CLATSOP COUNTY BOARD OF COMMISSIONERS

"Neighbor to neighbor, serving Clatsop County with integrity, honesty and respect"

Scott Lee, Dist. 1 – Chairman
Dirk Rohne, Dist. 4 – Vice-Chairman
Sarah Nebeker, Dist. 2
Lisa Clement, Dist. 3
Lianne Thompson, Dist. 5
commissioners@co.clatsop.or.us

800 Exchange, Suite 410
Astoria, OR97103
Phone (503) 325-1000
Fax (503) 325-8325

www.co.clatsop.or.us

Regular Meeting

September 28, 2016

Judge Guy Boyington Building, 857 Commercial, Astoria

Regular Meeting: 6:00pm

The Board of Commissioners, as the Governing Body of Clatsop County, all County Service Districts for which this body so acts, and as the Clatsop County Local Contract Review Board, is now meeting in Regular Session.

1. **FLAG SALUTE**

2. **ROLL CALL**

3. **AGENDA APPROVAL**

4. **BUSINESS FROM THE PUBLIC** - *This is an opportunity for anyone to give a 3 minute presentation about any item on the agenda (except public hearings) OR any topic of county concern that is not on the agenda. People wishing to speak during Business From The Public must fill out and sign a Public Comment Sign-in Card.*

5. **CONSENT CALENDAR**
   a. Youngs River Loop Road Federal Bridge Grant Award Acceptance .....{Page 1}
   b. Dedication of certain land in Seaside as Recreational Land .....{Page 7}
   c. Approval of purchase of Ford F350 pickup.....{Page 11}
   d. Appointment of Public Health Director.....{Page 13}
   e. Right-of-way Extension Easement .....{Page 15}

6. **PUBLIC HEARINGS**
   a. Ordinance 16-03 Legislative Text Amendments to the Comprehensive Plan.....{Page 23}

7. **COMMISSIONERS' REPORTS**

8. **COUNTY MANAGER'S REPORT**

9. **ADJOURNMENT**

Complete copies of the current Board of Commissioners meeting agenda packets can be viewed at:
Astoria Public Library - Seaside Public Library - Board of Commissioners Office

Agenda packets also available online at www.co.clatsop.or.us

This meeting is accessible to persons with disabilities. Please call 325-1000 if you require special accommodations to participate in this meeting.

Agenda Item # 5a

Board of Commissioners
Clatsop County

AGENDA ITEM SUMMARY

September 28, 2016

Issue/Agenda Title: Youngs River Loop Road Federal Bridge Grant Award Acceptance

Category: (Consent Calendar)

Prepared By: Michael Summers, Public Works Director

Presented By: Michael Summers, Public Works Director

Issue before the Commission: A Resolution and Order to accept a $1,556,663 Federal Local Bridge Grant Award to rehabilitate County Bridge #011161 over the Klaskanie River, Youngs River Loop Road

Informational Summary:

The Public Works Department routinely seeks outside sources of revenue to augment County funds via State, Federal and Local programs when available. The Federal Local Bridge Program is a competitive grant program that allows for local agencies to fund bridge projects using 10.27% of local funds to match the grant award of federal funds. The projects are delivered with coordination with the Oregon Department of Transportation, Local Agency Liaison, and County Staff.

The Public Works Department in April, 2015 applied for federal funding to replace one bridge and rehabilitate three County owned bridges to the Federal Local Bridge Program via the Oregon Department of Transportation. The four Clatsop County bridges were included with many other City and County Bridge grant applications throughout the State. The need for bridge funding throughout the State far exceeded total funds available. The bridge applications were reviewed by the bridge technical review committee, which compiles the grant applications and performs calculations to make the project selection. Prioritization for bridge funding this cycle was given to bridges that had timber components, the date of last federal bridge grant, and bridges that have a lower sufficiency rating.

(The sufficiency rating is a quantitative measurement score of the overall quality of the bridge based upon condition, age, capacity and other factors. The sufficiency rating is calculated as result of the bridge inspection every 24 months.)

The Local Bridge Program has selected the County Bridge #011161 over the Klaskanie River on Youngs River Loop Road to be awarded a $1,556,663 Federal Local Bridge Grant to rehabilitate the bridge foundation or sub-structure. The project would begin the design phase in early 2017 with construction beginning as early as Summer, 2018 to Summer, 2019.

Fiscal Impact: The fiscal impact to the County General Roads Fund #002 would the 10.27% match in the amount of $159,869 to take advantage of the $1,556,663 award. The match fund would be budgeted during a future fiscal year likely FY 2018/2019. In addition, there will be staff time to coordinate the grant and project implementation during the design and construction phases.

Options to Consider:

1. Accept the grant award and authorize the Board Chair to sign the Resolution and Order
2. Do not accept the grant award

Staff Recommendation: Option #1

Recommended Motion: *"I move accept the Federal Local Bridge Program grant award to rehabilitate the Klaskanie River, Youngs River Loop Road Bridge and authorize the Board Chair to sign the Resolution and Order"*

Attachment List:

A. Resolution and Order
B. Bridge Project Selection Letter from the Oregon Department of Transportation
C. Bridge Location Reference Map

IN THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

IN THE MATTER OF	)	RESOLUTION
ACCEPTING	)	AND
FEDERAL LOCAL BRIDGE	)	ORDER
PROGRAM FUNDING GRANT	)	

WHEREAS, the Clatsop County Public Works Deparment has applied for a federal grant to rehabilitate the Youngs River Loop Road Bridge over the Klaskanie River, Bridge #011161, and

WHEREAS, Clatsop County has been awarded a $1,556,663 federal grant to rehabilitate the bridge, and

WHERAS, The grant award has a 10.27% match requirement in the amount of $159,869 of County funds, to be budgeted and expended from the General Roads Fund #002 in a future fiscal year, and

NOW THEREFORE, IT IS RESOLVED that the Board of Clatsop County Commissioners accepts the award of the Federal Local Bridge Program grant to rehabilitate the Youngs River Loop Road Bridge over the Klaskanie River, Bridge #011161.

DATED this_____ day of September, 2016

BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

_____
Scott Lee, Chairperson

Oregon
Kate Brown, Governor

Department of Transportation
Technical Leadership Center
ODOT Bridge Section MS #4
4040 Fairview Industrial Dr. SE
Salem. OR 97302

FILE CODE:

August 26, 2016

Clatsop County
1100 Olney Ave
Astoria, OR 97103

Attention: Michael Summers, Public Works Director

RE: Federal Local Bridge Project Selection Results

Bridge Number: **011161**
Bridge Name: **Klaskanine River, Youngs River Loop Rd**
Award Amount: **$1,556,663 (Includes 10.27% local match)**

Dear Mr. Summers,

I am pleased to announce that the above project has been approved by the Local Agency Bridge Selection Committee for Local Bridge Program (LBP) funding. Your project was approved to receive funding in federal fiscal years 2018 through 2021.

We are offering to start design in 2017 by coordinating with your Region Local Agency Liaison listed below. Your agency may proceed with the project upon completion of the design regardless of the year it is programmed. The ability to advance projects is limited by fund availability.

Please confirm that you accept the LBP award by email to corey.r.withroe@odot.state.or.us with a cc to rachelle.l.nelson@odot.state.or.us. If you would like to be part of the accelerated schedule for your project and start the design in 2016, we will need to know upon the acceptance of the award. Your confirmation of the award is due no later than 10/31/2016.

The ODOT Local Agency Liaison and contact information for this project is:

Bill Jablonski
William.R.Jablonksi@odot.state.or.us
503-325-8274

Z:\bridge\Correspondence\Bridge_Program_Unit\Letters\STIP\2016\LBP\LBP_Funding_011161_082616.docx

Finally, a reminder ***not to start any work*** on the project until you receive a "Notice to Proceed" after the Prospectus and Inter-governmental Agreement are completed.

Sincerely,

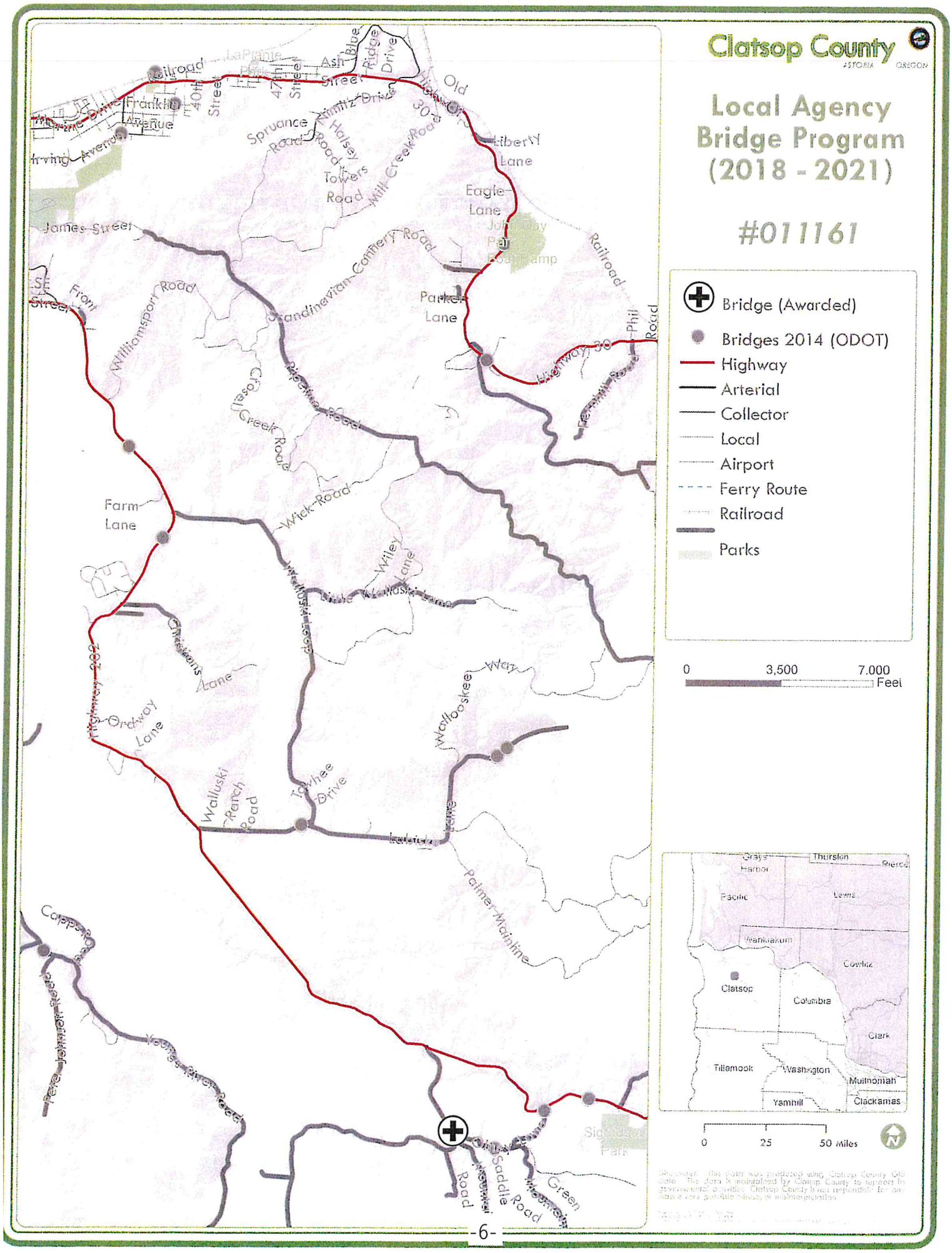
Bert H Hartman

Bert Hartman, PE
Bridge Program Managing Engineer
Oregon Department of Transportation

BHH/crw

Cc: Bill Jablonski, ODOT Local Agency Liaison
Art Anderson, ODOT Region 3 Area Manager
Holly Winston, ODOT Senior Local Bridge Standards Engineer
Bert Hartman, ODOT Bridge Program Managing Engineer
Corey Withroe, ODOT Bridge Data Analyst
Rachelle Nelson, ODOT STIP Coordinator

Z:\bridge\Correspondence\Bridge_Program_Unit\Letters\STIP\2016\LBP\LBP_Funding_011161_082616.docx


Clatsop County
ASTORIA OREGON
Local Agency Bridge Program (2018 - 2021)
#011161
Bridge (Awarded)
Bridges 2014 (ODOT)
Highway
Arterial
Collector
Local
Airport
Ferry Route
Railroad
Parks
0
3,500
7,000
Feet
Railroad
Ash Street
Blue Ridge Drive
Old Highway 30
Liberty Lane
Eagle Lane
Parker Lane
Highway 30
Phil Road
Farm Lane
Wick Road
Wiley Lane
Little Walluski Lane
Walluski Loop
Christians Lane
Ordway Lane
Highway 202
Walluski Ranch Road
Towhee Drive
Wallooskee Way
Palmer Mainline
Youngs River Road
Saddle Road
Green
Grays Harbor
Thurston
Pierce
Pacific
Lewis
Wahkiakum
Cowlitz
Clatsop
Columbia
Clark
Tillamook
Washington
Multnomah
Yamhill
Clackamas
0
25
50 Miles

Agenda Item 5-b

Board of Commissioners
Clatsop County

AGENDA ITEM SUMMARY

September 28, 2016

Issue/Agenda Title: Dedication of Certain Land in Seaside as Recreational Land

Category: Consent Calendar

Prepared By: County Manager/County Counsel

Presented By: County Manager/County Counsel

Issue before the Commission: Consider dedicating certain land in Seaside, adjacent to the City's Avenue U wetland area, as a recreational area.

Informational Summary: The County owns two strips of tax foreclosed land (see map) adjacent to the City of Seaside's Avenue U wetlands and commonly referred to as tax lots 61028AC00100 and 61028AC00200. The City wants to acquire this property to expand the recreational opportunities and natural habitat conservation around the wetland area. The City cannot pay full market value for the parcels. The County wishes to ensure that, if it sells the parcels to Seaside, they are used for recreational and natural habitat purposes. Dedicating them as recreation area prior to sale helps ensure that happens. Further, if the County sells dedicated recreation area, the funds received from that sale must be held by the County for park and recreation purposes, and not distributed to the taxing districts. This will enhance resources available to improve and maintain County parks. The County Recreational Lands Committee met on August 25, 2016, considered this dedication, and voted to recommend approving this dedication to your Board.

Fiscal Impact: no direct impact, dedication can affect a property's fair market value, however.

Options to Consider:

1) Dedicate the above described parcels as recreational area pursuant to ORS 275.330.
2) Do not dedicate the parcels as recreation area, sell them to the highest bidder, and distribute the proceeds to the taxing districts.

Staff Recommendation: Option #1

Recommended Motion: *"I move to dedicate the above described parcels as recreational area pursuant to ORS 275.330, and authorize the Chair to sign the Resolution and Order."*

Attachment List:

A. Resolution and Order
B. Legal Description
C. Aerial photo of property

IN THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY

IN THE MATTER OF	)	
DEDICATING CERTAIN	)	RESOLUTION AND ORDER
RECREATIONAL LAND IN SEASIDE	)	

WHEREAS, Clatsop County has certain tax foreclosed lands described East of Highway 101 in South Seaside as described in Exhibit A attached hereto, and commonly referred to as tax lots 61028AC00100 and 61028AC00200.

WHEREAS, these lands adjoin the City of Seaside's Avenue U wetlands, where the City is developing a recreation and wildlife viewing area, and

WHEREAS, the City of Seaside wishes to buy the County's lands to expand the recreational area and preserve natural habitat, and

WHEREAS, the County wishes to dedicate the lands to recreational use prior to sale so as to ensure their permanent use for recreation, and to be able to dedicate all funds received from the City to the maintenance and improvement of County parks, and

WHEREAS, the dedication has been recommended for approval by the County Recreational Lands Committee,

NOW THEREFORE IT IS HEREBY ORDERED, that the above described property is dedicated as County recreation land pursuant to ORS 275.330.

BOARD OF COMMISSIONERS FOR
CLATSOP COUNTY, OREGON,

_____
Scott Lee

EXHIBIT A

Parcel 1
(61028AC00100)

A parcel of land in Section 28, Township 6 North, Range 10 West, Willamette Meridian, County of Clatsop, Oregon, and being a portion of that parcel of land deeded to the Astoria & Columbia River Railroad Co. by the Seaside Real Estate & Investment Co. and recorded in Book 60, Page 222, Deed Records of Clatsop County, Oregon, said parcel being more particularly described as follows:

Beginning at a point on the west right of way line of said railroad right of way tract which bears South 1149 feet and West 1413 feet from the Section Corner common to Sections 21, 22, 27 & 28 in said Township 6 North, Range 10 West, Willamette Meridian;

Thence Southerly along said west right of way line a distance of 279.72 feet to a point;

Thence East 30 feet more or less to the center line of the said railroad right of way tract;

Thence Northerly along said center line a distance of 279.72 more or less to a point which bears East of the point of beginning;

Thence West 30 feet more or less to the point of beginning.

Parcel 2
(61028AC00200)

A parcel of land in Section 28, Township 6 North, Range 10 West, Willamette Meridian, County of Clatsop, Oregon, and being a portion of that parcel of land deeded to the Astoria & Columbia River Railroad Co. by the Seaside Real Estate & Investment Co. and recorded in book 60, Page 222, Deed Records of Clatsop County, Oregon said parcel being more particularly described as follows:

Beginning at a point on the west right of way line of said railroad right of way tract which bears South 1149 feet and West 1413 feet from the Section Corner common to Sections 21, 22, 27 & 28 in said Township 6 North, Range 10 West, Willamette Meridian;

Thence West 63.3 feet to a point

Thence in a southerly direction along a line parallel to and 60 feet distance from, measured at right angles, the westerly boundary of said right of way tract hereinbefore described a distance of 400 feet to a point;

Thence East 63.3 feet to a point in the Westerly boundary line of said right of way;

Thence in a Northerly direction along said right of way a distance of 400 feet to the point of beginning.

EXCEPTING therefrom the parcel of land described in Instrument # 200506677 Clatsop County Deed Records.

61028AC 100, 200

Agenda Item # 5-c

Board of Commissioners
Clatsop County

AGENDA ITEM SUMMARY

September 28, 2016

Issue/Agenda Title: Purchase of Ford F350 Pickup

Category: Consent Calendar

Prepared By: Teresa Clute

Presented By: Michael Summers, Public Works Director

Issue before the Commission: Approval of purchase of Ford F350 from Landmark Ford for $39,947.50

Informational Summary: The Public Works Department has budgeted $50,000 to replace a 2009 pickup with a new four wheel drive 1-Ton diesel pickup. This pickup will be able to tow the mini excavator and will be a diesel to improve gas mileage. Landmark Ford was the lowest of the three quotes:

Landmark Ford	$39,947.50
Power Ford	$40,188.00
Northside Ford	$41,219.80

The 2009 pickup that is being replaced will be used by the County Surveyor, who will pay the Road Department rental rate for the hours he uses it.

Fiscal Impact: This purchase is budgeted in the Roads Equipment Replacement Fund

Options to Consider:

1. Approve purchase of 2017 Ford F350 Diesel Pickup from Landmark Ford for $39,947.50.
2. Do not purchase a new pickup and continue to use 2009 pickup.
3. Look at other types or brands of pickups.

Staff Recommendation: Option #1

Recommended Motion: *"I move to approve purchase of 2017 Ford F350 Diesel Pickup from Landmark Ford for $39,947.50"*

Attachment List:

A. Pickup Specifications

REVISED F350 SUPERCAB QUOTE:

```
CNGP530                                                          09/13/16 15:09:39
 ==> _________ ____________________________________________          Dealer: F74022
                          2017 F-SERIES SD                            Page: 1 of 2
 Order No: 9999    Priority: K4  Ord FIN: QS045  Order Type: 5B Price Level: 730
 Ord PEP:  610A Cust/Flt Name: CLATSOP PW          PO Number:
                      RETAIL                                        RETAIL
 X3B  F350 4X4 S/C    $38845                  11500# GVWR PKG
      148" WHEELBASE                      41H  ENG BLK HEATER        75
 Z1   OXFORD WHITE                        41P  SKID PLATES          100
 A    VNYL 40/20/40                       425  50 STATE EMISS        NC
 S    MEDIUM EARTH GR                     43C  110V/400W OUTLT       75
610A  PREF EQUIP PKG                      473  SNOW PLOW PKG         85
      .XL TRIM                            512  SPARE TIRE/WHL2       NC
      .TRAILER TOW PKG
 572  .AIR CONDITIONER     NC            TOTAL BASE AND OPTIONS 53970
 99T  6.7L V8 DIESEL     8595            TOTAL MSRP             53970
 44W  6-SPEED AUTO         NC            *THIS IS NOT AN INVOICE*
 TCH  LT275/65BSWAS18      NC
 X3J  3.55 ELOCKING       390
 90L  PWR EQUIP GROUP     915            * MORE ORDER INFO NEXT PAGE *
      JOB #1 BUILD                                   F8=Next
```

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CNGP530                                                          09/13/16 15:09:58
 ==> _________ ____________________________________________          Dealer: F74022
                          2017 F-SERIES SD                            Page: 2 of 2
 Order No: 9999    Priority: K4  Ord FIN: QS045  Order Type: 5B Price Level: 730
 Ord PEP:  610A Cust/Flt Name: CLATSOP PW          PO Number:
                      RETAIL                                        RETAIL
 52B  BRAKE CONTROLLR   $270            85S  TOUGH BED            $495
 525  CRUISE CONTROL     235            871  REAR VIEW CAM         370
      TELE TT MIR-PWR                   91M  SYNC SYSTEM           365
 585  AMFM/CD/CLK        275            98R  MANUAL REGEN          250
 59H  HI MNT STOP LMP     NC                 SP FLT ACCT CR
      JACK                                   FUEL CHARGE
 61S  SPLSH GRDS FRNT    130                 DEST AND DELIV       1195
 62S  SPLSH GRDS REAR     NC
 64F  STEEL WHLS-18"     455            TOTAL BASE AND OPTIONS 53970
 66S  UPFITTER SWTCH     165            TOTAL MSRP             53970
 67B  DUAL XTR HD ALT    115            *THIS IS NOT AN INVOICE*
 76S  REMOTE START       195
 794  PRICE CONCESSN
      REMARKS TRAILER
 85G  TAILGATE STEP      375

