NOTICE OF ADOPTED AMENDMENT

07/07/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: Clatsop County Plan Amendment
DLCD File Number 001-10

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

Appeal Procedures*

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

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

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

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

Cc: Jennifer Bunch, Clatsop County
Jon Jinings, DLCD Community Services Specialist
Matt Spangler, DLCD Regional Representative

<paa> YA
Notice of Adoption

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

Jurisdiction: Clatsop County
Date of Adoption: June 22, 2011
Local file number: 20100004

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

☐ Comprehensive Plan Text Amendment
☐ Land Use Regulation Amendment
☐ New Land Use Regulation

☐ Comprehensive Plan Map Amendment
☐ Zoning Map Amendment
☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Map amendment from Rural Community Multifamily Residential to Rural Community Commercial (T8N R06W S36CA TL3300, 0.28 ac – Applicant: Egaas)

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

Plan Map Changed from:
Zone Map Changed from: RC-MFR to: RCC
Location: Westport

Specify Density: Previous: New:
Applicable statewide planning goals:

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:

Local Contact: Jennifer Bunch
Address: 800 Exchange Street, Ste 11
City: Astoria
Phone: (503) 325-8611
Fax Number: 503-338-3666
E-mail Address: jbunch@co.clatsop.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18.

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

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

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

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

Updated April 22, 2011
BEFORE THE BOARD OF COMMISSIONERS
FOR THE COUNTY OF CLATSOP

In the Matter of:

AN ORDINANCE AMENDING THE
CLATSOP COUNTY ZONING MAP FROM
RC-MFR TO RCC ON PROPERTY
OWNED BY STAN EGAAS AND KNOWN
AS T8N R6W SEC36CA TL3300

ORDINANCE NO. 11-01

WHEREAS, on January 7, 2010, Stan Egass filed an application for an amendment to the Clatsop County Zoning map to amend the zoning of the property from Rural Community Multi-Family Residential to Rural Community Commercial.

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

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

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

THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAIN AS FOLLOWS:

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

SECTION 2. In support of this ordinance, the Board adopts the findings in the Staff Report dated May 3, 2011, and associated exhibits contained in Exhibit “PC”
Approved this 22 day of June, 2011

THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

By ____________________________

Dirk Rohne, Chair
BEFORE THE PLANNING COMMISSION
FOR THE COUNTY OF CLATSOP

In the Matter of
ORDINANCE 11-01: A ZONING MAP
AMENDMENT FROM RC-MFR TO RCC ON
PROPERTY OWNED BY STAN EGAAS AND
KNOWN AS T8N R6W SEC36CA TL3300

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

IT APPEARING TO THE PLANNING COMMISSION that the applicant, Stan Egaas, has requested
a Zoning Map Amendment from RC-MFR to RCC on property in the Rural Community of Westport.

IT FURTHER APPEARING TO THE PLANNING COMMISSION after reviewing the findings of
fact in Exhibit “A” (Staff Report) has determined the proposed change is consistent with Clatsop County’s
Comprehensive Plan and Statewide Planning Goals.

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

WHEREFORE, the Planning Commission finds and resolves:

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

SO ORDERED this 10th day of May 2011.

THE PLANNING COMMISSION FOR
CLATSOP COUNTY

Cary Johnson, Chair
Clatsop County Planning Commission
REPORT DATE: May 3, 2011
HEARING DATE: May 10, 2011
OWNER: Stan Egaas
77129 Watach Drive
Clatskanie, OR 97016
REQUEST: The Applicant requests a Zoning Map Amendment from Rural Community-Multi-Family Residential (Development) to Rural Community Commercial (Development).
PROPERTY: T8N, R06W, Sec 36CA - TL 3300
SIZE: 0.28 acres
LOCATION: The subject property directly adjacent to Highway 30, milepost 70.55. The property is also known as 49279 Highway 30, Westport, OR 97016.
CURRENT ZONING: Rural Community Multi-Family Residential (Development)
PROPOSED ZONING: Rural Community Commercial (Development)
STAFF REVIEWER: Jennifer Bunch, Planner
DEPARTMENT RECOMMENDATION: Approval
EXHIBITS:
1. Zoning Map Amendment Application
2. DLCD Notice of Proposed Amendment
3. Map
4. Public Notice
5. Public Comment

