



**Oregon**

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



**NOTICE OF ADOPTED AMENDMENT**

07/07/2011

**TO:** Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

**FROM:** Plan Amendment Program Specialist

**SUBJECT:** Clatsop County Plan Amendment  
DLCD File Number 001-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

**DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL:** Wednesday, July 20, 2011

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

**Cc:** Jennifer Bunch, Clatsop County  
Jon Jinings, DLCD Community Services Specialist

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FORM 2

DLCD

# Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person  electronic  mailed

DATE  
STAMP

DEPT OF  
JUN 30 2011  
LAND CONSERVATION  
AND DEVELOPMENT

For Office Use Only

Jurisdiction: **Clatsop County**

Local file number: **Ordinance 11-03**

Date of Adoption: **June 22, 2011**

Date Mailed:

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".  
Zoning map amendments in the Westport area of Clatsop County.

Map amendment from Rural Community Multifamily Residential to Rural Community Commercial-Light Industrial (T8N R06W S36 TL1402, 0.39 acres – Applicant: Clatsop County – Owner: Morissey) Note: This is a map correction, the previous zoning was commercial. Error by staff in applying Mult-Family Residential Zone in 2003.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from: **RC-MFR**

to: **RCC-LI**

Location: **Westport**

Acres Involved: **.39**

Specify Density: Previous:

New:

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

DLCD File No. 001-11 (18711) [16698]



If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD file No. \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Jennifer Bunch**

Phone: (503) 325-8611 Extension:

Address: **800 Exchange Street, Ste 11**

Fax Number: **503-338-3666**

City: **Astoria**

Zip: **97103-**

E-mail Address: **jbunch@co.clatsop.or.us**

### **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**

per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

**BEFORE THE BOARD OF COMMISSIONERS  
FOR THE COUNTY OF CLATSOP**

In the Matter of:

**AN ORDINANCE AMENDING AND  
CORRECTING THE CLATSOP COUNTY  
ZONING MAP FROM RC-MFR TO RCC-LI  
ON PROPERTY OWNED BY THE  
MORRISEY FAMILY TRUST AND  
KNOWN AS T8N R6W SEC36 TL1402**

**ORDINANCE NO. 11-03**

Doc # 201106 0053

Recording Date: 6/28/2011

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RECITALS

WHEREAS, on February 8, 2011, Clatsop County filed an application for an amendment to the Clatsop County Zoning map in order to correct and amend the zoning of the property from Rural Community Multi-Family Residential to Rural Community Commercial-Light Industrial.

WHEREAS, the zoning map amendment was considered by the Planning Commission at a public hearing on May 10, 2011, and The Commission unanimously recommended approval, which is attached as Exhibit "PC"; and

WHEREAS, consideration for this ordinance complies with the Post Acknowledgement rules of the Oregon Land Conservation and Development Commission and the Clatsop County Planning Commission has sought review and comment and has conducted the public hearing process pursuant to the requirements of ORS 215.050 and 215.060, and the Board of Commissioners received and considered the Planning Commission's recommendations on this request and held a public hearing on June 22, 2011, on this ordinance pursuant to law on; and

WHEREAS, public notice has been provided pursuant to law; now therefore,

**THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAIN AS FOLLOWS:**

SECTION 1. The Clatsop County Zoning Map is hereby amended as shown in the attached Exhibit A.

SECTION 2. In support of this ordinance, the Board adopts the findings in the Staff Report dated May 3, 2011, and associated exhibits contained in Exhibit "PC"

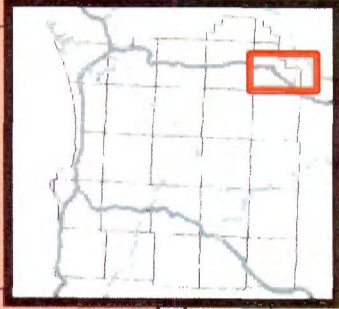


Approved this 22 day of June, 2011

THE BOARD OF COUNTY COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

By  \_\_\_\_\_  
Dirk Rohne, Chair

Morrissey Zoning Map Amendment  
RC-MFR to RCC-LI



30

RCC-LI

RC-MFR

RA-5

Current Zoning:  
RC-MFR

30

RCC-LI

Proposed Zoning:  
RCC-LI

EXHIBIT A .5



**BEFORE THE PLANNING COMMISSION  
FOR THE COUNTY OF CLATSOP**

EXHIBIT PC

In the Matter of

ORDINANCE 11-03: A ZONING MAP  
AMENDMENT (CORRECTION) FROM RC-  
MFR TO RCC-LI ON PROPERTY OWNED  
BY THE MORRISEY LIVING TRUST AND  
KNOWN AS T8N R06W SEC36CA TL2400

RESOLUTION AND ORDER

# 11-05-04

THE ABOVE ENTITLED MATTER came before the Planning Commission on May 10, 2011, for a public hearing and consideration of a Zoning Map Amendment; and

IT APPEARING TO THE PLANNING COMMISSION that the applicant, Clatsop County, on behalf of the Morrisey Family Living Trust, has requested a Zoning Map Amendment from RC-MFR to RCC-LI on property in the Rural Community of Westport in order to correct an error in the zoning map.