 $53970 MSRP
 -14152 GOVERNMENT PRICE DISCOUNT
=$39818 GOVERNMENT SALES PRICE, INCLUDING DELIVERY
 +  129.50 E-PLATES
=$39947.50 PRICE INCLUDING DELIVERY AND E-PLATES
```

LISA O'KEEFE AND DIANE POHL
GOVERNMENT SALES
LANDMARK FORD LINCOLN
503-639-1131
GOVTSALES@LANDMARKFORD.COM

Board of Commissioners
Clatsop County

AGENDA ITEM SUMMARY

September 28, 2016

Issue/Agenda Title: Appointment of Public Health Administrator

Category: Consent Calendar

Prepared By: Theresa Dursse-Executive Assistant/Clerk of the Board

Presented By: Cameron Moore, County Manager

Issue before the Commission: Approve Resolution and Order appointing Public Health Director, Michael McNickle, as the Clatsop County Public Health Administrator pursuant to ORS 431.418.

Informational Summary: As the County Board of Health, the Board of Commissioners is required by ORS 431.418 to appoint a qualified public health administrator to supervise the activities of the county health department in accordance with law. With the resignation of Brian Mahoney, it is now appropriate to appoint a new Public Health Director.

Fiscal Impact: Not applicable.

Options to Consider:

1. Approve the resolution and order appointing Public Health Director Michael McNickle as the Clatsop County Public Health Administrator.
2. There are no other options.

Staff Recommendation: Option #1

Recommended Motion: *"I move to approve the resolution and order appointing Public Health Director Michael McNickle as the Clatsop County Public Health Administrator and authorize the Chair to sign."*

Attachment List:

A. Resolution and Order

IN THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY

IN THE MATTER OF APPOINTING	)	
THE PUBLIC HEALTH	)	
ADMINISTRATOR	)	RESOLUTION AND ORDER

WHEREAS; the Clatsop County Board of Commissioners acts as the County Board of Health, and ORS 431.418 requires that the Board appoint a qualified Public Health Administrator; and

WHEREAS, Michael McNickle, is appointed and authorized as the Clatsop County Public Health Director and;

WHEREAS, this responsibility is part of the job description for the Public Health Director, but requires formal authorization of the Board.

NOW THEREFORE, IT IS HEREBY RESOLVED AND ORDERED:

Michael McNickle, Public Health Director, is named and authorized as the Clatsop County Public Health Administrator

Dated this _____ day of September, 2016.

BOARD OF COMMISSIONERS FOR
CLATSOP COUNTY, OREGON

_____
Scott Lee, Chair

Agenda Item # 5-e

Board of Commissioners
Clatsop County

AGENDA ITEM SUMMARY

September 28, 2016

Issue/Agenda Title: Right-of-way Extension Easement

Category: (Consent Calendar)

Prepared By: Michael Summers, Public Works Director

Presented By: Michael Summers, Public Works Director

Issue before the Commission: Grant a right-of-way extension easement across county-owned parcel to allow for a future roadway extension to property south of the North Coast Business Park

Informational Summary: Clatsop County was requested to grant a right-of-way easement across County-owned land to the neighboring property owned by Warrenton Fiber Company. This easement would provide for and improve transportation access from the adjacent property across the County owned parcel to SE 19th Street. The grantee is Warrenton Fiber Company.

The subject parcel for the right-of-way easement is Assessor's Tax Lot 206 Township 8N, Range 10W, Section 27, more commonly known as the North Coast Business Park within the City limits of Warrenton. The 100 foot wide easement would allow for a roadway to be constructed in between the Oregon Youth Authority Facility and the County Sheriff's Office. There will be woodland vegetation buffers between the roadway and both OYA and Sheriff's Office facilities.

The initial request for the roadway and right-of-way was made to the County Public Works Director in April, 2015. The Public Works Director over the past 14 months worked with the County Manager and Counsel on negotiation strategy and necessary instruments to best process the request. The Public Works Director and County Manager requested that the grantee provide fair compensation for the land area of the easement footprint. The grantee hired a real property appraiser to conduct a right-of-way land appraisal to determine the value of fair compensation based on a price for unit area. The appraisal determined a value to the County to be $87,600 for the approximate 1.8 acres of land to be encumbered with the roadway easement.

Additional terms for the easement are such that payment would be made upon approval for necessary roadway permits from the local, state, and federal agencies, also that the County would at a future date dedicate the land over the easement to the public for right-of-way purposes by deed or plat.

Fiscal Impact: Revenue in the amount of $87,600 would be deposited into the Industrial Revolving Fund to be further reinvested into the North Coast Business Park and other economic development activities. There was limited staff time to work with grantee to process the easement request.

Options to Consider:

1. Approve and grant the easement as proposed
2. Do not approve and direct staff to renegotiate the easement terms
3. Do not approve the easement

Staff Recommendation: Option #1

Recommended Motion: *"I move to approve the roadway extension easement with Warrenton Fiber Company and authorize the County to execute the easement"*

Attachment List:

A. Roadway Extension Easement
B. Vicinity Map

After Recording, Return To:
Heather Reynolds, Attorney
P.O. Box 145
Astoria, Oregon 97103

ROAD EASEMENT

DATE: _____ , 2016

PARTIES: Clatsop County
800 Exchange, Suite 410
Astoria, Oregon 97103

("Grantor")

AND Warrenton Fiber Company
PO Box 100
Warrenton, OR 97146

("Grantee")

Section 1. Grant of Easement; Description

1.1 Grantor hereby grants and conveys to Grantee a permanent, exclusive easement (Easement) for ingress and egress on, over, across, and through a tract of land in the County of Clatsop, State of Oregon, described in Partition Plat 2006-033 Clatsop County Deed Records.

Situs Address: 1190 SE 19th Street Warrenton, Oregon 97146
Tax Account #: 810270000206, Acct ID #56071

1.2 The Easement is legally described in **Exhibit A,** attached hereto.

1.3 The Easement is to be used for ingress and egress and utility line purposes by Grantee and its successors in interest. Use of the easement shall be on a regular, continuous, exclusive, priority basis, benefiting the Grantee, its successors and assigns.

Section 2. Consideration

Grantee will pay Grantor $87,600 for the easement within 30 days of approval of both a joint wetland removal fill permit for a road on the described easement and approval of the 74 lot Roosevelt Subdivision, or two years from execution of this Easement, whichever occurs first.

Section 3. Construction and Repair; Insurance

The cost of building a road, any subsequent necessary repairs to the road, and insurance for the use of the Easement shall be borne exclusively by the Grantee and its successors. Grantee shall indemnify and hold Grantor harmless for Grantee's use of the Easement.

Section 4. Effect of the Agreement

The Easement granted hereunder shall run with the land as to all property burdened and benefited by the Easement, including any division or partition of such property. The rights, covenants and obligations contained in this agreement shall bind, burden and benefit the parties, their successors and assigns, lessees, mortgagees or beneficiaries under a deed of trust.

Section 5. Road Standards and Dedication to City.

Any road constructed on the easement will be built to City of Warrenton road standards. On completion of the road, if Grantee desires to dedicate it to the City of Warrenton, Grantor will join in that dedication. Grantor confirms this Easement and the road to be built on the Easement to City of Warrenton road standards will not require any additional improvements to provide access to Grantee's proposed 74 lot Roosevelt Subdivision.

Grantor:	**Grantee:**
_____	_____
Clatsop County	Warrenton Fiber Company
By: Cameron Moore, County Manager	By: David Nygaard, President

STATE OF OREGON)
) ss.
County of Clatsop)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016 by Cameron Moore as County Manager of Clatsop County.

_____
NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

STATE OF OREGON)
) ss.
County of Clatsop)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016 by David Nygaard as President of Warrenton Fiber Company.

_____
NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

EXHIBIT "A"

Legal Description

for

Warrenton Fiber

of access road from SE 19th Street to SE Willow Dr, Forest Rim Subdivision

A 100 foot wide non-exclusive easement for ingress, egress and utilities over, under and across the following described tract:

Beginning at the Southwest corner of Parcel 2 of Partition Plat 1996-007 as recorded in Book 2, Page 128 Clatsop County Plats;

Thence along the West line of said Partition Plat North 00°10'41" East 820.69 feet (a record bearing of North 00°10'29" East) to the south line of SE 19th Street as described in Instrument 200401949, Clatsop County records;

Thence along the South line of SE 19th Street South 87°38'12" West 100.10 feet;

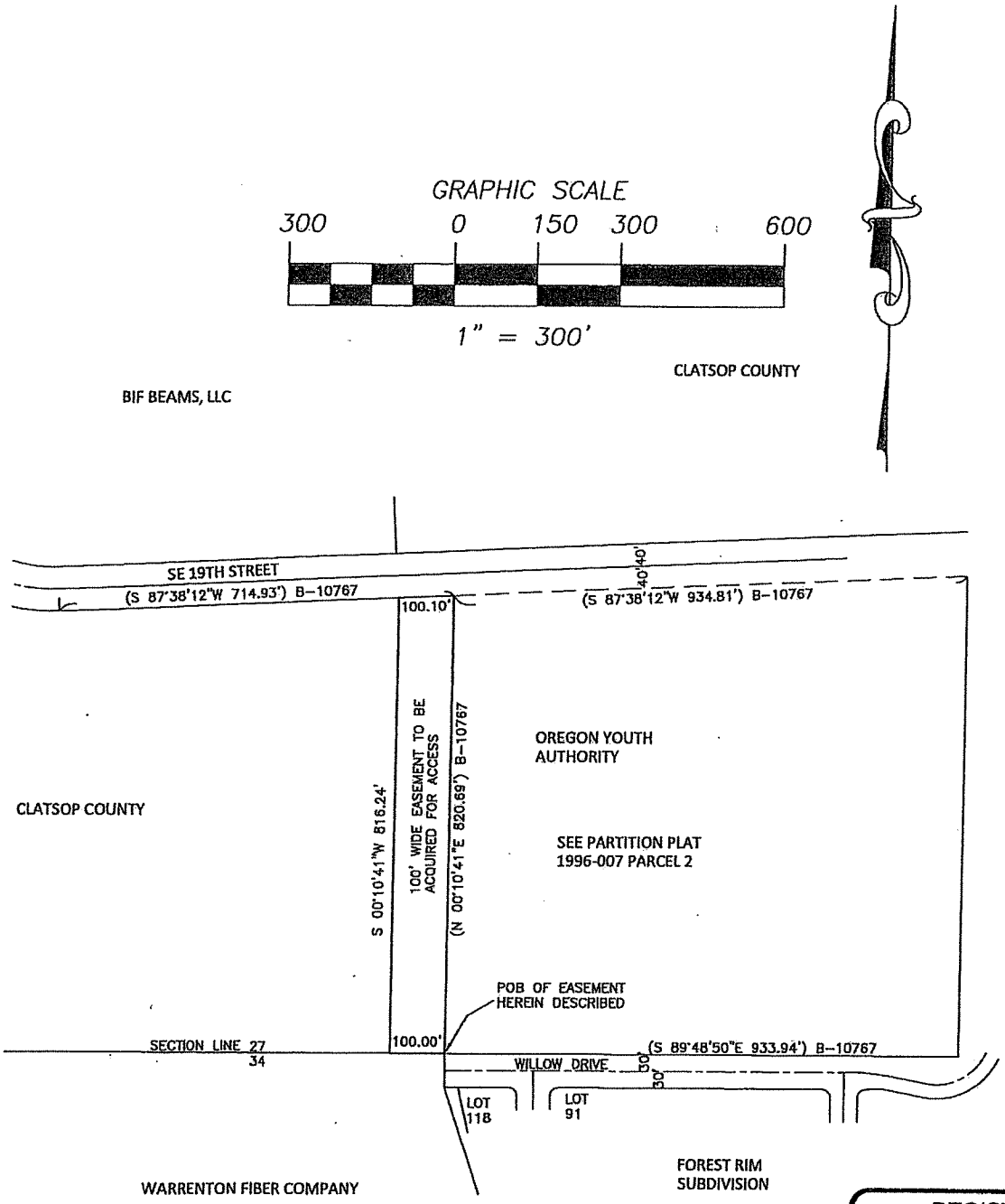
Thence South 00°10'41" West 816.24 feet to the Section line common to Sections 27 and 34, T8N, R10W;

Thence along said section line South 89°48'50" East 100.00 feet to the **Point of Beginning.**

Situated in the Southeast quarter of Section 27, Township 8 North, Range 10 West, W.M., County of Clatsop, State of Oregon.

Containing 81,846 square feet.

The Bearings for this description are based upon County Survey B-10767

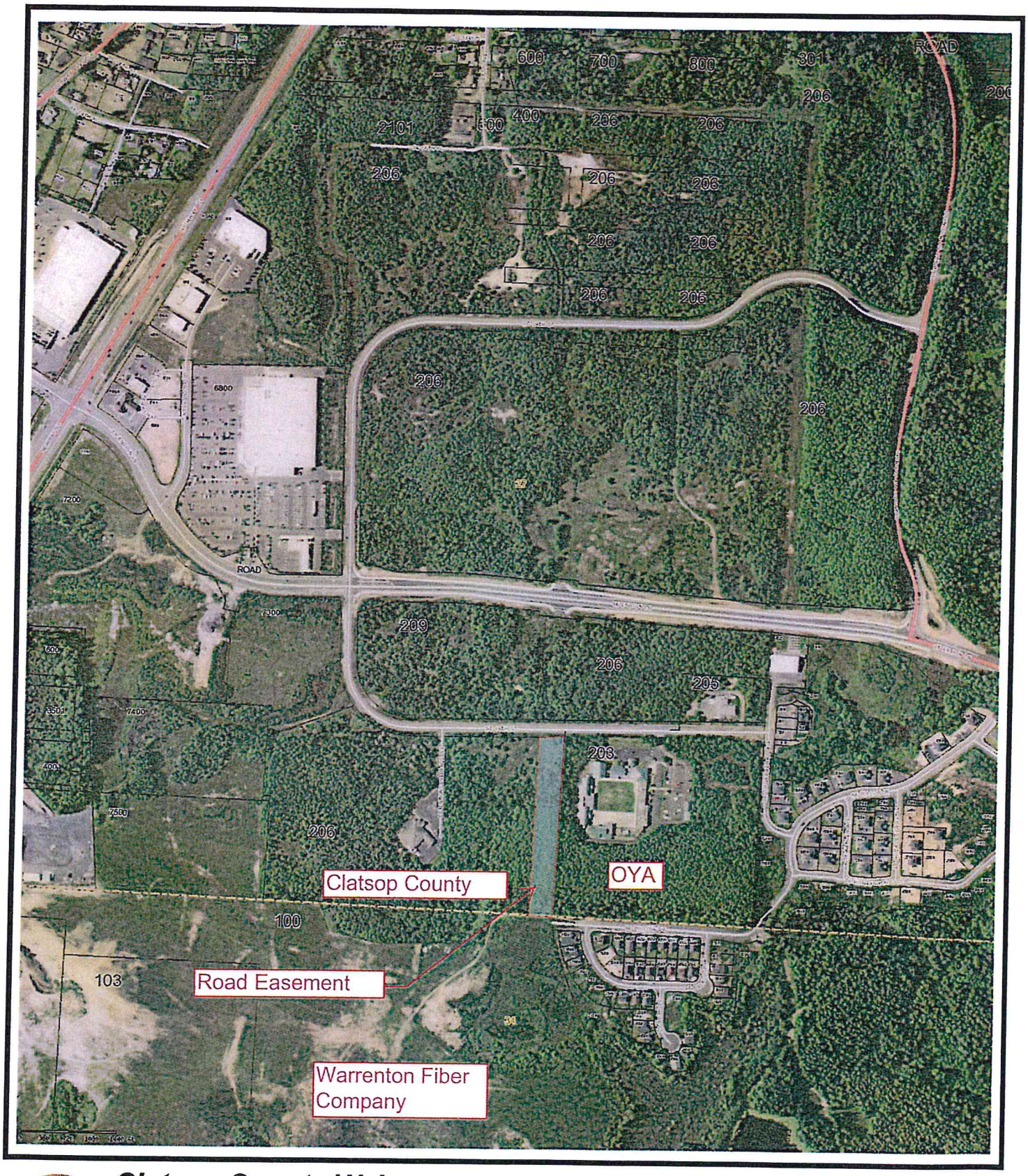


NOTES:
THE PURPOSE OF THIS MAP IS TO SHOW THE LOCATION OF A PROPOSED 100' WIDE INGRESS, EGRESS AND UTILITY EASEMENT TO BE ACQUIRED BY WARRENTON FIBER FROM CLATSOP COUNTY BETWEEN SE 19TH STREET TO FOREST RIM SUBDIVISION.
BEARINGS FOR THIS DESCRIPTION ARE BASED UPON COUNTY SURVEY B-10767.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Dalel Barrett
OREGON
JULY 16, 1982
DALE N. BARRETT
#1979

RENEWAL DATE: DEC. 31, 17

Vicinity Map



Clatsop County Webmaps

Disclaimer: This map was produced using Clatsop County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misuse or misinterpretation. Photos may not align with taxlots.

N W E S

Board of Commissioners
Clatsop County

AGENDA ITEM SUMMARY

September 28, 2016

Issue/Agenda Title: Ordinance 16-03: An Ordinance Adopting Legislative Text Amendments to the Clatsop County Comprehensive Plan and the Land and Water Development and Use Ordinance #80-14 Regarding the Southwest Coastal Citizens Advisory Committee, Arch Cape Rural Community, and Additional Requirements for Citizen Involvement Countywide; and Declaring an Emergency.

Category: Public Hearing

Prepared & Presented By: Heather Hansen, Community Development Director

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Issue before the Commission: The proposed amendments would do four things:

1. Discontinue the Southwest Coastal Citizens Advisory Committee (SCCAC);
2. Remove the requirement for a special design review and an additional public hearing for development within the Arch Cape Rural Community Overlay;
3. Relocate existing/add new development standards to the Arch Cape Rural Community Residential and Commercial zones; and
4. Add requirements to enhance citizen involvement countywide

Informational Summary: Currently, everything from a small shed to a large subdivision in Arch Cape requires a special review and hearing before the SCCAC. This extra step is not required anywhere else in the county and it adds significant time and expense to the applicant and county. If this ordinance passes, development and citizen participation would be handled consistently countywide. The following are some examples of how applications that currently require a special design review and public hearing in Arch Cape would be processed:

- Structures under 200 square feet: No Building or Planning permits required (they must still comply with setbacks and any natural hazard overlay requirements, if applicable)
- Remodels requiring a structural permit: No Planning permit required.
- Type I Application-Structures 200 square feet or greater/expansions: Staff decision; Notice is mailed; Planning permit required; Development standards apply.
- Type II Applications (e.g., partitions, minor subdivisions, limited conditional uses): Director decision; Notice is mailed; Development standards and review criteria apply.
- Type IIa/III Applications (e.g., variances, major conditional uses, major subdivisions): Planning Commission hearing & decision; Notice is mailed, published and posted on the property; Development standards and review criteria apply.
- Type IV Applications (e.g., rezones, legislative amendments): Planning Commission hearing; Board hearing and decision; Notice is mailed (if quasi-judicial), published, and posted on the property (if quasi-judicial); Development standards and review criteria apply.
- Major Legislative Amendments: Prior to public hearings before the Planning Commission and Board, an ad hoc advisory committee would be appointed by the Board with broad representation from the affected areas; Open Houses, workshops, community meetings would be held as directed by the Board. Recent examples include North Clatsop Plains, Tsunami Hazard Overlay, Transportation System Plan, Farm & Forest Code Update, Wetlands Advisory Committee.

Staff is recommending that the Board approve the ordinance under an emergency declaration. The emergency provision of the County Charter allows the Board to conduct the hearing and vote for adoption in one meeting, and will enable the ordinance to take effect immediately on adoption. A unanimous vote is required to adopt an ordinance under an emergency declaration.

Fiscal Impact: There will be minor additional costs to the County for purchasing signs for the applicant to post on the subject property. However, these additional costs are more than offset by the significant savings in not staffing the SCCAC or requiring special design review in Arch Cape.

Options to Consider:

1. Open the public hearing, conduct the first reading by title only, take public testimony, close the hearing, adopt the findings of the Sept. 13, 2016 Planning Commission recommendation and adopt Ordinance 16-03 and declare an emergency; conduct the second reading by title only.
2. Open the public hearing, conduct the first reading by title only, take public testimony, continue the hearing to Oct. 12.
3. Open the public hearing, conduct the first reading by title only, take public testimony, close the public hearing and table the ordinance.
4. Open the public hearing, conduct the first reading by title only, take public testimony, close the hearing and remand the ordinance to the Planning Commission for further review.

Staff Recommendation: Option #1

Recommended Motion: *"I move to adopt Ordinance 16-03, adopting legislative text amendments to the Comprehensive Plan and Land and Water Development and Use Ordinance 80-14; to declare an emergency; and to conduct the second reading by title only."*

Attachment List:

A. Executive Summary & Attachments (1-Map of Clatsop County Community Planning Areas; 2-Map of Arch Cape Rural Community Zoning)
B. Ordinance & Exhibits (A-Comp Plan Amendments; B-Development Code Amendments; PC-Planning Commission decision, including staff report and attachments)

Clatsop County

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Executive Summary

Ordinance 16-03: An Ordinance Adopting Legislative Text Amendments to the Comp Plan and Development Code regarding the Southwest Coastal Citizens Advisory Committee, Arch Cape Rural Community, and Additional Requirements for Citizen Involvement Countywide

DATE: September 19, 2016

STAFF: Heather Hansen, Community Development Director

ATTACHMENTS:
1. Maps of Clatsop County Community Planning Areas
2. Map of Arch Cape Rural Community Zoning

BACKGROUND:

Citizen Advisory Committees: There are six Community Planning Areas identified in the Clatsop County Comprehensive Plan ("Comp Plan") – Northeast, Clatsop Plains, Lewis & Clark-Olney-Wallooskee, Elsie-Jewell, Seaside Rural, and Southwest Coastal. In the late 1970s, Citizen Advisory Committees (CACs) were formed in each of the six Community Planning Areas for the sole purpose of advising on the Community Plans, which are part of the Comp Plan. After the Comp Plan was acknowledged in 1980, the Southwest Coastal, Clatsop Plains, and Elsie-Jewell CACs continued for a short duration. Only a modified version of the Southwest Coastal CAC remains active, however their current role is greatly expanded from the intended role of CACs.

Planning Commission: When the Comp Plan was adopted, CACs were intended to function continuously, but Goal 1-Citizen Involvement was subsequently amended designating the Planning Commission as the County's Committee for Citizen Involvement. The Planning Commission is comprised of 7 members appointed by the Board and representing diverse geographic areas of the County.

Southwest Coastal Planning Area/Arch Cape Rural Community: The Southwest Coastal Planning Area is situated in the southwest corner of the county and is approximately 3,000 acres (see **Attachment 1**). The Arch Cape Rural Community is approximately 300 acres within the Southwest Coastal Planning Area, the vast majority of which is zoned for low density residential with a small area zoned for small-scale, low impact commercial (see **Attachment 2**).

Southwest Coastal Citizens Advisory/Design Review Committee: The Southwest Coastal Citizens Advisory Committee (SCCAC) is comprised of seven property owners and residents appointed by the Board from within the Arch Cape Rural Community boundaries, which is approximately 10% of the Southwest Coastal Planning Area. The SCCAC holds public hearings and makes recommendations on any development within the Arch Cape Rural Community Overlay that triggers Major Design Review, the vast majority of which includes new houses, accessory structures, and expansions of existing footprints regardless of size. These types of development are typically considered a Type I decision elsewhere in the county, i.e., they are staff decisions that only require a development permit, which are reviewed for compliance with development standards such as setbacks, building height, etc. The SCCAC also holds hearings on all types of land use applications (conditional uses, variances, subdivisions, etc) and makes recommendations to either the Director (Type II), or the Planning Commission (Type IIA, II, IV). The SCCAC does not advise on any issues outside of the Arch Cape Rural Community boundary.

In November 2015, in response to a complaint by an applicant, former Interim County Manager Rich Mays requested information from staff about the SCCAC – what types of applications they review, what process they use, how long it takes, how much it costs, what authority they have, etc. Mr. Mays also conferred with County Counsel regarding county liability and need for the committee. Mr. Mays attended the January 2016 meeting of the SCCAC.

Board Direction: On February 10, 2016 the Board of Commissioners passed a Resolution that had two parts: (1) immediate discontinuance of the SCCAC; and (2) direction to the Community Development Director to initiate amendments to the Comp Plan and Development Code to discontinue the SCCAC.

LUBA (Land Use Board of Appeals) Appeal: The Board's action by Resolution to dissolve the SCCAC was appealed to LUBA. LUBA held that the discontinuance of the SCCAC constitutes a land use decision and thus the County must first amend its Comp Plan and Development Code to complete the dissolution of the SCCAC. The appeal was voluntarily remanded. Meanwhile staff has continued to work on the Comp Plan and Development Code amendments to discontinue the SCCAC, while simultaneously enhancing citizen involvement countywide through the proposed amendments.

SUMMARY:

Text Amendments: The following is a summary of the proposed text amendments to the Clatsop County Comp Plan (see **Exhibit A**):

1. Goal 1 – Citizens Involvement
   (a) Remove language referencing the SCCAC as the only active Citizens Advisory Committee
   (b) Remove policy regarding active citizen advisory committees
   (c) Add policy that advisory committees may be appointed by the Board of Commissioners to address specific land use issues as needed (a common practice of the Board).
   (d) Add community organizations to policy about public notices.
   (e) Add recommended action about requirement for Applicant-Neighborhood meetings for certain land use applications.
2. Southwest Coastal Community Plan
   (a) Add policy reiterating Goal 1 policy that the Planning Commission is the County's Committee for Citizen Involvement.
   (b) Repeat Goal 1 policy that ad hoc advisory committees may be appointed by the Board of Commissioners to address specific land use issues as needed.
   (c) Repeat Goal 1 policy that public notices will also be sent to community organizations.
   (d) Remove references to SCCAC role in design review and other recommendations.
   (e) Revise language regarding hardship variances clarifying that they will be considered by the Planning Commission or Hearings officer as is done in the rest of the county.

The following is a summary of the proposed text amendments to the LWDUO (see **Exhibit B**):

1. Section 1.030 Definitions: Add definition of a neighborhood/community organization.
2. NEW Section 2.046 Applicant-Neighborhood Meeting: Adds requirement for applicant to hold a neighborhood meeting for certain types of land use applications prior to submitting an application.
3. Section 2.110 & 2.115 Mailed Notice: Revise language regarding neighborhood or community organizations.
4. NEW Section 2.111 Posting Notice of Public Hearing: Adds requirement for posting a sign on properties that are the subject of a land use hearing. County provides the sign, which can be reused.
5. Section 3.068 Arch Cape Rural Community Residential Zone-Development and Use Standards:
   (a) Add restriction on height of accessory buildings in setbacks to address protection of ocean views.
   (b) Relocate some design standards from the Arch Cape Overlay District.
   (c) Remove redundant regulations, i.e., they are already required elsewhere in the LWDUO.
6. Section 3.262 Rural Community Commercial Zone-Development and Use Standards:
   (a) Relocate some design standards from the Arch Cape Overlay District to the RCC zone.
   (b) Remove redundant regulations, i.e., they are already required elsewhere in the LWDUO.

7. Section 4.100 Arch Cape Rural Community Overlay:
   (a) Relocate some design standards to the Arch Cape Rural Residential Zone and Rural Community Commercial Zone and delete the Design Review sections
   (b) Keep the Short-Term Rental Program section pending further discussions countywide.
   (c) Delete the Variance section since it is already covered verbatim in Section 5.130.
   (d) Relocate subsection (2) from the Nonconforming Uses and Structures to Section 5.600 Non-conforming Uses and Structures. The remainder is already covered verbatim in 5.600.
8. Section 5.608 Non-Conforming Uses and Structures-Alteration
   (a) Relocate subsection (2) from Section 4.124 Arch Cape Non-Conforming Uses and Structures-Alteration, which puts limits on alterations to non-conforming structures over a three-year period.

Hearings:

July 12, 2016: SCCAC held a public hearing and voted to recommend denying the application and keeping the SCCAC intact based on their findings that the amendments are not consistent with Goal 1 of the Comprehensive Plan and the Southwest Coastal Community Plan. Their findings are incorporated into the staff analysis found in Exhibit PC.

July 26, 2016: Planning Commission held a public hearing and continued the hearing to September 13, 2016. The Planning Commission requested that staff return with options for enhancing citizen involvement – both countywide and in Arch Cape. County Manager Cameron Moore instructed staff to focus only on countywide citizen involvement options.

September 13, 2016: Planning Commission held a public hearing, deliberated, and voted to recommend approval of the proposed amendments with a minor modification.

Public Testimony: The majority of testimony has been from residents and property owners in the Arch Cape area against dissolution of the county-appointed SCCAC. Of those, some think they should continue their advisory role in design review as well as other quasi-judicial land use decisions, and others feel that role is not appropriate and want their role limited to legislative matters. The minority of testimony was in favor of dissolving the committee, pointing out that their review is redundant and unnecessary.

One person testified that the new requirements for posting property that is subject to a land use hearing and for applicant-neighborhood meetings should both be the county's responsibility; and the meeting requirement should be voluntary not mandatory.

General Themes and Arguments against Dissolution of the SCCAC

Themes/Arguments	Staff Response
The Board doesn't have the authority to discontinue the SCCAC per the Comp Plan and Bylaws	The proposed amendments remove the advisory role of the SCCAC in the Comp Plan and Development Code. The Comp Plan and Development Code are living documents that can be amended as needed. The Board is the County's policy making body and they have the right to create and amend their policies and implementing measures as long as they comply with State and Federal laws. The Planning Commission is the county's designated Committee for Citizen Involvement and the proposed amendments enhance Goal 1-Citizen Involvement countywide. The Bylaws do not supersede the County Code of Regulations, which authorizes the Board to dissolve an advisory committee that it appoints.
SCCAC involvement results in better outcomes/We are most familiar with the area	The benefit of adding a public hearing to applications that would otherwise be a staff decision (Type I) or Director decision (Type II) elsewhere in the County does not outweigh the additional time and cost to the applicant and to the county. Local review of sheds, houses, and additions is more appropriate for neighborhood associations with adopted CC&Rs. The development standards should be clear enough that staff can review and apply them. Staff review of these types of developments already includes compliance with relevant development standards, such as setbacks, height limits, vegetation, etc. Other types of discretionary land use decisions are already heard by the Planning Commission or Hearings Officer and additional opportunities for citizen involvement are proposed.

Retain SCCAC for legislative review	If there were any Comp Plan or Development Code amendments proposed that are specific to the Southwest Coastal Community Area, an ad hoc advisory committee would be appointed by the Board with broader representation from the area than the current SCCAC (which are just property owners and residents in the Arch Cape Rural Community), such as residents, property owners, and business owners from the entire Southwest Coastal area, ODOT, State Forestry, US Forest Service, State Parks, etc. Appointing a standing committee from Arch Cape for legislative review of unknown future land use actions is not practical.
It's too far to come to Astoria to testify/ Our voices won't be heard	There are many opportunities for citizens to be made aware of pending land use actions and to have their voices heard, including new ones proposed in this ordinance – properties subject to land use hearings will be posted, applicant-neighborhood meetings will be required for certain land use applications, notices will be sent to adjacent property owners and community organizations, and testimony can always be provided in writing, The Planning Division will also be posting a map with links to active land use applications so it will be easier to be aware of development when it is proposed throughout the county. The public can always review and comment on any active land use applications.

Goal 1-Citizen Involvement: Statewide Planning Goal 1-Citizen Participation is the goal with which the code amendments must comply. The following is a summary of current and proposed opportunities for citizen involvement in land use decisions:

Goal 1-Citizen Involvement: Methods by Land Use Application Type

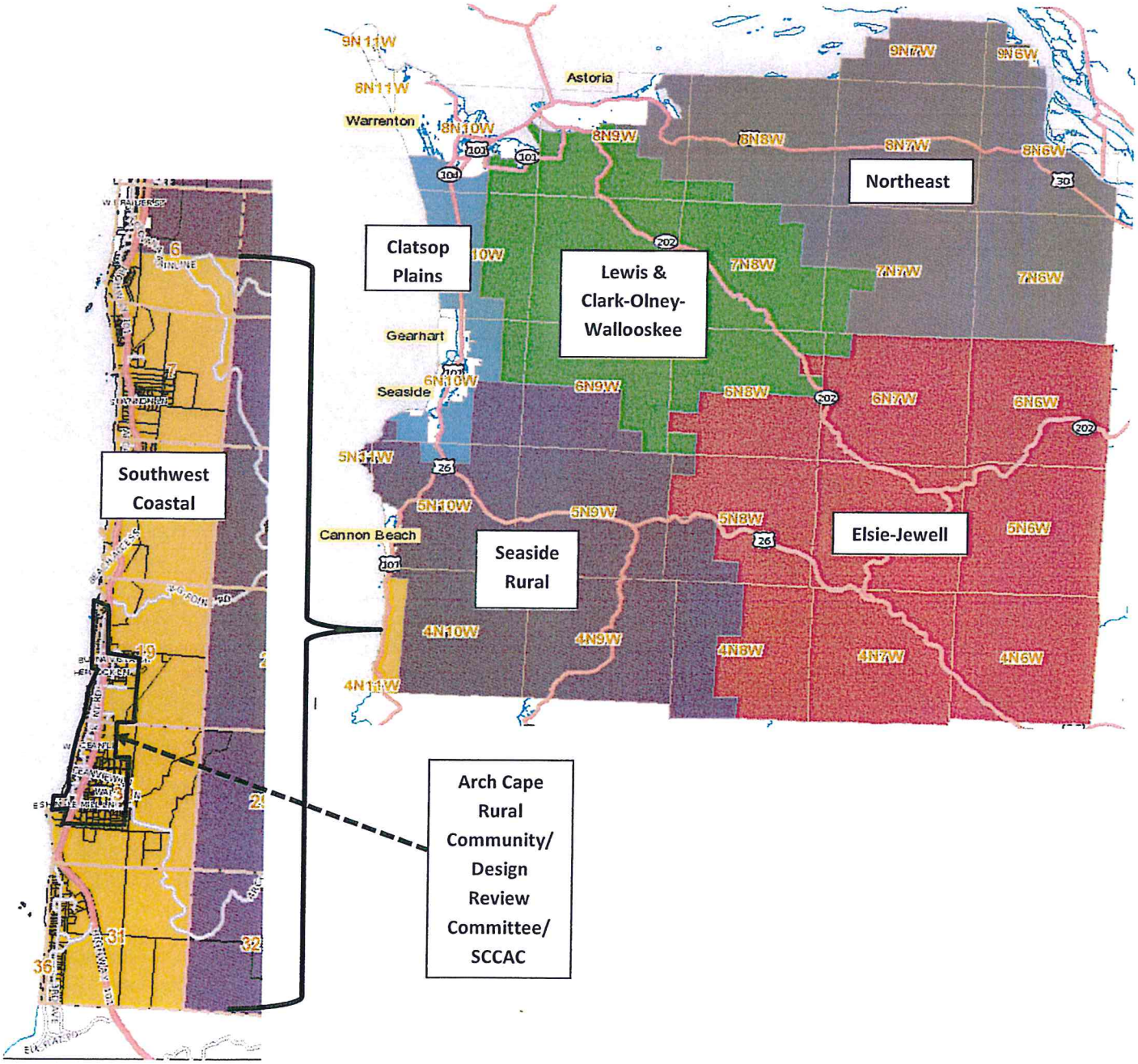
Existing Methods	Type II*	Type IIA*	Type III*	Type IV*
Written notice to adjacent property owners (100-750 ft)	✔	✔	✔	✔
Public Hearing – Planning Commission or Hearings Officer	*NA*	✔	✔	✔
Published Notice of Hearing	*NA*	✔	✔	✔
Advisory Committees formed as needed for major legislative proposals, e.g., North Clatsop Plains, Tsunami Hazard Overlay, Farm & Forest Code Update, Transportation System Plan, etc	*NA*	*NA*	✔	✔
Open Houses, Workshops, Community meetings held as needed for major legislative amendments, e.g., North Clatsop Plains, Tsunami Hazard Overlay, Transportation System Plan, etc	*NA*	*NA*	✔	✔
Proposed Methods (Ordinance 16-03)	**Type II***	**Type IIA***	**Type III***	**Type IV***
Applicant-Neighborhood meeting requirement for certain quasi-judicial land use decisions *(see EXHIBIT PC)*	Multi-family, commercial, or industrial development abutting single-family; Major subdivision; Cluster & Planned Development; Rezone; Goal exception; Others deemed by the Director to have potential for significant neighborhood impact			
Posting property subject of quasi-judicial public hearing *(see EXHIBIT PC)*	*NA*	✔	✔	✔
Written notice to state-registered community organizations *(see EXHIBIT PC)*	✔	✔	✔	✔
Department procedure to post documents related to land use applications on county website, e.g., application, notices, staff report, etc. *(in process-not part of code amendments)*	✔	✔	✔	✔

* Examples of Land Use Actions by Type: **Type II** (no hearing required) - conditional uses (limited impact), minor subdivisions (6 lots of less), partitions, nonconforming uses and structures; **Type IIA** (hearing is required) – conditional uses (greater potential impact), variances; **Type III**-major subdivisions (>6 lots), quasi-judicial rezone that is consistent with comp plan, conditional uses (with greatest potential impact), similar use determination; **Type IV**-quasi-judicial rezone that is NOT consistent with comp plan, legislative amendments

ATTACHMENT 1

Comprehensive Plan Community Planning Areas & Arch Cape Rural Community/SCCAC

The Southwest Coastal Planning Area is one of six Community Planning Areas identified in the Clatsop County Comprehensive Plan. It is situated in the southwest corner of the county and is approximately 3,000 acres. The Arch Cape Rural Community is approximately 300 acres within the Southwest Coastal Planning Area. The Southwest Coastal Citizens Advisory Committee (SCCAC) holds public hearings and makes recommendations on development only within the Arch Cape Rural Community Overlay that triggers Major Design Review, which includes new houses and commercial buildings, accessory structures of any size, and expansions of existing footprints. These types of development are typically considered a Type I decision elsewhere in the county, i.e., they are a staff decision that only requires a development permit, which is reviewed for compliance with development standards such as setbacks, building height, etc. The SCCAC also holds hearings on all types of land use applications (CUP, variance, subdivision, etc) and makes recommendations to either the Director (Type II), or the Planning Commission (Type IIA, III, IV).



ATTACHMENT 2
Arch Cape
Rural Community
CR
RM
AC-RCR
F-80
AF
RCC
RM
0.16
Legend
Rural Community Boundary
Tax Lots
July 21, 2011

BEFORE THE BOARD OF COMMISSIONERS
FOR THE COUNTY OF CLATSOP

In the Matter of:

AN ORDINANCE ADOPTING LEGISLATIVE TEXT AMENDMENTS TO THE COMPREHENSIVE PLAN AND LAND AND WATER DEVELOPMENT AND USE ORDINANCE #80-14 REGARDING THE SOUTHWEST COASTAL CITIZENS ADVISORY COMMITTEE, ARCH CAPE RURAL COMMUNITY, AND ADDITIONAL REQUIREMENTS FOR CITIZEN INVOLVEMENT COUNTYWIDE; AND DECLARING AN EMERGENCY

ORDINANCE NO. 16-03

Doc #_____

Recording Date: _____

RECITALS

WHEREAS, from time to time it is appropriate to amend the Clatsop County Comprehensive Plan ("Comprehensive Plan") and Land and Water Development and Land Use Ordinance #80-14 ("Development Code"); and

WHEREAS, under the Development Code, the Southwest Coastal Citizens Advisory Committee ("SCCAC") is required to review land use applications related to development in the Arch Cape Rural Community; and

WHEREAS, the Board of Commissioners directed the Community Development Director to initiate amendments to the Clatsop County Comprehensive Plan ("Comprehensive Plan") and the Development Code to discontinue the SCCAC; and

WHEREAS, the Community Development Director prepared legislative text amendments to the Comprehensive Plan and Development Code to discontinue the SCCAC and enhance citizen involvement countywide; and

WHEREAS, the SCCAC considered the proposed legislative text amendments at a public hearing on July 12, 2016 and recommended the Planning Commission recommend denial based on their findings that the amendments are not consistent with Goal 1 of the Comprehensive Plan and the Southwest Coastal Community Plan; and

WHEREAS, the Planning Commission received and considered the SCCAC's recommendation and held public hearings on the proposed legislative text amendments on July 26 and September 13, 2016; and

WHEREAS, the Planning Commission recommended the Board of Commissioners adopt the proposed text amendments based on the findings in the staff report; and

WHEREAS, notice of the proposed text amendments was mailed to all owners of real property in the Arch Cape Rural Community Overlay District on July 1, 2016 and published as required by ORS 215.060; and

WHEREAS, notice of the proposed text amendments was provided to the Department of Land Conservation and Development on March 21, 2016, as required by ORS 197.610; and

WHEREAS, the Board of Commissioners considered the text amendments at a public hearing for which public notice was provided as required by ORS 215.060; and

WHEREAS, the Board of Commissioners received and considered the Planning Commission's recommendation and held a public hearing on September 28, 2016; and

WHEREAS, after due consideration of the matter, including the public testimony and evidence in the record, the Board of Commissioners has determined it is reasonable, necessary, and in the public's interest to amend the Comprehensive Plan and Development Code as proposed; now, therefore:

THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAINS AS FOLLOWS:

SECTION 1. The Clatsop County Comprehensive Plan text is hereby amended as shown in the attached **Exhibit A.**

SECTION 2. The Clatsop County Land and Water Development and Use Ordinance 80-14 text is hereby amended as shown in attached **Exhibit B.**

SECTION 3. The findings of the Planning Commission recommendation dated September 13, 2016, contained in the attached **Exhibit PC**, including all interpretations of the Comprehensive Plan and Land and Water Development Ordinance contained therein, are hereby adopted in support of this decision.

SECTION 4. To assure the effective and efficient delivery of planning and development services to property owners in the Arch Cape area, and to enhance opportunities for expanded citizen involvement countywide, pursuant to Clatsop County Charter Chapter II-Section 8(D) an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its date of adoption.

Approved this 28th day of September, 2016

THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

By _____
Scott Lee, Chair

By _____
Theresa Dursse, Recording Secretary

EXHIBIT A

CLATSOP COUNTY

ORDINANCE 16-03:
LEGISLATIVE TEXT AMENDMENTS REGARDING THE SOUTHWEST CITIZENS ADVISORY COMMITTEE, ARCH CAPE RURAL COMMUNITY OVERLAY, AND ADDITIONAL REQUIREMENTS FOR CITIZEN INVOLVEMENT COUNTYWIDE

PROPOSED COMPREHENSIVE PLAN TEXT AMENDMENTS

Goal 1 - Citizen Involvement

Goal

To have continuity of citizen participation consisting of a seven member Planning Commission, with each member representing diverse geographic areas of the County, thus providing a method of ensuring communication between the citizens, administrative departments and the Board of County Commissioners.

~~Only the Southwest Coastal Planning Area still retains an active Citizen Advisory Committee (CAC). Should any of the remaining five designated planning areas determine that Citizen Advisory Committees are necessary for ensuring communication between the citizens, the administrative departments, the Planning Commission and the Board of Commissioners they may reorganize a CAC. The Board of Commissioners shall appoint CAC members. The CAC may continue to function and be an active, integrated segment of Clatsop County's planning process as long as persistent involvement and active participation is demonstrated~~.

Policies

1. The Committee for Citizen Involvement shall be the Clatsop County Planning Commission, consisting of seven members. The Planning Commission shall strive to represent a cross section of ~~affected citizens~~**county residents** in all phases of the planning process. As an appropriate component, five Planning Commission members shall be representatives of the six designated geographic areas (with a seven member Commission, one area may have two members). No more than two Planning Commission members may reside within incorporated cities. Each member of the Planning Commission shall be selected by an open, well-publicized, public process by the Board of Commissioners.

2. The Planning Commission ~~and active Citizen Advisory Committees~~ shall hold **its** ~~their~~ meetings in such a way that the public is notified in advance and given the opportunity to attend and participate in a meaningful fashion.

3. ~~Active Citizen Advisory Committees may submit their comments to the Clatsop County Department of Planning and Development, Clatsop County Planning Commission and Clatsop County Board of Commissioners. These bodies shall answer the CAC request in a timely manner.~~
The Board of County Commissioners may appoint advisory committees to address specific land use issues as needed.

~~4. The Board of Commissioners, through the Planning Department, should provide adequate and reasonable financial support; technical assistance shall be available and presented in a simplified form, understandable for effective use and application.~~

~~5~~**4**. Citizens shall be provided the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan

Adoption, Minor Changes and Major Revisions in the Plan and Implementation Measures.

~~6~~**5**. Clatsop County shall encourage organizations and agencies of local, state and federal government and special districts to participate in the planning process.

~~7~~**6**. Clatsop County shall use the news media, mailings, meetings, and other locally available means to communicate planning information to citizens and governmental agencies. Prior to public hearings regarding major Plan revisions, notices shall be publicized.

~~8~~**7**. Clatsop County shall establish and maintain effective means of communication between decision-makers and those citizens involved in the planning process. The County shall ensure that ideas and recommendations submitted during the planning process will be evaluated, synthesized, quantified, and utilized as appropriate.

~~9~~**8**. Public notices will also be sent to affected residents **and community organizations** concerning zone and Comprehensive Plan changes, conditional uses, subdivisions and planned developments.

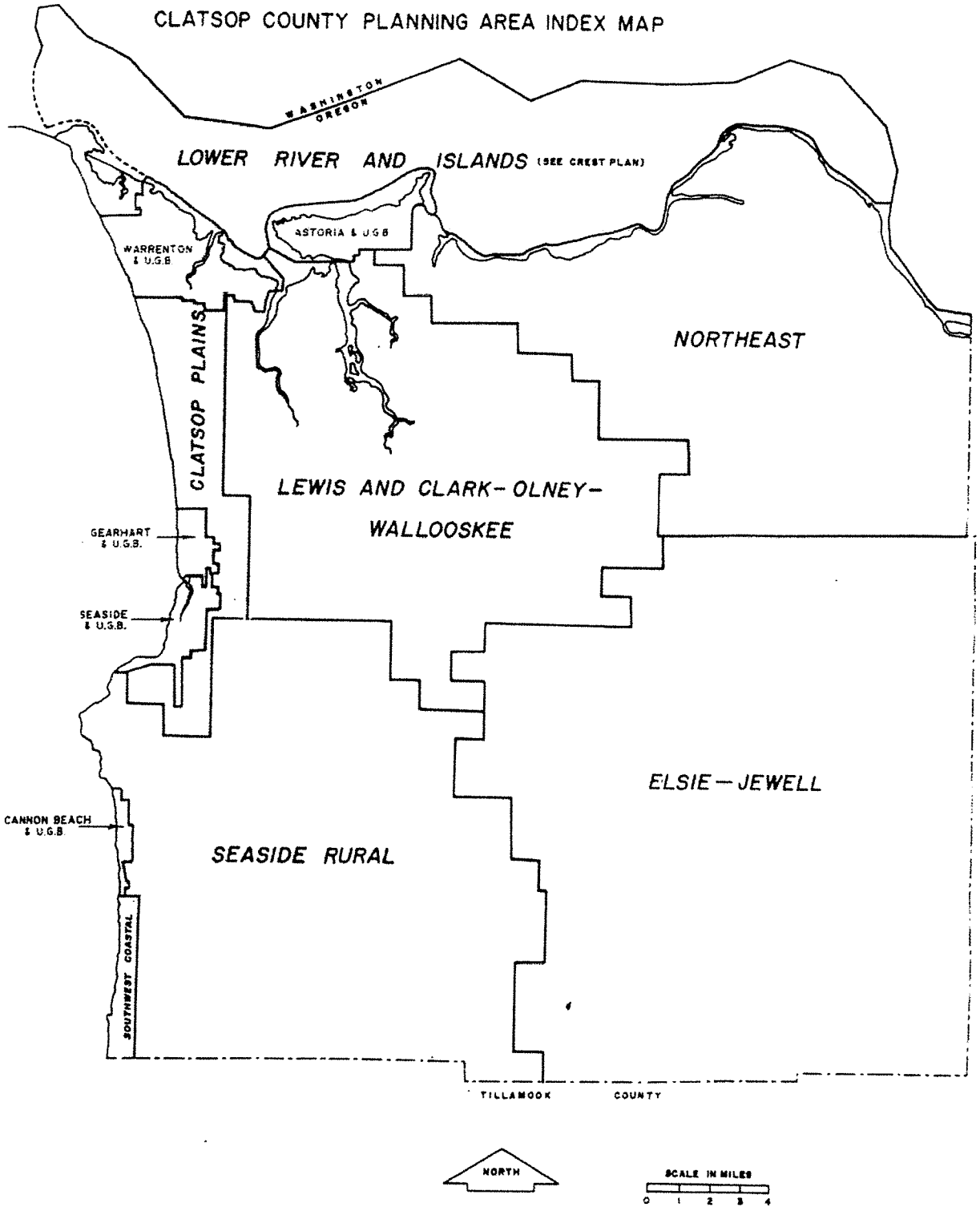
Recommended Action:

Consider adding a requirement for applicants to hold neighborhood meetings and post notices on the property for certain types of land use applications, such as major subdivisions, multi-family that abuts single-family, manufactured home park adjacent to residential, commercial or industrial that abut residential, cluster and planned developments, density transfer receiving sites, upzoning. The applicant-neighborhood meetings will ensure that applicants pursue early and effective citizen participation in conjunction with their applications. This will give the applicant the opportunity to understand and try to mitigate any real or perceived impacts the application may have on the neighborhood. The meeting is not intended to produce complete consensus on all applications; it is intended to encourage applicants to be good neighbors. County staff will attend the neighborhood meeting in an advisory capacity only.

~~The acknowledged Comprehensive Plan recommended that Clatsop County should document the Citizen Involvement efforts at the first update.~~
~~The six community planning areas had active citizen involvement dating from 1977 through 1980, when the Plan was acknowledged. During that period of time, each committee met at least once per month, and as increased involvement dictated, two meetings per month were held. Southwest Coastal, Clatsop Plains and Elsie-Jewell Citizen Involvement Committees continued for a short duration, while the others disbanded. As of the date of adoption, only the Southwest Coastal Committee remains active.~~

~~A list of the members for each area, in addition to the citizens who were concerned, is on file with the Clatsop County Department of Planning and Development.~~

Section II: Community Plans



Introduction

Each Community Plan is broken down into five (5) main sections. They are:

Introduction; (planning process, statewide planning program)

Landscape Units; the planning area was broken down into landscape units each of which have unique physical and environmental characteristics: i.e. geology soils, moisture, vegetation, wildlife etc. The opportunities and limitations of these units provide a framework for development.

Community Concerns; this section details the community's goals and policies toward public facilities, housing type and density, community appearance, etc.

Development Patterns; this section contains the community's goals and policies toward growth including amounts and types of commercial development, excavation, density, location of development etc.

Appendices; various

Southwest Coastal Community Plan

Citizen Involvement Policies

1. **The Committee for Citizen Involvement shall be the seven members of the Clatsop County Planning Commission. The Planning Commission shall strive to represent a cross section of county residents in all phases of the planning process. As an appropriate component, five Planning Commission members shall be representatives of the six designated geographic areas (with a seven member Commission, one area may have two members). No more than two Planning Commission members may reside within incorporated cities. Each member of the Planning Commission shall be selected by an open, well-publicized, public process by the Board of Commissioners.**

2. **The Board of County Commissioners may appoint advisory committees to address specific land use issues as needed.**

3. **Public notices will be sent to affected residents and community organizations concerning zone and Comprehensive Plan changes, conditional uses, subdivisions and planned developments, and other land use applications and development activities that require written notice.**

~~1. The Southwest Coastal Citizen Advisory Committee shall constitute the officially recognized body to represent the community on matters of land use planning.~~

~~2. The CAC shall be composed of residents and property owners of the community and shall be chosen in a well-publicized community meeting. A broad spectrum of people from the community shall be included on the CAC.~~

~~3. The CAC shall hold its meetings in such a way that the public is notified well in advance and given the opportunity to attend and participate in a meaningful fashion.~~

~~4. Technical assistance shall be made available to the CAC through the County Planning Department and other resources of the County.~~

~~5. The Policy Advisory Committee, Planning Commission and Board of County Commissioners shall provide to the CAC written acknowledgement of the CAC's recommendations along with their rationale used to make final policy decisions.~~

~~6. The Board of County Commissioners, through the Planning Department, shall provide adequate and reasonable financial support, along with technical assistance to the CAC.~~

LANDSCAPE UNITS

General Landscape Unit Policies

1. Steep slopes are at or near natural equilibrium and further steepening through excavation could initiate sliding. Excavations in these areas should be restricted and should be properly engineered.

2. Excavations in sedimentary highland (Toms) should be properly engineered to assure against slope failure (see Appendix D).

3. Proposed projects involving modifications of established drainage patterns should be evaluated in terms of potential for altering land stability.

4. Loss of ground cover for moderately to steeply sloping lands may cause erosion problems by increasing runoff velocity and land slippage. Vegetative cover for moderately to steeply sloping areas shall be maintained.

~~Southwest Coastal CAC~~ Coastal and Stream Shorelands Goal: To conserve, protect, and where appropriate, develop the coastal and stream shorelands in the Southwest Coastal area. The following policies are in addition to those found in the Estuarine Resources and Coastal Shorelands Element.

Coastal and Stream Shorelands Policies

1. Grading, excavation or filling in the vicinity of the streams shall be carefully controlled in order to prevent sedimentation of the water. Filling of lands shall be prohibited within stream buffers.

2. In order to provide the greatest view potential for properties throughout the Rural Lands and Rural Service Area, the ~~Design Review Committee shall review the effects of new building plans on adjacent property in the RSA. The~~ building height shall be limited to 26 feet through the Community Plan area, with ocean front property limited to 18 feet subject to variances approved by the County Planning Commission.

   Those owners of vacant lots which are located in the "V Zone" of the Clatsop County Floodplain Map should be encouraged to apply for variances to the floodplain elevation height when restrictions are economically unfeasible and adjacent properties do not conform to floodplain elevations.
3. A buffer shall be provided along either side of Arch Cape Creek, Asbury Creek and other creeks and drainage ways critical to local water supply and erosion control in order to protect riparian vegetation, prevent loss of property due to erosion, and protect the aesthetic value of the streams. Buffers shall generally be 25 feet wide, measured perpendicular to the normal streambank unless the size of lot and natural topography would create a hardship. **A hardship variance may be considered by the Planning Commission or Hearings Officer** ~~The Advisory Design Review Committee may review the building permit and recommend to the Planning Commission a variance~~ based **o**~~p~~in the individual situation, but

in no event shall an impediment or alteration be permitted in a natural drainage way.

4. Gravel removal from the streams shall be prohibited.

5. Placement of riprap or other shoreline protection on coastal beaches or stream shorelands shall only be permitted for lots where the protection is necessary to prevent an erosion hazard and only where development existing on January 1, 1977.

6. Development in the vicinity of Arch Cape Creek shall be designed in a manner that is compatible with the beauty of the area. Controls on the removal of vegetation or filling or alteration of the shoreline shall be included in the Zoning Ordinance.

7. Open space or neighborhood park sites should be encouraged as part of subdivisions or planned developments.

8. Activities of the State Parks Division which pertain to the Southwest Coastal planning area shall be reviewed by ~~the Citizen Advisory Committee through~~ the **Community Development** Department ~~of Planning and Development~~ to insure their compatibility with the community.

9. Emergency vehicles shall have access to the beach at all times. All other vehicles shall be prohibited from beach access south of Hug Point to the County line. The County supports the vehicle restrictions on the beach north of Hug Point.

Recommendation

1. Access points to the beach and streams should be provided for at the ends of platted and vacated streets, and shall not be unnecessarily impeded by shoreline protection, flood protection, and other structures. Access to the beach where possible should be made passable for the elderly or other persons with limited mobility. Further work needs to be done on who would maintain these access points.

2. It is recommended that horse traffic on the beach at Arch Cape should not be allowed by the Department of Transportation.

3. Mapping of the drainage systems in the planning area is necessary and should be considered as a future project when funds become available.

Headlands and Points Policies

1. The Arch Cape headland represents an important scenic landmark for the community, the region and the State. Although the upper portions of the headland lie within the boundaries of Oswald West State Park, the lower area abutting Arch Cape creek east of Highway 101 is not part of the area inventoried as a headland. It is privately owned and may be developed

in the future. Development is this area shall be carefully controlled to insure that it is compatible with the headland. This may be accomplished by the maintenance of existing trees and natural vegetation, the requirements of the use of natural building materials such as cedar and stone, and the maintenance of low profile structures. As previously mentioned, buffers should be required adjacent to the Oregon Coast Trail, and the Arch Cape Creek. In addition, see Rural Service Area policy number 7.

Coast Range Foothills, Basaltic Highlands, Sedimentary Uplands Policies

1. These landscape units are resource units and should be reserved primarily for timber production, wildlife habitat, recreation and mineral resources.

CRITICAL HAZARD AREAS

~~SOUTHWEST COASTAL~~ **Landslides/Erosion** Goal: To prevent hazards to people and property through the use of reasonable building controls.

Policies

1. Chapter 70 of the Uniform Building Code should be applied to all development within the Southwest Coastal planning area.

2. In addition to where required in Chapter 70 of the Uniform Building Code, favorable site-specific investigations (conducted by qualified geotechnical experts at the developer's expense) shall be prerequisites for the issuance of building or excavation permits in any area recognized as geologic hazard area as shown on the Hazards map included herein.

3. Density of development in the RURAL SERVICE AREA shall be related to the degree of slope present on the site, and shall conform to these categories:

   a. Zero to 12% slopes, moderate density (7,500 sq. ft.).
   b. 13% to 25%, low density (2 dwellings per acre).
   c. Greater than 25% slopes, very low density (1 dwelling per acre or less, depending on favorable geologic site investigation).

4. Densities may be increased for those areas affected by 3.b. and 3.c. to a maximum of 7,500 sq. ft. in a RURAL SERVICE AREA where site investigations indicate the area can withstand greater development, or may be reduced where evidence of landsliding is present or the site investigation is unfavorable.

5. Development on slopes or greater than 15% should generally leave the natural topography of the site intact. Existing vegetation, particularly trees, should be retained on the site. Cut and fill construction methods should be discouraged. Access roads and driveways should follow slope contours in a manner that prevents rapid discharge, and prevents erosion.

Excavations and fills should be controlled through the enactment of Chapter 70 of the Uniform Building Code. The policy will be enforced by the County Department of Planning and Development and Building Department with assistance from the County Engineer.

6. Vacating or re-platting of old subdivisions in hazardous or in steeply sloping areas shall be encouraged through the use of incentives such as waiving fees.

7. Shoreline protective devices such as seawalls, revetments or dikes shall be evaluated for their impacts on adjacent property, visual impacts, impact on public access, and potential public costs. Beachfront protective devices shall be evaluated, both those located east and west of the State Zone Line.

8. Construction on poles or pilings shall be the preferred method of construction in areas of storm drainage problems (identified above). Where filling is proposed, the amount of fill shall be the minimum necessary for the placement of structures or driveways.

COMMUNITY CONCERNS

~~Southwest Coastal CAC~~ **Housing** Goal: To provide for a wide range of housing needs in the community. To maintain the current residential character of the community.

Policies

1. A high quality of housing in the area shall be promoted through the use of the natural landscape, existing vegetation, and good design.

2. Planned development and re-platting old subdivisions shall be encouraged in order to preserve steep slopes and other sensitive areas in their natural condition.

3. Housing developments and subdivisions should be designed to emphasize the rural, coastal appearance of the community; that is, less emphasis should be placed on curbs, sidewalks, and wide streets and more emphasis placed on the maintenance of trees, natural drainages, open space and larger lot sizes.

4. Housing shall be developed where services are readily available. Subdivision of land and planned development shall be allowed only where septic tank, sewer and water capacity is sufficient to meet its needs.

5. Housing for low and moderate income persons should be encouraged in Arch Cape through agencies such as the County Housing Authority, Northwest Oregon Housing Association, Farmers Home Administration, U.S. Department of Housing and Urban Development, and the State Housing Division.

~~Southwest Coastal CAC~~ **Public Facility** Goal: To provide public facilities and services capable

of meeting existing and future needs at appropriate levels for the RURAL SERVICE AREA and RURAL areas in the most cost effective manner.

Policies

1. No filling shall be permitted which would raise the water level on adjacent property, or overtax existing storm drains. Developers shall be responsible for installing storm drainage systems the distance necessary to drain their property and property in those areas which may be affected.

2. All developments shall indicate on the plot plan or building plans how storm water is to be drained. The Planning Commission or Building Official shall require the installation of culverts, dry wells or retention facilities in developments with major storm drainage impacts.

3. Developments shall be allowed only if the systems (water, sewer, and fire protection) are capable of supporting increased loads. Phasing of development may be allowed if improvement of public facilities is assured by the time construction and the additional loads are anticipated.

4. Utility rights-of-way, where not located within highway rights-of-way, should be reserved for future utilization as part of a greenbelt or pathway.

5. If water and sewer services are to be utilized either in the development of a subdivision or the building of individual residences, the local water and sewer districts shall approve the development prior to the issuance of either plat approvals or building permits.

RURAL SERVICE AREA

1. All new development including single lots shall install underground utilities such as electricity, telephone, and television cable. Efforts to place existing lines underground in already developed areas should be encouraged.

2. Any extensions of utilities to new developments within the respective boundaries of Arch Cape Service District and Arch Cape Water Service District shall be financed according to the determination of the appropriate governing body. In determining the proper financing for such extensions, the governing body shall take in consideration the benefit, if any, occasioned by extension of the system, new demands placed on the system, increased costs of maintenance, operation, improvements and depreciation, and other factors relevant to distributing the benefit and burdens occasioned by the system's extensions.

3. New development within the service districts' boundaries shall bear an appropriate share of capital costs, capital improvement costs, and operation and maintenance costs of the respective district. Monies acquired from such new construction through connection charges will be used for improvement and depreciation of the utility systems as designated by the

governing body of the respective district. Costs of expanding the system's capability will be borne according to the determination of the governing body of the district, and the methods of financing selected to pay for the system's expansions.

4. Sewer or water services will not be extended outside of the RURAL SERVICE AREA.

5. If water and sewer services are to be utilized either in the development of a subdivision or the building of individual residences, the local water and sewer district shall approve the development prior to the issuance of either plat approval or building permits.

~~6. Representatives of the Arch Cape community who serve on County designated liaison committees in the RURAL SERVICE AREA shall be nominated by the Southwest Coastal Citizen Advisory Committee to served three year terms, and confirmed by the County Commissioners. Examples of such liaison committees are Water and Sewer Committees and Advisory Design Review Committee.~~

RURAL LANDS

1. The capacity of rural water systems will be limited to that necessary for development at rural densities.

2. If water service is to be utilized, either in the development of a subdivision or the building of individual residences, the local water district shall approve the development prior to issuance of plat approvals or building permits.

CONSERVATION FOREST LANDS AND CONSERVATION OTHER RESOURCES

1. Public facilities will be discouraged from developing in these Plan designations.

2. Forest lands shall be designated Conservation Forest in the County's Comprehensive Plan. When considering a zone change to a forest zone, the Planning Commission or other reviewing body shall review the proposal against the acreage, management, and other approval criteria in County-wide Forest Lands Policies #19, #20, and #21.

NATURAL

1. There will be no public facilities in this Plan designation.

Recommendations

1. The County Sheriff's Department should hold some informational meetings in the area on crime prevention.

2. All the watersheds in the planning area need to be more clearly defined and mapped.

Additionally each watershed has individual problems which need to be identified.

~~Southwest Coastal CAC~~ **Transportation** Goal: To maintain an efficient and safe transportation system in keeping with the character of the community.

Policies

1. Access points onto U.S. Highway 101 shall be kept to a minimum to reduce the potential for accidents. New subdivisions or larger developments shall use common frontage roads, and lots shall be designed so as not to front or have access onto the highway.

2. Streets in new developments shall be designed to minimize disturbance of the land by following contour lines and avoiding cut-and fill construction techniques.

3. Unnecessary rights-of-way should be used as greenbelts, walking trails or bike paths where appropriate.

4. A buffer of existing or planted vegetation should be left between all developments and U.S. Highway 101 to reduce the effects of traffic on residences and to maintain the scenic character of the highway.

5. Improvements of U.S. Highway 101 in the Arch Cape area which involve a major action shall be reviewed by the CAC to insure it is compatible with the community. Major action as defined by the Oregon Action Plan: an action involving substantial planning, time, expenditures or environmental impact.

6. The County and State should continue in maintaining the visual clearance to oncoming traffic on U.S. 101.

7. Not only is it necessary for the County to adopt road standards which provide for economical and proper maintenance, but standards which consider the particular areas and the desires of the local citizens. To that end this plan encourages road standards which are suited to the character of development in the area. These roads generally are narrow, containing several dead ends, and serving few permanent users.

8. The County shall support the Clatsop County Senior Bug System for senior citizens and the handicapped.

Recommendation

1. At the time County roads in Arch Cape are improved, speed controls such as speed limits or caution signs should be examined.

~~Southwest Coastal CAC~~ **Open Space, Historic, Recreation, Scenic and Natural Areas** Goal:

To preserve the open space and recreation qualities of Arch Cape Creek, the beach, and the surrounding forested areas.

Policies

1. The County shall support the efforts of the state in the improvements of bike lanes.

2. Open space or neighborhood park sites should be included as part of subdivisions or planned developments.

3. Activities of the State Parks Division which pertain to the Southwest Coastal area shall be reviewed by the Citizen Advisory Committee to insure their compatibility with the community.

4. The County shall cooperate with the State Parks Division to retain the scenic values of the Oregon Coast Hiking Trail. Development adjacent to the trail along Leech Avenue shall be designed in a manner that is harmonious with the Trail.

5. All development on highly visible promontories shall be evaluated for its effect on scenic vistas, both from the beach and Highway 101.

6. Because of the limited access and land area at the mouth of Arch Cape Creek and the potential conflict with the adjacent residential neighborhoods, a regional park or recreation site in this vicinity is not desirable. Regional parks are not intended to be a permitted use within Rural Service Areas. Parks and recreation sites within such communities are intended to be neighborhood oriented, low impact in terms of traffic generation, and designed in a compatible manner with the surrounding environment.

7. The County shall encourage the State Fish and Wildlife Commission to expand on a greater educational program on the marine organisms inhabiting the tidal pool areas. Additionally, greater enforcement of the existing regulations is needed with new daily limit standards to insure protection.

8. Wildlife refuges:

Existing wildlife refuges which are owned/leased and managed by the Oregon Department of Fish and Wildlife (ODFW) located in areas designated Conservation Forest or in other lowland areas under any plan designation shall be reviewed by the County for compliance with the approval standards listed below. Such hearings shall be conducted according to a Type IV procedure at a time and place convenient to residents of the affected planning area. ODFW shall provide an evaluation of the economic, social, environmental and energy consequences of the proposal information sufficient to support findings with respect to the following approval criteria:

1. Identification of the need for the proposed new wildlife management area. "Need" means

specific problems or conflicts that will be resolved or specific ODFW objectives that will be achieved by establishing the proposed area.

2. Alternative lands and management actions available to the ODFW, and an analysis of why those alternatives or management actions will not resolve identified problems or achieve objectives.

Recommendation

1. The County should make formal request to the State Fish Commission to have the "tidepool" areas declared "prohibited areas", or at least make collecting subject to permit. Local and State law enforcement officials should be made aware of the new status of these tidepools, until the Fish Commission can provide proper patrols. Perhaps during the summer months, when tourism is heaviest, trained persons could be hired to provide an educational function at the tidepools, as well as enforcement. Regardless, these areas should be posted at points of access informing people of the necessity of protecting the animals.

Development Patterns

Growth Policies

1. Large developments with sudden or massive impacts on the community and its services shall be discouraged. Developments shall be phased in an orderly manner in order to avoid disruption of the community.

2. Future residential development along U.S. Highway 101 shall be buffered from the highway in order to maintain the scenic corridor.

3. Chapter 70 of the State Uniform Building Code shall be enacted and enforced to control filling and grading.

4. Cut and fill techniques of land development shall be discouraged. Filling of lots or property shall be carried out only after a site investigation to insure that adjacent property will not be affected by drainage or storm water, erosion or visual intrusion onto other property.

5. All wetlands proposed for filling shall be examined by the Division of State Lands and the U.S. Army Corps of Engineers to determine if permits are required.

Rural Service Area Development

~~Southwest Coastal CAC~~ Goal: To maintain the low density, residential character of Arch Cape.

Policies

1. The standard building site in the Rural Service Area shall be at least 7,500 square feet,

unless smaller lots existed in single or contiguous ownership prior to the adoption of the Community Plan. Those persons who have paid or been assessed as of January 1, 1976 for two sewer connection fees with a parcel of 10,000 square feet or more would be allowed to divide their parcel in two.

2. In areas of steep slopes lot sizes shall be increased to account for these factors.

3. The designated Rural Service Area shall be limited to a land area capable of being serviced by community water, sewer, and fire protection systems based on a reasonable projection of growth.

4. The zoning and subdivision ordinances shall be used in establishing development standards as they relate to the Rural Service Area. Emphasis shall be on maintaining natural vegetation and terrain when siting development, and fitting structures into the landscape rather than allowing them to dominate.

5. Commercial development shall be restricted to the existing commercial area and shall be limited to neighborhood commercial uses such as grocery store, a gas station, a community motel with a minimum land area of 2,500 square feet per unit, and other small-scale, locally-oriented businesses.

6. There is a large parcel of land south of Arch Cape Creek and east of Highway 101. It abuts Oswald West State Park. The area has been previously platted. In order to protect the scenic values of the Arch Cape headland and Oswald West State Park the old plat shall be vacated or replatted prior to development of the tract. Clustering shall be required and directed away from the headland and State Park.

~~Recommendation~~

~~1. The Southwest Coastal CAC shall initiate a study of the feasibility of establishing a local governing body for the Arch Cape Rural Community and, if the study is favorable, should take further action.~~

Southwest Coastal ~~CAC~~ Goal: To maintain high quality of residential development in keeping with the natural environment through the use of design standards.

Policies

1. Design review standards shall ~~be recommended~~ **apply to**~~for~~ all construction in the Rural Service Area (Arch Cape Rural Community) ~~to the Planning Commission, by the Advisory Design Review Committee~~. Standards shall apply to new commercial or residential construction, subdivision, site development, street construction or placement of public utilities.

~~2. Design standards shall be included in a special "design overlay zone", applicable in the Rural Service Area.~~

~~Southwest Coastal CAC~~ Goal: To encourage the use of natural features of the land, such as existing topography and vegetation.

Policies

1. Design review standards shall require minimal disturbance of the landscape in land development and shall address the removal of trees, grading and excavation, protection of views of adjacent property, road construction and placement of utilities.

2. Future development along U.S. Highway 101 shall be buffered from the highway in order to maintain the scenic corridor.

3. Cut and fill techniques of land development shall be discouraged. Filling of lots or property shall be carried out only after a site investigation to insure that adjacent property will not be affected by drainage or storm water, raised flood elevations, erosion or visual intrusion onto other property.

~~4. Board of County Commissioners shall establish a Design Review District in the Rural Service Area. The members of the Advisory Design Review Committee shall be appointed by the Board of Commissioners to serve three year terms.~~

Rural Lands

Policies

1. The minimum parcel size for building sites in Rural Lands areas shall be 20,000 sq. feet. Smaller parcels legally existed at the time of adoption of this Plan are grandfathered, the specifics of which shall be handled in the Zoning Ordinance.

2. To evaluate all rural proposals for subdivision, major partitions and new public facilities or services, such as fire station and water systems, for the possible generation of unwanted urbanization which is reflected in the objectives of Rural Lands.

3. All watershed areas need to be defined and development in the surrounding vicinity shall void degradation of the water quality.

Conservation Forest Lands and Other Resources

Policies

1. Commercial forest lands shall be excluded from future development of the Southwest

Coastal area. Other undeveloped lands which are not owned by commercial timber production based on the forest site class shall be designated for resource protection.

2. Watersheds for the community water systems in the area shall be protected by the Forest Practices Act. Forest management in elevations above the watersheds, including road construction, shall take place only after the appropriate water districts are notified and efforts are made to prevent adverse impacts.

3. There shall be two building site intensities in Conservation Forest Lands areas designated for Small Woodland: 20 acres is within a fire and/or water district; 38 acres if within no districts. Commercial forest designation partition size shall be 80 acres.

4. Before designated forest land is changed to another use, the productive capacity of the land in each use should be considered and evaluated.

5. Before designated forest land is changed to another use, the impact of the proposed use should be considered on adjacent forest lands.

6. Transfer and/or consolidation of land for resource production is encouraged. No new lots for residential purposes shall be created on designated commercial forest land.

7. Residential development in areas designated for forest uses shall be minimized. Development adjacent to roads intended primarily for forest management and harvesting activities shall be discouraged.

Natural

Policies

1. Gull Rock, Castle Rock, Lion Rock, Jockey Cap, Unnamed Rock and the Needles shall be designated and preserved as Natural areas.

EXHIBIT B

CLATSOP COUNTY

ORDINANCE 16-03:
LEGISLATIVE TEXT AMENDMENTS REGARDING THE SOUTHWEST CITIZENS ADVISORY COMMITTEE, ARCH CAPE RURAL COMMUNITY, AND ADDITIONAL REQUIREMENTS FOR CITIZEN INVOLVEMENT COUNTYWIDE

PROPOSED LAND AND WATER DEVELOPMENT AND USE ORDINANCE TEXT AMENDMENTS

Section 1.030. Definitions.

NEIGHBORHOOD/COMMUNITY ORGANIZATION: A non-profit, tax-exempt organization, including private homeowners' associations where membership goes with ownership (501 (c)(7)), and associations open to everyone in the community (501 (c)(4)). Such organizations need to provide the Community Development Department an Oregon Secretary of State certificate, tax exemption certificate, a copy of the bylaws showing the boundaries of the organization, and the person designated to receive mailed notices.

Section 2.046 Applicant-Neighborhood Meeting.
The purpose of a neighborhood meeting is to ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their proposed development may have on the neighborhood. The meeting is not intended to produce complete consensus on all applications; it is intended to encourage applicants to be good neighbors. Applicants are encouraged to reconcile as many public concerns as possible before submitting their land use application(s). County staff ~~will~~ may attend the neighborhood meeting in an advisory capacity to answer questions. *[Staff Comment: Blue edit made by Planning Commission to enable staff to miss some meetings or use Skype or phone.]*

(1) The applicant shall hold a neighborhood meeting before submitting the following types of land use applications:
- **(A) Multi-family development that abuts a single-family zoning district;**
- **(B) Commercial or industrial development that abuts any residential zoning district;**
- **(C) Manufactured home park adjacent to any residential zoning district;**
- **(D) Major subdivisions;**
- **(E) Cluster and planned development;**
- **(F) Quasi-judicial map amendments;**
- **(G) For other applications or revisions to applications that the Director determines may have a significant neighborhood impact, such as conditional uses, expansion of nonconforming uses, variances. In these cases, the Director shall determine the minimum notice area for the neighborhood meeting.**

(2) Neighborhood Meetings must meet the following requirements:
- **(A) The applicant shall consult with County staff to determine an appropriate meeting date, time, and place given the location of the proposed development and availability of staff to attend.**

(B) The applicant shall send mailed notice of the public meeting to the Community Development Department Director and all property owners within a minimum distance of 300 feet of the boundaries of the subject property with the specific area to be determined by the Director based on the project scale, land use and transportation patterns or anticipated public interest in the project. If any part of the subject property is within the boundaries of a neighborhood or community organization as defined by Section 1.030, notice shall be sent to the designated representative(s) of such neighborhood or community organization. The property owner list shall be provided by the county and shall be compiled from county tax assessor's property owners of record from the most recent property tax assessment roll.

The notice shall be sent a minimum of 10 days and no more than 30 days before the meeting, and shall include:

1) Date, time and location of the public meeting;

2) A brief written description of the development proposal and proposed use(s) with enough specificity so that the project is easily discernable;

3) The location of the subject property(ies), including address (if applicable), nearest cross streets and any other easily understood geographical references, and a map that depicts the subject property.

(C) The applicant's presentation at the neighborhood meeting shall include:

1) A map depicting the location of the subject property(ies) proposed for development.

2) A visual description of the project including a site plan, tentative subdivision plan and elevation drawings of any proposed structures, when applicable.

3) A description of the nature of the proposed use(s) including but not limited to, sizes and heights of structures, proposed lot sizes, density, etc.

4) The expected or anticipated impacts from the proposed development (e.g. traffic, storm drainage, tree removal, etc.).

5) Mitigation proposed by the applicant to alleviate the expected/anticipated impacts.

6) An opportunity for the public to provide comments.

(D) The applicant shall take meeting notes and submit them to the County, including:

1) Meeting date and time;

2) Name and address of all in attendance;

3) Summary of issues raised and comments made at the meeting, and the applicant's responses.

(3) A land use application will not be deemed complete until the applicant demonstrates substantial compliance with this section by including the results of the neighborhood meeting and supporting documentation with the application. This includes:

(A) A copy of the notice to surrounding property owners;

(B) A signed affidavit of mailing the required notice of neighborhood meeting;

(C) A copy of any verbal or written comments received, including any issues raised via telephone, fax, email at the meeting, and the applicant's responses;

(D) A copy of the meeting notes as described in Subsection (2)(D) above.

(E) If responses to the meeting notice were not received by the applicant and no one attended the neighborhood meeting, the applicant shall submit evidence as indicated above with the meeting notes reflecting the absence of comment and/or attendance.

Section 2.110 Mailed Notice of a Public Hearing.

(2) Notice of the hearings governed by this section shall be provided:

(A) To the applicant; and

(B) To owners of record of property on the most recent property tax assessment roll where such property is located:

1) within 100 feet of the property which is the subject of the notice where the subject property is wholly or in part within an urban growth boundary; or

2) within 250 feet of the property which is the subject of the notice where the subject property is outside an urban growth boundary and not within a farm or forest zone; or

3) within 750 feet of the property which is the subject of the notice where the subject property is within a farm or forest zone; and

(C) To any n**N**eighborhood/~~or c~~**C**ommunity ~~o~~**O**rganization ~~recognized by the governing body and~~ whose boundaries include the site; and

(D) To the Oregon Department of Transportation (ODOT) for Type II A and Type III applications related to property within 750 feet of a state highway or that in the opinion of the Community Development Director may be found to have a significant impact on State facilities.

Section 2.111 Posted Notice of a Public Hearing.

Development sites that are the subject of quasi-judicial public hearings shall be posted unless otherwise noted in this Code.

(1) County and Applicant's Responsibilities:

(A) The County shall supply the notices that the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed.

(B) The County shall provide an affidavit to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the County's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the 150-day period in a timely manner.

(C) The Applicant shall post the notice either ten or twenty consecutive days before the first scheduled public hearing on the matter in accordance with Section 2.110

(D) The Applicant shall return the signed affidavit of posting, with a photo of the sign attached, at least seven full days before any hearing.

(E) If the subject property is not properly posted as described in Section 2 below, the Director may postpone the hearing until such provisions are met.

(2) Number and Location. The applicant must place the notices:

(A) On each frontage of the subject property in a location visible from a traveled public road or street abutting the property. If no public street abuts the property, the notice shall be placed so as to be generally visible to the public.

(B) Notices shall not be posted within the public right-of-way or on trees.

(C) The applicant shall remove all signs and return them to the County within ten days following the public hearing that is the subject of the notice.

(D) If the subject property is located where the posting would not be visible to anyone other than adjacent property owners who received written notice, alternative locations visible to the public may be determined by the Community Development Director. These may include posting in a conspicuous place at the point the property obtains access to a County or public road.

Section 2.115 Mailed Notice for a Type II procedure

(1) Notice of intent to issue a Development Permit shall be provided:

(A) To the applicant; and

(B) To owners of record of property on the most recent property tax assessment roll where such property is located:

1) within 100 feet of the property which is the subject of the notice where the subject property is wholly or in part within an urban growth boundary; or

2) within 250 feet of the property which is the subject of the notice where the subject property is outside an urban growth boundary and not within a farm or forest zone; or

3) within 750 feet of the property which is the subject of the notice where the subject property is within a farm or forest zone; and

(C) To any n**N**eighborhood/~~or c~~**C**ommunity ~~o~~**O**rganization ~~recognized by the governing body and~~ whose boundaries include the site.

(D) To the Oregon Department of Transportation (ODOT) for applications related to property within 750 feet of a state highway or that in the opinion of the Community Development Director may be found to have a significant impact on State facilities.

SECTION 3.060. ARCH CAPE RURAL COMMUNITY RESIDENTIAL ZONE (AC- RCR).

Section 3.062. Purpose and Intent.

The Arch Cape RCR zone is intended to accommodate the immediate and foreseeable demand for low density housing in Clatsop County's rural communities. This zone has been developed with the purpose to: (1) Allow residential development that is compatible with rural communities that wish to maintain a primarily single family rural residential character, (2) do not adversely impact adjacent resource lands, (3) allow for minimum lot sizes and densities, that will provide for an ultimate build out that is more commensurate with actual physical, and (4) environmental constraints, and the availability of community water and sewer facilities, and may provide for non-residential uses that are small in scale, intended for the needs of the local community or for people traveling through the rural community, and are compatible with surrounding uses.

Section 3.064. Development and Use Permitted.

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards.

(1) One family dwelling.

(2) Accessory Dwelling Unit (ADU) per section 1.030.

(3) Guest House per section 1.030.

(4) Accessory buildings per section 1.030 are permitted only as follows:

- **(A)** In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- **(B)** Accessory buildings in this zone shall be subordinate in size to the primary dwelling.

(5) Signs only as follows, subject to the provisions of S2.300:

- **(A)** Temporary signs.
- **(B)** Nameplates.

(6) Handicapped housing facility as defined in Section 1.030.

(7) Home occupation, Limited.

(8) Low intensity recreation.

(9) Utilities, maximum utilization of existing easements and rights-of-way shall be made.

(10) Health hardship pursuant to Section S3.025, no public notice required.

(11) Temporary uses including use of a Recreational Vehicle during construction phase, subject to the provisions of Section 5.500.

(12) Short term rental subject to the provisions of Clatsop County Standards Document, Section S4.109.

(13) Land transportation facilities as specified in Section 3.035 with the exception of new public or private road development, See Section 3.066(12).

Section 3.066. Conditional Development and Use.

The following uses and their accessory uses are permitted under a Type II permit procedure subject to applicable development standards. Combined square footage of commercial uses, including their accessory uses occur in building or buildings that do not exceed the following area standards:

(1) Two family dwelling (duplex).

(2) Accessory uses may be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development Director provided that:

(A) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and

(B) Provided the property owner obtains the primary use development permit within one-year (1) from the date the accessory use development permit is issued; and

(C) A statement that the accessory use, during the one-year period prior to establishing the primary use is not intended for the storage of, or the establishment of a Recreational Vehicle use; and

(D) May be subject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare.

(3) Public or private elementary, middle, or high school.

(4) Home occupation.

(5) Churches or similar places of worship.

(6) Golf Course, driving range, country club, tennis club, and similar recreation uses provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.

(7) Park, playground, ball fields, or community center.

(8) Day nursery or day care center, provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.

(9) Buildings and uses of a public works, public service, or public utility nature, but not including equipment storage, repair yards, warehouses, or related activities.

(10) Bed and Breakfast establishment subject to the standards in Clatsop County Standards Document, Section S3.464 - S3.468.

(11) Temporary real estate office in a legally recorded subdivision.

(12) Any new public or private road development or road extension.

Section 3.068. Development and Use Standards.

The following standards are applicable to permitted uses in this zone.

(1) Lot sizes:

(A) Parcels not served by an approved public community sewer system, shall have a minimum parcel size of one (1) acre, and a minimum width of 120 feet.

(B) Parcels served by an approved community, municipal or public sewer system shall have a minimum parcel size of 7,500 square feet, and a minimum width of 60 feet with lot sizes varying according to the following requirements:

Slope	Minimum Lot Size/Density
0-12%	7,500 sq.ft./ 1 dwelling unit, 15,000 sq.ft./2 dwelling units

13-25%	7,500 sq.ft/1 dwelling unit 15,000 per acre, 2 dwelling units/acre
> 25%	1 dwelling unit/acre

(C) Lot size for conditional developments shall be based upon:
4) the site size need of the proposed use,
5) the nature of the proposed use in relation to the impacts on nearby properties, and
6) consideration of sewer district impacts and requirements, local setback and other criteria and standards of this ordinance.
(D) Maximum lot coverage for residential or non-residential use: 40%.
(E) Two family dwelling (duplex) minimum lot size 15,000 sq.ft.
(F) Cluster developments are subject to the provisions of S3.150-S3.161.
(G) Other development and use standards as required to meet State sanitation requirements and local setback and ordinance requirements.
(H) New development, lot width/depth dimension shall not exceed a 1:3 ratio.

(2) Required front yard setback, measured from the abutting edge of the right-of-way, when front line abuts:
(A) Major arterial: fifty feet (50).
(B) Minor arterial: thirty feet (30).
(C) Major collector: thirty feet (30).
(D) Minor collector: twenty-five feet (25).
(E) Local street: twenty feet (20).

(3) Required rear yard: twenty feet (20).
(A) Exception on corner lot: 5 feet.
(B) Exception when adjacent to resource zones, all structures: fifty feet (50).

(4) Required side yard:
(A) Minimum side yard: 10 feet, except on a corner lot, the minimum street side yard measured from the abutting edge of the right-of-way, shall be twenty feet (20)~~.~~ **;**
OR
(B) For lots of record created prior to September 30, 1980 that are less than the minimum lot size required, side yards shall be five feet (5)~~.~~
(C) **Notwithstanding (4)(A) and (4)(B), when the property is**~~Exception when~~ adjacent to resource zones, all structures: fifty feet (50). *[Staff Comment: Clarifying the hierarchy between these requirements.]*

(5) For lots abutting the oceanshore, the ocean yard shall be determined by the oceanfront setback line established by Section S3.015 Oceanfront Setback.

(6) **Accessory structures:**
(A) An accessory structure **that is less than ten (10) feet tall** ~~separated from the established main building~~ may be located in the required rear and side yard setback ~~except in the required street side of a corner lot~~ provided that it is no closer than five feet (5) to a property line, **except in the required street side of a corner lot per (4) above**. *[Staff Comment: changed sentence structure to be more clear]*
(B) Any accessory structure that is ten (10) feet or greater in height must meet the setback requirements of 3.068(2)-(4). *[Staff Comment: This addresses protection of ocean views]*

(7) Maximum building height: twenty-six feet (26), except for ocean front lots, which shall have a maximum height of eighteen feet.

The height of a structure is measured from the average grade of the undisturbed ground at the four principal corners of the proposed structure. To determine height:

(A) Construction/building plans submitted for use permitted in this zone shall show the elevations of the undisturbed ground prior to construction as measured at the four principal corners of the proposed structure on a plot plan. A permanently accessible control point shall be established outside of the building's footprint.

(B) Photographs of the undisturbed site shall be required. Photographs need not be professional or aerial photographs.

(C) To verify the height, a survey by a registered surveyor may be required by the Community Development Director.

(8) All new developments and cumulative or incremental expansion of an existing **development** footprint greater than twenty-five percent shall indicate on the ~~building~~ **development** permit **application** how storm water is to be ~~drained~~ **managed** from the property or retained on site. The ~~Building Official or~~ County Engineer may require the installation of culverts, dry wells, retention facilities, or other mitigation measures, where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands or on slopes greater than ~~twenty-five~~ **fifteen** percent. *[Staff Comment: Need to add a fee for Public Works review to the County fee schedule. Revisions in blue were recommended by the Public Works Director after the Planning Commission hearings.]*

(9) In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP).

(10) Conditional Development and Use are subject to the following limitation~~s~~ and requirement~~s~~:

~~(A) The proposed development shall be consistent with the Clatsop County Comprehensive Plan.~~ *[Staff Comment: Unnecessary language – this is always the case.]*

~~(B) The proposed development shall include safe ingress and egress.~~ *[Staff Comment: This is already covered in the Standards Document – Chapter 2 Site-Oriented Improvements, Section 2.200-2.210 and Chapter 5 Vehicle Control and Circulation]*

~~(C)~~ Prior to final building permit approval any/all road damages created or exacerbated by the development activity shall be repaired, and the road returned to its previous condition or better.

(11) Exterior lighting shall be of a full cut-off design ~~as defined in Clatsop County's Zoning Ordinance Section 1.030~~. Glare shall be directed away from neighboring property or shielded in a manner not to cause offense (i.e. ~~F~~full ~~C~~cut-off ~~F~~fixtures). ~~A complaint from neighbors shall be cause for review of exterior lighting.~~ *[Staff Comment: Unnecessary language – standards for cutoff lighting would be used and complaints about any code violations will be reviewed.]*

(12) **Vegetation:**

(A) Where a buffer of trees exists along properties abutting Highway 101, a buffer of 25 feet in width shall be maintained or planted when the property is developed.

~~(13)~~ **(B)** A twenty-five (25) foot buffer of native, non-invasive vegetation combined with proper removal of noxious weeds shall be maintained along Arch Cape, Asbury Creek, ~~&~~ **and** Shark Creek.

(C) Vegetative hedges and fences that impede or have the potential to impede views shall be maintained at or below **six (**6**)** feet. Hedges ~~&~~ **and** fences extending beyond the ocean front setback shall be maintained at or below **four (**4**)** feet.

(D) Preservation of Landscape. The landscape shall be preserved in its natural state to the maximum extent possible by minimizing tree, vegetation and soils removal. Cut and fill construction methods are discouraged. Roads and driveways should follow slope contours in a manner that prevents erosion and rapid discharge into natural drainages. Disturbed areas shall be re-vegetated with native species. *[Staff Comment: Moved from Section 4.103-Criteria for Design Review Evaluation (3)]*

(E) The setback for all structures shall be fifty feet (50) from the line of non-aquatic vegetation.

(14**3**) All planned development and subdivisions shall be required to cluster land uses and designate areas as permanent common open space. The development shall be reviewed according to Section 4.140 for Planned Developments or Clatsop County Standards Document, Section S3.150 for Cluster Developments. The minimum percentage of common open space shall be 30% excluding roads and lands under water.

~~(15) The setback for all structures shall be fifty feet (50) from the line of non-aquatic vegetation.~~ *[Staff Comment: Moved to (12)(E)]*

~~(16) Vegetative hedges and fences that impede or have the potential to impede views shall be maintained at or below 6 feet. Hedges & fences extending beyond the ocean front setback shall be maintained at or below 4 feet.~~ *[Staff Comment: Moved to (12)(C)]*

(1~~6~~**4**) All standards as set forth in the Clatsop County Standards Document, as amended.

Section 3.070 State and Federal Permits.

If any state or federal permit is required for a development or use, an applicant, prior to issuance of a development permit or action, shall submit to the Planning Department a copy of the state or federal permit. 2016020010

SECTION 3.252. RURAL COMMUNITY COMMERCIAL ZONE (RCC).

Section 3.254. Purpose and Intent.

This zone is located in the Rural Community of Arch Cape, Svensen, Westport, Miles Crossing and Jeffers Gardens. The RCC zone is intended to: (1) provide support for existing small concentrations of retail and commercial services; (2) contribute to community identity; (3) provide job opportunities within the community; (4) allow only those uses that are compatible with the surrounding uses considering varying environmental and other site constraints, and the availability of community water, sewer, or if such services are not available, such uses do not exceed the carrying capacity of the property to provide potable water and absorb waste; and (5) provide services for the community, surrounding rural, farm and forest areas, and traveling public. New commercial uses are those defined under state law as "small-scale, low impact" with building or buildings not to exceed 4,000 square feet of floor area, unless determined that large buildings are intended to serve the rural community, surrounding rural area or the travel needs of the people passing through the area. Expansion of an existing commercial use resulting in building or buildings exceeding 4,000 square feet of floor area are appropriate when the use is intended to serve the rural community, surrounding rural area or the travel needs of people passing through the area.

Section 3.256. Development and Use Permitted.

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards.

(1) Splitting and sale of firewood.
(2) Roadside stand, which shall be less than 120 sq. ft. in size, subject to provisions S5.032-S5.033.
(3) Low intensity recreation.
(4) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
(5) Handicapped housing facility.
(6) Land transportation facilities as specified in Section 3.035.

Section 3.258. Commercial Conditional Development and Use.

The following commercial uses and their accessory uses are permitted under a Type II permit procedure subject to applicable development standards provided that commercial uses occur in a building or buildings that do not exceed the following area standards:

(1) A retail grocery, bakery, delicatessen, confectionary or similar store including the preparation of foodstuffs for sale primarily on the premises, provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.

(2) A retail drug, variety, gift, antique, hardware, sporting goods, dry goods, music, florist, book, stationery, art gallery, or similar store provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
(3) A barber, beauty, tailor, shoe repair, laundromat, cleaners, photographic shop or similar personal service business provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
(4) Sporting equipment and other recreational equipment rental service provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
(5) An eating or drinking establishment provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
(6) An automobile service station, including auto fuel, towing and minor repair, excluding auto sales and auto storage provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
(7) Professional offices provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
(8) Park, or playground, ball fields, or community center.
(9) Churches or similar places of worship.
(10) Veterinary clinic provided the square footage of the building or buildings devoted to the care of household pets does not exceed 4,000 square feet of floor area.
(11) Medical and dental offices provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
(12) Buildings and uses of a public works, public service, or public utility nature, that may include equipment storage, repair yards, warehouses, or related activities.
(13) Instructional or vocational schools, such as dance studio, karate, theatre, music, computer science provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
(14) Communication Facilities subject to the provisions of Clatsop County Standards Document S4.700.
(15) Farm or garden supply, equipment sales and repair.
(16) Mini-storage.
(17) Legally existing and allowed uses (as of the effective date of this ordinance) may continue as permitted uses.
(18) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-17 above subject to the provisions of section 5.060, provided building or buildings for each commercial use does not exceed 4,000 square feet of floor area.

Section 3.260. Conditional Development and Use.
The following uses and their accessory uses are permitted under a Type II-a permit procedure subject to applicable development standards and site plan review.

(1) Expansion of commercial building or buildings, existing on (date of this ordinance) where the total floor area for the commercial use exceeds 4,000 square feet provided the commercial use, intended to occupy more than 4,000 square feet of floor area, is intended to serve the rural community, the surrounding rural area, or the traveling needs of people passing through the area.

(2) Mixed Use or Residential developments in association with a Commercial or Retail component that is permitted or conditional. Residential development shall be located above or behind the permitted or conditional use.

(3) A hotel, motel, lodge, resort, inn, or other enclosed tourist/traveler accommodations, provided:
   (A) It is served by a community sewer system,
   (B) Does not have over 35 units, and
   (C) Each commercial use associated with the lodging shall not exceed 4,000 square feet (i.e. Gift Shop, Office, Restaurant, etc).

(4) Recreational Vehicle (RV) Park subject to the following provisions:
   (A) Density, Maximum fifteen (15) RV spaces per acre.
   (B) Minimum 30-foot setback to any adjoining residential zone.
   (C) Minimum 50-foot setback to any adjoining resource zone.
   (D) Subject to meeting the State Building Code requirements; and
   (E) Subject to provisions of Clatsop County Standards Document, S.3.550 – S3.552 (2)(A)(F)(I)(J)(K) and (3)-(10) inclusive.

Section 3.262. Development and Use Standards.

The following standards are applicable to all permitted Type II uses in this zone.

(1) Plan review and approval: No building permit or other permit for construction or alteration of any building structure or use in this zone shall be issued until plans have been reviewed and approved by the Community Development Director in order to evaluate the conformity with the performance standards of this zone and the Comprehensive Plan and the compatibility of vehicular access, signs, lighting, building placement and designs, landscaping, adjoining uses and location of water and sewage facilities.

(2) Standards:
   (A) Air quality: The air quality standards set by the Department of Environmental Quality shall be the guiding standards in this zone, except that open burning is prohibited in any case.
   (B) Noise: As permitted under all laws and regulations.
   (C) Storage: Materials and or equipment shall be enclosed within a structure or concealed behind sight-obscuring screening.
   (D) Fencing: Allowed inside a boundary planting screen and where it is necessary to protect property or to protect the public from a dangerous condition. The proposed fence locations and design will be subject to Community Development Director review and approval.
   (E) Buffer: Where the RCC zone adjoins a zone other than RCC, there shall be a buffer area of depth adequate to provide for a dense evergreen landscape buffer which attains a minimum height of 8-10 feet, or such other screening measures as may be prescribed by the Community Development Director in the event differences in elevation or other circumstances should defeat the purpose of this requirement. In no

case shall the buffer area have less width than the required 50-foot setback of this zone.

(F) Vibration: No vibration other than that caused by highway vehicles, trains and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.

(G) Heat and glare: Except for exterior lighting, operations producing heat or glare shall be constructed entirely within an enclosed building.

(H) Lighting: Exterior lighting shall be directed away from adjacent property, with cutoff lighting required, when adjacent to a residential zone.

(3) Density Provisions:

(A) The minimum lot width shall be 75 feet.

(B) Other permitted development standards as required to meet State sanitation requirements and local setback and ordinance requirements.

(C) Lot width/depth dimension shall not exceed a 1:3 ratio.

(4) Setback requirements:

(A) Front yard setbacks: 25 feet.

(B) Side and rear yard when abutting a residence or residential zone: 10 feet.

(C) For lots of record created prior to September 30, 1980 that are less than minimum lot size required side yards shall be 5 feet.

(D) The setbacks for all structures shall be thirty-five feet (35) from the line of non-aquatic vegetation.

(E) All structures shall be a minimum of fifty feet (50) from adjacent resource zones.

(5) Building height:

(A) The maximum building height for commercial uses shall be 35 feet.

(B) The maximum building height for light industrial uses shall be 45 feet, except when within 100 feet of a residential zone, the height shall be 35 feet.

(6) Building size:

(A) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 3.258 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 that is intended to serve the rural community, 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 12,000 square feet unless an exception to goal 14 has been acknowledged pursuant to ORS 197.625.

~~(7) Off-street parking requirements: Off-street parking shall be subject to Clatsop County Standards Document, Section S2.200 of the Development and Use Standards Document.~~ *[Staff Comment: Unnecessary – it's already a requirement.]*

(8) An accessory structure~~ separated from the main building~~ may be located in the required rear or side yard, except in the required street side of a corner lot, provided that it is not less than ten (10) feet to a property line.

(9) All new developments and cumulative or incremental expansion of an existing **development** footprint greater than twenty-five percent shall indicate on the ~~building~~ **development** permit **application** how storm water is to be ~~drained~~ **managed** from the

property or retained on site. The ~~Building Official or~~ County Engineer may require the installation of culverts, dry wells, retention facilities, or other mitigation measures, where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands or on slopes greater than ~~twenty-five~~ **fifteen** percent. *[Staff Comment: Need to add a fee for Public Works review to the County fee schedule. Revisions in blue were recommended by the Public Works Director after the Planning Commission hearings.]*

(10) In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP).

(11) Developments adjacent to or across the street from residential zones shall be contained within an enclosed building or screened from the residential district with a sight obscuring fence or vegetation.

(12) All standards as set forth in the Clatsop County Standards Document, as amended.

(13) Additional Standards in the Arch Cape RCC zone:

(A) Preservation of Landscape. The landscape shall be preserved in its natural state to the maximum extent possible by minimizing tree, vegetation and soils removal. Cut and fill construction methods are discouraged. Roads and driveways should follow slope contours in a manner that prevents erosion and rapid discharge into natural drainages. Disturbed areas shall be re-vegetated with native species. *[Staff Comment: Moved from Section 4.103-Criteria for Design Review Evaluation (3)]*

(B) Utility Service. All new service lines shall be placed underground. *[Staff Comment: Moved from Section 4.103-Criteria for Design Review Evaluation (4)]*

(C) Exterior lighting shall be of a "full cut-off" design. Glare shall be directed away from neighboring property or shielded in a manner not to cause offense (i.e. ~~F~~full ~~C~~cut-off ~~F~~fixtures). *[Staff Comment: Moved from Section 4.103-Criteria for Design Review Evaluation (5)]*

Section 3.264 State and Federal Permits

If any state or federal permit is required for a development or use, an applicant, prior to issuance of a development permit or action, shall submit to the Planning Department a copy of the state or federal permit.

Section 4.100. ARCH CAPE RURAL COMMUNITY OVERLAY DISTRICT (/RCO).

[Staff Comment: Review of proposed development will still take place, but it will be done using the development and use standards found in the relevant zoning districts, as it is elsewhere in the County.]

~~**Section 4.101. Purpose.**~~

~~This section provides for the comprehensive review of proposed developments within the Arch Cape Rural Community Overlay District. The intent of the overlay is to ensure development occurs in a manner that preserves scenic views and promotes attractive development within the boundaries of the rural community. In addition the Arch Cape Rural Community Overlay District outlines procedures and criteria for developments that require variances or are of a non-conforming nature.~~

~~**Section 4.102. Types of Review.**~~

~~All development which is situated within the /RCO District Boundary that falls under the thresholds in this section shall be subject to the Criteria for Design Review Evaluation, Section 4.103 and Article 2, Procedures for Land Use Applications.~~

(2) ~~The following types of projects shall require review according to the Type II procedure, Section 2.020. For purposes of these types of Major projects, review by the Design Review Advisory Committee as described in Section 4.108, is required.~~

~~**(A)** Any new residential development proposing to construct a dwelling as described in Section 1.030 (Dwelling Types).~~

~~**(B)** Any new commercial development proposing to construct structures devoted to a commercial use.~~

