



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

02/09/2011

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 003-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: Tuesday, February 22, 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: Michael Weston, Clatsop County
Jon Jinings, DLCD Community Services Specialist
Matt Spangler, DLCD Regional Representative
Jon Jinings, DLCD Community Services Specialist
Katherine Daniels, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

FEB 02 2011

LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

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

Jurisdiction: **Clatsop County**

Local file number: **Ordinance 10-01**

Date of Adoption: **01/26/11**

Date Mailed: **2-01-2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 04/20/2010

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".

Adds accessory dwelling units to rural communities with sewer, adds a Rural Agriculture-10 (RA10) zone, creates a rural community overlay, cleans up commercial/industrial zones to bring in to compliance with ORS 197.713, updates non-conforming use language, modifies purview of the site design review board.

Does the Adoption differ from proposal? Please select one

The proposed text amendments included caps to short-term rentals and bed-and-breakfast establishments. These provisions were removed prior to adoption.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

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

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. _____

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

Arch Cape W/S Dist., Cannon Beach RFPD, DEQ, DLCD, ODOT

Local Contact: **Jennifer Bunch**

Phone: (503) 325-8611 Extension: 1706

Address: **800 Exchange Street, Ste 100**

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 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) of 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 Clatsop County, Oregon**

RECORDED

February 1, 2011



Doc# 2011020001

ORDINANCE # 10-01

In the Matter of

AN ORDINANCE AMENDING THE CLATSOP
COUNTY COMPREHENSIVE PLAN, LAND AND
WATER DEVELOPMENT AND USE
ORDINANCE 80-14 AND STANDARDS
DOCUMENT

Recording Date: 2-1-11

RECITALS

The Board of Commissioners of Clatsop County, Oregon ordains as follows:

SECTION 1. SHORT TITLE.

This ordinance shall be known as *Ordinance No. 10-01, Creating the Arch Cape Rural Community Overlay and the RA-10 Zoning Designation, and Rescinding or Modifying Inconsistent Provisions.*

SECTION 2. RECITALS

The Board of County Commissioners of Clatsop County, Oregon recognizes the need to revise and amend the Clatsop County Comprehensive Plan Zoning Map and Text. In the interest of the health, safety and welfare of the citizens of Clatsop County and pursuant to State law, the Board of Commissioners hereby determines the necessity of amending the Clatsop County Comprehensive Plan/Zoning Map and Land and Water Development and Use Ordinance # 80-14, as amended.

The Board of County Commissioners determines and takes notice that the adoption procedure for this ordinance complies with the Post Acknowledgement rules of the Land Conservation and Development Commission. The 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. The Planning Commission held public hearings on the matter on June 8, 2010, July 30, 2010 and September 14, 2010 and rendered a recommendation on September 14, 2010. The Board of Commissioners received and considered the Planning Commission's recommendations and held a public hearing on this ordinance pursuant to law on January 26, 2011.

SECTION 3. CONFORMITY WITH THE LAW.

This ordinance shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the State of Oregon, or its agencies, or any ordinance, rule or regulation of Clatsop County.

SECTION 4. INCONSISTENT PROVISIONS.

This ordinance shall supersede, control and repeal any inconsistent provision of the Clatsop County Land Water Development and Use Ordinance, as amended, or any other ordinance or regulation made by Clatsop County.

SECTION 5. SEPARABILITY.

If any section, subsection, sentence, clause, phrase, or any other portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. EFFECTIVE DATE.

This ordinance shall be in full force and effective 30 days following adoption of this ordinance.

SECTION 7. ADOPTION CLAUSE.

The Board of Commissioners hereby adopts Ordinance 10-01 as set forth in Exhibit A.

ADOPTED this 26TH day of January 2011.

Board of County Commissioners
For Clatsop County, Oregon

By 
Dirk Rohne, Chair

Approved as to Form: _____
Clatsop County Counsel

Exhibit "A"

10-01 Zoning Ordinance Revisions

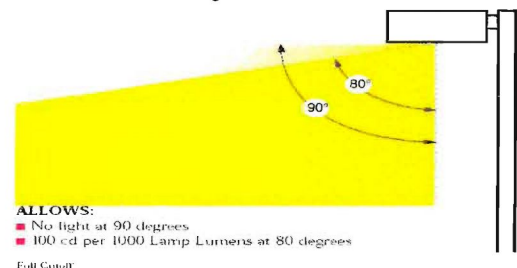
SECTION 1.030. DEFINITIONS

COOKING FACILITIES -- Are defined as stoves, ovens or other equipments designed to prepare hot meals including a 220-volt outlet and any non-electrical fuel sources, but does not include a single hot plate, microwave or toaster.

DWELLING UNIT, ACCESSORY (ADU) -- For the purposes of clarity, a single-family dwelling with an accessory dwelling unit (ADU), as defined herein, located within one of the rural community zones shall not be considered a duplex or multiple-family dwelling. In addition to other standards of this code, ADUs shall comply with the following development standards:

- (1) ADUs shall be allowed only on lots or parcels serviced by a State approved Sanitary Sewer.
- (2) ADUs shall be allowed only in conjunction with parcels containing one single-family dwelling (the "primary dwelling"). A maximum of one ADU or Guesthouse (see "Guesthouse") is permitted per lot or parcel. ADUs shall not be permitted in conjunction with a duplex or multi-family dwelling.
- (3) ADUs shall comply with maximum lot coverage and setback requirements applicable to the parcel containing the primary dwelling.
- (4) The ADU may be created through conversion of an existing structure, or construction of a new structure that is either attached to the primary dwelling or detached.
- (5) The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 75 percent of the GHFA of the main floor of the primary dwelling on the lot, or 900 square feet, whichever is less. The floor area of any garage shall not be included in the total GHFA.
- (6) Only one entrance may be located on the front of the existing dwelling unless the existing dwelling contained more than one entrance before the addition of the ADU.
- (7) In order to maintain a consistent architectural character, Accessory dwellings shall be constructed with similar building materials, architectural design and colors that generally match those used on the primary dwelling, except where the approving hearing body requires different materials and/or detailing to promote compatibility with single family dwellings on abutting lots.
- (8) A parcel containing a primary dwelling unit and an ADU shall provide a minimum of three off-street parking spaces designed in accordance with County Standards Document S2.202§1.

FULL CUT-OFF LIGHTING -- A luminaire light distribution where zero candela intensity occurs at an angle of 90 degrees above nadir, and at all greater angles from nadir. Additionally, the candela per 1000 lamp lumens does not exceed 100 (10 percent) at a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire. (See Image)



Gross floor area (GFA) -- Total gross floor area including exterior building walls of all floors of a building or structure. Also referred to as gross square feet, or GSF.

Gross leasable area (GLA) -- The portion of GFA that is available for leasing to a tenant. Generally, GLA is equal to GFA less common areas that are not leased to tenants, including spaces for circulation between tenant spaces (lobbies, elevator cores, stairs, corridors, and atriums, for example), utility / mechanical spaces and parking areas.

GUEST HOUSE -- An accessory building, studio, or other habitable space/structure, used in conjunction with the main dwelling for the temporary housing of non-paying visitors and guests, subject to the following provisions:

- (1) The maximum gross habitable floor area (GHFA) shall not to exceed 75 percent of the GHFA of the main floor of the primary dwelling on the lot, or 600 square feet, whichever is less. The floor area of any garage shall not be included in the total GHFA.
- (2) Metering devices shall **not** be permitted on guesthouses.
- (3) Cooking Facilities shall **not** be permitted in guesthouses. (See "Cooking Facilities")
- (4) A maximum of one ADU or Guesthouse is permitted per lot or parcel and must accompany a primary residence.
- (5) Guesthouses shall only be allowed in rural community and rural residential zones as designated by this ordinance.

LOT TYPES --

6 -- Ocean Front Lot -- A lot, parcel, or unit of land where no residence may be legally placed or constructed between the subject lot and the ocean. Often creating an unobstructed view of, and/or access to, the ocean beaches and headlands. See Also Standards Document S3.030.

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

RENTAL, SHORT-TERM -- A dwelling unit that is rented to any person or entity for a period of up to thirty (30) consecutive nights.

RENTED -- The use and possession of a residence is granted to one or more persons in exchange for consideration valued in money, goods, labor, credits, property or other consideration valued in money, without any deduction.

TREE -- any woody plant having at least one well-defined stem at least six inches in diameter measured at a height of four and one-half feet above the natural grade.

VEGETATIVE HEDGE -- One or more species of vegetation, excluding trees, growing along a line and pleated together as they grow. Vegetative hedges include, but are not limited too: Laurel Bushes, Boxwoods, Rhododendron, Bottle Brush, Chaenomeles, Shrub Althea, Honeysuckle, Magnolia, Wax Mallow and any other vegetation, used to buffer adjacent property and screen out objectionable views.

Table 3.010 Comprehensive Plan Zoning Designations

TABLE 3.010 COMPREHENSIVE PLAN ZONING DESIGNATIONS		
Conservation Forest Lands	AF	Agriculture Forest
	F80	Forest 80
Conservation Other Resources	AC1	Aquatic Conservation One
	AC2	Aquatic Conservation Two
	NAC2	Necanicum Estuary Aquatic Conservation
	OPR	Open Space, Parks and Recreation
	RM	Recreation Management
	CS	Coastal Shorelands
	EAC	Ecola Aquatic Conservation
	LW	Lake and Wetland
Natural	QM	Quarry and Mining
	AN	Aquatic Natural
	NU	Natural Uplands
Rural Agricultural Lands	NS	Natural Shorelands
Rural Agricultural Lands	EFU	Exclusive Farm Use
	Rural Lands	CBR
CR		Coastal Residential
SFR1		Single Family Residential 1
RA1		Residential Agriculture 1
RA2		Residential Agriculture 2
RA5		Residential Agriculture 5
GC		General Commercial
NC		Neighborhood Commercial
TC		Tourist Commercial
MR		Military Reserve
Development	AD	Aquatic Development
	RSA-SFR	Rural Service Area-Single Family Residential
	RSA-MFR	Rural Service Area-Multi Family Residential
	RCR	Rural Community Residential
	AC-RCR	Arch Cape Rural Community Residential
	KS-RCR	Knappa-Svensen Rural Community Residential
	RCC	Rural Community Commercial
	RCC-LI	Rural Community Light Industrial
	RCI	Rural Community Industrial
	RC-MFR	Rural Community-Multi Family Residential
	LI	Light Industrial
	HI	Heavy Industrial
	MI	Marine Industrial
UGB	Urban Growth Boundary	

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

Section 3.062. Purpose and Intent.

The Arch Cape RCR zone is intended to accommodate the immediate and foreseeable demand for low density housing in Clatsop 5 County rural communities. This zone has been developed with the purpose to: (1) Allow residential development that is compatible with rural communities that wish to maintain a primarily single family rural residential character, (2) do not adversely impact adjacent resource lands, (3) allow for minimum lot sizes and densities, that will provide for an ultimate build out that is more commensurate with actual physical, and (4) environmental constraints, and the availability of community water and sewer facilities, and may provide for non-residential uses that are small in scale, intended for the needs of the local community or for people traveling through the rural community, and are compatible with surrounding uses.

Section 3.064. Development and Use Permitted.

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

- (1) One family dwelling.
- (2) Accessory Dwelling Unit (ADU) per Section 1.030.
- (3) Guesthouse per Section 1.030.
- (4) Accessory buildings per section 1.030 are permitted only as follows:
 - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
 - (B) Accessory buildings in this zone shall be subordinate in size to the primary dwelling.
- (5) Signs only as follows:
 - (A) Temporary “for sale” signs subject to provisions of S2.300(3)(B).
 - (B) Political signs subject to provisions of Ordinance 95-30, and
 - (C) Name plates subject to the provisions of Clatsop County Standards Document, Section S2.300.
- (6) Handicapped housing facility as defined in Section 1.030.
- (7) Home occupation, Limited.
- (8) Low intensity recreation.
- (9) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- (10) Health hardship pursuant to Section S3.025, no public notice required.
- (11) Temporary uses including use of a Recreational Vehicle during construction phase, subject to the provisions of Section 5.500.
- (12) Property line adjustment subject to provisions Section 5.200 – 5.208 and the following:
 - (A) Provided the existing parcel is not reduced below the minimum lot size, and
 - (B) Provided the lot line adjustment is within the same zone.

- (13) Partition subject to provisions of Section 5.200 –5.208, and provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.
- (14) Short-term rentals (STR), subject to the provisions of Clatsop County Zoning Ordinance, Section S4.109.
- (15) Land transportation facilities as specified in Section 3.035 with the exception of new road development, See Section 3.066§(11).

Section 3.066. Conditional Development and Use.

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

- (1) Two family dwelling (duplex).
- (2) Accessory uses may be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development Director provided that:
 - (A) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and
 - (B) Provided the property owner obtains the primary use development permit within one-year (1) from the date the accessory use development permit is issued; and
 - (C) A statement that the accessory use, during the one-year period prior to establishing the primary use is not intended for the storage of, or the establishment of a Recreational Vehicle use; and
 - (D) May be subject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare.
- (3) Public or private elementary, middle, or high school.
- (4) Home occupation.
- (5) Churches or similar places of worship.
- (6) Golf Course, driving range, country club, tennis club, and similar recreation uses provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
- (7) Park, playground, ball fields, or community center.
- (8) Day nursery or day care center, provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
- (9) Buildings and uses of a public works, public service, or public utility nature, but not including equipment storage, repair yards, warehouses, or related activities.
- (10) Bed and Breakfast establishment subject to the standards in Clatsop County Standards Document, Section S3.464 - S3.468.
- (11) Temporary real estate office in a legally recorded subdivision.
- (12) Any new road development or extensions.

Section 3.068. Development and Use Standards.

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

(1) Lot sizes:

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

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

Slope	Minimum Lot Size/Density
0-12%	7,500 sq.ft./ 1 dwelling unit, 2 dwelling units /15,000 sq.ft.
13-25%	15,000 sq.ft/1 dwelling unit, 2 dwelling units/acre ¹
> 25%	1 dwelling unit/acre

(C) Lot size for conditional developments shall be based upon:

- 1) the site size need of the proposed use,
- 2) the nature of the proposed use in relation to the impacts on nearby properties, and
- 3) consideration of sewer district impacts and requirements, local setback and other criteria and standards of this ordinance.

(D) Maximum lot coverage for residential or non-residential use: 40%.

(E) Two family dwelling (duplex) minimum lot size 15,000 sq.ft.

(F) Cluster developments are subject to the provisions of S3.150-S3.161.

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

(H) New development, lot width/depth dimension shall not exceed a 1:3 ratio.

(2) Required front yard setback, measured from the abutting edge of the right-of-way, when front line abuts:

(A) Major arterial: fifty feet (50).

(B) Minor arterial: thirty feet (30).

(C) Major collector: thirty feet (30).

(D) Minor collector: twenty-five feet (25).

(E) Local street: twenty feet (20).

(3) Required rear yard: twenty feet (20).

(A) Exception on corner lot: 5 feet.

(B) Exception when adjacent to resource zones, all structures: fifty feet (50).

(4) Required side yard:

(A) Minimum side yard: 10 feet, except on a corner lot, the minimum street side yard measured from the abutting edge of the right-of-way, shall be twenty feet (20).

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

- (C) Exception when adjacent to resource zones, all structures: fifty feet (50).
- (5) For lots abutting the ocean shore, the ocean yard shall be determined by the oceanfront setback line established by Section S3.015 Oceanfront Setback.
- (6) An accessory structure separated from the established main building may be located in the required rear and side yard setback except in the required street side of a corner lot provided that it is no closer than five feet (5) to a property line.
- (7) Maximum building height: twenty-six feet (26).
Except for ocean front lots, which shall have a maximum height of: eighteen feet (18)
The height of a structure is measured from the average grade of the undisturbed ground at the four principal corners of the proposed structure. To determine height:
- (A) Construction/building plans submitted for use permitted in this zone shall show the elevations of the undisturbed ground prior to construction as measured at the four principal corners of the proposed structure on a plot plan. A permanently accessible control point shall be established outside of the building's footprint.
- (B) Photographs of the undisturbed site shall be required. Photographs need not be professional or aerial photographs.
- (C) To verify the height, a survey by a registered surveyor may be required by the Community Development Director.
- (8) All new developments and cumulative or incremental expansion of an existing footprint greater than twenty-five percent shall indicate on the building permit how storm water is to be drained from the property or retained on site. The Building Official or County Engineer may require the installation of culverts, dry wells, retention facilities, or other mitigation measures, where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands or on slopes greater than twenty-five percent.
- (9) In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP).
- (10) Conditional Development and Use are subject to the following limitations and requirements:
- (A) The proposed development shall be consistent with the Clatsop County Comprehensive Plan.
- (B) The proposed development shall include safe ingress and egress.
- (C) Prior to final building permit inspection any/all road damages created or exacerbated by the development activity shall be repaired, and the road returned to its previous condition or better.
- (11) Exterior lighting shall be of a full cut-off design as defined in Clatsop County's Zoning Ordinance Section 1.030. Glare shall be directed away from neighboring property or shielded in a manner not to cause offense (i.e. Full Cut-off Fixtures). A complaint from neighbors shall be cause for review of exterior lighting.

- (12) Where a buffer of trees exists along properties abutting Highway 101, a buffer of 25 feet in width shall be maintained or planted when the property is developed.
- (13) A twenty-five (25) foot buffer of native, non-invasive vegetation combined with proper removal of noxious weeds shall be maintained along Arch Cape, Asbury Creek, & Shark Creek.
- (14) All planned development and subdivisions shall be required to cluster land uses and designate areas as permanent common open space. The development shall be reviewed according to Section 4.140 for Planned Developments or Clatsop County Standards Document, Section S3.150 for Cluster Developments. The minimum percentage of common open space shall be 30% excluding roads and lands under water.
- (15) The setback for all structures shall be fifty feet (50) from the line of non-aquatic vegetation.
- (16) Vegetative hedges and fences that impede or have the potential to impede views shall be maintained at or below 6 feet. Hedges & fences extending beyond the ocean front setback shall be maintained at or below 4 feet.
- (17) All standards as set forth in the Clatsop County Standards Document, as amended.

