



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

07/07/2011

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

FROM: Plan Amendment Program Specialist

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

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



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

JUN 30 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: **20100004** 11-01

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

Date Mailed:

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

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

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:

to:

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

to: **RCC**

Location: **Westport**

Acres Involved: **0**

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

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

Local Contact: **Jennifer Bunch**

Phone: (503) 325-8611 Extension:

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

Fax Number: 503-338-3666

City: **Astoria**

Zip: **97103-**

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

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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

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

In the Matter of:

**AN ORDINANCE AMENDING 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

Doc # 2011060051

Recording Date: 6/28/2011

RECITALS

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 on; and

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

THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAIN AS FOLLOWS:

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

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

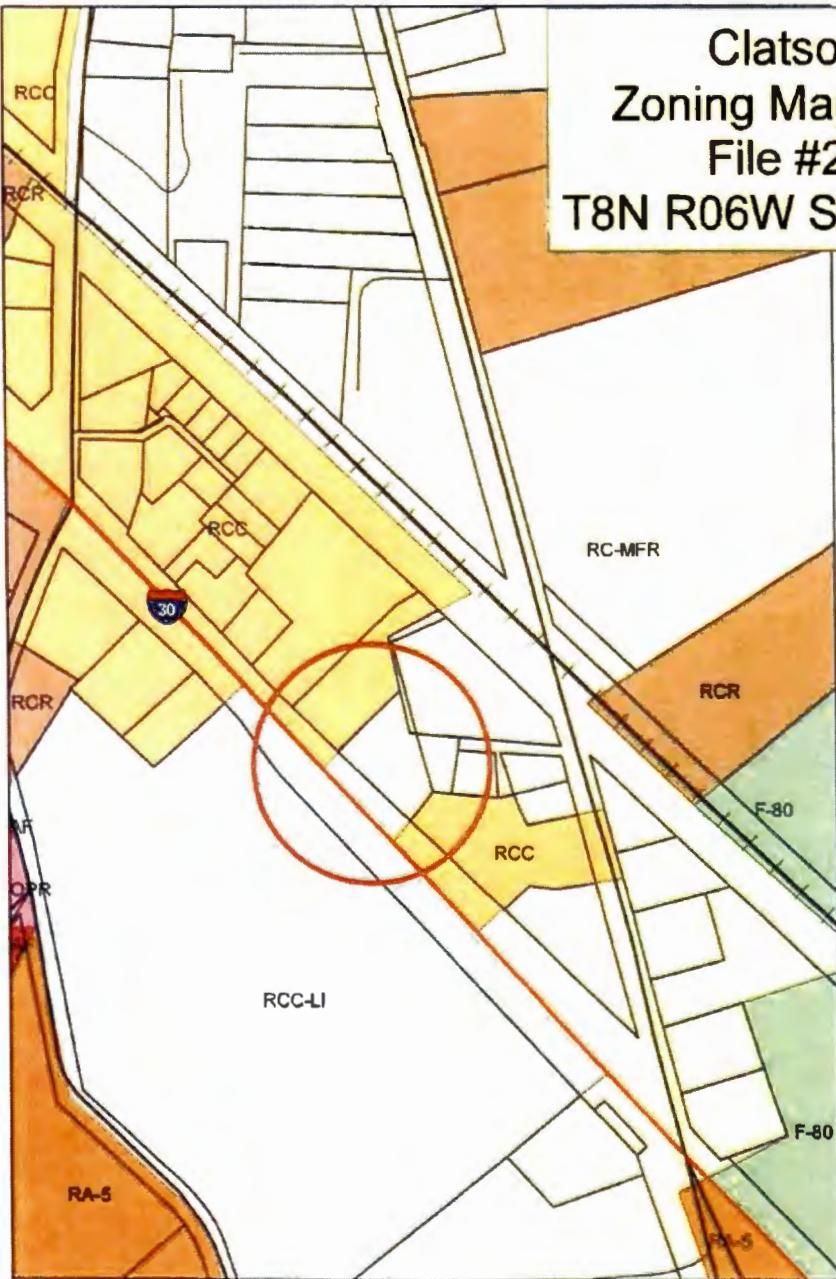
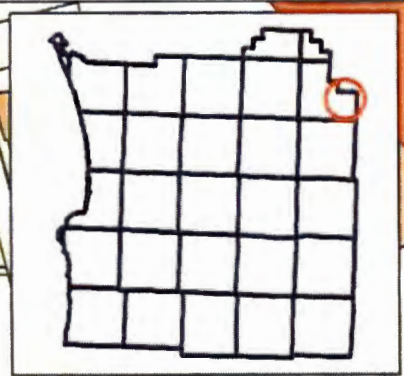
Approved this 22 day of June, 2011

THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

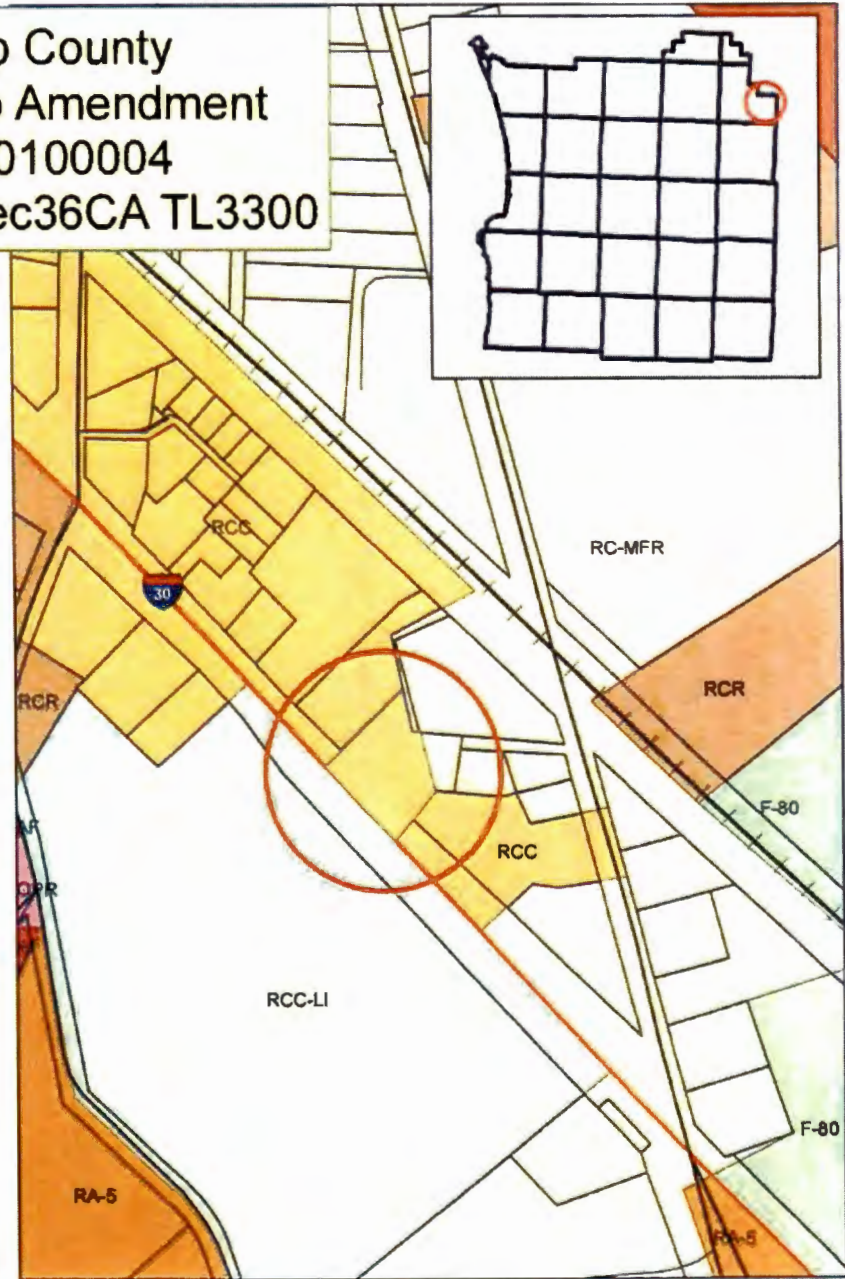
By 

Dirk Rohne, Chair

Clatsop County
Zoning Map Amendment
File #20100004
T8N R06W Sec36CA TL3300



Current Zoning



Proposed Zoning

**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

RESOLUTION AND ORDER

11-05-02

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

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

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



**“Exhibit A”
Staff Report**

REPORT DATE: May 3, 2011

HEARING DATE: May 10, 2011

OWNER: 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. DLCDC 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.