~~**(C)** Any new commercial development creating additional cumulative square footage.~~

~~**(D)** Any new residential development creating additional cumulative square footage.~~

~~**(E)** Accessory buildings in residential zones.~~

~~**(F)** Accessory buildings associated with commercial developments and containing no residential units.~~

~~**(G)** Development and Construction of public or private roads.~~

~~**(H)** Any Change in Use, Variance Request, Conditional Use Permit, or Other Use Requiring Review through Type II, III, or IV procedures with exception of those described in 4.109(2).~~

(3) ~~The following types of projects shall require design review according to the Type II Procedure, Section 2.020. For purposes of these types of Minor projects, review by the Design Review Advisory Committee as described in Section 4.108, is not required.~~

~~**(A)** Any project that requires a building permit and does not result in the expansion of the exterior dimensions and/or footprint.~~

~~**(B)** If the Community Development Director determines that a development may significantly impact adjoining properties with respect to location, bulk, compatibility, views, preservation of existing landscape, or other applicable criteria identified in Section 4.103, the application will be forwarded to the Design Review Advisory Committee for review.~~

~~**Section 4.103. Criteria for Design Review Evaluation.**~~

~~In addition to the requirements of the Comprehensive Plan, other applicable sections of this Ordinance and other County Ordinances, the following minimum criteria will be considered in evaluating design review applications:~~

(1) ~~Relation of Structures to Site. The location, height, bulk, shape, and arrangement of structures shall be in scale and compatible with the surroundings.~~ *[Staff Comment: This criterion is too subjective. It will be addressed generally through the existing standards in the AC-RCR zone Section 3.068, which includes height restrictions, setbacks, lot coverage]*

(2) ~~Protection of views shall be preserved through the confines of this ordinance section 3.068.~~ *[Staff Comment: This is already regulated by existing standards in Section 3.068 of the AC-RCR zone, as referenced by this criterion. A standard was added to AC-RCR Section 3.068-Development and Use Standards that limits the height of accessory structures allowed in the required setbacks to protect view corridors.]*

(3) ~~Preservation of Landscape. The landscape shall be preserved in its natural state to the maximum extent possible by minimizing tree, vegetation and soils removal. Cut and fill construction methods are discouraged. Roads and driveways should follow slope contours in a manner that prevents erosion and rapid discharge into natural drainages. Disturbed areas shall be re-vegetated with native species.~~ *[Staff Comment: This was moved to AC-RCR Section 3.068-Development and Use Standards and a new Arch Cape subsection in RCC Section 3.262-Development and Use Standards.]*

(4) ~~Utility Service. All new service lines shall be placed underground.~~ *[Staff Comment: This was moved to AC-RCR Section 3.068-Development and Use Standards and a new Arch Cape subsection of RCC Section 3.262-Development and Use Standards.]*

(5) ~~Exterior lighting shall be of a "full cut-off" design. Glare shall be directed away from neighboring property or shielded in a manner not to cause offense (i.e. Full Cut-off Fixtures).~~ *[Staff Comment: Redundant – already covered in AC-RCR Section 3.068-Development and Use Standards; Also moved to new Arch Cape subsection in RCC Section 3.262-Development and Use Standards]*

(6) ~~Buffering and Screening. In commercial zones, storage, loading, parking, service and similar accessory facilities shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.~~ *[Staff Comment: This is already covered in RCC Section 3.262-Development and Use Standards – (E) Buffer]*

(7) ~~Vehicle Circulation and Parking. The location of access points to the site, the interior circulation pattern and the arrangement of parking in commercially zoned areas shall be designed to maximize safety and convenience and to be compatible with proposed and adjacent buildings. The number of vehicular access points shall be minimized.~~ *[Staff Comment: This is already covered in the Standards Document – Chapter 2 Site-Oriented Improvements, Section 2.200-2.210 and Chapter 5 Vehicle Control and Circulation]*

(8) ~~Signs. The size, location, design, material and lighting of all exterior signs shall not detract from the design of proposed or existing buildings, structures or landscaping and shall not obstruct scenic views from adjacent properties.~~ *[Staff Comment: This criterion is too subjective. Standards Document Section 2.3000 Sign Requirements (6) allows individual signs in commercial zones up to 32 square feet.]*

(9) ~~Surface Water Drainage. Special attention shall be given to proper surface water drainage from the site so that it will not adversely affect adjacent properties or the natural or public~~

~~storm drainage system.~~ *[Staff Comment: This is already addressed in AC-RCR Section 3.068-Development and Use Standards (8); and RCC Section 3.262-Development and Use Standards (9)]*

(10) ~~In addition to compliance with the criteria as determined by the hearing body and with the requirements of sections 1.040 and 1.050, the applicant must accept those conditions listed in Section 5.025 that the hearing body finds are appropriate to obtain compliance with the criteria. All permit criteria and conditions must be satisfied prior to final building approval and occupancy.~~ *[Staff Comment: Unnecessary-this is always true.]*

~~**Section 4.104. Application Procedure.**~~ *[Staff Comment: Would no longer be applicable.]*

~~The following procedure shall be followed when applying for design review approval:~~

~~(1) Pre-application Conference. The applicant shall discuss the proposed development with the staff of the Clatsop County Department of Community Development in a pre-application conference pursuant to Section 2.045.~~

~~(2) Following the pre-application conference, the applicant shall file with the Planning Director a design review plan, which shall include the following:~~

~~(A) The Site Plan shall indicate:~~

~~*i.* All adjacent structures within 100'.~~

~~*ii.* All existing trees 6" caliper or greater, indicating any tree to be removed.~~

~~*iii.* Existing grades in contours of 1' vertical intervals.~~

~~*iv.* Proposed final grading in contours of 1' vertical intervals.~~

~~*v.* The finished site arrangement and landscape features(pedestrian walks, fences, walls, landscaping, etc.)~~

~~*vi.* The location of entrances and exits and the direction of traffic flow into and out of off street parking and loading areas.~~

~~*vii.* Utility lines and services and how they are being provided.~~

~~*viii.* A drainage plan for storm water runoff and retention (bio-swales, drywells, retention ponds, etc.)~~

~~(B) Elevations of the structure(s) illustrating the relation to undisturbed average grade. Per Section 3.068 §7C, a licenses surveyor shall install a benchmark on or near the property to provide vertical control for the project. Proposed developments within two (2) feet of the building height limit will be required to have a licenses surveyor certify the building height, prior to requesting final building inspection. (**It is recommended that the contractor verify height at the framing stage prior to sheathing**)~~

~~If applicable, Site Section(s) showing how the proposed structure protects ocean and scenic views per 4.103 (2).~~

~~**Section 4.105. Plan Evaluation Procedure.**~~ *[Staff Comment: Would no longer be applicable.]*

~~The following procedure shall be followed in processing a design review plan:~~

~~(1) Upon receipt of a design review application and plan, the Community Development Director will examine it to determine whether it is complete (and consistent with the requirements of this~~

~~(2) Section). If found to be complete, the Community Development Director shall determine whether the application will require Minor or Major Review under Section 4.102(1-2)(Types of Review). If the request is considered a Major Review under Section 4.102(1)(Types of Review), the Director shall forward the application and plans to the Design Review Advisory Committee for its review and recommendation.~~

~~(3) The Design Review Advisory Committee will review the application and plan at its first regularly scheduled meeting and shall make a written recommendation to the Planning Director within 21 days after receipt of the application.~~

~~(4) The Community Development Director may approve the design plan, disapprove it or approve it with such modifications and conditions as may be required to make it consistent with the Comprehensive Plan, with the criteria listed in this Section and with other Sections of this Ordinance.~~

~~(5) A decision on a design review plan shall include written conditions, if any, and findings and conclusions. The findings shall address the relationships between the plan and the policies and criteria listed in the Comprehensive Plan, this Section and other Sections of this Ordinance.~~

~~(6) The Community Development Director's decision shall be mailed within seven (7) working days to the applicant and to owners of land entitled to notification. The same mail, when appropriate, shall include notice of the manner in which an appeal of the decision may be made.~~

~~(7) Appeals. See Section 2.230 for appeal procedure.~~

~~**Section 4.106. Modifications of Approved Design Review Plan.**~~ *[Staff Comment: Would no longer be applicable.]*

~~Proposed changes shall be submitted in writing to the Community Development Director for approval. Minor changes requested by the applicant may be approved if such changes are consistent with the purposes and general character of the original approved application. All other modifications shall be processed in the same manner as the original application.~~

~~**Section 4.107. Time Limit on Approval.**~~ *[Staff Comment: Would no longer be applicable.]*

~~Site design approvals shall be void after one (1) year unless a building permit has been issued and substantial construction has taken place per the International Building Code. However, the County may, at the discretion of the Community Development Director, extend authorization for an additional year upon request, provided such request is submitted in writing not less than 10 days nor more than 30 days prior to expiration of the permit.~~

~~**Section 4.108. Design Review Advisory Committee.**~~ *[Staff Comment: Would no longer be applicable.]*

~~The Southwest Coastal Citizens Advisory Committee (CAC) shall serve as a Design Review Advisory Committee for Arch Cape and will review development proposals and make recommendations to the Community Development Director and Planning Commission concerning the design and scenic view aspects of proposed developments.~~

~~(1) Meetings/ Records. The committee shall hold regular meetings on the first and third Wednesday of each month at the Arch Cape Fire Hall or designated sites. However, meetings may be canceled when there are no design review plans submitted for review by the Committee. The deliberations and procedings of the committee shall be public. The Community Development Department shall keep minutes of the committee meetings and such minutes shall be public record.~~

~~(2) The Design Review Advisory Committee shall submit their recommendations to the Community Development Director within seven (7) working days of their decision.~~

SECTION 4.109 ARCH CAPE SHORT TERM (VACATION) RENTALS.

This section regulates the short-term rental of dwelling units within the Arch Cape Rural Community Overlay District. *[Staff Comment: This is the only section within the overlay district that would still be in effect. The Board will be reviewing and discussing the potential for a countywide short-term rental program later this year. Pending the result of that discussion, the short-term rental program will be moved to the County Code of Regulations, either in its entirety or as part of a countywide program.]*

Section 4.110 Purpose.

The purpose of this section is to regulate short-term rentals to enhance livability and safety in the Arch Cape residential neighborhoods. Rentals of a short-term dwelling unit shall be limited to either a minimum period of seven (7) nights or, if for fewer than seven (7) nights, then to no more than one rental within a seven (7) night period. Use of a short-term rental by a record owner of a property shall not be considered to be a rental under this section.

4.111 Permit Required.

An owner shall obtain a revocable short-term rental permit whenever a dwelling unit (as defined in Section 1.030) is to be used for short-term rental purposes and shall comply with the requirements of the County's transient room tax ordinance (No. 90-7).

(1) A short-term rental permit shall be obtained prior to using the unit as a short-term rental.

(2) Short-term rental permits are issued & renewed annually by July 1st of the given year.

(3) Short-term rental permits are non-transferable, new owners will be required to attain new permits or register in accordance with 4.111(2) above.

(4) The short-term rental permit does not relieve the owner of the obligation to pay county room taxes.

(5) If the terms of the short-term rental permit are not met, the short-term rental permit may be revoked and the owner subject to penalties per Section 4.115.

Section 4.112 Short-Term Rental Permit Application Requirements.

An application for a short-term rental permit shall be completed on the form provided by the County and shall provide the following information:

(1) A list of all the property owners of the short-term rental including names, addresses and telephone numbers. Property ownership, for the purposes of this section, shall consist of those individuals who are listed on the Clatsop County Assessor's tax records.

(2) The applicant shall provide proof of payment for county room taxes annually pursuant to County Code Chapter 39.

(3) Completion of the inspection section of the application form by an Oregon Certified Home Inspector as defined by ORS 701.005(4), based on a visual inspection to certify the following:

(A) Compliance with the following standards:

1) There shall be one functioning smoke detector in each sleeping room, with a minimum of two functioning smoke detectors in each dwelling unit. There shall also be one Functioning fire extinguisher at each exit;

2) Exterior doors shall be operational. All passageways to exterior doors shall be clear and unobstructed.

3) Electrical systems shall be serviceable with no visible defects or unsafe conditions.

4) All fireplaces, fireplace inserts or other fuel burning heaters and furnaces shall be vented and properly installed.

5) Each sleeping room shall have an exterior exit that opens directly to the outside, or an emergency escape or rescue window.

(B) The number of sleeping rooms within the short-term rental, as defined in Section 4.113(4).

(C) The number of parking spaces on the subject property that meet the standards of Section 4.113(5).

(D) Inspection certifications shall be valid for a period of five (5) years and shall expire June 30th of the 5th year. Additionally Inspection certificates shall be required whenever modifications requiring a building permit are made to the dwelling unit(s).

(4) A site plan, drawn to scale, showing the location of buildings and required parking.

(5) The name, address and telephone number of a contact person, who shall be responsible, and authorized, to act on the owner's behalf to promptly remedy any violation of these standards.

(6) The contact person may be the owner or the designated agent who shall serve as a contact person.

(7) Statement that the applicant has met and will continue to comply with the standards in this section.

(8) Other information as requested by the County.

Section 4.113 Short Term Rental Standards.

All short-term rentals shall meet the following standards:

(1) A Short-Term Rental dwelling unit shall be limited to either a minimum period of seven (7) nights or, if for fewer than seven (7) nights, then to no more than one rental within a seven (7) night period.

(2) One rental (as defined in Section 1.030) per lot or parcel, excluding a caretaker residing in the Residence or ADU. A Guesthouse is **not** considered a dwelling unit and shall not be rented separately.

(3) All applicable County room taxes shall be paid pursuant to County Code Chapter 39.

(4) The maximum occupancy for each short term rental unit shall be calculated on the basis of two (2) persons per sleeping room plus an additional four (4) persons, up to a maximum of fourteen (14) persons. For this purpose, a sleeping room is defined as fully-enclosed habitable space with a heat source, and an emergency escape or rescue opening.

(5) Off-street parking shall be used if physically available and comply with S2.200-S2.210 applicable to single family or two family dwellings. On-street parking shall be used only when off-street parking spaces are not physically available. Parking is "physically available" when a garage or driveway can be emptied or materials removed so as to allow for the parking. The owner shall notify every renter in writing of these requirements and shall advise the renter where the off-street parking spaces to serve the unit are located. If on-street parking must be used, the renter shall use the parking along the frontage of the rental unit.

(6) A house number visible from the street shall be maintained.

(7) Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or littering and placed where they are not clearly visible from the street except between 5 am on the day prior to pickup and 5 pm on the day of pickup.

Section 4.114 Conformity Required; Display of Permits.

(1) The issuance of the short-term rental permit shall be subject to the continued compliance with the requirements of this section.

(2) The current short-term rental permit shall be permanently and prominently displayed inside and near the front entrance of the short term rental and provided to adjacent property owners within 100 feet of the property, and shall list the following:

- (A) The name, address and phone number of the owner and designated agent;
- (B) The maximum occupancy and vehicle limits for the short-term rental unit;
- (C) Identification of the number and location of parking spaces available;
- (D) A statement regarding how the parking standards under Section 4.113(4) are to be met;
- (E) A statement that it is illegal to leave litter on the beach (OAR 736-021-0090(4));
- (F) A statement that all fires on the beach must be extinguished before leaving the site of the fire (OAR 736-021-0120(4);
- (G) A statement that the short term rental permit may be revoked for violations;
- (H) A statement regarding how the garbage removal standards under Section 4.113(6) are to be met; and
- (I) Such other information as may be required by the County.

(3) The owners are responsible to ensure that current and accurate information is provided to the County.

Section 4.115 Compliance, Hearings and Penalties.

Owners of Short-Term Rental Units shall obey all applicable ordinances and regulations of the County and shall be subject to the enforcement and penalty proceedings contained in the applicable County Ordinances. Any property owner who operates a Short-Term Rental in violation of this section may be subject to the abatement and penalty provisions of ORS 203.065, 203.810, and ordinances adopted under the Clatsop County Charter. The enforcement provisions of Clatsop County Code Compliance Ordinance, Section 38 of the Clatsop County Code shall also apply, except where modified by this section. The following process shall be followed in the event of a complaint alleging a violation of this section or a permit issued under this section:

(1) The complaining party shall first attempt to contact the contact person designated on the permit and the notice posted on the Short-Term Rental, describe the problem and indicate the desired remedy.

(2) The contact person shall promptly respond to the complaint and remedy any situation that is out of compliance with this section or permit.

(3) If the response is not satisfactory to the complaining party, the complaining party may lodge a complaint with the County by submitting a written complaint including the time, date and nature of the alleged violation. The property owner shall allow the County to inspect any records related to the short-term rental dwelling unit upon request of the County.

(4) The County may initiate enforcement under Section 38 of the Clatsop County Code.

(5) In addition to any other remedy allow under Section 38 of the Clatsop County Code, the hearings body may do any of the following:

- **(A)** Take no action on the request for the revocation of the short-term rental permit;
- **(B)** Attach conditions to the existing short-term rental permit;
- **(C)** Require a new home inspection under Section 4.112(3);
- **(D)** Suspend the short-term rental permit;
- **(E)** Revoke the short-term rental permit; and/or
- **(F)** Prohibit an owner from obtaining a short-term rental permit for a period of up to five (5) years.

(6) Should a permit be revoked, the owner may not obtain any short-term rental permit sooner than one year after the date of revocation.

(7) Any property owner found in violation of the provisions of this ordinance shall be required to reimburse the County for its costs of enforcement including reimbursement of staff time, investigation costs, mailings, service fees, mileage and other costs related to the investigation and prosecution of the violation in question.

~~**SECTION 4.116 ARCH CAPE VARIANCE**~~

[Staff Comment: Redundant -- already covered verbatim in LWDUO Section 5.130 Variance]

~~**Section 4.117 Variance Procedure.**~~

~~(1) A variance to the development and quantifiable standards of this zone may be appropriate where: by reason of exceptional configuration, or by reason of other extraordinary and exceptional situations or conditions existing on a piece of property, the strict application of any regulations enacted under this Ordinance would result in peculiar, exceptional and undue hardship upon the owner of such property for which a variance is requested. Undue hardship upon adjacent property owners may also be considered. The Hearings Officer may vary or adopt the strict application of any of the requirements of this Zone.~~

~~(2) Variances will be considered under a Type IIa procedure pursuant to Section 2.025. An applicant may request a variance whether before or after the denial of a development permit.~~

~~(3) Standards for a Variance. The requirements for a Variance are listed below. It is the intent of this Ordinance that a variance only be granted to overcome some exceptional physical condition related to a parcel of land posing practical difficulty to development and preventing the owner from using the property as intended by the Zoning Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.~~

~~(A) There must be proof of exceptional and extraordinary circumstances which apply to the property and which do not apply to other properties in the same zone or vicinity, and result from lot size or shape legally existing in accordance with land use laws prior to September 30, 1980, topography, geology, or other circumstances over which the applicant has no control. These circumstances or conditions must be such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land and/or structure.~~

~~(B) The granting of a variance shall neither be injurious to the neighborhood or community nor otherwise detrimental to the public welfare or to public safety.~~

~~(C) The granting of the variance will not permit the establishment of any development or use which is not permitted by the Ordinance, nor confer upon the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the area.~~

~~(D) There must be proof of significant hardship if the variance is not granted. It is not sufficient proof of hardship to show that a greater profit would result if a variance were granted. Nor shall loss of value be a valid reason to grant a variance. Furthermore, the hardship cannot be self-created or self-imposed, nor can it be created by one who purchases property with or without the knowledge of restrictions present. The hardship must result from the strict application of this Ordinance, and be suffered directly by the property in question. Evidence of a variance granted under similar circumstances shall not be considered as a solely sufficient cause to grant hardship relief.~~

~~(E) The granting of a variance is necessary for the reasonable use of land or building, and the variance granted by the hearing body is the minimum variance that will accomplish this purpose.~~

~~(F) The hardship does not arise from a violation of the provisions of this Ordinance.~~

~~(G) The development will occur on a parcel of land that in conjunction with adjacent land in the same ownership is not otherwise reasonably capable of development and use under the provisions of this Ordinance.~~

~~**Section 4.118 Notification.**~~
~~In addition to the required mailed notice sent to property owners pursuant to Section 2.025 and Section 2.110, notice of variances to yard setbacks and height variances shall be sent to the fire district in which the property is served for review and comment. If a response is not received by the Department of Transportation and Development within 20 days of the notice it will be assumed that the District has no negative concerns regarding the request.~~

~~**Section 4.119 Expiration/Extension.**~~
~~Authorization of a variance shall be void after one year unless substantial construction or action pursuant thereto has taken place. However, the County may, at the discretion of the Planning Director, extend authorization for an additional six (6) months upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the variance.~~

~~**SECTION 4.120 ARCH CAPE NON-CONFORMING USES AND STRUCTURES**~~

[Staff Comment: Redundant – Except for 4.124 Alteration (2) this section is already covered verbatim in LWDUO Section 5.600 Non-Conforming Uses and Structures]

~~**Section 4.121 Purpose.**~~

~~The purpose of the Non-Conforming Uses and Structures provisions are to establish standards and procedures regulating the continuation, improvement and replacement of structures and uses, which do not comply with this Ordinance.~~

~~**Section 4.122 Definitions.**~~

~~The following definitions are applicable to the provisions of Section 4.120, Non-Conforming Uses and Structures.~~

~~ALTERATION. A change to a structure, not involving enlargement of the external dimensions of the structure (i.e. addition or relocation of windows, replacement of siding, etc).~~

~~EXPANSION. Any increase in any external dimension of a Non-Conforming Structure.~~

~~LEGAL NON-CONFORMING STRUCTURE. A building or structure that does not conform to one or more standards of the zoning district in which it is located, but which legally existed at the time the applicable section(s) of the zoning district became effective.~~

~~LEGAL NON-CONFORMING USE. A use, which does not conform to the use regulations of the zoning district in which it is located, but which lawfully occupied a building or parcel of land at the time the applicable use regulation became effective.~~

~~NON-CONFORMING STRUCTURE. A building or structure that does not conform to one or more standards of the zoning district in which it is located, and which did not legally exist at the time the zoning district became effective.~~

~~NON-CONFORMING USE. A use, which does not conform to the use regulations of the zoning district in which it is located, and which did not lawfully occupy a building or parcel of land at the time the applicable use regulation became effective.~~

~~**Section 4.123 Continuance.**~~

~~(1) A Legal Non-Conforming Use may be continued at the level of use (e.g., hours of operation) existing on the date that the use became non-conforming[2].~~

~~(2) A Legal Non-Conforming Structure may continue within the building dimensions (height, width and length) in existence on the date that the structure became non-conforming[3].~~

~~(3) The applicant shall bear the burden of proof for establishing that the structure or use was lawfully established.~~

~~(4) The applicant shall bear the burden of proof for establishing the level of use that existed at the time the use became non-conforming.~~

~~(5) The county may allow a property owner, under a Type II procedure, to prove the existence, continuity, nature and extent of the use for the 10-year period immediately preceding the date of application. If the county finds evidence proving the existence,~~

~~continuity, nature and extent of the use for the ten-year period preceding application, then such findings shall create a rebuttable presumption that the use, as proven, lawfully existed at the time the applicable Ordinance provision was adopted and has continued uninterrupted until the date of application.~~

~~**Section 4.124 Alteration.**~~

~~(1) Through Type I procedures alterations shall be permitted to a non-conforming structure, or to a structure devoted to a non-conforming use. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS 215.215, a county shall not place conditions upon the continuation or alteration of a use described under this subsection when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted.~~

~~(2) If in a three-year period, alterations to a Non-conforming structure, or to a structure devoted to a Non-conforming use exceeds 75% of the market value of the structure, as indicated by the records of the County Assessor, the structure shall be brought into conformance with the requirements of the Ordinance.~~ *[Staff Comment: This subsection was relocated to LWDUO Section 5.608 Non-conforming Uses and Structures-Alteration]*

~~**Section 4.125 Expansion.**~~

~~(1) Through a Type II procedure an expansion of a Legal Non-Conforming Structure shall be in conformance with the requirements of the Zone (i.e. height limitations and setbacks) and satisfy criteria under Section 4.125 § 3C, or a variance for the expansion shall be required pursuant to Section 4.116 Arch Cape Variance.~~

~~(2) Through a Type IIA procedure an expansion of a Non-Conforming Structure shall be in conformance with the requirements of the Zone (i.e. height limitations and setbacks) and satisfy criteria under section 4.125 § 3A-C below, or a variance for the expansion shall be required pursuant to Section 4.116 Arch Cape Variance.~~

~~(3) An expansion of a structure devoted to a Legal Non-Conforming Use, or a change in the characteristics of a Legal Non-Conforming Use, (i.e. hours of operation or levels of service provided), may be approved, pursuant to a Type II procedure, where the following standards are met:~~

~~(A) The floor area of a building(s) shall not be increased by more than 20%.~~

~~(B) The land area covered by structures shall not be increased by more than 10%.~~

~~(C) The proposed expansion, or proposed change in characteristics shall have no greater adverse impact on neighboring areas than the existing use, considering:~~

~~*1)* The following factors:~~

~~a) Noise, vibration, dust, odor, fume, glare, or smoke detectable at the property line.~~

~~b) Numbers and kinds of vehicular trips to the site.~~

~~c) Amount and nature of outside storage, loading and parking.~~

~~d) Visual impact.~~

~~e) Hours of operation.~~

~~f) Effect on existing vegetation.~~

~~g) Effect on water drainage and water quality.~~

~~h) Service or other benefit to the area.~~

~~i) Other factors relating to conflicts or incompatibility with the character or needs of the area.~~

~~2) The character and history of the use and of development in the surrounding area.~~

~~3) An approval may be conditioned to mitigate any potential adverse impacts that have been identified.~~

~~**Section 4.126 Changes to a Non-Conforming Use.**~~

~~(1) A Non-conforming use may only be changed to that of a conforming use. Where such a change is made, the use shall not thereafter be changed back to a Non-conforming use.~~

~~**Section 4.127 Replacement and Damage.**~~

~~(1) Through a Type I procedure if a Legal Non-Conforming Structure or a structure occupied by a Legal Non-Conforming Use is damaged or destroyed by any cause other than an action of the property owner or authorized agent, it shall be reconstructed in conformance with the current requirements of this Ordinance or a variance sought in accordance with section 4.116. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster. If restoration or replacement is necessary under this subsection, restoration or replacement shall be done in compliance with ORS 195.260 (1)(c). If a building listed on the National Register of Historic Places is damaged or destroyed it may be reconstructed in conformance with the dimensional standards of the building prior to its destruction.~~

~~(2) Through a Type II permit procedure subject to Section 5.000-5.030 if a Non-Conforming Structure or a structure devoted to a Non-Conforming Use is damaged by any cause other than an action of the property owner or his agent, the hearing body may approve the reconstruction of the structure and accompanying use. Reconstruction of the structure or use shall be in conformance with the current requirements of this Ordinance or a variance sought in accordance with Section 4.116. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster. If restoration or replacement is necessary under this subsection, restoration or replacement shall be done in compliance with ORS 195.260 (1)(c).~~

~~**Section 4.128. Completion.**~~

~~A development that is lawfully under construction on the effective date of an ordinance that makes that use or structure Non-conforming may be completed. The use or structure may be used for the purpose for which it was designed, arranged or intended.~~

~~**Section 4.129. Discontinuance of Use.**~~

~~If a Non-conforming use is discontinued for a period of one year, subsequent use of the property shall conform to this Ordinance.~~

~~**Section 4.130. Compliance with Other Requirements.**~~

~~Notwithstanding the provisions of this section, alteration of a Nonconforming use or a Nonconforming structure shall be allowed if necessary to comply with state or local health or safety requirements.~~

SECTION 5.600 NON-CONFORMING USES AND STRUCTURES

Section 5.608. Alteration.

(1) Through Type I procedures alterations shall be permitted to a non-conforming structure, or to a structure devoted to a non-conforming use. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS 215.215, a county shall not place conditions upon the continuation or alteration of a use described under this subsection when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted.

(2) If in a three-year period, alterations to a Non-conforming structure, or to a structure devoted to a Non-conforming use exceeds 75% of the market value of the structure, as indicated by the records of the County Assessor, the structure shall be brought into conformance with the requirements of the Ordinance. *[Staff Comment: This was relocated from LWDUO Section 4.124 Arch Cape Non-Conforming Uses and Structures-Alteration]*

EXHIBIT PC

INCLUDES THE FOLLOWING:

Planning Commission Recommendation

PC. Recommendation signed on July 26, 2016

- PC Exhibit A. July 18, 2016 Staff Report & Attachments
- PC Exhibit B. September 6, 2016 ADDENDUM to Staff Report & Attachment

Exhibit Attachments:

July 26, 2016 Planning Commission Hearing

PC-1. Staff Handout – Summary of Oral Testimony at July 12, 2016 SCCAC Hearing
PC-2. Staff Handout – Email from Patrick Wingard RE: DLCD Notice Requirements
PC-3. Written Testimony Submitted After Staff Report
PC-4. Published Notice

September 13, 2016 Planning Commission Hearing

PC-5. Staff Handout –Fees & Costs of Various Development Permits /Land Use Applications
PC-6. Written Testimony Submitted After Staff Report
PC-7. Summary of Oral Testimony at Planning Commission Hearing
PC-8. Southwest Coastal Citizens Advisory/ Design Review Committee Bylaws
PC-9. Published Notice

EXHIBIT PC

RECOMMENDATION OF THE PLANNING COMMISSION TO THE CLATSOP COUNTY BOARD OF COMMISSIONERS

In the Matter of:

LEGISLATIVE TEXT AMENDMENTS TO THE COMPREHENSIVE PLAN AND LAND AND WATER DEVELOPMENT AND USE ORDINANCE #80-14 RELATED TO THE SOUTHWEST COASTAL CITIZENS ADVISORY COMMITTEE, ARCH CAPE RURAL COMMUNITY OVERLAY, AND ADDITIONAL REQUIREMENTS FOR CITIZEN INVOLVEMENT	**ORDINANCE #16-03**

THE ABOVE ENTITLED MATTER came before the Planning Commission on July 26 and September 13, 2016, for public hearings and consideration of the proposed text amendments to the Comprehensive Plan and Land and Water Development and Use Ordinance.

THE PLANNING COMMISSION after reviewing the findings of fact in Exhibit "A" (*Staff Report*) and Exhibit B (*ADDENDUM to Staff Report*) has determined the proposed amendments are consistent with Clatsop County's Comprehensive Plan and Oregon's Statewide Planning Goals.

THE PLANNING COMMISSION considering all evidence provided by Clatsop County staff and public testimony provided at the public hearings, hereby **RECOMMENDS APPROVAL** based on the findings presented in "*Exhibit A - Staff Report*" and "*Exhibit B – ADDENDUM to Staff Report*" attached hereto and by this reference made part hereof.

WHEREFORE, the Planning Commission, having conducted public hearings, reviewed the staff report, accepted testimony, and deliberated on the evidence presented, by a vote of 4 in favor and 1 opposed hereby recommends that the Board of County Commissioners adopt the text amendments to the Clatsop County Comprehensive Plan, and Land and Water Development and Use Ordinance.

SO ORDERED this 13th day of September 2016.

THE PLANNING COMMISSION FOR
CLATSOP COUNTY

Bruce Francis, Chair

Recommendation

Clatsop County

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"Exhibit A"

Staff Report

Ordinance 16-03:

Legislative Text Amendments to the Comp Plan and LWDUO related to the Southwest Coastal Citizens Advisory Committee and the Arch Cape Rural Community Overlay

REPORT DATE: July 18, 2016

HEARINGS: Southwest Coastal Citizens Advisory Committee-July 12, 2016
Clatsop County Planning Commission-July 26, 2016
Clatsop County Board of Commissioners-August 10 & 24, 2016

APPLICANT: Clatsop County

REQUEST: Legislative Text Amendments to the Clatsop County Comprehensive Plan (Comp Plan) and the Clatsop County Land and Water Development and Use Ordinance (LWDUO) discontinuing the Southwest Coastal Citizens Advisory Committee (SCCAC) and amending sections related to development in the current Arch Cape Rural Community Overlay

STAFF REPORT: Heather Hansen, Community Development Director

ATTACHMENTS:

A. Proposed Text Amendments to the Comp Plan
B. Proposed LWDUO Text Amendments
C. Copy of agenda item and minutes from February 10, 2016 Board of County Commissioners meeting
D. Statewide Planning Goal 1
E. Notice sent to property owners in Arch Cape Overlay
F. Written Testimony submitted as of 4 PM on July 18, 2016
G. DRAFT minutes from the July 12, 2016 SCCAC meeting

I. EXECUTIVE SUMMARY

On February 10, 2016 the Board of Commissioners directed the Community Development Director to initiate amendments to the Comp Plan and LWDUO to discontinue the SCCAC.

The following is a summary of the proposed text amendments to the Clatsop County Comp Plan (see Attachment A):

1. <u>Goal 1 – Citizens Involvement</u>
   (a) Remove language referencing the SCCAC as the only active Citizens Advisory Committee
   (b) Remove policy regarding active citizen advisory committees
   (c) Add policy that ad hoc advisory committees may be appointed by the Board of Commissioners to address specific land use issues as needed.
   (d) Add community organizations to policy about public notices.
   (e) Add recommended action about requirement for Applicant-Neighborhood meetings for certain land use applications.

2. Southwest Coastal Community Plan
   (a) Add policy reiterating Goal 1 policy that the Planning Commission is the County's Committee for Citizen Involvement.
   (b) Repeat Goal 1 policy that ad hoc advisory committees may be appointed by the Board of Commissioners to address specific land use issues as needed.
   (c) Repeat Goal 1 policy that public notices will also be sent to community organizations.
   (d) Remove references to SCCAC role in design review and in making other recommendations.
   (e) Revise language regarding hardship variances to clarify that variance will be considered by the Planning Commission or Hearings officer.

The following is a summary of the proposed text amendments to the LWDUO (see Attachment B):

1. Section 1.030 Definitions: Add definition of a neighborhood/community organization.
2. Section 2.110 & 2.115 Mailed Notice: Revise language regarding neighborhood or community organizations.
3. Section 3.068 Arch Cape Rural Community Residential Zone-Development and Use Standards:
   (a) Add restriction on height of accessory buildings in setbacks to address protection of ocean views.
   (b) Relocate some design standards from the Arch Cape Overlay District.
   (c) Remove redundant regulations; i.e. the regulation is already required elsewhere in the LWDUO or Standards Document.
4. Section 3.262 Rural Community Commercial Zone-Development and Use Standards:
   (a) Relocate some design standards from the Arch Cape Overlay District to the RCC zone.
   (b) Remove redundant regulations; i.e. the regulation is already required elsewhere in the LWDUO or Standards Document.
5. Section 4.100 Arch Cape Rural Community Overlay:
   (a) Relocate some design standards to the Arch Cape Rural Residential Zone and Rural Community Commercial Zone and delete the Design Review sections
   (b) Keep the Short-Term Rental Program section for now.
   (c) Delete the Variance section since it is already covered verbatim in Section 5.130.
   (d) Relocate subsection (2) from the Nonconforming Uses and Structures to Section 5.600 Non-conforming Uses and Structures. The rest is already covered verbatim in 5.600.
6. Section 5.608 Non-Conforming Uses and Structures-Alteration
   (a) Relocate subsection (2) from Section 4.124 Arch Cape Non-Conforming Uses and Structures-Alteration, which puts limits on alterations to non-conforming structures over a three-year period.

On July 12, 2016, the Southwest Coastal Citizens Advisory Committee (SCCAC) held a public hearing regarding the proposed text amendments. The SCCAC voted to recommend the Planning Commission deny the proposed amendments. The Committee's findings are incorporated into the staff analysis.

II. STAFF ANALYSIS

The proposed text amendments to the Clatsop County Comp Plan need to be consistent with Statewide Planning Goals, and the proposed text amendments to the Clatsop County LWDUO need to be consistent with Clatsop County Comp Plan.

COMP PLAN: GOAL 1–CITIZEN INVOLVEMENT – BASIC FINDINGS

The County had six Citizen Advisory Committees, which together with the planning staff, developed the various Community Plans through guidance and recommendations on planning issues. The development of the Community Plans involved several area-wide public meetings, obtaining viewpoints and concerns of the residents. The Citizen Advisory Committees utilized this information to develop the proposals for policies, property designations and each Community Plan. Both the

Planning Commission and the Board of Commissioners held additional public hearings and adopted the final Comprehensive Plan.

The Citizen Advisory Committees were intended to function continuously. The Planning Commission represents an equitable cross section of the County and all six previously designated geographic areas.

COMP PLAN: GOAL 1–CITIZEN INVOLVEMENT – GOAL

To have continuity of citizen participation consisting of a seven member Planning Commission, with each member representing diverse geographic areas of the County, thus providing a method of ensuring communication between the citizens, administrative departments and the Board of County Commissioners.

Only the Southwest Coastal Planning Area still retains an active Citizen Advisory Committee (CAC). Should any of the remaining five designated planning areas determine that Citizen Advisory Committees are necessary for ensuring communication between the citizens, the administrative departments, the Planning Commission and the Board of Commissioners they may reorganize a CAC. The Board of Commissioners shall appoint CAC members. The CAC may continue to function and be an active, integrated segment of Clatsop County's planning process as long as persistent involvement and active participation is demonstrated. (NOTE: This paragraph is proposed for deletion)

Policies

1. *The Committee for Citizen Involvement shall be the Clatsop County Planning Commission, consisting of seven members. The Planning Commission shall strive to represent a cross section of affected citizens in all phases of the planning process. As an appropriate component, five Planning Commission members shall be representatives of the six designated geographic areas (with a seven member Commission, one area may have two members). No more than two Planning Commission members may reside within incorporated cities. Each member of the Planning Commission shall be selected by an open, well-publicized, public process by the Board of Commissioners.*
2. *The Planning Commission and active Citizen Advisory Committees shall hold their meetings in such a way that the public is notified in advance and given the opportunity to attend and participate in a meaningful fashion.*
3. *Active Citizen Advisory Committees may submit their comments to the Clatsop County Department of Planning and Development, Clatsop County Planning Commission and Clatsop County Board of Commissioners. These bodies shall answer the CAC request in a timely manner. (NOTE: Proposed to be replaced with Ad hoc advisory committees as needed.)*
4. *The Board of Commissioners, through the Planning Department, should provide adequate and reasonable financial support; technical assistance shall be available and presented in a simplified form, understandable for effective use and application. (NOTE: Proposed for deletion)*
5. *Citizens shall be provided the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan and Implementation Measures.*
6. *Clatsop County shall encourage organizations and agencies of local, state and federal government and special districts to participate in the planning process.*

7. *Clatsop County shall use the news media, mailings, meetings, and other locally available means to communicate planning information to citizens and governmental agencies. Prior to public hearings regarding major Plan revisions, notices shall be publicized.*
8. *Clatsop County shall establish and maintain effective means of communication between decision-makers and those citizens involved in the planning process. The County shall ensure that ideas and recommendations submitted during the planning process will be evaluated, synthesized, quantified, and utilized as appropriate.*
9. *Public notices will also be sent to affected residents concerning zone and Comprehensive Plan changes, conditional uses, subdivisions and planned developments. (NOTE: Community organizations are proposed to be added.)*

Staff Findings & Conclusions:

A. Written notice of the proposed legislative amendments was sent to all property owners within the Arch Cape Rural Community Overlay on July 1, 2016 (see Attachment E).
B. Public notice of the legislative hearing with the SCCAC was published in The Daily Astorian on July 5, 2016 pursuant to LWDUO Section 2.125 Procedure for Public Notice.
C. Public notice of the legislative hearing before the Planning Commission was published in The Daily Astorian on July 19, 2016 pursuant to LWDUO Section 2.125 Procedure for Public Notice.
D. The six community planning areas in Clatsop County had active Citizen Advisory Committees (CAC) from 1977 through 1980 when the Clatsop County Comp Plan was acknowledged. The purpose of the CACs was to develop proposals for policies and land designation in the Community Plans.
E. The SCCAC currently serves as a design review committee for all new structures and expansions of structures within the Arch Cape Rural Community Overlay. A SCCAC public hearing and recommendation to the Director are required for every house, addition to a house, commercial building, and accessory structure. This is the only area of the county where this additional step is required before building a house, garage, shed, or addition.
F. The SCCAC also reviews all other types of land use applications within the Arch Cape Rural Community Overlay, holds a hearing, and makes a recommendation to either the Director (Type II) or to the Planning Commission (Type IIa, III, IV). This is the only area of the county where this additional step is required.
G. The SCCAC is referred to as the last active CAC, however the requirement for the SCCAC to review and make recommendations on all planning applications within the Arch Cape Rural Community Overlay is well beyond the intended role of a CAC, which is to advise on the Community Plans.
H. The Planning Commission continues to serve as the county's Committee for Citizen Involvement, as it does elsewhere in the county.
I. A revised Goal 1 policy is proposed regarding appointment of ad hoc advisory committees to address specific land use issues as needed.
J. The addition of "community organizations" to the Goal 1 policy regarding public notice is proposed.
K. A new Goal 1 Recommended Action is proposed to consider adding a requirement for applicants to hold a neighborhood meeting and post notices onsite for certain land use applications.

Staff concludes that the proposed amendments are consistent with and strengthen Goal 1 countywide.

SCCAC Findings & Conclusions:

A. The second paragraph of Goal 1 states that the CAC may continue to function and be an active, integrated segment of Clatsop County's planning process as long as persistent involvement and active participation is demonstrated.
B. The SCCAC continues to be active.

The SCACC concludes that the proposed amendments are inconsistent with Goal 1 of the Comprehensive Plan.

Staff Comment: The goal language cited in the SCCAC findings is proposed to be deleted (see Attachment A). While the SCCAC is still active, their role has expanded well beyond the intent of a CAC. The Planning Commission would continue to implement Statewide Planning Goal 1, as it does elsewhere in the County.

COMP PLAN: SOUTHWEST COASTAL COMMUNITY PLAN – CITIZEN INVOLVEMENT POLICIES

(NOTE: This section is proposed to be replaced-See Attachment A)

1. *The Southwest Coastal Citizen Advisory Committee shall constitute the officially recognized body to represent the community on matters of land use planning.*
2. *The CAC shall be composed of residents and property owners of the community and shall be chosen in a well-publicized community meeting. A broad spectrum of people from the community shall be included on the CAC.*
3. *The CAC shall hold its meetings in such a way that the public is notified well in advance and given the opportunity to attend and participate in a meaningful fashion.*
4. *Technical assistance shall be made available to the CAC through the County Planning Department and other resources of the County.*
5. *The Policy Advisory Committee, Planning Commission and Board of County Commissioners shall provide to the CAC written acknowledgement of the CAC's recommendations along with their rationale used to make final policy decisions.*
6. *The Board of County Commissioners, through the Planning Department, shall provide adequate and reasonable financial support, along with technical assistance to the CAC.*

Staff Findings & Conclusions:

A. The proposed amendments to the Comprehensive Plan strike this section in its entirety and instead reiterate that the Planning Commission will continue to serve as the county's Committee on Citizen Involvement to implement Statewide Planning Goal 1 (see Attachments A & D).
B. A policy is proposed to be added regarding the formation of ad hoc advisory committee to address specific land use issues as needed (see Attachment A).
C. A policy is proposed to be added regarding sending public notices not just to affected property owners, but also to community organizations (see Attachment A).

Staff concludes that the proposed amendments are consistent with Goal 1.

SCCAC Findings & Conclusions:

A. The SCCAC is still active and continues to fulfill the requirement for a Citizen Advisory Committee in Goal 1 and the Southwest Coastal Community Plan.

SCCAC concludes that the proposed amendments are inconsistent with Goal 1.

Staff Comment: The Community Plan language cited in the SCCAC finding is proposed to be deleted (see Attachment A). The Planning Commission will implement Goal 1 countywide.

COMP PLAN: SOUTHWEST COASTAL COMMUNITY PLAN – DEVELOPMENT PATTERNS

Growth Policies

1. *Large developments with sudden or massive impacts on the community and its services shall be discouraged. Developments shall be phased in an orderly manner in order to avoid disruption of the community.*
2. *Future residential development along U.S. Highway 101 shall be buffered from the highway in order to maintain the scenic corridor.*
3. *Chapter 70 of the State Uniform Building Code shall be enacted and enforced to control filling and grading.*
4. *Cut and fill techniques of land development shall be discouraged. Filling of lots or property shall be carried out only after a site investigation to insure that adjacent property will not be affected by drainage or storm water, erosion or visual intrusion onto other property.*
5. *All wetlands proposed for filling shall be examined by the Division of State Lands and the U.S. Army Corps of Engineers to determine if permits are required.*

Goal: *To maintain high quality of residential development in keeping with the natural environment through the use of design standards.*

Policies

1. *Design review standards shall be recommended for all construction in the Rural Service Area (Arch Cape Rural Community) to the Planning Commission, by the Advisory Design Review Committee. Standards shall apply to new commercial or residential construction, subdivision, site development, street construction or placement of public utilities.*
2. *Design standards shall be included in a special "design overlay zone", applicable in the Rural Service Area.*

Goal: *To encourage the use of natural features of the land, such as existing topography and vegetation.*

Policies

1. *Design review standards shall require minimal disturbance of the landscape in land development and shall address the removal of trees, grading and excavation, protection of views of adjacent property, road construction and placement of utilities.*
2. *Future development along U.S. Highway 101 shall be buffered from the highway in order to maintain the scenic corridor.*
3. *Cut and fill techniques of land development shall be discouraged. Filling of lots or property shall be carried out only after a site investigation to insure that adjacent property will not be affected by drainage or storm water, raised flood elevations, erosion or visual intrusion onto other property.*
4. *Board of County Commissioners shall establish a Design Review District in the Rural Service Area. The members of the Advisory Design Review Committee shall be appointed by the Board of Commissioners to serve three year terms.*

Staff Findings & Conclusions:

A. Design standards will still be used for proposed development in the Arch Cape area consistent with these Goals and Policies (See Attachment B).
B. None of the proposed amendments to the LWDUO are in conflict with the intent of the aforementioned Goals and Policies (Se Attachment B).

Staff concludes that the proposed amendments are consistent with these goals and policies of the Southwest Coastal Community Plan.

Goal: *To maintain the low density, residential character of Arch Cape.*

Relevant Policies

1. *The standard building site in the Rural Service Area shall be at least 7,500 square feet, unless smaller lots existed in single or contiguous ownership prior to the adoption of the Community Plan. Those persons who have paid or been assessed as of January 1, 1976 for two sewer connection fees with a parcel of 10,000 square feet or more would be allowed to divide their parcel in two.*
2. *In areas of steep slopes lot sizes shall be increased to account for these factors.*
3. *The designated Rural Service Area shall be limited to a land area capable of being serviced by community water, sewer, and fire protection systems based on a reasonable projection of growth.*
4. *The zoning and subdivision ordinances shall be used in establishing development standards as they relate to the Rural Service Area. Emphasis shall be on maintaining natural vegetation and terrain when siting development, and fitting structures into the landscape rather than allowing them to dominate.*
5. *Commercial development shall be restricted to the existing commercial area and shall be limited to neighborhood commercial uses such as grocery store, a gas station, a community motel with a minimum land area of 2,500 square feet per unit, and other small-scale, locally-oriented businesses.*

Staff Findings & Conclusions:

A. The proposed amendments to the LWDUO are consistent with Policies 1, 2, 3 and 5 (See Attachment B).

B. Policy 4 is addressed through existing and proposed standards in the Arch Cape Rural Community Residential Zone, existing and proposed standards in the Rural Community Commercial zone, and existing standards in the Standards Document (See Attachment B).

Staff concludes that the proposed amendments are consistent with the policies of this goal of the Southwest Coastal Community Plan.

IV. WRITTEN TESTIMONY

Six people submitted written testimony for the July 12, 2016 SCCAC hearing – one in favor and five against (see Attachment F). Most of the testimony dealt with the dissolution of the committee and did not address the proposed text amendments specifically. As of 10 AM on July 19, 2016, no additional written testimony has been submitted.

In Favor	Against
Tim Crawford, resident	Margaret Horn Doman, part-time resident Sean Malone, counsel for Oregon Coast Alliance Nadia Gardner, resident Linda Eyerman, part-time resident Jim Jensvold, resident

V. RECOMMENDATIONS

Staff Recommendation: Planning Commission recommend that the Board of Commissioners APPROVE the proposed legislative text amendments to the Comp Plan and LWDUO.

SCCAC Recommendation: Planning Commission recommend that the Board of Commissioners DENY the proposed legislative amendments to the Comp Plan and LWDUO.

ATTACHMENT A

CLATSOP COUNTY

ORDINANCE 16-03
LEGISLATIVE TEXT AMENDMENTS RELATED TO THE SOUTHWEST CITIZENS ADVISORY COMMITTEE AND ARCH CAPE RURAL COMMUNITY OVERLAY

PROPOSED COMPREHENSIVE PLAN TEXT AMENDMENTS

Goal 1 - Citizen Involvement

Goal

To have continuity of citizen participation consisting of a seven member Planning Commission, with each member representing diverse geographic areas of the County, thus providing a method of ensuring communication between the citizens, administrative departments and the Board of County Commissioners.

~~Only the Southwest Coastal Planning Area still retains an active Citizen Advisory Committee (CAC). Should any of the remaining five designated planning areas determine that Citizen Advisory Committees are necessary for ensuring communication between the citizens, the administrative departments, the Planning Commission and the Board of Commissioners they may reorganize a CAC. The Board of Commissioners shall appoint CAC members. The CAC may continue to function and be an active, integrated segment of Clatsop County's planning process as long as persistent involvement and active participation is demonstrated.~~

Policies

1. The Committee for Citizen Involvement shall be the Clatsop County Planning Commission, consisting of seven members. The Planning Commission shall strive to represent a cross section of ~~affected citizens~~**county residents** in all phases of the planning process. As an appropriate component, five Planning Commission members shall be representatives of the six designated geographic areas (with a seven member Commission, one area may have two members). No more than two Planning Commission members may reside within incorporated cities. Each member of the Planning Commission shall be selected by an open, well-publicized, public process by the Board of Commissioners.

2. The Planning Commission ~~and active Citizen Advisory Committees~~ shall hold **its** ~~their~~ meetings in such a way that the public is notified in advance and given the opportunity to attend and participate in a meaningful fashion.

3. ~~Active Citizen Advisory Committees may submit their comments to the Clatsop County Department of Planning and Development, Clatsop County Planning Commission and Clatsop County Board of Commissioners. These bodies shall answer the CAC request in a timely manner.~~
The Board of County Commissioners may appoint ad hoc advisory committees to address specific land use issues as needed.

~~4. The Board of Commissioners, through the Planning Department, should provide adequate and reasonable financial support; technical assistance shall be available and presented in a simplified form, understandable for effective use and application.~~

~~5~~**4**. Citizens shall be provided the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan

Adoption, Minor Changes and Major Revisions in the Plan and Implementation Measures.

~~6~~**5**. Clatsop County shall encourage organizations and agencies of local, state and federal government and special districts to participate in the planning process.

~~7~~**6**. Clatsop County shall use the news media, mailings, meetings, and other locally available means to communicate planning information to citizens and governmental agencies. Prior to public hearings regarding major Plan revisions, notices shall be publicized.

~~8~~**7**. Clatsop County shall establish and maintain effective means of communication between decision-makers and those citizens involved in the planning process. The County shall ensure that ideas and recommendations submitted during the planning process will be evaluated, synthesized, quantified, and utilized as appropriate.

9**8**. Public notices will also be sent to affected residents **and community organizations** concerning zone and Comprehensive Plan changes, conditional uses, subdivisions and planned developments.

Recommended Action:

Consider adding a requirement for applicants to hold neighborhood meetings and post notices on the property for certain types of land use applications, such as major subdivisions, multi-family that abuts single-family, manufactured home park adjacent to residential, commercial or industrial that abut residential, cluster and planned developments, density transfer receiving sites, upzoning. The applicant-neighborhood meetings will ensure that applicants pursue early and effective citizen participation in conjunction with their applications. This will give the applicant the opportunity to understand and try to mitigate any real or perceived impacts the application may have on the neighborhood. The meeting is not intended to produce complete consensus on all applications; it is intended to encourage applicants to be good neighbors. County staff will attend the neighborhood meeting in an advisory capacity only.

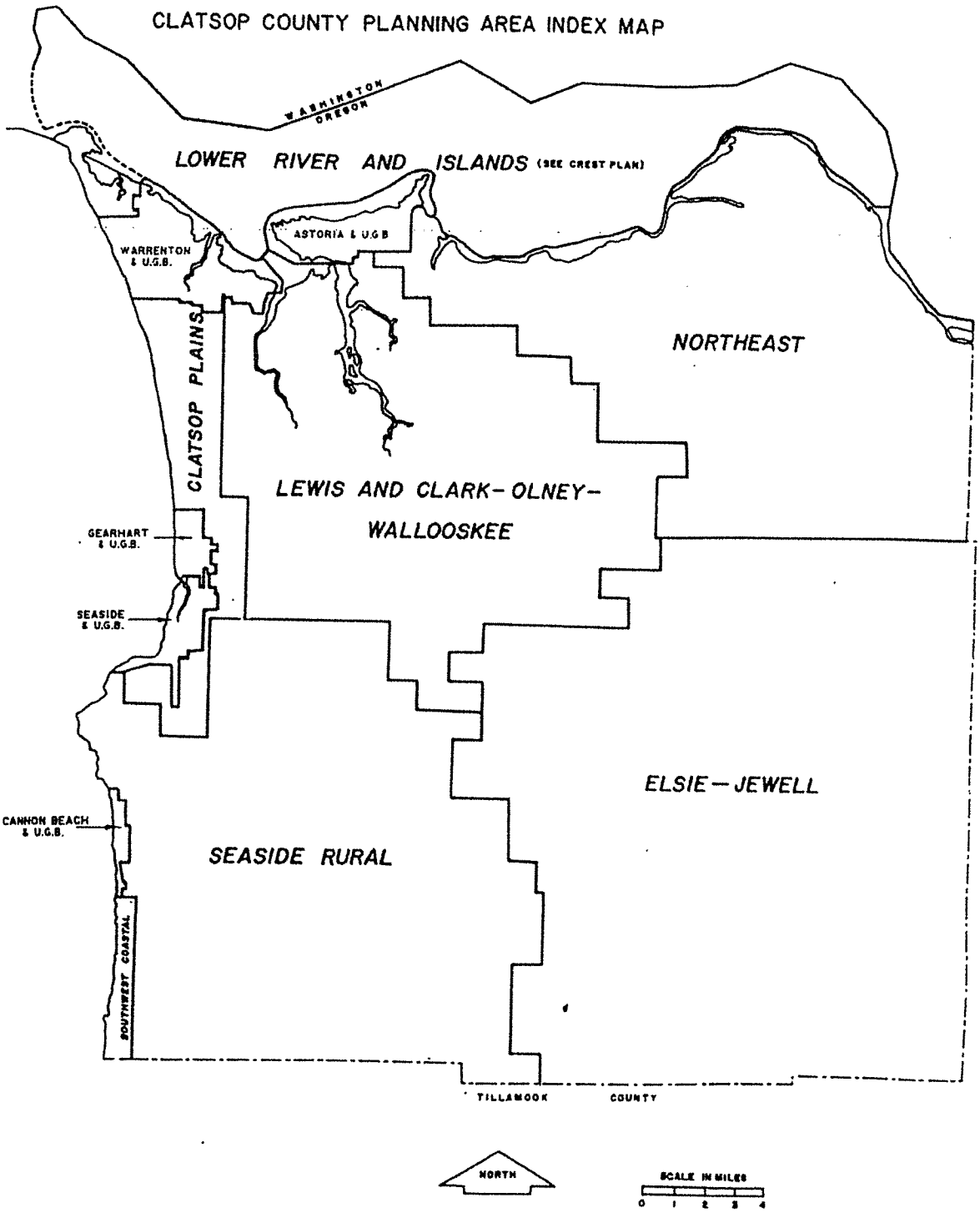
~~The acknowledged Comprehensive Plan recommended that Clatsop County should document the Citizen Involvement efforts at the first update.~~
~~The six community planning areas had active citizen involvement dating from 1977 through 1980, when the Plan was acknowledged. During that period of time, each committee met at least once per month, and as increased involvement dictated, two meetings per month were held. Southwest Coastal, Clatsop Plains and Elsie-Jewell Citizen Involvement Committees continued for a short duration, while the others disbanded. As of the date of adoption, only the Southwest Coastal Committee remains active.~~

~~A list of the members for each area, in addition to the citizens who were concerned, is on file with the Clatsop County Department of Planning and Development.~~

Section II

Community Plans

Clatsop County Planning Area Index Map



Introduction

Each Community Plan is broken down into five (5) main sections. They are:

Introduction; (planning process, statewide planning program)

Landscape Units; the planning area was broken down into landscape units each of which have unique physical and environmental characteristics: i.e. geology soils, moisture, vegetation, wildlife etc. The opportunities and limitations of these units provide a framework for development.

Community Concerns; this section details the community's goals and policies toward public facilities, housing type and density, community appearance, etc.

Development Patterns; this section contains the community's goals and policies toward growth including amounts and types of commercial development, excavation, density, location of development etc.

Appendices; various

Southwest Coastal Community Plan

Citizen Involvement Policies

1. **The Committee for Citizen Involvement shall be the seven members of the Clatsop County Planning Commission. The Planning Commission shall strive to represent a cross section of county residents in all phases of the planning process. As an appropriate component, five Planning Commission members shall be representatives of the six designated geographic areas (with a seven member Commission, one area may have two members). No more than two Planning Commission members may reside within incorporated cities. Each member of the Planning Commission shall be selected by an open, well-publicized, public process by the Board of Commissioners.**

2. **The Board of County Commissioners may appoint ad hoc advisory committees to address specific land use issues as needed.**

3. **Public notices will be sent to affected residents and community organizations concerning zone and Comprehensive Plan changes, conditional uses, subdivisions and planned developments, and other land use applications and development activities that require written notice.**

~~1. The Southwest Coastal Citizen Advisory Committee shall constitute the officially recognized body to represent the community on matters of land use planning.~~

~~2. The CAC shall be composed of residents and property owners of the community and shall be chosen in a well-publicized community meeting. A broad spectrum of people from the community shall be included on the CAC.~~

~~3. The CAC shall hold its meetings in such a way that the public is notified well in advance and given the opportunity to attend and participate in a meaningful fashion.~~

~~4. Technical assistance shall be made available to the CAC through the County Planning Department and other resources of the County.~~

~~5. The Policy Advisory Committee, Planning Commission and Board of County Commissioners shall provide to the CAC written acknowledgement of the CAC's recommendations along with their rationale used to make final policy decisions.~~

~~6. The Board of County Commissioners, through the Planning Department, shall provide adequate and reasonable financial support, along with technical assistance to the CAC.~~

LANDSCAPE UNITS

General Landscape Unit Policies

1. Steep slopes are at or near natural equilibrium and further steepening through excavation could initiate sliding. Excavations in these areas should be restricted and should be properly engineered.

2. Excavations in sedimentary highland (Toms) should be properly engineered to assure against slope failure (see Appendix D).

3. Proposed projects involving modifications of established drainage patterns should be evaluated in terms of potential for altering land stability.

4. Loss of ground cover for moderately to steeply sloping lands may cause erosion problems by increasing runoff velocity and land slippage. Vegetative cover for moderately to steeply sloping areas shall be maintained.

~~Southwest Coastal CAC~~ Coastal and Stream Shorelands Goal: To conserve, protect, and where appropriate, develop the coastal and stream shorelands in the Southwest Coastal area. The following policies are in addition to those found in the Estuarine Resources and Coastal Shorelands Element.

Coastal and Stream Shorelands Policies

1. Grading, excavation or filling in the vicinity of the streams shall be carefully controlled in order to prevent sedimentation of the water. Filling of lands shall be prohibited within stream buffers.

2. In order to provide the greatest view potential for properties throughout the Rural Lands and Rural Service Area, the ~~Design Review Committee shall review the effects of new building plans on adjacent property in the RSA. The~~ building height shall be limited to 26 feet through the Community Plan area, with ocean front property limited to 18 feet subject to variances approved by the County Planning Commission.

   Those owners of vacant lots which are located in the "V Zone" of the Clatsop County Floodplain Map should be encouraged to apply for variances to the floodplain elevation height when restrictions are economically unfeasible and adjacent properties do not conform to floodplain elevations.

3. A buffer shall be provided along either side of Arch Cape Creek, Asbury Creek and other creeks and drainage ways critical to local water supply and erosion control in order to protect riparian vegetation, prevent loss of property due to erosion, and protect the aesthetic value of the streams. Buffers shall generally be 25 feet wide, measured perpendicular to the normal streambank unless the size of lot and natural topography would create a hardship. **A hardship variance may be considered by the Planning Commission or Hearings Officer** ~~The Advisory Design Review Committee may review the building permit and recommend to the Planning Commission a variance~~ based **o**~~p~~in the individual situation, but in no event shall an impediment or alteration be permitted in a natural drainage way.

4. Gravel removal from the streams shall be prohibited.

5. Placement of riprap or other shoreline protection on coastal beaches or stream shorelands shall only be permitted for lots where the protection is necessary to prevent an erosion hazard and only where development existing on January 1, 1977.

6. Development in the vicinity of Arch Cape Creek shall be designed in a manner that is compatible with the beauty of the area. Controls on the removal of vegetation or filling or alteration of the shoreline shall be included in the Zoning Ordinance.

7. Open space or neighborhood park sites should be encouraged as part of subdivisions or planned developments.

8. Activities of the State Parks Division which pertain to the Southwest Coastal planning area shall be reviewed by ~~the Citizen Advisory Committee through~~ the **Community Development** Department ~~of Planning and Development~~ to insure their compatibility with the community.

9. Emergency vehicles shall have access to the beach at all times. All other vehicles shall be prohibited from beach access south of Hug Point to the County line. The County supports the vehicle restrictions on the beach north of Hug Point.

Recommendation

1. Access points to the beach and streams should be provided for at the ends of platted and vacated streets, and shall not be unnecessarily impeded by shoreline protection, flood protection, and other structures. Access to the beach where possible should be made passable for the elderly or other persons with limited mobility. Further work needs to be done on who would maintain these access points.

2. It is recommended that horse traffic on the beach at Arch Cape should not be allowed by the Department of Transportation.

3. Mapping of the drainage systems in the planning area is necessary and should be considered as a future project when funds become available.

Headlands and Points Policies

1. The Arch Cape headland represents an important scenic landmark for the community, the region and the State. Although the upper portions of the headland lie within the boundaries of Oswald West State Park, the lower area abutting Arch Cape creek east of Highway 101 is not part of the area inventoried as a headland. It is privately owned and may be developed in the future. Development is this area shall be carefully controlled to insure that it is compatible with the headland. This may be accomplished by the maintenance of existing trees and natural vegetation, the requirements of the use of natural building materials such as cedar and stone, and the maintenance of low profile structures. As previously mentioned, buffers should be required adjacent to the Oregon Coast Trail, and the Arch Cape Creek. In addition, see Rural Service Area policy number 7.

Coast Range Foothills, Basaltic Highlands, Sedimentary Uplands Policies

1. These landscape units are resource units and should be reserved primarily for timber production, wildlife habitat, recreation and mineral resources.

CRITICAL HAZARD AREAS

~~SOUTHWEST COASTAL~~ **Landslides/Erosion** Goal: To prevent hazards to people and property through the use of reasonable building controls.

Policies

1. Chapter 70 of the Uniform Building Code should be applied to all development within the Southwest Coastal planning area.

2. In addition to where required in Chapter 70 of the Uniform Building Code, favorable site-specific investigations (conducted by qualified geotechnical experts at the developer's expense) shall be prerequisites for the issuance of building or excavation permits in any area recognized as geologic hazard area as shown on the Hazards map included herein.

3. Density of development in the RURAL SERVICE AREA shall be related to the degree of slope present on the site, and shall conform to these categories:

   a. Zero to 12% slopes, moderate density (7,500 sq. ft.).
   b. 13% to 25%, low density (2 dwellings per acre).
   c. Greater than 25% slopes, very low density (1 dwelling per acre or less, depending on favorable geologic site investigation).

4. Densities may be increased for those areas affected by 3.b. and 3.c. to a maximum of 7,500 sq. ft. in a RURAL SERVICE AREA where site investigations indicate the area can withstand greater development, or may be reduced where evidence of landsliding is present or the site investigation is unfavorable.

5. Development on slopes or greater than 15% should generally leave the natural topography of the site intact. Existing vegetation, particularly trees, should be retained on the site. Cut and fill construction methods should be discouraged. Access roads and driveways should follow slope contours in a manner that prevents rapid discharge, and prevents erosion. Excavations and fills should be controlled through the enactment of Chapter 70 of the Uniform Building Code. The policy will be enforced by the County Department of Planning and Development and Building Department with assistance from the County Engineer.

6. Vacating or re-platting of old subdivisions in hazardous or in steeply sloping areas shall be encouraged through the use of incentives such as waiving fees.

7. Shoreline protective devices such as seawalls, revetments or dikes shall be evaluated for their impacts on adjacent property, visual impacts, impact on public access, and potential public costs. Beachfront protective devices shall be evaluated, both those located east and west of the State Zone Line.

8. Construction on poles or pilings shall be the preferred method of construction in areas of storm drainage problems (identified above). Where filling is proposed, the amount of fill shall be the minimum necessary for the placement of structures or driveways.

COMMUNITY CONCERNS

~~Southwest Coastal CAC~~ **Housing** Goal: To provide for a wide range of housing needs in the community. To maintain the current residential character of the community.

Policies

1. A high quality of housing in the area shall be promoted through the use of the natural landscape, existing vegetation, and good design.

2. Planned development and re-platting old subdivisions shall be encouraged in order to preserve steep slopes and other sensitive areas in their natural condition.

3. Housing developments and subdivisions should be designed to emphasize the rural, coastal appearance of the community; that is, less emphasis should be placed on curbs, sidewalks, and wide streets and more emphasis placed on the maintenance of trees, natural drainages, open space and larger lot sizes.

4. Housing shall be developed where services are readily available. Subdivision of land and planned development shall be allowed only where septic tank, sewer and water capacity is sufficient to meet its needs.

5. Housing for low and moderate income persons should be encouraged in Arch Cape through agencies such as the County Housing Authority, Northwest Oregon Housing Association, Farmers Home Administration, U.S. Department of Housing and Urban Development, and the State Housing Division.

~~Southwest Coastal CAC~~ **Public Facility** Goal: To provide public facilities and services capable of meeting existing and future needs at appropriate levels for the RURAL SERVICE AREA and RURAL areas in the most cost effective manner.

Policies

1. No filling shall be permitted which would raise the water level on adjacent property, or overtax existing storm drains. Developers shall be responsible for installing storm drainage systems the distance necessary to drain their property and property in those areas which may be affected.

2. All developments shall indicate on the plot plan or building plans how storm water is to be drained. The Planning Commission or Building Official shall require the installation of culverts, dry wells or retention facilities in developments with major storm drainage impacts.

3. Developments shall be allowed only if the systems (water, sewer, and fire protection) are capable of supporting increased loads. Phasing of development may be allowed if improvement of public facilities is assured by the time construction and the additional loads are anticipated.

4. Utility rights-of-way, where not located within highway rights-of-way, should be reserved for future utilization as part of a greenbelt or pathway.

5. If water and sewer services are to be utilized either in the development of a subdivision or the building of individual residences, the local water and sewer districts shall approve the development prior to the issuance of either plat approvals or building permits.

RURAL SERVICE AREA

1. All new development including single lots shall install underground utilities such as electricity, telephone, and television cable. Efforts to place existing lines underground in already developed areas should be encouraged.

2. Any extensions of utilities to new developments within the respective boundaries of Arch Cape Service District and Arch Cape Water Service District shall be financed according to the determination of the appropriate governing body. In determining the proper financing for such extensions, the governing body shall take in consideration the benefit, if any, occasioned by extension of the system, new demands placed on the system, increased costs of maintenance, operation, improvements and depreciation, and other factors relevant to distributing the benefit and burdens occasioned by the system's extensions.

3. New development within the service districts' boundaries shall bear an appropriate share of capital costs, capital improvement costs, and operation and maintenance costs of the respective district. Monies acquired from such new construction through connection charges will be used for improvement and depreciation of the utility systems as designated by the governing body of the respective district. Costs of expanding the system's capability will be borne according to the determination of the governing body of the district, and the methods of financing selected to pay for the system's expansions.

4. Sewer or water services will not be extended outside of the RURAL SERVICE AREA.

5. If water and sewer services are to be utilized either in the development of a subdivision or the building of individual residences, the local water and sewer district shall approve the development prior to the issuance of either plat approval or building permits.

~~6. Representatives of the Arch Cape community who serve on County designated liaison committees in the RURAL SERVICE AREA shall be nominated by the Southwest Coastal Citizen Advisory Committee to served three year terms, and confirmed by the County Commissioners. Examples of such liaison committees are Water and Sewer Committees and Advisory Design Review Committee.~~

RURAL LANDS

1. The capacity of rural water systems will be limited to that necessary for development at rural densities.

2. If water service is to be utilized, either in the development of a subdivision or the building of individual residences, the local water district shall approve the development prior to issuance of plat approvals or building permits.

CONSERVATION FOREST LANDS AND CONSERVATION OTHER RESOURCES

1. Public facilities will be discouraged from developing in these Plan designations.

2. Forest lands shall be designated Conservation Forest in the County's Comprehensive Plan. When considering a zone change to a forest zone, the Planning Commission or other reviewing body shall review the proposal against the acreage, management, and other approval criteria in County-wide Forest Lands Policies #19, #20, and #21.

NATURAL

1. There will be no public facilities in this Plan designation.

Recommendations

1. The County Sheriff's Department should hold some informational meetings in the area on crime prevention.

2. All the watersheds in the planning area need to be more clearly defined and mapped. Additionally each watershed has individual problems which need to be identified.

~~Southwest Coastal CAC~~ **Transportation** Goal: To maintain an efficient and safe transportation system in keeping with the character of the community.

Policies

1. Access points onto U.S. Highway 101 shall be kept to a minimum to reduce the potential for accidents. New subdivisions or larger developments shall use common frontage roads, and lots shall be designed so as not to front or have access onto the highway.

2. Streets in new developments shall be designed to minimize disturbance of the land by following contour lines and avoiding cut-and fill construction techniques.

3. Unnecessary rights-of-way should be used as greenbelts, walking trails or bike paths where appropriate.

4. A buffer of existing or planted vegetation should be left between all developments and U.S. Highway 101 to reduce the effects of traffic on residences and to maintain the scenic character of the highway.

5. Improvements of U.S. Highway 101 in the Arch Cape area which involve a major action shall be reviewed by the CAC to insure it is compatible with the community. Major action as defined by the Oregon Action Plan: an action involving substantial planning, time, expenditures or environmental impact.

6. The County and State should continue in maintaining the visual clearance to oncoming traffic on U.S. 101.

7. Not only is it necessary for the County to adopt road standards which provide for economical and proper maintenance, but standards which consider the particular areas and the desires of the local citizens. To that end this plan encourages road standards which are suited to the character of development in the area. These roads generally are narrow, containing several dead ends, and serving few permanent users.

8. The County shall support the Clatsop County Senior Bug System for senior citizens and the handicapped.

Recommendation

1. At the time County roads in Arch Cape are improved, speed controls such as speed limits or caution signs should be examined.

~~Southwest Coastal CAC~~ **Open Space, Historic, Recreation, Scenic and Natural Areas** Goal: To preserve the open space and recreation qualities of Arch Cape Creek, the beach, and the surrounding forested areas.

Policies

1. The County shall support the efforts of the state in the improvements of bike lanes.

2. Open space or neighborhood park sites should be included as part of subdivisions or planned developments.

3. Activities of the State Parks Division which pertain to the Southwest Coastal area shall be reviewed by the Citizen Advisory Committee to insure their compatibility with the community.

4. The County shall cooperate with the State Parks Division to retain the scenic values of the Oregon Coast Hiking Trail. Development adjacent to the trail along Leech Avenue shall be designed in a manner that is harmonious with the Trail.

5. All development on highly visible promontories shall be evaluated for its effect on scenic vistas, both from the beach and Highway 101.

6. Because of the limited access and land area at the mouth of Arch Cape Creek and the potential conflict with the adjacent residential neighborhoods, a regional park or recreation site in this vicinity is not desirable. Regional parks are not intended to be a permitted use within Rural Service Areas. Parks and recreation sites within such communities are intended to be neighborhood oriented, low impact in terms of traffic generation, and designed in a compatible manner with the surrounding environment.

7. The County shall encourage the State Fish and Wildlife Commission to expand on a greater educational program on the marine organisms inhabiting the tidal pool areas. Additionally, greater enforcement of the existing regulations is needed with new daily limit standards to insure protection.

8. Wildlife refuges:

Existing wildlife refuges which are owned/leased and managed by the Oregon Department of Fish and Wildlife (ODFW) located in areas designated Conservation Forest or in other lowland areas under any plan designation shall be reviewed by the County for compliance with the approval standards listed below. Such hearings shall be conducted according to a Type IV procedure at a time and place convenient to residents of the affected planning area. ODFW shall provide an evaluation of the economic, social, environmental and energy consequences of the proposal information sufficient to support findings with respect to the following approval criteria:

1. Identification of the need for the proposed new wildlife management area. "Need" means specific problems or conflicts that will be resolved or specific ODFW objectives that will be achieved by establishing the proposed area.
2. Alternative lands and management actions available to the ODFW, and an analysis of why those alternatives or management actions will not resolve identified problems or achieve objectives.

Recommendation

1. The County should make formal request to the State Fish Commission to have the "tidepool" areas declared "prohibited areas", or at least make collecting subject to permit. Local and State law enforcement officials should be made aware of the new status of these tidepools, until the Fish Commission can provide proper patrols. Perhaps during the summer months, when tourism is heaviest, trained persons could be hired to provide an educational function at the tidepools, as well as enforcement. Regardless, these areas should be posted at points of access informing people of the necessity of protecting the animals.

Development Patterns

Growth Policies

1. Large developments with sudden or massive impacts on the community and its services shall be discouraged. Developments shall be phased in an orderly manner in order to avoid disruption of the community.

2. Future residential development along U.S. Highway 101 shall be buffered from the highway in order to maintain the scenic corridor.

3. Chapter 70 of the State Uniform Building Code shall be enacted and enforced to control filling and grading.

4. Cut and fill techniques of land development shall be discouraged. Filling of lots or property shall be carried out only after a site investigation to insure that adjacent property will not be affected by drainage or storm water, erosion or visual intrusion onto other property.

5. All wetlands proposed for filling shall be examined by the Division of State Lands and the U.S. Army Corps of Engineers to determine if permits are required.

Rural Service Area Development

~~Southwest Coastal CAC Goal:~~ To maintain the low density, residential character of Arch Cape.

Policies

1. The standard building site in the Rural Service Area shall be at least 7,500 square feet, unless smaller lots existed in single or contiguous ownership prior to the adoption of the Community Plan. Those persons who have paid or been assessed as of January 1, 1976 for two sewer connection fees with a parcel of 10,000 square feet or more would be allowed to divide their parcel in two.

2. In areas of steep slopes lot sizes shall be increased to account for these factors.

3. The designated Rural Service Area shall be limited to a land area capable of being serviced by community water, sewer, and fire protection systems based on a reasonable projection of growth.

4. The zoning and subdivision ordinances shall be used in establishing development standards as they relate to the Rural Service Area. Emphasis shall be on maintaining natural vegetation and terrain when siting development, and fitting structures into the landscape rather than allowing them to dominate.

5. Commercial development shall be restricted to the existing commercial area and shall be limited to neighborhood commercial uses such as grocery store, a gas station, a community motel with a minimum land area of 2,500 square feet per unit, and other small-scale, locally-oriented businesses.

6. There is a large parcel of land south of Arch Cape Creek and east of Highway 101. It abuts Oswald West State Park. The area has been previously platted. In order to protect the scenic values of the Arch Cape headland and Oswald West State Park the old plat shall be vacated or replatted prior to development of the tract. Clustering shall be required and directed away from the headland and State Park.

~~Recommendation~~

~~1. The Southwest Coastal CAC shall initiate a study of the feasibility of establishing a local governing body for the Arch Cape Rural Community and, if the study is favorable, should take further action.~~

Southwest Coastal ~~CAC~~ Goal: To maintain high quality of residential development in keeping with the natural environment through the use of design standards.

Policies

1. Design review standards shall ~~be recommended~~ **apply to**~~for~~ all construction in the Rural Service Area (Arch Cape Rural Community) ~~to the Planning Commission, by the Advisory Design Review Committee~~. Standards shall apply to new commercial or residential construction, subdivision, site development, street construction or placement of public utilities.

~~2. Design standards shall be included in a special "design overlay zone", applicable in the Rural Service Area.~~

~~Southwest Coastal CAC~~ Goal: To encourage the use of natural features of the land, such as existing topography and vegetation.

Policies

1. Design review standards shall require minimal disturbance of the landscape in land development and shall address the removal of trees, grading and excavation, protection of views of adjacent property, road construction and placement of utilities.

2. Future development along U.S. Highway 101 shall be buffered from the highway in order to maintain the scenic corridor.

3. Cut and fill techniques of land development shall be discouraged. Filling of lots or property shall be carried out only after a site investigation to insure that adjacent property will not be affected by drainage or storm water, raised flood elevations, erosion or visual intrusion onto other property.

~~4. Board of County Commissioners shall establish a Design Review District in the Rural Service Area. The members of the Advisory Design Review Committee shall be appointed by the Board of Commissioners to serve three year terms.~~

Rural Lands

Policies

1. The minimum parcel size for building sites in Rural Lands areas shall be 20,000 sq. feet. Smaller parcels legally existed at the time of adoption of this Plan are grandfathered, the specifics of which shall be handled in the Zoning Ordinance.

2. To evaluate all rural proposals for subdivision, major partitions and new public facilities or services, such as fire station and water systems, for the possible generation of unwanted urbanization which is reflected in the objectives of Rural Lands.

3. All watershed areas need to be defined and development in the surrounding vicinity shall void degradation of the water quality.

Conservation Forest Lands and Other Resources

Policies

1. Commercial forest lands shall be excluded from future development of the Southwest Coastal area. Other undeveloped lands which are not owned by commercial timber production based on the forest site class shall be designated for resource protection.

2. Watersheds for the community water systems in the area shall be protected by the Forest Practices Act. Forest management in elevations above the watersheds, including road construction, shall take place only after the appropriate water districts are notified and efforts are made to prevent adverse impacts.

3. There shall be two building site intensities in Conservation Forest Lands areas designated for Small Woodland: 20 acres is within a fire and/or water district; 38 acres if within no districts. Commercial forest designation partition size shall be 80 acres.

4. Before designated forest land is changed to another use, the productive capacity of the land in each use should be considered and evaluated.

5. Before designated forest land is changed to another use, the impact of the proposed use should be considered on adjacent forest lands.

6. Transfer and/or consolidation of land for resource production is encouraged. No new lots for residential purposes shall be created on designated commercial forest land.

7. Residential development in areas designated for forest uses shall be minimized. Development adjacent to roads intended primarily for forest management and harvesting activities shall be discouraged.

Natural

Policies

1. Gull Rock, Castle Rock, Lion Rock, Jockey Cap, Unnamed Rock and the Needles shall be designated and preserved as Natural areas.

ATTACHMENT B

CLATSOP COUNTY

ORDINANCE 16-03
LEGISLATIVE TEXT AMENDMENTS RELATED TO THE SOUTHWEST CITIZENS ADVISORY COMMITTEE AND ARCH CAPE RURAL COMMUNITY OVERLAY

PROPOSED LAND AND WATER DEVELOPMENT AND USE ORDINANCE TEXT AMENDMENTS

Section 1.030. Definitions.

NEIGHBORHOOD/COMMUNITY ORGANIZATION: A non-profit, tax-exempt organization, including private homeowners' associations where membership goes with ownership (501 (c)(7)), and associations open to everyone in the community (501 (c)(4)). Such organizations need to provide the Community Development Department an Oregon Secretary of State certificate, tax exemption certificate, a copy of the bylaws showing the boundaries of the organization, and the person designated to receive mailed notices.

Section 2.110 Mailed Notice of a Public Hearing.

(2) Notice of the hearings governed by this section shall be provided:

(A) To the applicant; and

(B) To owners of record of property on the most recent property tax assessment roll where such property is located:

1) within 100 feet of the property which is the subject of the notice where the subject property is wholly or in part within an urban growth boundary; or

2) within 250 feet of the property which is the subject of the notice where the subject property is outside an urban growth boundary and not within a farm or forest zone; or

3) within 750 feet of the property which is the subject of the notice where the subject property is within a farm or forest zone; and

(C) To any n**N**eighborhood**/**~~or c~~**C**ommunity ~~o~~**O**rganization ~~recognized by the governing body and~~ whose boundaries include the site; and

(D) To the Oregon Department of Transportation (ODOT) for Type II A and Type III applications related to property within 750 feet of a state highway or that in the opinion of the Community Development Director may be found to have a significant impact on State facilities.

Section 2.115 Mailed Notice for a Type II procedure

(1) Notice of intent to issue a Development Permit shall be provided:

(A) To the applicant; and

(B) To owners of record of property on the most recent property tax assessment roll where such property is located:

4) within 100 feet of the property which is the subject of the notice where the subject property is wholly or in part within an urban growth boundary; or

5) within 250 feet of the property which is the subject of the notice where the subject property is outside an urban growth boundary and not within a farm or forest zone; or

6) within 750 feet of the property which is the subject of the notice where the subject property is within a farm or forest zone; and

(C) To any n**N**eighborhood**/**~~or c~~**C**ommunity ~~o~~**O**rganization ~~recognized by the governing body and~~ whose boundaries include the site.

(D) To the Oregon Department of Transportation (ODOT) for applications related to property within 750 feet of a state highway or that in the opinion of the Community Development Director may be found to have a significant impact on State facilities.

SECTION 3.060. ARCH CAPE RURAL COMMUNITY RESIDENTIAL ZONE (AC- RCR).

Section 3.062. Purpose and Intent.

The Arch Cape RCR zone is intended to accommodate the immediate and foreseeable demand for low density housing in Clatsop County's rural communities. This zone has been developed with the purpose to: (1) Allow residential development that is compatible with rural communities that wish to maintain a primarily single family rural residential character, (2) do not adversely impact adjacent resource lands, (3) allow for minimum lot sizes and densities, that will provide for an ultimate build out that is more commensurate with actual physical, and (4) environmental constraints, and the availability of community water and sewer facilities, and may provide for non-residential uses that are small in scale, intended for the needs of the local community or for people traveling through the rural community, and are compatible with surrounding uses.

Section 3.064. Development and Use Permitted.

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards.

(1) One family dwelling.
(2) Accessory Dwelling Unit (ADU) per section 1.030.
(3) Guest House per section 1.030.
(4) Accessory buildings per section 1.030 are permitted only as follows:
  (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
  (B) Accessory buildings in this zone shall be subordinate in size to the primary dwelling.
(5) Signs only as follows, subject to the provisions of S2.300:
  (A) Temporary signs.
  (B) Nameplates.
(6) Handicapped housing facility as defined in Section 1.030.
(7) Home occupation, Limited.
(8) Low intensity recreation.
(9) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
(10) Health hardship pursuant to Section S3.025, no public notice required.
(11) Temporary uses including use of a Recreational Vehicle during construction phase, subject to the provisions of Section 5.500.
(12) Short term rental subject to the provisions of Clatsop County Standards Document, Section S4.109.
(13) Land transportation facilities as specified in Section 3.035 with the exception of new public or private road development, See Section 3.066(12).

Section 3.066. Conditional Development and Use.

The following uses and their accessory uses are permitted under a Type II permit procedure subject to applicable development standards. Combined square footage of commercial uses, including their accessory uses occur in building or buildings that do not exceed the following area standards:

(1) Two family dwelling (duplex).

(2) Accessory uses may be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development Director provided that:

(A) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and

(B) Provided the property owner obtains the primary use development permit within one-year (1) from the date the accessory use development permit is issued; and

(C) A statement that the accessory use, during the one-year period prior to establishing the primary use is not intended for the storage of, or the establishment of a Recreational Vehicle use; and

(D) May be subject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare.

(3) Public or private elementary, middle, or high school.

(4) Home occupation.

(5) Churches or similar places of worship.

(6) Golf Course, driving range, country club, tennis club, and similar recreation uses provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.

(7) Park, playground, ball fields, or community center.

(8) Day nursery or day care center, provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.

(9) Buildings and uses of a public works, public service, or public utility nature, but not including equipment storage, repair yards, warehouses, or related activities.

(10) Bed and Breakfast establishment subject to the standards in Clatsop County Standards Document, Section S3.464 - S3.468.

(11) Temporary real estate office in a legally recorded subdivision.

(12) Any new public or private road development or road extension.

Section 3.068. Development and Use Standards.

The following standards are applicable to permitted uses in this zone.

(1) Lot sizes:

(A) Parcels not served by an approved public community sewer system, shall have a minimum parcel size of one (1) acre, and a minimum width of 120 feet.

(B) Parcels served by an approved community, municipal or public sewer system shall have a minimum parcel size of 7,500 square feet, and a minimum width of 60 feet with lot sizes varying according to the following requirements:

Slope	Minimum Lot Size/Density
0-12%	7,500 sq.ft./ 1 dwelling unit, 15,000 sq.ft./2 dwelling units

13-25%	7,500 sq.ft/1 dwelling unit 15,000 per acre, 2 dwelling units/acre
> 25%	1 dwelling unit/acre

(C) Lot size for conditional developments shall be based upon:
7) the site size need of the proposed use,
8) the nature of the proposed use in relation to the impacts on nearby properties, and
9) consideration of sewer district impacts and requirements, local setback and other criteria and standards of this ordinance.

(D) Maximum lot coverage for residential or non-residential use: 40%.
(E) Two family dwelling (duplex) minimum lot size 15,000 sq.ft.
(F) Cluster developments are subject to the provisions of S3.150-S3.161.
(G) Other development and use standards as required to meet State sanitation requirements and local setback and ordinance requirements.
(H) New development, lot width/depth dimension shall not exceed a 1:3 ratio.

(2) Required front yard setback, measured from the abutting edge of the right-of-way, when front line abuts:
(A) Major arterial: fifty feet (50).
(B) Minor arterial: thirty feet (30).
(C) Major collector: thirty feet (30).
(D) Minor collector: twenty-five feet (25).
(E) Local street: twenty feet (20).

(3) Required rear yard: twenty feet (20).
(A) Exception on corner lot: 5 feet.
(B) Exception when adjacent to resource zones, all structures: fifty feet (50).

(4) Required side yard:
(A) Minimum side yard: 10 feet, except on a corner lot, the minimum street side yard measured from the abutting edge of the right-of-way, shall be twenty feet (20)~~.~~ **;**
OR
(B) For lots of record created prior to September 30, 1980 that are less than the minimum lot size required, side yards shall be five feet (5)~~.~~
(C) **Notwithstanding (4)(A) and (4)(B), when the property is**~~Exception when~~ adjacent to resource zones, all structures: fifty feet (50). *[Staff Comment: Clarifying the hierarchy between these requirements.]*

(5) For lots abutting the oceanshore, the ocean yard shall be determined by the oceanfront setback line established by Section S3.015 Oceanfront Setback.

(6) **Accessory structures:**
(A) An accessory structure **that is less than ten (10) feet tall** ~~separated from the established main building~~ may be located in the required rear and side yard setback ~~except in the required street side of a corner lot~~ provided that it is no closer than five feet (5) to a property line, **except in the required street side of a corner lot per (4) above**. *[Staff Comment: changed sentence structure to be more clear]*
(B) Any accessory structure that is ten (10) feet or greater in height must meet the setback requirements of 3.068(2)-(4). *[Staff Comment: This addresses protection of ocean views]*

(7) Maximum building height: twenty-six feet (26), except for ocean front lots, which shall have a maximum height of eighteen feet.

The height of a structure is measured from the average grade of the undisturbed ground at the four principal corners of the proposed structure. To determine height:

(A) Construction/building plans submitted for use permitted in this zone shall show the elevations of the undisturbed ground prior to construction as measured at the four principal corners of the proposed structure on a plot plan. A permanently accessible control point shall be established outside of the building's footprint.

(B) Photographs of the undisturbed site shall be required. Photographs need not be professional or aerial photographs.

(C) To verify the height, a survey by a registered surveyor may be required by the Community Development Director.

(8) All new developments and cumulative or incremental expansion of an existing footprint greater than twenty-five percent shall indicate on the ~~building~~ **development** permit **application** how storm water is to be drained from the property or retained on site. The ~~Building Official or~~ County Engineer may require the installation of culverts, dry wells, retention facilities, or other mitigation measures, where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands or on slopes greater than twenty-five percent. *[Staff Comment: Need to add a fee for Public Works review to the County fee schedule.]*

(9) In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP).

(10) Conditional Development and Use are subject to the following limitations and requirements:

~~(A) The proposed development shall be consistent with the Clatsop County Comprehensive Plan.~~ *[Staff Comment: Unnecessary language – this is always the case.]*

~~(B) The proposed development shall include safe ingress and egress.~~ *[Staff Comment: This is already covered in the Standards Document – Chapter 2 Site-Oriented Improvements, Section 2.200-2.210 and Chapter 5 Vehicle Control and Circulation]*

~~(C)~~ Prior to final building permit approval any/all road damages created or exacerbated by the development activity shall be repaired, and the road returned to its previous condition or better.

(11) Exterior lighting shall be of a full cut-off design ~~as defined in Clatsop County's Zoning Ordinance Section 1.030~~. Glare shall be directed away from neighboring property or shielded in a manner not to cause offense (i.e. ~~F~~full ~~C~~cut-off ~~F~~fixtures). ~~A complaint from neighbors shall be cause for review of exterior lighting.~~ *[Staff Comment: Unnecessary language – standards for cutoff lighting would be used and complaints about any code violations will be reviewed.]*

(12) **Vegetation:**

(A) Where a buffer of trees exists along properties abutting Highway 101, a buffer of 25 feet in width shall be maintained or planted when the property is developed.

~~(13)~~ **(B)** A twenty-five (25) foot buffer of native, non-invasive vegetation combined with proper removal of noxious weeds shall be maintained along Arch Cape, Asbury Creek, ~~&~~ **and** Shark Creek.