IT FURTHER APPEARING TO THE PLANNING COMMISSION that an error was made in the zoning map during the adoption of the Westport Rural Community designation in 2003.

IT FURTHER APPEARING TO THE PLANNING COMMISSION after reviewing the findings of fact in Exhibit "A" (*Staff Report*) has determined the proposed change is consistent with Clatsop County's Comprehensive Plan and Statewide Planning Goals and a zoning designation of RCC-LI is appropriate.

THE PLANNING COMMISSION considering all evidence provided by the Planning Department Staff and public testimony provided at the public hearing, hereby **RECOMMENDS APPROVAL** of the findings and zoning map amendment as presented in "*Exhibit A - Staff Report*" attached hereto and by this reference made part hereof.

**WHEREFORE, the Planning Commission finds and resolves:**

**To Recommend that the Board of County Commissioners adopt the proposed Morrisey Zoning Map Amendment.**

SO ORDERED this 10<sup>th</sup> day of May 2011.

THE PLANNING COMMISSION FOR  
CLATSOP COUNTY

  
Cary Johnson, Chair  
Clatsop County Planning Commission

**Clatsop County**  
Transportation & Development Services  
Land Use Planning Division  
800 Exchange Street, Suite 100  
Astoria, OR 97103

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[www.co.clatsop.or.us](http://www.co.clatsop.or.us)



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**“Exhibit A”  
Staff Report**

**REPORT DATE:** May 3, 2011

**HEARING DATE:** May 10, 2011

**OWNER:** Morrisey Living Trust  
414 Grey Cliff Dr  
St. Helens, OR 97051

**APPLICANT:** Clatsop County

**REQUEST:** The Applicant requests a Zoning Map Amendment from **Rural Community Commercial-Multi Family Residential (Development)** to **Rural Community Commercial-Light Industrial (Development)**.

**PROPERTY:** T8N, R06W, Sec 36 – TL 1402

**SIZE:** 0.39 acres

**LOCATION:** The subject property adjacent to Highway 30 at 49332 Highway 30 in the rural community of Westport.

**CURRENT ZONING:** Rural Community Multi-Family Residential (Development)  
**PROPOSED ZONING:** Rural Community Commercial (Development)

**STAFF REVIEWER:** Jennifer Bunch, Planner

**DEPARTMENT  
RECOMMENDATION:** Approval

**EXHIBITS:**

1. Zoning Map Amendment Application
2. DLCD Notice of Proposed Amendment
3. Ordinance 84-22
4. Ordinance 85-17
5. Map
6. Public Notice
7. Revised Public Notice
8. Public Comment



## I. BACKGROUND

On February 8, 2011, Clatsop County submitted an application for a zoning map amendment for 0.39-acres of land located adjacent to Highway 30 in the rural community of Westport. (See maps below). The application was deemed complete on February 8, 2011. Clatsop County issued the required 45-day notice to the Department of Land Conservation and Development on February 9, 2011. Mailed notice of hearing was issued to property owners within 250-feet and interested agencies on April 18, 2011. Due to a typographical error in the original mailed notice of hearing a corrected notice was issued on April 25, 2011.

At the time of the adoption of the current zoning ordinance in 1980 the property was an undeveloped portion of the Westport Trailer Park and was zoned Residential Agriculture 1 (RA-1). In 1984, in order to facilitate a community sewer system, the property was re-zoned to Rural Service Area-Multi-Family Residential (RSA-MFR) with Ordinance 84-22. In 1985 the current property owner, Michael Morrissey, applied for a zone change for a small portion (0.39-ac) to Tourist Commercial (TC) in order to construct and operate a small store, gas station, and post office. The zoning map amendment was approved by the Board of Commissioners as Ordinance 85-17. In 2003, Clatsop County adopted rural community zoning in several areas of the county, include the community of Westport. During that process the property that is the subject of this application was mistakenly zoned Rural Community Commercial-Multi Family Residential (RCC-MFR). This error was not discovered until late 2010 when Mr. Morrissey made inquires to Clatsop County regarding the expansion of commercial activates on the property. Due to the adoption of the RCC-MFR zoning on the property in 2003 Clatsop County must complete the zoning map amendment process to apply the correct zoning. Because of the location adjacent to a parcel that carries a Rural Community Commercial –Light Industrial (RCC-LI) zone the request is to correct the zoning and apply a RCC-LI designation to ensure continuity in zoning patterns in the Westport area. The RCC-LI zone will allow the established commercial use to continue as a conforming use [L3.272(1) & (6)].

## II. PROPERTY STATUS AND CONDITIONS

### Lot of Record Status

The subject property was created by the recording of a Deed with the Clatsop County Clerk (Deed Records, Bk 643, Pg 50). The property meets the county's definition of "lot of record". LWDUO §1.030.

