



# Oregon

Theodore R. Klumboski, 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

06/02/2014

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

FROM: Plan Amendment Program Specialist

SUBJECT: Clatsop County Plan Amendment  
DLCD File Number 001-14

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

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, June 19, 2014

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

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# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE** 001-14  
(20181)  
**File No.:** [17885]  
**Received:** 5/29/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Clatsop County

Local file no.: **Ordinance 14-01**

Date of adoption: **May 28, 2014**

Date sent: **5/29/2014**

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): **1/14/2014**

No

Is the adopted change different from what was described in the Notice of Proposed Change?  Yes  No  
If yes, describe how the adoption differs from the proposal:

The Notice of Proposed Change would apply to legally created lots/parcels with a minimum lot size greater than 20000 sq. ft. The adopted standard will apply to lots or parcels with a minimum standard of 1-acre or more.

Local contact (name and title): **Jennifer Bunch**

Phone: **503-325-8611**

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

Street address: **800 Exchange Street, Ste. 100**

City: **Astoria**

Zip: **97103-**

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- |             |    |        |  |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve amendment** including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

Legislative amendment to the land use code standards document S1.030 to remove the lot consolidation requirement for residentially zoned (Goal 3/4 exception areas) lots and parcels that are substandard in size. This allows all legally created lots/parcels in exception areas, with a minimum lot size standard of 1-acre or greater to be considered buildable subject to all other standards and requirements. This amendment will not apply to areas outside Goal 3/4 exception areas.

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.



# 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

May 29, 2014

## NOTICE OF FINAL DECISION

File Number: Ordinance #14-01  
Decision Date: May 28, 2014  
Representative: Jennifer Bunch, Senior Planner  
Action: **APPROVAL**  
Description: LEGISLATIVE AMENDMENTS TO THE CLATSOP COUNTY STANDARDS DOCUMENT, SECTION S1.030 – GENERAL EXCEPTION TO LOT SIZE STANDARDS

On May 28, 2014, the Clatsop County Board of Commissioners approved the amendment 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](http://www.co.clatsop.or.us). Once on the homepage, click on the Land Use Planning page.

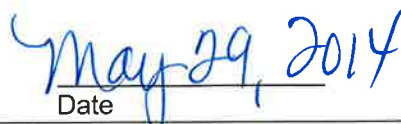
The requirements for appeal of this decision are set forth in ORS 197.830 to 197.845. In general, the requirements for appeal require a "Notice of Intent to Appeal" the decision, to be filed with the Oregon Land Use Board of Appeals (LUBA) in Salem, Oregon. The Notice of Intent to Appeal the decision 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 May 29, 2014.

  
Jennifer Bunch, Senior Planner

  
Date

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

In the Matter of:

LEGISLATIVE AMENDMENTS TO THE  
CLATSOP COUNTY STANDARDS  
DOCUMENT, SECTION S1.030 – GENERAL  
EXCEPTION TO LOT SIZE STANDARDS

**ORDINANCE NO. 14-01**

Doc # 2014050025

Recording Date: 5-29-14

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**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 Standards Document, and

WHEREAS, the proposed text amendments were considered by the Planning Commission at a public hearing on April 8, 2014, 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 May 14, 2014 and May 28, 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 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 28th day of May, 2014