(C) Vegetative hedges and fences that impede or have the potential to impede views shall be maintained at or below **six (6)** feet. Hedges ~~&~~ **and** fences extending beyond the ocean front setback shall be maintained at or below **four (4)** feet.

(D) Preservation of Landscape. The landscape shall be preserved in its natural state to the maximum extent possible by minimizing tree, vegetation and soils removal. Cut and fill construction methods are discouraged. Roads and driveways should follow slope contours in a manner that prevents erosion and rapid discharge into natural drainages. Disturbed areas shall be re-vegetated with native species. *[Staff Comment: Moved from Section 4.103-Criteria for Design Review Evaluation (3)]*

(E) The setback for all structures shall be fifty feet (50) from the line of non-aquatic vegetation.

(14**3**) All planned development and subdivisions shall be required to cluster land uses and designate areas as permanent common open space. The development shall be reviewed according to Section 4.140 for Planned Developments or Clatsop County Standards Document, Section S3.150 for Cluster Developments. The minimum percentage of common open space shall be 30% excluding roads and lands under water.

~~(15) The setback for all structures shall be fifty feet (50) from the line of non-aquatic vegetation.~~ *[Staff Comment: Moved to (12)(E)]*

~~(16) Vegetative hedges and fences that impede or have the potential to impede views shall be maintained at or below 6 feet. Hedges & fences extending beyond the ocean front setback shall be maintained at or below 4 feet.~~ *[Staff Comment: Moved to (12)(C)]*

(16**4**) All standards as set forth in the Clatsop County Standards Document, as amended.

Section 3.070 State and Federal Permits.

If any state or federal permit is required for a development or use, an applicant, prior to issuance of a development permit or action, shall submit to the Planning Department a copy of the state or federal permit. 2016020010

SECTION 3.252. RURAL COMMUNITY COMMERCIAL ZONE (RCC).

Section 3.254. Purpose and Intent.

This zone is located in the Rural Community of Arch Cape, Svensen, Westport, Miles Crossing and Jeffers Gardens. The RCC zone is intended to: (1) provide support for existing small concentrations of retail and commercial services; (2) contribute to community identity; (3) provide job opportunities within the community; (4) allow only those uses that are compatible with the surrounding uses considering varying environmental and other site constraints, and the availability of community water, sewer, or if such services are not available, such uses do not exceed the carrying capacity of the property to provide potable water and absorb waste; and (5) provide services for the community, surrounding rural, farm and forest areas, and traveling public. New commercial uses are those defined under state law as "small-scale, low impact" with building or buildings not to exceed 4,000 square feet of floor area, unless determined that large buildings are intended to serve the rural community, surrounding rural area or the travel needs of the people passing through the area. Expansion of an existing commercial use resulting in building or buildings exceeding 4,000 square feet of floor area are appropriate when the use is intended to serve the rural community, surrounding rural area or the travel needs of people passing through the area.

Section 3.256. Development and Use Permitted.

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards.

(1) Splitting and sale of firewood.
(2) Roadside stand, which shall be less than 120 sq. ft. in size, subject to provisions S5.032-S5.033.
(3) Low intensity recreation.
(4) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
(5) Handicapped housing facility.
(6) Land transportation facilities as specified in Section 3.035.

Section 3.258. Commercial Conditional Development and Use.

The following commercial uses and their accessory uses are permitted under a Type II permit procedure subject to applicable development standards provided that commercial uses occur in a building or buildings that do not exceed the following area standards:

(1) A retail grocery, bakery, delicatessen, confectionary or similar store including the preparation of foodstuffs for sale primarily on the premises, provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.

(2) A retail drug, variety, gift, antique, hardware, sporting goods, dry goods, music, florist, book, stationery, art gallery, or similar store provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
(3) A barber, beauty, tailor, shoe repair, laundromat, cleaners, photographic shop or similar personal service business provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
(4) Sporting equipment and other recreational equipment rental service provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
(5) An eating or drinking establishment provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
(6) An automobile service station, including auto fuel, towing and minor repair, excluding auto sales and auto storage provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
(7) Professional offices provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
(8) Park, or playground, ball fields, or community center.
(9) Churches or similar places of worship.
(10) Veterinary clinic provided the square footage of the building or buildings devoted to the care of household pets does not exceed 4,000 square feet of floor area.
(11) Medical and dental offices provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
(12) Buildings and uses of a public works, public service, or public utility nature, that may include equipment storage, repair yards, warehouses, or related activities.
(13) Instructional or vocational schools, such as dance studio, karate, theatre, music, computer science provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
(14) Communication Facilities subject to the provisions of Clatsop County Standards Document S4.700.
(15) Farm or garden supply, equipment sales and repair.
(16) Mini-storage.
(17) Legally existing and allowed uses (as of the effective date of this ordinance) may continue as permitted uses.
(18) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-17 above subject to the provisions of section 5.060, provided building or buildings for each commercial use does not exceed 4,000 square feet of floor area.

Section 3.260. Conditional Development and Use.
The following uses and their accessory uses are permitted under a Type II-a permit procedure subject to applicable development standards and site plan review.

(1) Expansion of commercial building or buildings, existing on (date of this ordinance) where the total floor area for the commercial use exceeds 4,000 square feet provided the commercial use, intended to occupy more than 4,000 square feet of floor area, is intended to serve the rural community, the surrounding rural area, or the traveling needs of people passing through the area.

(2) Mixed Use or Residential developments in association with a Commercial or Retail component that is permitted or conditional. Residential development shall be located above or behind the permitted or conditional use.

(3) A hotel, motel, lodge, resort, inn, or other enclosed tourist/traveler accommodations, provided:
   (A) It is served by a community sewer system,
   (B) Does not have over 35 units, and
   (C) Each commercial use associated with the lodging shall not exceed 4,000 square feet (i.e. Gift Shop, Office, Restaurant, etc).

(4) Recreational Vehicle (RV) Park subject to the following provisions:
   (A) Density, Maximum fifteen (15) RV spaces per acre.
   (B) Minimum 30-foot setback to any adjoining residential zone.
   (C) Minimum 50-foot setback to any adjoining resource zone.
   (D) Subject to meeting the State Building Code requirements; and
   (E) Subject to provisions of Clatsop County Standards Document, S.3.550 – S3.552 (2)(A)(F)(I)(J)(K) and (3)-(10) inclusive.

Section 3.262. Development and Use Standards.

The following standards are applicable to all permitted Type II uses in this zone.

(1) Plan review and approval: No building permit or other permit for construction or alteration of any building structure or use in this zone shall be issued until plans have been reviewed and approved by the Community Development Director in order to evaluate the conformity with the performance standards of this zone and the Comprehensive Plan and the compatibility of vehicular access, signs, lighting, building placement and designs, landscaping, adjoining uses and location of water and sewage facilities.

(2) Standards:
   (A) Air quality: The air quality standards set by the Department of Environmental Quality shall be the guiding standards in this zone, except that open burning is prohibited in any case.
   (B) Noise: As permitted under all laws and regulations.
   (C) Storage: Materials and or equipment shall be enclosed within a structure or concealed behind sight-obscuring screening.
   (D) Fencing: Allowed inside a boundary planting screen and where it is necessary to protect property or to protect the public from a dangerous condition. The proposed fence locations and design will be subject to Community Development Director review and approval.
   (E) Buffer: Where the RCC zone adjoins a zone other than RCC, there shall be a buffer area of depth adequate to provide for a dense evergreen landscape buffer which attains a minimum height of 8-10 feet, or such other screening measures as may be prescribed by the Community Development Director in the event differences in elevation or other circumstances should defeat the purpose of this requirement. In no

case shall the buffer area have less width than the required 50-foot setback of this zone.

(F) Vibration: No vibration other than that caused by highway vehicles, trains and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.

(G) Heat and glare: Except for exterior lighting, operations producing heat or glare shall be constructed entirely within an enclosed building.

(H) Lighting: Exterior lighting shall be directed away from adjacent property, with cutoff lighting required, when adjacent to a residential zone.

(3) Density Provisions:

(A) The minimum lot width shall be 75 feet.

(B) Other permitted development standards as required to meet State sanitation requirements and local setback and ordinance requirements.

(C) Lot width/depth dimension shall not exceed a 1:3 ratio.

(4) Setback requirements:

(A) Front yard setbacks: 25 feet.

(B) Side and rear yard when abutting a residence or residential zone: 10 feet.

(C) For lots of record created prior to September 30, 1980 that are less than minimum lot size required side yards shall be 5 feet.

(D) The setbacks for all structures shall be thirty-five feet (35) from the line of non-aquatic vegetation.

(E) All structures shall be a minimum of fifty feet (50) from adjacent resource zones.

(5) Building height:

(A) The maximum building height for commercial uses shall be 35 feet.

(B) The maximum building height for light industrial uses shall be 45 feet, except when within 100 feet of a residential zone, the height shall be 35 feet.

(6) Building size:

(A) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 3.258 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 that is intended to serve the rural community, 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 12,000 square feet unless an exception to goal 14 has been acknowledged pursuant to ORS 197.625.

~~(7) Off-street parking requirements: Off-street parking shall be subject to Clatsop County Standards Document, Section S2.200 of the Development and Use Standards Document.~~ *[Staff Comment: Unnecessary – it's already a requirement.]*

(8) An accessory structure ~~separated from the main building~~ may be located in the required rear or side yard, except in the required street side of a corner lot, provided that it is not less than ten (10) feet to a property line.

(9) All new developments and cumulative or incremental expansion of an existing footprint greater than twenty-five percent shall indicate on the **development** ~~building~~ permit **application** how storm water is to be drained from the property or retained on site. The ~~Building Official or~~ County Engineer may require the installation of culverts, dry wells, retention facilities, or other mitigation measures where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands or on slopes twenty-five percent or greater. *[Staff Comment: Need to add a fee for Public Works review to the County's fee schedule]*

(10) In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP).

(11) Developments adjacent to or across the street from residential zones shall be contained within an enclosed building or screened from the residential district with a sight obscuring fence or vegetation.

(12) All standards as set forth in the Clatsop County Standards Document, as amended.

(13) Additional Standards in the Arch Cape RCC zone:

(A) Preservation of Landscape. The landscape shall be preserved in its natural state to the maximum extent possible by minimizing tree, vegetation and soils removal. Cut and fill construction methods are discouraged. Roads and driveways should follow slope contours in a manner that prevents erosion and rapid discharge into natural drainages. Disturbed areas shall be re-vegetated with native species. *[Staff Comment: Moved from Section 4.103-Criteria for Design Review Evaluation (3)]*

(B) Utility Service. All new service lines shall be placed underground. *[Staff Comment: Moved from Section 4.103-Criteria for Design Review Evaluation (4)]*

(C) Exterior lighting shall be of a "full cut-off" design. Glare shall be directed away from neighboring property or shielded in a manner not to cause offense (i.e. ~~F~~full ~~C~~cut-off ~~F~~fixtures). *[Staff Comment: Moved from Section 4.103-Criteria for Design Review Evaluation (5)]*

Section 3.264 State and Federal Permits

If any state or federal permit is required for a development or use, an applicant, prior to issuance of a development permit or action, shall submit to the Planning Department a copy of the state or federal permit.

Section 4.100. ARCH CAPE RURAL COMMUNITY OVERLAY DISTRICT (/RCO).

[Staff Comment: Review of proposed development will still take place, but it will be done using the development and use standards found in the relevant zoning districts, as it is elsewhere in the County.]

~~**Section 4.101. Purpose.**~~

~~This section provides for the comprehensive review of proposed developments within the Arch Cape Rural Community Overlay District. The intent of the overlay is to ensure development occurs in a manner that preserves scenic views and promotes attractive development within the boundaries of the rural community. In addition the Arch Cape Rural Community Overlay District outlines procedures and criteria for developments that require variances or are of a non-conforming nature.~~

~~**Section 4.102. Types of Review.**~~

~~All development which is situated within the /RCO District Boundary that falls under the thresholds in this section shall be subject to the Criteria for Design Review Evaluation, Section 4.103 and Article 2, Procedures for Land Use Applications.~~

(2) ~~The following types of projects shall require review according to the Type II procedure, Section 2.020. For purposes of these types of Major projects, review by the Design Review Advisory Committee as described in Section 4.108, is required.~~

~~(A) Any new residential development proposing to construct a dwelling as described in Section 1.030 (Dwelling Types).~~

~~(B) Any new commercial development proposing to construct structures devoted to a commercial use.~~

~~(C) Any new commercial development creating additional cumulative square footage.~~

~~(D) Any new residential development creating additional cumulative square footage.~~

~~(E) Accessory buildings in residential zones.~~

~~(F) Accessory buildings associated with commercial developments and containing no residential units.~~

~~(G) Development and Construction of public or private roads.~~

~~(H) Any Change in Use, Variance Request, Conditional Use Permit, or Other Use Requiring Review through Type II, III, or IV procedures with exception of those described in 4.109(2).~~

(3) ~~The following types of projects shall require design review according to the Type II Procedure, Section 2.020. For purposes of these types of Minor projects, review by the Design Review Advisory Committee as described in Section 4.108, is not required.~~

~~(A) Any project that requires a building permit and does not result in the expansion of the exterior dimensions and/or footprint.~~

~~(B) If the Community Development Director determines that a development may significantly impact adjoining properties with respect to location, bulk, compatibility, views, preservation of existing landscape, or other applicable criteria identified in Section 4.103, the application will be forwarded to the Design Review Advisory Committee for review.~~

~~**Section 4.103. Criteria for Design Review Evaluation.**~~

~~In addition to the requirements of the Comprehensive Plan, other applicable sections of this Ordinance and other County Ordinances, the following minimum criteria will be considered in evaluating design review applications:~~

(1) ~~Relation of Structures to Site. The location, height, bulk, shape, and arrangement of structures shall be in scale and compatible with the surroundings.~~ *[Staff Comment: This criterion is too subjective. It will be addressed generally through the existing standards in the AC-RCR zone Section 3.068, which includes height restrictions, setbacks, lot coverage]*

(2) ~~Protection of views shall be preserved through the confines of this ordinance section 3.068.~~ *[Staff Comment: This is already regulated by existing standards in Section 3.068 of the AC-RCR zone, as referenced by this criterion. A standard was added to AC-RCR Section 3.068-Development and Use Standards that limits the height of accessory structures allowed in the required setbacks to protect view corridors.]*

(3) ~~Preservation of Landscape. The landscape shall be preserved in its natural state to the maximum extent possible by minimizing tree, vegetation and soils removal. Cut and fill construction methods are discouraged. Roads and driveways should follow slope contours in a manner that prevents erosion and rapid discharge into natural drainages. Disturbed areas shall be re-vegetated with native species.~~ *[Staff Comment: This was moved to AC-RCR Section 3.068-Development and Use Standards and a new Arch Cape subsection in RCC Section 3.262-Development and Use Standards.]*

(4) ~~Utility Service. All new service lines shall be placed underground.~~ *[Staff Comment: This was moved to AC-RCR Section 3.068-Development and Use Standards and a new Arch Cape subsection of RCC Section 3.262-Development and Use Standards.]*

(5) ~~Exterior lighting shall be of a "full cut-off" design. Glare shall be directed away from neighboring property or shielded in a manner not to cause offense (i.e. Full Cut-off Fixtures).~~ *[Staff Comment: Redundant – already covered in AC-RCR Section 3.068-Development and Use Standards; Also moved to new Arch Cape subsection in RCC Section 3.262-Development and Use Standards]*

(6) ~~Buffering and Screening. In commercial zones, storage, loading, parking, service and similar accessory facilities shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.~~ *[Staff Comment: This is already covered in RCC Section 3.262-Development and Use Standards – (E) Buffer]*

(7) ~~Vehicle Circulation and Parking. The location of access points to the site, the interior circulation pattern and the arrangement of parking in commercially zoned areas shall be designed to maximize safety and convenience and to be compatible with proposed and adjacent buildings. The number of vehicular access points shall be minimized.~~ *[Staff Comment: This is already covered in the Standards Document – Chapter 2 Site-Oriented Improvements, Section 2.200-2.210 and Chapter 5 Vehicle Control and Circulation]*

(8) ~~Signs. The size, location, design, material and lighting of all exterior signs shall not detract from the design of proposed or existing buildings, structures or landscaping and shall not obstruct scenic views from adjacent properties.~~ *[Staff Comment: This criterion is too subjective. Standards Document Section 2.3000 Sign Requirements (6) allows individual signs in commercial zones up to 32 square feet.]*

(9) ~~Surface Water Drainage. Special attention shall be given to proper surface water drainage from the site so that it will not adversely affect adjacent properties or the natural or public~~

~~storm drainage system.~~ *[Staff Comment: This is already addressed in AC-RCR Section 3.068-Development and Use Standards (8); and RCC Section 3.262-Development and Use Standards (9)]*

(10) ~~In addition to compliance with the criteria as determined by the hearing body and with the requirements of sections 1.040 and 1.050, the applicant must accept those conditions listed in Section 5.025 that the hearing body finds are appropriate to obtain compliance with the criteria. All permit criteria and conditions must be satisfied prior to final building approval and occupancy.~~ *[Staff Comment: Unnecessary-this is always true.]*

~~**Section 4.104. Application Procedure.**~~ *[Staff Comment: Would no longer be applicable.]*

~~The following procedure shall be followed when applying for design review approval:~~

~~(1) Pre-application Conference. The applicant shall discuss the proposed development with the staff of the Clatsop County Department of Community Development in a pre-application conference pursuant to Section 2.045.~~

~~(2) Following the pre-application conference, the applicant shall file with the Planning Director a design review plan, which shall include the following:~~

~~(A) The Site Plan shall indicate:~~

~~*i.* All adjacent structures within 100'.~~

~~*ii.* All existing trees 6" caliper or greater, indicating any tree to be removed.~~

~~*iii.* Existing grades in contours of 1' vertical intervals.~~

~~*iv.* Proposed final grading in contours of 1' vertical intervals.~~

~~*v.* The finished site arrangement and landscape features(pedestrian walks, fences, walls, landscaping, etc.)~~

~~*vi.* The location of entrances and exits and the direction of traffic flow into and out of off street parking and loading areas.~~

~~*vii.* Utility lines and services and how they are being provided.~~

~~*viii.* A drainage plan for storm water runoff and retention (bio-swales, drywells, retention ponds, etc.)~~

~~(B) Elevations of the structure(s) illustrating the relation to undisturbed average grade. Per Section 3.068 §7C, a licenses surveyor shall install a benchmark on or near the property to provide vertical control for the project. Proposed developments within two (2) feet of the building height limit will be required to have a licenses surveyor certify the building height, prior to requesting final building inspection. (**It is recommended that the contractor verify height at the framing stage prior to sheathing**)~~

~~If applicable, Site Section(s) showing how the proposed structure protects ocean and scenic views per 4.103 (2).~~

~~**Section 4.105. Plan Evaluation Procedure.**~~ *[Staff Comment: Would no longer be applicable.]*

~~The following procedure shall be followed in processing a design review plan:~~

~~(1) Upon receipt of a design review application and plan, the Community Development Director will examine it to determine whether it is complete (and consistent with the requirements of this~~

~~(2) Section). If found to be complete, the Community Development Director shall determine whether the application will require Minor or Major Review under Section 4.102(1-2)(Types of Review). If the request is considered a Major Review under Section 4.102(1)(Types of Review), the Director shall forward the application and plans to the Design Review Advisory Committee for its review and recommendation.~~

~~(3) The Design Review Advisory Committee will review the application and plan at its first regularly scheduled meeting and shall make a written recommendation to the Planning Director within 21 days after receipt of the application.~~

~~(4) The Community Development Director may approve the design plan, disapprove it or approve it with such modifications and conditions as may be required to make it consistent with the Comprehensive Plan, with the criteria listed in this Section and with other Sections of this Ordinance.~~

~~(5) A decision on a design review plan shall include written conditions, if any, and findings and conclusions. The findings shall address the relationships between the plan and the policies and criteria listed in the Comprehensive Plan, this Section and other Sections of this Ordinance.~~

~~(6) The Community Development Director's decision shall be mailed within seven (7) working days to the applicant and to owners of land entitled to notification. The same mail, when appropriate, shall include notice of the manner in which an appeal of the decision may be made.~~

~~(7) Appeals. See Section 2.230 for appeal procedure.~~

~~**Section 4.106. Modifications of Approved Design Review Plan.**~~ *[Staff Comment: Would no longer be applicable.]*

~~Proposed changes shall be submitted in writing to the Community Development Director for approval. Minor changes requested by the applicant may be approved if such changes are consistent with the purposes and general character of the original approved application. All other modifications shall be processed in the same manner as the original application.~~

~~**Section 4.107. Time Limit on Approval.**~~ *[Staff Comment: Would no longer be applicable.]*

~~Site design approvals shall be void after one (1) year unless a building permit has been issued and substantial construction has taken place per the International Building Code. However, the County may, at the discretion of the Community Development Director, extend authorization for an additional year upon request, provided such request is submitted in writing not less than 10 days nor more than 30 days prior to expiration of the permit.~~

~~**Section 4.108. Design Review Advisory Committee.**~~ *[Staff Comment: Would no longer be applicable.]*

~~The Southwest Coastal Citizens Advisory Committee (CAC) shall serve as a Design Review Advisory Committee for Arch Cape and will review development proposals and make recommendations to the Community Development Director and Planning Commission concerning the design and scenic view aspects of proposed developments.~~

~~(1) Meetings/ Records. The committee shall hold regular meetings on the first and third Wednesday of each month at the Arch Cape Fire Hall or designated sites. However, meetings may be canceled when there are no design review plans submitted for review by the Committee. The deliberations and proceedings of the committee shall be public. The Community Development Department shall keep minutes of the committee meetings and such minutes shall be public record.~~

~~(2) The Design Review Advisory Committee shall submit their recommendations to the Community Development Director within seven (7) working days of their decision.~~

SECTION 4.109 ARCH CAPE SHORT TERM (VACATION) RENTALS.

This section regulates the short-term rental of dwelling units within the Arch Cape Rural Community Overlay District. *[Staff Comment: This is the only section within the overlay district that would still be in effect. The Board will be reviewing and discussing the potential for a countywide short-term rental program this summer. Pending the result of that discussion, the short-term rental program will be moved to the County Code of Regulations, either in its entirety or as part of a countywide program.]*

Section 4.110 Purpose.

The purpose of this section is to regulate short-term rentals to enhance livability and safety in the Arch Cape residential neighborhoods. Rentals of a short-term dwelling unit shall be limited to either a minimum period of seven (7) nights or, if for fewer than seven (7) nights, then to no more than one rental within a seven (7) night period. Use of a short-term rental by a record owner of a property shall not be considered to be a rental under this section.

4.111 Permit Required.

An owner shall obtain a revocable short-term rental permit whenever a dwelling unit (as defined in Section 1.030) is to be used for short-term rental purposes and shall comply with the requirements of the County's transient room tax ordinance (No. 90-7).

(1) A short-term rental permit shall be obtained prior to using the unit as a short-term rental.

(2) Short-term rental permits are issued & renewed annually by July 1st of the given year.

(3) Short-term rental permits are non-transferable, new owners will be required to attain new permits or register in accordance with 4.111(2) above.

(4) The short-term rental permit does not relieve the owner of the obligation to pay county room taxes.

(5) If the terms of the short-term rental permit are not met, the short-term rental permit may be revoked and the owner subject to penalties per Section 4.115.

Section 4.112 Short-Term Rental Permit Application Requirements.

An application for a short-term rental permit shall be completed on the form provided by the County and shall provide the following information:

(1) A list of all the property owners of the short-term rental including names, addresses and telephone numbers. Property ownership, for the purposes of this section, shall consist of those individuals who are listed on the Clatsop County Assessor's tax records.

(2) The applicant shall provide proof of payment for county room taxes annually pursuant to County Code Chapter 39.

(3) Completion of the inspection section of the application form by an Oregon Certified Home Inspector as defined by ORS 701.005(4), based on a visual inspection to certify the following:

(A) Compliance with the following standards:

1) There shall be one functioning smoke detector in each sleeping room, with a minimum of two functioning smoke detectors in each dwelling unit. There shall also be one Functioning fire extinguisher at each exit;

2) Exterior doors shall be operational. All passageways to exterior doors shall be clear and unobstructed.

3) Electrical systems shall be serviceable with no visible defects or unsafe conditions.

4) All fireplaces, fireplace inserts or other fuel burning heaters and furnaces shall be vented and properly installed.

5) Each sleeping room shall have an exterior exit that opens directly to the outside, or an emergency escape or rescue window.

(B) The number of sleeping rooms within the short-term rental, as defined in Section 4.113(4).

(C) The number of parking spaces on the subject property that meet the standards of Section 4.113(5).

(D) Inspection certifications shall be valid for a period of five (5) years and shall expire June 30th of the 5th year. Additionally Inspection certificates shall be required whenever modifications requiring a building permit are made to the dwelling unit(s).

(4) A site plan, drawn to scale, showing the location of buildings and required parking.

(5) The name, address and telephone number of a contact person, who shall be responsible, and authorized, to act on the owner's behalf to promptly remedy any violation of these standards.

(6) The contact person may be the owner or the designated agent who shall serve as a contact person.

(7) Statement that the applicant has met and will continue to comply with the standards in this section.

(8) Other information as requested by the County.

Section 4.113 Short Term Rental Standards.

All short-term rentals shall meet the following standards:

(1) A Short-Term Rental dwelling unit shall be limited to either a minimum period of seven (7) nights or, if for fewer than seven (7) nights, then to no more than one rental within a seven (7) night period.

(2) One rental (as defined in Section 1.030) per lot or parcel, excluding a caretaker residing in the Residence or ADU. A Guesthouse is **not** considered a dwelling unit and shall not be rented separately.

(3) All applicable County room taxes shall be paid pursuant to County Code Chapter 39.

(4) The maximum occupancy for each short term rental unit shall be calculated on the basis of two (2) persons per sleeping room plus an additional four (4) persons, up to a maximum of fourteen (14) persons. For this purpose, a sleeping room is defined as fully-enclosed habitable space with a heat source, and an emergency escape or rescue opening.

(5) Off-street parking shall be used if physically available and comply with S2.200-S2.210 applicable to single family or two family dwellings. On-street parking shall be used only when off-street parking spaces are not physically available. Parking is "physically available" when a garage or driveway can be emptied or materials removed so as to allow for the parking. The owner shall notify every renter in writing of these requirements and shall advise the renter where the off-street parking spaces to serve the unit are located. If on-street parking must be used, the renter shall use the parking along the frontage of the rental unit.

(6) A house number visible from the street shall be maintained.

(7) Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or littering and placed where they are not clearly visible from the street except between 5 am on the day prior to pickup and 5 pm on the day of pickup.

Section 4.114 Conformity Required; Display of Permits.

(1) The issuance of the short-term rental permit shall be subject to the continued compliance with the requirements of this section.

(2) The current short-term rental permit shall be permanently and prominently displayed inside and near the front entrance of the short term rental and provided to adjacent property owners within 100 feet of the property, and shall list the following:
- (A) The name, address and phone number of the owner and designated agent;
- (B) The maximum occupancy and vehicle limits for the short-term rental unit;
- (C) Identification of the number and location of parking spaces available;
- (D) A statement regarding how the parking standards under Section 4.113(4) are to be met;
- (E) A statement that it is illegal to leave litter on the beach (OAR 736-021-0090(4));
- (F) A statement that all fires on the beach must be extinguished before leaving the site of the fire (OAR 736-021-0120(4);
- (G) A statement that the short term rental permit may be revoked for violations;
- (H) A statement regarding how the garbage removal standards under Section 4.113(6) are to be met; and
- (I) Such other information as may be required by the County.

(3) The owners are responsible to ensure that current and accurate information is provided to the County.

Section 4.115 Compliance, Hearings and Penalties.

Owners of Short-Term Rental Units shall obey all applicable ordinances and regulations of the County and shall be subject to the enforcement and penalty proceedings contained in the applicable County Ordinances. Any property owner who operates a Short-Term Rental in violation of this section may be subject to the abatement and penalty provisions of ORS 203.065, 203.810, and ordinances adopted under the Clatsop County Charter. The enforcement provisions of Clatsop County Code Compliance Ordinance, Section 38 of the Clatsop County Code shall also apply, except where modified by this section. The following process shall be followed in the event of a complaint alleging a violation of this section or a permit issued under this section:

(1) The complaining party shall first attempt to contact the contact person designated on the permit and the notice posted on the Short-Term Rental, describe the problem and indicate the desired remedy.

(2) The contact person shall promptly respond to the complaint and remedy any situation that is out of compliance with this section or permit.

(3) If the response is not satisfactory to the complaining party, the complaining party may lodge a complaint with the County by submitting a written complaint including the time, date and nature of the alleged violation. The property owner shall allow the County to inspect any records related to the short-term rental dwelling unit upon request of the County.

(4) The County may initiate enforcement under Section 38 of the Clatsop County Code.

(5) In addition to any other remedy allow under Section 38 of the Clatsop County Code, the hearings body may do any of the following:

- **(A)** Take no action on the request for the revocation of the short-term rental permit;
- **(B)** Attach conditions to the existing short-term rental permit;
- **(C)** Require a new home inspection under Section 4.112(3);
- **(D)** Suspend the short-term rental permit;
- **(E)** Revoke the short-term rental permit; and/or
- **(F)** Prohibit an owner from obtaining a short-term rental permit for a period of up to five (5) years.

(6) Should a permit be revoked, the owner may not obtain any short-term rental permit sooner than one year after the date of revocation.

(7) Any property owner found in violation of the provisions of this ordinance shall be required to reimburse the County for its costs of enforcement including reimbursement of staff time, investigation costs, mailings, service fees, mileage and other costs related to the investigation and prosecution of the violation in question.

~~**SECTION 4.116 ARCH CAPE VARIANCE**~~

[Staff Comment: Redundant -- already covered verbatim in LWDUO Section 5.130 Variance]

~~**Section 4.117 Variance Procedure.**~~

~~(1) A variance to the development and quantifiable standards of this zone may be appropriate where: by reason of exceptional configuration, or by reason of other extraordinary and exceptional situations or conditions existing on a piece of property, the strict application of any regulations enacted under this Ordinance would result in peculiar, exceptional and undue hardship upon the owner of such property for which a variance is requested. Undue hardship upon adjacent property owners may also be considered. The Hearings Officer may vary or adopt the strict application of any of the requirements of this Zone.~~

~~(2) Variances will be considered under a Type IIa procedure pursuant to Section 2.025. An applicant may request a variance whether before or after the denial of a development permit.~~

~~(3) Standards for a Variance. The requirements for a Variance are listed below. It is the intent of this Ordinance that a variance only be granted to overcome some exceptional physical condition related to a parcel of land posing practical difficulty to development and preventing the owner from using the property as intended by the Zoning Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.~~

~~(A) There must be proof of exceptional and extraordinary circumstances which apply to the property and which do not apply to other properties in the same zone or vicinity, and result from lot size or shape legally existing in accordance with land use laws prior to September 30, 1980, topography, geology, or other circumstances over which the applicant has no control. These circumstances or conditions must be such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land and/or structure.~~

~~(B) The granting of a variance shall neither be injurious to the neighborhood or community nor otherwise detrimental to the public welfare or to public safety.~~

~~(C) The granting of the variance will not permit the establishment of any development or use which is not permitted by the Ordinance, nor confer upon the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the area.~~

~~(D) There must be proof of significant hardship if the variance is not granted. It is not sufficient proof of hardship to show that a greater profit would result if a variance were granted. Nor shall loss of value be a valid reason to grant a variance. Furthermore, the hardship cannot be self-created or self imposed, nor can it be created by one who purchases property with or without the knowledge of restrictions present. The hardship must result from the strict application of this Ordinance, and be suffered directly by the property in question. Evidence of a variance granted under similar circumstances shall not be considered as a solely sufficient cause to grant hardship relief.~~

~~(E) The granting of a variance is necessary for the reasonable use of land or building, and the variance granted by the hearing body is the minimum variance that will accomplish this purpose.~~

~~(F) The hardship does not arise from a violation of the provisions of this Ordinance.~~

~~(G) The development will occur on a parcel of land that in conjunction with adjacent land in the same ownership is not otherwise reasonably capable of development and use under the provisions of this Ordinance.~~

~~**Section 4.118 Notification.**~~
~~In addition to the required mailed notice sent to property owners pursuant to Section 2.025 and Section 2.110, notice of variances to yard setbacks and height variances shall be sent to the fire district in which the property is served for review and comment. If a response is not received by the Department of Transportation and Development within 20 days of the notice it will be assumed that the District has no negative concerns regarding the request.~~

~~**Section 4.119 Expiration/Extension.**~~
~~Authorization of a variance shall be void after one year unless substantial construction or action pursuant thereto has taken place. However, the County may, at the discretion of the Planning Director, extend authorization for an additional six (6) months upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the variance.~~

~~**SECTION 4.120 ARCH CAPE NON-CONFORMING USES AND STRUCTURES**~~

[Staff Comment: Redundant – Except for 4.124 Alteration (2) this section is already covered verbatim in LWDUO Section 5.600 Non-Conforming Uses and Structures]

~~**Section 4.121 Purpose.**~~

~~The purpose of the Non-Conforming Uses and Structures provisions are to establish standards and procedures regulating the continuation, improvement and replacement of structures and uses, which do not comply with this Ordinance.~~

~~**Section 4.122 Definitions.**~~

~~The following definitions are applicable to the provisions of Section 4.120, Non-Conforming Uses and Structures.~~

~~ALTERATION. A change to a structure, not involving enlargement of the external dimensions of the structure (i.e. addition or relocation of windows, replacement of siding, etc).~~

~~EXPANSION. Any increase in any external dimension of a Non-Conforming Structure.~~

~~LEGAL NON-CONFORMING STRUCTURE. A building or structure that does not conform to one or more standards of the zoning district in which it is located, but which legally existed at the time the applicable section(s) of the zoning district became effective.~~

~~LEGAL NON-CONFORMING USE. A use, which does not conform to the use regulations of the zoning district in which it is located, but which lawfully occupied a building or parcel of land at the time the applicable use regulation became effective.~~

~~NON-CONFORMING STRUCTURE. A building or structure that does not conform to one or more standards of the zoning district in which it is located, and which did not legally exist at the time the zoning district became effective.~~

~~NON-CONFORMING USE. A use, which does not conform to the use regulations of the zoning district in which it is located, and which did not lawfully occupy a building or parcel of land at the time the applicable use regulation became effective.~~

~~**Section 4.123 Continuance.**~~

~~(1) A Legal Non-Conforming Use may be continued at the level of use (e.g., hours of operation) existing on the date that the use became non-conforming[2].~~

~~(2) A Legal Non-Conforming Structure may continue within the building dimensions (height, width and length) in existence on the date that the structure became non-conforming[3].~~

~~(3) The applicant shall bear the burden of proof for establishing that the structure or use was lawfully established.~~

~~(4) The applicant shall bear the burden of proof for establishing the level of use that existed at the time the use became non-conforming.~~

~~(5) The county may allow a property owner, under a Type II procedure, to prove the existence, continuity, nature and extent of the use for the 10-year period immediately preceding the date of application. If the county finds evidence proving the existence,~~

~~continuity, nature and extent of the use for the ten-year period preceding application, then such findings shall create a rebuttable presumption that the use, as proven, lawfully existed at the time the applicable Ordinance provision was adopted and has continued uninterrupted until the date of application.~~

~~**Section 4.124 Alteration.**~~

~~(1) Through Type I procedures alterations shall be permitted to a non-conforming structure, or to a structure devoted to a non-conforming use. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS 215.215, a county shall not place conditions upon the continuation or alteration of a use described under this subsection when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted.~~

~~(2) If in a three-year period, alterations to a Non-conforming structure, or to a structure devoted to a Non-conforming use exceeds 75% of the market value of the structure, as indicated by the records of the County Assessor, the structure shall be brought into conformance with the requirements of the Ordinance.~~ *[Staff Comment: This subsection was relocated to LWDUO Section 5.608 Non-conforming Uses and Structures-Alteration]*

~~**Section 4.125 Expansion.**~~

~~(1) Through a Type II procedure an expansion of a Legal Non-Conforming Structure shall be in conformance with the requirements of the Zone (i.e. height limitations and setbacks) and satisfy criteria under Section 4.125 § 3C, or a variance for the expansion shall be required pursuant to Section 4.116 Arch Cape Variance.~~

~~(2) Through a Type IIA procedure an expansion of a Non-Conforming Structure shall be in conformance with the requirements of the Zone (i.e. height limitations and setbacks) and satisfy criteria under section 4.125 § 3A-C below, or a variance for the expansion shall be required pursuant to Section 4.116 Arch Cape Variance.~~

~~(3) An expansion of a structure devoted to a Legal Non-Conforming Use, or a change in the characteristics of a Legal Non-Conforming Use, (i.e. hours of operation or levels of service provided), may be approved, pursuant to a Type II procedure, where the following standards are met:~~

~~(A) The floor area of a building(s) shall not be increased by more than 20%.~~

~~(B) The land area covered by structures shall not be increased by more than 10%.~~

~~(C) The proposed expansion, or proposed change in characteristics shall have no greater adverse impact on neighboring areas than the existing use, considering:~~

~~*1)* The following factors:~~

~~a) Noise, vibration, dust, odor, fume, glare, or smoke detectable at the property line.~~

~~b) Numbers and kinds of vehicular trips to the site.~~

~~c) Amount and nature of outside storage, loading and parking.~~

~~d) Visual impact.~~

~~e) Hours of operation.~~

~~f) Effect on existing vegetation.~~

~~g) Effect on water drainage and water quality.~~

~~h) Service or other benefit to the area.~~

~~i) Other factors relating to conflicts or incompatibility with the character or needs of the area.~~

~~2) The character and history of the use and of development in the surrounding area.~~

~~3) An approval may be conditioned to mitigate any potential adverse impacts that have been identified.~~

~~**Section 4.126 Changes to a Non-Conforming Use.**~~

~~(1) A Non-conforming use may only be changed to that of a conforming use. Where such a change is made, the use shall not thereafter be changed back to a Non-conforming use.~~

~~**Section 4.127 Replacement and Damage.**~~

~~(1) Through a Type I procedure if a Legal Non-Conforming Structure or a structure occupied by a Legal Non-Conforming Use is damaged or destroyed by any cause other than an action of the property owner or authorized agent, it shall be reconstructed in conformance with the current requirements of this Ordinance or a variance sought in accordance with section 4.116. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster. If restoration or replacement is necessary under this subsection, restoration or replacement shall be done in compliance with ORS 195.260 (1)(c). If a building listed on the National Register of Historic Places is damaged or destroyed it may be reconstructed in conformance with the dimensional standards of the building prior to its destruction.~~

~~(2) Through a Type II permit procedure subject to Section 5.000-5.030 if a Non-Conforming Structure or a structure devoted to a Non-Conforming Use is damaged by any cause other than an action of the property owner or his agent, the hearing body may approve the reconstruction of the structure and accompanying use. Reconstruction of the structure or use shall be in conformance with the current requirements of this Ordinance or a variance sought in accordance with Section 4.116. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster. If restoration or replacement is necessary under this subsection, restoration or replacement shall be done in compliance with ORS 195.260 (1)(c).~~

~~**Section 4.128. Completion.**~~

~~A development that is lawfully under construction on the effective date of an ordinance that makes that use or structure Non-conforming may be completed. The use or structure may be used for the purpose for which it was designed, arranged or intended.~~

~~**Section 4.129. Discontinuance of Use.**~~

~~If a Non-conforming use is discontinued for a period of one year, subsequent use of the property shall conform to this Ordinance.~~

~~**Section 4.130. Compliance with Other Requirements.**~~

~~Notwithstanding the provisions of this section, alteration of a Nonconforming use or a Nonconforming structure shall be allowed if necessary to comply with state or local health or safety requirements.~~

SECTION 5.600 NON-CONFORMING USES AND STRUCTURES

Section 5.608. Alteration.

(1) Through Type I procedures alterations shall be permitted to a non-conforming structure, or to a structure devoted to a non-conforming use. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS 215.215, a county shall not place conditions upon the continuation or alteration of a use described under this subsection when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted.

(2) If in a three-year period, alterations to a Non-conforming structure, or to a structure devoted to a Non-conforming use exceeds 75% of the market value of the structure, as indicated by the records of the County Assessor, the structure shall be brought into conformance with the requirements of the Ordinance. *[Staff Comment: This was relocated from LWDUO Section 4.124 Arch Cape Non-Conforming Uses and Structures-Alteration]*

ATTACHMENT C

Copy of agenda item and minutes from February 10, 2016
Board of County Commissioners meeting

Board of Commissioners
Clatsop County

AGENDA ITEM SUMMARY

February 10, 2016

Issue/Agenda Title: Discontinuation of Southwest Coastal Citizens Advisory/Southwest Design Review Committee

Category: Business Agenda

Prepared By: Theresa Dursse, Executive Assistant-Clerk of the Board

Presented By: Rich Mays, Interim County Manager

Issue before the Commission: Discontinuation of the Southwest Coastal Citizens Advisory/Southwest Design Review Committee

Informational Summary: The Southwest Coastal Citizens Advisory/Southwest Design Review Committee was formed in the early 1970's to make recommendations to the Clatsop County Community Development Director, the Clatsop County Hearings Officer, or the Planning Commission pertaining to any land use or development applications in the Arch Cape Rural Community Boundaries. The bylaws state if the Board determines the committee is no longer useful or necessary, the committee may be discontinued by majority vote of the Board. The County Manager recommends the discontinuation of this committee for the following reasons:

- It is inappropriate for a subordinate body to the Board of Commissioners to be delegated a broad role in quasi-judicial decision making while being limited to a specific geographic area.
- It is inappropriate for a subordinate body to the Board of Commissioners, representing a specific geographic area, to be permitted to make land use decisions not authorized elsewhere in Clatsop County.
- Regarding the above two points, if in the future there is a land use issue specific to the Southwest Coastal area, the Board of Commissioners can appoint an ad-hoc committee to address it.
- All of the activities associated with this committee and its monthly meetings add additional financial cost to the public and the applicant without providing a corresponding public benefit.
- Committee review adds about 4 to 6 weeks to the county's review process – a process that is typically completed "over the counter" for other Clatsop County residents and developers. This

prolonged time frame increases the risk of the county violating the state requirement that the development permit process not exceed 150 days.

- When a committee with quasi-judicial authority is made up of citizens from such a small geographic area, it is unavoidable that those members will be considering land use issues involving their friends and neighbors. This increases the possibility of bias, subjective decision making and questions of committee members properly recusing themselves.

Fiscal Impact: None

Options to Consider:

1. Approve the recommendation by staff to discontinue the Southwest Coastal Citizens Advisory/Southwest Design Review Committee.
2. Take no action.

Staff Recommendation: Option #1

Recommended Motion: *"I move to approve the Resolution & Order whereas the Southwest Coastal Citizens Advisory/Southwest Design Review Committee is discontinued."*

Attachment List:

A. Resolution & Order
B. Southwest Coastal Citizens Advisory/Southwest Design Review Committee bylaws

IN THE BOARD OF COMMISSIONERS
FOR THE COUNTY OF CLATSOP

IN THE MATTER OF THE SOUTHWEST COASTAL CITIZENS ADVISORY COMMITTEE	))))	RESOLUTION AND ORDER No. _____

WHEREAS, the Southwest Coastal Citizens Advisory Committee was created in the late 1970's, along with other citizen advisory committees, to assist and advise the Board of County Commissioners in the development of the initial Clatsop County comprehensive land use plan, but all of the other citizen advisory committees have been discontinued; and

WHEREAS, under the current Clatsop County Land and Water Development and Use Ordinance (LWDUO), the SCCAC is required to review certain land use applications; and

WHEREAS, it is inappropriate and creates potential legal liability for an advisory committee to exercise quasi-judicial authority while being limited to a specific geographic area; and

WHEREAS, land use review by the SCCAC increases the cost to the applicant and to the county without a corresponding public or private benefit; and

WHEREAS, land use review by the SCCAC adds four (4) to six (6) weeks to the time it takes to issue a decision on permits that, in many cases, are issued "over the counter" everywhere else in the county; and

WHEREAS, if, in the future, there are land use issues specific to the southwest coastal area, the Board of County Commissioners has authority under Clatsop County Code of Regulations 1.04.040.A.2 to create an advisory committee to advise it as it deems necessary and appropriate.

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS RESOLVES AND ORDERS:

Section 1. The Southwest Coastal Citizens Advisory Committee is discontinued.

Section 2. The Community Development Director is directed to initiate amendments to the Clatsop County Comprehensive Plan and the LWDUO as necessary to implement this resolution.

Dated this _____ day of February 2016

BOARD OF COMMISSIONERS FOR
CLATSOP COUNTY

_____

Scott Lee, Chair

RECORDED
MAY - 2 2016
Doc# 2016050002

Clatsop County Board of Commissioners
Regular Meeting
February 10, 2016
Amended

Chair Scott Lee called the meeting to order at 6:00 pm., in the Judge Guy Boyington Building, 857 Commercial Street, Astoria, Oregon. Also present were Commissioners Sarah Nebeker, Lisa Clement, and Lianne Thompson and Dirk Rohne.

Staff Present:

Rich Mays	County Manager
Heather Reynolds	County Counsel
John Kurns	Maintenance & Custodial Supervisor
Michael Summers	Public Works Director

Lee opened the meeting with a moment of silence for Seaside Police Sergeant, Jason Gooding, who lost his life in a fatal shooting while he was on duty.

AGENDA APPROVAL

Lee looked for a motion to approve the agenda. Nebeker moved and Clement seconded the motion. Motion carried unanimously.

INTRODUCTION

John Kurns, Maintenance & Custodial Supervisor, introduced D'Laney Barendse as the courthouse custodian. Barendse was the top candidate. Kurns is very pleased with her work experience.

BUSINESS FROM THE PUBLIC

Tom Misner, PO Box 151, Cannon Beach. Misner is in support of disbanding the Southwest Coastal Citizens Advisory Committee. Misner purchased a lot in 1995 in Arch Cape and found out that there was a building permit issued. In February of last year, Misner went to the county and tried to get building permits and was advised he had to go to the Arch Cape Design Review Board for approval. As it proceeded, Misner said they spend about $1700.00. It wasn't until November when they got the building permit which took away good weather months for building. Misner said the money he spent was unnecessary and the committee was almost adversarial towards him. Misner felt he was being scrutinized for wanting to build a house and felt the committee was not unbiased. Misner doesn't see a reason for the county to have two organizations for the approval of a variance.

Alaina Giguier, PO Box 474, Cannon Beach. Giguier supports the discontinuation of the Arch Cape Design Review Committee. Giguier is a realtor and spoke on behalf of some of her clients who were afraid to come to the meeting for fear of the backlash from some of the folks in Arch Cape for speaking out in support of discontinuing the committee. They do not understand why there is a twostep cost process and a twostep review process.

John Mersereau, 32042 E Shingle Mill Lane, Arch Cape. Mersereau served on the Design Review Board and wanted to talk to the Board about the history of the organization. Mersereau said the intent was to have a forum for the neighbors to meet and discuss the possible developments. For years, Mersereau said it worked and hoped the county would work this out with the people of Arch Cape and streamline the process so it isn't so burdensome. The notice of this discontinuation came as a surprise and Mersereau feels the community of Arch Cape deserves some time to be heard.

Susana Gladwin, 82316 Highway 103, Seaside. Gladwin spoke about the forestry issue and said the older forests are so important for the streams and the fish. Gladwin said if the trees go undisturbed for 30 years than you can get more footage out of the trees. Gladwin asked the Board to look at Google map at the forest view of the Clatsop State Forests and see how it compares when you see an 80 year old tree in Buster Creek area to all of the others which is massive amounts of nuclear cuts and young clear cuts. Gladwin also feels the Arch Cape Design Review Committee is a very important county resource and would like to see it tweaked rather than disband. Gladwin said having local people who live in the area who are able to speak with authority is a good idea.

Joanne Cornelius, 44920 Tide Ave., Arch Cape. Cornelius is on the Board of the local water district. Cornelius suggested to change the name of the committee so that it would include Cove Beach. Cornelius said there are already rules in place and this is a community group that knows their community. Cornelius would like to see the Board keep the committee but change the name.

Daniel Borders, 35384 HWY 101 Business, Astoria. Borders is a small business owner in Clatsop County and was interested in the business park property. Borders had spoken with the county and the real estate agent and said it was concerning to him that the county sold property at the North Coast Business Park to Fort George. Borders felt no one else got an opportunity to bid on the property.

Zachary Seidel, 364 9th Street, Suite C, Astoria. Seidel wanted to let the Board know that he is beginning to prepare a citizens initiative on the LNG Plant. Seidel plans to get 1200 votes and put it on the November ballot.

CONSENT CALENDAR

Lee looked for a motion to approve the consent calendar. Thompson moved and Nebeker seconded. Motion carried unanimously.

a. Amendment to Extend Access Permit for Clifton Stockpile Site ..... {Page 1}

BUSINESS AGENDA

a. Discontinuation of Southwest Coastal Citizens Advisory/SW Design Review Committee

Mays recommends that the Southwest Coastal Citizens Advisory/SW Design Review Committee discontinue. Mays said it is inappropriate for a subordinate body to the Board of Commissioners to be involved in quasi-judicial making while being limited to a specific geographic area. Mays

also stated it is inappropriate for a subordinate body to the Board of Commissioners to make land use decisions that aren't authorized elsewhere in the county. The committee review adds approximately four to six weeks to the review process which increases the likelihood of the county not complying with state requirement that the development process not exceed 150 days. The committee meets once a month and Mays feels this process adds additional costs to the county and to the public. In the future if there is a land use issue specific to the Southwest Coastal area, the Board can appoint an ad-hoc committee. Mays was made aware of a couple who were trying to get a house built in Arch Cape and some of the problems they had experienced with the committee. In early December, Mays asked Chris Crean for his legal opinion which was included in the staff report. On January 21st, Mays attended an Arch Cape Committee meeting which was held in Seaside due to one of the county employees has a disability that can only be accommodated at the Seaside Library. At that meeting Mays witnessed very inappropriate behavior. On January 22nd, Mays received an opinion from county counsel regarding the American for Disability Act (ADA) accommodations. The Board of Commissioners met on January 27th to discuss those legal opinions. On Thursday, February 4th, Mays sent out an email to the committee advising them of his recommendation. Mays recommends the Board approve the resolution so that the next Arch Cape Committee can be cancelled and avoid subjecting the county staff to what Mays thought was a hostile work environment at their last meeting. Mays said members of the committee harassed a county employee about her disability even after the employee told them that she did not feel comfortable discussing her disability in a public meeting. Despite her request, the committee still proceeded to vote to move the February meeting to a facility that does not comply with the ADA with a 4-1 vote. County Counsel feels that going along with the committee's motion would expose the county to a lawsuit. Mays gave the Board a packet of emails from citizens regarding the issues, 8 in support, 9 opposition to the resolution and 3 that asked questions which have been answered. Chris Crean, Beery, Elsner & Hammond, LLP, said the by-laws only allow the committee to be disbanded only if it is inactive but the by-laws don't prevail over the county code. The county code, section 1.04.030, allows the Board of County Commissioners to create advisory committees and dissolve them whenever it feels appropriate. The code also says that committees are delegated authority to enact by-laws but they have to be consistent with the county code. Crean said that disbanding the formal committee does not prohibit anyone from being involved at any level of development in their community. The people who are on the committee can continue to meet and review land use development proposals and continue to provide recommendations to the Planning Commission just not on behalf of the county. Crean said acting as a formal role on behalf of the county can create procedural issues as well as within the ADA.

Rohne moves to approve the Resolution and Order whereas the Southwest Coastal Citizens Advisory/Southwest Design Review Committee is discontinued. Nebeker seconded the motion. Thompson said this is an issue that divides the community and everyone is very passionate on it. Thompson was convinced by legal opinion to vote for this discontinuation but also sees the need for neighborhood associations. Thompson hopes they can take a structure that needs revision. Thompson would like to table the issue to give the people of Arch Cape more time to be heard. Lee said they already have a motion and a second and cannot except a second motion. Lee believes that a neighborhood association would do more to bring the community together. Rohne said the current process with the Planning Commission has public involvement and public comment so there is opportunities for anyone with any concerns with land use decisions to

publically testify. Rohne said that someone with a disability being harassed by a committee that is sanctioned by the county is unacceptable. Lee looked for vote. Motion carried unanimously.

b. County-recognized neighborhood associations

Mays recommended that the Board direct county staff to develop a procedure for the county to formally recognize neighborhood associations. This will strengthen neighborhood identity and enhance community involvement. They would have the opportunity to provide comment on land use matters pending before the Planning Commission and the Board but they would have no formal review themselves.

Thompson moved to direct staff to begin the process to amend the County Code to establish a procedure for formally recognizing neighborhood associations, and to amend the Development Code to send notice to the relevant county-recognized association whenever a land use decision requires notice to nearby property owners and Nebeker seconded. Motion carried unanimously.

c. Contract with County Manager

Mays said the county hired Waldron recruitment firm and the county received 49 applications. The Board narrowed it down to four applicants. The interviews were January 29th and the position was offered to Cameron Moore of Champagne, IL. Mays thanked all the panels for their hard work and said it was a very successful process with a good outcome. A contract has been negotiated with Mr. Moore and the terms and conditions are consistent with all representation that has been made to the Board. Mays asked the Board to approve the contract. *Rohne moved to approve the proposed contract with Cameron Moore, as the County Manager and Thompson seconded. Motion carried unanimously.*

COMMISSIONERS' REPORTS

Thompson said the Water Conservation District plant sale is coming up soon. The Cannon Beach Housing Task Force met to coordinate with the Astoria Housing Task Force and the Association of Oregon Counties to address the emergent issue of housing. The Arch Cape Sewer and Water Board will meet and Thompson will attend. The Arch Cape Falcon Cove Beach Club will be having a potluck and they are working on mapping their neighborhoods to be better prepared for local emergency response.

Rohne attended a meeting led by CEDR to develop a group around Clatsop County Fisheries. The attendance of fisheries related industries will be present at the job fair where people, canneries and employers have an opportunity to interact with the youth of our county. Rohne said they would like to see a proposed Clatsop County fisheries tour similar to the forestry industry tours. The goal would be to quantify the fishing industry.

Nebeker attended the Public Safety Coordinating Council board meeting and they have received the reinvestment check for Clatsop County. The Council has decided to hire two additional probation officers full time and one half time to help keep track of restitution to victims and help the offenders budget so they can pay that restitution and help with employment. The District Attorney spoke about Senate Bill 1550 in the short legislative session saying that all grand jury recordings need to be public and made available to everyone. Marquis is against this and believes it will cause intimidation.

Clement reiterated Rohne's report on the fisheries.
Lee attended the Northwest Oregon Housing Authority meeting. Lee said the Helping Hands Organization have met with Tillamook County and are developing a recovery shelter for single, mixed families and families. Lee would like to see an outreach program in Clatsop County.

COUNTY MANAGER'S REPORT
Mays said the City of Seaside has invited the Board to Officer Gooding's funeral and sit in a section for public officials.

ADJOURNMENT 6:55pm

Approved by,

Scott Lee, Chairperson

ATTACHMENT D

Statewide Planning Goal 1

Oregon's Statewide Planning Goals & Guidelines

GOAL 1: CITIZEN INVOLVEMENT

OAR 660-015-0000(1)

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The governing body charged with preparing and adopting a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process.

The citizen involvement program shall be appropriate to the scale of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues.

Federal, state and regional agencies, and special- purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by counties and cities.

The citizen involvement program shall incorporate the following components:

1. Citizen Involvement -- To provide for widespread citizen involvement.

The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process. As a component, the program for citizen involvement shall include an officially recognized committee for citizen involvement (CCI) broadly representative of geographic areas and interests related to land use and land-use decisions. Committee members shall be selected by an open, well-publicized public process.

The committee for citizen involvement shall be responsible for assisting the governing body with the development of a program that promotes and enhances citizen involvement in land-use planning, assisting in the implementation of the citizen involvement program, and evaluating the process being used for citizen involvement.

If the governing body wishes to assume the responsibility for development as well as adoption and implementation of the citizen involvement program or to assign such responsibilities to a planning commission, a letter shall be submitted to the Land Conservation and Development Commission for the state Citizen Involvement Advisory Committee's review and recommendation stating the rationale for selecting this option, as well as indicating the mechanism to be used for an evaluation of the citizen involvement program. If the planning commission is to be used in lieu of an independent CCI, its members shall be selected by an open, well-publicized public process.

2. Communication -- To assure effective two-way communication with citizens.

Mechanisms shall be established which provide for effective communication between citizens and elected and appointed officials.

3. Citizen Influence -- To provide the opportunity for citizens to be involved in all phases of the planning process.

Citizens shall have the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan, and Implementation Measures.

4. Technical Information -- To assure that technical information is available in an understandable form.

Information necessary to reach policy decisions shall be available in a simplified, understandable form. Assistance shall be provided to interpret and effectively use technical information. A copy of all technical information shall be available at a local public library or other location open to the public.

5. Feedback Mechanisms -- To assure that citizens will receive a response from policy-makers.

Recommendations resulting from the citizen involvement program shall be retained and made available for public assessment. Citizens who have participated in this program shall receive a response from policy-makers. The rationale used to reach land-use policy decisions shall be available in the form of a written record.

6. Financial Support -- To insure funding for the citizen involvement program.

Adequate human, financial, and informational resources shall be allocated for the citizen involvement program. These allocations shall be an integral component of the planning budget. The governing body shall be responsible for obtaining and providing these resources.

A. CITIZEN INVOLVEMENT

1. A program for stimulating citizen involvement should be developed using a range of available media (including television, radio, newspapers, mailings and meetings).

2. Universities, colleges, community colleges, secondary and primary educational institutions and other agencies and institutions with interests in land-use planning should provide information on land-use education to citizens, as well as develop and offer courses in land-use education which provide for a diversity of educational backgrounds in land-use planning.

3. In the selection of members for the committee for citizen involvement, the following selection process should be observed: citizens should receive notice they can understand of the opportunity to serve on the CCI; committee appointees should receive official notification of their selection; and committee appointments should be well publicized.

B. COMMUNICATION

Newsletters, mailings, posters, mail-back questionnaires, and other

available media should be used in the citizen involvement program.

C. CITIZEN INFLUENCE

1. Data Collection - The general public through the local citizen involvement programs should have the opportunity to be involved in inventorying, recording, mapping, describing, analyzing and evaluating the elements necessary for the development of the plans.

2. Plan Preparation - The general public, through the local citizen involvement programs, should have the opportunity to participate in developing a body of sound information to identify public goals, develop policy guidelines, and evaluate alternative land conservation and development plans for the preparation of the comprehensive land-use plans.

3. Adoption Process - The general public, through the local citizen involvement programs, should have the opportunity to review and recommend changes to the proposed comprehensive land-use plans prior to the public hearing process to adopt comprehensive land-use plans.

4. Implementation - The general public, through the local citizen involvement programs, should have the opportunity to participate in the development, adoption, and application of legislation that is needed to carry out a comprehensive land-use plan.

The general public, through the local citizen involvement programs, should have the opportunity to review each proposal and application for a land conservation and development action prior to the formal consideration of such proposal and application.

5. Evaluation - The general public, through the local citizen involvement programs, should have the opportunity to be involved in the evaluation of the comprehensive land use plans.

6. Revision - The general public, through the local citizen involvement programs, should have the opportunity to review and make recommendations on proposed changes in comprehensive land-use plans prior to the public hearing process to formally consider the proposed changes.

D. TECHNICAL INFORMATION

1. Agencies that either evaluate or implement public projects or programs (such as, but not limited to, road, sewer, and water construction, transportation, subdivision studies, and zone changes) should provide assistance to the citizen involvement program. The roles, responsibilities and timeline in the planning process of these agencies should be clearly defined and publicized.

2. Technical information should include, but not be limited to, energy, natural environment, political, legal, economic and social data, and places of cultural significance, as well as those maps and photos necessary for effective planning.

E. FEEDBACK MECHANISM

1. At the onset of the citizen involvement program, the governing body should clearly state the mechanism through which the citizens will receive a response from the policy-makers.

2. A process for quantifying and synthesizing citizens' attitudes should be developed and reported to the general public.

F. FINANCIAL SUPPORT

1. The level of funding and human resources allocated to the citizen involvement program should be sufficient to make citizen involvement an integral part of the planning process.

ATTACHMENT E

Notice sent to property owners in the Arch Cape Overlay

NOTICE OF PUBLIC HEARING
Southwest Coastal Citizens Advisory Committee
Tuesday, July 12, 2016, 6:00 p.m.
Arch Cape Fire Hall, 79729 Hwy 101, Arch Cape, OR

The Southwest Coastal Citizens Advisory Committee will hold a public hearing and make a recommendation to the Planning Commission regarding the following:

Legislative text amendments to the Clatsop County Comprehensive Plan and the Land and Water Development and Use Code discontinuing the Southwest Coastal Citizens Advisory Committee and amending sections related to development within the current Arch Cape Rural Community Overlay. Applicant is Clatsop County, 503-325-8611, comdev@co.clatsop.or.us.

A copy of all documents pertaining to this matter may be reviewed in the Clatsop County Community Development office, 800 Exchange Street, Suite 100, Astoria, at no cost and may be obtained at reasonable cost seven days prior to the hearing. The agenda packet can also be viewed at: http://www.co.clatsop.or.us/swcc

****PLEASE NOTE:** This is the second agenda item for the meeting.**

2000 Akeson Knowlton Fam Trust	Knowlton Anita Christine	Akeson Stephen Paine	2634 NE Cesar E Chavez Blvd	Portland	OR	97212
3716 LLC			3716 SW Mt Adams Dr	Portland	OR	97201
AB Living Trust	Warner Dixie / Mills Enid	Devlin John/Laura	6532 SW Wexford Pl	Portland	OR	97223-7595
Achterman Virginia A			735 NE Royal Ct	Portland	OR	97232-2670
Ahmud Masud/Josephine Salma			3205 NW Linmere Dr	Portland	OR	97229-3643
Anctil William E	Anctil Connie J		12525 NW Laidlaw Rd	Portland	OR	97229-2408
Andersen Joel D	Andersen Misti D		2134 NE 19th Ave	Portland	OR	97212
Anderson Gary C	Priddy Jan		PO Box 1442	Cannon Beach	OR	97110-1442
Andideh Ebrahim/Pohmeng			10141 NW Priscilla Ct	Portland	OR	97229-5272
Angel Joseph W	c/o Business Services Optimized		11501 SW Pacific Hwy #Ste 201	Tigard	OR	97062
Arch Cape Beach House LLC			1231 NW Hoyt St #302	Portland	OR	97209
Arenz Antoinette K Trust	Arthur Michael E	c/o Michael Meeker	13535 NW Lariat Ct	Portland	OR	97229-7001
Arora Nutan Living Trust	Arora Harsh Tr		9770 SW 169th Pl	Beaverton	OR	97007-7784
Astle David J	Astle Kathleen S		498 Welcome Ct SE	Salem	OR	97302-3930
Azhar Farhat Family Trust	Sadia Z Azhar Irrevocable Trust	Azhar Ezra/Zara/ et all	12900 NW Springville Rd	Portland	OR	97229-1607
Babener Rosalind N			121 SW Morrison St Ste #1020	Portland	OR	97204-3140
Baldwin James L Trustee	Baldwin Lucy Trustee	Baldwin Family 2010 Trust	1255 NW 9th Ave Apt #610	Portland	OR	97209-2895
Balmer Robert L/Janet C			1518 SE 107th Ave Apt #B	Portland	OR	97216-3252
Balwit Marvin B	Balwit Grace Agnes	Balwit Revocable Trust	14900 SW Hidden Hills Rd	McMinnville	OR	97128-8353
Bare Kevin Todd/ Sherri Elaine			1617 SE 199th Ave	Camas	WA	98607-9538
Barsukoff Ivan/ Evodokia			4634 S Timber Trail Dr	Woodburn	OR	97071-8719
Bartlett Maude	c/o Macdonald Fred C		5270 SW Landing Sq Apt #7	Portland	OR	97239-5932
Beahrs Claudette Hastie			3006 NE Bryce St	Portland	OR	97212-1718
Beck Doris A Trust	Beck Doris Arlene Trustee		4280 SW 164th Ave #10	Beaverton	OR	97078-2037
Beck Doris Arlene TR	Beck Doris Arlene Trust		4280 SW 164th Ave	Beaverton	OR	97078-2037
mer Melvin R Trustee Of The	Beemer Marney Scott Trust		16 Kiloiani Ln Apt #105	Kihei	HI	96753-5117
ea Andreea C			16500 SW Satterberg Rd	Beaverton	OR	97007
ea Rene			17589 SW Sarala St	Beaverton	OR	97007-9724
sky Daniel/Lilian Lai			4536 33rd Ave W	Seattle	WA	98199-1129
Berg Neal/Mimi J			19174 SW 55th Ct	Tualatin	OR	97062-9763
Bierlein Leonard A/ Ramona B			21120 SE Lansing Ln	Damascus	OR	97089-7203
Bierly Diane K	c/o Petsche Diane K		2633 SE Singing Woods Dr	Hillsboro	OR	97123-8638
Big Blue Capital LLC	Attn: Jeff Long Atty at Law		4040 SW Douglas Way	Lake Oswego	OR	97034
Birkby Debra			79829 Gelinsky Rd	Arch Cape	OR	97102-0128
Birkby Virginia			79829 Gelinsky Rd	Arch Cape	OR	97102-0128
Blakesley Steven/Catherine			31928 Oceanview Ln	Arch Cape	OR	97102-0174
Blumberg Naomi R Credit ShltrTrst	Blumberg Bernard Rev Lvg Trust	Blumberg Bernard Trustee	2338 NW Great Pl	Bend	OR	97701
Boerner Tassilo/ Verne			7220 Russell Cir	Anchorage	AK	99507
Bohrnsen Andrew C/Lynn M	Boehmer Francis G/Margaret A		46760 NW Strohmayer Rd	Forest Grove	OR	97116-8214
Boone John/Lori			12795 NW Creekside Dr	Portland	OR	97229-3980
Borkan Eugene L	Borkan Layton W		1804 NW 34th Ave	Portland	OR	97210-1207
Branstetter Lonnie J/Barbara J			24835 NE Prairie View Dr	Aurora	OR	97002-9546
Bratton David C	Bratton Diana M		22440 NW Ardabeth Ln	Banks	OR	97106-7513
Brevig Family LLC	Dudley Ann HB Trust	c/o Ann HB Dudley	2333 SW Sherwood Dr	Portland	OR	97201-1612
Brisbee Larry A Rev Liv Trust 1/2	Brisbee Katherine Rev Liv Trust 1/2	Brisbee Katherine N/Larry A Tr	249 NE 3rd Ave	Hillsboro	OR	97124-3118
Brosnan Colleen 1/3	Lapierre Karen 1/3	Mullock Sydney 1/3	17210 Angeline Avenue South NE	Suquamish	WA	98392-9746
Brown Billie H Survivors Trust	Brown Gregory L	Brown Laura D Special Needs Trust	1025 Ardmore Cir	Redlands	CA	92374
Brown Dannell Jay	Brown McDanell James	Brown Gregory L; et al	1025 NW Ardmore Circle	Redlands	CA	92373
Brown David N			2340 Captain Butler Trl	New Smyrna	FL	32168
Brown Robert D	Brown Allison J		PO Box 2695	Oregon City	OR	97045
Bryan Donna			PO Box 1197	Goleta	CA	93116-1197
Bundy Gordon Douglas	Bundy Rosalea		6745 SW Sholls Ferry Rd #15	Beaverton	OR	97008
Bunger Bonnie Jean Trust	Bunger Robert Manferd Trust	Bunger Bonnie J/ Robert M Trstees	9215 SW Edgewood St	Tigard	OR	97223-5911
Bush Sammie Odis	Bush Kay E		405 Goldfinch Dr	Fountain Valley	CA	92706
Butzer Timothy	Pelster Martha		5645 N Detroit Ave	Portland	OR	97217-4430
Byron Living Trust	Byron Thomas, Stephen	Byron Kay, Harding	3574 NE 182nd St	Lake Forest Park	WA	98155-4222
Caffall Bros Forest Products			PO Box 3178	Newberg	OR	97132-5178

Caffall Kathy L Rev Trust	Caffall Kathy L		1308 Oak Knoll Ct	Newberg	OR	97132-6046
Cahill Donald E	Cahill Susan M		7915 SE 34th Ave	Portland	OR	97202
Caldwell Walsh Kathleen			1219 Parkside Dr East	Seattle	WA	98112-3717
Calhoun Chad	Calhoun Debbie		80302 Woodland Heights Rd	Arch Cape	OR	97102
Cameron Lynn S			10001 Valmay Ave NW	Seattle	WA	98177
Campbell Kenneth R/Joanne M			PO Box 271	Cannon Beach	OR	97110-0271
Campbell William E III	Chaitt Sharon L		1336 98th Ave NE	Bellevue	WA	98004
Cantor Allyn			PO Box 1392	Cannon Beach	OR	97110-1392
Carlson Alvin B	Carlson Norene		2875 NW 154th Ave	Beaverton	OR	97006
Carney Gwendolyn J	Carney George		14185 SW 144th Ave	Tigard	OR	97224-1414
Carr Thomas	Carr Leonard		PO Box 1493	Olympia	WA	98507
Carrier Courtland F	Carrier Kathy K		2535 NW 121st Pl	Portland	OR	97229-4776
Carter Family Decedents Trust	Carter Susan Joyce		12507 NE Riley Ct	Vancouver	WA	98686
Cary Theodore M			PO Box 1004	Cannon Beach	OR	97110-1004
Castle Rock Estates Owners			32001 Buena Vista Dr	Arch Cape	OR	97102-0121
Catlett Benjamin S, Pamela M Trstee	Catlett Pamela M Rev Trust 1/2	Catlett Benjamin S Rev Trust 1/2	1617 Lake Front Rd	Lake Oswego	OR	97034-4615
Cerelli Bob/Sandra			31897 Maxwell Ln	Arch Cape	OR	97102-0135
Cerelli Janis C	Cerelli Brigid Carolyn		PO Box 824	Cannon Beach	OR	97110-0824
Cerelli Micah Ann	Mastrandrea Christopher Mason		11325 SW 47th Ave	Portland	OR	97219
Chambers Robert L	Chambers Krista L		26518 SE 19th Ct	Sammamish	WA	98075
Chauncey Helen R			PO Box 29169	Portland	OR	97296
Childress Sandra A (Meath)			3065 Crestview Dr S	Salem	OR	97302
Clements Ryan	Clements Humphrey Lori		79 Tuscany ravine Ct NW	Calgary Alberta	Canada	T3L2X3
Coats Donald C	Coats Thomas J Rev Liv Trust	Jacobsen Patricia J; et al	112 W 4th St	The Dalles	OR	97058-1804
Cobb Charles Nancy Trust	Cobb Charles R Trustee	Cobb Nancy J Trustee	2301 Summit Dr	Lake Oswego	OR	97034-3629
fey Vicki L/Ostrander Janna K Co-Tr	Coffey Vicki L Trust 1/2	Ostrander Janna Trust 1/2	8295 SW Seminole Trl	Tualatin	OR	97062-8128
eman Butch Trust	Coleman Harry E IV Trustee		80326 Pacific Rd #E-11	Arch Cape	OR	97102
eman Harry E	Butch Coleman Trust		80326 Pacific Rd	Arch Cape	OR	97102
eman Harry E Trustee	Coleman Butch Trust		80326 Pacific Rd #E 11	Arch Cape	OR	97102-0178
Coleman Harry S Tr	c/o Moskee Investment Co.		80326 Pacific Rd	Arch Cape	OR	97102-0178
Colipano Bryson M	Colipano Norio M		2414 SW Giese Loop	Gresham	OR	97080-6351
Condra Kevin			66 W Bond St Apt #A	Astoria	OR	97103-6010
Condra Kevin			PO Box 1493	Cannon Beach	OR	97110-0149
Constantine Alex/Helen	c/o Paulus-Constantine Helen		15707 Tiger Mt Rd SE	Issaquah	WA	98027
Crawford Tim R/Carole L			79916 W Beach Rd	Arch Cape	OR	97102-0148
Crawshaw Paulette R Trustee	Crawshaw Paulette R Rev Living Trust		2639 Orchard Hill Pl	Lake Oswego	OR	97035-1187
Cross Rex A/Patricia L			PO Box 1695	Saint Helens	OR	97051
Curs Tasha D 1/3	Dichter Brand T 1/3	Dichter Harry M 1/3	PO Box 2307	Gearhart	OR	97138-2307
Dahl Eric C	Wagner Margaret G		1170 Latham Dr	Watkinsville	GA	30677-6023
Darrough Forrest M/Julie C			820 NW 12th Ave Apt #524	Portland	OR	97209-3051
Davis Robert J Revocable Trust	Davis Lora D Revocable Trust	Davis Robert J/ Davis Lora D Trustee	80090 Pacific Rd	Arch Cape	OR	97102
DeGreene Brent			300 W 5th St	Sedalia	MO	65301
DeKlotz Disclaimer Trust	DeKlotz Rosemary W Trustee		8250 SW Apple Way #Apt F101	Portland	OR	97225
Dekoning Paul W/Dekoning Regan M	Elmaleh Francois/Elmaleh Sharon M		7514 SW 33rd Ave	Portland	OR	97219-1859
Delaney Chris R/Michele C			6224 SE 31st Ave	Portland	OR	97202-8622
DeMonico C A Rev Trust 1/2 int	DeMonico Julie D Trust 1/2 int	DeMonico C A/Julie D Trustees	19508 35th Ct	Lake Oswego	OR	97034-7453
Deur Douglas	Deur Faith		79811 3rd Rd	Arch Cape	OR	97102-0179
Deur Douglas E/Faith C			PO Box 58	Arch Cape	OR	97102
Dichter Chris	Dichter Kathryn Renie		PO Box 6188	Brookings	OR	97415-0262
Dichter Ralph L			PO Box 2561	Gearhart	OR	97138-2561
Distinctive Beach Lodgings LLC			PO Box 13067	Portland	OR	97213-0067
Doman Margaret H			2104 180th Ct NE	Redmond	WA	98052-6032
Donofrio Catherine			PO Box 1327	Cannon Beach	OR	97110-1327
Dooley Tevis III/Lally Judith			31972 E Ocean Ln	Arch Cape	OR	97102
Drais Michael E	Burton Deborah A		28632 Historic Columbia River Hwy	Troutdale	OR	97060
Dueber H Paul/Margo S			PO Box 549	Cannon Beach	OR	97110-0549
Duffens Kurt			2123 NW Village Cir	Portland	OR	97229-7503

Dufka Carolina			1814 Mosher Dr	Orlando	FL	32810-4944
Dufka Rand S/Teresa M	Dufka Rudolph Frank	Dufka Family Trust	79905 Anvil Rock Rd	Arch Cape	OR	97102-0118
Egger Ruth M			PO Box 243	Wheeler	OR	97147-0243
Ehler Autry	Henderson Barbara J (c)	Ehler Rev Inter Vivos Trust	PO Box 878	Seaside	OR	97138
Ehler Jesse Autry	Ehler S Heidi		PO Box 11	Seaside	OR	97138-0011
Equity Trust Company Custodian FBO			4015 SE Pine St	Portland	OR	97214-2034
Fenderson Patricia Gail Rev Trst	Mims Ronald C IRA		6744 Clear Spring Dr	Fort Worth	TX	76132-3749
Fenton Janiece (pipers)	Federson Patricia Gail		80231 Pacific Rd	Arch Cape	OR	97102-0177
Ferguson Bill B/Gloria Tr	Ferguson Bill B Living Trust	Ferguson Gloria M Living Trust	1901 Minter Ridge Rd #97	Hillsboro	OR	97123-5173
Flatow Kirk	Flatow Suanee		1143 Cherry Ave	San Jose	CA	95125-3718
Flynn Marjorie V Trustee	French K D/G B Trustees	c/o Gordon/Kathy French	PO Box 901	Cannon Beach	OR	97110
Foster Lisa/Foster Lisa Rev Trust	Foster Gayle		7340 W 81st St	Los Angeles	CA	90045-2417
Fracasso Stephen M	Fracasso Kathleen A		8504 N Washburne Ave	Portland	OR	97217
Fredrickson Shirley F Trustee	Fredrickson Gilbert Family Trust		15850 NW Center Dr #340	Portland	OR	97229
Gardner Richard K	Gardner Catherine M		80185 Pacific Rd	Arch Cape	OR	97102
Gardner Timothy H			32001 E Shingle Mill Ln	Arch Cape	OR	97102-0168
Garrison Arlene M			14570 SW Hart Rd #253	Beaverton	OR	97007
Garrow Leo A/Mary Elaine			6125 SE Division St #114	Portland	OR	97206
Gaylord Revocable Trust	Eyerman Revocable Trust	Gaylord William/Eyerman Linda Tr	3630 NE Merges Dr	Portland	OR	97212-2767
George William S/Patricia A			5517 NE Clackamas St	Portland	OR	97213-3635
Gibson Richard F	Peterkort Carol F		1000 NW Greenleaf Rd	Portland	OR	97229-6909
Glass Nancy B Family Trust	Glass Andrew G Trustee		5241 SW Humphrey Blvd	Portland	OR	97221-2314
GMK Investments LLC			3310 SE Bybee Blvd	Portland	OR	97202-8238
Gonzales Ray Mahan			PO Box 1900	Yucca Valley	CA	92286-1900
Goodman Descendents Trst Mark	Goodman Descendents Trst Greg	Goodman Mark / Gregg Trustees	2323 SW 15th Ave	Portland	OR	97201-2302
ɔal Yasodha	Caulfield Todd A		3200 NW 112th Place	Portland	OR	97229
don William G/Arlyn A			PO Box 449	Lake Oswego	OR	97034-0048
dvig Gordon A Living Trust	Niemeyer Julie D Living Trust	Gredvig Gordon/Niemeyer Julie Trustee(s)	20282 SW Inglis Dr	Beaverton	OR	97007-9001
fith John G	Griffith Patricia M		219 N Tacoma Ave Apt #201	Tacoma	WA	98403-2627
Griguhn Robert G	Griguhn (Williams) Diane		5475 SW Cherry Ave	Beaverton	OR	97005-4272
Grogg Thomas J	Grogg Georgia		504 30th St	Newport Beach	CA	92663
Hadder Barton A	Hadder Jacqueline		25615 NE 74th Ct	Battle Ground	WA	98604
Haftorson Mark			79906 Greenleaf Rd	Arch Cape	OR	97102-0129
Hale David	Hale Donna	Hale David & Donna Joint Liv Trst	80065 Pacific Rd	Arch Cape	OR	97102-0175
Haley Elizabeth	Kettler Roy		21 S Dunning St	Ventura	CA	93003
Hancock Sonny	Yorker Nola J		1288 N Morning Dove Rd	Green Valley	AZ	85614
Hango Marion I Rev Living Trust	Rafferty Richard & Kathryn	Hunt Leigh W/Dorothy A	13751 SE 128th Ave	Clackamas	OR	97015-9330
Hanley Schmitz Family Rev Trust	Hanley Jeffrey G Trustee	Schmitz Sheila J Trustee	1656 Hyacinth Ln	San Jose	CA	95124-6507
Hanna Mark K			PO Box 4124	Portland	OR	97208
Harfouche Diala			905 N Harbour Dr Unit #1	Portland	OR	97217-8400
Hargreaves Craig R/Kim E			7619 SE 17th St	Vancouver	WA	98665
Harpole Thomas W			5790 Childs Rd	Lake Oswego	OR	97035-8060
Harsey Joanne D			9895 SE 302nd Ln	Boring	OR	97009-8451
Hartman Family Living Trust	Hartman Christopher John	Hartman Judy Katherine	625 S Golden Key St	Gilbert	AZ	85233-7214
Hartog John R Jr			7307 SE Henderson St	Portland	OR	97206-7957
Hasenberg John/Carol	Arch Cape Pacific LLC		3706 NE Davis St	Portland	OR	97232-3437
Hauck Limited Partnership			4804 NW Bethany Blvd #Ste I-12 #208	Portland	OR	97229-4982
Heights Villa Apartments			PO Box 2875	Vancouver	WA	98668-2875
Heikes Dwayne Trustee	Heikes Carol J	Heikes Dwayne E Trust	10715 NW Shearer Hill Rd	Forest Grove	OR	97116-8206
Heimerdinger Ulrich	Heimerdinger Margarete R		14345 NE Morris Ct	Portland	OR	97230-3728
Henderson Barbara J	c/o Vito Cerelli		11640 Bay Place	Nehalem	OR	97131
Hendrickson Hubert E/Mae E Tr	Hendrickson Hubert/Mae Trust	c/o Kelly Merrick	10834 SW 63rd Ave	Portland	OR	97219
Hendrickson Hubert E/Mae E Tr	Hendrickson Hubert/Mae Trust		79955 W Beach Rd	Arch Cape	OR	97102-0148
Henningsen Michael E Jr			21435 NW Cherry Ln	Hillsboro	OR	97214
Henry Louise J			83612 Russell Ln	Joseph	OR	97846
Hess-Smith Vicki E Tr	Smith Roger N Tr	Hess-Smith Vicki E Trust	1400 SW Davenport St	Portland	OR	97201-2229
Hieronimus Henry M			2436 NW Westover Rd Unit #202	Portland	OR	97210-3717

Hill Dean A/Soreana A			79796 E Beach Rd	Arch Cape	OR	97102-0144
Hill John	Hill Sharon		10611 39th Dr SE	Everett	WA	98208
Hill Stephen M/Joanne M			31880 Oceanview Ln	Arch Cape	OR	97102-0138
Hinrichs Dag/Lindsey 2/3	Walsh Benjamin/Deborah 1/3		4615 SW 39th Dr	Portland	OR	97221
Holem Derek/Karen			704 228th Ave NE	Sammamish	WA	98074-7222
Holmes Matthew J	Treser Gretchen		3641 SW Tunnelwood St	Portland	OR	97221
Holzgrafe Candace C			300 SE Spokane St	Portland	OR	97202-6444
Hommel Gail D	Cutsforth Gail nka		16946 SW Stellar Dr	Sherwood	OR	97140-7515
Horine Douglas D/Carol A			5251 NW 126th Ter	Portland	OR	97229-2475
Horowitz David A	Myers Gloria E		6034 NE 32nd Pl	Portland	OR	97211-6716
Hovland Loren O	Hovland Lorrel A		1266 Lance Dr	Santa Rosa	CA	95401
Hoy Maureen Catherine			2740 76th Ave SE Apt #308	Mercer Island	WA	98040-2755
Humke Llc	c/o Ken Humke		1432 SE 72nd Ave	Portland	OR	97215
Hussman Lawrence E			80405 Woodland Heights Rd	Arch Cape	OR	97102
Husted Champ A/Kathleen H Trst	Husted Family Trust		13460 SE Beech St	Milwaukie	OR	97222-6102
Imes Joy L	Webster Nancy E Trust	Tindall Darr M Trust	16255 SW Ludwig St	Aloha	OR	97007-2030
Iwano Ann Lensrud Tr	Iwano Ann Lensrud Revoc Trust		100 Timber Ridge Way NW Unit #5102	Issaquah	WA	98027-2948
Jensen Donna M			30803 SW Grahams Ferry Rd	Wilsonville	OR	97070-9515
Jensvold James	Watson William Terrence		7004 Middlesbury Ridge Circ	West Hills	CA	91307
Joel Julie A	Johnson Family Trust		4410 S Golf Estates Dr	Green Valley	AZ	85622
Johnson Milton H/Joann R Tr			PO Box 2104	Vancouver	WA	98668-2104
Johnson Norman Lee			1420 SW Mitchell St	Portland	OR	97239-2815
Johnston Mark S/ Tamara L	Jones J Lynn Living Trust		725 Alta Vista Pl	Fircrest	WA	98466-7017
Jones J Lynn Tr	Waitkevich Cheryl		15293 SW Alderbrook Pl	Tigard	OR	97224-5627
Jorgensen Robert B	Bessey Bruce		2027 Bethel St NE	Olympia	WA	98506
[illegible]hel Ronald R	Brasher James C		PO Box 832	Cannon Beach	OR	97110-0832
[illegible]hler Mary A	Kafoury Beach House Trust	c/o Gretchen Miller Kafoury	7151 E Quail Run Dr	Tucson	AZ	85750-6111
[illegible]oury Deborah			6330 SE 32nd Ave	Portland	OR	97202
[illegible] Thomas J/Patricia O	Kazmierowski Nancy A Revoc Liv Tr		6717 SE 32nd Ave	Portland	OR	97202-8512
Kazmierowski John A Revoc Liv Tr	Kelvin Karen J 16.4%		18405 Deer Oak Ave	Lake Oswego	OR	97035-7101
Kelvin Paul E 83.6%			3045 SW Westwood Dr	Portland	OR	97225-4254
Kempler Geraldine R			6449 SW Loop Dr	Portland	OR	97221-3363
Kerns Janet M	Kessler Linda L Trustee		4403 Maple Ave	Yakima	WA	98901-1328
Kessler Linda L Trust			17755 S Palmer Rd	Oregon City	OR	97045
Kinch Gilbert L/Patty M	Kirkby Craig/Carey 1/2		32071 E Hemlock Ln	Arch Cape	OR	97102-0130
Kirkby Richard L/Mary Ann 1/2			5260 Old Mill Rd NE	Bainbridge Island	WA	98110
Kittell Geoffrey S/Danna L			9001 SW Robert Gray Ln	Portland	OR	97225-2569
Kleinheinz John B			301 Commerce St Ste #1900	Fort Worth	TX	76102-4155
Koch Fern A	Kolden Philip D/Vicki L		32121 Buena Vista Dr	Arch Cape	OR	97102-0163
Kolden Jennifer J			14922 121st Ave SE	Snohomish	WA	98290-6287
KSquared LLC	Kuestner Linda H Trustee	Mark T & Linda H Kuestner Fam Tr	PO Box 323	Manzanita	OR	97130
Kuestner Mark T Trustee			4928 SE 46th Ave	Portland	OR	97206
Lamb Peter K	Lamirande Pamela Jane Trustee	Skogrand Richard Paul Trustee	7342 SE 29th Ave	Portland	OR	97202
Lambert Jerome C	Lane Luise L Trustee		PO Box 471332	Aurora	CO	80047-1332
Lamirande Pamela Jane Liv Trust			3107 SE Knapp St	Portland	OR	97202-8658
Lane Luise L Trust	Vandemarr Carmen (nka)		4221 SW Patrick Pl	Portland	OR	97239-7202
Lantela Eeva			PO Box 1321	Cannon Beach	OR	97110-1321
Leitz Cindy Kay	Espasandin Jane C		65 Dollar St	West Linn	OR	97068-9115
Lepore Brian	Andree Erica A		7052 N Congress Ave	Portland	OR	97217
Lewis Wesche Colleen			2980 NW Monte Vista Ter	Portland	OR	97210-3343
Licklider Alan B			16625 Redmond Way #Ste M 355	Redmond	WA	98052-4499
Little Mark W	Lockwood Dee L Tr	Lockwood Janet M Tr	7025 SW Kelsi Ter	Portland	OR	97223-9605
Locke Jay Gregory/Maria T			1737 NW Andrew Pl	Portland	OR	97229-5146
Lockhart Richard I/ Rollande M			9726 S Woodlawn Rd	Newton	KS	67114
Lockhart Rosemary (Hemstreet)			PO Box 25260	Portland	OR	97298-0260
Lockwood Living Trust			17096 SW Rivendell Dr	Portland	OR	97224-7624
Lorentz John H/Golriz S			873 Rases Mountain Dr	Minford	OH	45653-8622

Low Robert J	Low Carter Sue		4005 NE Davis St	Portland	OR	97232-3400
LPP Mortgage LTD			1 Corporate Dr Ste #360	Lake Zurich	IL	60047-8924
Lubitz Michael	Lubitz Kari		6438 SW Parkhill Dr	Portland	OR	97239
Lundy Properties LLC			5353 SE 44th Ave	Portland	OR	97206
Lundy Tod Rev Living Trust	Lundy Theodore Maxwell Jr Tr		2553 Grand Ave	Astoria	OR	97103
Lynch Edward C			4712 NW Franklin St	Vancouver	WA	98663-1719
Macias Manuel J	c/o Tiffany & Oshea Inc		8305 SE Monterey Ave #100	Happy Valley	OR	97086
MacQueen Marjorie A Tr	MacQueen Marjorie A Trust		PO Box 692	Tolovana Park	OR	97145-0692
Madden Mary A	Murphy William		6400 SW Parkhill Way	Portland	OR	97239-2660
Maltman Michael J			1566 Mount Hood St	Las Vegas	NV	89110-1923
Manning Anne			14595 Misty Dr	Cloverdale	OR	97112-9414
Manzulli Michael			PO Box 1281	Cannon Beach	OR	97110-1281
Markham James W	Markham Ella L	Markham John C	5250 Calle Morelia	Santa Barbara	CA	93111-2435
Markham John C			31909 Markham Ln	Arch Cape	OR	97102-0133
Marshall David J M	Marshall Molly J		PO Box 425	Cannon Beach	OR	97110
Martel-Vilkin Wendy A			24115 NE 132nd Cir	Brush Prarie	WA	98606
Matson Carl R	Matson Diane M		7689 SW 189th Ave	Aloha	OR	97007
Matthews Curtis P	Matthews Kathryn L		1106 NW 112th St	Vancouver	WA	98685-4225
MBH5 LLC	C/O Lois MacKenzie		4018 N Colonial Ave	Portland	OR	97227
McClendon Catherine	McClendon Martin	Reynolds Eunice J	8370 SW 162nd Pl	Beaverton	OR	97008
McComb Stephen F			PO Box 1335	Palmer	AK	99645-1335
McCullough/ Tosi Rev Liv Trust	McCullough Robert F Jr Tr	Tosi Karen Tr	6123 SE Reed College Pl	Portland	OR	97202-8125
McIntosh Dawn M			31913 E Shingle Mill Ln	Arch Cape	OR	97102-0167
Mclean Malcolm John/Dianne L			7220 SW 140th Ave	Beaverton	OR	97008-8656
McMahon Craig A/Linda S 1/2	Wood Edward C Jr/Janice M 1/2		34351 SW South Ranch Rd	Newberg	OR	97132
·Vicker Family Trust	McVicker Dennis W Trustee		22517 NE 169th St	Brush Prairie	WA	98606
·ck Elizabeth A Trust 1/3	Ulrich Margaret W 1/3	Merck Sally L 1/3	720 Mandana Blvd	Oakland	CA	94610-2421
·rell Thomas L/Katherine L			31976 E Ocean Ln	Arch Cape	OR	97102-0145
·sereau John G/Deborah			32042 E Shingle Mill Ln	Arch Cape	OR	97102-0168
Mesa M Vincent/Cecily L			6710 SW Gable Pkwy	Portland	OR	97225-2612
Mestrich Young Paula Ann			22203 NE 209th St	Battle Ground	WA	98604-9619
Meyer Frederick R	Meyer Judith A		PO Box 1367	Cannon Beach	OR	97110-1367
Meyer James A/Lora R Rev Trust	Meyer James A/ Lora R Tr		1001 NW Lovejoy St #Unit 1612	Portland	OR	97209-3574
Miller Jeffrey	Miller Anne Marie		2245 SW Winchester Pl	Portland	OR	97225-4433
Miller Kevin S	Miller Charlene L		8475 Clearwater Rd	Fallbrook	CA	92028-8990
Mills Susan			PO Box 464	Ridgefield	WA	98642-0464
Misner Roberti Fam Rev Trust	Misner Thomas I Trustee	Roberti Peggy A Trustee	PO Box 151	Tolovana Park	OR	97145-0151
Montgomery C/S Rev Living Trust	Montgomery Charles/Sandra Tr		3028 NE 143rd Ave	Portland	OR	97230-3717
Moody Gary E/Stephany J			PO Box 1422	Cannon Beach	OR	97110-1422
Moore Thomas J/Mary E			648 NE Jamie Dr	Hillsboro	OR	97124
Moreo Peter C			24975 Outlook Ln	Carmel	CA	93923-8931
Morrison Noanie B Trust 1/2	Morrison James Credit Trust 1/2	Morrison Noanie B Tr	52 Cascade Ky	Bellevue	WA	98006-1030
Morse Greg D/Dorte P			1515 SW Clifton St	Portland	OR	97201-3137
Mosby Dale Earl	Tyrrell Irene C LE		31897 Oceanview Ln	Arch Cape	OR	97102-0138
Murray Linda J Lapp 90%	Murray V 2.5%/ Murray S 2.5%	Murray G R 2.5%/ Murray H I 2.5%	79836 Gelinsky Rd	Arch Cape	OR	97102-0128
Myers AG Inc			113 W Greenley	Tribune	KS	67879
Nelson Alan F			PO Box 94	Arch Cape	OR	97102
Nelson Madeline B Aka	Lafky Madeline B Tr		1833 SW Hawthorne Ter	Portland	OR	97201-1735
Nelson Marshall J/Ann J			5960 Old Mill Rd NE	Bainbridge Island	WA	98110-3140
Nelson Noel H			PO Box 155	Tolovana Park	OR	97145-0155
Nethercott Jack R/Betty J			79800 Cannon Rd	Arch Cape	OR	97102
Nielsen David D	Nielsen Tobi L		31947 W Ocean Ln	Arch Cape	OR	97102-0180
Ninteman Neal/Susan			17519 SW Wapato St	Sherwood	OR	97140-8246
Nirk William/Carolyn			9647 S 241st St	Kent	WA	98030-4809
Nordstrom Eugene A Trustee	Nordstrom Barbara L Trustee	Nordstrom Family Trust	7204 NE 83rd Ave	Vancouver	WA	98662-3663
North Walter A/Amy P			414 SW Edgecliff Rd	Portland	OR	97219
Nugent Desmond	Nugent Jenny		10330 Monte Mar Dr	Los Angeles	CA	90064

Ocean Manor LLC			13878 SE Mountain Crest Dr	Happy Valley	OR	97086
Odette Bruce L	Odette Patrina		2 S Bellaire St	Denver	CO	80246
Olsen Colleen V	Klug Colleen R		32060 E Shingle Mill Ln	Arch Cape	OR	97102-0168
Oseran Daniel S	Oseran Tracy B		4500 SW Humphrey Blvd	Portland	OR	97221-2305
Oswalt Edward E/Toni M Furfaro			16937 254th Ave SE	Issaquah	WA	98027-6924
Our Lady of Vicory Catholic Church			PO Box 29	Seaside	OR	97138-0029
Parasiliti Anthony/Lori			8504 Koluder Ct	Lorton	VA	22079-3000
Park Bruce S	Park Michele R		4415 221st Pl SW	Mountlake Terrace	WA	98043-5981
Parsons Family Trust	Parsons Eric E / Janet M Trustees	Andert Dale D / Sara E	357 Kelsey Ct	Friday Harbor	WA	98250
Pati Michael M	Bengston Bobbi J		590 Dartmoor Dr	Eugene	OR	97401
Peters Mark A	Peters Joan		7460 SW Canyon Ln	Portland	OR	97225-3732
Petrich Richard J	Fitzwater Kimberly		PO Box 1182	Cannon Beach	OR	97110-1182
Petrone Richard C/Carol A Trustee	Petrone Richard C Living Trust	Petrone Carol A Living Trust	4301 NE Crestview Dr	Newberg	OR	97132-7182
Petrucci Steven J/Lou Ann F			3843 94th Ave NE	Bellevue	WA	98004-1321
Petruzelli Stephen J/Dolores A			9980 SW Riverwood Ln	Tigard	OR	97224-4540
Piatt Andrew	Piatt Kendal	Piatt John A	79896 Cannon Rd	Arch Cape	OR	97102-0122
Pierce Deborah	Peirce John		3054 Palatine Terrace Dr	Henderson	NV	89052-3002
Pinger Steven S	Sammons Katharine L		2669 NW Savier St	Portland	OR	97210-2413
Piscitelli Thomas J			PO Box 4760	South Colby	WA	98384-0760
Pomar Emily	Gomez-Calleja Andres		1431 NE 22nd Ave	Portland	OR	97232
Price Kent H/Florence			PO Box 2265	Gearhart	OR	97138
Price Kevin M	Darmour Jennifer A		2010 14th Ave S Apt #A	Seattle	WA	98144-4293
Profitt Joanne Gail	Profitt Jack R		PO Box 367	Cannon Beach	OR	97110-0367
Providence Portland Medical Foundation	Gerding Robert K LE	Gerding Diana M LE	1025 NW Couch St Unit #1410	Portland	OR	97209-4138
Rall Martin M/Susan D			1818 SW Martha St	Portland	OR	97239-2042
se's Retreat LLC			PO Box 645	Tolovana Park	OR	97145-0645
ing Arthur L Trustee	Reiling Marilyn E Trustee	Reiling Joint Revocable Trust	17288 Cedar Rd	Lake Oswego	OR	97034-5660
nolds Adam Clinton	Maddison David & Josette Rev Trst	Maddison David/Josette Trustees	2416 E Deer Point Ct	Eagle	ID	83616-3973
noids Donald/Jan Rothert			6035 NE 35th Pl	Portland	OR	97211-7358
Rhodes Victor F/Nancy V	Richardson Stephanie		4103 SE Pine St	Portland	OR	97214-2036
Richardson Randy L			5191 SW Kruse Rd	Wilsonville	OR	97070-9741
Riley Michael D/ Elizabeth S	Ellenberg 1/6 Katz 1/6	c/o Michael A Heumann Trustee	8807 Oakmont Dr	Santa Rosa	CA	95409
Robert Brown Trust			2402 NE 26th Ave	Portland	OR	97212
Roberts Gerald A	Rubinstein Richard/Deanne Family Trust		PO Box 1734	Corvallis	OR	97339-1734
Rose Carol (Hartog)	Lewis Gregory Howard / Rebecca Kay	Thomas Karie Evelyn/Beverly J Lewis	8913 SW 21st Ave	Portland	OR	97219-4128
Rubinstein Richard A/Deanne Tr			8035 SW Broadmoor Ter	Portland	OR	97225-2120
Rubio Cynthia Marie	Samuelson Katherine	Samuelson Scott A	915 Ironwood Ln	Fountain Valley	CA	92708-5820
Rudduck Miles C			2423 SW 30th Ct	Gresham	OR	97080-8503
Samuelson Mark	Sanders Nancy K		3509 209th Pl NE	Sammamish	WA	98074-9316
Sande Elmer Todd	Bevis John 1/2		PO Box 367	Beavercreek	OR	97004-0367
Sanders Steven P			One Berkshire Dr	St. Louis	MO	63117
Sandler Stuart/Jeanne B 1/2	Sawicki Edward	Sawicki Living Trust	19419 NW Reeder Rd	Portland	OR	97231-1404
Sanford R Lynden	Noonan Patricia		PO Box 2331	Redmond	OR	97756-0544
Savage Louis D	Schiller Jennifer J		PO Box 80910	Portland	OR	97280
Sawicki Merryl			4133 Glacier Lily St	Lake Oswego	OR	97035-1804
Schiffman Ronald P	Seifer Daniel J		32016 E Shingle Mill Ln	Arch Cape	OR	97102-0167
Schiller Timothy C			25100 NE 14th St	Camas	WA	98607
Schilling Beach House LLC			7693 Wheatland Rd N	Keizer	OR	79303
Seifer Kathryn D			79916 Cannon Rd	Arch Cape	OR	97102-0164
Selberg Virginia M			80152 Kent Rd	Arch Cape	OR	97102-0131
Sharples Rena McGregor			Calle Agrela 6	Salobrena (Granada)	Spain	18680
Shaver Mary S	Shaw Georgia L Living Trust		PO Box 25357	Portland	OR	97298-0357
Shaw Georgia L Trustee	Shaw Barbara Family Trust 1/2	Shaw James R Jr/Barbara Tr	PO Box 130	Carlton	OR	97111-0130
Shaw James R Jr Family Trust 1/2			79924 Cannon Rd	Arch Cape	OR	97102-0164
Sherlock Daniel C	Sherman Pamela E		134 Pine St	Saint Helens	OR	97051-1561
Sherman Joseph M	Sheron Children Beach House Trust		18015 NE 33rd St	Richmond	WA	98052
Sheron Chad			120 S Santa Fe Ct	Vancouver	WA	98661

Shin Jay G	Kim Choonae		4403 SE Anderegg Loop	Portland	OR	97236-9378
Short Kenneth Casey			3435 NE 22nd Ave	Portland	OR	97212-2432
Simmons Philip	Simmons Buffy		79805 Fire Rock Rd	Arch Cape	OR	97102-0127
Simpson Gregg	Hufford Gary/Joan		17734 Kantishna Dr	Eagle River	AK	99577-8228
Sinnott William P/Kathy M			3715 SE Tolman St	Portland	OR	97202-7652
Sinor Shawna B			PO Box 54	Saint Helens	OR	97051-0054
Sivers Dennis Wayne	Sivers-Boyce Heidi / Sivers-Boyce Nathan	GST Trust; et al	4730 SW Macadam Ave #Ste 101	Portland	OR	97239
Skeels Family Ltd Prtnshp			1041 Summit Ave E	Seattle	WA	98102-4432
Smith Bradford Alfred	Willats Wendy Lynn		11710 126th Avenue Ct E	Puyallup	WA	98374-5082
Smith Brian M			PO Box 552	Cannon Beach	OR	97110-0552
Smith Cy/Diane L			17339 S Century Dr	Bend	OR	97707-2524
Smith Kathleen S	Schaffer Darcy L		9021 SW 49th St	Portland	OR	97219
Solorzano Valerie			5721 SE Insley	Portland	OR	97206
Soot Scott J			1348 SW Taylors Ferry Rd	Portland	OR	97219-4374
Soriano Greg B/Roselle	Gatto Revocable Trust	Gatto Jerry A/Carol J Trustees	1994 Furlong Ct	West Linn	OR	97068-2525
Soriano Gregory B/Roselle G			4309 N Willamette Blvd	Portland	OR	97203-4763
Sparks James R/Pamela			4450 Upper Dr	Lake Oswego	OR	97035
Speelmon Cathy	Williams Nora	Speelmon Cathy	3553 S Ferninand St	Seattle	WA	98118-1733
Spoelstra Living Trust	Spoelstra Jon W Trustee	Spoelstra Elisa C Trustee	7700 SW Northvale Way	Portland	OR	97225-1550
Stafford Louis R	Stafford Dan R	Stafford Judy A	5290 SW Landing Sq Apt #9	Portland	OR	97239-5931
Starfish LLC	c/o Robert Sacks		1532 SW Morrison St Ste #1000	Portland	OR	97205-1942
Starnes Judith Fishburn Trust	Starnes William K Tr	Starnes Judith Fishburn Tr	1907 NW Woodland Dr	Corvallis	OR	97330-1020
Steele Robert W/Nicolette G			19875 NW Metolius Dr	Portland	OR	97229-2863
Stockton David A/Jeannie A			9165 SW Pony Pl	Beaverton	OR	97008-6786
Sullivan James			19338 8th Ave NW	Shoreline	WA	98177-3023
hart Kathleen A			25822 186th Pl SE	Covington	WA	98042-5043
mbelan Family Trust	Szambelan Peter J III	Szambelan Isabelle Trst	435 NE Laurelhurst Pl	Portland	OR	97232-3339
mbelan Joseph P	Szambelan Andrea		2541 NE 91st St	Seattle	WA	98115
er Marie J			PO Box 12565	Portland	OR	97212-0565
Taylor M Joan Tr	Taylor Robert L Credit Shelter Trust		5020 SW View Point Ter	Portland	OR	97239-3958
Tenneson Scott V	Tenneson William R	Tenneson Joni Jean	4800 Mill Creek Rd	The Dalles	OR	97058-9595
Thiede Clifford S Living Trust	Thiede Clifford S/ Virginia L Tr		73 Palma Dr	Rancho Mirage	CA	92270-3843
Thomas Daniel M	Thomas Susan K		3256 Silver St	Hinesburg	VT	05461-9475
Tindall Family Properties LLC			2606 N Newark St	Portland	OR	97217-6969
Tokos Trenton N	Tokos Cynthia S		5745 SW Gaines Ct	Portland	OR	97221
Treistad Cynthia 1/4	Rader 1/4, Rush 1/4, Rothrock 1/4		2221 SW 1st Ave #Apt 2324	Portland	OR	97201-5023
Tuell Lawrence D	Tuell Leisha R	Weigel Curt A / Julie R (c)	3215 S 15th St	Tacoma	WA	98405-2478
Tunquelen LLC			2240 Prestwick Rd	Lake Oswego	OR	97034-2741
Unhanand Nartnucha Trustee	Unhanand Nartnucha Trust		4305 Browns Creek Rd	The Dalles	OR	97058-8544
US World Class Taekwondo LLC			8907 SW Canyon Rd	Portland	OR	97225