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

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.

Analysis

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

Department Finding:

The application is consistent with the applicable "Development" policies of the Goal 2 element of the Clatsop County Comprehensive Plan.

Goal 3 – Agricultural Lands

Department Finding:

The Goal 3 element of the Clatsop County Comprehensive Plan does not contain applicable policies.

Goal 4 – Forest Lands

Department Finding:

The Goal 4 element of the Clatsop County Comprehensive Plan does not contain applicable policies.

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

Department Finding:

The Goal 5 element of the Clatsop County Comprehensive Plan does not contain applicable policies.

Goal 6 – Air, Water, and Land Quality:

Goal -

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

Analysis:

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

Department Finding:

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

Goal 7 – Natural Hazards

Goal -

To protect life and property from natural disaster and hazards.

Analysis:

The subject property is not located in an identified hazard area.

Department Finding:

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

Goal 8 – Recreational Lands

Department Finding:

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

Goal 9 – Economy

Department Finding:

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

Goal 10 – Population and Housing

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

Population Policies

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

Analysis:

The proposal seeks to rezone property in a manner that would encourage the most appropriate use of the land. The new 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. There will be no adverse impact on public facilities.

Department Finding:

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

Goal 12 – Transportation

Analysis

The subject property currently used 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 RCC. 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 ROC 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



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

PROPOSED USE: _____

	<u>Zoning</u>	<u>Comprehensive Plan Designation</u>
Current:	<u>REMER</u>	<u>DEVELOPMENT</u>
Proposed:	<u>RCC</u>	<u>RURAL LAND</u>

LEGAL DESCRIPTION OF PROPERTY:

T: 8 R: 6 S: 36^{CA} TL: 3300 ACRES: .28

OTHER ADJACENT PROPERTY OWNED BY THE APPLICANT:

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

APPLICANT 1: (Mandatory)

Name: STAN EGAAS Phone # (Day): 503-455-2253 ⁷²⁵⁻⁶⁵⁴⁸
 Mailing Address: 77129 WATACH DR FAX #: 455-2284
 City/State/Zip: CLATSkanie, OR 97016 Signature: [Signature]

PROPERTY OWNER: (Mandatory if different than applicant)

Name: _____ Phone # (Day): _____
 Mailing Address: SAME AS ABOVE FAX #: _____
 City/State/Zip: _____ Signature: [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

CLATSOP COUNTY - PLANNING

- 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 COMERCIAL 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 BLDG WILL USE LOW ENERGY
- 1-14, 15, 16, 17, 18 NO EFFECT

CLATSOP COUNTY - PLANNING

2-1&2 THE REQUESTED ZONE CHANGE IS CONSISTANT 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&7 COMMERCIAL ZONING IS COMPATABLE WITH THE AREA & WILL BE THE MOST APPROPRIATE USE OF THE LAND.

2-8 THE ZONE CHANGE WILL BE COMPATABLE WITH THE AREA & ALLOWA NEEDED COMMERCIAL FACILITY ON THE PROPERTY WITH ADDED JOBS.

Exhibit 2
DLCD Notice of Proposed Amendment

FORM

1

REVISED

DLCD Notice of

Proposed Amendment

in person [] electronic [] mailed []

**THIS FORM 1 MUST BE RECEIVED BY DLCD AT LEAST
45 DAYS PRIOR TO THE FIRST EVIDENTIARY HEARING**
PER ORS 197.610, OAR 660-018-000

For DLCD Use Only

Jurisdiction: **Clatsop County**

Date of First Evidentiary Hearing: ~~March 9, 2010~~ **4/12/11**

Local File Number: **20100004**

Date of Final Hearing: ~~April 28, 2010~~ **6/8/11**

Is this a **REVISION** to a previously submitted proposal? Yes No Date submitted: **2/9/11**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Urban Growth Boundary Amendment

Transportation System Plan Amendment

Other:

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.