I. BACKGROUND
On January 7, 2010, Stan Egaas submitted to Clatsop County Transportation and Development Services an application for a comprehensive/zoning map amendment for 0.28-acres of land located directly adjacent to Highway 30 at milepost 70.55, within the rural community of Westport. (See maps below). The application was deemed complete on January 10, 2010. During the evaluation of the application it was discovered that the Land and Water Development and Use Ordinance contained text errors that prohibited the application from meeting the criteria for a zoning map amendment. The text corrections were included in Ordinance 10-01 and became effective in November 2010. Clatsop County issued the
required 45-day notice to the Department of Land Conservation and Development on February 9, 2011. Mailed notice of hearing was issued to property owners within 250-feet and interested agencies on April 18, 2011.

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

In 2004, the property owner demolished the dwelling and applied for permits to establish a commercial use, a drive through espresso stand, on the property. In 2006, it was discovered that staff misinterpreted the zoning on the property and the espresso stand permit, which is not an allowed use in a residential zone, should not have been issued. The commercial use on residentially zoned land has been allowed to continue as a non-conforming use. In 2010, Mr. Egaas inquired about creating an additional commercial use on the property related to the adjacent Berry Patch Restaurant that Mr. Egaas also owns. Because of delays in the zoning map amendment application, staff issued permits for the construction of the new commercial structure as an accessory use to the adjacent restaurant.

## II. PROPERTY STATUS AND CONDITIONS

**Lot of Record Status**

The subject property was created by the recording of a Bargain and Sale Deed with the Clatsop County Clerk (Deed Records, Bk 201, Pg 39). The property meets the county’s definition of "lot of record". LWDUO §1.030.

