



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 002-11

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
Matt Spangler, DLCD Regional Representative

<paa> N



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 11-02**

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 amendment in the Westport area of Clatsop County.

Map amendment from Rural Community Commercial to Rural Community Multi Family Residential (T8N R06W S36CA TL 2400, 1.2 acres – Applicant: Devries)

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

Plan Map Changed from:

to:

Zone Map Changed from: **RCc**

to: **RC-MFR**

Location: **Westport**

Acres Involved: **1.2**

Specify Density: Previous:

New:

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"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD File No. 002-11 (18712) [16697]

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.

<http://www.oregon.gov/LCD/forms.shtml>

Updated April 22, 2011

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

In the Matter of:

**AN ORDINANCE AMENDING THE
CLATSOP COUNTY ZONING MAP FROM
RCC TO RC-MFR ON PROPERTY
OWNED BY WILMA DEVRIES AND
KNOWN AS T8N R6W SEC36CA TL2400**

ORDINANCE NO. 11-02

Doc # 2011060052

Recording Date: 6/28/2011

RECITALS

WHEREAS, on January 24, 2011, Wilma Devries filed an application for an amendment to the Clatsop County Zoning map to amend the zoning of the property from Rural Community Commercial to Rural Community-Multi Family Residential.

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

Devries Zoning Map Amendment
RCC to RC-MFR

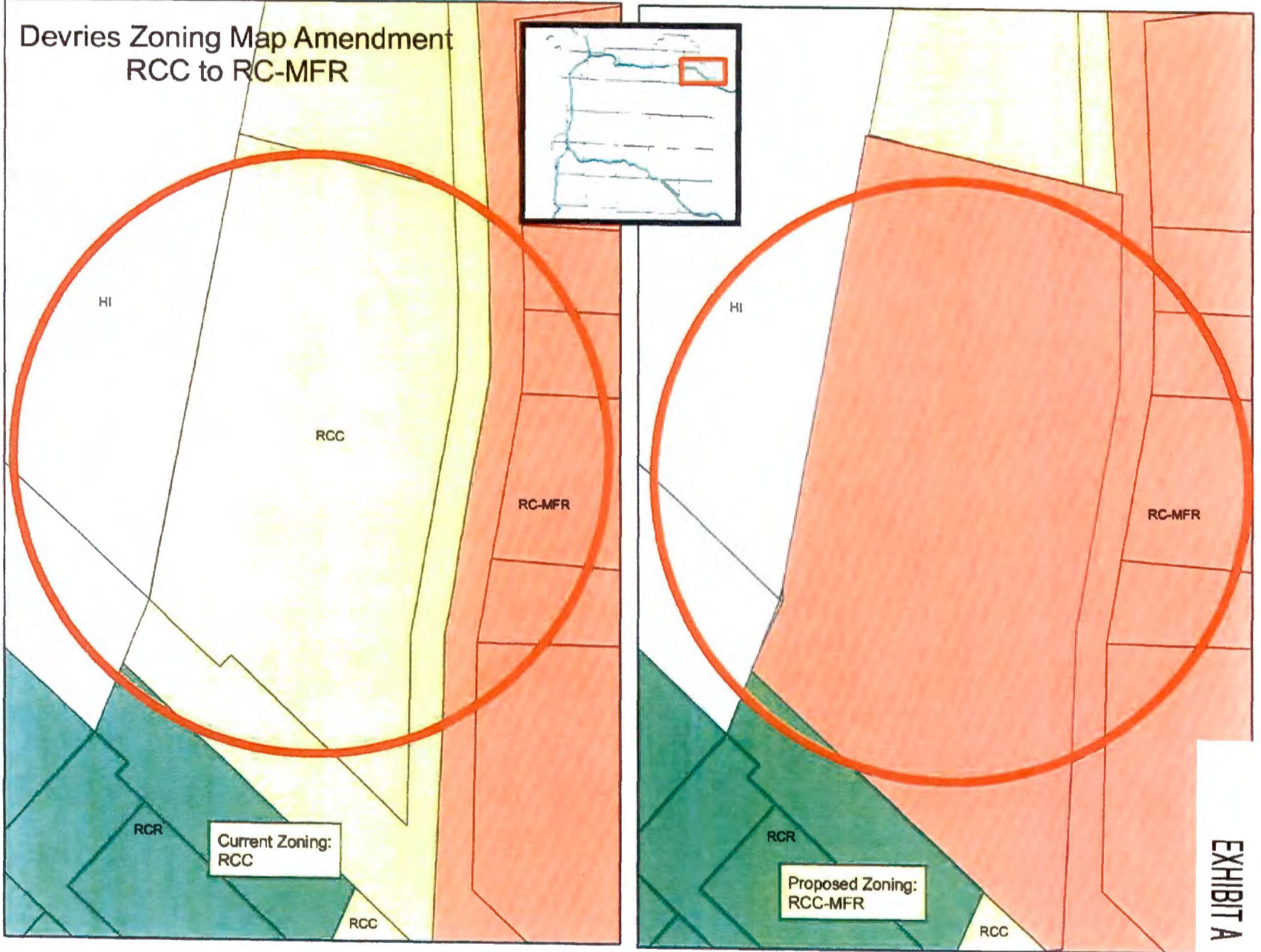


EXHIBIT A

EXHIBIT PC

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

In the Matter of

ORDINANCE 11-02: A ZONING MAP
AMENDMENT FROM RCC TO RC-MRF ON
PROPERTY OWNED BY WILMA DEVRIES
AND KNOWN AS T8N R06W SEC36CA
TL2400

RESOLUTION AND ORDER

11-05-03

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, Wilma Devries, has requested a Zoning Map Amendment from RCC to RC-MFR on property in the Rural Community of Westport.

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.

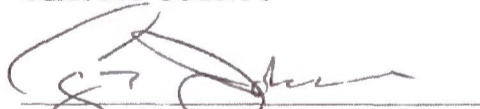
THE PLANNING COMMISSION considering all evidence provided by the Planning Department Staff and public testimony provided at the public hearing, hereby **RECOMMENDS APPROVAL** of the findings and zoning map amendment as presented in "*Exhibit A - Staff Report*" attached hereto and by this reference made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

WHEREFORE, the Planning Commission finds and resolves:

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

SO ORDERED this 10th 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

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



**“Exhibit A”
Staff Report**

REPORT DATE: May 3, 2011

HEARING DATE: May 10, 2011

OWNER: Wilma Devries
91240 Westport Ferry Road
Westport, OR 97146

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

PROPERTY: T8N, R06W, Sec 36CA – TL 2400

SIZE: 1.2 acres

LOCATION: The subject property separated from Westport Ferry Road by Plympton Creek. The property is also known as 91240 Westport Ferry Road, Westport, OR 97016.

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

STAFF REVIEWER: Jennifer Bunch, Planner

DEPARTMENT RECOMMENDATION: Approval

EXHIBITS:

1. Zoning Map Amendment Application
2. DLCD Notice of Proposed Amendment
3. Map
4. Public Notice
5. Public Comment

I. BACKGROUND

On January 24, 2011, Wilma Devries submitted to Clatsop County Transportation and Development Services an application for a zoning map amendment for 1.2-acres of land located adjacent to Westport Ferry Road in the rural community of Westport. (See maps below). The application was deemed complete on January 24, 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.