Has sufficient information been included to advise DLCD of the effect of proposal? Yes, text is included

For Map Changes: Include 8½"x11" maps of Current and Proposed designation. Yes, Maps included

Plan map changed from: **n/a**

To: **n/a**

Zone map changed from: **RC-MFR (Multi-Family Residential)**

To: **RCC (Rural Comm. Commercial)**

Location of property (do not use Tax Lot): **North of Hwy 30 at MP 70.55**

Previous density: **1 ac**

New density: **n/a**

Acres involved: **0.28**

Applicable statewide planning goals:

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

Is an exception to a statewide planning goal proposed? YES NO Goals:

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

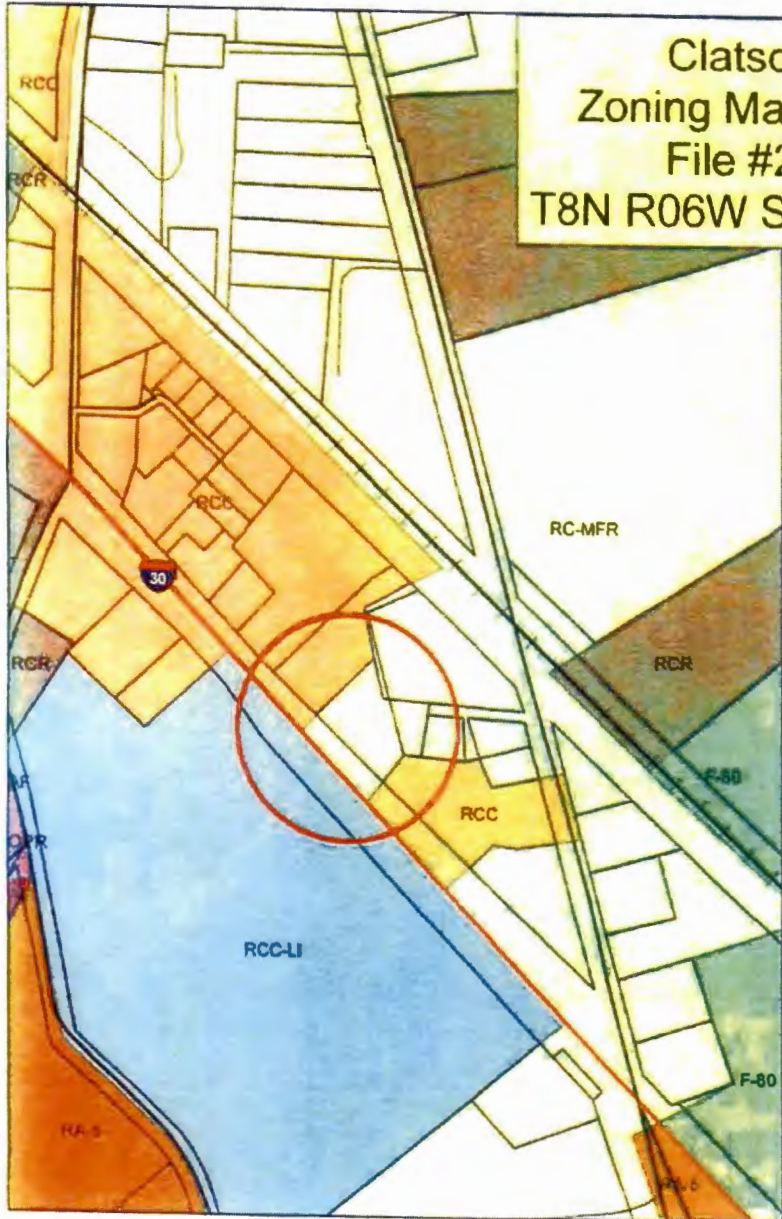
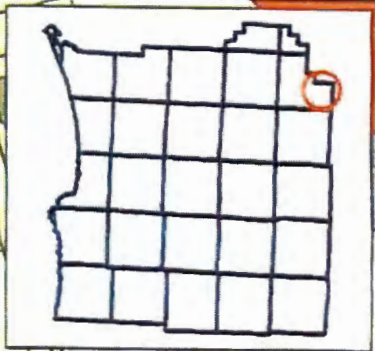
ODOT, DLCD, DSL, Westport Sanitary Sewer District, Westport Water, Westport RFPD

