

CLATSOP COUNTY
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Southwest Coastal Citizen Advisory / Design Review Advisory Committee
Regular Meeting - LOCATION and DATE CHANGE

Date: **Tuesday, July 12, 2016**
Time: **6:00 pm**
Location: **Arch Cape Fire Hall, 79729 Highway 101, Arch Cape, Oregon**

1. CALL MEETING TO ORDER (Chair Lundy) (6:00 p.m.)
2. ROLL CALL (Staff) (6:00 – 6:02 p.m.)
3. AGENDA APPROVAL (Chair) (6:02 – 6:05 p.m.)
4. MINUTES (Chair) (6:05 – 6:10 p.m.)
Minutes of January 21, 2016 (*Attachment 1*) **Page 3**
5. HEARINGS (6:10 – 8:00 p.m.)
 - a. A quasi-judicial hearing to consider a request for 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 and make a recommendation to the Planning Commission. The property is identified as T4N R10W Sec. 30BB TLs 600/606, commonly known as 79328 Highway 101. (*Attachment 2*) **Page 7**
 - b. A 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). Applicant is Clatsop County. (*Attachment 3*) **Page 43**
6. ADJOURN (8:00 p.m.)

The agenda and staff reports are available for review at www.co.clatsop.or.us. Click on Board and Committees, then click on the Agendas & Minutes link under Southwest Coastal Citizens Advisory Committee. The agenda packet is a PDF document.

NOTE TO MEMBERS: Please contact Community Development (503-325-8611) if you cannot attend the meeting.

ACCESSIBILITY: This meeting location is handicapped-accessible. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting. Please let us know at 503-325-8611, Community Development Department – Land Use Planning Division, if you will need any special accommodations to participate in this meeting.

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MINUTES
SOUTHWEST COASTAL DESIGN REVIEW / CITIZEN ADVISORY COMMITTEE
Regular Session
January 21, 2016, 6:00 p.m.

Clatsop Community College South County Center, 1445 N. Roosevelt, Seaside, Oregon

Chairperson Tod Lundy convened the meeting at 6:10 p.m.

Members present: Virginia Birkby, Tod Lundy, Linda Lapp Murray, Daniel Seifer and Jim Sparks.

Staff present: Rich Mays, Clatsop County Interim Manager; Heather Hansen, Community Development Director; and Julia Decker, Planner, Clatsop County Community Development.

Agenda Approval:

Dan Seifer requested adding transient occupancy/road/drainage projects updates from staff and an item to discuss committee meeting locations to the agenda under #7. There were no objections to the additions.

Election of Officers:

Dan Seifer nominated and Linda Lapp Murray seconded Tod Lundy as president or Chairman. Motion approved unanimously.

Chair Lundy nominated and Dan Seifer seconded Linda (Lapp Murray) as Vice Chair. Motion approved unanimously.

Action Item:

Design Review: Request by Vito Cerelli on behalf of Michael Henningsen for construction of an addition to an existing single-family dwelling, located at 80506 Carnahan Road, Arch Cape, also known as T4N, R10W, Sec. 19BC, TL 00300.

No site visits, ex parte contacts, or conflicts of interest were reported. No one objected to the jurisdiction of the committee to hear the matter.

Staff presented the report and recommendations, as well as an addendum to the staff report and a letter of public comment, via email, from Marshall Hauck, General Partner, Hauck Limited Partnership, the owner of the property immediately north of the subject 80506 Carnahan Road. There was discussion about required off-street parking and conditions of approval that could be fashioned to ensure parking requirements and access would be met, given the unusual configuration of the lots and access in the neighborhood.

Dan Seifer moved and Linda Lap Murray seconded that Design Review Criteria number 1 be modified so that it begins, "With relation of structure to site subject to delineation of two off-street parking spaces, we find the dwelling addition would meet all setbacks, lot coverage requirements. The location, height, bulk, shape, and arrangement of the dwelling should be compatible with the surrounding neighborhood. The criterion found in Section 4.103(1) is satisfied." With that event, otherwise, proceed with criteria as drafted by staff, as provided by a condition of approval. Motion approved unanimously.