At the time of the adoption of the current zoning ordinance in 1980 the property was being used as a boarding house and was zoned Rural Service Area-Multi Family Residential. In 1981, the current owner and applicant, Wilma Devries, applied and received a zone change to Tourist Commercial in order to operate the business as a restaurant. At some point the restaurant ceased to operate and the use converted to a bed and breakfast establishment. With the adoption of the rural community zoning in 2003 the zoning was changed to Rural Community Commercial. The structure is currently being used as multi-family residential housing (apartments) and the applicant wishes to amend the zoning map to ensure the use is conforming and to resolve issues with a mortgage company.

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 252, Pg 489) on October 7, 1959. 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.

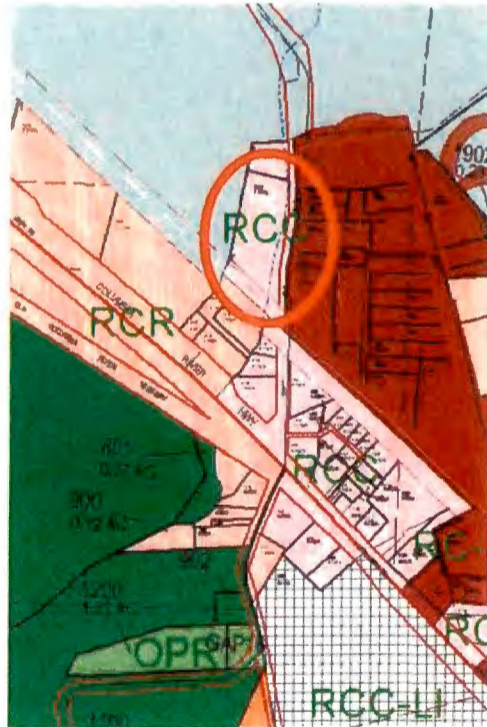
Summary of Criteria and Staff Conclusions		
Criteria	Department Conclusions	Page(s)
Zone Change Criterion No. 1 – Consistency with Comprehensive Plan	Satisfied	4
Goal 1 Element – Citizen Involvement	Satisfied	5
Goal 2 Element – Land Use Planning	Satisfied	5
Goal 3 Element – Agriculture Lands	Not -Applicable	5
Goal 4 Element – Forest Lands	Not -Applicable	5
Goal 5 Element – Open Spaces, Scenic, Historic & Natural Resources	Not -Applicable	5
Goal 6 Element – Air, Water & Land	Satisfied	5
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	6
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	7 2

Goal 18 Element – Beach and Dunes	Not-Applicable	8
Northeast Community Plan	Satisfied	8
Zone Change Criterion No. 2 – Consistency with Statewide Plan Goals	Satisfied	8
Zone Change Criterion No. 3 – Adequacy of Public Facilities and Services	Satisfied	8
Zone Ch. Criterion No. 4 – Adequacy of Transportation Facilities	Satisfied	8
Zone Change Criterion No. 5 – Compatibility with Zoning Patterns	Satisfied	9
Zone Change Criterion No. 6 – Suitability	Satisfied	9
Zone Change Criterion No. 7 – Appropriate Use of the Land	Satisfied	9
Zone Change Criterion No. 8 – Health, Safety, and Welfare	Satisfied	9
Overall Recommendation	Recommend APPROVAL to the Board of Commissioners	10

IV. NEIGHBORHOOD CONDITIONS

The surrounding area is comprised Single Family Residential, Multi-Family Residential, and Commercial zoning that are all situated along Westport Ferry Road 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.

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 4.

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 Clatsop County Comprehensive Plan does not contain applicable policies.

Goal 4 – Forest Lands

Department Finding:

The Goal 4 element of the Clatsop County 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 Clatsop County 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

Goal –

To protect life and property from natural disaster and hazards.

Analysis:

The subject property is located in FEMA designated special flood hazard area. Development standards will apply to any future development on the property or modification to the existing structures. These development standards assist in protecting life and property from natural disasters and hazards in the flood hazard area.

Department Finding:

The application does not conflict with the policies of the Goal 7 element of the Clatsop County Comprehensive Plan.

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

Goal – To provide for the housing needs of citizens of the state.

Population Policies

1. Community plans should provide for orderly growth, which reduces the cost of essential services while preserving the basic elements of the environment.
2. Promote population to locate in established service areas.
3. Promote the accommodation of growth within areas where it will have minimal negative impacts on the County's environment and natural resources.
4. Utilize current vacant land found between developments or within committed lands.
6. Encourage development of land with less resource value.

Analysis:

The proposal seeks to rezone property in a manner that would encourage the most appropriate use of the land. The new multi-family zoning will be situated away from Highway 30. The request seeks to rezone the property that is currently being utilized for multi-family residential purposes and is no longer used for commercial activities.

Department Finding:

The application does not conflict with the Goal 10 element of the Clatsop County Comprehensive Plan.

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 utilized for multi-family residential 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

The subject property currently used as multi-family housing. That use has not demonstrated any conflicts with the Goal 12 element or the Transportation System Plan. Any expansion of the current use will be subject to access approval Clatsop County Public Works.

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 is currently utilized for multi-family residential purposes. This zone change in conjunction with other pending zone changes in the Westport area the area of commercial zoning will be reduced.

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 a ratified 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 Westport Ferry Road, a county facility. The applicant is not proposing any increase in activity and therefore the zone change will not have additional impact on the county road. Any further expansion of the multi-family house will require access approval from Clatsop County.

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 parcels on the east side of Westport Ferry Road are zoned Multi-Family Residential providing continuity in the zoning pattern. As stated earlier in this report the current use is multi-family residential and 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 MFR zone fits naturally along Westport Ferry Road and would make the zoning consistent with the adjacent properties to the east.

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 rezoning the property along Westport Ferry Road.

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 1200 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)

PROPOSED USE: Same as existing.

	<u>Zoning</u>	<u>Comprehensive Plan Designation</u>
Current:	<u>RCC</u>	<u>Westport Rural Community</u>
Proposed:	<u>RC-MFR</u>	<u>Westport Rural Community</u>

LEGAL DESCRIPTION OF PROPERTY:

T: 8N R: 06W S: 36 TL: 02400 ACRES: 1.2

OTHER ADJACENT PROPERTY OWNED BY THE APPLICANT:

T: _____ R: _____ S: _____ TL: _____ ACRES: _____

T: _____ T: _____ S: _____ TL: _____ ACRES: _____

APPLICANT 1: (Mandatory)

Name: Wilma Devries Phone # (Day): 503-455-0806

Mailing Address: 91240 Westport Ferry Road FAX #: _____

City/State/Zip: Westport, OR 97016 Signature: *Wilma Devries*

PROPERTY OWNER: (Mandatory if different than applicant)

Name: _____ Phone # (Day): _____

Mailing Address: _____ FAX #: _____

City/State/Zip: _____ Signature: _____

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

Name: Al Petersen, AKAAN Architecture + Design LLC Phone # (Day): 503-366-3050

Mailing Address: 101 St Helens Street FAX #: 503-366-3055

City/State/Zip: St Helens, OR 97051 Signature: *Al Petersen*

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

Each of the following criteria and standards must be addressed by the applicant. The information needed to address these criteria should be submitted on separate 8.5" by 11" sheets of paper, typed.