Local Contact: **Jennifer Bunch, Planner**
Address: **800 Exchange Street, Ste 100**
Fax Number: **503-338-3666**

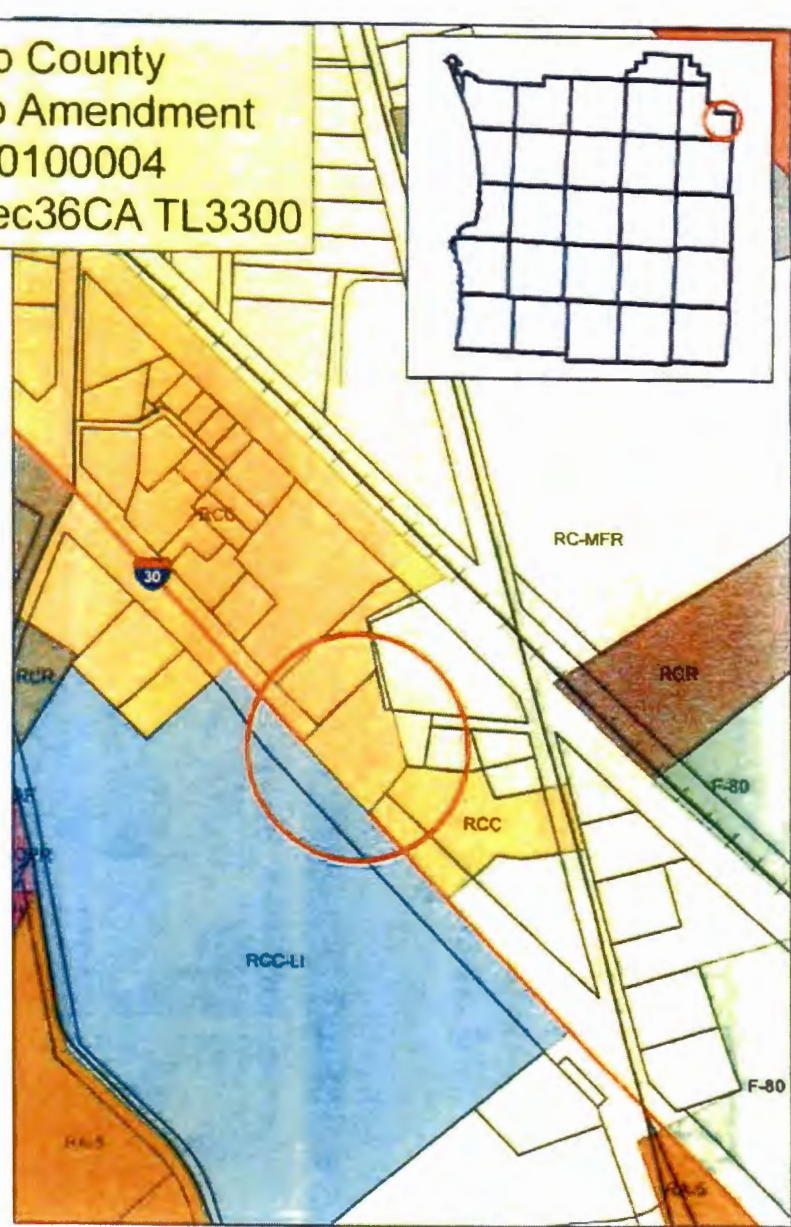
Phone: **503-325-8611** Extension:
City: **Astoria, OR** Zip: **97103**
E-mail Address: **jbunch@co.clatsop.or.us**

Exhibit 3
Map

Clatsop County
Zoning Map Amendment
File #20100004
T8N R06W Sec36CA TL3300



Current Zoning



Proposed Zoning

Exhibit 4
Public Notice

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

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



CLATSOP COUNTY PLANNING COMMISSION NOTICE OF PUBLIC HEARING

ORDINANCE 11-01

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 2.035 of the Clatsop County Land and Water Development and Use Ordinance (LWDUO), the Department Director has scheduled a public hearing on this matter before the Planning Commission at **10:00 AM on Tuesday, May 10, 2011** at the Judge Guy Boyington Building, 857 Commercial Street, Astoria, OR.