Van Loo Ronald			58763 Saulser Rd	Saint Helens	OR	97051-9338
VanBuskirk Kathleen J			16709 W 69th Cir	Arvada	CO	80007
Vaughn Susan			164 Caymus Ct	Sunnyvale	CA	94086-7023
Vilkin Martel Wendy	Vilkin Kenneth W		24115 NE 132nd Circle	Brush Prairie	WA	98606
Vincent Frederick	Stas Venessa		3743 NW Devoto IN #Ln	Portland	OR	97229
Vogl Donald Jay	Vogl Betty Jane		4218 NE 74th Ave	Portland	OR	97218
Vollum Don A	Vollum Marian		PO Box 91008	Portland	OR	97291-0001
Vollum Lawrence W			1000 NW Skyline Blvd	Portland	OR	97229-6825
Vollum Stephen A	Vollum Charles A	c/o Vollum Lawrence W	2373 NW 185th Ave #505	Hillsboro	OR	97124-7076
W Stoll Trst 50%A B Stoll Tst 50%	Stoll Wayne H	Stoll Alison B	3232 NE Alameda Ter	Portland	OR	97212-1634
Waibel Karen			5630 SW Windsor Ct	Portland	OR	97221-2153
Wakem III Dale J Rev Liv Trust	Wakem Joan Rev Living Trust	Wakem III Dale J/ Joan L Trustees	12970 SW Oxalis Terrace	Tigard	OR	97223
Walsh Al/Nancy Revocable Trust	McLellan Trust	Walsh Joseph/ Tien Li	273 N Henry St	Coquille	OR	97423
Walsh Gerald M	Walsh Ellen R		941 Lake Forest Cir	Hoover	AL	35244-1450
Ward William	Majeres Ward Nancy		12956 SE 127th Ave	Clackamas	OR	97086-9386
Watkins Raymond E Est	c/o Nancy or Andreas Katz		2 Whiting St	San Francisco	CA	94133-2454
West Highland Properties LLC	c/o Cynthia Markowski		6260 S Lake Dr #1001	Cudahy	WI	53110

Wheeler Edward			2028 SW Jackson St	Portland	OR	97201-2424
White Myron			10447 NW Valley Vista Rd	Hillsboro	OR	97124-8026
Wickman John P			PO Box 1252	Cannon Beach	OR	97110-1252
Wil Da Loha LLC			18850 SW Cipole Rd	Tualatin	OR	97062-6935
Willis Kathleen L Tr	Willis John M Tr	The Willis Joint Living Trust	788 Cabana Ln	Lake Oswego	OR	97034-3757
Winton Don W			27740 10th Ave S	Des Moines	WA	98198
Wirt Kelly L Rev Trust	Wirt Brian L Rev Trust	Wirt Brian L/Kelly L Trustees	216 49th St	Des Moines	IA	50312-2506
Wolf Matthew Grey			744 Judith Ct	Saint Helens	OR	97051-2975
Wollert Richard W			602 E 31st St	Vancouver	WA	98663-2727
Wood Michael J/Mary N			80054 Pacific Rd	Arch Cape	OR	97102-0175
Wyatt Todd L/Carol J			6453 SW Loop Dr	Portland	OR	97221-3363
Yockey Betty Jean Trustee	Newman Pamela Sue Trustee	Yockey Jay R Credit Shelter Trust	17722 7th Ave W	Bothell	WA	98012
Zalutsky Audrey E	Zalutsky Morton H	Zalutsky Revocable Trust Audrey/Morton	3118 SW Fairmount Blvd	Portland	OR	97239-1466
Zommers John 1/2	Zommers Biruta 1/2		32089 Buena Vista Dr	Arch Cape	OR	97102-0121

CERTIFICATE OF MAILING

I hereby certify I served a copy of the attached public notice to those listed on the attached page with postage paid and deposited in the US Post Office, Astoria, Oregon, on said day.

Clancie Adams, Permit Tech Clancie Adams

Date: 07.01.16

ATTACHMENT F

Written Testimony submitted as of 4 PM on July 18, 2016

Clatsop County

JUL 12 2016

Land Use Planning

I previously have served 5 years on the SCCAC as well as 3 years on the County Budget Committee so I have some working knowledge of both the local zoning and planning regulations as well as the Counties finances.

When the county initially began adoption of planning and zoning regulations they wisely reached out to local communities and formed six planning areas consisting of citizen committees to contribute local concerns and desires to the County Comprehensive Plan from which subsequent County Ordinances would be formed from. When the process was completed these citizen committees were all eliminated with the exception of Arch Cape (Circa 1979).

Given the rather vague, confusing and subjective then existing language regarding view protections within the Arch Cape Zone, as codified, and the absence of any wetland inventory information the SCCAC served a valuable function in the planning process with our local input for a number of years.

Today the County has access to a wetlands inventory of Arch Cape and the views are protected within the confines of the Arch Cape Rural Community Residential Zone regulations (3.060).

The email that was originally sent out by the Community club was correct that without the County's Original Comprehensive plan and its evolution that Arch Cape would have looked much different today. However, it is also misleading in suggesting that the SCACC is necessary to protect our neighborhood today.

We are already fully protected by existing designated zones. We are protected by building height restrictions, minimum lot sizes, lot line setbacks, tree buffering along 101 & streams, even restrictions upon hedge and fence heights. The SCCAC has well served this Community in the past by helping to insure that all the necessary regulations were created. This job was accomplished some time ago.

Any future exceptions to existing regulations and zone changes will continue to result in neighbor notification and hearings before the County P & Z, of which one member is an Arch Cape Resident and other Arch Cape residents can appear and testify.

Submitted 7-12-16 @ SC-163-

Today, the SCCAC is simply an old appendage that serves no useful function. What can it's members really accomplish except to maybe question why someone would need three garages in Arch Cape or why they want to have a East facing deck that large. Those are individual aesthetic issues and not within the confines of the existing ordnance, which the SCCAC has no legal authority to change or alter in the first place.

The SCCAC today is very much a duplication and an unnecessary time consuming expense for both the lot owners and the County. I fully support it's elimination.

Tim Crawford
Arch Cape Resident

Clatsop County

JUL 12 2016

Land Use Planning

Heather Hansen

From: domanms@comcast.net
Sent: Tuesday, July 12, 2016 4:40 PM
To: Heather Hansen; Clatsop Development
Subject: Arch Cape Design Review Board - Hearing tonight

Dear Clatsop County Planning Director and staff,

Thanks for mailing me a postcard notification of tonight's SW Coastal Citizens Advisory Committee public hearing re: a recommendation to the County Planning Commission on the subject of disbanding the Committee and thus it's design review function for development in Arch Cape. I am writing to state my STRONG OBJECTION to the staff recommendation to disband. I think that the Committee provides valuable input on other subjects besides design review but it especially this function that I am most concerned about. Specifically, the design review process gives Arch Cape residents a valued venue to give input on the character of our community and through the process it builds a sense of community.

I well remember in 1987 when my mother Dorothy Horn, then owner of our property, went before the DRB for a second story addition. The back yard neighbor (Bernie Blumberg) had a specific request to lower the roof line by 2 feet so that they could maintain their north view to Haystack Rock. The architect's initial plans conformed to the code, but the added benefit to insisting on what the code would allow was negligible and didn't seem to outweigh the tangible benefit to the neighbor. Another example was when our friends, Janet and Dee Lockwood, went before the DRB for building a home in the early 2000s, they learned that the neighbors to the west were previously approved for building just to the allowed side yard setback. This caused the Lockwoods to move their house further to the East so as to maintain a comfortable distance for a west side deck & space between the houses for the benefit of both owners. Now, our neighbors to the west of us (Joe and Pam Sherman) are in the process of designing a new home on their lot involving a tear down of the old home. Of course, I know that if they comply with the code that they can do what they will, but I would like the opportunity to review their plans and have the ability to give input that might be beneficial to me/the community. To paraphrase Robert Frost: DRBs make good neighbors!

I hope that this note might be read into the record tonight and I do hope to attend the Planning Commission hearing on July 26th.

Sincerely,

Margaret Horn Doman
2104 180th Court NE
Redmond, WA 98052

&

31954 Montbrecia Lane
Arch Cape, Oregon 97102

Tax Account ID: # 2742 & # 2848

RECEIVED
Clatsop County

JUL 12 2016

Land Use Planning

Sean T. Malone

Attorney at Law

259 E. Fifth Ave.,
Suite 200-G
Eugene, OR 97401

Tel. (303) 859-0403
Fax (650) 471-7366
seanmalone8@hotmail.com

July 12, 2016

Via Email

Arch Cape Design Review Committee (aka SW Coastal Citizens Advisory Committee)
c/o Clatsop County Dept. of Community Development
800 Exchange St., Suite 410
Astoria OR 97103

cadams@co.clatsop.or.us
comdev@co.clatsop.or.us

Todd Lundy, Chair: todlundy@gmail.com
Linda Lapp Murray, Vice-Chair: murraylapp@charter.net
Virginia Birkby: vbirkby@charter.net
Daniel Siefer: Daniel.j.siefer@gmail.com

Re: Oregon Coast Alliance Public Comment regarding the legislative hearing to consider text amendments to the Clatsop County Comprehensive Plan and Land and Water Development and Use Code discontinuing the Southwest Coastal Citizens Advisory Committee and amending sections related to development in Arch Cape and make a recommendation to the Planning Commission (Ordinance 16-03).

Dear Chair Lundy and Members of the Arch Cape Design Review Committee,

Please accept these comments on behalf of Oregon Coast Alliance (ORCA) for the above-referenced legislative amendments. ORCA is an Oregon nonprofit corporation whose mission is to protect coastal natural resources and aid communities in maintaining their livability.

Introduction and Remand of *Jensvold v. Clatsop County*

The proposed action arises from the remand in *Jensvold v. Clatsop County,* __ Or LUBA __ (LUBA No. 2016-022, June 14, 2016). In that case, the County attempted to dissolve the Committee without going through the appropriate process required by law. As a result of the remand in that case, that decision is ineffective. *See Williamette Oaks LLC v. City of Eugene,* 68

Or LUBA 162 (2013) (when LUBA remands a land use decision, absent some authority to the contrary, the decision becomes ineffective and remains ineffective unless and until the local government takes action on the remand to re-adopt the decision or otherwise render the decision or portions of it effective). To the extent that the County believes that the remanded decision remains in effect and that the Committee is dissolved, the County is mistaken; and it is likely this basic misunderstanding that resulted in this remand itself.[1]

Now, the County is proposing to again dissolve the committee but this time by following the applicable procedures. The County's new decision, however, appears flawed and in violation of state law. Therefore, on behalf of ORCA, I request that you recommend not approving the proposed legislative amendments.

Applicable plans and land use regulations

The comprehensive plan, the coastal plan, and the LWDUO contain applicable provisions related to the proposed discontinuance of the Committee and those applicable provisions would necessarily be changed as a result of the proposed discontinuance. The comprehensive plan states that "the Citizen Advisory Committees were intended to function continuously." The comprehensive plan further provides:

> "The County has recognized the importance, necessity and value of citizen participation in assisting the County government in the decision-making process. In order to assure a continuum of citizen involvement, the following policies are adopted:
>
> GOAL
>
> * * *
>
> "Only the Southwest Coastal Planning Area still retains an active Citizen Advisory Committee (CAC).... The CAC may continue to function and be an active, integrated segment of Clatsop County's planning process as long as persistent involvement and active participation is demonstrated."
>
> * * *
>
> 2. The Planning Commission and active Citizen Advisory Committees shall hold their meetings in such a way that the public is notified in advance and given the opportunity to attend and participate in a meaningful fashion.

[1] The County's "executive summary" contained in the staff report references the February 10, 2016 Board of Commissioners decision for a directive "to initiate amendments to the Comprehensive Plan and LWDUO to discontinue the SCCAC.". That decision, however, has been voluntarily remanded and is void. As such, any reliance on that decision is misplaced.

3. Active Citizen Advisory Committees may submit their comments to the Clatsop County Department of Planning and Development, Clatsop County Planning Commission and Clatsop County Board of Commissioners. These bodies shall answer the CAC request in a timely manner."

The coastal plan "is the most important element of the Clatsop County's Comprehensive Plan to the residents of the region." The coastal plan lists several applicable policies related to the Committee that provide for its existence and other components:

Citizen Involvement Policies

1. The Southwest Coastal Citizen Advisory Committee shall constitute the officially recognized body to represent the community on matters of land use planning.

2. The CAC shall be composed of residents and property owners of the community and shall be chosen in a well-publicized community meeting. A broad spectrum of people from the community shall be included on the CAC.

3. The CAC shall hold its meetings in such a way that the public is notified well in advance and given the opportunity to attend and participate in a meaningful fashion.

4. Technical assistance shall be made available to the CAC through the County Community Development Department and other resources of the County.

5. The Policy Advisory Committee, Planning Commission and Board of County Commissioners shall provide to the CAC written acknowledgment of the CAC's recommendations along with their rationale used to make final policy decisions.

6. The Board of County Commissioners, through the Community Development Department, shall provide adequate and reasonable financial support, along with technical assistance to the CAC.

The County's Land and Water Development and Use Ordinance (LWDUO) requires that the Committee fulfill a specific review function for particular land use applications:

"**Section 4.108. Design Review Advisory Committee.**
The Southwest Coastal Citizens Advisory Committee (CAC) shall serve as a Design Review Advisory Committee for Arch Cape and will review development proposals and make recommendations to the Community Development Director and Planning Commission concerning the design and scenic view aspects of proposed developments.

(1) Meetings/Records. The committee shall hold regular meetings on the first and third Wednesday of each month at the Arch Cape Fire Hall or designated sites. However, meetings may be canceled when there are no design review plans submitted for review by the Committee. The deliberations and proceedings of the

committee shall be public. The Community Development Department shall keep minutes of the committee meetings and such minutes shall be public record.

(2) The Design Review Advisory Committee shall submit their recommendations to the Community Development Director within seven (7) working days of their decision.

The comprehensive plan, coastal plan, and LWDUO, therefore, implicate, are applicable, and would necessarily be changed by dissolving the SWCC to review comprehensive plan revisions for many years, and has no grounds under Goal One to cease using SWCCAC for this purpose. SWCCAC advises the Planning Commission when changes to local rules and the Comprehensive Plan apply.

The County has not made sufficient findings supported by substantial evidence regarding compliance with the Statewide Planning Goals. Even where no authority requires findings in support of a legislative decision, there must be enough in the way of findings or accessible material in the record to show that applicable criteria were applied and required considerations were considered. *See Barnes v. City of Hillsboro,* 61 Or LUBA 375 (2010). The lack of findings is particularly conspicuous given that Goal 1 is concerned with public participation and the County's attempt to dissolve an active Citizen Advisory Committee. Given the policies at issue here, without findings the proposed amendments are not legally defensible because they are not supported by substantial evidence.

The comprehensive plan specifically dictates how the Committee may persist: "The CAC may continue to function and be an active, integrated segment of Clatsop County's planning process as long as persistent involvement and active participation is demonstrated." This comprehensive plan provision is reinforced by the Committee's bylaws, including article XI, which provides:

> "If persistent involvement and active participation of the Southwest Coast Citizens Advisory Committee/Southwest Design Review Committee is no longer demonstrated and the Board determines the Committee is no longer useful or necessary, the Committee may be discontinued by majority vote of the Board."

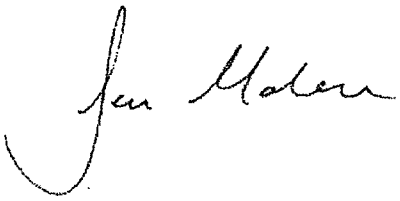
There do not appear to be any proposed findings related to this applicable goal to demonstrate that the Committee has not been active. Indeed, the absence of findings is likely attributable to the fact that the Committee has remained very active since its inception. In the absence of findings justifying the dissolution of the Committee, the County's decision is to susceptible legal attack. It is not simply enough for the County to find that the Committee is "no longer useful or necessary," but rather the County must *also* find that there has not been "persistent involvement and active participation." Again, this will be impossible for the County to do given the level of activity and involvement from the Committee. Over many years.

ORCA also objects to the County's failure to provide notice to all Arch Cape landowners

of this legislative action. To the best of ORCA's knowledge, this has not been done. Under LWDUO, amendments to the Comp Plan are Section 2.035 TYPE IV Procedures that require a public hearing before the Planning Commission and notice pursuant to Section 2.315. Section 2.315 states that notice to property owners is not required if issue does not relate to a specific geographic area. Arch Cape is a specific geographic area, so clearly the County must send notice to all property owners for not only the July 26th planning commission hearing, but also the July 12th SWCAC hearing. This failure prejudices the substantial rights of the individuals that have not received notice.

For the reasons provided above, on behalf of ORCA, I respectfully request that the Southwest Coastal Citizens Advisory Committee (also known as the Arch Cape Design Review Committee) not take the action requested by the County to recommend dissolving itself. The Committee may not take this action because the Committee has had "persistent activity" for all the thirty-nine years of its existence. Furthermore, Clatsop County has provided no findings as required by law, and no notification to DLCD as also required. Thus the proposed legislative amendments cannot be approved by the SWCCAC.

Thank you,



Sean T. Malone
Counsel for Oregon Coast Alliance

RECEIVED
Clatsop County

JUL 12 2016

Land Use Planning

Southwest Coastal Citizens Advisory Committee
Clatsop County
800 Exchange Street, Suite 410
Astoria, OR 97103

July 12, 2016

RE Legislative hearing on text amendments to the Comp Plan and Development Code discontinuing the SCCAC and amending sections related to development in Arch Cape

Dear Advisory Committee Members,

Thank you for your service to our local community and Clatsop County as a whole. I am sorry to not make the meeting this evening as I am caring for our young child. I am writing in opposition to the dissolution of the Southwest Coastal Citizens Advisory Committee (SCCAC) and associated text amendments to the Clatsop County Comprehensive Plan and Development Code.

While sometimes community planning can be challenging to both developers and communities, it is critical to good long term outcomes. Having local people substantively providing information and input helps to ensure that decision-making is based on all of the relevant facts and rules.

Having planning decisions made in Astoria, without substantive info and input from southwest community members, will result in bad decisions. Having a neighborhood group simply send out announcements of meetings and applications CANNOT provide the same services provided by the formal committee talking with developers and their consultants and then providing recommendations to staff, the Planning Commission, and the County Commission.

Please do not recommend discontinuing the SCCAC and amending associated text amendments to the Clatsop County Comprehensive Plan and Development Code.

Nadia Gardner
80285 Woodland Hts Rd
Arch Cape, OR 97102

RECEIVED
Clatsop County

JUL 11 2016

Land Use Planning

TESTIMONY IN OPPOSITION TO DISCONTINUING THE SOUTHWEST COASTAL CITIZENS ADVISORY COMMITTEE

Members of the Southwest Coastal Citizens Advisory Committee, Clatsop County Planning Commission, and Clatsop County Board of Commissioners:

My name is Linda Eyerman. I have been property owners in Arch Cape for 17 years and served as a member of the Southwest Coastal Citizens Advisory Committee (SCCAC) for four years, from 2012-2015.

The SCCAC has on its 7/12/16 agenda a request from the County to amend the County's Comprehensive Plan and LWDUO to discontinue itself. This follows a Resolution on 2/10/16 by which the Board of Commissioners summarily discontinued this Citizens Advisory Committee without following legal procedures for making a land use decision. We are having hearings now because citizens of Arch Cape filed an appeal to the Land Use Board of Appeals, which convinced the County it had violated the law and would have to start over. Whether it convinced the County to start over with an open mind remains to be seen, since the County has not included in its staff report or items for discussion at this hearing a legitimate, or any, rationale for discontinuing the Committee. So perhaps we are just going through the motions. I hope not.

As I understand it, this is a Type IV proceeding, which includes certain procedural mandates including notice to all property owners affected by the changes it proposes. *Clatsop County LWDUO Section 2.315* (notice to individual property owners not required UNLESS matter related to a specific geographic area); *see also* Goal #1 of the Clatsop County Comprehensive Plan (public notice "will ... be sent to affected residents concerning ... Comprehensive Plan changes"). Some property owners have told me they did not receive notice, so I question if this mandate has been followed.

But my primary reason for submitting testimony is to tell the County that it should be celebrating this Committee for its long-standing dedication (it has been continuously in existence since 1974) and hard work. Arch Cape and the Southwest Coastal region is the only community with citizens who are willing to be involved year after year, working on the front lines of the County's design review process, serving as conduits of information, and providing a way for the citizens of this area to communicate with their government. To the extent there are practical problems with the planning process, or policy differences between the Planning Department and the Committee, the County should be working with the Committee to solve them, with a goal of keeping the Committee, not discontinuing it.

The SCCAC has demonstrated Persistent Involvement and Active Participation

Goal #1 of the Clatsop County Comprehensive Plan is titled "Citizen Involvement" and states that "citizen participation .... in the planning process ... is not only desirable but essential." This is consistent with statewide land use planning policies which require the opportunity for citizens to be involved in the planning process.

To meet Goal #1, the County set up Citizens Advisory Committees (CAC) around the County, but by 1989 only the SCCAC was active. Revisions to the Comprehensive Plan in 1989 adopted the following policy "to assure a continuum of citizen involvement":

> Only the Southwest Coastal Planning Area still retains an active Citizens Advisory Committee .... The CAC may continue to function and be an active, integrated segment of Clatsop County's planning process as long as persistent involvement and active participation is demonstrated.

Thus, if "persistent involvement and active participation" is the criteria by which the SCCAC's value should be measured, this Committee has passed that test with flying colors. I cannot speak from personal experience about the decades before I joined the SCCAC in 2102, but during my tenure the Committee met almost every month and considered every major design review application within its jurisdiction. All of the homes which have been built or substantially remodeled in Arch Cape went through the Committee's design review process, and most of the Committee's recommendations were accepted and adopted by the County Planning Director or the Planning Commission.

In addition to carrying out its design review function, the SCCAC had many other items on its agendas, some for discussion and some which required work sessions, including:

*Revisions to Arch Cape Short Term Rental Ordinance
*Enforcement of Arch Cape Short Term Rental Ordinance
*Revisions to Arch Cape Tree-Cutting Ordinance
*How to use transient tax revenues to improve Arch Cape
*Arch Cape Local Wetland Inventory
*Possibility of forming Urban Renewal District in Arch Cape
*Possibility of incorporating Arch Cape
*Review of Southwest Coastal Community Plan Goals

There can be no question that the members of the SCCAC were persistently involved and actively participated in the County's planning process, and through this persistent involvement and active participation, the Committee has earned its right to continue.

Problem Areas

This is not to suggest there have not been disagreements or conflicts between the SCCAC and others in the planning process. The Committee cares deeply about the livability of Arch Cape and the Southwest County, and where possible, has put emphasis on trying to enforce existing laws and regulations which protect the community, rather than making exceptions to them. But the fact that there are disagreements or conflicts between citizens and their government is not a reason to eliminate citizens involvement.

Probably the most significant area of conflict involved the wetlands setback, which has been part of our laws for decades and requires 35-50 feet between any new construction and the line of non-aquatic vegetation. In 2014 we had two applications for variances, one which would have reduced the setback from 50 feet to 8 feet, and another that would have reduced it from 50 feet to 2 feet. Committee members were unanimous in denying these applications, only to be reversed in both cases by the Planning Commission in a split vote. This led the Board of Commissioners to adopt a reinterpretation of the term "wetlands" that effectively removed most setbacks for the Arch Cape wetlands. SCCAC members than appeared before the BOC to ask for a study group or some action that would lead to reasonable protections for these wetlands, and there now is a task group working on new wetlands regulations for the entire County.

Interestingly, two of the property owners whose applications the Committee turned down gave testimony at the 2/10/16 Board of Commissioners meeting in favor of dissolving the SCCAC, even though they eventually had gotten their way and built their homes. And even more interesting, neither of them live or plan to live in Arch Cape. The homes they built either have been sold or will be sold upon completion of construction.

Conclusion

Southwest County citizens have demonstrated their interest in participatory democracy by keeping the Committee vital for more than 40 years. I view your decision now as a test of Clatsop County's interest in citizen involvement. If you really don't want to know about or have to work on reconciling the interests of our unique community with your more development-minded planning department, you will tell us that by dissolving the SCCAC. Or you can renew the original commitment to let our community do its part in governing land use matters within its boundaries. Thank you for your consideration.

Submitted July 11, 2016

Linda Eyerman
80296 Pacific Rd
Arch Cape, OR 97102
linda@gaylordeyerman.com

Mailing Address:
3630 NE Merges Drive
Portland, OR 97212

Heather Hansen

From: Clatsop Development
Sent: Monday, July 11, 2016 3:33 PM
To: Heather Hansen
Subject: FW: IN FAVOR OF RETAINING SOUTHWEST COASTAL CITIZENS ADVISORY COMMITTEE

Clancie Jo Adams | Staff Assistant
Clatsop County Community Development
Land Use Planning Division
800 Exchange Street, Suite 100
Astoria, OR 97103
Phone: 503.325.8611 | Fax: 503.338.3666

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.

Beginning September 1, 2015, our office hours will be 7:30 AM to 4:00 PM, Monday-Friday.

From: JPJensvold@aol.com [mailto:JPJensvold@aol.com]
Sent: Monday, July 11, 2016 3:32 PM
To: Lianne Thompson; Sarah Nebeker; Lisa Clement; Scott Lee; Dirk Rohne; Rich Mays; Board of County Commissioners; Clatsop Development
Cc: JPJensvold@aol.com
Subject: IN FAVOR OF RETAINING SOUTHWEST COASTAL CITIZENS ADVISORY COMMITTEE

TO: Clatsop County Planning Commission, and Clatsop County Board of Commissioners:

IN FAVOR OF RETAINING SOUTHWEST COASTAL CITIZENS ADVISORY COMMITTEE

My name is Jim Jensvold. I own a residence in Arch Cape and also own as-yet undeveloped residential property in Arch Cape.

I understand that Clatsop County still wishes to dissolve the Southwest Coastal Citizens Advisory Committee/Arch Cape Design Review Board.

I chose to live in Arch Cape because of the aesthetic qualities and the culture of the community. I am still concerned that changes as proposed may affect the type of development that may occur in Arch Cape, and may lead to a loss of the community's character.

I trust that whatever problems there have been and concerns the County may have with the functioning of the Southwest Coastal Citizens Advisory Committee/Arch Cape Design Review Board.can be worked out and corrected. I feel it is most appropriate for members of the community, rather than those without the close ties to the community, to have strong input into the type of development that occurs in the community. Having seen communities degraded by over-development and inappropriate development in places where I have resided in the past, this a serious concern for me.

Thank you for your time and consideration,

Jim Jensvold
80030 Pacific Road
Arch Cape
503-436-4349

ATTACHMENT G

DRAFT minutes from the July 12, 2016 SCCAC meeting

<u>NOTE</u>: THERE WAS NOT SUFFICIENT TIME TO COMPLETE THE DRAFT MINUTES. THEY WILL BE AVAILABLE AT OR BEFORE THE JULY 26TH MEETING, BUT THE SCCAC MEMBERS WILL NOT HAVE HAD TIME TO REVIEW THEM.

ATTACHMENT H

SCCAC Recommendation

CLATSOP COUNTY
Community Development
Land Use Planning Division
800 Exchange Street, Suite 100
Astoria, OR 97103

www.co.clatsop.or.us
ph: 503-325-8611
fx:503-338-3606
em: comdev@co.clatsop.or.us

SOUTHWEST COASTAL CITIZENS ADVISORY COMMITTEE
CRITERIA EVALUATION SHEET

Applicant: Clatsop County

Description: Text Amendments to the Clatsop County Comprehensive Plan and Land and Water Development and Use Code discontinuing the Southwest Coastal Citizens Advisory Committee and amending sections related to development in Arch Cape

Based on evidence and testimony, the Southwest Coastal Citizens Advisory Committee finds:

Comprehensive Plan Goals and Policies
Goal 1 – Citizen Involvement: **We find the proposed text amendments to the Comprehensive Plan are inconsistent with Goal 1 because the committee continues to be active.**

Southwest Coastal Community Plan: **We find the proposed texts amendments to the Southwest Coastal Community Plan are inconsistent with the Southwest Coastal Community Plan because the committee continues to fulfill the requirement for a Citizen Advisory Committee.**

The above-entitled matter came before the Southwest Coastal Citizen Advisory Committee at its ***July 12, 2016***, meeting for a public hearing and consideration of proposal.

Based upon the evidence and testimony provided by the applicant, staff, and the citizens of the area, this committee hereby recommends that the Southwest Coastal Citizens Advisory Committee remain intact, and that this application be:

(Approved, Conditionally Approved, Denied)

Dated this 18 day of July, 2016.

The Southwest Coastal Citizens Advisory Committee

Theodore Lundy
Chairperson

Clatsop County

Community Development-Planning
800 Exchange St., Suite 100
Astoria, Oregon 97103
www.co.clatsop.or.us

Phone (503) 325-8611
Fax (503) 338-3666
comdev@co.clatsop.or.us

"Exhibit B"

ADDENDUM to Staff Report

Ordinance 16-03:

Legislative Text Amendments to the Comp Plan and LWDUO related to the Southwest Coastal Citizens Advisory Committee, Arch Cape Rural Community Overlay, and Additional Requirements for Citizen Involvement

ADDENDUM DATE:	September 6, 2016
HEARINGS:	Clatsop County Planning Commission-September 13, 2016 Clatsop County Board of Commissioners-September 28 & October 12, 2016
APPLICANT:	Clatsop County
REQUEST:	Legislative Text Amendments to the Clatsop County Comprehensive Plan ("Comp Plan") and the Clatsop County Land and Water Development and Use Ordinance ("Development Code") discontinuing the Southwest Coastal Citizens Advisory Committee (SCCAC), amending sections related to development in the Arch Cape Rural Community Overlay, and adding requirements for citizen involvement
STAFF:	Heather Hansen, Community Development Director
ATTACHMENTS:	ADDENDUM to Attachment B-Proposed LWDUO Text Amendments of the July 18, 2016 staff report.

At the last Planning Commission meeting on July 26, 2016 staff was asked to return with options for encouraging citizen involvement in Clatsop County, including options for keeping the county-appointed SCCAC intact. Considering that the proposed additional text amendments further enhance Goal 1-Citizen Involvement, there is no need to amend the findings and conclusions in the July 18, 2016 staff report.

Options for Retaining the County-Appointed SCCAC: In light of the Board's specific direction to staff to initiate Comp Plan and Development Code amendments to dissolve the SCCAC, County Manager Cameron Moore advised that there is no point in staff spending time exploring options for retaining the SCCAC. He also pointed out the following:

- Even if an advisory committee isn't staffed by the County and doesn't have any role in a quasi-judicial process, the County will still be liable for committee actions and the County will be required to ensure the committee complies with public records and public meetings laws.
- Anyone can review and comment on land use applications, and the proposed amendments provide additional opportunities.
- Citizens anywhere in Clatsop County can form their own organization and meet to review and comment on land use applications.

Options for Encouraging Citizen Involvement throughout Clatsop County: The following is a summary of current and proposed options for citizen involvement in land use decisions:

Goal 1-Citizen Involvement: Methods by Land Use Application Type

Existing Methods	Type II*	Type IIA*	Type III*	Type IV*
Written notice to adjacent property owners (100-750 ft)	✔	✔	✔	✔
Public Hearing – Planning Commission or Hearings Officer	*NA*	✔	✔	✔
Published Notice of Hearing	*NA*	✔	✔	✔
Advisory Committees formed as needed for major legislative proposals, e.g., North Clatsop Plains, Tsunami Hazard Overlay, Farm & Forest Code Update, Transportation System Plan, etc	*NA*	*NA*	✔	✔
Open Houses, Workshops, Community meetings held as needed for major legislative amendments, e.g., Tsunami Hazard Overlay, Transportation System Plan, etc	*NA*	*NA*	✔	✔
Proposed Methods (Ordinance 16-03)	**Type II***	**Type IIA***	**Type III***	**Type IV***
NEW: Applicant-Neighborhood meeting requirement for certain quasi-judicial land use decisions *(see ADDENDUM to Attachment B)*	Multi-family, commercial, or industrial development abutting single-family; Major subdivision; Cluster & Planned Development; Rezone; Goal exception; Others deemed by the Director to have potential for significant neighborhood impact			
NEW: Posting property subject of quasi-judicial public hearing *(see ADDENDUM to Attachment B)*	*NA*	✔	✔	✔
Written notice to state-registered community organizations *(see 7/18 staff report-Attachment B)*	✔	✔	✔	✔
NEW: Department procedure to post documents related to land use applications on county website, e.g., application, notices, staff report, etc. *(in process)*	✔	✔	✔	✔

* Examples of Land Use Actions by Type:

Type II (no hearing required) - conditional uses (limited impact), minor subdivisions (6 lots of less), partitions, nonconforming uses and structures,

Type IIA (hearing is required) – conditional uses (greater potential impact), variances

Type III-major subdivisions (>6 lots), quasi-judicial rezone that is consistent with comp plan, conditional uses (with greatest potential impact), similar use determination

Type IV-quasi-judicial rezone that is NOT consistent with comp plan, legislative amendments

ADDENDUM to
ATTACHMENT B

CLATSOP COUNTY

ORDINANCE 16-03
LEGISLATIVE TEXT AMENDMENTS RELATED TO THE SOUTHWEST CITIZENS ADVISORY COMMITTEE, ARCH CAPE RURAL COMMUNITY OVERLAY, AND ADDITIONAL REQUIREMENTS FOR CITIZEN INVOLVEMENT

ADDENDUM to PROPOSED LAND AND WATER DEVELOPMENT AND USE ORDINANCE TEXT AMENDMENTS

*NOTE: These proposed sections are all new code language but are NOT shown as **bold double underline** for ease of reading*

Section 2.046 Applicant-Neighborhood Meeting.

The purpose of a neighborhood meeting is to ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their proposed development may have on the neighborhood. The meeting is not intended to produce complete consensus on all applications; it is intended to encourage applicants to be good neighbors. Applicants are encouraged to reconcile as many public concerns as possible before submitting their land use application(s). County staff will attend the neighborhood meeting in an advisory capacity to answer questions.

(1) The applicant shall hold a neighborhood meeting before submitting the following types of land use applications:
   (A) Multi-family development that abuts a single-family zoning district;
   (B) Commercial or industrial development that abuts any residential zoning district;
   (C) Manufactured home park adjacent to any residential zoning district;
   (D) Major subdivisions;
   (E) Cluster and planned development;
   (F) Quasi-judicial map amendments;
   (G) For other applications or revisions to applications that the Director determines may have a significant neighborhood impact, such as conditional uses, expansion of nonconforming uses, variances. In these cases, the Director shall determine the minimum notice area for the neighborhood meeting.

(2) Neighborhood Meetings must meet the following requirements:
   (A) The applicant shall consult with County staff to determine an appropriate meeting date, time, and place given the location of the proposed development and availability of staff to attend.
   (B) The applicant shall send mailed notice of the public meeting to the Community Development Department Director and all property owners within a minimum distance of 300 feet of the boundaries of the subject property with the specific area to be determined by the Director based on the project scale, land use and transportation patterns or anticipated public interest in the project. If any part of the subject property is within the boundaries of a neighborhood or community organization as defined by Section 1.030, notice shall be sent to the designated representative(s) of such neighborhood or community organization. The property owner list shall be provided by the county and shall be compiled from county tax assessor's property owners of record from the most recent property tax assessment roll.

      The notice shall be sent a minimum of 10 days and no more than 30 days before the meeting, and shall include:
      1) Date, time and location of the public meeting;
      2) A brief written description of the development proposal and proposed use(s) with enough specificity so that the project is easily discernable;
      3) The location of the subject property(ies), including address (if applicable), nearest cross streets and any other easily understood geographical references, and a map that depicts the subject property.

(C) The applicant's presentation at the neighborhood meeting shall include:
1) A map depicting the location of the subject property(ies) proposed for development.
2) A visual description of the project including a site plan, tentative subdivision plan and elevation drawings of any proposed structures, when applicable.
3) A description of the nature of the proposed use(s) including but not limited to, sizes and heights of structures, proposed lot sizes, density, etc.
4) The expected or anticipated impacts from the proposed development (e.g. traffic, storm drainage, tree removal, etc.).
5) Mitigation proposed by the applicant to alleviate the expected/anticipated impacts.
6) An opportunity for the public to provide comments.

(D) The applicant shall take meeting notes and submit them to the County, including:
1) Meeting date and time;
2) Name and address of all in attendance;
3) Summary of issues raised and comments made at the meeting, and the applicant's responses.

(3) A land use application will not be deemed complete until the applicant demonstrates substantial compliance with this section by including the results of the neighborhood meeting and supporting documentation with the application. This includes:
(A) A copy of the notice to surrounding property owners;
(B) A signed affidavit of mailing the required notice of neighborhood meeting;
(C) A copy of any verbal or written comments received, including any issues raised via telephone, fax, email at the meeting, and the applicant's responses;
(D) A copy of the meeting notes as described in Subsection (2)(D) above.
(E) If responses to the meeting notice were not received by the applicant and no one attended the neighborhood meeting, the applicant shall submit evidence as indicated above with the meeting notes reflecting the absence of comment and/or attendance.

Section 2.111 Posted Notice of a Public Hearing.
Development sites that are the subject of quasi-judicial public hearings shall be posted unless otherwise noted in this Code.

(1) County and Applicant's Responsibilities:
(A) The County shall supply the notices that the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed.
(B) The County shall provide an affidavit to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the County's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the 150-day period in a timely manner.
(C) The Applicant shall post the notice either ten or twenty consecutive days before the first scheduled public hearing on the matter in accordance with Section 2.110
(D) The Applicant shall return the signed affidavit of posting, with a photo of the sign attached, at least seven full days before any hearing.

(E) If the subject property is not properly posted as described in Section 2 below, the Director may postpone the hearing until such provisions are met.

(2) **Number and Location.** The applicant must place the notices:

(A) On each frontage of the subject property in a location visible from a traveled public road or street abutting the property. If no public street abuts the property, the notice shall be placed so as to be generally visible to the public.

(B) Notices shall not be posted within the public right-of-way or on trees.

(C) The applicant shall remove all signs and return them to the County within ten days following the public hearing that is the subject of the notice.

(D) If the subject property is located where the posting would not be visible to anyone other than adjacent property owners who received written notice, alternative locations visible to the public may be determined by the Community Development Director. These may include posting in a conspicuous place at the point the property obtains access to a County or public road.

ATTACHMENT PC-1

7/26/16 Staff Handout-Summary of Oral Testimony at 7/12/16 SCCAC

Property Owner	Comments
Tim Crawford	In Favor – Served on SCCAC for about a year. And the Budget Committee. Is supportive of the neighborhood, but the SCCAC is duplicative. Was an extremely useful function for amending the Comp Plan. The issue doesn't exist anymore. View corridors. The things we're concerned about is already covered by existing regulations – building height, min lot sizes, setbacks, tree buffers, fence heights, hedges, etc. SCCAC is a duplication of efforts consumes county's money and delays building of projects that shouldn't have an intermediary.
Ron Schiffman	Neutral – Was on the SCCAC in the early 80s, is on the water and sewer boards now. Has knowledge of what's been happening in the community. Has a lot of experience dealing with planners. Planning department is not evil or making bad judgements. Heard comments from neighbors about being treated unfairly. SCCAC wants them to have a smaller house, no garage, etc. Also complaints about the process costing too much money. Tonight isn't the proper forum for dissolving itself. Also things in plan that should go away. No tree ordinance here. Annoyed with the short-term rental program – too many. SCCAC should have been involved. Community is divided and most are not coming to the SCCAC meetings. Committee makes mistakes, County makes mistakes. But the Committee's antipathy is unacceptable. SCCAC makes mistakes but shouldn't be disbanded. Isn't sure if it's legal to disband it.
John Mersereau	Neutral – Long time on SCCAC. Things have changed – County made us become more official - SCCAC was running a loose ship. It had great value getting neighbors together – face-to-face – liked that part of it. People left in tears sometimes, but not often. Design Review never seemed right. Shouldn't be telling people how their house should look. Never should have been that way. Has heard complaints. Process has become cumbersome and expensive. What else goes out with the Design Review Board? Are standards still in place? Do I still need to meet design review criteria? If the standards are still valid but the SCCAC isn't here, there may be a fear or distrust in the community that the development permit won't be as valid as if it goes before the SCCAC. Most reviews seemed unnecessary and duplicative. SCCAC is better for legislative matters rather than design review. SCCAC has become too contentious for so many years.
Debra Birkby	Opposed – Committee pre-dates Comp Plan by 62 years. Arch Cape is different than other areas with different needs and desires. Committees should be advocating for their areas. Was on Design Review Committee, then Commission. So many different planners – 18 in 15 years. They don't know the area. Don't trust giving our work over to planners. It's my understanding that the interim director sent out emails to invite people who complained. So they are the ones who testified. Some disagreement on in this community about reviewing a person's plans for their home. There's also the SCCAC which review legislative amendments about how the community should look. Okay with limiting quasi-judicial function and continuing with legislative. Who should decide what a community should look like? We should. Not the staff in Astoria. If a change is made in our community it should come from within the community. Doesn't have faith in Commissioners and staff. Vision 2030 – look at Community Development and Planning section. We should be doing that.
George Cerelli	Opposed – Was on Design Review for 18 years. Who made more mistakes, the County or us?

Linda Eyerman	Opposed – Property owner for 17 years. Served on SCCAC from 2012-2015. Restates written testimony. Not true that Arch Cape is treated as special. All areas had a CAC. Comp Plan specifically says that the SCCAC is the only active CAC and if any others become interested in reactivating they could. Committee should be thanked for all their hard work, not dissolved. With few exceptions the committee's recommendations were carried out. Committee has tried to protect Arch Cape. Board, Planning Commission, and Planning Department are more interested in making exceptions. Committee is committed to making Arch Cape livable. Disagreeing with government is not a reason to get rid of a CAC. The committee has earned its right to continue. Worked on many issues over the years.
Bill Gaylord	Opposed – Don't fix what ain't broke. Committee is being fixed because it's worked too well.
Steve Pinger	Opposed – Had questions about whether recognizing neighborhood associations is still being pursued. Mentioned discussions with neighbors re: the reason the SCCAC was formed. Sustain character of Arch Cape. Design Review uses standards to make sure new development is compatible, site conditions are preserved. This arrangement -- SCCAC doing quasi-judicial review – is unique in the County and probably in Oregon for a community of this size. County's desire to disband the committee is not too surprising. But County is being completely half-assed in providing an alternative mechanism for the enforcement of these land use goals. Unless they don't want to pursue or encourage citizen involvement. This is what correspondence with them seems to suggest. Recommends: • Do not disband SCCAC until the County has established acceptable provisions for the recognition of neighborhood associations • And such an organization is created and chartered in Arch Cape • Development proposals in Arch Cape should be required to be reviewed by the Arch Cape Neighborhood Association • Neighborhood Association would have direct advisory capacity to County Planning Director and staff • Scale and compatibility goals of 4.100 should be included in new standards in 3.068 as well as preservation of landscape. • 3.068 provide for submittal requirements No one can make a meaningful assessment of whether those goals are being achieved without the submittal requirements. SCCAC established to preserve the character in Arch Cape and protect against wholesale tree removal and loss of topographic features.
David Stockton	Opposed – Trying to solve a problem that doesn't exist. Doesn't cost much to go through design review – don't need to hire anyone to represent you. Local committees meet when it's convenient. County wouldn't do that. Experience with county. County's point of view is "just give us the check." Problem solved. Talked about example of a sewer project. SCCAC doesn't make any decisions. A quick decision isn't a good decision. Better to do it right the first time. Local knowledge is important. Hopes the County will think twice – it shouldn't be a problem that people want to be involved.

Mike Manzulli	Opposed – One of the reasons he moved to Arch Cape was because of the community involvement. In an unincorporated area, the County can steamroll the area in our day to day lives. We're not here because the BOC gave direction to staff. We're here because of County staff convinced the BOC to get rid of us. They had executive sessions. All sorts of things happened behind closed doors. BOC got bad legal advice that they could get rid of SCCAC without land use hearings. The community appealed to LUBA. LUBA said it was a land use decision. The County remanded itself. Resolution is not valid. It wasn't legal. So frustrating dealing with county staff. BOC did not hear community side. Does staff still think the BOC's decision is still valid? The BOC hasn't revisited this. Committee is still and has always been in effect. It can keep working per the Comp Plan language. There are no findings that we aren't continuing to operate or that we're no longer useful and necessary. Disagrees with staff moving forward. Excavation site next door in Castle Rock Estates. Local committee is needed to keep an eye on things.
Richard Donofrio	Opposed – Agrees with parts of what everyone said. Was on SCCAC for 5 ½ years. We tried and we worked things out. SCCAC tried to resolve problems not create them. SCCAC is clearinghouse for problems. County is often interested in creating revenue rather than quality of life.
Jim Jensvold	Opposed – Has been coming to the area with family for 50 years. Love the area. Feels connected to neighbors. Owns a house and undeveloped property. Wants to be a good neighbor. Entirely beneficial and desirable to have local input. Wants to have his neighbors tell him the proper way to develop his property.
Bob Cerelli	Opposed – Been coming to SCCAC to make presentations for many years. Clients spend weeks and months getting everything to county. Timeframe is out of control. Applications spend 4-6 weeks with County before coming to SCCAC. Need to make an effort to keep things rolling along. Takes way too long. Short-term rentals are killing this community. 5,6,8 cars parked outside the rental houses.
Dale Mosby	Opposed – Appreciates services the county provides. We're too small to go it on our own as a city. Not sure about role of neighborhood associations. Good way to notify, but design Review really needs to be done by a small consistent group of people who are familiar with land use. Neighborhood association of 40 people is too big to replace the role of the SCCAC. Agrees with what he's seen and with local builders that the design review process is cumbersome, especially for small projects. Doesn't think it's necessary. It should be done at no cost to the applicant. Think about the revenue a house generates for the county, it's a huge amount in a short period of time. Arch Cape is a cash cow for the county. Short-term rentals have a huge negative impact. Wants it to be a residential community, not a commercial rental community. Areas of the county are different and unique. Ok if Arch Cape wants design review even if other areas don't have it.

ATTACHMENT PC-2

7/26/16 Staff Handout-Email from Patrick Wingard RE: DLCD Notice Requirements

Heather Hansen

From: Wingard, Patrick <patrick.wingard@state.or.us>
Sent: Monday, July 25, 2016 1:32 PM
To: Heather Hansen
Subject: RE: Clatsop County Ordnance 16-03

Hi Heather,

Yes, the department received Clatsop County's original notice of proposed amendment and notice of two subsequent revisions for County Ordinance 16-03 (DLCD File No. 001-16) on the dates you mention below. On May 3rd, your office sent me a complete agenda packet for the May 10th planning commission meeting that included the text of the proposed change and words to be added/deleted from the Clatsop County Comprehensive Plan and Land and Water Development and Use Ordinance. We appreciate all of the work that you and your staff have done to keep the department apprised of the status of these proposed legislative amendments. The county's notice of proposed amendment to DLCD is complete and the requirements of OAR 660-018-0020 have been met.

If you have questions or concerns or would like to further discuss, please contact me anytime.

Best regards,

Patrick

Patrick Wingard, AICP | North Coast Regional Representative
Ocean/Coastal Services Division
Oregon Dept. of Land Conservation and Development
North Coast Regional Solutions Center
4301 Third Street, Room 206 | Tillamook, OR 97141
Cell: (503) 812-5448
patrick.wingard@state.or.us | www.oregon.gov/LCD

From: Heather Hansen [mailto:hhansen@co.clatsop.or.us]
Sent: Monday, July 25, 2016 12:36 PM
To: Wingard, Patrick <pwingard@dlcd.state.or.us>
Subject: Clatsop County Ordnance 16-03

Good afternoon Patrick,

I emailed the first Notice of Proposed Amendments on March 21, then emailed revisions on April 4th and July 19th. Can you please verify that you received them and that the information I provided to you more than 35 days ago regarding the proposed amendments was sufficient to be considered complete?

Thank you!

Heather A. Hansen, CFM, Director
Community Development Department
Clatsop County
800 Exchange St, Suite 100
Astoria, OR 97103
Phone: 503.325.8611 Fax: 503.338.3666
hhansen@co.clatsop.or.us

ATTACHMENT PC-3

Written Testimony Submitted After 7/18/16 Staff Report

WRITTEN TESTIMONY RECEIVED 7/25/16

Heather Hansen

From: Clatsop Development
Sent: Monday, July 25, 2016 6:37 AM
To: Heather Hansen
Subject: FW: Hearing 7/26/16

Clancie Jo Adams | Staff Assistant
Clatsop County Community Development
Land Use Planning Division
800 Exchange Street, Suite 100
Astoria, OR 97103
Phone: 503.325.8611 | Fax: 503.338.3666

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.

Beginning September 1, 2015, our office hours will be 7:30 AM to 4:00 PM, Monday-Friday.

-----Original Message-----
From: Catherine Donofrio [mailto:rncdonofrio@msn.com]
Sent: Sunday, July 24, 2016 8:34 AM
To: Clatsop Development
Subject: Hearing 7/26/16

We request that this be entered into the record of the July 26, 2016, Hearing:

RE: Southwest Coastal Citizens Advisory Commision ("CAC")

We believe that the CAC has served our area well for several decades - heading off potential conflicts, informing its citizens/home owners of new development and serving as a sounding board for it's citizens to express their concerns. We believe in doing so helps maintian the livability of our area while preserving our environment and beautiful landscapes for current residents, visitors and future generations.

Citizen involvment has always been a crucial component of any area. We ask that you work to revamp the CAC, streamling it to a more efficient process that protects our rural enviroment and that the County and citizens work together to preserve our landscape.

Sincerely,

Richard and Catherine D'Onofrio
Arch Cape

Heather Hansen

From: Karen Hoiem <hoiem@msn.com>
Sent: Monday, July 25, 2016 10:39 AM
To: Heather Hansen; Clatsop Development
Subject: Continuing Arch Cape Design Review Board

Dear Clatsop County Development Director and Department:

We have been home owners in Arch Cape for ten years. We value the memories we have developed there throughout our children's childhoods, coming often throughout the year and living there for a large portion of our summers. Although we currently also use our place as a short-term vacation rental, we continue to visit often. We love the community and how so many owners first enjoyed the homes with their parents, who passed the home down to them. They in turn cherish Arch Cape with their family, hoping to pass the home on to their children, as we do.

This along with the existence of the Arch Cape Design Review Board is one of the reasons we invested in Arch Cape. Without being an official city, the design review board helps ensure we as home owners are aware of building that could effect our properties and helps us protect standards that are good for each of us. Too often legacy homeowners are harmed and end up losing the value of their property over time. This board is a strong deterrent against that.

We realize that maintaining the board takes effort and that if little input is received on particular projects it may appear that home owners do not care. This is not the case. The very existence of the board's communication requirements protects home owners and keeps new designs in check. Then home owners can weigh in if that is still needed. Without these measures, irreparable changes would be made to the buildings and community.

Please help preserve this protection for Arch Cape home owners and residents by maintaining the Arch Cape Design Review Board.

Sincerely,
Derek and Karen Hoiem

TO: Clatsop County Planning Commission and Clatsop County Board of Commissioners

RE: Tuesday July 26, 2016

IN STRONG SUPPORT OF RETAINING THE SOUTHWEST COASTAL CITIZENS ADVISORY COMMITTEE

My name is Jim Jensvold. I own a residence in Arch Cape and also own as-yet undeveloped residential properties in Arch Cape. Work obligations prevent me from attending the meeting on July 26 in person, but I hope this written testimony will be accepted and entered into the record.

I understand that Clatsop County still wishes to dissolve the Southwest Coastal Citizens Advisory Commission/Arch Cape Design Review Board, despite the overwhelming community support by the residents of Arch Cape, which were expressed at the July 12 meeting in Arch Cape that I attended. I also provided testimony at the July 12 meeting that should be available in the minutes of that meeting. I hope that the Board and Commission will have those minutes available to them.

I chose to live in Arch Cape because of its aesthetic qualities and the culture of the community. I have spent time in Clatsop County since I was a child in the 1960s and deeply love this area. I am concerned that changes, as proposed by the County, may affect the type of development that may occur in Arch Cape, and may lead to a loss of the community's wonderful character.

I am proud to live in Clatsop County with its diversity of communities, each with their own individual and unique characters. I trust that whatever problems there may have been, and whatever concerns the County may have, with the functioning of the Southwest Coastal Citizens Advisory Committee/Arch Cape Design Review Board can be worked out and corrected. I feel it is most appropriate for members of the community, rather than those without the close ties to the community, to have strong input into the type of development that occurs in the community. Having seen communities in others area where I have lived degraded by over-development and inappropriate development in places, this a serious concern for me.

Thank you for your time and consideration,

Jim Jensvold
80030 Pacific Road
Arch Cape
503-436-4349
818-404-1633 mobile

Heather Hansen

From: Sean Malone <seanmalone8@hotmail.com>
Sent: Monday, July 25, 2016 4:14 PM
To: Clancie Adams; Clatsop Development; bruce@breakerspointhoa.com; kennykay@charter.net; thomasmerrell@gmail.com; cindytroubles@gmail.com; robin@robinrisley.com; 918sam@centurytel.net; mike.magyar@gmail.com; Cameron La Follette; Heather Hansen; emeraldcoast@icloud.com
Subject: ORCA Testimony for July 26 hearing re text amendments (Ord. 16-03)
Attachments: ORCA to Clatsop re CAC dissolution 7.25.16.pdf

Dear Members of the Planning Commission,

On behalf of Oregon Coast Alliance, please find attached testimony in opposition to the proposed amendments. I also respectfully request that you leave the record open for two weeks to submit additional evidence and argument. This request is also contained within the body of the testimony.

Thank you,

Sean Malone
Attorney at Law
259 E. Fifth Ave.
Suite 200-G
Eugene, OR 97401
ph. 303.859.0403
seanmalone8@hotmail.com

Sean T. Malone

Attorney at Law

259 E. Fifth Ave.,
Suite 200-G
Eugene, OR 97401

Tel. (303) 859-0403
Fax (650) 471-7366
seanmalone8@hotmail.com

July 25, 2016

Via Email

Clatsop County Planning Commission
c/o Clatsop County Dept. of Community Development
800 Exchange St., Suite 410
Astoria OR 97103

cadams@co.clatsop.or.us
comdev@co.clatsop.or.us
bruce@breakerspointhoa.com (Bruce Francis)
kennykay@charter.net (Kay Foetisch-Robb)
thomasmerrell@gmail.com (Thomas Merrell)
cindytroubles@gmail.com (Cindy Johnson)
robin@robinrisley.com (Robin Risley)
918sam@centurytel.net (Myrna Patrick)
mike.magyar@gmail.com (Michael Magyar)

Re: Oregon Coast Alliance Public Comment regarding the legislative hearing to consider text amendments to the Clatsop County Comprehensive Plan and Land and Water Development and Use Code discontinuing the Southwest Coastal Citizens Advisory Committee and amending sections related to development in Arch Cape and make a recommendation to the Planning Commission (Ordinance 16-03).

Dear Members of the Planning Commission,

Please accept these comments on behalf of Oregon Coast Alliance (ORCA) for the above-referenced legislative amendments. ORCA is an Oregon nonprofit corporation whose mission is to protect coastal natural resources and aid communities in maintaining their livability.

Introduction and Remand of *Jensvold v. Clatsop County*

The proposed action arises from the remand in *Jensvold v. Clatsop County,* __ Or LUBA __ (LUBA No. 2016-022, June 14, 2016). In that case, the County attempted to dissolve the Committee without going through the appropriate process required by law. As a result of the

remand in that case, that decision is ineffective. *See Williamette Oaks LLC v. City of Eugene,* 68 Or LUBA 162 (2013) (when LUBA remands a land use decision, absent some authority to the contrary, the decision becomes ineffective and remains ineffective unless and until the local government takes action on the remand to re-adopt the decision or otherwise render the decision or portions of it effective). However, according to the County's "executive summary" contained in the staff report, the County is relying on the County's now-ineffective decision from February 10, 2016, "to initiate amendments to the Comprehensive Plan and LWDUO to discontinue the SCCAC." If the County would like to direct staff to prepare amendments, it may do so, but it may not rely on an ineffective earlier decision that was remanded. At this point, the County must direct the staff to perform the intended amendments in a manner consistent with local and state law. Reliance upon an ineffective order is insufficient to do so and contrary to law.

Now, the County is proposing to again dissolve the committee but this time by following the applicable procedures. The County's new decision, however, appears flawed and in violation of state law. Therefore, on behalf of ORCA, I request that you recommend not approving the proposed legislative amendments.

Applicable plans and land use regulations

The comprehensive plan, the coastal plan, and the LWDUO contain applicable provisions related to the proposed discontinuance of the Committee and those applicable provisions would necessarily be changed as a result of the proposed discontinuance. The comprehensive plan states that "the Citizen Advisory Committees were intended to function continuously." The comprehensive plan further provides:

> "The County has recognized the importance, necessity and value of citizen participation in assisting the County government in the decision-making process. In order to assure a continuum of citizen involvement, the following policies are adopted:
>
> GOAL
>
> * * *
>
> "Only the Southwest Coastal Planning Area still retains an active Citizen Advisory Committee (CAC).... The CAC may continue to function and be an active, integrated segment of Clatsop County's planning process as long as persistent involvement and active participation is demonstrated."
>
> * * *
>
> 2. The Planning Commission and active Citizen Advisory Committees shall hold their meetings in such a way that the public is notified in advance and given the opportunity to attend and participate in a meaningful fashion.

3. Active Citizen Advisory Committees may submit their comments to the Clatsop County Department of Planning and Development, Clatsop County Planning Commission and Clatsop County Board of Commissioners. These bodies shall answer the CAC request in a timely manner."

The coastal plan "is the most important element of the Clatsop County's Comprehensive Plan to the residents of the region." The coastal plan lists several applicable policies related to the Committee that provide for its existence and other components:

Citizen Involvement Policies

1. The Southwest Coastal Citizen Advisory Committee shall constitute the officially recognized body to represent the community on matters of land use planning.

2. The CAC shall be composed of residents and property owners of the community and shall be chosen in a well-publicized community meeting. A broad spectrum of people from the community shall be included on the CAC.

3. The CAC shall hold its meetings in such a way that the public is notified well in advance and given the opportunity to attend and participate in a meaningful fashion.

4. Technical assistance shall be made available to the CAC through the County Community Development Department and other resources of the County.

5. The Policy Advisory Committee, Planning Commission and Board of County Commissioners shall provide to the CAC written acknowledgment of the CAC's recommendations along with their rationale used to make final policy decisions.

6. The Board of County Commissioners, through the Community Development Department, shall provide adequate and reasonable financial support, along with technical assistance to the CAC.

The County's Land and Water Development and Use Ordinance (LWDUO) requires that the Committee fulfill a specific review function for particular land use applications:

"**Section 4.108. Design Review Advisory Committee.**
The Southwest Coastal Citizens Advisory Committee (CAC) shall serve as a Design Review Advisory Committee for Arch Cape and will review development proposals and make recommendations to the Community Development Director and Planning Commission concerning the design and scenic view aspects of proposed developments.

(1) Meetings/Records. The committee shall hold regular meetings on the first and third Wednesday of each month at the Arch Cape Fire Hall or designated sites. However, meetings may be canceled when there are no design review plans submitted for review by the Committee. The deliberations and proceedings of the

committee shall be public. The Community Development Department shall keep minutes of the committee meetings and such minutes shall be public record.

(2) The Design Review Advisory Committee shall submit their recommendations to the Community Development Director within seven (7) working days of their decision.

The comprehensive plan, coastal plan, and LWDUO, therefore, implicate, are applicable, and would necessarily be changed by dissolving the SWCC to review comprehensive plan revisions for many years, and has no grounds under Goal One to cease using SWCCAC for this purpose. SWCCAC advises the Planning Commission when changes to local rules and the Comprehensive Plan apply.

The County has not made sufficient findings supported by substantial evidence regarding compliance with the Statewide Planning Goals. Even where no authority requires findings in support of a legislative decision, there must be enough in the way of findings or accessible material in the record to show that applicable criteria were applied and required considerations were considered. *See Barnes v. City of Hillsboro,* 61 Or LUBA 375 (2010). The lack of findings is particularly conspicuous given that Goal 1 is concerned with public participation and the County's attempt to dissolve an active Citizen Advisory Committee. Given the policies at issue here, without findings the proposed amendments are not legally defensible because they are not supported by substantial evidence.

The comprehensive plan specifically dictates how the Committee may persist: "The CAC may continue to function and be an active, integrated segment of Clatsop County's planning process as long as persistent involvement and active participation is demonstrated." This comprehensive plan provision is reinforced by the Committee's bylaws, including article XI, which provides:

> "If persistent involvement and active participation of the Southwest Coast Citizens Advisory Committee/Southwest Design Review Committee is no longer demonstrated and the Board determines the Committee is no longer useful or necessary, the Committee may be discontinued by majority vote of the Board."

There do not appear to be any proposed findings related to this applicable goal to demonstrate that the Committee has not been active. Indeed, the absence of findings is likely attributable to the fact that the Committee has remained very active since its inception. In the absence of findings justifying the dissolution of the Committee, the County's decision is to susceptible legal attack. It is not simply enough for the County to find that the Committee is "no longer useful or necessary," but rather the County must *also* find that there has not been "persistent involvement and active participation." Again, this will be impossible for the County to do given the level of activity and involvement from the Committee.

For the reasons provided above, on behalf of ORCA, I respectfully request that the Planning Commission recommend against making the proposed amendments given the lack of findings and numerous procedural irregularities plaguing the County's decision.

Failure to provide notice

Continuing the procedural error that occurred before the CAC by not providing sufficient notice, it appears that the County, again, failed to provide adequate notice for the July 26, 2016, hearing.

Approval of Development without CAC Review

During the pendency of the appeal related to the February 10, 2016 County order, the County approved a development proposal that was not subject to CAC review. Section 4.102(1)(A) requires CAC review of any new residential development that includes constructing a dwelling. Given the legal cloud now hovering over that development approval, dissolution of the CAC would further complicate matters and would preclude the County from remedying its procedural error in approving that development. To dissolve the CAC would cement the uncertainty related to that development approval, and that uncertainty is not a result of the applicant but the County. Therefore, in an effort to ensure that the development is not subject to further attack as a result of the procedural irregularities, the County must allow the CAC to review the application. Dissolving the CAC at this point will only further complicate the procedural violations created by the County.

Notice to DLCD

The County must send notice of the proposed amendments to DLCD for review. Failure to do so will result in a remand from LUBA. *See* ORS 197.610 through .620; *Friends of Bull Mountain v. City of Tigard*, 51 Or LUBA 759, 776 (2006) ("where there is a complete failure to provide notice to DLCD under ORS 197.610(1), which is the case here, that error is substantive."). The statutory provisions are approval criteria and it is incumbent upon the County to affirmatively comply with these provisions. The

Request to Leave the Record Open

I request that the record remain open for 2 weeks to allow the introduction of additional testimony and evidence related to this matter.

Thank you,

Sean T. Malone
Counsel for Oregon Coast Alliance

Heather Hansen

From: Michael Manzulli <manzulli@gmail.com>
Sent: Monday, July 25, 2016 2:52 PM
To: Clatsop Development; Thomas Merrell; Robin Risley; farrfarr.away@yahoo.com; bruce@breakerspointhoa.com; mike.magyar@gmail.com; 918sam@centurytel.net; Heather Hansen
Subject: Public Comment for Tuesday January 26, 2016 Planning Commission Hearing on Ordinance 16-03

Dear Planning Commissioners:

My name is Michael Manzulli. I am an Arch Cape resident and property owner. Please enter this public comment into the record for your July 26, 2016 Hearing on Ordinance 16-03, Legislative Text Amendments to the Comp Plan and LWDUO related to the Southwest Coastal Citizens Advisory Committee and the Arch Cape Rural Community Overlay.

I served on the Southwest Coastal Citizens Advisory Committee ("CAC") for four years and have attended their meetings before and after my volunteer service. I am more than disappointed in the County's handling of the CAC. The CAC has provided nearly 40 years of continuous volunteer service to the County and the Southwest Coastal Community it serves. The CAC is largely responsible for the excellent quality of life we currently enjoy in Arch Cape.

The Planning Commissions' refusal to remove all reference to the CAC in the comp plan and associated ordinances while the LUBA appeal was pending was the one prudent and legally sound decision the County has made on this matter. Thank You. If you had listened to Staff's last recommendation you would be meeting to return the stricken language back into the comprehensive plan and ordinances! The County wants you to believe that the CAC is a liability. However, the County's actions disregarding land use laws and procedure, and illegally approving developments during the LUBA appeal are the real liabilities here.

The Staff's packet for this hearing states that the Planning Department is merely following the Board of Commissioner's ("BOC") direction. This is flawed reasoning. First, the BOC's resolution to dissolve the CAC has been vacated and no longer exists. Second, the dissolution of the CAC has always been a Staff (not BOC) driven goal. The recommendation to dissolve the CAC came from interim County Manager Rich Mays after attending **one** meeting of a committee that has met hundreds of times over a 39 year period. And to make matters worse, Mr. Mays personally notified developers and realtors that disliked the CAC's design review process about his recommendation so they could write letters to the BOC in support of the dissolution. Mr. Mays and the County did not send any notice to the property owners of Arch Cape who have a much bigger stake in the long-term health of the community.

Basically, the BOC did not get to hear the community's side of the story, yet the message from Staff to the BOC was the community was split on this issue! For some reason your current packet does not reflect that over 40 residents and property owners attended the more properly notified CAC meeting in Arch Cape on July 12th, and only one spoke in favor of dissolving the CAC. The truth is, the community wants the CAC to remain.

If we loose the CAC, the Planning Commission will face more situations like the current Bella Ridge debacle in Miles Crossing where you are confronted with Staff's zealous recommendations to approve half-baked applications. With its local knowledge of the geography and area specific ordinances, the CAC often fills the holes Staff has failed to notice in applications. This is a good thing. CAC recommendations stem from a

meeting where the local community can express their opinions and work through issues. This is a much-needed filter that alleviates tensions and, I believe, significantly reduces lawsuits. The County should be reactivating the CACs that once existed in areas like Miles Crossing, not abolishing the last one left in Arch Cape.

After the LUBA remand and the vacating of the BOC's resolution to dissolve the CAC, the County had an excellent opportunity to reevaluate the situation and work with its South County citizens. Instead, the County is full steam ahead with dissolution, once again failing to give property owners notice of this Planning Commission hearing. As Planning Commissioners you do not have to follow this strategy. At the CAC meeting on July 12th, the consensus was the County and the CAC should work together to improve the CAC. We can streamline aspects that are problematic, but we cannot afford to lose our local voice in future developments and future ordinance revisions.

For these reasons and the legal reasons expressed in the Oregon Coast Alliance's testimony, I respectfully request you follow the recommendation of the CAC and take no action while advising the Board of Commissioners to find a better solution than dissolution.

Thank you,

/s/ Michael Manzulli
80285 Woodland Heights
Arch Cape, OR 97102

Heather Hansen

From: Linda Eyerman <linda@gaylordeyerman.com>
Sent: Monday, July 25, 2016 3:52 PM
To: Clatsop Development
Cc: Heather Hansen
Subject: Testimony for Planning Commission 7-26-16
Attachments: Minutes 11-14-2012.pdf; Minutes 5-15-2013.pdf; Minutes 8-21-2013.pdf; Minutes 9-18-2013.pdf; Minutes 11-20-2013.pdf; Minutes 3-19-2014.pdf; Minutes 5-21-2014.pdf; Minutes 6-18-2014.pdf; Minutes 8-20-2014.pdf; Minutes 10-15-2014.pdf; Minutes 3-28-2015.pdf; Minutes 5-21-2015.pdf

SUPPLEMENTAL TESTIMONY IN OPPOSITION TO DISCONTINUING THE SOUTHWEST COASTAL CITIZENS ADVISORY COMMITTEE

Members of the Clatsop County Planning Commission and Board of Commissioners:

My name is Linda Eyerman. I have been a property owner in Arch Cape for 17 years. I served as a member of the Southwest Coastal Citizens Advisory Committee (SCCAC) for four years, from 2012-2015.

Legislative Hearing in Arch Cape on 7/12/16
On July 12, 2016, a legislative hearing was held in Arch Cape before the SCCAC to take testimony from community members about the continuing existence of the SCCAC. This meeting is not discussed by Staff in the packet for the Planning Commission meeting on July 26, 2016, although there is a promise that minutes of the SCCAC meeting on July 12 (which included this hearing as an agenda item) may be available for your review.

Please be aware that approximately 40 people attended this hearing, and with one exception, everyone who gave testimony opposed dissolution of the SCCAC. My written testimony submitted prior to that hearing is in your packet. My point was to let you know how much work the SCCAC had done during the four years I was a member, and how important it is for County government to have community input on design review and the host of other planning issues that affect Arch Cape and the Southwest Coastal region.

I am supplementing my testimony by submitting Minutes from the SCCAC meetings held during my tenure (attached to this email). This set is not complete (these are the ones I could find), but the County has its own complete set which are public records.

At the close of this hearing, the SCCAC unanimously made findings of fact which do not seem to be reflected in the Order signed by the SCCAC chair. Hopefully these will be clearly stated in the Minutes. Applying the standard set forth in Goal #1 of the Clatsop County Comprehensive Plan, the SCCAC found that the Committee should continue to exist because it had demonstrated "persistent involvement" and "active participation." I hope you will adopt these findings.

Lack of Notice for Planning Commission Hearing on 7/26/16
As a property owner in Arch Cape, I received a postcard from the County notifying me of the legislative hearing in Arch Cape on July 12, 2016, before the SCCAC. But I did not receive notice of any hearing before the Planning Commission.

Thank you for your consideration.

Submitted July 25, 2016
Linda Eyerman
80296 Pacific Rd
Arch Cape, OR 97102
linda@gaylordeyerman.com

MINUTES

SOUTHWEST COASTAL CITIZEN ADVISORY / DESIGN REVIEW COMMITTEE (SCCAC)

Regular Session

September 18, 2013, 6:00 p.m.

Arch Cape Fire Hall, 79729 Highway 101, Arch Cape, Oregon

Chairperson Tod Lundy convened the meeting at 6:04 p.m.

Members present: Richard D'Onofrio; Linda Eyerman; Tod Lundy; Mike Manzulli; Linda Lapp Murray; and Dan Seifer. Virginia Birkby was late due to a work-related function and was excused.

County Commission Liaison: Commissioner Debra Birkby, who was also the design review applicant.

Public present: George Cerelli.

Staff present: Julia Decker, Planner, Clatsop County Community Development.

In response to a question from Mr. Seifer, Planner Julia Decker stated the short term rental ordinance review originally scheduled for this meeting was being postponed until October, due to Senior Planner Jennifer Bunch's unavailability to attend this evening's meeting.

Minutes:

Chair Lundy corrected verbiage in condition 6 of the conditions of approval the committee recommended at the previous meeting, adding: "After plants are established they should be maintained and such other steps shall be taken to assure bank stability and to prevent blockage of the culvert."

Mike Manzulli stated he is chair of the Ecola Creek Watershed Council, not the North Coast Watershed Council. Two typos also were corrected as well, changing Mr. to Ms. on page 2, paragraph 5, and Vice Chair to Chair on page 1, paragraph 1.

> **Linda Lapp Murray moved and Dan Seifer seconded to accept the minutes as amended. Motion approved unanimously.**

Ms. Decker will inform the Hearings Officer of the correction to the recommended condition.

Action Item:

Major Design Review and Expansion of a Non-Conforming Structure: In the matter of two applications submitted by Debra Birkby for the Expansion of a Non-Conforming Structure and Major Design Review for a residential addition (dining room). The subject property is identified as T4N, R10W, Section 30CB, TL 00700 and commonly known as 79829 Gelinsky Road, Arch Cape, Oregon.

Linda Lapp Murray reported she had worked on some of the drawings and is a neighbor to the home, her involvement is over and she has no monetary interest in the project. No one expressed concerns regarding the issue. No conflicts or other ex parte contacts were declared, nor were any objections to the committee's jurisdiction made.

Planner Julia Decker provided the staff report, which had been prepared by Senior Planner Jennifer Bunch. The expansion of a non-conforming structure, she said, not of a non-conforming use,

explaining the house, while legally built, encroaches on the 50-foot setback to the line of non-aquatic vegetation. The request is for a second story dining room addition, which would go in the area where there is already a deck, explained Ms. Decker. She said Ms. Bunch had found the standards for expansion of a non-conforming structure were satisfied. Dan Seifer and Ms. Decker discussed briefly the requirements of Section 4.125 (3)(C), which includes requirements that apply to non-conforming uses as well that do not apply. Ms. Decker stated she took Ms. Bunch's finding of satisfied to mean that, while some criteria did not apply, the criteria that did apply were satisfied.

Ms. Decker reported Ms. Bunch's findings for the Flood Hazard Overlay and the Geologic Hazard Overlay, which both apply, saying both would be addressed at the time of development permit submittal. A geologic hazard report has been submitted already.

Under Section 4.103.1. Relation of Structures to Site, Ms. Decker reported Ms. Bunch found the proposed addition would be located where a small deck and stairs currently exist. No relocation or rearrangement is proposed, and the roofline will be carried out to the addition. The addition was found to be compatible with the surroundings.

Under subsection 2. Protection of Ocean Views, Ms. Bunch's report referred to an aerial photograph of the neighborhood, showing there no ocean views to be impacted by the addition. The criterion was determined to be met.

Preservation of Landscape, subsection 3, was to be met through a condition of approval, as the applicant would not be removing any trees, though possibly a fuchsia bush would be relocated. Ms. Bunch had stated a condition of approval would ensure consistency with the requirement. Mr. Seifer commented he thought the criterion applied to natural landscape elements, such as native plants, not landscape garden plants, such as the fuchsia. Debra Birkby, in her role as the applicant and not as the commissioner, said the fuchsia is quite large, which is why she bothered to mention it. Mr. Seifer understood why the applicant mentioned it, his real question, he said, was whether the committee had jurisdiction over landscaping plants. Ms. Decker said the jurisdiction wasn't over the fuchsia, but over disturbance of native vegetation, which should be disturbed as little as possible. Mr. Seifer said this agreed with his understanding of the criterion.

Conditions of approval were also recommended for 4. Utility Service, which the applicant did not propose to change; and 5. Exterior Lighting. The conditions would ensure consistency with the criteria.

Ms. Decker continued, saying Ms. Bunch found 6. Buffering and Screening; 7. Vehicle Circulation and Parking; and 8. Signs, did not apply.

Under subsection 9. Surface Water Drainage, the applicant stated she planned to tie into existing underground drainage to the wetland as a bio-swale, which Ms. Bunch found acceptable and stated in her staff report would be ensured through a condition of approval, Ms. Decker said.

Linda Eyerman commented this was the first application she had seen that did not include an architect's plans and asked about the procedure if the committee were to recommend approval. Debra Birkby stated she did not plan to pay an architect for a one room addition to her home until she found out if she would be able to do the addition. In responses to further questions from Ms. Eyerman, D. Birkby said she would have plans drawn for the Building Codes Division that would comply with all building requirements if she gets approval.

Ms. Decker continued, going through the section on non-conforming structures that followed: The dwelling is non-conforming because it is within the 50-foot setback to the line of non-aquatic vegetation to wetlands on the east side of the property, nor does it conform to the 20-foot side yard

Attachment 1

setback for corner lots on the south side of the property. The dwelling was built in 1952, she said, and it meets the definition of a legal, non-conforming structure. The applicant proposes to increase the external dimension of the structure with the dining room addition, so it is considered an expansion. Unser Section 4.125. Expansion (1), Ms. Decker said Ms. Bunch found the proposed addition would need the required front yard setback, using S4.503 Protection of Riparian Vegetation and the 50-foot setback to non-aquatic vegetation described in Section 3.068 (15).

She reviewed 4.125(3)(C), which Ms. Bunch had written were geared toward non-conforming uses rather than non-conforming structures, and outlined the applicant's responses. The applicant had stated an additional downspout would be added to handle additional rainwater, she noted. Based on her finding that the proposed residential addition would have no greater impact on the surrounding area that the existing use, Ms. Bunch had determined the criterion had been met, Ms. Decker said, and added staff had not identified any additional impact from the proposed addition.

Ms. Decker clarified with the applicant that a bridge between the house and an apartment (accessory dwelling unit) above the garage on the property was not part of the application.

In response to a question from Mike Manzulli, Ms. Decker said the expansion, was well under 20% of the footprint of the existing structure and lot coverage would remain well under the 40% maximum required by the AC-RCR Zone.

Applicant Debra Birkby used the white board to provide a diagram to show what part of the structure would be enclosed, where the deck was and would be, and where some stairs might go. She said she would use the area under the dining addition as open-sided storage. She said the dining room would be on 6 x 6 posts, and the geologic hazard report addressed the foundation for the posts.

Committee member Virginia Birkby arrived at this point, (6:58 p.m.).

Ms. Decker reviewed the conditions recommended, noting a change to language to condition 3, adding language to say, "... prior to, during and after construction."

Applicant Debra Birkby addressed the roof height, saying she knew the maximum was 26 feet and hadn't really been concerned about it because she planned to just continue the line of the roof; however, she had purchased the windows already and asked for some flexibility in case the window height altered the height of the walls. The existing height is 17 or 18 feet, and she said she had no intention of altering it to anywhere the near the 26-foot maximum and hoped to keep it exactly the same. Ms. Decker noted if an alteration in height took the roof to 24 feet, two feet within the maximum, for the zone, a survey would be required to document that it did not exceed the maximum height. Applicant D. Birkby added that the roof is a shed style and not completely level now.

In response to a comment from Mr. Seifer, Applicant D. Birkby stated there would be no change to the pitch other than what needed to be done to cover the new structure. She added an explanation of the distances from the wetlands to the existing structures.

> **Richard D'Onofrio moved and Dan Seifer seconded to (recommend to) accept the application with conditions as amended. Motion approved, six in favor and one recused (Virginia Birkby).**

Other Business:
Local Wetlands Inventory: Mr. Seifer asked for information about the review of the Arch Cape Local Wetland Inventory matter. Mr. Manzulli said the matter has returned to the planning

commission after the board provided direction to look at a safe harbor ordinance. He said the previous week's work session with the planning commission included staff from the Department of State Lands, including the staff person who drafted the model code for the state. He said the session was very informative. The safe harbor option has the variance option, he explained, so that there would be a procedure for people who had wetlands on their properties. He stated restrictions would be increased to 25 foot setbacks of any vegetation removal. Right now, he continued, there is a 50-foot structure setback, and he thought the safe harbor wouldn't really affect the Arch Cape ordinance. He was not sure how decks would be handled, but he thought there would be a little more protection for the wetlands.

Mr. Manzulli called the meeting informative for the planning commission and noted Butch Coleman and the Platts attended. He also said Community Development Director Hiller West had toured the Arch Cape wetlands recently with several representatives of the watershed council, including Mr. Manzulli.

Arch Cape Sanitary District Hearing before the Hearings Officer: Mr. Seifer thought it prudent that someone from the committee attend the September 20, 2013, hearing for the sanitary district's variance request, for which the committee had recommended approval at its August meeting. He asked if anyone thought it unwise and asked staff's opinion as well. Ms. Decker said committee members often attend hearings under such circumstances and said it frequently is very useful to have someone from the committee to answer questions. Commissioner Birkby agreed, saying the public comment period allowed time for adding to the record things one might have thought of after the committee's meeting as well. Mr. Seifer thought he would attend and be available if the Hearings Officer had questions on the committee's recommendation.

Short Term Rental Ordinance: Mr. Seifer distributed copies he obtained from Cannon Beach City Commissioner Sam Steidel of a "barrel list" of disaster supplies. He suggested in the event the Short Term Rental Ordinance is updated, it might be a good idea to require vacation rental owners to maintain a barrel of essential emergency items to be available for renters, and he offered the list as a starting point for the discussion of how the needs of renters might be addressed during a disaster.

Ms. Decker said the Short Term Rental survey has been sidelined temporarily while Senior Planner Jennifer Bunch finishes work related to the remand of liquefied natural gas pipeline project, but said staff anticipated being able to return to the survey project soon. She reported in response to a request from Virginia Birkby that she had counted the number of rentals currently permitted on Website list and found 63 rentals, 19 of which were on Pacific Road. She said there is one open violation at this time, on which Code Compliance Specialist Bart Catching working.

Virginia Birkby said she may soon file complaints about houses that have signs regarding being rentals, which she believed would not qualify as nameplates. She intended to talk with the rental management companies before making formal complaints, she said.

Mr. D'Onofrio commented the number on Carnahan should be even greater, though only about four were listed.

Ms. Birkby wondered if at some point there might be some vehicle to make people aware of the difference between the number of permitted rentals and the real number of rentals. She suggested possibly canvassing people in the neighborhood about which houses where used as rentals, saying she had a pretty good idea about her own neighborhood.

Mr. Seifer commented the Short Term Rental Ordinance contains a provision that states the complaining person should first contact the Short Term Rental contact person about the issue before filing a formal complaint and he wondered if this were true for all complaints. Ms. Decker

was not sure how Mr. Catching handled it, but she said she in the past has asked people if they've contacted their neighbors and found resistance, in many cases because of fear. Mr. Seifer said according to the ordinance the complainant had to talk to the contact anyway.

Tree-Cutting: Ms. Birkby said she also is planning to send to Mr. West regarding the manner in which the Castle Rock Estates tree-cutting violation was being handled. She stated she found the removal of a number of big trees to be significant and will be opposing the action. Chair Lundy thought the matter should have come to the committee for discussion.

The group discussed tree-cutting and whether or not an ordinance should be created. Mr. Seifer recalled the last time the group discussed it, the members decided to wait until the local wetland inventory ordinance matter was concluded. Ms. Birkby thought tree-cutting should be on a future agenda.

There was discussion about what requires major versus minor review. In response to a question from Mr. Seifer, Ms. Decker stated the work session with County Counsel Chris Crean about roles and responsibilities was scheduled for October. She said County Manager Scott Somers also would attend.

Mr. Manzulli asked if there were some way for the committee to meet without staff to work on a tree ordinance. Ms. Decker did not think so, but said she would check.

Ms. Birkby suggested the committee could meet more than once a month if necessary.

Mr. Seifer recalled the last discussion about a tree ordinance included a consensus that the group needed to have a philosophical discussion about the topic, and thought it should contain before actually trying to draft language.

> **Dan Seifer moved and Linda Murray seconded to adjourn. Motion approved unanimously.**

Meeting adjourned at 7:30 p.m.

MINUTES

SOUTHWEST COASTAL CITIZEN ADVISORY / DESIGN REVIEW COMMITTEE (SCCAC)

Work Session

October 16, 2013, 6:00 p.m.

Arch Cape Fire Hall, 79729 Highway 101, Arch Cape, Oregon

Chairperson Tod Lundy convened the meeting at 6:02 p.m.

Members present: Virginia Birkby; Richard D'Onofrio; Linda Eyerman; Tod Lundy; Mike Manzulli; Linda Lapp Murray; and Dan Seifer.

County Commissioner Liaison: Commissioner Debra Birkby

Staff present: Chris Crean, County Counsel; Scott Somers, County Manager; Hiller West, Director; Jennifer Bunch, Senior Planner; and Julia Decker, Planner, Clatsop County Community Development.

Work Session:

Roles and Responsibilities: Director Hiller West directed attention to handouts within the agenda packet, specifically to Section 4.102 of the code, and reviewed the different types of design review and how staff determined what type of review a project required.

Chair Lundy asked if it was within the purview of the committee to initiate changes in the zoning ordinance. Mr. West replied the committee could recommend to the planning commission by letter or memorandum that changes to the county's Comprehensive Plan or development code be initiated. He added it is the planning commission's role to make formal recommendations to the board.

County Counsel Chris Crean expanded on this, saying Section 4.108 sets out the committee's task and delegated authority: "The Southwest Coastal Citizens Advisory Committee (CAC) shall serve as a Design Review Advisory Committee for Arch Cape and will review development proposals and make recommendations to the Community Development Director and Planning Commission concerning the design and scenic view aspects of proposed developments." That's the task this committee was created to accomplish, he said. He said a formal action to initiate or recommend initiation of action to amendments to the code probably does not fall within the purview of the committee; however, he added, anyone can make recommendations to the director, and coming from the committee it would carry more weight than coming from someone else.

Virginia Birkby commented the committee wears two hats, one as the design review committee and one as the citizen's advisory committee. She asked for clarification as to what the design review committee is, compared to the citizen advisory committee. Mr. West responded, saying the development code specifies the advisory committee functions as the design review committee, and the Southwest Coastal Community Plan, in its policies, specifically recognizes the advisory committee as the body to represent the community on land use planning matters.

Mr. Crean says the plan and code don't really delegate any tasks other than to represent the community, and is not specific about what that means. Mr. Seifer pointed out the Review and Update section of the community plan, which calls on the committee and staff to review the plan every two years, suggesting the plan is a living document that requires periodic review and amendment. Mr. Seifer thought this made it seem as though the committee has a responsibility that has nothing to do with design review. He said the committee has an understanding that its role includes that of an advisory committee, yet several issues have been pursued with the community without first approaching the committee.

Mr. West said staff agreed the committee's role included the advisory committee component, noting staff would bring any proposal for rezoning or change to the Comprehensive Plan to the committee for review and recommendation.

In response to a question from Mr. Seifer, Mr. West noted the topic of an urban renewal district for the community, though he deferred to Mr. Crean the question of whether an urban renewal district is actually a land use action and whether it falls under the committee's authority for review. He noted the committee's input is welcome. Mr. Crean agreed there absolutely a responsibility for an advisory review, but it's not clear what the committee is obligated to do. His said review of the community plan, comp plan and the bylaws, as well as the provision Mr. Seifer cited, says only, "The following schedule is adopted for review and possible revision of the community plan. Mandatory review by county staff, the planning commission and the CAC every two years." He said there is a responsibility given to this committee by the county to review this plan every two years. He said the committee's responsibility is confined to reviewing actions or proposed actions, not initiating actions. The committee doesn't have authority to initiate actions, but a responsibility to review actions, delegated by the county, he explained, adding this was consistent with Mr. West's explanation.

Ms. Birkby commented the group has made recommendations in the past, and the county has held meetings in the past to discuss the recommendations with the community and make recommendations to the planning commission. Mr. Crean said this was appropriate, as long as the committee's role was that of offering advice. Ms. Birkby wondered if this meant the committee's role was limited to only making comment on topics that were brought to the committee. Mr. Crean thought the answer depended upon context. If, he said, the two year review did not end up on staff's agenda any time soon, and the committee asked to go ahead with it and staff agreed, then the committee's review and recommendations for revisions to the plan serve as the basis for the county initiating revision to the plan, but it would be the county staff or the planning commission formally initiating the revisions, based on the committee's recommendations.

Mr. West briefly noted the difference between major and minor design review, with major reviews conducted by the committee and minor being administrative and conducted by staff.

Ms. Birkby asked for more information about designating major and minor design review when the application does not include development. She cited as an example a recent application for tree cutting by Castle Rock Estates, saying she believed the removal of large trees was a significant impact on the land, despite the lack of buildings being constructed. She noted it was designated minor and asked for conversation related to this. She stated there are many trees being removed and thought the committee should have an opportunity to share its concerns.

In response to a question from Mr. Crean, Senior Planner Jennifer Bunch responded tree-cutting is not covered by the county's development code. Mr. Crean, pointing to Section 4.108, noted the county's code gave the committee responsibility to review proposed developments, which he said dove-tailed pretty well with the committee's bylaws, which say the object of the design review committee is to make recommendations to the county pertaining to land use or development applications. He said in order to invoke the committee's authority, it would have to be a land use application. If the land use code is not involved, it does not fall under the authority of the CAC, he said.

Mr. West recalled an application earlier in the year, when County Counsel Jeff Bennett had advised an application for site prep work alone, ahead of an actual development permit application, was a gray area, but advised the conservative approach was to consider it as development. Accordingly, staff adjusted their approach to the review.

Ms. Bunch briefed Mr. Crean on the whole Castle Rock Estates situation, which included the homeowners association cutting trees in a common area and the county receiving a complaint. She noted the county issues permits for tree removal in Arch Cape, based on an opinion some years ago from another County Counsel, Ed Trompke and Andy Jordan, Jordan Ramis, formerly Jordan Schrader when the opinion was issued. The advice at that time was that tree-cutting was development as it was a man-made alteration of the land. Ms. Bunch said there is nothing in the code that talks about tree removal, and this advice pertains only to the AC-RCR Zone. Ms. Bunch noted the determination was made before the most recent revisions to the code.

Mr. Crean commented cities and counties routinely regulate tree-cutting in the public right of way, but not on private property. He said it certainly did not appear to be a land use decision.

Mr. West said staff's position has been on the removal of trees that do not involve site preparation work or other work that requires a building permit to require a development permit, but the review is administrative.

County Manager Scott Somers questioned whether this was a land use decision, and Mr. Crean agreed the question should be reviewed again because the previous determination was under a different code.

Mike Manzulli cited the definition of development in the code, which included the term "ground disturbance." Ms. Bunch observed cutting a tree did not necessarily disturb the ground, and grading and filling permits are required for ground disturbance beyond typical gardening and landscaping activities. Removing the roots would require a grading permit in any zone, she said.

Linda Lapp Murray recalled former committee member John Mersereau has been working on a tree cutting regulation and currently tree-cutting is prohibited in the community. Ms. Bunch said the preservation of landscape standard found in the design review criteria is applied to development.

Commissioner Birkby recalled the individual who cleared several acres of land to build a home had been fined and had to re-plant the property. She recalled the project Mr. Mersereau had been working on with former Community Development Director Kathleen Sellman involved whether logging was permitted in a residential zone.

Ms. Bunch thought the Oregon Forest Practices Act applied to Goal 4 exception areas, such as Arch Cape. Mr. Crean agreed, saying it applies, even in cities. He suggested the reason the individual was fined probably had to do with logging without state (Oregon Department of Forestry) permits.