1. The map change must be consistent with the Comprehensive Plan. The Comprehensive Plan includes the following elements:

- Goal 1 – Citizen Involvement
- Goal 2 – Land Use Planning
- Goal 3 – Agricultural Lands
- Goal 4 – Forest Lands
- Goal 5 – Open Space
- Goal 6 – Air, Water and Land Resources Quality
- Goal 7 – Natural Hazards
- Goal 8 – Recreational Needs
- Goal 9 – The Economy
- Goal 10 – Housing
- Goal 11 – Public Facilities and Services
- Goal 12 – Transportation
- Goal 13 – Energy Conservation
- Goal 14 – Urbanization
- Goal 16 – Estuarine Resources
- Goal 17 – Coastal Shorelands
- Goal 18 – Beaches and Dunes
- Southwest Coastal Community Plan
- Northeast Community Plan
- Elsie/Jewell Community Plan
- Seaside Rural Community Plan
- Lewis and Clark/Olney/Walluski Community Plan
- Clatsop Plains Community Plan

Some of these elements of the Comprehensive Plan are not applicable to the proposed map amendment. County staff will help identify applicable plan elements and policies.

2. **Also address the following from Section 5.412. Zone Change Criteria** of the Clatsop County Land and Water Development and Use Ordinance #80-14.
 1. The proposed change is consistent with the policies of the Clatsop County Comprehensive Plan.
 2. The proposed change is consistent with the statewide planning goals (ORS 197)
 3. The property in the affected area will be provided with adequate public facilities and services including, but not limited to:
 1. Parks, schools and recreational facilities
 2. Police and fire protection and emergency medical service
 3. Solid waste collection
 4. Water and wastewater facilities
 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.
 5. The proposed change will not result in over-extensive use of the land, will give reasonable consideration to the character of the area, and will be compatible with the overall zoning pattern.
 6. The proposed change gives reasonable consideration to peculiar suitability of the property for particular uses
 7. The proposed change will encourage the most appropriate use of land throughout Clatsop County
 8. The proposed change will not be detrimental to the health, safety, and general welfare of Clatsop County.

3. The property in the affected area must be presently provided with adequate public facilities, services and transportation networks to support the use; or the governing body by condition requires their provision by condition attached to any approval of use.

OFFICE USE ONLY: date received : _____ application #: _____
 date complete: _____ R&O/Ord#: _____

Zone Change Narrative:

Summary:

The subject property is located in the rural community of Westport at 91240 Westport Ferry Road, Westport Oregon 97016. The subject property is approximately 1.2 acres, it lies north of the ODOT owned railroad right of way. Plympton Creek is along the east side of the property.

The property was originally developed when Westport became a community in the mid 1800's. According to local lore (current and deceased residents of Westport and the Clatsop County Historical Society, and the Oregon Historical Society) John West, the founder of Westport built the original structure around 1868 as a bunkhouse for Chinese cannery workers. The building served as a boarding house after 1900. It later became derelict in 1940's and was purchased in 1946 or 47 to be used as a hunting / fishing lodge by Ralph Williams. Mr. Williams named it the King Salmon Lodge. The lodge became private home in mid 1950's, it served as the Westport Lumber Company's mill manager's home.

The lodge is approximately +/- 7000 sq. ft. Two apartments were constructed on the lodge the late 1950's after adjacent 3 story "4L" building burned, damaging the north end of the lodge.

The applicant purchased the lodge in 1979. She opened a restaurant in Oct 1980, a Bed and Breakfast 1982. The restaruant closed in 1993 the lodge became adult foster care facility.

This property is a significant historical and tourist benefit for the community of Westport, it has been featured on historic tours of Clatsop County offered by the Oregon Historical Society and draws visitors to Westport. Allowing the applicant to continue to use the property, and maintain it, will continue to draw tourists and visitors to Westport and Clatsop County.

Currently the property is a multi-family dwelling consisting of the owner's residence and the two apartments, and accessory structures, all constructed prior to zoning regulations.

As described below the proposed zone change of the subject property is consistent with the Clatsop County Land and Water Development and Use Ordinance (LWDUO) and the Clatsop County Comprehensive Plan (Comp. Plan).

Westport is a designated Rural:Community under the LWDUO; the subject property is currently zoned Rural Community Commercial (RCC). The applicant/owner proposes to rezone the property Rural Community - Multi-Family Residential (RC-MFR). The subject property is served by the Westport Sewer District and the Westport Water Association, and is kitty-corner from the Wauna-Westport Firestation.

The reason for this change is so that the applicant/owner can comply with other national trends. The national financial crisis, specifically the national mortgage meltdown, has caused banking policy throughout the United States to

become much more restrictive. Although the property is the applicants residence, it is not technically "zoned" residential and thus under the more restrictive national financial climate the applicant no longer qualifies for home financing. She is asking for this zone change so that she can qualify for such financing. Denial of this zone change would cause a significant hardship upon the applicant.

Criteria and Standards:

As requested by Jennifer Bunch, Clatsop County Planner, in her pre-application memorandum dated November 10, 2010 (attached) we have addressed the requested criteria from the LWDUO, and the Comp. Plan below.

LWDUO 80-14

Section 3.120 Rural Community – Multi Family Residential

The RC-MFR zone is intended to provide areas suitable for various types of residential development at a rural community density in areas where public facilities such as sewer, fire protection and water are available, or were historically developed with mobile home parks, manufactured home parks and multi-family housing.

A zone change to this use is consistent with the LWDUO. The existing zoning is Rural Community – Commercial (RCC), a higher use both in density and purpose. This proposal is to lower the allowed intensity of the zoning. This property is in a historically developed area of the county, with public facilities available. The fire station is kitty-corner from the property, and the property has public sewer and water (Westport Sewer District and the Westport Water Association). The property has served as multi-family housing since its development, it was originally built as a boarding house for the employees of the cannery built by John West, Westport's founder, in the mid 1800's. It over its hundred years it has served as a boarding house, a residence, a bed and breakfast, a restaurant, and a home for handicapped people (adult foster care facility), uses more in conformance with the proposed zone, however also falling in the current zone.

Section 3.117. Conditional Development and Use.

The following developments and their accessory developments may be permitted under a Type II procedure and Sections 5.000 to 5.030 subject to applicable criteria and development standards and site plan review.

(1) Multi-family dwelling.

The property's current use is Multi-family dwelling; this zone change simply brings the zone into conformance with the current reality. Multifamily dwelling is not specifically allowed in the existing RCC zoning; the current use is an existing non conforming condition.

Section 3.118. Development and Use Standards.

The following standards are applicable to permitted and conditional developments in this zone:

(1) and (2) **Not applicable**

- (3) Lot size for conditional developments shall be based upon:
- (A) The site size needed of the proposed use,
 - (B) The nature of the proposed use in relation to the impacts on nearby properties, and
 - (C) Consideration of state sanitation requirements, potable water, local setback and other criteria and standards of this ordinance.

This application is to rezone the existing property as-is to the RC-MFR zone. The existing use has been in operation for many years, this change simply brings the zone into conformance with the existing reality. There will be no impacts on the adjoining properties; this use has been in existence since the inception of the community Westport. This is a case where the zoning regulations do not reflect the realities of the history of the property for more than a century. The property is already served by a state approved sanitation system (Westport Sewer District) and potable water (Westport Water Association).