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

NOTE: Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes an appeal based on that issue.

THE LAND USE APPLICATION DESCRIBED:

The applicant, Stan Egaas, proposes a zoning map amendment 0.28 acres of land located to the north of Hwy 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 10 (Population and Housing) |
| Goal 2 (Land Use Planning) | Goal 11 (Public Facilities and Services) |
| Goal 6 (Air, Water, and Land Quality) | Goal 12 (Transportation) |
| Goal 7 (Natural Hazards) | Goal 14 (Urbanization) |
| Goal 9 (Economy) | Northeast Community Plan |

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

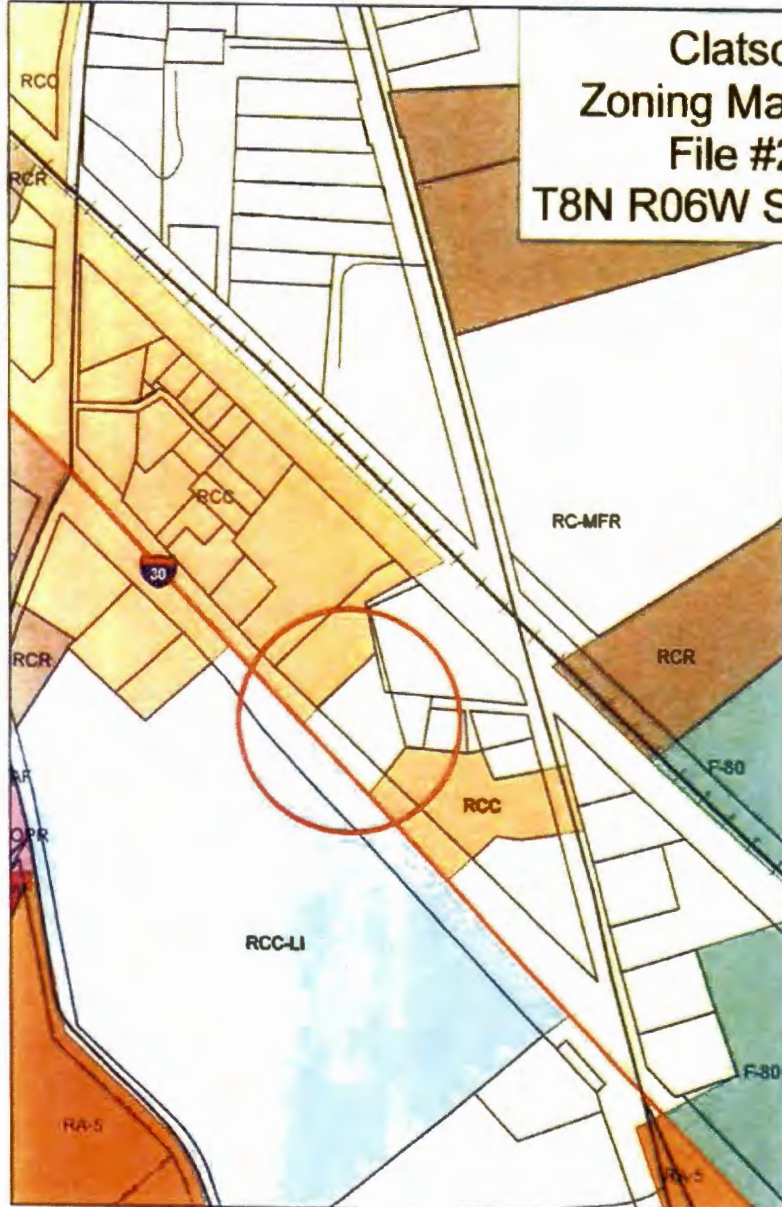
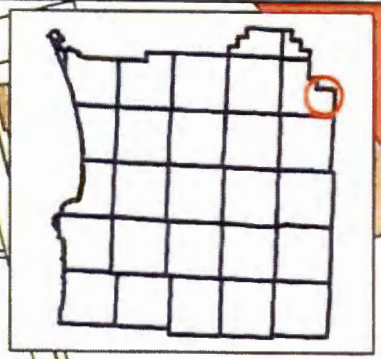
A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at the Transportation & Development Services Office during normal business hours (M-F, 8-5) at no cost and will be provided at reasonable cost. A copy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

