



CLATSOP COUNTY PLANNING COMMISSION

REGULAR MEETING AGENDA

Tuesday, July 26, 2016

10:00 a.m.

Guy Boyington Building

857 Commercial Street

Astoria, OR 97103

1. CALL MEETING TO ORDER
2. FLAG SALUTE
3. ROLL CALL
4. ADOPT AGENDA
5. INTRODUCTION OF NEW COMMISSIONER
6. BUSINESS FROM THE PUBLIC:
This is an opportunity for anyone to give a brief presentation about any land use planning issue or county concern that is not on the agenda.
7. MINUTES:
 - Regular Meeting Minutes July 12, 2016 **Page 3**
8. ELECTION OF CHAIR AND VICE CHAIR
9. HEARING: 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 **Page 7**
10. HEARING: 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 **Page 11**
11. HEARING: 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 **Page 53**
12. OPEN DISCUSSION:
This is an opportunity for the commission to discuss topics of interest.
13. ADJOURN

NOTE TO PLANNING COMMISSION MEMBERS: Please contact the Community Development Department (503-325-8611) if you are unable to attend this meeting.

ACCESSIBILITY: This meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting by contacting the Community Development Land Use Planning Division, 503-325-8611.

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Minutes of July 12, 2016
Clatsop County Planning Commission
Regular Session
Judge Guy Boyington Building
857 Commercial Street
Astoria, Oregon 97103

The regular meeting was called to order at 10:04 a.m. by Chair Francis.

<u>Commissioners Present</u>	<u>Commissioners Absent</u>	<u>Staff Present</u>
Bruce Francis	Kay Foetisch Robb	Clancie Adams
Myrna Patrick	Robin Risley (Excused)	Heather Hansen
Thomas Merrell		Chris Crean
Michael Magyar		
Christopher Farrar		

Agenda Adoption:

Commissioner Patrick moved and Commissioner Merrell seconded to adopt the agenda as presented. Motion passed unanimously.

Business from the Public:

There was no business from the public.

Minutes:

Commissioner Patrick moved and Commissioner Merrell seconded to approve the June 14, 2016 Clatsop County Planning Commission Regular Meeting minutes as presented. Motion passed unanimously with Commissioner Farrar abstaining.

Continuation of the quasi-judicial hearing to consider 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. Also proposed is a modified conditional use permit for a 48 unit multi-family development. The applicant is Richard Krueger and Bella Ridge Apartments, LLC. The property is identified as T8N R09W SEC 30AD TL600 and is commonly known as 92257 Lewis & Clark Road, Astoria, OR. Staff: Heather Hansen, Community Development Director.

Chair Francis welcomed new Commissioner Christopher Farrar and asked if he had reviewed the entire public hearing record on this matter. Commissioner Farrar responded he was provided with all submitted testimony and supplementary materials and had reviewed the entire record.

Chair Francis called the hearing to order at 10:10 a.m.

No ex-parte contacts were reported at this time.

A site visit was reported by Commissioner Farrar where he observed the general layout of the property, roads and existing buildings but engaged in no conversations regarding the proposed development.

No challenges to the Planning Commission's right to determine this matter or the participation of any commission member in this hearing or decision were reported at this time.

1 **Commissioner Magyar stated for the record he was no longer an employee of OTAK and had no**
2 **involvement or knowledge of this project as an employee of OTAK. He chose to recuse himself prior to any**
3 **deliberation in order to avoid any impression of impropriety. He recused himself from both prior meetings**
4 **and also recused himself from today's deliberation.**

5
6 **Chief Francis asked the record to reflect that even though Commissioner Magyar recused himself, the**
7 **commission has a quorum to deliberate and make a decision on this matter.**

8
9 **Heather Hansen, Clatsop County Community Development Director.**

10 Ms. Hansen provided the commission members with complete copies of Exhibit IIB that were
11 inadvertently incomplete in the original packet and a site plan map from the original staff presentation. She
12 went on to review the modifications to the conditional use application which now includes 48 units rather
13 than 168 and the new and revised conditions of approval addressing the issues and concerns raised by
14 residents of the community, regarding sewer capacity and suitability. She also addressed potential impacts
15 to water capacity, schools, law enforcement, emergency services and transportation. With the additional
16 conditions of approval, staff feels the proposal meets all land use criteria.

17 Ms. Hansen went on to review the following criteria and areas of concern:

- 18 • ODOT Traffic Impact Study – ODOT requires no mitigation and indicates no major transportation
19 impacts.
- 20 • Insufficient Notice -The notice to adjacent property owners followed legal procedures. Notice to
21 property owners within the affected service districts, but outside of the county requirement, is the
22 responsibility of the districts. Public hearings have been continued twice to enable additional public
23 input.
- 24 • Suitability of Site - The rural communities, including Miles Crossing, were adopted in 2003. The
25 Rural Community Multi-Family Residential zone was intended to provide suitable residential
26 development in areas where public facilities such as sewer, fire protection and water are available.
27 At the time of adoption sufficient sewer and water was unavailable in the Miles Crossing area. The
28 proposed development is located in one of the few suitable sites for multi-family development in
29 the area as it is surrounded by a golf course, commercially zoned properties, a school and other
30 community residential and it appears there's adequate services available.

31
32 Discussion ensued regarding communication received from the sewer district. Staff clarified that the change
33 in scope of development from 168 units to 48 units does not require the process to start over.

34
35 **Chair Francis declared the hearing closed at 10:26 a.m. and called for deliberation by the Commission.**

36
37 **Discussion ensued.**

38
39 **Chair Francis called for a motion and a second.**

40
41 **Commission Merrell moved and Commissioner Patrick seconded to deny the zoning change request from**
42 **rural community residential to rural community multi-family residential due to inadequacy of waste water**
43 **services.**

1 **Roll Call:**

2 Commissioner Merrell Yes
3 Commissioner Patrick Yes
4 Commissioner Farrar Yes
5 Chair Francis No

6 **The motion passed.**

7

8 *Commissioner Merrell moved and Commissioner Farrar seconded that both the 168 and the 48 unit multi-*
9 *family subdivision be denied due to not meeting the rezone requirements.*

10

11 **Roll Call:**

12 Commissioner Merrell Yes
13 Commissioner Patrick Yes
14 Commissioner Farrar Yes
15 Chair Francis Yes

16 **The motion passed.**

17

18 **Chris Crean**, County Counsel, clarified staff will revise the findings to reflect the determinations the
19 commission made today and will bring it back to the commission for review and to issue a final decision.

20

21 **Other Business:**

22 **Heather Hansen** stated the next Planning Commission meeting will be held on July 26, 2016. There is no
23 August meeting scheduled at this time.

24

25 ***As there was no further business or discussion, Chair Francis adjourned the meeting at 10:35 a.m.***

26

27 Respectfully Submitted,

28

29

30

31

32

Bruce Francis
Chairperson - Planning Commission

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Clatsop County

Community Development-Planning

800 Exchange St., Suite 100

Astoria, Oregon 97103

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Phone (503) 325-8611

Fax (503) 338-3666

AMENDED FINDING

Permit #20160076/77

DATE:	July 18, 2016
HEARING:	Clatsop County Planning Commission, July 26, 2016
APPLICATION:	<ol style="list-style-type: none">1. Zoning Map Amendment, Rural Community Residential (RCR) to Rural Community Multi-Family Residential (RC-MFR)2. MODIFIED Conditional Use Permit for 48 units (Phase 1 only). Any additional apartment buildings would require a separate conditional use review by the Planning Commission.
APPLICANT/OWNER:	Bella Ridge Apartments, LLC (Richard Krueger)
AGENT:	Frog Consulting, LLC (Mike Weston)
DEEMED COMPLETE:	April 25, 2016 <i>(150-days-September 22, 2016; extended to October 22, 2016)</i>
PROPERTY DESCRIPTION:	Township 8N, Range 09W, Section 30AD, Tax lot 600 <u>Zoning:</u> RCR– Rural Community Residential <u>Current Plan Designation:</u> Development
PROPERTY LOCATION:	92257 Lewis & Clark Road, Astoria, OR 97103
PROPERTY SIZE:	10.4 Acres
COUNTY STAFF:	Heather Hansen, Community Development Director
ATTACHMENTS:	Notice of Decision
DECISION:	Denied, does not meet Zone Change criterion 5.412 (3)(D)

On May 24, 2016, the Planning Commission held its first public hearing when the staff report was presented, public testimony was heard, and written testimony was taken. The record was closed and the hearing was continued to June 14, 2016. At the June 14 hearing, the record was reopened, more public testimony was heard, and written testimony was taken.

On June 14, a request was made by the applicant to leave the record open and continue the hearing to July 12. The Planning Commission agreed to leave the record open 7 additional days so that all parties were allowed to submit additional written evidence (June 21), an additional 7 days to respond in writing to any additional evidence that came in (June 28), and that the applicant be allowed an additional 7 days to submit final written argument (July 5). The applicant agreed to extend the deadline for a final decision by 30 days. The Planning Commission continued the hearing to July 12, 2016. The record is closed.

In response to further discussion with the Miles Crossing Sanitary Sewer District and to concerns from the community, the applicant is limiting the application to the 48 units in Phase 1 only. Any further apartment development would be required to go through a new conditional use process, including a new hearing before the Planning Commission.

On July 12, the Planning Commission opened the hearing, heard the staff report, closed the hearing, and deliberated. The Planning Commission voted 3-1 to deny the application because it does not meet Zone Change criterion (3)(D) due to a letter from the Miles Crossing Sanitary Sewer District retracting their approval for the project. The Chair instructed staff to amend the finding related to this review criterion.

LWDUO 5.412. Zone Change Criteria	Application meets criteria?
(3) The property in the affected area will be provided with adequate public facilities and services including, but not limited to:	
(A) Parks, schools and recreational facilities	Yes
(B) Police and fire protection and emergency medical service	Yes
(C) Solid waste collection	Yes
(D) Water and wastewater facilities	No

The May 17, 2016 Staff Report, Appendix A: Zoning Map Amendment, LWDUO 5.400 Analysis and Findings related to 5.412 Zone Change Criteria (3) is amended as follows:

Analysis & Finding:
 The subject property has access to adequate public facilities and services such as the Astoria School District, Clatsop County Sheriff, Lewis and Clark Rural Fire Protection District, solid waste collection, Lewis and Clark-Youngs River Water District, and Miles Crossing Sanitary District. The Applicant has provided documentation that these services are available. **However, the Miles Crossing Sanitary Sewer District submitted a letter on June 27, 2016 formally retracting their approval of the project. Based on this analysis the proposed Zoning Map Amendment meets the criteria in L5.412(3)(A)-(C) but does NOT meet criterion (3)(D).**

Clatsop County
Community Development - Planning
800 Exchange Street, Suite 100
Astoria, OR 97103

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em: comdev@co.clatsop.or.us
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NOTICE OF DECISION

DATE OF NOTICE: July 28, 2016
FILE NUMBER: 20160076/77
TYPE OF APPLICATION: Zone Change from Rural Community Residential to Rural
Community Multi-Family Residential; Conditional Use Review for a
48-unit Apartment Complex
PROPERTY OWNERS: Bella Ridge Apartments, LLC (Richard Krueger)
APPLICANT: Frog Consulting, LLC (Mike Weston)
ACTION: **DENIED**

On July 12, 2016, the Clatsop County Planning Commission DENIED the application referenced above. The County based its decision on the project's nonconformance with Zone Change review criterion 5.412 (3)(D) listed in the Clatsop County Land and Water Use and Development Ordinance (LWDUO). Supporting documentation relied upon by the County in making this decision is available for review Monday through Friday, 7:30 AM to 4:00 PM, at 800 Exchange St, Suite 100. For more information, please contact Clatsop County at 503-325-8611 or comdev@co.clatsop.or.us.

The County's decision may be appealed to the Board of Commissioners by a person with standing by filing a completed Notice of Appeal application and the associated filing fee up to the date and time that appears at the bottom of this letter. The appeal must comply with Section 2.230 of LWDUO #80-14 (procedure for an appeal).

Sincerely,

Bruce Francis, Chair
Clatsop County Planning Commission

LAST DAY TO FILE AN APPEAL: 4:00 PM – August 9, 2016

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July 18, 2016

TO: Clatsop County Planning Commission

FR: Julia Decker, Planner *jnd*

RE: L5.412 Zone Change Criteria and conditions of approval for Coleman zone change request: T4N, R10W, Sec. 30BB, TLs 00600 and 00606, Coleman Trust

On July 14, 2016, Clatsop County Public Works Director Michael Summers provided a memorandum to Clatsop County Community Development, stating the area of the zone change is so minimal its potential to increase traffic also is minimal and he does not recommend a traffic impact study at this time. However, Mr. Summers states a traffic impact study should be prepared when development is proposed. The study should review ingress and egress of the site and Highway 101, and Mr. Summers advises the applicant should review the intersection of East Ocean Lane and Highway 101 with the expectation of installing an access point on East Ocean to provide improved circulation. Mr. Summer's memorandum is attached as Exhibit A.

At its July 12, 2016, hearing on the matter, the Southwest Coastal Citizens Advisory Committee recommended approval of the application, including a revision to staff's second recommended condition of approval. The committee recommended the condition be reworded so as not to require approval by the Oregon Department of Transportation (ODOT) if the applicant does not use direct access from Highway 101.

Staff respectfully continues to recommend the condition of approval as found on page 14 of the staff report, with a minor amendment as indicated at the end of this memo: Per L2.110(2)(D) we are required to give notice to ODOT for applications related to property within 750 feet of a state highway; the subject property is within 750 feet of Highway 101; ODOT has provided comment, indicating interest in what use will ultimately be proposed for the site while not requiring a transportation impact study at this time; and staff's recommended condition of approval requires ODOT approve the adequacy and safety of the transportation network to support the proposed use, regardless of where the subject property takes access, per L5.352.

Regarding L5.412 Zone Change Criteria (3)(D), Phil Chick, Manager of the Arch Cape Water and Sanitary Districts, has provided written confirmation the utility district can provide water and sanitary services to the subject tax lots. Although Mr. Chick's letter does not state this is in event the zone change is approved, Mr. Chick spoke with staff earlier in the day, before sending the letter, to verify specifics about the applicant's request. Staff understands Mr. Chick means the letter to support the zone change criteria. Mr. Chick's letter is attached as Exhibit B.

Regarding L5.412 Zone Change Criteria (3)(B), Vito Cerelli, agent acting on behalf of the applicant, forwarded an email from Cannon Beach Rural Fire Protection District Chief Matt Benedict, who states there is adequate access to the property via 79330 Highway 101, through the applicant's property fronting Highway 101. Chief Benedict's email states further inspection may be required for construction or remodel. Mr. Cerelli states in an email to staff the fire chief reviewed the entire property. Email correspondence among Mr. Cerelli, Chief Benedict and staff is attached as Exhibit C.

As of the date of this addendum, responses have not been received from the solid waste collection company that serves the county, the Clatsop County Sheriff's Office, or from emergency medical services other than the fire department. However, it is highly unlikely that a zone change of only 0.6 acres would impact these service providers in any measurable way.

Because the zone change would not add load to the school district, and parks and recreational facilities in the area are vast, including the ocean beaches and Oswald West State Park, staff finds L5.412 (3)(a) does not apply.

The following amendment to Condition of Approval #2 on page 14 of the staff report is proposed:

2. At the time of application for a use of the property, the applicant shall provide documentation of approval by the Oregon Department of Transportation, to insure that an adequate and safe transportation network exists to support the proposed use zoning and will not cause undue traffic congestion or hazards. A Traffic Impact Analysis may be required.

attachments



PUBLIC WORKS

RECEIVED
Clatsop County

JUL 15 2016

Land Use Planning

MEMORANDUM

Date: July 14, 2016

To: Heather Hansen, Community Development Director

From: Michael Summers, Public Works Director *[Signature]*

Subject: Butch Colman Trust #20150412
Zoning Map Amendment
T4N R10W Sec 30BB TL00606

I have reviewed the Butch Colman Trust Zoning Map Amendment Application relative to Section 5.350 Transportation System Impact Review and Section 5.412 Zone Change Criteria (4).

