



Clatsop County  
Community Development  
800 Exchange Street, Suite 100  
Astoria, Oregon 97103  
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## Conditional Use Permit for Home Occupation

**Fee: \$1,200** (Double if a violation exists)

**OWNER(S):** \_\_\_\_\_ Email: \_\_\_\_\_

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

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

**OTHER:** \_\_\_\_\_ Email: \_\_\_\_\_

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

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

**OTHER:** \_\_\_\_\_ Email: \_\_\_\_\_

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

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

**Proposed Use:** \_\_\_\_\_

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

Existing Zoning: \_\_\_\_\_ Overlay District: \_\_\_\_\_

Property Description – Map ID: \_\_\_\_\_

Directions to the property from Astoria: \_\_\_\_\_

What is the nearest "Community" (i.e. Svensen, Arch Cape, Westport)? \_\_\_\_\_

**Include a map of the property and adjacent parcels showing existing and proposed uses.**

### General Description of Property:

Existing Use: \_\_\_\_\_

Topography: \_\_\_\_\_

Proposed Development: \_\_\_\_\_

### General Description of Adjoining Property:

Existing Use: \_\_\_\_\_

Topography: \_\_\_\_\_

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

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

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

The following sections are from the Clatsop County Land and Water Development and Use Code.

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

### **Section 2.4010. General**

Although each zoning district is primarily intended for a predominate type of use and development, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects, all may indicate that the circumstances of the development and use needs to be individually reviewed. It is the intent of this section to provide a system of review of such uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this ordinance and the objectives of the comprehensive plan.

### **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**

- 1) A new, enlarged or otherwise altered development classified by this Ordinance as a conditional development and use may be approved by the Community Development Director under a Type II procedure except that the following conditional developments and uses may be approved by the Hearings Officer under a Type IIa procedure:
  - (A) Dog kennel or Kennel;
  - (B) Airport;
  - (C) Bed & Breakfast over 3 units;
  - (D) Golf courses;
  - (E) Automobile service station or repair shop, including body work, used car sales, wrecking yard;
  - (F) Public or private recreation such as riding stable, fishing or boating docks or ramps, gun club, golf course, or resort type establishment in association with recreation;
  - (G) Non-farm partition;
  - (H) Non-farm dwelling;
  - (I) Farm help relative dwelling;
  - (J) Home occupations related to auto/machinery repair or painting;
  - (K) Firearms training facility;
  - (L) Solid waste disposal site;
  - (M) Small scale, light industrial developments such as assembly, fabricating, processing, compounding, packing and similar operations within an enclosed building.
  - (N) Automobile wrecking yard.
  - (O) Amusement enterprises such as games of skill and science, thrill rides, penny arcades, and shooting galleries.
- 2) Where the proposed development involves a non-water dependent use or activity in the Marine Industrial Shorelands Zone, Section 4.1900, mailed notice shall also be provided to any interested party who has submitted a written request concerning the proposed development, and to state and federal agencies with statutory planning and permit issuance authority in aquatic areas, including the Oregon Division of State Lands, Department of Fish and Wildlife, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Corps of Engineers, and the Environmental Protection Agency.
- 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 is Ordinance.
  - (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.
- (D) The proposed use is compatible with existing and projected uses on surrounding lands, considering the factors in (C) above.
- (E) The proposed use will not interfere with normal use of coastal shorelands.
- (F) The proposed use will cause no unreasonably adverse effects to aquatic or coastal shoreland areas, and
- (G) The use is consistent with the maintenance of peripheral and major big game habitat on lands identified in the Comprehensive Plan as Agricultural Lands or Conservation Forest Lands. In making this determination, consideration shall be given to the cumulative effects of the proposed action and other development in the area on big game habitat.
- (H) In addition to compliance with the criteria as determined by the hearing body and with the requirements of Sections 1.1040 and 1.1050, the applicant must accept those conditions listed in Section 2.4040 that the hearing body finds are appropriate to obtain compliance with the criteria.

**Please address the following standards on a separate sheet of paper.  
Be as specific as possible. "Yes" and "No" responses are not sufficient.**

- (1) 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 the Clatsop County Land and Water Development and Use Code.
  - 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.
  - d. The proposed use is compatible with existing and projected uses on surrounding lands, considering the factors in (c) above.
  - e. The proposed use will not interfere with normal use of coastal shorelands.
  - f. The proposed use will cause no unreasonably adverse effects to aquatic or coastal shoreland areas and
  - g. The use is consistent with the maintenance of peripheral and major big game habitat on lands identified in the Comprehensive Plan as Agricultural Lands or Conservation Forest Lands. In making this determination, consideration shall be given to the cumulative effects of the proposed action and other development in the area on big game habitat.
- (2) In addition to compliance with the criteria as determined by the hearing body and with the requirements of Sections 1.1040 and 1.1050, the applicant must accept those conditions listed in Section 2.4040 that the hearing body finds are appropriate to obtain compliance with the criteria.