Linda Lap Murray moved and Dan Seifer seconded (to recommend) approval subject to Dan (Seifer)'s amendment. Motion approved unanimously.

RCC Zone Height Language:

Staff stated a language change to L4.103 (2) that would add the Rural Community Commercial Zone standards to those of L3.068 (the AC-RCR Zone) was on the list of code amendments to be made the next time the Land and Water Development and Use Ordinance is updated.

Dan Seifer moved and Virginia Birkby seconded that this committee recommend to the director of development that the zoning be amended expeditiously just as described by [staff]. Motion approved unanimously.

Wetlands Advisory Committee:

Staff reported on the progress of the Wetlands Advisory Committee toward developing a recommendation for the Board of Clatsop County Commissioners. Staff said a number of options were being considered and there had been a lot of consensus, but the committee had lost momentum due to the chair not being able to meet with staff to prepare materials for the next meeting due to scheduling conflicts.

Farm and Forest Code Update:

Staff reported the county is working on the Farm and Forest sections of the development code to make updates to become compliant with the state's requirements.

Liaison Report:

Staff reported there has been an upward trend in the number of property inquiries, which is unusual for January.

Staff further reported there had been only one application for the two committee vacancies that had been advertised since October. Staff was planning to wait until a second application came in before taking the committee appointment item to the board. Ms. Birkby requested the item be placed on the board's February agenda if possible, even if only one application had been received.

Transient Occupancy Tax:

Mr. Seifer requested an accounting at the next meeting of how much money had accumulated "in our account" and if any projects are being considered.

Meeting Location:

Mr. Seifer stated the committee had accommodated staff's "difficulty for quite some time" and he believed the committee should meet in Arch Cape, or Cannon Beach at the farthest. He stated he guessed staff wanted to avoid the Cannon Beach Fire Hall because the fire calls are "uncomfortable for you" but there were fire trucks close by this evening's meeting site. Mr. Seifer stated the committee lost community participation by having its meetings outside Arch Cape. He stated the committee is not accessible to the community if it meets in Seaside and the meeting location issue needed to be solved.

Staff asked about the status of the acoustic improvements to the Arch Cape Fire Hall meeting Room. Mr. Seifer stated soundboard had been installed on the walls, despite the vendor's recommendation it be placed on the ceiling. The fire department was not available to agree to the ceiling installation. Mr. Seifer stated he attends a number of public meetings there and, while the acoustics are not perfect, it's in the community. Staff reminded Mr. Seifer that after the improvements were made, Chair Lundy and Ms. Lapp Murray visited the facility to determine if the improvements seemed

sufficient. Staff continued, saying Chair Lundy and Ms. Lapp Murray found the improvements were not sufficient and wrote an email to that effect. Chair Lundy acknowledged this and said the sound was improved but was not as good as the space used this evening.

Ms. Birkby stated she chairs a meeting at the Arch Cape Fire Hall monthly and finds the room satisfactory. She said she did not know what standards were to be applied. Ms. Lapp Murray asked if the committee could try to do a meeting there, to see if staff could tolerate the room.

Staff responded she was very uncomfortable discussing the matter in a public meeting, saying the committee was discussing a disability of hers that was intensely personal.

Dan Seifer moved and Linda Lap Murray seconded to request staff hold the next (SCCAC) meeting at the Arch Cape Fire Hall.

In response to a question from Ms. Birkby, Chair Lundy stated the Americans with Disabilities Act states you must make it accessible for everyone. Ms. Birkby said she doesn't know what "accessible" means in this case. Mr. Seifer stated he did not think the committee could fulfill its responsibility to the community if it didn't meet in the community and said he had attempted to get the fire district board to approve placement of the panels on the ceiling, but was not successful. Chair Lundy stated he believed the ADA would require the room to be modified if the committee had no other place to meet. Mr. Seifer provided an explanation of his attempt to get a response from the fire district board. He said he believed the committee was not fulfilling the role the county board has asked it to fulfill by not meeting in Arch Cape. Chair Lundy stated he thought the committee was overstepping.

Motion approved four in favor (Birkby, Lapp Murray, Seifer and Sparks), one opposed (Lundy).