The existing parcel has access off Highway 101, which is a State Highway. The site area proposed to be changed from AC-RCR to RCC is 0.60 acres. The minimal land area to be changed to AC-RCR zoning will have the potential to have a minimal increase in traffic to the State Highway. A traffic impact study for the zone change is not recommended for the zone change. However, a traffic impact study for the proposed development depending on type, extent should be prepared to review the ingress and egress of the site and State Highway. The applicant should also review the intersection of East Ocean and Highway 101 with the expectation of installing an access point on East Ocean Drive to provide improved circulation for the site. Any improvements to East Ocean require permits and approvals from Clatsop County Public Works.

Arch Cape Water and Sanitary Districts
32065m East Shingle mill Ln.
Arch Cape, OR 97102

RECEIVED
Clatsop County

JUL 19 2016

Land Use Planning

July 18, 2016

Dear Vito,

This letter is to inform you that the Arch Cape Water and Sanitary Districts can provide water and sanitary service to tax lots 41030BB00600, 41030BB00601, and 41030BB00606 in Arch Cape, Or.

Please contact the District office at 503-436-2790 if you have additional questions through out your process.

Sincerely,



Phil Chick
District Manager
Arch Cape Water and Sanitary Districts

Julia Decker

RECEIVED

~~Gleason County~~

From: vito cerelli <vito.cerelli@gmail.com>
Sent: Monday, July 18, 2016 4:45 PM
To: Matt Benedict
Cc: bob cerelli; Julia Decker
Subject: Re: 79330 HWY 101, tax lot # 41030bb00601

JUL 19 2016

Land Use Planning

The property upon approval of the new zoning will be designed and reviewed by the fire department prior to being submitted for design review / building permit.

Thank you,

Vito

vito cerelli
503.440.5766
vito.cerelli@gmail.com

On Mon, Jul 18, 2016 at 4:37 PM, Matt Benedict <mbenedict@cbfire.com> wrote:

Mr. Cerelli,

There was some miscommunication. I was under the impression you were working on the building at 79330 HWY 101. This appears to be a Zoning change for development from residential to commercial. As I do not have any development plans, I cannot confirm Fire Access to the area. The developer needs to assure that the 2014 Oregon Fire Code is strictly adhered to concerning Fire Access Roads(Appendix D).

Please let me know if you have further questions.

Thanks,

Matthew Benedict

Fire Chief

Cannon Beach Fire & Rescue

(O) 503-436-2949

(C) 541-310-1043

mbenedict@cbfire.com

From: vito cerelli [mailto:vito.cerelli@gmail.com]
Sent: Monday, July 18, 2016 1:36 PM
To: Matt Benedict
Cc: bob cerelli
Subject: Re: 79330 HWY 101, tax lot # 41030bb00601

Thank you for reviewing this property today and the access. The letter will be attached for the planning commission hearing with Clatsop County.

Vito Cerelli

[503.440.5766](tel:503.440.5766)

vito cerelli

[503.440.5766](tel:503.440.5766)

vito.cerelli@gmail.com

On Mon, Jul 18, 2016 at 12:30 PM, Matt Benedict <mbenedict@cbfire.com> wrote:

To whom it may concern:

I was requested preapproval for Fire department Access to property at 79330 HWY 101. On 7/18/2016 I stopped at this location and there is adequate Fire Department Access to the property as of 11:00am this day. Any changes to property before construction/remodel or any other work may be subject to inspection.

Respectfully,

Matthew Benedict

Fire Chief

Cannon Beach Fire & Rescue

(O) 503-436-2949

(C) 541-310-1043

mbenedict@cbfire.com



Clatsop County

Community Development-Planning

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Staff Report Permit #20150412

REPORT DATE:	July 5, 2016
HEARINGS:	Southwest Coastal Citizens Advisory Committee, July 12, 2016 Clatsop County Planning Commission, July 26, 2016
APPLICATION:	Zoning Map Amendment, AC-RCR to RCC on approximately 0.60 acres in the rural community of Arch Cape.
DEEMED COMPLETE:	May 10, 2016 <i>(150 days-October 7, 2016)</i>
PROPERTY:	T4N R10W Sec. 30BB TLs 600 (2.34 acres) and 606 (0.19 acres)
OWNERS:	Butch Coleman Trust Butch Coleman Trustee Harry E. Coleman 80326 Pacific Rd #E 11 Arch Cape, OR 97102
APPLICANT:	Vito Cerelli
STAFF:	Julia Decker, Planner Heather Hansen, Community Development Director
EXHIBITS:	1. Application and Map of Proposed Amendment 2. Notice of Hearing – Mailed and Published 3. Public Agency Comment – Daniel Fricke, ODOT

I. SUMMARY

On August 21, 2015, the applicant submitted a request for a Zoning Map Amendment on approximately 0.60 of an acre of land in the Rural Community of Arch Cape. The Applicant proposes to change the zoning from Arch Cape Rural Community Residential (AC-RCR) to Rural Community Commercial (RCC). Both zoning designations have a Comprehensive Plan designation of "Development". Because the Comprehensive Plan Designation will remain the same, the Planning Commission will make the final decision on this application. Based on the findings of fact contained in this report Staff recommends the Planning Commission approve the proposed zoning map amendment. The owner has not submitted an application for his planned use at this time, preferring to wait to see if he is able to procure a zone change that would define the area available for him to finalize his plans for the property.

II. BACKGROUND

The subject property (TL 600) was created by the recording of a deed with the Clatsop County Clerk (Book 143, Page 217) on May 31, 1938. TL 606 was created with Partition Plat 2003-029. The properties meet the definition of a lot of record (LWDUO 1.030).

In 1980, and again in 1983, the county adopted zoning for the property; the property was zoned Rural Service Area-Single Family Residential (RSA-SFR) and Neighborhood Commercial (NC).

In 2003, Clatsop County adopted four rural communities, including Arch Cape. Zoning for the area was amended: RSA-SFR zoning was amended to Arch Cape Rural Community Residential (AC-RCR), and NC was amended to Rural Community Commercial (RCC). The majority of the property remained in its respective commercial and residential zoning designations except for TL 606. Because a dwelling existed on TL 606 at the time the Rural Community zoning was adopted, the zoning of TL 606 was changed from Neighborhood Commercial to Rural Community Residential, in keeping with the use of the property at the time of the zone change. Tax Lot 600 is split-zoned AC-RCR and RCC currently. This application would extend the RCC zoning to all of TL 606 and to a larger portion of TL 600.

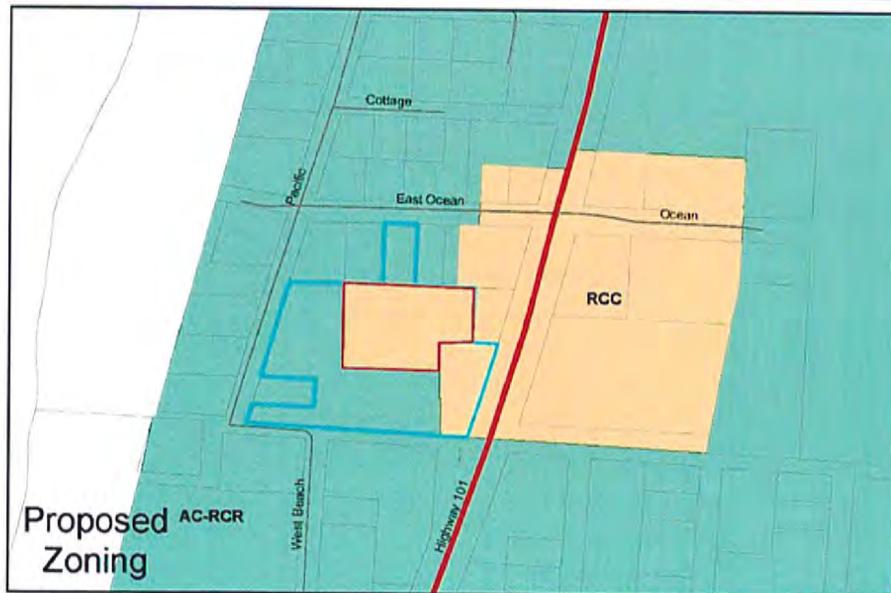
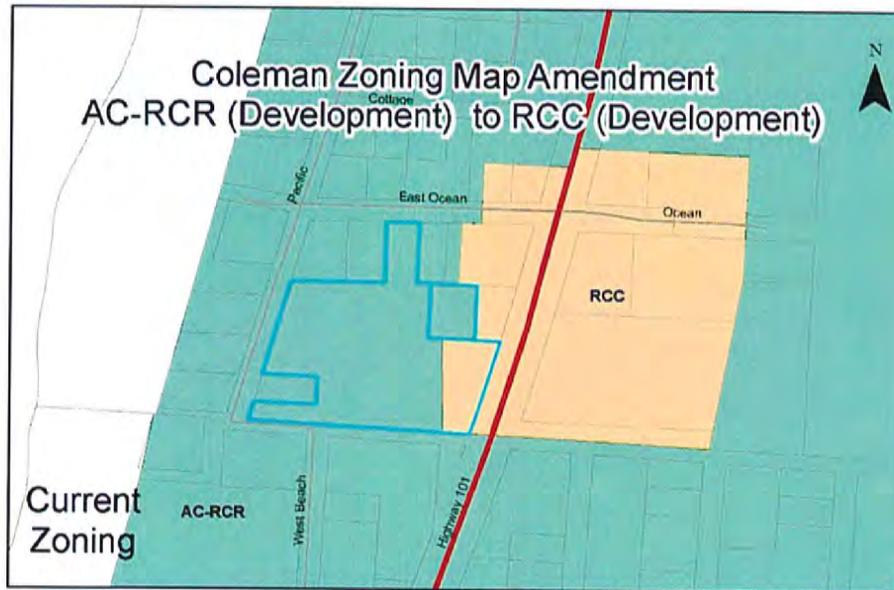
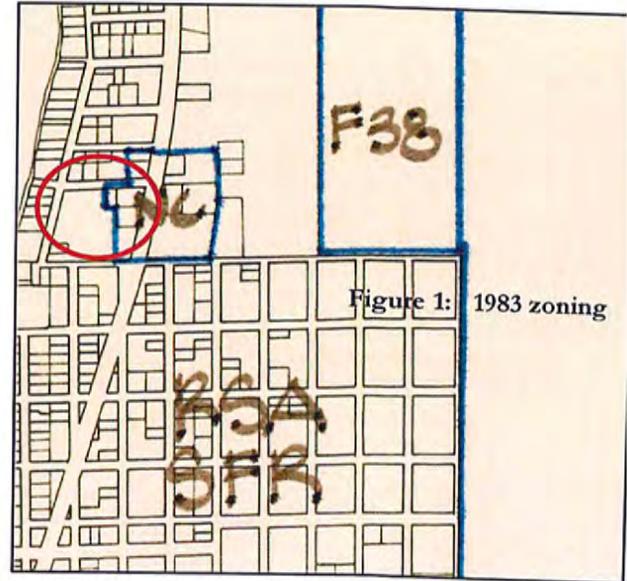


Figure 2:
Current and
Proposed
Zoning

III. APPLICABLE CRITERIA

LWDUO 80-14

- 1.010-1.050 Definitions
- 2.030 Type III Procedure
- 2.110 Mailed Notice of a Public Hearing
- 2.125 Procedure for Published Notice
- 3.252 Rural Community Commercial Zone
- 4.100 Arch Cape Rural Community Overlay
- 5.350 Transportation System Impact Review
- 5.400 Zone Changes

Comprehensive Plan

- Goal 1 Citizen Involvement
- Goal 2 Land Use Planning
- Goal 11 Public Facilities and Services
- Goal 12 Transportation
- Southwest Coastal Community Plan

IV. EVALUATION OF APPLICABLE CRITERIA

A. LWDUO 80-14¹

Section 2.030 Type III Procedure.

- (1) Type III actions involve complex or subjective decisions which may impose possible significant effects on some persons or a broad effect on a number of persons. Often these applications include subdivisions with seven or more lots, similar use, quasi-judicial zoning map amendments that do not involve any change to the comprehensive plan or designation. Once an application is determined by the Community Development Director to be complete, it is scheduled for public hearing pursuant to Section 2.105 before the Planning Commission.
- (2) The Director shall mail and publish a notice pursuant to Section 2.110 and Section 2.125.
- (3) At the public hearing, the staff, the applicant, and interested persons may present information relevant to the criteria and standards pertinent to the proposal, given reasons why the application should or should not be approved or proposing modifications and the reasons the person believes the modifications are necessary for approval. The Planning Commission may attach certain development or use conditions beyond those warranted for compliance with the Development and Use Standards Document in granting an approval if the Planning Commission determines the conditions are necessary to avoid imposing burdensome public service obligations on the County, to mitigate detrimental effects to others where such mitigation is consistent with an established policy of the County and to otherwise fulfill the criteria for approval.
- (4) A decision of the Planning Commission may be appealed by a party of record to the Board of Commissioners in accordance with Section 2.230.

Findings & Conclusion: In accordance with this section and L5.412 Zone Changes, this application is being processed as a Type III quasi-judicial procedure with a public hearing to be held before the Planning Commission on June 14, 2016. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment meets the criteria in 2.030.**

Section 2.110 Mailed Notice of a Public Hearing.

Section 2.125 Procedure for Published Notice.

Findings & Conclusion: Mailed and published notices were provided in accordance with 2.110 and 2.115 and are included as Exhibit 2. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment is consistent with the criteria in 2.110 and 2.115.**

SECTION 3.252. RURAL COMMUNITY COMMERCIAL ZONE (RCC).

Section 3.254. Purpose and Intent.

¹ Codified August 25, 2014
Coleman Zone Change

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.

Findings & Conclusion: This application is for a zone change only and does not require that a specific use be identified; thus, it is necessary to consider the range of opportunities afforded by a potential zone change. The Arch Cape Rural Community is served by the Arch Cape Water District and the Arch Cape Sanitary District, as well as the Clatsop County’s Sheriff’s Office and Cannon Beach Rural Fire Protection District, among others. The subject properties, a portion of which once were zoned for commercial use before the adoption of the AC-RCR Zone, are immediately adjacent to other RCC-zoned properties. Type I applications are limited to splitting and sale of firewood, roadside stand less than 120 square feet, low intensity recreation, utilities and land transportation facilities, and a handicapped housing facility. All other uses are Type II or Type IIa conditional uses, subject to L5.000 Conditional Use and Development, which evaluates applications against county’s Comprehensive Plan and zoning requirements, and to L3.262, which includes standards addressing setbacks, building height maximum of 35 feet, building size, off-street parking air quality, noise, storage, fencing and buffering, light, heat, glare, and vibration, among others. All of the foregoing applies to structures and uses, and all would be addressed when the applicant applies for a use on the property. As demonstrated above, almost every use is a conditional one, which requires public notice and an opportunity for public comment.

L3.262(3) Density Provisions requires a minimum lot width of 75 feet and a lot width/depth dimension of a 1:3 ratio or less. Given the current application is for a zone change only, this is the only standard that can be addressed at this time. A site map provided by the applicant shows the width of the property to be approximately 160 feet and the maximum depth to be approximately 300 feet, producing a lot width/depth ratio of 1:1.53. The width to depth criterion is met.

The standards of L3.262 will be applied when an application that complies L2.252 and L5.000 is approved.

Based on this analysis, the criterion found in L3.262(3) is met. Other applicable development and use standards of the RCC Zone will be reviewed when an application for a conditional use is submitted.

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

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.

- (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).