Section 3.070 State and Federal Permits.

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

SECTION 3.076. DEVELOPMENT AND USE PERMITTED (RCR)

- (2) Accessory Dwelling Unit (ADU) per Section 1.030.
- (3) Guesthouse per Section 1.030.
- (4) Accessory buildings per Section 1.030 are permitted only as follows:
 - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.

Section 3.080 Development and Use Permitted

- (4) {Adding}
 - (A) Exception on corner lot: 5 feet.
 - (B) Exception when adjacent to resource zones, all structures: fifty feet (50).

SECTION 3.090. DEVELOPMENT AND USE PERMITTED (KS-RCR)

- (2) Accessory Dwelling Unit (ADU) per Section 1.030.
- (3) Guesthouse per Section 1.030.
- (4) Accessory buildings per Section 1.030 are permitted only as follows:
 - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.

SECTION 3.104. DEVELOPMENT AND USE PERMITTED (RSA-SFR)

- (2) Guesthouse per Section 1.030.
- (3) Accessory buildings per Section 1.030 are permitted only as follows:
 - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.

SECTION 3.116. DEVELOPMENT AND USE PERMITTED (RC-MFR)

- (2) Accessory Dwelling Unit (ADU) per Section 1.030.
- (3) Guesthouse per Section 1.030.
- (4) Accessory buildings per Section 1.030 are permitted only as follows:
 - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.

SECTION 3.124 DEVELOPMENT AND USE PERMITTED. (RSA-MFR)

- (2) Guesthouse per Section 1.030.
- (3) Accessory buildings per Section 1.030 are permitted only as follows:
 - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.

SECTION 3.144 DEVELOPMENT AND USE PERMITTED. (CR)

- (2) {Adding} per Section 1.030
 - a. {Deleting (A) – (D)}
- (3) Accessory buildings per Section 1.030 are permitted only as follows:
 - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc

SECTION 3.164 DEVELOPMENT AND USE PERMITTED. (SFR-1)

- (2) Guesthouse per Section 1.030.

(3) Accessory buildings per Section 1.030 are permitted only as follows:

(A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.

SECTION 3.184. DEVELOPMENT AND USE PERMITTED (RA-1)

(2) Guesthouse per Section 1.030.

(3) Accessory buildings per Section 1.030 are permitted only as follows:

(A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.

SECTION 3.204. DEVELOPMENT AND USE PERMITTED. (RA-2)

(2) Guesthouse per Section 1.030.

(3) Accessory buildings per Section 1.030 are permitted only as follows:

(A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.

SECTION 3.224. DEVELOPMENT AND USE PERMITTED. (RA-5)

(2) Guesthouse per Section 1.030.

(3) Accessory buildings per Section 1.030 are permitted only as follows:

(A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.

SECTION 3.230. RESIDENTIAL-AGRICULTURE-10 ZONE (RA-10).

Section 3.231. Purpose.

The RA-10 zone is intended to accommodate the immediate foreseeable demand for very low density rural residential development in designated outlying areas where commitments to such uses have already been made through existing subdivision, partitioning, or development, or in selected small areas having unique scenic, locational and other suitable site qualities. The RA-10 zone is intended to be applied to land where the anticipated magnitude or density of development will not require more than a very basic level of services, such as single local road access, individual domestic wells and sewage disposal systems. The very lot density limitation of the RA-10 zone is also based on prevailing lot sizes, limited or undetermined domestic water sources, or limitations of soil conditions for subsurface sewage disposal.

Section 3.232. Development and Use Permitted.

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

- (1) One family dwelling per lot.
- (2) Guesthouse per Section 1.030.
- (3) Accessory buildings per Section 1.030 are permitted only as follows:
 - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- (4) One mobile home per lot subject to standards in Clatsop County Standards Document, Section S3.190.
- (5) Limited home occupation.
- (6) Minor utilities.
- (7) Farm use.
- (8) Roadside stand for farm products grown on the premises.
- (9) Forestry.
- (10) Low intensity recreation.
- (11) Public or private neighborhood park or playground.
- (12) Horticultural nursery.
- (13) Cluster developments subject to the provisions of Clatsop County Standards Document, Section S3.150. Cluster developments containing lots less than one (1) acres, pursuant to S3.160(7), in size require notice pursuant to Section 2.020.
- (14) Two family dwelling (duplex) subject to Section 3.228, (1)(A).
- (15) Temporary uses subject to the provisions of Section 5.500.
- (16) Handicapped housing facility.
- (17) Health hardship dwelling, subject to the standards in Clatsop County Standards Document, Section S3.025.
- (18) Property line adjustment.
- (19) Communication facilities subject to the standards in Clatsop County Standards Document, Section S4.700.
- (20) Land transportation facilities as specified in Section 3.035.

Section 3.233. Additional Development and Use Permitted in the Clatsop Plains Planning Area.

- (1) One mobile home per lot subject to the following standard: A mobile home shall be at least 16 feet in width and installed according to State standards including skirting and tie downs.

Section 3.234. 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) Public/semi-public development.
- (2) Utilities necessary for public service.
- (3) Extraction, processing, and stockpiling of rock, sand, mineral and other subsurface materials.
- (4) Dog kennel.
- (5) Airport.
- (6) Public or private recreation such as riding stable, fishing or boating docks or ramps, gun club, golf course, resort type establishment in association with recreation.
- (7) Home occupation subject to Clatsop County Standards Document, Section S3.460.
- (8) Veterinary clinic.
- (9) Golf course subject to Section 4.130 of this Ordinance.
- (10) Golf driving range.
- (11) R.V. Park subject to Clatsop County Standards Document, Section S3.550-S3.552 except in the Clatsop Plains Planning Area.
- (12) Campground, primitive.
- (13) Boat ramps subject to Section 4.080-4.095 for areas identified as Coastal Shorelands in the Comprehensive Plan.
- (14) Cluster development subject to the provisions of Clatsop County Standards Document, S3.150-S3.161.
- (15) Bed and breakfast establishment subject to the standards in Clatsop County Standards Document, Section S3.464-S3.468.

Section 3.235. Development and Conditional Development and Use Standards.

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

- (1) Lot size:
 - (A) One family dwelling: 10 acres.
Two family dwelling: 20 acres.
 - (B) Cluster development subject to the provision of Clatsop County Standards Document, S3.150-S3.161.
 - (C) Other permitted development as required to meet State sanitation requirements and local setback and Ordinance requirements.
 - (D) Conditional developments shall be based upon:
 - 1) the site size need of the proposed use,
 - 2) the nature of the proposed use in relation to the impacts on nearby properties, and
 - 3) consideration of State sanitation requirements, local setback and other criteria and standards of the Ordinance.
- (2) Minimum lot width: 385 feet.
- (3) Lot width/depth dimension shall not exceed a 1:3 ratio.
- (4) Required front yard when front line abuts:
 - (A) Major arterial: 50 feet.
 - (B) Minor arterial: 30 feet.

- (C) Major collector: 30 feet.
- (D) Minor collector: 25 feet.
- (E) Local street: 20 feet.
- (5) Required rear yard: 20 feet.
 - (A) Exception when adjacent to resource zones - all structures: 125 feet.
- (6) Required side yard:
 - (A) Minimum side yard 10 feet, the minimum street side yard shall be 20 feet.
 - (B) When the side yard abuts a resource zone, the minimum side yard shall be 125 feet.
- (7) An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that it is no closer than five (5) feet to a property line.
- (8) Maximum building height: 35 feet.
- (9) All new development shall indicate on the building permit how storm water is to be drained from the property. The Building Official shall require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts.
- (10) The setback for all structures shall be 100 feet from the line on non-aquatic vegetation.
- (11) All standards as set forth in the Clatsop County Development Standards Document 80-14, as amended.

Section 3.236. Additional Development and Use Standards in the Clatsop Plains Planning Area.

- (1) Where a buffer of trees exist along properties abutting Highway 101 at the effective date of this Ordinance, a buffer of trees 25 feet in width shall be maintained or planted when the property is developed. The Community Development Director or designate may waive this requirement where the size of the lot or natural topography would create a hardship.
- (2) All planned developments and subdivisions shall be required to cluster land uses and designate areas as permanent common open space. The development shall be reviewed according to Section 4.130 for Planned Developments or Clatsop County Standards Document, Section S3.150 for Clustered Developments. The minimum percentage of common open space shall be 30%, excluding roads and property under water.

Section 3.237. State and Federal Permits.

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

SECTION 3.444. DEVELOPMENT AND USE PERMITTED. (CBR)

- (2) Guesthouse per Section 1.030.
- (3) Accessory buildings per Section 1.030 are permitted only as follows:
 - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.

COMMERCIAL ZONING MODIFICATIONS

SECTION 3.268. PURPOSE AND INTENT. (RCC-LI)

This zone is located in the Rural Community of Knappa and Westport. The RCC-LI zone is intended to: (1) provide support for existing small concentrations of retail and commercial services mixed with light industrial; (2) contribute to community identity; (3) provide necessary retail services to the community; (4) provide job opportunities within the community; (5) allow only those uses that are compatible with the surrounding uses considering varying environmental and other site constraints, and the availability of community water, sewer, or if such services are not available, such uses do not exceed the carrying capacity of the property to provide potable water and absorb waste; and (6) provide services for the community, surrounding rural, farm and forest areas, and traveling public. New commercial uses are those defined under state law as “small-scale, low impact” with building or buildings not to exceed 4,000 square feet of floor area, unless determined that large buildings are intended to serve the rural community, surrounding rural area or the travel needs of the people passing through the area. Expansion of an existing commercial use resulting in building or buildings exceeding 4,000 square feet of floor area are appropriate when the use is intended to serve the rural community, surrounding rural area or the travel needs of people passing through the area.

Section 3.274. Conditional Development and Use.

- (3) A hotel, motel, lodge, resort, inn, or other enclosed tourist/traveler accommodations, provided:
- (A) It is served by a community sewer system,
 - (B) Does not have over 35 units, and
 - (C) Each commercial use associated with the lodging shall not occur in a building or buildings that exceed 4,000 square feet.

Section 3.278. Development and Use Standards.

- (21) Building size:
- (A) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 3.272 unless:
 - 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
 - 2) The use is limited pursuant to Section 5.025 to a size of building or buildings that is intended to serve the rural community, surrounding rural area of the travel needs of people passing through the area; and
 - 3) The total floor area of building or buildings does not exceed 12,000 square feet.
 - (B) The maximum building size for light industrial uses shall not exceed 40,000 square feet of floor area unless authorized pursuant to 197.713 or 197.719.
-

Section 3.312. Development and Conditional Development and Use Standards. (NC)

- (1) Building size:
- (A) The maximum building size for new commercial uses shall not exceed 3,000 square feet unless:
- 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
 - 2) The use is limited to a size of building or buildings that is intended to serve the surrounding rural area or the travel needs of people passing through the area; and
 - 3) The total floor area of building or buildings does not exceed 10,000 square feet.
- (B) Expansion of commercial building or buildings, existing on September 10, 2003 where the total floor area for the commercial use exceeds 3,000 square feet provided the commercial use, intended to occupy more than 3,000 square feet of floor area, is intended to serve the surrounding rural area, or the traveling needs of people passing through the area.
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Section 3.330. Conditional Development and Use Criteria. (TC)

- (4) Building size:
- (A) The maximum building size for new commercial uses shall not exceed the 3,000 square foot limit unless:
- 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
 - 2) The use is limited to a size of building or buildings intended to serve the surrounding rural area of the travel needs of people passing through the area; and
 - 3) The total floor area of building or buildings does not exceed 10,000 square feet.
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Section 3.352. Development and Conditional Development and Use Standards. (GC)

- (8) Building size:
- (A) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 3.348 unless:
- 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
 - 2) The use is limited to a size of building or buildings intended to serve the surrounding rural area of the travel needs of people passing through the area; and
 - 3) The total floor area of building or buildings does not exceed 10,000 square feet.
- (9) The maximum building size for light industrial uses shall not exceed 30,000 square feet of floor area unless authorized pursuant to 197.713 or 197.719.
- (10) Expansion of commercial building or buildings, existing on September 10, 2003 where the total floor area for the commercial use exceeds 3,000 square feet provided the commercial use, intended to occupy more than 3,000 square feet of floor area, is intended to serve the surrounding rural area, or the traveling needs of people passing through the area.

- (11) Unless authorized pursuant to 197.713 or 197.719, expansion of industrial building or buildings, existing on September 10, 2003 where the total floor area for the industrial use exceeds 30,000 square feet or is intended to occupy more than 30,000 square feet of floor area, providing the size is necessary for the intended use and can demonstrate the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste.

Section 3.406. Development and Use Standards. (HI)

- (9) Building size:
(A) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 3.405. New commercial uses shall not exceed the 3,000 square foot limit unless:
- 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
 - 2) The use is limited to a size of building or buildings that is intended to serve the surrounding rural area or the travel needs of people passing through the area; and
 - 3) The total floor area of building or buildings does not exceed 10,000 square feet.
- (10) Unless authorized pursuant to 197.713 or 197.719, the maximum building size for all industrial uses shall not exceed 30,000 square feet of floor area.
- (11) (No Change)
- (12) Unless authorized pursuant to 197.713 or 197.719, expansion of industrial building or buildings, existing on September 10, 2003 where the total floor area for the industrial use exceeds 30,000 square feet or is intended to occupy more than 30,000 square feet of floor area, provided the size is necessary for the intended use and can demonstrate the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste.

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- (2) Building size:
(A) The maximum building size for all industrial uses shall not exceed 30,000 square feet of floor area, per use unless authorized pursuant to ORS 197.713 or 197.719.
- (B) Expansion of commercial building or buildings, existing on September 10, 2003 where the total floor area for the commercial use exceeds 3,000 square feet of floor area or is intended to exceed 3,000 square feet of floor area, provided:
- 1) The total floor area of building or buildings does not exceed 10,000 square feet of floor area;
 - 2) The area is necessary for the intended use; and
 - 3) Can demonstrate that the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste.
- (C) Unless authorized pursuant to 197.713 or 197.719, expansion of industrial building or buildings, existing on September 10, 2003 where the total floor area for the industrial use exceeds 30,000 square feet of floor area or is intended to exceed 30,000 square feet of floor area may be permitted, provided the area is necessary for the intended use and can demonstrate that the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste.

Section 3. 452. Purpose and Intent. (RCI)

This zone is located in Miles Crossing and Jeffers Gardens and is intended for light industrial development with limited external impacts, such as processing, assembling, and minor manufacturing. The development should be largely contained in buildings, have minimal raw material storage and minimum air, water, and noise nuisance characteristics. The intent of this zone is to provide areas for industrial developments that could be incompatible in a commercial or residential zone but have few objectionable characteristics. This zone is intended for development with limited external impacts, such as processing, assembling and minor manufacturing. The development should be largely contained in buildings, have minimal raw material storage and minimal air, water and noise nuisance characteristics. Unless authorized pursuant to 197.713 or 197.719, new industrial use building or buildings may not exceed 40,000 square feet of floor area, unless determined through further review that larger buildings will not exceed the carrying capacity of the land to provide adequate water and absorb waste. Expansion of an existing industrial use resulting in building or buildings exceeding 40,000 square feet of floor area are appropriate when the use will not exceed the carrying capacity of the land.

Section 3. 459 Development and Use Standards.

- (3) Setback Requirements:
- (A) The front setback shall be 25 feet
 - (B) Side and rear yard setbacks when abutting a residence shall be 10 feet.
 - (C) Setbacks are not required where side or rear property lines abut a railroad right-of-way or other commercial / industrial use.
 - (D) Setbacks for all development when abutting a resource zone shall be 50 feet.
- (6) Building size:
- (A) The maximum building size for new commercial uses shall not exceed 4,000 square feet unless:
 - 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
 - 2) The use is limited pursuant to Section 3.456 and 3.458 to a size of building or buildings that is intended to serve the rural community, surrounding rural area or the travel needs of people passing through the area; and
 - 3) The total floor area of building or buildings does not exceed 12,000 square feet.
 - (B) The maximum building size for light industrial uses shall not exceed 40,000 square feet of floor area unless authorized pursuant to ORS 197.
 - (C) Expansion of commercial building or buildings, existing on September 10, 2003 where the total floor area for the commercial use exceeds 4,000 square feet provided the commercial use, intended to occupy more than 4,000 square feet of floor area, is intended to serve the surrounding rural area, or the traveling needs of people passing through the area.
 - (D) Expansion of industrial building or buildings, existing on September 10, 2003 where the total floor area for the industrial use exceeds 40,000 square feet or is intended to occupy more than 40,000 square feet of floor area, providing the size is necessary for the intended use and can demonstrate the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste unless authorized pursuant to ORS.



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

Section 4.101. Purpose.

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

Section 4.102. Types of Review.

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

- (1) The following types of projects shall require review according to the Type II procedure, Section 2.020. For purposes of these types of Major projects, review by the Design Review Advisory Committee as described in Section 4.108, is required.
 - (A) Any new residential development proposing to construct a dwelling as described in Section 1.030 (Dwelling Types).
 - (B) Any new commercial development proposing to construct structures devoted to a commercial use.
 - (C) Any commercial development creating additional cumulative square footage.
 - (D) Any residential development creating additional cumulative square footage Accessory buildings in residential zones.
 - (E) Accessory buildings associated with commercial developments and containing no residential units.
 - (F) Development and Construction of transportation facilities.
 - (G) Any Change in Use, Variance Request, Conditional Use Permit, or Other Use Requiring Review through Type II, III, or IV procedures with exception of those described in 4.109(2).
- (2) The following types of projects shall require design review according to the Type II Procedure, Section 2.020. For purposes of these types of Minor projects, review by the Design Review Advisory Committee as described in Section 4.108, is not required.
 - (A) Any project that requires a building permit and does not result in the expansion of the exterior dimensions and/or Footprint.
 - (B) If the Community Development Director determines that a development may significantly impact adjoining properties with respect to location, bulk, compatibility, views, preservation of existing landscape, or other applicable criteria identified in Section 4.103, the application will be forwarded to the Design Review Advisory Committee for review.

Section 4.103. Criteria for Design Review Evaluation.