Interim County Manager Mays stated he would consult with county counsel and said if staff is not able to attend the meeting, it may force the cancellation of that meeting, as the county would not violate the Americans with Disabilities Act.

Adjournment:

Linda Lapp Murray moved and Jim Sparks seconded to adjourn. Motion approved unanimously.

The meeting adjourned at 7:30 p.m.

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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.

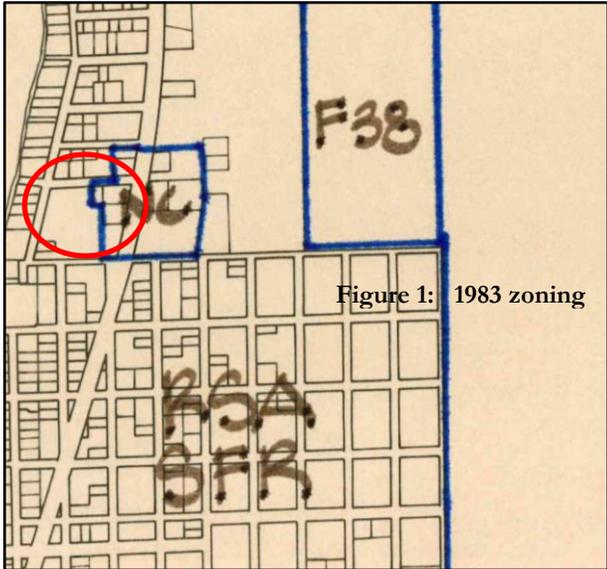


Figure 1: 1983 zoning

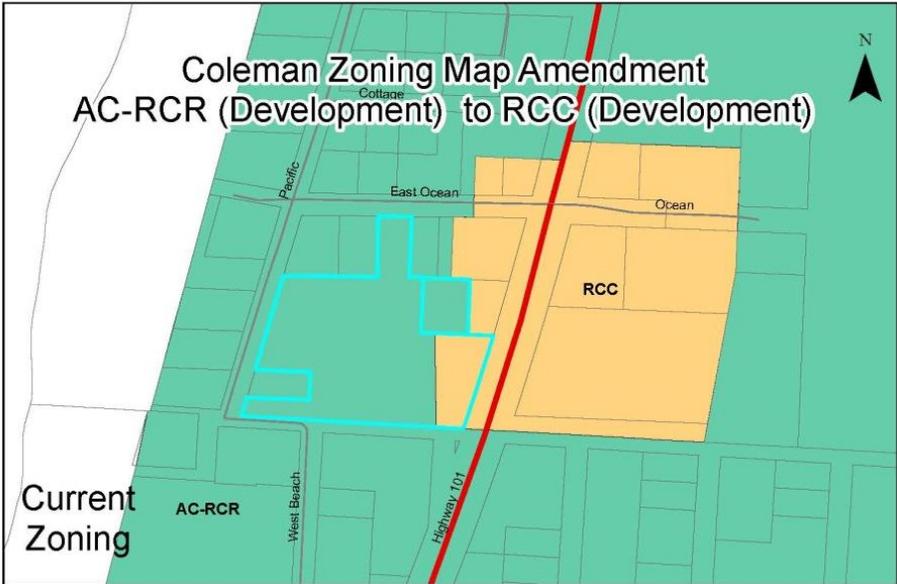


Figure 2: Current and Proposed Zoning

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 TLs 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).**