Section 3.118 (4) through (15)

The lot 1.2 acre is irregular in shape, roughly 380 ft. long and 160' deep. The applicant is not proposing any new structures, all structures are existing built prior to zoning regulations but all are in general conformance with the minimum setback requirements.

Section 5.000 Zone Changes

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.
- (2) The proposed change is consistent with the statewide planning goals (ORS 197).
- (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
- (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.
- (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.
- (6) The proposed change gives reasonable consideration to peculiar suitability of the property for particular uses.
- (7) The proposed change will encourage the most appropriate use of land throughout Clatsop County.
- (8) The proposed change will not be detrimental to the health, safety and general welfare of Clatsop County.

This application is in conformance with the above zone change criteria. It is consistent with the Clatsop County Comprehensive Plan and Statewide Planning Goals ORS 197 as described below.

This property was developed beginning in the mid 1860's when it was built by John West, the founder of Westport. Before zoning was imposed in Clatsop County this property was a boarding house, a private residence, and a multi-family residence. Since the applicant has owned the property it has been a bed and breakfast, a restaurant, and a residence for handicapped individuals (adult foster care facility); it is currently a multi-family dwelling.

The property is served with adequate public facilities; the fire station is kitty corner from the property, the Westport school is two blocks away, the property is connected to both public sewer and public water. Adequate transportation serves the property, the road to the Westport ferry fronts the property and US Highway 30 is two blocks away. The zone change is suitable and consistent with the historic use of the property for more than 100 years prior to zoning in Clatsop County and will not be detrimental to the health, safety and general welfare of Clatsop County.

Clatsop County Comprehensive Plan – Goals and Policies
and Statewide Planning Goals (ORS 197)

Goal 1 – Citizen Involvement

This application is being processed pursuant to the Clatsop County Comprehensive Plan and Clatsop County Land and Water Development and Use Ordinance. Per those ordinances and per Oregon Law citizens will be notified and will be given a chance to comment on the proposed zone change at a public hearing in front of the Planning Commission and the Clatsop County Board of Commissioners.

Goal 2 – Land Use Planning

This application is being processed pursuant to applicable land use planning procedures and state law. The subject property is in the community of Westport, a designated rural community and an area designated for development on the Clatsop County Comprehensive Plan Designation Map (Comp. Plan p. 9). The County has taken exception to Goal 3 and Goal 4 (below) pursuant to OAR 660 Division 22 (Comp. Plan p. 8) because Westport is an already developed but unincorporated area outside the urban growth boundary.

Goal 3 – Agricultural Lands **Not applicable see above.**

Goal 4 – Forest Lands **Not applicable see above.**

Goal 5 - Open Spaces, Scenic & Historic Areas and Natural Resources

Not applicable

This is an existing developed property within a designated rural community. The existing development has been in existence for more than 100 years. The existing development is along Plympton Creek so riparian setbacks may be imposed with any new development, however this application is not for new development, it is to bring the zoning into conformance with existing and historical use of the property.

Goal 6 – Air, Water and Land Quality

This application is in conformance with Goal 6. This property is served by an Oregon certified public waste water system, Westport Sewer District, and a public water system, the Westport Water Association. As an existing developed site, this zone change will not cause any increased demand or affect air, water, or land quality.

Goal 7 - Natural Hazards

Flood Hazard Policies:

This application is in conformance with Goal 7. The Clatsop County LWDUO is in conformance with FEMA regulations pertaining to Flood Hazard Areas and has adopted FEMA's Flood Insurance Rate Maps (FIRMs) and FEMA's recommended policies and ordinances (LWDUO, Section 4.000. Flood Hazard Overlay District - FHO).

The subject property is in a designated FEMA flood area, and the applicant buys flood insurance from FEMA. In late 2007 Plympton Creek flooded, logs and other debris came down the creek channel and became jammed under the bridge that served the property. In 2008 FEMA removed the bridge that served the property and dredged Plympton Creek along the subject property and the adjacent properties. A new road was built from the subject property northward to the Westport Ferry terminal.

General Mass Movement Policies:

Not applicable. The subject property is not in an identified area of general mass movement (slide area).

Streambank Erosion and Deposition

As described above in 2008 FEMA removed obstructions (the applicant's bridge) and dredged Plympton Creek to reduce flooding dangers and stabilize the streambank.

Goal 8 – Recreational Needs

Not applicable. This zone change does not affect the County's recreational lands inventory nor does it create an increased demand for additional recreational lands in the County.

Goal 9 – The Economy

Not directly applicable, however this zone change is requested because of the effects national economic trends. Because of the national mortgage crisis, national mortgage policy has become significantly more restrictive. The applicant uses the existing multi-family dwelling as her home. Under the current zone the subject property does not qualify for new more restrictive mortgage policies. Denial of this zone change would cause a significant hardship upon the applicant.

Forrest Products **Not applicable**

Marine Resources **Not applicable**

Travel Industry Not directly applicable, however this property has been a bed and breakfast and a restaurant. This property is a significant historical and tourist benefit for the community of Westport, it has been featured on historic tours of Clatsop County and draws visitors to Westport. Allowing the applicant to continue to use the property, and maintain it, will continue to draw tourists and visitors to Westport and Clatsop County.

Human Resources **Not applicable**
Community Resources **Not applicable**

Goal 10 – Population and Housing

This application conforms to the Population and Housing Goals and Policies. This use promotes population in established serviced areas and does not affect the County's environment and natural resources. This zone change will not result in the loss of lands zoned or designated for agriculture or forestry and will not interfere with surrounding agricultural or forestry activities. The proposal is consistent with the "demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals" and the "Need for housing, employment opportunities, and livability." (Comp Plan, p. 69) The subject property is currently being used as multi-family housing and has done so since it was originally built long before zoning. This application promotes the retention of the current housing stock.

Goal 11 – Public Facilities and Services

This application is in conformance with Goal 11. The subject property is in the Westport Rural Community, is connected to public water and sanitary sewer services. Other public facilities are within walking distance, the local fire station is kitty-corner from the property, and the Westport school is two blocks away.

Goal 12 – Transportation

This application conforms to the County's Transportation Goals and Policies. Although the Westport Ferry Road is listed on the Transportation Plan as a "local road", for the community of Westport it is really an arterial that connects Highway 30 to the Westport Ferry Terminal and Highway 4, the Ocean Beach Highway, in Washington State. This zone change creates no additional traffic loads the Westport Ferry Road nor the transportation facilities of Clatsop County. This proposal is consistent with encouraging development in already developed areas of the county to limit the need for additional transportation facilities.

Goal 13 – Energy Conservation

This application does not apply to any specific goal or policy relative to Energy Conservation written into the Clatsop County Comprehensive Plan. However by allowing and encouraging existing development to be used the County fulfills the broad goal of conserving energy. By allowing continued use of existing development, additional energy and resources are not expended to develop undeveloped lands and build new buildings. Energy is not expended converting raw materials into new construction and building materials and not expended transporting these new materials to new development sites. The embodied energy of an existing development is retained.

Goal 14 – Urbanization

The subject property is inside the Westport rural community, an area that has already been developed with a mix of uses. This proposal promotes the goal of "orderly and efficient transition from rural to urban land use" by keeping development within the already developed area and not infringing on undeveloped agricultural or forest lands. As a residentially zoned property it promotes the availability of housing and the "demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals" and the "Need for housing, employment opportunities, and livability." (Comp Plan, p. 69) This

proposal is in conformance with Clatsop County's Goal 14 Policy because it does not "adversely effect agricultural and forest operations" nor "interfere with the efficient functioning of urban growth boundaries". (Comp Plan, p. 70)

Goal 16 - Estuarine Resources: **Not applicable.** The subject property is within an already developed rural community, and this application does not propose any alterations to Estuarine Resources. This application is continue to use the property as it has been used for more than 100 years.