Mr. Seifer recalled being told by staff, based on the Jordan Schrader letter of August 11, 2006, removal of trees larger than five or six inches in diameter within the Arch Cape overlay is considered a development activity that requires a development permit. He noted the committee's current "to-do" list includes trying to determine if that's the correct standard or if something slightly more liberal should be used. He added the committee has been provided with a policy that allows the removal of a sick, dying, or dangerous tree without going through development approval procedures. Mr. West agreed with Mr. Seifer's summary, but he added it may need to be revisited, particularly in light of Mr. Crean's observation that cutting a tree really is not a land use decision.

Mr. Crean explained the concept of what is a land use decision is established by statute, and land use decisions are subject to appeal that can ultimately be heard by the Land Use Board of Appeals (LUBA). A land use decision boils down to a discretionary decision about a land use application, he explained, and if there's no discretion, there's no land use decision – it's just a ministerial. It's called the ministerial exception to the land use process and is often referred to as a Type I decision, with

clear, objective, and often numerical standards. He summed up by saying if a tree cutting application comes in and it clearly meets the permit requirements, it's approved.

Ms. Birkby said that, although it may have been a minor review, the director still has the authority to bring the application up to the committee for input, members would appreciate the opportunity to review it if it's a significant number of trees. Mr. Crean agreed the committee should review things if the director decided it would be a good idea.

Mr. Seifer commented Mr. West's determination about whether to contact the committee was supposed to turn on whether he thinks there will be a significant impact to the community or other properties. He suggested that if a proposal that involves "more than a tree or two," the director should exercise his discretion and come to the committee, recognizing the potential for impact to neighboring properties and the requirement to preserve the landscape. Ms. Birkby agreed.

Mr. West acknowledged Mr. Seifer's remarks and said a proposal for a large scale operation, such as clear-cutting, the department would take that to the committee. He said he honestly did not believe the removal of four or five or half a dozen trees rose to that level review, nor did he think that level of review for tree removal was consistent with the code.

Mr. Crean added the other thing to keep in mind was that this is a design review committee, and when looking at Section 4.102 (2)(B) preservation of existing landscape, or other applicable criteria identified in Section 4.103, criteria for review of a design review application, none of the criteria for design review come into play unless there was a design review application.

Linda Eyerman summarized her understanding at this point: the CAC is a committee that has design review as one of its functions. She asked for the big list of the CAC duties and activities. Mr. West stated there is not one, but there is the overall policy guidance that is provided in the Comprehensive Plan.

Ms. Bunch noted that if someone receives a permit from the Oregon Department of Forestry to log his or her property under the Forest Practices Act, the county has absolutely no say in it and the matter would never come to the county's Land Use Department. Logging under the Forest Practices Act does not require county permits, she explained. Mr. Crean agreed. In response to a question from Mr. Manzulli regarding logging not being an allowed use in a residential zone, Mr. Crean said logging is not a land use and the land use program cannot regulate logging.

Chair Lundy summarized the discussion, saying it seems clear the committee has the desire to maintain a certain aesthetic and life quality in Arch Cape and can do it to the extent being described here today, but the line drawn appears to be the number of trees cut, and the committee appeared to want to have things brought to them before the director seemed inclined to do so. Mr. West replied a wide variety of applications come to the committee and he was hearing from the committee that it would like to review limited tree removal applications that do not involve development or building permits. He said in general, if there's a proposal for development, whether for site preparation or a more extensive application, the committee would be asked review it.

Mr. Somers asked for more information about the instrument that controls tree-cutting in Arch Cape and asked if there were discretion in how it is applied. In the discussion that followed, those present discussed the concept of what kind of discretion exists in the applications the committee sees and what is considered administrative. Ms. Bunch commented that Mr. Crean was saying tree-cutting is not a land use decision, and she thought the code should be revisited. If it is a land use decision, she continued, then the code should be updated with criteria that make it clear what and how it is regulated. Those present discussed the past interpretation by Ed Trompke and Andy Jordan regarding the matter of tree-cutting or logging. Mr. Crean scanned the letters to which they

were referring and said the letter does not say someone taking out two trees in his backyard requires a development permit. He said he did not find anything in the code that requires a development permit to cut a tree or two from someone's yard.

Mr. Seifer thought there should be some process to allow community participation in refining the rules and in developing an ordinance to replace the policy. He opposed operating under a policy current counsel says has no basis in the ordinance.

Chair Lundy suggested the committee devise a tree policy to be forwarded to the planning commission. Mr. West recalled a committee discussion when he first attended one of the meetings and said he remembered the committee had decided at that time not pursue the topic.

Commissioner Birkby and Ms. Bunch recalled the work on Ordinance 10-01, which originally included tree-cutting, but the section on tree-cutting was thrown out by the planning commission before it went to the board.

In response to comments from Mr. Seifer, Mr. West said the county would revisit the issue with counsel and see if the county had enough basis to regulate tree-cutting and requiring a development permit.

Mr. Manzulli thought the community was onboard with preserving the landscape. Mr. Crean commented land use decisions run with the land. He suggested before staff and the community put time and effort into developing code language, make sure the planning commission was interested in taking it on because it is a very difficult and controversial issue.

Chair Lundy asked Mr. West to check with the planning commission regarding whether there was interest in taking up the tree-cutting issue.

Members decided to briefly take up the third agenda item, regarding Short Term Rentals, to allow Mr. Seifer to ask a question of Mr. Crean, so Mr. Crean would be able to leave early.

Arch Cape Short Term Rental Ordinance: Mr. Seifer asked Mr. Crean about whether room tax could be raised and a portion dedicated to address specific projects, such as road improvements. Mr. Crean responded the lodging tax is regulated by statute. Mr. Somers said he wasn't aware if there's a cap, but the bigger issue is what you can do with it. He explained that any new or additional tax after a date in 1995 or 1997 is required to be dedicated so that 70% of it goes to promotion of the visitor industry or visitor facilities and only 30% of the increment after that date can be used for discretionary purposes, which explains the difference in the way the funds are used from jurisdiction to jurisdiction.

Mr. Crean departed the work session at this point, and the committee returned to the regular agenda schedule.

Urban Renewal District: Mr. Somers distributed copies of a PowerPoint presentation and tax code information he had presented earlier at a community meeting regarding the urban renewal district discussion. He explained how to read some of the charts and detailed what the cost would be to the various taxing districts affected by an urban renewal district.

Mr. Somers provided some examples of the impacts, saying Clatsop County would not $1.2M in the 20-year period of the urban renewal district; School District #10, would not realize $3.6M in the 20-year period.

He then reviewed the cumulative effect each year for each of the taxing districts for 20 years. He said if all three codes, or the three taxing districts within Arch Cape, decided they wanted to move forward with the district, the amount of money realized over 20 years would be about $9. 2M, which would come from the revenues not realized by all the other taxing districts. Mr. Somers said the question of notification of the other taxing districts came up, along with whether the districts would be concerned about losing the potential revenue. He thought the other districts would, indeed, be concerned. He said Ms. Birkby had suggested the discussion come to the committee for consideration. He said the next step really is whether the Board of County Commissioners wishes to pursue creation of the urban renewal district, but he thought the committee might be able to make a recommendation or provide input to the board.

Mr. Somers listed some options if the board is not interested in the urban renewal district option, including a local improvement district, an increase in transient room tax, or a road improvement district. He noted an urban renewal district does not raise taxes to property owners; instead, there is a synergy effect of improving the area and, therefore, raising property values. He said urban renewal districts generally are used for urban areas with dying, inner core area that needs an infusion of money and energy. In blighted urban areas, the improvements raise vales and therefore taxes after the urban renewal district sunsets.

He wasn't sure if this would exactly apply to Arch Cape because he wasn't sure if property values would increase significantly, or at all, if the area had paved streets or stormwater drainage, or if the increase in value would be enough to benefit the other taxing districts to be supportive of the lost revenue over the next 20 years.

Chair Lundy said it sounded "bogus" to him, explaining he did not think the tax base would increase very much. Richard D'Onofrio asked if Mr. Somers was asking the committee to try to gather support for the proposal within the community. Mr. Somers noted he had found the people at the last community meeting supportive of at least continuing to explore the idea. Mr. D'Onofrio mentioned many of the people he's spoken with already about the proposal do not like the idea of money being withheld from the school district. Mr. Somers agreed, saying he's heard that a lot, too. He mentioned the Carnahan Homeowner's Association passed a resolution opposing it because of the loss to the school district. He said the decision really is up to the board, but he suspected the board would not support the proposal if there is strong opposition.

Ms. Birkby said she didn't find the idea bogus and said for many years had been trying to explore anyway to possible to find more money for the community. She believed the schools would fight the proposal, but she felt she had a responsibility to the community to explore opportunities to solve problems within the community that she thought everyone agreed exist. She recognized the board would be the entity to make the decision, but she thought the committee would be remiss to drop the concept at this time, saying she believed this was an opportunity.

Mr. D'Onofrio commented he had noticed a drop off in attendance between the first and second community meetings and thought interest was not strong. He thought it was important to gauge the whole community's preferences.

Mr. Seifer asked about tax increases, Ballot Measure 5, and the compression concept. Mr. Somers said the maximum increase is 3% and a more conservative approach has been taken with the estimates he provided here because of the economy. The amount of money realized could be higher, he said. Mr. Seifer commented it seemed like the market values would increase not because of improvements to the roads or drainage but because the values have been artificially subdued.

Mr. Somers agreed, saying the numbers likely would go up 2.4% anyway and as much as 3% not matter what happens because increases in assessed values are limited. The only way it would go

beyond that is if new developments, such as new subdivisions, are added, something he considered unlikely.

Mr. Seifer said the advent of adequate water and sewer facilities has helped has assisted with increased development in the past few years, particularly on the east side of the highway. If fact, he continued, the water and sewer districts currently are trying to determine their rates structures and have found the systems are so good the only way the rates will go down is if they have new customers and new housing.

Mr. Seifer continued, saying he thought it best to see if there is potential in the ideas Mr. Somers has suggested to solve some of the problems in the community. He thought the board might be more interested if Mr. Somers could relay that the community has interest in the ideas. Mr. D'Onofrio agreed. Mr. Seifer said selling a road improvement project would be difficult if the standard is for 40-foot-wide roads with curbs because no one in Arch Cape wants them. He suggested a small amount of staff time to come up with something less large that would still meet Public Works requirements. Mr. Somers thought this possible, with the result potentially creating a special design standards overlay for Arch Cape. Mr. Somers thought this was something the committee could help staff design, but he thought the first stop would be the fire department, to see what sorts of width and setbacks the emergency service providers would approve.

Mr. West commented the urban renewal plan would need to lay out the design in detail. Chair Lundy mentioned the issue of public and private roads, which he said is a long-standing issue in Arch Cape. Mr. Somers thought the issue of public- and county-maintained was also confusing to people, remarking that just because something is public doesn't mean the county will maintain it, thought the county could potentially take over maintenance of public roads that are brought up to a specified standard, which he thought would be a good use of urban renewal money.

Mr. D'Onofrio maintained it would be best to start with seeing if there was support in the community, which meant providing people with models that showed them what the money would buy, so they could see it was not the 40-foot-wide street with curbs plan. He thought people in Arch Cape preferred the rural flavor and did not want to live on a cul-de-sac.

Mr. Somers thought starting with what the fire department would accept was the first step.

Mr. West recalled an email he received from a resident a few weeks earlier, who said she did not want to revisit the battle of four or five years earlier about paving of streets in Arch Cape. He advocated getting the community's sense of what it wants before spending a lot of staff time.

In response to questions from Linda Eyerman and Linda Lapp Murray, Mr. Somers explained a local improvement district (LID) is an additional tax, whereas an urban renewal district (URD) is not; the preliminary thought was to use the sanitary district boundary or the rural community overlay for the URD boundary, but there are other ways to do it; the plan would have to be adopted, but the plan could be amended; and the dollars collected for the URD could only be used for projects in the plan.

Chair Lundy asked committee members for their opinions: Ms. Murray thought it sounded like a fine idea, but commented she likes her little gravel road and did not want any trees removed to make the road bigger. She was supportive as long as the community was not forced to have bigger roads. She said she would be happy if a way could be found for the county to take care of the roads.

Ms. Eyerman stated she did not have enough information to have an opinion at this point.

Mr. D'Onofrio said he did not want the character of the community to change, but said some problems that need to be addressed.

Mr. Manzulli said he agreed with Mr. D'Onofrio and mentioned road maintenance and drainage, noting stormwater drainage can be implemented without paving. He recommended going forward with investigating the idea before just rejecting it.

Ms. Birkby said she had given her opinion already.

Chair Lundy didn't care for the idea of bigger, paved roads, but agreed the drainage had some serious problems, complicated by the wetlands issues. He didn't think the community wanted county standards imposed.

Mr. Seifer, recalling the history of his street, which is neither paved nor not paved, said the community has some serious infrastructure issues and he thought the county should maintain the streets, so he thought the community should try to develop some Arch Cape standards that would be acceptable to Public Works. He said it sounds like a wonderful idea, and he acknowledged tax increment financing is scary but felt the community had a responsibility to look at it.

Mr. Somers said the discussion had been helpful and commented there are some great model ordinances out there, as long as the fire department can get down the streets. He noted the model list of projects was just to give everyone an idea of how much things cost, but it was only an example. He suggested staff could pull together some of the model ordinances for the group to circulate in the community to gather community input and possibly putting together a petition to take to the board.

In response to a question from Ms. Birkby about having more meetings on the topic, he noted the drop off in attendance and thought those who support it now are the ones attending.

In responses to a question from Ms. Eyerman, Mr. Somers and others said the alternative to an URD might be status quo, or a LID, which might give a piecemeal effect, or the way Cornahan did it, with private investment of homeowners.

In response to a question from Chair Lundy, Mr. Somers said the calculations did not include interest on money borrowed to do projects.

Ms. Birkby said she hoped the county did not pull together another meeting without the committee's input.

Chair Lundy summarized the next steps as staff will pull together some model ordinances and the committee would review them. Mr. Somers suggested at that point running the models past Public Works and the fire department to make sure they're acceptable. Commissioner Birkby answered a question, saying the commissioners look at items when staff brings the item to the commission.

Chair Lundy thanked Mr. Somers for all of his work on the proposal.

Arch Cape Short Term Rental Ordinance: Ms. Decker distributed copies of questions that had been generated by the group for a survey. Ms. Bunch affirmed there would be a survey and asked for additional input from the group. The survey would go to every property owner in Arch Cape. In response to a comment from Chair Lundy, Ms. Bunch stated the short term rental survey should be separate from any type of polling about the urban renewal district question.

Mr. Manzulli commented only seven houses on Carnahan Road are listed in the short term rental listing, but the number of houses being rented is much larger. Mr. D'Onofrio agreed. Ms. Eyerman suggested using the survey to educate property owners the short term rental ordinance exists. Ms. Bunch thought the survey itself should make it clear there is an ordinance and a permit is required.

Ms. Bunch asked the committee how detailed the survey should be and provided some examples of questions. She asked if maybe a general question, such as "should short term rentals be regulated", was appropriate.

Ms. Murray recalled a meeting about four years ago for a meeting when the committee was recommending amending the ordinance to put a cap on the number of short term rentals. She said people "came out of the woodwork" to oppose it. Mr. D'Onofrio recalled the opponents were mostly people with investment properties who did not live in the community.

Ms. Birkby asked Commissioner Birkby what the board was looking for from the committee. Commissioner Birkby responded she had stated at a board work session that the ordinance needed to be reviewed. She said the ordinance had been collecting room taxes since 2004 and had not been reviewed by the people who live here; and she thought ten years down the road seemed like a good, reasonable time to review it and see how it's working.

Mr. Seifer commented the Short Term Rental Ordinance (STR) attempts to integrate short term rentals, a proper and lawful use on residential property, with the Arch Cape community, which is a residential community as well as a tourist community. One of the things short term rentals do, he said, is change the intensity of the use of a particular home. The cap of 14 people in a home is a lot, he continued, and it changes the character of the neighborhood and its intensity of use. He thought one purpose of the survey should be to try to determine the use or intensity of the average house is now. He added right now there is no limit on the number of cars and wondered if that should be questioned. Ms. Eyerman noted only homes with five sleeping quarters could have up to 14 people.

Ms. Birkby stated she found perplexing the county reporting that not many people are complaining about short term rental and a number of houses are renting but do not have permits. She wanted to collect data on the number of homes being rented that are not licensed and get a true picture of what is happening on the street.

Mr. D'Onofrio thought something a little simpler would get a better response.

In response to a question from Ms. Birkby about who asked for the survey, Ms. Bunch said the commissioners asked staff to revisit the issue, and staff decided to approach it with a survey. She suggested asking whether the community was interested in regulating the short term rentals, and, if so, did the regulations need to be changed. Are the standards adequate? Do we need more parking standards?

Ms. Murray asked what would happen if the community decided it did not want the regulation, and Mr. West said the board would receive the information and determine how to proceed. Ms. Bunch said the survey results would be provided to the board.

Ms. Murray asked if there was evidence that the community ever wanted to regulate it in the first place.

Mr. Manzulli and Ms. Birkby asked if the committee could file complaints on short term rentals. Mr. Somers said the county would check with county counsel.

Mr. Seifer suggested asking if people thought the ordinance is working or if they thought it should be undone and prefacing a survey with a synopsis of the ordinance.

Ms. Bunch said staff would return to the committee with potential survey questions for fine-tuning.

Committee Member Terms: Ms. Decker provided the committee with a list of members' terms and noted Chair Lundy and Mr. D'Onofrio's terms would end in January of 2014. She had checked with Staff Specialist Valerie Crafard in the County manager's office regarding procedures and will put out a recruitment notice toward the beginning of November. She said Chair Lundy and Mr. D'Donofrio are eligible to reapply for their positions. Chair Lundy said he planned not to reapply. Ms. Decker planned to take the appointments to the board's first meeting in January.

New Business: Mr. Seifer suggested using the Tunnel Echoes newsletter as a vehicle for community outreach for the committee. The group agreed and thanked Mr. Seifer for agreeing to take this on.

Meeting adjourned at 8:19 p.m.

MINUTES
SOUTHWEST COASTAL DESIGN REVIEW / CITIZEN ADVISORY COMMITTEE
Regular Session
December 18, 2012, 6:00 p.m.
Arch Cape Fire Hall, 79729 Highway 101, Arch Cape, Oregon

Chairperson Tod Lundy convened the meeting at 6:01 p.m.

Chairperson Lundy asked Senior Planner, Jennifer Bunch to call the roll.

Members present: Virginia Birkby (VB)(6:03 p.m.); Richard D'Onofrio (RD); Tod Lundy (TL); Linda Eyerman (LE); Mike Manzulli (MM); and Dan Seifer (DS). Excused: Linda Lapp Murray (LLM).

Clatsop County Commission Liaison present: Commissioner Debra Birkby (CDB).

Staff present: Ed Wegner (EW), Clatsop County Community Development Interim Director; and Jennifer Bunch (JB), Senior Planner, Clatsop County Community Development.

Business from the Public:

No member of the public requested to speak.

Minutes:

Dan Seifer moved and Mike Manzulli seconded to approve the amended/corrected minutes of November 20, 2012. Motion approved unanimously.

Action Item:

Francis Capital Design Review / Variance Request:

Chair Lundy described the agenda item and identified the affected property.

Chair Lundy and Mike Manzulli reported they had a brief conversation about the meeting being lively but did not discuss any agenda items. Chair Lundy does not feel this would be considered ex parte contact.

Mike Manzulli, Chair of the Ecola Watershed Council, reported he is responsible for the local wetland inventory being adopted by the county, but the rules have not been enacted yet. He does not feel that he has a conflict.

Chair Lundy reported he owns a wetland and the consequence of decision could affect the value of his wetland. However, he doesn't feel that it constitutes a conflict.

No objections to the mentioned ex parte contacts or conflicts of interest were noted.

Jennifer Bunch (JB) presented the staff report and provided the committee members copies of public comment received after the packets were mailed. She introduced the applicant and described the property location.

The applicant is requesting a 48 foot variance to the 50 foot setback to the line of non-aquatic vegetation. Reviewed the design review criteria and staff findings. Applicant is proposing to place 375 cubic yards of fill in the wetland. He currently has fill permits from the Department of State Lands and the US Army Corps of Engineers.

At the time we get to the development permit stage we will review final plans and if it shows that the structure will be 24' or taller, we will require a survey at framing.

Proposed fill will establish a new wetlands boundary. This is not a buildable lot unless the variance is granted. Setbacks only apply to structures over 30 inches in height but does not apply to developmental fill.

Outlined the design review criteria, conditions of approval and variance procedure. Explained the DSL and Army Corps of Engineers fill permit process and requirements. Provided clarification and answered questions.

Reviewed Public Comment letter received from Virginia Achterman on November 27, 2013.

Conclusion the variance is a waiver of a rule that would prohibit the development or reasonable use of a property due to circumstances beyond the control of the property owner. Staff recommends approval of the variance and the design review for a single family dwelling subject to conditions.

MM section 3.068 setback for all structures shall be 50 feet from the line of non-aquatic vegetation. Definition of structures is anything that is constructed.

JB That is not staff's interpretation.

Chair Lundy called for Public Comment:.

Marty Francis (MF), 2200 Crest Dr, Lake Oswego. Mr. Francis thanked staff for their work in covering the relevant information. I think any point that I would bring up is irrelevant. Spoke about the time and money spent to get to this point. Not here to have an uprising in the community. Explained the background of acquiring the property and referred to his letter on record. Happy to answer any questions.

DS: Ask about his letter. Did you ever see the property before you took it?Which talks about what you knew and didn't know. Understand you got appraisal report that said there were no wetlands there, but

MF: The appraisal had pictures. I was just so happy to get some collateral. Just saw photos. It was appraised at $210,000. It's not really a saleable piece of property if it isn't buildable.

DS: The purpose of the structure is to demonstrate the build ability of the lot?

MF: It's just a house. The purpose of the structure is to take advantage of the zoning. It's zoned residential.

TL: Are you going to be living there?

MF: Is that relevant? I don't know. I will answer relevant questions.

DS: You say you're not a developer but you have the intent of a resale?

MF: I would do everyone a disservice if I were to speculate on what I'm going to do with the property. I have the rights to build.

DS: Background question, I don't know if this is part of your application, it appears to be attached to a letter from the State to you, but on page 96 of the staff report there's a depiction of the lot that describes this onsite fill pile. Do you know if that is a fill pile that someone started to fill the lot or who's labeling that in?

MF: I think that might have been like a stump that's in the wetlands. A fallen tree.

DS: Do you know why the state referred to it as an onsite fill pile?

VB: Mr. Utti, I've seen reference to you in the packet, I don't know what your connection is.

Harry Utti (HU): I'm a civil engineer, consultant and I do wetland delineations and hydraulic analysis.

MF: So when I found out there were wetlands, the state gave me a list of folks I should probably contact because the first process is to do a wetland delineation. So I could deal with state lands on a fill permit. And then at the same time concur with the Corps of Engineers. I've gone through everything anybody has told me to do and more.

TL: Are there any other questions for Mr. Francis?

VB: I have a question. Julia spoke to that there are different options or routes that someone could take to offset the fill which include mitigation, or paying. She said perhaps you might speak to the one that you would take advantage of.

MF: I took advantage of what I thought was probably (unintelligible). I'm not educated on this stuff. Dan Cary of state lands described how I need to get a wetlands delineation.

Harry Utti (HU) of Utti and Associates, PO Box 482, Seaside. Mitigation, there are different forms of mitigation. You can mitigate with adjacent property which is desirable a lot of times. You can purchase mitigation credits. That is used to restore and enhance other wetlands. What we're doing here is being compensated for a greater amount than we're filling in. That's how the state pretty much does it.

??: Payment to provide mitigation?

HU: Yes.

??: For the local DSL bank?

HU: Yes.

MM: I wanted to say that I'm sorry that you had to go through this process because the county really botched it. They were supposed to write our local rules and let you know about this before it happened. And it's really unfortunate that we're the group now that has to be the bad guys and go through this stuff with you because this is supposed to be taken care of at the beginning. I feel bad for that. I also think you got a terrible land appraisal report. I don't know who did this but it's based on Cannon Beach properties that are on Hemlock and not equivalent Arch Cape at all. It does say in here though that one of the lands they're looking at compares with that, there's wetlands on it and saying it's basically a similar type property. So he did properties that had wetlands on it to show that they're comparable to your property but didn't mention that your property had wetlands.

MF: I don't want to be a victim. I take things as they come and try and do the best I can. I just want to do what's legally right. I'd be a good part of the community and not upset anybody.

LE: I have a question. It's more for the county people. I'm understanding that you're recommendation is based, if I got this right, on the fact that it's zoned single family residential and therefore, if this variance wasn't granted then the owner wouldn't be allowed to build a single family dwelling? But I'm very worried about consistency because doesn't that really mean that every property that is zoned in single family residential area, regardless of whether it's wetlands, the owner has a right then, if we're following this logically, to build on it. So we no longer have any more non-buildable lots, or any more wetlands.

JB: Staff recommendation is based on the findings provided by the applicant, by Mr. Utti, and by staff findings. It's not just that one fact.

LE: But we have to look at the bigger picture really. That's our purpose.

JB: I understand that. But every finding here, staff wrote to support that recommendation.

LE: There has to be some purpose for the wetlands setbacks.

EW: And any time there would be an application, you would go through the process just like you are of granting or not granting a variance, making a recommendation.

JB: Right. Each application, if we received an application for the properties in the north, we may not recommend approval because each application is evaluated on its own merits. This is not setting a precedence.

LE: Well it's not not setting a precedent either. Yes it's all case by case determination but we also have to consider consistency. I'm concerned that last month we looked at a property that was, we thought, might be within 50 feet of a wetland and we, the discussion at least suggested that we wouldn't let them build even a foot into it. So I'm a little confused. Without knowing more history of what's been done over the years with other properties, I'm very worried about this one.

JB: Well the application last month was not requesting a variance to the setback so it had to meet the setback. That's why it could not encroach on that setback. And the application needs to be evaluated on its own merit not what has happened in the past. You need to look at does it meet the design review criteria? Does it meet the variance criteria? It has to meet all of those for recommendation of approval. It doesn't matter what happened next door. It doesn't matter what happened down the road five years ago. It has to be evaluated on its own merit.

LE: I don't agree with that. I mean it says that the precedent cannot be the sole criteria but it doesn't mean that it's irrelevant.

JB: I would hope that you would agree with it because that's how land use applications are evaluated. They're evaluated on their own merits. And that's how to ensure fairness to an applicant.

GL: Isn't it true that a variance must be offset by some factor that the aggrieved party that is asking for the variance will give to the project? Like for instance, this setback would be offset by some other factor? Is that not true?

EW: No. The only thing is, the DSL thing would have gone through the mitigation.

JB: That's not our variance.

Chair Lundy called for public comment.

Charles A. Dice, 31911 Clatsop Lane, Arch Cape. I'm a full time resident in Cove Beach for the past 12 years. I own property there that was built on in 2001 and that property has wetlands on it so I'm familiar with some of the issues about wetlands. I just really wanted to make four points and I already submitted my testimony in writing.

I just want to re-emphasize the fact that unfortunately DSL and the Army Corp of Engineers really don't help us much in our community. Just because of the way their rules read. They don't really look at anything that's less than 50 cubic yards. 50 cubic yards is a fair amount of fill. It's about five or six dump truck loads of fill. On a small lot that's lot of material.

Number two. For anybody that's got a lot of money, they get a pass anyway because they can just donate to the fill bank and they can fill whatever they want. In my eyes and in my opinion having a DSL or an Army Corp of Engineers permit doesn't say a lot.

There was an issue that came up about uniqueness of this particular lot. I've gone through most of the wetland areas down here in Arch Cape and Cove Beach. And in my mind there is nothing particularly unique about that lot given all of the wetland areas in both Arch Cape and Cove Beach.

Prior knowledge is something I kind of want to dig into. I mentioned I was a property owner. I bought my property in 2000. I had looked at a number of other properties here. One of the properties I looked at was at the very south end of Cove Beach Lake. Cove Beach Lake is a wetland when I went to the Planning Department at the time, they had no idea there was even a lake down there. It was all platted out like they were regular lots. But obviously the lake was there. I did a little bit more research and got a national wetland inventory map (dated 1995) that was available and the wetlands, including the lake, were on said inventory. After conferring with several professionals, it was decided that the property was essentially unbuildable. I didn't buy that piece of property. In a year that piece of property sold for $150,000. The person who bought it recently put it back on the market at $395,000. So they are going to make a tidy profit on it. They put it back on the market after a public hearing meeting in Astoria when we had the discussion about the local wetlands in the Arch Cape area. She stood up and gave testimony that she was going to build her dream house and she was really upset that she might not be able to get that when regulations came into being. My point, kind of, is that I'm just one of god knows how many people that have looked at these lots over the last 10-12 years and done the due diligence, and done the homework, and decided based on all that information that the lot was either unbuildable or that they were going to have to get a variance. In my case I actually went to Terry Allen, in the planning department, and asked her about the procedure for a variance, what the odds were, and she told me it was probably a pretty iffy proposition. So all that factored into my decision not to buy that particular piece of property. I'm sure there are many other people who have looked at property around here and who have walked away because it just was pretty risky business. You are the people who are going to bring into this decision making process, the opinions of the people who live here full time. The folks who are living up in Astoria and working for the planning department aren't going to do that. It's not part of their job. So I'm really looking to you guys to bring that flavor and I think it's your responsibility and your duty to bring that flavor into the decision making process.

As far as the minimum impact, Jennifer keeps talking about this is what's required in order for someone to build a single family home, I think in my eyes, when I read the words minimum impact that means something that's maybe a thousand square feet. That would be a much more reasonable approach if you are going to come and build something in a wetland area. So you minimize the disturbance to the environment. And if those in this community don't preserve wetlands, we all know what's going to happen. It isn't going to be the place we wanted to come and expected to live in. It's just going to turn it into another suburb.

Debra Birkby, 79829 Gelinsky, Arch Cape. Ms. Birkby spoke as an Arch Cape community citizen not as a Board Liaison. I own property right across the street and up one tax lot from where you are planning on building. While staff does an excellent job of interpreting ordinances and codes for this committee they are charged with addressing the legalities only of the impact that your application can have. The property that my home is built on is getting wetter and wetter all the time. There used to be an Arch Cape lake. Mr. Dice spoke to a lake on the other side of the tunnel. There is an Arch Cape lake. There are now three homes where that lake was. The impact of fill to build those five homes, three ocean front and two others. The amount of fill that was brought into those properties has pushed the water a certain direction towards my home and the adjacent neighbors. The fill, there's been fill to the north of me, which has also pushed that water down to a certain area of homes. And these are homes that were built in the mid 1920's. Mine itself was built in 1950 and we've been around a long time. And I think that although you

can legally build this. The thing that needs to be considered is the potential for maybe not filling the property. Building on pilings or doing something different that will not shove that water yet again further to the existing properties and those structures and flooding them out by raising that water table.

Bob Cerelli (BC): I'm curious about the 50 foot setback. Is that part of this group?

TL: Yes.

BC: So this group has established the 50 foot setback?

JB: It's in the Arch Cape zoning. 50 foot setback to the line of non-aquatic vegetation. In Cove Beach the setback for that zoning is 35 feet. And in most other residential areas in the county it's 35 feet.

BC: The 50 foot setback is something that is all of a sudden something the county has jumped on.

JB: No.

BC: Yes. I've been coming to these councils, it's the first time it's ever been a part of the design review process. As of just recently, it's the first time I'm hearing about this 50 foot setback. It may not be new to the county but it's new to something that's brought up in the meeting. People are having to deal with it now that never had to deal with it. It never came up. So was it a slip or was it just overlooked? But it's new.

JB: I can't address what happened in the past. It's been in the zoning since the beginning.

BC: I'm not asking you that. What I'm saying is that it's something new that's being dealt with. It's never been dealt with. Because if it had been, probably most of the houses west of the highway would not be there.

TL: Do we know when it was passed, when that was adopted?

JB: ACR-CR zone was 2003ish. Before that it was RSA-SR zone. And I believe it was still in that zone. I would have to check. I don't know for sure.

DB: As a past, 12-14 year, member of this committee. I can answer Bob's question. I would say that it just was being overlooked. It has, as Jennifer said, been not considered to have the importance that some people consider it to have.

MM: It was overlooked last meeting as well. The county overlooked it as of last time. I personally wanted to blow the whistle on this thing.

BC: I thought it was overlooked at the last meeting but the county had decided it wasn't pertinent.

TL:: It was pertinent. They thought it was all right and they didn't include it in the report as I recall.

JB: That doesn't mean it was overlooked.

TL: That doesn't mean it was overlooked, it just means that it was considered to not be a problem and not included in the report.

BC: The only other comment would be is we live in an area, we have a system, a sewer system that we can't afford, a water system we can't afford. The only way we are going to be able to start affording it is to build more houses. I don't advocate filling in (unintelligible). We've got to do something to be able to build houses in Arch Cape. Arch Cape is becoming a short term rental community. And short term rental people don't care. They just jack the price to the rentals. The people that are here all year round, lot of people are on fixed incomes. I've got parents who are on fixed incomes. It's getting so they can't afford to live here. This committee has to take that into account and do something to enable us to just start getting some more houses built. $20,000 systems development charges. You've got to do something so that people can build here so we can start to lower prices and the people that are here can continue to live here.

MF: Would SCC's go down if there were more permits? Is that how it works?

BC: In theory. The SCC's right now, that's what it costs to join a club. Would they go down? I don't know if the SCC's would go down, but maybe the monthly rate would go down. For people on fixed incomes, use my parents as an example, that monthly rate is killing them. And that rate would go down if we could get more people to join the club.

VB: I feel the need to say that these homes potentially be built in the wetland is not the only property upon which homes can be built. There's other buildable lots that could respond to that.

BC: You start adding 50 foot. I'd like to add a single story, a main floor living area. Like I said, I've got older parents. I need to start thinking about a lower floor. If I take the 50 foot measurement. I'm shocked. On my lot I've got an area that's minimal. I couldn't probably put a room on it.

MM: We're in the process of getting a safe harbor ordinance going. This is the only reason why we got this local wetland inventory going to make it more clear for everyone to get on better ground. We're in the process of getting safe harbor ordinance that's going to have a variance procedure for wetland issues. This is getting on the docket soon. I don't think the 50 foot setback has denied any building yet. So, the hope is to make this more clear for everyone and that's what we've been working on with the county.

BC: When you say we've been working on it?

MM: I'm sorry. Our group and the watershed council. This group too. We've been trying to get better processes going for wetlands. So everyone's on the same page. It's not just this what's going on thing.

Nadia Gardner (NG), 80285 Woodland Lane Road, Arch Cape. I'm Nadia Gardner. I live two blocks away. I've lived in the area for 13 years already. And it's just too bad that, you know, the county in the 70's developed the wetland and lake zone and did it all up in the Clatsop Plains area and didn't do it down here. We only have two, what they call significant wetlands in Arch Cape. A lot of the wetlands are just scattered and at this point because some areas have been so damaged. Not really that important. But this is one and this is a significant wetland. It's 20 acres in size. Within that there is, I counted them out, and they're not even subdivided down into the 75x100 lots. But even at the current subdivision there's 35 to 40 more parcels in this one area and I think you can see the pattern. That whole area actually had lots more wetlands that were filled over time along the road. This is just adding on to the larger problem. So I think actually as a group, I think you actually have the legal capability because of the way the ordinance is written that there must be proof of exceptional and extraordinary circumstances to apply to the property that do not apply to other properties in the same zone or vicinity. What is zone or vicinity? It's not necessarily 200 feet. It's the whole neighborhood. It's all of Arch Cape which is actually very small. There are lots of lots that look like this. The ordinance actually gives you that out. So you could deny it outright. You could legally. If you don't want to do that outright. And I can see why you're under quite a lot of pressure not to. You can recommend that the application be denied that it come back looking different. You can recommend that the decks and garage be done away with. In the staff review rebuttal of public comment, they give us this nice little chart in here that says dwellings within 250 feet. And it shows just how there's 11 houses within 250 feet and of that, seven are quite a bit smaller. There's one ginormous house, Seriano's house, you guys all know that monstrosity. Of those 11 houses only five have garages. Garages are nice but they are not a necessity and they are not unreasonable to not have them. I didn't build our house but I'm so thankful that the person who built our house chose, because we have this beautiful forest on half of our lot, to have our house be contained within the other half of the lot to save those trees. And because of that we don't have a garage. Do sometimes I wish I had a garage? Yes. But do I need a garage? No. Do I need some decks? No I don't need those either. Do I need a really large house? We don't need that. The proposed dwelling is, just the footprint of the house alone is 1,833 square feet. And if you look at the 11 houses that were provided and you take out that story on the Soriano outlier because that's outrageous, you can see that quite a lot of those houses are smaller than that. So, I think that it's not unreasonable to ask that the house be smaller and if nothing else, that there be no garage and no decks. Also, that the driveway is not paved because paving is causing, it speeds up water and it causes flooding impacts that it wouldn't if it wasn't paved. So I don't think that's unreasonable at all. I had also suggested something about the setbacks. Moving the house closer to the southern lot, put it within five feet. That's what Arch Cape used to have actually and that's a normal side yard setback in the city. And we're pretty urban suburban. So I don't think it's unreasonable to site a house there. There's a smaller lot next door which I think is maybe a 50x100 because the lot next to this is the same owners. So we don't know actually what the development will look like on those two lots which historically were also wetlands that were filled over time. So, I think definitely moving it five feet into that setback is more reasonable. As to moving it closer to the road, there's some question around

required parking. If there was a garage, I think that can count for at least a parking space. And if there's not a garage, then you have to deal with the fact that you have to have two parking spaces. So I leave that to you to work out. I'll close by saying, I was an environmental scientist. Not an environmental scientist that fills wetlands for a living but as an environmentalist who fixes wildlife habitat for a living. Over time we as a culture have seemingly damaged most of our wetlands already and my organization, which is a non-profit, is pecking away at trying to preserve, restore some of those habitats. But we're never going to make it back to what we historically were. And so the less that we're impacting new, doing new impacts, the better off we will be in the long term. When we realize, wait, why did we do that?

JB: Ms. Gardner suggested that this committee could outright deny this and that's incorrect. This committee will be making a recommendation to the Planning Commission who will be making the decision on this matter.

TL: Right. The Planning Commission could be also challenged to the County Commissioners?

JB: If that decision is appealed, it would be appealed to the Board of Commissioners.

TL: Our denial is not the end of the road.

DS: I thought the variance request went from our recommendation to a hearings officer.

JB: We are no longer using the hearings officer. We are back to using the Planning Commission for variances.

DS: That's new like within the last month.

JB: It is new within the last month.

DS: And we were supposed to figure that out from reading the Astorian? We didn't need to know? Okay. I get it.

JB: That decision was made because we reached our budgeted amount for the hearings officer.

DS: That's fine. I just was confused.

TL: Marty, I have a question for you. Was there anything that Nadia Gardner mentioned that you would consider as a possible remedy?

MF: I don't really think this is the forum for that. I really haven't given it much thought frankly.

VB: I live in a dwelling that, when it was brought to design review for consideration, one of the neighbors chose to, when they heard the impact, actually it wasn't my building but a neighbor to the west who brought their design proposal for building. And when, at the table the community, including me, suggested what the impact was going to be of her building between me and the ocean. That applicant went back and changed their plans and that's the kind of

things that we have seen in Arch Cape repeatedly that we are very proud of and what seems to work successfully is we can talk with the applicants about what might make things more acceptable and palatable and work better for neighbors. And so I do believe that sometimes we take that into consideration and talk to applicants about that.

MF: That's a great point and I'm all for that. I'm just thinking is that, is this really the forum to get specific and am I supposed to make promises that right now and here that I'm going to reduce the footprint by 200 square feet? And You're all going to count on that? I mean that's all that I'm saying. I'm all for keeping everybody happy. I'm not excessive. I don't want to be excessive. There's laws though and I think I followed all of the laws. And I just want to move forward. I'm not trying to be rude or discount what you say but I absolutely agree. I don't know anybody here. I don't think we can accomplish this in the next 40 minutes that I'm going to come to some sort of agreement about anything. I don't know a heck of a lot about this. I've just been a bystander, cutting checks and letting the professionals do their jobs. And that includes Julia, that includes Harry, that includes Dan Cary, that includes Shelly Lynch. Unlike Mr. Dice I haven't had the opportunity to spend tons and tons of time going through this process. I've got three young kids and a family and another job totally unrelated to this. This is not what I want to be doing tonight. This is not what I wanted to be doing the last three and a half years. And for me to promise you that this is the right forum to hash out minimizing some of these things, I think I'd be lying to you. However, I'm all for it.

TL: I think that what I'm hearing anyway, we really just need to move ahead and make a decision about whether we deny or grant this variance request. And I want to hear discussion to those points.

MF: This is all a surprise to me. Where now all of a sudden this is going to be voted upon. And I don't know how relevant it is.

JB: They're going to be making a recommendation to the planning commission which you will appear before on January 14th.

MF: But doesn't it, isn't it in lieu of this lady's, sorry I don't know your name, Virginia's very well taken input that maybe we could all work something out and that maybe Mr. Francis could show the community that he's willing to move. In lieu of me saying no, you know what, I don't think I'm coming across, like I'm not going to consider this. Because that's not the way it should be and I'm not coming across that way. But if you want my verbal comment that absolutely I want to work with the community to a certain degree, of course.

DS: We are trying to apply an ordinance that is the law for this purpose. There was a setback requirement when you took the lot as security for a loan. And you're asking to change it in order to put a residence on this lot because without a variance from that 50 foot setback requirement, there's no room on your lot to build anything. But the standard that we're given is the granting of a variance, the particular variance is necessary for the reasonable use of the land. And the variance is the minimum variance that will accomplish what you (unintelligible). That's not a very precise standard. And there is an issue if somebody buys, not to mention taking as collateral and then comes into ownership of, a lot that's half swamped about, you

know, whether it's reasonable to assume that although it's zoned for a 12,000 square foot house, you could build a 12,000 square foot house in a swamp. So what the minimum reasonable use of your lot is depends a little bit on the configuration of the lot as you took it. And I don't think that we feel, at least I certainly don't feel, that the ordinance and the variance procedure kind of (unintelligible) by any lot in Arch Cape zoned for a residence and fill the thing as much as you want. Fill it and build a house as large as you want to build it. That's not necessarily what's the reasonable use of a lot that's mostly wetlands. So I think we're struggling a little bit here with what you're engineers who have done a lot of wonderful work. Don't get me wrong. But whether or not the particular variance that you've asked for is necessary for the reasonable use of this particular lot. And whether it's the minimum to make reasonable residential use of the lot. Those are some of the things that we're struggling with. At least I am. And the, you know, you may want to say that we're not going to accomplish anything in 45 minutes but in terms of the recommendation to the community, this is your forum and this is your shot because if we don't think that you have demonstrated that this particular variance is the minimum necessary for the reasonable use of this residential lot, and we recommend it to the planning commission, not granting the variance, they may or may not grant the variance anyway. But this is your shot to work with the community and the communities recommendation in support of a proposal that is acceptable to you. So when Mr. Lundy asks you about five foot setbacks versus 10 foot setbacks, you don't have to do anything. You've made an application that's based on a 10 foot setback. But if a five foot setback might be more amenable to this committee and the community through this committee, and it doesn't make any difference to you, this is the time to have that negotiation. So, you know,

MF: So are you saying this is the forum to negotiate and rubber stamp agreements? I didn't know that.

DS: Well I don't know that we rubber stamp anything. But we're going to vote.

RD: I think what he's saying is it's a time for you cooperate with the community.

HU: Building required for a setback x and what I'm here to say is, you guys may be acceptable to reducing that setback requirement but then we'll have to get a variance for that with the county. That may be one alternative to cut an agreement that works for everybody. But I don't think this is about granting or denying because you have that (unintelligible) ground.

MF: I'm just a little confused because it sounds like on one hand you want specifics that I'm supposed to agree to right now which would be relevant if I'm going to agree on something, is there a contract I sign that says going forward I agreed in front of the Arch Cape city council that I'm doing this? But other than that it seems like it's all hearsay anyway and I'm the kind of guy that's going to honor whatever we agree on. And are you actually asking me to come to an agreement on specific things? Because other than that it's all just kind of hearsay.

DS: We're going to vote up or down on this. And if there are revisions to the application then it would make us go differently.

MF: Specific revisions?

DS: Yeah. This is the time to explore them. And we're not in a position to do anything other than vote. But it's your flexibility.

MF: I'm still confused if there's specific revisions that I agree to that will affect the vote? Is that the forum I'm in? Because if that's not the forum, we're just talking. I'm sorry if I'm coming across abrupt or anything but if you're going to a vote and you're asking me to minimize certain specific conditions whether setbacks or pilings or land fill or whatever. Size of the building. Is that signed tonight in order for you to vote a certain way? Are we saying, we're here at the negotiating table, you do this, this and this and we'll have no problems agreeing to this?

TL: We're a group of individuals and yes, go ahead.

DS: And we're going to vote but right now we're talking. So if

TL: I got interrupted here a second.

EW: I think we're all confused. Let me put it into a different context I think. You've heard a couple of these gentlemen over here talk about setbacks. They may agree to 10 foot, five foot. Doing something different with the deck. You know, we heard about, I don't think at this table you heard about garage. Ms. Gardner said something about a garage. So I think you've got some ideas or some ideas have been floated out to you to consider. Okay? Because this group is going to make a recommendation to the planning commission for Clatsop County.

MF: You are?

EW: No I'm not. I'm a staff person that Charles Dice doesn't like.

MF: Can I ask a question? When is the recommendation made? Before 8:00 tonight?

JB: Whenever they get around to it.

EW: Let me tell you part of that reason is because we have to have a planning commission meeting so that it can move forward in the time frame that it needs to move forward. So whatever they decide tonight. You've also heard all these other comments. And correct me if I'm wrong, but you do have the option when it's time to go before the planning commission to say, we heard what this group said. We have changed from 10 to five.

JB: No, I'm sorry. If you are going to change the variance, you would have to withdraw your current application and we re-notice it and we'd start over. And come back to this committee again. Right.

EW: So, you know, that's kind of the rules of order. That's kind of the ball game rule is that they, you can listen to what they say. You can buy into what they say about setbacks and decks and so on and so forth and you can take their recommendation for what it's worth. Or you can withdraw it after that and move forward. You're not going to sign a document tonight that says

MF: I know. I'm kind of like if we're going to have relevant conversation and you want to vote based on my ability to scale back whatever it is. I would think that you would want to hold me accountable to say, if I sat right here and said I'm going to call Jennifer tomorrow morning and I'm going to talk to Harry tonight on the drive back and I'm all for taking away the deck and the garage and knocking the footprint back 400 square feet.

EW: And you may say all that, and that may not get you the vote you need at the next level.

MF: It's not even enforceable.

JB: Actually it is. Because the recommendation that will be written out from this committee will specifically identify modifications. Saying the deck will be removed or the garage will be omitted and those will be in their recommendation.

MF: If Harry and I make some revisions to the plan, does that not impact the January 20th meeting and you say we have to start all over, to what degree?

JB: If you were going to go for a lesser variance to the wetlands, to the non-aquatic vegetation setback, we don't have to re-notice it. If you're going to change maybe to a five yard side setback, we have to re-notice it. If you are going for less than what you originally requested on that specific setback we can move forward. Like if you're going to omit the garage and then we can move forward with that. We don't have to re-notice it. But if you change it for a different variance, to a different setback, we have to re-notice it. Because we have to give, for example that side yard setback to the south, we need to give that property owner an opportunity to comment on that.

MF: I'm at 10 feet right? If I wanted to go to five is kind of what I'm hearing people say they would want me to do. Then we would have to start all over.

JB: You withdraw your current variance application, revise your site plan, and do a new variance.

MF: There's one thing in lieu of your comments about becoming minimal. To what degree? And then I hear the young lady in the green saying I don't need a garage, I don't need a deck. I mean, do we need beds? Do we need telephones? I'm not trying to be, to what degree do we need any of this?

MM: Well that's for us to kind of decide as to the minimal use of the land is for this zone. We haven't even had our discussion yet.

TL: I think we need to move on. The next step I suppose is for us to discuss what our thinking is and then we can move on to a vote.

JB: If I may, I think that Mr. Francis maybe needs to state whether or not he's willing, at this point, to sit here and try and negotiate something that may move towards a recommendation

of approval or if he's not willing to do that and he wants you to consider as presented. That's going to shape your discussion.

TL: What I've heard so far is that you are not interested in negotiating or are you interested?

MF: I've learned a lot in the last half hour but Mr. Dice elaborated on the style of life that obviously I didn't undertake here and frankly the only reason I took this property is because I didn't have another choice. The guy didn't have anything else and I was just trying to save some of my capital by recapitalizing. I've been guilty of not being as diligent as Mr. Dice when taking on any opportunity. And so for you to ask me do I want to sit here and negotiate (unintelligible) is irrelevant. Do I want to sit here and negotiate specific things? I don't think this is the forum and I didn't know what I was (unintelligible).

LE: I thought we were told at the beginning

MF: If you are saying this is the forum, if we're going to start all over. Who wants to do that?

LE: I thought we were told at the beginning that the applicant is entitled to an up or down vote. So I call the question on an up or down vote on the variance.

TL: Okay. The question has been called.

MM: Can we discuss a little more before we

TL: I think we need a motion.

JB: Actually what you need is closed public testimony. Before you start even deliberation.

TL: I'm feeling that we should close the public testimony.

JB: Marty, do you have anything else you want to say?

TL: Do you want to add anything for discussion?

MF: Can I take a minute and talk to Mr. Utti?

JB: Sure. Can we take a five minute break?

Committee took a break and then reconvened.

TL: It's your floor.

MF: We've got until January 20th. I can't do this tonight. We're going to get together and make some provisions in the spirit of working with you folks and minimizing, I'm not sure exactly what but, count on it, we're going to make some revisions. I didn't even know what the flavor

was down here in Arch Cape until tonight. I just can't do it in front of everybody what we're going to do.

TL: That's fine.

MF: Would it be prudent to give those finding or those recommendations a week prior or

JB: At least one week would be nice because that's when the packets go out. I talked with Mr. Francis about is, it appeared to me he was feeling real pressured to make some changes in five minutes. I told him he had an option of asking the committee to make recommendation on what was presented and then he and Mr. Utti would have a couple of weeks to work on some revisions that he could present to the planning commission. And that would give them a little more time to make some good choices on some revisions.

VB: 1:43:42 Could I ask if (unintelligible)

TL: Yes.

VB: Could I also ask if another way to do that is to table the discussion at this meeting and reconvene with a modified plan so that our recommendation can be based on those changes?

JB: That's up to Mr. Francis. If we want to continue this proceeding until January, and then you could come back with your designs to this committee to try for a favorable recommendation. That's up to you. Whichever way.

MF: Would that be prior to the January 20th?

JB: No this would put us off until the February 21st Planning Commission meeting.

MF: I don't feel like that's what everybody wants to do.

DS: Is there a different way that we can do that?

JB: No. It has to be public.

MM: Don't we have a, do we have an earlier meeting date that we could do? We used to have two in case of these types.

JB: It was in the old, in the bylaws now I think it's just the one meeting. The third Wednesday.

TL: We can call it but usually at this time of year it's so busy. So you have a proposal at the table or we could vote up and down. I'd like clarification Jennifer when you get a chance, on what the logistics differences would be between those two. If we voted it, let's just take hypothetically, we vote a no, that the recommendation is no. How would that be different from tabling?

JB: First of all that's going to be, Mr. Francis is going to make that choice. Whether or not he wants to continue this or ask you to vote tonight.

MF: I've been doing this for so long, I need to move it forward.

JB: Okay. So he wants to move forward. So then it appears to me the committee will most likely recommend denial to the planning commission. From my brief discussion with Mr. Francis. He's going to work on making some revisions taking into consideration what he's heard from the committee and present those to the planning commission. And then the planning commission will make the decision on January 14th is when that hearing will be.

MF: Then that becomes irrelevant to this group of folks.

VB: We can go testify.

JB: They can come to the hearing. Definitely.

HU: Is it possible to get a (unintelligible) each one of you in terms of what you see could be done to enhance the (unintelligible)

MF: If there was one thing the height, the size of the footprint, the garage, the deck, the tree removal, the fill. What one thing stands out the most of these so we can kind of understand.

TL: How do you feel about that guys? Would you like to have

DS: I'd like to talk amongst ourselves not privately obviously, publicly and maybe you'll get you your ideas and maybe you won't. I don't know.

TL: I agree.

DS: Height is not part of the discussion. 26 feet. That's it. 26 feet is the absolute limit.

TL: We go around the table and talk about this, you'll understand kind of where you need to go. I appreciate that you probably want to do the minimum to get it to work and I'm not sure that anybody will be able to tell you that answer. We'll close the public discussion.

MF: So then we're done?

TL: You're done for now. You can stay here and listen.

JB: We're not completely done.

TL: Perhaps you'll get a very good idea of (unintelligible). Okay. So discussion's open. Who would like to take the first (unintelligible).

VB: Is there a motion on the table?

TL: Did you make that a motion That we vote.

LE: I only made a motion, I just called the question. But I can make a motion.

TL: I think that motion died for a lack of second. I didn't hear a second.

JB: Public testimony was still open so that was an inappropriate time.

TL: I think it's fair for the applicant that we have a chance to discuss this openly and see where each of us stands with it. Get an idea of where the group stands. Who would like to open the discussion?

EW: Mr. Chair would you make sure that everyone states their name so when we do the minutes again. Just to remind everybody. It was two hours ago when we talked about that.

MM: So my problem here is we can't grant his variance the way it is. The unique factor has not been established. There's 79 tax lots with wetlands and uplands on them. Whether this is right or not, our variance language states that we need to show proof that this problem you're facing does not apply to other properties in the same zone or vicinity. I mean that's what the law says. So, there are 79 properties in Arch Cape with uplands and wetlands. This property is not unique. They haven't shown that. That's kind of deal killer for me.

But as Bob Cerelli said how's this going to work? How's this going to play out in our community? I don't know how we can come to terms with that.

Also, with the variance it's the question that Dan Selfer raised, what's the minimum adjustment necessary for the reasonable use of the land? For some reason we want to grant this and we disregard the fact that there's no proof this is unique. We want to grant this variance, we have to show the minimum adjustment necessary for the reasonable use of the land. So that brings up everybody's issue about the size of the house, garages, no garages, decks and things. What can we give this person, or anyone who wants to develop in a wetland area, that allows them a dwelling that's reasonable. What's a reasonable dwelling to allow in this situation? I would suggest if we go ahead and would be granting this or if Mr. Francis goes forward and tries to appease the group and moves things around that we would move into, if I was going to design, if I had to design a house to be on this property I would push it to the south, put it in the side yard setback, bring it up to the front yard setback. There's more uplands there. The lot itself is quite a bit off the paved road. I don't think it would upset neighbors to have a house a little bit closer to the property there. I also, you know, don't think a garage is necessary. You need two parking spaces. So if you look at your map, you could put the two parking spaces in the uplands. I believe parking spaces could be inside yard setbacks. There's no reason you can't park a car in a side yard setback. So get rid of the garage. Make the house smaller. Have your driveway shouldn't be located here. Your driveway should be located south, so you can put some cars on the uplands. Don't pave the driveway. We want as less hard surface as we can have. Those are things that, I appreciate that the house is southerly. At least trying to do the right thing but it's not far enough and it's too big. There's tons of LUBA, Land Use Board of Appeals, case law and stuff. You know, it's hard to get a variance. You don't get one just because you want one. You don't get one just because you think you need a deck.

Those things don't fly at the Land Use Board of Appeals. And I could go on, if anyone has questions we could talk about some Land Use Board of Appeals decisions that have come down on these things. But, I'm in a hard spot because legally, and that's what I do for a living, and I don't think we've met the legal requirements to grant a variance. That's where I am.

TL: Okay. Thank you very much.

RD: I think just, I agree with a lot of what Mike says. Reducing the footprint of the house, garage. In my observation the way this gentleman's presented it, it sounds like he didn't do a Charles Dice review on the property. He did it with a, looking at a horrendous valuation of the property. And none of the properties that are comparable are here. They were in Cannon Beach. It sounds like you want to build a house there and sell it to recoup some of the loss of the money that you've incurred in this. So I'm not sure his intentions are what I would consider that would generate a hardship. His hardship is trying to recoup some of the money he may have lost. That's my own personal opinion. Why I think reducing the footprint of the house, the garage and the decks would be a good place to start for me.

TL: Thank you Richard. Anybody else have comments? It seems to me that the critical issue here is to minimize the impact. And to do that would be pretty much to take all of the recommendations that have been put forward and consider them and pare this project down to a genuine minimum. A minimum may not be acceptable to the applicant and if that's not acceptable and they think that they'd rather not have it all, then something that small, then so be it. I can, speaking to the idea that Mike brought up. It does bother me a great deal that we're setting precedent here. And that anyone coming before us in the future with a wetland and this kind of thing would point to the fact that we allowed a building of a house, the entire house which is in the setbacks. I can't see how that isn't a precedent. I just don't see it. If I'm another person making an application, I'm going to say, these guys got it, how come I'm not getting it? I even think there's something in here that says, you can't treat any one person differently than anybody else. I don't know the exact quote. It says something about preferential treatment. And so that's where I come down. I'd say the applicant should minimize his application and take another shot and see if he can make it go. I intend to vote no.

Yes, Linda.

LE: Just so I have my point on record. I just see this as a unbuildable lot. I mean it's, the, 100% of the house is sitting in the wetland setback. It's not a situation in where they're nibbling away at the boundary of the setback. I mean this is, you know, if the setback means anything, this is really flaunting it. So I would deny this if it were up for a vote. You know, and I have really, I mean I would reserve judgment if something comes back. But I'm not sure how you correct that problem. I don't think every lot in Arch Cape that's been carved up is buildable. And the prices, the way lots are sold reflect that.

VB: What I heard Mike say, or someone over there say, is that addressing minimal impact is a good place to start and I don't want to leave it there because I think it's one consideration. And I honestly cannot support approving because I don't think that not being able to build here in a residential zone is a hardship. Because if the applicant had done due diligence they would have known that it was a wetland and that it was not buildable. You know, as we went through this

whole conversation, you know, we were right there in the front row of all of these hearings about adopting the wetlands in this community. We were totally aware of the fact of those lots being wetlands and most probably unbuildable.

TL: Okay. Dan.

DS: I think that we look at a wetlands or a swamp or whatever you want to call it and say that's not a buildable lot. No matter how you come into title that's a poor acquisition. The problem that we have is that historically and at the time these lots were platted, it was okay to fill in the wetlands to create a building site. Everybody did it. Lots of houses in Arch Cape exist for that reason. And so we have moved the goal posts so to speak, not on this particular owner, but in general we've moved the goal posts and we've got to figure out, you know, maybe not tonight, but somehow we have to figure out whether that moving the goal posts is an issue. Even though we can be subjective to the county, to some liability under Measure 47, whatever it is. They enacted a wetlands setback that created an unbuildable lot out of a buildable lot. And I think that the committee's sense ought to be, even though it's at odds with what some of my colleagues have just said, ought to be to try and let legal lots in a residential zone become the site of dwellings. But I think that our mandate to do so is, you know, pretty clearly directed to the minimum necessary to do so. And I don't think this particular application has done that. There's been some suggestions that would further it and I think that if push came to shove that I would vote to recommend that some package of variances be granted for some kind of development that is actually a dwelling on this particular lot. Although I get that it's pretty difficult. I'm willing to say in front of the applicant that to me, a five yard side setback makes a great deal of sense given where the uplands exist on this lot. Trying to reduce the front setback to 10 feet by creating a parking areas parallel to the road on the existing uplands makes a great deal of sense. A garage doesn't seem to me to be essential on a house that doesn't have any land. The deck certainly doesn't have to be founded on fill. There's no reason to create a fill. And there's no guarantee that a house of a particular size or a footprint is appropriate to the lot just because it's a lot. So, you know, I think that a greater effort to create a minimal necessary for reasonable use of the lot could be addressed and I would support an application that did that. This one I don't think does. I will vote against it.

TL: Okay. We've all had a shot at it. So I would entertain a motion. Who wishes to make a motion?

VB: Does it need to be an affirmative motion?

TL: No.

> Virginia Birkby moved and Linda Eyerman seconded the motion, "I would move that we deny the applicant's request". Motion approved unanimously.

JB: So now what we need to do is go through the findings and we need to craft findings in support of that decision. Because those findings in the staff report don't support that decision. So do just want to go ahead and start on page 6.

VB: So does that mean we're saying what findings we don't agree with?

JB: Right. We need to write findings so support a denial.

TL: Can we add findings that, such as what Mike mentioned.

JB: You can start from scratch. You don't have to. You can edit what is here, to reword it so supports denial if you don't think that particular criteria was met. You can say get rid of the finding and start over.

DS: Jennifer, isn't it correct that we can ignore the design review criteria since our decision

JB: Right you can it was conditioned on the variance. So we can certainly move over to the variance on page 10 at the bottom.

TL: A. Must prove exceptional or extraordinary circumstances which apply to the property that do not apply to any other property in the zone or vicinity has clearly been questioned. Would we agree that that is one of the conditions in which our decision to deny is based?

VB: Yes.

MM: It is for me.

DS: There's not enough in the record for me to say that that criteria has been satisfied.

TL: All right. Maybe I should hear a motion for each of these?

JB: No. Can we go through and do one by one by consensus, then at the end I can read through them, make sure they're correct and you can do one vote. I would like to get some specific language. So we can say for A. the record does not support proof of exceptional and extraordinary circumstances. And then give me a reason why.

TL: The applicant did not demonstrate that his property was exceptional. Is that right? Mike, you're good with this kind of language.

MM: There was no proof of exceptional extraordinary circumstances. There's not enough here. Do we want to start (unintelligible) and show the minimum adjustment necessary. The record does not demonstrate proof of exceptional extraordinary circumstances adequate to satisfy this requirement.

DS: And you can add in that there are many other properties in the vicinity with similar circumstances. If that will make you feel better.

JB: So I have, how about this? The record does not support exceptional and extraordinary circumstances . The applicant did not demonstrate that this property was any more unique than other wetland properties in the same zone or vicinity.

DS: That works for me.

LE: Also the property is 100% in a wetland setback. That seems important to say.

DS: The granting of this variance is likely to be injurious to the neighborhood in that substantial wetlands fill will occur.

TL: Did our first one imply precedent?

DS: No.

TL: Then precedent is definitely an issue.

JB: Well it states in the criterion that evidence of a variance granted under similar circumstances shall not be considered as a solely sufficient cause to grant hardship relief.

TL: Right.

JB: So that's saying it doesn't set precedent.

TL: I know you can say that but I think I share Linda's feeling that if you do this this time it's awfully hard to tell somebody down the street that you can't do it.

JB: You can if they don't meet the criteria.

TL: Yeah. It's human nature.

VB: It was spoken to around the table so I think somewhere we need to include that. Our concern about it perhaps having the impact of setting precedent.

RD: Psychological impact.

LE: Well it seems like the problem is that we don't have any criteria for making exceptions to the 50 foot setback. And this one, you know, is the entire house is in the setback and I mean it's, we don't have any criteria and they haven't provided us with anything to, I don't know how to say this.

TL: Justify making this one special.

JB: Are we still on B.?

RD. We're on B. I believe.

JB: So I came up with, the granting of the variance is likely injurious to the community because of substantial wetland fill may alter the natural storm water drainage of the area.

VB: Well said.

JB: Do you want to add to that or change it?

TL. No. Let's go to C. And the sentence in C. that they focus on is, confer upon the applicant any special privilege that is denied by this ordinance to other land and structures and buildings in the area. You cannot approve it.

JB: Well the use is permitted by the ordinance. Single family dwelling. The first part of that will not permit establishment or use which is not permitted by the ordinance.

DS: You're focusing on the use. We're focusing on the development. The development of filling wetlands to create housing sites is not permitted by the ordinance because the ordinance has a 50 foot setback requirement.

JB: That's to structures not to fill. We're talking about the variance. The variance request is to the setback. So they can place the structure there. That use, a single family dwelling, is a permitted use in the zone.

DS: We've got no problem with the use but building a house in the setback is a development. It's not permitted by the ordinance.

JB: But it is with a variance.

DS: Yeah but there's granting of the variance

JB: What you're looking at is a single family residence an allowed use in Arch Cape Zone? Yes.

TL: Yes.

JB: So now the variance is to that setback. Okay. So if he's coming in here and Mr. Francis says I'm going to put an auto body shop there, that's not allowed by your ordinance. Okay. So the use is allowed by the ordinance. Okay? The second half though, does this confer upon the applicant special privilege by granting the ordinance?

DS: Which this does.

RD: It gives him the privilege to build the house that he wants to build in contrast to what the setbacks are.

TL: Yeah. In the setback zone.

JB: Okay. While the single family dwelling is an allowed use in the Arch Cape Zone the act of granting the variance confers special privilege upon the applicant by allowing a structure within the 50 foot setback.

DS: That's good.

TL: Now D. My objection to D. is pretty much covered by your sentence that says that the applicant did not mention anything about financial issues. This is where the, where you can't claim your lawsuit because of financial issues.

JB: He hasn't claimed financial in the application. Well probably if you want to do a denial on this thing, go down to the third sentence, furthermore the hardship cannot be self-created or self-imposed, nor can it be created by one who purchases property with or without the knowledge of the restrictions present.

TL: That's our focus. I think that what we've heard is that the applicant didn't have the knowledge. That isn't quite, but that's, I think

RD: That kind of refers to buyer beware.

JB: I'm working on something here. It appears the applicant failed to perform due diligence. Failure to perform due diligence does not constitute a hardship.

DS or RD: I like it.

JB: Okay. E.

DS: I would say that the granting of a variance is probably necessary for the reasonable use of the land but the variance requested by the applicant nowhere near the minimum to accomplish the purpose.

MM: This is when we get the safe harbor ordinance going this would be something that we really need to do some research on. What is a reasonable use? That would really help everyone to know coming in that

JB: I've got it on the agenda to talk about safe harbor in February.

TL: I have a question. When the county considers these kinds of things are they looking at a way to avoid lawsuits by approving something and not taking away value of property? Not in the picture at all?

JB: Well that may come into play with the safe harbor ordinance. That's a legitimate concern and that's the purpose of the state requiring a variance in the safe harbor ordinance is to head that off. To give people an opportunity to develop their property if they absolutely need a variance.

While a variance may be necessary for the reasonable use of the land, the applicant has not considered other factors, for example building size, construction on pilings, elimination of the deck and garage, or a variance to front and side yard setbacks, and therefore has not demonstrated that the variance is the minimum necessary.

And of course after all these we'll have our standard statement, the criterion has not been met.

Items F. and G. are okay. So that's it. Do you want me to go back and read these?

TL: As far as I'm concerned they're okay.

MM: Before we close, I'd like to make a request that we ask Tod Lundy back on the, he said he was going to retire. I'd like to ask him back.

TL: I've already put my application in.

JB: He threw his name in the hat. And as far as I know that is the only application.

Okay. We need a motion to adopt these findings in support of denial.

VB: I move to accept the modified findings in support of a denial recommendation.

RD and DS: I'll second.

The motion passed unanimously.

Meeting adjourned at 8:27 p.m.

DRAFT

MINUTES

SOUTHWEST COASTAL CITIZEN ADVISORY / DESIGN REVIEW COMMITTEE (SCCAC)

Regular Session

November 20, 2013, 6:00 p.m.

Arch Cape Fire Hall, 79729 Highway 101, Arch Cape, Oregon

Chairperson Tod Lundy convened the meeting at 6:01 p.m.

Members present: Virginia Birkby; Linda Eyerman; Tod Lundy; Mike Manzulli; Linda Lapp Murray; and Dan Seifer. Excused: Richard D'Onofrio.

Members of the public present: Vito Cerelli, Tolovana Architects LLC; Wendy Vilkin, homeowner, and Dale Mosby.

Staff present: Jennifer Bunch, Senior Planner; and Julia Decker, Planner, Clatsop County Community Development.

Action Item:

Major Design Review and Expansion of a Legal Non-Conforming Structure: Application for 1) residential addition (new guest bedroom, bathroom, office, and deck), and 2) remodel within existing dimensions of kitchen and second floor bathrooms. The subject property is identified as T4N, R10W, Sec. 30BB, TL 04002 and commonly known as 80004 Pacific Road, Arch Cape, owned by Ken and Wendy Vilkin.

In response to Chair Lundy's request for ex parte contact and/or conflicts of interest, Mr. Seifer disclosed Vito Cerelli is a friend and may be one of his clients; however, he did not believe this caused a conflict of interest. No one expressed concerns regarding the issue. No conflicts, ex parte contacts were declared, nor were any objections to the committee's jurisdiction made.

Planner Julia Decker began to present the staff report, providing a brief explanation regarding the legal, non-conforming structure under consideration. The project would include a remodel within the dimensions of the existing structure and an expansion of the southern portion of the building, including a new guest bedroom, bathroom, office and deck. The structure is legal non-conforming, she said, because it was built legally, but it exceeds the 18-foot maximum height for ocean front structures. Ordinance amendments since the structure was built have included changes to the definition of "oceanfront" that make the tax lot oceanfront, despite a lot line adjustment in 1996 that situated a 30-foot wide strip of the neighboring tax lot between the subject tax lot and the beach. After litigation, she explained, the 26-foot high house was legally permitted, but is non-conforming. She said the staff report would show the improvements and expansion would meet the current setbacks and no variances were being requested.

Ms. Decker stated Section 4.125 (1) calls for the expansion of a legal non-conforming structure to be in conformance the requirements of the Zone and satisfy criteria under Section 4.125 (3)(C). The 20% limitation does not apply, she said, and the section actually applies more to a non-conforming use rather than a structure.

Mr. Seifer commented he had revised his thinking regarding the meaning behind the applicability of Section 4.125 (3), saying he previously thought it meant to incorporate those criteria and factors into 4.125 (1). He now believes the expansion of a non-conforming structure has to be in congruence with the requirements of the zone, and satisfy the criteria that are listed under 3 (C).

Mr. Seifer continued, saying Section 4.124 Alteration was not addressed. Specifically, he was concerned regarding (2) If in a three-year period, alterations to a non-conforming structure, or to a structure devoted to a non-conforming use exceeds 75% of the market value of the structure, as indicated by the records of the County Assessor, the structure shall be brought into conformance with the requirements of the Ordinance, which he believed to apply to legal non-conforming structures. Mr. Seifer thought there should be something in the record that established whether the project met this criterion.

Ms. Decker responded the project had been reviewed for value as part of the flood hazard review and was well under the 75% limitation. Section Planner Jennifer Bunch, who is the county's Flood Plain Administrator, noted the flood hazard review was in the record, although not in the packet, and explained the structure is in the V (Velocity) Zone, which defines "substantial improvement" and requires that if improvements exceeds 50% of the market value of the building the entire building be brought conformance with current codes. A professional appraisal had been supplied and the improvements did not exceed 50% of the market value of the building, she said, and the materials all were in the record.

There was discussion regarding the language found in the subsections of Section 4.125, some of which called out standards for structures versus standards for uses. Ms. Bunch noted clean-up of the section is on the list of upcoming code updates.

Ms. Decker continued, noting the expansion met the criteria found in the applicable section of 4.125 (3) (C) (1), (2) and (3), no adverse impacts had been identified and no comments regarding the project had been received. She reviewed Section 4.103 Criteria for Design Review. For subsections 1 and 2, Relations of Structures to Site and Protection of Ocean Views, respectively, she noted in particular the addition would meet height, ocean yard and property line setbacks and height restrictions, and total lot coverage would not exceed the 40% maximum for the AC-RCR Zone. A post construction survey would be required, she added, to meet FHO requirements as well as to ensure the maximum height of the addition is 18 feet or less. She reiterated that no calls or comments had been received regarding concerns about ocean views being blocked.

In response to a question from Mike Manzulli regarding the setback from the wetland across the street, Ms. Decker did not recall the distance between the wetland and the proposed addition, although the addition would be 22.1 feet at its closest point to the front (east) property line along Pacific Road. Mr. Manzulli commented the wetland complex across the street is one of the community's major wetland areas and has a 50-foot setback. Mr. Seifer recalled the Pacific Road right of way to be 40 feet wide. Mr. Manzulli wondered if the wetland encroached into the right of way. Ms. Decker did not bring a copy of the Local Wetland Inventory (LWI) to the meeting but said she could provide a figure in the morning. Mr. Manzulli stated he had no concerns other than if the addition met the wetland setback. There was discussion about what boundary would be used to determine the edge of the wetland. Barring a wetland delineation being done for the property across the street, Ms. Bunch stated the LWI would be used by staff using the county's GIS. Mr. Manzulli presented his personal copy of the LWI map. A discussion followed regarding entering materials into the record, and Ms. Bunch clarified committee members cannot enter materials into the record, and anything used to make a decision must be entered into the record. With no way to check the distance figure at the time, the committee agreed to design a condition of approval that recommended approval if the wetland setback was met or denial if it was not, and staff would check the figure in the morning. Mr. Manzulli and Mr. Seifer agreed the community had spent time and money to have the LWI finished and accepted by the Department of State Lands and it should be used.

Under subsection 3 Preservation of Landscape, Ms. Decker noted the site would require some excavation and material would need to be exp[illegible] No trees would be removed she said, and she

drew attention to the geological hazard report supplied, which recommended revegation ad specific plants to prevent erosion and to stabilize the bank and slope. She recommended conditions of approval that would require areas disturbed by construction to be revegetated and a fill permit for sites receiving the excavated excess soils. Currently all utility service is underground, meeting subsection 4 Utility Service. A condition of approval will address 5 Exterior Light shall be of a "full cut-off' design. Ms. Decker noted 6 and 7, Buffering and Screening and Vehicle Circulation and Parking, so not apply, nor are signs proposed as part of the project, so subsection 8 also does not apply.

Under 9 Surface Water Drainage, Ms. Decker noted the applicant's plans included a new drywell and recommendations from the geological report to handle the additional stormwater drainage from the increase in lot coverage. A condition of approval regarding applying the firm's recommendations and using the drainage plan as presented would be included in recommendations, she said. Additionally, she recommended additional drywells be installed to drain the new concrete area of the driveway should onsite conditions require it, and she recommended the firm be retained to monitor the site during construction and revise its recommendations as necessary. In response to an observation from Mr. Seifer, Ms. Decker said the committee could modify the condition to enable the applicant to change firms if desired.

Ms. Decker reviewed the recommended conditions of approval. For condition number 7, the language was amended to allow a suitable, licensed geotechnical engineer or geologist to provide the follow through observations.

Condition 8 was modified to read: "Water drainage for the addition's roof shall be directed to the existing drainage system, <u>as modified</u>, via gutters or other appropriate means, and the drainage plan shall be included on building permit drawings," with the underlined words "as modified" added to the condition.

After discussion that included the committee discussing with the architect, Vito Cerelli, what sorts of modifications could be made to accommodate the 50-foot wetland setback should it prove necessary, a twelfth condition was added: "No portion of the new addition shall encroach on the 50-foot wetland setback and changes to accommodate this condition that will not exceed the proposed footprint of the building and deck may be approved."

> **Dan Seifer moved and Mike Manzulli seconded to include a condition relative to the wetland setback as it has just been drafted. Motion approved unanimously.**
>
> **Linda Lapp Murray moved and Dan Seifer seconded to approve it with the conditions as just decided. Motion approve unanimously.**

<u>Other Business:</u>

Arch Cape Short Term Rental Ordinance Regulations: Ms. Bunch announced the resignation of Community Development Director Hiller West, who would be leaving his post at the end of the month. Public Works Director Ed Wegner would act as interim Community Development Director, she said. Ms. Bunch explained she would be assuming the short term rental regulation review.

Ms. Bunch reported that in July, County Commissioner Debra Birkby requested a work session on short term rental issues and at the work session identified two issues: the interpretation of the seven-day rule, which is one rental within a seven-day period; and the maximum number of people who can occupy a rental unit at one time. The minutes from the July 10, 2013 Board of Commissioners Work Session including the board's discussion were included in the agenda packet for this evening, and Ms. Bunch asked for the committee's input, ideas, and concerns regarding the two items, starting with the seven-day rule.

Virginia Birkby asked about the scope of the conversation, saying the minutes suggested the committee should address the whole ordinance. She recalled when the discussion had first started some months previously, the scope of the discussion was different. Ms. Bunch agreed, saying the first consideration had been to do a survey, but after the county manager's review of the minutes, he determined the discussion should be limited to the two issues that were the focus of the work session. Ms. Bunch stated the department was no longer planning to do a survey.

Ms. Birkby asked if this eliminated discussing other issues. Ms. Bunch thought other issues could be discussed, and she explained eventually the topic would be turned over to the Clatsop County Planning Commission, for the commission's recommendation to the board about possible modifications to the ordinance. The board would then decide whether or not to instruct staff to pursue modifications.

Ms. Bunch distributed copies of a May 16, 2013, memo from Mr. West that included a copy of the May 10, 2013, policy that defined the seven-day period and asked for the committee's input. Mr. Seifer stated he thought the May 10 memo interpreted the existing ordinance correctly and appropriately. Ms. Murray agreed and asked if Commissioner Birkby had received comments or questions form Arch Cape constituents, saying they have the same complaints. She there was a problem with the ordinance, the community should be polled. Linda Eyerman said reading the transcript did not make the complaint clear, and Ms. Murray agreed with her.

Ms. Bunch said Commissioner Birkby raised the issue of serial use of rentals even when they are not being rented. For example, a rental might be rented for three days, then friends of the owners might come for a day or two, followed by the owner for a few days, so that three different parties might occupy the house in a seven-day period, but the house would only have been rented once.

Ms. Murray stated if a rental was not in use as a rental, she did not see how any jurisdiction could take away the use of the property from the owner.

Virginia Birkby, commenting she was not addressing the interpretation of the county's ordinance, stated she rents homes in Hawaii frequently and said in very regulated communities there she often signs agreements that properties cannot be rented for less than seven days, a regulation that she found to be very common in residential communities in Hawaii. She said when she was part of the conversation about Arch Cape rental ordinance, she misunderstood, thinking it would be similar to what she had encountered in Hawaii, and has since found the ordinance does not contain the same requirement about limiting turnover. She said she would like to have the topic revisited as a conversation within the community.

Mr. Seifer thought he thought the idea was to get the community involved by using the survey discussed previously. He was not sure how the committee could proceed without community input. Ms. Birkby said her impression was when this was first discussed at the board meeting, Mr. West had "opened up the door" to talking about the whole set of ordinances, perhaps with a meeting or a survey. Since then, she continued, it seemed as though there might be "other things being on the plate up there and it's a big deal to open up this whole thing right now, so, in respect, they're coming back and saying 'Let's talk about those two things.'" She said it might be more appropriate to not just say those are the only two things we're going to have a major discussion about, pulling in people to just talk about those two things. Rather, she suggested postponing the whole conversation and not talk about two items in isolation, waiting until there's staff time available to have the larger conversation.

Mr. Seifer agreed the committee shouldn't just talk about two things. He commented the ordinance was difficult enough to enact the first time, and the community should be involved and discuss the

ordinance in its totality. He said if staff doesn't want to do a survey, the committee could set up a hearing with adequate notice, receive input, and then the committee could then meet and decide what recommendation to make to the planning commission or board.
Chair Lundy asked Ms. Bunch if the county could put out a flyer of some sort to invite community members to a meeting, and Mr. Seifer commented he could ask to put something in the Tunnel Echoes, which goes to about half the community, which is published five or six times a year. Ms. Murray said the next issue is due out in February. Ms. Eyerman thought it would be better to just send out a little notice or postcard, as the county did on the urban renewal district issue.

Ms. Birkby, noting it was a large project last time it was undertaken, commented if it is a project issue and the ability to handle something of this magnitude, perhaps Commissioner Birkby may well think it didn't have to be done immediately. She was not sure what the urgency was. She added it's been a number of years since it was adopted and the committee generated a lot of questions regarding it, so it seemed like it was time to revisit it, but she didn't know what the urgency was.

Ms. Murray recalled several years ago the committee had tried to rework some of the rules, it went to a public meeting, and it was "shot down entirely." She and Chair Lundy thought the cap on the number of rentals that had been proposed had ignited heated debate. Chair Lundy thought leaving the cap out of the discussion might make for an easier public discussion and noted the planning commission had held its meeting in Arch Cape for the meeting several years ago.

Mr. Seifer thought if there was to be public input, this committee should receive it first.

Chair Lundy summed up the committee's consensus, saying the group would lie to recommend s committee meeting be convened in which the entire short term rental ordinance is reviewed with notice to all property owners, with at least two weeks' notice.

Ms. Eyerman said she envisioned letting people with concerns come to the committee and tell them, so the committee could get a sense of what the problems are. She suspected the problems were with enforcement, not with the ordinance itself. She preferred to keep the committee's work general, so the group was just gathering input and not saying anyone was thinking of rewriting the ordinance.

Ms. Birkby said she thought it was appropriate for the committee to entertain input from the community regarding the status of the ordinance and a vehicle by which the committee obtains input from the community should be found. In response to a question from Chair Lundy, she mentioned telephone surveys and mailed surveys.

In response to a question from Mr. Manzulli, Ms. Bunch said the department had been planning to look at the entire ordinance until County Manager Scott Somers reviewed the topic with Mr. West and her and said he believed the topics to focus on were the two raised by Commissioner Birkby.

Ms. Murray felt it was important to focus on issues of the whole community, not just one person.

In response to a question from Mr. Manzulli, Ms. Bunch said it was hard to say if a survey or a meeting would be more expensive. Mr. Manzulli said the committee could go through the results of the survey to save staff time and money.

Chair Lundy commented a survey would rely on the write of the questions to frame the issues and might limit people's responses. He preferred holding a meeting, and simply asking for people's concerns, saying this might elicit a much broader sweep of concerns.

Ms. Birkby said she did not want to limit the discussion, to which several people agreed. Ms. Murray said response might be better, however, from a mailing or emailing, rather than a meeting at a specified time. Mr. Seifer noted framing the questions can frame the answers. He advocated putting the date by which people should respond out in the future several months.

Virginia Birkby recommended tabling the topic. Dan Seifer seconded the motion. Motion approved unanimously.

Ms. Birkby commented she thought it would be good to see what other communities have in place, as Mr. Somers had suggested at the July work session with the board.