THE BOARD OF COUNTY COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

By  \_\_\_\_\_  
Scott Lee, Chair

By  \_\_\_\_\_  
Valerie Crafard, Recording Secretary

**PROPOSED TEXT AMENDMENT**

Strikethrough Version

**S1.030. General Exception to Lot Size Standards.**

~~Within Rural Communities and all residentially-zoned areas:~~

1. A lot of record with ~~If a lot or parcel was legally created through county partitioning or subdivision requirements on or after September 30, 1980 and does not abut the Camp Rilea buffer,~~ 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,~~ provided the lot of record:
  - (A) Is located within a Rural Community or residential zone that has a minimum lot size standard of one (1) acre or greater; and,
  - (B) Is located in an area for which an exception to Goal 3 or Goal 4 has been acknowledged; and,
  - (C) Does not abut Camp Rilea.
2. In ~~all other areas, including residentially-zoned lots or parcels created prior to September 30, 1980 and those abutting the Camp Rilea buffer:~~
  - (A) If, at the time ~~of adoption of the~~ applicable zone or ~~of an~~ amendment ~~of its to the~~ applicable lot size or dimension standards was adopted, a ~~legally-created lot or parcel,~~ lot of record has an area or dimension ~~which that~~ does not meet the requirements of the zone, and the lot ~~of record or parcel~~ was not in the same ownership ~~as with any~~ contiguous lots or parcels which does not meet the minimum area or dimension requirements, the lot ~~or parcel of record~~ may be developed as allowed by the applicable zone and ~~applicable~~ county development ~~standards~~ requirements.
  - (B) If, at the time ~~of adoption of the~~ applicable zone or ~~of an~~ amendment ~~of its to the~~ applicable lot size or dimension standards was adopted, a ~~legally-created lot or parcel,~~ lot of record has an area or dimension ~~which that~~ does not meet the requirements of the zone, and the lot or parcel was in the same ownership as any contiguous lots or parcels which do not meet the minimum area or dimension requirements, the ~~aggregate holdings contiguous properties~~ constitute one land use ~~parcel~~ lot of record and ~~that parcel that~~ may be developed as allowed by the applicable zone and ~~applicable~~ county development standards ~~and requirements~~.

**PROPOSED TEXT AMENDMENT**

Clean Version

**S1.030. General Exception to Lot Size Standards.**

1. A lot of record with an area or dimension which does not meet the requirements of the zone may be developed as allowed by the zone subject to all other applicable county development standards and requirements, provided the lot of record:
  - (A) Is located within a Rural Community or residential zone that has a minimum lot size standard of one (1) acre or greater; and,
  - (B) Is located in an area for which an exception to Goal 3 or Goal 4 has been acknowledged; and,

(C) Does not abut Camp Rilea.

2. In all other areas:

(A) If, at the time the applicable zone or an amendment to the applicable lot size or dimension standards was adopted, a lot of record has an area or dimension that does not meet the requirements of the zone, and the lot of record was not in the same ownership with a contiguous lot or parcel which does not meet the minimum area or dimension requirements, the lot of record may be developed as allowed by the applicable zone and county development standards.

(B) If, at the time the applicable zone or an amendment to the applicable lot size or dimension standards was adopted, a lot of record has an area or dimension that does not meet the requirements of the zone, and the lot or parcel was in the same ownership as any contiguous lots or parcels which do not meet the minimum area or dimension requirements, the contiguous properties constitute one land use lot of record that may be developed as allowed by the applicable zone and county development standards.



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

In the Matter of

ORDINANCE 14-01  
AN ORDINANCE AMENDING THE TEXT OF  
THE CLATSOP COUNTY STANDARDS  
DOCUMENT, S1.030 GENERAL EXCEPTION  
TO LOT SIZE STANDARDS

RESOLUTION AND ORDER

# 14-04-04

THE ABOVE ENTITLED MATTER came before the Planning Commission on April 9, 2014, for a public hearing and consideration of text amendments to the Clatsop County Standards Document, S1.030.

THE PLANNING COMMISSION after reviewing the findings of fact in Exhibit "A" (*Staff Report*) has determined the proposed amendment is consistent with Clatsop County's Comprehensive Plan and the Land and Water Development and Use Ordinance 80-14, as amended.

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 text amendment and findings 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 text amendment.**

SO ORDERED this 9<sup>th</sup> day of April 2014.