Goal 17 - Coastal Shorelands **Not applicable.** The subject property is not near costal shorelands.

Goal 18 – Beaches and Dunes **Not applicable,** The subject property is not near costal beaches or dunes.

Northeast Community Plan:

This application conforms to the provisions of the Northeast Community Plan. This application is continue to use the property as it has been used for more than 100 years. It is within an already developed area of the county, inside the boundaries the rural community of Westport; it does not affect undeveloped forest, agriculture, or other natural resource lands. The property is already provided with necessary community services (fire protection, public sewer system, and public water system). This proposal specifically promotes the Northeast Community Plan - Rural Service Area Policy #3 "The existing commercial zone in Westport should be reduced to a size that is more appropriate for the community." (Comp Plan p. 179). The proposal reduces the amount of commercially zoned land in Westport.

The other policies of the Northeast Community Plan that this proposal promotes have already been addressed in Goals 1 through 18 above. In the spirit of sustainability we shall not waste paper and restate them here.

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 11-02** 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 amendment in the Westport area of Clatsop County.

Map amendment from Rural Community Commercial to Rural Community Multi Family Residential (T8N R06W S36CA TL 2400, 1.2 acres – Applicant: Devries)

Has sufficient information been included to advise DLCD of the effect of proposal? Yes, text is included
Are Map changes included: minimum 8 1/2"x11" color maps of Current and Proposed designations. Yes, Maps included
Plan map change from: **n/a** To: **n/a**
Zone map change from: **RCC** To: **RC-MFR**

Location of property (Site address and TRS): **see above**

Previous density range: **n/a** New density range: **7,500 sq-ft** Acres involved: **1.2**

Applicable statewide planning goals:

- 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

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 _____

SUBMITTAL INSTRUCTIONS

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

1. This Form 1 must be submitted by a local jurisdiction. Individuals and organizations may not submit a comprehensive plan amendment for review or acknowledgment.
2. When submitting a plan amendment proposal, please print a completed copy of Form 1 on light green paper if available.
3. **Text:** Submittal of a proposed amendment to the text of a comprehensive plan or land use regulation must include the text of the amendment and any other information necessary to advise DLCD of the effect of the proposal. "Text" means the specific language proposed to be amended, added to or deleted from the currently acknowledged plan or land use regulation. A general description of the proposal is not adequate. Please submit Form 1 with ALL supporting documentation.
4. **Maps:** Submittal of a proposed map amendment must also include a map of the affected area showing existing and proposed plan and zone designations. The map must be legible, in color if applicable and printed on paper no smaller than 8½ x 11 inches. Please provide the specific location of property: include the site address(es) and Township/Range/Section/tax lot number. Include text regarding background, justification for the change, and the application if there was one accepted by the local government.
5. **Exceptions:** Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.
6. Unless exempt by ORS 197.610(2), proposed amendments must be received at the DLCD's Salem office at least 45-days before the first evidentiary hearing on the proposal. The clock begins on the day DLCD Receives your proposal in the Salem Office. The first evidentiary hearing is typically the first public hearing held by the jurisdiction's planning commission on the proposal.
7. Submit one paper copy of the proposed amendment including the text of the amendment and any supplemental information and maps (for maps see # 4 above).
8. Please mail the proposed 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 x11 green paper 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.

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 16, 2010

Devries Zoning Map Amendment
RCC to RC-MFR

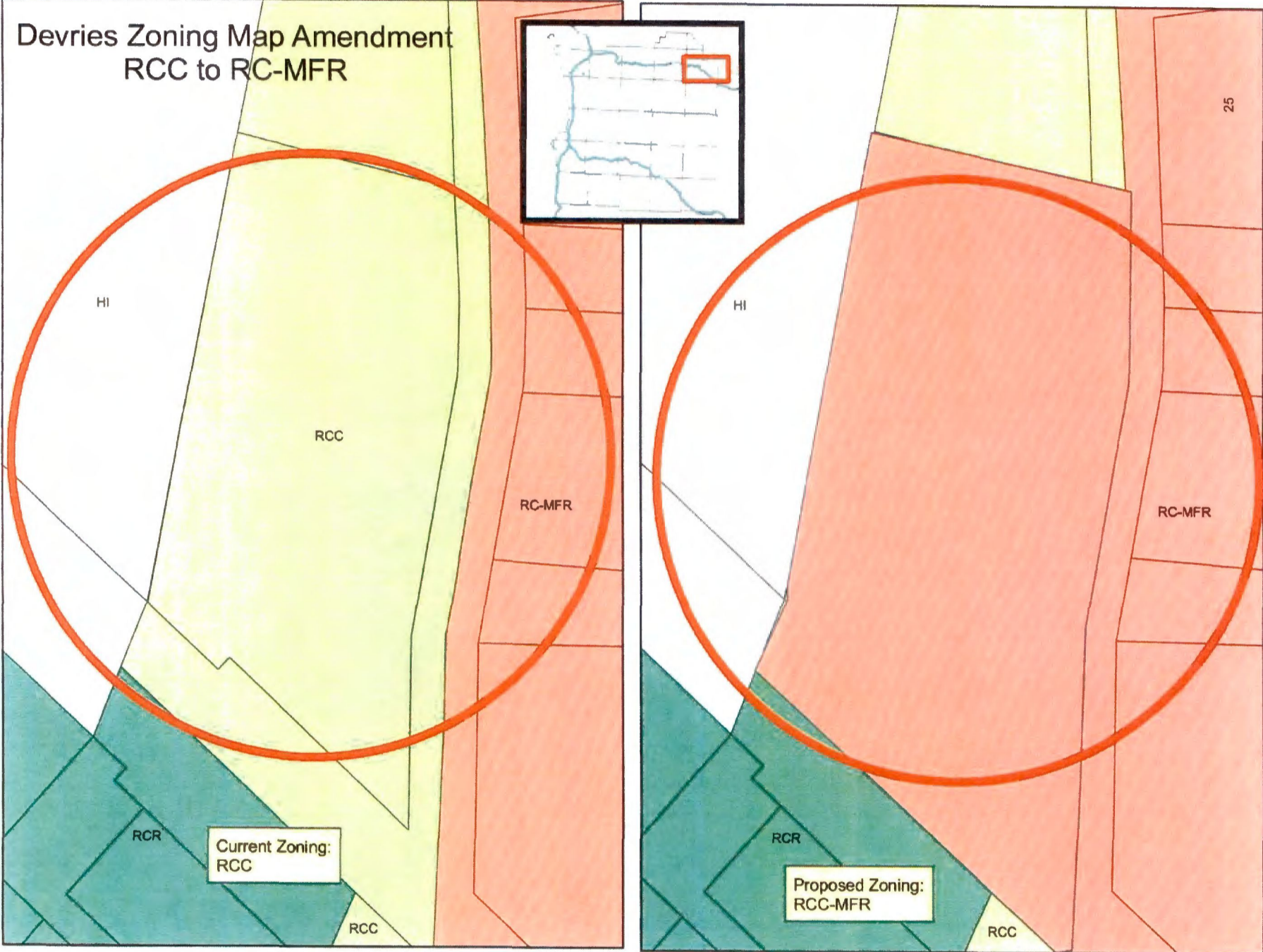
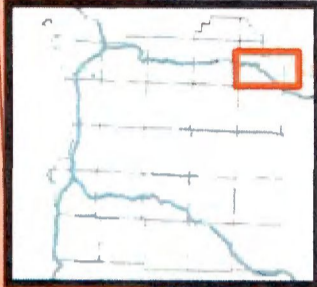