Findings & Conclusion: This application is being processed through a Type III procedure. Design Review evaluations are decided by the Community Development Director, who determined the design review criteria do not apply. Design Review Criteria are specific to the development of structures, their setbacks, height, lot coverage and similar standards, as well as conformance with regulations such as those requiring stormwater drainage plans, full-cut-off lighting, etc. The standards and regulations would all be appropriate for review when a development is proposed, but none applies to the zone change. **This criterion does not apply.**

Section 4.103. Criteria for Design Review Evaluation.

Findings & Conclusion: L4.103 does not contain criteria applicable to the zoning map amendment application. These criteria will be applied at the time the commercial use is proposed. **Based on this analysis, the criterion in 4.103 does not apply to this application.**

SECTION 5.350 TRANSPORTATION SYSTEM IMPACT REVIEW

The following section incorporates requirements for developments that have the potential to impact the county's transportation system.

Section 5.352 Traffic Impact Study

- (2)** When Required.

A Traffic Impact Study may be required to be submitted to the County with a land use application, when the following conditions apply:

- (A)** The development application involves one or more of the following actions:

- 1) A change in zoning or a plan amendment designation; or
- 2) A change in zoning or a plan amendment designation; or
- 3) Any proposed development or land use action that ODOT states may have operational or safety concerns along a state highway; and
- 4) The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, or crash history. The Institute of Transportation Engineers Trip Generation manual shall be used for determining vehicle trip generation:
 - (a) An increase in site traffic volume generation by 500 Average Daily Trips (ADT) or more (or as required by the County Engineer); or
 - (b) An increase in ADT hour volume of a particular movement to and from the State highway by 20 percent or more; or
 - (c) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
 - (d) The location of the access driveway does not meet minimum site distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or
- 5) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

Section 5.354 Amendments Affecting the Transportation System

(1) Review of Applications for Effect on Transportation Facilities.

When a development application includes a proposed comprehensive plan amendment, zone change or land use regulation change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility. An amendment significantly affects a transportation facility if it would:

- (A)** Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the Clatsop County Transportation System Plan (“TSP”); or
- (B)** Changes standards implementing a functional classification system; or
- (C)** Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
- (D)** Reduce the performance standards of the facility below the minimum acceptable level identified in the Transportation System Plan.

Findings & Conclusion: The area subject to the zoning map amendment is directly adjacent to Highway 101, a state highway with a functional classification of Major Arterial. The property along the highway, T4N, R10W, Sec. 30BB, TL 00601, is already zoned RCC and is in the same ownership as the subject TMs 600 and 606. Dan Fricke, Senior Transportation Planner, Oregon Department of Transportation, provided public comment via email. Mr. Fricke stated in his email that ODOT has no objection to the proposed zoning map amendment. However, Mr. Fricke noted in his email the property proposed for re-zone appears to be landlocked and ODOT assumes the applicant will request access to Highway 101 through one of the tax lots with direct frontage. In this event, Mr. Fricke states it will be necessary for the applicant to submit an application for a new or amended approach in order to access Highway 101. Depending upon the use proposed, the county and ODOT may require a transportation impact analysis (TIA) to determine if improvements to the highway at the proposed access point are necessary. Mr. Fricke's email is found in Exhibit 3.

The zoning map amendment is a standalone request and does not require identification of a proposed use at this time. The RCC Zone allows only a handful of uses as Type I applications: splitting and sale of firewood, roadside stand less than 120 square feet, low intensity recreation, utilities and land transportation facilities, and a handicapped housing facility. All other uses are Type II or Type IIa conditional uses. Because this application does not require a proposal for development, it would be premature to conduct or require a traffic impact analysis. Any commercial uses proposed in the future will be evaluated against the conditional use criteria in L5.000, which require adequate transportation facilities in place to serve the use. In addition, L5.352(2)(A)(2) & (3) also allow the requirement of a traffic impact analysis at the time a permit for development is submitted. **Based on this analysis and public comment from ODOT, a Traffic Impact Analysis is not required at this time.**

Section 5.412. Zone Change Criteria.

The governing body shall approve a non-legislative zone designation change if it finds compliance with Section 1.040, and all of the following criteria:

- (1)** The proposed change is consistent with the policies of the Clatsop County Comprehensive Plan.

Applicant Response: The proposed plan is consistent with the Clatsop County Comprehensive Plan. The map amendment being proposed maintains a similar zoning use to surrounding areas of the site. The taxlot 606 was previously zoned commercial.

Findings & Conclusion: The applicable comprehensive plan policies are evaluated later in this report and the findings support a determination of consistency with the Comprehensive Plan. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment meets the criteria in L5.412(1).**

- (2)** The proposed change is consistent with the statewide planning goals (ORS 197).

Applicant Response: The proposed change is consistent with the goals of the State. The zoning will allow for a commercial use that is within the statewide planning uses.

Findings & Conclusion: Clatsop County's Comprehensive Plan has been acknowledged by the State of Oregon as being consistent with the Statewide Planning Goals. Consistency with the Clatsop County Comprehensive Plan ensures consistency with the Statewide Planning Goals. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment meets the criteria in L5.412(2).**

- (3) The property in the affected area will be provided with adequate public facilities and services including, but not limited to:
- (A) Parks, schools and recreational facilities
 - (B) Police and fire protection and emergency medical service
 - (C) Solid waste collection
 - (D) Water and wastewater facilities

Applicant Response: The development of this site will create a public service for the community and its surrounding areas by bringing back a local market that used to reside on the site. The plans are to also offer the public post office site. All development will be created to improve the local and surrounding neighbors.

Findings & Conclusion: While the applicant has mentioned proposed uses for this property, they are not part of this review and application. The application does not include documentation about adequate access to public facilities and services. In general, the Arch Cape community is served by public water and sewer, law enforcement, and fire protection; in addition, the oceanfront community is surrounded by parks and recreational areas and is within the Seaside School District's boundaries. A condition of approval shall require these elements be provided for evaluation when a development proposal is submitted. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment meets the criteria in L5.412(3)(A)-(D) with a condition of approval. (Refer to Condition 1, pages 13-14.)**

- (4) The proposed change will insure that an adequate and safe transportation network exists to support the proposed zoning and will not cause undue traffic congestion or hazards.

Applicant Response: The zoning amendment will improve the transportation and assist in the public safety of the area. The current location abuts highway 101 and with the new zoning amendment to the adjacent properties that new development will allow a safer access to and from the site.

Findings & Conclusion: The subject property has frontage and access on Highway 101 and is served by an existing access through the adjoining property to the east in the same ownership. At this time the applicant is not proposing a specific use. Any future development will be evaluated against a conditional use criterion that requires documentation of permitted access and consistency with 5.350 *Transportation System Impact Review*. Also refer to the findings for L5.350. A condition of approval shall require documentation of approval by the Oregon Department of Transportation. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment meets the criteria in L5.412(4) with a condition of approval. (Refer to Condition 2, page 14.)**

- (5) The proposed change will not result in over-intensive use of the land, will give reasonable consideration to the character of the area, and will be compatible with the overall zoning pattern.

Applicant Response: The new development will be consistent with the development of the neighboring properties. The scale and design of the building will enhance the area and offer a common public good. The amendment will assist in bringing back a community gathering space. The new zoning plan also maintains the natural surroundings by offering a large parcel of undeveloped forest and wetlands.

Findings & Conclusion: While the applicant has mentioned proposed uses for this property, they are not part of this review and application. A portion of the subject property (now TL 606) was zoned Neighborhood Commercial until 2003, when the rural community zoning and overlay were adopted for Arch Cape. With the adoption of the overlay and new zoning in 2003, the property was rezoned to its current residential status for consistency with the established residential use on that property at the time. The entire area that is the subject of this application is adjacent to existing commercial zoning and would be compatible with the overall zoning pattern of the area. The north portion of TL 600, circled below, has been the subject of a recent property line adjustment with the tax lots to the east and west and is no longer a part of TL 600, eliminating concern about creating an issue of non-conformity. The property line adjustment was completed and is recorded with the Clatsop County Clerk, Instrument no. 201603346, on May 10, 2016. The zoning on the portion subject to the property line adjustment will remain AC-RCR (identified in Figure 3 below). **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment is compatible with the overall zoning pattern of the area and meets the criteria in L5.412(5).**

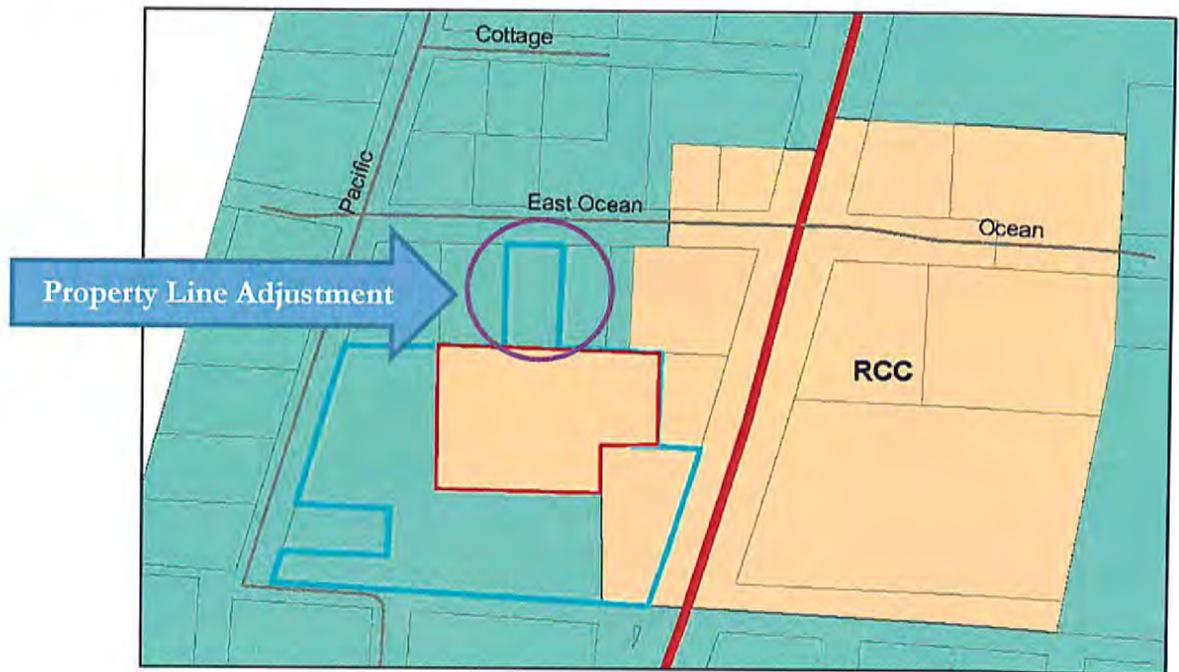


Figure 3: Proposed Zoning

- (6) The proposed change gives reasonable consideration to peculiar suitability of the property for particular uses.

Applicant Response: The new zoning amendment allows for a safer and more functional site given its location and proximity to highway 101. The site is one of the few areas with direct access from highway 101. By offering the proposed new layout of the site it will assist in the public access.

Findings & Conclusion: Given that the property has direct access to Highway 101, is adjacent to existing and historical commercial zoning, and includes a structure used for commercial purposes, the proposed change gives reasonable consideration to the suitability of the property for commercial purposes. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment meets the criteria in L5.412(6).**

(7) The proposed change will encourage the most appropriate use of land throughout Clatsop County.

Applicant Response: The proposed development maintains that natural surroundings while offering a public community gathering locations. The amenities will be useful and appropriate for the area.

Findings & Conclusion: While the applicant has mentioned proposed uses for this property, they are not part of this review and application. As stated in earlier findings, the site is suitable for commercial use and a portion of the area has been historically zoned commercial. Only two dwellings are adjacent. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment is consistent with the criteria in L5.412(7).**

(8) The proposed change will not be detrimental to the health, safety and general welfare of Clatsop County.

Applicant Response: The proposed amendment will enhance the public safety and general welfare by offering a community gathering location with facilities for the general use. The zone change will assist in public safety in the use of the site by creating a buffer to highway 101.

Findings & Conclusion: While the applicant has mentioned proposed uses for this property, they are not part of this review and application. The change in zoning should not be detrimental to the welfare of the public. Any future development will be required to meet the applicable development standards, ensuring the use will be consistent with existing development. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment meets the criteria in L5.412(8).**

B. COMPREHENSIVE PLAN GOALS AND POLICIES

Goal 1 – Citizen Involvement:

Policies

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

Applicant Response: The zoning map modification for the tax lots 600, 601, and 606 will be reviewed by both the local and county planning departments. The initial review will be held by the local Design Review committee in Arch Cape and followed by the Planning Commission. Criteria for these hearings will be available to meet the needs of the boards.

Findings & Conclusion: Clatsop County is processing this map amendment as a Type III quasi-judicial procedure with a public hearing to be held before the Planning Commission on July 26, 2016. Published and mailed notices were provided in accordance with L2.035 and L2.315 (Exhibit 2) which ensures consistency with policies 2, 5, 7, and 9 of the Goal 1 element. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment is consistent with Goal 1.**

Goal 2 – Land Use Planning

The County's land and water have been placed in one of six (6) Plan designations They are:

1. Development

Development areas are those with a combination of physical, biological, and social/economic characteristics which make them necessary and suitable for residential, commercial, or industrial development and includes those which can be adequately served by existing or planned urban services and facilities.

In Clatsop County, the County has three types of such areas: cities and their urban growth boundaries; rural communities; and rural service areas, which are areas similar to cities (sewer and water) but lack size and a government structure.

- c. Rural Communities. Clatsop County has identified and established boundaries for the following rural communities: Miles Crossing - Jeffers Gardens, Arch Cape, Svensen, Knappa, and Westport. Land use plans in these areas recognize the importance of communities in rural Clatsop County. These communities are established through a process that applies OAR 660 Division 22 requirements. Portions of land identified in the Miles Crossing and Jeffers Gardens rural community plan take an exception to Statewide Planning Goal 3 and Goal 4 for portions of land zoned EFU or AF. The exceptions documentation for a portion of the Miles Crossing and Jeffers Gardens rural community boundary is adopted as part of the Comprehensive Plan, and is located at the end of this section.

Applicant Response: The zone change for the taxlots 600, 601, and 606 are consistent with the Land Use Planning policies within the Comprehensive plan. The commercial use will be similar to the existing zoning within the area of Arch Cape.

Findings & Conclusion: While the applicant has mentioned proposed uses for this property, they are not part of this review and application. The existing residential zone and the proposed commercial zone both carry a Comprehensive Plan designation of "Development". No change in designation is proposed. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment is consistent with Goal 2.**

Goal 11 – Public Facilities and Services

General Public Facilities Policies

9. When a Comprehensive Plan or Zone Change or both are requested that would result in a higher residential density, commercial or industrial development it shall be demonstrated and findings made that the appropriate public facilities and services (especially water, sanitation (septic feasibility or

sewage) and schools) are available to the area being changed without adversely impacting the remainder of the public facility or utility service area.

Applicant Response: The public facilities are currently connected to the site. With future development, the required agencies and consultants will be part of the design to ensure that there is an adequate supply. This will be an agency sign off from the power, water, sewer, and storm water on the site.

Findings & Conclusion: The subject property is with the Arch Cape Sewer and Water Districts and is served by existing connections. When specific uses are proposed, documentation will be required from each district stating that adequate service can be provided for the proposed use. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment is consistent with Goal 11.**

Goal 12 - Transportation

Applicant Response: A comprehensive traffic study will be completed prior to the development of the property. At this time the plans will have the required information to complete an accurate study of the property with relationship to the traffic patterns to and from the site. We will have parking requirements per the building uses listed, hours of operations as well as meetings with local and state road consultants.