Plan Review:
Ms. Birkby reviewed the Recommendation under the Transportation Policies section of the Southwest Coastal Community Plan: "At the time County roads in Arch Cape are improved, speed controls such as speed limits or caution signs should be examined." She commented she thought the current, on-going discussion about creating an urban renewal district for Arch Cape might encompass this goal and didn't see any reason to specifically call it out at this time. No one disagreed.

Ms. Birkby reviewed the Recommendation under the Open Space, Historic, Recreation, Scenic and Natural Areas Policies Section: "The County should make formal request to the State Fish Commission to have the 'tidepool' areas declared 'prohibited areas', or at least make collecting subject to permit. Local and State law enforcement officials should be made aware of the new status of these tidepools, until the Fish Commission can provide proper patrols. Perhaps during the summer months, when tourism is heaviest, trained persons could be hired to provide an educational function at the tidepools, as well as enforcement. Regardless, these areas should be posted at points of access informing people of the necessity of protecting the animals." She wondered if this would be covered in anyway by the legislation that concerns the Arch Cape headland. During discussion, Mr. Manzulli explained the start of the marine reserve will be south of Arch Cape. He said the state park of the boundary. He thought Castle Rock is not in a marine reserve area. Ms. Birkby thought this recommendation was also in another forum. Mr. Manzulli thought the two items above the recommendation might be relevant when working on plans to protect the riparian areas. As the items above the recommendation were not part of the recommendation, the group thought in the future it would be best to review the policies as well as the recommendation when performing these reviews.

Other Business:

Dan Seifer moved and Linda Lapp Murray seconded to reopen the matter of the Vilkin residence. Motion approved unanimously.

Mr. Cerelli reported he had just used the county's Website to measure the distance between the edge of the wetland from the edge of Pacific Road and the road width. He said the wetland is not in the road, which is 40 feet wide. The 40 feet of road plus the 22 feet the addition is setback from the front property line is more than 60 feet, he said.

Ms. Bunch said Ms. Decker would verify the measurement and let everyone know in the morning. Ms. Decker commented she knew the wetland was beyond the 50-foot mark but did not recall the distance and was unable to present a figure she could defend this evening.

Ms. Bunch reviewed the rules of evidence and explained procedures for adding evidence into the record. She invited committee members to contact staff before the meeting if they believed something was missing or some criterion had been addressed.

Mr. Manzulli requested calculations for distances from wetlands using the LWI always be provided in future staff reports.

Virginia Birkby moved and Linda Eyerman seconded to adjourn. Motion approved unanimously.

Meeting adjourned at 7:52 p.m.

MINUTES
SOUTHWEST COASTAL DESIGN REVIEW / CITIZEN ADVISORY COMMITTEE
Regular Session
August 20, 2014, 6:00 p.m.
Arch Cape Fire Hall, 79729 Highway 101, Arch Cape, Oregon

Chairperson Tod Lundy convened the meeting at 6:02 p.m.

Members present: Virginia Birkby, Tod Lundy, Linda Eyerman, Michael Manzulli, Linda Lapp Murray, Daniel Seifer, and Jim Sparks.

Staff present: Chris Crean, County Counsel; Heather Hansen, Community Development Director; and Julia Decker, Planner, Clatsop County Community Development.

Public present: Bart Hadder and Jackie Hadder (owners/applicants); Bob Cerelli; Charles Dice; Rand Dufka; and Debra Birkby.

Agenda Approval:

Dan Seifer objected to the agenda heading, which referred to the committee as the Design Review Committee, rather than as the Southwest Coastal Citizens Advisory / Design Review Committee.

> **Dan Seifer moved and Virginia Birkby seconded the heading on the agenda be revised to correct the name of the committee. Motion approved unanimously.**
>
> **Dan Seifer moved and Virginia Birkby seconded to add to 8 "c. Other matters as members wish to discuss." Motion approved unanimously.**
>
> **Virginia Birkby moved and Dan Seifer seconded to approve the agenda as amended. Motion approved unanimously.**

Business from the Public:

Rand Dufka, 79905 Anvil Rock Road, Arch Cape, stated he has been trying to talk to County Public Works Director Michael Summers regarding an encroachment on county public right-of-way. Community Development Director Heather Hansen stated she would let Mr. Summers know Mr. Dufka was trying to reach him.

Action Items:
Design Review: Request by CKI Inc., on behalf of Barton A. Hadder and Jacqueline Hadder, for design review for construction of a new single family dwelling.

Mr. Seifer disclosed an ex parte contact, stating he had met the Hadders previously on a social occasion, but he did not believe this would affect his ability to participate in the evening's deliberations.

Planner Julia Decker presented the staff report for the Hadder application to build a new single family dwelling on property located on Oceanview Lane, known as T4N, R10W, Sec. 30BC, TL 01701, for which an address had yet to be assigned. She clarified that the property had a recorded easement that served it and that the line indicated for the boundary of a wetland area on an adjacent site did not curve back toward the property but instead continued more or less straight through a ravine. The applicant's consultants, a survey company and a wetland consultant, had shown the 50-foot setback boundary of the neighboring riparian area on the plans being review this evening, she explained. She also clarified the front yard is considered to be the side from which the

property takes access, in this case the south property line. She also explained the tree-removal plan was a worst-case scenario, based on roots, drip line, and branch overhang, from a discussion she'd had with the applicant. Mike Manzulli requested the applicant save the large spruce on the south side if at all possible, adding he thought the applicant had done a good job of preserving trees on the lot.

Ms. Decker briefly reviewed the standards, indicating all would be met, and the recommended conditions of approval. Mr. Seifer stated he did not agree with the staff analysis of 2. Protection of Ocean Views, saying staff asserted that any development that conforms to the standards of the zone can be assumed to meet the criterion. Mr. Seifer said he did not believe this was the committee's jurisdiction, but because it did not apply to this application he did not think it was germane to the discussion. He said if it was read to mean 3.068 needs to be complied with, and, given that 3.068 needs to be complied with anyway, this criterion would mean nothing. He thought this could become an issue for other projects, however; and he did not think this analysis should foreclose discussion for future projects, where it is germane.

County Counsel Chris Crean commented presumably this provision was designed to implement the Comprehensive Plan, so this describes how the Comprehensive Plan is implemented: through this section. More importantly, he continued, state statute says for residential construction all the approval standards must be clear and objective. Mr. Crean explained you can't have a standard that says you must protect ocean views because it's not clear and objective. He said he suspected the language was designed to comply with state statute and to implement the Comprehensive Plan.

Bart Hadder, the applicant/owner, 25616 NE 74th Court, Battle Ground, Washington, commented they would be complying with all the regulations to the best of their ability and they looked forward to being part of the community.

Linda Lapp Murray moved and Daniel Seifer seconded to accept the application as presented.

Michael Manzulli moved to amend the motion to adopt staff's finding and recommend conditions of approval.

Dan Seifer withdrew his second. Motion died.

Michael Manzulli moved and Jim Sparks seconded to approve the application and adopt staff findings. Motion approved, five in favor (Eyerman, Lapp Murray, Lundy Manzulli and Sparks) and two against (Birkby and Seifer).

Consideration of Minutes:

Dan Seifer recused himself, stating he did not attend the last meeting.

Correction of spelling of name "Birkby" on page 1 under motion of agenda approval.

Linda Eyerman moved and Michael Manzulli seconded to accept the minutes of June 18, 2014, as amended. Motion approved, six in favor and one (Seifer) abstaining.

<u>Other Business</u>
Roles and Responsibilities of an Advisory Committee: Presentation by County Counsel Chris Crean:

Mr. Crean made a presentation to the committee about roles and responsibilities of an advisory committee. He distributed to committee members a handout: "Clatsop County: Legal Requirements

for Land Use Decisionmaking," produced by his firm, Beery Elsner & Hammond. (A copy may be found with the Original minutes.) Mr. Crean made the following points:

- An advisory committee is a public body and is an extension of the county, doing county business.
- An advisory committee is bound by public meeting laws, notice requirements, public records laws and ethics laws, just as any other board or committee is, including the Board of County Commissioners. The liability is the county's if committee members cause a legal problem.
- Committee members can expect their decisions to be subject to scrutiny. "If you don't like your decisions being second guessed, this is not a good place for you," he said.
- This committee is making land use decisions. The decisions are not final decisions and cannot be appealed to the Land Use Board of Appeals (LUBA), but the decisions are the final determinations of this committee. Each body has a legal obligation to make its own findings, and there are statutory requirements that decisions must have findings.
- The question before the committee is "Does the application meet the criteria?" If the criteria are met, that's all that matters.
- LUBA hearings are on the record; no new evidence is allowed.
- When an application leaves the advisory committee for the next level, the final decisionmaker, the record is still open.
- Legislative decisions affect major groups or areas, such as whole zones. Quasi-judicial decisions affect only one property or land owner or only a few.
- Decisions must be made within a time period specified by regulation. For the county, final decisions and any local appeals must be concluded within 150 days.
- The committee acts as a judge and cannot gather or enter evidence.
- A "walking quorum" is one where decisionmakers don't openly meet, but communicate in a serial fashion, whether by physically walking or driving to another, telephoning, or emailing each other. The group doesn't meet all at once, but communicates in a non-transparent manner – two or three meet, and then they contact other members separately. The result is the committee discusses an issue privately. It violates public meetings laws and individuals can be held personally liable. Mr. Crean further advised never replying to all when using email.
- Site visits must be disclosed as ex parte contacts.
- Conflict of interest may be actual or potential. Actual conflict of interest is defined as any decision or act by a public official that would result in a private pecuniary benefit or detriment and extends any relatives, household members or any business with which the official or relative is associated.
- Bias is where a committee member prejudges an application. It poisons decisions, Mr. Crean said, adding, "If you really think you cannot judge it without bias, step down. Sit in the audience; don't participate."
- There are two kinds of "Takings," possessory and regulatory. A "taking" is the government taking private property for public purpose, either through possession or by creating regulations that remove all economic use of the property. The size of the parcel does not matter. If a subdivision is already in place, it is reasonable to assume homes can be built. People have to be able to do something with their property, he explained.
- Staff bias is irrelevant. Staff is not the decisionmaker.
- Committee members and commissioners should not speak at Board of Commissioner hearings as advocates. The committee's recommendation is supposed to be in the findings.

Open Discussion:

Mr. Manzulli asked if a request could come from the committee to say "That's not what we said," regarding materials relating to the Walsh matter.

Ms. Birkby requested "Liaison Report" be added as a regular agenda item. Other committee members agreed.

Public Comment: Charles Dice, 31911 Clatsop Lane, Arch Cape, spoke, stating he disagreed with a letter written by Senior Planner Jennifer Bunch regarding the Walsh application. He believed the minutes did not reflect what the committee said and alleged planning staff had an agenda. He wanted the incorrect document to be corrected "before it makes its legal way" and thought the committee should vote on every criterion. Committee members requested the Design Review Criteria Evaluation form to be signed by the chair be included in the design review packet.

Ms. Hansen reviewed the timeline for work on the issue of the 50-foot setback to wetlands/line of non-aquatic vegetation question. She anticipated a work session with the board, planning commission and committee in the next few months.

The group reviewed the definitions of "aquatic areas" and "non-aquatic vegetation" and discussed the local wetlands inventory.

Ms. Hansen provided copies to committee members of an email she sent to Mr. Manzulli regarding takings.

Mr. Seifer observed the cases are coming to the committee as variance requests.

Ms. Birkby suggested future agendas include greater detail.

Public Comment: Debra Birkby, 79829 Gelinsky Road, Arch Cape, referring to a comment by Mr. Manzulli's earlier regarding what the community wants, stated she was surprised there was no public comment this evening. She stated she has heard comments in the community that "this board may not represent the community." She recommended the committee encourage public comments at its meetings.

Adjournment:

Dan Seifer moved and Virginia Birkby second to adjourn. Motion approved unanimously.

The meeting adjourned at 8:40 p.m.

MINUTES

SOUTHWEST COASTAL CITIZEN ADVISORY / DESIGN REVIEW COMMITTEE (SCCAC)

Regular Session

August 21, 2013, 6:00 p.m.

Arch Cape Fire Hall, 79729 Highway 101, Arch Cape, Oregon

Vice Chairperson Tod Lundy convened the meeting at 6:00 p.m.

Members present: Virginia Birkby; Richard D'Onofrio; Linda Eyerman; Tod Lundy; Mike Manzulli; Linda Lapp Murray; and Dan Seifer.

Clatsop County Commission Liaison present: Commissioner Debra Birkby.

Members of the public present: Thomas Merrell, Arch Cape Sanitary District; Edward Hodges, Curran-McLeod, Inc.; and Greg Lathrop, whose property is immediately adjacent to Sally's Alley.

Staff present: Jennifer Bunch, Senior Planner; and Julia Decker, Planner, Clatsop County Community Development.

Business from the Public: No one wished to speak.

Minutes:

> **Mr. Seifer moved and Richard D'Onofrio seconded the last full paragraph on page 2 of the minutes be amended, to include a statement after Southwest Coastal Community Plan, which the County Commission has adopted several times. Motion approved unanimously.**
>
> **Mr. Seifer moved that on page 3 of the minutes references to goals and recommendation in the second sentence and the last sentence in the paragraph headed plan review be capitalized for clarity. Motion died for lack of a second.**
>
> **Dan Seifer moved and Linda Lapp Murray seconded to adopt the minutes (of August 21, 2013) as amended. Motion approved unanimously.**

Action Item:

Variance Request and Major Design Review: Application by Arch Cape Sanitary District to obtain a 48-foot variance to the riparian setback and a two-foot variance to the property line setback to construct an emergency power shelter building on property within the public right-of-way, located at the intersection of Pacific Road and Sally's Alley, T4N, R10W, Sec. 31; and for repair of an existing pump at an existing sewer pump station, located on T4N, R10W, Section 19CC, TL 02401, owned by Walter and Suzanne Nupen, and also known as 80132 Pacific Road and at the intersection with Sally's Alley.

In response to Chair Lundy's request for ex parte contact and/or conflicts of interest, Mr. Seifer stated he serves on the Budget Committee for the Arch Cape Sanitary District but did not believe it posed a conflict for him. Virginia Birkby recused herself, stating she serves as president of the Arch Cape Sanitary District. Mike Manzulli stated he serves as Chair of the North Coast Watershed Council, which has been working on the creek in the area, but he believed it would not create an issue for him to participate.

Planner Julia Decker provided the staff report, explaining the application includes fill but not an extension of the culvert. The pump lift station and generator building would be outside the flood zone as it currently is mapped, although the entire area is within the geologic hazard overlay. A geologic hazard report has been provided. The 8' by 16' building foot print would sit on about 20 cubic yards of fill covering approximately 130 square feet on the east side of Pacific Road. To be placed as proposed, it would be about three feet of the property line of the property to the north and two feet from the creek running through Sally's Alley, thus requiring variances to the setbacks. Additionally, design review was needed for the building. Ms. Decker noted if the building was situated as currently proposed, it would be approximately two feet into the 10-foot clear vision area required at the intersection of a street and an alley. Ms. Decker stated her recommendation would be to push the building two feet, more or less, eastward, to meet the clear vision setback. The other option would be to recommend a variance to the clear vision setback as well, which she did not recommend, explaining the clear vision setback is for safety when entering the roadway with a vehicle.

The pump itself is on the opposite side of the road on an easement, she said, and was part of the application only because the application was consolidated and required minor design review due to the building permits it required. The pump station profile actually would be reduced on height.

The backup generator building would be designed as a shingle-sided garden shed, with sound attenuating insulation on the inside and a small name placard on the door.

Ms. Decker briefly outlined the each of the design review criteria. She said the relation of the structure to the site could be found to be consistent if the committee could recommend the variance be approved, but she emphasized it would not meet setbacks, a major component of the first design review criteria. She stated the generator building would meet the standard for height, being about 12 feet tall, well under the 26 feet from the average grade. Ms. Decker stated she had visited the site earlier in the year and said it did not appear any views would be blocked by the building, but she had not looked from the vantages of the neighboring houses. Greg Lathrop, the owner of the house to the north, spoke, saying he had been trying to determine the same thing. Edward Hodges, with Curran-McLeod, Inc., the engineer for the project, stated he had not stood in Mr. Lathrop's home. Mr. Lathrop stated he could see the ocean from the first floor of his home but did not recall if he could see Castle Rock. He said he would try to make the determination. Ms. Decker stated if no neighbors objected, the generator building could be found to not block ocean views, and the lift station project would not block ocean views.

Under preservation of landscape, Mr. Decker noted some of the vegetation would be removed in order to site the generator building. She did not find any trees greater than six inches in diameter at 48 inches in height when she visited the site, but shrubs would be removed. She recommended a condition of approval that the area would be revegetated to the greatest extent possible with native plants, leaving enough room around the building to maintain it and leaving enough room for parking of a utility vehicle, such as a sanitary district or Public Works truck. She said the criteria could be met through a condition of approval. Mr. Seifer wondered why a parking space needed to be available for Public Works, and Thomas Merrell, Arch Cape Sanitary District, stated the district did not need one. The condition will be rewritten to eliminate language requiring a parking space.

In response to a question by Linda Lapp Murray, Mr. Merrell described the site in relation to the power pole at the northeast corner of Sally's Alley and Pacific Road. Chair Lundy requested information about the ground and culvert heights in the area, which Mr. Hodges provided. They discussed the possibility of using a retaining wall and using armoring to stabilize the site. Mr. Hodges stated he wanted to avoid using riprap as much as possible and use native plants instead.

Ms. Decker continued with the staff report, noting all new utility lines would be placed underground as a condition of approval; any exterior lighting would need to be full cut-off design as a condition of approval; buffering and screening requirements apply in commercial zones do not apply in this zone; vehicle circulation of parking apply to commercial zones and are not necessary in this zone; a sign permit would be necessary for the small sign proposed; and the sign meets the requirements of the AC-RCR Zone. Ms. Decker described the surface water drainage, which would flow into the creek as it does now and shouldn't pose an issue because of topography.

In response to a question from Chair Lundy, Mr. Hodges said the three- to four-inch drain pipe coming from the neighboring property would be accommodated into the drainage system for the generator storage building or rerouted at the district's expense so the neighbor is not impacted. Mr. Seifer requested the condition of approval include the neighboring property's drainage when the conditions are discussed.

Mr. Manzulli asked how the creek was determined to be seasonal. Several people commented that although it gets quite low, no one was aware that it disappeared completely. Mr. Manzulli recommended dropping the term "seasonal" from the creek's description.

Ms. Decker reviewed the requirements for the variance requests, which apply only to the building and not the lift station. Mr. Merrell described the route the sewage collection system uses. He said the window between the onset of a power outage and when the lift station backs up is short at the Sally's Alley station, only about 10 or 15 minutes, and the other stations have greater time windows. This is the only site where he envisioned needing a permanent generator. He described the results of when the station backs up, noting the sanitary district has replaced carpets in homes and sewage has flowed on to the beach in the past. The permanent generator would operate automatically, he said, and sanitary district staff would still use portable generators at the other sites. Ms. Lapp Murray commented this proposal is very much better than using a portable generator at this site.

Ms. Decker continued, drawing attention to a letter from a DEQ official regarding the condition of the lift station's aging infrastructure. Ms. Decker stated the need and hardship seemed obvious. She distributed a letter form Steve Pinger regarding Mr. Pinger's assertion the generator building could be placed on the easement on the Nupen property with the lift station. Ms. Decker stated she had been to the site prior to this evening's meeting and could not see how the building could be fit on the site with the lift station without removing a mature landscape tree and would still be right next to the Nupen house, possibly closer than the State Building Code would permit. She said placing it on the Nupen property would seriously impact the view from Mr. Lathrop's property, and it would still not meet setbacks.

The committee reviewed Mr. Pinger's letter, which included concerns about the impact of the building on the landscape. Mr. Manzulli stated he had not seen anything in the application that addressed why no other site was would serve for the generator building, such as the easement on the Nupen property. Ms. Lapp Murray said she did not see how it could go there. The committee reviewed the letter from Mr. Pinger, which included a drawing. Ms. Lapp Murray said a 10-foot tall building on the west side of Pacific Road would affect ocean view tremendously.

Mr. Seifer reviewed the deed, included in the staff report, and said there was no description in it of the area covered by the easement. Language in the deed stated nothing over the three feet tall could be placed in the southwest corner of the easement. Mr. Hodges described the impacts of trying to place the building in the sites on the Nupen property Mr. Manzulli and Mr. Pinger suggested. He stated the engineering something to fit on the south side of the Nupen property would be difficult, the generator building would either be shoved nearly against the Nupen house and/or the beach access might have to be alter said it might be possible to remove the beach

access trail and put in a road. The setback issues would remain and there would be impact to the creek. Several committee members expressed concern this was not an acceptable alternative. Mr. Hodges apologized for not having a detailed survey, but said the logistics and arrangement of structures seemed very tight and common sense suggested it would make a very large visual impact on views.

Mr. Manzulli stated he would like to see why it doesn't fit on the easement, rather than speculation.

Ms. Lapp Murray stated that, looking at the practicality of two bad choices, she felt the applicant had already done the work, and she could not believe a 10-foot tall building on the west side the road would not impact views. She did not find the option of putting it on the Nupen property easement to be viable.

Mr. Seifer did not find the west side of the street to be a preferable option and did not find it necessary to pursue the investigation of that option.

Ms. Decker was not able to locate the three-foot height restriction language at this time and so was not able to respond as to whether it covered the entire easement or only a portion of it. Mr. Hodges stated he had not prepared an alternative plan for presentation, but he had in planning sited the building in various places to judge its impact and said he could guarantee placing it on the west side of Pacific Road on the Nupen property easement would place the building within two or three feet of the Nupen house, which Ms. Decker said would not meet the building code.

In response to a question from Chair Lundy, Ms. Bunch stated the applicant had made the application and was entitled to a response this evening and could return with more information if he chose, but was not obligated to wait.

Regarding the criterion that the granting of the variance not be injurious to neighborhood or public safety, Ms. Decker stated public welfare and safety would be well-served by keeping raw sewage out of the creek and off the beach and access trail, so she found the criterion to be satisfied.

Regarding the criterion the granting of the variances not permit uses that are not allowed by the Ordinance, Ms. Decker noted the public utilities are permitted uses in the public right-of-way.

Proof of significant hardship, she stated, the true hardship would be the impact on the neighborhood and the environment in the event of a spill of raw sewage. She found the criterion to be satisfied unless some other site could be identified to place the generator building, should the committee recommend the variance be denied.

She stated the variance request has been scaled back from its original size and is now no larger than, and smaller than many, similar building for similar uses. It appears to be the least amount necessary to achieve the purpose, meeting the criterion for the variance being necessary for reasonable use of the land, she said, noting the applicant had retained both an engineer and a geologist to assist with the project design with these criteria in mind.

Ms. Decker stated there have been no violations of the ordinance known to exist on the site, meeting Criterion 6.

Ms. Decker said it was her own observation there was no other site for the generator building, and if placement were not where it is proposed, the project would not be able to proceed, meeting Criterion 7: Parcel is not otherwise capable of development.

Ms. Decker explained the clear vision requirement, Section S2.012, in greater detail and why she recommended the structure be moved eastward about two feet to meet the 10-foot setback if it can be done without further impacting the creek. After discussion, the committee, Mr. Merrell, Mr. Hodges, and Mr. Lathrop would affect the creek less, as it winds through the right-of-way. Those present noted there are trees in the right of way, but they are further back.

Finally, Ms. Decker concluded with Protection of Riparian Vegetation, Section S4.500, saying she recommended approval, based on the findings in the rest of the staff report. She noted she also was recommending a landscape/revegatation plan.

Ms. Decker reviewed the conditions she was recommending.

Chair Lundy asked if the applicant wished to make a statement. Mr. Hodges provided remarks, saying the Arch Cape Sanitary District is mandated by law to have emergency power to the emergency lift station, or be in violation of state law and federal laws "and a significant environmental impact when, not if, when the lift station overflows." He thought the testimony of the operator, Mr. Merrell, indicated temporary power was not the best route, and speaking as an engineer, Mr. Hodges stated permanent emergency power is always better than temporary power, with the exception of in the flood plain. He said the district had made a very good effort to choose the best site for the building, based on the "least worst" scenario.

Greg Lathrop, 3654 SE Powell Blvd, owner of the property at the northeast corner of Sally's Alley and Pacific Road, spoke next, indicating he thought overall he liked the idea of a nice looking permanent structure, and, although he was a little concerned about the noise, he definitely considered himself a proponent of the project. He considered the project a wise move from the safety and environmental perspective and said he likes trying to keep the native vegetation at the site. He said speaking as a horticulturalist he did not see a detriment to having a structure with a concrete base that is basically out of sight. He was a little concerned about the setback of the building to his property line, and, though he would like it further east and a little south just a bit, he saw it as a win-win. He said he wanted to look from the vantage of his deck and assess his view to the south.

> **Dan Seifer moved and Linda Lapp Murray seconded to "approve both the applications for major and minor design review as well as both variance requests with appropriate conditions, as outlined by staff and as refined by our subsequent discussion."**

Discussion ensued. Mr. Manzulli, while indicating the generator was necessary and a place needed to be found for it, stated he did not think it had been shown the easement would not work for the building. He did not think it had been shown the structure could not be placed on the easement. Mr. Seifer believed the burden had been met of showing there is no other reasonable site, saying he didn't think the whole application was predicated on the view easement, but instead on a variety of reasons. Mr. Seifer felt the discussion by the applicant, staff and committee members' owns observations showed the west side to be an impossible location.

Chair Lundy thought perhaps the applicant could return with documentation showing the west side easement site would not work so the committee could see a choice of alternative; however, Ms. Bunch noted the applicant had made this application and had a right to have it acted upon or not. She said if the applicant did not choose to come back with an alternative, the committee would act on what was before it to make a recommendation to the hearings officer. Commissioner Debra Birkby commented to agree with Ms. Bunch's assessment and to add one of the functions of the committee is to help "mitigate with the applicant for a solution, having them willingly change it" so that it works to everyone's satisfaction.

Mr. Manzulli asked Mr. Hodges if he could show the committee this evening how the building would not fit on the easement. Mr. Hodges agreed, saying what Mr. Manzulli was requesting was an "alternatives analysis" that was not part of the submittal, and although he had done one in the office, he had not submitted it with the packet. Mr. Hodges, using Mr. Pinger's drawing, said the generator building would be about three feet from the Nupen house and no one would want a generator facility three feet from their house.

Mr. Lathrop said he would fight the view issue if placement were changed to the easement on west side of the road.

Linda Eyerman asked if, assuming the building were left where it was proposed on the east side of Pacific Road, could it be built on stilts rather than fill. Mr. Hodges said it would be elevated, possibly more into view, there would be seismic issues, and of course it would be more expensive. He said he would prefer to have the committee make its recommendation this evening rather than return with an alternatives analysis.

Motion approved, five in favor (D'Onofrio, Eyerman, Lundy, Lapp Murray, and Seifer); one opposed (Manzulli); and one recused (V. Birkby).

The committee reviewed and revised the conditions. New condition 7 inserted, with conditions below moving down: The Arch Cape Sanitary District shall prepare provide maintenance and improvements if required to all the slopes affected by the construction or impacted by the project to maintain the integrity of the creek and to prevent obstruction of the culvert for the life of the structure.

In response to a question from Ms. Lapp Murray, Mr. Hodges said moving the building back would increase the amount of fill, but the distance of approximately two feet would not cause a substantial increase in the amount of fill and the area to park would remain in the right-of-way on the west side of the telephone pole.

Condition 1 modified to read: Construction shall occur as recommended by the Southwest Coastal Citizens / Design Review Committee and on file in the Clatsop County Community Development Department. The Community Development Director may approve minor modifications of these plans if they are requested prior to construction of the minor modification.

Condition 3 modified to read: The Arch Cape Sanitary District or its agent shall obtain all required development and building permits and approvals prior to, during, and after to construction.

Condition 6 modified to read: All construction activities shall follow the Design and Operation Standards and Requirements under Standards Section S2.504. In addition a landscape and an erosion control plan shall be submitted when applying for a development/building permit.

(Discussion regarding 6: Landscape plan should show data regarding native species to be planted, a planting schedule, and maintenance schedule to establish plants. After plants are established they should be maintained to the extent necessary to prevent problems regarding bank stability.)

Condition 11 (formerly 10) revised to read: The surface water shall be directed as described by gutters and piping as necessary to the creek and shall not adversely impact the natural drainage system and shall not drain to neighboring properties. Accommodation shall be made for the existing drainage systems on adjacent property.

Linda Lapp Murray moved and Dan Seifer seconded to accept the conditions as revised. Motion approved, six in fav

Mr. Seifer commented if would be appropriate for one or more committee members to attend the hearing. Ms. Decker reported it would be at 10 a.m. on September 20, 2013, at the Judge Guy Boyington Building in Astoria.

Other Business:

Arch Cape Short Term Rental Ordinance: Ms. Bunch explained the Board of County Commissioners had directed staff to revisit the Arch Cape Short Term Rental Ordinance process and standards. She said the Community Development Department planned to put out a survey to property owners and was looking for suggestions and comments from the committee about what should be in the survey. She explained the review would likely include several meetings with, and a recommendation by, the committee, followed by a work session and a recommendation by the Planning Commission to the County Commission. She asked that committee members email ideas to her or to Ms. Decker between now and next month.

Mr. Seifer suggested the room tax rate be adjusted and revenues distributed to potentially fund Arch Cape projects. Ms. Bunch explained his suggestion dealt with the budget issues, not land use, and at this time the only input being solicited had to do with the land use process.

In response to question from Mr. D'Onofrio, Ms. Bunch stated the survey would go to all property owners, not just full time residents.

Ms. Birkby requested the number of rentals and the number of complaints be provided, and she asked that staff allow enough time for the committee's input to be used.

Plan Review: Ms. Birkby reviewed Goal 2 and asked if anything should be flagged. The committee decided two recommendations, that the watersheds be mapped and the Sheriff's Office should hold some informational meetings in the area on crime prevention, should both be retained.

Other Business: Ms. Birkby asked staff to relay her dismay regarding the September 7th community meeting being held before the department approached the committee on the topic of the meeting. Ms. Bunch stated she would advise Mr. West, the department director.

Ms. Bunch advised the October meeting would include a work session with County Counsel regarding staff and committee responsibilities.

Ms. Birkby requested an update on the Schiffman application and asked that it be included in the minutes. Ms. Decker responded property owner Ron Schiffman determined not to proceed with the variance request. Instead, Mr. Schiffman chose to repair the existing garage without changing its use, meaning a new application was not necessary and allowing the application to be finalized without returning to the committee.

> **Richard D'Onofrio moved and Dan Seifer seconded to adjourn. Motion approved unanimously.**

Meeting adjourned at 8:47 p.m.

MINUTES
SOUTHWEST COASTAL DESIGN REVIEW / CITIZEN ADVISORY COMMITTEE
Regular Session
May 21, 2015, 6:00 p.m.
Clatsop Community College South County Center, 1445 N. Roosevelt, Seaside, Oregon

Chairperson Tod Lundy convened the meeting at 6:06 p.m.

Members present: Virginia Birkby, Tod Lundy, Linda Eyerman, Linda Lapp Murray, Daniel Seifer and Jim Sparks. Excused: Michael Manzulli.

Staff present: Heather Hansen, Community Development Director; and Julia Decker, Planner, Clatsop County Community Development.

Agenda Approval:

Dan Seifer requested adding transient occupancy tax to the agenda.

> **Linda Eyerman moved and Dan Seifer seconded to approve the agenda as amended. Motion approved unanimously.**

Minutes of March 18, 2015:

Two corrections were noted, the correction of the spelling of Mr. Seifer's last name on page one and removal of an incorrect date, also on page one.

> **Dan Seifer moved and Jim Sparks seconded to approve the March 18, 2015, minutes as corrected. Motion approved unanimously.**

Action Item:
Design Review: Request by Linda Lapp Murray for design review for construction of an accessory building (shed). The subject property is identified as T4N, R10W, Sec. 30CB, TL 01100, also known as 79836 Gelinsky Road, Arch Cape.

As Ms. Lapp Murray is a committee member, all other members present noted they know the applicant and most were familiar with the property. Chair Lundy stated he had visited there, and Mr. Seifer commented he walks there frequently. Ms. Birkby stated she had an *ex parte* contact regarding the project and, as she lives across the street from Ms. Lapp Murray, recused herself. Both Ms. Lapp Murray and Ms. Birkby removed themselves from the panel and went to sit in the audience.

No conflicts of interest were reported. No one objected to the jurisdiction of the committee to hear the matter.

Planner Julia Decker presented the staff report for the request to construct a 10-foot by 20-foot shed on the property, identified as T4N, R10W, Sec. 30CB, TL 01100, also known as 79836 Gelinsky Road, Arch Cape. She reviewed each of the criteria, explaining the project would meet all the standards and design review criteria. Mr. Seifer expressed concerns regarding the condition for a drainage plan for the small building.

Chair Lundy opened the public hearing.

Ms. Lapp Murray stated the new shed would be much smaller than the original building, which did not meet setbacks. She noted some of the construction details and said she did not believe rain management would be a problem; the soil is sandy and the water simply drains away.

Linda Eyerman stated she had concerns about parking and asked about lot coverage. Staff explained the lot coverage would be less than 40% and Ms. Lapp Murray explained parking would not be affected. She further explained there was only one rental cottage on the property and enough parking for at least six vehicles. Staff noted there are no parking requirements for sheds.

Mr. Seifer asked if the flood hazard would require the building be elevated, and staff responded, saying the county's Flood Plain Manager, Jennifer Bunch, had been working with Ms. Lapp Murray and the building would include vents. The vents, she said, were not shown on the drawings, so the building might look slightly different than the images, but it would not be elevated.

No one spoke against the project. Chair Lundy closed the public hearing.

Chair Lundy stated he was prepared to recommend the drainage issue be removed. Mr. Seifer agreed.

> **Dan Seifer moved "the condition to be attached to our recommendation be revised and the overall conclusion be 'the applicant be required to devise a stormwater drainage plan' and to delete the requirement to determine an amount." Motion died for lack of a second.**

The committee discussed the use of gutters.

> **Dan Seifer moved and Jim seconded to delete condition number 1 in its entirety and change the finding in number 9, finding it satisfied.**

Chair Lundy recessed the meeting at 6:45 p.m. to permit time for members to draft a new finding. He reconvened the meeting at 6:50 p.m.

Director Heather Hansen suggested the committee create a new finding, perhaps one stating the committee finds the amount of water is so insignificant it doesn't require the amount be calculated.

> **Dan Seifer amended and Jim Sparks seconded to amend the original motion to state the amount of water being interrupted would be so insignificant that calculation of the amount is unnecessary.**

Linda Eyerman advised the committee she would vote against the proposed amendment. Chair Lundy advised he would support it.

> **Motion to amend the previous motion approved, three in favor (Lundy, Seifer and Sparks) and one opposed (Eyerman).**

> **Jim Sparks moved and Dan Seifer seconded to accept the staff report as amended. Motion approved unanimously.**

Ms. Lapp Murray and Ms. Birkby returned to the panel.

<u>New Business:</u>

RCC Zone Height Language Discussion. Discussion centered on the language in the RCC Zone which limits commercial construction to 35 feet in height and light industrial to 45 feet in height, except when within 100 feet of a residential zone, where it is limited to 35 feet. Staff concluded

that, because there are no light industrial uses listed in the RCC Zone, the light industrial language may be a copy-and-paste error from the 2003 Periodic Review project. Also of concern was the lack of language that protects ocean views. Staff thought reference to the RCC Zone Development and Use Standards (3.262) could be added to 4.013 (2), which currently states: "Protection of views shall be preserved through the confines of this ordinance section 3.068."

Ms. Hansen said she would verify whether it was a mistake, which simply can be corrected, or if it would take a code amendment.

There was discussion as to whether everyone is interpreting 4.013 (2) the same way. Ms. Hansen stated the language is clear and interpretation isn't really necessary.

Ms. Birkby stated she would like the RCC height language item to be a recurring one for future agendas.

Temporary Meeting Day and Location. Ms. Birkby suggested changing the meeting day temporarily to Thursdays to accommodate a different venue.

Dan Seifer suggested scheduling the third Thursday at the Cannon Beach Fire Hall until such time as the Arch Cape Fire Hall is available. Members and staff agreed to try the Cannon Beach Fire Hall.

Fee Study. Ms. Hansen explained how the fee increase was approved and said she thought there was support from the county manager to ask the Board of Commissioners to reduce the rate for design review fees, which jumped from $711 for major design review to $2,696. Ms. Hansen will provide something to the committee about the fee change.

Other Business

Decision Update. Staff provided a brief account of what permits had been issued on applications the committee had seen in the last two months.

Tsunami Hazard Overlay Project. Ms. Hansen summed up the committee's discussion and the three open houses that had been held. She noted Clatsop County is the first jurisdiction to be adopting maps, including evacuation and inundation maps.

Agenda Addition:

Mr. Seifer requested the next agenda include a report to the committee about the transient occupancy tax increase, part of which was to be set aside for infrastructure improvements. He asked who the correct person would be to provide the information. Ms. Hansen thought it would be Public Works Director Michael Summers, who she said had commented it would take a while to build up the fund enough to actually do something with it. She will contact Mr. Summers, and a future agenda will include a status report for the committee.

Adjournment:

> **Linda Lapp Murray moved and Dan Seifer seconded to adjourn. Motion approved unanimously.**

The meeting adjourned at 7:50 p.m.

MINUTES
SOUTHWEST COASTAL DESIGN REVIEW / CITIZEN ADVISORY COMMITTEE
Regular Session
March 28, 2015, 6:00 p.m.
Clatsop Community College South County Center, 1445 N. Roosevelt, Seaside, Oregon

Chairperson Tod Lundy convened the meeting at 6:01 p.m.

Members present: Virginia Birkby, Tod Lundy, Linda Eyerman, Michael Manzulli, Linda Lapp Murray, and Daniel Seifer. Excused: Jim Sparks.

Staff present: Heather Hansen, Community Development Director; and Julia Decker, Planner, Clatsop County Community Development.

Public present: Tevis Dooley III and Jude Lally, applicant/owners; David Horning, applicant.

Agenda Approval:

Dan Seifer requested adding input from staff on site visits and Virginia Birkby adding a discussion about meeting location to the agenda.

> **Dan Seifer moved and Virginia Birkby seconded to approve the agenda as amended. Motion approved unanimously.**

Election of Officers:

> **Dan Seifer moved and Linda Lapp Murray seconded to nominate Tod Lundy as chair.**
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> **Tod Lundy nominated Linda Lapp Murray as chair. Ms. Lapp Murray declined.**
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> **Tod Lundy elected as chair, five in favor (Birkby, Eyerman, Manzulli, Lapp Murray and Seifer) and one opposed (Lundy).**
>
> **Linda Lapp Murray nominated Dan Deifer as vice chair.**
>
> **Dan Seifer nominated Linda Lapp Murray as vice chair.**
>
> **Linda Lapp Murray elected vice chair, five in favor (Birkby, Eyerman, Lundy, Manzulli and Seifer) and one opposed (Lapp Murray).**

Minutes of August 20, 2014, and October 15, 2014:

Dan Seifer asked to strike "on a social occasion" from the first paragraph under the Hadder action item on the minutes of August 20, 2014.

> **Virginia Birkby moved and Linda Eyerman seconded to approve both sets of minutes as amended. Motion approved unanimously.**

Action Items:
Design Review: Request by Tevis Dooley and Judith Lally for design review for construction of an accessory dwelling unit. The subject property is identified as T4N, R10W, Sec. 30BB, TL 00401, also known as 31972 East Ocean, Arch Cape.

No conflicts of interest were reported. Chair Lundy reported as *ex parte* contact, saying he had spoken with Mike Manzulli regarding the location of the property. No one objected to the jurisdiction of the committee to hear the matter.

Planner Julia Decker presented the staff report for the request to construct an 800 square-foot accessory dwelling unit on the property, identified as T4N, R10W, Sec. 30BB, TL 00401, also known as 31972 East Ocean, Arch Cape. She reviewed each of the criteria, explaining the project would meet all the standards and design review criteria. She entered photographic images taken the applicant into the record, saying Mr. Dooley would provide descriptions of the images' contents. She reviewed the recommended conditions of approval and stated staff recommends approval.

Chair Lundy opened the public hearing.

Tevis Dooley III, 31972 E. Ocean Lane, Arch Cape, speaking as the owner/applicant, described photographs and how they depicted the site. He pointed out on a diagram the parking and answered questions from the committee.

No one spoke against the project. Chair Lundy closed the public hearing.

The committee discussed the project, including the situation that the RCC Zone in which the residence is located does not have a 26-foot height restriction and which is not subject to L4.103 (2) Protection of views through the confines of L3.068, which contains the standards for the AC-RCR Zone and does not include the RCC Zone.

> **Dan Seifer moved and Linda Lapp Murray moved to recommend approval according to the criteria evaluation sheet that staff has drafted with one change: correct typographical error in number 3. Motion carried unanimously.**

Linda Eyerman requested a future committee agenda include discussion regarding preservation of ocean views and the RCC Zone. Ms. Birkby suggested it for the April agenda.

Design Review: Request by David Horning, on behalf of Michael Lubitz and Kari Lubitz, for design review for construction of a new single family dwelling. The subject property is identified as T4N, R10W, Sec. 30BB, TL 04000, on Pacific Road, Arch Cape.

No conflicts of interest were reported. Linda Lapp Murray, Dan Seifer and Mike Manzulli reported walking past the site, and Chair Lundy commented he had looked at it on Map Quest. No one objected to the jurisdiction of the committee to hear the matter.

Planner Julia Decker presented the staff report for the design review for construction of a new single family dwelling on property is identified as T4N, R10W, Sec. 30BB, TL 04000, on Pacific Road, Arch Cape, owned by Michael Lubitz and Kari Lubitz, who were represented by David Horning, the project architect.

Dan Siefer, Linda Eyerman and Virginia Birkby thought there should be greater discussion about the history of the lot in the staff report. Ms. Decker reviewed each of the criteria, explaining the project would meet all the standards and design review criteria. She noted the project would meet all setbacks, lot coverage, building height requirements. She reviewed the recommended conditions of approval and stated staff recommends approval. Ms. Decker and Director Heather Hansen answered questions regarding wetland setbacks, which do not apply in this case, and the VE (Velocity) Flood Zone review, which is not part of the design review criteria and is reviewed by the county's Flood Plan Manager. Discussion also included calculating oceanfront setbacks. Mr. Seifer was uncomfortable requiring an ailing shore pine be replaced if it needed to be removed.

Chair Lundy opened the public hearing.

David Horning, 10725 SW Riverside Drive, Portland, clarified how he did the averaging for the building height, how the property owners approached making a decision about the shore pine, the revegetation plan, and the plan to screen the underside of the building in a manner that meets the flood hazard requirements.

Mr. Manzulli added his concerns regarding wave action on the property, which he said could potentially hurl water and logs on to the deck, saying he saw logs earlier in the day on the site where the deck is proposed; he said the deck should not extend so far out over the cobble berm on to what he considered the beach. Ms. Eyerman shared his concern regarding the wave action on the parcel and stated her concern about how the ocean setback is defined.

Ms. Decker advised she had spoken with Mike Stein, Oregon State Parks, earlier in the week regarding State Park's position on the application, noting she had mailed a public notice to the department. Ms. Decker reported Mr. Stein had stated to her in the telephone conversation State Parks has no concerns whatsoever about this application. Mr. Horning said the deck may be pared back slightly. Ms. Hansen reminded committee members their responsibility was to respond to the design review criteria alone.

> **Dan Seifer moved, "This group reject staff's proposed condition #3 about the arborist." Motion died for lack of a second.**
>
> **Dan Seifer moved and Virginia Birkby seconded to recommend approval of the application. Motion approved four in favor (Birkby, Lapp Murray, Lundy, and Seifer) and two opposed (Eyerman and Manzulli).**

Agenda Additions:

In response to Mr. Seifer's questions regarding site visits, Ms. Hansen explained committee members are acting more as a jury when making decisions and should not be entering evidence into the record or doing their own research on design review requests.

Virginia Birkby requested something be placed in the minutes regarding what alterations are necessary to the Arch Cape Fire Hall to make it acoustically acceptable. She mentioned ADA accessibility.

Adjournment:

> **Linda Lapp Murray moved to adjourn. Motion approved unanimously.**

The meeting adjourned at 7:55 p.m.

MINUTES

SOUTHWEST COASTAL CITIZEN ADVISORY / DESIGN REVIEW COMMITTEE

Regular Session

May 15, 2013, 6:00 p.m.

New Arch Cape Fire Hall, 79729 Highway 101, Arch Cape, Oregon

Vice Chairperson Tod Lundy convened the meeting at 6:03 p.m.

Members present: Virginia Birkby; Richard D'Onofrio; Linda Eyerman; Tod Lundy; Mike Manzulli; Linda Lapp Murray; and Dan Seifer.

Clatsop County Commission Liaison present: Commissioner Debra Birkby.

Members of the public present: Tevis Dooley and Ron Schiffman.

Staff present: Hiller West, Director; and Julia Decker, County Planner, Clatsop County Community Development.

Election of Officers:

Vice Chairperson Lundy asked for nominations.

Richard D'Onofrio nominated Dan Seifer.

Dan Seifer nominated Linda Lap Murray.

Ms. Murray declined, stating although she had served on the committee in the past, she considered herself a new member at this time.

Mike Manzulli nominated Tod Lundy.

Mr. Seifer stated he supported Mr. Lundy as Chair. Vice Chairperson Lundy called for the vote.

Tod Lundy elected Chairperson unanimously.

Chairperson Lundy opened nominations for Vice Chairperson.

Mr. Seifer nominated Linda Lapp Murray as Vice Chairperson. Nomination approved unanimously.

Business from the Public: No one wished to speak.

Minutes:

Mr. Seifer pointed out a typo on page 3.

Dan Seifer moved and Richard D'Onofrio seconded to accept the minutes (of January 16, 2013, with the correction as noted). Motion approved unanimously.

Action Item:

Major Design Review: Application by Tevis E. Dooley III, on behalf of Ronald Schiffman, to convert an existing garage into an accessory dwelling unit (ADU), construct a garden shed

and add a deck to the primary residence on property owned by Ronald Schiffman and Patricia Noonan, located at 32016 E. Shingle Mill Road, Arch Cape, Oregon: Planner Julia Decker provided the staff report, beginning with discussion regarding her finding the structure to be considered for conversion to an accessory dwelling unit (ADU), a detached garage, met the requirements of a legal non-conforming structure.

Mr. Seifer requested staff obtain an interpretation from County Counsel regarding the definitions of "non-conforming" and "legal non-conforming." Discussion of the request revealed a variance to at least one of the setbacks or parking space requirement would be necessary to place the accessory dwelling unit (ADU) on the property. The group discussed the hardship aspect of variance requirements, lot coverage, and placement of structures on the property. After discussing the matter with the applicant, Tevis Dooley, and the owner, Ron Schiffman, the committee agreed to split the request to allow a portion of the project to begin immediately while research and fine-tuning could be finished on the other portion.

> **Linda Lapp Murray moved and Virginia Birkby seconded to recommend approval of the [two] patio doors and the deck. Motion approved unanimously.**
>
> **Dan Seifer moved and Virginia Birkby seconded to table the balance of the application [the ADU and garden shed] at this time. Motion approved unanimously.**

Other Business:
The group agreed to switch items a. Overview of Southwest Coastal Community Plan: Goal 1 Recommendations and b. Overview of Planning Director, county staff, and Southwest Coastal Citizens Advisory / Design Review Committee roles on land use matters.

Role Overview: Community Development Director Hiller West provided a brief overview of the role of the committee as a design review board, to which staff brings specific items for input. The committee's recommendations go to the director or the Planning commission, he said, depending upon which is making the decision on a specific matter. He provided as an example the request by the Board of Clatsop County Commissioners that staff obtain input from the Southwest Coastal Citizens Advisory / Design Review Committee regarding the local wetland inventory project. Mr. West briefly updated the group on the county's investigation into an urban renewal district to finance improvements to the Arch Cape stormwater drainage and road systems, explaining the county is researching the financial feasibility of the project to see if it's even possible to move forward. He said if the county determines it is financially feasible, the committee would have a role, but currently the project is only at the starting point.

Mr. Seifer stated he believes there is a history of a lack of communication, rapport and trust between the county and the (Arch Cape) citizenry and asked if the committee has a citizens advisory role and, if so, does the county wish "to take advantage of it?" Mr. West answered yes to both questions and pointed to LWDUO Section 4.108, the specific duties of the committee for design review. He and the committee also reviewed the Citizen Involvement section of the Southwest Coastal Community Plan. Mr. West explained there are no specific other powers for the committee in addition to design review identified in county code of which he was aware; however, if there were an application for a plan amendment, language change to the plan, a rezone, or something similar in complexity and scope, the county would seek the committee's input. Mr. West explained how changes to the community plan, which is part of the County Comprehensive Plan, are made.

Ms. Birkby stated the committee would like to be approached at the starting point of large projects such as the urban renewal question, prior to the county scheduling community meetings for input.

Plan Review: Ms. Birkby reviewed Goal 1 and asked if anything should be flagged. She recommended flagging the recommendation section about access points at the end of every vacated street. In response to her concern about whether the committee should undertake review of the goals, Mr. Seifer commented he saw the review of the goals as more of just looking at specific recommendations and how they might be accomplished. In response to a question from Linda Eyerman, Mr. West noted while beach access concerns usually are addressed as part of the Parks and Recreation Plan, the committee strategy might be to identify what could be done and how best to tackle it. Mr. Seifer thought the recommendation regarding drainage systems should be elevated to a policy. Mr. West expressed interest in hearing this type of recommendations for potential updates of the community plan.

> **Dan Seifer moved and Mike Manzulli seconded "to inform the county of our deep interest in the plan recommendation for the mapping of the drainage systems in the planning area if funding could be found [Recommendation #3 of Goal 1]."**

Discussion followed about the advisability of a strategy of reviewing and prioritizing goals and recommendations before making a recommendation.

> **Mr. Seifer withdrew his motion.**

The committee will review Goal 2 at the next meeting.

> **Linda Eyerman moved and Linda Lapp Murray seconded to adjourn. Motion approved unanimously.**

Meeting adjourned at 8:15 p.m.

MINUTES
SOUTHWEST COASTAL DESIGN REVIEW / CITIZEN ADVISORY COMMITTEE
Work Session
March 19, 2014, 6:00 p.m.
Arch Cape Fire Hall, 79729 Highway 101, Arch Cape, Oregon

Chairperson Tod Lundy convened the meeting at 6:03 p.m.

Chairperson Lundy asked Planner, Julia Decker to call the roll.

Members present: Virginia Birkby (VB) Tod Lundy (TL); Linda Eyerman (LE); Michael Manzulli (MM);Daniel Selfer (DS), Linda Lapp Murray (LLM) and excused, Jim Sparks.

Staff present: Ed Wegner (EW), Clatsop County Community Development Interim Director; Julia Decker (JD), Planner, Clatsop County Community Development and Jennifer Bunch (JB), Senior Planner, Clatsop County Community Development.

Public present: Debra Birkby.

Elections:

TL: We start right off, this being the first meeting of the year with election of officers and I think we have just one. There are no officers besides the chairman.

DS: Vice Chair.

TL: Vice Chair. So the nominations for chair are open.

DS: I nominate Tod Lundy. Did that die for a lack of a second?

LLM: I second it.

TL: Okay. Any other nominations? Well I feel humbled by, I hope I did well enough that, I imagine, I guess I did. Well okay let's have a vote. Those in favor of Tod Lundy being Chairman for another round, another year, I should say.

Approved unanimously.

TL: And Vice Chair.

VB: I will nominate Linda Murray.

DS: Second.

TL: And are there other nominations for Vice Chair? Okay, Hearing none. I'll close the nominations and go for a vote which, call for a vote. Those in favor of Linda being the Vice Chair?

Approved unanimously.

Business from the Public:

TL: Okay. Then we have this part of the meet ng is an opportunity for our many, many members of the public to speak up and let us know what's on their minds. What do you think Deb?

Debra Birkby (DB): I think it's very gray outside. I have no business to comment on.

TL: Okay. No discussion on that item. Let's move on to consideration of the minutes. We have, we'll start with the September minutes, if you can read that small.

Minutes:

DS: I have a ???? circled here on the ??? on to, that's really page 3. Second page. ??? paragraph, next to the last line.

TL: Give us a moment to find that. That's in the September?

DS: It's attachment 2D. The second page which is really page 3 of this. At the carry over paragraph up at the top. The first word of that carry over is "setback for corner lots". Do you see that?. Up at the top. Upper left corner. Setback of corner lots.

TL: I see on page 3.

VB: It says 4 on the bottom of it.

TL: Oh. It says 4 on the bottom?

DS: Well, it says page 3.

VB: I know that there's a red 4.

TL: Okay. Yes.

DS: Right at the bottom.

TL: Okay.

DS: That paragraph. Ms. Bunch found that this addition would "need" the required riparian setback. And I wasn't sure that made sense and wondered if you actually might have said it "meet".

JB: I said it would meet?

DS: I don't know.

JB: Let's go back and check that.

DS: What? Meet is correct? All right. Well then I propose we should correct it.

JD: I have a change also. The word above it, it says, "unserve Section 4.125 it should be "under" and it's like, on the line above that.

TL: Right.

DS: It's not a reference to AI?

JD: It's not.

TL: Okay. Any other changes to the September minutes? If not, I'll entertain a motion to accept the minutes of September 18th.

Dan Seifer moved and Virginia Birkby seconded to approve the amended/corrected minutes of September 18, 2013. Motion approved unanimously.

TL: Moving on to October minutes. Do we have any proposed changes to the minutes for the October minutes? No? If there are none, could I have a motion to accept them as they are?

Linda Lapp Murray moved and Dan Seifer seconded to approve the minutes of October. Motion approved unanimously.

TL: Okay. Now we go to the December meeting. Oh this one has been accepted already?

??: No.

TL: Oh, the October meeting was already accepted? Okay. All right. Any suggestions for alterations or amendments to the meeting of December 18th?

??: I just want to say it was a really long minutes and very well recorded because I wasn't there and I read through them and began to get a better idea of what happened at that meeting.

JB: Right. We asked our Staff Assistant, Clancie, to do those and she wasn't here so it's easier for her to do verbatim minutes just by listening and she can ????.

TL: Good.

??: Heavy duty meeting.

MM: I might have said this but I didn't mean to say it. I was the responsible for the local wetland inventory being adopted by the county. I was part of that process. If that's what I said, it's not what I meant.

TL: If I understand it these are off of the recorder?

JB: They are. They're verbatim minutes.

??: Yes.

TL: Okay. Do you want to offer a clarification on that point Mike?

MM: Um.

TL: Let it stand? Okay. Any other comments or changes to the minutes of December 18th? Let's have a vote then to accept as, as given.

Undistinguishable exchange and laughter.

Linda Eyerman moved and Mike Manzulli seconded to approve minutes of December 18th, 2013. Motion approved unanimously.

Work Session:

TL: Moving on. So this meeting is a work session ???? But, Ed, did you want to make some comment about the nature of this meeting first and then, before we get into, jump into the work session?

EW: Sure. Can I? And then I, before some of you were here, a couple asked a question, so I want to let everybody know the status of that if I may sir?

TL: Sure.

EW: Number one, someone asked me about the director's status and the county manager is advertising for the replacement of the Community Development Director. And that closes, I think, it's April 4th. And after that he will review the applications, how many he gets and the status of those that he gets and determine his next step whether that will be how the interview process will go. Even if you interview someone, there's times when we've looked for department heads and they do go on out a second time. So, just because this is happening doesn't necessarily mean that's the applicant pool that he's going to pick from. He may extend the deadline past that. So, the last I've heard, a couple of weeks ago, was he had like four applications in there. That's all he told me was that there were four. He will, I am going to leave the county the end of April and he will appoint Jennifer, I've done the paperwork. I don't know if he's signed it yet, but he will appoint Jennifer the Interim Director while he goes through that process, to work with him on that. And if you're

interested, he will appoint Michael Summers as the Interim. Michael is the County Engineer. Those of you that have gone to the Urban Renewal meetings, Michael's been down here for the last couple of those. And former Commissioner Birkby knows him.

DB: Nice guy too.

EW: So he will be, yeah, that's right. You can tell. That's right. He will be named the Interim Public Works Director. So we got that.

TL: I'm confused. Is Jennifer the Interim Director?

EW: Of Community Development.

TL: Oh. Okay.

EW Of Community Development and Michael will be the Public Works Interim Director. So it's going to have them split back the way they were before. One reason he did them, didn't have two interims when Hiller left was because I'd done it before.

TL: Okay.

EW: So we agreed to it.

JB: And he didn't have to pay anybody extra money.

EW: Yeah. So, we did that. Also, the last, I was told, which was last Thursday, the Board is going to invite you all to a workshop on April 9th, which is their morning meeting. That's when they are doing a lot of workshops now.

TL: This is the Board of Commissioners?

EW: Yes. Excuse me. The Board of Commissioners. And they will be discussing the things that former Commissioner Birkby, I don't like using that word former, but I do, when we had a discussion on Arch Cape a couple of months ago we talked about a park down here and urban renewal and

DB: Short term rentals.

EW: Pardon me?

DB: The short term rentals.

EW: The short term rentals. Right. Yep. And so they're ready to have that discussion again. And that meeting will be at 10:00 on April 9th. The Board will have a work session on that.

??: 10:00?

JB: Now, are they starting the regular meeting early?

EW: Yes.

JB: Okay. So that'll start at 9:00 and this is after the regular meeting.

EW: To my understanding. If the time is changed, we'll verify that because that's also

JB: Well you'll get an agenda.

EW: I'll get an agenda. You'll get an invite because that's volunteer recognition day also. And as committee volunteers you'll get a cookie and a glass of punch or

TL: Or a punch.

EW: So there's that. The other thing I wanted to talk to, just before the meeting starts, is the action that the Board of Commissioners took two weeks ago, a week and a half ago. And that was the Board of Commissioners decided to uphold the Planning Commission's recommendation on the Francis Group variance. I know that there's a lot of people in the community that are upset about that for various reasons, but I would like you all to know tonight that the staff wrote a staff report. We gave them the minutes that you approved tonight. We laid the facts on the table. We gave them their options of what they could do. There were four of them. And they chose the one that they chose, which was not to hear that. I would hope that even though we all probably had various feelings about that, that we can go through tonight's meeting on, through the work session on the wetlands and the safe harbor act in a way that is respectful and. Yep, I'll just leave it at respectful for that. And we're trying to work through it and work with you on it. We can't tell them what to do.

DS: There was a new staff report for the Board of Commissioners.

EW: Well, it's a

DS: One that was circulated I believe, it was a staff report for the planning commission meeting.

JD: I provided an agenda summary and it would be the same. Everything was the same as the Planning Commission materials that were attached to it.

JB: It's an agenda summary we prepare for every agenda item for the Board. It's not necessarily a staff report.

JD: Yeah. It just says

DS: I was just responding to what I thought I heard.

EW: No. Okay. So what happened was, at that meeting the Board decides what kind of hearing, if they're going to have a hearing, they're going to have. They don't hear the case, the variance itself. Okay. The only thing they decided was whether they would hear it or not. And that's what the staff report was.

DS: I thought you said the staff report gave four options.

JB: Uh huh,

EW: That it does because those are four options that the Board has to decide how they would set the next hearing.

JB: Actually it was the agenda summary that gave, outlined the options.

EW: Right.

DS: We didn't see that. That was,

JB: It's the bottom line one week before the meeting.

DS: Okay. But it wasn't circulated to us? Okay.

EW: They had four options. They could do what they did.

JB: They can confirm, they can do a de novo hearing which is a brand new hearing, they can do a hearing and cite specific issues they want to address, they can just review the record.

DS: Thank you.

VB: So they just, they decided not to hear it? They didn't hear it ???.

EW: That's right. They confirmed the Planning Commission's decision.

VB: Thank you.

EW: Yes. That's what they decided.

MM: Did they refund the appellants money?

JB: No. You only get a refund if you prevail.

MM: ???

JB: It's not refundable.

LE: I have a question, backing up one step to the hearing before the Planning Commission. You know, I was a little, I guess I'll just say it, put off by the fact that the staff filed a report to the Planning Commission that was advocating in favor of the applicant. And being against the decision of the Design Review Committee as opposed to presenting neutrally, you know, this was the staff's recommendation and this is what the design review did. And then allowing the applicant to advocate in his own favor.

EW: By law what we have to do, we've had many meetings with the Planning Commission and the Board and the staff with our attorney, legal counsel, as to what we are to do. That is, we've been through this very extensively especially when we were doing the LNG variance. If you can remember, some of you remember those hearings way back then. And what we have to do is, we put in the minutes and our report, and we attach verbatim you all's minutes and your recommendations. But then we have to write a staff report that's based on the code. What the applicant can do or what the applicant can't do. And can he get a variance? Yes. Done that before? Yes. No. Maybe. Whatever those things are. And I know that there's a lot of people that feel that they advocated for this but there's as many that we've had that we advocated against them in the past. Now they don't always happen here, but that's the way it goes. I mean, we advocated against, against them all the time. You can bring in four developers and three of them will tell you we've been against them.

LE: Well it's just very disconcerting to be on a committee that, you know, when you get no chance of your decision being upheld if the staff is writing a report saying how you're wrong. I just don't really understand that.

EW: What we have to do is say what the law allows and the gentleman does have the right to do that and there's a way that he can do it. And he went through that and he did make the changes that were necessary and there was, pointed out to the planning commission. That's, that's how the system works.

MM: There's a difference between presenting ordinances and being biased. There's ??? factor. That was something that the county created that wasn't even ???? . So I disagree, respectfully, with that. I don't think that was a very straightforward staff report. I also had a committee member approach me yesterday saying that he went to the planning department and Jennifer Bunch told him that, he was looking for a variance, trying to figure things out and said I'm going to come and see you in design review and they have to, and Jennifer literally told Jim, design review doesn't really matter. Their input is just, doesn't really matter.

JB: That's not true.

MM: Do you want me

JB: I've never said that.

MM: Well, let's put that on the record.

JB: Okay. That's fine.

EW: Let me have the man's name and I will call him and I will get to the bottom

MM: I will call him and have him call you because he, he did not give me permission to give you his name.

EW: Okay.

DS: But

EW: You know, this is not supposed to be

MM: Are we wasting our time Ed? It feels like we are.

EW: Well, I don't think you are. I think that um, I think that people, you can't win all the time. Nobody can. You know. Every, there's two people, two people can have two different opinions and what

MM: We're not trying to win.

EW: Well.

MM: We're trying to follow the law and see that's the difference.

EW: Well that's the difference Michael. Is you can interpret it one way. We have attorneys that interpret it some other way for us. That's why you guys have the jobs you have for that. And, when I'm saying, I mean, as an attorney, you know, and that we have to ????. And that's what we have. What I'm thinking is that it has become somewhat adversarial. I mean I saw it, I've only been here twice now in the last three months. And I saw it at the last meeting. You know, and I don't think it has to be that way. But I think it's got to be a mutual understanding of everyone as to how the system works. And how you work together.

MM: I don't think you're giving this group the credit that we don't have to ask how this works. I mean, we're very intelligent. I mean the crew here that really does understand the process and we're not trying to say, we're talking about that we feel like this is a biased report. That we're being, being put forth what, what we have, just by putting the minutes and then having arguments. Is it normal for a county to rebut all public testimony? I've never seen that before. That's what this county does. Every time a public comment comes in there's rebuttal. Is that, have you seen that in all the other county's? It just seems like there's a, the staff has a position that they're pushing on, especially on the wetland issue.

JB: When we receive public comment on something we do rebut it because we need to provide the decision maker with the facts. And if we have someone from the community

who says, cites a code, cites a law, then we need to rebut that and say whether or not that is the code or if that's how it's interpreted. And that's what we do.

TL: Yes Dan.

DS: I don't want to belabor this, we'll have plenty of opportunity when Jennifer or as soon as her interim shift, to have constructive discussions on this topic but I too was sorely disappointed by staff's insistence in, to us in drafting findings that staff so readily found to be unfounded in a staff report a couple of weeks later. And that troubled me a bit. That, not just that the applicant made some changes but that the very findings that staff helped this committee formulate were disregarded in the staff report. And if Jennifer is suggesting language in her role of supporting this committee's conclusions on a matter, I think it behooves her to say, now I want to tell you that in two weeks I'm going to write a staff report that says that this finding is poppycock. Because I don't think that was our understanding at the time that we were collaboratively writing stuff. If we needed

JB: I didn't write the other staff report.

DS: Somebody did. So it's, you know, there's a disconnect in at least my mind about the role of staff and I think it's a, with all due respect Ed, it's simplistic to say staff was just following the law in writing, you know, down their legal conclusions about what the ordinance required in terms of the application. Don't forget that in the Francis Capital uh matter that was reviewed here, we were laboring under an ordinance that mandated uh that the variance had to be the minimum necessary to permit the reasonable use of the land at the time when there was no safe harbor ordinance draft to guide us. That was a problem for everybody here. It was a problem for the applicant. It was a problem for us. So without, it isn't a question of whether we're winning or losing. We don't feel like we're on the same team as staff when we should be. And that is a fundamental issue that will fall to you as it has in the past and to your successor Ed. Because, you know, we're operating, to a certain extent at cross purposes. And we're supposed to be trying to do the same thing. So I'm, I've been discouraged by the Francis Capital matter because I don't think we've been marching to the same tune.

EW: Okay. I can appreciate that. I guess that's where we are tonight.

DS: Yes.

EW: We're ready to start working on the safe harbor act and start moving forward. I mean,

VB: I think you'll find us doing that with an open mind. Truly. To look at this.

JB: Okay. Well I guess I'll get started then. So what I've provided you is a memo outlining some of the requirements of the Safe Harbor Ordinance. The map showing the locally significant wetlands and those that are not identified as significant. A very early draft of a Safe Harbor Ordinance. Some excerpts out of the wetland planning guide and a model ordinance. I don't really have a presentation planned. I thought maybe we could just start

with a discussion. Go through what I've already drafted to see if I made it to fit our ordinance and how our ordinance is written.

So we can certainly go through, I'll go through these three bulleted items that I have on the front of the memo. Is that the Safe Harbor Ordinance will only apply to the significant wetlands identified in the local wetland inventory. And if you turn to page 29 and 30, there's a map and the ones that are green are the ones that are identified as locally significant in the local wetland inventory. The provisions of a safe harbor ordinance don't allow for setbacks to the wetlands and this includes the 50 foot setback that we have right now. So unless we can justify that setback under another goal other than Goal 5, which is where we're going with the Safe Harbor Ordinance. That's adopted under Goal 5. Unless we can justify that setback under Goal 6, Air, Water, Land Quality, Goal 7 Natural Hazards, you know, Goal 16 and 17, Estuary and Coastal Shorelands, we can't have a buffer on a safe harbor ordinance. And then, ??? setback does identify a 25 foot strip along the boundary of the local wetland inventory because that's the margin of error on the local wetland inventory, is 25 feet. So there is a, like a 25 foot strip along the safe harbor ordinance, local wetland inventory where if anyone proposed development within that 25 foot setback, they would be required to get a wetland delineation to establish the actual boundary of the wetland so we could determine where that is at.

DS: Or accept the 25 feet.

JB: Or stay 25 feet away. That is correct.

MM: Can I jump in? ????? (mumbling?)

JB: This is a work session.

MM: So ???

EW: Just for ??? testimony here.

MM: Okay. Thank you.

JB: So. Do you have a question?

DS: No. I thought we were turning to your draft.

JB: Yeah. We can go ahead and just start going through the draft or if you guys have questions so far.

MM: Before we get too far deep into this, I wanted to draw your attention to parts down below the wetland inventory, not the map you provided, it has the riparian corridors in it. I have a map here I brought.

JB: I do have it.

MM: There's riparian corridors, buffers around all of the significant wetlands with adjacent ???? creek. Shark Creek, Asberry Creek. And those require 50 foot setbacks through your safe harbor coordination of riparian ??? planning section 5c. safe harbor. So before we get too deep into this I don't want to say that we're not doing the setbacks. It looks like we're losing 50 foot setbacks on, beyond the significant, on the significant wetlands if they're not adjacent to creeks and that were not identified on the map. Which is a bit strange to have, which means is that our non-significant wetlands are isolated little pocket wetlands throughout the community. We'll have greater protections in our significant wetlands that are not on a creek. So that's ???. So, I appreciate the ordinance you put together. I think it's a great start. But I think we probably need to, I just wanted to make everyone aware that I don't think it could go through Goal 5. ?? to the setbacks.

JB: Well I would like you to show me how to do that because I'm not, I can't see, I've gone through the comp plan on how we could justify that.

MM: On the sheet you provided us. 4.5 Safe Harbor ????. C. is indicated here. If you flip to the other side, 4.5.1.

Several people talking.

JB: Yeah. That's for riparian safe harbor.

MM: Yes.

JB: And we were instructed by the board to adopt for the local wetland inventory. For the wetlands, not for the riparian corridors.

MM: That's not what the motion by the board says. It says the local wetland inventory which contains the riparian.

JB: Well then we may need to go back to the board for clarification because that's not my understanding. But I mean we can still discuss it.

MM: The board said, the board approved on April 24th ,4-1 vote, motion to move forward with the local wetland inventory overlay. Part of the overlay is the riparian buffers established in the local wetland inventory. Because adoption is not ???? thing. So, once again, I'm just frustrated that it's a constant, so much work to get to the level we should be starting at. We should be starting at this level. Constant work to get to the ??? presented to us. I mean, I'm sorry. I've been doing this process for two years now and I ??? so, if, the way it's written here it makes no sense. The community never wanted to reduce their wetland protections. So, the way it's drafted currently reduces wetland protections. That's not what was presented to the Planning Commission by you. It's not what was planned to the Board of Commissioners by you. You never talked about reducing our protections.

JB: Okay. Well what we presented was a safe harbor ordinance. And that, that's what we were instructed to adopt. We were instructed to adopt the local wetland inventory which is used by the Department of State Lands which is not, does not include the riparian corridors. There was no discussion in those meetings about riparian corridors. So that's why nothings been prepared for that.

MM: We're adopting the local, we submitted the wetland inventory. It's part of the inventory. He talks about it throughout the inventory. You look at Section 9 of the inventory.

JB: Well I know. I do understand that. I do.

?? So Jennifer.

JB: But that was not staff's understanding of the instructions. So, I mean we adopted, were instructed to adopt a safe harbor ordinance for the local wetlands. Not, there was no discussion on riparian corridors.

MM: We can go back and listen to the minutes or read them here that the vote, as I read it was to adopt the local wetland overlay and it never said the riparian not be part of that.

JB: Well I'll certainly go back and revisit the minutes.

TL: How, would it change, how would you change it to include the riparian right of way or whatever you call it.

MM: It's part of what was presented by Pacific County Tax Services includes the ???? county in my opinion, felt that they approved, they were trying to approve our local wetland inventory and local wetland inventory has that. Just as Mexico Beach wetland has a significant marsh which also has a 50 foot setback as well which is not addressed in this either. So, um,

TL: Is this intended to cover Cove Beach as well?

JB: Yes.

VB: So, I have a question about what would be the first opportunity to clarify that with the Board of Directors and would that be on, would that be able to happen before the next step, which is, I imagine, for the Board of Directors to take action on this proposal?

TL: In answer to the question, how, what would be the procedure to respond to these issues both the riparian right of way and the marsh? Are those your two primary issues, Mike?

MM: I've got ???. Those are the two primary, yeah. But the key, the key really is the community, this community, the Planning Commission when they voted and the Board of Commissioners never voted to reduce our protections. So if we're now coming out and saying the safe harbor reduces our protections, that goes against what all the

commissions voted on and what the community wanted. We didn't want to increase protection necessarily. That's why we didn't go for the zone change. We did not want to reduce protections. So that would reduce protections and it flies in the face of what all the votes were. So.

EW: Let's just start, let's list our issues.

VB: Well, I had a question. And it hasn't been answered.

DS: What's the procedure?

TL: Right.

VB: What's the procedure that would allow this to be clarified and would that, is it possible for that to happen in time for the board not to receive this for approval until that's clarified.

JB: We're at the beginning of a very long process of many work sessions and public meetings, so it's not

VB: So what would be the

JB: going to the board any time soon.

VB: So that answers half of my question. Then my other, the other half was what would be the first opportunity to clarify that with the board and/or the planning commission?

JB: Well I think I'll go back and I'll review the audios of the meetings and review the minutes and all the documents that were presented to the planning commission and the board. I'll start there and discuss it with Mr. Somers.

VB: Okay.

TL: Yes.

DS: It would be helpful to me, having only been on this committee for a year or two, to have staff's understanding of the, in a nutshell, of the history of the 50 foot riparian setback that's in the ordinance presently. Where that came from? Was it, if there's any legislative history that supported it at the time and, you know, what the chronology was.

JB: It's interesting that you should ask that because I actually researched that in preparation for this meeting. And that with Ordinance 10-01 which was mostly worked on by Mike Weston before he left to go work at the Port of Astoria, the setback was changed from 35 feet like it is everywhere else in the county, to 50 feet. I reviewed all of the meeting minutes. Reviewed documents. Could not find any kind of findings or justification why that was increased to 50 feet. It just, in the text amendments that were proposed, it was changed to 50 feet.

DS: When was that?

JB: This was in 2010, 2011.

DS: It was changed from 35 to 50

JB: To 50 feet. And I can't

DS: In 2010?

JB: Yeah. With Ordinance 10-01.

MM: According to the minutes of May 9th 2013, Clatsop County Board of Commissioners work session, Peter Huhtala asked Bunch the same question and at that time Jennifer Bunch said, Bunch said the 50 foot setback was an Arch Cape preference during development and community plan in 1978 and 1979. Bunch said the setback in Cove Beach of 35 feet ??? and all other residential ?? areas. So you have a contradiction there.

JB: Well, I just looked up the ordinance and I saw it was adopted with 10-01.

Several people talking.

??: Take Dan's question and assume it's 35 feet. What's the understanding? I mean,

JB: Well it's a setback to aquatic vegetation.

??: Right.

JB: Okay. That's what it's designed to be is a setback to aquatic vegetation and the county has interpreted that as a setback to wetlands. So from the edge of the wetland and where the upland begins.

??: And the source of that is?

JB: Well actually I found the source of that in Goals 16 and 17 which are estuary and coastal shorelands. Which is actually interesting because most of the wetlands in this area don't fall under those goals.

MM: If you look at a stream that's the size of the streams we have in Arch Cape, the state recommends 50 foot setbacks from those. So if you look at wetlands that are adjacent to the streams, the way Arch Cape was probably looking at them at that time, not looking at those little tiny wetlands that were around. Arch Cape in the 70's was probably looking at wetlands that were adjacent to the stream like the big one where the Francis Capital application was. That's a 50 foot setback. That's what, it incorporates the wetlands into those sometimes

JB: We have a separate setback to streams or riparian setback to the streams and water bodies. So we have separate riparian standards and those are 50 feet.

TL: And that's 50 feet also right?

JB: Yes.

DS: I had thought when we had the Francis Capital meeting that, and maybe I'm mixing that up with another meeting, that Bob Cerrelli was here and said where did this 50 foot come from and was talking about putting a downstairs room on his house and this was all new stuff and then staff was quite adamant that the 50 foot wetland setback had been around since the 70's.

JB: Well, I remember Mr. Cerrelli's question and I don't recall saying it had been since the 70's. That it had been for some time.

MM: It's probably in the minutes as well.

??: It's in the minutes.

MM: So, you know, there's a lot of convenient memory going on here and it's.

??: Mike I don't have

JB: Mike I don't understand what your point is.

MM: My point is you're flip flopping around and the fact is it's been there since the 70's and now you're saying it's brand new. We need to get some clarity here and it's just I'm so frustrated.

JB: Well I can show, you can come in the office and I can show you copies of our code where it was 35 feet.

MM: I have copies of your code. I went on line and researched everything

JB: Okay.

MM: And this document, once again, is, is, is, it, it it's junk.

JB: Well, what I did is I took the model code, which is the code that's approved by the state and put it into our format. That's all I did.

MM: Well you didn't put it into the format of what we actually have on the ground which the county agreed to adopt this local wetland inventory which is ???? so.

EW: That's what we're going to go back and check. I got that on my list. ??? I'll find out what that is.

TL: Let's try to get a way through this. Right now we're kind of going in circles. Yeah. Tell us the process by which we can get this resolved at least to make it clear that we're compliant with the intent of the Planning Commission and the Board of Commissioners.

JB: I think I identified that. We could go back and review the audio and the meeting minutes and the materials provided to both the Planning Commission and the Board. And put that together and then we'll visit with Mr. Somers and discuss a way to move on that. If there's some discrepancy in what the recommendation or the instructions from the board were and then I'll let Mr. Somers decide whether or not we need to take that back to the Board and get clarification on our instructions.

TL: Would that satisfy you Mike?

MM: It's a first step. Sure, but sure. I mean this, but it goes much deeper than that. It's what was, the whole process being ??? I mean, the whole process never ???

TL: But let's now try to move forward and this would be a way to move forward.

EW: So here's what I'm going to suggest, with 18 days left.

TL: 18 days left before what?

??: Before he leaves.

TL: Oh. I see.

EW: It's, let's just take the example, what did the PC and the Board approve? That's going to be an issue. We're going to go back and we're going to read the minutes. We're going to listen to the audio. We're going to do whatever we need to do for each of these issues. And we're going to write down the issue and then in a different color, we're going to give a response. What we found out. You know, the next thing is going to be the history of the 50 foot setback. When was the ordinance adopted, you know, we'll give a little bit of a chronological order for that. And then for any of the other issues that we're coming up with. And then we'll bring those back. This one, you know, we were not given a time table on this. I wasn't involved in it at the time but I remember this meeting, sitting there. And there was no time table because of the staffs work load and everything. It was ???. I mean, so we're in real, we're in a hurry but we're not in a big hurry. So I think we can take our time. Get these questions answered and then come back, talk about it, get something that you all like, that staff thinks that the state will approve, that the planning commission will go through. Have a planning commission workshop on it. Now I attended a planning commission meeting, I don't know how long ago, it was a work session because we were talking about the transportation plan too. And we did some, and the planning commission was going through some of the wetlands.

JB: That was Hiller and my work session with the Planning Commission.

EW: On this?

JB: Uh huh.

EW: And we do this, my recommendation is we do the same thing. Get their buy in. Remember, what we do is we can bring your messages, hopefully in mutual understandable way Mike. And then we would take those and you all come to the planning commission meeting and make your recommendations to them. And then it goes from there. ??? you know, it's like all we can do is suggest to you all what you do and make a recommendation, you make a recommendation to the planning commission. The planning commission then takes it forward.

MM: Then staff then rebut our position and

EW: If there's a legal issue.

MM: So I need to get away from this whole thing. I need to come together with

EW: And that's what I'm saying. That's what I'm trying to get. Is by the time we get there we've hashed it out down here around this table and what we take to the planning commission is, we take to the planning commission.

MM: You say we?

EW: We. Whoever's sitting at this table.

MM: Staff and the design review.

TL: Okay. Virginia.

VB: Another thing I'd appreciate you making note of is, is just I think it's great that there's going to be adequate discussion to solve it. That it not go on with that burden for another year. Now that there, I think we were tripped up on the Francis Capital because of not having this and so you appreciate that I would like you to note that we need the way not, you know, trudging forward and reaching resolution on this and not setting it aside again.

JB: Well, I think, and I'm going to direct this to Mike, because there seems to be there's a problem here is if what the committee recommends and staff believes that's in line with what the law provides for a safe harbor ordinance, we will readily recommend that to the Planning Commission and to the Board of Commissioners. If the recommendation of the committee, if we don't believe conforms with the law for the safe harbor ordinance, then we're not doing our job if we don't point that out. But if we, if we can be sure, and

involved counsel on that, and make sure that we all believe that it follows the law, then we will be the first ones to recommend approval of something.

TL: Okay. May I step in just for a moment. I think that that's good, except for I want to go back to Dan's point which is, please tell us if you think that we're not following the law. When we discuss these things, let us know what your decision is so that we don't go up there and find, what's going on here? We, I felt we agreed on this and now it's going the other way. It's just a matter of clarity and basically honesty. Just.

JB: Well, I mean if you're referring back to the Francis Capital matter.

TL: Yes.

JB: Well, the proposal changed from the time that the plan, that this Board heard that and the proposal changed. And that's what staff's recommendation was made on the change of the proposal. So that's why there's a difference.

TL: That's another issue point. Why didn't that come back.

MM: Right.

TL: So okay. Let's, Dan?

DS: Can I get back to this draft safe harbor thing

TL: Yes.

DS: before we, you know, wander away. You know, what the law is, is not always evident from the model ordinance or from guidelines that the state agencies publish. You know, the nomenclature guidelines in model ordinances imply some flexibility. So the, the, you know, the fact that the model ordinance says one thing and our ordinance, our existing ordinance say another isn't an irreconcilable conflict in the law. So if, the staff needs to understand that what the law is, is not necessarily determined simply by the wording of a model ordinance. It may be or it may not be. Um. Clearly in the materials you gave us, there is a contemplation that this, that a riparian setback is not to be compromised by an intervening wetland. And the paragraph that we've been discussing represents a philosophy that, you know, the wetlands of the worlds are of two kinds. The one are those that are within a riparian environment, to use the phrase here, and those that are not. So where we have a river, a lake, or a stream that is influencing the wetlands historically, it deserves under the model ordinance and under the policies, different protection in context of a buffer. And, and the wetland, the aqua buffer is appropriate to be extended through the wetland according to this discussion.

JB: I understand that.

DS: I don't have Mike's map and so I'm not sure

MM: I have it right here.

DS: you know, what it shows or doesn't show to the riparian environment but just being, you know, a guy who occasionally takes a walk on Shingle Mill Lane, it's evident to me from looking at this map that you have Arch Cape Creek historically, this is all the flood land of Arch Cape Creek. And the fact that people have developed a road with residents on each side through the center of the wetland doesn't change the fact that the wetland, that is north of that road, is historically a creature of Arch Cape Creek. So, that would be a wetland that if I understood this thing correctly, would appropriately receive the 50 foot riparian buffer extended through it. Even though somebody built a road through the middle of it. Now, you know, those are matters of philosophy not law. But at some point, those discussions need to be hashed out between community, this committee, staff, and the county commissioners if we're going to solve the riddle of, you know, what the buffer means or doesn't mean in a riparian environment. So, as I say, I don't know how your

MM: Jennifer, do you, I would, I would love for us to bury the hatchet, whatever, and move forward. That would be great. I'm capable of doing it.

JB: I'm very capable of doing that Mike.

MM: So good.

JB: This is a starting point.

MM: Do we have, I got you. I hear you. If it wasn't for, you know, the history that we've been going through.

Several people talking.

MM: I'm just saying. It wouldn't have, I get it. Thank you, thank you Chair. That's why we re-elected you.

TL: All right.

MM: Do we have a map? If anything gets talked about today this seems to be what we should be talking about.

TL: Yeah. Go for it.

MM: Do we have this map that lists the, it lists them by number. So it has each watershed kind of assigned a number.

JB: I'm not sure if I have that in here. Print it off.

MM: So, as Dan was saying,

JB: Do you remember what page it was?

JD: It's right close to the beginning. It's like 5 or 6 in.

MM: It's called Sheet 5 of 6 on the wetland inventory.

JD: There it is.

MM: So the wetland 16, I hope you guys can see this.

JB: Are you on 5 of 6?

MM: Sheet 5 of 6. 16 is the wetland to the south of Arch Cape Creek that you can't get to unless you cross the river, cross the creek. 13 is where the Francis Capital application exists. That's across from the Fire Hall. That's 13. 12 is across the highway. 14 is a tiny little one right along someone's back yard. That wetland ??? is the most significant wetland complex in south count. It's identified as being within the riparian buffer, boundary, corridor, there's a lot of names for the same thing on the local wetland inventory.

DS: Where? That's what I'm asking you.

MM: The local wetland inventory also has 70 pages of written documents.

??: Right.

MM: So it has the determinations of significant riparian quarter section 9. We should all probably get a copy of this. And on page 8 talks about them. And there's another, look here it's not too small if you pull it up online, ??? says significant riparian buffer. So all these, if you look really closely are outlined in yellow. It's a lot more visible on your map.

JB: Yeah. You can ???

MM: If you pull it up online it's totally legible. However the wetlands that go up here, in the middle of town, are not riparian. They're isolated. There's no fish bearing streams connected with them. They're, they were at some point fish bearing streams there. Fish bearing means a lot in ???? If it doesn't have fish you don't necessarily have the same protections. So even if it's, a creek comes in there, if it's not fish bearing.

DS: But my question was, if a, inventory that the county has adopted differentiates between those that are in a riparian environment and those that are not. So,

MM: Correct.

DS: we're not asking staff to make any determinations

MM: Correct.

DS: other than to read the inventory? Correct?

MM: Correct.

DS: Okay.

MM: I was just trying to

JB: Well the interesting thing is, is we can, I can go back and look and certainly if that's the case, we have already in our code 50 foot riparian buffers.

MM: Yes.

JB: So, we can justify that setback under that.

MM: Excellent. That's fantastic news. So, when we got the ???, it seemed, it sounded like it was kind of like it was in this or not that. That's great news. Um, however, the whole problems going to be, is for this wetland complex in here. If we apply the old 50 foot setback, which I'm not sure how that jives with the safe harbor ordinance, you got a kind of left in the dark a little bit because they don't get the riparian ???. They do get the whole 50 foot setback.

JB: 50 foot. Right.

MM: But I, yes.

TL: Did you

DS: What she gave us

MM: Yes.

DS: because further down in the third paragraph in that discussion it specifically references the administrative rule which states that when a significant wetland is fully or partially within a setback boundary from the riparian setback boundary

JB: Uh huh.

DS: It must be protected by inclusion within the riparian setback as measured from the upland edge of the wetland.

JB: Uh huh.

DS: So the, the safe harbor ordinance contemplates that where you have a wetland, a significant wetland that is associated with a riparian environment, the riparian setback, not the wetland setback, but the riparian setback measures from the upland edge of the wetland, not from the riparian stream itself. So, that contemplates exactly what you're talking about. A protection. You know, the only issue is whether we get this read by somebody 100 years from now ??? (coughing – can't hear).

JB: Well, I mean this is exactly why we're having this discussion. Because those are connected to riparian areas then we have our riparian setbacks, which are based on Goal 6 which is Air, Water and Land Quality. And safe harbor provisions say we can justify a setback if it's under another goal. So that's why we have this discussion.

MM: So this is encouraging and promising. I did speak to ODF about you and they would love to, you know, do fish surveys and what not if requested by the county. However, um, that, you know, takes a long time and the fact that it's rated, listed as a riparian area. It might be important for somebody to isolate the ones that are in the riparian area to be looked at. Um. That's good. So, we need to draft a document to reflect this I guess is the point. I do want to say one thing, is that the local wetland inventory being adopted was what the committee really wanted. It's really just in the fact that the safe harbor ordinance came on as part of that. Deschutes County, I was trying to see other places that did it and you, Deschutes County is one of the few counties that's adopted local wetland inventories because normally cities do it. They're required to. Deschutes County did it and they were able to finesse not even going through the safe harbor ordinance. They had 100 foot setbacks to their wetlands to begin with and uh, conditional use for any development in those wetland setbacks and the state gave them the green light just to adopt the maps and leave everything the same. It seems like we didn't get that green light, however, we do have 50 foot setbacks which are better than most places. And so, and we do have a variance procedure. We do have a variance down in Arch Cape, clearly . So, if there's a way to simplify everybody's life as we go through this and just adopt these maps into the comp plan, I know we've talked about this in the past, but adopt these maps into the comp plan, and leave everything as is and not ??? in the county and design review with reworking the whole, you know, I think that Deschutes did.