## III. SUMMARY OF STAFF CONCLUSIONS

This report contains a variety of staff analyses and findings, maps, technical information, policies, approval criteria, and several exhibits. The following table lists the main criteria that apply to the request, a summary of staff’s conclusions pertaining to each criterion, and a reference to the page numbers of this report where the pertinent staff analysis can be found.
<table>
<thead>
<tr>
<th>Criteria</th>
<th>Department Conclusions</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zone Change Criterion No. 1</strong> - Consistency with Comprehensive Plan</td>
<td>Satisfied</td>
<td>5</td>
</tr>
<tr>
<td>Goal 1 Element - Citizen Involvement</td>
<td>Satisfied</td>
<td>5</td>
</tr>
<tr>
<td>Goal 2 Element - Land Use Planning</td>
<td>Satisfied</td>
<td>5</td>
</tr>
<tr>
<td>Goal 3 Element - Agriculture Lands</td>
<td>Not - Applicable</td>
<td>6</td>
</tr>
<tr>
<td>Goal 4 Element - Forest Lands</td>
<td>Not - Applicable</td>
<td>6</td>
</tr>
<tr>
<td>Goal 5 Element - Open Spaces, Scenic, Historic &amp; Natural Resources</td>
<td>Not - Applicable</td>
<td>6</td>
</tr>
<tr>
<td>Goal 6 Element - Air, Water &amp; Land</td>
<td>Satisfied</td>
<td>6</td>
</tr>
<tr>
<td>Goal 7 Element - Natural Hazards</td>
<td>Satisfied</td>
<td>6</td>
</tr>
<tr>
<td>Goal 8 Element - Recreation</td>
<td>Not - Applicable</td>
<td>7</td>
</tr>
<tr>
<td>Goal 9 Element - Economy</td>
<td>Not - Applicable</td>
<td>7</td>
</tr>
<tr>
<td>Goal 10 Element - Population and Housing</td>
<td>Not - Applicable</td>
<td>7</td>
</tr>
<tr>
<td>Goal 11 Element - Public Facilities</td>
<td>Satisfied</td>
<td>7</td>
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<tr>
<td>Goal 12 Element - Transportation</td>
<td>Satisfied</td>
<td>8</td>
</tr>
<tr>
<td>Goal 13 Element - Energy</td>
<td>Not - Applicable</td>
<td>8</td>
</tr>
<tr>
<td>Goal 14 Element - Urbanization</td>
<td>Satisfied</td>
<td>8</td>
</tr>
<tr>
<td>Goal 16 &amp; 17 Elements - Estuary and Shorelands</td>
<td>Not - Applicable</td>
<td>8</td>
</tr>
<tr>
<td>Goal 18 Element - Beach and Dunes</td>
<td>Not - Applicable</td>
<td>8</td>
</tr>
<tr>
<td><strong>Northeast Community Plan</strong></td>
<td>Satisfied</td>
<td>8</td>
</tr>
<tr>
<td>Zone Change Criterion No. 2 - Consistency with Statewide Plan Goals</td>
<td>Satisfied</td>
<td>9</td>
</tr>
<tr>
<td>Zone Change Criterion No. 3 - Adequacy of Public Facilities and Services</td>
<td>Satisfied</td>
<td>9</td>
</tr>
<tr>
<td>Zone Change Criterion No. 4 - Adequacy of Transportation Facilities</td>
<td>Satisfied</td>
<td>9</td>
</tr>
<tr>
<td>Zone Change Criterion No. 5 - Compatibility with Zoning Patterns</td>
<td>Satisfied</td>
<td>9</td>
</tr>
<tr>
<td>Zone Change Criterion No. 6 - Suitability</td>
<td>Satisfied</td>
<td>10</td>
</tr>
<tr>
<td>Zone Change Criterion No. 7 - Appropriate Use of the Land</td>
<td>Satisfied</td>
<td>10</td>
</tr>
<tr>
<td>Zone Change Criterion No. 8 - Health, Safety, and Welfare</td>
<td>Satisfied</td>
<td>10</td>
</tr>
<tr>
<td>Overall Recommendation</td>
<td>Recommend APPROVAL to the Board of Commissioners</td>
<td>11</td>
</tr>
</tbody>
</table>
IV. NEIGHBORHOOD CONDITIONS

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

Map 1. Area Zoning

Map 2. Aerial Photo (2009)

V. APPLICABLE CRITERIA

A. ZONING MAP AMENDMENT

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

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

VI. EVALUATION OF APPLICATION

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

LWDUO 80-14, §5.412

Zone Change Criterion No. 1:
LWDUO §5.412(1)- Consistency with Comprehensive Plan

Goal 1 – Citizen Involvement

(2) The Planning Commission and active Citizen Advisory Committees shall hold their meetings in such a way that the public is notified in advance and given the opportunity to attend and participate in a meaningful fashion.

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

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

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

Analysis –
Documentation of published and public notice are attached as Exhibit 4.

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

Goal 2 – Land Use Planning

1. Development

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

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

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

<table>
<thead>
<tr>
<th><strong>Analysis</strong></th>
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<tbody>
<tr>
<td>The subject property is located within the Westport Rural Community and has a comprehensive plan designation of Development.</td>
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<table>
<thead>
<tr>
<th><strong>Department Finding:</strong></th>
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<tr>
<td>The application is consistent with the applicable &quot;Development&quot; policies of the Goal 2 element of the Clatsop County Comprehensive Plan.</td>
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</table>

**Goal 3 – Agricultural Lands**

<table>
<thead>
<tr>
<th><strong>Department Finding:</strong></th>
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<tbody>
<tr>
<td>The Goal 3 element of the Clatsop County Comprehensive Plan does not contain applicable policies.</td>
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**Goal 4 – Forest Lands**