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

- (1) Relation of Structures to Site. The location, height, bulk, shape, and arrangement of structures shall be in scale and compatible with the surroundings.
- (2) Protection of views shall be preserved through the confines of this ordinance section 3.064.
- (3) Preservation of Landscape. The landscape shall be preserved in its natural state to the maximum extent possible by minimizing tree, vegetation and soils removal. Cut and fill construction methods are discouraged. Roads and driveways should follow slope contours in a manner that prevents erosion and rapid discharge into natural drainages. Disturbed areas shall be re-vegetated with native species.
- (4) Utility Service. All new service lines shall be placed underground.
- (5) Exterior lighting shall be of a "full cut-off" design. Glare shall be directed away from neighboring property or shielded in a manner not to cause offense (i.e. Full Cut-off Fixtures).
- (6) Buffering and Screening. In commercial zones, storage, loading, parking, service and similar accessory facilities shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.
- (7) Vehicle Circulation and Parking. The location of access points to the site, the interior circulation pattern and the arrangement of parking in commercially zoned areas shall be designed to maximize safety and convenience and to be compatible with proposed and adjacent buildings. The number of vehicular access points shall be minimized.
- (8) Signs. The size, location, design, material and lighting of all exterior signs shall not detract from the design of proposed or existing buildings, structures or landscaping and shall not obstruct scenic views from adjacent properties.
- (9) Surface Water Drainage. Special attention shall be given to proper surface water drainage from the site so that it will not adversely affect adjacent properties or the natural or public storm drainage system.
- (10) In addition to compliance with the criteria as determined by the hearing body and with the requirements of sections 1.040 and 1.050, the applicant must accept those conditions listed in Section 5.025 that the hearing body finds are appropriate to obtain compliance with the criteria. All permit criteria and conditions must be satisfied prior to final building approval and occupancy.

Section 4.104. Application Procedure.

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

- (1) Pre-application Conference. The applicant shall discuss the proposed development with the staff of the Clatsop County Department of Community Development in a pre-application conference pursuant to Section 2.045.
- (2) Following the pre-application conference, the applicant shall file with the Planning Director a design review plan, which shall include the following:
 - (A) The Site Plan shall indicate:

- i. All adjacent structures within 100'.
- ii. All existing trees 6' caliper or greater, indicating any tree to be removed.
- iii. Existing grades in contours of 1' vertical intervals.
- iv. Proposed final grading in contours of 1' vertical intervals.
- v. The finished site arrangement and landscape features (pedestrian walks, fences, walls, landscaping, etc).
- vi. The location of entrances and exits and the direction of traffic flow into and out of off street parking and loading areas.
- vii. Utility lines and services and how they are being provided.
- viii. A drainage plan for storm water runoff and retention (bio-swales, drywells, retention ponds, etc).

(B) Elevations of the structure(s) illustrating the relation to undisturbed average grade. Per section 3.068§(7C), A licensed surveyor shall install a benchmark on or near the property to provide vertical control for the project. Proposed developments within 2 feet of the building height limit will be required to have a licensed surveyor certify the building height, prior to requesting final building inspection.

(**It is recommended that the contractor verify height at the framing stage prior to sheathing**)

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

Section 4.105. Plan Evaluation Procedure.

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

- (1) Upon receipt of a design review application and plan, the Community Development Director will examine it to determine whether it is complete (and consistent with the requirements of this Section). If found to be complete, the Community Development Director shall determine whether the application will require Minor or Major Review under Section 4.102(1-2)(Types of Review). If the request is considered a Major Review under Section 4.102(1)(Types of Review), the Director shall forward the application and plans to the Design Review Advisory Committee for its review and recommendation.
- (2) The Design Review Advisory Committee will review the application and plan at its first regularly scheduled meeting and shall make a written recommendation to the Planning Director within 21 days after receipt of the application.
- (3) The Community Development Director may approve the design plan, disapprove it or approve it with such modifications and conditions as may be required to make it consistent with the Comprehensive Plan, with the criteria listed in this Section and with other Sections of this Ordinance.
- (4) A decision on a design review plan shall include written conditions, if any, and findings and conclusions. The findings shall address the relationships between the plan and the policies and criteria listed in the Comprehensive Plan, this Section and other Sections of this Ordinance.
- (5) The Community Development Director's decision shall be mailed within seven (7) working days to the applicant and to owners of land entitled to notification. The same mail, when appropriate, shall include notice of the manner in which an appeal of the decision may be made.

(6) Appeals. See Section 2.230 for appeal procedure.

Section 4.106. Modifications of Approved Design Review Plan.

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

Section 4.107. Time Limit on Approval.

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

Section 4.108. Design Review Advisory Committee.

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

- (1) Meetings; Records. The committee shall hold regular meetings on the first and third Wednesday of each month at the Arch Cape Fire Hall or designated sites however, meetings may be canceled when there are no design review plans submitted for review by the Committee. The deliberations and proceedings of the committee shall be public. The Community Development Department shall keep minutes of the committee meetings and such minutes shall be public record.
- (2) The Design Review Advisory Committee shall submit their recommendations to the Community Development Director within seven (7) working days of their decision.

SECTION 4.109 ARCH CAPE SHORT TERM (VACATION) RENTALS

This section regulates the short-term rental of dwelling units within the Arch Cape Rural Community Overlay District.

Section 4.110 Purpose

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

4.111 Permit Required

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

- (1) A short-term rental permit shall be obtained prior to using the unit as a short-term rental.
- (2) Short-term rental are issued & renewed annually by July 1st of the given year.

- (3) Short-term rental permits are non-transferable, new owners will be required to attain new permits or register in accordance with 4.111(2) above.
- (4) The short-term rental permit does not relieve the owner of the obligation to pay county room taxes.
- (5) If the terms of the short-term rental permit are not met, the short-term rental permit may be revoked and the owner subject to penalties per Section 4.115.

Section 4.112 Short-Term Rental Permit Application Requirements.

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

- (1) A list of all the property owners of the short-term rental including names, addresses and telephone numbers. Property ownership, for the purposes of this section, shall consist of those individuals who are listed on the Clatsop County Assessor's tax records.
- (2) The applicant shall provide proof of payment for county room taxes annually pursuant to County Code Chapter 39.
- (3) Completion of the inspection section of the application form by an Oregon Certified Home Inspector as defined by ORS 701.005(4), based on a visual inspection to certify the following:
 - (A) Compliance with the following standards:
 - 1) There shall be one functioning smoke detector in each sleeping room, with a minimum of two functioning smoke detectors in each dwelling unit. There shall also be one Functioning fire extinguisher at each exit;
 - 2) Exterior doors shall be operational. All passageways to exterior doors shall be clear and unobstructed.
 - 3) Electrical systems shall be serviceable with no visible defects or unsafe conditions.
 - 4) All fireplaces, fireplace inserts or other fuel burning heaters and furnaces shall be vented and properly installed.
 - 5) Each sleeping room shall have an exterior exit that opens directly to the outside, or an emergency escape or rescue window.
 - (B) The number of sleeping rooms within the short-term rental, as defined in Section 4.113(4).
 - (C) The number of parking spaces on the subject property that meet the standards of Section 4.113(5).
 - (D) Inspection certifications shall be valid for a period of five (5) years and shall expire June 30th of the 5th year. Additionally Inspection certificates shall be required whenever modifications requiring a building permit are made to the dwelling unit/s.
- (4) A site plan, drawn to scale, showing the location of buildings and required parking.
- (5) The name, address and telephone number of a contact person, who shall be responsible, and authorized, to act on the owner's behalf to promptly remedy any violation of these standards. The contact person may be the owner or the designated agent who shall serve as a contact person.
- (6) Statement that the applicant has met and will continue to comply with the standards in this section.
- (7) Other information as requested by the County.

Section 4.113 Short Term Rental Standards.

All short-term rentals shall meet the following standards:

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

- (2) One rental (as defined in Section 1.030) per lot or parcel, excluding a caretaker residing in the Residence or ADU. A Guesthouse is **not** considered a dwelling unit and shall not be rented separately.
- (3) All applicable County room taxes shall be paid pursuant to County Code Chapter 39.
- (4) The maximum occupancy for each short term rental unit shall be calculated on the basis of two (2) persons per sleeping room plus an additional four (4) persons, up to a maximum of fourteen (14) persons. For this purpose, a sleeping room is defined as fully- enclosed habitable space with a heat source, and an emergency escape or rescue opening.
- (5) Off-street parking shall be used if physically available and comply with S2.200-S2.210 applicable to single family or two family dwellings. On-street parking shall be used only when off-street parking spaces are not physically available. Parking is “physically available” when a garage or driveway can be emptied or materials removed so as to allow for the parking. The owner shall notify every renter in writing of these requirements and shall advise the renter where the off-street parking spaces to serve the unit are located. If on-street parking must be used, the renter shall use the parking along the frontage of the rental unit.
- (6) A house number visible from the street shall be maintained.
- (7) Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or littering and placed where they are not clearly visible from the street except between 5 am on the day prior to pickup and 5 pm on the day of pickup.

Section 4.114 Conformity Required; Display of Permits

- (1) The issuance of the short-term rental permit shall be subject to the continued compliance with the requirements of this section.
- (2) The current short-term rental permit shall be permanently and prominently displayed inside and near the front entrance of the short term rental and provided to adjacent property owners within 100 feet of the property, and shall list the following:
 - (A) The name, address and phone number of the owner and designated agent;
 - (B) The maximum occupancy and vehicle limits for the short-term rental unit;
 - (C) Identification of the number and location of parking spaces available;
 - (D) A statement regarding how the parking standards under Section 4.113(4) are to be met;
 - (E) A statement that it is illegal to leave litter on the beach (OAR 736-021-0090(4));
 - (F) A statement that all fires on the beach must be extinguished before leaving the site of the fire (OAR 736-021-0120(4));
 - (G) A statement that the short term rental permit may be revoked for violations;
 - (H) A statement regarding how the garbage removal standards under Section 4.113(6) are to be met; and
 - (I) Such other information as may be required by the County.
- (3) The owners are responsible to ensure that current and accurate information is provided to the County.

Section 4.115 Compliance, Hearings and Penalties

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

section. The following process shall be followed in the event of a complaint alleging a violation of this section or a permit issued under this section:

- (1) The complaining party shall first attempt to contact the contact person designated on the permit and the notice posted on the Short-Term Rental, describe the problem and indicate the desired remedy.
- (2) The contact person shall promptly respond to the complaint and remedy any situation that is out of compliance with this section or permit.
- (3) If the response is not satisfactory to the complaining party, the complaining party may lodge a complaint with the County by submitting a written complaint including the time, date and nature of the alleged violation. The property owner shall allow the County to inspect any records related to the short-term rental dwelling unit upon request of the County.
- (4) The County may initiate enforcement under Section 38 of the Clatsop County Code.
- (5) In addition to any other remedy allow under Section 38 of the Clatsop County Code, the hearings body may do any of the following:
 - (A) Take no action on the request for the revocation of the short-term rental permit;
 - (B) Attach conditions to the existing short-term rental permit;
 - (C) Require a new home inspection under Section 4.112(3);
 - (D) Suspend the short-term rental permit;
 - (E) Revoke the short-term rental permit; and/or
 - (F) Prohibit an owner from obtaining a short-term rental permit for a period of up to five (5) years.
- (6) Should a permit be revoked, the owner may not obtain any short-term rental permit sooner than one year after the date of revocation.
- (7) Any property owner found in violation of the provisions of this ordinance shall be required to reimburse the County for its costs of enforcement including reimbursement of staff time, investigation costs, mailings, service fees, mileage and other costs related to the investigation and prosecution of the violation in question.

SECTION 4.116 ARCH CAPE VARIANCE

Section 4.117 Variance Procedure.

- (1) A variance to the development and quantifiable standards of this zone may be appropriate where: by reason of exceptional configuration, or by reason of other extraordinary and exceptional situations or conditions existing on a piece of property, the strict application of any regulations enacted under this Ordinance would result in peculiar, exceptional and undue hardship upon the owner of such property for which a variance is requested. Undue hardship upon adjacent property owners may also be considered. The Hearings Officer may vary or adopt the strict application of any of the requirements of this Zone.
- (2) Variances will be considered under a Type IIa procedure pursuant to Section 2.025. An applicant may request a variance whether before or after the denial of a development permit.
- (3) Standards for a Variance. The requirements for a Variance are listed below. It is the intent of this Ordinance that a variance only be granted to overcome some exceptional physical condition related to a parcel of land posing practical difficulty to development and preventing the owner from using the property as intended by the Zoning Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.
 - (A) There must be proof of exceptional and extraordinary circumstances which apply to the property and which do not apply to other properties in the same zone or vicinity, and result from lot size or shape legally existing in accordance with land use laws prior to September

30, 1980, topography, geology, or other circumstances over which the applicant has no control. These circumstances or conditions must be such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land and/or structure.

- (B) The granting of a variance shall neither be injurious to the neighborhood or community nor otherwise detrimental to the public welfare or to public safety.
- (C) The granting of the variance will not permit the establishment of any development or use which is not permitted by the Ordinance, nor confer upon the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the area.
- (D) There must be proof of significant hardship if the variance is not granted. It is not sufficient proof of hardship to show that a greater profit would result if a variance were granted. Nor shall loss of value be a valid reason to grant a variance. Furthermore, the hardship cannot be self-created or self-imposed, nor can it be created by one who purchases property with or without the knowledge of restrictions present. The hardship must result from the strict application of this Ordinance, and be suffered directly by the property in question. Evidence of a variance granted under similar circumstances shall not be considered as a solely sufficient cause to grant hardship relief.
- (E) The granting of a variance is necessary for the reasonable use of land or building, and the variance granted by the hearing body is the minimum variance that will accomplish this purpose.
- (F) The hardship does not arise from a violation of the provisions of this Ordinance.
- (G) The development will occur on a parcel of land that in conjunction with adjacent land in the same ownership is not otherwise reasonably capable of development and use under the provisions of this Ordinance.

Section 4.118 Notification.

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

Section 4.119 Expiration/Extension.

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

SECTION 4.120 ARCH CAPE NON-CONFORMING USES AND STRUCTURES

Section 4.121 Purpose.

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

Section 4.122 Definitions.

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

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

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

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

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

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

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

Section 4.123 Continuance.

- (1) A Legal Non-Conforming Use may be continued at the level of use (e.g., hours of operation) existing on the date that the use became non-conforming.²
- (2) A Legal Non-Conforming Structure may continue within the building dimensions (height, width and length) in existence on the date that the structure became non-conforming.³
- (3) The applicant shall bear the burden of proof for establishing that the structure or use was lawfully established.
- (4) The applicant shall bear the burden of proof for establishing the level of use that existed at the time the use became non-conforming.
- (5) The county may allow a property owner, under a Type II procedure, to prove the existence, continuity, nature and extent of the use for the 10-year period immediately preceding the date of application. If the county finds evidence proving the existence, continuity, nature and extent of the use for the ten-year period preceding application, then such findings shall create a rebuttable presumption that the use, as proven, lawfully existed at the time the applicable Ordinance provision was adopted and has continued uninterrupted until the date of application.

Section 4.124 Alteration.

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

change of ownership or occupancy shall be permitted.

- (2) If in a three-year period, alterations to a Non-conforming structure, or to a structure devoted to a Non-conforming use exceeds 75% of the market value of the structure, as indicated by the records of the County Assessor, the structure shall be brought into conformance with the requirements of the Ordinance.

Section 4.125 Expansion

- (1) Through a Type II procedure an expansion of a Legal Non-Conforming Structure shall be in conformance with the requirements of the Zone (i.e. height limitations and setbacks) and satisfy criteria under Section 4.125 § 3C, or a variance for the expansion shall be required pursuant to Section 4.116 Arch Cape Variance.
- (2) Through a Type IIA procedure an expansion of a Non-Conforming Structure shall be in conformance with the requirements of the Zone (i.e. height limitations and setbacks) and satisfy criteria under section 4.125 § 3A-C below, or a variance for the expansion shall be required pursuant to Section 4.116 Arch Cape Variance.
- (3) An expansion of a structure devoted to a Legal Non-Conforming Use, or a change in the characteristics of a Legal Non-Conforming Use, (i.e. hours of operation or levels of service provided), may be approved, pursuant to a Type II procedure, where the following standards are met:
 - (A) The floor area of a building(s) shall not be increased by more than 20%.
 - (B) The land area covered by structures shall not be increased by more than 10%.
 - (C) The proposed expansion, or proposed change in characteristics shall have no greater adverse impact on neighboring areas than the existing use, considering:
 - 1) The following factors:
 - (a) Noise, vibration, dust, odor, fume, glare, or smoke detectable at the property line.
 - (b) Numbers and kinds of vehicular trips to the site.
 - (c) Amount and nature of outside storage, loading and parking.
 - (d) Visual impact.
 - (e) Hours of operation.
 - (f) Effect on existing vegetation.
 - (g) Effect on water drainage and water quality.
 - (h) Service or other benefit to the area.
 - (i) Other factors relating to conflicts or incompatibility with the character or needs of the area.
 - 2) The character and history of the use and of development in the surrounding area.
 - 3) An approval may be conditioned to mitigate any potential adverse impacts that have been identified.

Section 4.126 Changes to a Non-Conforming Use.

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

Section 4.127 Replacement and Damage.

- (1) Through a Type I procedure if a Legal Non-Conforming Structure or a structure occupied by a Legal Non-Conforming Use is damaged or destroyed by any cause other than an action of the property owner or authorized agent, it shall be reconstructed in conformance with the current requirements of this Ordinance or a variance sought in accordance with section 4.116. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster. If restoration or replacement is necessary under this subsection, restoration or replacement shall be done in compliance with ORS 195.260 (1)(c) If a building listed on the National Register of Historic Places is damaged or destroyed it may be reconstructed in conformance with the dimensional standards of the building prior to its destruction.
- (2) Through a Type II permit procedure subject to Section 5.000-5.030 if a Non-Conforming Structure or a structure devoted to a Non-Conforming Use is damaged by any cause other than an action of the property owner or his agent, The hearing body may approve the reconstruction of the structure and accompanying use. Reconstruction of the structure or use shall be in conformance with the current requirements of this Ordinance or a variance sought in accordance with Section 4.116. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster. If restoration or replacement is necessary under this subsection, restoration or replacement shall be done in compliance with ORS 195.260 (1)(c).