THE PLANNING COMMISSION FOR  
CLATSOP COUNTY

  
\_\_\_\_\_  
Bruce Francis, Chair



# 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

### "Exhibit A"

## Staff Report

### Ordinance 14-01

REPORT DATE: April 9, 2014

HEARING DATE: April 9, 2014

**SUMMARY:** Legislative amendment to the Clatsop County Standards Document Section S1.030 General Exception to Lot Size Standards to remove the lot consolidation requirement for residentially zoned lots and parcels that are substandard in size and located within acknowledged Goal 3 (agricultural lands) and Goal 4 (forest lands) exception areas. This allows all "lots of record" (LWDUO 1.030) or a "lawfully established unit of land" [ORS 92.010(3)(a)] in these areas to be considered "buildable" subject to all other development standards and requirements. This amendment will not apply to lands outside Goal 3 and 4 exception areas.

**STAFF:** Jennifer Bunch, Senior Planner

**EXHIBITS:**

1. A. Proposed Text Amendment, ~~Strikethrough~~ Version
- B. Proposed Text Amendment, Clean version
2. Published Notice
3. Public Comment

## I. NARRATIVE

### History of S1.030 General Exception to Lot Size Standards

Since the adoption of Clatsop County's Land and Water Development and Use Ordinance (LWDUO) and Standards Document (SD) in 1980, has allowed the development of substandard (less than the minimum lot size) lots/parcels in accordance with the provisions of S1.030 General Exception to Lot Size Standards. This section has always, in some form, required the consolidation of commonly owned substandard lots or parcels in order to bring a building site as close to the minimum lot size as possible.

In 1980, S1.030 required,

**S1.030. General Exception to Lot Size Standards.** (1980)

*If, at the time of the adoption of these standards, a lot, or the aggregate of contiguous substandard lots or parcels held in a single ownership, has an area or dimension which does not meet the size requirements, the lot or aggregate holdings may be developed subject to all other requirements....”*

This section was amended in 1996, and while it clarified that property not held in common ownership could be developed; the intent did not change,

**S1.030. General Exception to Lot Size Standards.** (1996)

*If, at the time of the adoption of the zone for the subject property, a lot has an area or dimension which does not meet the minimum lot size requirements of the zone, and the lot was not in the same ownership as any contiguous lot or lots which also do not meet the minimum lot area requirement, the lot may be developed as allowed by the zone and applicable development.*

*If, at the time of the adoption of the zone for the subject property, contiguous lots or parcels which individually do not have an area that meets the minimum lot area requirement of the zone, are held in the same ownership, the aggregate holdings constitute one land use parcel and that parcel may be developed as allowed by the zone and applicable development requirements.*

The 1980 and 1996 versions did not take into account changes to the minimum lot size when determining an exception to lot size standards, commonly referred to as a “Lot of Record Determination”.

In 2009, this section was amended to allow the development of a residential lot or parcel regardless of size, if the lot was created legally after September 30, 1980, the original date the LWDUO 80-14. In addition, if a minimum lot size was amended but the zone stayed the same, the date of the determination of common ownership would change to the date of the amended minimum lot size. As a result of these amendments, contiguous substandard lots in the same ownership created prior to the 1980 date still had to be combined for development purposes as were lots adjacent to Camp Rilea. The Camp Rilea provision was added in an effort to assist in reducing conflicting military and residential uses. In 2013, minor amendments we made in order to remove ambiguity and conflicting language. Standards section S1.030 now reads,

**S1.030. General Exception to Lot Size Standards.** (2014)

*Within Rural Communities and all residentially-zoned areas:*

1. *If a lot or parcel was legally created through county partitioning or subdivision requirements on or after September 30, 1980 and does not abut the Camp Rilea buffer, 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.*
2. *All other areas, including residentially-zoned lots or parcels created prior to September 30, 1980 and those abutting the Camp Rilea buffer:*
  - (A) *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, has an area or dimension which does not meet the requirements of the zone, and the lot or parcel 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.*
  - (B) *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, has an area or dimension which does not meet the requirements of the zone, and the lot or parcel 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.*

Clatsop County prohibits the development of land created in violation of its land use ordinance [LWDUO L2.250(2)]. We refer to a legally created property as a "lot of record", which is defined in L 1.030 as, "Any lot or parcel lawfully created by a subdivision or partition plat of record in the County Clerk's Office, or lawfully created by deed or land sales contract prior to land use partitioning requirements, and of record in the Deed Records of Clatsop County" (emphasis added). This is consistent with the definition contained in Oregon Revised Statutes,