Findings & Conclusion: The Goal 12 element of the Comprehensive Plan contains countywide goals for future development. The provisions of the land use ordinance implement these goals. As provided in the findings for 5.350 *Transportation System Impact Review*, any future development must ensure consistency with the provisions of the land use ordinance. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment is consistent with Goal 12.**

Southwest Coastal Community Plan Rural Service Area Development

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.

Findings & Conclusion: The amount of land being converted from residential to commercial is insignificant when compared to the need. TL 606, approximately 8,276 square feet, was commercially zoned until the Rural Community zoning was adopted in 2003; it would return to commercial zoning. The area to be converted is about 0.61 of an acre, or 26,571 square feet. Subtracting the 8,276 of TL 606 leaves approximately 18,295 square feet to be converted from residential to commercial that was not originally commercial. The converted land would be immediately adjacent to existing RCC-zoned land in the same ownership along Highway 101. This rezone would keep all commercial development consolidated to the existing commercial area, as required by the Southwest Coastal Community Plan.

This re-zone would permit the owner adequate area to provide commercial services in a community of more than 300 homes. According to a conversation between Arch Cape Sanitary District Manager Phil Chick and staff on June 7, 2016, about 75 of the 331 sewer connections are for full-time residences for approximately 150 full-time residents. Many of the dwellings are second homes and more than 60 are legally permitted vacation rentals. Visitors and full-time local residents alike must travel to the closest grocery stores in Manzanita eight miles to the south and Tolovana Park four miles to the north. The owner has not submitted an application for his planned use at this time, preferring to wait to see if he is able to procure a zone change that would define the area available for him to finalize his final plans for the property.

However, the uses permitted as Type II and Type IIa conditional uses in the zone are consistent in nature with those listed in the Southwest Coastal Community Plan, and any of these would go toward providing services in a community that is entirely residential and vacation rental at this time. Any future development will be reviewed for consistency with the provisions of the land use ordinance. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment is consistent with the Southwest Coastal Community Plan.**

The following elements of the Clatsop County Comprehensive Plan do not contain applicable policies:

- Goal 3 – Agricultural Lands
- Goal 4 - Forest Lands
- Goal 5 – Open Space, Scenic, Historic Areas and Natural Resources
- Goal 6 – Air, Water, and Land Quality
- Goal 7 - Natural Hazards
- Goal 8 – Recreation
- Goal 9 – Economy
- Goal 10 – Population and Housing
- Goal 13 – Energy Conservation
- Goal 14 – Urbanization
- Goal 16/17 – Estuarine Resources and Coastal Shorelands
- Goal 18 – Beaches and Dunes
- Goal 19 Element – Ocean Resources

V. PUBLIC AGENCY COMMENT

One public agency comment was received as of 4:00 PM on June 6, 2016, from Dan Fricke, Senior Transportation Planner, Oregon Department of Transportation, who provided comment via email. Mr. Fricke stated in his email that ODOT has no objection to the proposed zoning map amendment and a land use matter only. However, Mr. Fricke went on, writing the property proposed for re-zone appears to be landlocked and ODOT assumes the applicant will request access to Highway 101 through one of the tax lots with direct frontage. In this event, Mr. Fricke states it will be necessary for the applicant to submit an application for a new or amended approach road in order to access Highway 101. Depending upon the use proposed, the county and ODOT may require a transportation impact analysis (TIA) to determine if improvements to the highway at the proposed access point are necessary. Mr. Fricke's email is found in Exhibit 3.

Staff Response: The zoning map amendment is a standalone request; the application does not include a proposed use at this time. The RCC Zone allows only a handful of uses as Type I applications. Most uses are Type II or Type IIa conditional uses. Because this application does not contain a proposal for development, it would be premature to conduct or require a traffic impact analysis. Any commercial uses proposed in the future will be evaluated against the conditional use criteria 5.000, which require adequate transportation facilities in place to serve the use. In addition, 5.352(2)(A)(2) and (3) also allow the requirement of a traffic impact analysis at the time a permit for development is submitted. **Based on this analysis and public agency comment from ODOT, staff has determined that a Traffic Impact Study is not required at this time.**

VI. PUBLIC COMMENT

No public comment was received as of 4:00 PM on June 6, 2016.

VII. RECOMMENDATION

Staff recommends that the Southwest Coastal Citizens Advisory Committee recommend that the Planning Commission adopt the findings of fact of the staff report and approve the Zoning Map Amendment with the following conditions of approval:

1. The applicant will provide documentation at the time of application for a use of the property, demonstrating the affected area will be provided with adequate public facilities and services including, but not limited to:
 - a. Parks, schools and recreational facilities
 - b. Police and fire protection and emergency medical service
 - c. Solid waste collection
 - d. Water and wastewater facilities

2. At the time of application for a use of the property, the applicant shall provide documentation of approval by the Oregon Department of Transportation, to insure that an adequate and safe transportation network exists to support the proposed zoning and will not cause undue traffic congestion or hazards. A Traffic Impact Analysis may be required.

Respectfully submitted,



Julia Decker
County Planner

CLATSOP COUNTY
Community Development
Land Use Planning Division
800 Exchange Street, Suite 100
Astoria, OR 97103

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ph: 503-325-8611
fx:503-338-3606
em: comdev@co.clatsop.or.us



SOUTHWEST COASTAL CITIZENS ADVISORY COMMITTEE CRITERIA EVALUATION SHEET

Applicant/Owner:

Butch Coleman Trust
Butch Coleman Trustee
Harry E. Coleman
80326 Pacific Rd #E 11
Arch Cape, OR 97102

Property Description:

T4N, R10W, Sec. 30BB, Tls 600 & 606
79328 Hwy 101
Arch Cape, OR 97102

Based on evidence and testimony, the Southwest Coastal Citizens Advisory Committee finds:

Land and Water Development and Use Ordinance #80-14

Section 3.252 RCC Zone: **We find the criterion found in L3.262(3), density provisions, is met; applicable development and use standards of the RCC Zone will be reviewed when the applicant makes a proposal for a conditional use.**

Section 5.352 Traffic Impact Study: **We find the applicable comprehensive plan policies and findings support a determination of consistency with the Comprehensive Plan with two conditions of approval.**

Section 5.412 Zone Change Criteria: **We find the applicable criteria are met with two conditions of approval.**

Comprehensive Plan Goals and Policies

Goal 1 – Citizen Involvement: **We find the proposed Comprehensive Plan Zoning Map Amendment is consistent with Goal 1.**

Goal 2 – Land Use Planning: **We find the proposed Comprehensive Plan Zoning Map Amendment is consistent with Goal 2.**

Goal 11 – Public Facilities and Services: **We find future uses will require documentation from each district that states adequate service can be provided for the proposed use, and based on this analysis the proposed Comprehensive Plan Zoning Map Amendment is consistent with Goal 11.**

Goal 12 – Transportation: **We find any future development must ensure consistency with the provisions of the land use ordinance as provided in Section 5.350 Transportation System Impact Review. Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment is consistent with Goal 12.**

Southwest Coastal Community Plan: **We find the proposed Comprehensive Plan Zoning Map Amendment is consistent with the Southwest Coastal Community Plan.**

Conditions of Approval

1. The applicant will provide documentation at the time of application for a use of the property, demonstrating the affected area will be provided with adequate public facilities and services including, but not limited to:
 - a. Parks, schools and recreational facilities
 - b. Police and fire protection and emergency medical service
 - c. Solid waste collection
 - d. Water and wastewater facilities

2. At the time of application for a use of the property, if direct access to Highway 101 is requested, the applicant shall provide documentation of approval by the Oregon Department of Transportation, to insure that an adequate and safe transportation network exists to support the proposed zoning and will not cause undue traffic congestion or hazards. A Traffic Impact Analysis may be required.

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, planning department staff, and the citizens of the area, this committee hereby recommends this application be:
(Approved, Conditionally Approved, Denied)

Dated this 18 day of July, 2016.

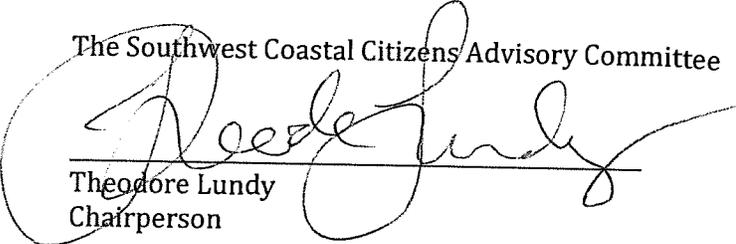
The Southwest Coastal Citizens Advisory Committee

Theodore Lundy
Chairperson

Exhibit 1



Clatsop County

Community Development
800 Exchange Street, Suite 100
Astoria, Oregon 97103

Phone 503 325-8611 Fax 503 338-3606
comdev@co.clatsop.or.us www.co.clatsop.or.us

Comprehensive Plan – Zoning Map Amendment

Fee: \$977.00

Fee \$2,175.00

Applicant Name: BUTCH COLEMAN TRUST Email: _____

Mail Address: 80326 PACIFIC RD./A.C. City/State/Zip: ARTH CAPE OR 97102

Phone: 503-436-2930 Phone: SAME

Owner Name: HARRY E. COLEMAN IV Email: ESSENCE 762001@PANOR.COM

Mail Address: 80326 PACIFIC RD./A.C. City/State/Zip: ARTH CAPE OR 97102

Phone: 503-739-6170 Phone: SAME

Other Name: _____ Email: _____

Mail Address: _____ City/State/Zip: _____

Phone: _____ Phone: _____

Property Description:

Township 4N Range 10W Section 30 Tax Lot(s) 606

Adjacent Property Owned by Applicant:

Township 4N Range 10W Section 30 Tax Lot(s) 601

Township 4N Range 10W Section 30 Tax Lot(s) 602

Proposed Use: COMMERCIAL Tax Lot(s) 600

Zoning

Comprehensive Plan Designation

Current: RESIDENTIAL _____

Proposed COMMERCIAL _____

Applicant's Signature: [Signature] Date: Aug 19 2015

Owner's Signature: [Signature] Date: Aug 18, 2015

CLATSOP COUNTY
COMPREHENSIVE PLAN – ZONING MAP AMENDMENT

HARRY E COLEMAN TRUSTEE
4N10W30BB TAX LOT 600, 601, 606
ARCH CAPE, OREGON 97102

- Goal 1 – Citizen Involvement
- Goal 2 – Land Use Planning
- Goal 3 – Agricultural Land
- Goal 4 – Forest Lands
- Goal 5 – Open Space, Scenic and Historic Areas and Natural Resources
- Goal 6 – Air Water and Land Quality
- Goal 7 – Natural Hazards
- Goal 8 - Recreation
- Goal 9 – Economy
- Goal 10 – Population and Housing
- Goal 11 – Public Facilities and Services
- Goal 12 – Transportation
- Goal 13 – Energy Conservation
- Goal 14 – Urbanization
- Goal 16, 17 – Estuarine Resources
- Goal 18 – Beaches and Dunes
- Goal 19 – Ocean Resources

Answers to Applicable Goals:

Goal 1

The zoning map modification for tax lots 600, 601, and 606 will be reviewed by both the local and county planning departments. The initial review will be held by the local Design Review committee in Arch Cape and followed by the Planning Commission. Criteria for these hearings will be available to meet the needs of the boards.

Goal 2

The zone change for tax lots 600, 601, and 606 are constant with the Land Use Planning policies within the Comprehensive plan. The commercial use will be similar to the existing zoning within the area of Arch Cape.

Goal 3

This goal is not applicable to the zone change of the tax lots.

Goal 4

The zone amendment to tax lots 600, 601, and 606 will maintain a natural wetlands located within Arch Cape. The development of the site will have no impact on the existing wetlands and effort will be made to enhance the area.

Goal 5

This goal is not applicable to the zone change of the tax lots.

Goal 6

The zone amendment of tax lots 600, 601, and 606 will be consistent with the policies of Goal 6. The development will be resourceful in the development of the site in both building practices and operations. The design will have features to assist reducing noise impacts to the surrounding areas with onsite buffering. Onsite water and site discharge will adhere to the County standards.

Goal 7

This goal is not applicable to the zone change of the tax lots.

Goal 8

This goal is not applicable to the zone change of the tax lots.

Goal 9

The development of the site will be consistent with the policies of Community Resources. The plan will create a commercial use that within a rural community that will serve the neighborhood. Future plans have been created with a local market, post office, and other amenities for the community.

Goal 10

The development of tax lots 600, 601, and 606 will serve as a benefit to the community of Arch Cape by providing necessary amenities to the area. The site uses land that is both zoned commercial and previously was zoned for commercial to be consistent with the policies of Clatsop County.

Goal 11

The public facilities are currently connected to the site. With future development, the required agencies and consultants will be part of the design to ensure that there is an adequate supply. This will be an agency sign off from the local power, water, sewer, and storm water on the site.

Goal 12- Transportation

A comprehensive traffic study will be completed prior to the development of the property. At this time the plans will have the required information to complete an accurate study of the property with relationship to the traffic patterns to and from the site. We will have parking requirements per the building uses listed, hours of operation as well as meetings with local and state road consultants.

Goal 13

All future development on the site will promote energy conservation by the use of sustainable practices in design and construction.

Goal 14

This goal is not applicable to the zone change of the tax lots. The current site and zoning are consistent with the development of Arch Cape.

Goal 16, 17

This goal is not applicable to the zone change of the tax lots.

Goal 18

This goal is not applicable to the zone change of the tax lots.

Goal 19

This goal is not applicable to the zone change of the tax lots.

CLATSOP COUNTY
COMPREHENSIVE PLAN – ZONING MAP AMENDMENT

HARRY E COLEMAN TRUSTEE
4N10W30BB TAX LOT 600, 601, 606
ARCH CAPE, OREGON 97102

Goal 11 – Public Facilities and Services
Goal 12 – Transportation

Goal 1 – Citizen Involvement

General Policies

9.

The zoning and planned development for the site located on taxlots 600, 601, and 606 will be consistent with the goals of the Comprehensive Plan. There have been meetings with both the local water and sewer boards to verify the supply to the site. There is currently both water and sewer supplied to the site and with further development the appropriate building consultants will be part of the project giving engineering and calculations for the needed supplies.

Water Supply Systems Policies

1.

The planned development of the site located at taxlots 600, 601, and 606 will be consistent with the goals related the Water Supply Systems Policy within the Comprehensive Plan. The current buildings on site have potable water supplied to the site. With the future development the site will maintain potable water supply year-round. The development plan is also to have back up water holding tank on site for emergency use.

Goal 12- Transportation

The Development of taxlots 600, 601, and 606 will be consistent with the requirements of the Comprehensive Plan. The planned development will improve the safety of the onsite parking. It will also be designed for safer travel to and from the site. There have been meetings with engineers to develop the most efficient and safe route to and from the site. We will also be working with the County Public Works and Roads division as well as ODOT on the future plans. The plans are to accommodate both of these agencies and to create safe access both on and off the highway.

CLATSOP COUNTY
COMPREHENSIVE PLAN – ZONING MAP AMENDMENT

HARRY E COLEMAN TRUSTEE
4N10W30BB TAX LOT 600, 601, 606
ARCH CAPE, OREGON 97102

- Goal 1 – Citizen Involvement
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- Goal 14 – Urbanization
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- Goal 18 – Beaches and Dunes
- Goal 19 – Ocean Resources

Answers to Applicable Goals:

Goal 1

The zoning map modification for tax lots 600, 601, and 606 will be reviewed by both the local and county planning departments. The initial review will be held by the local Design Review committee in Arch Cape and followed by the Planning Commission. Criteria for these hearings will be available to meet the needs of the boards.

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Goal 4

The zone amendment to tax lots 600, 601, and 606 will maintain a natural wetlands located within Arch Cape. The development of the site will have no impact on the existing wetlands and effort will be made to enhance the area.

