



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

AMENDED NOTICE OF ADOPTED AMENDMENT

September 7, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Clatsop County Plan Amendment
DLCD File Number 004-07



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: September 19, 2007

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Doug White, DLCD Community Services Specialist
Laren Woolley, DLCD Regional Representative
Michael Weston II, Clatsop County

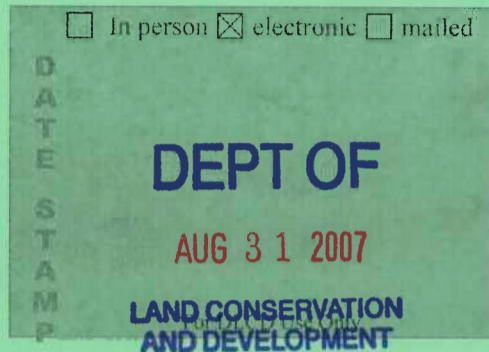
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PROP **2**

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED TO DLCD**
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **Clatsop County**

Local file number: **2007080056**

Date of Adoption: **8/23/2007**

Date Mailed: **8/29/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **6/7/2007**

- | | |
|---|---|
| <input checked="" type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

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

Changing language in the Rural Comm. Commercial Zone to reflect the intention initially sought. There are 5 use categories that are low impact and not intended to be subject to the 4k sq ft floor area standards described in Clatsop Co. LWDUO# 80-14 Sections 3.262§(6). The county is amending the language to adopt performance/need based max floor areas for the following uses listed under Sec. 3.258§'s {8, Parks; 9, Churches; 12, Public Facilities; 15, Farm & Garden Supply; 16, Mini-Storage.

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

Plan Map Changed from: **N/A** to: **N/A**

Zone Map Changed from: **N/A** to: **N/A**

Location: **RCC Zoning Districts, Five total districts** Acres Involved:

Specify Density: Previous: New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input checked="" type="checkbox"/> | <input checked="" 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 checked="" type="checkbox"/> | <input checked="" 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 checked="" 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 # 004-07 (16164)

DLCD file No. _____

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

DLCD, Clatsop County, ODOT, Lewis & Clark - Youngs River Water & Sanitary District, Lewis & Clark-Youngs River Rural Fire District

Local Contact: **Michael Weston II, Planner CCCD** Phone: **(503) 325-8611** Extension: **1702**
Address: **800 Exchange St. Suite 100** Fax Number: **503-338-3666**
City: **Astoria** Zip: **97103-** E-mail Address: **mweston@co.clatsop.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

Received

AUG 23 2007

Mike

Doc # 2007080056

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

In the Matter of

AN ORDINANCE AMENDING THE
TEXT OF THE CLATSOP COUNTY
LAND WATER DEVELOPMENT
AND USE ORDINANCE SECTION
3.252 RURAL COMMUNITY
COMMERCIAL (RCC) ZONE

RECEIVED

AUG 23 2007
Community
Development
CLATSOP COUNTY

ORDINANCE NO. 07-06

The applicants Michael Kotaniemi and Shari Paredes-Moyer representing KomPac LLC, have requested the amendments of text described in **Exhibit 1(A) Staff Report** pages 4-7 of the RCC Zone, for future convenience the new language is attached. Having considered the Planning Commission's Recommendation, Presentation by all parties, the Staff Report and Findings herein, the County Commission finds as follows:

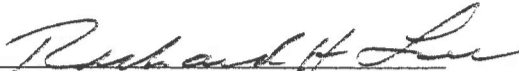
1. The applicants Michael Kotaniemi and Shari Paredes-Moyer applied for a comprehensive text plan amendment in May of 2007.
2. Notice was given to the Department of Land Conservation and Development 40 days in advance and all affected parties were given notice 20 days in advance in accordance with Clatsop County's Land Water Development and Use Ordinance #80-14 Section 2.035 and ORS 215.503 *Legislative act by ordinance; mailed notice to individual property owners required by county for land use actions.*
3. The Planning Commission conducted a Public Hearing on July 24th, 2007 to hear Public Comment and Testimony in accordance with the requirements of ORS 215.050 and 215.060; at which hearing the Commission unanimously recommended the Text Amendments proposed in the Staff Report attached hereto as Exhibit 1(A) and by this reference made a part hereof.
4. The Board of Commissioners received and considered the Planning Commission's Recommendations on this request and held a public hearing on this ordinance pursuant to Law on the 8th & 22nd of August 2007.

IT IS HEREBY ORDERED:

That the text amendments to the RCC Zone are adopted as illustrated on Pages 4-7 of the Staff Report dated July 1st, 2007 attached as Exhibit 1(A) Resolution and Order # 070703, Recommending the Approval of the Text Amendments by the Planning Commission, and as attached on pages 3 through 6 of this ordinance.

Dated this ____ day of August 2007

BOARD OF COMMISSIONERS FOR
CLATSOP COUNTY


Richard Lee, Chair

Approved as to form:

County Counsel

Section 3.252. Rural Community Commercial Zone (RCC).

Section 3.254. Purpose and Intent.

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

Section 3.256. Development and Use Permitted.

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

- (1) Splitting and sale of firewood.
- (2) Roadside stand, which shall be less than 120 sq. ft. in size, subject to provisions S5.032-S5.033.
- (3) Low intensity recreation.
- (4) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- (5) Handicapped housing facility.
- (6) Land transportation facilities as specified in Section 3.035.

Section 3.258. Commercial Conditional Development and Use.

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

- (1) A retail grocery, bakery, delicatessen, confectionary or similar store including the preparation of foodstuffs for sale primarily on the premises, provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
- (2) A retail drug, variety, gift, antique, hardware, sporting goods, dry goods, music, florist, book, stationery, art gallery, or similar store provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
- (3) A barber, beauty, tailor, shoe repair, laundromat, cleaners, photographic shop or similar personal service business provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
- (4) Sporting equipment and other recreational equipment rental service provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
- (5) An eating or drinking establishment provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.

