



***SOUTHWEST COASTAL DESIGN REVIEW / CITIZEN ADVISORY COMMITTEE  
REGULAR MEETING AGENDA***

*Wednesday, April 7, 2010 @ 6:00 P.M. Arch Cape Fire Hall, 79816 E Beach Road*

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**WORK SESSION 4 P.M.**

- Code Update timeline and Schedule. Materials include Ordinance 10-01. Page 3

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**REGULARLY SCHEDULED MEETING – 6 P.M.**

- 1. CALL MEETING TO ORDER (George Cerelli, Chairperson) 6:00 p.m.**
- 2. ROLL CALL**
- 3. BUSINESS FROM THE PUBLIC** - This is an opportunity for anyone to give a brief presentation (3 minutes or less) to the Committee on any land use planning issue or county concern that is not on the agenda.
- 4. CONSIDERATION OF MINUTES:**
  - ✦ No Minutes at this time
- 5. CONSENT CALENDAR / MINOR REVIEW ITEMS**
  - **April 21, 2010** - Meeting “Ordinance Revisions”
  - **May 5, 2010** – Meeting and Public Forum “Ordinance 10-01”
  - **May 19, 2010** – Work Session – revisions to “Ordinance 10-01”
  - **May 25, 2010** – Work Session with Planning Commission prior to June 8, 2010 Public Hearing.
- 6. PUBLIC HEARINGS / MAJOR DESIGN REVIEW:** Page 43
  - **Lantela** – Major Design Review presented by Bill Boone. The applicant is proposing to construct a new single family dwelling on tax lot 3800. The applicant has submitted a plot plan and tree removal plan along with house plans, average grade calculations and findings in support of the proposal.
- 7. OTHER DISCUSSION**
  - ✦ This is a chance for the committee to discuss and invite testimony from outside agents regarding topics of interest.
- 8. ADJOURN**



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Discussion Notes from March 26, 2010 Public Forum:

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The following areas were topics of discussion that were brought up at the public forum.

1. Adding Tree preservation plan to Section 4.104§(2)
2. Changing language regarding “exterior cutoff switch” suggestions include:
  - a. Removing language
  - b. Changing language to say “Full cut-off design”
  - c. Include the language “offensive lighting shall ....”
3. ADU definitions suggested changing “ground floor” to “main floor”
4. Addressing Drainage issues along roadways through design standards in section 3.068.
5. Changing language in section 4.104 2(C) from “existing construction” to “neighboring/surrounding structures”
6. Short term rentals: where is the appropriate cap? Do we include bed & breakfasts in the equation, and what percentage should they be?
  - a. 10% B&B /20% STR
  - b. 10% B&B/ 30% STR
  - c. 5% B&B / 15% STR
  - d. Etc. Etc.
7. Short term rentals expiration to create turnover after 5 years for equality purposes
8. Non-Conforming Use definitions and reconstruction measures?

## ZONING ORDINANCE REVISIONS

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### SECTION 1.030. DEFINITIONS

**COOKING FACILITIES** -- Are defined as stoves, ovens or other equipments designed to prepare hot meals including a 220-volt outlet and any non-electrical fuel sources, but does not include a single hot plate, microwave or toaster.

**DWELLING UNIT, ACCESSORY (ADU)** -- For the purposes of clarity, a single-family dwelling with an accessory dwelling unit (ADU), as defined herein, located within one of the rural community zones shall not be considered a duplex or multiple-family dwelling. In addition to other standards of this code, ADUs shall comply with the following development standards:

- (1) ADUs shall be allowed only on lots or parcels serviced by a State approved Sanitary Sewer.
- (2) ADUs shall be allowed only in conjunction with parcels containing one single-family dwelling (the "primary dwelling"). A maximum of one ADU or Guesthouse (see "Guesthouse") is permitted per lot or parcel. ADUs shall not be permitted in conjunction with a duplex or multi-family dwelling.
- (3) ADUs shall comply with maximum lot coverage and setback requirements applicable to the parcel containing the primary dwelling.
- (4) The ADU may be created through conversion of an existing structure, or construction of a new structure that is either attached to the primary dwelling or detached.
- (5) The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 75 percent of the GHFA of the ground floor of the primary dwelling on the lot, or 900 square feet, whichever is less. The floor area of any garage shall not be included in the total GHFA.
- (6) Only one entrance may be located on the front of the existing dwelling unless the existing dwelling contained more than one entrance before the addition of the ADU.
- (7) In order to maintain a consistent architectural character, Accessory dwellings shall be constructed with similar building materials, architectural design and colors that generally match those used on the primary dwelling, except where the approving hearing body requires different materials and/or detailing to promote compatibility with single family dwellings on abutting lots.
- (8) A parcel containing a primary dwelling unit and an ADU shall provide a minimum of three off-street parking spaces designed in accordance with County Standards Document S2.202§1.