<table>
<thead>
<tr>
<th><strong>Department Finding:</strong></th>
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<tbody>
<tr>
<td>The Goal 4 element of the Clatsop County Comprehensive Plan does not contain applicable policies.</td>
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</table>

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

<table>
<thead>
<tr>
<th><strong>Department Finding:</strong></th>
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<tbody>
<tr>
<td>The Goal 5 element of the Clatsop County Comprehensive Plan does not contain applicable policies.</td>
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</table>

**Goal 6 – Air, Water, and Land Quality:**

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

<table>
<thead>
<tr>
<th><strong>Analysis:</strong></th>
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<tbody>
<tr>
<td>The proposal does not conflict with the applicable plan policies of Goal 6. The Clatsop County Land and Water Development and Use Ordinance (LWDUO) contains multiple development standards that would apply to the future development of the subject property to assure the protection of air, water and land quality standards in accordance with Goal 6.</td>
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<table>
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<tr>
<th><strong>Department Finding:</strong></th>
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<tr>
<td>The application does not conflict with the policies of the Goal 6 element of the Clatsop County Comprehensive Plan.</td>
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**Goal 7 – Natural Hazards**

**Goal**
To protect life and property from natural disaster and hazards.

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<th><strong>Analysis:</strong></th>
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<tr>
<td>The subject property is not located in an identified hazard area.</td>
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<table>
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<tr>
<th><strong>Department Finding:</strong></th>
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<tr>
<td>The application does not conflict with the policies of the Goal 7 element of the Clatsop County Comprehensive Plan.</td>
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</tbody>
</table>
Goal 8 - Recreational Lands

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

Goal 9 - Economy

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

Goal 10 - Population and Housing

**Goal:** To provide for the housing needs of citizens of the state.

**Population Policies**

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

**Analysis:**
The proposal seeks to rezone property in a manner that would encourage the most appropriate use of the land. The new commercial zoning will be situated along Highway 30. The request seeks to rezone the property that is currently being utilized for commercial purposes and has never been utilized for multi-family housing.

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

Goal 11 - Public Facilities and Services

**General Public Facilities Policies**

9. When a Comprehensive Plan or Zone Change or both are requested that would result in a higher residential density, commercial or industrial development it shall be demonstrated and findings made that the appropriate public facilities and services (especially water, sanitation (septic feasibility or sewage) and schools) are available to the area being changed without adversely impacting the remainder of the public facility or utility service area.

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

**Department Finding:**
The proposal satisfies the applicable plan policies of the Goal 12 element of the Clatsop County Comprehensive Plan.

Goal 12 - Transportation
The subject property currently used for a commercial business. That use has not demonstrated any conflicts with the Goal 12 element or the Transportation System Plan. Any expansion of the current use may be subject to access approval by the Oregon Department of Transportation. Staff has had discussion with ODOT personnel who have indicated that the current access and use is permitted through ODOT.

**Department Finding:**
The application satisfies the applicable plan policies of the Goal 12 Transportation element of the Comprehensive Plan.

**Goal 13 – Energy Conservation**

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

**Goal 14 – Urbanization**

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

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

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

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

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

**Goal 18 – Beaches and Dunes**

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

**Northeast Community Plan**

**Community Development**
Rural Service Area

**Policies**

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

**Analysis:**
The subject property is currently utilized for commercial purposes. In conjunction with other pending zone changes in the Westport area the area of commercial zoning will be reduced.

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

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

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

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

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

**Analysis:**
Staff concurs with the applicant that adequate public facilities and services exist. The property is currently served by community water and sewer systems in addition to a rural fire protection district.

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

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

**Analysis:**
Access to the property is from Highway 30, a state facility and the subject property currently hosts a non-conforming commercial use. On April 19, 2011, Staff had a telephone conversation with ODOT representative Matt Caswell who indicated that the applicant had an approved access permit for the property for a commercial use and ODOT would not be providing comment in the matter.