- (6) An automobile service station, including auto fuel, towing and minor repair, excluding auto sales and auto storage provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
- (7) Professional offices provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
- (8) Park, or playground, ball fields, or community center.
- (9) Churches or similar places of worship.
- (10) Veterinary clinic provided the square footage of the building or buildings devoted to the care of household pets does not exceed 4,000 square feet of floor area.
- (11) Medical and dental offices provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
- (12) Buildings and uses of a public works, public service, or public utility nature, that may include equipment storage, repair yards, warehouses, or related activities.
- (13) Instructional or vocational schools, such as dance studio, karate, theatre, music, computer science provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
- (14) Communication Facilities subject to the provisions of Clatsop County Standards Document S4.700.
- (15) Farm or garden supply, equipment sales and repair.
- (16) Mini-storage.
- (17) Legally existing and allowed uses (as of the effective date of this ordinance) may continue as permitted uses.

Section 3.260. Conditional Development and Use.

The following uses and their accessory uses are permitted under a Type II-a permit procedure subject to applicable development standards and site plan review.

- (1) Expansion of commercial building or buildings, existing on (date of this ordinance) where the total floor area for the commercial use exceeds 4,000 square feet provided the commercial use, intended to occupy more than 4,000 square feet of floor area, is intended to serve the rural community, the surrounding rural area, or the traveling needs of people passing through the area.
- (2) Mixed Use or Residential developments in association with a Commercial or Retail component that is permitted or conditional. Residential development shall be located above or behind the permitted or conditional use.
- (3) A hotel, motel, lodge, resort, inn, or other enclosed tourist/traveler accommodations, provided:
 - (A) It is served by a community sewer system,
 - (B) Does not have over 35 units, and
 - (C) Each commercial use associated with the lodging shall not exceed 4,000 square feet (i.e. Gift Shop, Office, Restaurant, etc).
- (4) Recreational Vehicle (RV) Park subject to the following provisions:
 - (A) Density, Maximum fifteen (15) RV spaces per acre.
 - (B) Minimum 30-foot setback to any adjoining residential zone.
 - (C) Minimum 50-foot setback to any adjoining resource zone.
 - (D) Subject to meeting the State Building Code requirements; and

- (E) Subject to provisions of Clatsop County Standards Document, S.3.550 – S3.552 (2)(A)(F)(I)(J)(K) and (3)-(10) inclusive.

Section 3.262. Development and Use Standards.

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

- (1) Plan review and approval: No building permit or other permit for construction or alteration of any building structure or use in this zone shall be issued until plans have been reviewed and approved by the Community Development Director in order to evaluate the conformity with the performance standards of this zone and the Comprehensive Plan and the compatibility of vehicular access, signs, lighting, building placement and designs, landscaping, adjoining uses and location of water and sewage facilities.
- (2) Standards:
 - (A) Air quality: The air quality standards set by the Department of Environmental Quality shall be the guiding standards in this zone, except that open burning is prohibited in any case.
 - (B) Noise: As permitted under all laws and regulations.
 - (C) Storage: Materials and or equipment shall be enclosed within a structure or concealed behind sight-obscuring screening.
 - (D) Fencing: Allowed inside a boundary planting screen and where it is necessary to protect property or to protect the public from a dangerous condition. The proposed fence locations and design will be subject to Community Development Director review and approval.
 - (E) Buffer: Where the RCC zone adjoins a zone other than RCC, there shall be a buffer area of depth adequate to provide for a dense evergreen landscape buffer which attains a minimum height of 8-10 feet, or such other screening measures as may be prescribed by the Community Development Director in the event differences in elevation or other circumstances should defeat the purpose of this requirement. In no case shall the buffer area have less width than the required 50-foot setback of this zone.
 - (F) Vibration: No vibration other than that caused by highway vehicles, trains and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.
 - (G) Heat and glare: Except for exterior lighting, operations producing heat or glare shall be constructed entirely within an enclosed building.
 - (H) Lighting: Exterior lighting shall be directed away from adjacent property, with cutoff lighting required, when adjacent to a residential zone.
- (3) Density Provisions:
 - (A) The minimum lot width shall be 75 feet.
 - (B) Other permitted development standards as required to meet State sanitation requirements and local setback and ordinance requirements.
 - (C) Lot width/depth dimension shall not exceed a 1:3 ratio.
- (4) Setback requirements:
 - (A) Front yard setbacks: 25 feet.
 - (B) Side and rear yard when abutting a residence or residential zone: 10 feet.
 - (C) For lots of record created prior to September 30, 1980 that are less than minimum lot size required side yards shall be 5 feet.

- (D) The setbacks for all structures shall be thirty-five feet (35) from the line of non-aquatic vegetation.
- (E) All structures shall be a minimum of fifty feet (50) from adjacent resource zones.
- (5) Building height:
 - (A) The maximum building height for commercial uses shall be 35 feet.
 - (B) The maximum building height for light industrial uses shall be 45 feet, except when within 100 feet of a residential zone, the height shall be 35 feet.
- (6) Building size:
 - (A) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 3.258 unless:
 1. The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
 2. The use is limited to a size of building or buildings that is intended to serve the rural community, surrounding rural area of the travel needs of people passing through the area; and
 3. The total floor area of building or buildings does not exceed 12,000 square feet unless an exception to goal 14 has been acknowledged pursuant to ORS 197.625.
- (7) Off-street parking requirements: Off-street parking shall be subject to Clatsop County Standards Document, Section S2.200 of the Development and Use Standards Document.
- (8) An accessory structure separated from the main building may be located in the required rear or side yard, except in the required street side of a corner lot, provided that it is not less than ten (10) feet to a property line.
- (9) All new developments and cumulative or incremental expansion of an existing footprint greater than twenty-five percent shall indicate on the building permit how storm water is to be drained from the property or retained on site. The Building Official or County Engineer may require the installation of culverts, dry wells, retention facilities, or other mitigation measures where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands or on slopes twenty-five percent or greater.
- (10) In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP).
- (11) Developments adjacent to or across the street from residential zones shall be contained within an enclosed building or screened from the residential district with a sight obscuring fence or vegetation.
- (12) All standards as set forth in the Clatsop County Standards Document, as amended.