Exhibit 3
Map

Devries Zoning Map Amendment RCC to RC-MFR

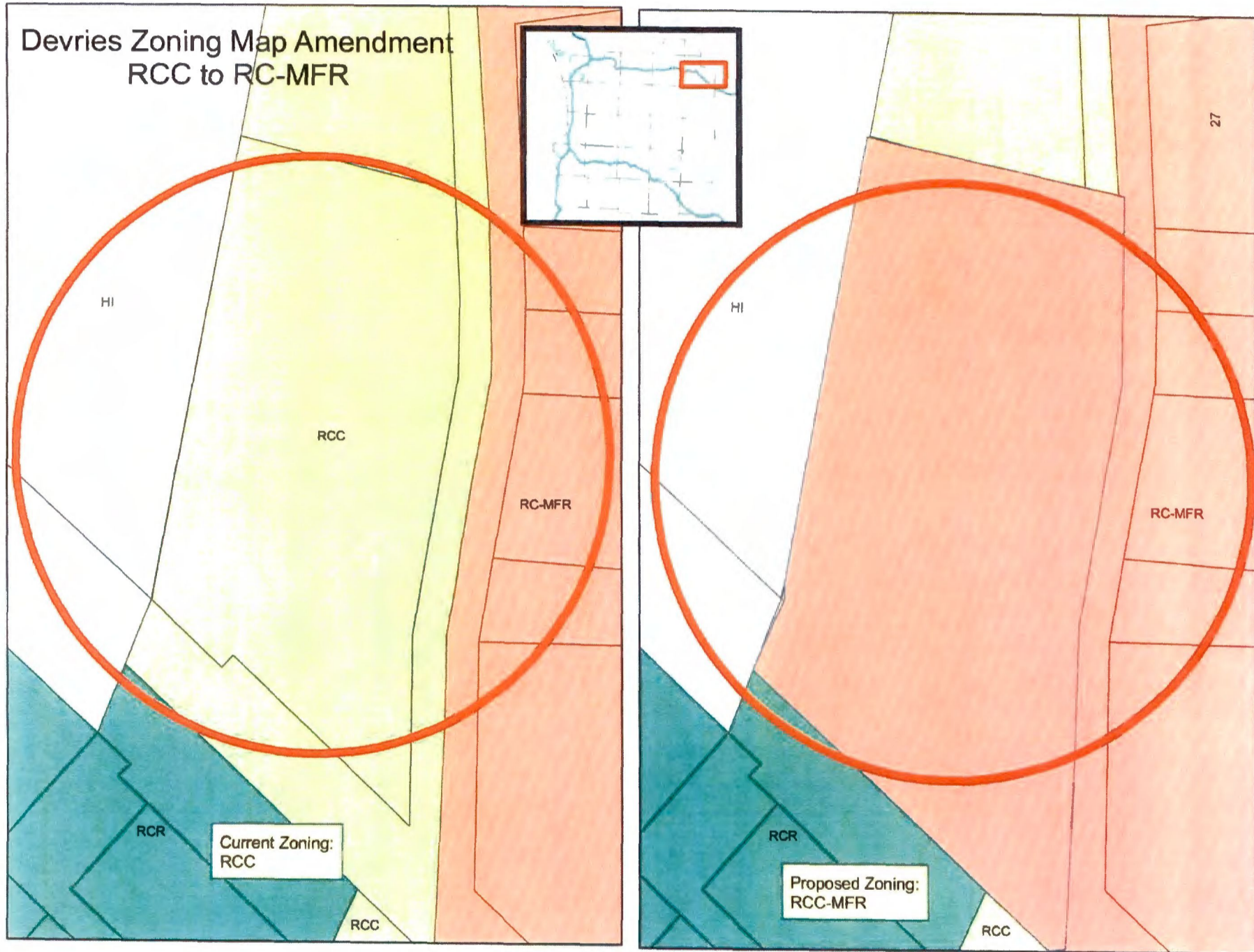
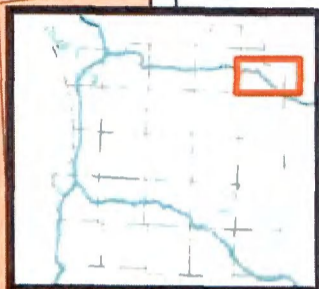


Exhibit 4
Public Notice

Clatsop County
Transportation & Development Services
800 Exchange Street, Suite 100, Astoria, OR 97103
www.co.clatsop.or.us

ph: 503-325-86
fx: 503-338-366
em: comdev@co.clatsop.or.us



CLATSOP COUNTY PLANNING COMMISSION NOTICE OF PUBLIC HEARING

ORDINANCE 11-02

Zoning Map Amendment application from Wilma Devries to change the zoning on 1.2 acres from Rural Community Commercial (RCC) to Rural Community Multi-Family Residential (RC-MFR).

DATE OF HEARING:	May 10, 2011
TIME:	10:00 AM
LOCATION:	Judge Guy Boyington Building 857 Commercial Street, Astoria, Oregon
STAFF CONTACT:	Jennifer Bunch, Planner

You are receiving this notice because you either own property within 250 feet of the property that serves as the subject of the land use application described in this letter or you are considered to be an affected state or federal agency, local government, or special district. A vicinity map for the subject property is attached.

NOTICE IS HEREBY GIVEN that the Clatsop County Transportation & Development Services has received the land use application described in this letter. Pursuant to Section 2.035 of the Clatsop County Land and Water Development and Use Ordinance (LWDUO), the Department Director has scheduled a public hearing on this matter before the Planning Commission at **10:00 AM on Tuesday, May 10, 2011** at the Judge Guy Boyington Building, 857 Commercial Street, Astoria, OR.

All interested persons are invited to testify in person by attending the hearing, or they may testify in writing by addressing a letter to the Clatsop County Planning Commission, 800 Exchange Street, Suite 100, Astoria, OR 97103. Written comments may also be sent via FAX to [503-338-3666](tel:503-338-3666) or via email to jbunch@co.clatsop.or.us. Written comments must be received in this office no later than **5PM on Monday, May 9, 2011** in order to be considered at the May 10, 2011 public hearing.

NOTE: Failure of an issue to be raised 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.

THE LAND USE APPLICATION DESCRIBED:

The applicant, Wilma Devries, proposes a zoning map amendment on 1.20 acres of land located to the north of Hwy 30 on Westport Ferry Road in the unincorporated Westport area of Clatsop County. The subject property identified as T8N, R06W, Sec 36CA – TL 2400 and 91240 Westport Ferry Rd, Westport.

The applicant proposes changing the zoning on the subject property from **Rural Community Commercial (RCC)** to **Rural Community Multi-family Residential (RC-MFR)**.