## III. SUMMARY OF STAFF CONCLUSIONS

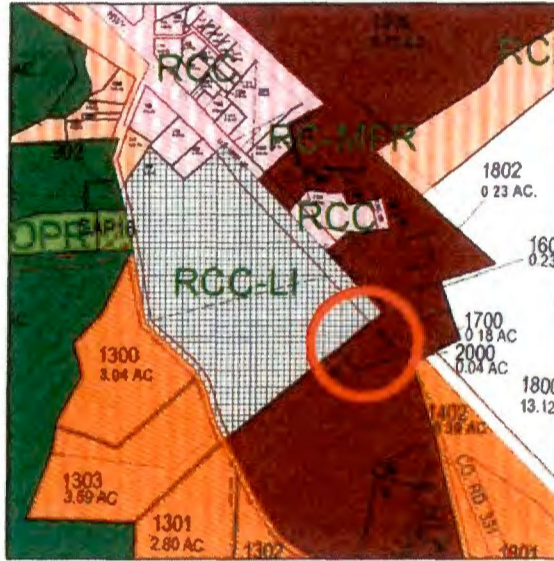
This report contains a variety of staff analyses and findings, maps, technical information, policies, approval criteria, and several exhibits. The following table lists the main criteria that apply to the request, a summary of staff's conclusions pertaining to each criterion, and a reference to the page numbers of this report where the pertinent staff analysis can be found.

Summary of Criteria and Staff Conclusions		
Criteria	Department Conclusions	Page(s)
<b>Zone Change Criterion No. 1 – Consistency with Comprehensive Plan</b>	<b>Satisfied</b>	<b>4</b>
Goal 1 Element – Citizen Involvement	Satisfied	5
Goal 2 Element – Land Use Planning	Satisfied	5
Goal 3 Element – Agriculture Lands	Not -Applicable	6
Goal 4 Element – Forest Lands	Not -Applicable	6
Goal 5 Element – Open Spaces, Scenic, Historic & Natural Resources	Not -Applicable	6
Goal 6 Element – Air, Water & Land	Satisfied	6
Goal 7 Element – Natural Hazards	Satisfied	6
Goal 8 Element – Recreation	Not -Applicable	6
Goal 9 Element – Economy	Not -Applicable	6
Goal 10 Element – Population and Housing	Not -Applicable	6
Goal 11 Element – Public Facilities	Satisfied	7
Goal 12 Element – Transportation	Satisfied	7
Goal 13 Element – Energy	Not -Applicable	7
Goal 14 Element – Urbanization	Satisfied	7
Goal 16 & 17 Elements – Estuary and Shorelands	Not -Applicable	8
Goal 18 Element – Beach and Dunes	Not -Applicable	8
<b>Northeast Community Plan</b>	<b>Satisfied</b>	<b>8</b>
<b>Zone Change Criterion No. 2 – Consistency with Statewide Plan Goals</b>	<b>Satisfied</b>	<b>8</b>
<b>Zone Change Criterion No. 3 – Adequacy of Public Facilities and Services</b>	<b>Satisfied</b>	<b>8</b>
<b>Zone Ch. Criterion No. 4 – Adequacy of Transportation Facilities</b>	<b>Satisfied</b>	<b>8</b>
<b>Zone Change Criterion No. 5 – Compatibility with Zoning Patterns</b>	<b>Satisfied</b>	<b>9</b>
<b>Zone Change Criterion No. 6 – Suitability</b>	<b>Satisfied</b>	<b>9</b>
<b>Zone Change Criterion No. 7 – Appropriate Use of the Land</b>	<b>Satisfied</b>	<b>9</b>
<b>Zone Change Criterion No. 8 – Health, Safety, and Welfare</b>	<b>Satisfied</b>	<b>9</b>
<b>Overall Recommendation</b>	<b>Recommend APPROVAL to the Board of Commissioners</b>	<b>10</b>



#### IV. NEIGHBORHOOD CONDITIONS

The surrounding area is comprised of Light Industrial, Multi-Family Residential, and Commercial zoning that are all situated along Highway 30 in the Rural Community of Westport.



**Map 1. Area Zoning**



**Map 2. Aerial Photo (2009)**

#### V. APPLICABLE CRITERIA

##### A. ZONING MAP AMENDMENT

The following criteria applies to the applicant's request for Clatsop County to adopt a zoning map amendment:

Clatsop County LWDUO 80-14, §5.412. Zone Change Criteria

#### VI. EVALUATION OF APPLICATION

As part of the land use application (Exhibit 1), the applicant evaluates the application against the applicable criteria of LWDUO § 5.412 and offers findings of fact for the County's consideration. In the following sections, staff examines the application versus the applicable criteria and proposes findings of fact for the Planning Commission's review and consideration.

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##### A. ZONING MAP AMENDMENT

##### LWDUO 80-14, §5.412

##### **Zone Change Criterion No. 1:**

LWDUO §5.412(1) - Consistency with Comprehensive Plan

**Goal 1 – Citizen Involvement**

(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.

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

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

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

Analysis -  
Documentation of published and public notice are attached as Exhibit 6.

Department Findings:  
The application satisfies the applicable citizen involvement policies of the Goal 1 element of the Clatsop County Comprehensive Plan.