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

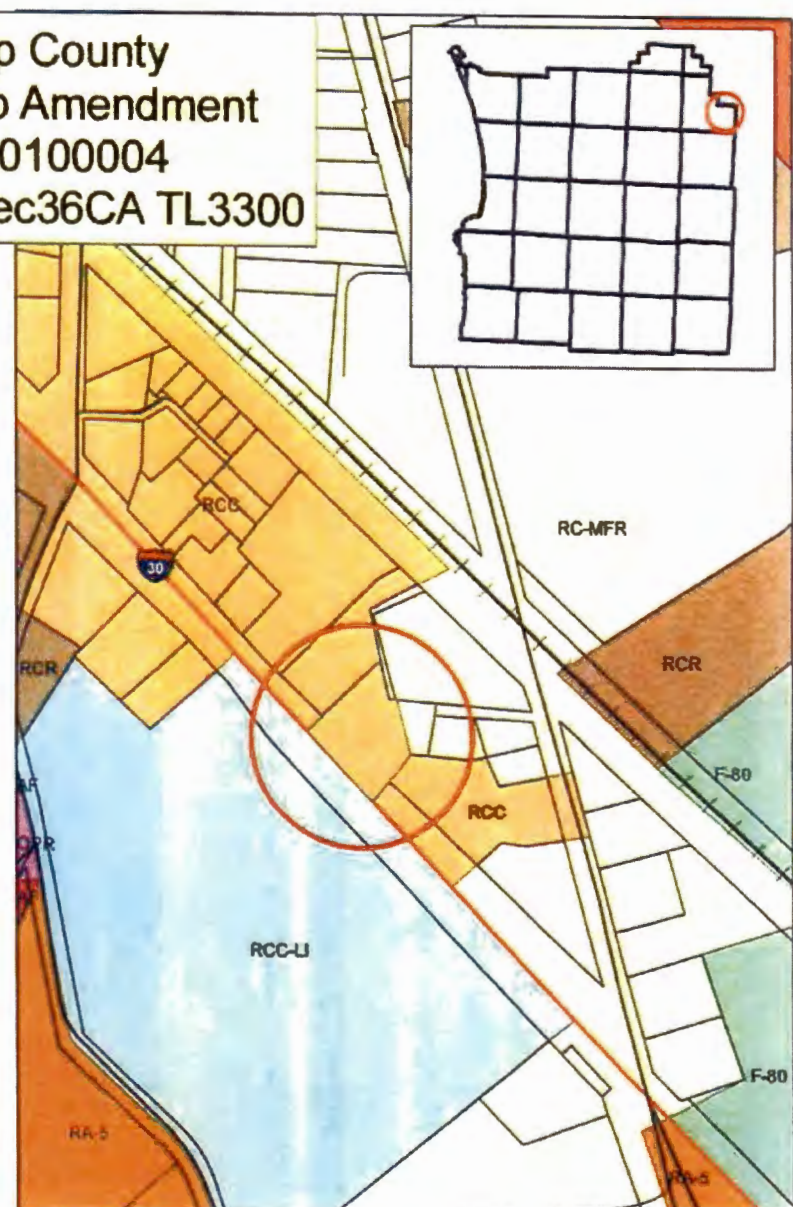
If you have questions about this land use matter or need more information, please contact Jennifer Bunch, Clatsop County Planner, at (503) 325-8611 or via email at jbunch@co.clatsop.or.us

Notice to Mortgagee, Lien Holder, Vendor or Seller: ORS Chapter 215 requires that if you receive this notice it must promptly be forwarded to the purchaser.