Goal 5

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Goal 6

The zone amendment of tax lots 600, 601, and 606 will be consistent with the policies of Goal 6. The development will be resourceful in the development of the site in both building practices and operations. The design will have features to assist reducing noise impacts to the surrounding areas with onsite buffering. Onsite water and site discharge will adhere to the County standards.

Goal 7

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The development of the site will be consistent with the policies of Community Resources. The plan will create a commercial use that within a rural community that will serve the neighborhood. Future plans have been created with a local market, post office, and other amenities for the community.

Goal 10

The development of tax lots 600, 601, and 606 will serve as a benefit to the community of Arch Cape by providing necessary amenities to the area. The site uses land that is both zoned commercial and previously was zoned for commercial to be consistent with the policies of Clatsop County.

Goal 11

The public facilities are currently connected to the site. With future development, the required agencies and consultants will be part of the design to ensure that there is an adequate supply. This will be an agency sign off from the local power, water, sewer, and storm water on the site.

Goal 12- Transportation

A comprehensive traffic study will be completed prior to the development of the property. At this time the plans will have the required information to complete an accurate study of the property with relationship to the traffic patterns to and from the site. We will have parking requirements per the building uses listed, hours of operation as well as meetings with local and state road consultants.

Goal 13

All future development on the site will promote energy conservation by the use of sustainable practices in design and construction.

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This goal is not applicable to the zone change of the tax lots. The current site and zoning are consistent with the development of Arch Cape.

Goal 16, 17

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Goal 18

This goal is not applicable to the zone change of the tax lots.

Goal 19

This goal is not applicable to the zone change of the tax lots.

Exhibit 2

Clatsop County
Community Development
800 Exchange Street, Suite 100
Astoria, OR 97103

ph: 503-325-8611
fax: 503-338-3666
em: comdev@co.clatsop.or.us
www.co.clatsop.or.us



**NOTICE OF PUBLIC HEARING
BEFORE THE CLATSOP COUNTY PLANNING COMMISSION**

PERMIT #20150412

**In the matter of an application requesting a zoning map amendment
from Arch Cape Rural Community Residential (AC-RCR)
to Rural Community Commercial (RCC).**

DATE OF HEARING: June 14, 2016
TIME: 10:00 AM
LOCATION: Clatsop County Public Services Bldg, Room 430
800 Exchange Street, Astoria, Oregon 97103
CONTACT PERSON: Julia Decker, Clatsop County Planner

You are receiving this notice because you own property within 250-feet or are considered to be an affected state or federal agency, local government, special district, or interested party.

The applicant, Butch Coleman, is requesting a zoning map amendment from Arch Cape Rural Community Residential (AC-RCR) to Rural Community Commercial (RCC) on 0.61 acres in the community of Arch Cape. The property is identified as T4N R10W Sec. 30BB TLs 600/606, commonly known as 79328 Highway 101, Arch Cape, OR. Please see map on reverse side.

NOTICE IS HEREBY GIVEN that Clatsop County's Community Development department has scheduled a public hearing on this matter before the Planning Commission at **10:00 AM on Tuesday, June 14, 2016**, at the Clatsop County Public Services Building, 800 Exchange Street, Room 430, Astoria, OR 97103.

Interested persons are invited to submit testimony relevant to the proposed request in writing or in person by attending the hearing. Alternately, interested persons may submit testimony in writing by addressing a letter to the Clatsop County Planning Commission, 800 Exchange Street, Suite 100, Astoria, OR 97103. Written comments also may be sent via FAX to [503-338-3606](tel:503-338-3606) or via email to comdev@co.clatsop.or.us. Written comments must be received in this office no later than **4PM on Monday, June 13, 2016**, in order to be presented by staff at the June 14, 2016, public hearing.

NOTE: Failure to raise an issue in a hearing, in person, or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes an appeal based on that issue. In raising an issue, you must specify the relevant Zoning Ordinance criterion (see reverse side*) to which the issue is directed.

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

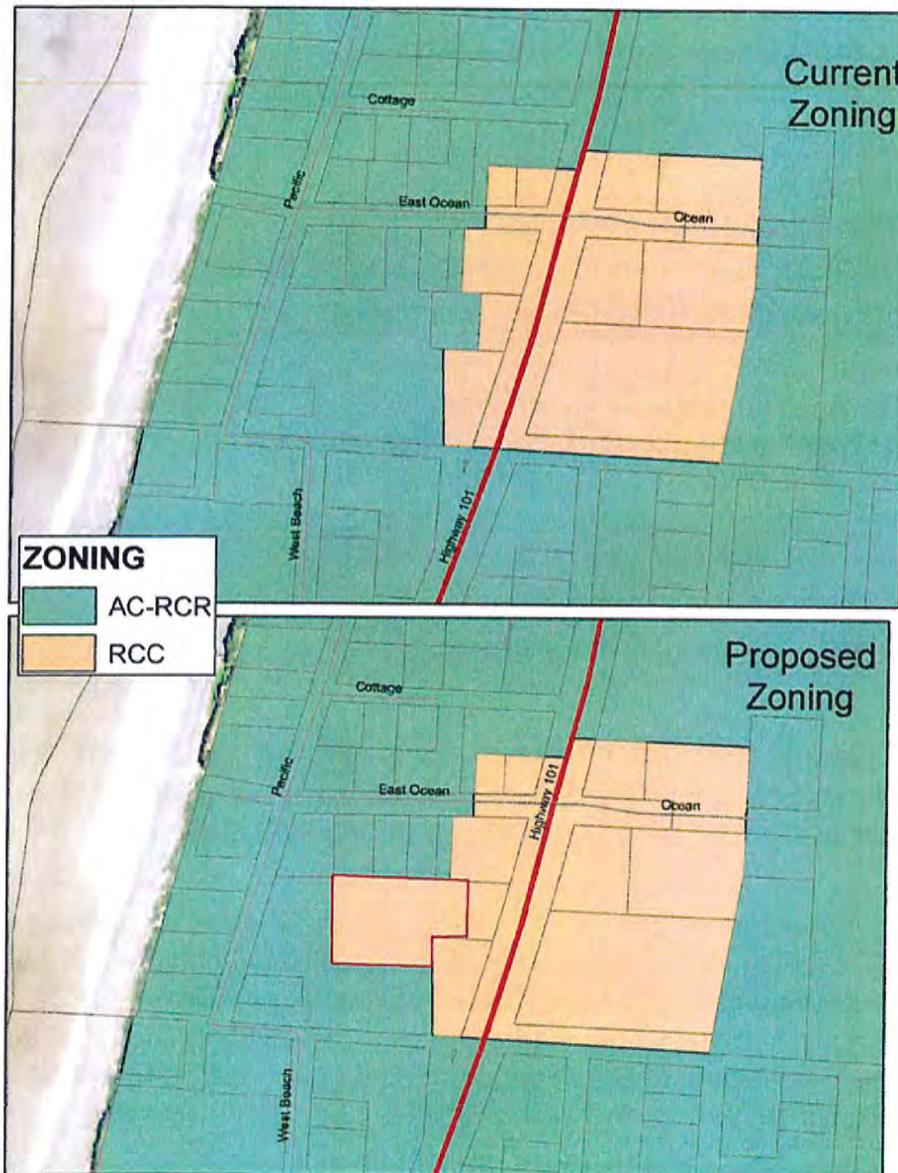
The following criteria apply to the request:

Land and Water Development and Use Ordinance (LWDUO)

- 1.030 Definitions
- 2.030 Type III Procedures
- 2.110 - 2.125 Notice Requirements for Public Hearings
- 3.060 Rural Community Residential Zone
- 3.252 Rural Community Commercial Zone
- 5.400 Zone Changes

Clatsop County Comprehensive Plan

- Goal 1 Citizen Involvement
- Goal 2 Land Use Planning
- Goal 11 Public Facilities and Services
- Goal 12 Transportation
- Southwest Coastal Community Plan



These documents are available for review at the Clatsop County Community Development Department office, 800 Exchange Street, Suite 100, Astoria, Oregon, and on-line at the county's website, www.co.clatsop.or.us.

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at the Community Development Department Office during business hours (M-F, 7:30-4) at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at the Clatsop County Planning office at no cost at least seven days prior to the hearing and will be provided at a reasonable cost.

If you have questions about this land use matter or need more information, please contact Julia Decker, Clatsop County Planner, at (503) 325-8611 or via email at jdecker@co.clatsop.or.us.

Owner	OwnerLine1	Mailing Address	City	State	Zip
Anctil William E	Anctil Connie J	12525 NW Laidlaw Rd	Portland	OR	97229-2408
Boerner Tassilo/ Verne		7220 Russell Cir	Anchorage	AK	99507
Carney Gwendolyn J	Carney George	14185 SW 144th Ave	Tigard	OR	97224-1414
Cerelli Vito		31897 Maxwell Lane	Arch Cape	OR	97102
Coleman Butch Trust	Coleman Harry E IV Trustee	80326 Pacific Rd #E-11	Arch Cape	OR	97102
Distinctive Beach Lodgings LLC		PO BOX 13067	Portland	OR	97213-0067
Dooley Tevis III/Lally Judith		31972 E Ocean Ln	Arch Cape	OR	97102
Eyerman Revocable Trust	Gaylord Revocable Trust	3630 NE Merges Dr	Portland	OR	97212-2767
Ferguson Bill B/Gloria Tr	Ferguson Bill B Living Trust	1901 Minter Ridge Rd #97	Hillsboro	OR	97123-5173
Hendrickson Hubert E/Mae E Tr	Hendrickson Hubert/Mae Trust	4509 144th Ave SE	Bellevue	WA	98006
Jensvold James		7004 Middlesbury Ridge Circ	West Hills	CA	91307
Kirkby Richard L/Mary Ann 1/2	Kirkby Craig/Carey 1/2	5260 Old Mill Rd NE	Bainbridge Island	WA	98110
Lamb Peter K		7342 SE 29th Ave	Portland	OR	97202
Little Mark W	Andree Erica A	7025 SW Kelsi Ter	Portland	OR	97223-9605
Lubitz Michael	Lubitz Kari	6438 SW Parkhill Dr	Portland	OR	97239
Markham James W/Ella L		5250 Calle Morelia	Santa Barbara	CA	93111-2435
Markham John C		31909 Markham Ln	Arch Cape	OR	97102-0133
Montgomery C/S Rev Living Trust	Montgomery Charles/Sandra Tr	3028 NE 143rd Ave	Portland	OR	97230-3717
Moody Stephany J		PO BOX 14722	Cannon Beach	OR	97110-1422
Nielsen David D	Nielsen Tobi L	31947 W Ocean Ln	Arch Cape	OR	97102-0180
Park Bruce S	Park Michele R	4415 221st Pl SW	Mountlake Terrace	WA	98043-5981
Petrich Richard J	Fitzwater Kimberly	PO Box 1182	Cannon Beach	OR	97110-1182
Richardson Randy L	Richardson Stephanie	5191 SW Kruse Rd	Wilsonville	OR	97070-9741
Rubio Cynthia Marie	Lewis Gregory Howard / Rebecca Kay	915 Ironwood Ln	Fountain Valley	CA	92708-5820
Stafford Louis R	Stafford Dan R	5290 SW Landing Sq Apt #9	Portland	OR	97239-5931
Starfish LLC		1532 SW Morrison St Ste #1000	Portland	OR	97205-1942
VanBuskirk Kathleen J		16709 W 69th Cir	Arvada	CO	80007
Vilkin Martel Wendy	Vilkin Kenneth W	24115 NE 132nd Circle	Brush Prairie	WA	98606
Vollum Don A	Vollum Marian	PO BOX 91008	Portland	OR	97291-0001
W Stoll Trst 50%A B Stoll Tst 50%	Stoll Wayne H	3232 NE Alameda Ter	Portland	OR	97212-1634
Ward William	Majeres Ward Nancy	12956 SE 127th Ave	Clackamas	OR	97086-9386
West Highland Properties LLC		6260 S Lake Dr #1001	Cudahy	WI	53110
Wickman John P		PO Box 1252	Cannon Beach	OR	97110-1252

Womack Robert J
Cannon Beach Fire District

Hubbard Rebecca L

2741 Rolling Hills Ln
PO BOX 24

Clarkston
Cannon Beach

WA
OR

99403
97110

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

Date: 05.26.16



ACFC Community Club
Arch Cape Water/Sewer
CSWCD
Patrick Wingard
ODOT
Mike Summers
Tom Bergin
Ryan Crater, CREST

Exhibit 3

Julia Decker

From: FRICKE Daniel L <Daniel.L.FRICKE@odot.state.or.us>
Sent: Monday, June 06, 2016 10:07 AM
To: Clatsop Development
Cc: Heather Hansen; Julia Decker; CASWELL Matthew C
Subject: ODOT Comments on Permit #20150412 (Coleman)

Clatsop County Planning Commission

SUBJECT:

ODOT Comments on Permit #20150412 (Coleman).

Application requesting a zoning map amendment from Arch Cape Rural Community Residential (AC-RCR) to Rural Community Commercial (RCC) for 0.61 acres located at 79328 Highway 101, Arch Cape (T 4N/R 10W section 30BB Tax Lots 600/606).

Thank you for notifying the Oregon Department of Transportation (ODOT) of this proposed zoning map amendment. These comments are submitted for inclusion in the public record and ODOT should be considered a party to the land use action. Please provide a copy of the land use decision, notice of any time extensions or continuances, to ODOT at the address provided below, or you may provide notice to ODOT via e-mail. Electronic format is preferred.

Planning and Development Manager
Oregon Department of Transportation
Region 2 Headquarters
455 Airport Road SE Building B
Salem, OR 97301-5395

Electronic documents can be directed to:

ODOTR2PLANMGR@ODOT.STATE.OR.US

ODOT staff have completed a review of the submitted application materials and has the following comments.

1. As a land use matter only, ODOT has no objection to the proposed zoning map amendment.
2. Based on the exhibit provided, the property to be rezoned is 'landlocked' as neither tax lot has direct frontage on US 101. It is assumed that the applicant will request access to US 101 through one of the intervening tax lots with direct frontage on the highway. It will be necessary for the applicant to submit an application for a new or amended approach road permit to establish access to US 101. Depending on the use ultimately proposed on the site, it may be necessary to prepare a transportation impact analysis (TIA) to support that application and to determine if improvements to the highway at the proposed access point are necessary. The applicant should contact Matt Caswell, Development Review Coordinator for additional information on the permit process (matthew.c.caswell@odot.state.or.us 503-986-2849).

To obtain necessary permits for work or construction activities within state highway right-of-way, the applicant should contact the District 1 Permit Specialist at 503-325-7222. Submittals should be through ODOT's Region 2/District 1 Permit Specialist at:

ODOT District 1 – Astoria
ATTN: Permit Specialist
350 W. Marine Drive
Astoria, OR 97103

If have any questions or require additional information, you may contact the undersigned or Matt Caswell at the number above.

Dan Fricke, Senior Transportation Planner
Oregon Department of Transportation
Region 2

455 Airport Road SE Building B

Salem, OR 97301-5395

Ph: 503-986-2663 Fax: 503-986-2840

e-mail: daniel.l.fricke@odot.state.or.us



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

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 for the July 12, 2016 SCCAC hearing G. DRAFT minutes from the July 12, 2016 SCCAC meeting (<i>not available</i>) H. SCCAC Recommendation

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 (see Attachment C).

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

1. Goal 1 – Citizens Involvement
 - Remove language referencing the SCCAC as the only active Citizens Advisory Committee
 - Remove policy regarding active citizen advisory committees
 - Add policy that ad hoc advisory committees may be appointed by the Board of Commissioners to address specific land use issues as needed.
 - Add community organizations to policy about public notices.
 - 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
<u>Tim Crawford</u> , resident	<u>Margaret Horn Doman</u> , part-time resident <u>Sean Malone</u> , counsel for Oregon Coast Alliance <u>Nadia Gardner</u> , resident <u>Linda Eyerman</u> , part-time resident <u>Jim Jensvold</u> , 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.