Section 3.264 State and Federal Permits

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

EXHIBIT 1

BEFORE THE PLANNING COMMISSION
FOR THE COUNTY OF CLATSOP

In the Matter of

A TEXT AMENDMENT TO THE CLATSOP
COUNTY LAND WATER DEVELOPMENT
AND USE ORDINANCE PROPOSED BY
KOMPAC LLC, OWNER MICHAEL
KOTANIEMI

RESOLUTION AND ORDER

070703

Recording Date: July 25th, 2007

THE ABOVE ENTITLED MATTER came before the Planning Commission at its meeting of July 24th, of the year 2007, for public hearing and consideration of a Comprehensive Text Plan Amendment to the RCC Zone (Land water development and Use Ordinance 80-14 Section 3.252).

The Planning Commission after reviewing the findings of fact in Exhibit "A" (*Staff Report*) has determined the proposed changes are consistent with Clatsop County's Comprehensive Plan and Statewide Planning Goals.

THE PLANNING COMMISSION considering all evidence and public testimony provided by the Planning Department Staff and the Applicant at the public hearing, hereby **RECOMMEND THE APPROVAL** OF THE PROPOSED REQUEST FOR COMPREHENSIVE PLAN TEXT AMENDMENTS AS DESCRIBED IN EXHIBIT "A" *Staff Report*, attached hereto and by this reference made part hereof.

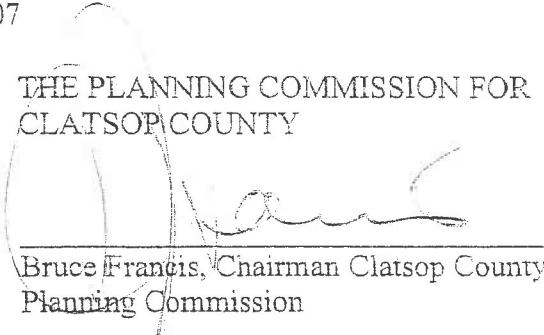
WHEREFORE, the Planning Commission finds and resolves:

To Recommend Adoption to the Board of Commissioners the following Changes to the Sections of the RCC Zone as listed below and further elaborated upon in the Staff report attached hereto and described as Exhibit "A".

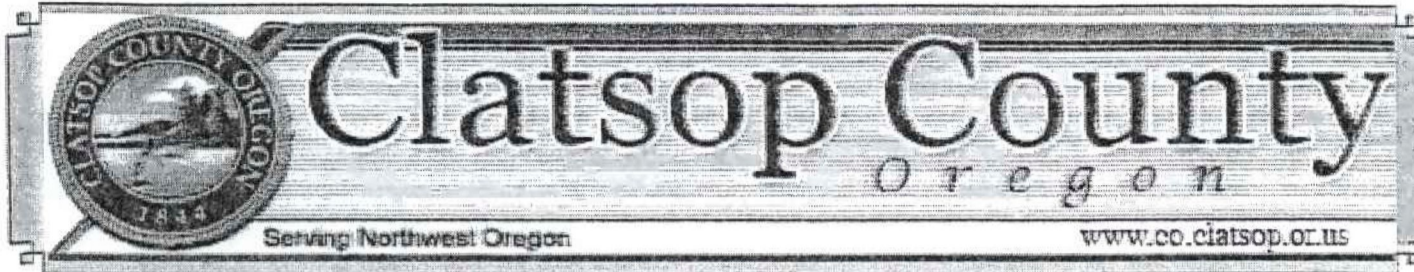
Sections of Change: 3.254 (Purpose & Intent); 3.260 (Conditional Development and Use) §(2) & §(3); 3.262 (Development and Use Standards) §(6).

SO ORDERED this 25th day of July 2007

THE PLANNING COMMISSION FOR
CLATSOP COUNTY



Bruce Francis, Chairman Clatsop County
Planning Commission



Staff Report – Type IV

Comprehensive Plan Text Amendment

To

The RCC Zone

Submitted by:

KomPac LLC

Owner: Michael Kotaniemi & Shari Paredes-Moyer

Prepared by:

Michael J Weston II, Planner Clatsop Community Development

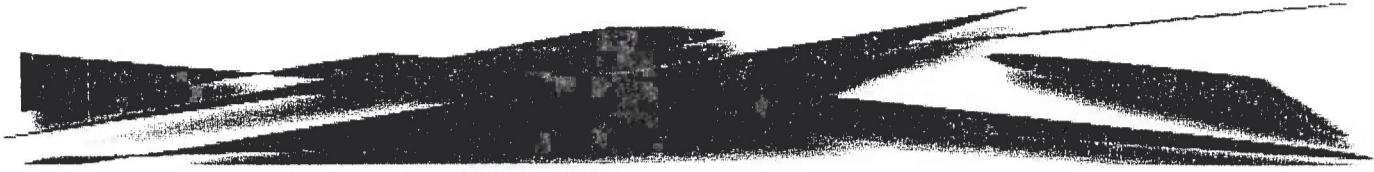


Table of Contents

I. Request _____ 3

II. Background _____ 3

III. Project Description _____ 4

 CHANGE 1. _____ 4

 CHANGE 2. _____ 5

 CHANGE 3. _____ 5

 CHANGE 4. _____ 6

IV. Applicable Goals and Policies _____ 7

V. Applicable Criteria _____ 9

VI. Conclusion and Recommendation _____ 10

Exhibits

1. Section 3.252 Original_Revisions_Draft _____ 11

2. Public And Published Notices _____ 30

3. Notice to DLCD _____ 54

4. Application _____ 71



Staff Report
Type III - Action
Clatsop County Planning Commission

Produced by:
Michael J. Weston II, Planner
Clatsop County Community Development
July 1st, 2007



Applicant:
KomPac LLC
34873-34871 Hwy 101 Bus
Astoria, OR 97103

Owner:
Michael Kotaniemi &
Shari Paredes-Moyer
3480 Franklin Ave
Astoria, OR 97103

Legal Description:
T8N R09W § 30AA TL 1300

Lot Size:
.85 Acres

Zoning Designations:
Section 3.252, Rural
Community Commercial Zone
(RCC)

**Comprehensive Plan
Designation:**
Development, Rural Lands

Applicable Zoning Criteria:
Sections 1.010-1.050
(Definitions), 2.035 (Type IV
Procedures), 2.110-2.125
(Procedures for Mailed &
Published Notice), 2.310-2.335
(Legislative Action), Lewis &
Clark Olney-Wallooskee Plan.