Clatsop County
Zoning Map Amendment
File #20100004
T8N R06W Sec36CA TL3300



Current Zoning



Proposed Zoning

TaxlotKey	Owner_line	Ownerline(2)	Owner Address	City	State	Zip Code
80636CA03500	Akin Rocky L/Connie J		91112 Old Mill Town Rd	Westport	OR	97016
80636DC01000	Atkins Gerald	Sigman Lillian Christine	91106 Old Mill Town Rd	Westport	OR	97016
80636CA03100	Clatsop County		820 Exchange St	Astoria	OR	97103
80636CA03000	Dias William K	Dias Jenifer R	324 W F St	Rainier	OR	97048
80636CA03300	Egaas Stanley J		77129 Watach Dr	Clatskanie	OR	97016
80636CA03200	Gortey Michael A/Gayle M		49261 Hwy 30	Westport	OR	97016
806360001904	Greenwood Resources Inc		1500 SW First Ave #940	Portland	OR	97201
80636DC01200	Holten Arthur/Lillian		493J5 Hwy 30 Westport	Clatskanie	OR	97016
80636CD00300	Jacobsen Albert L/Judith H		49238 Hwy 30	Westport	OR	97016
80636DC01301	Koljonen Timothy J		91101 Old Mill Town Rd	Westport	OR	97016
80636CA02321	Payne Gary F		47338 Condon Dr	Westport	OR	97016
80636CA01400	Vice Harold L/Gail E		1220 SW 3rd Ave #1255	Portland	OR	97204
80636CA03400	Walters Harriet	Walters John A (c)	1010 NE Knott St	Portland	OR	97212
80636CA02900	Wauna Federal Credit Union		PO Box 67	Clatskanie	OR	97016
80636CD00500	Westport Community Church DLCD	Attn: Plan Amend. Specialist	PO Box 5218 635 Capitol Street NE, Ste 150	Westport Salem	OR OR	97016 97301-2540

Exhibit 5
Public Comment



Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation

Region 2, Area 1

350 W Marine Dr

Astoria, OR 97103-6206

503.325.7222

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

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Chairperson Johnson called the meeting to order at 1004.

Planning Commissioners

(PC) Present:

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

PCs absent:

- Clarke Powers, Excused

Staff Present:

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

The election of officers was deferred to a later date.

Business from the Public:

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

Mr. Johnston touched on several issues, including:

- Included in a facility plan is function of the facility over the long term (20 years), improvements to address safety and mobility issues for all, meeting both ODOT and community needs.
- The process begins with identifying promising improvements, comparing promising improvements and selecting projects, designing projects and preparing for construction and construction and operation. Mr. Johnston emphasized that advancing to the next step relies on identifying funding.
- Description of a time table, the decision-making process
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- 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.

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7 continued, stating his opinion that due process was given, and the ordinance was
8 followed.
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11 issue may be that the Crosbys don't like the County's process. He continued, stating
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DEPT OF

JUN 30 2011

LAND CONSERVATION
AND DEVELOPMENT

MIDDLE OFFICE
KELS-2080
4315

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

2 LBS

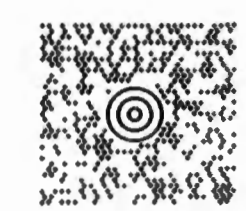
SHIP TO:
PLAN AMEND. SPEC.
DEPT. OF LAND CON. & DEV.
SUITE 150
635 CAPITOL ST. N.E.
SALEM OR 97301-2540



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

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

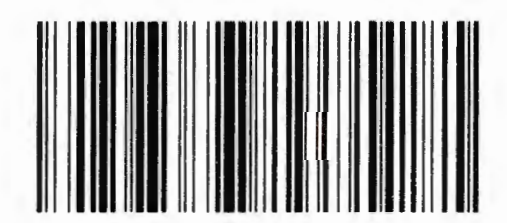
FIRST CLASS MAIL



OR 973 0-02


UPS GROUND

TRACKING #: 1Z 786 877 03 5136 4315



BILLING: P/P

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

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