**GUEST HOUSE** -- An accessory building, studio, or other habitable space/structure, used in conjunction with the main dwelling for the temporary housing of non-paying visitors and guests, subject to the following provisions:

- (1) The maximum gross habitable floor area (GHFA) shall not to exceed 75 percent of the GHFA of the ground floor of the primary dwelling on the lot, or 600 square feet, whichever is less. The floor area of any garage shall not be included in the total GHFA.
- (2) Metering devices shall **not** be permitted on guesthouses.
- (3) Cooking Facilities shall **not** be permitted in guesthouses. (See "Cooking Facilities")
- (4) A maximum of one ADU or Guesthouse is permitted per lot or parcel and must accompany a primary residence.

(5) Guesthouses shall only be allowed in rural community and rural residential zones as designated by this ordinance.

LOT TYPES –

# 6 -- Ocean Front Lot -- A lot, parcel, or unit of land where no residence may be legally placed or constructed between the subject lot and the ocean. Often creating an unobstructed view of, and/or access to, the ocean beaches and headlands.

MAXIMUM OCCUPANCY -- For each 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.

RENTAL -- An agreement granting the use and possession of a residence to a person or single group, not to exceed the maximum occupancy permitted for the residence (See Maximum Occupancy)

RENTAL, SHORT-TERM -- A dwelling unit (including guesthouse on the same property) that is rented to any person or entity for a period of up to thirty (30) consecutive nights.

RENTED -- The 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.

TREE -- any woody plant having at least one well-defined stem at least six inches in diameter measured at a height of four and one-half feet above the natural grade.

TREE REMOVAL -- The cutting down of a live tree or an act which causes a tree to die within a period of two years, including, but not limited to, damage inflicted upon the root system by machinery, storage of materials, and soil compaction; changing the natural grade above the root system or around the trunk; damage inflicted on the tree permitting infection or pest infestation; excessive pruning; paving with concrete, asphalt or other impervious material within such proximity as to be harmful to the tree.

**STAFF ANALYSIS AND FINDING:**

These definitions have been added to provide clarity to areas of the zoning ordinance that were previously void of definition or were otherwise troublesome to staff and customers. In addition Guesthouse is described in more detail and distinctions are made between what constitutes a guesthouse and what constitutes an accessory dwelling unit. The reasoning for this distinction is to ensure compliance with Statewide Planning Goal 14, and the Rules pertaining to Rural Communities.



*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
	GC	General Commercial
	NC	Neighborhood Commercial
	TC	Tourist Commercial
	LI	Light Industrial
	MR	Military Reserve
	Development	AD
RSA-SFR		Rural Service Area-Single Family Residential
RSA-MFR		Rural Service Area-Multi Family Residential
<b>RCR</b>		<b>Rural Community Residential</b>
<b>AC-RCR</b>		<b>Arch Cape Rural Community Residential</b>
<b>KS-RCR</b>		<b>Knappa-Svensen Rural Community Residential</b>
<b>RCC</b>		<b>Rural Community Commercial</b>
<b>RCC-LI</b>		<b>Rural Community Light Industrial</b>
<b>RCI</b>		<b>Rural Community Industrial</b>
RC-MFR		Rural Community-Multi Family Residential
HI		Heavy Industrial
MI		Marine Industrial
UGB		Urban Growth Boundary

**STAFF ANALYSIS AND FINDING:**

Table 3.010 was never updated when the Rural Communities were adopted in 2003. This is a clean up of the County's Ordinance to ensure they are identified in the proper Comprehensive Plan designation.

