



Oregon

Theodore R. Kubongoski, 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

03/11/2013

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 006-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, March 21, 2013

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
Patrick Wingard, DLCD Regional Representative

<paa> YA



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

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DEPT OF

MAR 01 2013

**LAND CONSERVATION
AND DEVELOPMENT**

For Office Use Only

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **Clatsop County**

Local file number: **Ordinance 12-12**

Date of Adoption: **2/27/2013**

Date Mailed: **2/28/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: **10/30/12**

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".

Housekeeping amendments to the Land and Water Development and Use Ordinance and Standards Document. Changes to ensure consistency with ORS/OARs, current procedures, and removed unneeded language.

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

Plan Map Changed from: **n/a**

to:

Zone Map Changed from: **n/a**

to:

Location: **n/a**

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

| | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-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. 006-12 (19573) [17371]

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

DLCD

Local Contact: **Jennifer Bunch, Senior Planner**

Phone: (503) 325-8611 Extension:

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

Fax Number: **503-335-3666**

City: **Astoria**

Zip:

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

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

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

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

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

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

Updated December 6, 2012



Clatsop County

Community Development
800 Exchange St., Suite 100
Astoria, Oregon 97103
www.co.clatsop.or.us

Phone (503) 325-8611
Fax (503) 338-3666

February 28, 2013

NOTICE OF FINAL DECISION

File Number: Ordinance #12-12
Decision Date: February 27, 2013
Representative: Jennifer Bunch, Senior Planner
Action: **APPROVAL**
Description: Legislative housekeeping amendments to the Land and Water Development and Use Ordinance and Standards Document.

On February 27, 2013, the Clatsop County Board of Commissioners approved the legislative amendments described above. A complete copy of the decision document is available for review at the following location during normal business hours (8-5, M-F):

Clatsop County Land Use Planning
800 Exchange Street, Suite 100
Astoria, OR 97103

The decision document is also available for review on the Clatsop County website. To access the document online please visit the County's website at the following address, www.co.clatsop.or.us. Once on the homepage, click on the Land Use Planning page.

The requirements for appeal of this decision are set forth in ORS 197.830 to 197.845. In general, the requirements for appeal require a "Notice of Intent to Appeal" the decision, to be filed with the Oregon Land Use Board of Appeals (LUBA) in Salem, Oregon. The Notice of Intent to Appeal the decision must be filed with LUBA no later than 21 days from the date of this notice. Please call LUBA at 503-373-1265 if you have questions regarding appeal procedures.

If you have questions about this notice, please contact the Clatsop County Land Use Planning Department at (503) 325-8611.

CERTIFICATE OF MAILING

I, Jennifer Bunch, hereby certify that I mailed this Notice of Final Decision via the United States Postal Service on February 28, 2013.


Jennifer Bunch, Senior Planner

2/28/13
Date

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

In the Matter of:

LEGISLATIVE AMENDMENTS TO THE
LAND AND WATER DEVELOPMENT AND
USE ORDINANCE #80-14 AND STANDARDS
DOCUMENT ADOPTING CERTAIN
FINDINGS AND RESCINDING
INCONSISTENT PROVISIONS

ORDINANCE NO. 12-12

Doc # 2013020027

Recording Date: 2-28-13

RECITALS

WHEREAS, in the interest of the health, safety and welfare of the citizens of Clatsop County and pursuant to State and Federal law, the Board of Commissioners hereby determines the necessity of amending the Clatsop County Land and Water Development and Use Ordinance, and

WHEREAS, the proposed text amendments were considered by the Planning Commission at a public hearing on December 11, 2012, 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 this ordinance pursuant to law on February 13, 2013 and February 27, 2013; and

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

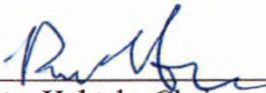
THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAIN AS FOLLOWS:

SECTION 1. The text of the Clatsop County Land and Water Development and Use Ordinance and Standards Document is hereby amended as shown in the attached Exhibit "A".

SECTION 2. In support of this ordinance, the Board adopts the findings and associated exhibits contained in Exhibit "PC".

Approved this 27th day of February, 2013

THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

By  _____
Peter Huhtala, Chair

By  _____
Valerie Crafard, Recording Secretary

Exhibit A

Amendments to the Land and
Water Development and Use
Ordinance #80-14 and
Standards Document

LWDUO 80-14

ARTICLE 1
Introductory Provisions

Proposed Amendments

Additions are underlined
Deletions are ~~strikethrough~~

Section 1.030. Definitions.

As used in this Ordinance, the following words and phrases shall have the following meanings:

ACCESSORY BUILDING - A detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located on the same tract with the main building or use. Accessory building includes, but is not limited to:

~~GUEST HOUSE—A building no greater than one half the size of the ground floor of the main dwelling unit on the property, which is used in conjunction with the main dwelling for the temporary housing of non-paying visitors and guests. A maximum of one guest house may be allowed per main dwelling. Allowed in Southwest Coastal planning area only.~~

~~APPEAL -- A request for review of the Community Development Director's decision concerning matters addressed by the Comprehensive Plan and Ordinance to the Planning Commission or a review of the Planning Commission's decision to the Board of County Commissioners.~~

BUILDING -- A structure built or placed for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

~~DECLARATION—The instrument described in Section 3 of this 1991 Act by which the subdivision or partition plat was created.~~

DRIVEWAY -- An improved travel surface, on privately owned property and maintained by private funds for the exclusive use of private parties, that is intended to provide access from a federal, state, county, public, or private road to no more than two lots, parcels, areas or tracts of land.

DISTRIBUTION LINES -- For natural gas - the act of distributing gas from the plant to the customer. For electric - the act of distributing electric power using low voltage transmission lines that deliver power to retail customers.

~~FINAL ORDER—Shall include the approval or disapproval of a permit, or a letter of exemption as set forth in WAC 173-14-115.~~

FOREST MANAGEMENT FACILITY -- permanent or temporary structure(s) to provide workspace, storage, repair, operational base, communication site and support for the management of public or private forest lands.

HEALTH HARDSHIP -- Circumstances where the temporary placement of a manufactured dwelling or recreational vehicle to accommodate a seriously ill person or their attendant is justified by the absence of a reasonable alternative and subject to the standards in S3.025.

RETAIL SALES – In person sales of items for a customer’s personal use but does not include the sale of a seasonal use manufactured on the premises in Residential Agriculture (i.e. RA-1, RA-2, RA-5, RA-10) or resource zone (i.e. EFU, AF, F-80).

STREET -- A public roadway dedicated to the public, which has been accepted by the Board, that is created to provide ingress and/or egress to one (1) or more lots, parcels, areas or tracts of land and includes including the terms road, highways, lanes, avenue, or similar designation.

Classification:

- (1) Principal Arterial: Streets which form a connected rural network of continuous routes having the following characteristics:
 - (A) Serve projected corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel.
 - (B) Serve all, or virtually all, year 2000 urban areas of 50,000 and over population and a large majority of those with population of 25,000 and over.
 - (C) Provide an integrated network with stub connections except where unusual geographic or traffic flow conditions dictate otherwise (e.g. international boundary connections and connections to coastal cities).
- (2) Minor Arterial: Streets which, in conjunction with principal arterials, form a rural network having the following characteristics:
 - (A) Link cities and larger towns (and other traffic generators, such as major resort areas, that are capable of attracting travel over similarly long distances) and form an integrated network providing interstate and intercounty service.
 - (B) Serve all, or virtually all, year 2000 urban areas of 50,000 and over population and a large majority of those with population of 25,000 and over. Be spaced at such intervals, consistent with population density, so that all developed areas of the State are within a reasonable distance of an arterial highway.
 - (C) Provide (because of the two characteristics defined in A and B above) service to corridors with trip lengths and travel density greater than those predominantly served by rural collector or local systems. Minor arterials therefore constitute routes whose design should be expected to provide for relatively high overall travel speeds, with minimum interference to through movement. an integrated network with stub connections except where unusual geographic or traffic flow conditions dictate otherwise (e.g. international boundary connections and connections to coastal cities).
- (3) Major Collectors. These routes should: (1) provide service to any County seat not on an arterial route, to the larger towns not directly served by the higher systems, and to other traffic generators of equivalent intracounty importance, such as consolidated schools, shipping points, etc.; (2) link these places with nearby larger towns or cities, or with routes of higher classification; and (3) serve the more important intracounty travel corridors.

(4) Minor Collectors: These routes should: (1) be spaced at intervals, consistent with population density, to collect traffic from local roads and bring all developed areas within a reasonable distance of a collector road; (2) provide service to the remaining smaller communities; and (3) ~~link the locally important traffic generators with their rural hinterland.~~ Tend to feed predominately residential traffic from local roads into major collectors or arterials.

(5) Local Road or Street: A road or street which ~~is used or intended to be used primarily for providing access to abutting properties.~~ a) serve primarily to provide access to adjacent land; and b) provide service to travel over relatively short distances as compared to collectors or other higher systems. They are designed specifically to have high accessibility and to connect to collector and arterial roads, and are typically not used for through traffic.

TRANSMISSION LINES – Lines designated to move bulk energy products from where they are produced, generated or stored in bulk to distribution lines that carry the energy products to consumers.

Staff Analysis:

Section 1.030 contains a variety of updated, new and deleted definitions. These proposed amendments will assist staff and the public when interpreting the LWDUO and Standards Document.

LWDUO 80-14

ARTICLE II
Procedures for Land Use Applications

Proposed Amendments

Additions are underlined
Deletions are ~~strikethrough~~

ARTICLE 2. PROCEDURES FOR LAND USE APPLICATIONS

Section 2.020. Type II Procedure.

- (1) Type II land use actions ~~are presumed to be appropriate in the zone subject to approval of a conditional use permit or a review use permit.~~ They generally involve uses or development for which review criteria are reasonably objective, requiring only limited discretion. Impacts on nearby properties may be associated with conditions of approval to minimize those impacts or ensure compliance with this code.
- (2) Those actions identified in this code as a conditional development and use, ~~or~~ development permitted with review, subdivisions containing six lots or less, partitions, and applications related to non-conforming uses/structures under the Type II procedure are Type II actions.

Section 2.025. Type IIa Procedure.

- (2) Those actions identified in this Code as a variance or conditional use under the Type IIa procedure are Type IIa actions.

Section 2.030 Type III Procedure.

- (1) Type III actions involve complex or subjective decisions which may impose possible significant effects on some persons or a broad effect on a number of persons. Often these applications include subdivisions with seven or more lots, similar use, quasi-judicial plan amendments zoning map amendments that do not involve any change to the comprehensive plan or designation.

Section 2.035 Type IV Procedure.

- (1) Type IV actions ~~are~~ will involve either a legislative or quasi-judicial processes as appropriate to the circumstances. They may involve the creation, broad scale implementation or revision of public policy. ~~These such as include~~ amendments to the text of the Comprehensive Plan, Community Plans, ~~or~~ Zoning Code or Comprehensive Plan Zoning Map are generally processed as legislative. Large-scale changes in Community Development maps also may be characterized as legislative where a larger number of property owners are directly affected. Requests for Changes affecting specific properties, a limited number of property owners and/or a specific project are considered quasi-judicial. The Type IV procedure is ~~for use~~ to be used where indicated in this Ordinance.

- (5) If the Planning Commission has recommended against ~~a proposal~~ or has failed to act on a legislative proposal, the Board of Commissioners may terminate further consideration of the proposal. For quasi-judicial proposals and a legislative proposals on which the Planning Commission has made a favorable recommendation and for other proposals that have not been terminated, the Board of Commissioners shall conduct a public hearing. The Director shall set a date for the hearing, pursuant to Section 2.105. The form of notice and persons to receive notice are as required by the relevant sections of this Ordinance. At the public hearing, the staff shall review the report of the Planning Commission and provide other pertinent information, and interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the Planning Commission and make final arguments why the matter should or should not be approved, and if approved, the nature of the provisions to be contained in approving action.
- (7) To the extent that a policy is to be established or revised, the Board of Commissioners shall make its decision after information from the hearing has been received. The decision shall become effective by passage of an Ordinance. ~~Type IV actions are made through the adoption of County Ordinances on an area wide basis involving text or map change amendments.~~

Staff Analysis:

These amendments are to clarify the procedure types and include all application types.

Section 2.050. Development Permit Required.

- ~~(4) Before any new structure, mobile home, dwelling unit or building may be hooked up to a new electrical service, a County approved development permit, must be verified in writing by the County to the public utility or persons providing the service.~~
- ~~(5)~~ (4) Authorization of a development permit shall be void after 180 days unless substantial construction or action has taken place.

Staff Analysis:

Correction to a procedure that is inconsistent with current practice.

Section 2.051 Effective Date of Development Permits.

- (1) A decision on a Type II, IIa, III or IV request shall not become final until expiration of the period provided for filing an appeal, pursuant to Section 2.230 or ORS 197.830, whichever applies, has elapsed.
- (2) If appealed, the decision rendered pursuant to Section 2.051(1) shall not become final until rendering of the decision by the reviewing body.

Staff Analysis:

Amended to provide clarification and consistency with state statues.

Section 2.052 Exclusions from Development Permit Requirement.

The activities listed below do not require a development permit. Exclusion from the requirement for a development permit does not exempt the development or its use from the other applicable requirements of the Ordinance.

- (1) Landscaping, ~~or gardening or~~ other similar treatment or use of the land surface not involving ~~grading of earth or~~ the placement of a structure.
- (3) Fences less than or equal to 6.0 feet in height and not located on the portion of a corner lot so as to obstruct the clear line of vision of vehicular traffic approaching on either of two opposing streets (see Section 1.030 - Clear Vision Area) or located in a designated floodway. Fences greater than 6.0 feet in height require a development permit and must meet applicable setback standards.
- (4) A change internal to a building or other structure that does not substantially affect the use of the structure and that does not require a building permit.
- (5) Residential accessory structures less than ~~120~~ 200 square feet and less than 10 feet in height are not subject to a development permit when placed on the owner's property where said owner resides. No structures may be placed on a corner lot so as to obstruct the clear line of vision of vehicular traffic approaching on either of two opposing streets (see Section 1.030 - Clear Vision Area).
- (6) A temporary emergency measure necessary for the safety or protection of property in the event of a natural disaster or catastrophic event, until appropriate permits may be obtained, if state, federal or local permits are required for the activity, structure or use.
- (7) Erection of a tent or similar portable structure for not more than 30 days.
- (8) Farming, except in the F-80 zone.
- (9) Seasonal flower stands, selling flowers produced on the property on which the stand is located and which stand is no larger than 10 square feet in size or over 10 feet in height.
- (10) The propagation, management, or harvest of timber regulated by the Oregon Department of Forestry under the Oregon Forest Practices Act. This exclusion does not include those lands for which an exception to State Planning Goal 4 has been taken.
- (11) Structures (excluding mobile homes but including campers, trailers, motor homes, boats and other recreational vehicles) placed in storage on property upon which the owner resides may be temporarily occupied by a visiting friend or relative for not more than 30 days out of any 90 day period, whether it be in storage by the property owner or brought to said property by the friend or relative. No more than one recreational vehicle may be used for temporary occupancy purposes on said property at any time.
- (12) The establishment, construction or termination of a public facility or utility that directly serves a limited area of authorized development including such facilities as a private or public street, sewer, water line, electrical power or gas distribution line, or telephone or television cable system. This activity requires a development permit in special purpose districts and resource zones.
- (13) ~~Installation or construction of an accessory structure that does not require a building permit. This activity requires a development permit in special purpose districts and resource zones.~~

Staff Analysis:

Amended for consistency with State Building Codes.

Section 2.065 Coordination of Development Permit Procedure.

The Director shall be responsible for the coordination of the development permit application and decision-making procedure and shall issue a development permit to an applicant whose application and proposed development is in compliance with the provisions of this Ordinance, including those set forth in the Development and Use Standards Document. Sufficient information shall be submitted to resolve all determinations that require furnishing notice to persons other than the applicant. In the case of a Type II, IIa, or Type III procedure, an applicant may defer submission of details demonstrating compliance with standards where such detail is not relevant to the approval under those procedures. Before issuing the development permit the Director shall be provided with the detail required to establish full compliance with the requirements of this Ordinance.

Section 2.070 Development Permit Application.

- (4) Proof of legal access to the property:

 - a. If access is taken directly from a State, County, or Public road, documentation from the appropriate agency verifying legal access.
 - b. If access is taken from a Private road or across property not in exclusive ownership of the applicant, proof of easement shall be provided.
- (5) Legal description of the property affected by the application.
- (4)(6) Authorization from the local fire official.
- (5)(7) Additional information required by other sections of this Ordinance because of the type of development proposal or the area involved.

Staff Analysis:

These amendments include the addition of language to require proof of legal access to a property that is the subject of a land use application. Also included is the requirement for authorization from the local fire official. These change reflect current practice.

Section 2.075 Submission of Development Permit Application.

Application materials shall be submitted to the Director who shall have the date of submission indicated on each copy of the materials submitted. ~~The Director shall determine whether an application is complete, as provided in ORS 215-428. With regards to applications for permits not subject to the provisions of ORS 215-428, the~~ Director shall have ~~45-30~~ days from the date the application is submitted in which to determine if the application is complete. If the application is deemed incomplete the Director shall notify the applicant in writing of exactly what information is missing, and to provide information concerning the application to the applicant. The applicant then has 60 days to submit the requested supplemental information after which a new application may be required if received after this time. Within 180 days the application shall be deemed complete if the applicant: (a) provides all of the missing information; or (b) provides some of the missing information and written notice that no other information will be provided; or (c) provides written notice that none of the information will be provided.

Staff Analysis:

Amended for consistency with ORS 215.427.

Section 2.085 Development Permit Decision.

- (5) Except for Type IV procedures, all County actions on development permits, including resolution of all appeals at the Planning Commission and Board of Commissioners must be complete within 150 days of receipt of a completed application (see Section 2.075 for determination of completed application). This 150 day period may be extended no more than 215 days ~~for a reasonable period of time~~ at the request of the applicant.

Staff Analysis:

Amended for consistency with ORS 215.417.

Section 2.260 Review Body Decision.

- (2) Action by the review body shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The review body shall render its decision no later than sixty (60) days after the filing of the request for review. ~~and shall file that decision with the County Clerk within ten (10) days after it is rendered.~~
- (3) The Director shall by written notice send ~~certified return receipt~~ by first class mail the decision arrived at by the Director or hearing body to the applicant ~~and/or parties requesting~~ to any participant in the proceeding leading to the decision and any person, entity or organization requesting information pertaining to a final decision on the application.

Staff Analysis:

Amended for consistency with current policy.

LWDUO 80-14

ARTICLE III
Permit and Issue Determinations

Proposed Amendments

Additions are underlined
Deletions are ~~striketrough~~

Table 3.010 Comprehensive Plan Zoning Designations

| TABLE 3.010 COMPREHENSIVE PLAN ZONING DESIGNATIONS | | |
|---|--------------|--|
| Conservation Forest Lands | AF | Agriculture Forest |
| | F80 | Forest 80 |
| Conservation Other Resources | AC1 | Aquatic Conservation One |
| | AC2 | Aquatic Conservation Two |
| | NAC2 | Necanicum Estuary Aquatic Conservation |
| | OPR | Open Space, Parks and Recreation |
| | RM | Recreation Management |
| | CS | Coastal Shorelands |
| | EAC | Ecola Aquatic Conservation |
| | LW | Lake and Wetland |
| | QM | Quarry and Mining |
| Natural | AN | Aquatic Natural |
| | NU | Natural Uplands |
| | NS | Natural Shorelands |
| Rural Agricultural Lands | EFU | Exclusive Farm Use |
| Rural Lands | CBR | Coastal Beach Residential |
| | CR | Coastal Residential |
| | SFR1 | Single Family Residential 1 |
| | RA1 | Residential Agriculture 1 |
| | RA2 | Residential Agriculture 2 |
| | RA5 | Residential Agriculture 5 |
| | <u>RA-10</u> | <u>Residential Agriculture 10</u> |
| | GC | General Commercial |
| | NC | Neighborhood Commercial |
| | TC | Tourist Commercial |
| | MR | Military Reserve |
| | Development | AD |
| RSA-SFR | | Rural Service Area-Single Family Residential |
| RSA-MFR | | Rural Service Area-Multi Family Residential |
| RCR | | Rural Community Residential |
| AC-RCR | | Arch Cape Rural Community Residential |
| KS-RCR | | Knappa-Svensen Rural Community Residential |
| RCC | | Rural Community Commercial |
| RCC-LI | | Rural Community Light Industrial |
| RCI | | Rural Community Industrial |
| RC-MFR | | Rural Community-Multi Family Residential |
| LI | | Light Industrial |
| HI | | Heavy Industrial |
| MI | | Marine Industrial |
| UGB | | Urban Growth Boundary |

Staff Analysis & Findings:

Clatsop County Ordinance 10-01 adopted the RA-10 zoning designation. Table 3.010 was not updated to reflect the change. The proposed changes in Table 3.010 are simply housekeeping.

Section 3.030. Special Purpose Districts.

A special purpose district is an overlay district which may be combined with any portion of any zone as appropriate to the purpose of the district. The regulations of a special purpose district may add to or modify the requirements of the underlying zone, and the regulations of the special purpose district and the zone shall all apply. Where the requirements of a special purpose overlay district and the underlying base zone conflict, the regulations that are more restrictive shall control. The boundaries of special purpose districts, except as indicated below are shown on the Clatsop County Land and Water Development Map and Columbia River Estuary Resource Base Maps. (Amended by Ordinance 05-05)

- (1) The boundaries of the Flood Hazard Overlay (FHO) district shall be the areas of flood hazards identified by the Federal ~~Insurance Administration~~ **Emergency Management Agency (FEMA)** in a report entitled: *Flood Insurance Study, Clatsop County, Oregon Unincorporated Areas*, dated ~~January, 1978~~ **September 17, 2010** and accompanying **Digital** Flood Insurance Rate Maps (**DFIRM**) and Flood Boundary and Floodway maps dated effective ~~July 3, 1978~~ **September 17, 2010**. This report and maps are hereby adopted by this reference as a part of this Ordinance.
- (2) The boundaries of the Geologic Hazards Overlay (GHO) district are identified in the geological hazard overlay zone.
- (3) The boundaries of the Beaches and Dunes Overlay (/BDO) District shall be the areas of all beach and dune landforms to the eastern limit of Highway 101.
- (4) The boundaries of the Dredged Material Disposal (/DMD) Overlay District, Mitigation Site Overlay Reserve (/MIT) District and Restoration Inventory Sites (/RI) Overlay District shall be the areas of Dredged Material **D**isposal, Mitigation and Restoration identified on the Columbia River Estuary Resource Base Maps dated September 30, 1983. These maps are hereby adopted by reference as a part of this Ordinance.
- (5) The boundary of the Coastal Shorelands boundary shall be the following:
 - (A) Elk Creek Estuary Coastal Shorelands boundary as identified on the Elk Creek Estuary Map of the Elk Creek Estuary section of the Estuarine Resources and Coastal Shorelands Element of the Clatsop County Comprehensive Plan dated September 30, 1983; and
 - (B) Necanicum River Estuary Coastal Shorelands boundary as identified on the Elk Creek Estuary Map of the Elk Creek Estuary section of the Estuarine Resources and Coastal Shorelands Element of the Clatsop County Comprehensive Plan dated September 30, 1983; and
 - (C) Columbia River Estuary Coastal Shorelands boundary as identified on the Columbia River Estuary Resource Maps dated July 2002; and
 - (D) Coastal Shorelands boundary as identified on the Ocean and Coastal Lake Shorelands Maps of the Ocean and Coastal Lake Shorelands of the Estuarine Resources and Coastal Shorelands Element of the Clatsop County Comprehensive Plan dated September 30, 1983.

These maps are hereby adopted by this reference as a part of this Ordinance, and as amended by Ordinance No. 05-05.

Each special purpose district and the abbreviated designation suffix are listed in Table 3.030.

Staff Analysis & Findings:

Clatsop County Ordinance 10-03 adopted new FEMA Flood Insurance Rate Maps, the text of Section 3.030 was not updated to reflect the change. The proposed changes in Section 3.030 are simply housekeeping.

Table 3.030 Special Purpose Districts Abbreviations Designations

| TABLE 3.030 | |
|--|-------------------------|
| SPECIAL PURPOSE DISTRICTS | ABBREVIATED DESIGNATION |
| Flood Hazard Overlay | /FHO |
| Geologic Hazard Overlay | /GHO |
| Beaches and Dunes Overlay | /BDO |
| Shorelands Overlay | /SO |
| Planned Development Overlay | /PDO |
| Site Design Review Overlay | /SDRO |
| <u>Rural Community Overlay</u> | <u>/RCO</u> |
| Aquifer Reserve Overlay | /ARO |
| Sensitive Bird Habitat Overlay | /SBHO |
| Dredged Material Disposal Overlay | /DMD |
| Mitigation Site Overlay Reserve | /MIT |
| Restoration Inventory Overlay | /RI |
| Destination Resort Overlay | /DRO |
| Quarry and Mining Overlay | /QMO |
| Airport Overlay | /AO |

Staff Analysis & Findings:

Clatsop County Ordinance 10-01 replaced the Site Design Review Overlay with the Rural Community Overlay. The proposed change in Table 3.030 is simply housekeeping that was overlooked in Ordinance 10-01. The Restoration Inventory Overlay no longer exists and should be deleted from the table.