**Department Finding:**
Based on the analysis above, the application satisfies Zone Change Criterion No. 4.

**Zone Change Criterion No. 5:**
LWDUO §5.412(5) - Over Intensive Use of the Land, Character of the Area, and Compatibility of Zoning Patterns

**Analysis:**
The adjacent parcels on the north side of Highway 30 that surround the subject property are zoned RCD. By modifying the zoning map to include this parcel in the commercial zone consistency would be added to the zoning map by the removal of the MFR zone along the highway.

**Department Finding:**
Based on the analysis above, the application satisfies Zone Change Criterion No. 5.

**Zone Change Criterion No. 6:**
LWDUO §5.412(6) - Peculiar Suitability of Site for Particular Uses

**Analysis:**
The extension of the RCC zone fits naturally along Highway 30 and would make the zoning consistent with the adjacent properties to the west and the east. The property is currently used for commercial purposes.

**Department Finding:**
Based on the analysis above, the application satisfies Zone Change Criterion No. 6.

**Zone Change Criterion No. 7:**
LWDUO §5.412(7) - Zone Change Promotes Appropriate Use of Land in County

**Analysis:**
The application promotes the most appropriate use of the land by rezoning the property adjacent to Highway 30 for commercial use. The commercial businesses provide services to local residents as well as those traveling through the Westport area.

**Department Finding:**
Based on the analysis above, the application satisfies Zone Change Criterion No. 7.

**Zone Change Criterion No. 8:**
LWDUO §5.412(8) - Health, Safety, and General Welfare

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

**Department Finding:**
Based on the analysis above, the application satisfies Zone Change Criterion No. 8.

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

As of 12:00 PM on May 3, 2011, no public comment had been received.
VIII. CONCLUSION and RECOMMENDATION:

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

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

Respectfully Submitted,

Jennifer Bunch, Planner
Transportation & Development Services
Exhibit 1
Application
PROPOSED USE: ________________________________

Zoning
Current: REMAR

Proposed: ________________

Comprehensive Plan Designation

LEGAL DESCRIPTION OF PROPERTY:
T: __ R: __ S: __ T/L: __ ACRES: __________

OTHER ADJACENT PROPERTY OWNED BY THE APPLICANT:
T: __ R: __ S: __ T/L: __ ACRES: __________
T: __ R: __ S: __ T/L: __ ACRES: __________

APPLICANT 1: (Mandatory)
Name: STAN ECKARS Phone # (Day): 503-455-225
Mailing Address: 77129 WATACH DR FAX #: 503-22284
City/State/Zip: CLATSKANIE, OR 97016 Signature: __________

PROPERTY OWNER: (Mandatory if different than applicant)
Name: __________________________ Phone # (Day): __________________________
Mailing Address: SAME AS ABOVE FAX #: __________________________
City/State/Zip: __________________________ Signature: __________

PROPERTY OWNER #2 / SURVEYOR / AGENT / CONSULTANT / ATTORNEY: (optional)
Name: __________________________ Phone # (Day): __________________________
Mailing Address: __________________________ FAX #: __________________________
City/State/Zip: __________________________ Signature: __________

Community Development Department
800 Exchange, Suite 100 * Astoria Oregon 97103 * (503) 325-8611 * FAX 503-338-3666
1-1 Citizens involvement will take place through the planning process by Clatsop County.

1-2 Yes

1-3 & 4 No effect on ag. or forestry land

1-5 No effect on open space

1-6 Building on this property will not have a negative effect on air, water & land resources

1-7 None

1-8 No effect

1-9 A new commercial building & business will have a needed positive effect on the economy

1-10 No change

1-11, 12, No change from present

1-13 Plan for building will use low energy

1-14, 15, 16, 17, 18 No effect
Clatsop County - Planning

2-1 The requested zone change is consistent with the existing zoning. Property to the east, across the street, & the 2nd property to the west are zoned commercial.

2-3 The property has police, fire & emergency medical services, solid waste collection, community water & sewage service is available to the property.

2-4 No effect on traffic.

2-5 The proposed building use will not change the character of the area.