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.~~
54. 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.

65. Clatsop County shall encourage organizations and agencies of local, state and federal government and special districts to participate in the planning process.
76. 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.
87. 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.
98. 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.

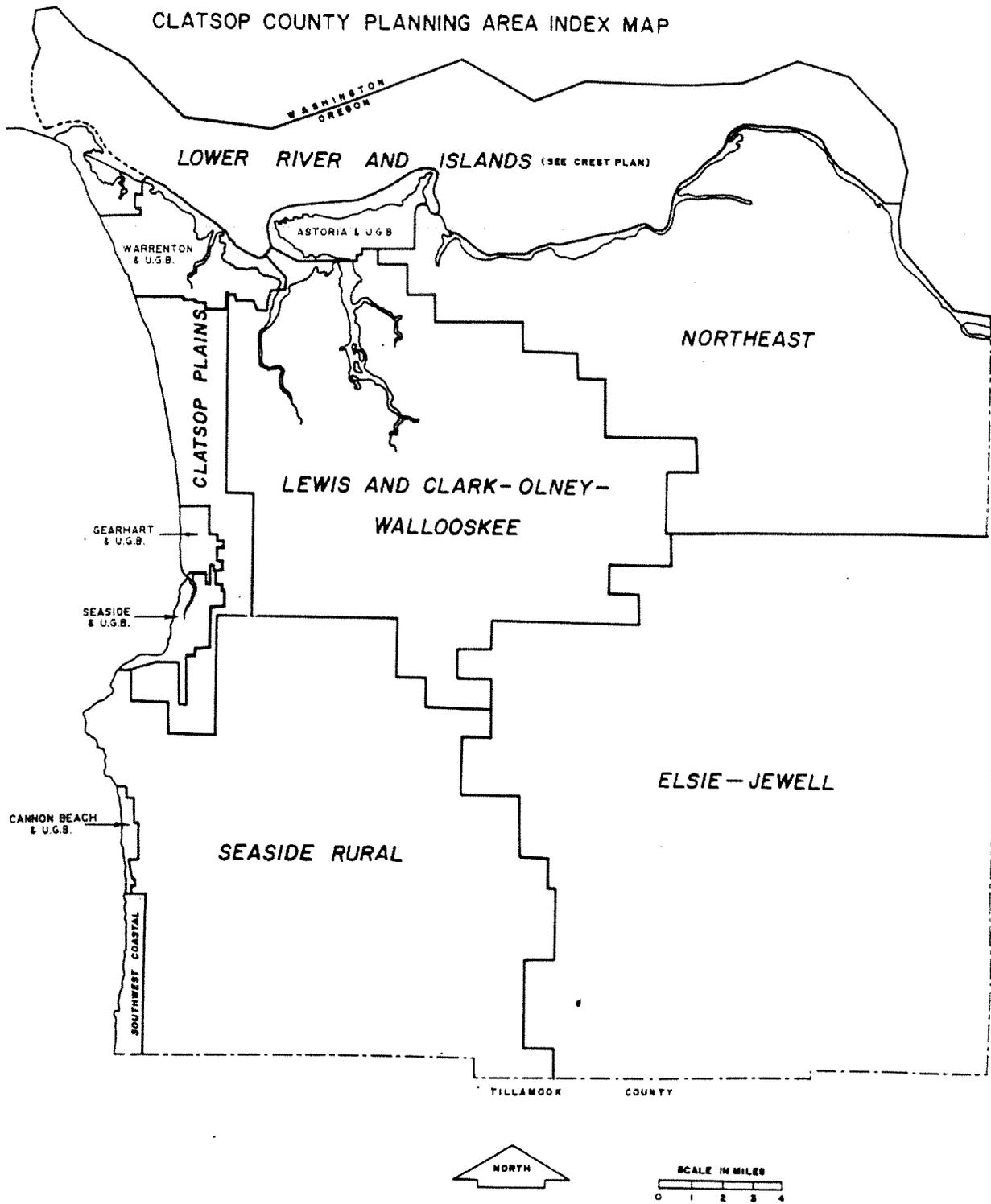
The six community planning areas had active citizen involvement dating from 1977 through 1980, when the Plan was acknowledged. During that period of time, each committee met at least once per month, and as increased involvement dictated, two meetings per month were held. Southwest Coastal, Clatsop Plains 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 on~~ pin 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 in 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.

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 nNeighborhood/~~or e~~Community eOrganization ~~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 nNeighborhood/~~or e~~Community eOrganization ~~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. Full Cut-off 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.
- (143) 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)]*
- (164) 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. Full Cut-off Fixtures).** *[Staff Comment: Moved from Section 4.103-Criteria for Design Review Evaluation (5)]*

DRAFT: new language-**bold double underline**; deleted language-~~strikeout~~

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) ~~Variations 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-conforming².
- (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-conforming³.
- (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]*

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) RESOLUTION AND ORDER
ADVISORY COMMITTEE)
)
) 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.

1 John Mersereau, 32042 E Shingle Mill Lane, Arch Cape. Mersereau served on the Design
2 Review Board and wanted to talk to the Board about the history of the organization. Mersereau
3 said the intent was to have a forum for the neighbors to meet and discuss the possible
4 developments. For years, Mersereau said it worked and hoped the county would work this out
5 with the people of Arch Cape and streamline the process so it isn't so burdensome. The notice of
6 this discontinuation came as a surprise and Mersereau feels the community of Arch Cape
7 deserves some time to be heard.

8
9 Susana Gladwin, 82316 Highway 103, Seaside. Gladwin spoke about the forestry issue and said
10 the older forests are so important for the streams and the fish. Gladwin said if the trees go
11 undisturbed for 30 years than you can get more footage out of the trees. Gladwin asked the
12 Board to look at Google map at the forest view of the Clatsop State Forests and see how it
13 compares when you see an 80 year old tree in Buster Creek area to all of the others which is
14 massive amounts of nuclear cuts and young clear cuts. Gladwin also feels the Arch Cape Design
15 Review Committee is a very important county resource and would like to see it tweaked rather
16 than disband. Gladwin said having local people who live in the area who are able to speak with
17 authority is a good idea.

18
19 Joanne Cornelius, 44920 Tide Ave., Arch Cape. Cornelius is on the Board of the local water
20 district. Cornelius suggested to change the name of the committee so that it would include Cove
21 Beach. Cornelius said there are already rules in place and this is a community group that knows
22 their community. Cornelius would like to see the Board keep the committee but change the
23 name.

24
25 Daniel Borders, 35384 HWY 101 Business, Astoria. Borders is a small business owner in
26 Clatsop County and was interested in the business park property. Borders had spoken with the
27 county and the real estate agent and said it was concerning to him that the county sold property at
28 the North Coast Business Park to Fort George. Borders felt no one else got an opportunity to bid
29 on the property.

30
31 Zachary Seidel, 364 9th Street, Suite C, Astoria. Seidel wanted to let the Board know that he is
32 beginning to prepare a citizens initiative on the LNG Plant. Seidel plans to get 1200 votes and
33 put it on the November ballot.

34
35 **CONSENT CALENDAR**

36
37 *Lee looked for a motion to approve the consent calendar. Thompson moved and Nebeker*
38 *seconded. Motion carried unanimously.*

- 39
40 a. Amendment to Extend Access Permit for Clifton Stockpile Site {Page 1}

41
42 **BUSINESS AGENDA**

43 a. Discontinuation of Southwest Coastal Citizens Advisory/SW Design Review Committee
44 Mays recommends that the Southwest Coastal Citizens Advisory/SW Design Review Committee
45 discontinue. Mays said it is inappropriate for a subordinate body to the Board of Commissioners
46 to be involved in quasi-judicial making while being limited to a specific geographic area. Mays

1 also stated it is inappropriate for a subordinate body to the Board of Commissioners to make land
2 use decisions that aren't authorized elsewhere in the county. The committee review adds
3 approximately four to six weeks to the review process which increases the likelihood of the
4 county not complying with state requirement that the development process not exceed 150 days.
5 The committee meets once a month and Mays feels this process adds additional costs to the
6 county and to the public. In the future if there is a land use issue specific to the Southwest
7 Coastal area, the Board can appoint an ad-hoc committee. Mays was made aware of a couple
8 who were trying to get a house built in Arch Cape and some of the problems they had
9 experienced with the committee. In early December, Mays asked Chris Crean for his legal
10 opinion which was included in the staff report. On January 21st, Mays attended an Arch Cape
11 Committee meeting which was held in Seaside due to one of the county employees has a
12 disability that can only be accommodated at the Seaside Library. At that meeting Mays
13 witnessed very inappropriate behavior. On January 22nd, Mays received an opinion from county
14 counsel regarding the American for Disability Act (ADA) accommodations. The Board of
15 Commissioners met on January 27th to discuss those legal opinions. On Thursday, February 4th,
16 Mays sent out an email to the committee advising them of his recommendation. Mays
17 recommends the Board approve the resolution so that the next Arch Cape Committee can be
18 cancelled and avoid subjecting the county staff to what Mays thought was a hostile work
19 environment at their last meeting. Mays said members of the committee harassed a county
20 employee about her disability even after the employee told them that she did not feel comfortable
21 discussing her disability in a public meeting. Despite her request, the committee still proceeded
22 to vote to move the February meeting to a facility that does not comply with the ADA with a 4-1
23 vote. County Counsel feels that going along with the committee's motion would expose the
24 county to a lawsuit. Mays gave the Board a packet of emails from citizens regarding the issues, 8
25 in support, 9 opposition to the resolution and 3 that asked questions which have been answered.
26 Chris Crean, Beery, Elsner & Hammond, LLP, said the by-laws only allow the committee to be
27 disbanded only if it is inactive but the by-laws don't prevail over the county code. The county
28 code, section 1.04.030, allows the Board of County Commissioners to create advisory
29 committees and dissolve them whenever it feels appropriate. The code also says that committees
30 are delegated authority to enact by-laws but they have to be consistent with the county code.
31 Crean said that disbanding the formal committee does not prohibit anyone from being involved
32 at any level of development in their community. The people who are on the committee can
33 continue to meet and review land use development proposals and continue to provide
34 recommendations to the Planning Commission just not on behalf of the county. Crean said acting
35 as a formal role on behalf of the county can create procedural issues as well as within the ADA.
36

37 *Rohne moves to approve the Resolution and Order whereas the Southwest Coastal Citizens*
38 *Advisory/Southwest Design Review Committee is discontinued. Nebeker seconded the motion.*
39 *Thompson said this is an issue that divides the community and everyone is very passionate on it.*
40 *Thompson was convinced by legal opinion to vote for this discontinuation but also sees the need*
41 *for neighborhood associations. Thompson hopes they can take a structure that needs revision.*
42 *Thompson would like to table the issue to give the people of Arch Cape more time to be heard.*
43 *Lee said they already have a motion and a second and cannot except a second motion. Lee*
44 *believes that a neighborhood association would do more to bring the community together. Rohne*
45 *said the current process with the Planning Commission has public involvement and public*
46 *comment so there is opportunities for anyone with any concerns with land use decisions to*

1 *publically testify. Rohne said that someone with a disability being harassed by a committee that*
2 *is sanctioned by the county is unacceptable. Lee looked for vote. Motion carried unanimously.*
3

4 b. County-recognized neighborhood associations

5 Mays recommended that the Board direct county staff to develop a procedure for the county
6 to formally recognize neighborhood associations. This will strengthen neighborhood identity
7 and enhance community involvement. They would have the opportunity to provide comment
8 on land use matters pending before the Planning Commission and the Board but they would
9 have no formal review themselves.

10 *Thompson moved to direct staff to begin the process to amend the County Code to establish a*
11 *procedure for formally recognizing neighborhood associations, and to amend the*
12 *Development Code to send notice to the relevant county-recognized association whenever a*
13 *land use decision requires notice to nearby property owners and Nebeker seconded. Motion*
14 *carried unanimously.*
15

16 c. Contract with County Manager

17 Mays said the county hired Waldron recruitment firm and the county received 49 applications.
18 The Board narrowed it down to four applicants. The interviews were January 29th and the
19 position was offered to Cameron Moore of Champagne, IL. Mays thanked all the panels for their
20 hard work and said it was a very successful process with a good outcome. A contract has been
21 negotiated with Mr. Moore and the terms and conditions are consistent with all representation
22 that has been made to the Board. Mays asked the Board to approve the contract. *Rohne moved to*
23 *approve the proposed contract with Cameron Moore, as the County Manager and Thompson*
24 *seconded. Motion carried unanimously.*
25

26 **COMMISSIONERS' REPORTS**

27 Thompson said the Water Conservation District plant sale is coming up soon. The Cannon Beach
28 Housing Task Force met to coordinate with the Astoria Housing Task Force and the Association
29 of Oregon Counties to address the emergent issue of housing. The Arch Cape Sewer and Water
30 Board will meet and Thompson will attend. The Arch Cape Falcon Cove Beach Club will be
31 having a potluck and they are working on mapping their neighborhoods to be better prepared for
32 local emergency response.
33

34 Rohne attended a meeting led by CEDR to develop a group around Clatsop County Fisheries.
35 The attendance of fisheries related industries will be present at the job fair where people,
36 canneries and employers have an opportunity to interact with the youth of our county. Rohne
37 said they would like to see a proposed Clatsop County fisheries tour similar to the forestry
38 industry tours. The goal would be to quantify the fishing industry.
39

40 Nebeker attended the Public Safety Coordinating Council board meeting and they have received
41 the reinvestment check for Clatsop County. The Council has decided to hire two additional
42 probation officers full time and one half time to help keep track of restitution to victims and help
43 the offenders budget so they can pay that restitution and help with employment. The District
44 Attorney spoke about Senate Bill 1550 in the short legislative session saying that all grand jury
45 recordings need to be public and made available to everyone. Marquis is against this and believes
46 it will cause intimidation.

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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.