*ORS 92.010(3)(a) "Lawfully established unit of land" means:*

*(A) A lot or parcel created pursuant to ORS 92.010 to 92.192; or*

*(B) Another unit of land created:*

*(i) In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or*

*(ii) By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations.*

Problems with the current standards are starting to become more and more prevalent. Property owners have purchased lots of record (legally created parcels) without knowing that due to a previous determination it was part of a larger "land use lot of record", the aggregation of the smaller lots/parcels that were combined for development purposes as required by S1.030. Property owners in a Rural Community Residential zone, who in 2002, received a lot of record determination that resulted in a substandard parcel being deemed "buildable" now find themselves facing a new Lot of Record Determination due to a change in zoning in 2003, and a determination has found that their lot is now not a "land use lot of record" and it not buildable.

#### Goal 3 and 4 Exception Areas

The proposed amendments would allow all lawfully established units of land, regardless of when they were created, be considered a "lot of record" and developable subject to all other standards and requirements of the ordinance. This provision would only apply to residentially zoned lands with Goal 3 *Agricultural Lands* and Goal 4 *Forest Lands* exception<sup>1</sup> areas. Except for an area within the western Clatsop Plains all residentially zoned land in the unincorporated areas of the county has acknowledged exceptions to Goals 3 and 4 because the lands were "irrevocably built and committed to residential development". These exceptions justify excluding these areas from the requirements of the farm and forest rules and restrictions. The western Clatsop Plains area mentioned earlier, between Warrenton and Gearhart are considered non-resource lands because they did not meet the definition of farm or forest land and are not subject to statewide planning Goals 3 and 4, and as such an exception was not required.

The western Clatsop Plains, aside from being unique in that it was not considered resource lands under Goal 3 or 4, other factors exist that staff believes supports an argument that this area should be excluded from the proposed amendments.

#### Clatsop Plains Aquifer and Freshwater Resources

For decades concerns have existed related to the quality of the sensitive Clatsop Plains aquifer and other ground water resources in the area. The North Coast Basin was the subject of a 2011 study published by the Department of Environmental Quality (DEQ) which addressed concerns in the Clatsop Plains area. In addition, the North Clatsop Plains Sub-Area Plan, currently underway, focuses heavily on these groundwater resources and include a Water Quality Action Plan for the North Clatsop Plains. By retaining the current Lot of Record standards for this area development potential remains at the current level and does not increase and thus will not conflict with any provisions or recommendations in the upcoming North Clatsop Plains plan.

#### Minimum lot size of one (1) acre or greater

Staff is proposing to limit the proposed amendment and exclude areas with a minimum lot size standard of less than one (1) acre. This would maintain the consolidation requirements for the AC-RCR zone in Arch Cape, the RCR zone in Miles Crossing/Jeffers Garden and Westport, the RSA-SFR zone at Cullaby Lake and Fishhawk Lake, and the CR zone in Cove Beach. Staff is concerned primarily with the Arch Cape, Jeffers Garden, and Cove Beach

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<sup>1</sup> An exception is a decision to exclude certain land from the requirements of one or more applicable statewide planning goals.

areas which have older platted subdivisions, recorded between 1906 and 1926, with 50x100 lots and the resulting impact of permitting residential development at a greater density than what is now allowed. Arch Cape and Jeffers Garden currently have a minimum lot size of 7500-square feet and Cove Beach has a minimum lot size of 20,000-square feet. In addition these two areas are also located a geological hazard area and/or flood hazard areas.