2-6 Commercial zoning is compatible with the area & will be the most appropriate use of the land.

2-8 The zone change will be compatible with the area & allow a needed commercial facility on the property with added jobs.
Exhibit 2
DLCD Notice of Proposed Amendment
### DLCD Notice of Proposed Amendment

**Jurisdiction:** Clatsop County  
**Local File Number:** 20100004

**Is this a REVISED to a previously submitted proposal?**  
- [ ] Comprehensive Plan Text Amendment  
- [ ] Land Use Regulation Amendment  
- [ ] New Land Use Regulation  
- [x] Transportation System Plan Amendment  

**Briefly Summarize Proposal. Do not use technical terms. Do not write “See Attached” (limit 500 characters):**

The applicant proposes a zoning map amendment from Rural Community Multi-Family Residential (RC-MFR) to Rural Community Commercial (RCC). The Comprehensive Plan designation is to be changed from Development to Rural Land. The subject property is located directly adjacent to Highway 30 in the rural community of Westport in Clatsop County.

<table>
<thead>
<tr>
<th>Has sufficient information been included to advise DLCD of the effect of proposal?</th>
<th>[x] Yes, text is included</th>
<th>For Map Changes: Include 8 1/2”x11” maps of Current and Proposed designation.</th>
<th>[x] Yes, Maps included</th>
</tr>
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<tbody>
<tr>
<td>Plan map changed from:</td>
<td>n/a</td>
<td>To:</td>
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<tr>
<td>Zone map changed from:</td>
<td>RC-MFR (Multi-Family Residential)</td>
<td>To:</td>
<td>RCC (Rural Comm. Commercial)</td>
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<td>Location of property (do not use Tax Lot):</td>
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<tr>
<td>Previous density:</td>
<td>1 ac</td>
<td>New density:</td>
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<tr>
<td>Acres involved:</td>
<td>0.28</td>
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<td>Applicable statewide planning goals:</td>
<td>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19</td>
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**Is an exception to a statewide planning goal proposed?**  
- [ ] YES  
- [x] NO  

**Affected state or federal agencies, local governments or special districts (It is jurisdiction’s responsibility to notify these agencies. DLCD only records this information):**

- ODOT, DLCD, DSL, Westport Sanitary Sewer District, Westport Water, Westport RFPD

**Local Contact:** Jennifer Bunch, Planner  
**Address:** 800 Exchange Street, Ste 100  
**Fax Number:** 503-338-3666  
**Phone:** 503-325-8611  
**City:** Astoria, OR  
**Zip:** 97103  
**E-mail Address:** jbunch@co.clatsop.or.us
Exhibit 3
Map
Clatsop County
Zoning Map Amendment
File #20100004
T8N R06W Sec36CA TL3300
Exhibit 4
Public Notice
CLATSOP COUNTY PLANNING COMMISSION
NOTICE OF PUBLIC HEARING

ORDINANCE 11-01

Zoning Map Amendment application from Stanley Egaas to change the zoning on 0.28 acres from Rural Community Multi-Family Residential (RC-MFR) to Rural Community Commercial (RCC).

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

STAFF CONTACT: Jennifer Bunch, Planner

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

NOTICE IS HEREBY GIVEN that the Clatsop County Transportation & Development Services has received the land use application described in this letter. Pursuant to Section 2.033 of the Clatsop County Land and Water Development and Use Ordinance (LWDUO), the Department Director has scheduled a public hearing on this matter before the Planning Commission at 10:00 AM on Tuesday, May 10, 2011 at the Judge Guy Boyington Building, 857 Commercial Street, Astoria, OR.

All interested persons are invited to testify in person by attending the hearing, or they may testify in writing by addressing a letter to the Clatsop County Planning Commission, 800 Exchange Street, Suite 100, Astoria, OR 97103. Written comments may also be sent via FAX to 503-338-3666 or via email to jbunch@co.clatsop.or.us. Written comments must be received in this office no later than 5PM on Monday, May 9, 2010 in order to be considered at the May 10, 2011 public hearing.