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 3716 LLC	Knowlton Anita Christine	Akeson Stephen Paine	2634 NE Cesar E Chavez Blvd	Portland	OR	97212
AB Living Trust	Warner Dixie / Mills Enid	Devlin John/Laura	3716 SW Mt Adams Dr	Portland	OR	97201
Achterman Virginia A			6532 SW Wexford Pl	Portland	OR	97223-7595
Ahmid Masud/Josephine Salma			735 NE Royal Ct	Portland	OR	97232-2670
Antcll William E			3205 NW Linnere Dr	Portland	OR	97229-3643
Andersen Joel D			12525 NW Laidlaw Rd	Portland	OR	97229-2408
Anderson Gary C			2134 NE 19th Ave	Portland	OR	97212
Andigeh Ibrahim/Pohmeng			PO Box 1442	Cannon Beach	OR	97110-1442
Angel Joseph W			10141 NW Phiscilla Ct	Portland	OR	97229-5272
Arch Cape Beach House LLC			11501 SW Pacific Hwy #Ste 201	Tigard	OR	97062
Arenz Antoinette K Trust			1231 NW Hoyt St #302	Portland	OR	97209
Arora Nutan Living Trust		c/o Michael Meeker	13535 NW Lanat Ct	Portland	OR	97229-7001
Astle David J			9770 SW 169th Pl	Beaverton	OR	97007-7784
Azhar Farhat Family Trust		Azhar Ezra/Zara/ et al	498 Welcome Ct SE	Salem	OR	97302-3930
Babener Rosalind N			12900 NW Springville Rd	Portland	OR	97229-1607
Baldwin James L Trustee		Baldwin Family 2010 Trust	121 SW Morrison St Ste #1020	Portland	OR	97204-3140
Balmer Robert L/Janet C			1255 NW 9th Ave Apt #610	Portland	OR	97209-2895
Balwit Marvin B		Balwit Revocable Trust	1518 SE 107th Ave Apt #B	Portland	OR	97216-3252
Bare Kevin Todd/ Sherril Elaine			14900 SW Hidden Hills Rd	McMinnville	OR	97128-8353
Barsukoff Ivan/ Evodokia			1617 SE 199th Ave	Camas	WA	98607-9538
Bartlett Maude			4634 S Timber Trail Dr	Woodburn	OR	97071-8719
Beahrs Claudette Hastie			5270 SW Landing Sq Apt #7	Portland	OR	97239-5932
Beck Doris A Trust			3006 NE Bryce St	Portland	OR	97212-1718
Beck Doris Arlene Trust			4280 SW 164th Ave #10	Beaverton	OR	97078-2037
Beemer Melvin R Trustee Of The			4280 SW 164th Ave	Beaverton	OR	97078-2037
Benea Andreea C			16 Kilolani Ln Apt #105	Kihei	HI	96753-5117
Benea Rene			16500 SW Satterberg Rd	Beaverton	OR	97007
Bensky Daniel/Lilian Lai			17589 SW Sarala St	Beaverton	OR	97007-9724
Berg Neal/Mimi J			4536 33rd Ave W	Seattle	WA	98199-1129
Bierlein Leonard A/ Ramona B			19174 SW 55th Ct	Tualatin	OR	97062-9763
Bierly Diane K			21120 SE Lansing Ln	Damascus	OR	97089-7203
Big Blue Capital LLC			2633 SE Singing Woods Dr	Hillsboro	OR	97123-8638
Birkby Debra			4040 SW Douglas Way	Lake Oswego	OR	97034
Birkby Virginia			79829 Gellinsky Rd	Arch Cape	OR	97102-0128
Blakesley Steven/Catherine			79829 Gellinsky Rd	Arch Cape	OR	97102-0128
Blumberg Naomi R Credit ShlirTrst			31928 Oceanview Ln	Arch Cape	OR	97102-0174
Boerner Tassilo/ Veme			2338 NW Great Pl	Bend	OR	97701
Bohmsen Andrew C/Lynn M		Blumberg Bernard Trustee	7220 Russell Cir	Anchorage	AK	99507
Boone John/Lori			46760 NW Strommayer Rd	Forest Grove	OR	97116-8214
Borkan Eugene L			12795 NW Creekside Dr	Portland	OR	97229-3980
Branstetter Lonnie J/Barbara J			1804 NW 34th Ave	Portland	OR	97210-1207
Bratton David C			24835 NE Prairie View Dr	Aurora	OR	97002-9546
Brevig Family LLC			22440 NW Ardabeth Ln	Banks	OR	97106-7513
Brisbee Larry A Rev Liv Trust 1/2			2333 SW Sherwood Dr	Portland	OR	97201-1612
Brosnan Colleen 1/3			249 NE 3rd Ave	Hillsboro	OR	97124-3118
Brosnan Billie H Survivors Trust			17210 Angeline Avenue South NE	Suquamish	WA	98392-9746
Brown Dannel Jay			1025 Ardmore Cir	Redlands	CA	92374
Brown David N			1025 NW Ardmore Circle	Redlands	CA	92373
Brown Robert D			2340 Captain Butler Trl	New Smyrna	FL	32168
Bryan Donna			PO Box 2695	Oregon City	OR	97045
Bundy Gordon Douglas			PO Box 1197	Goleta	CA	93116-1197
Bunger Bonnie Jean Trust			6745 SW Sholls Ferry Rd #15	Beaverton	OR	97008
Bush Sammie Odls		Bunger Bonnie J/ Robert M Trstees	9215 SW Edgewood St	Tigard	OR	97223-5911
Butzer Timothy			405 Goldfinch Dr	Fountain Valley	CA	92706
Byron Living Trust			5645 N Detroit Ave	Portland	OR	97217-4430
Caffall Bros Forest Products			3574 NE 182nd St	Lake Forest Park	WA	98155-4222
			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	WA	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	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	WA	98075
Chambers Robert L	Chambers Krista L	26518 SE 19th Ct	Portland	WA	97296
Chauncey Helen R		PO Box 29169	Portland	OR	97302
Childress Sandra A (Meath)		3065 Crestview Dr S	Salem	OR	97302
Clements Ryan		79 Tuscany ravine Ct NW	Calgary, Alberta	Canada	T3L2X3
Coats Donald C	Clements Humphrey Lori	112 W 4th St	The Dalles	OR	97058-1804
Cobb Charles Nancy Trust	Coats Thomas J Rev Liv Trust	2301 Summit Dr	Lake Oswego	OR	97034-3629
Coffey Vicki L/Ostrander Janna K Co-Tr	Cobb Charles R Trustee	8295 SW Seminole Trl	Tualatin	OR	97062-8128
Coleman Butch Trust	Coffey Vicki L Trust 1/2	80326 Pacific Rd #E-11	Arch Cape	OR	97102
Coleman Harry E	Coleman Harry E IV Trustee	80326 Pacific Rd	Arch Cape	OR	97102
Coleman Harry E Trustee	Butch Coleman Trust	80326 Pacific Rd #E 11	Arch Cape	OR	97102-0178
Coleman Harry S Tr	Coleman Butch Trust	80326 Pacific Rd	Arch Cape	OR	97102-0178
Colipano Bryson M	c/o Moskee Investment Co.	2414 SW Giese Loop	Gresham	OR	97080-6351
Condra Kevin	Colipano Norio M	66 W Bond St Apt #A	Astoria	OR	97103-6010
Condra Kevin		PO Box 1493	Cannon Beach	OR	97110-0149
Constantine Alex/Helen		15707 Tiger Mt Rd SE	Issaquah	WA	98027
Crawford Tim R/Carole L	c/o Paulus-Constantine Helen	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 Harry M 1/3	PO Box 2307	Gearhart	OR	97138-2307
Dahl Eric C		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 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		8250 SW Apple Way #Apt F101	Portland	OR	97225
Dekoning Paul W/Dekoning Regan M		7514 SW 33rd Ave	Portland	OR	97219-1859
Deianey Chris R/Michele C	Elmaleh Francois/Elmaleh Sharon M	6224 SE 31st Ave	Portland	OR	97202-8622
DeMonico C A Rev Trust 1/2 int	DeMonico Julie D Trust 1/2 int	19508 35th Ct	Lake Oswego	OR	97034-7453
Deur Douglas	Deur Faith	79811 3rd Rd	Arch Cape	OR	97102-0179
Dichter Chris		PO Box 58	Arch Cape	OR	97102
Dichter Ralph L	Dichter Kathryn Renie	PO Box 6188	Brookings	OR	97415-0262
Distinctive Beach Lodgings LLC		PO Box 2561	Gearhart	OR	97138-2561
Doman Margaret H		PO Box 13067	Portland	OR	97213-0067
Donofrio Catherine		2104 180th Ct NE	Redmond	WA	98052-6032
Dooley Tevis III/Lally Judith		PO Box 1327	Cannon Beach	OR	97110-1327
Drais Michael E		31972 E Ocean Ln	Arch Cape	OR	97102
Dueber H Paul/Margo S		28632 Historic Columbia River Hwy	Troutdale	OR	97060
Duffens Kurt		PO Box 549	Cannon Beach	OR	97110-0549
		2123 NW Village Cir	Portland	OR	97229-7503

Dufka Carolina	Dufka Rudolph Frank	Dufka Family Trust	Orlando	FL	32810-4944
Dufka Rand S/Teresa M	Henderson Barbara J (c)		Arch Cape	OR	97102-0118
Egger Ruth M	Ehler S Heidi	Ehler Rev Inter Vivos Trust	Wheeler	OR	97147-0243
Ehler Autry			Seaside	OR	97138
Ehler Jesse Autry			Seaside	OR	97138-0011
Equity Trust Company Custodian FBO	Mims Ronald C IRA		Portland	OR	97214-2034
Fenderson Patricia Gail Rev Trst	Federson Patricia Gail		Fort Worth	TX	76132-3749
Fenton Janiece (pipers)			Arch Cape	OR	97102-0177
Ferguson Bill B/Gloria Tr	Ferguson Bill B Living Trust	Ferguson Gloria M Living Trust	Hillsboro	OR	97123-5173
Flatow Kirk	Flatow Suanee		San Jose	CA	95125-3718
Flynn Marjorie V Trustee	French K D/G B Trustees	c/o Gordon/Kathy French	Cannon Beach	OR	97110
Foster Lisa/Foster Lisa Rev Trust	Foster Gayle		Los Angeles	CA	90045-2417
Fracasso Stephen M	Fracasso Kathleen A		Portland	OR	97217
Fredrickson Shirley F Trustee	Fredrickson Gilbert Family Trust		Portland	OR	97229
Gardner Richard K	Gardner Catherine M		Arch Cape	OR	97102
Garrison Arlene M			Arch Cape	OR	97102-0168
Garrow Leo A/Mary Elaine	Eyerman Revocable Trust	Gaylord William/Eyerman Linda Tr	Beaverton	OR	97007
Gaylord Revocable Trust			Portland	OR	97206
George William S/Patricia A	Peterkort Carol F		Portland	OR	97212-2767
Gibson Richard F	Glass Andrew G Trustee		Portland	OR	97213-3635
Glass Nancy B Family Trust			Portland	OR	97229-6909
GMK Investments LLC			Portland	OR	97221-2314
Gonzales Ray Mahan	Goodman Descendants Trst Greg		Portland	OR	97202-8238
Gopal Yasodha	Cauffield Todd A	Goodman Mark / Gregg Trustees	Yucca Valley	CA	92286-1900
Gordon William G/Arlyn A			Portland	OR	97201-2302
Gredvig Gordon A Living Trust	Niemeyer Julie D Living Trust	Gredvig Gordon/Niemeyer Julie Trustee(s)	Portland	OR	97229
Griffith John G	Griffith Patricia M		Lake Oswego	OR	97034-0048
Griguhn Robert G	Griguhn (Williams) Diane		Beaverton	OR	97007-9001
Grogg Thomas J	Grogg Georgia		Tacoma	WA	98403-2627
Hadder Barton A	Hadder Jacqueline		Beaverton	OR	97005-4272
Hafsonson Mark			Newport Beach	CA	92663
Hale David	Hale Donna	Hale David & Donna Joint Liv Trst	Battle Ground	WA	98604
Haley Elizabeth	Kettler Roy		Arch Cape	OR	97102-0129
Hancock Sonny	Yorker Nola J		Arch Cape	OR	97102-0175
Hango Marion I Rev Living Trust	Rafferty Richard & Kathryn		Ventura	CA	93003
Hanley Schmitz Family Rev Trust	Hanley Jeffrey G Trustee	Hunt Leigh W/Dorothy A	Clackamas	OR	97015-9330
Hanna Mark K		Schmitz Sheila J Trustee	San Jose	CA	95124-6507
Harfouche Diala			Portland	OR	97208
Hargreaves Craig R/Kim E			Portland	OR	97217-8400
Harpole Thomas W			Vancouver	WA	98665
Harsey Joanne D			Lake Oswego	OR	97035-8060
Hartman Family Living Trust	Hartman Christopher John	Hartman Judy Katherine	Boring	OR	97009-8451
Hartog John R Jr			Gilbert	AZ	85233-7214
Hasenberg John/Carol			Portland	OR	97206-7957
Hauck Limited Partnership			Portland	OR	97232-3437
Heights Villa Apartments			Portland	OR	97229-4982
Heikes Dwayne Trustee	Heikes Carol J	Heikes Dwayne E Trust	Vancouver	WA	98668-2875
Heimerdinger Ulrich	Heimerdinger Margaret R		Forest Grove	OR	97116-8206
Henderson Barbara J	c/o Vito Cereili		Portland	OR	97230-3728
Hendrickson Hubert E/Mae E Tr	Hendrickson Hubert/Mae Trust	c/o Kelly Merrick	Nehalem	OR	97131
Hendrickson Hubert E/Mae E Tr	Hendrickson Hubert/Mae Trust		Portland	OR	97219
Henningsen Michael E Jr			Arch Cape	OR	97102-0148
Hess-Smith Vicki E Tr	Smith Roger N Tr	Hess-Smith Vicki E Trust	Hillsboro	OR	97214
Hierorimus Henry M			Joseph	OR	97846
			Portland	OR	97201-2229
			Portland	OR	97210-3717

Hill Dean A/Soreana A	Hill Sharon	79796 E Beach Rd	Arch Cape	OR	97102-0144
Hill John		10611 39th Dr SE	Everett	WA	98208
Hill Stephen M/Joanne M	Walsh Benjamin/Deborah 1/3	31880 Oceanview Ln	Arch Cape	OR	97102-0138
Hinrichs Dag/Lindsey 2/3		4615 SW 39th Dr	Portland	OR	97221
Hoiem Derek/Karen	Treser Gretchen	704 228th Ave NE	Sammamish	WA	98074-7222
Holmes Matthew J		3641 SW Tunnelwood St	Portland	OR	97221
Holzgrate Candace C	Cutsforth Gail nka	300 SE Spokane St	Portland	OR	97202-6444
Hommel Gail D		16946 SW Stellar Dr	Sherwood	OR	97140-7515
Horine Douglas D/Carol A	Myers Gloria E	5251 NW 126th Ter	Portland	OR	97229-2475
Horowitz David A	Hovland Lorrel A	6034 NE 32nd Pl	Portland	OR	97211-6716
Hovland Loren O		1266 Lance Dr	Santa Rosa	CA	95401
Hoy Maureen Catherine	c/o Ken Humke	2740 76th Ave SE Apt #308	Mercer Island	WA	98040-2755
Humke Lic		1432 SE 72nd Ave	Portland	OR	97215
Hussman Lawrence E	Husted Family Trust	80405 Woodland Heights Rd	Arch Cape	OR	97102
Husted Champ A/Kathleen H Trst	Webster Nancy E Trust	13460 SE Beech St	Milwaukie	OR	97222-6102
Imes Joy L	Iwano Ann Lensrud Revoc Trust	16255 SW Ludwig St	Aloha	OR	97007-2030
Jensen Donna M		100 Timber Ridge Way NW Unit #5102	Issaquah	WA	98027-2948
Jensvold James		30803 SW Grahams Ferry Rd	Wilsonville	OR	97070-9515
Joel Julie A	Watson William Terrence	7004 Middlesbury Ridge Circ	West Hills	CA	91307
Johnson Milton H/Joann R Tr	Johnson Family Trust	4410 S Golf Estates Dr	Green Valley	AZ	85622
Johnson Norman Lee		PO Box 2104	Vancouver	WA	98688-2104
Johnston Mark S/ Tamara L	Jones J Lynn Living Trust	1420 SW Mitchell St	Portland	OR	97239-2815
Jones J Lynn Tr	Waitkevich Cheryl	725 Alta Vista Pl	Fircrest	WA	98466-7017
Jorgensen Robert B	Bessey Bruce	15293 SW Alderbrook Pl	Tigard	OR	97224-5627
Kachel Ronald R	Brasher James C	2027 Bethel St NE	Olympia	WA	98506
Kaehler Mary A	Kafoury Beach House Trust	PO Box 832	Cannon Beach	OR	97110-0832
Kafoury Deborah		7151 E Quail Run Dr	Tucson	AZ	85750-6111
Kain Thomas J/Patricia O	c/o Gretchen Miller Kafoury	6330 SE 32nd Ave	Portland	OR	97202
Kazmierowski John A Revoc Liv Tr		6717 SE 32nd Ave	Portland	OR	97202-8512
Kazmierowski John A Revoc Liv Tr	Kazmierowski Nancy A Revoc Liv Tr	18405 Deer Oak Ave	Lake Oswego	OR	97035-7101
Kelvin Paul E 83.6%	Kelvin Karen J 16.4%	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
Kittel Geoffrey S/Danna L	Kolden Philip D/Vicki 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	Kuestner Linda H Trustee	32121 Buena Vista Dr	Arch Cape	OR	97102-0163
Kolden Jennifer J		14922 121st Ave SE	Snohomish	WA	98290-6287
KSquared LLC	Kuestner Mark T Trustee	PO Box 323	Manzanita	OR	97130
Kuestner Mark T Trustee		4928 SE 46th Ave	Portland	OR	97206
Lamb Peter K	Mark T & Linda H Kuestner Fam Tr	7342 SE 29th Ave	Portland	OR	97202
Lambert Jerome C		PO Box 471332	Aurora	CO	80047-1332
Lamirande Pamela Jane Liv Trust	Skogrand Richard Paul Trustee	3107 SE Knapp St	Portland	OR	97202-8658
Lane Luise L Trust		4221 SW Patrick Pl	Portland	OR	97239-7202
Lantela Eeva	Vandemarr Carmen (nka)	PO Box 1321	Cannon Beach	OR	97110-1321
Leitz Cindy Kay		65 Dollar St	West Linn	OR	97068-9115
Lepore Brian		7052 N Congress Ave	Portland	OR	97217
Lewis Wesche Colleen	Espasandin Jane C	2980 NW Monte Vista Ter	Portland	OR	97210-3343
Licklider Alan B	Andree Erica A	16625 Redmond Way #Ste M 355	Redmond	WA	98052-4499
Little Mark W		7025 SW Kelsi Ter	Portland	OR	97223-9605
Locke Jay Gregory/Maria T		1737 NW Andrew Pl	Portland	OR	97229-5146
Lockhart Richard II/Rollande M	Lockwood Dee L Tr	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	Lockwood Janet M Tr	873 Rases Mountain Dr	Minford	OH	45653-8622