Section 4.128 Completion.

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

Section 4.129 Discontinuance of Use.

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

Section 4.130 Compliance with Other Requirements.

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

Section 4.132 Aquifer Reserve Overlay (re-numeration only)

Section 4.140 Planned Development Overlay (re-numeration)

Section 4.146 Applicability.

A planned development may be located in any of the following zones provided that a Planned development (/PDO) suffix has been added to the underlying zone and provided the development is in accordance with the criteria, standards, and provisions of this section: AC-RCR, KS-RCR, RCR, RC-MFR, RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, RA-2, RA5, RA-10, RCC, GC, TC, RCC-LI, RCI, and LI (except in the Clatsop Plains planning area).



Section 5.600 Non-conforming Uses and Structures

Section 5.604. Definitions.

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

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

NON-CONFORMING STRUCTURE. A building or structure that does not conform to one or more standards of the zoning district in which it is located, and which did not legally exist at the time the applicable section(s) of the zoning district took effect.

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

Section 5.608 Alteration

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

Section 5.610 Expansion

- (1) Through a Type II procedure an expansion of a Legal Non-Conforming Structure shall be in conformance with the requirements of this Ordinance, and satisfy the criteria under section 5.610 § 3A-C or a variance for the expansion shall be required pursuant to Section 5.130 Variances.
- (2) Through a Type IIA procedure an expansion of a Non-Conforming Structure or Use shall be in conformance with the requirements of this Ordinance, and satisfy the criteria under section 5.610 § 3A-C below or a variance for the expansion shall be requires pursuant to Section 5.130 Variances.
- (3) An expansion of a Legal Non-Conforming Use, or a change in the characteristics of a Legal Non-Conforming Use,(i.e. hours of operation or levels of service provided) may be approved, pursuant to a Type IIA procedure, where the following standards are met:

Section 5.614 Replacement and Damage.

- (1) Legal Non-conforming structures and uses.

- (a) If a legal non-conforming structure or a structure occupied by a legal non-conforming use is damaged or destroyed by any cause other than an action of the property owner or his authorized agent, it may be reconstructed in conformance with the dimensional standards of the building prior to its destruction. A building permit for its reconstruction shall be obtained within one year of the date of the damage. If a building permit is not obtained within one year, the reconstruction shall be in conformance with the current

requirements of this Ordinance. However, by a Type IIa procedure, the planning commission may grant an extension of the one-year period.

- (b) If a legal non-conforming structure or a structure devoted to a legal non-conforming use is damaged by an action of the property owner or his authorized agent, to an extent amounting to seventy-five percent (75%) or more of its fair market value as indicated by the records of the County Assessor, it shall be reconstructed in conformance with the current requirements of this Ordinance. The determination of the percentage of fair market value loss shall be based on either square footage of all floor areas or on a third-party appraisal.
- (c) If a legal non-conforming structure or a structure devoted to a legal non-conforming use is damaged by an action of the property owner or his authorized agent, to an extent amounting to less than seventy-five percent (75%) of its fair market value as indicated by the records of the County Assessor, a building permit for its reconstruction shall be obtained within one year of the date of the damage. The determination of the percentage of fair market value loss shall be based on either square footage of all floor areas or on a third-party appraisal. If a building permit is not obtained within one year, the reconstruction shall be in conformance with the current requirements of this Ordinance. However, by a Type IIa procedure, the planning commission may grant an extension of the one-year period.

(2) Non-conforming structures and uses.

- (a) If a non-conforming structure or a structure devoted to a non-conforming use is damaged or destroyed by any cause other than an action of the property owner or his agent, to an extent amounting to fifty percent (50%) or more of its fair market value as indicated by the records of the County Assessor, it shall be reconstructed in conformance with the current requirements of this Ordinance. The determination of the percentage of fair market value loss shall be based on either square footage of all floor areas or on a third-party appraisal.
- (b) If a non-conforming structure or a structure devoted to a non-conforming use is damaged by any cause other than an action of the property owner or his agent, to an extent amounting to less than percent (50%) of its fair market value as indicated by the records of the County Assessor, a building permit for its reconstruction shall be obtained within one year of the date of the damage. The determination of the percentage of fair market value loss shall be based on either square footage of all floor areas or on a third-party appraisal. If a building permit is not obtained within one year, the reconstruction shall be in conformance with the current requirements of this Ordinance. However, by a Type IIa procedure, the planning commission may grant an extension of the one-year period.

STANDARDS DOCUMENT REVISIONS

S2.202. MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS.

The minimum off-street parking space requirements are as follows:

(1) Residential type of development and number of parking spaces

Single family dwelling	(2) per dwelling unit
Accessory dwelling unit	(1) per dwelling unit
Multi-family dwelling	(3 per 2) dwelling units
Sorority, fraternity or dorm	(1 per 2) occupants
Residential hotel, rooming or boarding house or club	(2 per 3) guest rooms
Hotel or motel	(1.25) per guest room or suite, plus 10 per ksf ⁴ restaurant/lounge, plus 30 per ksf meeting/banquet room (<50 ksf per guest room) or 20 per ksf meeting/banquet room (>50 ksf per guest room).
Mobile home park	(1) per mobile home site, plus (1 per site) for guest parking at a convenient location
Planned development	In addition to the requirements for dwelling units, (1 per 2) units for guest parking at a convenient location

(2) Commercial type development and number of parking spaces.

General retail or personal service	3.5 per ksf GFA ⁵
Grocery, Discount Superstores/Clubs (freestanding)	6.0 per ksf GFA
Home Improvement Superstores	5.0 per ksf GFA
Other Heavy/Hard Goods (Furniture, appliances, Building Materials, Etc.)	3.0 per ksf GFA
Shopping Centers	4.0 per ksf GLA ⁶ up to 400 ksf; 4.0 to 4.5 per ksf GLA sliding scale between 400 and 600 ksf; 4.5 per ksf GLA over 600 ksf
Coin operated Laundries	1 per 2 washing and drying machines
Auto, boat or trailer sales, or nursery	2.7 per ksf GFA interior sales area, plus 1.5 per ksf GFA interior or storage/display area, plus 2 per service bay
Barber shop or beauty parlor	(1 per 100) sq.ft. floor area
Professional	
General Business Offices	3.6 per ksf for GFA<250 ksf, 3.35 per ksf GLA>250 ksf
Bank Branch w/ Drive In	5.5 per ksf GFA
Data Processing/ Telemarketing	6.0 per ksf GFA

⁴ KSF: 1000 Square Feet

⁵ GFA: Ground Floor Area

⁶ GLA: Gross Leasable Area

Medical or dental offices	4.5 per ksf GFA
Clinic (medical offices w/ outpatient treatment; no overnight stays)	5.5 per ksf GFA
FOOD & BEVERAGE	
Fine Dining	21.5 per ksf GFA
Casual Restaurant (w/ Bar)	22.5 per ksf GFA
Family Restaurant (w/out Bar)	16.0 per ksf GFA
Fast Food	15.0 per ksf GFA
RECREATION	
Theater, gymnasium, racetrack, stadium or similar use	.4 per seat
Amusement park	(1 per 1,000) sq.ft. floor area plus (1 per 2) employees

(3) Institutional, public and quasi-public type of development and number of parking spaces.

Child care center or kindergarten	.35 per person (licensed capacity)
Elementary and Secondary Schools	.35 per student
College and University	Determined by parking study specific to subject institution.
RECREATION	
Church, chapel, mortuary, auditorium	.6 per seat
Elderly Housing, Independent Living	.6 per dwelling unit
Elderly Housing, Assisted Living	.4 per dwelling unit
Nursing or convalescent home	1 per room
Hospital	.4 per employee, plus 1 per 3 beds, plus 1 per 5 average daily outpatient treatments, plus 1 per 4 medical staff, plus 1 per student/faculty/staff
Golf course	(8) per hole

(4) Industrial type of development and number of parking spaces.

Industrial / Storage / Wholesale Utility	2 per ksf GFA
Manufacturing / Light Industrial (single-use)	1.5 per ksf
Industrial Park (multitenant or mix of service, warehouse)	2 per ksf
Warehouse	.7 per ksf GFA
Mini-Warehouse	.25 per ksf
Air, rail or trucking freight terminal	(1) per employee on largest shift

(5) No Change

(6) Any uses described herein may provide up to 30% of the required number of parking spaces, except ADA-required spaces, as compact spaces, measuring no less than 7 feet 5 inches wide by 15 feet long. Compact spaces shall be clearly marked accordingly.

S2.300. SIGN REQUIREMENTS.

- (3) In all zones except the LI, HI and MI zones, signs except as hereinafter provided, shall be limited to the following kinds which may be directed towards each facing street or located at needed points of vehicular access where such access points are over 200 feet apart:
- (G) Total Signage not to exceed two hundred (200) square feet per business in a NC, TC, RCC, RCI, RCC-LI and GC zone. The maximum square footage of any one sign shall not exceed 64 ft² (i.e. an 8 x 8 double sided sign has an area of 64 ft² with a total signage of 128 ft²). For areas within a Scenic Byway, the maximum square footage of any one sign shall not exceed 24 ft².

Exhibit B

Planning Commission
Resolution & Order 10-11-03

November 9, 2010

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

In the Matter of:

AN ORDINANCE AMENDING THE
CLATSOP COUNTY COMPREHENSIVE
PLAN, LAND AND WATER DEVELOPMENT
AND USE ORDINANCE 80-14 AND
STANDARDS DOCUMENT



RESOLUTION AND ORDER

#10-11-03

ORDINANCE # 10-01

RECITALS

THE ABOVE ENTITLED MATTER came before the Planning Commission, herein after referred to as the Commission, at a regular session meeting held June 8th, of the year 2010, for public hearing and consideration of modifications to the Comprehensive Plan, Zoning Ordinance, and Standards Document. In an attempt to attain better public turnout the Commission continued the public hearing to July 30, 2010 in the Arch Cape Rural Community; therefore, the Commission held two public hearings where all residents in Arch Cape received notice of the proposed changes, in accordance with ORS 197. As a result of that meeting, the Commission determined to recommend approval of the ordinance, with certain modifications, and instructed staff to prepare such modifications and return to a subsequent meeting.

At a duly-noticed regular meeting on September 14, 2010, after considering all further public testimony and reviewing the staff report, applicable findings, and the proposal identified as Executive Summary Ordinance 10-01 dated July 30, 2010, the Commission has determined the proposal is consistent with the requirements in accordance with Clatsop County Comprehensive Plan, Land and Water Development and Use Ordinance 80-14, and the Standards Document.

After considering all evidence and public testimony provided by the Planning Department staff, the citizens of Arch Cape and the Arch Cape Citizens Advisory Committee, the Commission hereby recommends the approval and adoption of the proposed ordinance and staff findings, as modified and

described in the Executive Summary dated 7-30-10, attached hereto as "Exhibit A" and made a part of by this reference.

WHEREFORE, the Planning Commission hereby finds and resolves:

1. To recommend the Board of County Commissioners adopt the modifications to the Clatsop County Land Water Development and Use Ordinance, Comprehensive Plan, and Standards Document, including applicable findings, as identified in the Executive Summary titled "July 30, 2010 Draft as Modified by the Planning Commission's Recommendation," including deletion of the definitions of TREE and TREE REMOVAL [as described within Section 1.030 DEFINITIONS].

SO ORDERED this 9th day of November, 2010

THE PLANNING COMMISSION FOR
CLATSOP COUNTY



Cary Johnson, Chairperson
Clatsop County Planning Commission

EXECUTIVE SUMMARY
ORDINANCE 10-01

JULY 30, 2010

DRAFT

By

Michael Weston II, MPA
County Planner, Trans. & Dvlp.

Staff Brief

This proposal enacts a number of changes that are detailed in the text. Text that is either highlighted in yellow or is in a Red font are additions to the Ordinance. Language that is proposed for modification is identified with ~~Blue strickthrough~~ font.

HISTORY:

Ordinance 10-01 began over a year ago. The Southwest Coastal Citizen Advisory Committee and Staff began compiling areas of the zoning ordinance that either needed updated or adjusted for a number of miscellaneous reasons. This ordinance is a conglomeration of amendments in Arch Cape and Countywide. The bulk of this Ordinance is not necessarily related to Arch Cape, but more so to the County's Rural Lands and Commercial Zones. This ordinance proposes sweeping changes in those areas adding, Accessory Dwelling Units, Guest Houses, Expanding Commercial Development Opportunities, Clarifying Language, and the Cap & Rotation on Short Term Rentals in the Arch Cape Rural Community.

The Cap & Rotation on Short Term Rentals(STR) has sparked numerous debates and is the only part of this ordinance that is more restrictive than what is currently contained within Clatsop County's Land Water Development and use Ordinance #80-14. The intent behind the STR cap is multifaceted and very complicated. This proposal is an attempt at a compromise between permanent residents that live in Arch Cape, and rental property owners.

NEGATIVE ISSUES: STRs have been associated with an ever increasing number of problems including, but not limited to, excessive, loud, obtrusive, and occasionally vulgar noise, excessive traffic and numbers of parked vehicles interfering with access along public roadways and blocking private drives, litter migration onto adjacent properties, increased tax rates due to inflated property values, reduced housing stock available to those who live and work in the community, and the eventual deterioration of the residential character in the community.

POSITIVE ISSUES: STRs play an important role in Clatsop County's economy and provide financial contributions that benefit Clatsop County as a whole by promoting tourism and defraying the costs of vacation and second homes. The influx of money and interest to the area fuels local businesses and industries (i.e. Art Galleries, Construction, Real Estate, Restaurants, and many others).

STR QUESTIONS:

- Why should Clatsop County apply restrictions?
- What type of restriction should be applied?
- What are the impacts of these restrictions?

The reasons for applying restrictions are listed above under "Negative Issues". The reasons for retaining the status quo are explained under "Positive Issues". The restrictions proposed attempt to address these issues and regulate some of the negative impacts while still retaining the beneficial components of STRs.

The restrictions that are proposed in this ordinance place a 20% cap of the total housing base on STRs within the Arch Cape Rural Community and a 10% cap on Bed and Breakfast establishments for a total of 30% of the Total Housing Base (THB) in Arch Cape dedicated to the rental industry. Currently there are approximately 50 STRs (14% THB) and 5 Bed and Breakfasts (1% THB) in the Arch Cape Rural Area.

The impacts of this Ordinance do not have an effect on STRs outside of the rural community boundaries. The THB is defined in this ordinance and starts at 350 home sites identified in the AC Rural Community. As the housing base grows so too will the number of STRs in the Arch Cape Rural Community. In addition to the 20% cap a 5-year rotation is proposed on to new STRs that come on Board after the January 1, 2011 date established by this Ordinance. The rotation is proposed to mitigate the negative effects of inflated property values that occur when prospective buyers pay exorbitant prices for homes.

The five-year rotation essentially prevents prospective buyers from buying the parcel for the sole purpose of renting the property as a STR, and ensures equal opportunity for other residents in the community. A rotation is necessary with a cap to ensure equal opportunity; otherwise the available slots under the cap would eventually be filled prohibiting new property owners from enjoying the benefits of established/long term residents. A rotation ensures everybody has the same rights.

Finally, the STR modifications eliminate transferability to ensure everyone is treated equally and eventually phases out the permanent STRs as parcels & lots are sold or traded.

Other impacts of these regulations include a diminishing value of investment property, and a reduction in the pool of buyers able to purchase high-demand vacation areas.

OTHER MISCELLANEOUS:

The other hot topic has been the tree cutting provision proposed with this ordinance. There are a few facts to consider with this proposal. Under the **CURRENT REGULATIONS** a property owner in Arch Cape is **NOT PERMITTED TO REMOVE A TREE ON THEIR PROPERTY.** The Department in lieu of making an applicant pay \$3,308 for a "Post Acknowledge Procedure" has developed an alternate process in order to circumvent current restrictions. The Department requires an applicant, who wishes to remove a tree, to apply for a Minor Design Review, paying \$554 for Design Review and \$79 for a Development Permit; furthermore there has to be a legitimate reason to remove the tree this usually requires a statement from a Certified Arborist. The tree cutting provision proposed modifies the requirements and allows a property owner to remove a tree as long as it falls under certain circumstances or situations.

Most of the logging in the area occurred during World War I when it was discovered that Old Growth Spruce made excellent airplane frames. The surrounding mountains and hillsides were clearcut during the 1960s. Arch Cape's prohibition of logging and tree removal within the rural community date back to the adoption of the first countywide ordinance and Comprehensive Plan in 1966. The policies within the Comprehensive Plan support Arch Cape's prohibition of logging activities and require the preservation and maintenance of natural vegetation (including trees) and wildlife habitat. In addition the Arch Cape area is identified as a wooded rural residential area with limited commercial capacity and a Scenic Corridor area. The language in this document has been modified from the text in the May 25, 2010 draft and includes input from Balden & Associates Arboriculture Service.

Members of the Southwest Coastal Citizen Advisory Committee {SWCAC} would like to pull these provisions for further consideration. Delaying the adoption of tree provisions hinders residents in the area, and there is no guarantee when the Department will have the resources to revisit this issue. Staff recommends the current language be adopted, if for nothing more than to be a placeholder until an alternate option that satisfies the Comprehensive Plan is available and can be adopted.

Other concerns arose regarding the "Total Signage" permitted in the RCC, RCI, & RCC-LI Zones now that they have been included with the other commercial zones (TC, GC, & NC). The main concern was that 200 square feet of signage was too much and could result in large billboard type signs. Staff's interpretation is that the level of signage is comparable to other communities around the State; However, Staff has proposed a few minor amendments with this draft that clear up the language and identify the 200 ft² as the total signage permitted per business. It is our intention to appease some of the concerns related to this issue.

Finally, Staff addressed the concerns of the Department of Forestry in the RA-10 zone and changed the setback to 125 feet from resource lands. Everything else has remained unchanged from our previous public hearing.