The following criteria apply to the request:

Land & Water Development & Use Ordinance 80-14
§2.035 Type IV Procedures for Land Use Applications
§2.105-§2.125 Notice Requirements for Public Hearings
§3.114 Rural Community Multi-Family Residential
§3.252 Rural Community Commercial Zone (RCC)
§5.400 Zone Change Standards

Clatsop County Comprehensive Plan

Goal 1 (Citizen Involvement)	Goal 10 (Population and Housing)
Goal 2 (Land Use Planning)	Goal 11 (Public Facilities and Services)
Goal 6 (Air, Water, and Land Quality)	Goal 12 (Transportation)
Goal 7 (Natural Hazards)	Goal 14 (Urbanization)
Goal 9 (Economy)	Northeast Community Plan

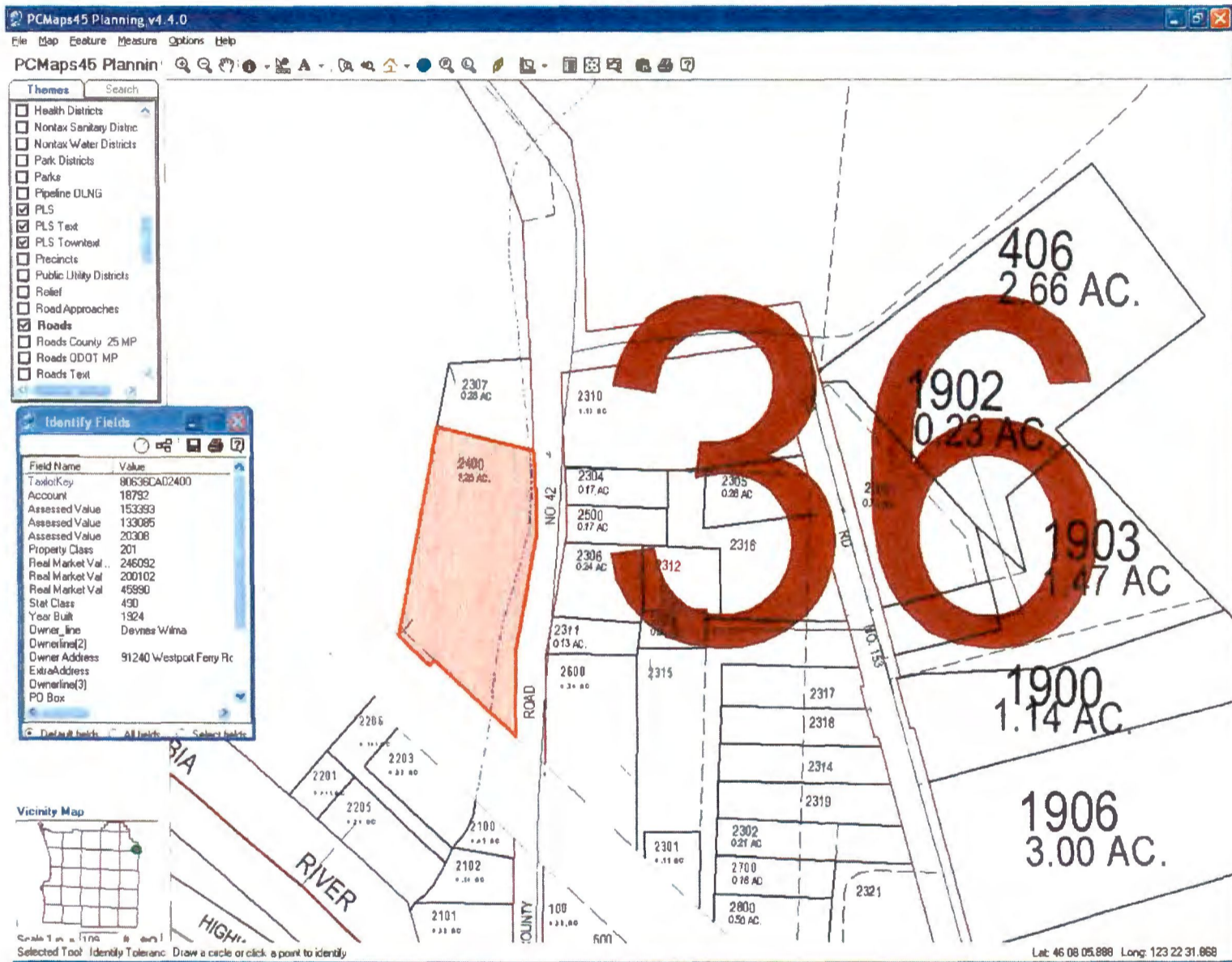
These documents are available for review at the Clatsop County Transportation & Development Services office, 800 Exchange Street, Suite 100, Astoria, Oregon and on-line at the county's website, www.co.clatsop.or.us.

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 Transportation & Development Services Office during normal business hours (M-F, 8-5) at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at the department office at no cost at least seven days prior to the hearing and will be provided at reasonable cost.

In general, the procedure for conduct of the public hearing will be as follows: Introductory statements by the Planning Commission Chairperson, Planning Commission disclosures, staff report, applicant's presentation, testimony in favor, testimony in opposition, applicant rebuttal, conclusion of hearing, Planning Commission deliberations, and Planning Commission decision (in this case, a recommendation to the Board of Commissioners).

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

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.



TaxlotKey	Owner_line	Ownerline(2)	Owner Address	City	State	Zip Code
80636CA03500	Akin Rocky L/Connie J		91112 Old Mill Town Rd	Westport	OR	97016
80636DC01000	Atkins Gerald	Sigman Lillian Christine	91106 Old Mill Town Rd	Westport	OR	97016
80636CA03100	Clatsop County		820 Exchange St	Astoria	OR	97103
80636CA03000	Dias William K	Dias Jenifer R	324 W F St	Rainier	OR	97048
80636CA03300	Egaas Stanley J		77129 Watach Dr	Clatskanie	OR	97016
80636CA03200	Gorley Michael A/Gayle M		49261 Hwy 30	Westport	OR	97016
806360001904	Greenwood Resources Inc		1500 SW First Ave #940	Portland	OR	97201
80636DC01200	Holten Arthur/Lillian		49305 Hwy 30 Westport	Clatskanie	OR	97016
80636CD00300	Jacobson Albert L/Judith H		49238 Hwy 30	Westport	OR	97016
80636DC01301	Koljonen Timothy J		91101 Old Mill Town Rd	Westport	OR	97016
80636CA02321	Payne Gary F		47338 Condon Dr	Westport	OR	97016
80636CA01400	Vice Harold L/Gail E		1220 SW 3rd Ave #1255	Portland	OR	97204
80636CA03400	Walters Harriet	Walters John A (c)	1010 NE Knott St	Portland	OR	97212
80636CA02900	Wauna Federal Credit Union		PO Box 67	Clatskanie	OR	97016
80636CD00500	Westport Community Church DLCD	Attn: Plan Amend. Specialist	PO Box 5218 635 Capitol Street NE, Ste 150	Westport Salem	OR	97016 97301-2540

Exhibit 5
Public Comment

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Chairperson Johnson called the meeting to order at 1004.

Planning Commissioners

(PC) Present:

- Pat O'Grady
- Mike Autio
- Marcia Harper-Vellutini
- Brian Pogue
- Cary Johnson
- Stephen Malkowski

PCs absent:

- Clarke Powers, Excused

Staff Present:

- Jennifer Bunch
- Ed Wegner
- Blair Henningsgaard
- Julia Decker

The election of officers was deferred to a later date.