Ocean Manor LLC	13878 SE Mountain Crest Dr	Happy Valley	OR	97086
Odetta Bruce L	2 S Bellaire St	Denver	CO	80246
Olsen Colleen V	32060 E Shingle Mill Ln	Arch Cape	OR	97102-0168
Oseran Daniel S	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 Victory Catholic Church	PO Box 29	Seaside	OR	97138-0029
Parasilifi Anthony/Lori	8504 Kolluder Ct	Lorton	VA	22079-3000
Park Bruce S	4415 221st Pl SW	Mountlake Terrace	WA	98043-5981
Parsons Family Trust	357 Keisey Ct	Friday Harbor	WA	98250
Pati Michael M	590 Dartmoor Dr	Eugene	OR	97401
Peters Mark A	7460 SW Canyon Ln	Portland	OR	97225-3732
Petrich Richard J	PO Box 1182	Cannon Beach	OR	97110-1182
Petrone Richard C/Carol A Trustee	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
Platt Andrew	79896 Cannon Rd	Arch Cape	OR	97102-0122
Pierce Deborah	3054 Palatine Terrace Dr	Henderson	NV	89052-3002
Pinger Steven S	2669 NW Savier St	Portland	OR	97210-2413
Piscitelli Thomas J	PO Box 4760	South Colby	WA	98384-0760
Pomar Emily	1431 NE 22nd Ave	Portland	OR	97232
Price Kevin M	PO Box 2265	Gearhart	OR	97138
Profitt Joanne Gail	2010 14th Ave S Apt #A	Seattle	WA	98144-4293
Providence Portland Medical Foundation	PO Box 367	Cannon Beach	OR	97110-0367
Rall Martin M/Susan D	1025 NW Couch St Unit #1410	Portland	OR	97209-4138
Reese's Retreat LLC	1818 SW Martha St	Portland	OR	97239-2042
Reiling Arthur L Trustee	PO Box 645	Tolovana Park	OR	97145-0645
Reynolds Adam Clinton	17288 Cedar Rd	Lake Oswego	OR	97034-5660
Reynolds Donald/Jan Rotherth	2416 E Deer Point Ct	Eagle	ID	83616-3973
Rhodes Victor F/Nancy V	6035 NE 35th Pl	Portland	OR	97211-7358
Richardson Randy L	4103 SE Pine St	Portland	OR	97214-2036
Riley Michael D/Elizabeth S	5191 SW Kruse Rd	Wilsonville	OR	97070-9741
Robert Brown Trust	8807 Oakmont Dr	Santa Rosa	CA	95409
Roberts Gerald A	2402 NE 26th Ave	Portland	OR	97212
Rose Carol (Hartog)	PO Box 1734	Corvallis	OR	97339-1734
Rubinstein Richard A/Deanne Tr	8913 SW 21st Ave	Portland	OR	97219-4128
Rubio Cynthia Marie	8035 SW Broadmoor Ter	Portland	OR	97225-2120
Rudduck Miles C	915 Ironwood Ln	Fountain Valley	CA	92708-5820
Samuelson Mark	2423 SW 30th Ct	Gresham	OR	97080-8503
Sande Elmer Todd	3509 209th Pl NE	Sammamish	WA	98074-9316
Sanders Steven P	PO Box 367	Beavercreek	OR	97004-0367
Sandler Stuart/Jeanne B 1/2	One Berkshire Dr	St. Louis	MO	63117
Sanford R Lynden	19419 NW Reeder Rd	Portland	OR	97231-1404
Savage Louis D	PO Box 2331	Redmond	OR	97756-0544
Sawicki Merryl	PO Box 80910	Portland	OR	97280
Schiffman Ronald P	4133 Glacier Lily St	Lake Oswego	OR	97035-1804
Schiller Timothy C	32016 E Shingle Mill Ln	Arch Cape	OR	97102-0167
Schilling Beach House LLC	25100 NE 14th St	Camas	WA	98607
Seifer Kathryn D	7693 Wheatland Rd N	Keizer	OR	79303
Selberg Virginia M	79916 Cannon Rd	Arch Cape	OR	97102-0164
Sharles Rena McGregor	80152 Kent Rd	Arch Cape	OR	97102-0131
Shaver Mary S	Calle Agrela 6	Sabobrena (Granada)	Spain	18680
Shaw Georgia L Trustee	PO Box 25357	Portland	OR	97298-0357
Shaw James R Jr Family Trust 1/2	PO Box 130	Carlton	OR	97111-0130
Sherlock Daniel C	79924 Cannon Rd	Arch Cape	OR	97102-0164
Sherman Joseph M	134 Pine St	Saint Helens	OR	97051-1561
Sheron Chad	18015 NE 33rd St	Richmond	WA	98052
	120 S Santa Fe Ct	Vancouver	WA	98661
Odette Patrina	Anderd Dale D / Sara E			
Klug Colleen R				
Oseran Tracy B				
Park Michèle R				
Parsons Eric E / Janet M Trustees				
Bengston Bobbi J				
Peters Joan				
Fitzwater Kimberly				
Petrone Richard C Living Trust				
Platt Kendal				
Peirce John				
Sammons Katharine L				
Gomez-Calleja Andres				
Darmour Jennifer A				
Profitt Jack R				
Gerding Robert K LE				
Gerding Diana M LE				
Reiling Marilyn E Trustee				
Maddison David & Josette Rev Trst				
Maddison David/Josette Trustees				
Richardson Stephanie				
Eilenberg 1/6 Katz 1/6				
c/o Michael A Heumann Trustee				
Rubinstein Richard/Deanne Family Trust				
Lewis Gregory Howard / Rebecca Kay				
Samuelson Katherine				
Samuelson Scott A				
Sanders Nancy K				
Bevis John 1/2				
Sawicki Edward				
Noonan Patricia				
Schiller Jennifer J				
Seifer Daniel J				
Shaw Georgia L Living Trust				
Shaw Barbara Family Trust 1/2				
Shaw James R Jr/Barbara Tr				
Sherman Pamela E				
Sheron Children Beach House Trust				

Shin Jay G	Kim Choona	4403 SE Anderregg Loop	Portland	OR	97236-9378
Short Kenneth Casey	Simmons Buffy	3435 NE 22nd Ave	Portland	OR	97212-2432
Simmons Philip	Hufford Gary/Joan	79805 Fire Rock Rd	Arch Cape	OR	97102-0127
Simpson Gregg		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	4730 SW Macadam Ave #Ste 101	Portland	OR	97239
Skeels Family Ltd Ptnshp		1041 Summit Ave E	Seattle	WA	98102-4432
Smith Bradford Alfred	Williats Wendy Lynn	11710 126th Avenue Ct E	Puyallup	WA	98374-5082
Smith Brian M	Schaffer Darcy L	PO Box 552	Cannon Beach	OR	97110-0552
Smith Cy/Diane L		17339 S Century Dr	Bend	OR	97707-2524
Smith Kathleen S		9021 SW 49th St	Portland	OR	97219
Solorzano Valerie		5721 SE Insley	Portland	OR	97206
Soot Scott J	Gatto Revocable Trust	1348 SW Taylors Ferry Rd	Portland	OR	97219-4374
Soriano Greg B/Roselle		1994 Furlong Ct	West Linn	OR	97068-2525
Soriano Gregory B/Roselle G	Gatto Jerry A/Carol J Trustees	4309 N Willamette Blvd	Portland	OR	97203-4763
Sparks James R/Pamela		4450 Upper Dr	Lake Oswego	OR	97035
Speelmon Cathy	Williams Nora	3553 S Ferninand St	Seattle	WA	98118-1733
Speelmon Living Trust	Speelmon Cathy	7700 SW Northvale Way	Portland	OR	97225-1550
Stafford Louis R	Speelmon Elisa C Trustee	5290 SW Landing Sq Apt #9	Portland	OR	97239-5931
Starfish LLC	Stafford Judy A	1532 SW Morrison St Ste #1000	Portland	OR	97205-1942
Starnes Judith Fishburn Trust	Starnes William K 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
Swihart Kathleen A	Szambelan Peter J III	25822 186th Pl SE	Covington	WA	98042-5043
Szambelan Family Trust	Szambelan Andrea	435 NE Laurelhurst Pl	Portland	OR	97232-3339
Szambelan Joseph P		2541 NE 91st St	Seattle	WA	98115
Taber Marie J	Taylor Robert L Credit Shelter Trust	PO Box 12565	Portland	OR	97212-0565
Taylor M Joan Tr	Tennessee William R	5020 SW View Point Ter	Portland	OR	97239-3958
Tennessee Scott V	Thiede Clifford S/ Virginia L Tr	4800 Mill Creek Rd	The Dalles	OR	97058-9595
Thiede Clifford S Living Trust	Thomas Susan K	73 Palma Dr	Rancho Mirage	CA	92270-3843
Thomas Daniel M		3256 Silver St	Hinesburg	VT	05461-9475
Tindall Family Properties LLC	Tokos Cynthia S	2606 N Newark St	Portland	OR	97217-6969
Tokos Trenton N	Rader 1/4, Rush 1/4, Rothrock 1/4	5745 SW Gaines Ct	Portland	OR	97221
Treilstad Cynthia 1/4	Tuell Lawrence R	2221 SW 1st Ave #Apt 2324	Portland	OR	97201-5023
Tuell Lawrence D		3215 S 15th St	Tacoma	WA	98405-2478
Tunquelen LLC	Unhanand Nartnucha Trust	2240 Prestwick Rd	Lake Oswego	OR	97034-2741
Unhanand Nartnucha Trustee		4305 Browns Creek Rd	The Dalles	OR	97058-8544
US World Class Taekwondo LLC		8907 SW Canyon Rd	Portland	OR	97225
Van Loo Ronald	Vilkin Kenneth W	58763 Saulser Rd	Saint Helens	OR	97051-9338
VanBuskirk Kathleen J	Stas Venessa	16709 W 69th Cir	Arvada	CO	80007
Vaughn Susan	Vogl Betty Jane	164 Caymus Ct	Sunnyvale	CA	94086-7023
Vilkin Martel Wendy	Vollum Lawrence W	24115 NE 132nd Circle	Brush Prairie	WA	98606
Vincent Frederick	Stoil Wayne H	3743 NW Devoto IN #Ln	Portland	OR	97229
Vogel Donald Jay		4218 NE 74th Ave	Portland	OR	97218
Vollum Donald A	Unhanand Nartnucha Trust	PO Box 91008	Portland	OR	97291-0001
Vollum Lawrence W		1000 NW Skyline Blvd	Portland	OR	97229-6825
Vollum Stephen A	Walsh Charles A	2373 NW 185th Ave #505	Hillsboro	OR	97124-7076
W Wall Trst 50%A B Stoil Tst 50%	Stoil Wayne H	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	Walsh Joseph/ Tien Li	12970 SW Oxalis Terrace	Tigard	OR	97223
Walsh AJ/Nancy Revocable Trust	Walsh Joseph/ Tien Li	273 N Henry St	Coquille	OR	97423
Ward Gerald M	Walsh Eileen 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	788 Cabana Ln	Lake Oswego	OR	97034-3757
Winton Don W	27740 10th Ave S	Des Moines	WA	98198
Wirt Kelly L Rev Trust	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	17722 7th Ave W	Bothell	WA	98012
Zalutsky Audrey E	3118 SW Fairmount Blvd	Portland	OR	97239-1466
Zommers John 1/2	32089 Buena Vista Dr	Arch Cape	OR	97102-0121

Willis John M Tr	The Willis Joint Living Trust
Wirt Brian L Rev Trust	Wirt Brian L/Kelly L Trustees
Newman Pamela Sue Trustee	Yockey Jay R Credit Shelter Trust
Zalutsky Morton H	Zalutsky Revocable Trust Audrey/Morton
Zommers Biruta 1/2	

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
 Date: 07.01.16



Clancie Adams

Written Testimony submitted as of 4 PM on July 18, 2016

JUL 12 2016

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.

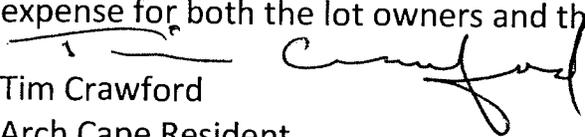
We are already fully protected by existing designated zones. We are protected by building height restrictions, minimum lot sizes, lot line setbacks, tree buffering along 101 & streams, even restrictions upon hedge and fence heights. The SCCAC has well served this Community in the past by helping to insure 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 @ SCCAC

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

JUL 12 2016

Heather Hansen

From: domanms@comcast.net **Land Use Planning**
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 Montbrechia Lane
Arch Cape, Oregon 97102

Tax Account ID: # 2742 & # 2848

JUL 12 2016

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."

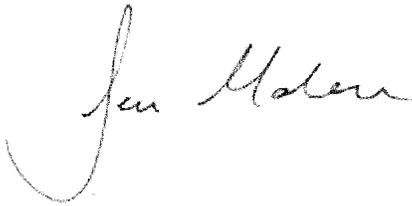
There do not appear to be any proposed findings related to this applicable goal to demonstrate that the Committee has not been active. Indeed, the absence of findings is likely attributable to the fact that the Committee has remained very active since its inception. In the absence of findings justifying 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 DLCDC as also required. Thus the proposed legislative amendments cannot be approved by the SWCCAC.

Thank you,

A handwritten signature in cursive script that reads "Sean Malone". The signature is written in black ink and is positioned below the "Thank you," text.

Sean T. Malone
Counsel for Oregon Coast Alliance

JUL 12 2016

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

JUL 11 2016

**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 then 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

DRAFT minutes from the July 12, 2016 SCCAC meeting

NOTE: 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.**

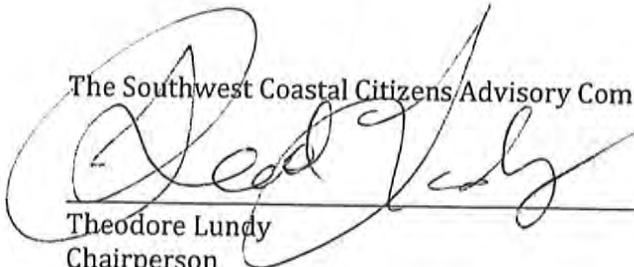
The above-entitled matter came before the Southwest Coastal Citizen Advisory Committee at its **July 12, 2016**, meeting for a public hearing and consideration of proposal.

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