## **II. APPLICABLE PROVISIONS**

### **A. LWDUO**

- L1.030 - Definitions
- L2.035 - Type IV Procedure
- L2.100 - Public Deliberations and Hearings

### **B. Clatsop County Comprehensive Plan**

- |   |  |
|---|--|
| Goal 1 – Citizen Involvement  | Goal 10 – Population & Housing         |
| Goal 2 – Land Use Planning  | Goal 11 – Public Facilities & Services |
| Goal 3 – Agricultural Lands   | Goal 12 – Transportation               |
| Goal 4 – Forest Lands   | Goal 13 – Energy Conservation          |
| Goal 5 – Natural Resources, Scenic and<br>Historic Areas, and Open Spaces | Goal 14 – Urbanization                 |
| Goal 6 – Air, Water, and Land Quality                                     | Goal 16 – Estuarine Resources          |
| Goal 7 – Natural Hazards  | Goal 17 – Coastal Shorelands           |
| Goal 8 – Recreation   | Goal 18 – Beaches and Dunes            |
| Goal 9 – Economic Development   | Goal 19 – Ocean Resources              |

## **III. ANALYSIS AND FINDINGS OF FACT**

### **A. LWDUO 80-14**

#### **Section 2.035 Type IV Procedure.**

- (1) Type IV actions will involve either a legislative or quasi-judicial process as appropriate to the circumstances. They may involve the creation, broad scale implementation or revision of public policy such as amendments to the text of the Comprehensive Plan, Community Plans, 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 to be used where indicated in this Ordinance.
- (2) Under the Type IV procedure, the Director shall schedule a public hearing pursuant to Section 2.105 before the Planning Commission.
- (3) The Director shall mail and publish a notice pursuant to Section 2.315.

#### **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 April 9, 2014 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 (Exhibit 2). **The procedure is consistent with the requirements of L2.035.**

### **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 April 9, 2014 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. **The proposed text amendments and legislative adoption process are consistent with the applicable policies of Goal 1.**

**Goal 2 – Land Use Planning**

**Analysis & Finding:**

The proposed text amendment would affect development in two of the six Comprehensive Plan designations, Development and Rural Lands in Goal 3 or Goal 4 exception areas by allowing the residential development of legally created lots that are substandard in size. All other ordinance and comprehensive plan provisions still apply and will ensure consistency with Goal 2. **The proposed text amendments are consistent with the applicable policies of Goal 2.**

**Goal 3 - Agricultural Lands**

Goal : To preserve and maintain agricultural lands.

**Analysis & Finding:**

The proposed text amendments apply only to those lands that have an acknowledged Goal 3 exception. **Based on this analysis, the policies and provisions of Goal 3 do not apply.**

**Goal 4 - Forest Lands**

Goal: To conserve forest lands for forest uses.

**Analysis & Finding:**

The proposed text amendments apply only to those lands that have an acknowledged Goal 4 exception. **Based on this analysis, the policies and provisions of Goal 4 do not apply.**

**Goal 5 - Open Spaces, Scenic & Historic Areas and Natural Resources**

Goal: To conserve open space and protect natural and scenic resources.

**Analysis & Finding:**

The proposed text amendment does not relieve any resulting residential development from the applicable provisions of the LWDUO and Standards document, except for lot/parcel size and dimension. All other provisions still apply and will ensure consistency with Goal 5. **Based on this analysis, the proposed amendment does not conflict with Goal 5.**

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

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

#### **Analysis & Finding:**

The proposed text amendment does not relieve any resulting residential development from the applicable provisions of the LWDUO and Standards document, except for lot/parcel size and dimension. All other provisions still apply and will ensure consistency with Goal 6. **Based on this analysis, the proposed amendment does not conflict with Goal 6.**

### **Goal 7 – Natural Hazards**

Goal: To protect life and property from natural disasters and hazards

#### **Analysis & Finding:**

The proposed text amendment does not relieve any resulting residential development from the applicable provisions of the LWDUO and Standards document, except for lot/parcel size and dimension. All other ordinance and comprehensive plan provisions still apply and will ensure consistency with Goal 7. **Based on this analysis, the proposed amendment does not conflict with Goal 7.**

### **Goal 8 – Recreation**

#### **Analysis & Finding:**

The proposed text amendment does not relieve any resulting residential development from the applicable provisions of the LWDUO and Standards document, except for lot/parcel size and dimension. All other ordinance and comprehensive plan provisions still apply and will ensure consistency with Goal 8. **Based on this analysis, the proposed amendment does not conflict with Goal 8.**

### **Goal 9 – Economy**

Goal: To diversify and improve the economy of the state and Clatsop County.