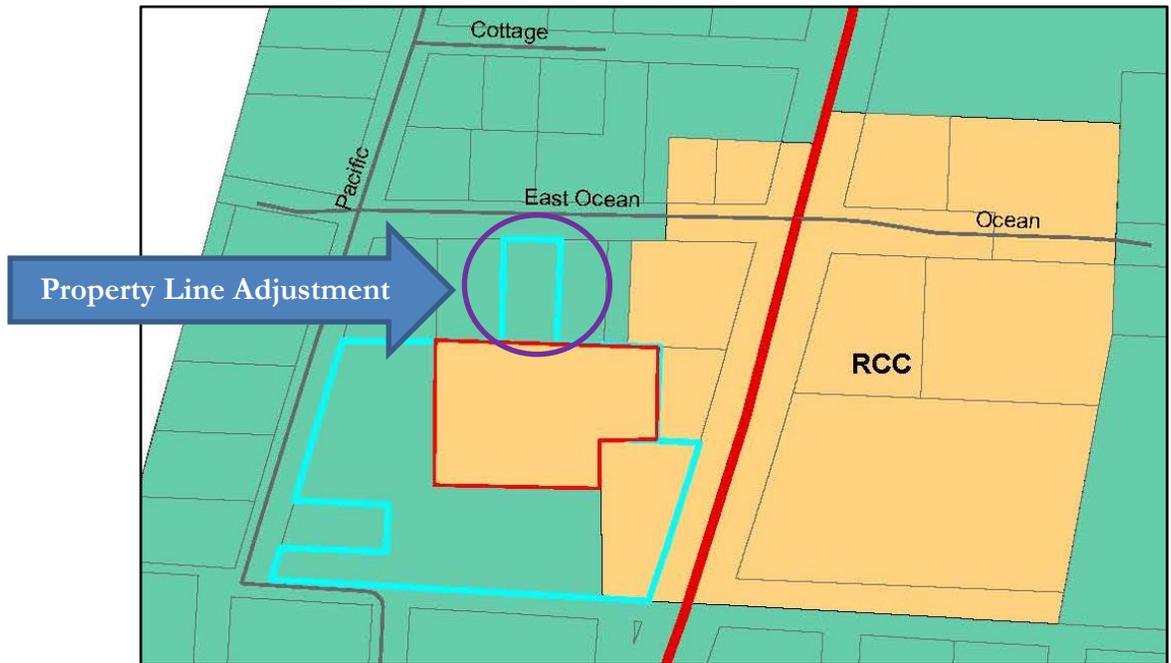


Figure 3: Proposed Zoning

- (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



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 4.100 Arch Cape Rural Community Overlay District: **We find Section 4.103 Criteria for Design Review Evaluation does not apply.**

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.**

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, based on staff's analysis, the proposed Comprehensive Plan Zoning Map Amendment is consistent with the Southwest Coastal Community Plan.**

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 ____ 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: ARLH CAPE OR 97102

Phone: 503-436-2930 Phone: SAME

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

Mail Address: 80326 PACIFIC RD./A.C. City/State/Zip: ARLH 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
+ a portion of 600

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
- 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.

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 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.

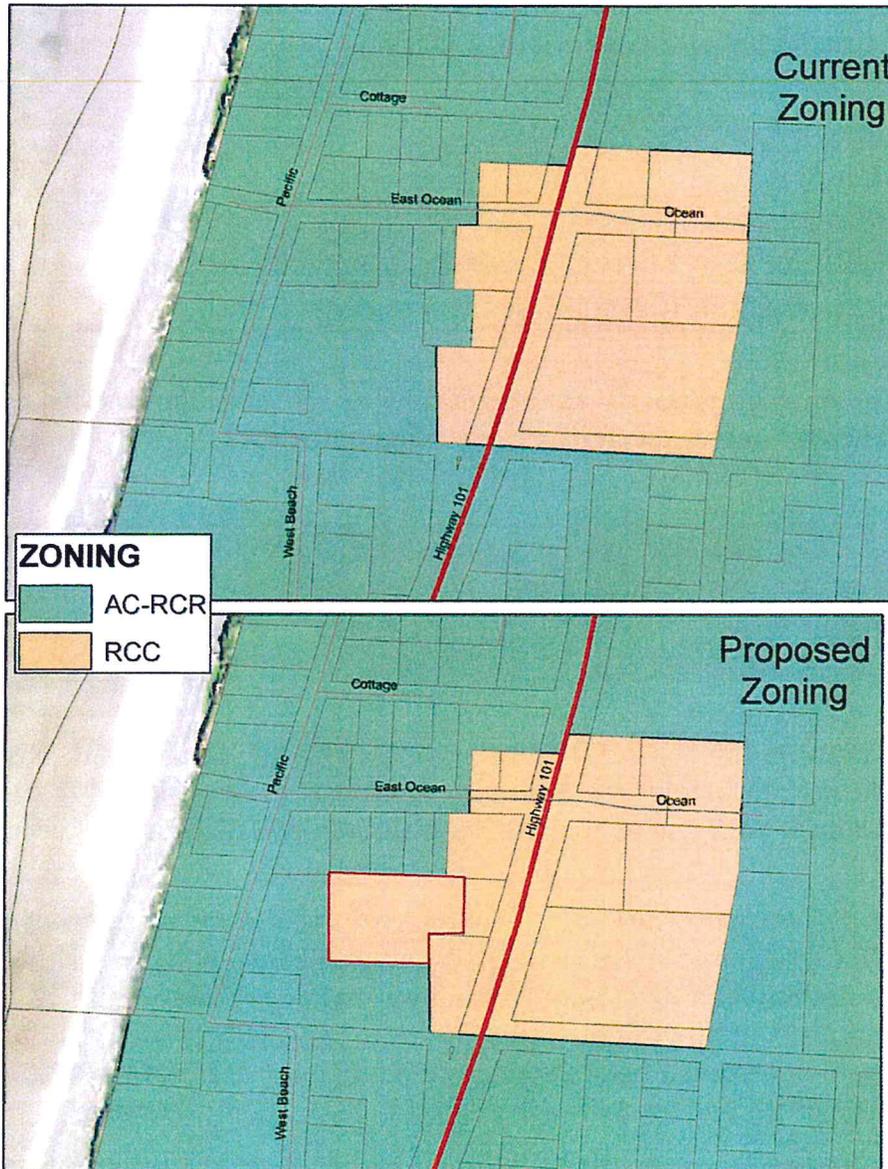
The following criteria apply to the request:

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.

Clarence Adams, Permit Tech

Date: 05.26.15



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 ODOTs 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

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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 5, 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 Comprehensive Plan B. Proposed LWDUO Text Amendments

I. EXECUTIVE SUMMARY

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

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

1. Goal 1 – Citizens Involvement
 - (a) Remove language referencing the SCCAC as the only active Citizens Advisory Committee
 - (b) Remove policy regarding active citizen advisory committees
 - (c) Add policy that ad hoc advisory committees may be appointed by the Board of Commissioners to address specific land use issues as needed.
 - (d) Add community organizations to policy about public notices.
 - (e) Add recommended action about requirement for Applicant-Neighborhood meetings for certain land use applications.
2. Southwest Coastal Community Plan
 - (a) Add policy reiterating Goal 1 policy that the Planning Commission is the County's Committee for Citizen Involvement.
 - (b) Repeat Goal 1 policy that ad hoc advisory committees may be appointed by the Board of Commissioners to address specific land use issues as needed.
 - (c) Repeat Goal 1 policy that public notices will also be sent to community organizations.

- (d) Remove references to SCCAC role in design review and in making other recommendations.
- (e) Revise language regarding hardship variances clarifying that they 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., they are 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., they are 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.

II. STAFF ANALYSIS

GOAL 1 – CITIZEN INVOLVEMENT

Applicable 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)*

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 CAG 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 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 CAG 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.