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

Section 3.064. Development and Use Permitted.

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

- (5) Signs only as follows, subject to the provisions of S2.300:
 - (A) Temporary “for sale” signs ~~subject to provisions of S2.300(3)(B).~~
 - ~~(B) Political signs subject to provisions of Ordinance 95-30, and~~
 - ~~(C)(B) Nameplates subject to the provisions of Clatsop County Standards Document, Section S2.300.~~
- (6) Handicapped housing facility as defined in Section 1.030.
- (7) Home occupation, Limited.
- (8) Low intensity recreation.
- (9) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- (10) Health hardship pursuant to Section S3.025, no public notice required.
- (11) Temporary uses including use of a Recreational Vehicle during construction phase, subject to the provisions of Section 5.500.
- ~~(12) Property line adjustment subject to provisions Section 5.200—5.208 and the following:
 - ~~(A) Provided the existing parcel is not reduced below the minimum lot size, and~~
 - ~~(B) Provided the lot line adjustment is within the same zone.~~~~
- ~~(13) Partition subject to provisions of Section 5.200—5.208, and provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.~~
- ~~(14)~~(12) Short term rental subject to the provisions of Clatsop County Standards Document, Section S4.109.
- ~~(15)~~(13) Land transportation facilities as specified in Section 3.035 with the exception of new public or private road development, See Section 3.066§~~(12)~~.

Section 3.066. Conditional Development and Use.

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

- (12) Any new public or private road development or road extension.

Staff Analysis:

The proposed amendments update the reference to sign standards, eliminates property line adjustment as a use and renumbers the section accordingly. In addition, modify current language in 3.066(12) to removed permit requirements for county and state roads.

Section 3.072. Miles Crossing, Jeffers Gardens and Westport Rural Community Residential Zone (RCR)

Section 3.076. Development and Use Permitted (RCR).

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

- (5) Signs only as follows:
 - (A) Temporary ~~for sale~~ signs, subject to provisions of S2.300~~(3)(B)~~.
 - ~~(B) Political signs subject to provisions of Ordinance 95-30.~~
 - ~~(C)~~**(B)** Name plates subject to the provisions of Clatsop County Standards Document, Section S2.300.

- ~~(14) Property line adjustment subject to provisions of Section 5.200—5.208 and the following:
 - ~~(A) Provided the existing parcel is not reduced below the minimum lot size, and~~
 - ~~(B) Provided the lot line adjustments between lots or parcels are within the same zone.~~~~
- ~~(15) Partition subject to provisions of Section 5.200—5.208, provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.~~
- ~~(16)~~**(14)** Land transportation facilities as specified in Section 3.035.

Staff Analysis:

Updated to reflect changes in the sign standards, Ordinance 95-30 was repealed by the Board of Commissioners in 2011. Property line adjustments and partitions are removed as uses.

Section 3.086. Knappa and Svensen Rural Community Residential Zone (KS-RCR).

Section 3.090. Development and Use Permitted (KS-RCR).

- (5) Signs only as follows:
- (A) Temporary ~~for sale signs~~, subject to provisions of S2.300(3)(B).
 - ~~(B) Political signs subject to provisions of Ordinance 95-30.~~
 - ~~(C)~~(B) Nameplates subject to the provisions of Clatsop County Standards Document, Section S2.300.

- ~~(14) — Property line adjustment subject to provisions of Section 5.200 — 5.208 and the following:~~
- ~~(D) Provided the existing parcel is not reduced below the minimum lot size.~~
 - ~~(E) Provided the lot line adjustment between lots or parcels is within the same zone.~~
- ~~(15) — Partition subject to provisions of Section 5.200 — 5.208, provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.~~
- ~~(16)~~(14) Land transportation facilities as specified in Section 3.035.

Staff Analysis:

The proposed change modifies the reference to S2.300 *Sign Standards* and eliminates property line adjustments and partitions as a use and renumbers the section accordingly.

SECTION 3.100. RSA-SINGLE FAMILY RESIDENTIAL ZONE (RSA-SFR).

Section 3.104. Development and Use Permitted (RSA-SFR).

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

- ~~(9)~~ Cluster development subject to the provisions of Clatsop County Standards Document, Section S3.150.
- ~~(10)~~(9) Temporary uses subject to the provisions of Section 5.500.
- ~~(11)~~(10) Handicapped housing facility.
- ~~(12)~~ Property line adjustment.
- ~~(13)~~(11) Land transportation facilities as specified in Section 3.035.

Staff Analysis:

Property line adjustments and partitions are removed as uses and the section renumbered accordingly.

**SECTION 3.114 RURAL COMMUNITY MULTI-FAMILY RESIDENTIAL ZONE
(RC-MFR)**

Section 3.116. Development and Use Permitted (RC-MFR).

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

(12) Signs only as follows:

(A) Temporary ~~for sale signs~~, subject to provisions of S2.300(3).

~~(B) Political signs subject to provisions of Ordinance 95-30.~~

~~(C)~~(B) Name plates subject to the provisions of Clatsop County Standards Document, Section S2.300.

~~(16) Property line adjustment subject to provisions of Section 5.200-5.208 and the following:~~

~~(A) Provided the existing parcel is not reduced below the minimum lot size.~~

~~(A) Provided the lot line adjustment between lots or parcels within the same zone.~~

~~(17) Partition subject to provisions of Section 5.200-5.208, provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.~~

~~(18)~~(16) Communication facilities subject to the standards in Clatsop County Standards Document, Section S4.700.

~~(19)~~(17) Land transportation facilities as specified in Section 3.035.

Staff Analysis:

Updated to reflect changes in the sign standards, Ordinance 95-30 was repealed by the Board of Commissioners in 2011. Property line adjustments and partitions are removed as uses.

SECTION 3.120. RSA MULTI-FAMILY RESIDENTIAL ZONE (RSA-MFR).

Section 3.124. Development and Use Permitted (RSA-MFR).

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

- (1) One family dwelling or two family dwelling (duplex) per lot.
- (2) Guesthouse per Section 1.030.
- (3) Accessory buildings are permitted only as follows:
 - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- (4) Mobile home subject to the provisions in Clatsop County Standards Document, Section S3.190.
- (5) Limited home occupation.
- (6) Minor utilities.
- (7) Low intensity recreation.
- (8) Public or private neighborhood park or playground.
- (9) Signs subject to the provisions of Clatsop County Standards Document, Section S2.300.
- (10) Temporary uses subject to the provisions of Section 5.500.
- ~~(11) Cluster developments subject to the provisions of Clatsop County Standards Document, Section S3.150.~~
- ~~(12)~~**(11)** Handicapped housing facility.
- ~~(13) Property line adjustment.~~
- ~~(14)~~**(12)** Communication facilities subject to the standards in Clatsop County Standards Document, Section S4.700.
- ~~(15)~~**(13)** Land transportation facilities as specified in Section 3.035.

Staff Analysis:

Property line adjustments are removed as uses. Cluster developments are removed as a Type I use. They are allowed in conjunction with Type II/III partitions and subdivisions.

SECTION 3.140. COASTAL RESIDENTIAL ZONE (CR).

Section 3.144. Development and Use Permitted (CR).

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

- ~~(11)~~ Property line adjustment subject to provisions Section 5.200—5.208 and the following:
 - ~~(A)~~ Provided the existing parcel is not reduced below the minimum lot size; and
 - ~~(A)~~ Provided the lot line adjustment is within the same zone.
- ~~(12)~~ Partition subject to provisions of Section 5.200—5.208, and provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.
- ~~(13)~~ (11) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- ~~(14)~~ (12) Land transportation facilities as specified in Section 3.035.

Staff Analysis:

The proposed change eliminates property line adjustments and partitions as a use and renumbers the section accordingly.

SECTION 3.160. SINGLE FAMILY RESIDENTIAL-1 ZONE (SFR-1).

Section 3.164. Development and Use Permitted (SFR-1).

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

- (6) No signs except for:
 - (A) Temporary "for sale" signs ~~not larger than 260 square inches~~ subject to the provisions of Clatsop County Standards Document, Section S2.300.
 - ~~(B) Political signs subject to the provisions of Clatsop County Standards Document, Section S2.300.~~
 - ~~(C)~~ (B) Name plates subject to the provisions of Clatsop County Standards Document, Section S2.300.

- ~~(8)~~ Property line adjustment subject to provisions ~~Section 5.200—5.208 and the following:~~
 - ~~(D) Provided the existing parcel is not reduced below the minimum lot size; and~~
 - ~~(E) Provided the lot line adjustment is within the same zone.~~
- ~~(9)~~ Partition subject to provisions of Section ~~5.200—5.208, and provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.~~
- ~~(10)~~ (8) Low intensity recreation.
- ~~(11)~~ Cluster development subject to the provisions of ~~S3.150-S3.161. Cluster developments containing lots less than two (2) acres, pursuant to S3.160(7), in size require notice pursuant to Section 2.020.~~
- ~~(12)~~ (9) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- ~~(13)~~ (10) Land transportation facilities as specified in Section 3.035.

Staff Analysis:

Updated to reflect changes in the sign standards, Ordinance 95-30 was repealed by the Board of Commissioners in 2011. Property line adjustments and partitions are removed as uses.

SECTION 3.180. RESIDENTIAL-AGRICULTURE-1 ZONE (RA-1).

Section 3.184. Development and Use Permitted (RA-1).

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

~~(12) — Cluster developments subject to the provisions of Clatsop County Standards Document, Section S3.150-S3.161~~

~~(13)~~(12) Handicapped housing facility.

~~(14)~~(13) Utilities, maximum utilization of existing easements and rights-of-way shall be made.

~~(15)~~(14) Health hardship dwelling subject to the standards in Clatsop County Standards Document, Section S3.025.

~~(16) — Property line adjustment subject to provisions Section 5.200 — 5.208 and the following:
(A) Provided the existing parcel is not reduced below the minimum lot size; and
(B) Provided the lot line adjustment is within the same zone.~~

~~(17) — Partition subject to provisions of Section 5.200 — 5.208, and provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.~~

~~(18)~~(15) Communication facilities subject to the standards in Clatsop County Standards Document, Section S4.700.

~~(19)~~(16) Land transportation facilities as specified in Section 3.035.

Section 3.190. Conditional Development and Use.

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

~~(12) — Cluster development subject to the provisions of S3.150-S3.161.~~

~~(13)~~(12) Accessory uses may be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development Director provided that:

- (A) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and
- (B) Provided the property owner obtains the primary use development permit within one-year (1) from the date the accessory use development permit is issued; and
- (C) A statement that the accessory use, during the one-year period prior to establishing the primary use is not intended for the storage of, or the establishment of a Recreational Vehicle use; and

(D) May be subject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare.

- | ~~(14)~~(13) Bed and breakfast establishment subject to the standards in Clatsop County Standards Document, Section S3.464-S3.468.
- | ~~(15)~~(14) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-14 above, subject to the provisions of section 5.060, provided no commercial use is allowed.

Staff Analysis:

Property line adjustments and partitions as removed as a use. Cluster development is eliminated as a Type I and II use. The minimum lot size for the RA-1 zone is two acres. State law does not allow the creation of rural residential parcels less than two (2) acres in size; therefore, a cluster development is not feasible in the RA-1 zone outside the Clatsop Plains. In accordance with the Comprehensive Plan cluster development in the RA-1 zone can only occur in a very specific area of the Clatsop Plains. As required by the Comprehensive Plan, clustering is mandatory for all partitions and subdivisions in the Clatsop Plains. The section is also renumbered accordingly.

SECTION 3.200. RESIDENTIAL-AGRICULTURE-2 ZONE (RA-2).

Section 3.204. Development and Use Permitted (RA-52).

- ~~(4)~~ Cluster developments subject to the provisions of Clatsop County Standards Document, Section S3.150.
- ~~(5)~~**(4)** Temporary uses subject to the provisions of Section 5.500.
- ~~(6)~~**(5)** Handicapped housing facility.
- ~~(7)~~**(6)** Health hardship dwelling, subject to the standards in Clatsop County Standards Document, Section S3.025.
- ~~(8)~~ Property line adjustment subject to provisions Section 5.200—5.208 and the following:
 - ~~(A) Provided the existing parcel is not reduced below the minimum lot size; and~~
 - ~~(B) Provided the lot line adjustment is within the same zone.~~
- ~~(9)~~ Partition subject to provisions of Section 5.200—5.208, and provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.
- ~~(10)~~**(7)** Communication facilities subject to the standards in Clatsop County Standards Document, Section S4.700.
- ~~(11)~~**(8)** Land transportation facilities as specified in Section 3.035.

Section 3.207. Conditional Development and Use.

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

- ~~(12)~~ Cluster development subject to the provisions of S3.150-S3.161.
- ~~(13)~~**(12)** Bed and breakfast establishment subject to the standards in Clatsop County Standards Document, Section S3.464-S3.468.
- ~~(14)~~**(13)** Accessory uses may be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development Director provided that:
 - (A) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and
 - (B) Provided the property owner obtains the primary use development permit within one-year (1) from the date the accessory use development permit is issued; and
 - (C) A statement that the accessory use, during the one-year period prior to establishing the primary use is not intended for the storage of, or the establishment of a Recreational Vehicle use; and
 - (D) May be subject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare.
- ~~(14)~~**(15)** By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-14 above, subject to the provisions of section 5.060, provided no commercial use is allowed.

~~(16) — By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-15 above, subject to the provisions of section 5.060, provided no commercial use is allowed.~~

Staff Analysis:

Property line adjustments and partitions are removed as a use. Cluster development is eliminated as a Type I and II use. The minimum lot size for the RA-2 zone is two acres. State law does not allow the creation of rural residential parcels less than two (2) acres in size; therefore, a cluster development is not feasible in the RA-2 zone outside of the Clatsop Plains. In accordance with the Comprehensive Plan cluster development in the RA-2 zone can only occur in a very specific area of the Clatsop Plains. As required by the Comprehensive Plan, clustering is mandatory for all partitions and subdivisions in the Clatsop Plains. The section is also renumbered accordingly.

SECTION 3.220. RESIDENTIAL-AGRICULTURE-5 ZONE (RA-5).

Section 3.224. Development and Use Permitted (RA-5).

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

- ~~(13)~~ **(13)** ~~Cluster developments subject to the provisions of Clatsop County Standards Document, Section S3.150. Cluster developments containing lots less than one (1) acres, pursuant to S3.160(7), in size require notice pursuant to Section 2.020.~~
- ~~(14)~~ **(13)** Two family dwelling (duplex) subject to Section 3.228, (1)(A).
- ~~(15)~~ **(14)** Temporary uses subject to the provisions of Section 5.500.
- ~~(16)~~ **(15)** Handicapped housing facility.
- ~~(17)~~ **(16)** Health hardship dwelling, subject to the standards in Clatsop County Standards Document, Section S3.025.
- ~~(18)~~ **(17)** ~~Property line adjustment.~~
- ~~(19)~~ **(17)** Communication facilities subject to the standards in Clatsop County Standards Document, Section S4.700.
- ~~(20)~~ **(18)** Land transportation facilities as specified in Section 3.035.

Staff Analysis:

Property line adjustments are removed as a use. Custer development is eliminated as a Type I use. Clustering is allowed with partitions or subdivisions which are Type II/III procedures. The section is also renumbered accordingly.

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

Section 3.232. Development and Use Permitted.

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

- ~~(13)~~ ~~Cluster developments subject to the provisions of Clatsop County Standards Document, Section S3.150. Cluster developments containing lots less than one (1) acres, pursuant to S3.160(7), in size require notice pursuant to Section 2.020.~~
- (13) Two family dwelling (duplex) per Section 3.228(1)(A).
- (14) Temporary uses per Section 5.500.
- (15) Handicapped housing facility.
- (16) Health hardship dwelling, subject to the standards in Clatsop County Standards Document, Section S3.025.
- ~~(18)~~ ~~Property line adjustment.~~
- (17) Communication facilities subject to the standards in Clatsop County Standards Document, Section S4.700.
- (18) Land transportation facilities as specified in Section 3.035.

Staff Analysis:

Property line adjustments are removed as a use. Custer development is eliminated as a Type I use. Clustering is allowed with partitions or subdivisions which are Type II/III procedures. The section is also renumbered accordingly.

SECTION 3.240. COASTAL BEACH RESIDENTIAL ZONE (CBR).

Section 3.244. Development and Use Permitted.

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

- (7) No sign except for:
 - (A) Temporary "for sale" signs, ~~not larger than 260 square inches~~ subject to the provisions of Clatsop County Standards Document, Section S2.300.
 - ~~(B) Political signs subject to the provisions of Clatsop County Standards Document, Section S2.300.~~
 - ~~(C)~~(B) Name places subject to the provisions of Clatsop County Standards Document, Section S2.300.
- (8) Handicapped housing facility.
- (9) Cluster development subject to the provisions of Clatsop County Standards Document, Section S3.150-S3.161.
- (10) Low intensity recreation.
 - ~~(11) Property line adjustment subject to provisions Section 5.200—5.208 and the following:
 - ~~(A) Provided the existing parcel is not reduced below the minimum lot size; and~~
 - ~~(B) Provided the lot line adjustment is within the same zone.~~~~
 - ~~(12) Partition subject to provisions of Section 5.200—5.208, and provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.~~
 - ~~(13)~~(11) Land transportation facilities as specified in Section 3.035.

Staff Analysis:

Modifies reference to new sign standards and eliminates property line adjustments and partitions as a use and renumbers the section accordingly.

SECTION 3.300. NEIGHBORHOOD COMMERCIAL ZONE (NC).

Section 3.304. Development and Use Permitted.

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

- (1) Handicapped housing facility.
- (2) Bed & breakfast establishment subject to the standards in Section S3.464-S3.468.
- ~~(3) Property line adjustment subject to provisions Section 5.200—5.208 and the following:
(A) Provided the existing parcel is not reduced below the minimum lot size, and
(A) Provided the lot line adjustment is within the same zone.~~
- ~~(4)~~(3) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- ~~(5)~~(4) Land transportation facilities as specified in Section 3.035.

Staff Analysis:

The proposed change eliminates property line adjustments as a use and renumbers the section accordingly.

SECTION 3.320. TOURIST COMMERCIAL ZONE (TC).

Section 3.326. Development and Use Permitted.

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

- ~~(4)~~ (4) Property line adjustment subject to provisions Section 5.200—5.208 and the following:
 - ~~(A) Provided the existing parcel is not reduced below the minimum lot size; and~~
 - ~~(A) Provided the lot line adjustment is within the same zone.~~
- ~~(5)~~ (4) Public or private neighborhood park or playground.
- ~~(6)~~ (5) Golf driving range.
- ~~(7)~~ (6) Low intensity recreation.
- ~~(8)~~ (7) Boat ramps subject to Section 4.080-4.095 for areas identified as Coastal Shorelands in the Comprehensive Plan.
- ~~(9)~~ (8) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- ~~(10)~~ (9) Land transportation facilities as specified in Section 3.035.

Staff Analysis:

The proposed change eliminates property line adjustments and partitions as a use and renumbers the section accordingly.

Section 3.340. General Commercial Zone (GC).

Section 3.346. Development and Use Permitted.

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

- ~~(2)~~ Property line adjustment subject to provisions Section 5.200—5.208 and the following:
 - ~~(A)~~ Provided the existing parcel is not reduced below the minimum lot size; and
 - ~~(B)~~ Provided the lot line adjustment is within the same zone.
- ~~(3)~~ Partition subject to provisions of Section 5.200—5.208, and provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.
- ~~(4)~~(2) Splitting and sale of firewood.
- ~~(5)~~(3) Public or private neighborhood park or playground.
- ~~(6)~~(4) Golf driving range.
- ~~(7)~~(5) Low intensity recreation.
- ~~(8)~~(6) Boat ramps subject to Sections 4.080-4.095 for areas identified as Coastal Shorelands in the Comprehensive Plan.
- ~~(9)~~(7) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- ~~(10)~~(8) Land transportation facilities as specified in Section 3.035.

Staff Analysis:

The proposed change eliminates property line adjustments and partitions as a use and renumbers the section accordingly.

SECTION 3.580. OPEN SPACE, PARKS, AND RECREATION ZONE (OPR).

Section 3.584. Development and Use Permitted.

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

~~(13)~~ — Property line adjustment.

~~(14)~~(13) Low intensity recreation

Staff Analysis:

The proposed change eliminates property line adjustments as a use and renumbers the section accordingly.

SECTION 3.594. RECREATION MANAGEMENT ZONE (RM).

Section 3.596. Development and Use Permitted.

The following developments are permitted under a Type I procedure subject to the applicable development standards:

~~(3) — Property line adjustments.~~

~~(4)~~ (3) Low intensity recreation.

SECTION 3.600. NATURAL UPLANDS ZONE (NU).

Section 3.604. Development and Use Permitted.

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

~~(3) — Property line adjustment.~~

~~(4)~~**(3)** Low intensity recreation.

Staff Analysis:

The proposed change eliminates property line adjustments as a use and renumbers the section accordingly.

SECTION 3.610. LAKE AND WETLANDS ZONE (LW).

Section 3.613. Development and Use Permitted.

The following developments are permitted under a Type I procedure subject to the applicable development standards:

~~(8)~~ — Property line adjustment.

~~(9)~~(8) Land transportation facilities as specified in Section 3.035.

Staff Analysis:

The proposed change eliminates property line adjustments as a use and renumbers the section accordingly.

SECTION 3.620. MARINE INDUSTRIAL SHORELANDS ZONE (MI).

Section 3.624. Permitted Developments.

The following uses and activities, and their accessory uses and activities, are permitted in the MI zone under a Type I procedure, Section 2.015, provided that commercial and subject to the provisions of Section 3.634, Development Standards:

- ~~(11)~~ Property line adjustment subject to provisions Sections 5.200–5.208 and the following:
 - ~~(A)~~ Provided the existing parcel is not reduced below the minimum lot size; and
 - ~~(B)~~ Provided the lot line adjustment is within the same zone.
- ~~(12)~~ Partition subject to provisions of Sections 5.200–5.208, and provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.
- ~~(13)~~ **(11)** Utilities, maximum utilization of existing easements and rights-of-way shall be made.

Staff Analysis:

The proposed change eliminates property line adjustments and partitions as uses and renumbers the section accordingly.

SECTION 3.660. CONSERVATION SHORELANDS ZONE (CS).

Section 3.664. Permitted Developments.

The following uses and activities and their accessory uses and activities, are permitted in the CS zone under a Type I procedure, Section 2.015, and subject to the provisions of Section 3.670, Development Standards:

~~(10) — Property line adjustment.~~

~~(11)~~ (10) Land transportation facilities as specified in Section 3.035.

Staff Analysis:

The proposed change eliminates property line adjustments as a use and renumbers the section accordingly.

SECTION 3.680. NATURAL SHORELANDS ZONE (NS).

Section 3.684. Permitted Developments.

The following uses and activities, and their accessory uses and activities, are permitted in the NS zone under a Type I procedure, Section 2.015, and subject to the provisions of Section 3.690, Development Standards.

~~(6) — Property line adjustment.~~

~~(7)~~(6) Land transportation facilities as specified in Section 3.035.

Staff Analysis:

The proposed change eliminates property line adjustments as a use and renumbers the section accordingly.

SECTION 3.740. AQUATIC DEVELOPMENT ZONE (AD).

Section 3.744. Permitted Developments.

The following uses and activities, and their accessory uses and activities, are permitted in the AD zone under a Type I procedure, Section 2.015, and subject to the provisions of Section 3.754, Development Standards:

~~(12) — Property line adjustment.~~

~~(13)~~ **(12)** _____ Communication facilities subject to the standards in Section S4.700.

Staff Analysis:

The proposed change eliminates property line adjustment as a use and renumbers the section accordingly.

SECTION 3.760. AQUATIC CONSERVATION ONE ZONE (AC-1).

Section 3.764. Permitted Developments.

The following uses and activities, and their accessory uses and activities, are permitted in the AC-1 zone under a Type I procedure, Section 2.015, and subject to the provisions of Section 3.790, Development Standards:

~~(11) — Property line adjustment.~~

~~(12)~~(11) Land transportation facilities as specified in Section 3.035.

Staff Analysis & Findings:

The proposed change eliminates property line adjustment as a use and renumbers the section accordingly.