Business from the Public:

Jennifer Bunch, Planner, introduced Bill Johnston, Oregon Dept of Transportation Area Planner, Astoria. Mr. Johnston presented a report on the US 101: Camp Rilea Road to Surf Pines Lane Facility Plan, which is just getting underway. There are some safety and operational issues associated with this stretch of Highway 101 from Patriot Way in the north and Surf Pines Lane in the south.

Mr. Johnston touched on several issues, including:

- Included in a facility plan is function of the facility over the long term (20 years), improvements to address safety and mobility issues for all, meeting both ODOT and community needs.
- The process begins with identifying promising improvements, comparing promising improvements and selecting projects, designing projects and preparing for construction and construction and operation. Mr. Johnston emphasized that advancing to the next step relies on identifying funding.
- Description of a time table, the decision-making process
- Existing traffic conditions
- Future traffic conditions, with volume to capacity ratios
- Safety issues, including geometric and congestion-related. Mr. Johnston reported that 50% of crashes involved turning movements.
- Community concerns and environmental considerations
- Importance of public participation
- Description of some specific problem areas

In answer to a question from PC Harper-Vellutini, Mr. Johnston explained that the 20-year planning horizon involves the analysis and numbers, but solutions, especially involving minor fixes, could be done sooner rather than later, dependent on funding.

No other business from the public.

1 while because she knew that two more zoning map amendments were coming in and
2 wanted to process them all at the same time.

3
4 Prior to the rural community zoning in 2003, the subject property was zoned RSA-MFR
5 because the property was improved with a single-family dwelling, an allowed use in the
6 MFR zoning.

7
8 In 2004, the property owner demolished the dwelling and applied for permits to establish
9 a commercial use, a drive through espresso stand, on the property. In 2006, it was
10 discovered that staff misinterpreted the zoning on the property and the espresso stand
11 permit should not have been issued. The commercial use on residentially zoned land
12 has been allowed to continue as a non-conforming use. In 2010 Mr. Egaas inquired
13 about expanding his commercial use. Because of delays in the zoning map amendment
14 application, staff issued permits for the construction of the new commercial structure as
15 an accessory use to the adjacent restaurant.

16
17 Ms. Bunch continued with a PowerPoint presentation stating that the zone change is
18 consistent with the eight (8) applicable criteria, and asked the Planning Commission to
19 recommend approval to the Clatsop County Board of Commissioners.

20
21 Following a question from PC Autio, Ms. Bunch explained that the properties
22 immediately behind the Berry Patch Restaurant have been multi-family residential for
23 quite some time.

24
25 Following questions from PC Pogue, Ms. Bunch stated that the only comment received
26 was from ODOT, and that in her opinion, this is the best use of the property.

27
28 No one from the public asked to speak.

29
30 Public testimony was closed at 1158.

31
32 **PC Malkowski moved and PC Autio seconded to approve the applicant's**
33 **request for a Zoning Map Amendment from Rural Community-Multi-Family**
34 **Residential to Rural Community Commercial [to the Clatsop County Board of**
35 **Commissioners]. Motion passed unanimously.**

36
37 The applicant, Wilma Devries, requests a Zoning Map Amendment from Rural
38 Community Commercial to Rural Community Commercial-Multifamily Residential.

39
40 No ex parte contacts or conflicts of interest were reported.

41
42 Ms. Bunch presented the staff report. The applicant submitted the application in January
43 of 2011. At the time of the adoption of the current zoning ordinance in 1980 the property
44 was being used as a boarding house and was zoned Rural Service Area-Multi Family
45 Residential. In 1981, the current owner and applicant applied and received a zone
46 change to Tourist Commercial in order to operate a restaurant. At some point the
47 restaurant ceased to operate and the use converted to a bed and breakfast. With the
48 adoption of the rural community zoning in 2003 the zoning was changed to Rural
49 Community Commercial. The structure is currently being used as a primary residence
50 and 2 or 3 apartments and the applicant wishes to amend the zoning map to ensure the
51 use is conforming and to resolve issues with a mortgage company.

1 Ms. Bunch continued with a PowerPoint presentation, describing the eight (8) applicable
2 criteria, and asked the Planning Commission to recommend approval to the Clatsop
3 County Board of Commissioners.
4
5 In answer to a question from PC Autio, Ms. Bunch stated that unless the applicant wants
6 to make structural changes, there is no issue with the flood plain. If they were to make
7 changes, they would have to comply with the new flood ordinance that was adopted last
8 year.
9
10 Following a question from PC Pogue regarding the down-zoning, Ms. Bunch explained in
11 the northeast community plan, it recommends the existing commercial zone in Westport
12 should be reduced in size that is more appropriate for the community.
13
14 PC Autio and Chairperson Johnson expressed concern about "spot-zoning." Ms. Bunch
15 replied that the County tends to shy away from spot-zoning.
16
17 No one from the public asked to speak.
18
19 Public testimony was closed at 1211.
20
21 **PC Pogue moved and PC Malkowski seconded to adopt the findings of fact**
22 **contained in the staff report and recommend approval of the Zoning Map**
23 **Amendment [to the Clatsop County Board of Commissioners]. Motion passed**
24 **unanimously.**
25
26 The applicant, Clatsop County, requests a Zoning Map Amendment from Rural
27 Community Commercial-Multi Family Residential to Rural Community Commercial-Light
28 Industrial for the subject property owned by the Morrissey Living Trust.
29
30 No ex parte contacts or conflicts of interest were reported.
31
32 Ms. Bunch presented the staff report. This zoning map amendment is a correction. In
33 1980 with the adoption of our current ordinance this property was part of a larger parcel
34 which was the Westport Trailer Park. At that time, the Westport Market was not there.
35
36 The property was zoned RA-1 in 1980. In 1984, in order to facilitate the community
37 sewer system, the rural service area zoning needed to be adopted. This property was
38 undeveloped and part of the trailer park, zoned rural service area, multi-family
39 residential. The next year, the current property owner, Mr. Morrissey, applied for a zone
40 change for a small portion to Tourist Commercial in order to construct the Westport
41 Market.
42
43 In 2003, Clatsop County adopted rural community zoning in several areas of the county
44 and it was during this process this property was mistakenly zoned Rural Community
45 Commercial-Multi Family Residential. This was not discovered until late in 2010 when
46 Mr. Morrissey inquired about the expansion of commercial activities on the property.
47 Since the property is adjacent to a parcel that is already rural Community Commercial-
48 Light Industrial zone the request is to correct the zoning and apply the same designation
49 to ensure continuity in zoning patterns in the Westport area.
50

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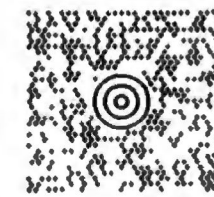
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CLATSOP COUNTY
Transportation and Development Services
Land Use Planning
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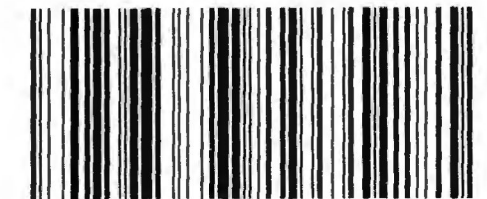


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