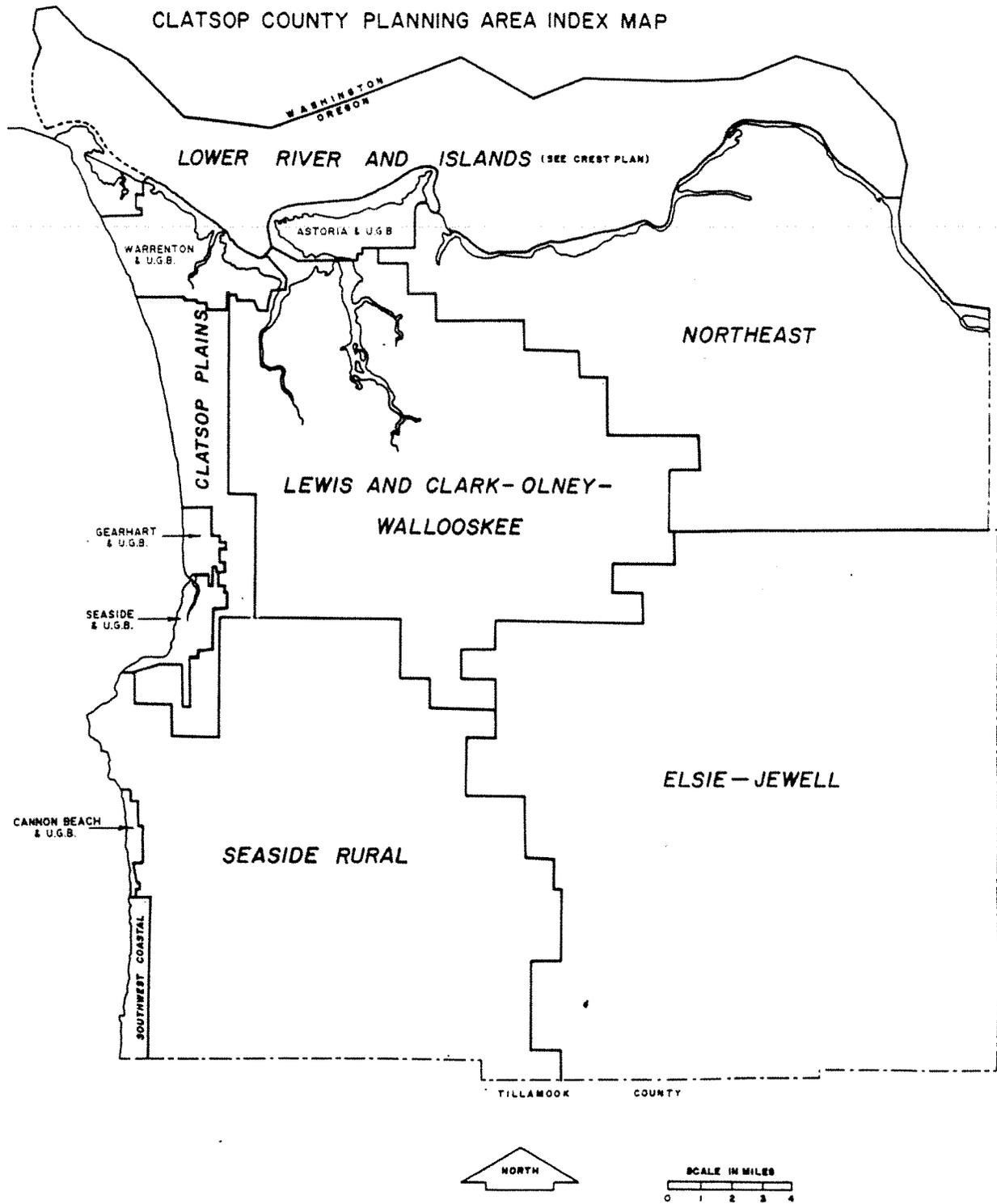
The six community planning areas had active citizen involvement dating from 1977 through 1980, when the Plan was acknowledged. During that period of time, each committee met at least once per month, and as increased involvement dictated, two meetings per month were held. Southwest Coastal, Clatsop Plains 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 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 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 CAG~~ 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~~ opin 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~~ **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 **applied** 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 to the Community Development Department the 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); **HOWEVER**
 - (C) 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.
- (14**3**) All planned development and subdivisions shall be required to cluster land uses and designate areas as permanent common open space. The development shall be reviewed according to Section 4.140 for Planned Developments or Clatsop County Standards Document, Section S3.150 for Cluster Developments. The minimum percentage of common open space shall be 30% excluding roads and lands under water.
- ~~(15)~~ ~~The setback for all structures shall be fifty feet (50) from the line of non-aquatic vegetation.~~ *[Staff Comment: Moved to (12)(E)]*
- ~~(16)~~ ~~Vegetative hedges and fences that impede or have the potential to impede views shall be maintained at or below 6 feet. Hedges & fences extending beyond the ocean front setback shall be maintained at or below 4 feet.~~ *[Staff Comment: Moved to (12)(C)]*
- (16**4**) All standards as set forth in the Clatsop County Standards Document, as amended.

Section 3.070 State and Federal Permits.

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

SECTION 3.252. RURAL COMMUNITY COMMERCIAL ZONE (RCC).

Section 3.254. Purpose and Intent.

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

Section 3.256. Development and Use Permitted.