Zoning Ordinance Revisions

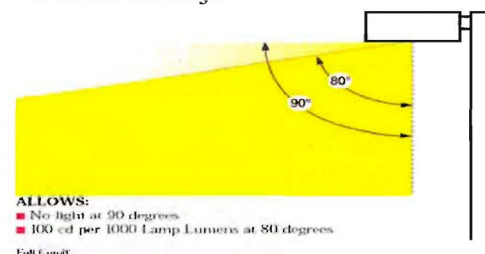
SECTION 1.030. DEFINITIONS

COOKING FACILITIES -- Are defined as stoves, ovens or other equipments designed to prepare hot meals including a 220-volt outlet and any non-electrical fuel sources, but does not include a single hot plate, microwave or toaster.

DWELLING UNIT, ACCESSORY (ADU) -- For the purposes of clarity, a single-family dwelling with an accessory dwelling unit (ADU), as defined herein, located within one of the rural community zones shall not be considered a duplex or multiple-family dwelling. In addition to other standards of this code, ADUs shall comply with the following development standards:

- (1) ADUs shall be allowed only on lots or parcels serviced by a State approved Sanitary Sewer.
- (2) ADUs shall be allowed only in conjunction with parcels containing one single-family dwelling (the "primary dwelling"). A maximum of one ADU or Guesthouse (see "Guesthouse") is permitted per lot or parcel. ADUs shall not be permitted in conjunction with a duplex or multi-family dwelling.
- (3) ADUs shall comply with maximum lot coverage and setback requirements applicable to the parcel containing the primary dwelling.
- (4) The ADU may be created through conversion of an existing structure, or construction of a new structure that is either attached to the primary dwelling or detached.
- (5) The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 75 percent of the GHFA of the main floor of the primary dwelling on the lot, or 900 square feet, whichever is less. The floor area of any garage shall not be included in the total GHFA.
- (6) Only one entrance may be located on the front of the existing dwelling unless the existing dwelling contained more than one entrance before the addition of the ADU.
- (7) In order to maintain a consistent architectural character, Accessory dwellings shall be constructed with similar building materials, architectural design and colors that generally match those used on the primary dwelling, except where the approving hearing body requires different materials and/or detailing to promote compatibility with single family dwellings on abutting lots.
- (8) A parcel containing a primary dwelling unit and an ADU shall provide a minimum of three off-street parking spaces designed in accordance with County Standards Document S2.202§1.

FULL CUT-OFF LIGHTING -- A luminaire light distribution where zero candela intensity occurs at an angle of 90 degrees above nadir, and at all greater angles from nadir. Additionally, the candela per 1000 lamp lumens does not exceed 100 (10 percent) at a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire. (See Image)



Gross floor area (GFA) -- Total gross floor area including exterior building walls of all floors of a building or structure. Also referred to as gross square feet, or GSF.

Gross leasable area (GLA) -- The portion of GFA that is available for leasing to a tenant. Generally, GLA is equal to GFA less common areas that are not leased to tenants, including spaces for circulation between tenant spaces (lobbies, elevator cores, stairs, corridors, and atriums, for example), utility / mechanical spaces and parking areas.

GUEST HOUSE -- An accessory building, studio, or other habitable space/structure, used in conjunction with the main dwelling for the temporary housing of non-paying visitors and guests, subject to the following provisions:

- (1) The maximum gross habitable floor area (GHFA) shall not to exceed 75 percent of the GHFA of the main floor of the primary dwelling on the lot, or 600 square feet, whichever is less. The floor area of any garage shall not be included in the total GHFA.
- (2) Metering devices shall **not** be permitted on guesthouses.
- (3) Cooking Facilities shall **not** be permitted in guesthouses. (See "Cooking Facilities")
- (4) A maximum of one ADU or Guesthouse is permitted per lot or parcel and must accompany a primary residence.
- (5) Guesthouses shall only be allowed in rural community and rural residential zones as designated by this ordinance.

LOT TYPES –

6 -- Ocean Front Lot -- A lot, parcel, or unit of land where no residence may be legally placed or constructed between the subject lot and the ocean. Often creating an unobstructed view of, and/or access to, the ocean beaches and headlands. See Also Standards Document S3.030.

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

RENTAL, SHORT-TERM -- A dwelling unit (including guesthouse on the same property) that is rented to any person or entity for a period of up to thirty (30) consecutive nights.

RENTED -- The use and possession of a residence is granted to one or more persons in exchange for consideration valued in money, goods, labor, credits, property or other consideration valued in money, without any deduction.

TOTAL HOUSING BASE: The total number of residential homes within a given community. For Arch Cape, the number of new services permitted by the sanitary district, plus the original 350 residential units established prior to January 1, 2011 determines the Total Housing Base.

TREE -- any woody plant having at least one well-defined stem at least six inches in diameter measured at a height of four and one-half feet above the natural grade.

TREE REMOVAL -- The cutting down of a live tree or an act which causes a tree to die, including, but not limited to, damage inflicted upon the root system by machinery, storage of materials, and soil compaction; changing the natural grade above the root system or around the trunk; damage inflicted on the tree permitting infection or pest infestation; excessive pruning; paving with concrete, asphalt or other impervious material within such proximity as to be harmful to the tree.

VEGETATIVE HEDGE -- One or more species of vegetation, excluding trees, growing along a line and pleated together as they grow. Vegetative hedges include, but are not limited too: Laurel Bushes, Boxwoods, Rhododendron, Bottle Brush, Chaenomeles, , Shrub Althea, Honeysuckle, Magnolia, Wax Mallow and any other vegetation, used to buffer adjacent property and screen out objectionable views.

STAFF ANALYSIS AND FINDING:

These definitions have been added to provide clarity to areas of the zoning ordinance that were previously void of definition or were otherwise troublesome to staff and customers. In addition Guesthouse is described in more detail and distinctions are made between what constitutes a guesthouse and what constitutes an accessory dwelling unit. The reasoning for this distinction is to ensure compliance with Statewide Planning Goal 14, and the Rules pertaining to Rural Communities.

Table 3.010 Comprehensive Plan Zoning Designations

TABLE 3.010 COMPREHENSIVE PLAN ZONING DESIGNATIONS		
Conservation Forest Lands	AF	Agriculture Forest
	F80	Forest 80
Conservation Other Resources	AC1	Aquatic Conservation One
	AC2	Aquatic Conservation Two
	NAC2	Necanicum Estuary Aquatic Conservation
	OPR	Open Space, Parks and Recreation
	RM	Recreation Management
	CS	Coastal Shorelands
	EAC	Ecola Aquatic Conservation
	LW	Lake and Wetland
	QM	Quarry and Mining
Natural	AN	Aquatic Natural
	NU	Natural Uplands
	NS	Natural Shorelands
Rural Agricultural Lands	EFU	Exclusive Farm Use
Rural Lands	CBR	Coastal Beach Residential
	CR	Coastal Residential
	SFR1	Single Family Residential 1
	RA1	Residential Agriculture 1
	RA2	Residential Agriculture 2
	RA5	Residential Agriculture 5
	GC	General Commercial
	NC	Neighborhood Commercial
	TC	Tourist Commercial
Development	MR	Military Reserve
	AD	Aquatic Development
	RSA-SFR	Rural Service Area-Single Family Residential
	RSA-MFR	Rural Service Area-Multi Family Residential
	RCR	Rural Community Residential
	AC-RCR	Arch Cape Rural Community Residential
	KS-RCR	Knappa-Svensen Rural Community Residential
	RCC	Rural Community Commercial
	RCC-LI	Rural Community Light Industrial
	RCI	Rural Community Industrial
	RC-MFR	Rural Community-Multi Family Residential
	LI	Light Industrial
	HI	Heavy Industrial
	MI	Marine Industrial
	UGB	Urban Growth Boundary

STAFF ANALYSIS AND FINDING:

Table 3.010 was never updated when the Rural Communities were adopted in 2003. This is a clean up of the County's Ordinance to ensure they are identified in the proper Comprehensive Plan designation.

SECTION 3.060. ARCH CAPE RURAL COMMUNITY RESIDENTIAL ZONE (AC- RCR).**Section 3.062. Purpose and Intent.**

The Arch Cape RCR zone is intended to accommodate the immediate and foreseeable demand for low density housing in Clatsop 5 County rural communities. This zone has been developed with the purpose to: (1) Allow residential development that is compatible with rural communities that wish to maintain a primarily single family rural residential character, (2) do not adversely impact adjacent resource lands, (3) allow for minimum lot sizes and densities, that will provide for an ultimate build out that is more commensurate with actual physical, and (4) environmental constraints, and the availability of community water and sewer facilities, and may provide for non-residential uses that are small in scale, intended for the needs of the local community or for people traveling through the rural community, and are compatible with surrounding uses.

Section 3.064. Development and Use Permitted.

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

- (1) One family dwelling.
- (2) **Accessory Dwelling Unit (ADU) per Section 1.030.**
- (3) **Guesthouse per Section 1.030.**
- (4) **Accessory buildings per section 1.030 are permitted only as follows:**
 - (A) **In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.**
 - (B) **Accessory buildings in this zone shall be subordinate in size to the primary dwelling.**
- (5) Signs only as follows:
 - (A) Temporary “for sale” signs subject to provisions of S2.300(3)(B).
 - (B) Political signs subject to provisions of Ordinance 95-30, and
 - (C) Name plates subject to the provisions of Clatsop County Standards Document, Section S2.300.
- (6) Handicapped housing facility as defined in Section 1.030.
- (7) Home occupation, Limited.
- (8) Low intensity recreation.
- (9) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- (10) Health hardship pursuant to Section S3.025, no public notice required.
- (11) Temporary uses including use of a Recreational Vehicle during construction phase, subject to the provisions of Section 5.500.
- (12) Property line adjustment subject to provisions Section 5.200 – 5.208 and the following:
 - (A) Provided the existing parcel is not reduced below the minimum lot size, and
 - (B) Provided the lot line adjustment is within the same zone.

- (13) Partition subject to provisions of Section 5.200 –5.208, and provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.
- (14) Short-term rentals (STR), not to exceed 20% of the total housing base of the Arch Cape Rural Community Residential Zone and subject to the provisions of Clatsop County Zoning Ordinance, Section S4.109.
 - (A) STR permits shall be regulated through the Planning Department. Applicants will be placed on a waiting list once the 20% maximum has been reached. When permits become available they will be issued in the order they were applied for.
 - (B) STR registered after April 28, 2010 shall be subject to a five-year rotational permitting system as described in Section 4.111§(4).
 - (C) STR registered prior to April 28, 2010 shall not be subject to the five-year rotational period so long as they remain in good standing as described in Section 4.115.
- (15) Land transportation facilities as specified in Section 3.035 with the exception of new road development, See Section 3.066§(11).
- (16) Cutting down of a live tree when:
 - a. The tree’s health is in question based on disease or hazard; Tree Hazard Evaluation Form shall accompany this request.
 - b. Associated with an approved development.
 - c. Necessary for the health and vigor of surrounding trees.
 - d. Used to provide solar gain for the purposes of a solar energy system.

Section 3.066. Conditional Development and Use.

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

- (1) Two family dwelling (duplex).
- (2) Accessory uses may be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development Director provided that:
 - (A) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and
 - (B) Provided the property owner obtains the primary use development permit within one-year (1) from the date the accessory use development permit is issued; and
 - (C) A statement that the accessory use, during the one-year period prior to establishing the primary use is not intended for the storage of, or the establishment of a Recreational Vehicle use; and
 - (D) May be subject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare.
- (3) Public or private elementary, middle, or high school.
- (4) Home occupation.
- (5) Churches or similar places of worship.
- (6) Golf Course, driving range, country club, tennis club, and similar recreation uses provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.

- (7) Park, playground, ball fields, or community center.
- (8) Day nursery or day care center, provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
- (9) Buildings and uses of a public works, public service, or public utility nature, but not including equipment storage, repair yards, warehouses, or related activities.
- (10) Bed and Breakfast establishment **not to exceed 10% of the total housing base of the Arch Cape Rural Community Residential Zone and** subject to the standards in Clatsop County Standards Document, Section S3.464 - S3.468.
 - (A) **B&B permits shall be regulated through the Planning Department. Applicants will be placed on a waiting list once the 10% maximum has been reached. When permits become available they will be issued in the order they were applied for.**
- (11) Temporary real estate office in a legally recorded subdivision.
- (12) **Any new road development or extensions.**

Section 3.068. Development and Use Standards.

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

- (1) Lot sizes:
 - (A) Parcels not served by an approved public community sewer system, shall have a minimum parcel size of one (1) acre, and a minimum width of 120 feet.
 - (B) Parcels served by an approved community, municipal or public sewer system shall have a minimum parcel size of 7,500 square feet, and a minimum width of 60 feet with lot sizes varying according to the following requirements:

Slope	Minimum Lot Size/Density
0-12%	7,500 sq.ft./ 1 dwelling unit, 2 dwelling units /15,000 sq.ft.
13-25%	15,000 sq.ft/1 dwelling unit, 2 dwelling units/acre
> 25%	1 dwelling unit/acre

- (C) Lot size for conditional developments shall be based upon:
 - 1) the site size need of the proposed use,
 - 2) the nature of the proposed use in relation to the impacts on nearby properties, and
 - 3) consideration of sewer district impacts and requirements, local setback and other criteria and standards of this ordinance.
- (D) Maximum lot coverage for residential or non-residential use: 40%.
- (E) Two family dwelling (duplex) minimum lot size 15,000 sq.ft.
- (F) Cluster developments are subject to the provisions of S3.150-S3.161.
- (G) Other development and use standards as required to meet State sanitation requirements and local setback and ordinance requirements.
- (H) New development, lot width/depth dimension shall not exceed a 1:3 ratio.
- (2) Required front yard setback, measured from the abutting edge of the right-of-way, when front line abuts:
 - (A) Major arterial: fifty feet (50).

- (B) Minor arterial: thirty feet (30).
- (C) Major collector: thirty feet (30).
- (D) Minor collector: twenty-five feet (25).
- (E) Local street: twenty feet (20).
- (3) Required rear yard: twenty feet (20).
 - (A) Exception on corner lot: 5 feet.
 - (B) Exception when adjacent to resource zones, all structures: fifty feet (50).
- (4) Required side yard:
 - (A) Minimum side yard: 10 feet, except on a corner lot, the minimum street side yard measured from the abutting edge of the right-of-way, shall be twenty feet (20).
 - (B) For lots of record created prior to September 30, 1980 that are less than the minimum lot size required, side yards shall be five feet (5).
 - (C) Exception when adjacent to resource zones, all structures: fifty feet (50).
- (5) For lots abutting the ocean shore, the ocean yard shall be determined by the oceanfront setback line established by Section S3.015 Oceanfront Setback.
- (6) An accessory structure separated from the established main building may be located in the required rear and side yard setback except in the required street side of a corner lot provided that it is no closer than five feet (5) to a property line.
- (7) Maximum building height: twenty-six feet (26).

Except for ocean front lots, which shall have a maximum height of: eighteen feet (18)

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

 - (A) Construction/building plans submitted for use permitted in this zone shall show the elevations of the undisturbed ground prior to construction as measured at the four principal corners of the proposed structure on a plot plan. A permanently accessible control point shall be established outside of the building's footprint.
 - (B) Photographs of the undisturbed site shall be required. Photographs need not be professional or aerial photographs.
 - (C) To verify the height, a survey by a registered surveyor may be required by the Community Development Director.
- (8) All new developments and cumulative or incremental expansion of an existing footprint greater than twenty-five percent shall indicate on the building permit how storm water is to be drained from the property or retained on site. The Building Official or County Engineer may require the installation of culverts, dry wells, retention facilities, or other mitigation measures, where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands or on slopes greater than twenty-five percent.
- (9) In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP).

- (10) Conditional Development and Use are subject to the following limitations and requirements:
 - (A) The proposed development shall be consistent with the Clatsop County Comprehensive Plan.
 - (B) The proposed development shall include safe ingress and egress.
 - (C) Prior to final building permit approval any/all road damages created or exacerbated by the development activity shall be repaired, and the road returned to its previous condition or better.
- (11) Exterior lighting shall be of a full cut-off design as defined in Clatsop County's Zoning Ordinance Section 1.030. Glare shall be directed away from neighboring property or shielded in a manner not to cause offense (i.e. Full Cut-off Fixtures). A complaint from neighbors shall be cause for review of exterior lighting.
- (12) Where a buffer of trees exists along properties abutting Highway 101, a buffer of 25 feet in width shall be maintained or planted when the property is developed.
- (13) A twenty-five (25) foot buffer of native, non-invasive vegetation combined with proper removal of noxious weeds shall be maintained along Arch Cape, Asbury Creek, & Shark Creek.
- (14) All planned development and subdivisions shall be required to cluster land uses and designate areas as permanent common open space. The development shall be reviewed according to Section 4.140 for Planned Developments or Clatsop County Standards Document, Section S3.150 for Cluster Developments. The minimum percentage of common open space shall be 30% excluding roads and lands under water.
- (15) The setback for all structures shall be fifty feet (50) from the line of non-aquatic vegetation.
- (16) Vegetative hedges and fences that impede or have the potential to impede views shall be maintained at or below 6 feet. Hedges & fences extending beyond the ocean front setback shall be maintained at or below 4 feet.
- (17) All standards as set forth in the Clatsop County Standards Document, as amended.

Section 3.070 State and Federal Permits.

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

STAFF FINDING AND ANALYSIS:

Amendments to the Arch Cape Rural Community Residential Zone include additions of ADU as permissible uses, limitations on the number of short-term rentals in the community, addition of a tree removal and road development procedures that were previously prohibited or undefined in the Arch Cape Community. The standards were cleaned up to reduce conflicts between neighbors and ensure community values.

SECTION 3.076. DEVELOPMENT AND USE PERMITTED (RCR)

- (2) Accessory Dwelling Unit (ADU) per Section 1.030.
- (3) Guesthouse per Section 1.030.
- (4) Accessory buildings per Section 1.030 are permitted only as follows:
 - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.

Section 3.080 Development and Use Permitted

- (4) {Adding}
 - (A) Exception on corner lot: 5 feet.
 - (B) Exception when adjacent to resource zones, all structures: fifty feet (50).