**Goal 2 – Land Use Planning**

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.

Analysis  
The subject property is located within the Westport Rural Community and has a comprehensive plan designation of Development.



Department Finding:  
The application is consistent with the applicable “Development” policies of the Goal 2 element of the Clatsop County Comprehensive Plan.

Goal 3 – Agricultural Lands

Department Finding:  
The Goal 3 element of the Comprehensive Plan does not contain applicable policies.

Goal 4 – Forest Lands

Department Finding:  
The Goal 4 element of the Comprehensive Plan does not contain applicable policies.

Goal 5 – Open Spaces, Scenic & Historic areas and Natural Resources

Department Finding:  
The Goal 5 element of the Comprehensive Plan does not contain applicable policies.

Goal 6 – Air, Water, and Land Quality:

Goal -  
To maintain and improve the quality of the air, water and land resources of the state.

Analysis:  
The proposal does not conflict with the applicable plan policies of Goal 6. The Clatsop County Land and Water Development and Use Ordinance (LWDUO) contains multiple development standards that would apply to the future development of the subject property to assure the protection of air, water and land quality standards in accordance with Goal 6.

Department Finding:  
The application does not conflict with the policies of the Goal 6 element of the Clatsop County Comprehensive Plan.

Goal 7 – Natural Hazards

Department Finding:  
The Goal 7 element of the Comprehensive Plan does not contain applicable policies.

Goal 8 – Recreational Lands

Department Finding:  
The Goal 8 element of the Comprehensive Plan does not contain applicable policies.

Goal 9 – Economy

Department Finding:  
The Goal 9 element of the Comprehensive Plan does not contain applicable policies.

Goal 10 – Population and Housing

**Department Finding:**

The Goal 10 element of the Comprehensive Plan does not contain applicable policies.

**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.

**Analysis:**

The subject property is currently for commercial purposes and the site is served by a community water and sewer system. There will be no adverse impact on public facilities.

**Department Finding:**

The proposal satisfies the applicable plan policies of the Goal 11 element of the Clatsop County Comprehensive Plan.

**Goal 12 – Transportation**

**Analysis**

Since a zoning map amendment in 1985 the subject property has been utilized in a commercial manner. Any change or expansion of the existing commercial use may require access approval from the Oregon Department of Transportation.

**Department Finding:**

The application satisfies the applicable plan policies of the Goal 12 Transportation element of the Comprehensive Plan.

**Goal 13 – Energy Conservation**

**Department Finding:**

The Goal 13 element of the Clatsop County Comprehensive Plan is not applicable to the application.

**Goal 14 – Urbanization**

**Goal**

To provide for an orderly and efficient transition from rural to urban land use.

**Analysis:**

Clatsop County Ordinance 03-10 adopted Rural Community zoning for Clatsop County. This proposal does not seek to change the rural community or comprehensive plan designation but to modify the zoning within the rural community to accurately reflect the current use of the property.

**Department Finding:**

The proposed map amendment does not conflict with Goal 14 element of the Clatsop County Comprehensive Plan.



**Goals 16 and 17 – Estuarine Resources and Coastal Shorelands**

**Department Finding:**  
Goal 16 and 17 elements of the Clatsop County Comprehensive Plan do not apply.

**Goal 18 – Beaches and Dunes**

**Department Finding:**  
The Goal 18 elements of the Clatsop County Comprehensive Plan do not apply.

**Northeast Community Plan  
Community Development  
Rural Service Area  
Policies**

- 3. The existing commercial zone in Westport should be reduced in size that is more appropriate for the community.

**Analysis:**  
The subject property has been used for commercial purposes since 1985. This zone change will correct a zoning map error that was introduced in 2003 with the adoption of the rural community zoning.

**Department Finding:**  
The Zoning Map Amendment application is consistent with the policies of the Northeast Community Plan.

**Zone Change Criterion No. 2:  
LWDUO §5.412(2) - Consistency with Statewide Planning Goals**

**Analysis:**  
Clatsop County has an approved comprehensive plan. Consistency with Statewide Planning Goals is determined through the consistency with the County's Comprehensive Plan.

**Department Finding:**  
The Zoning Map amendment is consistent with Statewide Planning Goals.

**Zone Change Criterion No. 3:  
LWDUO §5.412(3) - Adequacy of Public Facilities and Services**

**Analysis:**  
Adequate public facilities and services exist. The property is currently served by community water and sewer systems in addition to a rural fire protection district.

**Department Finding:**  
The application satisfies Zone Change Criterion No. 3.

**Zone Change Criterion No. 4:  
LWDUO §5.412(4) - Adequacy of Transportation Facilities**

**Analysis:**

Access to the property is from Highway 30, a state facility. The applicant is not proposing any increase or change in activity and therefore the zone change will not have additional impact on the state highway. Any further expansion of the commercial use will require access approval from the Oregon Department of Transportation.

**Department Finding:**

Based on the analysis above, the application satisfies Zone Change Criterion No. 4.

