A Hwy 101 N  
Seaside OR  
DATE: 5/27/01



RENEWAL DATE: DEC. 31, 01

\*\* Present elevation of land in relation to National Geodetic Vertical Datum (NGVD) at building site:

39.1

\*\* Final proposed elevation in relation to NGVD of the lowest floor, including basement, of all structures (must be minimum of 1 foot above base flood elevation): 40.3

**\*\* Must be certified by either a registered engineer, surveyor or architect**

The information contained in this application is in all respects true, complete, and correct to the best of my knowledge.

Applicant's Signature: Dale W. Barrett Date: 5/21/01

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(or notarized letter)

#### Other Instructions:

1. Attach to this application plans for the proposed method of elevation of all structures, including plans for fill, anchoring, foundation, paving and posts or pilings if applicable.
2. Attach all appropriate affidavits of certification as required by the Floodplain Section (Section 4.000-4.020) of Clatsop County Land and Water Development and Use Ordinance 80-14, if applicable.
3. Submit a copy of the post construction survey (it is required by the insurance agent in order to obtain flood insurance) to the Department of Planning and Development.

Date / Staff member receiving application: \_\_\_\_\_

Acknowledgement of completed application: \_\_\_\_\_

#### GENERAL INFORMATION

Section 4.010. Purpose. This district is intended to identify and recognize those sections of the County subject to the hazards of periodic flooding and to establish special standards and regulations to reduce flood damage or loss of life in those areas. This district shall apply to all areas of special flood hazards within the unincorporated areas of Clatsop County as identified on Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps. In advancing these principles and the general purposes of the Clatsop County Comprehensive Plan, the specific objectives are:

1. To promote the general health, welfare and safety of the County.
2. To prevent the establishment of certain structures and land uses unsuitable for human habitation because of the danger of flooding, unsanitary conditions or other hazards.
3. To minimize the need for rescue and relief efforts associated with flooding.
4. To help maintain a stable tax base by providing for sound use and development in flood-prone areas and to minimize prolonged business interruptions.
5. To minimize damage to public facilities and utilities located in flood hazard areas.
6. To insure that potential home and business buyers are notified that property is in a flood area.



APPLICATION FOR  
FLOOD HAZARD REVIEW

Fee - \$100.00 (Double if a violation exists)

APPLICANT: Jackie Rosenlund Phone: (503) 436-2038  
Address: PO Box 1115  
Cannon Beach, OR 97110  
OWNER: Same as Above Phone: (503) 436-2038  
Address: 84747 Hwy 101  
Seaside, OR 97138  
ARCHITECT / ENGINEER / SURVEYOR: (Optional) HLB & Associates, Inc.  
Address: 4253A Hwy 101 N. Phone: (503)(738-3425)  
Seaside, OR 97138

Present Zoning: GC Adjacent Waterway: Necanicum River  
Property Description: 5N 10W 4D 400  
Township Range Section Taxlot (s)  
Community Panel Number: 410027-00- 34A Base Flood Elevation: 38.8  
Flood Zone: Flood plain A1 Floodway Edge of Floodway  
Proposed Development: Espresso Stand

As part of your building / development, do you intend to:

Excavate Yes Describe Excavate about 6" down.  
Grade Yes Describe Grade & fill with gravel  
Fill No Describe No net gain or loss or material.  
Pave No Describe No paving.

Describe the extent to which any watercourse will be altered or relocated as a result of the proposed development: Water course will not be altered

What is the distance from your proposed development to the nearest structure on neighboring property? Approximately 200'

# HLB & Associates

N C O R P O R A T E D  
3-A Hwy 101 North  
Seaside, Oregon 97138  
Surveying, Civil Engineering & Planning  
TEL (503) 738-3425  
FAX (503) 738-7455

May 21, 2001

Jackie Rosenlund  
P.O. Box 1115  
Cannon Beach, OR 97110

RE: Flood Elevation Certificate for Tax Lot 400, Map 5-10-4D, at North parking lot of the Crab  
Broiler, Seaside, Oregon

Dear Jackie:

Enclosed, please find a copy of a Flood Elevation Certificate (FEC) for the above referenced property. At your request, we have determined the elevation and flood hazard zone for this property. The property is located in an A-1 flood zone with a specified 100-year flood elevation of 38.8 feet (National Geodetic Vertical Datum - NGVD). All new construction on this property is required to have the "lowest floor" at or above a minimum of one foot above the 100-year flood elevation or at elevation 39.8 feet (NGVD). Please see your local building official for definition of "lowest floor" in an A-1 Zone. For your use during construction, we have determined the elevation of the following points on your property:

Description	Elevation (NGVD)
NE Corner of Building Pad	39.1 feet
SE Corner of Building Pad	39.2 feet
SW Corner of Building Pad	39.1 feet
NW Corner of Building Pad	39.0 feet
Temporary Benchmark (PK nail in SW root of tree just South of building pad)	39.8 feet



The above elevations are based upon a USC & GS Benchmark "DAN 1935", which elevation is 35.07 feet (NGVD).

Thank you for choosing HLB to provide you this service. An invoice for this project will be sent separately. Invoices are due and payable upon receipt. Interest will be charged at a rate of 1-1/2 per cent per month for balances unpaid after 30 days. Should you have any questions regarding this letter or the enclosed certificate, or if we can help you in the future, please feel free to contact our office.

Sincerely,

*HLB & Associates, Inc.*



Scott S. Cooter, PLS  
*Survey Manager*

encl: FEC  
<SURVEY\CERTIFICATE\ROSENLUND, JACKIE.FEC.DOC>

Jackies' Java Inc.  
Jackie Rosenlund  
84747 Hwy. 101  
Seaside OR 97138  
PO Box 1115  
Cannon Beach OR 97110  
(503)436-2038 /fax (503)436-2073  
(Parking lot of Crab Broiler Restaurant)

This is a Mobile Building 8' x 16' that has passed the electrical, plumbing, and building inspections at the Portland Oregon facility where it was manufactured. A "Gold Seal" is applied to the exterior, which was issued by the Oregon Building Codes Department. This structure will remain on wheels, no permanent foundation will be placed under the building. Holddowns will be used in accordance with flood zone requirements.

Location of this mobile structure is the Northwest corner of the Crab Broiler restaurant parking lot, 200' north of the restaurant building, 28' east of curb on Highway 101. 10' east of ODOT highway easement, 48' south of county road easement. Access is already established for restaurant parking lot via county road. Gravel driveway is 12' wide on east side of mobile building. Designated parking for two cars (15' x 30') is east of driveway.

Building is to be used for Drive-thru Espresso business. We will eventually have two part time employees, and owner will be full time employee.

Due to "drive-thru" nature of this business there will be no customer seating.

Drinking water will be brought in via bottled water from commercial supplier i.e Cedar Canyon and stored in 60 gallon holding tank. Wastewater will be removed via commercial pump service /waste removal per Oregon Health departments suggestion. Gray water holding tank is 70 gallons.

Please see attached regarding DEQ, Oregon Health Dept., signage, and flood zone requirements.

Thank You,

Jackie Rosenlund

## APPLICANT'S STATEMENT

1. Pertaining to the subject property described, I hereby declare that I am the legal owner of record, or an agent having the consent of the legal owner of record, and am authorized to make the application for a Development Permit/Action so as to obtain the necessary building permits, sanitation permits, US Army

Tops FORM 4680B ©

DATE <u>5-31-2001</u>		NO. <u>0577</u>	
RECEIVED FROM <u>JACKIE ROSENBLUND</u>			
ADDRESS _____			
FOR <u>DP# 01-438 + FH0</u>		DOLLARS \$ <u>150.00</u>	
ACCOUNT		HOW PAID	
AMT. OF ACCOUNT	<u>150</u>	CASH	
AMT. PAID	<u>150</u>	CHECK	<u>7019</u>
BALANCE DUE		MONEY ORDER	
		BY <u>Chris Hott</u>	

his/her property, or any other person or property, that might arise from any actions, causes of action or suits of any kind or nature whatsoever which might result from the signer's failure to build, improve or maintain roads which serve as access to the subject property or from the undersign's failure to fully abide by any of the conditions included in or attached to this permit.