I. Request

The applicants seek a text amendment to reflect the original intent of the ordinance. The applicants feel the ordinance unjustly binds their ability to reasonably utilize and operate a mini-storage operation. As evidence the applicants described 5 uses listed under section 3.258 that are relatively low-impact and small-scale commercial activities.

The following activities were called out: §3.258. (8) Park, or Playground, Ball fields, or Community Center, (9) Churches or similar places of worship, (12) Buildings and uses of a public works, public service, or public utility nature, that may include equipment storage, repair yards, warehouses, or related activities, (15) Farm or Garden supply, equipment sales and repair, (16) mini-storage.

None of the above mentioned uses are restricted to a 4000 square foot floor area according to section 3.358, neither would it make sense to restrict the floor area of these uses as it would essentially render them useless. However under Section 3.262 §(6) it states that, "New commercial uses shall not exceed the 4000 square foot limit unless the applicants produce findings and go through Post Acknowledgement Procedures (*Essentially a Comp. Plan Amendment); therefore the applicants chose to forgo the Post Acknowledgement Procedures and just change the text altogether to reflect the original intent of the ordinance.

II. Background

The applicants applied for a conditional use permit to operate a mini-storage business on property owned by them. Through the process of review it was



Use:
Text Amendment to allow 17,600 square feet of storage space in the form of mini-storage.

Exhibits:
1. LWDUO Section 3.252 Original Revisions Draft
2. Public & Published Notices
3. Notice to DLCD
4. Application

discovered that our ordinance under section 3.262 does not permit any structure or combination of structures in excess of 4000 square feet. During the process of investigation Staff spoke with representatives of DLCD to better understand the options available to the applicant. In conversations with DLCD it was determined that the intent behind the ordinance was obviously not to restrict those particular uses mentioned above. In accordance with State Law and the requirements of Rural Community Commercial Zones, higher intensity commercial activity is limited to a 4000 square foot floor area.

The intent behind this limited floor area was to regulate traffic impacts on rural roads with little or no services. The restriction was further intended to mitigate other infrastructural demands that commercial and industrial activities can place on systems that are neither intended nor capable of sustaining large capacities of water usage and effluent discharge. However

the afore mentioned uses are all relatively low-impact and small in scale. None of the uses generate excess traffic nor would they overload existing facilities if they were in excess of 4000 square feet.

Staff in conjunction with DLCD determined the only way for the applicant to resolve their issue and allow them to maintain the square footage requested in their application was to go through a text amendment procedure. Had the applicants chose to go through post acknowledgement procedures they would only be able to build three of the proposed structures and could not exceed a total floor area of 12,000 square feet. Staff told the applicants that our office was currently revamping the ordinance and could possibly tie these changes into the revisions currently underway. However the time frame for these revisions is indeterminate; therefore, the applicants chose to forgo the wait and submit an application for the text amendment in an effort to fast track the process.

Staff working with the applicant and DLCD revamped the RCC Zone. The changes in the zone are reflected under Section III (Project Description) contained in the following pages of this report.

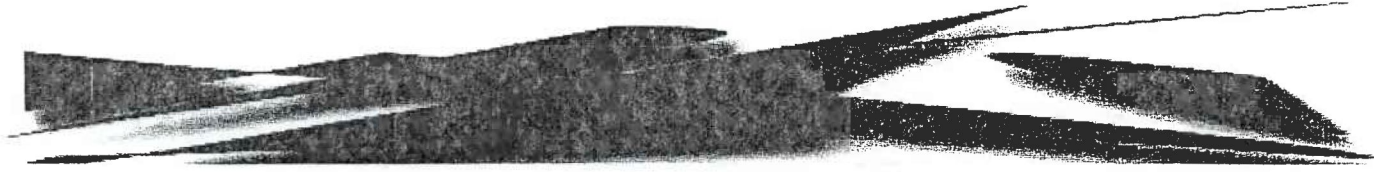
III. Project Description

CHANGE 1.

1) Section 3.254. Purpose and Intent.

Original Text: (Area of change Highlighted & Underlined)

§(5) provide services for the community, surrounding rural, farm and forest areas, and traveling public. New commercial uses are those defined under state law as "small-scale, low impact" with building or buildings not to exceed 4,000 square feet of floor area, unless determined through review that large buildings are intended to serve the rural community, surrounding rural area or the travel needs of the people passing through the area. Expansion of an existing commercial use resulting in building or buildings exceeding 4,000 square feet of floor area are appropriate when the use is intended to serve the rural community, surrounding rural area or the travel needs of people passing through the area



Text Amendment:

§(5) provide services for the community, surrounding rural, farm and forest areas, and traveling public. New commercial uses are those defined under state law as “small-scale, low impact” with building or buildings not to exceed 4,000 square feet of floor area, unless determined ~~through review~~ that large buildings are intended to serve the rural community, surrounding rural area or the travel needs of the people passing through the area. Expansion of an existing commercial use resulting in building or buildings exceeding 4,000 square feet of floor area are appropriate when the use is intended to serve the rural community, surrounding rural area or the travel needs of people passing through the area

New Text:

§(5) provide services for the community, surrounding rural, farm and forest areas, and traveling public. New commercial uses are those defined under state law as “small-scale, low impact” with building or buildings not to exceed 4,000 square feet of floor area, unless determined that large buildings are intended to serve the rural community, surrounding rural area or the travel needs of the people passing through the area. Expansion of an existing commercial use resulting in building or buildings exceeding 4,000 square feet of floor area are appropriate when the use is intended to serve the rural community, surrounding rural area or the travel needs of people passing through the area

CHANGE 2.

Section 3.260. Conditional Development and Use

Original Text:

§(2) Residential developments in association with a development that is permitted or conditional, such as a dwelling for the owner or operator of a commercial development.

Text Amendment:

§(2) Mixed Use or Residential developments in association with a ~~development~~ Commercial or Retail component that is permitted or conditional, ~~such as a dwelling for the owner or operator of a commercial development.~~ Residential development shall be located above or behind the permitted or conditional use.