SECTION 3.780. AQUATIC CONSERVATION TWO ZONE (AC-2).

Section 3.784. Permitted Developments.

The following uses and activities, and their accessory uses and activities, are permitted in the AC-2 zone under a Type I procedure, Section 2.015, and subject to the provisions of Section 3.770, Development Standards:

~~(12) Property line adjustment.~~

~~(13)~~**(12)** Land transportation facilities as specified in Section 3.035.

Section 3.786. Review Developments.

The following uses and activities, and their accessory uses and activities, are allowed as Review Uses in the AC-2 zone under a Type II procedure, Section 2.020, when authorized in accordance with Sections 5.040-5.051 Development and Uses Permitted with Review. These uses and activities are also subject to the provisions of Section 3.770**790**, Development Standards:

Section 3.788. Conditional Developments.

The following uses and activities, and their accessory uses and activities, are allowed as Conditional Uses in the AC-2 zone under a Type II procedure, Section 2.020, when authorized in accordance with Sections 5.000-5.030 Conditional Development and Use. These uses and activities are also subject to the provisions of Section 3.770**790**, Development Standards. It must also be determined that the uses and activities meet the resource capability of the Aquatic Conservation Two zone pursuant to Sections 5.860-5.880 Resource Capability Determination.

Staff Analysis:

The proposed change eliminates property line adjustment as a use and renumbers section 3.784 accordingly. Correction is made to the development standards section number listed in section 3.786 and 3.788.

SECTION 3.800. AQUATIC NATURAL ZONE (AN).

Section 3.804. Permitted Developments.

The following uses and activities, and their accessory uses and activities, are permitted in the AN zone under a Type I procedure, Section 2.015, and subject to the provisions of Section 3.810, Development Standards:

~~(10) — Property line adjustment.~~

Staff Analysis:

The proposed change eliminates property line adjustment as a use.

SECTION 3.845. MILITARY RESERVE ZONE (MR).

Section 3.849. Development and Use Permitted.

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

~~(6)~~ — Property line adjustment.

~~(7)~~(6) Low intensity recreation.

Staff Analysis:

The proposed change eliminates property line adjustments as a use and renumbers the section accordingly.

SECTION 3.845. MILITARY RESERVE ZONE (MR).

Section 3.849. Development and Use Permitted.

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

~~(6)~~ — Property line adjustment.

~~(7)~~(6) Low intensity recreation.

Staff Analysis:

The proposed change eliminates property line adjustments as a use and renumbers the section accordingly.

LWDUO 80-14

ARTICLE IV
Special Districts

Proposed Amendments

Additions are underlined
Deletions are ~~striketrough~~

Section 4.000. Flood Hazard Overlay District (/FHO)

Section 4.019 Floodplain Inspection and Enforcement

(2) Upon receipt of the report:

- (A) The Code Compliance Officer shall take action in accordance with Clatsop County Code of Regulations ~~Chapter 4—Section 38~~ to effect the abatement of such violation;
or
- (B) The property owner shall apply for a variance in accordance with the provisions of Section 4.024 (Variance Procedures) herein.

Section 4.021 Appeals

An appeal of a Floodplain Administrator decision pursuant to this chapter may be appealed in accordance with Section 2.230. Appeals of a decision by the Code Enforcement Officer pursuant to this chapter may be appealed in accordance with Clatsop County Code of Regulations; ~~Chapter 4—Section 38~~.

Staff Analysis:

The proposed changes remove reference to obsolete sections in the County's Code of Regulations.

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

Section 4.102. Types of Review.

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

- (1) The following types of projects shall require review according to the Type II procedure, Section 2.020. For purposes of these types of Major projects, review by the Design Review Advisory Committee as described in Section 4.108, is required.
 - (G) Development and Construction of public or private transportation roads facilities.
 - (H) Any Change in Use, Variance Request, Conditional Use Permit, or Other Use Requiring Review through Type II, III, or IV procedures with exception of those described in 4.109(2).

Section 4.103. Criteria for Design Review Evaluation.

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

- (2) Protection of views shall be preserved through the confines of this ordinance section 3.064068.

Staff Analysis:

Modify language to require design review for only public and private roads. Current language could be interpreted to include county and state facilities. Also a correction to a section number reference.

LWDUO 80-14

ARTICLE V
Permit and Issue Determinations

Proposed Amendments

Additions are underlined
Deletions are ~~striketrough~~

Section 5.030. Time Limit on Permit for Conditional Use.

(1) Authorization of a conditional use shall be void after two years unless substantial construction or action pursuant thereto has taken place (as per Section S2.011). However, the County may, at the discretion of the Community Development Director, extend authorization for an additional one year upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the permit. The County may grant conditional use approvals for activities such as dike maintenance for a period of time up to five years; such approvals will normally correspond with parallel state and/or federal permits.

(2) Authorization of a conditional use dwelling in the AF, EFU and F-80 zones shall be void after four years unless substantial construction or action pursuant thereto has taken place (Section S2.011). However, the County may, at the discretion of the Community Development Director, extend authorization for an additional two years upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the permit.

Staff Analysis:

Update to the time limit for condition use permits in the farm and forest zone for compliance with ORS 215.417.

SECTION 5.200. SUBDIVISIONS, PARTITIONS AND PROPERTY LINE ADJUSTMENTS.

Section 5.202. Applicability.

~~A land division is one form of a development permit as described in Section 1.060.~~ Whenever land owners wish to sell part of their property or place a second home ~~or mobile home~~ on property that already has a home on it, a land division is necessary with the exception of the following:

- (1) A division of land resulting from a lien foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; or
- (2) the relocation of a common property line between two abutting properties.

Land divisions can be in the form of partitions or subdivisions. No land shall be divided prior to approval of a partition or subdivision.

Oregon Revised Statutes (ORS) 92.025 states:

- (1) ~~No~~ ~~A~~ person ~~shall~~ may not sell any lot in any subdivision or convey any interest in a parcel in any partition until the plat of the subdivision or partition has been acknowledged and recorded with the recording office of the ~~County~~ county in which the lot ~~or parcel~~ is situated.
- (2) ~~No~~ ~~A~~ person ~~shall~~ may not sell any lot in any subdivision or convey any interest in a parcel in any partition by reference to or exhibition or other use of a plat of ~~such~~ the subdivision or partition before the plat for such subdivision or partition has been so recorded. In negotiating to sell a lot in a subdivision or convey any interest in a parcel in any partition under ORS 92.016 (1) and (2), a person may use the approved tentative plan for ~~such~~ the subdivision or partition.

Partitions are divided into two types, minor and major, depending on road access. For the purposes of this Ordinance ~~roads~~ access ways shall be categorized as follows:

Private road -- an improved travel surface placed within a private road easement that is intended to provide access from a state, county, or public road to ~~one~~ three or more lots, parcels, areas or tracts of land and which is maintained by private funds for the exclusive use of private parties.

Public road -- an improved travel surface placed within a dedicated public right-of-way which is maintained by private funds.

County road -- an improved travel surface placed within a dedicated public right-of-way which has been formally accepted by the county for and which is maintained by the county.

Minor Partitions -- occur when a tract of land is divided into no more than three (3) parcels, including the parent parcel, in a calendar year when such tract of land existed at the beginning of the year and each parcel has a minimum of 25 feet of frontage on a state, county or public road and access to each parcel is taken from that frontage and within that parcel. A minor partition shall be processed by the Director under a Type II procedure as outlined in Section 5.203 through 5.208 of this Ordinance.

Major Partitions -- occur when a tract of land is divided into no more than three (3) parcels, including the parent parcel, in a calendar year when such tract of land existed at the beginning of the year and any parcel has less than 25 feet of frontage on a state, county or public road. Any partition which requires the creation of a state, county or public or private road or the utilization of a private road is also considered a major partition. Both minor and major partitions shall be processed by the Director under a Type II procedure as outlined in Section 5.203 through 5.208~~13~~ of this Ordinance.

Property Line Adjustment -- is the relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

~~For all areas except those zoned AF, F-80 and EFU:~~

- ~~(1) — Property line adjustments may be allowed between undersized lots or parcels in the above zones provided that the resulting lots or parcels satisfy the minimum width, depth, frontage, lot width/depth ratio, yard requirements of the zone and setbacks to existing structures are not reduced by the property line adjustment below the minimum setback requirements.~~
- ~~(2) — Property line adjustments may be allowed between undersized lots or parcels and lots or parcels conforming as to lot size provided the undersized lot meets the requirements in (1) above, and the resulting conforming lot or parcel if partitioned or subdivided would not result in a density greater than the zone(s) in which the property has been designated.~~

~~For all areas zoned AF, F-80 and EFU the adjustment may be approved provided:~~

- ~~(1) — the remaining substandard parcel is not used as a basis for considering and approving a built upon or irrevocably committed exception, and~~
- ~~(2) — the substandard parcel is not permitted to have more than one non farm or non forest dwelling on it, and~~
- ~~(3) — it is determined that the tract proposed for transfer can be better managed for resource use, and~~
- ~~(4) — the tract proposed for transfer may not be used in calculating the lot size of a parcel or parcels for purposes of future land divisions.~~

Subdivisions -- occur when a tract of land is divided into four (4) or more lots, including the parent parcel, within a calendar year. A proposed subdivision for six (6) or less lots shall be processed by the Director under a Type II procedure. Any larger subdivision shall be processed by the Director under a Type III procedure. Section 5.220 through 5.252 of this Ordinance pertain to the processing of subdivision requests.

Section 5.203 Processing Property Line Adjustments

Proposed property line adjustment requests will be processed by the Department Director under a Type I procedure and include the following steps:

- (1) The applicant will submit a tentative property line adjustment, completed application and filing fee, to the Department of Community Development. The tentative property line adjustment shall follow the format outlined in Section 5.209.
- (2) The Director shall evaluate the tentative property line adjustment to determine conformity with lot size and dimension standards of the base zone of the proposed partition. The tentative plan may be modified, if needed, to meet these standards. The Director shall apply conditions as required by Section 5.207 and conditionally approve, or deny the application.
- (3) Conditional approval of a tentative property line adjustment shall be valid for two years from the date of recording of the conditional approval. The applicant shall meet the conditions of approval attached by the Director prior to expiration of the conditional approval. The Director may, upon written request by the applicant, grant an extension of the expiration date of up to one (1) year upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refileing of the tentative plan and after finding no other development approval would be affected. If all conditions of approval for a property line adjustment are not completed prior to expiration of the tentative plan the approval shall be considered void as of the applicable expiration date.

Section 5.204 General Standards for Property Line Adjustments

- (1) For all areas except those identified as a Resource Zone in Section 1.030 of this Ordinance, all property which is the subject of a property line adjustment shall be located within the same zone.
- (2) For all areas except those zoned AF, F-80 and EFU:
 - (A) Property line adjustments may be allowed between undersized lots or parcels in the above zones provided that the resulting lots or parcels satisfy the minimum width, depth, frontage, lot width/depth ratio, yard requirements of the zone and setbacks to existing structures are not reduced by the property line adjustment below the minimum setback requirements.
 - (B) Property line adjustments may be allowed between undersized lots or parcels and lots or parcels conforming as to lot size provided the undersized lot meets the requirements in (1) above, and the resulting conforming lot or parcel if partitioned or subdivided would not result in a density greater than the zone(s) in which the property has been designated.
- (3) For all areas zoned AF, F-80 and EFU the adjustment may be approved provided:
 - a. the remaining substandard parcel is not used as a basis for considering and approving a built upon or irrevocably committed exception, and

- b. the substandard parcel is not permitted to have more than one non-farm or non-forest dwelling on it, and
- c. it is determined that the tract proposed for transfer can be better managed for resource use, and
- d. the tract proposed for transfer may not be used in calculating the lot size of a parcel or parcels for purposes of future land divisions.

Section 5.203205. Processing Minor and Major Partitions and Property Line Adjustments.

The processing of proposed minor and major partition ~~and property line adjustment~~ requests will include the following steps:

- (1) The applicant will submit a tentative partition plan ~~or property line adjustment~~, completed application and filing fee, to the Department of Community Development. The tentative partition plan shall follow the format outlined in Section 5.207209.
- (2) The Director shall evaluate the tentative partition plan or ~~property line adjustment~~ to determine conformity with lot size and dimension standards of the base zone of the proposed partition. Where a partition is located within 750 feet of a state highway, the Community Development Director will notify the Oregon Department of Transportation (ODOT) of the application and will consider its comments in taking action on the partition request. The tentative plan may be modified, if needed, to meet these standards. The Director, through a Type II procedure in accordance with Section 2.020, shall apply conditions as required by Section 5.205 and conditionally approve or deny the tentative plan.
- (3) Conditional approval of a tentative partition plan shall be valid for two years from the date ~~of recording~~ of the conditional approval. The applicant shall meet the conditions of approval attached by the Director and submit a final partition plat prior to expiration of the conditional approval. The final partition plat shall follow the format outlined in Section 5.208. The Director may, upon written request by the applicant, grant an extension of the expiration date of up to one (1) year upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the tentative plan and after finding no other development approval would be affected. Any partition not completed prior to expiration of the tentative plan shall be considered void.
- (4) The Director shall review the final partition plat to determine that it conforms with the tentative plan and any applicable conditions. Prior to recording of any partition plat, it must be approved by the County Surveyor.
- (5) If the Director or the County Surveyor determines that the partition plat submitted does not conform to the tentative plan or applicable conditions, the applicant shall be afforded an opportunity to make corrections prior to the expiration date.
- (6) If the final partition plat conforms to the tentative plan and applicable conditions, the Director shall sign and date the final plat. The applicant will be notified that the plat is ready for recording in the County Clerk's Office.

Section 5.204206. Appeal of Partitions or Property Line Adjustments.

Section 5.205207. General Standards for Minor and Major Partitions.

Section 5.206208. Extent of Road Improvements.

Section 5.207209. Exceptions to General Standards for Minor and Major Partitions and Property Line Adjustments.

Section 5.208210. Tentative Partition Plan Submission Requirements.

Section 5.209211. Submission of Final Partition Plat.

Section 5.210212. Submission and Review of Final Plat.

Section 5.212213. Approval Signature for Final Partition Plat.

Section 5.248. Filing of Final Plat.

The subdivider shall, without delay, submit the Final Plat for signature of the following County officials in the order listed:

- (1) Surveyor, in accordance with the provisions of ORS 92.100;
- (2) ~~Commission~~ Community Development Director;
- (3) Assessor;
- (4) ~~Tax Collector~~;
- (5)(4) Board of Commissioners or its designee (upon consent of the Board);
- (6)(5) Clerk.

SECTION 5.350 TRANSPORTATION SYSTEM IMPACT REVIEW

(3) Traffic Impact Study Requirements;

(A) Preparation. A Traffic Impact Study shall be prepared by a professional engineer in accordance with OAR 734-051-~~180~~0070.

Staff Analysis & Findings:

The proposed change corrects the reference to the appropriate Oregon Administrative Rule.

SECTION 5.400. ZONE CHANGES.

Section 5.410. Purpose.

This section provides the criteria for amending the boundaries of any base zone or overlay district delineated on the official Clatsop County “Comprehensive Plan/Zoning Map”. A change in a base zone or overlay district may be made according to the criteria set forth in Section 5.412.

The process for changing a base zone designation or overlay district that does not involve a change to the comprehensive plan or comprehensive plan designation shall be a Type III procedure. All changes involving comprehensive plan amendments or comprehensive plan designation shall be a Type IV procedure. Changes to a base zone or overlay district may be initiated by the governing body, Planning Commission, or by petition of a majority of property owners in the area proposed for change. Mailed notice of the hearing shall include the owners of property within (250) feet of the area proposed for change. If the change involves a Goal 5 resource, a Plan amendment must also be requested and the Goal 5 Administrative Rule used to justify the decision.

Staff Analysis & Findings:

Clarification of procedure to allow Type III map amendments to be a decision of the Planning Commission and Type IV amendments will continue to be a decision of the Board of Commissioners.

Standards Document

Proposed Amendments

Additions are underlined
Deletions are ~~striketrough~~

CHAPTER 1. SITE ORIENTATION

S1.030. General Exception to Lot Size Standards.

(A1) Within ~~Unincorporated~~ Rural Communities, and all residentially-zoned areas ~~and Urban Growth Boundary areas subject to county jurisdiction:~~

If a lot or parcel, ~~legally was~~ legally created through county partitioning or subdivision requirements on or after September 30, 1980 and does not abutting the Camp Rilea buffer ~~zone~~, has an area or dimension which does not meet the requirements of the zone, it may still be developed as allowed by the zone subject to all other applicable county development standards and requirements.

(B2) All other areas, including residentially-zoned lots or parcels created prior to September 30, 1980 and those abutting the Camp Rilea buffer:

(iA) If, at the time of adoption of the zone or of amendment of its lot size or dimension standards, a legally created lot or parcel, ~~legally created through county partitioning requirements~~, has an area or dimension which does not meet the requirements of the zone, and the lot or parcel ~~WAS NOT~~ was not in the same ownership as any contiguous lots or parcels which do not meet the minimum area or dimension requirements, the lot or parcel may be developed as allowed by the zone and applicable county development requirements.

(iiB) If, at the time of adoption of the zone or of amendment of its lot size or dimension standards, a legally created lot or parcel, ~~legally created through county partitioning requirements~~, has an area or dimension which does not meet the requirements of the zone, and the lot or parcel ~~WAS~~ was in the same ownership as any contiguous lots or parcels which do not meet the minimum area or dimension requirements, the aggregate holdings constitute one land use parcel and that parcel may be developed as allowed by the zone and applicable county development standards and requirements.

Staff Analysis:

Modification to clarify and remove ambiguity.

S2.400. Water Improvement Standards.

A year round supply of at least 250 gallons of water per day by one of the following sources:

| Source | Standard | Proof |
|--------------------------------------|---|---|
| Public or Community Water | Within Water Utility or area of service | Written correspondence from Water Utility stating water is available at the property line or conditions to the satisfaction of the Water Utility to make water available at the property line |
| Well | Existing well or easement provided no more than three (3) households use one well as a potable water source. Over three households must meet state potable requirements (ORS 448.115) | Well log data as to required quantity from certified well driller. Potability test from certified water lab. |
| Spring | Application from the State of Oregon Water Dept. for domestic water rights of at least .005 CFS (2.25 gals/min). Existing spring on property or easement to spring on adjacent property. Minimal development collection system and sediment box | Permit from the State of Oregon Water Resources Department for domestic water right. Certified to required quantity by Oregon Registered Engineer, Land Surveyor or qualified hydrologist. Potability test from certified water lab |
| River, stream, pond or hand dug well | Application from the State of Oregon Water Department for domestic water right of at least .005 CFS (2.25 gals/min) | Permit from the State of Oregon Water Resources Department for domestic water right. Potability test from certified water lab. |
| <u>Rainwater Catchment System</u> | <u>Oregon Building Codes</u> | <u>Design approved by Clatsop County Building Codes</u> |

Compliance with this standard does not insure a year-round source of potable water but establishes at a given time that the standard was met.

S3.025. Temporary Health Hardship.

- (1) One manufactured dwelling or recreational vehicle shall be placed on the same parcel as an existing dwelling for the term if a hardship suffered by the existing resident or a relative of the resident as defined in ORS 215.213 and 215.283.
- (2) The applicant must be a relative and must submit certification from a physician that there is a necessity for them to reside on the same premises as the relative in order to receive necessary care.
- (3) The manufactured dwelling or recreational vehicle must be hooked to the existing septic system and water supply on the property. No new systems or hookups may be installed.
- (4) The permit is effective for one (1) year. No public notice is required in residential zones. Public notice is required in resource zones pursuant to Section 2.115.
- (5) Permits for temporary health hardship; ~~may~~ shall be renewed by January 31st of each year annually, provided that information, as identified in (2) above, is submitted with the renewal request verifying that the hardship still exists.
- (6) The applicant shall submit a statement indicating that “the residence for which the health hardship was issued will be removed when the health hardship no longer exists.” When the health hardship is resolved, the manufactured dwelling or recreational vehicle shall be removed.
- (7) For purposes of guaranteeing removal of ~~the a~~ manufactured dwelling once the health hardship no longer exists, a performance bond shall be required as per Section 6.110.
- (8) The health hardship must meet all other applicable standards in the zone.

Analysis:

Oregon Administrative Rule 660-004-0040(7)(f) authorizes the use of manufactured dwelling and recreational vehicles as medical hardship dwellings. The current text of S3.025 allows only for the placement of a manufactured dwelling in the event of a health hardship. The proposed amendment provides for the additional use of a recreational vehicle in accordance with OAR 660-004-0040(7)(f). Because of the potential cost of removal of a manufactured dwelling staff proposes that a bond only be required for a manufactured dwelling and not a recreational vehicle. The placement and the eventual removal of a manufactured home may be cost prohibitive to many. The inclusion of a recreational vehicle as a hardship dwelling should allow more families to care for relatives in a health hardship situation.

S3.150. Cluster Development and Density Transfer

S3.151. Purpose.

The intent of these standards is to preserve ~~large contiguous forest and agricultural lands, other resource lands, and~~ lands suitable for open space by providing an alternative to the division of ~~forest, agricultural and resource~~ rural residential lands into the minimum sized lots allowed in the appropriate zones, and to apply standards to rural residential lands consistent with state administrative rules governing cluster developments.

Comment [JB1]: Purpose revised to remove references to resource lands.

S3.152. Procedures for Cluster Development.

A cluster development shall comply with the procedures and standards in this section.

- (1) The applicant shall discuss the proposed cluster development with the staff of the Clatsop County Department of Community Development in a pre-application conference pursuant to Section 2.020.
- (2) An applicant for a cluster development must submit a development plan and receive approval of the plan prior to development.
- (3) As soon as plan approval is given, the plan and any conditions of approval shall be recorded in the Office of the County Clerk by book and page and shall constitute an agreement not to divide the property as long as it remains in its present zoning.
- (4)
 - (A) As a condition to the approval that may be given for partitioning under this section, the applicant shall provide all deeds or contracts affecting the original farm use parcel to assure that the maximum density will not be exceeded.
 - (B) For each partition application under this Standard the Community Development Director or designate shall determine and include with the approved plan map a statement including:
 - 1) the number of homesite lots allowable on the original parcel,
 - 2) a legal description of the original parcel,
 - 3) the number of homesite lots that will result from the proposed partition, and
 - 4) the number of homesite lots, if any, that could be allowed in the future on the original parcel.

S3.158. Residential Cluster Development Standards.

- (1) The tract of land to be developed shall not be less than 4 contiguous acres in size, provided that land divided by a road shall be deemed to be contiguous.
- (2) The development may have a density not to exceed the equivalent of the number of dwelling units allowed per acre in the zone or zones.
- (3) The cluster development shall not contain commercial or industrial developments.
- (4) The minimum percentage of common open space shall be 30% excluding roads and property under water (MHHW).
- (5) Attached residences are permitted provided the density allowed per acre in the zone is not exceeded (this does not apply in the Clatsop Plains planning area).
- (6) The prescribed common open space may be used to buffer adjacent forest, farm, hazard areas or other resource lands such as but not limited to archeological and historical sites, water bodies, etc.

- (7) Land in the same ownership or under a single development application that is divided by a road can be used in calculating the acreage that can be used in the clustering option.
- (8) For lands zoned primarily for rural residential uses located outside urban growth boundaries, unincorporated community boundaries, and located outside non-resource lands as defined in OAR660-004-000(5)(3), the following additional conditions must be met.
 - (A) The number of new dwellings units to be clustered does not exceed 10;
 - (B) None of the new lots or parcels created will be smaller than two acres;
 - (C) The development is not served by a new community sewer system or by any extension of a sewer system from within an urban growth boundary or from within an unincorporated community, unless the new service or extension is authorized consistent with OAR 660-011-0060;
 - (D) The overall density of the development will not exceed one dwelling for each unit of acreage specified in the base zone designations effective on October 4, 2000 as the minimum lot size for the area;
 - (E) Any group or cluster of two or more dwelling units will not force a significant change in accepted farm or forest practices on nearby lands devoted to farm or forest uses and will not significantly increase the cost of accepted farm or forest practices there; and
 - (F) For any open space or common area provided as part of the cluster development under this subsection (8), the owner shall submit proof of non-revocable deed restrictions recorded in the deed records. The deed restrictions shall preclude all future rights to construct a dwelling on the lot, parcel or tract designated as open space or common area for as long as the lot, parcel or tract remains outside an urban growth boundary.

S3.160. Additional Residential Cluster Development Standards for the Clatsop Plains Planning Area.