**The following is provided to you for your convenience. You need not address these sections.**

#### **Section 2.4040. Requirements for Conditional Development and Use**

In permitting a conditional development and use, the hearing body may impose any of the following conditions as provided by Section 2.4030:

- 1) Limit the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- 2) Establish a special yard or other open space or lot area or dimension.
- 3) Limit the height, size or location of a building or other structure.
- 4) Designate the size, number, location or nature of vehicle access points.
- 5) Increase the amount of street dedication, roadway width or improvements within the street right-of-way.
- 6) Designate the size, location, screening, drainage, surfacing or other improvement of a parking or truck loading areas.
- 7) Limit or otherwise designate the number, size, location, height of or lighting of signs.
- 8) Limit the location and intensity of outdoor lighting or require its shielding.
- 9) Require diking, screening, landscaping or another facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
- 10) Designate the size, height, location or materials for a fence.
- 11) Require the protection of existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
- 12) Require provisions for public access (physical and visual) to natural, scenic and recreational resources.
- 13) Specify other conditions to permit the development of the County in conformity with the intent and purpose of the classification of development.

#### **Section 2.4050. Time Limit on Permit for Conditional Use**

- 1) Authorization of a conditional use shall be void after two years unless substantial construction or action pursuant thereto has taken place as defined in Section 1.0500. However, the County may, at the discretion of the Community Development Director, extend authorization for an additional one year upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the permit. The County may grant conditional use approvals for activities such as dike maintenance for a period of time up to five years; such approvals will normally correspond with parallel state and/or federal permits.
- 2) Authorization of a conditional use dwelling in the AF, EFU and F-80 zones shall be void after four years unless substantial construction or action pursuant thereto has taken place as defined in Section 1.0500. However, the County may, at the discretion of the Community Development Director, extend authorization for an additional two years upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the permit.

**Please address the following standards on a separate sheet of paper.  
Be as specific as possible. "Yes" and "No" responses are not sufficient.**

### **SECTION 3.8000. HOME OCCUPATION**

#### **Section 3.8010. Purpose**

The purpose of this section is to establish standards by which limited small-scale business activities, hereafter referred to as Home Occupation, could operate in non-commercial and non-industrial zones. Special standards apply to ensure that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. The standards ensure that the home occupation remains subordinate to the residential use, and that the residential viability of the dwelling is maintained.

#### **Section 3.8020. Home Occupation Standards**

The following limitations and requirements shall apply to all Home Occupations:

- 1) Parking of 1 space per employee must be provided on the same tract of land. Parking spaces needed for employees of a home occupation shall be provided in defined areas of the property which are accessible, usable, designed and surfaced for that purpose.
- 2) No more than two vehicles or trailers are to be used in the operation of the Home Occupation.
- 3) No modification shall be made to the dwelling to establish or operate the Home Occupation that would cause it to resemble anything other than a dwelling.

- 4) All materials, parts, tools and other equipment used in the operation of the Home Occupation shall be stored entirely within the dwelling or accessory building.
- 5) The Home Occupation shall not involve operations or use of equipment or processes which would produce or cause the emission of gasses, dust, odors, vibration, electrical interference, smoke, noise, or light in a manner likely to cause offense to irritation to neighboring residents. The Home Occupation shall comply with the applicable federal, state and local regulations.
- 6) No more than one unlighted sign with a combined area on all surfaces of 6 square feet shall be used to identify the Home Occupation. No other form of identification or advertisement shall be used.
- 7)
  - (A) Retail Sales shall be allowed provided the activity does not give the outward appearance or manifest the characteristics of a retail business, such as signs other than those permitted under S3.462(6), advertising the dwelling as a business location, generate noise or traffic that adversely affects neighbors, or cause other adverse off-site impacts.
  - (B) A Complaint from neighbors shall be cause for review of any Home Occupation conducted as a retail business. The review may be a Type II County enforcement proceeding. In such proceeding, the Compliance Order may impose any of the conditions described in 5.025 of the Clatsop County Land and Water Development and Use Ordinance.
- 8) A Home Occupation in or adjacent to the AF, F-80 and EFU zones shall not involve activities which might disrupt or adversely impact forest use of the parcel or adjacent parcels. The Home Occupation shall also not involve activities sensitive to standard farm or forest management practices.
- 9) Repair or assembly of any vehicles or engines is not allowed.
- 10) Deliveries or pick-ups of supplies or products, associated with the home occupation, are allowed to occur between 8:00 a.m. and 6:00 p.m.
- 11) No outside storage, display of goods or merchandise, or external evidence of a home occupation shall occur except as otherwise permitted in this section.
- 12) The premises upon which the home occupation is conducted shall be the residence of the person conducting the home occupation.
- 13)
  - (A) Not more than three (3) non-resident employees or vehicles are allowed on the premises at any one time in conjunction with a home occupation in the RSA-MFR, RA-1, RA-2 and RA-5 zones.
  - (B) Not more than five (5) non-resident employees or vehicles are allowed on the premises at any one time in conjunction with a home occupation in the AF, F-80 and EFU zones.
- 14) Parking of any trailers associated with the home occupation shall be within an enclosed building or screened from view by adjoining properties.