New Text:

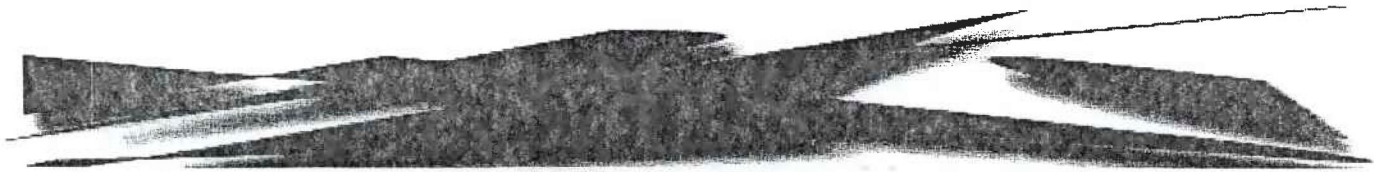
§(2) Mixed Use or Residential developments in association with a Commercial or Retail component that is permitted or conditional. Residential development shall be located above or behind the permitted or conditional use.

CHANGE 3

Section 3.260. Continued.

Original Text:

- §(3) A hotel, motel, lodge, resort, inn, or other enclosed tourist/traveler accommodations, provided:
- (A) It is served by a community sewer system,
 - (B) Does not have over 35 units, and



(C) Does not occur in a building or buildings that exceed 4,000 square feet.

Text Amendment:

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

New Text:

- §(3) A hotel, motel, lodge, resort, inn, or other enclosed tourist/traveler accommodations, provided:
- (A) It is served by a community sewer system,
 - (B) Does not have over 35 units, and
 - (C) Each commercial use associated with the lodging shall not exceed 4,000 square feet (i.e. Gift Shop, Office, Restaurant, etc).

CHANGE 4


3.262. Development and Use Standards.

Original Text:

- § (6) Building size:
- (A) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 3.258. New commercial uses shall not exceed the 4,000 square foot limit unless:
 - 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
 - 2) The use is limited pursuant to Section 3.258 to a size of building or buildings that is intended to serve the rural community, surrounding rural area of the travel needs of people passing through the area; and
 - 3) The total floor area of building or buildings does not exceed 12,000 square feet.

Text Amendment:

- § (6) Building size:
- (A) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 3.258. ~~New commercial uses shall not exceed the 4,000 square foot limit unless:~~
 - 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);

- 
- 2) The use is limited ~~pursuant to Section 3.258~~ to a size of building or buildings that is intended to serve the rural community, surrounding rural area of the travel needs of people passing through the area; and
 - 3) The total floor area of building or buildings does not exceed 12,000 square feet unless an exception to goal 14 has been acknowledged pursuant to ORS 197.625.

New Text:

§(6) Building size:

- (A) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 3.258 unless:
 - 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
 - 2) The use is limited to a size of building or buildings that is intended to serve the rural community, surrounding rural area of the travel needs of people passing through the area; and
 - 3) The total floor area of building or buildings does not exceed 12,000 square feet unless an exception to goal 14 has been acknowledged pursuant to ORS 197.625.

IV. Applicable Goals and Policies

Goal 1. Citizen Involvement.

Staff Findings: The community Development department notified all residents in the county residing in or owning property in the RCC Zones located in Arch Cap, Svensen, Westport, Miles Crossing and Jeffers Gardens.


Goal 2. Land Use Planning

Staff Findings: DLCD was notified of the proposed change and helped to implement the language proposed in this report. The changes described in this report represent Staff and DLCD's interpretation of the intent behind the original ordinance. An oversight in the original language renders some of the permitted uses useless. The text changes exhibited in this report more reflectively represent the true intentions of the ordinance in accordance with State Laws regarding rural communities and impacts permitted by the state; furthermore the changes will permit citizens to more realistically utilize their property.

Goal 6. Air Water & Land Resources Quality

Staff Findings: The changes reflected herein will have no adverse impacts to Air, Water or Land Resources and Quality due to the relative small scale and low impact of the uses.

Goal 8. Recreational Needs.



Staff Findings: Without the changes described beforehand all parks and public spaces will continue to be restricted to 4000 square feet which in realistic terms is nothing more than a small pocket park. This text amendment will permit the creation of parks in excess of 4000 square feet, in other words it will allow a descent-sized park with true benefits to the community.

Goal 9. Economic Development.

Staff Findings: The text amendment will increase the economic potential of the rural communities while still maintaining relatively low impacts upon infrastructural demands. The language also provides residents the opportunities to increase the value of their land by adding residential units to commercial components.

Goal 10. Housing.

Staff Findings: The Mixed Use component addresses a growing need in the county for low income housing, while allowing existing residents to operate commercial businesses on their property in the RCC Zone. Mixed Use components in the zone essentially raise property values and increase the options available to the owner or developer. The language also puts an emphasis on the commercial components by requiring the residential component be subordinate to the primary or permitted use.

Goal 11. Public Facilities and Services.

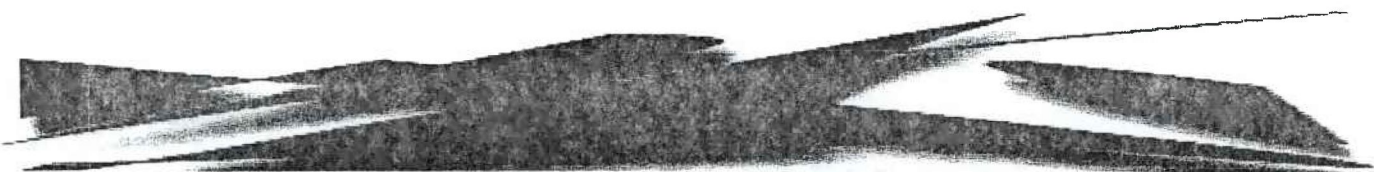
Staff Findings: The text amendment depicted in change 4 listed above will increase the potential for appropriate public services and facilities by not limiting the square footage of those facilities to 4000 square feet.

Goal 12. Transportation.

