

ARTICLE 10 ADMINISTRATIVE PROVISIONS

Section 10.010 ADMINISTRATION

The City Manager shall have the power and duty to enforce the provisions of this Ordinance. An appeal from a ruling by the City Manager regarding a requirement of the Ordinance may be made to the Planning Commission within fifteen (15) days after the City Manager has rendered his decision.

Section 10.020 BUILDING PERMITS

No permit shall be issued by the Building Official for the construction, reconstruction, alteration or change of use of a structure or lot that does not conform to the requirements of this Ordinance.

Section 10.030 NOTICE OF PENDING PLANNING DIRECTOR DECISION

Section 10.031 Notice of Decision by Planning Director. When the Planning Director will render a decision for a variance, temporary use or setback reduction, notice shall be given in the following manner:

1. Notice of application and pending decision shall be published in a newspaper of general circulation in the City of Seaside at least twenty (20) days prior to a decision by the Planning Director.
2. Notice of quasi-judicial land use actions shall be provided to the applicant and to owners of record of property on the most recent property tax assessment roll which is located within 100 feet of the property which is the subject of the notice, or within 500 feet of property which is the subject of the notice where the subject property is within a farm or forest zone.
3. Notice of pending director decision on quasi-judicial land use actions required under Section 10.056 shall be mailed at least;
 - A. Twenty days before the evidentiary hearing; or
 - B. If two or more evidentiary hearings are allowed, ten (10) days before the evidentiary hearing.

Section 10.032 Notice of Pending Decision. Notice of a pending Planning Director decision on a quasi-judicial land use action shall include the following information:

1. The name of the applicant.
2. A date and time for which final written comments must be received prior to a decision by the Planning Director.
3. The statement that written comments received after the date required by Section 10.032 (2) will not be considered timely for purposes of consideration by the Planning Director. The statement shall also indicate that failure to raise an issue in writing or failure to provide sufficient specificity to allow the decision maker an opportunity to respond to the issue precludes appeal to the Planning Commission based on that issue.
4. A description of the location of the property for which a permit or other land use action is pending, including the street address and subdivision lot and block designation, or tax lot number.

5. A concise description of the proposed development action.
6. A reference to the applicable comprehensive plan and zoning criteria which apply to the proposal.
7. A statement describing where the complete application, criteria and relevant information is available for review, and how written comments be submitted.
8. The name and phone number of a local government representative to contact for more information.
9. A statement that a copy of the application, and all documents relied upon by the applicant, and applicable criteria are available inspection at no cost, and that copies can be provided at reasonable cost.
10. A general explanation of the requirements for submission of testimony and the procedure for this type of decision.

Section 10.033 Failure to Receive Notice. Failure to receive the notice provided pursuant to Sections 10.031 and 10.032 above, shall not impair the validity of the decision.

Section 10.035 Notice of Planning Director Decision. Within ten days after a decision has been rendered for a request pursuant to Section 10.030-10.033, the Planning Director shall provide the applicant with notice of the decision. Notice shall also be sent to all property owners who received notice of the original request and to those who submitted timely comments. This notice shall also contain information concerning the procedure for appeal of the decision to the Planning Commission.

Section 10.037 Appeal From Ruling Of Planning Director. Any action or ruling of the Planning Director regarding a variance, temporary use or setback reduction may be appealed to the Planning Commission within 15 (fifteen) days after Notice of Planning Director Decision is provided pursuant to Section 10.035. Written notice of the appeal shall be filed with the City Auditor. If the appeal is not filed within the fifteen (15) day period, the decision of the Planning Director shall be final. If the appeal is filed, the Planning Commission shall receive a report and recommendation from the Planning Director and shall hold a public hearing on the appeal.

Upon filing an appeal of a decision made by the Planning Director, the appellant shall submit the necessary forms and supporting documentation. Should the Planning Commission rule in favor of the appeal and overturn the Planning Director's decision the City shall refund the filing fee to the appellant.

Section 10.040 FORM OF PETITIONS AND APPLICATIONS AND APPEALS.

All petitions, applications and appeals provided for in this Ordinance shall be made on forms prescribed by the City. Applications shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the sizes and locations on the lot of the buildings and other structures, existing and proposed, the existing and intended use of each building, structure, and/or part thereof, the number of families, if any, to be accommodated thereon, and such other information as is needed to determine conformance with this Ordinance.