**Zone Change Criterion No. 5:**

LWDUO §5.412(5) – Over Intensive Use of the Land, Character of the Area, and Compatibility of Zoning Patterns

**Analysis:**

The adjacent parcel to the west of the subject property is zoned RCC-LI. The subject property was previously zoned TC but a zoning designation of RCC-LI is proposed to ensure consistency and compatibility in zoning patterns. As stated earlier in this report the current use commercial and the zoning map amendment would not change the character of the neighborhood or cause over intensive use of the land.

**Department Finding:**

Based on the analysis above, the application satisfies Zone Change Criterion No. 5.

**Zone Change Criterion No. 6:**

LWDUO §5.412(6) - Peculiar Suitability of Site for Particular Uses

**Analysis:**

The extension of the RCC-LI zone fits naturally along Highway 30 would make the zoning consistent with the adjacent property to the west.

**Department Finding:**

Based on the analysis above, the application satisfies Zone Change Criterion No. 6.

**Zone Change Criterion No. 7:**

LWDUO §5.412(7) - Zone Change Promotes Appropriate Use of Land in County

**Analysis:**

The application promotes the most appropriate use of the land by correcting the zoning designation on the subject property.

**Department Finding:**

Based on the analysis above, the application satisfies Zone Change Criterion No. 7

**Zone Change Criterion No. 8:**

LWDUO §5.412(8) - Health, Safety, and General Welfare

**Analysis:**

The application does not hinder the health, safety or welfare of Clatsop County residents.

**Department Finding:**



Based on the analysis above, the application satisfies Zone Change Criterion No. 8.

**VII. PUBLIC COMMENT (Exhibit 5)**

As of 12:00 PM on May 3, 2011, no public comment was received.

**VIII. CONCLUSION and RECOMMENDATION:**

The department has evaluated the application materials against the appropriate criteria contained in the Clatsop County Comprehensive Plan and the Land and Water Development and Use Ordinance. The proposed zone change is consistent with the applicable criteria. The proposed amendments encourage the most appropriate use of the land.

The department recommends that the Planning Commission adopt the findings of fact contained in the staff report and recommend approval of the Zoning Map Amendment to the Board of Commissioners.

Respectfully Submitted,



Jennifer Bunch, Planner  
Transportation & Development Services

**Exhibit 1**  
**Application**





**COMPREHENSIVE PLAN/ZONING  
MAP AMENDMENT**  
 Fee: \$977.00 (required with application)  
 \$2175.00 (required with application)

FEB - 2  
 Clatsop  
 County  
 Clatsop Co.

PROPOSED USE: Zoning Map Amendment CORRECTION

	<u>Zoning</u>	<u>Comprehensive Plan Designation</u>
Current:	<u>RC-MFR</u>	<u>Development</u>
Proposed:	<u>RCC-LI</u>	<u>Development</u>

**LEGAL DESCRIPTION OF PROPERTY:**

T: 8 R: 06 S: 36 TL: 1402 ACRES: 0.39

**OTHER ADJACENT PROPERTY OWNED BY THE APPLICANT:**

T: \_\_\_\_\_ R: \_\_\_\_\_ S: \_\_\_\_\_ TL: \_\_\_\_\_ ACRES: \_\_\_\_\_

T: \_\_\_\_\_ T: \_\_\_\_\_ S: \_\_\_\_\_ TL: \_\_\_\_\_ ACRES: \_\_\_\_\_

**APPLICANT 1: (Mandatory)**

Name: Clatsop County Phone # (Day): 503-325-8611

Mailing Address: 800 Exchange Street, Ste 100 FAX #: \_\_\_\_\_

City/State/Zip: Astoria, OR 97103 Signature: Jeanfer Bunch

**PROPERTY OWNER: (Mandatory if different than applicant)**

Name: Morrisey Living Trust Phone # (Day): 503-455-2253

Mailing Address: 49332 Highway 30 FAX #: \_\_\_\_\_

City/State/Zip: Westport, Or Signature: Michael Morrisey

**PROPERTY OWNER #2 / SURVEYOR / AGENT / CONSULTANT / ATTORNEY: (optional)**

Name: \_\_\_\_\_ Phone # (Day): \_\_\_\_\_

Mailing Address: \_\_\_\_\_ FAX #: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_ Signature: \_\_\_\_\_

Community Development Department  
 800 Exchange, Suite 100 \* Astoria Oregon 97103 \* (503) 325-8611 \* FAX 503-338-3666

**Exhibit 2**  
**DLCD Notice of Proposed Amendment**



**FORM 1**

**DLCD Notice of Proposed Amendment  
Post Acknowledgment Plan Amendments  
Urban Growth Boundary  
Urban Reserve Area**

In person  Digital  mailed   
For DLCD Use Only

**THIS COMPLETED FORM, including the text of the amendment and any supplemental information, must be received at DLCD's Salem office at least 45 DAYS PRIOR TO THE FIRST EVIDENTIARY HEARING** ORS 197.610, OAR 660-018-000

Jurisdiction: **Clatsop County** Date of First Evidentiary Hearing: **April 12, 2011**  
Local File Number: **Ordinance 11-03** Date of Final Hearing: **June 8, 2011**  
Is this a REVISION to a previously submitted proposal?  No  Yes Original submittal date: **February 9, 2011**  
 Comprehensive Plan Text Amendment(s)  Comprehensive Plan Map Amendment(s)  
 Land Use Regulation Amendment(s)  Zoning Map Amendment(s)  
 Transportation System Plan Amendment(s)  Urban Growth Boundary Amendment(s)  
 Other (please describe):  Urban Reserve Area Amendment(s)

**Briefly Summarize Proposal in plain language IN THIS SPACE (maximum 500 characters):**

Zoning map amendments in the Westport area of Clatsop County.