**SECTION 3.060. ARCH CAPE RURAL COMMUNITY RESIDENTIAL ZONE (AC- RCR).****Section 3.062. Purpose and Intent.**

The Arch Cape RCR zone is intended to accommodate the immediate and foreseeable demand for low density housing in Clatsop 5 County rural communities. This zone has been developed with the purpose to: (1) Allow residential development that is compatible with rural communities that wish to maintain a primarily single family rural residential character, (2) do not adversely impact adjacent resource lands, (3) allow for minimum lot sizes and densities, that will provide for an ultimate build out that is more commensurate with actual physical, and (4) environmental constraints, and the availability of community water and sewer facilities, and may provide for non-residential uses that are small in scale, intended for the needs of the local community or for people traveling through the rural community, and are compatible with surrounding uses.

**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.

- (1) One family dwelling.
- (2) Accessory Dwelling Unit (ADU) per Section 1.030.
- (3) Guesthouse per Section 1.030.
- (4) Accessory buildings per section 1.030 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.
  - (B) Accessory buildings in this zone shall be subordinate in size to the primary dwelling.
- (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, and
  - (C) Name plates 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) Short-term rentals (STR), not to exceed 30% of the total housing base of the Arch Cape Rural Community Residential Zone and subject to the provisions of Clatsop County Zoning Ordinance, Section S4.109.
  - (A) STR permits shall be regulated through the Planning Department. Applicants will be placed on a waiting list once the 30% maximum has been reached. When permits become available they will be issued in the order they were applied for.
- (15) Land transportation facilities as specified in Section 3.035 with the exception of new road development, See Section 3.066§(11).
- (16) Minor tree-removal for the purposes of landscape preservation, health and safety, or associated with an approved development.

**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:

- (1) Two family dwelling (duplex).
  - (A) 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:
  - (B) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and
  - (C) 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
  - (D) 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
  - (E) 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.
- (2) Public or private elementary, middle, or high school.
- (3) Home occupation.
- (4) Churches or similar places of worship.
- (5) Golf Course, driving range, country club, tennis club, and similar recreation uses provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
- (6) Park, playground, ball fields, or community center.
- (7) Day nursery or day care center, provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
- (8) Buildings and uses of a public works, public service, or public utility nature, but not including equipment storage, repair yards, warehouses, or related activities.



- (9) Bed and Breakfast establishment subject to the standards in Clatsop County Standards Document, Section S3.464 - S3.468.
- (10) Temporary real estate office in a legally recorded subdivision.
- (11) **Any new road development or extensions.**

**Section 3.068. Development and Use Standards.**

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

- (1) Lot sizes:
  - (A) Parcels not served by an approved public community sewer system, shall have a minimum parcel size of one (1) acre, and a minimum width of 120 feet.
  - (B) Parcels served by an approved community, municipal or public sewer system shall have a minimum parcel size of 7,500 square feet, and a minimum width of 60 feet with lot sizes varying according to the following requirements:

Slope	Minimum Lot Size/Density
0-12%	7,500 sq.ft./ 1 dwelling unit, 15,000 sq.ft./2 dwelling units
13-25%	7,500 sq.ft/1 dwelling unit 15,000 per acre, 2 dwelling units/acre
> 25%	1 dwelling unit/acre

- (C) Lot size for conditional developments shall be based upon:
  - 1) the site size need of the proposed use,
  - 2) the nature of the proposed use in relation to the impacts on nearby properties, and
  - 3) consideration of sewer district impacts and requirements, local setback and other criteria and standards of this ordinance.
- (D) Maximum lot coverage for residential or non-residential use: 40%.
- (E) Two family dwelling (duplex) minimum lot size 15,000 sq.ft.
- (F) Cluster developments are subject to the provisions of S3.150-S3.161.
- (G) Other development and use standards as required to meet State sanitation requirements and local setback and ordinance requirements.
- (H) New development, lot width/depth dimension shall not exceed a 1:3 ratio.
- (2) Required front yard setback, measured from the abutting edge of the right-of-way, when front line abuts:
  - (A) Major arterial: fifty feet (50).
  - (B) Minor arterial: thirty feet (30).
  - (C) Major collector: thirty feet (30).
  - (D) Minor collector: twenty-five feet (25).
  - (E) Local street: twenty feet (20).
- (3) Required rear yard: twenty feet (20).
  - (A) Exception on corner lot: 5 feet.
  - (B) Exception when adjacent to resource zones, all structures: fifty feet (50).