NOTE: Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes an appeal based on that issue.
THE LAND USE APPLICATION DESCRIBED:
The applicant, Stan Egaas, proposes a zoning map amendment of .28 acres of land located to the north of Highway 30 at MP 75.5 in the unincorporated Westport area of Clatsop County. The subject property identified as T8N, R06W, Sec 36CA - TL 3300 and 49279 Highway 30, Westport.

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

The following criteria apply to the request:

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

Clatsop County Comprehensive Plan
Goal 1 (Citizen Involvement)
Goal 2 (Land Use Planning)
Goal 6 (Air, Water, and Land Quality)
Goal 7 (Natural Hazards)
Goal 9 (Economy)

Goal 10 (Population and Housing)
Goal 11 (Public Facilities and Services)
Goal 12 (Transportation)
Goal 14 (Urbanization)
Northeast Community Plan

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

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at the Transportation & Development Services Office during normal business hours (M-F, 8-5) at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at the department office at no cost at least seven days prior to the hearing and will be provided at reasonable cost.

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

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

Notice to Mortgagees, Lien Holder, Vendor or Seller: ORS Chapter 215 requires that if you receive this notice it must promptly be forwarded to the purchaser.
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<td>80636CD001904</td>
<td>Greenwood Resources Inc</td>
<td>635 Capitol Street NE, Ste 150</td>
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</tbody>
</table>
May 6, 2011

Jennifer Bunch
Clatsop County Transportation and Development Services
800 Exchange Street, Suite 100
Astoria, OR 97103

RE: Stanley Egaas zoning map amendment

Dear Ms. Bunch:

Thank you for providing the Oregon Department of Transportation (ODOT) the opportunity to comment on this proposed land use action. We are familiar with the subject property. ODOT issued determinations to the property owner in August 2010 that the two existing driveways are recognized as grandfathered approaches to serve the existing espresso stand and fruit canning facility.

Because these uses are already commercial in character, ODOT is not concerned with the current proposal to change the zoning from multi-family to commercial. If and when the owner proposes to change the actual use of the property to a more intense type of development that would generate additional traffic, ODOT would examine the proposal more carefully.

Should a change of use occur the property owner would need to submit a new Application for State Highway Approach (OAR 734-051-0045). ODOT will continue to recognize the existing approaches until there is a change of use.

Thank you again for the opportunity to comment. Please include this letter in the record of the May 10, 2011 Planning Commission hearing and any subsequent hearings on this matter. If you have any questions regarding these comments, please contact me at 503.325.5281 or bill.johnston@odot.state.or.us.

Sincerely,

Bill Johnston
Transportation Planner
Chairperson Johnson called the meeting to order at 1004.

Planning Commissioners

(PC) Present: Pat O'Grady
PCs absent: Mike Autio
Clarke Powers, Excused
Marcia Harper-Vellutini
Brian Pogue
Cary Johnson
Stephen Malkowski

The election of officers was deferred to a later date.

Business from the Public:

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

Mr. Johnston touched on several issues, including:

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

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

No other business from the public.
No other proponents or opponents asked to speak.

Public testimony was closed at 11:28.

Blair Henningsgaard, county counsel, stated that the application must go to the CAC first. They are an advisory committee, and they encompass most of the process. He continued, stating his opinion that due process was given, and the ordinance was followed.

PC Autio commented that the Crosbys did speak with the Gardners and he thinks the issue may be that the Crosbys don’t like the County’s process. He continued, stating that the CAC did what they were supposed to do. He also found it a bit offensive the implication the Gardners lied on their application by stating no ocean views would be blocked; his opinion is that the ocean view would not be blocked and that’s what the minimization is about. They [Crosbys] will still have a partial view, which is what they’ve got now.

PC Harper-Vellutini stated that staff did a very good job with the report and that all processes were followed. She’s sorry that it hurts someone’s feelings but she was a little insulted by the implication that processes were not followed.