STAFF FINDING AND ANALYSIS:

ADUs along with guesthouses are being added to all rural community zones. Additionally clarification is being added to the accessory structure definition contained in each zone. Section 3.080 adjusts rear setbacks and alleviates some of the setback problems in this zone that were not addressed previously

SECTION 3.090. DEVELOPMENT AND USE PERMITTED (KS-RCR)

- (2) Accessory Dwelling Unit (ADU) per Section 1.030.
- (3) Guesthouse per Section 1.030.
- (4) Accessory buildings per Section 1.030 are permitted only as follows:
 - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.

SECTION 3.104. DEVELOPMENT AND USE PERMITTED (RSA-SFR)

- (2) Guesthouse per Section 1.030.
- (3) Accessory buildings per Section 1.030 are permitted only as follows:
 - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.

SECTION 3.116. DEVELOPMENT AND USE PERMITTED (RC-MFR)

- (2) Accessory Dwelling Unit (ADU) per Section 1.030.
- (3) Guesthouse per Section 1.030.
- (4) Accessory buildings per Section 1.030 are permitted only as follows:
 - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.

SECTION 3.124 DEVELOPMENT AND USE PERMITTED. (RSA-MFR)

- (2) Guesthouse per Section 1.030.
- (3) Accessory buildings per Section 1.030 are permitted only as follows:
 - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.

SECTION 3.144 DEVELOPMENT AND USE PERMITTED. (CR)

- (2) {Adding} per Section 1.030
 - a. {Deleting (A) – (D)}
- (3) Accessory buildings per Section 1.030 are permitted only as follows:
 - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc

SECTION 3.164 DEVELOPMENT AND USE PERMITTED. (SFR-1)

- (2) Guesthouse per Section 1.030.
- (3) Accessory buildings per Section 1.030 are permitted only as follows:
 - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.

SECTION 3.184. DEVELOPMENT AND USE PERMITTED (RA-1)

- (2) Guesthouse per Section 1.030.

- (3) Accessory buildings per Section 1.030 are permitted only as follows:
 - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.

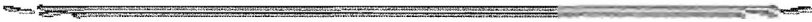
SECTION 3.204. DEVELOPMENT AND USE PERMITTED. (RA-2)

- (2) Guesthouse per Section 1.030.
- (3) Accessory buildings per Section 1.030 are permitted only as follows:
 - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.



SECTION 3.224. DEVELOPMENT AND USE PERMITTED. (RA-5)

- (2) Guesthouse per Section 1.030.
- (3) Accessory buildings per Section 1.030 are permitted only as follows:
 - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.



SECTION 3.230. RESIDENTIAL-AGRICULTURE-10 ZONE (RA-10).**Section 3.231. Purpose.**

The RA-10 zone is intended to accommodate the immediate foreseeable demand for very low density rural residential development in designated outlying areas where commitments to such uses have already been made through existing subdivision, partitioning, or development, or in selected small areas having unique scenic, locational and other suitable site qualities. The RA-10 zone is intended to be applied to land where the anticipated magnitude or density of development will not require more than a very basic level of services, such as single local road access, individual domestic wells and sewage disposal systems. The very lot density limitation of the RA-10 zone is also based on prevailing lot sizes, limited or undetermined domestic water sources, or limitations of soil conditions for subsurface sewage disposal.

Section 3.232. Development and Use Permitted.

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

- (2) One family dwelling per lot.
- (3) Guesthouse per Section 1.030.
- (4) Accessory buildings per Section 1.030 are permitted only as follows:
 - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- (5) One mobile home per lot subject to standards in Clatsop County Standards Document, Section S3.190.
- (6) Limited home occupation.
- (7) Minor utilities.
- (8) Farm use.
- (9) Roadside stand for farm products grown on the premises.
- (10) Forestry.
- (11) Low intensity recreation.
- (12) Public or private neighborhood park or playground.
- (13) Horticultural nursery.
- (14) Cluster developments subject to the provisions of Clatsop County Standards Document, Section S3.150. Cluster developments containing lots less than one (1) acres, pursuant to S3.160(7), in size require notice pursuant to Section 2.020.
- (15) Two family dwelling (duplex) subject to Section 3.228, (1)(A).
- (16) Temporary uses subject to the provisions of Section 5.500.
- (17) Handicapped housing facility.
- (18) Health hardship dwelling, subject to the standards in Clatsop County Standards Document, Section S3.025.
- (19) Property line adjustment.
- (20) Communication facilities subject to the standards in Clatsop County Standards Document, Section S4.700.
- (21) Land transportation facilities as specified in Section 3.035.

Section 3.233. Additional Development and Use Permitted in the Clatsop Plains Planning Area.

- (1) One mobile home per lot subject to the following standard: A mobile home shall be at least 16 feet in width and installed according to State standards including skirting and tie downs.

Section 3.234. 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) Public/semi-public development.
- (2) Utilities necessary for public service.
- (3) Extraction, processing, and stockpiling of rock, sand, mineral and other subsurface materials.
- (4) Dog kennel.
- (5) Airport.
- (6) Public or private recreation such as riding stable, fishing or boating docks or ramps, gun club, golf course, resort type establishment in association with recreation.
- (7) Home occupation subject to Clatsop County Standards Document, Section S3.460.
- (8) Veterinary clinic.
- (9) Golf course subject to Section 4.130 of this Ordinance.
- (10) Golf driving range.
- (11) R.V. Park subject to Clatsop County Standards Document, Section S3.550-S3.552 except in the Clatsop Plains Planning Area.
- (12) Campground, primitive.
- (13) Boat ramps subject to Section 4.080-4.095 for areas identified as Coastal Shorelands in the Comprehensive Plan.
- (14) Cluster development subject to the provisions of Clatsop County Standards Document, S3.150-S3.161.
- (15) Bed and breakfast establishment subject to the standards in Clatsop County Standards Document, Section S3.464-S3.468.

Section 3.235. Development and Conditional Development and Use Standards.

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

- (1) Lot size:
 - (A) One family dwelling: 10 acres.
Two family dwelling: 20 acres.
 - (B) Cluster development subject to the provision of Clatsop County Standards Document, S3.150-S3.161.
 - (C) Other permitted development as required to meet State sanitation requirements and local setback and Ordinance requirements.
 - (D) Conditional developments shall be based upon:
 - 1) the site size need of the proposed use,
 - 2) the nature of the proposed use in relation to the impacts on nearby properties, and
 - 3) consideration of State sanitation requirements, local setback and other criteria and standards of the Ordinance.
- (2) Minimum lot width: 385 feet.
- (3) Lot width/depth dimension shall not exceed a 1:3 ratio.
- (4) Required front yard when front line abuts:
 - (A) Major arterial: 50 feet.
 - (B) Minor arterial: 30 feet.

- (C) Major collector: 30 feet.
- (D) Minor collector: 25 feet.
- (E) Local street: 20 feet.
- (5) Required rear yard: 20 feet.
 - (A) Exception when adjacent to resource zones - all structures: 125 feet.
- (6) Required side yard:
 - (A) Minimum side yard 10 feet, the minimum street side yard shall be 20 feet.
 - (B) When the side yard abuts a resource zone, the minimum side yard shall be 100 feet.
- (7) An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that it is no closer than five (5) feet to a property line.
- (8) Maximum building height: 35 feet.
- (9) All new development shall indicate on the building permit how storm water is to be drained from the property. The Building Official shall require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts.
- (10) The setback for all structures shall be 100 feet from the line on non-aquatic vegetation.
- (11) All standards as set forth in the Clatsop County Development Standards Document 80-14, as amended.

Section 3.236. Additional Development and Use Standards in the Clatsop Plains Planning Area.

- (1) Where a buffer of trees exist along properties abutting Highway 101 at the effective date of this Ordinance, a buffer of trees 25 feet in width shall be maintained or planted when the property is developed. The Community Development Director or designate may waive this requirement where the size of the lot or natural topography would create a hardship.
- (2) All planned developments and subdivisions shall be required to cluster land uses and designate areas as permanent common open space. The development shall be reviewed according to Section 4.130 for Planned Developments or Clatsop County Standards Document, Section S3.150 for Clustered Developments. The minimum percentage of common open space shall be 30%, excluding roads and property under water.

Section 3.237. State and Federal Permits.

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

STAFF ANALYSIS AND FINDINGS:

The Residential - Agricultural 10 Zone (RA-10) is crafted as a placeholder for landowners whose property is currently designated as a resource zone (i.e. AF, EFU, or F-80). The RA-10 zone will allow property owners, who meet the exception criteria for goal 3 & 4 to rezone their parcels for residential purposes.

Current Oregon Law requires a Goal 14 exception for any rezone that reduces parcel sizes below ten (10) acres. In order to satisfactorily meet the Goal 14 criteria there cannot be any capacity for the development within urban growth boundaries or city limits. The criteria further elaborates by saying, if the development cannot occur within the City Limits or UGB then it should occur adjacent to the UGB/City Limits. Failure to meet these criteria results in a denial of the rezone application.

For most landowners in Clatsop County satisfying the Goal 14 criteria is nearly impossible. The creation of the RA-10 zone allows property owners to rezone their property for residential purposes without having to satisfy the rigorous criteria for a goal 14 exception.

Currently there are no RA-10 zones designated in Clatsop County, nor are any proposed with this revision. The intention is to simply provide an avenue for Clatsop County residents, should they desire to change their designation from Resource Lands (AF, EFU, F-80) to Rural Lands (RA-10).

SECTION 3.444. DEVELOPMENT AND USE PERMITTED. (CBR)

- (2) Guesthouse per Section 1.030.
- (3) Accessory buildings per Section 1.030 are permitted only as follows:
 - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.

COMMERCIAL ZONING MODIFICATIONS

SECTION 3.268. PURPOSE AND INTENT. (RCC-LI)

This zone is located in the Rural Community of Knappa and Westport. The RCC-LI zone is intended to: (1) provide support for existing small concentrations of retail and commercial services mixed with light industrial; (2) contribute to community identity; (3) provide necessary retail services to the community; (4) provide job opportunities within the community; (5) allow only those uses that are compatible with the surrounding uses considering varying environmental and other site constraints, and the availability of community water, sewer, or if such services are not available, such uses do not exceed the carrying capacity of the property to provide potable water and absorb waste; and (6) provide services for the community, surrounding rural, farm and forest areas, and traveling public. New commercial uses are those defined under state law as “small-scale, low impact” with building or buildings not to exceed 4,000 square feet of floor area, unless determined ~~through review~~ that large buildings are intended to serve the rural community, surrounding rural area or the travel needs of the people passing through the area. Expansion of an existing commercial use resulting in building or buildings exceeding 4,000 square feet of floor area are appropriate when the use is intended to serve the rural community, surrounding rural area or the travel needs of people passing through the area.

Section 3.274. Conditional Development and Use.

- (3) A hotel, motel, lodge, resort, inn, or other enclosed tourist/traveler accommodations, provided:
 - (A) It is served by a community sewer system,
 - (B) Does not have over 35 units, and
 - (C) **Each commercial use associated with the lodging** shall not occur in a building or buildings that exceed 4,000 square feet.

Section 3.278. Development and Use Standards.

- (22) Building size:
- (A) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 3.272 unless. ~~New commercial uses shall not exceed the 4000 square foot limit:~~
- 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
 - 2) The use is limited pursuant to Section 5.025 to a size of building or buildings that is intended to serve the rural community, surrounding rural area of the travel needs of people passing through the area; and
 - 3) The total floor area of building or buildings does not exceed 12,000 square feet.
- (B) The maximum building size for light industrial uses shall not exceed 40,000 square feet of floor area **unless authorized pursuant to 197.713 or 197.719.**
-

Section 3.312. Development and Conditional Development and Use Standards. (NC)

- (1) Building size:
- (A) The maximum building size for new commercial uses shall not exceed ~~the floor area standards listed in Section 3.306. New Commercial uses shall not exceed the~~ 3,000 square foot limit unless:
- 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
 - 2) The use is limited ~~pursuant to Section 5.025~~ to a size of building or buildings that is intended to serve the ~~rural community~~ surrounding rural area ~~of~~ or the travel needs of people passing through the area; and
 - 3) The total floor area of building or buildings does not exceed 10,000 square feet.
- (B) Expansion of commercial building or buildings, existing on September 10, 2003 where the total floor area for the commercial use exceeds 3,000 square feet provided the commercial use, intended to occupy more than 3,000 square feet of floor area, is intended to serve the surrounding rural area, or the traveling needs of people passing through the area.
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Section 3.330. Conditional Development and Use Criteria. (TC)

- (4) Building size:
- (A) The maximum building size for new commercial uses shall not exceed ~~the floor area standards listed in Section 3.328. New Commercial uses shall not exceed~~ the 3,000 square foot limit unless:
- 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
 - 2) The use is limited ~~pursuant to Section 5.025~~ to a size of building or buildings ~~that is~~ intended to serve the ~~rural community~~ surrounding rural area of the travel needs of people passing through the area; and
 - 3) The total floor area of building or buildings does not exceed 10,000 square feet.

Section 3.352. Development and Conditional Development and Use Standards. (GC)

- (8) Building size:
(A) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 3.348. ~~New Commercial uses shall not exceed the 3,000 square foot limit~~ unless:
- 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
 - 2) The use is limited ~~pursuant to Section 5.025~~ to a size of building or buildings ~~that is~~ intended to serve the ~~rural community~~ surrounding rural area of the travel needs of people passing through the area; and
 - 3) The total floor area of building or buildings does not exceed 10,000 square feet.
- (9) The maximum building size for light industrial uses shall not exceed 30,000 square feet of floor area **unless authorized pursuant to 197.713 or 197.719.**
- (10) Expansion of commercial building or buildings, existing on September 10, 2003 where the total floor area for the commercial use exceeds 3,000 square feet provided the commercial use, intended to occupy more than 3,000 square feet of floor area, is intended to serve the surrounding rural area, or the traveling needs of people passing through the area.
- (11) **Unless authorized pursuant to 197.713 or 197.719**, expansion of industrial building or buildings, existing on September 10, 2003 where the total floor area for the industrial use exceeds 30,000 square feet or is intended to occupy **more than 30,000 square feet of floor area**, providing the size is necessary for the intended use and can demonstrate the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste.

Section 3.406. Development and Use Standards. (HI)

- (9) Building size:
(A) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 3.405. New commercial uses shall not exceed the 3,000 square foot limit unless:
- 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
 - 2) The use is limited ~~pursuant to Section 5.025~~ to a size of building or buildings that is intended to serve the ~~rural community~~ surrounding rural area or the travel needs of people passing through the area; and
 - 3) **The total floor area of building or buildings does not exceed 10,000 square feet.**
- (10) **Unless authorized pursuant to 197.713 or 197.719**, the maximum building size for all industrial uses shall not exceed 30,000 square feet of floor area.
- (11) (No Change)

- (12) **Unless authorized pursuant to 197.713 or 197.719**, expansion of industrial building or buildings, existing on September 10, 2003 where the total floor area for the industrial use exceeds 30,000 square feet or is intended to occupy more than 30,000 square feet of floor area, provided the size is necessary for the intended use and can demonstrate the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste.
-

(2) Building size:

- (A) The maximum building size for all industrial uses shall not exceed 30,000 square feet of floor area, per use **unless authorized pursuant to ORS 197.713 or 197.719**.
- ~~(B) The maximum building size for new industrial uses shall not exceed the floor area standards listed in Section 3.446 up to 30,000 square feet of floor area. New uses shall not exceed the 30,000 square feet of floor area industrial use unless:~~
- ~~1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625); and~~
 - ~~2) The intended use is necessary and can demonstrate the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste~~
- (B) Expansion of commercial building or buildings, existing on September 10, 2003 where the total floor area for the commercial use exceeds 3,000 square feet of floor area or is intended to exceed 3,000 square feet of floor area, provided:
- 1) The total floor area of building or buildings does not exceed 10,000 square feet of floor area;
 - 2) The area is necessary for the intended use; and
 - 3) Can demonstrate that the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste.
- (C) **Unless authorized pursuant to 197.713 or 197.719**, expansion of industrial building or buildings, existing on September 10, 2003 where the total floor area for the industrial use exceeds 30,000 square feet of floor area or is intended to exceed 30,000 square feet of floor area may be permitted, provided the area is necessary for the intended use and can demonstrate that the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste.
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Section 3. 452. Purpose and Intent. (RCI)

This zone is located in Miles Crossing and Jeffers Gardens and is intended for light industrial development with limited external impacts, such as processing, assembling, and minor manufacturing. The development should be largely contained in buildings, have minimal raw material storage and minimum air, water, and noise nuisance characteristics. The intent of this zone is to provide areas for industrial developments that could be incompatible in a commercial or residential zone but have few objectionable characteristics. This zone is intended for development with limited external impacts, such as processing, assembling and minor manufacturing. The development should be largely contained in buildings, have minimal raw material storage and minimal air, water and noise nuisance characteristics. **Unless authorized pursuant to 197.713 or 197.719**, new industrial use building or buildings may not exceed 40,000 square feet of floor area, unless determined through further review that larger buildings will not exceed the carrying capacity of the land to provide adequate water and absorb waste. Expansion of an existing industrial use resulting in building or buildings exceeding

40,000 square feet of floor area are appropriate when the use will not exceed the carrying capacity of the land.

Section 3. 459 Development and Use Standards.

- (3) Setback Requirements:
- (A) The front **setback shall be 25 feet;**
 - (B) Side and rear yard setbacks when abutting a residence shall be 10 feet.**
 - ~~(B)~~(C) Setbacks are not required where side or rear property lines abut a railroad right-of-way
 - (D) Setbacks for all development when abutting a resource zone shall be 50 feet.**
- (6) Building size:
- (A) The maximum building size for new commercial uses shall not exceed ~~the floor area standards listed in Section 3.456 and 3.458. New Commercial uses shall not exceed the~~ 4,000 square feet unless:
 - 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
 - 2) The use is limited **pursuant to Section 3.456 and 3.458** to a size of building or buildings that is intended to serve the rural community, surrounding rural area or the travel needs of people passing through the area; and
 - 3) The total floor area of building or buildings does not exceed 12,000 square feet.
 - (B) The maximum building size for light industrial uses shall not exceed 40,000 square feet of floor area **unless authorized pursuant to ORS 197.**
 - (C) Expansion of commercial building or buildings, existing on September 10, 2003 where the total floor area for the commercial use exceeds 4,000 square feet provided the commercial use, intended to occupy more than 4,000 square feet of floor area, is intended to serve the **surrounding rural area, or the traveling needs of people passing through the area.**
 - (D) Expansion of industrial building or buildings, existing on September 10, 2003 where the total floor area for the industrial use exceeds 40,000 square feet or is intended to occupy more than 40,000 square feet of floor area, providing the size is necessary for the intended use and can demonstrate the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste **unless authorized pursuant to ORS.**

STAFF FINDING AND ANALYSIS:

The proposed changes to the Commercial Zoning throughout Clatsop County's Zoning Ordinance clarify building dimensions and maximum building size. Additionally the changes provide an avenue to establish industrial areas on lands outside of Urban Growth Boundaries and outside of Rural Communities. This change while slight should significantly bolster economic opportunity within Clatsop County.