If proposed development requires more than one application for a permit or zone change request, the applicant shall apply for all necessary applications at the same time. The reviewing body shall consolidate its review of all necessary applications. This consolidated application procedure shall be subject to the requirements of Section 10.080, Final Application for Permit or Zone Change Request. At the discretion of the applicable reviewing body, multiple applications

which are not submitted concurrently may be denied on a procedural basis unless sequential submission is deemed unavoidable by the reviewing body.

Section 10.050 FILING FEES

The fees established by resolution of the Seaside City Council shall be paid to the City of Seaside upon filing an application. (ORD. No. 99-02)

Section 10.060 NOTICE OF PUBLIC HEARING

Section 10.061 Notice of Public Hearing. When either the Planning Commission or City Council elects or is required to hold a public hearing, notice of public hearing shall be given in the following manner:

1. Notice of public hearing shall be published in a newspaper of general circulation in the City of Seaside at least ten (10) days prior to the date of hearing.
2. Notice of public hearings on quasi-judicial land use actions shall be provided to the applicant and to owners of record of property on the most recent property tax assessment roll which is located within 100 feet of the property which is the subject of the notice, or within 500 feet of the property which is the subject of the notice where the subject property is within a farm or forest zone.
3. Notice of public hearings on quasi-judicial land use actions required under Section 10.061(b) above shall be mailed at least;
 - A. Twenty days before the evidentiary hearing; or
 - B. If two or more evidentiary hearings are allowed, ten (10) days before the evidentiary hearing.
4. Each notice of a public hearing on a zone change for property which includes all or part of a mobile home park, shall be sent by first class mail to each existing mailing address for tenants of the mobile home park, at least twenty (20) days, but not more than forty (40) days, before the date of the first hearing on the application. The City may require the applicant for the zone change to pay the costs of the notice.

Section 10.062 Notice of Public Hearing on a Quasi-Judicial Land Use Action. Notice of a public hearing on a quasi-judicial land use action shall include the following information:

1. The name of the applicant.
2. The date, time, and location of the hearing.
3. A description of the location of the property for which a permit or other land use action is pending, including the street address and the subdivision lot and block designation, or tax lot number. (This information is required only for quasi-judicial actions).
4. A concise description of the proposed development action.
5. A reference to the applicable comprehensive plan and zoning ordinance criteria which apply to the proposal.
6. A statement that a failure to raise an issue in person or by letter or failure to provide sufficient specificity to allow the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.
7. A statement describing where the complete application, criteria and other relevant information is available for review, and how written comments may be submitted.

8. The name and phone number of a local government representative to contact for more information.
9. A statement that a copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost, and that copies can be provided at reasonable cost.
10. A statement that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing, and that copies can be provided at reasonable cost.
11. A general explanation of the requirements for submission of testimony and the procedure for conduct hearings.

Section 10.063 Failure to Receive Notice. Failure to receive the notice provided pursuant to Sections 10.061 and 10.062 above, shall not impair the validity of the hearing.

Section 10.064 To Recess A Hearing. The Planning Commission or City Council may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

Section 10.066 Notice Of Planning Commission Or City Council Decision

For decisions rendered by the Planning Commission or City Council, the Planning Director shall provide the applicant/appellant with notice of the decision. Notice of the decision shall also be sent to all property owners who received notice of the original request and to those who submitted timely comments. This notice shall also contain information concerning the procedure for appeal of the decision. The notice shall be sent within 10 days of the date of the Planning Commission or City Council decision.

Section 10.068 Appeal From Ruling Of Planning Commission For Decisions Within The City Limits

Any action or ruling of the Planning Commission pursuant to this Ordinance may be appealed to the City Council within fifteen (15) days after Notice of Decision is provided pursuant to Section 10.066. Written notice of the appeal shall be filed with the City Auditor. If the appeal is not filed within the fifteen (15) day period, the decision of the Planning Commission shall be final. If the appeal is filed, the City Council shall receive a report and recommendation on it from the Planning Commission and shall hold a public hearing on the appeal.