PC Pogue commented that if this has gone through the CAC, the Planning Commission trusts their advice strongly. He reviewed the material and didn’t see anything out of the ordinary.

PC O’Grady commented that any remodel would have an impact.

Chairperson Johnson has sympathy for the neighbors, but felt that the Gardners have made the effort to minimize the impact.

PC Pogue moved and PC Harper-Vellutini seconded to deny the appeal and uphold the Director’s Decision. Motion passed with five (5) votes in favor. PC Malkowski abstained.

At 11:37 Chairperson Johnson called for a break.

The meeting was called back to order at 11:50 by Chairperson Johnson.

Public Hearings, continued:

The applicant, Stan Egaas, requests a Zoning Map Amendment from Rural Community Multi-Family Residential to Rural Community Commercial.

No ex parte contacts or conflicts of interest were reported.

Jennifer Bunch, Planner, presented the staff report. Mr. Egaas had submitted this application in January 2010. When staff started to process the application, they discovered an error in our ordinance which assigned the wrong comprehensive plan designation to the Rural Community Commercial zone, and that needed to be fixed in order for staff to process this application. The error in the text was fixed by Ord.10-01 last year, and so the process was started. Ms. Bunch stated that she held off a little
while because she knew that two more zoning map amendments were coming in and
wanted to process them all at the same time.

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

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

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

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

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

No one from the public asked to speak.

Public testimony was closed at 1158.

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

The applicant, Wilma Devries, requests a Zoning Map Amendment from Rural
Community Commercial to Rural Community Commercial-Multi-family Residential.

No ex parte contacts or conflicts of interest were reported.

Ms. Bunch presented the staff report. The applicant submitted the application in January
of 2011. At the time of the adoption of the current zoning ordinance in 1980 the property
was being used as a boarding house and was zoned Rural Service Area-Multi Family
Residential. In 1981, the current owner and applicant applied and received a zone
change to Tourist Commercial in order to operate a restaurant. At some point the
restaurant ceased to operate and the use converted to a bed and breakfast. With the
adoption of the rural community zoning in 2003 the zoning was changed to Rural
Community Commercial. The structure is currently being used as a primary residence
and 2 or 3 apartments and the applicant wishes to amend the zoning map to ensure the
use is conforming and to resolve issues with a mortgage company.
Chairperson Johnson called the meeting to order at 1004.

The election of officers was deferred to a later date.

Business from the Public:

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

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No other business from the public.
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Public testimony was closed at 1128.

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PC Pogue commented that if this has gone through the CAC, the Planning Commission trusts their advice strongly. He reviewed the material and didn't see anything out of the ordinary.

PC O'Grady commented that any remodel would have an impact.

Chairperson Johnson has sympathy for the neighbors, but felt that the Gardners have made the effort to minimize the impact.

**PC Pogue moved and PC Harper-Vellutini seconded to deny the appeal and uphold the Director's Decision. Motion passed with five (5) votes in favor. PC Malkowski abstained.**

At 1137 Chairperson Johnson called for a break.

The meeting was called back to order at 1150 by Chairperson Johnson.

**Public Hearings, continued:**

The applicant, Stan Egaas, requests a Zoning Map Amendment from Rural Community Multi-Family Residential to Rural Community Commercial.

No ex parte contacts or conflicts of interest were reported.

Jennifer Bunch, Planner, presented the staff report. Mr. Egaas had submitted this application in January 2010. When staff started to process the application, they discovered an error in our ordinance which assigned the wrong comprehensive plan designation to the Rural Community Commercial zone, and that needed to be fixed in order for staff to process this application. The error in the text was fixed by Ord.10-01 last year, and so the process was started. Ms. Bunch stated that she held off a little
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The applicant, Wilma Devries, requests a Zoning Map Amendment from Rural Community Commercial to Rural Community Commercial-Multifamily Residential.

No ex parte contacts or conflicts of interest were reported.

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