#### **Analysis & Finding:**

The proposed text amendment does not relieve any resulting residential development from the applicable provisions of the LWDUO and Standards document, except for lot/parcel size and dimension. All other ordinance and comprehensive plan provisions still apply and will ensure consistency with Goal 9. **Based on this analysis, the proposed amendment does not conflict with Goal 9.**

### **Goal 10 – Population & Housing**

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

#### **Analysis & Finding:**

The proposed text amendment does not relieve any resulting residential development from the applicable provisions of the LWDUO and Standards document, except for lot/parcel size and dimension. All other provisions still apply and will ensure consistency with Goal 10. **Based on this analysis, the proposed amendment does not conflict with Goal 10.**

### **Goal 11 – Public Facilities and Services**

**Analysis & Finding:**

The proposed text amendment does not relieve any resulting residential development from the applicable provisions of the LWDUO and Standards document, except for lot/parcel size and dimension, and it does not authorize a level of public facility services in a manner that would be inconsistent with this goal. All other ordinance and comprehensive plan provisions still apply and will ensure consistency with Goal 11. **Based on this analysis, the proposed amendment does not conflict with Goal 11.**

**Goal 12 – Transportation**

**Analysis & Finding:**

The proposed text amendment does not relieve any resulting residential development from the applicable provisions of the LWDUO and Standards document, except for lot/parcel size and dimension. All other ordinance and comprehensive plan provisions still apply and will ensure consistency with Goal 12. **Based on this analysis, the proposed amendment does not conflict with Goal 12.**

**Goal 13 – Energy Conservation**

Goal: To conserve energy

**Analysis & Finding:**

The proposed text amendment does not relieve any resulting residential development from the applicable provisions of the LWDUO and Standards document, except for lot/parcel size and dimension. All other ordinance and comprehensive plan provisions still apply and will ensure consistency with Goal 13. **Based on this analysis, the proposed amendment does not conflict with Goal 13.**

**Goal 14 – Urbanization**

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

**Analysis & Finding:**

The proposed text amendment does not relieve any resulting residential development from the applicable provisions of the LWDUO and Standards document, except for lot/parcel size and dimension, nor does it increase the density of any zoning designation. All other ordinance and comprehensive plan provisions still apply and will ensure consistency with Goal 14. **Based on this analysis, the proposed amendment does not conflict with Goal 14.**

**Goal 16/17 – Estuarine Resources and Coastal Shorelands**

**Analysis & Finding:**

The proposed text amendment does not relieve any resulting residential development from the applicable provisions of the LWDUO and Standards document, except for lot/parcel size and dimension. All other ordinance and comprehensive plan provisions still apply and will ensure consistency with Goals 16/17. **Based on this analysis, the proposed amendment does not conflict with Goals 16 & 17.**

**Goal 18 – Beaches and Dunes**

**Analysis & Finding:**



The proposed text amendment does not relieve any resulting residential development from the applicable provisions of the LWDUO and Standards document, except for lot/parcel size and dimension. All other provisions still apply and will ensure consistency with Goal 18. **Based on this analysis, the proposed amendment does not conflict with Goal 18.**

### **Goal 19 Element – Ocean Resources**

#### **Analysis & Finding:**

The proposed text amendment applies only to residentially zoned lands. **Based on this analysis, the policies and provisions of Goal 19 do not apply.**

#### **Community Plans**

**Southwest Coastal**

**Clatsop Plains**

**Elsie Jewell**

**Seaside Rural**

**Lewis & Clark, Youngs, Wallooskee River Valleys**

**Northeast**

#### **Analysis & Finding:**

The proposed text amendment does not relieve any resulting residential development from the applicable provisions of the LWDUO and Standards document, except for lot/parcel size and dimension. All other ordinance and comprehensive plan provisions still apply and will ensure consistency with each Community Plan. **Based on this analysis, the proposed amendment does not conflict with the Community Plans.**

### **V. PUBLIC & AGENCY COMMENT (Attached as *Exhibit 3*)**

None received as of 5:00 PM on March 31, 2014.