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

Section 4.101. Purpose.

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

Section 4.102. Types of Review.

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

- (1) The following types of projects shall require review according to the Type II procedure, Section 2.020. For purposes of these types of Major projects, review by the Design Review Advisory Committee as described in Section 4.108, is required.
 - (A) Any new residential development proposing to construct a dwelling as described in Section 1.030 (Dwelling Types).
 - (B) Any new commercial development proposing to construct structures devoted to a commercial use.
 - (C) Any commercial development creating additional cumulative square footage ~~beyond 20% of an existing footprint.~~
 - (D) Any residential development creating additional cumulative square footage ~~beyond 20% of an existing footprint.~~
 - (E) Accessory buildings in residential zones.
 - (F) Accessory buildings associated with commercial developments and containing no residential units.
 - (G) Development and Construction of transportation facilities.
 - (H) Any Change in Use, Variance Request, Conditional Use Permit, or Other Use Requiring Review through Type II, III, or IV procedures with exception of those described in 4.109§2.
- (2) The following types of projects shall require design review according to the Type II Procedure, Section 2.020. For purposes of these types of Minor projects, review by the Design Review Advisory Committee as described in Section 4.108, is not required.
 - (A) Any project that requires a building permit and does not result in the expansion of the exterior dimensions and/or Footprint. ~~Accessory buildings associated with commercial developments and containing no residential units~~
 - (B) If the Community Development Director determines that a development may significantly impact adjoining properties with respect to location, bulk, compatibility, views, preservation of existing landscape, or other applicable criteria identified in Section 4.103, the application will be forwarded to the Design Review Advisory Committee for review.

Section 4.103. Criteria for Design Review Evaluation.

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

- (1) Relation of Structures to Site. The location, height, bulk, shape, and arrangement of structures shall be in scale and compatible with the surroundings.
- (2) ~~Protection of Ocean Views. The blocking of scenic views of existing or proposed dwellings on adjacent lots and other lots that may be impacted shall be minimized in the construction of all structures.~~ **Protection of views shall be preserved through the confines of this ordinance section 3.064. ¹**
- (3) Preservation of Landscape. The landscape shall be preserved in its natural state to the maximum extent possible by minimizing tree, vegetation and soils removal. Cut and fill construction methods are discouraged. Roads and driveways should follow slope contours in a manner that prevents erosion and rapid discharge into natural drainages. Disturbed areas shall be re-vegetated with native species.
- (4) **Utility Service. All new service lines shall be placed underground.**
- (5) **Exterior lighting shall be of a “full cut-off” design. Glare shall be directed away from neighboring property or shielded in a manner not to cause offense (i.e. Full Cut-off Fixtures).**
- (6) Buffering and Screening. In commercial zones, storage, loading, parking, service and similar accessory facilities shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.
- (7) Vehicle Circulation and Parking. The location of access points to the site, the interior circulation pattern and the arrangement of parking in commercially zoned areas shall be designed to maximize safety and convenience and to be compatible with proposed and adjacent buildings. The number of vehicular access points shall be minimized.
- (8) Signs. The size, location, design, material and lighting of all exterior signs shall not detract from the design of proposed or existing buildings, structures or landscaping and shall not obstruct scenic views from adjacent properties.
- (9) Surface Water Drainage. Special attention shall be given to proper surface water drainage from the site so that it will not adversely affect adjacent properties or the natural or public storm drainage system.
- (10) **In addition to compliance with the criteria as determined by the hearing body and with the requirements of sections 1.040 and 1.050, the applicant must accept those conditions listed in Section 5.025 that the hearing body finds are appropriate to obtain compliance with the criteria. All permit criteria and conditions must be satisfied prior to final building approval and occupancy.**

Section 4.104. Application Procedure.

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

¹ {This change requires a crosswalk with the Comp Plan}

- (1) **Pre-application Conference.** The applicant shall discuss the proposed development with the staff of the Clatsop County Department of Community Development in a pre- application conference pursuant to Section 2.045.
- (2) Following the pre-application conference, the applicant shall file with the Planning Director a design review plan, which shall include the following:
 - (A) A site plan, drawn to scale, showing the proposed layout of all structures and other improvements, including where appropriate, driveways, pedestrian walks, landscaped areas, fences, walls, off-street parking and loading areas. The site plan shall indicate how utility service, sewage, and drainage are to be provided and shall show cuts and fills proposed. The site plan shall indicate, where appropriate, the location of entrances and exits and the direction of traffic flow into and out of off-street parking and loading areas for commercial uses, the location of each parking space, each loading berth, areas for turning and maneuvering vehicles and each sign for each commercial use.
 - (B) Elevations of the structure(s) illustrating the relation to undisturbed average grade. Per section 3.068§(7C), A licensed surveyor shall install a benchmark on or near the property to provide vertical control for the project. Proposed developments within 2 feet of the building height limit will be required to have a licensed surveyor certify the building height, prior to requesting final building inspection.
(**It is recommended that the contractor verify height at the framing stage prior to sheathing**)
 - (C) Plot plan and elevation showing relationship of new construction to existing construction.

Section 4.105. Plan Evaluation Procedure.

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

- (1) Upon receipt of a design review application and plan, the Community Development Director will examine it to determine whether it is complete (and consistent with the requirements of this Section). If found to be complete, the Community Development Director shall determine whether the application will require Minor or Major Review under Section 4.102(1-2)(Types of Review). If the request is considered a Major Review under Section 4.102(1)(Types of Review), the Director shall forward the application and plans to the Design Review Advisory Committee for its review and recommendation.
- (2) The Design Review Advisory Committee will review the application and plan at its first regularly scheduled meeting and shall make a written recommendation to the Planning Director within 21 days after receipt of the application.
- (3) The Community Development Director may approve the design plan, disapprove it or approve it with such modifications and conditions as may be required to make it consistent with the Comprehensive Plan, with the criteria listed in this Section and with other Sections of this Ordinance.
- (4) A decision on a design review plan shall include written conditions, if any, and findings and conclusions. The findings shall address the relationships between the plan and the policies and criteria listed in the Comprehensive Plan, this Section and other Sections of this Ordinance.
- (5) The Community Development Director's decision shall be mailed within seven (7) working days to the applicant and to owners of land entitled to notification. The same mail, when appropriate, shall include notice of the manner in which an appeal of the decision may be made.
- (6) Appeals. See Section 2.230 for appeal procedure.

Section 4.106. Modifications of Approved Design Review Plan.

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

Section 4.107. Time Limit on Approval.

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

Section 4.108. Design Review Advisory Committee.

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

- (1) Meetings; Records. The committee shall hold regular meetings on the first and third Wednesday of each month at the Arch Cape Fire Hall or designated sites however, meetings may be canceled when there are no design review plans submitted for review by the Committee. The deliberations and proceedings of the committee shall be public. The Community Development Department shall keep minutes of the committee meetings and such minutes shall be public record.
- (2) The Design Review Advisory Committee shall submit their recommendations to the Community Development Director within seven (7) working days of their decision.

SECTION 4.109 ARCH CAPE SHORT TERM (VACATION) RENTALS

This section regulates the short-term rental of dwelling units within the Arch Cape Rural Community Overlay District.

Section 4.110 Purpose

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

4.111 Permit Required

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

- (1) A short-term rental permit shall be obtained prior to using the unit as a short-term rental.
- (2) Short-term rental are issued & renewed annually by July 1st of the given year. Clatsop County will indicate how many STR permits, up to the maximum 20% are available by July 30th. Should the 20% maximum be reached, a waiting list shall be maintained at the County, and permits shall be issued on a first come first serve basis. ~~The initial short term rental permit shall be valid until July 1, 2005 and shall be renewed annually by July 1 thereafter.~~
- (3) Short-term rental permits are non-transferable, new owners will be required to attain new permits or register in accordance with 4.111 §2 above. ~~The short term rental permit is transferable to a new owner, so long as to the owner registers with the County to transfer the short term rental permit, pays the registration fee, updates the short term rental permit application and agrees in writing to comply with the requirements of the short term rental permit and these regulations~~
- (4) Grandfathered short-term rentals (those registered prior to January 1, 2011) that have remained current and in good standing are not subject to a 5-year rotation.
- (5) Short-term rentals (those registered after January 1, 2011) are subject to a 5-year rotation renewal.
- (6) The short-term rental permit does not relieve the owner of the obligation to pay county room taxes.
- (7) If the terms of the short-term rental permit are not met, the short-term rental permit may be revoked and the owner subject to penalties per **Section 4.115**.

Section 4.112 Short-Term Rental Permit Application Requirements.

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

- (1) A list of all the property owners of the short-term rental including names, addresses and telephone numbers. Property ownership, for the purposes of this section, shall consist of those individuals who are listed on the Clatsop County Assessor's tax records.
- (2) ~~The applicant shall provide proof of registration for county room tax purposes~~ The applicant shall provide proof of payment for county room taxes annually pursuant to County Code Chapter 39.
- (3) Completion of the inspection section of the application form by an Oregon Certified Home Inspector as defined by ORS 701.005(4), based on a visual inspection to certify the following:
 - (A) Compliance with the following standards:

- 1) There shall be one functioning smoke detector in each sleeping room, with a minimum of two functioning smoke detectors in each dwelling unit. There shall also be one Functioning fire extinguisher at each exit;
 - 2) Exterior doors shall be operational. All passageways to exterior doors shall be clear and unobstructed.
 - 3) Electrical systems shall be serviceable with no visible defects or unsafe conditions.
 - 4) All fireplaces, fireplace inserts or other fuel burning heaters and furnaces shall be vented and properly installed.
 - 5) Each sleeping room shall have an exterior exit that opens directly to the outside, or an emergency escape or rescue window.
- (B) The number of sleeping rooms within the short-term rental, as defined in Section 4.113(4).
- (C) The number of parking spaces on the subject property that meet the standards of Section 4.113(5).
- (D) Inspection certifications shall be valid for a period of five (5) years **and shall expire June 30th of the 5th year**. Additionally Inspection certificates shall be required whenever modifications requiring a building permit are made to the dwelling unit/s.
- (4) A site plan, drawn to scale, showing the location of buildings and required parking.
 - (5) The name, address and telephone number of a contact person, who shall be responsible, and authorized, to act on the owner's behalf to promptly remedy any violation of these standards. The contact person may be the owner or the designated agent who shall serve as a contact person.
 - (6) Statement that the applicant has met and will continue to comply with the standards in this section.
 - (7) Other information as requested by the County.

Section 4.113 Short Term Rental Standards.

All short-term rentals shall meet the following standards:

- (1) **A Short-Term Rental dwelling unit shall be limited to either a minimum period of seven (7) nights or, if for fewer than seven (7) nights, then to no more than one rental within a seven (7) night period. A Short Term Rental dwelling unit shall be rented for no more than one rental in a consecutive seven (7) night period**
- (2) **One rental (as defined in Section 1.030) per lot or parcel, excluding a caretaker residing in the Residence or ADU. A Guesthouse is not considered a dwelling unit and shall not be rented separately.**
- (3) All applicable County room taxes shall be paid pursuant to County Code Chapter 39.
- (4) The maximum occupancy for each short term rental unit shall be calculated on the basis of two (2) persons per sleeping room plus an additional four (4) persons, up to a maximum of fourteen (14) persons. For this purpose, a sleeping room is defined as fully- enclosed habitable space with a heat source, and an emergency escape or rescue opening.
- (5) Off-street parking shall be used if physically available and comply with S2.200-S2.210 applicable to single family or two family dwellings. On-street parking shall be used only when off-street parking spaces are not physically available. Parking is "physically available" when a garage or driveway can be emptied or materials removed so as to allow for the parking. The owner shall notify every renter in writing of these requirements and shall advise the renter where the off-street parking spaces to serve the unit are located. If on-street parking must be used, the renter shall use the parking along the frontage of the rental unit.
- (6) A house number visible from the street shall be maintained.

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

Section 4.114 Conformity Required; Display of Permits

- (1) The issuance of the short-term rental permit shall be subject to the continued compliance with the requirements of this section.
- (2) The current short-term rental permit shall be permanently and prominently displayed inside and near the front entrance of the short term rental and provided to adjacent property owners within 100 feet of the property, and shall list the following:
 - (A) The name, address and phone number of the owner and designated agent;
 - (B) The maximum occupancy and vehicle limits for the short-term rental unit;
 - (C) Identification of the number and location of parking spaces available;
 - (D) A statement regarding how the parking standards under **Section 4.113(4)** are to be met;
 - (E) A statement that it is illegal to leave litter on the beach (OAR 736-021-0090(4));
 - (F) A statement that all fires on the beach must be extinguished before leaving the site of the fire (OAR 736-021-0120(4));
 - (G) A statement that the short term rental permit may be revoked for violations;
 - (H) A statement regarding how the garbage removal standards under **Section 4.113(6)** are to be met; and
 - (I) Such other information as may be required by the County.
- (3) The owners are responsible to ensure that current and accurate information is provided to the County.

Section 4.115 Compliance, Hearings and Penalties

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

- (1) The complaining party shall first attempt to contact the contact person designated on the permit and the notice posted on the Short-Term Rental, describe the problem and indicate the desired remedy.
- (2) The contact person shall promptly respond to the complaint and remedy any situation that is out of compliance with this section or permit.
- (3) If the response is not satisfactory to the complaining party, the complaining party may lodge a complaint with the County by submitting a written complaint including the time, date and nature of the alleged violation. The property owner shall allow the County to inspect any records related to the short-term rental dwelling unit upon request of the County.
- (4) The County may initiate enforcement under Section 38 of the Clatsop County Code.
- (5) In addition to any other remedy allow under Section 38 of the Clatsop County Code, the hearings body may do any of the following:
 - (A) Take no action on the request for the revocation of the short-term rental permit;
 - (B) Attach conditions to the existing short-term rental permit;

- (C) Require a new home inspection under **Section 4.112(3)**;
 - (D) Suspend the short-term rental permit;
 - (E) Revoke the short-term rental permit; and/or
 - (F) Prohibit an owner from obtaining a short-term rental permit for a period of up to five (5) years.
- (6) Should a permit be revoked, the owner may not obtain any short-term rental permit sooner than one year after the date of revocation.
- (7) Any property owner found in violation of the provisions of this ordinance shall be required to reimburse the County for its costs of enforcement including reimbursement of staff time, investigation costs, mailings, service fees, mileage and other costs related to the investigation and prosecution of the violation in question.

SECTION 4.116 ARCH CAPE VARIANCE**Section 4.117 Variance Procedure.**

- (1) A variance **to the development and quantifiable standards of this zone** may be appropriate where: by reason of exceptional configuration, or by reason of other extraordinary and exceptional situations or conditions existing on a piece of property, the strict application of any regulations enacted under this Ordinance would result in peculiar, exceptional and undue hardship upon the owner of such property for which a variance is requested. Undue hardship upon adjacent property owners may also be considered. The Hearings Officer may vary or adopt the strict application of any of the requirements of this Zone.
- (2) Variances will be considered under a Type IIa procedure pursuant to Section 2.025. An applicant may request a variance whether before or after the denial of a development permit.
- (3) Standards for a Variance. The requirements for a Variance are listed below. It is the intent of this Ordinance that a variance only be granted to overcome some exceptional physical condition related to a parcel of land posing practical difficulty to development and preventing the owner from using the property as intended by the Zoning Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.
 - (A) There must be proof of exceptional and extraordinary circumstances which apply to the property and which do not apply to other properties in the same zone or vicinity, and result from lot size or shape legally existing in accordance with land use laws prior to September 30, 1980, topography, geology, or other circumstances over which the applicant has no control. These circumstances or conditions must be such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land and/or structure.
 - (B) The granting of a variance shall neither be injurious to the neighborhood or community nor otherwise detrimental to the public welfare or to public safety.
 - (C) The granting of the variance will not permit the establishment of any development or use which is not permitted by the Ordinance, nor confer upon the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the area.
 - (D) There must be proof of significant hardship if the variance is not granted. It is not sufficient proof of hardship to show that a greater profit would result if a variance were granted. Nor shall loss of value be a valid reason to grant a variance. Furthermore, the hardship cannot be self-created or self-imposed, nor can it be created by one who purchases property with or without the knowledge of restrictions present. The hardship must result from the strict application of this Ordinance, and be suffered directly by the property in question. Evidence of a variance granted under similar circumstances shall not be considered as a solely sufficient cause to grant hardship relief.
 - (E) The granting of a variance is necessary for the reasonable use of land or building, and the variance granted by the hearing body is the minimum variance that will accomplish this purpose.
 - (F) The hardship does not arise from a violation of the provisions of this Ordinance.
 - (G) The development will occur on a parcel of land that in conjunction with adjacent land in the same ownership is not otherwise reasonably capable of development and use under the provisions of this Ordinance.

Section 4.118 Notification.

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

Section 4.119 Expiration/Extension.

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

STAFF FINDING AND ANALYSIS:

Site Design Review:

Major modifications were made to the Site Design Review Overlay (SDRO) including the additions of the short-term rental, variance and non-conforming use segments which are addressed individually. In particular the types of review and what requires review was expanded upon for clarity. Due to the language in the current SDRO all development was required to go through Design Review. The proposed modification will reduce the number of applications to those pertinent, or of a significant impact. Additionally modifications to the Design Review criteria were also made to ensure they were more consistent with the purpose and goals of the community. A minor crosswalk with the Comprehensive Plan will be required addressing the "Protection of Ocean Views".