JB: Well, I'll look at Deschutes. I did look at their ordinance when we were going through this before the Planning Commission and Board. And then the instruction I got from DLCD and county counsel was, if we adopt the maps, we have to adopt either an ESEE process or the safe harbor ordinance. We just can't adopt the maps and that's what I was told by the state and by county counsel.

MM: And it might be because they had conditional use where we

JB: So, but I'll look at Deschutes's ordinance and see what it is and maybe give them a call and get a copy of their file and see how they did that.

MM: His name is either Peter Gutowsky, he's the head of their planning. He was very informative.

JB: Okay.

TL: Okay. So let's, let's

LE: I have a question.

TL: Yes.

LE: To Jennifer I guess. Is there a way that the document that the county ends up with can address both the riparian and the wetlands issues together so that we're not having to look two different places and they have what a maps shows, because honestly I, you know, I'm not really trained in this area. I read this and to me this wiped out everything. I just said, why did we even have that last meeting? There's no setbacks any more. And, you know, you seem to understand the distinction that Mike is drawing and Mike understands it but it seems like the goal ought to be adopting the, you know, says which are which. And then gives the rules for each.

JB: No. I understand what you're saying. It should. Yes.

TL: Dan.

DS: Is, well and I, to respond to your question. I believe that the draft that was presented to us doesn't preserve the setbacks that we were talking about. So I think that needs to be changed

??: I guess I didn't read all of the fine print. I thought I did.

DS: to be more consistant with the, I mean, you know, what staff haddrafted didn't address what we've been discussing. The guidelines. This clearly is perhaps ??? As a, I believe maker of the motion that this committee request that the planning commission and perhaps the county commissioners adopt the local wetlands inventory. I think that this committee should convey the, the, a sense to staff that in doing so we believed the community expected the 50 foot wetlands setback to be maintained and not compromised. I believe that's the sense of the community. I don't think it needs a motion. But I think it needs the consensus of this committee that that's what we thought we were recommending a year ago. Is that

JB: Well we can't have motions in a work session.

DS: Yes. It's not a

JB: But if that's the consensus. I can see nods of heads.

TL: Yeah. That would be my feeling.

JB: Then, then that's going to be reflected in the minutes. So, a nod of heads reflected in the minutes.

??: Is this a ???. I thought it was saying if you got a delineation done you could build right up to the edge of the wetland. And the 25 feet sure sounded different than 50. I thought maybe we wouldn't even have the argument over Francis Capital as strongly for needing this, but ????

TL: Okay. Well I think that is a pretty clear reading of our, of our decision, the committee members decision was. Do we uh, how do you want to proceed with the rest of this discussion on this?

JB: Well, we can keep talking. Or if you want to be done we can certainly, you've given us things to work on for next time. I don't know if we'll be able to come back next month with more. Maybe two months from now. Just depending on work load in the office. So, um, but definitely we have some things we need to look into and address and I'll contact Deschutes County.

MM: On a similar note. The, I guess basically I can't speak for the community on this one. I never wanted to see our rules get weakened, watered down by this. So if I had my way it would be stronger protections but I knew that wasn't going to happen so we went for the good middle ground. So it also cuts into the variance language as well. The variance, and I don't know how we're going to ??? this with the variance language got rid of the unique factor. That's as, as proposed right here. So, I would think that Arch Cape's variance language, if legal, and allowed in our state planning ordinance should remain the same and not be changed. So, because I know that this committee before I was on it, worked hard to keep the variance language strong.

JB: That's right.

MM: So currently I was reading how the variance language would be here.

JB: Like I said, I pulled it in from the example. I know the City of Gearhart, when they adopted their safe harbor ordinance, they just refer back to their standard variance procedure and we can certainly do that as long as it contains components identified in there which the Arch Cape variance does.

MM: I would ???

JB: I mean

MM: That would be a great way to end this. I'd like to hear other people.

??: I wanted to support that.

JB: I mean, we can simply refer back to

??: I understand why you didn't put it in but I really support it staying.

JB: And I also want to point out that I've written this so that it can also apply to other areas. So if we have another area, in the county, you know, maybe in Knappa or somewhere like that. If they do a local wetland inventory that we can apply this there. So you'll see some references to our standard variance section or non-conforming section and also the Arch Cape section, whichever applies. I mean, so I'm trying to write this so we won't have to go in and change it if somebody else does a local wetland inventory.

??: That's perfect.

Discussion in the background.

TL: Okay. I'm looking for direction from the committee about whether we conclude this discussion now at this point and let Jennifer get back to us with the response to these issues or we continue to discuss in detail the elements of this proposal. What do you think?

VB: I guess I'd like to know if there was anything else that you wanted to make sure that we made note of or Mike wants to

JB: I don't thinks so. You know, if you keep looking at this you can always email me and if you think of something later on. Just send me an email. I mean.

JB: Well.

Several people speaking.

MM: I don't want to get into this.

JB: I can tell you what counsel has advised us. So, I'm not going to tell you what to do.

??: What has county counsel advised you?

JB: That it, this can be considered a public meeting if you communicate electronically. And public meetings need to be noticed. And the public, public needs the opportunity to participate.

TL: Okay. So actually what you said is not right. We should not be using your own email.

JB: So what you could do is. One of you has some comments, you can send them to me. And then what I can do is say, I've received these comments from Virginia. And if, then we could, let staff disperse the comments.

TL: Oh, I see.

JB: And that way we'll ensure Virginia's shared these thoughts with me and I can send it out to everyone.

TL: All right.

JB: That's

DS: I have two little nits that are in here. In this draft ordinance.

JB: Which page are you on?

DS: Page 2 of the draft ordinance, page 32 of your packet.

JB: Okay.

DS: 8 appears to be entirely out of place in the number itself.

JB: Oh. It is isn't it? It shouldn't even be there.

DS: And 9 should be 8 and all that. ???

JB: That will get changed anyway so.

DS: That's all right. And secondly, under the, on the next page. Section 4.530 Prohibited Uses 1., Placement of New Structures or Impervious Surfaces. We should make clear that this will include decks, even though they may be less than 30 inches, should we not?

JB: Well, the prohibiting uses would be actually within the wetland. And so those uses are prohibited unless you obtain a variance. So that would all be decided with a variance. So unless they have a variance they're not going to be doing anything. Not even a deck.

DS: Well, we just want to make sure of that. Because last time we had a discussion about decks there was some

JB: Okay. We can add, including decks. Okay?

MM: What's the def, I guess we need a definition of structure.

DS: I thought, I think that you and I both thought that that was pretty, you know, easily defined term.

JB: How about, including decks and patios. Because a patio is what a deck, if you have a 30, a 29 inch deck

MM: It's called a patio.

JB: it's called patio. So if you write decks and patios then you'll cover it.

DS: Okay. Thank you. That will take care of a couple of things that were on my mind.

JD: There is a definition of structure in our ordinance too.

JB: Yeah. We have it. We have structure.

DS: Well as I said, in the discussion on Francis Capital we found out that structures didn't include decks under 30 inches.

MM: Is anyone interested in forming a sub-committee to work on this. I know that not everyone's going to want to work on this.

EW: I'm snickering because Debra and I were just talking about that. The same thing.

MM: You were talking so loud. Maybe I heard you.

EW: Because there's some rules that you got to follow and stuff like that.

MM: ??

EW: Well no.

JB: It's definitely a public meeting.

EW: Here's what we can do. Here's what I want to propose. To get some of the community perspective and some of the ideas that most of you have probably talked about. You go back and forth. I want to hear about that. That we set up a group such as just Jennifer and I and Michael and Debra, just to sit down and talk about some of these things. We want a 50 foot setback. We want structures to include patios and decks. We want X, Y and Z. Okay. And then what we can do as a staff, is we can come back and red line and start working on something like that and bring it back so that it hopefully, and give it back to you or whoever's on this little subcommittee to work on it and make sure that we do have the correct thoughts and issues down on that. So that when we bring it back as a staff to this group that, yeah, this is what our little group talked about and were thinking about. There's no decisions made. It's just, here's what we thought we heard from the group whether it's a 50 foot setback or whatever the case may be. So that we can move it forward and that will help us being able to move it forward step by step and keep you all informed step by step, with what's going on in the community. Because I'm thinking and I don't want to bet my life on it, but that probably the three of us as staff people were not really involved with that part of it. It was probably done a couple years ago when Duane Coles and Michael Weston came down for a few meetings when they were talking about this ordinance and things like that at that time. So, this will give us that perspective so that, and I think it'll help build a relationship then. It's not the design review committee

against the staff but that we've taken what we've heard from whoever's on this group and said, this is what the community wants. How does it fit in? Yes we can make this fit in. We can run it by our attorney. If we have a question and if we think there's a red flag we can do that. And then we can bring it back and say, hey, we can does or we can't do that. And kind of move it forward. But we don't, just because that little group is working on it, they'll make no decisions. It comes back to this group for discussion.

TL: How does that's sound?

??: It's a good idea.

TL: Who would like to serve on that besides Mike? We want just one rep from our committee?

DB: I think John Mersereau might be a good person to get involved in it because he's been very involved in all components along the way.

??: Yes.

MM: And John's

JB: Do you have somebody maybe from Cove Beach so we can get representation from both ends?

??: Charles.

??: Charles.

??: Charles.

??: But I'd also like to ask if there's any other people that have been involved along the way that I wouldn't describe as kind of radical.

MM: Yeah. In the water district, in the water and sewer district has the potential. They were one of the big founders of this. They paid some cash to do this back in the day. The water district

VB: Well Debra sits on the water

EW: I'm thinking a small group too so that we can

MM: I'm just saying, the water district and the community club chipped in for this local wetland inventory and the watershed counsel. So you already got the watershed counsel.

EW: Okay. So what about the lady that's sitting behind you that's now a community member?

??: She's on the water board.

MM: She's retired.

??: She sits on the water board. Are you saying that you would be, would you do that?

EW: she could make us ???

DB: whatever you're talking about, that's why I put John's name out there.

EW: Okay. He's not on the water board?

JB: John Merseraeu.

EW: He's not on the board?

Several people talking.

DS: John is interested in this issue. Fortunately it's a work session so I didn't have to disclose that he called me last night to find out the status because he couldn't be here tonight so, he's interested in the issue and if we want somebody from off the committee, John would be excellent.

EW: How about we start with Mike and John and then Jennifer. We have a meeting within 18 days. Hopefully we can get it off to a start and then we can pick up and carry it ?? I would be willing to make sure that happened.

MM: I have no trouble going to Astoria and trying to convince you on this.

EW: We can come this way.

JB: We can always meet in the middle and have coffee and ???

MM: That would be nice.

EW: Yeah.

TL: Okay. Do we need a motion for this?

JB: No. No motions. Work session.

TL: All right.

??: Are you going to call Jennifer?

JB: I can tomorrow when I get to work.

MM: I don't want to seem like I'm ????

EW: You call him first and let Jennifer know you've talked to him and send him a note. We'll get a hold of him and Mike and set up, when we can set up a time, a place to get together in the next couple of weeks.

MM: Fabulous.

TL: Okay. That's a good proposal.

MM: And it will take some pressure off ??? and people don't necessarily want to go through it with a fine tooth comb.

TL: And the only direction is that we would, we stay with the a, the middle of the road that you were talking about. We don't try to make things more stringent nor less stringent.

MM: No. That's what ??, I mean, the zone change didn't happen. We didn't, it wasn't supposed to become more stringent. This is really to make it more clear, you know, and I think, I mean, I really want to, personally I really want to see language, if it's allowed by the safe harbor ordinance, so when Jennifer's not working here anymore and we're not here anymore, that there's guidance for people that buy their land and they know what they're getting themselves into and they understand the process so we don't have to take permits back and deal with, it's just to really make this clear. Developers

JB: I think it's important too is, and I try and do this now when I'm writing staff reports that have to do with code is really making clear what the intent is. So in 10 years from now when we're all gone and somebody else is like, I wonder what they meant by that? They can pull that ordinance out and look at that report and say, this is what they meant. And so, not just making the land use clear but also when you go through and you have a staff report when you're adopting it and making it very clear within that staff report what the intent is. It's helpful too because we run across that every day of stuff that was adopted, what do they mean by this? We don't know what that means.

TL: Okay. I think we've come to the point to close discussion on this matter. Is that agreed?

??: Yes.

TL: All right. Do we need a motion to close this portion?

JB: No.

EW: No Motion.

TL: All right. So, let's see. Let's look at the uh, Other Business is where we are. Item number 7 on the agenda. Have an open discussion. You pretty much all leave me so I don't know if

you want to have an open discussion. Are there any other items to be discussed? Yes, Dan.

DS: Virginia sent out an ?? to all of us a month ago listing six items that she wanted to be on the agenda of the next meeting. Some of which we've discussed and some of which we haven't and I added a couple of my own. And I don't know if everybody's tired and wants to go home or whether we want to start talking about some of this stuff? But I, I think at some point that this committee needs to address the ramifications of the short term rental ordinance and where that's going. And the county has kind of made some direction changes. And so I'm not quite sure what they view as being the status of that and whether it deserves further discussion, but I think we do. And what I want to talk about is whether or not we have an interest, I won't say a jurisdiction but an interest in making some recommendations to the county about how they spend the money that they get. About increasing the amount of that tax and about how they might spend the money that they get on the increase. Virginia's list included things like the tree cutting ordinance and the sign ordinance and, you know, all of which are topics that may or may not be on our agenda at some point in time but

VB: So the response at that time was that staff and legal counsel were on, planning on getting together with us to talk about those and some other items that they had on their mind. And so I would just ask if there's any sense of when that meeting might be encouraged.

JB: Well actually, your list and the items you added were forwarded to the county manager for consideration to put on the agenda for that April 9th meeting. That work session we're having coming up with the Board of Commissioners.

TL: Does that mean they'll be on the agenda?

JB: I can't answer that. I'm not setting the agenda. But he did ask for the list and I did send it to him. To Mr. Somers. So,

DS: Well if the County Commissioner's might discuss those issues in a work session, I think this group ought to discuss them at a work session first because I, you know, just think that if we have a point of view, that we need to know what it is before the commissioner's tell us what it is. They can tell us they don't like our point of view but I think we ought to decide whether or not we have a point of view.

VB: I, I very much appreciate him asking what things that we have an interest in clarifying. But I too think that it would be premature for us to go to a work session at the county commissioners and have those items be on the agenda without us having discussed it and gotten the information that we've been seeking. For one we don't have any standing or voice at those meetings. And so it could be that the commissioners would discuss it and we sit there and listen. And I really like the description that I believe you gave me, that was that staff and legal counsel is planning on coming down on talking with us. One of the problems of course for some of us, with that 10:00 meeting is that our regular meetings are in the evening to allow those of us who work to attend. And that wouldn't perhaps be

EW: We just need some lead time if you, you know, if we're not going to have a meeting next month. And, we say tonight we are going to have that meeting, what are we going to talk about? So that we don't, off of your list. Tell us so we can, we, I don't want to go work on the tree ordinance if more important is the sign ordinance.

JB: Well, and right now we're pretty tight on staff time. Because we don't have a director who is also a hands on planner, which is what they're going to hire. So right now it's just Julia and I. And so if we can see in two or three weeks, we both have evening meetings, and we are not, we cannot do overtime. We are told we cannot do overtime. Then we have to cancel a meeting. And that's what happened. And so hopefully when we get a director on board then that's going to all shake out and we'll be able to make sure we have those meetings.

VB: The reason I want to bring, the reason I want to speak to this. I'm a little worried about some of these issues on the list going to the board of directors without anyone except me, who put it on the list, having a, any understanding of what's behind it. What it means.

EW: Okay.

??: I seem to remember that we tabled the short term rentals. Did we ever un-table it? I mean why is it going to the board of commissioners? We haven't done anything with that issue.

EW: Because the board

JB: For clarification.

DS: The simple fact of the matter is that we're not in a position to tell the board of county commissioners what they can and can't talk about.

??: Right.

DS: We've just been told that at 10:00 in the morning on April 9th they're going to talk about the park, the urban renewal issue and the short term rental issue. And I think that it would be an abomination if this group had never discussed those three issues so that we had some sense of what our point of view or recommendations or requests or responses or anything else might be to this work session that we're being invited to.

EW: All right. Let me just, we've, we wanted to have here three times for Arch Cape meetings on urban renewal that we had 30 some people to. Correct? You know, so we have, we have had input on that and we've taken that back to the board because that really is not a function of design review committee.

??: It's a function of citizens advisory committee perhaps.

EW: It isn't.

??: Well we were all at the work session.

EW: Exactly. That's what I'm referring to.

??: Requested a, a meeting to reach closure. So we, I think we have, many of us have the background and understand.

EW: I don't know how the short term rental ended up on there. I can't tell you that. That happened

JB: Well I can tell you. There was a, staff received instruction from the county manager to focus on two issues. And the committee and Debra Birkby disagreed on that and so we were going back to the board for clarification on what we should be looking at with short term rentals.

EW: And the other one was the park. And we, we have the rec lands committee on this one and that one was taken to them with a, a

JB: They said have a work session.

EW: They said have a work session on it because the rec lands committee said that they didn't think it was worthy of park property but it was worthy of preservating.

TL: Preserving.

EW: preserving. Thank you. Preserving the property for the watershed. And to go through how they were going to pay for it and things like that. So that's why that one was being brought up.

VB: So if, If you could make note of the fact that, that those things, I understand why

EW: Okay.

VB: the board of commissioners has those things moving around and they want to a definitive position on them but the list that came from things we wanted to talk about would be quite premature to take before them.

EW: I, I will get with Scott tomorrow morning. Scott Somers, the county manager, and make sure that, try to make sure that those are not on the agenda.

VB: Thank you.

MM: Can we have a work session without staff to record, to get a recorder, the county recorder, announce it?

possible for us to fully participate. So I would like to take you up on what I heard you describe as that there could be a conversation here with somebody about those issues. And I, I'm too tired to do it tonight but, I'm waiting for, to find out when that will be here.

EW: I know that we, Michael and I've emailed back and forth on the tree cutting ordinance. We sent out a legal opinion on that and Michael has given me some, some feedback and I forwarded that to the county counsel and I haven't heard back from him on that portion of it yet.

MM: So in the future I should only email it to you?

EW: Well.

MM: I want to get this straight. I don't want to

EW: Okay.

JB: No. You can all email staff any time.

MM: I think I emailed that to Ed.

JB: Yeah. You sent it out to everybody. Your response to the tree cutting opinion.

MM: So from now on I should just email to

JB: No. you can send it, no what, well no, send it to staff. Send it to staff. Staff will send it out to the committee. That's what we

MM: All right.

JB: If you want

MM: I just want to get that straight because I don't want to

JB: Let staff distribute it.

MM: Okay.

JB: We will forward it.

TL: Let's just leave it that way.

VB: And you know, I really want to be respectful when we have meetings and, you know, if an application came here for us to consider. I just don't want to keep having these meetings and having this stuff in the back. And knowing that I've asked to discuss them and to

never have them come forward. And, so just, I just want to know when potentially that conversation will be? And it doesn't, you don't need to tell me now

EW: Okay.

VB: but I don't, I don't want to keep coming to meetings and not having, not having a clue when those questions will be addressed.

EW: I think, I think maybe we can get, we, staff, can get some direction at that meeting on the 9th. If they're talking, you know, they want to continue talking about the short term rental. Do they want to bounce it back? Yes. No. Where those things are. And then we can say, yeah these are the important things to Arch Cape from wherever that list is. I've seen it and I have it. I just can't remember everything's on it. And we can set. We've got to set priorities.

VB: I understand.

EW: Our big priority right now for Arch Cape, quite frankly, from the staff and the county managers standpoint has been to get the urban renewal and the, which includes looking at Pacific, in fact I made the planners drive Pacific again tonight. Made them look at roads and drainage, is to get that issue and the parks issue moved forward. Because that was something that the board had talked about before. So that's kind of what we dealt with in the last couple months. To keep that process going until we can get some good directions to where we're going to go. And that's, I guess the easiest way to say it is, one of those drops off, then we're going to have more time to do some of these others.

VB: Perhaps I could be a little more basic. We have monthly meetings scheduled. One was recently cancelled. We could have come and had our meeting and talked about some of those things among ourselves. So, as long as we have outstanding issues that,

EW: Okay.

VB: that, that, staff and the members of this committee and the chair, know that we want to talk about. I don't feel right now that we have any latitude to say, please don't cancel a meeting because we have some things that we want to talk about. We've been told we can't have meetings without staff so, if staff just cancels the meeting, then we lose our opportunity to talk about some things.

EW: Okay. We can work better on that.

JB: Well

EW: We need some

VB: I, I, I want to

JB: No. It says in the bylaws that it's a meeting between, a work session is a meeting between the committee and staff.

MM Well what can we call this then? Are we just, can we, maybe we just need to say it's a work session.

??: Mike, I believe the public meeting laws, it has to be a meeting where decisions could actually be ????

JB: I'm talking about the bylaws of the committee. The bylaws of the committee say a work session is a meeting between the committee and staff.

VB: So who, who adopts those bylaws? Is it the committee?

JD: The board.

VB: The board adopts the bylaws of the committee?

DS: Well maybe we go for coffee some morning and then make a disclosure at our next public meeting.

MM:

Laughter

TL: Well, if we know what the, what the board of commissioners is going to be reviewing, do we know that? We don't know that yet.

EW: We will, I will make every effort to get in the manager's office tomorrow and make, try to get it so that it's only those three topics.

TL: Which are again? The park, the urban renewal.

EW: The park, the urban renewal and the short term rental from their discussion but not the others such as tree cutting and the sign ordinance.

VB: And my understanding of the, that the question about short term rental is in regards to what did the board, what conversation did the board of commissioners previously have?

EW: Correct.

VB: And it's not opening a whole short term rental issue. It's just what where you talking about when you asked staff to ???

EW: Right. Because we've already done what the board had, what they talked about, you know, our ordinance, county ordinance, to model it and to compare it to the Cannon Beach Ordinance. And we've already gone through that draft and

VB: You did what you, the staff completed what their understanding was of what the board asked them to do. There's, there's not total clarity on what the board asked.

EW: Exactly.

VB: Gotcha.

EW: What we did was, staff, all we did was is try to put them side by side the best we could.

VB: I understand. We, we, you shared that with us.

EW: Okay.

TL: I have a question. Mike you were involved in that committee that looked into what it would take to become a city right?

MM: Yes.

TL: A couple years ago. And incorporate, and incorporate. And this is in response Dan, to your concern about taxes and how they are spent. If we were a city, my understanding is that we would then have, Arch Cape would have control of those, or part of them?

DS: Tod, if we were a city we could do lots of things and one of them is to collect the room tax.

TL: We're not a city.

DS: And we're not going to become a city. I mean at least in the next month.

TL: Right.

DS: You know, my issues are coming from a very different direction. And its' based on, directed toward the land use aspects of the short term rental ordinance. So they don't have any ??? city.

TL: Right.

DS: Or not.

TL: Well. We're going to beat this around. How are we

MM: ???

DS: Well,

??: He has multiple times.

DS: I have. You know, the commissioners have expressed some interest in our views on the short term rental ordinance and the short term rental ordinance, one of its key components is that it's a ??? And that they, I attended a work session of the commissioners a month or two ago and was shocked to listen to a discussion about the fundamental fairness of some of that money coming back to the Arch Cape community and that seemed to be almost a new thought on the part of some of the commissioners and they seemed frankly receptive to it. And I thought that we were frankly stupid not to ask as a body that some of that money come back to Arch Cape. I thought we were also, had a role in suggesting that it could be increased and even under the 70/30 sharing program that the proceeds could be spent in certain ways to address some of the infrastructure needs that urban renewal possibility addresses. But with less political opposition from a number of other districts. So, I thought it was something that we should discuss at this level. Not because we're a city but because we're not a city.

MM: Can you make April 9th meeting?

DS: I think so.

MM: Are we going to be allowed to speak at that?

EW: The way a work session operates is if they recognize you, if you raise your hand and the chair says, yes you can speak. At a work session they get, they do allow it. It's just like a work session here. You decide, the chairman.

VB: But you know Dan, I would say we, that you certainly could go there as a member of the public and give your own personal input but I would be reluctant for anyone to go there and say they're speaking for us. And that's why we need to have the conversation.

EW: The chair does not have to recognize the public at a work session.

??: Yes.

EW: You know. Now I would say, if I was there, you know, the county manager and say there's three members of the Arch Cape Design Review Committee.

DS: But we can't say anything because we haven't a meeting to talk about what we would say.

EW: But

??: Why are we being invited if they're not inviting to ???

EW: Well, I don't know but, that's that little hard to read you know. Up there at the front. I will tell you that I aim to be preparing and I, Michael and I have been doing this, a uh capital improvement, I wouldn't call it a program but capital improvement outline for spending some of our special projects money from the county. The county gets timber revenue in for special projects. And how we might be able to take a couple hundred thousand dollars, $300,000 and put it to work on some infrastructure issues. And right now I've revolved it around Pacific Avenue in storm drainage and overlays and things like that. But that's just, and I think that goes back to what you said. There has been some talk about, there's this pot of money that comes in. Should we spend some of it down in the Arch Cape area. And this is the first time in the 10 years I've been here that anyone's ever asked me to go in and look at the public roads, the private roads and what we can do. And that's, where it's going to go, I don't know. But I have been asked to at least look at it.

DS: Just looking isn't doing a thing.

EW: At least that's

DS: But we are the, we are the only vehicle for the community to have any input into what you might actually want to do or not want to do and I don't think that's an opportunity we should lose. If there might be a couple of hundred thousand dollars spent on infrastructure improvements in Arch Cape on roads and drainage. I think the community would like to have a voice in the details of that.

EW: I'm just, all I'm doing is listening to things that I heard from the urban renewal meetings in general terms and then we go back to the committee to, how do you want us, which ones do you want to do?

DS: Sure.

EW: Do you want to do Pacific or do you want to do ??? Lane? ???.

??: What can we use to take that back to them?

EW: The budget committee. It's called the budget committee.

VB: So, a number of those discussed at the urban renewal meeting were from a boiler plate list that was brought to us as generic things that urban renewal districts often incorporate. So I want to be careful that, that doesn't become the list of things you feel that we were recommending. We were only commenting on the list that was brought to us.

EW: No. No. This is, this is the basics and what I've heard for years and, and Debra has been preaching it to me, is we need to have a, you know, Pacific as a secondary road so if there's a

VB: So if the bridge would be a part of that.

EW: It could be. I mean that's

VB: Possible

EW: That may not be for two years. We may start with the drainage plan as to how we're going to move that water. If we're going to put more hard surface down, how are we going to do that? And of we're not going to put hard surface down. I mean, uh, I think it was Mike brought up the idea of making sure that we start running roof drains and everything in the sewers. Are we going to far or are we just going to work on slues and swales, excuse me, and drainage ditches, bio-swales and things like that? Or whatever. So, I mean, it's going to be very general. It's going to be, you know, drainage and planning, you know.

VB: Thank you

EW: $50,000. $75,000. And then, you know, exactly which ones we do right now, I don't know.

??: Did you say run the roof drains into the sewer?

EW: No. The storm drains, in the storm drains. To collect it.

??: We don't have any storm drains.

TL: We don't have storm drains at all do we?

EW: We don't. But that is one of the things that a storm water master plan may tell you. In some areas you may have to put it underground.

??: Storm drain?

EW: Yeah.

TL: Where are we?

??: Arch Cape.

TL: We're kind of batting all around here with these issues and it'd be wonderful to have some direction. Do we want to discuss any of the three items that they, I mean focus on any of the three items that they will be discussing at this meeting? Or at least think they will be discussing. That is short term rental ordinance, the urban renewal or the parks issue. As, since we're all sitting here right now.

VB: Well I would say that my input on the short term rental is when I read the minutes of the board meeting and also listened to the recording of the board meeting, I believe that there was an interest in having a conversation that was beyond those two questions the board was asked to research. So, that will be something I would want to key into.

TL: And the two questions were?

JB: The length of the, how many, how many rentals you can have within a seven day period and then the occupancy. I believe that was it, wasn't it Debra? Yeah.

DB: That's what it had been. Sifted down to this.

TL: Occupancy? How many people per bedroom or something along that line?

JB: Yes. Or per rental. Right.

VB: In my understanding from the minutes and having listened to the recording was that perhaps more things were being suggested for consideration.

TL: Yes there were. There was an increase in the taxes. Right? Was it not?

?? You're talking about

VB: I'm talking about the county board of commissioners.

TL: Yes.

??: ????

DB: Are you talking about the work session, Virginia?

VB: No. I'm talking about the board meeting at which you and others talked about raising some questions about the Arch Cape rental.

TL: Right.

DB: I think those were both work sessions.

??: Okay.

VB: So. Yes I am talking about work sessions.

TL: All right. Are, should we in fact focus on say, the short term rentals and try and give some direction to ???, Now. I mean, we're not going to have another opportunity because of the staff ???

??: I don't know what you're talking about.

TL: Well the, the, okay. Let's back up a moment. As I understand it the commissioners will probably be discussing three items. The short term rental, urban renewal and parks. That's what I just heard.

EW: Don't know what the agenda is yet.

TL: Yes. If, we don't know for sure but that's kind of a guess. Is there a sense in our, since we're sitting her, discussing in detail any of these so that we could offer some guidance and we would at least know how we feel about any of the three items.

VB: That was my intent in saying to you, I don't think they should open up short term rental. Talk about little pieces of it. I think what they should revisit is, was the board of commissioners interested in staff or anyone having conversations about the big picture of Arch Cape short term rentals?

TL: Yes.

LE: The short term rental ordinance is, looks fine. I mean, I can't see anything wrong with it. Everything I've heard is all question of enforcement. And so if we're going to communicate anything to the commissioners, it's that we need to, we need the county to help us with enforcement and I think that those are the two issues. We don't really need to change the ordinance. If we just keep the focus on ??? and the community probably needs to help more too, you know.

TL: I certainly agree with that.

VB: At the work session on Wednesday, Jennifer suggested is perhaps on amending the current rules to have a more costly permit fee as a way to generate some money to help enforce or something. So. I, I, I wouldn't say that, that, that the current rules as they are don't deserve revisiting after seven years. I don't think that's been done by the board of directors or anyone. And I do believe that there are some pieces there that are non-controversial that shouldn't be put away for another seven years without looking at them.

LE: Well maybe money is a, I mean Dan brought up the taxes too. I mean, that's a, and you brought up permitting. So money would be.

VB: I think there are some things related to signage. I didn't come here prepared to talk about that plan tonight but

LE: Can you make a list of those things that you think need to be revisited in the

TL: ??

LE: Well, we're kind of just

TL: Yeah.

LE: not making any progress

TL: Yes.

VB: I'm not comfortable trying to take advantage of that work session to reopen, to have a list of things that need to considered. I would simply like them to say, after seven years, it seems appropriate to re, for someone to relook at this and without having a list of everything that needs to be changed on the night.

TL: Okay. Well, then I guess I'm hearing that we've, with that kind of proviso, you know, just that they might look at that ordinance with a view of kind of verify or, or offer changes. What about urban renewal? Do we want to discuss that this evening?

VB: I think it was clear at that work session that the board of commissioners is not the least bit interested.

TL: That was my take as well.

VB: So I think it's

TL: They're not going there. So that one I think we don't need to worry about. And parks?

MM: Parks have been very little progress.

TL: Very real or very little?

MM: Sorry. I'm mumbling. Very little progress. It's, its, you know, it's, it would be great to have funds earmarked for it but the, once again the commission, other than Debra, was, is pretty, was pretty apprehensive about earmarking something for an unknown amount of time. The thing is that the hundred grand is available. You can use that as an match for acquisition. You could leverage a million dollars. It can really make a big difference. But right now things are in flux that, that ODOT, the culvert, which is going to be removed and a bridge is going to be made at some point at Asbury Shark Creek will bring salmon habitat back. It's not happening right now. Maybe two years and the progress is slow. So, it's going to be hard from going, going, what I heard from the commissioners. It's going to be harder to freeze up that money for a project that really hasn't had a ????. It's just in the, it's unfortunate. The one thing that's promising, which we have san, water and sanitary people here today, is that they were, and the commissioners were interested in maybe not so much a park but conservation, ??? So there is a parcel which contains the intake and the easements that the water district has up top. Which is intake and the treatment facility. There's a 30 acre parcel that surrounds that, that we could possibly, with that hundred grand, acquire much easier than the whole kit and caboodle that we were kind of looking at to the whole watershed. Helping the watershed. So, but the water district, last time I brought this up, months and months ago, was kind of not interested in that either.

VB: Well they're not committing

DS: It's not a lot of record. There's a, there's not being interested in that acquisition.

MM: Yeah.

TL: Yes.

VB: I guess I, I, regarding the parks, I believe that the decision was the recommendation by the advisory committee on parks and the way that was presented to the board of commissioners was misrepresented. I think that, that on, there was some interest in using that $100,000 to create a park in our community. It was not tied to a watershed protection and so I really was quite disappointed that it was denied because, um, we, we needed to provide for our own watershed protection as a, as a water district and I just would like to say, from my perspective, there was some interest. And I was quite excited to know that the board of commissioners, at one point, was, was considering some money to have a park in our community.

TL: Yes. Dan.

DS: I attended the meeting of the citizens advisory committee on which the board of commissioners, I believe, relied relative to that issue. Virginia. And whether it's appropriate for the county commissioners to refer a matter about a park in Arch Cape to their, you know, recreational lands citizens advisory committee or not is a different issue. But it is my understanding that that's what they did. And so, at Nadia Gardner's request, I went and put in a pitch that, you know, we want a park in Arch Cape and we need a park in Arch Cape. And while the, while the citizens advisory committee was not fully present, there were three or four guys there. They, they were of a single mind, almost instantly, that that was the stupidest idea they ever heard of. You don't want a park anywhere near your water intake structures. You know, you guys must be really dumb. That's the last place you want kids playing around. And all that stuff. So they, on their own, rejected the concept of a park in our community. And themselves recast it as watershed protection. Watershed protection, this clearly needs to be done. This clearly needs to be in public ownership. Absolutely should be done but it's the water districts job, not ours. And so that was the predicate for their response. And so, it came from a citizens advisory committee, not the board of county commissioners.

VB: I understand. And then it went to the board and the board made a recommendation based on that.

???: The board made a decision.

DS: a decision I believe. Well, they made a decision. But they

VB: So, anyhow. That, that's

TL: ?? Debra's recollection.

DB: I believe that the position when I left was that they were, it was going to be possibly a work session surrounding that.

EW: A work session. Yep. Tonight.

VB: That's it.

EW: That's when Scott has it on the agenda.

DB: Right.

EW: Is tonight.

DB: So they did not make a decision at that discussion.

VB: So, so if, Tod if you were asking do we have any input on, I would like to support the, the allocation of some funds to have a park with that money that the board of directors set aside, which was $100,000. And, period.

LLM: Aren't roads more important than the park?

MM: They are different funds.

LLM: Yeah. But if we have limited funds, and limited amount of discussion going on, what's more important to you?

VB: I think it's a different, I think it's a different

DS: Pot.

VB: pot of money.

MM: Different pot of money. The roads, to answer your question though, the roads can get done now where the park

??: Can't

MM: needs another ??? It's not, it's not.

LLM: Exactly. So we're discussing something that's immediate and important to the community. It seems like Ed bringing up the fact they're actually thinking about us and maybe we will have stuff done. I think that's a good direction.

VB: I don't disagree.

TL: Okay.

EW: Let me ask one question

??: Sure.

EW: About the $100,000. Budget 101. Our fiscal year runs from July 1 to June 30th. Okay. The money that was earmarked is good until June 30th or it goes back into the pot.

??: Okay.

EW: Okay. So, my question to you Mike, or as one who knows the granting and everything of that, doesn't sound like you're going to use it between now, if it was given to you, you wouldn't be able to use it for leverage for grants between now and June 30th?

MM: It's unlikely.

EW: Would you use it in the calendar year July 1, 2014 through June 30th of 2015?

MM: More likely. Yes. A lot of it is really hinging on ??? progress. The Columbia River Crossing got cancelled so there is actually fish habitat coming. So things might speed up again.

EW: Here's what someone needs to do and that is be an advocate just like Commissioner Birkby was a year ago in May, and came and said to the budget committee, we need $100,000 to look at a park in Arch Cape. And they set aside out of a big pot of money, $100,000 to be brought back to them with a recommendation. If you want to do that for next year, we need to get that, someone needs to get that into the budget committee, like former commissioner Birkby did, in May, for that. Because if you're not, you know. Now, you are also correct. What will happen is, they have this huge laundry list of what they, of all the capital projects throughout the county, whatever they are, for whatever reason. And it may come down to $100,000 for leveraging it for this money or for some road improvements or whatever. Because public roads, it's not out of a different pot of money. It will come out of the special projects money. It won't come out of the county road fund because they're not county roads. So that's when we're ??? and if you want money to leverage for a grant, then we need to get that, someone's going to need to go May 6th and advocate that to that, it's made up of 10 people. Five citizens and five commissioners. And they are looking.

VB: And Charles Dice is on that.

EW: Pardon me?

VB: Charles Dice is on that committee correct?

EW: No. He hasn't been appointed yet.

VB: Oh. Excuse me.

?? He applied.

EW: I think he applied. I don't know when those appointments are made.

DS: And that citizens advisory committee meeting that I attended, as I recall it was called Parks and Natural Lands or something.

EW: It's called, it's called the Recreational Lands Advisory Committee.

DS: Okay. But then there's two sides. There's the, developed parks and there's the reserved natural lands as I understood it that they have, you know, they're called the recreational lands. And that the, all of this talk about it being inappropriate for a park didn't make much of a dent in the fact that it might be appropriate for, and I'm probably using the wrong term Debra, but isn't it natural lands or something. I mean there, the county has a bunch of property

Several people talking.

DS: What?

DB: I said, green space?

DS: Well that was a term they were using.

EW: Surplus property.

DS: No. Not surplus. It was, it was a

MM: Open space.

DS: Huh?

MM: Open space.

DS: It was, it was, you know, natural land that ought to be in public ownership for its preservation rather than developed for parks. And, uh, so, I don't know what the distinction was but

MM: They have the ability to if they want to but it's ??? they didn't go for it. Really ???.

TL: Okay. Let's wrap it up. I think we've kind of ??? . Yes.

EW: Real quick. We have no, no comment on urban renewal, really where that's heading. On short term rentals, the committee thinks two things. One the basic ordinance is okay but it needs periodic review after so many years.

??: No. I object to that.

EW: Well wait a minute. I thought that's what I picked up from you and from Virginia. What Virginia said. Those are the only two comments that were made other than the question is enforcement.

DB: Only because I can't comment.

EW: No. I'm just saying.

TL: Well Ed if you're going to say that's the committee's point of view, I think the committee needs to speak with one voice and we've heard, we've heard several voices here. Let's maybe get a consensus. How many feel that the, that the uh ordinance is basically all right as it is? I do. How many feel it needs to be addressed and adjusted?

VB: Well. So we're voting?

TL: We're not voting. We're getting a sense so Ed can at least, when he makes his notes and he's not saying one person's opinion.

VB: I think that it should be periodically explored or looked at.

??: Can you give us a list of the things you want to address?

VB: Not right this minute?

??: Well I'd like to see that.

DB: I can tell you some types, if I may.

??: ????

TL: Yes of course. Yes you're a member.

DB: I think the type of things that they review could include would be the length of time should it be shorter or longer. I'm just trying to spur your mind to this.

EW: What should be?

DB: The length of rental time should be shorter or longer. Or if the number of people renting in the house if the cap of 14 number is too many. The, you know, sum, that's the

DS: Whether there should be a parking cap as well as an occupancy cap.

DB: Possibility of that. That has created lots of problems. You know, I think that was kind of the intention of the board of commissioners asking staff to look at some other, other community policies or ordinances to see how they managed the, their own. Most of them are cities. But, you know, how they dealt with it. And that's certainly part of my intention is in having it reviewed to see if there's a way to impact the community less by making adjustments to those types of things.

DS: I want to clarify my point before.

TL: Yes.

DS: I think that the ordinance, I don't want to open up the, should we have this ordinance or not issue.

??: Right.

DS: That, that, You know that was too blood of a fight a number of years ago. But I think the ordinance, the fact that the ordinance is fine doesn't mean that it shouldn't get, you know, periodic review of various issues including the money. And, I guess what I would have added to the suggestion is that this committee would be happy to work with staff in making that kind of ?? review. But the, maybe that's not right. But that's where I was coming from.

TL: I think you're??? How about you guys? Are you happy working with staff?

DB: And Linda Eyerman once said that compliance is an issue from her knowledge.

EW: Question of enforcement.

TL: Does that help you get a little bit of a feeling for what

EW: It does.

DS: And I might add that the money thing also touches on enforcement because in my view one of the things that in increase in room tax can fund is some different enforcement mechanisms so that the county is relieved of some of the administrative expense.

JB: For example?

DS: Administrative expense.

JB: What are some other enforcement mechanisms?

TL: Well I can tell you one. One is looking at the web sites of some of these places and finding out who has what rented and how often and, I mean you can tell how many people. You can get so much information right off the web sitting at your desk in, up there in Astoria. I mean it's amazing.

MM: Vacasa.

TL: Huh?

MM: Vacasa. ??

TL: Just a few sites that represent the houses in this area. All right. What else? Huh? Let's try to wrap this up guys.

MM: I would appreciate it if the park, the community wants a park. But let's not present that it's not right yet. It will come out in the meeting. I don't think we need to shoot it in the foot.

DS: No. I think, I think the committee needs to wholeheartedly endorse, you know, the allocation of $100,000 to this important collaborative acquisition for parks and natural spaces.

MM: Consensus?

TL: Well this is time for me to tell you once again. And Debra, you've seen this one. The Asbury Park has, huh? You're next. But, okay, here's 101 and here's the creek and over here is Shark Creek Road and over here, quite a ways over is the church. And the creek goes on up and it branches up here somewhere. Right? Have I got that about right? Um, this is owned by a, by one of the lumber companies? Is that?

MM: County. It's zoned residential.

TL: Huh?

MM: It's zoned residential by the watershed there.

TL: Wouldn't it be great.

??: I was just going to mention

TL: Wouldn't it be great if, and here's the beach and here all the people walking up and down the beach, if this bridge was such that you could pass underneath it like you can down at Oswald West. And if this land along the park, along the creek were preserved as park, and this were commercial on this side so that you could have, you could have restaurants and small business. Parking away from it ?? and this was all pedestrian. The same could be on

this side. If that were possible, zone that commercial, the owner would love to give this side away because the added value of the commercial property. But hey crazy?

MM: I think that 2500 ??? It will probably be a good idea.

?? That idea was one of the first things that I ???? I got to this committee. When I first came on. I haven't forgotten it.

DS: The alternative is that we end up with commercial along our highway and we end up with the seaside mess. And this is the, this is the much, much

??: Commercial on ocean does expand off the highway though. East west.

?? Hmm.

MM: Yeah. ???

TL: Consider what it does to the highway.

MM: I think long term it probably be pretty darn smart Tod.

??: Yeah.

DS: I'm not sure that at this meeting we want to tell the county commissioners but I think that we should tell Ed that this committee supports investment by the county of $100,000 or more if they got it, to help a variety of agencies acquire that property

TL: Yeah. That would be great.

DS: Is that, I mean am I thinking of stuff or is that, are people interested in that? Can you tell?

LLM: You're saying that, how are you going to use this ????

DS: Ed is making notes, you know, what the sense of the committee is that I guess goes to input for the commissioners meeting.

EW: Yeah. So I've got the $100,000. And I, one of the things I walked away from that meeting is there was a lot of things that were said in that night in the work session. Part, the rec lands committee didn't say don't spend the $100,000. They were willing, you know, they were saying it could go for leverage but not, they weren't interested in it as their future park site. But they were interested in, and said that it was, it should be used for preservation.

??: Okay.

EW: But I also heard tonight is we're probably not going to need that between now and June 30th. It should be in next fiscal year.

MM: Yeah, but I mean, they didn't come out of the meeting ?? they said it before the meeting.

EW: Yeah. Yeah. Right.

LLM: What you're saying is that we should tell them that we're wholeheartedly behind it. Whether it's this year or next year or whatever. It's a good idea. Is that what you're saying?

TL: Yeah. Yeah.

DS: That's what I'm saying.

?? All right. I'll go for that.

??: Yeah.

TL: All right.

JD: I have something.

TL: Yes.

JD: These are, remember your Southwest Coastal Community Plans that did not have page numbers? These have page numbers.

??: Well. Thank you.

JD: That's all.

TL: One other thing the county should do is put in some kind of acoustical system in this damn room.

JB: It's not the county's building.

??: True.

??: It's not a county building.

??: It's horrible.

TL: Okay. Entertain a motion to adjourn.

MM: You don't need it. It's a work session.

Several people talking.

JD: You're adjourned?

TL: Are we adjourned?

The meeting adjourned at 8:27 p.m.

Exhibit 2

MINUTES

SOUTHWEST COASTAL CITIZEN ADVISORY / DESIGN REVIEW COMMITTEE

Regular Session

November 14, 2012, 6:00 p.m.

Arch Cape Fire Hall, 79816 E. Beach Road, Arch Cape, Oregon

Chairperson John Mersereau convened the meeting at 6:01 p.m.

Members present: Virginia Birkby; Richard D'Onofrio; Tod Lundy; Mike Manzulli; John Mersereau; and Dan Seifer. Excused: Linda Eyerman.

Clatsop County Commission Liaison: Not present.

Member of the public present: Ruth Jensen, Dale Mosby, Charles Dice, Jim Cornell, and Troy Robinson.

Staff present: Hiller West, Director; Bart Catching, Code Compliance Specialist; and Julia Decker, County Planner, Clatsop County Community Development.

Business from the Public:

No member of the public requested to speak.

Additions to the Agenda: Committee members Virginia Birkby, Dan Seifer and Richard D'Onofrio requested items be added to the agenda: the sign ordinance; committee membership; the local wetlands inventory and its planning process; and discussion of illegal construction at a specific residence.

Minutes:

> **Virginia Birkby and Richard D'Onofrio seconded to approve the minutes of October 17, 2012, as presented. Motion approved unanimously.**

Action Item: Singh Major Design Review Public Hearing: Planner Julia Decker distributed copies of a letter from Dick Petrone, which arrived after the agenda packets were mailed. Mr. Petrone, whose property is across Carnahan from the Singh property, wrote to provide support to the Singh application. Ms. Decker described the project, which began as unpermitted construction to add a deck, hot tub and stairs on property owned by Steve and Heather Singh, located at 80523 Carnahan, Arch Cape, also known as T4N, R10W, Sec. 19BC, TL 105. Ms. Decker noted the single family dwelling on the site is legal, non-conforming, with a front yard setback variance. The house is taller than the current height restriction but met the height standard of the zone in place at the time it was built. The footprint can be expanded, she said, and the new additions would be within the required setbacks. She reviewed the setbacks, including how the oceanfront setback is calculated, explaining the oceanfront averaging method was used because it was more inland than the 50-foot setback from the line of non-aquatic vegetation established by the legislature.

She noted the lot coverage would remain well under the 40% maximum, the deck would terrace down the slope, and the guard rails would be constructed of clear material, to reduce visual impact. Ms. Decker emphasized both letters received from property owners across the street as public comment supported the project. Neither raised concerns regarding the arrangement of the structure or obstruction of ocean views. In response to questions from Ms. Birkby, Ms. Decker explained the setback of the new construction from the east (front yard) property line had not been calculated because the new construction was on the west side of the house. The west setback is the oceanfront setback, she said, and the ordinance requires the more inland of the two standards be used, in this case the oceanfront averaging method, which was farther inland than the Statutory Vegetation Line. The new stairs would end six feet, eight and one-half inches east of the west setback, using the oceanfront averaging method, she said.

Because the project had been started without permits, Ms. Decker had visited the site and viewed the construction to date, finding the planks of the deck were spaced so as not to displace rainwater runoff to the

sides, alleviating the potential for an erosion problem. She noted little disturbance of vegetation; no soil is proposed for removal. She recommended a condition of approval requiring any disturbance to vegetation be returned to its original condition to the greatest extent possible. The hot tub and additional lighting will be served by electricity. Ms. Decker noted Thomas Merrell, in his capacity as consultant to the Cannon View Service District, had provided comment that a back flow device would be required if the tub were to be plumbed; however, according to the applicant, the hot tub will not be plumbed and will be filled using a garden hose. The electrical work would be concealed within walls, appliances and under the deck, she added.

In response to questions from Committee member Richard D'Onofrio, Jim Cornell, Schuchart/Dow, representing the owner, stated the owner had started the project without permits and acknowledged permits should have been obtained prior to starting work. Ms. Decker stated she found nothing suggesting removal of any trees or even very much vegetation. Mr. Cornell said Mr. Singh was interested in eradicating the non-native, invasive Japanese knotweed on the site and re-vegetating and landscaping with native plants and asked that anyone who was aware of any resources to assist please let him know.

Ms. Decker described the lighting plan, which would pool light from full-cut-off lights mounted 18 inches above the surface of the staircase without shining on to the beach, neighboring properties and the night sky. She said the final design was not complete as it would need to be approved by Building Codes, but she thought the committee could sign-off on the concept, with any significant changes to be reviewed by the Community Development Director and returned to the committee if necessary if committee members found this acceptable.

Ms. Decker described the surface water drainage situation, explaining she calculated the very steep slope at approximately 28.5%. The Clatsop County Building Official had reviewed the plans already and had determined no additional or engineered drainage would be necessary. She reviewed the comments received and said she felt the project could be approved with the recommended conditions she provided.

In response to a question from Mr. Seifer, regarding language in paragraph 5 of the staff finding on page 2 of the staff report, Ms. Decker stated the language should have stated 21 feet, 10 inches from the setback from the Statutory Vegetation Line to the west, not from the Statutory Vegetation Line itself. The line was mislabeled on the survey, she said.

Mr. Seifer recommended adding the term "resuming" to condition 4. Mr. Manzulli commented he had no problem with the project other than it had been started without permits. Ms. Decker stated because of the lack of permits, the development and building codes fees would be doubled.

> **Tod Lundy moved and Richard D'Onofrio seconded (to recommend) to "accept the staff report and approve proceeding, with the conditions." Motion approved unanimously.**

Other Business:

Vacation Rental Signs: Committee Virginia Birkby asked how the amendments to the Land and Water Development and Use Ordinance #80-14 and Standards Document affected the short term rental signage in Arch Cape. Community Development Director Hiller West responded, explaining the project came about when the previous county manager requested more than a year ago that the sign ordinance be reviewed and language pertaining to content and political signage be removed, as a result of a Supreme Court decision that found such references to be unconstitutional. He described the public workshops and public hearing process that included the Planning Commission and led to the recent approval of the Section 2.300 amendments by the Clatsop County Board of Commissioners. The amendments did not repeal any other sections of the county's code, he said.

The reference to political signs will need to be stricken from the Arch Cape section of the county's zoning code, he said. Ms. Birkby asked if the rules would apply to Arch Cape, and Mr. West said they would not, other than removing political sign references.

Ms. Birkby asked if Arch Cape would be able to continue with the rest of the current language, which limits signs to temporary "For Sale" signs and name plates. Mr. West said "yes;" however, he recommended having

uniform standards and suggested the committee consider the advantages of having a single set of rules countywide regarding signs.

Ms. Birkby stated she was not comfortable with the county generalizing its rules without regard to the unique communities within the county. She pointed out the Board had adopted, as recently as 2011, updates to the AC-RCR Zone, which the community had worked on for several years. She added she fears the "sweeping" of other regulations by the county on the community. Mr. West acknowledged Ms. Birkby's concerns and said the Planning Commission would welcome input from the committee as a group or from its members individually.

Ms. Decker distributed copies of a document originally distributed to the committee by Senior Planner Jennifer Bunch on October 9, 2012, via email. The document was a draft revision of the AC-RCR Zone language and Rural Community Overlay language that would remove property line adjustments and partitions as permitted uses; change references to sign standards to accommodate new language in S2.300; modify language to require permitting and design review for only public and private roads; and correct a referenced code section.

Mr. West said the sign regulations changes, which would take effect in a few days, would not affect Arch Cape; however, the revision Ms. Bunch forwarded in October and which Ms. Decker was distributing around the table, is the early version of what is being discussed with the Planning Commission to bring all the signage standards into one place.

Mr. Seifer noted the changes to the language would, in fact, double the size of name plates, for example. Mr. West agreed this was true for name plates. Ms. Birkby commented on the signage for vacation rentals being limited in Arch Cape, saying it helped preserve the residential feel of the community. She reiterated her concern regarding standardization of communities when there are differences that people preferred to preserve. Mr. West thought there was a way to have the requirements for Arch Cape preserved by incorporating them into the new language in S2.300, which would allow all the signage regulations to be located in one place in the ordinance.

Discussion turned to the definition of "name plate". Mr. West said a name plate is an identification sign, which is how the county would regulate it. He pointed out a number of elements that are now addressed that previously were not included, such as solar access and how sign size is calculated. He invited the committee to provide input to the Planning Commission at the hearing in January, when the revisions would be considered for recommendation to the Board of Commissioners.

In response to a question from Mr. Seifer, Mr. West said he did not agree that a sign reading "Call Cannon Beach Rentals at . . . " was a name plate. During the discussion regarding the potential content of a nameplate, such as a phone number and the term "beach rental" along with the name, Chair Mersereau pointed out short term rentals are an allowable use in the AC-RCR Zone, and, he asked, along with that was a vacation rental sign also allowable? Mr. D'Onofrio commented a short term rental is a business and many of the rentals are handled by businesses, and he wondered how one reconciles short term rentals as businesses with residential zoning. Mr. West agreed and said right now the short term rental signage issue is not addressed in the ordinance except by "reading it (the ordinance) narrowly." Mr. West thought the better approach would be to have standards that recognize those uses that are permitted in the area. Ms. Birkby thought the lack of short term rental signage made the rentals "more palatable" and less invasive because they were less obvious.

> **Dan Seifer moved and Virginia Birkby seconded "this citizens' advisory committee go on record as requesting that the Planning Commission not amend sections 3.064-5 as suggested in this proposal." Motion approved unanimously.**

Mr. West clarified the motion meant the committee recommended not to change the existing section that applies to signage for Arch Cape. The committee agreed this was the intent of the motion. Mr. West stated he would forward the recommendation to the Planning Commission. Ms. Birkby recommended the committee organize so that someone from the committee attended the December Planning Commission hearing on the topic.

In response to a question from Chair Mersereau regarding vacation rental signs, Ms. Birkby wondered if this could be something that could be brought to enforcement, asking Code Compliance Specialist Bart Catching if he was ready to implement the "soft enforcement" discussed at previous committee meetings. Mr. West responded instead, saying the county is still using the same procedure that has been used, which requires a signed complaint.

Ms. Decker outlined a plan to send a one-time mailing to all Arch Cape property owners, with information about tree-cutting regulations, the emergency tree removal policy, short term rental regulations, when permits are required and the design review requirement. She said a mailing to every property owner would not single out anyone. She planned to mail the newsletter between the first of the year and April, when short term rental permitting and renewals would begin. Ms. Birkby suggested including management companies as well. Ms. Decker agreed and said she could use the telephone directory but asked that if anyone knew of a specific company, s/he should let her know so she could be sure to include the firm in the mailing.

In response to further questioning from Ms. Birkby about changing the complaint process, Mr. West said the broad informational piece would be the way to go, at least for now, and advice from county counsel has been the enforcement process should be complaint driven, as it has been, for legal and public record reasons.

Mr. Seifer, Ms. Birkby and Mr. West discussed the roles of the committee and the Planning Commission. Discussion turned to the Local Wetlands Inventory. Mr. Manzulli thought the planning commission would appreciate receiving the committee's input on matters such as the wetlands inventory. Mr. West agreed.

Arch Cape Local Wetland Inventory: Mr. Manzulli reported that yesterday (November 13, 2012), the Planning Commission made a recommendation to the Board of Commissioners to adopt the Arch Cape Local Wetland Inventory under Option 3, which is a wetland overlay with a variance procedure that allows development if hardship is demonstrated. Option 3 would protect the county from a Measure 49 situation but also protect the wetlands to a greater degree, a good compromise, he thought. He said the board would need to hear the matter as well. Mr. Manzulli stated he believed inadequacy between north county and south county Lake and Wetland Zones was recognized by the Planning Commission, but laws have changed, so an actual zone change was not feasible.

Committee members agreed they would like to meet before the Board of Commissioners meeting in January. Mr. Manzulli thought he could provide information on the item, and Mr. West said he would see if Senior Planner Jennifer Bunch, who has been working on the wetlands inventory, would be available to attend as well.

Illegal Construction: Mr. D'Onofrio said it had been brought to his attention that 80066 Pacific Road has added a mudroom on the north side of the house, adding, he believed, cumulative square footage. After discussion regarding completing a complaint form, Mr. Catching said he would ask Building Codes to look at the site.

Recruitment: At the request of Ms. Birkby, Ms. Decker will forward the materials and media release regarding the posting of vacancies for the committee to committee members for local circulation.

Next Meeting: Committee members agreed to check their calendars and Ms. Decker would poll the group regarding the next meeting date in January, to assure the committee had time to meet before the Board of Commissioners' meeting when the Board takes up the issue of the Arch Cape Local Wetlands Inventory. Ms. Decker will confirm the agenda date for the issue and poll the committee via email.

Meeting adjourned at 7:50 p.m.

ATTACHMENT PC-4

Published Notice for 7/26/16 Hearing

State Of Oregon

County Of Clatsop } ss.

Affidavit of
PUBLICATION

I, **Jamie Ramsdell** being duly sworn, depose and say that I am the principal clerk of the manager of the **DAILY ASTORIAN**, a newspaper of general circulation, as defined by section ORS 193.010 and 193.020 Oregon Compiled Laws, Annotated, printed and published daily at Astoria in the aforesaid county and state; the Legal Notice: **AB5226 Notice of Public Hearing** a printed copy of which is hereto attached, was published in the entire issue of said newspaper for **one** successive and consecutive time(s) in the following issues: **July 19th 2016.**

Signed and attested before me on the **19th** day of **July, 2016**
by:

OFFICIAL SEAL
HOLLY NOELLE LARKINS
NOTARY PUBLIC - OREGON
COMMISSION NO. 474089
MY COMMISSION EXPIRES DECEMBER 11, 2016

Notary Public for the State of Oregon, Residing at Astoria, Oregon, Clatsop County.

Copy Of Advertisement

AB5226
CLATSOP COUNTY PLANNING COMMISSION
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN the Clatsop County Planning Commission will hold public hearings beginning at 10:00 AM on Tuesday, July 26, 2016, at the Judge Guy Boyington Building, 857 Commercial Street, Astoria, OR regarding the following:

Continuation of a quasi-judicial hearing to consider final written findings to deny a zoning map amendment from Rural Community Residential to Rural Community Multi-Family Residential on 10.4 acres of land in the Miles Crossing area, and a conditional use permit for a 48-unit multi-family development. The applicant is Richard Krueger and Bella Ridge Apartments, LLC. The property is commonly known as 92257 Lewis & Clark Rd, Astoria, OR. Staff: Heather Hansen, Community Development Director

Quasi-judicial hearing regarding a zoning-map amendment from Arch Cape Rural Community Residential to Rural Community Commercial on 0.61 acres of land in the Arch Cape area. The applicant is Butch Coleman Trust on behalf of Harry E. Coleman IV. The property is commonly known as 79328 Highway 101, Arch Cape, OR. Staff: Julia Decker, County Planner

Legislative hearing regarding Comprehensive Plan and Land and Water Development and Use Code amendments regarding the Southwest Coastal Citizens Advisory Committee and development standards in Arch Cape. Staff: Heather Hansen, Community Development Director

Seven days prior to the hearing all documents pertaining to this matter may be reviewed 7:30 AM - 4:00 PM in the Clatsop County Community Development office, 800 Exchange Street, Suite 100, Astoria, OR and the agenda packet can viewed online at https://www.co.clatsop.or.us/meetings.

Published: July 19th, 2016

ATTACHMENT PC-5

9/13/16 Staff Handout –Fees & Costs of Various Land Use Permits & Applications

Fees and Costs for Various Development Permits / Land Use Appplications - Arch Cape vs. Rest of County

Sheds/Garages/Other Accessory Structures - Less than 200 square feet

	Process Type	Fee	Actual Cost
Arch Cape**	II: Major Design Review, SCCAC hearing-Director decision	$75+$711	$75+$2,775
Rest of County	*No Planning (or Building) permits required*	$0	$0

Sheds/Garages/Other Accessory Structures - 200 square feet or more

	Process Type	Fee	Actual Cost
Arch Cape**	I: Development Permit+ II: Major Design Review, SCCAC hearing-Director decision	$75+$711	$75+$2,775
Rest of County	I: Development Permit-Over the counter*	$75	$75

Remodels or other development - Requires structural permit, Doesn't increase footprint

	Process Type	Fee	Actual Cost
Arch Cape**	II-Minor Design Review, no hearing-Director decision	$75+$554	$75+$733
Rest of County	*No Planning permits required*	$0	$0

House - New or expansion of footprint

	Process Type	Fee	Actual Cost
Arch Cape**	I: Development Permit+ II: Major Design Review, SCCAC hearing-Director decision	$75+$711	$75+$2,775
Rest of County	I: Development Permit-Over the counter*	$75	$75

All Other Land Use Applications

	Process Type	Fee	Actual Cost
Arch Cape**	II-A: SCCAC hearing, Planning Commission hearing III: SCCAC hearing, Planning Commission hearing IV: SCCAC hearing, Planning Commission hearing, Board hearing	$910-$4,131 (range)	$910-$4,131 (range)+$2,775
Rest of County	II-A: Planning Commission hearing III: Planning Commission hearing IV: Planning Commission hearing, Board hearing	$910-$4,131 (range)	$910-$4,131 (range)

** Assumes development is not proposed within an environmental/natural hazard overlay*

***Does not account for extra time in the process, which is generally 4-6 weeks depending on timing of application submittal vs. meeting schedule*

ATTACHMENT PC-6

Written Testimony Submitted After 9/6/16 Staff Report

Sean T. Malone

Attorney at Law

259 E. Fifth Ave.,
Suite 200-G
Eugene, OR 97401

Tel. (303) 859-0403
Fax (650) 471-7366
seanmalone8@hotmail.com

September 12, 2016

Via Email

Clatsop County Planning Commission
c/o Clatsop County Dept. of Community Development
800 Exchange St., Suite 410
Astoria OR 97103

cadams@co.clatsop.or.us
comdev@co.clatsop.or.us
bruce@breakerspointhoa.com (Bruce Francis)
kennykay@charter.net (Kay Foetisch-Robb)
thomasmerrell@gmail.com (Thomas Merrell)
cindytroubles@gmail.com (Cindy Johnson)
robin@robinrisley.com (Robin Risley)
918sam@centurytel.net (Myrna Patrick)
mike.magyar@gmail.com (Michael Magyar)

Re: Oregon Coast Alliance Public Comment regarding the legislative hearing to consider text amendments to the Clatsop County Comprehensive Plan and Land and Water Development and Use Code discontinuing the Southwest Coastal Citizens Advisory Committee and amending sections related to development (Ordinance 16-03).

Dear members of Planning Commission,

Please accept these comments on behalf of Oregon Coast Alliance (ORCA) for the above-referenced legislative amendments. ORCA is an Oregon nonprofit corporation whose mission is to protect coastal natural resources and aid communities in maintaining their livability.

Introduction and Remand of *Jensvold v. Clatsop County*

The proposed action arises from the remand in *Jensvold v. Clatsop County,* __ Or LUBA __ (LUBA No. 2016-022, June 14, 2016). In that case, the County attempted to dissolve the Committee without going through the appropriate process required by law. As a result of the remand in that case, that decision is ineffective. *See Williamette Oaks LLC v. City of Eugene,* 68 Or LUBA 162 (2013) (when LUBA remands a land use decision, absent some authority to the

contrary, the decision becomes ineffective and remains ineffective unless and until the local government takes action on the remand to re-adopt the decision or otherwise render the decision or portions of it effective). To the extent that the County believes that the remanded decision remains in effect and that the Committee is dissolved, the County is mistaken; and it is likely this basic misunderstanding that resulted in this remand itself.[1]

Now, the County is proposing to again dissolve the committee but this time by following the applicable procedures. The County's new decision, however, appears flawed and in violation of state law.

It is also my understanding that the Planning Commission requested that staff present other options for retaining the Southwest Coastal Citizens Advisory Committee. However, staff has refused to do so, as stated in the staff report addendum for this continued hearing. This refusal is a result of direction by the County Manager, who stated that the Board of Commissioners had already decided to dissolve the committee. (*See* Staff Report Addendum, Sept. 6, 2016, p. 11). Because of the importance of public participation, the County should look at available opportunities for retaining the Southwest Coastal Citizens Advisory Committee before any process begins to potentially dissolve the committee.

Therefore, on behalf of ORCA, I request that you recommend not approving the proposed legislative amendments.

Applicable plans and land use regulations

The comprehensive plan, the coastal plan, and the LWDUO contain applicable provisions related to the proposed discontinuance of the Committee and those applicable provisions would necessarily be changed as a result of the proposed discontinuance. The comprehensive plan states that "the Citizen Advisory Committees were intended to function continuously." The comprehensive plan further provides:

> "The County has recognized the importance, necessity and value of citizen participation in assisting the County government in the decision-making process. In order to assure a continuum of citizen involvement, the following policies are adopted:
>
> GOAL
>
> * * *

[1] The County's "executive summary" contained in the staff report for the prior Planning commission hearing references the February 10, 2016 Board of Commissioners decision for a directive "to initiate amendments to the Comprehensive Plan and LWDUO to discontinue the SCCAC." That decision, however, has been voluntarily remanded and is void. As such, any reliance on that decision is misplaced.

Only the Southwest Coastal Planning Area still retains an active Citizen Advisory Committee (CAC).... The CAC may continue to function and be an active, integrated segment of Clatsop County's planning process as long as persistent involvement and active participation is demonstrated."

* * *

2. The Planning Commission and active Citizen Advisory Committees shall hold their meetings in such a way that the public is notified in advance and given the opportunity to attend and participate in a meaningful fashion.

3. Active Citizen Advisory Committees may submit their comments to the Clatsop County Department of Planning and Development, Clatsop County Planning Commission and Clatsop County Board of Commissioners. These bodies shall answer the CAC request in a timely manner."

The coastal plan "is the most important element of the Clatsop County's Comprehensive Plan to the residents of the region." The coastal plan lists several applicable policies related to the Committee that provide for its existence and other components:

"Citizen Involvement Policies

1. The Southwest Coastal Citizen Advisory Committee shall constitute the officially recognized body to represent the community on matters of land use planning.

2. The CAC shall be composed of residents and property owners of the community and shall be chosen in a well-publicized community meeting. A broad spectrum of people from the community shall be included on the CAC.

3. The CAC shall hold its meetings in such a way that the public is notified well in advance and given the opportunity to attend and participate in a meaningful fashion.

4. Technical assistance shall be made available to the CAC through the County Community Development Department and other resources of the County.

5. The Policy Advisory Committee, Planning Commission and Board of County Commissioners shall provide to the CAC written acknowledgment of the CAC's recommendations along with their rationale used to make final policy decisions.

6. The Board of County Commissioners, through the Community Development Department, shall provide adequate and reasonable financial support, along with technical assistance to the CAC."

The County's Land and Water Development and Use Ordinance (LWDUO) requires that the Committee fulfill a specific review function for particular land use applications:

"**Section 4.108. Design Review Advisory Committee.**
The Southwest Coastal Citizens Advisory Committee (CAC) shall serve as a Design Review Advisory Committee for Arch Cape and will review development proposals and make recommendations to the Community Development Director and Planning Commission concerning the design and scenic view aspects of proposed developments.

(1) Meetings/Records. The committee shall hold regular meetings on the first and third Wednesday of each month at the Arch Cape Fire Hall or designated sites. However, meetings may be canceled when there are no design review plans submitted for review by the Committee. The deliberations and proceedings of the committee shall be public. The Community Development Department shall keep minutes of the committee meetings and such minutes shall be public record.

(2) The Design Review Advisory Committee shall submit their recommendations to the Community Development Director within seven (7) working days of their decision."

The comprehensive plan, coastal plan, and LWDUO, therefore, are applicable, and would necessarily be changed by dissolving the SWCC. The SWCCAC advises the Planning Commission when changes to local rules and the Comprehensive Plan apply.

The County has not made sufficient findings supported by substantial evidence regarding compliance with the Statewide Planning Goals. Even where no authority requires findings in support of a legislative decision, there must be enough in the way of findings or accessible material in the record to show that applicable criteria were applied and required considerations were considered. *See Barnes v. City of Hillsboro,* 61 Or LUBA 375 (2010). The lack of findings is particularly conspicuous given that Goal 1 is concerned with public participation and the County's attempt to dissolve an active Citizen Advisory Committee. Given the policies at issue here, without findings the proposed amendments are not legally defensible because they are not supported by substantial evidence.

The comprehensive plan specifically dictates how the Committee may persist: "The CAC may continue to function and be an active, integrated segment of Clatsop County's planning process as long as persistent involvement and active participation is demonstrated." This comprehensive plan provision is reinforced by the Committee's bylaws, including article XI, which provides:

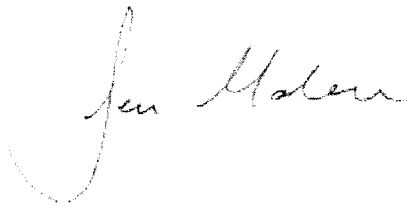
> "If persistent involvement and active participation of the Southwest Coast Citizens Advisory Committee/Southwest Design Review Committee is no longer demonstrated and the Board determines the Committee is no longer useful or necessary, the Committee may be discontinued by majority vote of the Board."

There does not appear to be any proposed findings related to this applicable goal to demonstrate that the Committee has not been active. Indeed, the absence of findings is likely attributable to the fact that the Committee has remained very active since its inception. In the absence of findings justifying the dissolution of the Committee, the County's decision is to susceptible legal

attack. It is not simply enough for the County to find that the Committee is "no longer useful or necessary," but rather the County must *also* find that there has not been "persistent involvement and active participation." Again, this will be impossible for the County to do given the level of activity and involvement from the Committee.

For the reasons provided above, on behalf of ORCA, I respectfully request that the Planning Commission not take the action to recommend dissolving the SWCCAC (aka Arch Cape Design Review Committee). The Planning Commission may not take this action because the Committee has had "persistent activity" for all the thirty-nine years of its existence. Furthermore, Clatsop County has provided no findings as required by law. Thus the proposed legislative amendments cannot be approved by the Planning Commission. Instead, the Planning Commission should continue investigating ways to streamline the SWCCAC and make it a more effective voice for Arch Cape's livability. This includes community hearings and meetings, which were discussed at the initial hearing, but which have not yet taken place.

Thank you,



Sean T. Malone
Counsel for Oregon Coast Alliance

Heather Hansen

From: Clatsop Development
Sent: Tuesday, September 13, 2016 6:55 AM
To: Heather Hansen
Subject: FW: Notes: SWCCAC issues for 9/13/16 meeting

Clancie Jo Adams | Permit Technician
Clatsop County Community Development
Land Use Planning Division
800 Exchange Street, Suite 100
Astoria, OR 97103
Phone: 503.325.8611 | Fax: 503.338.3666

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.

Beginning September 1, 2015, our office hours will be 7:30 AM to 4:00 PM, Monday-Friday.

From: ï»¿g.bc@frontier.com [mailto:g.bc@frontier.com]
Sent: Monday, September 12, 2016 5:28 PM
To: Clatsop Development
Cc: bruce@breakerspointhoa.com; farrfarr.away@yahoo.com; thomasmerrell@gmail.com; robin@robinrisley.com; 918sam@centurytel.net; mike.magyar@gmail.com; wcook1120@charter.net
Subject: Notes: SWCCAC issues for 9/13/16 meeting

Planning Commission
Clatsop County

I attended the last meeting where SWCCAC issues were discussed. I was impressed, and pleased, witnessing the interest, attention, and impartiality of the Commissioners while evaluating input from all interested parties. Unfortunately I am unable to attend this 9/13 meeting.

After the last meeting, in thinking over the information presented, I was left with three primary impressions.

1 - The citizens of Arch Cape place high value on the character of the community, and on maintaining that character. Our communal voice in this regard is primarily presented to the governing bodies of Clatsop County, and beyond, through the work of the SWCCAC. We therefore feel very strongly that the continued existence of the SWCCAC is vital to our community.

The input of the SWCCAC - the reason it was originally created - comes from an officially constituted body. Any proposal that it could, or should, be replaced by individual commentaries, or on the fly temporary committees, is ingenuous at best.

2 - The issues raised as reasons to disband the SWCCAC did not include any substantive problems directly related to the primary functions of the committee.

3 - All the "con" issues raised are truly no different than problems dealt with in the normal operations of governing bodies everywhere, at one time or another. None of them should be regarded, individually or together, as valid reasons to "throw the baby out with the bath water".

Issues of expense can, and, should be dealt with by all interested parties from the point of view finding solutions.

Other points raised should get similar cooperative attention, including, but not limited to, meeting venue(s), meeting minutes, potential legal ramifications, and reasonable accommodations for other limitations.

I look forward to reviewing the results of tomorrow's meeting. Thank you for listening,

Gordon Church
Arch Cape property owner

Sent from Yahoo Mail on Android

ATTACHMENT PC-7

Summary of Oral Testimony at 9/13/16 Planning Commission Hearing

Citizen	Comments
Linda Eyerman, Arch Cape	**Against dissolution.** Disappointed that the county didn't want to work with the people in Arch Cape and the SCCAC to try to solve the problems. She doesn't think the Board can dissolve the committee – per Comp Plan a finding is needed that it isn't active, and it isn't consistent with the SCCAC by-laws (which she handed out).
Jim Jensvold, Arch Cape	**Against dissolution.** Concerned about maintaining the integrity and preserving the character of Arch Cape. The citizens have demonstrated their willingness and desire to be involved and weigh in. He hopes the PC can find a way.
Charles Dice, Cove Beach	**Against dissolution.** Arch Cape is quite a distance from Astoria and the seat of power. The SCCAC has done a good job of planning decision making. The people in the community are much more experienced with past decisions and the SCCAC provides a good service in getting neighbors to sit down to work through problems in collaborative way. Older citizens can't make the trek up here. We've got something that works and it's local. The SCCAC meets in a formal way; it's a properly organized and structured meeting. The chairman takes minutes and has for decades. The proponents, opponents, developers, and residents weigh in and the SCCAC submits a recommendation to the Planning Commission. By the time it reaches the Board they don't have to spend a lot of time and energy on it.
Mike Manzulli, Arch Cape	**Against dissolution.** Disappointed but not surprised that the County Manager was not at the last meeting and not in attendance today. The County Manager hasn't heard the testimony, comments and discussion. It's a staff agenda is to get rid of the committee. The County is blowing the liability issue out of proportion. The SCCAC is advisory and doesn't make any decisions. Feels the Board is not aware of the reason the SCCAC was formed, which was to develop Comp Plan and local ordinances to protect our community. Design review is just one aspect of the SCCAC. In the brief time the SCCAC was inactive mistakes were made by staff in drafting the amendments. No matter what staff and county counsel has said to you, you don't have to approve these amendments. You can able this and try to work with the community with a workshop to see what works and what doesn't work. The notices are a step in the right direction. Incorporating as a city is crazy. That's a lot of work. If Arch Cape and Cove Beach incorporate, you're looking at losing a lot of money. Our short-term rentals bring in a ton of cash. The SCCAC won't be able to have a voice in drafting and amending its ordinances.
Carey Johnson, Astoria	**Concerned about proposed neighborhood meeting requirements**. Feels that if the county proposes new regulations the county should be responsible for them. He doesn't see an issue with expanding the notification boundaries or posting signage but feels this will eventually create a situation where property owners will be forced to hire consultants and land use experts when developing property should be a simple process. The county should post the sign and hold the neighborhood meetings. Otherwise it's an unfair unfunded mandate. You're not proposing that the applicant has to follow the advice from the neighborhood meetings. They should be voluntary not mandatory.

Tod Lundy, Astoria	**Against proposed neighborhood meeting requirements.** He feels the proposed amendments are unworkable because: (a) it's difficult in Arch Cape to find a meeting place for a large group to meet creating an onerous issue for the applicant, (b) the applicant chairs the meeting and the chair controls a lot of what is said, (c) the applicant submits a report and it's like asking a used car salesman how good the motor is, (d) adds a burden of responsibility on the applicant, € provides less reliable and accurate information to form your judgements on.
Dan Seifer, Arch Cape	**Against dissolution.** The community contributes significantly to the county general fund via property taxes and transient room occupancy taxes. The community wants control of the transient room occupancy tax. They've made informal contact with public works and have not gotten an answer. We are asking you to preserve an important element of the sense of community and the continued enhancement of our community. Regarding the liability that design review imposes on the county, I've never heard of any claim by any property owner that involved anything the committee did. There's been litigation, claims, problems. It's not uncommon in planning but they've been staff issues not design review. There's a loss to the Arch Cape community if the committee is abolished. The members have more credibility if the committee is active than they would as individual citizens. Not everyone who lives in Arch Cape is retired and can come up to Astoria and share the passion they may have. They do show up and participate at the Arch Cape Fire Station in a way that doesn't happen at the Seaside library or this room.

ATTACHMENT PC-8

Southwest Coastal Citizens Advisory/ Design Review Committee Bylaws

BYLAWS

SOUTHWEST COASTAL CITIZENS ADVISORY COMMITTEE

(SOUTHWEST COASTAL DESIGN REVIEW COMMITTEE)

ARTICLE I
NAME

The Committee shall be known as the Southwest Coastal Citizens Advisory/Southwest Design Review Committee hereinafter referred to as the Committee.

ARTICLE II
OBJECT

The Committee shall make recommendations to the Clatsop County Director of Transportation and Development, the Clatsop County Hearings Officer, or the Planning Commission pertaining to any land use or development applications in the Arch Cape Rural Community Boundaries.

ARTICLE III
MEMBERSHIP

Section 1. Membership is contingent upon, and members are bound by, requirements set out in the following documents:

- Oregon Revised Statutes (ORS 215),
- Goal 1 of the Clatsop County Comprehensive Plan,
- Ordinance #80-14, Ordinance #01-10,
- The County Policy 8: Committees, Commissions and Boards, and by the Oregon Government Standards and Practices Law
- Oregon Public Meeting Laws

Every new member shall receive a copy of these documents along with these bylaws.

Section 2. The Committee shall consist of seven (7) members appointed by and serving at the pleasure of the Board of Clatsop County Commissioners hereinafter referred to as "Board", each to serve for a term of four years or until their respective successors are appointed. Terms shall be staggered so either one or two members are appointed annually. The first Committee members appointed after adoption of these bylaws shall determine their terms by lot or agreement. Two members shall serve four years, two three years, two shall

serve two years and one shall serve one year. Members are limited to two (2) consecutive full terms of office.

Section 3. The members of the Committee shall be property owners or residents of Arch Cape Rural Community.

Section 4. Members of the Committee shall serve without compensation other than reimbursement for duly authorized expenses, approved by the Transportation and Development Director according to Board Policy.

Section 5. No more than two voting members shall be engaged in the same kind of occupation, business, trade or profession, if possible.

Section 6. Members shall attend all meetings faithfully except in such cases of illness or where a request to be absent has been approved by the Director of the Department of Transportation and Development or his designee prior to such meeting. The Director of the Department of Transportation and Development may excuse a member for up to three regular Committee meetings per calendar year. If a Committee member is absent more than three times and has failed to secure the approval of the Director of the Department of Transportation and Development for such absence(s), his (her) absences may be considered misconduct or non-performance of duty.

Section 7. Members may be removed from the Committee under the following rules:

a. Members may request that they be removed for personal or other reasons. Such requests shall be made to the Board.

b. The Committee may, after a committee hearing, recommend removal of any member for non-performance of duties or misconduct. Such recommendation for removal shall be made to the Board.

c. Unless otherwise provided by law, the Board may remove any appointed committee member from his or her appointment by majority vote of the Board, requiring the affirmative vote of at least (3) three Commissioners.

Section 8. Any vacancy on the Committee shall be filled by the Board for the unexpired term, and shall meet all the requirements of membership.

ARTICLE IV
OFFICERS

Section 1. The officers of this Committee shall consist of a Chairman and Vice-Chairman.

Section 2. Election of officers shall occur annually at the first meeting of the year, and elected officers shall take office at the end of that meeting.

ARTICLE V
OFFICER'S DUTIES

Section 1. It shall be the duty of the Chairman to preside at all meetings of the Committee; to enforce observance of the rules of procedure; to decide all questions of order; offer for consideration all motions regularly made; apportion duties of the members of the Committee; call all special meetings; appoint all necessary sub-committees, and perform such other duties as his office may require. The Chairman shall make no motion or amendment to a motion.

Section 2. In the absence of the Chairman, the Vice-Chairman shall perform his/her duties.

Section 3. In the absence of the Chairman and Vice-Chairman, the Committee shall elect a temporary Chairman for the particular meeting in question.

Section 4. It shall be the duty of the Department of Transportation and Development to keep minutes of all meetings and carry out the duties hereinafter prescribed and as otherwise directed by the Committee. These minutes are to be kept in the Department of Transportation and Development office.

ARTICLE VI
MEETINGS

Section 1. This Committee will generally hold its regular meeting on the third Wednesday of each month if Design Review applications are on file for review. Special meetings may be called by the Chairman, or Director of Transportation and Development as required.

Section 2. The place and hour of any meeting may be changed by the Chairman of the Committee if adequate notice can be given to the public and all interested parties in compliance with Oregon Public Meeting Laws.

Section 3. The Committee may hold work sessions after appropriate notice to the public and all interested parties. Work sessions are meetings between the Committee and staff rather than public hearings; however, the public may attend.

Section 4. In determining a quorum all members present at the meeting including the Chairman and any member(s) who may from time to time abstain from voting on an issue regardless of the reason for the abstention shall be counted. Each decision of the Committee shall be made by an affirmative vote of a majority (50 percent plus one) of the total appointed membership of the Committee.

Approved by Clatsop County Board of Commissioners on September 14, 2011

Section 5. Except as otherwise provided to the contrary by County rule or State law, these Rules of Procedure, Robert's Rules of Order, Newly Revised (current edition) shall apply to the procedures of all Committee meetings.

ARTICLE VII
CONFLICT OF INTEREST

Section 1. Members shall be required to vote on all matters which require a decision unless a member has a conflict of interest.

Section 2. Members of the County Commission or County Planning Commission shall not be eligible for membership on this Committee.

ARTICLE VIII
PUBLIC HEARING

Section 1. All public hearings before the Committee shall be conducted by the Chairman except as otherwise provided in Article V, Sections 2 and 3. Any interested party may represent themselves or be represented by others. Any person speaking at a public hearing shall first identify themselves by name and address, and if appearing in a representative capacity, identify who they represent.

Section 2. The order of proceedings shall be as set forth in Ordinance 80-14.

Section 3. The Chairman shall have the right to limit testimony on any public hearing matter when he/she feels the Committee has received adequate representative testimony of all sides of the matter.

ARTICLE IX
SPECIAL RECORDS

Special records shall be maintained by the Department of Transportation and Development for special reports or policies made by the staff or the Committee, which are in writing or audio. Committee minutes shall be on file in the Department of Transportation and Development.

Approved by Clatsop County Board of Commissioners on September 14, 2011

ARTICLE X
BYLAWS

The Committee is authorized to recommend bylaw amendments consistent with County ordinances and applicable provisions of State law. Such bylaws shall be effective upon approval by the Board.

ARTICLE XI
DISSOLUTION

If persistent involvement and active participation of the Southwest Coast Citizens Advisory Committee/Southwest Design Review Committee is no longer demonstrated and the Board determines the Committee is no longer useful or necessary, the Committee may be discontinued by majority vote of the Board.

Approved by Clatsop County Board of Commissioners on September 14, 2011

ATTACHMENT PC-9

Published Notice for 9/13/16 Hearing

State Of Oregon

County Of Clatsop } ss.

Affidavit of
PUBLICATION

I, **Jamie Ramsdell** being duly sworn, depose and say that I am the principal clerk of the manager of the **DAILY ASTORIAN**, a newspaper of general circulation, as defined by section ORS 193.010 and 193.020 Oregon Compiled Laws, Annotated, printed and published daily at Astoria in the aforesaid county and state; the Legal Notice: **AB5287 Notice of Public Hearing** a printed copy of which is hereto attached, was published in the entire issue of said newspaper for **one** successive and consecutive time(s) in the following issues: **September 6th, 2016.**

Jamie Ramsdell

Signed and attested before me on the **6th** day of **September, 2016**
by:

Holly Noelle Larkins

OFFICIAL SEAL
HOLLY NOELLE LARKINS
NOTARY PUBLIC - OREGON
COMMISSION NO. 474089
MY COMMISSION EXPIRES DECEMBER 11, 2016

Notary Public for the State of Oregon, Residing at Astoria, Oregon, Clatsop County.

Copy Of Advertisement

AB5287
CLATSOP COUNTY PLANNING COMMISSION
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN the Clatsop County Planning Commission will hold a public hearing beginning at 10:00 AM on Tuesday, September 13, 2016, at the Judge Guy Boyington Building, 857 Commercial Street, Astoria, OR regarding the following:

Continuation of a legislative hearing regarding Comprehensive Plan and Land and Water Development and Use Code amendments related to the Southwest Coastal Citizens Advisory Committee, development standards in Arch Cape, and new requirements for community involvement. Staff: Heather Hansen, Community Development Director.

Seven days prior to the hearings all documents pertaining to this matter may be reviewed 7:30 AM - 4:00 PM in the Clatsop County Community Development office, 800 Exchange Street, Suite 100, Astoria, OR and the agenda packet can viewed online at https://www.co.clatsop.or.us/meetings.

Published: September 6th, 2016