4. **WAIVER OF VESTED RIGHTS DURING APPEAL PERIOD FOR ZONING AUTHORIZATION.** I have been advised that this Land and Water Development Permit/Action authorized by the Clatsop County Planning Director may be appealed within ten calendar days of the date of permit issuance and authorization (note: if the tenth day is a Saturday, Sunday or legal holiday, the appeal period lasts until the end of the next day which is not a Saturday, Sunday or legal holiday). I understand that if the approval authorized by the County and referenced above is reversed on appeal, then the authorization granted prior to the end of the appeal period will be null and void. I further understand and consent to the fact that any actions taken by me in reliance upon the authorization granted during the appeal period shall be at my own risk, and that I hereby agree not to attempt to hold Clatsop County responsible for consequences or damages in the event that removal of improvements constructed during the appeal period is ordered because an appeal is sustained.
5. I am aware that failure to abide by applicable Clatsop County Land and Water Development and Use Ordinance 80-14, as amended, and Standards Document regulations may result in revocation of this permit or enforcement action by the County to resolve a violation and that enforcement action may result in levying of a fine.
6. I understand that a change in use, no matter how insignificant, may not be authorized under this permit and may require a new Development Permit/Action. You should check with the Clatsop County Department of Planning and Development.
7. This Development Permit/Action expires 180 days from the date of issuance unless substantial construction or action pursuant to the permit has taken place.



APPLICATION FOR  
SIGN PERMIT

Fee: \$50 (Required with application)

01-439

ZONE: GC / FH0

SIZE OF PROPOSED SIGN: 15 SQ. FT. square feet

HEIGHT OF PROPOSED SIGN: 72" TALL square feet

LEGAL DESCRIPTION OF PROPERTY:

T: SN R: 10W S: 4D TL: 400 ACRES: 1.31 AC

OTHER ADJACENT PROPERTY OWNED BY THE APPLICANT:

T: \_\_\_\_\_ R: \_\_\_\_\_ S: \_\_\_\_\_ TL: \_\_\_\_\_ ACRES: \_\_\_\_\_

T: \_\_\_\_\_ R: \_\_\_\_\_ S: \_\_\_\_\_ TL: \_\_\_\_\_ ACRES: \_\_\_\_\_

APPLICANT 1: (mandatory)

Name: Jackie Rosenlund Phone # (Day): (503) 436-2038

Mailing Address: P.O. Box 1115 Fax#: (503) 436-2073

City/State/Zip: Cannon Beach Signature: Jackie Rosenlund

PROPERTY OWNER: (mandatory if different than applicant)

Name: Dann Bauske Phone # (Day): (503) 738-0178

Mailing Address: 1000 S. Holladay Dr Fax#: (503) 738-8098

City/State/Zip: Seaside OR 97138 Signature: see attached



Relies Law Inc  
Signage

Business Sign 72" x 30"  
2 Sides

Signage on Building  
4 menu Boards 36" x 40"  
2 signs 72" x 13"  
1 sign 96" x 13"

Total Square Footage 76.66

FORM 4680B ©  
Tops

DATE <u>5-31-2001</u>		NO. <u>0578</u>	
RECEIVED FROM <u>JACKIE ROSENBLUND</u>			
ADDRESS _____			
FOR <u>DP# 01-439</u>		DOLLARS \$ <u>50.00</u>	
ACCOUNT		HOW PAID:	
AMT. OF ACCOUNT	<u>50</u>	CASH	
AMT. PAID	<u>50</u>	CHECK	<u>720</u>
BALANCE DUE		MONEY ORDER	
		BY <u>Chris Hoff</u>	

**DONN C. BAUSKE**  
**ATTORNEY AT LAW**

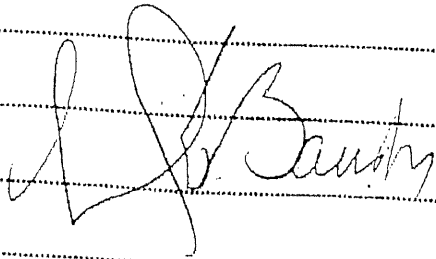
1000 S. Holladay Drive  
Seaside, OR 97138

Phone: (503) 738-0178  
Cellular: (503) 738-2666  
Fax: (503) 738-8098

TO WHOM IT MAY CONCERN

I, Donn C. Bauske, Am the owner of  
The CAB Broiler Restaurant + parking Lot property  
Tax Lot 1003 51004D 00400 TAX ID # 63694.

I have leased the parking lot to Jackson oil  
Company & The oil company has my permission  
to sublease a portion of that land to Jackie  
ROSENBLUND to put in & run a coffee CABANA  
at that location.

Donn C. Bauske