Section 10.069 Appeal From Planning Commission For Decisions Within The Urban Growth Boundary Area

Any action or ruling of the Seaside Planning Commission pursuant to this Ordinance may be appealed to the County Board of Commissioners within fifteen (15) days after Notice of Decision is provided pursuant to Section 10.066. Written notice of the appeal shall be filed with the City Auditor. If the appeal is not filed within the fifteen (15) day period, the decision of the Planning Commission shall be final. If the appeal is filed, the County Board of Commissioners shall receive a report and recommendation on it from the Seaside Planning Commission and shall hold a public hearing on the appeal.

Section 10.070 PUBLIC HEARING PROCEDURES AND REQUIREMENTS

Section 10.071 Public Hearings. Public hearings conducted under this Ordinance shall follow the procedures and requirements of this section.

Section 10.072 Providing an Impartial Review. Public hearings shall provide an impartial review as free from potential conflicts of interest and pre-hearing ex-parte contacts as possible. No member of a hearing body shall participate in a discussion of the proposal or vote on the proposal when any of the following conditions exist:

1. Any of the following have a direct or substantial financial interest in the proposal:
 - A. The hearing body member or the member's spouse, brother, sister, child, parent, father-in-law, or mother-in law;
 - B. Any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

Section 10.073 Recording the Substance of any Written or Oral Communication. Hearing body members shall place on the record the substance of any written or oral ex-parte communications concerning a decision or action which occurs after the communication was made. Parties shall be given the right to rebut the substance of the communication. If such contacts have impaired their impartiality or their ability to vote on the matter, they shall so state and abstain therefrom.

Section 10.074 Beginning Of Public Hearing. At the beginning of a public hearing, the following shall be addressed:

1. Any abstentions or disqualifications of hearing body members shall be determined, based on conflict of interest, personal bias or ex-parte contacts.
1. For public hearings on land use actions, a statement shall be made by the person presiding that:
 - A. Describes the applicable substantive criteria which will be used to review the land use action;
 - B. Testimony at the hearing must be directed towards the criteria which will be used to review the land use action or other criteria in the plan or land use regulations which a party believes to apply to the land use action;
 - C. Failure to raise an issue with sufficient specificity to afford the decision makers and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

Section 10.075 Continuation Of A Public Hearing. The Planning Commission or City Council may continue a hearing in order to obtain additional information or to serve further notice upon other property owners it decides may be interested in the proposal being considered. Upon continuing a hearing, the time and date when the hearing is to be resumed shall be announced.

Section 10.076 Record Remaining Open. Unless there is a continuance, if a participant so requests before the conclusion of the first evidentiary hearing on a land use action, the record shall remain open for at least seven days after the hearing. Whenever the record of a land use hearing is reopened to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision making which apply to the matter at issue. This extension of time shall not be counted as part of the 120 day time limit in Section 10.080.

Section 10.077 Staff Reports Used At Public Hearings. Any staff report used at a public hearing shall be available at least seven days prior to the hearing. If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance

of the hearing. This continuance period shall not be counted as part of the 120 day time limit in Section 10.080.

Section 10.080 FINAL ACTION ON APPLICATION FOR PERMIT OR ZONE CHANGE REQUEST.

The following section shall apply to all applications for permits or zone change requests, except those which involve an amendment to the comprehensive plan or zoning ordinance, or the adoption of a new land use regulation.

1. The city shall take final action on an application for a permit or zone change request, including resolution of all local appeals, within 120 days from the date the application is deemed complete. This 120-day period may be extended for a reasonable period of time at the request of the applicant. If the applicant chooses to request a continuance during the decision process, or during an appeal, they shall agree in writing to waive the right to completion of the decision or appeal process within the 120 days prescribed above.
2. If an application for a permit or zone change is incomplete, the city shall notify the applicant of the additional information required within 30 days of the receipt of the application. The applicant shall be given an opportunity to submit the additional information. The application shall be deemed complete upon receipt of the additional information required. Refusal by the applicant to submit the required additional information shall deem the application complete on the 31st day after the governing body first received the application.
3. All documents or evidence provided by the applicant shall be submitted to the city and be made available to the public at the time the notice of public hearing required by Section 10.061 is provided.
4. If the application was complete when first submitted, or the applicant submits the requested additional information within 180 days of the date the application was first submitted, the city's approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.