### **V. CONCLUSION and RECOMMENDATION**

Based on the analysis and findings contained in this report, staff has determined that the proposed Comprehensive Plan Text Amendments are consistent with the applicable plan policies. 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

PROPOSED TEXT AMENDMENT

**S1.030. General Exception to Lot Size Standards.**

~~Within Rural Communities and all residentially-zoned areas:~~

1. A lot of record with ~~If a lot or parcel was legally created through county partitioning or subdivision requirements on or after September 30, 1980 and does not abut the Camp Rilea buffer,~~ 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,~~ provided the lot of record:
  - (A) Is located within a Rural Community or residential zone that has a minimum lot size standard of one (1) acre or greater; and,
  - (B) Is located in an area for which an exception to Goal 3 or Goal 4 has been acknowledged; and,
  - (C) Does not abut Camp Rilea.
2. In ~~A~~ all other areas, ~~including residentially-zoned lots or parcels created prior to September 30, 1980 and those abutting the Camp Rilea buffer:~~
  - (A) If, at the time ~~of adoption of the~~ applicable zone or ~~of an~~ amendment ~~of its to the~~ applicable lot size or dimension standards was adopted, a ~~legally created lot or parcel,~~ lot of record has an area or dimension ~~which that~~ does not meet the requirements of the zone, and the lot of record ~~or parcel~~ was not in the same ownership ~~as with any~~ contiguous lots or parcels which does not meet the minimum area or dimension requirements, the lot ~~or parcel~~ of record may be developed as allowed by the applicable zone and ~~applicable~~ county development standards~~requirements~~.
  - (B) If, at the time ~~of adoption of the~~ applicable zone or ~~of an~~ amendment ~~of its to the~~ applicable lot size or dimension standards was adopted, a ~~legally created lot or parcel,~~ lot of record has an area or dimension ~~which that~~ does not meet the requirements of the zone, and the lot or parcel was in the same ownership as any contiguous lots or parcels which do not meet the minimum area or dimension requirements, the ~~aggregate holdings~~ contiguous properties constitute one land use ~~parcel~~ lot of record ~~and that parcel that~~ may be developed as allowed by the applicable zone and ~~applicable~~ county development standards ~~and requirements~~.

**PROPOSED TEXT AMENDMENT**

**S1.030. General Exception to Lot Size Standards.**

1. A lot of record with an area or dimension which does not meet the requirements of the zone may be developed as allowed by the zone subject to all other applicable county development standards and requirements, provided the lot of record:
  - (A) Is located within a Rural Community or residential zone that has a minimum lot size standard of one (1) acre or greater; and,
  - (B) Is located in an area for which an exception to Goal 3 or Goal 4 has been acknowledged; and,
  - (C) Does not abut Camp Rilea.
2. In all other areas :
  - (A) If, at the time the applicable zone or an amendment to the applicable lot size or dimension standards was adopted, a lot of record has an area or dimension that does not meet the requirements of the zone, and the lot of record was not in the same ownership with a contiguous lot or parcel which does not meet the minimum area or dimension requirements, the lot of record may be developed as allowed by the applicable zone and county development standards.
  - (B) If, at the time the applicable zone or an amendment to the applicable lot size or dimension standards was adopted, a lot of record has an area or dimension that does not meet the requirements of the zone, and the lot or parcel was in the same ownership as any contiguous lots or parcels which do not meet the minimum area or dimension requirements, the contiguous properties constitute one land use lot of record that may be developed as allowed by the applicable zone and county development standards.

**Exhibit 2**  
Public Notice

**Exhibit 3**  
Public Comment

NONE RECEIVED AS OF 5:00 PM ON APRIL 30, 2014.