Short-Term Rental:

The short-term rental ordinance was brought in to the Arch Cape Rural Community Overlay in an effort to consolidate all portions of the ordinance pertaining to Arch Cape. Minor amendments were made to streamline the permitting process, establish a means for monitoring the 30% maximum and ensure consistent review.

Variance:

The variance section is taken from the current language contained in the County's Zoning Ordinance. The intent is to preserve the status quo for Arch Cape, in the event the county decides to modify the variance criteria to more lenient code.

SECTION 4.120 ARCH CAPE NON-CONFORMING USES AND STRUCTURES

Section 4.121 Purpose.

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

Section 4.122 Definitions.

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

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

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

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

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

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

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

Section 4.123 Continuance.

- (1) A Legal Non-Conforming Use may be continued at the level of use (e.g., hours of operation) existing on the date that the use became non-conforming.²
- (2) A Legal Non-Conforming Structure may continue within the building dimensions (height, width and length) in existence on the date that the structure became non-conforming.³
- (3) The applicant shall bear the burden of proof for establishing that the structure or use was lawfully established.
- (4) The applicant shall bear the burden of proof for establishing the level of use that existed at the time the use became non-conforming.
- (5) The county may allow a property owner, under a Type II procedure, to prove the existence, continuity, nature and extent of the use for the 10-year period immediately preceding the date of application. If the county finds evidence proving the existence, continuity, nature and extent of the use for the ten-year period preceding application, then such findings shall create a rebuttable presumption that the use, as proven, lawfully existed at the time the applicable Ordinance provision was adopted and has continued uninterrupted until the date of application.

² Deleted – Non-Conforming Use “legally established prior to the adoption date of this Ordinance”

³ Deleted – “legally constructed prior to the effective date of this ordinance”

Section 4.124 Alteration.

- (1) **Through Type I procedures** alterations shall be permitted to a non-conforming structure, or to a structure devoted to a non-conforming use. **Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS 215.215, a county shall not place conditions upon the continuation or alteration of a use described under this subsection when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted.**
- (2) If in a three-year period, alterations to a Non-conforming structure, or to a structure devoted to a Non-conforming use exceeds 75% of the market value of the structure, as indicated by the records of the County Assessor, the structure shall be brought into conformance with the requirements of the Ordinance.

Section 4.125 Expansion

- (1) **Through a Type II procedure an expansion of a Legal Non-Conforming Structure shall be in conformance with the requirements of the Zone (i.e. height limitations and setbacks) and satisfy criteria under Section 4.125 § 3C, or a variance for the expansion shall be required pursuant to Section 4.116 Arch Cape Variance.**
- (2) **Through a Type IIA procedure an expansion of a Non-Conforming Structure shall be in conformance with the requirements of the Zone (i.e. height limitations and setbacks) and satisfy criteria under section 4.125 § 3A-C below, or a variance for the expansion shall be required pursuant to Section 4.116 Arch Cape Variance.**
- (3) An expansion of a structure devoted to a **Legal** Non-Conforming Use, or a change in the characteristics of a **Legal** Non-Conforming Use, **(i.e. hours of operation or levels of service provided)**, may be approved, pursuant to a Type II procedure, where the following standards are met:
 - (A) The floor area of a building(s) shall not be increased by more than 20%.
 - (B) The land area covered by structures shall not be increased by more than 10%.
 - (C) The proposed expansion, or proposed change in characteristics **shall** have no greater adverse impact on neighboring areas than the existing use, considering:
 - 1) The following factors:
 - (a) Noise, vibration, dust, odor, fume, glare, or smoke detectable at the property line.
 - (b) Numbers and kinds of vehicular trips to the site.
 - (c) Amount and nature of outside storage, loading and parking.
 - (d) Visual impact.
 - (e) Hours of operation.
 - (f) Effect on existing vegetation.
 - (g) Effect on water drainage and water quality.
 - (h) Service or other benefit to the area.
 - (i) Other factors relating to conflicts or incompatibility with the character or needs of the area.
 - 2) The character and history of the use and of development in the surrounding area.
 - 3) An approval may be conditioned to mitigate any potential adverse impacts that have been identified.

Section 4.126 Changes to a Non-Conforming Use.

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

Section 4.127 Replacement and Damage.

- (1) Through a Type I procedure if a Legal Non-Conforming Structure or a structure occupied by a Legal Non-Conforming Use is damaged or destroyed by any cause other than an action of the property owner or authorized agent, it shall be reconstructed in conformance with the current requirements of this Ordinance or a variance sought in accordance with section 4.116. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster. If restoration or replacement is necessary under this subsection, restoration or replacement shall be done in compliance with ORS 195.260 (1)(c) If a building listed on the National Register of Historic Places is damaged or destroyed it may be reconstructed in conformance with the dimensional standards of the building prior to its destruction.
- (2) Through a Type II permit procedure subject to Section 5.000-5.030 if a Non-Conforming Structure or a structure devoted to a Non-Conforming Use is damaged by any cause other than an action of the property owner or his agent, The hearing body may approve the reconstruction of the structure and accompanying use. Reconstruction of the structure or use shall be in conformance with the current requirements of this Ordinance or a variance sought in accordance with Section 4.116. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster. If restoration or replacement is necessary under this subsection, restoration or replacement shall be done in compliance with ORS 195.260 (1)(c).

Section 4.128 Completion.

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

Section 4.129 Discontinuance of Use.

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

Section 4.130 Compliance with Other Requirements.

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

Staff Finding And Analysis:

The numeration of this section will result in a re-numeration of the ordinance Sections 4.120 “*Aquifer Reserve Overlay (ARO)* and Section 4.130 *Planned Development Overlay (PDO)*. The two overlays will be re-numerated with 4.132 - 4.137 and 4.140 - 4.150 respectively.

Changes to the Non-Conforming Use Section were made to bring the ordinance closer in line with the requirements of the ORS. Additionally a clear distinction is made between Legal Non-conforming uses & structures versus non-conforming uses and structures that were established through non-conventional manners.

Section 4.146 Applicability. (Previously 4.134)

A planned development may be located in any of the following zones provided that a Planned development (/PDO) suffix has been added to the underlying zone and provided the development is in accordance with the criteria, standards, and provisions of this section: **AC-RCR, KS-RCR, RCR, RC-MFR, RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, RA-2, RA5, RA-10, RCC, GC, TC, RCC-LI, RCI,** and LI (except in the Clatsop Plains planning area).

Rural Communities were not updated in this section of the ordinance.

SECTION 5.600 NON-CONFORMING USES AND STRUCTURES

Section 5.604. Definitions.

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

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

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

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

[The Definitions currently do not distinguish between lawfully-created and unlawfully-created nonconforming uses and structures. Lawfully-created (“legal nonconforming...”) uses and structures have been made nonconforming only by zoning code changes, not due to any action by property owners or their agents, and should receive more flexible considerations. Unlawfully-created (“nonconforming...”) uses and structures have never complied with zoning and development standards and should not receive the same flexible considerations as their legal nonconforming counterparts. The underlying planning theory holds that non-conforming uses and structures should gradually disappear or be made to conform.]

Section 5.608 Alteration

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

requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted.

Section 5.610 Expansion

- (1) Through a Type II procedure an expansion of a Legal Non-Conforming Structure shall be in conformance with the requirements of this Ordinance, and satisfy the criteria under section 5.610 § 3A-C or a variance for the expansion shall be required pursuant to Section 5.130 Variances.
- (2) Through a Type IIA procedure an expansion of a Non-Conforming Structure or Use shall be in conformance with the requirements of this Ordinance, and satisfy the criteria under section 5.610 § 3A-C below or a variance for the expansion shall be requires pursuant to Section 5.130 Variances.
- (3) An expansion of a ~~a structure devoted to~~ Legal Non-Conforming Use, or a change in the characteristics of a Legal Non-Conforming Use, (i.e. hours of operation or levels of service provided) may be approved, pursuant to a Type IIA procedure, where the following standards are met:

Section 5.614 Replacement and Damage.

(1) Legal Non-conforming structures and uses.

(a) If a legal non-conforming structure or a structure occupied by a legal non-conforming use is damaged or destroyed by any cause other than an action of the property owner or his authorized agent, it may be reconstructed in conformance with the dimensional standards of the building prior to its destruction. A building permit for its reconstruction shall be obtained within one year of the date of the damage. If a building permit is not obtained within one year, the reconstruction shall be in conformance with the current requirements of this Ordinance. However, by a Type IIA procedure, the planning commission may grant an extension of the one-year period.

(b) If a legal non-conforming structure or a structure devoted to a legal non-conforming use is damaged by an action of the property owner or his authorized agent, to an extent amounting to seventy-five percent (75%) or more of its fair market value as indicated by the records of the County Assessor, it shall be reconstructed in conformance with the current requirements of this Ordinance. The determination of the percentage of fair market value loss shall be based on either square footage of all floor areas or on a third-party appraisal.

(c) If a legal non-conforming structure or a structure devoted to a legal non-conforming use is damaged by an action of the property owner or his authorized agent, to an extent amounting to less than seventy-five percent (75%) of its fair market value as indicated by the records of the County Assessor, a building permit for its reconstruction shall be obtained within one year of the date of the damage. The determination of the percentage of fair market value loss shall be based on either square footage of all floor areas or on a third-party appraisal. If a building permit is not obtained within one year, the reconstruction shall be in conformance with the current requirements of this Ordinance. However, by a Type IIA procedure, the planning commission may grant an extension of the one-year period.

(2) Non-conforming structures and uses.

~~(1) If a Non-conforming structure is replaced, the new structure shall conform to the current requirements of this Ordinance.~~

(a) If a ~~N~~on-conforming structure or a structure devoted to a ~~N~~on-conforming use is damaged or destroyed by any cause other than an action of the property owner or his agent, to an extent amounting to ~~eighty~~ fifty percent (~~80~~50%) or more of its fair market value as indicated by the records of the County Assessor, it shall be reconstructed in conformance with the current requirements of this

Ordinance. **The determination of the percentage of fair market value loss shall be based on either square footage of all floor areas or on a third-party appraisal.**

~~(3)~~ **(b)** If a ~~N~~non-conforming structure or a structure devoted to a ~~N~~non-conforming use is damaged by any cause other than an action of the property owner or his agent, to an extent amounting to less than ~~eighty~~ percent (~~80~~50%) of its fair market value as indicated by the records of the County Assessor, a building permit for its reconstruction shall be obtained within one year of the date of the damage. **The determination of the percentage of fair market value loss shall be based on either square footage of all floor areas or on a third-party appraisal.** If a building permit is not obtained within one year, the reconstruction shall be in conformance with the current requirements of this Ordinance. However, ~~upon request,~~ **by a Type IIa procedure,** the planning commission may grant an extension of the one year period.

[These modifications are intended to reflect the proposed distinctions between “legal non-conforming” and “non-conforming” and to make county provisions conform closer to those of ORS sections 215.130(5) & (6), which state:

“(5) The lawful use of any building, structure or land at the time of the enactment or amendment of any zoning ordinance or regulation may be continued. Alteration of any such use may be permitted subject to subsection (9) of this section. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS 215.215, a county shall not place conditions upon the continuation or alteration of a use described under this subsection when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted.

(6) Restoration or replacement of any use described in subsection (5) of this section may be permitted when the restoration is made necessary by fire, other casualty or natural disaster. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster. If restoration or replacement is necessary under this subsection, restoration or replacement shall be done in compliance with ORS 195.260 (1)(c).”

Moreover, the LWDUO does not specify how the percentages of FMV are to be determined. Planning departments typically determine the percentage of FMV destroyed based on reconstruction costs, which is not consistent with the intent of the legislation in that reconstruction costs usually far exceed the Assessor’s appraisal, which in Clatsop County is referred to as the RMV.]

STANDARDS DOCUMENT REVISIONS

S2.202. MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS.

The minimum off-street parking space requirements are as follows:

(1) Residential type of development and number of parking spaces

Single family dwelling	(2) per dwelling unit
Accessory dwelling unit	(1) per dwelling unit
Multi-family dwelling	(3 per 2) dwelling units
Sorority, fraternity or dorm	(1 per 2) occupants
Residential hotel, rooming or boarding house or club	(2 per 3) guest rooms
Hotel or motel	(1.25) per guest room or suite, plus 1 per 2 employee plus 10 per ksf⁴ restaurant/lounge, plus 30 per ksf meeting/banquet room (<50 ksf per guest room) or 20 per ksf meeting/banquet room (>50 ksf per guest room).
Mobile home park	(1) per mobile home site, plus (1 per site) for guest parking at a convenient location
Planned development	In addition to the requirements for dwelling units, (1 per 2) units for guest parking at a convenient location

(2) Commercial type development and number of parking spaces.

General retail or personal service	3.5 per ksf GFA⁵ (1 per 200) sq.ft. floor area
Grocery, Discount Superstores/Clubs (freestanding)	6.0 per ksf GFA
Home Improvement Superstores	5.0 per ksf GFA
Other Heavy/Hard Goods (Furniture, or appliances, store Building Materials, Etc.)	3.0 per ksf GFA (1 per 500) sq.ft. floor area
Shopping Centers	4.0 per ksf GLA⁶ up to 400 ksf; 4.0 to 4.5 per ksf GLA sliding scale between 400 and 600 ksf; 4.5 per ksf GLA over 600 ksf
Coin operated Laundries	1 per 2 washing and drying machines
Auto, boat or trailer sales, or nursery	(1 per 1,000) sq.ft. floor area, plus (1 per 2) employees 2.7 per ksf GFA interior sales area, plus 1.5 per ksf GFA interior or storage/display area, plus 2 per service bay
Barber shop or beauty parlor	(1 per 100) sq.ft. floor area
Professional	
General Business Offices, professional or banking office	3.6 per ksf for GFA <250 ksf, 3.35 per ksf GLA >250 ksf (1 per 300) sq.ft. floor area

⁴ KSF: 1000 Square Feet

⁵ GFA: Ground Floor Area

⁶ GLA: Gross Leasable Area

Bank Branch w/ Drive In	5.5 per ksf GFA
Data Processing/ Telemarketing	6.0 per ksf GFA
Medical or dental offices or clinic	4.5 per ksf GFA (1 per 200) sq.ft. floor area
Clinic (medical offices w/ outpatient treatment; no overnight stays)	5.5 per ksf GFA
FOOD & BEVERAGE	
Fine Dining	21.5 per ksf GFA
Casual Restaurant (w/ Bar)	22.5 per ksf GFA
Family Restaurant (w/out Bar)	16.0 per ksf GFA
Fast Food	15.0 per ksf GFA
Eating or drinking establishment	(1 per 100) sq.ft. floor area
Theater, gymnasium, racetrack, stadium or similar use	.4 per seat (1 per 4) seats or (8 ft.) bench length
Amusement park	(1 per 1,000) sq.ft. floor area plus (1 per 2) employees

(3) Institutional, public and quasi-public type of development and number of parking spaces.

Child care center or kindergarten	.35 per person (licensed capacity) (1 per 2) employees, plus (1 per 5) children
Elementary and Secondary Schools School, elementary or junior high	.35 per student (2) per teacher
College and University	Determined by parking study specific to subject institution.
School, high school	(2) per classroom, plus (1 per 10) students
Church, chapel, mortuary, auditorium	.6 per seat (1 per 4) seats or (8 ft.) bench length
Elderly Housing, Independent Living	.6 per dwelling unit
Elderly Housing, Assisted Living	.4 per dwelling unit
Nursing or convalescent home	1 per room (1 per 2) beds for patients and residents
Hospital	.4 per employee, plus 1 per 3 beds, plus 1 per 5 average daily outpatient treatments, plus 1 per 4 medical staff, plus 1 per student/faculty/staff (3 per 2) beds
Golf course	(8) per hole

(4) Industrial type of development and number of parking spaces.

Industrial / Storage / Wholesale Utility	2 per ksf GFA
Manufacturing / Light Industrial (single-use)	1.5 per ksf
Industrial Park (multitenant or mix of service, warehouse)	2 per ksf

Warehouse	.7 per ksf GFA
Mini-Warehouse	.25 per ksf
Storage, warehouse or manufacturing establishment; a Air, rail or trucking freight terminal	(1) per employee on largest shift
Public utility (gas, water, telephone, etc.)	(1 per 2) employees on largest shift, plus (1) per company vehicle

- (5) No Change
- (6) Any uses described herein may provide up to 30% of the required number of parking spaces, except ADA-required spaces, as compact spaces, measuring no less than ~~seven~~ **7** feet **5 inches** wide by ~~eighteen~~ **15** feet long. Compact spaces shall be clearly marked accordingly.

STAFF FINDING AND ANALYSIS:
 Modifications to the parking requirements are based on the American Planning Association’s Planning and Urban Design Standards.

S2.204. Off-Street Parking Restrictions.

- (2) Required parking facilities may be located on an adjacent parcel of land or separated only by an alley, provided the adjacent parcel is maintained in the same ownership as the use it is required to serve. ~~Except for industrial uses, required parking shall not be located in a required front or side yard setback area abutting a public street.~~
- (3) **Except for industrial uses, required parking shall not be located in a required front or side yard setback area abutting a public street, unless there is a five(5) foot sidewalk in accordance with County standards, and a five(5) foot landscaped buffer separating the parking from on street traffic.**

S2.300. SIGN REQUIREMENTS.

- (3) In all zones except the LI, HI and MI zones, signs except as hereinafter provided, shall be limited to the following kinds which may be directed towards each facing street or located at needed points of vehicular access where such access points are over 200 feet apart:
 - (G) **Total Signage Signs** not exceeding ~~a total area of~~ two hundred (200) square feet in a NC, TC, **RCC, RCI, RCC-LI** and GC zone.

STAFF FINDING AND ANALYSIS:
 Similar to the 3.030 the Rural Community Zones were not incorporated into this standard when they were adopted. By adding them here the Rural Community Commercial & Industrial zones are no longer limited to a 24 square foot sign restriction and can now have up to 200 square feet of signage consistent with other commercial zones throughout the County.



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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**

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