Map amendment from Rural Community Multifamily Residential to Rural Community Commercial-Light Industrial (T8N R06W S36 TL1402, 0.39 acres – Applicant: Clatsop County – Owner: Morissey) *Note: This is a map correction, the previous zoning was commercial. Error by staff in applying Mult-Family Residential Zone in 2003.*

Has sufficient information been included to advise DLCD of the effect of proposal?  Yes, text is included  
Are Map changes included: minimum 8½"x11" color maps of Current and Proposed designations.  Yes, Maps included  
Plan map change from: n/a To: n/a  
Zone map change from: **RC-MFR** To: **RCC-LI**

Location of property (Site address and TRS): **T8N R06W S36 TL1402**  
Previous density range: **7500 sq ft** New density range: Acres involved: **0.39**

Applicable statewide planning goals:

- |                                     |                                     |                          |                          |                          |                          |                          |                          |                                     |                                     |                                     |                                     |                          |                                     |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1                                   | 2                                   | 3                        | 4                        | 5                        | 6                        | 7                        | 8                        | 9                                   | 10                                  | 11                                  | 12                                  | 13                       | 14                                  | 15                       | 16                       | 17                       | 18                       | 19                       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Is an exception to a statewide planning goal proposed?  YES  NO Goal(s):  
Affected state or federal agencies, local governments or special districts (It is jurisdiction's responsibility to notify these agencies).  
**ODOT, Westport water/sewer, Clatsop County Public Works, DLCD**

Local Contact person (name and title): **Jennifer Bunch, Planner**  
Phone: **503.325.8611** Extension:  
Address: **800 Exchange Street, Ste 100** City: **Astoria** Zip: **97103**  
Fax Number: **503.338.3666** E-mail Address: **jbunch@co.clatsop.or.us**

**- FOR DLCD internal use only -**

DLCD file No \_\_\_\_\_





**COMPREHENSIVE PLAN/ZONING  
MAP AMENDMENT**  
 Fee: \$977.00 (required with application)  
 \$2175.00 (required with application)

REC  
 FEB - 2  
 Dir.  
 Deputy  
 CLATSOP

**PROPOSED USE:** Zoning Map Amendment CORRECTION

	<u>Zoning</u>	<u>Comprehensive Plan Designation</u>
Current:	<u>RC-MFR</u>	<u>Development</u>
Proposed:	<u>RCC-LI</u>	<u>Development</u>

**LEGAL DESCRIPTION OF PROPERTY:**

T: 8 R: 06 S: 36 TL: 1402 ACRES: 0.39

**OTHER ADJACENT PROPERTY OWNED BY THE APPLICANT:**

T: \_\_\_\_\_ R: \_\_\_\_\_ S: \_\_\_\_\_ TL: \_\_\_\_\_ ACRES: \_\_\_\_\_

T: \_\_\_\_\_ T: \_\_\_\_\_ S: \_\_\_\_\_ TL: \_\_\_\_\_ ACRES: \_\_\_\_\_

**APPLICANT 1: (Mandatory)**

Name: Clatsop County Phone # (Day): 503-325-8611

Mailing Address: 800 Exchange Street, Ste 100 FAX #: \_\_\_\_\_

City/State/Zip: Astoria, OR 97103 Signature: Jeanfer Bunch

**PROPERTY OWNER: (Mandatory if different than applicant)**

Name: Morrisey Living Trust Phone # (Day): 503-455-2253

Mailing Address: 49332 Highway 30 FAX #: \_\_\_\_\_

City/State/Zip: Westport, Or Signature: Michael Morrisey

**PROPERTY OWNER #2 / SURVEYOR / AGENT / CONSULTANT / ATTORNEY: (optional)**

Name: \_\_\_\_\_ Phone # (Day): \_\_\_\_\_

Mailing Address: \_\_\_\_\_ FAX #: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_ Signature: \_\_\_\_\_

Community Development Department  
 800 Exchange, Suite 100 \* Astoria Oregon 97103 \* (503) 325-8611 \* FAX 503-338-3666



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**Clatsop County**

DATE: February 3, 2011  
TO: File  
FROM: Jennifer Bunch, Planner *Bunch*  
RE: Morrisey Zoning Map amendment  
T8N R06W S36 TL1402