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

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

Section 3.258. Commercial Conditional Development and Use.

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

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

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

Section 3.260. Conditional Development and Use.

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

- (1) Expansion of commercial building or buildings, existing on (date of this ordinance) where the total floor area for the commercial use exceeds 4,000 square feet provided the commercial use, intended to occupy more than 4,000 square feet of floor area, is intended to serve the rural community, the surrounding rural area, or the traveling needs of people passing through the area.
- (2) Mixed Use or Residential developments in association with a Commercial or Retail component that is permitted or conditional. Residential development shall be located above or behind the permitted or conditional use.
- (3) A hotel, motel, lodge, resort, inn, or other enclosed tourist/traveler accommodations, provided:
 - (A) It is served by a community sewer system,
 - (B) Does not have over 35 units, and
 - (C) Each commercial use associated with the lodging shall not exceed 4,000 square feet (i.e. Gift Shop, Office, Restaurant, etc).
- (4) Recreational Vehicle (RV) Park subject to the following provisions:
 - (A) Density, Maximum fifteen (15) RV spaces per acre.
 - (B) Minimum 30-foot setback to any adjoining residential zone.
 - (C) Minimum 50-foot setback to any adjoining resource zone.
 - (D) Subject to meeting the State Building Code requirements; and
 - (E) Subject to provisions of Clatsop County Standards Document, S.3.550 – S3.552 (2)(A)(F)(I)(J)(K) and (3)-(10) inclusive.

Section 3.262. Development and Use Standards.

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

- (1) Plan review and approval: No building permit or other permit for construction or alteration of any building structure or use in this zone shall be issued until plans have been reviewed and approved by the Community Development Director in order to evaluate the conformity with the performance standards of this zone and the Comprehensive Plan and the compatibility of vehicular access, signs, lighting, building placement and designs, landscaping, adjoining uses and location of water and sewage facilities.
- (2) Standards:
 - (A) Air quality: The air quality standards set by the Department of Environmental Quality shall be the guiding standards in this zone, except that open burning is prohibited in any case.
 - (B) Noise: As permitted under all laws and regulations.
 - (C) Storage: Materials and or equipment shall be enclosed within a structure or concealed behind sight-obscuring screening.
 - (D) Fencing: Allowed inside a boundary planting screen and where it is necessary to protect property or to protect the public from a dangerous condition. The proposed fence locations and design will be subject to Community Development Director review and approval.
 - (E) Buffer: Where the RCC zone adjoins a zone other than RCC, there shall be a buffer area of depth adequate to provide for a dense evergreen landscape buffer which attains a minimum height of 8-10 feet, or such other screening measures as may be prescribed by the Community Development Director in the event differences in elevation or other circumstances should defeat the purpose of this requirement. In no

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

- (F) Vibration: No vibration other than that caused by highway vehicles, trains and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.
 - (G) Heat and glare: Except for exterior lighting, operations producing heat or glare shall be constructed entirely within an enclosed building.
 - (H) Lighting: Exterior lighting shall be directed away from adjacent property, with cutoff lighting required, when adjacent to a residential zone.
- (3) Density Provisions:
- (A) The minimum lot width shall be 75 feet.
 - (B) Other permitted development standards as required to meet State sanitation requirements and local setback and ordinance requirements.
 - (C) Lot width/depth dimension shall not exceed a 1:3 ratio.
- (4) Setback requirements:
- (A) Front yard setbacks: 25 feet.
 - (B) Side and rear yard when abutting a residence or residential zone: 10 feet.
 - (C) For lots of record created prior to September 30, 1980 that are less than minimum lot size required side yards shall be 5 feet.
 - (D) The setbacks for all structures shall be thirty-five feet (35) from the line of non-aquatic vegetation.
 - (E) All structures shall be a minimum of fifty feet (50) from adjacent resource zones.
- (5) Building height:
- (A) The maximum building height for commercial uses shall be 35 feet.
 - (B) The maximum building height for light industrial uses shall be 45 feet, except when within 100 feet of a residential zone, the height shall be 35 feet.
- (6) Building size:
- (A) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 3.258 unless:

- 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
 - 2) The use is limited to a size of building or buildings that is intended to serve the rural community, surrounding rural area of the travel needs of people passing through the area; and
 - 3) The total floor area of building or buildings does not exceed 12,000 square feet unless an exception to goal 14 has been acknowledged pursuant to ORS 197.625.
- (7) ~~Off-street parking requirements: Off-street parking shall be subject to Clatsop County Standards Document, Section S2.200 of the Development and Use Standards Document.~~
[Staff Comment: Unnecessary – it’s already a requirement.]
- (8) An accessory structure ~~separated from the main building~~ may be located in the required rear or side yard, except in the required street side of a corner lot, provided that it is not less than ten (10) feet to a property line.
- (9) All new developments and cumulative or incremental expansion of an existing footprint greater than twenty-five percent shall indicate on the **development building permit application** how storm water is to be drained from the property or retained on site. The ~~Building Official or County Engineer~~ may require the installation of culverts, dry wells, retention facilities, or other mitigation measures where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands or on slopes twenty-five percent or greater. *[Staff Comment: Need to add a fee for Public Works review to the County’s fee schedule]*
- (10) In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP).
- (11) Developments adjacent to or across the street from residential zones shall be contained within an enclosed building or screened from the residential district with a sight obscuring fence or vegetation.
- (12) All standards as set forth in the Clatsop County Standards Document, as amended.
- (13) Additional Standards in the Arch Cape RCC zone:**
- (A) Preservation of Landscape. The landscape shall be preserved in its natural state to the maximum extent possible by minimizing tree, vegetation and soils removal. Cut and fill construction methods are discouraged. Roads and driveways should follow slope contours in a manner that prevents erosion and rapid discharge into natural drainages. Disturbed areas shall be re-vegetated with native species.** *[Staff Comment: Moved from Section 4.103-Criteria for Design Review Evaluation (3)]*
- (B) Utility Service. All new service lines shall be placed underground.** *[Staff Comment: Moved from Section 4.103-Criteria for Design Review Evaluation (4)]*
- (C) Exterior lighting shall be of a “full cut-off” design. Glare shall be directed away from neighboring property or shielded in a manner not to cause offense (i.e. 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) — Variances will be considered under a Type IIa procedure pursuant to Section 2.025. An applicant may request a variance whether before or after the denial of a development permit.
- (3) — Standards for a Variance. The requirements for a Variance are listed below. It is the intent of this Ordinance that a variance only be granted to overcome some exceptional physical condition related to a parcel of land posing practical difficulty to development and preventing the owner from using the property as intended by the Zoning Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.
 - (A) There must be proof of exceptional and extraordinary circumstances which apply to the property and which do not apply to other properties in the same zone or vicinity, and result from lot size or shape legally existing in accordance with land use laws prior to September 30, 1980, topography, geology, or other circumstances over which the applicant has no control. These circumstances or conditions must be such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land and/or structure.
 - (B) The granting of a variance shall neither be injurious to the neighborhood or community nor otherwise detrimental to the public welfare or to public safety.
 - (C) The granting of the variance will not permit the establishment of any development or use which is not permitted by the Ordinance, nor confer upon the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the area.
 - (D) There must be proof of significant hardship if the variance is not granted. It is not sufficient proof of hardship to show that a greater profit would result if a variance were granted. Nor shall loss of value be a valid reason to grant a variance. Furthermore, the hardship cannot be self created or self imposed, nor can it be created by one who purchases property with or without the knowledge of restrictions present. The hardship must result from the strict application of this Ordinance, and be suffered directly by the property in question. Evidence of a variance granted under similar circumstances shall not be considered as a solely sufficient cause to grant hardship relief.
 - (E) The granting of a variance is necessary for the reasonable use of land or building, and the variance granted by the hearing body is the minimum variance that will accomplish this purpose.
 - (F) The hardship does not arise from a violation of the provisions of this Ordinance.

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

Section 4.118 Notification.

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

Section 4.119 Expiration/Extension.

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

SECTION 4.120 ARCH CAPE NON-CONFORMING USES AND STRUCTURES

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

Section 4.121 Purpose.

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

Section 4.122 Definitions.

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

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

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

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

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

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

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

Section 4.123 Continuance.

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