Staff Findings: The Low impact nature of the changes will create no adverse impacts upon the current transportation system.

Goal 14. Urbanization

Staff Findings: The areas designated RCC are those that are intended as growth and development areas. The ideas behind Goal 14 is to limit growth to those areas that have public services and the capacity to service those areas and those areas identified as a Goal 3 & 4 exception. The areas described above those being: Arch Cape, Svensen, Westport, Miles Crossing and Jeffers Garden; are areas designated in the county as having goal 3 & 4 exceptions, the only area without proper services, those being water and especially sewer, is the Miles Crossing Jeffers Garden Area. Current developments underway are extending a sewer line to that area. Once the sewer line is extended then the capacity to service future growth will be in place. At the current time those services are still lacking in the Miles Crossing Jeffers Garden Area; however the remainder of the RCC areas have full services. For this reason the changes reflected in the text amendments only change those things of a relatively low impact and small scale while still allowing the potential for development as intended in the Comprehensive Plan adopted in 1979.



Furthermore these text amendments do not change the intention of the ordinance the only change is a clarification of the permitted uses and their general utilization. Under this reasoning Staff in Conjunction with DLCD agrees that a Goal 14 conflict is and has not being established.

V. Applicable Criteria

Section 2.300 Legislation.

Section 2.310 Legislative Action Under This Ordinance.

- (1) The following are legislative actions under this Ordinance:
 - (A) An amendment to this Ordinance.
 - (B) A district or zone change action the County Commission has designated as legislative after finding the matter at issue involves such a substantial area and number of property owners or such broad public policy changes that administrative processing would be inappropriate.
- (2) A legislative action shall follow the Type IV procedure subject to the modifications and supplements of Sections 2.310 to 2.335.

Section 2.315 Legislative Hearing Notice.

Notice of a hearing on a legislative decision under this Ordinance need not include a mailing to property owners where the matter at issue does not relate to a specific geographic area. Where such mailing or posting is omitted, the Community Development Director shall prepare a notice program designed to reach persons believed to have a particular interest and to provide the general public with a reasonable opportunity to be aware of the hearings on the proposal.

Section 2.320 Arguments on Policy.

In addition to matters pertaining to compliance with criteria and consistency with the Comprehensive Plan, a person may provide information and opinion regarding the desirable policy of the County relevant to the proposed legislative matter.

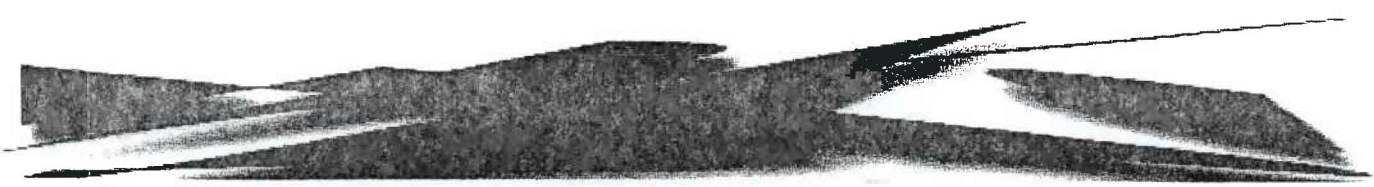
Section 2.325 Information at Planning Commission Hearing.

The Planning Commission shall afford an interested person the opportunity to submit written recommendations and comment in advance of the hearing and this information shall be available for public inspection. At the hearing, written recommendations and other information will be received and oral statements will be permitted.

Section 2.330 Planning Commission Recommendation.

In preparing its recommendation the Planning Commission shall do the following:

- (1) Identify the provisions of the Comprehensive Plan that govern the decision and prepare findings describing how the proposal complies or fails to comply with these Plan provisions.
- (2) Review the nature of the proposal and describe whether the proposal warrants processing as a legislative matter.
- (3) State reasons for the recommendations and make the recommendations. Recommendations may include policy advice of the Planning Commission in addition to determinations described in (1) and (2) above.



Section 2.335 Board of Commissioners Legislative Action.

- (1) The Board of Commissioners may limit the nature of the information it will receive at the hearing and may establish separate rules for consideration of each of the following:
 - (A) Compliance with the Plan.
 - (B) Appropriateness of the legislative process.
 - (C) Policy changes or refinements proposed.
- (2) After confirming, amending or reversing the recommendations of the Planning Commission, the Board of Commissioners may take any of the following steps:
- (3) Enact or defeat an Ordinance on all or part of the proposal under consideration.
 - (A) Refer some or all of the proposal back to the Planning Commission for further consideration. If such referral is subsequently returned, no further hearing need be conducted if the proposal is processed under the County procedure for Ordinance enactment.

VI. Conclusion and Recommendation

It is the conclusion and recommendation of Staff to approve the Text amendments described in Section III of this report. It is the Staff's belief that these changes more definitively reflect the intended purpose and nature of the ordinance and will not only increase the value of the land to residents in the RCC Zone but also clarifies the language and allows flexibility to owners and developers.

Exhibit I.

*LWDUO Section 3.252
Original_Revisions_Draft*

Exhibit I. (A)

Original

Original

SECTION 3.252. RURAL COMMUNITY COMMERCIAL ZONE (RCC).

Section 3.254. Purpose and Intent.

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

Section 3.256. Development and Use Permitted.

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

- (1) Splitting and sale of firewood.
- (2) Roadside stand, which shall be less than 120 sq. ft. in size, subject to provisions S5.032-S5.033.
- (3) Low intensity recreation.
- (4) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- (5) Handicapped housing facility.
- (6) Land transportation facilities as specified in Section 3.035.

Section 3.258. Commercial Conditional Development and Use.

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

- (7) A retail grocery, bakery, delicatessen, confectionary or similar store including the preparation of foodstuffs for sale primarily on the premises, provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
- (8) A retail drug, variety, gift, antique, hardware, sporting goods, dry goods, music, florist, book, stationery, art gallery, or similar store provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.