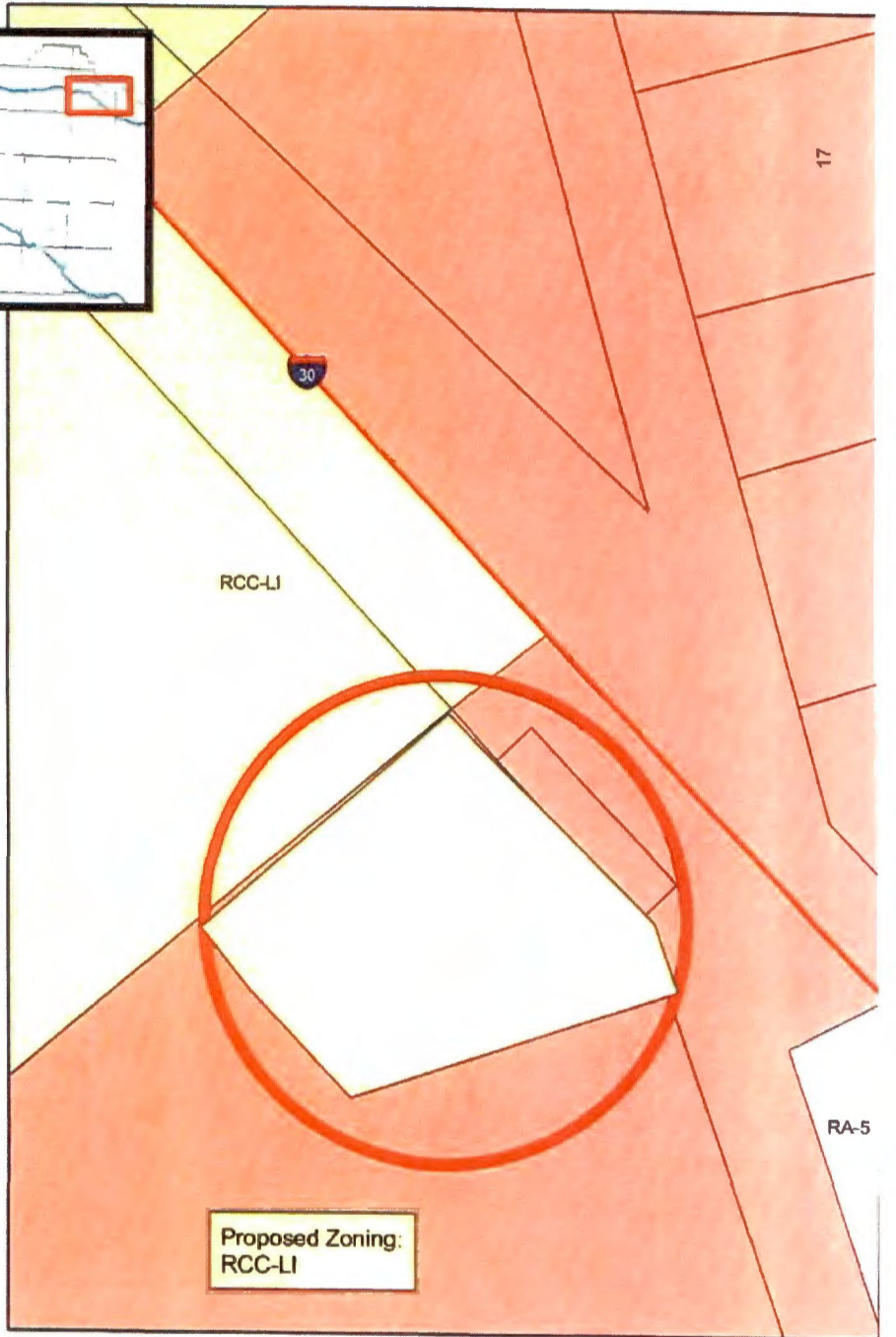
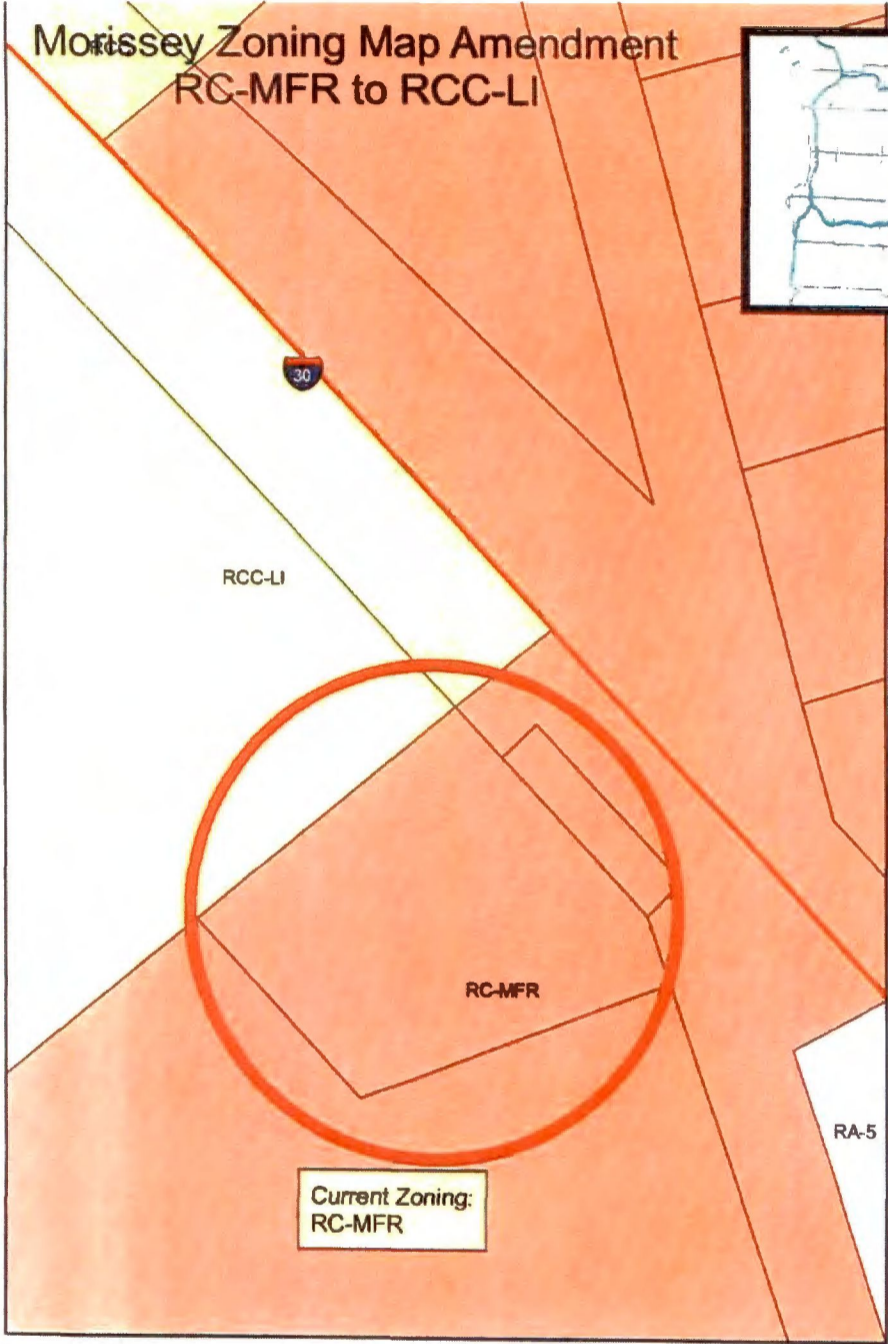
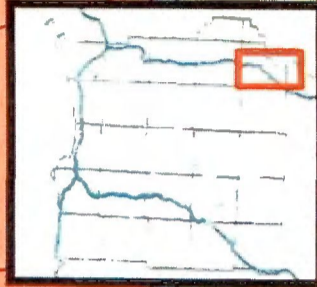
**Transportation and  
Development Services**  
800 Exchange Street  
Suite 100  
Astoria, Oregon 97103