- (1) All planned developments and subdivisions shall designate and retain areas as permanent common open space.
- (2) The minimum percentage of common open space shall be 30% excluding roads.
- (3) Permanent common open space shall include, whenever possible, steep dunes which would require substantial alterations for building, buffers along streams, water bodies, deflation plains, and farm and forest lands.
- (4) Buffers (screening) shall be provided in all subdivisions and planned developments along all property lines adjacent to arterials and/or collectors.
- (5) Permanent common open space as part of subdivisions or planned developments adjoining one another shall be interrelated and continuous whenever possible. This could mean that the common open space could continuously follow ridge tops, deflation plains or shorelands. The Clatsop County Department of Community Development shall prepare a map of potential systems of common open space to be used as a guide for developers.
- (6) Streams and drainages which form a system of common open space shall be preserved.

S3.161. Density Transfer Standards for the Clatsop Plains Planning Area.

- (1) Transfer of residential development rights between sites in the Clatsop Plains Planning Area is allowed as follows:
- (A) The remaining lot or parcel of the sending site shall be rezoned to either the Open Space Parks and Recreation zone or Natural Uplands zone or Conservation Shorelands zone or Natural Shorelands zone. The applicant shall file the rezone request at the same time as the density transfer request is submitted, and
 - (B) Prior to final approval of a density transfer the County shall require that deed restrictions be filed in the Clatsop County Deed Records in a form approved by County Counsel, that prohibits any further development beyond that envisioned in the approved density transfer until such time as the entire area within the density transfer approval has been included within an urban growth boundary; and
 - (C) The Community Development Director shall demarcate the approved restrictions on the official Zoning Map, and
 - (D) No lot or parcel of land shall be involved in more than one (1) density transfer transaction, and
 - (E) Density transfer goes with the property - not the owner; and
 - (F) Minimum lot or parcel size shall be one (1) acre for the receiving site
- (2) ~~All sending and receiving parcels shall be recorded in the "Density Table" (S3.162) and the appropriate sections filled out completely prior to approval. At the applicant's expense¹, if a receiving parcel cannot be identified at the time of application for a density transfer, the applicant can choose to record the remaining credits with an affidavit, which shall be recorded by the applicant, and maintained with the County Planning Department. Staff will review the requisite comprehensive plan text and map amendments for conformity with the down zone and density transfer requirements~~
- All lots or parcels sending or receiving density credits shall be recorded in the "Density Table" (S3.162). If a receiving site cannot be identified for all density credits created by the application the applicant shall prepare a notarized affidavit identifying the sending site and number of credits that are not being assigned. This affidavit shall be kept on file with the Community Development Department. The remaining credits may be assigned at a later time to a cluster development in the Clatsop Plains subject the applicable standards of this section.

Comment [JB2]: Revised language to this section to reflect current practice.

¹ ~~Expense shall include all administrative fees associated with maintaining the affidavit and the staff time required to update the density table when a receiving site has been identified.~~

S3.162. Density Table.

| Sending Sites | Existing Zoning | New Zoning | Applicable Average Density Units ¹ | Remaining Density | Receiving Sites | Receiving Zone | Density Credits ² |
|----------------------|-----------------|------------|---|-------------------|-------------------|----------------|------------------------------|
| 710090000801 | RA5 & LW | OPR & LW | RA5 = 4.45 ae | 0.89 | | | |
| 71009CA00100 | RA5 | OPR | 0.59 | 0.12 | | | |
| 71009CA01100 | RA5 | OPR | 2.3 | 0.46 | | | |
| 71009CA01200 | RA5 | OPR | 2.07 | 0.41 | | | |
| 71009CB00100 | RA5 & LW | OPR & LW | RA5 = 0.18 | 0.04 | | | |
| 71009CB00500 | RA5 & LW | OPR & LW | RA5 = 0.44 | 0.09 | | | |
| 71009CB00600 | RA5 & LW | OPR & LW | RA5 = 1.83 | 0.36 | | | |
| 71009CB00700 | RA5 & LW | OPR & LW | RA5 = 2.26 | 0.45 | | | |
| 71009CB00800 | RA5 & LW | OPR & LW | RA5 = 2.22 | 0.44 | | | |
| 71009CB00100 | RA5 | OPR | 1.84 | 0.37 | | | |
| 71009CB00200 | RA5 & LW | OPR & LW | RA5 = .76 | 0.15 | | | |
| 71009CB00300 | RA5 & LW | OPR & LW | RA5 = .99 | 0.2 | | | |
| 71009CB00400 | RA5 | OPR | 0.12 | 0.02 | | | |
| 71009CB00600 | RA5 & LW | OPR & LW | RA5 = .37 | 0.07 | 710160000200 | RA-5 | 7 units |
| 71009CB00700 | RA5 & LW | OPR & LW | RA5 = 1.14 | 0.23 | | | |
| 71009CB00800 | RA5 | OPR | 1.33 | 0.27 | | | |
| 71009CB00900 | RA1 | OPR | 1.87 | 0.94 | | | |
| 71009CB01000 | RA1 | OPR | 0.7 | 0.35 | | | |
| 71009CB01100 | RA1 | OPR | 0.92 | 0.46 | | | |
| 71009CB01200 | RA5 | OPR | 0.92 | 0.18 | | | |
| 71009CB01300 | RA5 | OPR | 0.7 | 0.14 | | | |
| 71009CB01400 | RA5 | OPR | 0.92 | 0.18 | | | |
| 71009CB01500 | RA5 | OPR | 0.92 | 0.18 | | | |
| 71009CB01600 | RA5 & LW | OPR & LW | RA5 = .28 | 0.06 | | | |
| 71009CB02000 | RA5 | OPR | 0.34 | 0.07 | | | |
| 71009CB02100 | RA5 | OPR | 0.45 | 0.09 | | | |
| 71009CB02200 | RA5 | OPR | 0.45 | 0.09 | | | |
| 71009CB02300 | RA1 | OPR | 0.45 | 0.23 | | | |
| Subtotal = 7.13 (du) | | | | | Subtotal = 7 (dc) | | |
| 710090000902 | RA5, RA1, & LW | OPR & LW | RA1 = 3.32 ae RA5 = 27.34 ae | 5.47 | 71028DA00500 | CBR | 7 units |
| Subtotal = 7.13 (du) | | | | | Subtotal = 7 (dc) | | |

| | | | | | | | | |
|---|----------|------------------|------------------------------|-------------------|------|--------------|---------------------------|----------|
| Street Vacations Between Lots listed Above | RA-5 | OPR | 5.12 | 1.024 | 0 | 710160000200 | RA-5 | 1 Unit |
| - | - | - | Subtotal = 1.024 (du) | | - | - | Subtotal = 1 (de) | |
| 810280003400 | SFR-1/LW | OPR/LW | SFR-1 = 14.89 | 14.89 | | | | |
| 81033A001200 | SFR-1/LW | OPR/LW/ SFR-1 | SFR-1 = 5.62 | 4.62 ³ | 1.51 | 710270003500 | RA-5 | 19 Units |
| - | - | - | Subtotal = 19.51 (du) | | - | - | Subtotal = 19 (de) | |
| Remaining Density from Above | SFR-1 | OPR/SFR- 1 | SFR-1 = 1.51 | 0.4 | 1.11 | TBD | TBD | 4 Units |
| 81033A001300 | SFR-1 | OPR | SFR-1 = 3.71 | 0 | | | | |
| - | - | - | Subtotal = 4.11 (du) | | - | - | Subtotal = 4 (de) | |
| 81033D002102 | SFR-1 | OPR | SFR-1 = .44 | 0.44 | 0 | TBD | TBD | 1 Unit |
| - | - | - | Subtotal = .44 (du) | | - | - | Subtotal = 1 (de) | |
| 81028CA001600 | SFR-1 | OPR/SFR- 1 | SFR-1 = 2.52 | 1.15 ⁴ | 1.36 | TBD | TBD | 1 Unit |
| - | - | - | Subtotal = 1.15 (du) | | - | - | Subtotal = 1 (de) | |
| ¹ "Density Units" are calculated using the minimum lot size of the zone, i.e. 3.32 Acres of RA-1 divided by 2 equals 1.66 units. ² "Density Credits" are rounded down to the nearest whole "Density Unit" (example: 7.54 Density Units = 7 Density Credits) ³ A little over one acre is remaining on Tax Lot 1200. ⁴ This application rezones the easterly 1.15 acres and leaves 1.37 acres zoned SFR-1. | | | | | | | | |

Delete table and add the following text:

The table tracking all density transfers is maintained administratively by the Clatsop County Community Development Department.

Staff Analysis:

Deletion of the "Density Table" from the Standards Document. The table will be administratively maintained in the Community Development Department. This will eliminate the need for a Comprehensive Plan Text Amendment whenever the table is modified.

S3.464. Bed & Breakfast Establishment Standards.

- (1) Number of rental units.
 - (A) 1-5 unit establishment is subject to approval of a Type I development permit and Section 2.070 in the following zones: NC, TC and GC.
 - (B) 1-5 unit establishment is subject to approval of a Type II conditional use permit and Section 5.000-5.030 in the following zones: RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, RA-2, RA-5, RA-10, EFU, AF, F-80.

- (7) Any expansion of an existing building or alterations that increase the intensity of the establishment, may require, at the discretion of the Community Development Director, a Type II conditional use permit subject to Section 5.000-5.030, in the following zones:
 - (A) RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, RA-2, RA-5, RA-10, EFU, AF, F-80.

Staff Analysis:

This section is modified to include the RA-10 zone in the standards.

S3.466. Bed & Breakfast Establishment Standards for Standard Sized Lots or Parcels.

Bed and breakfast establishments may be considered on parcels or lots that meet the minimum lot size in the following zones as provided by this section:

| Zone | Standard |
|--------------|-------------------------------|
| RSA-SFR | Conditional use permit |
| RSA-MFR | Conditional use permit |
| CR | Conditional use permit |
| SFR-1 | Conditional use permit |
| RA-1 | Conditional use permit |
| RA-2 | Conditional use permit |
| RA-5 | Conditional use permit |
| <u>RA-10</u> | <u>Conditional use permit</u> |
| CBR | Not permitted |
| NC | Permitted use |
| TC | Permitted use |
| GC | Permitted use |
| EFU | Conditional use permit |
| AF | Conditional use permit |
| F-80 | Conditional use permit |

S3.468. Bed & Breakfast Establishment Standards for Substandard Sized Lots or Parcels.

Bed & breakfast establishments may only be considered on parcels or lots that are less than the minimum lot size in the following circumstances:

| Zone | Standard |
|--------------|-------------------------------|
| RSA-SFR | Not permitted |
| RSA-MFR | Conditional use permit |
| CR | Conditional use permit |
| SFR-1 | Not permitted |
| RA-1 | Conditional use permit |
| RA-2 | Conditional use permit |
| RA-5 | Conditional use permit |
| <u>RA-10</u> | <u>Conditional Use Permit</u> |
| CBR | Not permitted |
| NC | Conditional use permit |
| TC | Conditional use permit |
| GC | Conditional use permit |
| EFU | Conditional use permit |
| AF | Conditional use permit |
| F-80 | Conditional use permit |

Staff Analysis:

This section is modified to include the RA-10 zone in the standards.

Delete this section. Replaced by the Rural Community Overlay in 2010.

S3.470 SHORT TERM (VACATION) RENTALS

~~This section regulates the short term rental of dwelling units within the Arch Cape Rural Community. For the purposes of this section, "Short Term Rental" means a dwelling unit (including any accessory guest house on the same property) that is rented to any person or entity for a period of up to thirty (30) consecutive nights. In addition for the purposes of this ordinance, "Rental" means an agreement granting the use and possession of a residence to a person or single group, not to exceed the maximum occupancy of the residence as set forth in Section S3.474 of this ordinance; the term "Rented" means that their use and possession of a residence is granted to one or more persons in exchange for consideration valued in money, goods, labor, credits, property or other consideration valued in money, without any deduction; and the term "Cooking facilities" includes stoves, ovens or other equipments designed to prepare hot meals, but does not include a single hot plate, microwave or toaster. Rentals of a short term dwelling unit shall be limited to either a minimum period of seven (7) nights or, if for fewer than seven (7) nights, then to no more than one rental within a seven (7) night period. Use of a short term rental by a record owner of a property shall not be considered to be a rental under this section.~~

S3.471 Purpose

~~The purpose of this section is to regulate short term rentals to enhance livability and safety in the Arch Cape residential neighborhoods.~~

S3.472 Permit Required

~~An owner shall obtain a revocable short term rental permit whenever a dwelling unit (as defined in S3.470) is to be used for short term rental purposes and shall comply with the requirements of the County's transient room tax ordinance (No. 90-7).~~

- ~~(1) — A short term rental permit shall be obtained prior to using the unit as a short term rental.~~
- ~~(2) — The initial short term rental permit shall be valid until July 1, 2005 and shall be renewed annually by July 1 thereafter.~~
- ~~(3) — The short term rental permit is transferable to a new owner, so long as to the owner registers with the County to transfer the short term rental permit, pays the registration fee (same as a development permit fee), updates the short term rental permit application and agrees in writing to comply with the requirements of the short term rental permit and these regulations.~~
- ~~(4) — The short term rental permit does not relieve the owner of the obligation to pay county room taxes.~~
- ~~(5) — If the terms of the short term rental permit are not met, the short term rental permit may be revoked and the owner subject to penalties per Section S3.476.~~

S3.473 Short Term Rental Permit Application Requirements

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

- ~~(1) — A list of all the property owners of the short term rental including names, addresses and telephone numbers. Property ownership, for the purposes of this section, shall consist of those individuals who are listed on the Clatsop County Assessor's tax records.~~

- ~~(2) — Proof of registration for county room tax purposes.~~
- ~~(3) — Completion of the inspection section of the application form by an Oregon Certified Home Inspector as defined by ORS 701.005(4), based on a visual inspection to certify the following:

 - ~~(A) — Compliance with the following standards:

 - ~~1) — There shall be one functioning smoke detector in each sleeping room, with a minimum of two functioning smoke detectors in each dwelling unit. There shall also be one Functioning fire extinguisher at each exit;~~
 - ~~2) — Exterior doors shall be operational. All passageways to exterior doors shall be clear and unobstructed.~~
 - ~~3) — Electrical systems shall be serviceable with no visual defects or unsafe conditions.~~
 - ~~4) — All fireplaces, fireplace inserts or other fuel burning heaters and furnaces shall be vented and properly installed.~~
 - ~~5) — Each sleeping room shall have an exterior exit that opens directly to the outside, or an emergency escape or rescue window.~~~~
 - ~~(B) — The number of sleeping rooms within the short term rental, as defined in Section S3.474(3).~~
 - ~~(C) — The number of parking spaces on the subject property that meet the standards of Section S3.474(4).~~
 - ~~(D) — Inspection certifications shall be valid for a period of five years or whenever dwelling unit modifications requiring a building permit are made, at which point a new inspection certificate shall be required.~~~~
- ~~(4) — A site plan, drawn to scale, showing the location of buildings and required parking.~~
- ~~(5) — The name, address and telephone number of a contact person, who shall be responsible, and authorized, to act on the owner's behalf to promptly remedy any violation of these standards. The contact person may be the owner or the designated agent who shall serve as a contact person.~~
- ~~(6) — Statement that the applicant has met and will continue to comply with the standards in this section.~~
- ~~(7) — Other information as requested by the County.~~

S3.474 Short Term Rental Standards

All short term rentals shall meet the following standards:

- ~~(1) — A Short Term Rental dwelling unit shall be rented for no more than one rental in a consecutive seven (7) night period.~~
- ~~(2) — All applicable County room taxes shall be paid pursuant to County Code Chapter 39.~~
- ~~(3) — The maximum occupancy for each short term rental unit shall be calculated on the basis of two (2) persons per sleeping room plus an additional four (4) persons, up to a maximum of fourteen (14) persons. For this purpose, a sleeping room is defined as fully enclosed habitable space with a heat source, and an emergency escape or rescue opening.~~
- ~~(4) — Off street parking shall be used if physically available and comply with S2.200 S2.210 applicable to single family or two family dwellings. On street parking shall be used only when off street parking spaces are not physically available. Parking is "physically available" when a garage or driveway can be emptied or materials removed so as to allow for the parking. The owner shall notify every renter in writing of these requirements and~~

shall advise the renter where the off-street parking spaces to serve the unit are located. If on-street parking must be used, the renter shall use the parking along the frontage of the rental unit.

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

S3.475 Conformity Required; Display of Permits

- (1) — The issuance of the short term rental permit shall be subject to the continued compliance with the requirements of this section.
- (1) — The current short term rental permit shall be permanently and prominently displayed inside and near the front entrance of the short term rental and provided to adjacent property owners within 100 feet of the property, and shall list the following:
 - (A) — The name, address and phone number of the owner and designated agent;
 - (A) — The maximum occupancy and vehicle limits for the short term rental unit;
 - (B) — Identification of the number and location of parking spaces available;
 - (C) — A statement regarding how the parking standards under S3.474(4) are to be met;
 - (D) — A statement that it is illegal to leave litter on the beach (OAR 736-021-0090(4));
 - (E) — A statement that all fires on the beach must be extinguished before leaving the site of the fire (OAR 736-021-0120(4));
 - (F) — A statement that the short term rental permit may be revoked for violations;
 - (G) — A statement regarding how the garbage removal standards under S3.474(6) are to be met; and
 - (H) — Such other information as may be required by the County.
- (2) — The owners are responsible to ensure that current and accurate information is provided to the County.

S3.476 Compliance, Hearings and Penalties

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

- (1) — The complaining party shall first attempt to contact the contact person designated on the permit and the notice posted on the Short Term Rental, describe the problem and indicate the desired remedy.
- (1) — The contact person shall promptly respond to the complaint and remedy any situation that is out of compliance with this section or permit.

- ~~(2) — If the response is not satisfactory to the complaining party, the complaining party may lodge a complaint with the County by submitting a written complaint including the time, date and nature of the alleged violation. The property owner shall allow the County to inspect any records related to the short term rental dwelling unit upon request of the County.~~
- ~~(3) — The County may initiate enforcement under Section 38 of the Clatsop County Code.~~
- ~~(4) — In addition to any other remedy allow under Section 38 of the Clatsop County Code, the hearings body may do any of the following:
 - ~~(A) — Take no action on the request for the revocation of the short term rental permit;~~
 - ~~(A) — Attach conditions to the existing short term rental permit;~~
 - ~~(B) — Require a new home inspection under S3.473.3;~~
 - ~~(C) — Suspend the short term rental permit;~~
 - ~~(D) — Revoke the short term rental permit; and/or~~
 - ~~(E) — Prohibit an owner from obtaining a short term rental permit for a period of up to five (5) years.~~~~
- ~~(5) — Should a permit be revoked, the owner may not obtain any short term rental permit sooner than one year after the date of revocation.~~
- ~~(6) — Any property owner found in violation of the provisions of this ordinance shall be required to reimburse the County for its costs of enforcement including reimbursement of staff time, investigation costs, mailings, service fees, mileage and other costs related to the investigation and prosecution of the violation in question.~~

Staff Analysis:

In 2010 the Rural Community Overlay was adopted by the Board of Commissioners as part of Ordinance 10-01. The RCO regulates the standards for short term rentals in the Arch Cape-Rural Community Residential zone. It was an oversight by staff that this section was not deleted at that time.

Table 1- Right-of-Way and Improvement Standards Table

| Functional Road Class | A.D.T | Design Standard Typical | Travel Width | R-O-W Width | Surface Type | Design Speed MPH | Max. % Grade | Min. Curve Radius | Street Signs |
|------------------------|------------|-------------------------------------|------------------|-------------|---------------------|------------------|--------------|-------------------|--------------|
| Arterial | >1000 | A - 32 | 24 | 80 | A.C. | 45 | 12 | 750 | (1) |
| Collector | 300 – 1000 | A - 28 | 24*** | 60 | A.C. | 40 | 12 | 500 | (1) |
| Local | 60 – 300 | A - 24 | 22 | 60 | A.C./Oil | 35 | 12 | 350 | (1) |
| Subdivision (10+ lots) | >60 | A - 22 | 20 | 50 | A.C. ⁽⁵⁾ | 25 | 12 | 250 | (1) |
| Subdivision (4-9 lots) | 30 – 60 | A - 20 | 18 | 50 | A.C. ⁽⁵⁾ | 20 | 12** | 150 | (1) |
| Partition (> 3 ***) | <60 | A - 20 | 18 | 50 | Gravel | 20 | 12** | 150 | (1) |
| Partition (1-3 lots) | <30 | A – 12 14 ⁽⁴⁾ | 12 14 | 25 | Gravel | 15 | 16* | 50 | (1) |

- * If unavoidable conditions exist a grade of 2% greater than that shown may be allowed with A.C. paving.
- ** If unavoidable conditions exist a grade of 4% greater than that shown may be allowed with A.C. paving.
- *** May be reduced to 22 feet as specified in AASHTO if approved by the County Engineer.
- (1) One (1) approved street sign will be provided at each intersection for each named street.
- (2) All dead-end streets will be terminated with a cul-de-sac or approved turnaround. See Design Standard Typical Cul-de-sac for details.
- (3) Drainage/slope easements may be required if roadway slopes extend beyond the right-of-way.
- (4) A-~~12~~4 roads require turn-outs at a maximum distance of ~~250~~400 feet, or at a lesser interval that will maintain a continuous visual contact between each successive turn-out.
- (5) Minimum A.C. thickness is 3" nominally compacted ODOT Class C, or approved equal.

(Amended 11/1/2004)

Staff Analysis:

The table has been modified to included current road standards that were updated by administrative policy and have been in effect since 2004.

Exhibit PC
Planning Commission
Recommendation and Findings

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

In the Matter of

ORDINANCE 12-12: LEGISLATIVE TEXT
AMENDMENTS TO THE CLATSOP
COUNTY LAND AND WATER
DEVELOPMENT AND USE ORDINANCE 80-
14 AND STANDARDS DOCUMENT

RESOLUTION AND ORDER

12-12-02

THE ABOVE ENTITLED MATTER came before the Planning Commission on December 11, 2012, for a public hearing and consideration of 'housekeeping' Text Amendments to the Land and Water Development and Use Ordinance 80-14 and Standards Document.

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 provided by the Planning Department staff and public testimony provided at the public hearing, hereby **RECOMMENDS APPROVAL** of the findings and text amendments 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 Legislative Text Amendments to the Land and Water Development and Use Ordinance 80-14 and Standards Document.

SO ORDERED this 11th day of December 2012.

THE PLANNING COMMISSION FOR
CLATSOP COUNTY



Bruce Francis, Chair

Clatsop County
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“Exhibit A”
Staff Report
Ordinance 12-12

REPORT DATE: December 4, 2012

HEARING DATE: December 11, 2012

REQUEST: Legislative Amendments to the Land and Water Development and Use Ordinance #80-14

STAFF REVIEWER: Jennifer Bunch, Senior Planner

EXHIBITS:

1. Proposed Text Amendments *Strikethrough Version* (Pg. 6)
2. Published Notice of Hearing (Pg. 81)
3. Public Comment (Pg. 84)

I. EXECUTIVE SUMMARY

These amendments are considered to be ‘housekeeping’ and staff is not proposing any major revisions or content changes. These amendments are to provide clarification where there is ambiguity, further define procedures, and correct references to state rules and statutes.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE 80-14

Article I Introductory Provisions (Pg. 8)

L1.030 Definitions

Addition of new and deletion of old definitions. Revision of street types.

Article II – Procedure for Land Use Applications (Pg. 12)

Correction of procedure types for specific applications and the addition of text for clarification purposes.

Article III – Zone and Special Purpose Districts (Pg. 18)

L. 3.010 Table

Modified to include the RA-10 zone that was omitted

L3.030 Special Purpose Districts

Updating of the effective date for the Flood Insurance Rate Maps

Table: Inclusion of the Rural Community Overlay. Deletion of the Site Design Review Overlay and Restoration Inventory Overlay which are obsolete.

Multiple Zones:

1. The removal of property line adjustments and partitions as permitted uses. Property in all zones can be the subject of a property line adjustment, partition, or subdivision if the standards for the zone are met.
2. Proposed amendments in the AC-RCR, RCR, KS-RCR, RC-MFR, SFR-1, and CBR zones will update references to Standards section S2.300 (Sign Standards) that was recently amended by Ordinance 12-10. In addition, all references to political signs were removed due to the repeal of Ordinance 95-10 (Political Signs) by the Board of Commissioners in 2011.

L3.060 Arch Cape Rural Community Residential Zone

Amended language to require design review for only public and private roads. Current language could be interpreted to include county and state facilities.

L4.000 Flood Hazard Overlay

Deletion of references to specific sections in the County Code of Regulations which was recently updated and renumbered.

L4.100 Arch Cape Rural Community Overlay

Amended language to require design review for only public and private roads. Current language could be interpreted to include county and state facilities.

Article IV – Special Districts (Pg. 53)

L4.000 Flood Hazard Overlay

Updated references to Clatsop County Code of Regulations.

L4.100 Rural Community Overlay

Modification of language that requires design review for public and private roads only.