**If a Bed & Breakfast Establishment is being requested, please address the following standards on a separate sheet of paper. Be as specific as possible. "Yes" and "No" responses are not sufficient.**

### **Section 3.8030. Bed & Breakfast Establishment Standards**

The following standards shall apply to all bed & breakfast establishments in order to preserve the character of the neighborhood or area in which it is to be located. Bed and breakfast establishments shall be allowed in the zones as permitted by this section and as defined by ORS 215.448 (Home Occupations). The regulations have been established to provide an alternative form of lodging for visitors who prefer a residential setting.

- 1) Number of rental units
  - (A) 1-5 unit establishment is subject to approval of a Type I development permit and Section 2.070 in the following zones: NC, TC and GC.
  - (B) 1-5 unit establishment is subject to approval of a Type II conditional use permit and Section 5.000-5.030 in the following zones: RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, RA-2, RA-5, RA-10, EFU, AF, F-80.
- 2) Establishment shall be operated substantially in:
  - (A) The dwelling unit, and historical resource buildings; and
  - (B) It shall not unreasonably interfere with other uses permitted in the zone in which the property is located; and
  - (C) Will employ not more than three full or part-time persons; and

- (D) The premises upon which the bed and breakfast establishment is conducted shall be the residence of the person conducting the establishment.
- 3) (A) One off-street parking space shall be provided for each rental unit plus the 2 required spaces for the residence of the person conducting the establishment. Off-street parking requirements are subject to the standards in Section 3.0050-3.0120 (Off-Street Parking Required).
- (B) Additional parking shall be provided for employees subject to the standards in Section 3.0050-3.0120 (Off-Street Parking Required).
- (C) A reduction in the number of rental units may be required if the impacts of the parking area cannot be mitigated.
- 4) Signing is limited to a six (6) square foot nameplate, non-illuminated (replaces Section 3.8020(6)).
- 5) All Bed and breakfast establishments shall comply with the applicable state and local health, building and fire code requirements.
- 6) Bed and breakfast establishments shall comply with the development standards of the base zone, and overlay zone where applicable.
- 7) Any expansion of an existing building or alterations that increase the intensity of the establishment, may require, at the discretion of the Community Development Director, a Type II conditional use permit subject to Section 2.4000-2.4050, in the following zones:  
RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, RA-2, RA-5, RA-10, EFU, AF, F-80.
- 8) Residential structures may be remodeled for the development of a bed and breakfast establishment. However, structural alteration may not be made which prevent the structure from being used as a residence in the future. Internal or external changes which will make the dwelling appear less residential in nature or function are not allowed.
- 9) An establishment in or adjacent to the AF, F-80 and EFU zones shall not involve activities which might disrupt or adversely impact farm or forest use of the parcel or adjacent parcels.
- 10) Access to serve a bed and breakfast establishment shall be designed to meet the criteria within Standards Section 3.6520 and Section 3.9540 (Access Control) and the applicable standards within Section 3.9800 (Road Standard Specifications for Design and Construction).

#### **Section 3.8040. Bed & Breakfast Establishment Standards for Standard Sized Lots or Parcels**

Bed and breakfast establishments may be considered on parcels or lots that meet the minimum lot size in the following zones as provided by this section:

<b>Zone</b>	<b>Standard</b>
RSA-SFR	Conditional use permit
RSA-MFR	Conditional use permit
CR	Conditional use permit
SFR-1	Conditional use permit
RA-1	Conditional use permit
RA-2	Conditional use permit
RA-5	Conditional use permit
RA-10	Conditional use permit
CBR	Not permitted
NC	Permitted use
TC	Permitted use
GC	Permitted use
EFU	Conditional use permit
AF	Conditional use permit
F-80	Conditional use permit

**Section 3.8050. Bed & Breakfast Establishment Standards for Substandard Sized Lots or Parcels**

Bed & breakfast establishments may only be considered on parcels or lots that are less than the minimum lot size in the following circumstances:

<b>Zone</b>	<b>Standard</b>
RSA-SFR	Not permitted
RSA-MFR	Conditional use permit
CR	Conditional use permit
SFR-1	Not permitted
RA-1	Conditional use permit
RA-2	Conditional use permit
RA-5	Conditional use permit
RA-10	Conditional use permit
CBR	Not permitted
NC	Conditional use permit
TC	Conditional use permit
GC	Conditional use permit
EFU	Conditional use permit
AF	Conditional use permit
F-80	Conditional use permit