Prior to the creation of the Rural Community in Westport, property owned by Michael Morrisey was zoned General Commercial and housed Mini-mart and gas station that were constructed in 1984-85. In 2003, when Clatsop County created the Westport Rural Community an error was committed and the Rural Community –Multi Family Residential zone was assigned to the property. This error went unnoticed until last year when Mr. Morrissey approached county staff about expanding his commercial business on the property.

Therefore, Clatsop County is the applicant in the zoning map correction on the Morrisey property.

**Land Use Planning**  
Telephone (503) 325-8611  
Fax (503) 338-3666

**Morrissey Zoning Map Amendment  
RC-MFR to RCC-LI**



17

RA-5

DEPT OF

JUN 30 2011

LAND CONSERVATION  
AND DEVELOPMENT

MIDDLE OFFICE  
KELS-2080  
4315

WILLIAM PAUL  
(503) 325-0381  
SUNSET PRESORT  
397 MARINE DR  
ASTORIA OR 97103

2 LBS

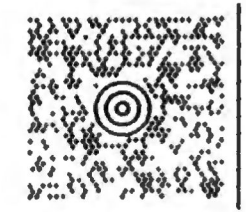
SHIP TO:  
PLAN AMEND. SPEC.  
DEPT. OF LAND CON. & DEV.  
SUITE 150  
635 CAPITOL ST. N.E.  
SALEM OR 97301-2540



**CLATSOP COUNTY**  
Transportation and Development Services  
Land Use Planning  
800 Exchange Street, Suite 100  
Astoria, Oregon 97103  
(503) 325-8611 • Fax (503) 338-3666

ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540

**FIRST CLASS MAIL**

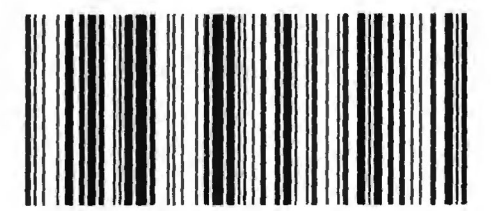


OR 973 0-02



**UPS GROUND**

TRACKING #: 1Z 786 877 03 5136 4315



BILLING: P/P

REF 1:CC # 715 \$9.75  
REF 2:06/29 # 11

HS 14.0.21 LP2442 15

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