Article V - Permit and Issue Determinations (Pg. 56)

L5.000 Conditional Use Permits

Add 4-year expiration for Resource Zone dwellings

L5.200 – Subdivisions, Partitions, and Property Line Adjustments

This section has minor updates related to the clarification of several definitions and procedures. The procedures for partitions and property line adjustments were separated in order to eliminate confusion.

L5.350 Transportation Impact Review

Correction to OAR number.

L5.400 Zone Changes

Provide clarification regarding which zoning map amendments area considered by the PC and BCC.

STANDARDS DOCUMENT (Pg. 65)

Chapter 1 - Site Orientation (Pg. 66)

S1.030 General Exceptions to Lot Size Standards

Clarification of Lot of Record language with no substantive changes.

Chapter 2 – Site Oriented Improvements (Pg. 67)

S2.400 Water Improvement Standards

Addition of rainwater harvesting systems for domestic use.

Chapter 3 – Structure Siting and Development (Pg. 68)

S3.025 Temporary Health Hardship

Text amendment to include a recreational vehicle in addition to a manufactured dwelling as allowed by OAR. Additional language added to identify a yearly renewal date for permits.

S3.150 Density Transfer and Cluster Development (Pg. 69)

Modified the purpose of the section to delete references to resource zones. Revised S3.161(2) to reflect current practice. Deletion of the “Density Table” from the Standards Document. Table will be administratively maintained in the Community Development Department. This will eliminate the need for a Comprehensive Plan Text Amendment whenever the table is modified.

S3.464 Bed and Breakfast Establishment Standards (Pg. 74)

The RA-10 zone was omitted and has been included in the standards.

S3.470 Short Term Vacation Rentals (Pg. 76)

Delete this section. Replaced with the Rural Community Overlay adopted with Ordinance 10-01.

Chapter 4 – Environmental Protection

Chapter 5 - Vehicle Access Control and Circulation

No changes proposed at this time.

Chapter 6 – Road Standards (Pg. 80)

Table 1

The table is updated to included current road standards that have been in effect since 2004.

II. EVALUATION OF APPLICABLE CRITERIA

A. LWDUO 80-14

Section 2.035 Type IV Procedure.

Type IV actions are legislative processes. They involve the creation, broad scale implementation or revision of public policy. These include amendments to the text of the Comprehensive Plan, Community Plans, or Zoning Code. Large-scale changes in Community Development maps also may be characterized as legislative where a larger number of property owners are directly affected. The Type IV procedure is for use where indicated in this Ordinance.

- (1) Under the Type IV procedure, the Director shall schedule a public hearing pursuant to Section 2.105 before the Planning Commission.
- (2) The Director shall mail and publish a notice pursuant to Section 2.315.

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.

Analysis & Finding:

Clatsop County is processing this text amendment as a Type IV Legislative procedure with a public hearing to be held before the Planning Commission on December 11, 2012, and an addition hearing to be held at a later date before the Board of Commissioners. Published notice was provided in accordance with Section 2.035 and 2.315 (Exhibit 2). **The criteria have been met.**

B. COMPREHENSIVE PLAN GOALS AND POLICIES

Goal 1 Element – Citizen Involvement:

Policies

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.
5. Citizens shall be provided the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan and Implementation Measures.

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

Analysis & Finding:

Clatsop County is processing this text amendment as a Type IV Legislative procedure with a public hearing to be held before the Planning Commission on December 11, 2012 and an additional hearing to be held at a later date before the Board of Commissioners. Published notice was provided in accordance with Section 2.035 and 2.315. **The proposed text amendments and legislative adoption process are consistent with the applicable policies of Goal 1.**

The following elements of the Clatsop County Comprehensive Plan do not contain applicable policies:

Goal 2 – Land Use Planning

Goal 3 – Agricultural Lands

Goal 4 – Forest Lands

Goal 5 – Open Space, Scenic, Historic Areas and Natural Resources

Goal 6 – Air, Water, and Land Quality

Goal 7 – Natural Hazards

Goal 8 – Recreation

Goal 9 – Economy

Goal 10 – Population & Housing

Goal 11 – Public Facilities and Services

Goal 12 – Transportation

Goal 13 – Energy Conservation

Goal 14 – Urbanization

Goal 16/17 – Estuarine Resources and Coastal Shorelands

Goal 18 – Beaches and Dunes

Goal 19 Element – Ocean Resources:

III. PUBLIC COMMENT (Attached as Exhibit 3)

As of 5:00 PM on December 3, 2012, no public or agency comments have been received.

IV. CONCLUSION and RECOMMENDATION:

Staff recommends that the Planning Commission adopt the findings of fact of the staff report and recommend approval of the proposed text amendments to the Board of Commissioners.

Respectfully Submitted,



Jennifer Bunch
Senior Planner

Exhibit 1

**Proposed
Amendments**

LWDUO 80-14

ARTICLE 1
Introductory Provisions

Proposed Amendments

Additions are underlined
Deletions are ~~striketrough~~

Section 1.030. Definitions.

As used in this Ordinance, the following words and phrases shall have the following meanings:

ACCESSORY BUILDING - A detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located on the same tract with the main building or use. Accessory building includes, but is not limited to:

~~GUEST HOUSE—A building no greater than one half the size of the ground floor of the main dwelling unit on the property, which is used in conjunction with the main dwelling for the temporary housing of non-paying visitors and guests. A maximum of one guest house may be allowed per main dwelling. Allowed in Southwest Coastal planning area only.~~

~~APPEAL -- A request for review of the Community Development Director's decision concerning matters addressed by the Comprehensive Plan and Ordinance to the Planning Commission or a review of the Planning Commission's decision to the Board of County Commissioners.~~

BUILDING -- A structure built or placed for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

~~DECLARATION—The instrument described in Section 3 of this 1991 Act by which the subdivision or partition plat was created.~~

DRIVEWAY -- An improved travel surface, on privately owned property and maintained by private funds for the exclusive use of private parties, that is intended to provide access from a federal, state, county, public, or private road to no more than two lots, parcels, areas or tracts of land.

DISTRIBUTION LINES -- For natural gas - the act of distributing gas from the plant to the customer. For electric - the act of distributing electric power using low voltage transmission lines that deliver power to retail customers.

~~FINAL ORDER— Shall include the approval or disapproval of a permit, or a letter of exemption as set forth in WAC 173-14-115.~~

FOREST MANAGEMENT FACILITY -- permanent or temporary structure(s) to provide workspace, storage, repair, operational base, communication site and support for the management of public or private forest lands.

HEALTH HARDSHIP -- Circumstances where the temporary placement of a manufactured dwelling or recreational vehicle to accommodate a seriously ill person or their attendant is justified by the absence of a reasonable alternative and subject to the standards in S3.025.

RETAIL SALES – In person sales of items for a customer’s personal use but does not include the sale of a seasonal use manufactured on the premises in Residential Agriculture (i.e. RA-1, RA-2, RA-5, RA-10) or resource zone (i.e. EFU, AF, F-80).

STREET -- A public roadway dedicated to the public, which has been accepted by the Board, that is created to provide ingress and/or egress to one (1) or more lots, parcels, areas or tracts of land ~~and includes~~ including the terms road, highways, lanes, avenue, or similar designation.

Classification:

- (1) Principal Arterial: Streets which form a connected rural network of continuous routes having the following characteristics:
 - (A) Serve projected corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel.
 - (B) Serve all, or virtually all, year 2000 urban areas of 50,000 and over population and a large majority of those with population of 25,000 and over.
 - (C) Provide an integrated network with stub connections except where unusual geographic or traffic flow conditions dictate otherwise (e.g. international boundary connections and connections to coastal cities).
- (2) Minor Arterial: Streets which, in conjunction with principal arterials, form a rural network having the following characteristics:
 - (A) Link cities and larger towns (and other traffic generators, such as major resort areas, that are capable of attracting travel over similarly long distances) and form an integrated network providing interstate and intercounty service.
 - (B) ~~Serve all, or virtually all, year 2000 urban areas of 50,000 and over population and a large majority of those with population of 25,000 and over.~~ Be spaced at such intervals, consistent with population density, so that all developed areas of the State are within a reasonable distance of an arterial highway.
 - (C) Provide (because of the two characteristics defined in A and B above) service to corridors with trip lengths and travel density greater than those predominantly served by rural collector or local systems. Minor arterials therefore constitute routes whose design should be expected to provide for relatively high overall travel speeds, with minimum interference to through movement. ~~an integrated network with stub connections except where unusual geographic or traffic flow conditions dictate otherwise (e.g. international boundary connections and connections to coastal cities).~~
- (3) Major Collectors: These routes should: (1) provide service to any County seat not on an arterial route, to the larger towns not directly served by the higher systems, and to other traffic generators of equivalent intracounty importance, such as consolidated schools, shipping points, etc.; (2) link these places with nearby larger towns or cities, or with routes of higher classification; and (3) serve the more important intracounty travel corridors.

- (4) Minor Collectors: These routes should: (1) be spaced at intervals, consistent with population density, to collect traffic from local roads and bring all developed areas within a reasonable distance of a collector road; (2) provide service to the remaining smaller communities; and (3) ~~link the locally important traffic generators with their rural hinterland.~~ Tend to feed predominately residential traffic from local roads into major collectors or arterials.
- (5) Local Road or Street: A road or street which ~~is used or intended to be used primarily for providing access to abutting properties.~~ a) serve primarily to provide access to adjacent land; and b) provide service to travel over relatively short distances as compared to collectors or other higher systems. They are designed specifically to have high accessibility and to connect to collector and arterial roads, and are typically not used for through traffic.

TRANSMISSION LINES – Lines designated to move bulk energy products from where they are produced, generated or stored in bulk to distribution lines that carry the energy products to consumers.

Staff Analysis:

Section 1.030 contains a variety of updated, new and deleted definitions. These proposed amendments will assist staff and the public when interpreting the LWDUO and Standards Document.

LWDUO 80-14

ARTICLE II Procedures for Land Use Applications

Proposed Amendments

Additions are underlined
Deletions are ~~striketrough~~

ARTICLE 2. PROCEDURES FOR LAND USE APPLICATIONS

Section 2.020. Type II Procedure.

- (1) Type II land use actions ~~are presumed to be appropriate in the zone subject to approval of a conditional use permit or a review use permit.~~ They generally involve uses or development for which review criteria are reasonably objective, requiring only limited discretion. Impacts on nearby properties may be associated with conditions of approval to minimize those impacts or ensure compliance with this code.
- (2) Those actions identified in this code as a conditional development and use, ~~or~~ development permitted with review, subdivisions containing six lots or less, partitions, and applications related to non-conforming uses/structures under the Type II procedure are Type II actions.

Section 2.025. Type IIa Procedure.

- (2) Those actions identified in this Code as a variance or conditional use under the Type IIa procedure are Type IIa actions.

Section 2.030 Type III Procedure.

- (1) Type III actions involve complex or subjective decisions which may impose possible significant effects on some persons or a broad effect on a number of persons. Often these applications include subdivisions with seven or more lots, similar use, quasi-judicial plan amendments zoning map amendments that do not involve any change to the comprehensive plan or designation.

Section 2.035 Type IV Procedure.

- (1) Type IV actions ~~are~~ will involve either a legislative or quasi-judicial processes as appropriate to the circumstances. They may involve the creation, broad scale implementation or revision of public policy. ~~These such as include~~ amendments to the text of the Comprehensive Plan, Community Plans, ~~or~~ Zoning Code or Comprehensive Plan Zoning Map are generally processed as legislative. Large-scale changes in Community Development maps also may be characterized as legislative where a larger number of property owners are directly affected. Requests for changes affecting specific properties, a limited number of property owners and/or a specific project are considered quasi-judicial. The Type IV procedure is ~~for use~~ to be used where indicated in this Ordinance.

- (5) If the Planning Commission has recommended against ~~a proposal~~ or has failed to act on a legislative proposal, the Board of Commissioners may terminate further consideration of the proposal. For quasi-judicial proposals and a legislative proposals on which the Planning Commission has made a favorable recommendation and for other proposals that have not been terminated, the Board of Commissioners shall conduct a public hearing. The Director shall set a date for the hearing, pursuant to Section 2.105. The form of notice and persons to receive notice are as required by the relevant sections of this Ordinance. At the public hearing, the staff shall review the report of the Planning Commission and provide other pertinent information, and interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the Planning Commission and make final arguments why the matter should or should not be approved, and if approved, the nature of the provisions to be contained in approving action.
- (7) To the extent that a policy is to be established or revised, the Board of Commissioners shall make its decision after information from the hearing has been received. The decision shall become effective by passage of an Ordinance. ~~Type IV actions are made through the adoption of County Ordinances on an area wide basis involving text or map change amendments.~~

Staff Analysis:

These amendments are to clarify the procedure types and include all application types.

Section 2.050. Development Permit Required.

- ~~(4) — Before any new structure, mobile home, dwelling unit or building may be hooked up to a new electrical service, a County approved development permit, must be verified in writing by the County to the public utility or persons providing the service.~~
- ~~(5)~~(4) Authorization of a development permit shall be void after 180 days unless substantial construction or action has taken place.

Staff Analysis:

Correction to a procedure that is inconsistent with current practice.

Section 2.051 Effective Date of Development Permits.

- (1) A decision on a Type II, IIa, III or IV request shall not become final until expiration of the period provided for filing an appeal, pursuant to Section 2.230 or ORS 197.830, whichever applies, has elapsed.
- (2) If appealed, the decision rendered pursuant to Section 2.051(1) shall not become final until rendering of the decision by the reviewing body.

Staff Analysis:

Amended to provide clarification and consistency with state statutes.

Section 2.052 Exclusions from Development Permit Requirement.

The activities listed below do not require a development permit. Exclusion from the requirement for a development permit does not exempt the development or its use from the other applicable requirements of the Ordinance.

- (1) Landscaping, ~~or gardening or~~ other similar treatment or use of the land surface not involving ~~grading of earth or~~ the placement of a structure.
- (3) Fences less than or equal to 6.0 feet in height and not located on the portion of a corner lot so as to obstruct the clear line of vision of vehicular traffic approaching on either of two opposing streets (see Section 1.030 - Clear Vision Area) or located in a designated floodway. Fences greater than 6.0 feet in height require a development permit and must meet applicable setback standards.
- (4) A change internal to a building or other structure that does not substantially affect the use of the structure and that does not require a building permit.
- (5) Residential accessory structures less than ~~120-200~~ square feet and less than 10 feet in height are not subject to a development permit when placed on the owner's property where said owner resides. No structures may be placed on a corner lot so as to obstruct the clear line of vision of vehicular traffic approaching on either of two opposing streets (see Section 1.030 - Clear Vision Area).
- (6) A temporary emergency measure necessary for the safety or protection of property in the event of a natural disaster or catastrophic event, until appropriate permits may be obtained, if state, federal or local permits are required for the activity, structure or use.
- (7) Erection of a tent or similar portable structure for not more than 30 days.
- (8) Farming, except in the F-80 zone.
- (9) Seasonal flower stands, selling flowers produced on the property on which the stand is located and which stand is no larger than 10 square feet in size or over 10 feet in height.
- (10) The propagation, management, or harvest of timber regulated by the Oregon Department of Forestry under the Oregon Forest Practices Act. This exclusion does not include those lands for which an exception to State Planning Goal 4 has been taken.
- (11) Structures (excluding mobile homes but including campers, trailers, motor homes, boats and other recreational vehicles) placed in storage on property upon which the owner resides may be temporarily occupied by a visiting friend or relative for not more than 30 days out of any 90 day period, whether it be in storage by the property owner or brought to said property by the friend or relative. No more than one recreational vehicle may be used for temporary occupancy purposes on said property at any time.
- (12) The establishment, construction or termination of a public facility or utility that directly serves a limited area of authorized development including such facilities as a private or public street, sewer, water line, electrical power or gas distribution line, or telephone or television cable system. This activity requires a development permit in special purpose districts and resource zones.
- (13) ~~Installation or construction of an accessory structure that does not require a building permit. This activity requires a development permit in special purpose districts and resource zones.~~

Staff Analysis:

Amended for consistency with State Building Codes.

Section 2.065 Coordination of Development Permit Procedure.

The Director shall be responsible for the coordination of the development permit application and decision-making procedure and shall issue a development permit to an applicant whose application and proposed development is in compliance with the provisions of this Ordinance, including those set forth in the Development and Use Standards Document. Sufficient information shall be submitted to resolve all determinations that require furnishing notice to persons other than the applicant. In the case of a Type II, IIa, or Type III procedure, an applicant may defer submission of details demonstrating compliance with standards where such detail is not relevant to the approval under those procedures. Before issuing the development permit the Director shall be provided with the detail required to establish full compliance with the requirements of this Ordinance.

Section 2.070 Development Permit Application.

- (4)** Proof of legal access to the property:

 - a. If access is taken directly from a State, County, or Public road, documentation from the appropriate agency verifying legal access.
 - b. If access is taken from a Private road or across property not in exclusive ownership of the applicant, proof of easement shall be provided.
- (5)** Legal description of the property affected by the application.
- (4)(6)** Authorization from the local fire official.
- (5)(7)** Additional information required by other sections of this Ordinance because of the type of development proposal or the area involved.

Staff Analysis:

These amendments include the addition of language to require proof of legal access to a property that is the subject of a land use application. Also included is the requirement for authorization from the local fire official. These changes reflect current practice.

Section 2.075 Submission of Development Permit Application.

Application materials shall be submitted to the Director who shall have the date of submission indicated on each copy of the materials submitted. ~~The Director shall determine whether an application is complete, as provided in ORS 215-428. With regards to applications for permits not subject to the provisions of ORS 215-428, the Director shall have 45-30 days from the date the application is submitted in which to determine if the application is complete. If the application is deemed incomplete the Director shall notify the applicant in writing of exactly what information is missing, and to provide information concerning the application to the applicant. The applicant then has 60 days to submit the requested supplemental information after which a new application may be required if received after this time. Within 180 days the application shall be deemed complete if the applicant: (a) provides all of the missing information; or (b) provides some of the missing information and written notice that no other information will be provided; or (c) provides written notice that none of the information will be provided.~~

Staff Analysis:

Amended for consistency with ORS 215.427.

Section 2.085 Development Permit Decision.

- (5) Except for Type IV procedures, all County actions on development permits, including resolution of all appeals at the Planning Commission and Board of Commissioners must be complete within 150 days of receipt of a completed application (see Section 2.075 for determination of completed application). This 150 day period may be extended no more than 215 days ~~for a reasonable period of time~~ at the request of the applicant.

Staff Analysis:

Amended for consistency with ORS 215.417.

Section 2.260 Review Body Decision.

- (2) Action by the review body shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The review body shall render its decision no later than sixty (60) days after the filing of the request for review, ~~and shall file that decision with the County Clerk within ten (10) days after it is rendered.~~
- (3) The Director shall by written notice send ~~certified return receipt~~ by first class mail the decision arrived at by the Director or hearing body to the applicant ~~and/or parties requesting~~ to any participant in the proceeding leading to the decision and any person, entity or organization requesting information pertaining to a final decision on the application.

Staff Analysis:

Amended for consistency with current policy.

LWDUO 80-14

ARTICLE III
Zones and Special Purpose Districts

Proposed Amendments

Additions are underlined
Deletions are ~~strikethrough~~

Table 3.010 Comprehensive Plan Zoning Designations

| TABLE 3.010 COMPREHENSIVE PLAN ZONING DESIGNATIONS | | |
|---|--------------|--|
| Conservation Forest Lands | AF | Agriculture Forest |
| | F80 | Forest 80 |
| Conservation Other Resources | AC1 | Aquatic Conservation One |
| | AC2 | Aquatic Conservation Two |
| | NAC2 | Necanicum Estuary Aquatic Conservation |
| | OPR | Open Space, Parks and Recreation |
| | RM | Recreation Management |
| | CS | Coastal Shorelands |
| | EAC | Ecola Aquatic Conservation |
| | LW | Lake and Wetland |
| | QM | Quarry and Mining |
| Natural | AN | Aquatic Natural |
| | NU | Natural Uplands |
| | NS | Natural Shorelands |
| Rural Agricultural Lands | EFU | Exclusive Farm Use |
| Rural Lands | CBR | Coastal Beach Residential |
| | CR | Coastal Residential |
| | SFR1 | Single Family Residential 1 |
| | RA1 | Residential Agriculture 1 |
| | RA2 | Residential Agriculture 2 |
| | RA5 | Residential Agriculture 5 |
| | <u>RA-10</u> | <u>Residential Agriculture 10</u> |
| | GC | General Commercial |
| | NC | Neighborhood Commercial |
| | TC | Tourist Commercial |
| | MR | Military Reserve |
| | Development | AD |
| RSA-SFR | | Rural Service Area-Single Family Residential |
| RSA-MFR | | Rural Service Area-Multi Family Residential |
| RCR | | Rural Community Residential |
| AC-RCR | | Arch Cape Rural Community Residential |
| KS-RCR | | Knappa-Svensen Rural Community Residential |
| RCC | | Rural Community Commercial |
| RCC-LI | | Rural Community Light Industrial |
| RCI | | Rural Community Industrial |
| RC-MFR | | Rural Community-Multi Family Residential |
| LI | | Light Industrial |
| HI | | Heavy Industrial |
| MI | | Marine Industrial |
| UGB | | Urban Growth Boundary |

Staff Analysis & Findings:

Clatsop County Ordinance 10-01 adopted the RA-10 zoning designation. Table 3.010 was not updated to reflect the change. The proposed changes in Table 3.010 are simply housekeeping.

Section 3.030. Special Purpose Districts.

A special purpose district is an overlay district which may be combined with any portion of any zone as appropriate to the purpose of the district. The regulations of a special purpose district may add to or modify the requirements of the underlying zone, and the regulations of the special purpose district and the zone shall all apply. Where the requirements of a special purpose overlay district and the underlying base zone conflict, the regulations that are more restrictive shall control. The boundaries of special purpose districts, except as indicated below are shown on the Clatsop County Land and Water Development Map and Columbia River Estuary Resource Base Maps. (Amended by Ordinance 05-05)

- (1) The boundaries of the Flood Hazard Overlay (FHO) district shall be the areas of flood hazards identified by the Federal ~~Insurance Administration~~ Emergency Management Agency (FEMA) in a report entitled: *Flood Insurance Study, Clatsop County, Oregon Unincorporated Areas*, dated ~~January, 1978~~ September 17, 2010 and accompanying Digital Flood Insurance Rate Maps (DFIRM) and Flood Boundary and Floodway maps dated effective ~~July 3, 1978~~ September 17, 2010. This report and maps are hereby adopted by this reference as a part of this Ordinance.
- (2) The boundaries of the Geologic Hazards Overlay (GHO) district are identified in the geological hazard overlay zone.
- (3) The boundaries of the Beaches and Dunes Overlay (/BDO) District shall be the areas of all beach and dune landforms to the eastern limit of Highway 101.
- (4) The boundaries of the Dredged Material Disposal (/DMD) Overlay District, Mitigation Site Overlay Reserve (/MIT) District and Restoration Inventory Sites (/RI) Overlay District shall be the areas of Dredged Material ~~Disposal~~, Mitigation and Restoration identified on the Columbia River Estuary Resource Base Maps dated September 30, 1983. These maps are hereby adopted by reference as a part of this Ordinance.
- (5) The boundary of the Coastal Shorelands boundary shall be the following:
 - (A) Elk Creek Estuary Coastal Shorelands boundary as identified on the Elk Creek Estuary Map of the Elk Creek Estuary section of the Estuarine Resources and Coastal Shorelands Element of the Clatsop County Comprehensive Plan dated September 30, 1983; and
 - (B) Necanicum River Estuary Coastal Shorelands boundary as identified on the Elk Creek Estuary Map of the Elk Creek Estuary section of the Estuarine Resources and Coastal Shorelands Element of the Clatsop County Comprehensive Plan dated September 30, 1983; and
 - (C) Columbia River Estuary Coastal Shorelands boundary as identified on the Columbia River Estuary Resource Maps dated July 2002; and
 - (D) Coastal Shorelands boundary as identified on the Ocean and Coastal Lake Shorelands Maps of the Ocean and Coastal Lake Shorelands of the Estuarine Resources and Coastal Shorelands Element of the Clatsop County Comprehensive Plan dated September 30, 1983.

These maps are hereby adopted by this reference as a part of this Ordinance, and as amended by Ordinance No. 05-05.

Each special purpose district and the abbreviated designation suffix are listed in Table 3.030.

Staff Analysis & Findings:

Clatsop County Ordinance 10-03 adopted new FEMA Flood Insurance Rate Maps, the text of Section 3.030 was not updated to reflect the change. The proposed changes in Section 3.030 are simply housekeeping.