- (9) A barber, beauty, tailor, shoe repair, laundromat, cleaners, photographic shop or similar personal service business provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
- (10) Sporting equipment and other recreational equipment rental service provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
- (11) An eating or drinking establishment provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
- (12) An automobile service station, including auto fuel, towing and minor repair, excluding auto sales and auto storage provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
- (13) Professional offices provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
- (14) Park, or playground, ball fields, or community center.
- (15) Churches or similar places of worship.
- (16) Veterinary clinic provided the square footage of the building or buildings devoted to the care of household pets does not exceed 4,000 square feet of floor area.
- (17) Medical and dental offices provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
- (18) Buildings and uses of a public works, public service, or public utility nature, that may include equipment storage, repair yards, warehouses, or related activities.
- (19) Instructional or vocational schools, such as dance studio, karate, theatre, music, computer science provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
- (20) Communication Facilities subject to the provisions of Clatsop County Standards Document S4.700.
- (21) Farm or garden supply, equipment sales and repair.
- (22) Mini-storage.
- (23) Legally existing and allowed uses (as of the effective date of this ordinance) may continue as permitted uses.

Section 3.260. Conditional Development and Use.

The following uses and their accessory uses are permitted under a Type II-a permit procedure subject to applicable development standards and site plan review.

- (1) Expansion of commercial building or buildings, existing on (date of this ordinance) where the total floor area for the commercial use exceeds 4,000 square feet provided the commercial use, intended to occupy more than 4,000 square feet of floor area, is intended to serve the rural community, the surrounding rural area, or the traveling needs of people passing through the area.
- (24) Residential developments in association with a development that is permitted or conditional, such as a dwelling for the owner or operator of a commercial development.
- (25) A hotel, motel, lodge, resort, inn, or other enclosed tourist/traveler accommodations, provided:
It is served by a community sewer system,

Does not have over 35 units, and

Does not occur in a building or buildings that exceed 4,000 square feet.

- (26) Recreational Vehicle (RV) Park subject to the following provisions:
- (A) Density, Maximum fifteen (15) RV spaces per acre.
 - (B) Minimum 30-foot setback to any adjoining residential zone.
 - (C) Minimum 50-foot setback to any adjoining resource zone.
 - (D) Subject to meeting the State Building Code requirements; and
 - (E) Subject to provisions of Clatsop County Standards Document, S.3.550 – S3.552(2)(A)(F)(I)(J)(K) and (3)-(10) inclusive.

Section 3.262. Development and Use Standards.

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

- (27) Plan review and approval: No building permit or other permit for construction or alteration of any building structure or use in this zone shall be issued until plans have been reviewed and approved by the Community Development Director in order to evaluate the conformity with the performance standards of this zone and the Comprehensive Plan and the compatibility of vehicular access, signs, lighting, building placement and designs, landscaping, adjoining uses and location of water and sewage facilities.
- (28) Standards:
- (F) Air quality: The air quality standards set by the Department of Environmental Quality shall be the guiding standards in this zone, except that open burning is prohibited in any case.
 - (G) Noise: As permitted under all laws and regulations.
 - (H) Storage: Materials and or equipment shall be enclosed within a structure or concealed behind sight-obscuring screening.
 - (I) Fencing: Allowed inside a boundary planting screen and where it is necessary to protect property or to protect the public from a dangerous condition. The proposed fence locations and design will be subject to Community Development Director review and approval.
 - (J) Buffer: Where the RCC zone adjoins a zone other than RCC, there shall be a buffer area of depth adequate to provide for a dense evergreen landscape buffer which attains a minimum height of 8-10 feet, or such other screening measures as may be prescribed by the Community Development Director in the event differences in elevation or other circumstances should defeat the purpose of this requirement. In no case shall the buffer area have less width than the required 50-foot setback of this zone.
 - (K) Vibration: No vibration other than that caused by highway vehicles, trains and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.
 - (L) Heat and glare: Except for exterior lighting, operations producing heat or glare shall be constructed entirely within an enclosed building.
 - (M) Lighting: Exterior lighting shall be directed away from adjacent property, with cutoff lighting required, when adjacent to a residential zone.
- (29) Density Provisions:
- (N) The minimum lot width shall be 75 feet.

- (O) Other permitted development standards as required to meet State sanitation requirements and local setback and ordinance requirements.
- (P) Lot width/depth dimension shall not exceed a 1:3 ratio.
- (30) Setback requirements:
 - (Q) Front yard setbacks: 25 feet.
 - (R) Side and rear yard when abutting a residence or residential zone: 10 feet.
 - (S) For lots of record created prior to September 30, 1980 that are less than minimum lot size required side yards shall be 5 feet.
 - (T) The setbacks for all structures shall be thirty-five feet (35) from the line of non-aquatic vegetation.
 - (U) All structures shall be a minimum of fifty feet (50) from adjacent resource zones.
- (31) Building height:
 - (V) The maximum building height for commercial uses shall be 35 feet.
 - (W) The maximum building height for light industrial uses shall be 45 feet, except when within 100 feet of a residential zone, the height shall be 35 feet.
- (32) Building size:
 - (X) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 3.258. New commercial uses shall not exceed the 4,000 square foot limit unless:
 - 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
 - 2) The use is limited pursuant to Section 3.258 to a size of building or buildings that is intended to serve the rural community, surrounding rural area of the travel needs of people passing through the area; and
 - 3) The total floor area of building or buildings does not exceed 12,000 square feet.
- (33) Off-street parking requirements: Off-street parking shall be subject to Clatsop County Standards Document, Section S2.200 of the Development and Use Standards Document.
- (34) An accessory structure separated from the main building may be located in the required rear or side yard, except in the required street side of a corner lot, provided that it is not less than ten (10) feet to a property line.
- (35) All new developments and cumulative or incremental expansion of an existing footprint greater than twenty-five percent shall indicate on the building permit how storm water is to be drained from the property or retained on site. The Building Official or County Engineer may require the installation of culverts, dry wells, retention facilities, or other mitigation measures where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands or on slopes twenty-five percent or greater.

- (36) In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP).
- (37) Developments adjacent to or across the street from residential zones shall be contained within an enclosed building or screened from the residential district with a sight obscuring fence or vegetation.
- (38) All standards as set forth in the Clatsop County Standards Document, as amended.