Table 3.030 Special Purpose Districts Abbreviations Designations

| TABLE 3.030 | |
|--|-------------------------|
| SPECIAL PURPOSE DISTRICTS | ABBREVIATED DESIGNATION |
| Flood Hazard Overlay | /FHO |
| Geologic Hazard Overlay | /GHO |
| Beaches and Dunes Overlay | /BDO |
| Shorelands Overlay | /SO |
| Planned Development Overlay | /PDO |
| Site Design Review Overlay | /SDRO |
| <u>Rural Community Overlay</u> | <u>/RCO</u> |
| Aquifer Reserve Overlay | /ARO |
| Sensitive Bird Habitat Overlay | /SBHO |
| Dredged Material Disposal Overlay | /DMD |
| Mitigation Site Overlay Reserve | /MIT |
| Restoration Inventory Overlay | /RI |
| Destination Resort Overlay | /DRO |
| Quarry and Mining Overlay | /QMO |
| Airport Overlay | /AO |

Staff Analysis & Findings:

Clatsop County Ordinance 10-01 replaced the Site Design Review Overlay with the Rural Community Overlay. The proposed change in Table 3.030 is simply housekeeping that was overlooked in Ordinance 10-01. The Restoration Inventory Overlay no longer exists and should be deleted from the table.

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

Section 3.064. Development and Use Permitted.

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

- (5) Signs only as follows, subject to the provisions of S2.300:
 - (A) Temporary “for sale” signs ~~subject to provisions of S2.300(3)(B).~~
 - ~~(B) Political signs subject to provisions of Ordinance 95-30, and~~
 - ~~(C)(B) Nameplates subject to the provisions of Clatsop County Standards Document, Section S2.300.~~
- (6) Handicapped housing facility as defined in Section 1.030.
- (7) Home occupation, Limited.
- (8) Low intensity recreation.
- (9) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- (10) Health hardship pursuant to Section S3.025, no public notice required.
- (11) Temporary uses including use of a Recreational Vehicle during construction phase, subject to the provisions of Section 5.500.
- ~~(12) Property line adjustment subject to provisions Section 5.200—5.208 and the following:
 - ~~(A) Provided the existing parcel is not reduced below the minimum lot size, and~~
 - ~~(B) Provided the lot line adjustment is within the same zone.~~~~
- ~~(13) Partition subject to provisions of Section 5.200—5.208, and provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.~~
- ~~(14)~~(12) Short term rental subject to the provisions of Clatsop County Standards Document, Section S4.109.
- ~~(15)~~(13) Land transportation facilities as specified in Section 3.035 with the exception of new public or private road development, See Section 3.066§(+12).

Section 3.066. Conditional Development and Use.

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

- (12) Any new public or private road development or road extension.

Staff Analysis:

The proposed amendments update the reference to sign standards, eliminates property line adjustment as a use and renumbers the section accordingly. In addition, modify current language in 3.066(12) to removed permit requirements for county and state roads.

Section 3.072. Miles Crossing, Jeffers Gardens and Westport Rural Community Residential Zone (RCR)

Section 3.076. Development and Use Permitted (RCR).

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

- (5) Signs only as follows:
 - (A) Temporary ~~for sale~~ signs, subject to provisions of S2.300~~(3)(B)~~.
 - ~~(B) Political signs subject to provisions of Ordinance 95-30.~~
 - ~~(C)~~**(B)** Name plates subject to the provisions of Clatsop County Standards Document, Section S2.300.

- ~~(14) Property line adjustment subject to provisions of Section 5.200-5.208 and the following:
 - ~~(A) Provided the existing parcel is not reduced below the minimum lot size, and~~
 - ~~(B) Provided the lot line adjustments between lots or parcels are within the same zone.~~~~
- ~~(15) Partition subject to provisions of Section 5.200-5.208, provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.~~
- ~~(16)~~**(14)** Land transportation facilities as specified in Section 3.035.

Staff Analysis:

Updated to reflect changes in the sign standards, Ordinance 95-30 was repealed by the Board of Commissioners in 2011. Property line adjustments and partitions are removed as uses.

Section 3.086. Knappa and Svensen Rural Community Residential Zone (KS-RCR).

Section 3.090. Development and Use Permitted (KS-RCR).

- (5) Signs only as follows:
- (A) Temporary ~~for sale signs~~, subject to provisions of S2.300~~(3)(B)~~.
 - ~~(B) Political signs subject to provisions of Ordinance 95-30.~~
 - ~~(C)~~**(B)** Nameplates subject to the provisions of Clatsop County Standards Document, Section S2.300.
- ~~(14) Property line adjustment subject to provisions of Section 5.200—5.208 and the following:~~
- ~~(D) Provided the existing parcel is not reduced below the minimum lot size.~~
 - ~~(E) Provided the lot line adjustment between lots or parcels is within the same zone.~~
- ~~(15) Partition subject to provisions of Section 5.200—5.208, provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.~~
- ~~(16)~~**(14)** Land transportation facilities as specified in Section 3.035.

Staff Analysis:

The proposed change modifies the reference to S2.300 *Sign Standards* and eliminates property line adjustments and partitions as a use and renumbers the section accordingly.

SECTION 3.100. RSA-SINGLE FAMILY RESIDENTIAL ZONE (RSA-SFR).

Section 3.104. Development and Use Permitted (RSA-SFR).

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

- ~~(9)~~ Cluster development subject to the provisions of Clatsop County Standards Document, Section S3.150.
- ~~(10)~~**(9)** Temporary uses subject to the provisions of Section 5.500.
- ~~(11)~~**(10)** Handicapped housing facility.
- ~~(12)~~ Property line adjustment.
- ~~(13)~~**(11)** Land transportation facilities as specified in Section 3.035.

Staff Analysis:

Property line adjustments and partitions are removed as uses and the section renumbered accordingly.

SECTION 3.114 RURAL COMMUNITY MULTI-FAMILY RESIDENTIAL ZONE (RC-MFR)

Section 3.116. Development and Use Permitted (RC-MFR).

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

- (12) Signs only as follows:
 - (A) Temporary ~~for sale signs~~, subject to provisions of S2.300(3).
 - ~~(B) Political signs subject to provisions of Ordinance 95-30.~~
 - ~~(C)~~(B) Name plates subject to the provisions of Clatsop County Standards Document, Section S2.300.

- ~~(16) Property line adjustment subject to provisions of Section 5.200-5.208 and the following:
 - ~~(A) Provided the existing parcel is not reduced below the minimum lot size.~~
 - ~~(A) Provided the lot line adjustment between lots or parcels within the same zone.~~~~
- ~~(17) Partition subject to provisions of Section 5.200-5.208, provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.~~
- ~~(18)~~(16) Communication facilities subject to the standards in Clatsop County Standards Document, Section S4.700.
- ~~(19)~~(17) Land transportation facilities as specified in Section 3.035.

Staff Analysis:

Updated to reflect changes in the sign standards, Ordinance 95-30 was repealed by the Board of Commissioners in 2011. Property line adjustments and partitions are removed as uses.

SECTION 3.120. RSA MULTI-FAMILY RESIDENTIAL ZONE (RSA-MFR).

Section 3.124. Development and Use Permitted (RSA-MFR).

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

- (1) One family dwelling or two family dwelling (duplex) per lot.
- (2) Guesthouse per Section 1.030.
- (3) Accessory buildings are permitted only as follows:
 - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- (4) Mobile home subject to the provisions in Clatsop County Standards Document, Section S3.190.
- (5) Limited home occupation.
- (6) Minor utilities.
- (7) Low intensity recreation.
- (8) Public or private neighborhood park or playground.
- (9) Signs subject to the provisions of Clatsop County Standards Document, Section S2.300.
- (10) Temporary uses subject to the provisions of Section 5.500.
- ~~(11) Cluster developments subject to the provisions of Clatsop County Standards Document, Section S3.150.~~
- ~~(12)~~(11) Handicapped housing facility.
- ~~(13) Property line adjustment.~~
- ~~(14)~~(12) Communication facilities subject to the standards in Clatsop County Standards Document, Section S4.700.
- ~~(15)~~(13) Land transportation facilities as specified in Section 3.035.

Staff Analysis:

Property line adjustments are removed as uses. Cluster developments are removed as a Type I use. They are allowed in conjunction with Type II/III partitions and subdivisions.

SECTION 3.140. COASTAL RESIDENTIAL ZONE (CR).

Section 3.144. Development and Use Permitted (CR).

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

- ~~(11)~~ Property line adjustment subject to provisions Section 5.200—5.208 and the following:
 - ~~(A) Provided the existing parcel is not reduced below the minimum lot size; and~~
 - ~~(A) Provided the lot line adjustment is within the same zone.~~
- ~~(12)~~ Partition subject to provisions of Section 5.200—5.208, and provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.
- ~~(13)~~ **(11)** Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- ~~(14)~~ **(12)** Land transportation facilities as specified in Section 3.035.

Staff Analysis:

The proposed change eliminates property line adjustments and partitions as a use and renumbers the section accordingly.

SECTION 3.160. SINGLE FAMILY RESIDENTIAL-1 ZONE (SFR-1).

Section 3.164. Development and Use Permitted (SFR-1).

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

- (6) No signs except for:
 - (A) Temporary "for sale" signs ~~not larger than 260 square inches~~ subject to the provisions of Clatsop County Standards Document, Section S2.300.
 - ~~(B) Political signs subject to the provisions of Clatsop County Standards Document, Section S2.300.~~
 - ~~(C)~~(B) Name plates subject to the provisions of Clatsop County Standards Document, Section S2.300.

- ~~(8)~~ Property line adjustment subject to provisions Section 5.200 — 5.208 and the following:
 - ~~(D) Provided the existing parcel is not reduced below the minimum lot size; and~~
 - ~~(E) Provided the lot line adjustment is within the same zone.~~
- ~~(9)~~ Partition subject to provisions of Section 5.200 — 5.208, and provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.
- ~~(10)~~(8) Low intensity recreation.
- ~~(11)~~ Cluster development subject to the provisions of S3.150-S3.161. Cluster developments containing lots less than two (2) acres, pursuant to S3.160(7), in size require notice pursuant to Section 2.020.
- ~~(12)~~(9) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- ~~(13)~~(10) Land transportation facilities as specified in Section 3.035.

Staff Analysis:

Updated to reflect changes in the sign standards, Ordinance 95-30 was repealed by the Board of Commissioners in 2011. Property line adjustments and partitions are removed as uses.

SECTION 3.180. RESIDENTIAL-AGRICULTURE-1 ZONE (RA-1).

Section 3.184. Development and Use Permitted (RA-1).

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

- ~~(12)~~ Cluster developments subject to the provisions of Clatsop County Standards Document, Section S3.150-S3.161
- ~~(13)~~(12) Handicapped housing facility.
- ~~(14)~~(13) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- ~~(15)~~(14) Health hardship dwelling subject to the standards in Clatsop County Standards Document, Section S3.025.
- ~~(16)~~ Property line adjustment subject to provisions Section 5.200—5.208 and the following:
 - ~~(A)~~ Provided the existing parcel is not reduced below the minimum lot size; and
 - ~~(B)~~ Provided the lot line adjustment is within the same zone.
- ~~(17)~~ Partition subject to provisions of Section 5.200—5.208, and provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.
- ~~(18)~~(15) Communication facilities subject to the standards in Clatsop County Standards Document, Section S4.700.
- ~~(19)~~(16) Land transportation facilities as specified in Section 3.035.

Section 3.190. Conditional Development and Use.

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

- ~~(12)~~ Cluster development subject to the provisions of S3.150-S3.161.
- ~~(13)~~(12) Accessory uses may be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development Director provided that:
 - (A) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and
 - (B) Provided the property owner obtains the primary use development permit within one-year (1) from the date the accessory use development permit is issued; and
 - (C) A statement that the accessory use, during the one-year period prior to establishing the primary use is not intended for the storage of, or the establishment of a Recreational Vehicle use; and

(D) May be subject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare.

| ~~(14)~~(13) Bed and breakfast establishment subject to the standards in Clatsop County Standards Document, Section S3.464-S3.468.

| ~~(15)~~(14) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-14 above, subject to the provisions of section 5.060, provided no commercial use is allowed.

Staff Analysis:

Property line adjustments and partitions as removed as a use. Cluster development is eliminated as a Type I and II use. The minimum lot size for the RA-1 zone is two acres. State law does not allow the creation of rural residential parcels less than two (2) acres in size; therefore, a cluster development is not feasible in the RA-1 zone outside the Clatsop Plains. In accordance with the Comprehensive Plan cluster development in the RA-1 zone can only occur in a very specific area of the Clatsop Plains. As required by the Comprehensive Plan, clustering is mandatory for all partitions and subdivisions in the Clatsop Plains. The *section* is also renumbered accordingly.

SECTION 3.200. RESIDENTIAL-AGRICULTURE-2 ZONE (RA-2).

Section 3.204. Development and Use Permitted (RA-52).

- ~~(4)~~ — Cluster developments subject to the provisions of Clatsop County Standards Document, Section S3.150.
- ~~(5)~~**(4)** Temporary uses subject to the provisions of Section 5.500.
- ~~(6)~~**(5)** Handicapped housing facility.
- ~~(7)~~**(6)** Health hardship dwelling, subject to the standards in Clatsop County Standards Document, Section S3.025.
- ~~(8)~~ — Property line adjustment subject to provisions Section 5.200—5.208 and the following:
 - ~~(A)~~ Provided the existing parcel is not reduced below the minimum lot size; and
 - ~~(B)~~ Provided the lot line adjustment is within the same zone.
- ~~(9)~~ — Partition subject to provisions of Section 5.200—5.208, and provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.
- ~~(10)~~**(7)** Communication facilities subject to the standards in Clatsop County Standards Document, Section S4.700.
- ~~(11)~~**(8)** Land transportation facilities as specified in Section 3.035.

Section 3.207. Conditional Development and Use.

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

- ~~(12)~~ — Cluster development subject to the provisions of S3.150—S3.161.
- ~~(13)~~**(12)** Bed and breakfast establishment subject to the standards in Clatsop County Standards Document, Section S3.464-S3.468.
- ~~(14)~~**(13)** Accessory uses may be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development Director provided that:
 - (A) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and
 - (B) Provided the property owner obtains the primary use development permit within one-year (1) from the date the accessory use development permit is issued; and
 - (C) A statement that the accessory use, during the one-year period prior to establishing the primary use is not intended for the storage of, or the establishment of a Recreational Vehicle use; and
 - (D) May be subject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare.
- ~~(14)~~ **(15)** — By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-14 above, subject to the provisions of section 5.060, provided no commercial use is allowed.

~~(16) — By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-15 above, subject to the provisions of section 5.060, provided no commercial use is allowed.~~

Staff Analysis:

Property line adjustments and partitions as removed as a use. Cluster development is eliminated as a Type I and II use. The minimum lot size for the RA-2 zone is two acres. State law does not allow the creation of rural residential parcels less than two (2) acres in size; therefore, a cluster development is not feasible in the RA-2 zone outside of the Clatsop Plains. In accordance with the Comprehensive Plan cluster development in the RA-2 zone can only occur in a very specific area of the Clatsop Plains. As required by the Comprehensive Plan, clustering is mandatory for all partitions and subdivisions in the Clatsop Plains. The section is also renumbered accordingly.

SECTION 3.220. RESIDENTIAL-AGRICULTURE-5 ZONE (RA-5).

Section 3.224. Development and Use Permitted (RA-5).

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

- ~~(13)~~ (13) Cluster developments subject to the provisions of Clatsop County Standards Document, Section S3.150. Cluster developments containing lots less than one (1) acres, pursuant to S3.160(7), in size require notice pursuant to Section 2.020.
- ~~(14)~~ (13) Two family dwelling (duplex) subject to Section 3.228, (1)(A).
- ~~(15)~~ (14) Temporary uses subject to the provisions of Section 5.500.
- ~~(16)~~ (15) Handicapped housing facility.
- ~~(17)~~ (16) Health hardship dwelling, subject to the standards in Clatsop County Standards Document, Section S3.025.
- ~~(18)~~ Property line adjustment.
- ~~(19)~~ (17) Communication facilities subject to the standards in Clatsop County Standards Document, Section S4.700.
- ~~(20)~~ (18) Land transportation facilities as specified in Section 3.035.

Staff Analysis:

Property line adjustments are removed as a use. Cluster development is eliminated as a Type I use. Clustering is allowed with partitions or subdivisions which are Type II/III procedures. The section is also renumbered accordingly.

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

Section 3.232. Development and Use Permitted.

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

- ~~(13)~~ ~~Cluster developments subject to the provisions of Clatsop County Standards Document, Section S3.150. Cluster developments containing lots less than one (1) acres, pursuant to S3.160(7), in size require notice pursuant to Section 2.020.~~
- ~~(14)~~ (13) Two family dwelling (duplex) per Section 3.228(1)(A).
- ~~(15)~~ (14) Temporary uses per Section 5.500.
- ~~(16)~~ (15) Handicapped housing facility.
- ~~(17)~~ (16) Health hardship dwelling, subject to the standards in Clatsop County Standards Document, Section S3.025.
- ~~(18)~~ ~~Property line adjustment.~~
- ~~(19)~~ (17) Communication facilities subject to the standards in Clatsop County Standards Document, Section S4.700.
- ~~(20)~~ (18) Land transportation facilities as specified in Section 3.035.

Staff Analysis:

Property line adjustments are removed as a use. Custer development is eliminated as a Type I use. Clustering is allowed with partitions or subdivisions which are Type II/III procedures. The section is also renumbered accordingly.

SECTION 3.240. COASTAL BEACH RESIDENTIAL ZONE (CBR).

Section 3.244. Development and Use Permitted.

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

- (7) No sign except for:
 - (A) Temporary ~~"for sale"~~ signs, ~~not larger than 260 square inches~~ subject to the provisions of Clatsop County Standards Document, Section S2.300.
 - ~~(B) Political signs subject to the provisions of Clatsop County Standards Document, Section S2.300.~~
 - ~~(C)~~ (B) Name places subject to the provisions of Clatsop County Standards Document, Section S2.300.
- (8) Handicapped housing facility.
- (9) Cluster development subject to the provisions of Clatsop County Standards Document, Section S3.150-S3.161.
- (10) Low intensity recreation.
 - ~~(11) Property line adjustment subject to provisions Section 5.200—5.208 and the following:~~
 - ~~(A) Provided the existing parcel is not reduced below the minimum lot size; and~~
 - ~~(B) Provided the lot line adjustment is within the same zone.~~
 - ~~(12) Partition subject to provisions of Section 5.200—5.208, and provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.~~
 - ~~(13)~~ (11) Land transportation facilities as specified in Section 3.035.

Staff Analysis:

Modifies reference to new sign standards and eliminates property line adjustments and partitions as a use and renumbers the section accordingly.

SECTION 3.300. NEIGHBORHOOD COMMERCIAL ZONE (NC).

Section 3.304. Development and Use Permitted.

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

- (1) Handicapped housing facility.
- (2) Bed & breakfast establishment subject to the standards in Section S3.464-S3.468.
- ~~(3) Property line adjustment subject to provisions Section 5.200—5.208 and the following:
(A) Provided the existing parcel is not reduced below the minimum lot size, and
(A) Provided the lot line adjustment is within the same zone.~~
- ~~(4)~~(3) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- ~~(5)~~(4) Land transportation facilities as specified in Section 3.035.

Staff Analysis:

The proposed change eliminates property line adjustments as a use and renumbers the section accordingly.

SECTION 3.320. TOURIST COMMERCIAL ZONE (TC).

Section 3.326. Development and Use Permitted.

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

- ~~(4)~~ — Property line adjustment subject to provisions Section 5.200—5.208 and the following:
 - ~~(A)~~ Provided the existing parcel is not reduced below the minimum lot size; and
 - ~~(A)~~ Provided the lot line adjustment is within the same zone.
- ~~(5)~~(4) Public or private neighborhood park or playground.
- ~~(6)~~(5) Golf driving range.
- ~~(7)~~(6) Low intensity recreation.
- ~~(8)~~(7) Boat ramps subject to Section 4.080-4.095 for areas identified as Coastal Shorelands in the Comprehensive Plan.
- ~~(9)~~(8) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- ~~(10)~~(9) Land transportation facilities as specified in Section 3.035.

Staff Analysis:

The proposed change eliminates property line adjustments and partitions as a use and renumbers the section accordingly.

Section 3.340. General Commercial Zone (GC).

Section 3.346. Development and Use Permitted.

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

- ~~(2)~~ Property line adjustment subject to provisions Section 5.200—5.208 and the following:
 - ~~(A)~~ Provided the existing parcel is not reduced below the minimum lot size; and
 - ~~(B)~~ Provided the lot line adjustment is within the same zone.
- ~~(3)~~ Partition subject to provisions of Section 5.200—5.208, and provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.
- ~~(4)~~ (2) Splitting and sale of firewood.
- ~~(5)~~ (3) Public or private neighborhood park or playground.
- ~~(6)~~ (4) Golf driving range.
- ~~(7)~~ (5) Low intensity recreation.
- ~~(8)~~ (6) Boat ramps subject to Sections 4.080-4.095 for areas identified as Coastal Shorelands in the Comprehensive Plan.
- ~~(9)~~ (7) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- ~~(10)~~ (8) Land transportation facilities as specified in Section 3.035.

Staff Analysis:

The proposed change eliminates property line adjustments and partitions as a use and renumbers the section accordingly.

SECTION 3.580. OPEN SPACE, PARKS, AND RECREATION ZONE (OPR).

Section 3.584. Development and Use Permitted.

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

~~(13)~~—Property line adjustment.

~~(14)~~(13) Low intensity recreation

Staff Analysis:

The proposed change eliminates property line adjustments as a use and renumbers the section accordingly.

SECTION 3.594. RECREATION MANAGEMENT ZONE (RM).

Section 3.596. Development and Use Permitted.

The following developments are permitted under a Type I procedure subject to the applicable development standards:

~~(3) — Property line adjustments.~~

~~(4)~~ (3) Low intensity recreation.

SECTION 3.600. NATURAL UPLANDS ZONE (NU).

Section 3.604. Development and Use Permitted.

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

~~(3) Property line adjustment.~~

~~(4)~~(3) Low intensity recreation.

Staff Analysis:

The proposed change eliminates property line adjustments as a use and renumbers the section accordingly.

SECTION 3.610. LAKE AND WETLANDS ZONE (LW).

Section 3.613. Development and Use Permitted.

The following developments are permitted under a Type I procedure subject to the applicable development standards:

~~(8)~~ — Property line adjustment.

~~(9)~~(8) Land transportation facilities as specified in Section 3.035.

Staff Analysis:

The proposed change eliminates property line adjustments as a use and renumbers the section accordingly.

SECTION 3.620. MARINE INDUSTRIAL SHORELANDS ZONE (MI).

Section 3.624. Permitted Developments.

The following uses and activities, and their accessory uses and activities, are permitted in the MI zone under a Type I procedure, Section 2.015, provided that commercial and subject to the provisions of Section 3.634, Development Standards:

- ~~(11) — Property line adjustment subject to provisions Sections 5.200–5.208 and the following:
(A) Provided the existing parcel is not reduced below the minimum lot size; and
(B) Provided the lot line adjustment is within the same zone.~~
- ~~(12) — Partition subject to provisions of Sections 5.200–5.208, and provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.~~
- ~~(13)~~(11) Utilities, maximum utilization of existing easements and rights-of-way shall be made.

Staff Analysis:

The proposed change eliminates property line adjustments and partitions as uses and renumbers the section accordingly.

SECTION 3.660. CONSERVATION SHORELANDS ZONE (CS).

Section 3.664. Permitted Developments.

The following uses and activities and their accessory uses and activities, are permitted in the CS zone under a Type I procedure, Section 2.015, and subject to the provisions of Section 3.670, Development Standards:

~~(10) Property line adjustment.~~

~~(11)~~(10) Land transportation facilities as specified in Section 3.035.

Staff Analysis:

The proposed change eliminates property line adjustments as a use and renumbers the section accordingly.

SECTION 3.680. NATURAL SHORELANDS ZONE (NS).

Section 3.684. Permitted Developments.

The following uses and activities, and their accessory uses and activities, are permitted in the NS zone under a Type I procedure, Section 2.015, and subject to the provisions of Section 3.690, Development Standards.

~~(6) Property line adjustment.~~

~~(7)~~(6) Land transportation facilities as specified in Section 3.035.

Staff Analysis:

The proposed change eliminates property line adjustments as a use and renumbers the section accordingly.

SECTION 3.740. AQUATIC DEVELOPMENT ZONE (AD).

Section 3.744. Permitted Developments.

The following uses and activities, and their accessory uses and activities, are permitted in the AD zone under a Type I procedure, Section 2.015, and subject to the provisions of Section 3.754, Development Standards:

~~(12)~~ ~~Property line adjustment.~~

~~(13)~~ (12) Communication facilities subject to the standards in Section S4.700.

Staff Analysis:

The proposed change eliminates property line adjustment as a use and renumbers the section accordingly.

SECTION 3.760. AQUATIC CONSERVATION ONE ZONE (AC-1).

Section 3.764. Permitted Developments.

The following uses and activities, and their accessory uses and activities, are permitted in the AC-1 zone under a Type I procedure, Section 2.015, and subject to the provisions of Section 3.790, Development Standards:

~~(11) Property line adjustment.~~

~~(12)~~(11) Land transportation facilities as specified in Section 3.035.

Staff Analysis & Findings:

The proposed change eliminates property line adjustment as a use and renumbers the section accordingly.

SECTION 3.780. AQUATIC CONSERVATION TWO ZONE (AC-2).

Section 3.784. Permitted Developments.

The following uses and activities, and their accessory uses and activities, are permitted in the AC-2 zone under a Type I procedure, Section 2.015, and subject to the provisions of Section 3.770, Development Standards:

~~(12) Property line adjustment.~~

~~(13)~~(12) Land transportation facilities as specified in Section 3.035.

Section 3.786. Review Developments.

The following uses and activities, and their accessory uses and activities, are allowed as Review Uses in the AC-2 zone under a Type II procedure, Section 2.020, when authorized in accordance with Sections 5.040-5.051 Development and Uses Permitted with Review. These uses and activities are also subject to the provisions of Section 3.~~770~~790, Development Standards:

Section 3.788. Conditional Developments.

The following uses and activities, and their accessory uses and activities, are allowed as Conditional Uses in the AC-2 zone under a Type II procedure, Section 2.020, when authorized in accordance with Sections 5.000-5.030 Conditional Development and Use. These uses and activities are also subject to the provisions of Section 3.~~770~~790, Development Standards. It must also be determined that the uses and activities meet the resource capability of the Aquatic Conservation Two zone pursuant to Sections 5.860-5.880 Resource Capability Determination.

Staff Analysis:

The proposed change eliminates property line adjustment as a use and renumbers section 3.784 accordingly. Correction is made to the development standards section number listed in section 3.786 and 3.788.

SECTION 3.800. AQUATIC NATURAL ZONE (AN).

Section 3.804. Permitted Developments.

The following uses and activities, and their accessory uses and activities, are permitted in the AN zone under a Type I procedure, Section 2.015, and subject to the provisions of Section 3.810, Development Standards:

~~(10) — Property line adjustment.~~

Staff Analysis:

The proposed change eliminates property line adjustment as a use.

SECTION 3.845. MILITARY RESERVE ZONE (MR).

Section 3.849. Development and Use Permitted.

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

~~(6) — Property line adjustment.~~

~~(7)~~(6) Low intensity recreation.

Staff Analysis:

The proposed change eliminates property line adjustments as a use and renumbers the section accordingly.

SECTION 3.845. MILITARY RESERVE ZONE (MR).

Section 3.849. Development and Use Permitted.

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

~~(6)~~ — Property line adjustment.

~~(7)~~(6) Low intensity recreation.

Staff Analysis:

The proposed change eliminates property line adjustments as a use and renumbers the section accordingly.

LWDUO 80-14

ARTICLE IV
Special Districts

Proposed Amendments

Additions are underlined
Deletions are ~~striethrough~~

Section 4.000. Flood Hazard Overlay District (/FHO)

Section 4.019 Floodplain Inspection and Enforcement

(2) Upon receipt of the report:

- (A) The Code Compliance Officer shall take action in accordance with Clatsop County Code of Regulations; ~~Chapter 4—Section 38~~ to effect the abatement of such violation;
or
- (B) The property owner shall apply for a variance in accordance with the provisions of Section 4.024 (Variance Procedures) herein.

Section 4.021 Appeals

An appeal of a Floodplain Administrator decision pursuant to this chapter may be appealed in accordance with Section 2.230. Appeals of a decision by the Code Enforcement Officer pursuant to this chapter may be appeal~~ed~~ in accordance with Clatsop County Code of Regulations; ~~Chapter 4—Section 38~~.

Staff Analysis:

The proposed changes remove reference to obsolete sections in the County's Code of Regulations.

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

Section 4.102. Types of Review.

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

- (1) The following types of projects shall require review according to the Type II procedure, Section 2.020. For purposes of these types of Major projects, review by the Design Review Advisory Committee as described in Section 4.108, is required.
 - (G) Development and Construction of **public or private transportation roads facilities**.
 - (H) Any Change in Use, Variance Request, Conditional Use Permit, or Other Use Requiring Review through Type II, III, or IV procedures with exception of those described in 4.109(2).

Section 4.103. Criteria for Design Review Evaluation.

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

- (2) Protection of views shall be preserved through the confines of this ordinance section **3.064068**.

Staff Analysis:

Modify language to require design review for only public and private roads. Current language could be interpreted to include county and state facilities. Also a correction to a *section number* reference.

LWDUO 80-14

ARTICLE V
Permit and Issue Determinations

Proposed Amendments

1
Additions are underlined
Deletions are ~~striketrough~~

Section 5.030. Time Limit on Permit for Conditional Use.

- (1) Authorization of a conditional use shall be void after two years unless substantial construction or action pursuant thereto has taken place (as per Section S2.011). However, the County may, at the discretion of the Community Development Director, extend authorization for an additional one year upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the permit. The County may grant conditional use approvals for activities such as dike maintenance for a period of time up to five years; such approvals will normally correspond with parallel state and/or federal permits.
- (2) Authorization of a conditional use dwelling in the AF, EFU and F-80 zones shall be void after four years unless substantial construction or action pursuant thereto has taken place (Section S2.011). However, the County may, at the discretion of the Community Development Director, extend authorization for an additional two years upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the permit.

Staff Analysis:

Update to the time limit for condition use permits in the farm and forest zone for compliance with ORS 215.417.

SECTION 5.200. SUBDIVISIONS, PARTITIONS AND PROPERTY LINE ADJUSTMENTS.

Section 5.202. Applicability.

~~A land division is one form of a development permit as described in Section 1.060.~~ Whenever land owners wish to sell part of their property or place a second home ~~or mobile home~~ on property that already has a home on it, a land division is necessary with the exception of the following:

- (1) A division of land resulting from a lien foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; or
- (2) the relocation of a common property line between two abutting properties.

Land divisions can be in the form of partitions or subdivisions. No land shall be divided prior to approval of a partition or subdivision.

Oregon Revised Statutes (ORS) 92.025 states:

(1) ~~No A~~ person ~~shall~~ may not sell any lot in any subdivision or convey any interest in a parcel in any partition until the plat of the subdivision or partition has been acknowledged and recorded with the recording office of the ~~County~~ county in which the lot ~~or parcel~~ is situated.

(2) ~~No A~~ person ~~shall~~ may not sell any lot in any subdivision or convey any interest in a parcel in any partition by reference to or exhibition or other use of a plat of ~~such~~ the subdivision or partition before the plat for such subdivision or partition has been so recorded. In negotiating to sell a lot in a subdivision or convey any interest in a parcel in any partition under ORS 92.016 (1) and (2), a person may use the approved tentative plan for ~~such~~ the subdivision or partition.

Partitions are divided into two types, minor and major, depending on road access. For the purposes of this Ordinance ~~roads~~ access ways shall be categorized as follows:

Private road -- an improved travel surface placed within a private road easement that is intended to provide access from a state, county, or public road to ~~one~~ three or more lots, parcels, areas or tracts of land and which is maintained by private funds for the exclusive use of private parties.

Public road -- an improved travel surface placed within a dedicated public right-of-way which is maintained by private funds.

County road -- an improved travel surface placed within a dedicated public right-of-way which has been formally accepted by the county for and which is maintained by the county.

Minor Partitions -- occur when a tract of land is divided into no more than three (3) parcels, including the parent parcel, in a calendar year when such tract of land existed at the beginning of the year and each parcel has a minimum of 25 feet of frontage on a state, county or public road and access to each parcel is taken from that frontage and within that parcel. A minor partition shall be processed by the Director under a Type II procedure as outlined in Section 5.203 through 5.208 of this Ordinance.

Major Partitions -- occur when a tract of land is divided into no more than three (3) parcels, including the parent parcel, in a calendar year when such tract of land existed at the beginning of the year and any parcel has less than 25 feet of frontage on a state, county or public road. Any partition which requires the creation of a state, county or public or private road or the utilization of a private road is also considered a major partition. Both minor and major partitions shall be processed by the Director under a Type II procedure as outlined in Section 5.203 through 5.208 of this Ordinance.

Property Line Adjustment -- is the relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

For all areas except those zoned AF, F-80 and EFU:

- ~~(1) — Property line adjustments may be allowed between undersized lots or parcels in the above zones provided that the resulting lots or parcels satisfy the minimum width, depth, frontage, lot width/depth ratio, yard requirements of the zone and setbacks to existing structures are not reduced by the property line adjustment below the minimum setback requirements.~~
- ~~(2) — Property line adjustments may be allowed between undersized lots or parcels and lots or parcels conforming as to lot size provided the undersized lot meets the requirements in (1) above, and the resulting conforming lot or parcel if partitioned or subdivided would not result in a density greater than the zone(s) in which the property has been designated.~~

For all areas zoned AF, F-80 and EFU the adjustment may be approved provided:

- ~~(1) — the remaining substandard parcel is not used as a basis for considering and approving a built upon or irrevocably committed exception, and~~
- ~~(2) — the substandard parcel is not permitted to have more than one non-farm or non-forest dwelling on it, and~~
- ~~(3) — it is determined that the tract proposed for transfer can be better managed for resource use, and~~
- ~~(4) — the tract proposed for transfer may not be used in calculating the lot size of a parcel or parcels for purposes of future land divisions.~~

Subdivisions -- occur when a tract of land is divided into four (4) or more lots, including the parent parcel, within a calendar year. A proposed subdivision for six (6) or less lots shall be processed by the Director under a Type II procedure. Any larger subdivision shall be processed by the Director under a Type III procedure. Section 5.220 through 5.252 of this Ordinance pertain to the processing of subdivision requests.

Section 5.203 Processing Property Line Adjustments

Proposed property line adjustment requests will be processed by the Department Director under a Type I procedure and include the following steps:

- (1) The applicant will submit a tentative property line adjustment, completed application and filing fee, to the Department of Community Development. The tentative property line adjustment shall follow the format outlined in Section 5.207.
- (2) The Director shall evaluate the tentative property line adjustment to determine conformity with lot size and dimension standards of the base zone of the proposed partition. The tentative plan may be modified, if needed, to meet these standards. The Director shall apply conditions as required by Section 5.205 and conditionally approve, or deny the application.
- (3) Conditional approval of a tentative property line adjustment shall be valid for two years from the date of recording of the conditional approval. The applicant shall meet the conditions of approval attached by the Director prior to expiration of the conditional approval. The Director may, upon written request by the applicant, grant an extension of the expiration date of up to one (1) year upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refileing of the tentative plan and after finding no other development approval would be affected. If all conditions of approval for a property line adjustment are not completed prior to expiration of the tentative plan the approval shall be considered void as of the applicable expiration date.

Section 5.204 General Standards for Property Line Adjustments

- (1) For all areas except those identified as a Resource Zone in Section 1.030 of this Ordinance, all property which is the subject of a property line adjustment shall be located within the same zone.
- (2) For all areas except those zoned AF, F-80 and EFU:
 - (A) Property line adjustments may be allowed between undersized lots or parcels in the above zones provided that the resulting lots or parcels satisfy the minimum width, depth, frontage, lot width/depth ratio, yard requirements of the zone and setbacks to existing structures are not reduced by the property line adjustment below the minimum setback requirements.
 - (B) Property line adjustments may be allowed between undersized lots or parcels and lots or parcels conforming as to lot size provided the undersized lot meets the requirements in (1) above, and the resulting conforming lot or parcel if partitioned or subdivided would not result in a density greater than the zone(s) in which the property has been designated.
- (3) For all areas zoned AF, F-80 and EFU the adjustment may be approved provided:
 - a. the remaining substandard parcel is not used as a basis for considering and approving a built upon or irrevocably committed exception, and

- b. the substandard parcel is not permitted to have more than one non-farm or non-forest dwelling on it, and
- c. it is determined that the tract proposed for transfer can be better managed for resource use, and
- d. the tract proposed for transfer may not be used in calculating the lot size of a parcel or parcels for purposes of future land divisions.

Section 5.203. Processing Minor and Major Partitions and Property Line Adjustments.

The processing of proposed minor and major partition ~~and property line adjustment~~ requests will include the following steps:

- (1) The applicant will submit a tentative partition plan ~~or property line adjustment~~, completed application and filing fee, to the Department of Community Development. The tentative partition plan shall follow the format outlined in Section 5.207.
- (2) The Director shall evaluate the tentative partition plan or ~~property line adjustment~~ to determine conformity with lot size and dimension standards of the base zone of the proposed partition. Where a partition is located within 750 feet of a state highway, the Community Development Director will notify the Oregon Department of Transportation (ODOT) of the application and will consider its comments in taking action on the partition request. The tentative plan may be modified, if needed, to meet these standards. The Director, through a Type II procedure in accordance with Section 2.020, shall apply conditions as required by Section 5.205 and conditionally approve or deny the tentative plan.
- (3) Conditional approval of a tentative partition plan shall be valid for two years from the date ~~of recording~~ of the conditional approval. The applicant shall meet the conditions of approval attached by the Director and submit a final partition plat prior to expiration of the conditional approval. The final partition plat shall follow the format outlined in Section 5.208. The Director may, upon written request by the applicant, grant an extension of the expiration date of up to one (1) year upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refile of the tentative plan and after finding no other development approval would be affected. Any partition not completed prior to expiration of the tentative plan shall be considered void.
- (4) The Director shall review the final partition plat to determine that it conforms with the tentative plan and any applicable conditions. Prior to recording of any partition plat, it must be approved by the County Surveyor.
- (5) If the Director or the County Surveyor determines that the partition plat submitted does not conform to the tentative plan or applicable conditions, the applicant shall be afforded an opportunity to make corrections prior to the expiration date.
- (6) If the final partition plat conforms to the tentative plan and applicable conditions, the Director shall sign and date the final plat. The applicant will be notified that the plat is ready for recording in the County Clerk's Office.

Section 5.248. Filing of Final Plat.

The subdivider shall, without delay, submit the Final Plat for signature of the following County officials in the order listed:

- (1) Surveyor, in accordance with the provisions of ORS 92.100;
- (2) ~~Commission~~ Community Development Director;
- (3) Assessor;
- ~~(4) Tax Collector;~~
- ~~(5)~~(4) Board of Commissioners or its designee (upon consent of the Board);
- ~~(6)~~(5) Clerk.

Staff Analysis:

This section has minor updates related to the clarification of several definitions and procedures and references to the ORS. The procedures for partitions and property line adjustments were separated in order to eliminate confusion.

SECTION 5.350 TRANSPORTATION SYSTEM IMPACT REVIEW

(3) Traffic Impact Study Requirements;

- (A) Preparation.** A Traffic Impact Study shall be prepared by a professional engineer in accordance with OAR 734-051-~~180~~0070.

Staff Analysis & Findings:

The proposed change corrects the reference to the appropriate Oregon Administrative Rule.

SECTION 5.400. ZONE CHANGES.

Section 5.410. Purpose.

This section provides the criteria for amending the boundaries of any base zone or overlay district delineated on the official Clatsop County “Comprehensive Plan/Zoning Map”. A change in a base zone or overlay district may be made according to the criteria set forth in Section 5.412.

The process for changing a base zone designation or overlay district that does not involve a change to the comprehensive plan or comprehensive plan designation shall be a Type III procedure. All changes involving comprehensive plan amendments or comprehensive plan designation shall be a Type IV procedure. Changes to a base zone or overlay district may be initiated by the governing body, Planning Commission, or by petition of a majority of property owners in the area proposed for change. Mailed notice of the hearing shall include the owners of property within (250) feet of the area proposed for change. If the change involves a Goal 5 resource, a Plan amendment must also be requested and the Goal 5 Administrative Rule used to justify the decision.

Staff Analysis & Findings:

Clarification of procedure to allow Type III map amendments to be a decision of the Planning Commission *and* Type IV amendments will continue to be a decision of the Board of Commissioners.

Standards Document

Proposed Amendments

Additions are underlined
Deletions are ~~striketrough~~

CHAPTER 1. SITE ORIENTATION

S1.030. General Exception to Lot Size Standards.

(A1) Within ~~Unincorporated~~ Rural Communities, **and** all residentially-zoned areas ~~and Urban Growth Boundary areas subject to county jurisdiction:~~

If a lot or parcel, ~~legally~~**was legally** created through county partitioning **or subdivision** requirements **on or after September 30, 1980** and **does** not abutting the Camp Rilea buffer-zone, has an area or dimension which does not meet the requirements of the zone, it may still be developed as allowed by the zone subject to all other applicable county development standards and requirements.

(B2) All other areas, including residentially-zoned lots **or parcels** created prior to September 30, 1980 **and those abutting the Camp Rilea buffer:**

(iA) If, at the time of adoption of the zone or of amendment of its lot size or dimension standards, a **legally created** lot or parcel, ~~legally created through county partitioning requirements~~, has an area or dimension which does not meet the requirements of the zone, and the lot or parcel ~~WAS NOT~~**was not** in the same ownership as any contiguous lots or parcels which do not meet the minimum area or dimension requirements, the lot **or parcel** may be developed as allowed by the zone and applicable county development requirements.

(iiB) If, at the time of adoption of the zone or of amendment of its lot size or dimension standards, a **legally created** lot or parcel, ~~legally created through county partitioning requirements~~, has an area or dimension which does not meet the requirements of the zone, and the lot or parcel ~~WAS~~**was** in the same ownership as any contiguous lots or parcels which do not meet the minimum area or dimension requirements, the aggregate holdings constitute one land use parcel and that parcel may be developed as allowed by the zone and applicable county development standards and requirements.

Staff Analysis:

Modification to clarify and remove ambiguity.

S2.400. Water Improvement Standards.

A year round supply of at least 250 gallons of water per day by one of the following sources:

| Source | Standard | Proof |
|--------------------------------------|---|---|
| Public or Community Water | Within Water Utility or area of service | Written correspondence from Water Utility stating water is available at the property line or conditions to the satisfaction of the Water Utility to make water available at the property line |
| Well | Existing well or easement provided no more than three (3) households use one well as a potable water source. Over three households must meet state potable requirements (ORS 448.115) | Well log data as to required quantity from certified well driller. Potability test from certified water lab. |
| Spring | Application from the State of Oregon Water Dept. for domestic water rights of at least .005 CFS (2.25 gals/min). Existing spring on property or easement to spring on adjacent property. Minimal development collection system and sediment box | Permit from the State of Oregon Water Resources Department for domestic water right. Certified to required quantity by Oregon Registered Engineer, Land Surveyor or qualified hydrologist. Potability test from certified water lab |
| River, stream, pond or hand dug well | Application from the State of Oregon Water Department for domestic water right of at least .005 CFS (2.25 gals/min) | Permit from the State of Oregon Water Resources Department for domestic water right. Potability test from certified water lab. |
| <u>Rainwater Catchment System</u> | <u>Oregon Building Codes</u> | <u>Design approved by Clatsop County Building Codes</u> |

Compliance with this standard does not insure a year-round source of potable water but establishes at a given time that the standard was met.

S3.025. Temporary Health Hardship.

- (1) One manufactured dwelling or recreational vehicle shall be placed on the same parcel as an existing dwelling for the term if a hardship suffered by the existing resident or a relative of the resident as defined in ORS 215.213 and 215.283.
- (2) The applicant must be a relative and must submit certification from a physician that there is a necessity for them to reside on the same premises as the relative in order to receive necessary care.
- (3) The manufactured dwelling or recreational vehicle must be hooked to the existing septic system and water supply on the property. No new systems or hookups may be installed.
- (4) The permit is effective for one (1) year. No public notice is required in residential zones. Public notice is required in resource zones pursuant to Section 2.115.
- (5) Permits for temporary health hardships ~~may~~ shall be renewed by January 31st of each year ~~annually~~, provided that information, as identified in (2) above, is submitted with the renewal request verifying that the hardship still exists.
- (6) The applicant shall submit a statement indicating that “the residence for which the health hardship was issued will be removed when the health hardship no longer exists.” When the health hardship is resolved, the manufactured dwelling or recreational vehicle shall be removed.
- (7) For purposes of guaranteeing removal of ~~the~~ a manufactured dwelling once the health hardship no longer exists, a performance bond shall be required as per Section 6.110.
- (8) The health hardship must meet all other applicable standards in the zone.

Analysis:

Oregon Administrative Rule 660-004-0040(7)(f) authorizes the use of manufactured dwelling and recreational vehicles as medical hardship dwellings. The current text of S3.025 allows only for the placement of a manufactured dwelling in the event of a health hardship. The proposed amendment provides for the additional use of a recreational vehicle in accordance with OAR 660-004-0040(7)(f). Because of the potential cost of removal of a manufactured dwelling staff proposes that a bond only be required for a manufactured dwelling and not a recreational vehicle. The placement and the eventual removal of a manufactured home may be cost prohibitive to many. The inclusion of a recreational vehicle as a hardship dwelling should allow more families to care for relatives in a health hardship situation.

S3.150. Cluster Development and Density Transfer

S3.151. Purpose.

The intent of these standards is to preserve ~~large contiguous forest and agricultural lands, other resource lands, and~~ lands suitable for open space by providing an alternative to the division of ~~forest, agricultural and resource~~ residential zoned lands into the minimum sized lots allowed in the appropriate zones, and to apply standards to rural residential lands consistent with state administrative rules governing cluster developments.

S3.152. Procedures for Cluster Development.

A cluster development shall comply with the procedures and standards in this section.

- (1) The applicant shall discuss the proposed cluster development with the staff of the Clatsop County Department of Community Development in a pre-application conference pursuant to Section 2.020.
- (2) An applicant for a cluster development must submit a development plan and receive approval of the plan prior to development.
- (3) As soon as plan approval is given, the plan and any conditions of approval shall be recorded in the Office of the County Clerk by book and page and shall constitute an agreement not to divide the property as long as it remains in its present zoning.
- (4)
 - (A) As a condition to the approval that may be given for partitioning under this section, the applicant shall provide all deeds or contracts affecting the original farm use parcel to assure that the maximum density will not be exceeded.
 - (B) For each partition application under this Standard the Community Development Director or designate shall determine and include with the approved plan map a statement including:
 - 1) the number of homesite lots allowable on the original parcel,
 - 2) a legal description of the original parcel,
 - 3) the number of homesite lots that will result from the proposed partition, and
 - 4) the number of homesite lots, if any, that could be allowed in the future on the original parcel.

S3.158. Residential Cluster Development Standards.

- (1) The tract of land to be developed shall not be less than 4 contiguous acres in size, provided that land divided by a road shall be deemed to be contiguous.
- (2) The development may have a density not to exceed the equivalent of the number of dwelling units allowed per acre in the zone or zones.
- (3) The cluster development shall not contain commercial or industrial developments.
- (4) The minimum percentage of common open space shall be 30% excluding roads and property under water (MHHW).
- (5) Attached residences are permitted provided the density allowed per acre in the zone is not exceeded (this does not apply in the Clatsop Plains planning area).
- (6) The prescribed common open space may be used to buffer adjacent forest, farm, hazard areas or other resource lands such as but not limited to archeological and historical sites, water bodies, etc.

- (7) Land in the same ownership or under a single development application that is divided by a road can be used in calculating the acreage that can be used in the clustering option.
- (8) For lands zoned primarily for rural residential uses located outside urban growth boundaries, unincorporated community boundaries, and located outside non-resource lands as defined in OAR660-004-000(5)(3), the following additional conditions must be met.
 - (A) The number of new dwellings units to be clustered does not exceed 10;
 - (B) None of the new lots or parcels created will be smaller than two acres;
 - (C) The development is not served by a new community sewer system or by any extension of a sewer system from within an urban growth boundary or from within an unincorporated community, unless the new service or extension is authorized consistent with OAR 660-011-0060;
 - (D) The overall density of the development will not exceed one dwelling for each unit of acreage specified in the base zone designations effective on October 4, 2000 as the minimum lot size for the area;
 - (E) Any group or cluster of two or more dwelling units will not force a significant change in accepted farm or forest practices on nearby lands devoted to farm or forest uses and will not significantly increase the cost of accepted farm or forest practices there; and
 - (F) For any open space or common area provided as part of the cluster development under this subsection (8), the owner shall submit proof of non-revocable deed restrictions recorded in the deed records. The deed restrictions shall preclude all future rights to construct a dwelling on the lot, parcel or tract designated as open space or common area for as long as the lot, parcel or tract remains outside an urban growth boundary.

S3.160. Additional Residential Cluster Development Standards for the Clatsop Plains

Planning Area.