Section 3.264 State and Federal Permits

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

Exhibit I. (B)

Revisions

Revisions

SECTION 3.252. RURAL COMMUNITY COMMERCIAL ZONE (RCC).

Section 3.254. Purpose and Intent.

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- (6) Land transportation facilities as specified in Section 3.035.

Section 3.258. Commercial Conditional Development and Use.

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

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- (2) A retail drug, variety, gift, antique, hardware, sporting goods, dry goods, music, florist, book, stationery, art gallery, or similar store provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.

- (3) A barber, beauty, tailor, shoe repair, laundromat, cleaners, photographic shop or similar personal service business provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
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- (12) Buildings and uses of a public works, public service, or public utility nature, that may include equipment storage, repair yards, warehouses, or related activities.
- (13) Instructional or vocational schools, such as dance studio, karate, theatre, music, computer science provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
- (14) Communication Facilities subject to the provisions of Clatsop County Standards Document S4.700.
- (15) Farm or garden supply, equipment sales and repair.
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- (2) Mixed Use or Residential developments in association with a ~~development~~ **Commercial or Retail component** that is permitted or conditional, ~~such as dwelling for the owner or operator of a commercial development.~~ **Residential development shall be located above or behind the permitted or conditional use.**
- (3) A hotel, motel, lodge, resort, inn, or other enclosed tourist/traveler accommodations, provided:
 - (A) It is served by a community sewer system,
 - (B) Does not have over 35 units, and
 - (C) **Each commercial use associated with the lodging shall** ~~Does not occur in a building or buildings that exceed 4,000 square feet (i.e. Gift Shop, Office, Restaurant, etc).~~
- (4) Recreational Vehicle (RV) Park subject to the following provisions:
 - (A) Density, Maximum fifteen (15) RV spaces per acre.
 - (B) Minimum 30-foot setback to any adjoining residential zone.
 - (C) Minimum 50-foot setback to any adjoining resource zone.
 - (D) Subject to meeting the State Building Code requirements; and
 - (E) Subject to provisions of Clatsop County Standards Document, S.3.550 – S3.552 (2)(A)(F)(I)(J)(K) and (3)-(10) inclusive.

Section 3.262. Development and Use Standards.

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

- (1) Plan review and approval: No building permit or other permit for construction or alteration of any building structure or use in this zone shall be issued until plans have been reviewed and approved by the Community Development Director in order to evaluate the conformity with the performance standards of this zone and the Comprehensive Plan and the compatibility of vehicular access, signs, lighting, building placement and designs, landscaping, adjoining uses and location of water and sewage facilities.
- (2) Standards:
 - (A) Air quality: The air quality standards set by the Department of Environmental Quality shall be the guiding standards in this zone, except that open burning is prohibited in any case.
 - (B) Noise: As permitted under all laws and regulations.
 - (C) Storage: Materials and or equipment shall be enclosed within a structure or concealed behind sight-obscuring screening.
 - (D) Fencing: Allowed inside a boundary planting screen and where it is necessary to protect property or to protect the public from a dangerous condition. The proposed fence locations and design will be subject to Community Development Director review and approval.
 - (E) Buffer: Where the RCC zone adjoins a zone other than RCC, there shall be a buffer area of depth adequate to provide for a dense evergreen landscape buffer which attains a minimum height of 8-10 feet, or such other screening measures as may be prescribed by the Community Development Director in the event differences in elevation or other circumstances should defeat the purpose of this

requirement. In no case shall the buffer area have less width than the required 50-foot setback of this zone.

- (F) Vibration: No vibration other than that caused by highway vehicles, trains and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.
 - (G) Heat and glare: Except for exterior lighting, operations producing heat or glare shall be constructed entirely within an enclosed building.
 - (H) Lighting: Exterior lighting shall be directed away from adjacent property, with cutoff lighting required, when adjacent to a residential zone.
- (3) Density Provisions:
- (A) The minimum lot width shall be 75 feet.
 - (B) Other permitted development standards as required to meet State sanitation requirements and local setback and ordinance requirements.
 - (C) Lot width/depth dimension shall not exceed a 1:3 ratio.
- (4) Setback requirements:
- (A) Front yard setbacks: 25 feet.
 - (B) Side and rear yard when abutting a residence or residential zone: 10 feet.
 - (C) For lots of record created prior to September 30, 1980 that are less than minimum lot size required side yards shall be 5 feet.
 - (D) The setbacks for all structures shall be thirty-five feet (35) from the line of non-aquatic vegetation.
 - (E) All structures shall be a minimum of fifty feet (50) from adjacent resource zones.
- (5) Building height:
- (A) The maximum building height for commercial uses shall be 35 feet.
 - (B) The maximum building height for light industrial uses shall be 45 feet, except when within 100 feet of a residential zone, the height shall be 35 feet.
- (6) Building size:
- (A) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 3.258. ~~New commercial uses shall not exceed the 4,000 square foot limit unless:~~
 - i.1. The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
 - i.2. The use is limited pursuant to ~~Section 3.258~~ to a size of building or buildings that is intended to serve the rural community, surrounding rural area of the travel needs of people passing through the area; and
 - i.3. The total floor area of building or buildings does not exceed 12,000 square feet unless an exception to goal 14 has been acknowledged pursuant to ORS 197.625.

- (7) Off-street parking requirements: Off-street parking shall be subject to Clatsop County Standards Document, Section S2.200 of the Development and Use Standards Document.
- (8) An accessory structure separated from the main building may be located in the required rear or side yard, except in the required street side of a corner lot, provided that it is not less than ten (10) feet to a property line.
- (9) All new developments and cumulative or incremental expansion of an existing footprint greater than twenty-five percent shall indicate on the building permit how storm water is to be drained from the property or retained on site. The Building Official or County Engineer may require the installation of culverts, dry wells, retention facilities, or other mitigation measures where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands or on slopes twenty-five percent or greater.
- (10) In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP).
- (11) Developments adjacent to or across the street from residential zones shall be contained within an enclosed building or screened from the residential district with a sight obscuring fence or vegetation.
- (12) All standards as set forth in the Clatsop County Standards Document, as amended.

Section 3.264 State and Federal Permits

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