- (1) All planned developments and subdivisions shall designate and retain areas as permanent common open space.
- (2) The minimum percentage of common open space shall be 30% excluding roads.
- (3) Permanent common open space shall include, whenever possible, steep dunes which would require substantial alterations for building, buffers along streams, water bodies, deflation plains, and farm and forest lands.
- (4) Buffers (screening) shall be provided in all subdivisions and planned developments along all property lines adjacent to arterials and/or collectors.
- (5) Permanent common open space as part of subdivisions or planned developments adjoining one another shall be interrelated and continuous whenever possible. This could mean that the common open space could continuously follow ridge tops, deflation plains or shorelands. The Clatsop County Department of Community Development shall prepare a map of potential systems of common open space to be used as a guide for developers.
- (6) Streams and drainages which form a system of common open space shall be preserved.

S3.161. Density Transfer Standards for the Clatsop Plains Planning Area.

- (1) Transfer of residential development rights between sites in the Clatsop Plains Planning Area is allowed as follows:
- (A) The remaining lot or parcel of the sending site shall be rezoned to either the Open Space Parks and Recreation zone or Natural Uplands zone or Conservation Shorelands zone or Natural Shorelands zone. The applicant shall file the rezone request at the same time as the density transfer request is submitted, and
 - (B) Prior to final approval of a density transfer the County shall require that deed restrictions be filed in the Clatsop County Deed Records in a form approved by County Counsel, that prohibits any further development beyond that envisioned in the approved density transfer until such time as the entire area within the density transfer approval has been included within an urban growth boundary; and
 - (C) The Community Development Director shall demarcate the approved restrictions on the official Zoning Map, and
 - (D) No lot or parcel of land shall be involved in more than one (1) density transfer transaction, and
 - (E) Density transfer goes with the property - not the owner; and
 - (F) Minimum lot or parcel size shall be one (1) acre for the receiving site
- ~~(2) All sending and receiving parcels shall be recorded in the “Density Table” (S3.162) and the appropriate sections filled out completely prior to approval. At the applicant’s expense⁺, if a receiving parcel cannot be identified at the time of application for a density transfer, the applicant can choose to record the remaining credits with an affidavit, which shall be recorded by the applicant, and maintained with the County Planning Department. Staff will review the requisite comprehensive plan text and map amendments for conformity with the down zone and density transfer requirements~~
- (2) All lots or parcels sending or receiving density credits shall be recorded in the “Density Table” (S3.162). If a receiving site cannot be identified for all density credits created by the application the applicant shall prepare a notarized affidavit identifying the sending site and number of credits that are not being assigned. This affidavit shall be kept on file with the Community Development Department. The remaining credits may be assigned at a later time to a cluster development in the Clatsop Plains subject the applicable standards of this section.

Staff Analysis:

Modified the purpose of the section to delete references to resource zones. Revised S3.161(2) to reflect current practice. Deletion of the “Density Table” from the Standards Document. The table will be administratively maintained in the Community Development Department. This will eliminate the need for a Comprehensive Plan Text Amendment whenever the table is modified.

⁺ Expense shall include all administrative fees associated with maintaining the affidavit and the staff time required to update the density table when a receiving site has been identified.

S3.162. Density Table.

| Sending Sites | Existing Zoning | New Zoning | Applicable Acreage | Density Units ¹ | Remaining Density | Receiving Site/s | Receiving Zone | Density Credits ² |
|---------------|-----------------|------------|-----------------------------|----------------------------|-------------------|------------------------------|--------------------------|------------------------------|
| 710090000902 | RA5, RA1, & LW | OPR & LW | RA1=3.32 ac RA5=27.34 ac | 1.66 5.47 | 0 | 71028DA00500 71028DA00800 | CBR | 7 units |
| - | - | - | Subtotal = 7.13 (du) | | - | - | Subtotal = 7 (dc) | |
| 710090000801 | RA5 & LW | OPR & LW | RA5 = 4.45 ac | 0.89 | | | | |
| 71009CA00100 | RA5 | OPR | 0.59 | 0.12 | | | | |
| 71009CA01100 | RA5 | OPR | 2.3 | 0.46 | | | | |
| 71009CA01200 | RA5 | OPR | 2.07 | 0.41 | | | | |
| 71009CB00100 | RA5 & LW | OPR & LW | RA5 = 0.18 | 0.04 | | | | |
| 71009CB00500 | RA5 & LW | OPR & LW | RA5 = 0.44 | 0.09 | | | | |
| 71009CB00600 | RA5 & LW | OPR & LW | RA5 = 1.83 | 0.36 | | | | |
| 71009CB00700 | RA5 & LW | OPR & LW | RA5 = 2.26 | 0.45 | | | | |
| 71009CB00800 | RA5 & LW | OPR & LW | RA5 = 2.22 | 0.44 | | | | |
| 71009CD00100 | RA5 | OPR | 1.84 | 0.37 | | | | |
| 71009CD00200 | RA5 & LW | OPR & LW | RA5 = .76 | 0.15 | | | | |
| 71009CD00300 | RA5 & LW | OPR & LW | RA5 = .99 | 0.2 | | | | |
| 71009CD00400 | RA5 | OPR | 0.12 | 0.02 | | | | |
| 71009CD00600 | RA5 & LW | OPR & LW | RA5 = .37 | 0.07 | 0 | 710160000200 | RA-5 | 7 units |
| 71009CD00700 | RA5 & LW | OPR & LW | RA5 = 1.14 | 0.23 | | | | |
| 71009CD00800 | RA5 | OPR | 1.33 | 0.27 | | | | |
| 71009CD00900 | RA1 | OPR | 1.87 | 0.94 | | | | |
| 71009CD01000 | RA1 | OPR | 0.7 | 0.35 | | | | |
| 71009CD01100 | RA1 | OPR | 0.92 | 0.46 | | | | |
| 71009CD01200 | RA5 | OPR | 0.92 | 0.18 | | | | |
| 71009CD01300 | RA5 | OPR | 0.7 | 0.14 | | | | |
| 71009CD01400 | RA5 | OPR | 0.92 | 0.18 | | | | |
| 71009CD01500 | RA5 | OPR | 0.92 | 0.18 | | | | |
| 71009CD01600 | RA5 & LW | OPR & LW | RA5 = .28 | 0.06 | | | | |
| 71009CD02000 | RA5 | OPR | 0.34 | 0.07 | | | | |
| 71009CD02100 | RA5 | OPR | 0.45 | 0.09 | | | | |
| 71009CD02200 | RA5 | OPR | 0.45 | 0.09 | | | | |
| 71009CD02300 | RA1 | OPR | 0.45 | 0.23 | | | | |
| - | - | - | Subtotal = 7.54 (du) | | - | - | Subtotal = 7 (dc) | |

| | | | | | | | | |
|---|----------|------------------|------------------------------|-------------------|------|--------------|---------------------------|----------|
| Street Vacations Between Lots listed Above | RA-5 | OPR | 5.12 | 1.024 | 0 | 710160000200 | RA-5 | 1 Unit |
| - | - | - | Subtotal = 1.024 (du) | | - | - | Subtotal = 1 (de) | |
| 810280003400 | SFR-1/LW | OPR/LW | SFR-1 = 14.89 | 14.89 | | | | |
| 81033A001200 | SFR-1/LW | OPR/LW/ SFR-1 | SFR-1 = 5.62 | 4.62 ³ | 1.51 | 710270003500 | RA-5 | 19 Units |
| - | - | - | Subtotal = 19.51 (du) | | - | - | Subtotal = 19 (de) | |
| Remaining Density from Above | SFR-1 | OPR/SFR- + | SFR-1 = 1.51 | 0.4 | 1.11 | TBD | TBD | 4 Units |
| 81033A001300 | SFR-1 | OPR | SFR-1 = 3.71 | 0 | | | | |
| - | - | - | Subtotal = 4.11 (du) | | - | - | Subtotal = 4 (de) | |
| 81033D002102 | SFR-1 | OPR | SFR-1 = .44 | 0.44 | 0 | TBD | TBD | 1 Unit |
| - | - | - | Subtotal = .44 (du) | | - | - | Subtotal = 1 (de) | |
| 81028CA001600 | SFR-1 | OPR/SFR- + | SFR-1 = 2.52 | 1.15 ⁴ | 1.36 | TBD | TBD | 1 Unit |
| - | - | - | Subtotal = 1.15 (du) | | - | - | Subtotal = 1 (de) | |
| ¹ "Density Units" are calculated using the minimum lot size of the zone, i.e. 3.32 Acres of RA-1 divided by 2 equals 1.66 units. ² "Density Credits" are rounded down to the nearest whole "Density Unit" (example: 7.54 Density Units = 7 Density Credits) ³ A little over one acre is remaining on Tax Lot 1200. ⁴ This application rezones the easterly 1.15 acres and leaves 1.37 acres zoned SFR-1. | | | | | | | | |

Delete table and add the following text:

The table tracking all density transfers is maintained administratively by the Clatsop County Community Development Department.

Staff Analysis:

Deletion of the "Density Table" from the Standards Document. The table will be administratively maintained in the Community Development Department. This will eliminate the need for a Comprehensive Plan Text Amendment whenever the table is modified.

S3.464. Bed & Breakfast Establishment Standards.

- (1) Number of rental units.
 - (A) 1-5 unit establishment is subject to approval of a Type I development permit and Section 2.070 in the following zones: NC, TC and GC.
 - (B) 1-5 unit establishment is subject to approval of a Type II conditional use permit and Section 5.000-5.030 in the following zones: RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, RA-2, RA-5, RA-10, EFU, AF, F-80.

- (7) Any expansion of an existing building or alterations that increase the intensity of the establishment, may require, at the discretion of the Community Development Director, a Type II conditional use permit subject to Section 5.000-5.030, in the following zones:
 - (A) RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, RA-2, RA-5, RA-10, EFU, AF, F-80.

Staff Analysis:

This section is *modified* to include the RA-10 zone in the standards.

S3.466. Bed & Breakfast Establishment Standards for Standard Sized Lots or Parcels.

Bed and breakfast establishments may be considered on parcels or lots that meet the minimum lot size in the following zones as provided by this section:

| Zone | Standard |
|--------------|-------------------------------|
| RSA-SFR | Conditional use permit |
| RSA-MFR | Conditional use permit |
| CR | Conditional use permit |
| SFR-1 | Conditional use permit |
| RA-1 | Conditional use permit |
| RA-2 | Conditional use permit |
| RA-5 | Conditional use permit |
| <u>RA-10</u> | <u>Conditional use permit</u> |
| CBR | Not permitted |
| NC | Permitted use |
| TC | Permitted use |
| GC | Permitted use |
| EFU | Conditional use permit |
| AF | Conditional use permit |
| F-80 | Conditional use permit |

S3.468. Bed & Breakfast Establishment Standards for Substandard Sized Lots or Parcels.

Bed & breakfast establishments may only be considered on parcels or lots that are less than the minimum lot size in the following circumstances:

| Zone | Standard |
|--------------|-------------------------------|
| RSA-SFR | Not permitted |
| RSA-MFR | Conditional use permit |
| CR | Conditional use permit |
| SFR-1 | Not permitted |
| RA-1 | Conditional use permit |
| RA-2 | Conditional use permit |
| RA-5 | Conditional use permit |
| <u>RA-10</u> | <u>Conditional Use Permit</u> |
| CBR | Not permitted |
| NC | Conditional use permit |
| TC | Conditional use permit |
| GC | Conditional use permit |
| EFU | Conditional use permit |
| AF | Conditional use permit |
| F-80 | Conditional use permit |

Staff Analysis:

This section is modified to include the RA-10 zone in the standards.

Delete this section. Replaced by the Rural Community Overlay in 2010.

S3.470 SHORT TERM (VACATION) RENTALS

This section regulates the short term rental of dwelling units within the Arch Cape Rural Community. For the purposes of this section, "Short Term Rental" means a dwelling unit (including any accessory guest house on the same property) that is rented to any person or entity for a period of up to thirty (30) consecutive nights. In addition for the purposes of this ordinance, "Rental" means an agreement granting the use and possession of a residence to a person or single group, not to exceed the maximum occupancy of the residence as set forth in Section S3.474 of this ordinance; the term "Rented" means that their use and possession of a residence is granted to one or more persons in exchange for consideration valued in money, goods, labor, credits, property or other consideration valued in money, without any deduction; and the term "Cooking facilities" includes stoves, ovens or other equipments designed to prepare hot meals, but does not include a single hot plate, microwave or toaster. Rentals of a short term dwelling unit shall be limited to either a minimum period of seven (7) nights or, if for fewer than seven (7) nights, then to no more than one rental within a seven (7) night period. Use of a short term rental by a record owner of a property shall not be considered to be a rental under this section.

S3.471 Purpose

The purpose of this section is to regulate short term rentals to enhance livability and safety in the Arch Cape residential neighborhoods.

S3.472 Permit Required

An owner shall obtain a revocable short term rental permit whenever a dwelling unit (as defined in S3.470) is to be used for short term rental purposes and shall comply with the requirements of the County's transient room tax ordinance (No. 90-7).

- (1) — A short term rental permit shall be obtained prior to using the unit as a short term rental.
- (2) — The initial short term rental permit shall be valid until July 1, 2005 and shall be renewed annually by July 1 thereafter.
- (3) — The short term rental permit is transferable to a new owner, so long as to the owner registers with the County to transfer the short term rental permit, pays the registration fee (same as a development permit fee), updates the short term rental permit application and agrees in writing to comply with the requirements of the short term rental permit and these regulations.
- (4) — The short term rental permit does not relieve the owner of the obligation to pay county room taxes.
- (5) — If the terms of the short term rental permit are not met, the short term rental permit may be revoked and the owner subject to penalties per Section S3.476.

S3.473 Short Term Rental Permit Application Requirements

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

- (1) — A list of all the property owners of the short term rental including names, addresses and telephone numbers. Property ownership, for the purposes of this section, shall consist of those individuals who are listed on the Clatsop County Assessor's tax records.

- (2) — Proof of registration for county room tax purposes.
- (3) — Completion of the inspection section of the application form by an Oregon Certified Home Inspector as defined by ORS 701.005(4), based on a visual inspection to certify the following:
 - (A) — Compliance with the following standards:
 - 1) — There shall be one functioning smoke detector in each sleeping room, with a minimum of two functioning smoke detectors in each dwelling unit. There shall also be one Functioning fire extinguisher at each exit;
 - 2) — Exterior doors shall be operational. All passageways to exterior doors shall be clear and unobstructed.
 - 3) — Electrical systems shall be serviceable with no visual defects or unsafe conditions.
 - 4) — All fireplaces, fireplace inserts or other fuel burning heaters and furnaces shall be vented and properly installed.
 - 5) — Each sleeping room shall have an exterior exit that opens directly to the outside, or an emergency escape or rescue window.
 - (B) — The number of sleeping rooms within the short term rental, as defined in Section S3.474(3).
 - (C) — The number of parking spaces on the subject property that meet the standards of Section S3.474(4).
 - (D) — Inspection certifications shall be valid for a period of five years or whenever dwelling unit modifications requiring a building permit are made, at which point a new inspection certificate shall be required.
- (4) — A site plan, drawn to scale, showing the location of buildings and required parking.
- (5) — The name, address and telephone number of a contact person, who shall be responsible, and authorized, to act on the owner's behalf to promptly remedy any violation of these standards. The contact person may be the owner or the designated agent who shall serve as a contact person.
- (6) — Statement that the applicant has met and will continue to comply with the standards in this section.
- (7) — Other information as requested by the County.

S3.474 Short Term Rental Standards

All short term rentals shall meet the following standards:

- (1) — A Short Term Rental dwelling unit shall be rented for no more than one rental in a consecutive seven (7) night period.
- (2) — All applicable County room taxes shall be paid pursuant to County Code Chapter 39.
- (3) — The maximum occupancy for each short term rental unit shall be calculated on the basis of two (2) persons per sleeping room plus an additional four (4) persons, up to a maximum of fourteen (14) persons. For this purpose, a sleeping room is defined as fully-enclosed habitable space with a heat source, and an emergency escape or rescue opening.
- (4) — Off-street parking shall be used if physically available and comply with S2.200 S2.210 applicable to single family or two family dwellings. On-street parking shall be used only when off-street parking spaces are not physically available. Parking is "physically available" when a garage or driveway can be emptied or materials removed so as to allow for the parking. The owner shall notify every renter in writing of these requirements and

shall advise the renter where the off-street parking spaces to serve the unit are located. If on-street parking must be used, the renter shall use the parking along the frontage of the rental unit.

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

S3.475 Conformity Required; Display of Permits

- (1) — The issuance of the short term rental permit shall be subject to the continued compliance with the requirements of this section.
- (1) — The current short term rental permit shall be permanently and prominently displayed inside and near the front entrance of the short term rental and provided to adjacent property owners within 100 feet of the property, and shall list the following:
 - (A) — The name, address and phone number of the owner and designated agent;
 - (A) — The maximum occupancy and vehicle limits for the short term rental unit;
 - (B) — Identification of the number and location of parking spaces available;
 - (C) — A statement regarding how the parking standards under S3.474(4) are to be met;
 - (D) — A statement that it is illegal to leave litter on the beach (OAR 736-021-0090(4));
 - (E) — A statement that all fires on the beach must be extinguished before leaving the site of the fire (OAR 736-021-0120(4));
 - (F) — A statement that the short term rental permit may be revoked for violations;
 - (G) — A statement regarding how the garbage removal standards under S3.474(6) are to be met; and
 - (H) — Such other information as may be required by the County.
- (2) — The owners are responsible to ensure that current and accurate information is provided to the County.

S3.476 Compliance, Hearings and Penalties

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

- (1) — The complaining party shall first attempt to contact the contact person designated on the permit and the notice posted on the Short Term Rental, describe the problem and indicate the desired remedy.
- (1) — The contact person shall promptly respond to the complaint and remedy any situation that is out of compliance with this section or permit.

- ~~(2) — If the response is not satisfactory to the complaining party, the complaining party may lodge a complaint with the County by submitting a written complaint including the time, date and nature of the alleged violation. The property owner shall allow the County to inspect any records related to the short term rental dwelling unit upon request of the County.~~
- ~~(3) — The County may initiate enforcement under Section 38 of the Clatsop County Code.~~
- ~~(4) — In addition to any other remedy allow under Section 38 of the Clatsop County Code, the hearings body may do any of the following:~~
- ~~(A) — Take no action on the request for the revocation of the short term rental permit;~~
 - ~~(A) — Attach conditions to the existing short term rental permit;~~
 - ~~(B) — Require a new home inspection under S3.473.3;~~
 - ~~(C) — Suspend the short term rental permit;~~
 - ~~(D) — Revoke the short term rental permit; and/or~~
 - ~~(E) — Prohibit an owner from obtaining a short term rental permit for a period of up to five (5) years.~~
- ~~(5) — Should a permit be revoked, the owner may not obtain any short term rental permit sooner than one year after the date of revocation.~~
- ~~(6) — Any property owner found in violation of the provisions of this ordinance shall be required to reimburse the County for its costs of enforcement including reimbursement of staff time, investigation costs, mailings, service fees, mileage and other costs related to the investigation and prosecution of the violation in question.~~

Staff Analysis:

In 2010 the Rural Community Overlay was adopted by the Board of Commissioners as part of Ordinance 10-01. The RCO regulates the standards for short term rentals in the Arch Cape-Rural Community Residential zone. It was an oversight by staff that this section was not deleted at that time.

Table 1- Right-of-Way and Improvement Standards Table

| Functional Road Class | A.D.T | Design Standard Typical | Travel Width | R-O-W Width | Surface Type | Design Speed MPH | Max. % Grade | Min. Curve Radius | Street Signs |
|------------------------|------------|-------------------------------------|------------------|-------------|---------------------|------------------|--------------|-------------------|--------------|
| Arterial | >1000 | A - 32 | 24 | 80 | A.C. | 45 | 12 | 750 | (1) |
| Collector | 300 – 1000 | A - 28 | 24*** | 60 | A.C. | 40 | 12 | 500 | (1) |
| Local | 60 – 300 | A - 24 | 22 | 60 | A.C./Oil | 35 | 12 | 350 | (1) |
| Subdivision (10+ lots) | >60 | A - 22 | 20 | 50 | A.C. ⁽⁵⁾ | 25 | 12 | 250 | (1) |
| Subdivision (4-9 lots) | 30 – 60 | A - 20 | 18 | 50 | A.C. ⁽⁵⁾ | 20 | 12** | 150 | (1) |
| Partition (> 3 ***) | <60 | A - 20 | 18 | 50 | Gravel | 20 | 12** | 150 | (1) |
| Partition (1-3 lots) | <30 | A – 12 14 ⁽⁴⁾ | 12 14 | 25 | Gravel | 15 | 16* | 50 | (1) |

- * If unavoidable conditions exist a grade of 2% greater than that shown may be allowed with A.C. paving.
- ** If unavoidable conditions exist a grade of 4% greater than that shown may be allowed with A.C. paving.
- *** May be reduced to 22 feet as specified in AASHTO if approved by the County Engineer.
- (1) One (1) approved street sign will be provided at each intersection for each named street.
- (2) All dead-end streets will be terminated with a cul-de-sac or approved turnaround. See Design Standard Typical Cul-de-sac for details.
- (3) Drainage/slope easements may be required if roadway slopes extend beyond the right-of-way.
- (4) A-~~12~~4 roads require turn-outs at a maximum distance of ~~250~~400 feet, or at a lesser interval that will maintain a continuous visual contact between each successive turn-out.
- (5) Minimum A.C. thickness is 3" nominally compacted ODOT Class C, or approved equal.

(Amended 11/1/2004)

Staff Analysis:
 The table has been modified to included current road standards that were updated by administrative policy and have been in effect since 2004.

Exhibit 2

**Published
Notice of
Hearing**

State Of Oregon

County Of Clatsop } ss.

Copy Of Advertisement

Affidavit of PUBLICATION

I, Jona J Korzinski, being duly sworn, depose and say that I am the principal clerk of the manager of the DAILY ASTORIAN, PO Box 210, Astoria, OR 97103 a newspaper of general circulation, as defined by section ORS 193.010 and 193.020 Oregon Compiled Laws, Annotated, printed and published daily at Astoria in the afore said county and state; the Legal Notice #AB4110, NOTICE OF PUBLIC HEARINGS, printed copy of which is hereto attached, was published in the entire issue of said newspaper for one successive and consecutive time(s) in the following issues, November 30th, 2012.

Signed

[Handwritten signature of Jona J Korzinski]

Signed and attested before me on the 30th day of November 2012, by:

[Handwritten signature of Heather Ann Ramsdell]



Notary Public for the State of Oregon, Residing at Warrenton, Oregon, Clatsop County.

**AB4110
CLATSOP COUNTY PLANNING COMMISSION
NOTICE OF PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN that the Clatsop County Planning Commission will conduct the following public hearings beginning at 11:00 AM on Tuesday, December 11, 2012, at the Judge Guy Boyington Building, 857 Commercial Street, Astoria, OR, to consider the following:

Ordinance 12-01: Text Amendments to the Clatsop County Comprehensive Plan. The applicant, Shoreline Sanitary District, is requesting amendments to Goal 11 and the Clatsop Plains Community Plan that would support the extension of a sewer line from the district boundary to the City of Warrenton.

Ordinance 12-02: Legislative Amendments to the Clatsop County Land and Water Development and Use Ordinance 80-14. Clatsop County is proposing a variety of 'housekeeping' amendments to the land use ordinance.

A copy of all documents pertaining to these matters may be reviewed in the Clatsop County Community Development office at 800 Exchange Street, Suite 100, Astoria, OR at no cost and may be obtained at reasonable cost. The staff reports for these matters may be inspected at no cost or obtained at reasonable cost seven (7) days prior to the hearing. Parties are invited to express their opinions for or against the proposals in person at the hearings or by letter addressed to the Clatsop County Planning Commission, 800 Exchange Street, Suite 100, Astoria, OR, 97103. Letters may also be faxed to (503) 338-3866. The County must receive written comments by 5:00 pm on December 10, 2012 in order to be presented at the hearing. Please contact Jennifer Bunch, Senior Planner, at (503) 325-8811 for more details on these land use matters.

Published: November 30th, 2012.

Exhibit 3

Public Comments

As of 5:00 PM on December 3, 2012, no public or agency comments have been received.



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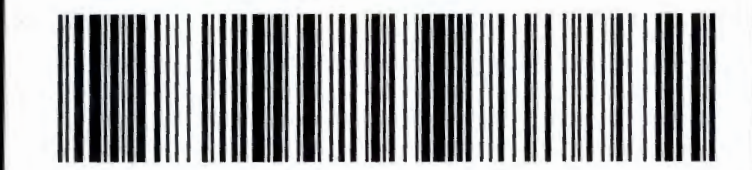
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