- (4) Required side yard:
  - (A) Minimum side yard: 10 feet, except on a corner lot, the minimum street side yard measured from the abutting edge of the right-of-way, shall be twenty feet (20).
  - (B) For lots of record created prior to September 30, 1980 that are less than the minimum lot size required, side yards shall be five feet (5).
  - (C) Exception when adjacent to resource zones, all structures: fifty feet (50).
- (5) For lots abutting the ocean shore, the ocean yard shall be determined by the oceanfront setback line established by Section S3.015 Oceanfront Setback.
- (6) An accessory structure separated from the established main building may be located in the required rear and side yard setback except in the required street side of a corner lot provided that it is no closer than five feet (5) to a property line.
- (7) Maximum building height: twenty-six feet (26).

Except for ocean front lots, which shall have a maximum height of: eighteen feet (18)

The height of a structure is measured from the average grade of the undisturbed ground at the four principal corners of the proposed structure. To determine height:

  - (A) Construction/building plans submitted for use permitted in this zone shall show the elevations of the undisturbed ground prior to construction as measured at the four principal corners of the proposed structure on a plot plan. A permanently accessible control point shall be established outside of the building's footprint.
  - (B) Photographs of the undisturbed site shall be required. Photographs need not be professional or aerial photographs, but can be taken using a Polaroid or other camera.
  - (C) To verify the height, a survey by a registered surveyor may be required by the Community Development Director.
- (8) All new developments and cumulative or incremental expansion of an existing footprint greater than twenty-five percent shall indicate on the building permit how storm water is to be drained from the property or retained on site. The Building Official or County Engineer may require the installation of culverts, dry wells, retention facilities, or other mitigation measures, where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands or on slopes greater than twenty-five percent.
- (9) In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP).
- (10) Conditional Development and Use are subject to the following limitations and requirements:
  - (A) The proposed development shall be consistent with the Clatsop County Comprehensive Plan.
  - (B) The proposed development shall include safe ingress and egress.
  - (C) Prior to final building permit approval any/all road damages created or exacerbated by the development activity shall be repaired, and the road returned to its previous condition or better.

- (11) Exterior lighting and glare shall be directed away from neighboring property or shielded in a manner not to cause offense. With the exception of small solar path lighting, all exterior lighting shall be required to have an exterior cut-off switch.
- (12) Where a buffer of trees exists along properties abutting Highway 101, a buffer of 25 feet in width shall be maintained or planted when the property is developed.
- (13) All planned development and subdivisions shall be required to cluster land uses and designate areas as permanent common open space. The development shall be reviewed according to Section 4.140 for Planned Developments or Clatsop County Standards Document, Section S3.150 for Cluster Developments. The minimum percentage of common open space shall be 30% excluding roads and lands under water.
- (14) The setback for all structures shall be fifty feet (50) from the line of non-aquatic vegetation, the Community Development Director or Hearings Officer may grant a variance to this standard in accordance with Section 4.116, "Arch Cape Variance Procedures and Criteria."
- (15) A twenty-five (25) foot buffer of native, non-invasive vegetation combined with proper removal of noxious weeds shall be maintained along Arch Cape, Asbury Creek, & Shark Creek.
- (16) Vegetative hedges and fences that impede or have the potential to impede views shall be maintained at or below 6 feet. Hedges & fences extending beyond the ocean front setback shall be maintained at or below 4 feet
- (17) All standards as set forth in the Clatsop County Standards Document, as amended.

**Section 3.070 State and Federal Permits.**

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

**STAFF FINDING AND ANALYSIS:**

Amendments to the Arch Cape Rural Community Residential Zone include additions of ADU as permissible uses, limitations on the number of short-term rentals in the community, addition of a tree removal and road development procedures that were previously prohibited or undefined in the Arch Cape Community. The standards were cleaned up to reduce conflicts between neighbors and ensure community values.

**SECTION 3.076. DEVELOPMENT AND USE PERMITTED** (RCR)

- (2) Accessory Dwelling Unit (ADU) per Section 1.030.
- (3) Guesthouse per Section 1.030.
- (4) Accessory buildings per Section 1.030 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.

**Section 3.080 Development and Use Permitted**

- (4) {Adding}
  - (A) Exception on corner lot: 5 feet.
  - (B) Exception when adjacent to resource zones, all structures: fifty feet (50).

**STAFF FINDING AND ANALYSIS:**

ADUs along with guesthouses are being added to all rural community zones. Additionally clarification is being added to the accessory structure definition contained in each zone. Section 3.080 adjusts rear setbacks and alleviates some of the setback problems in this zone that were not addressed previously

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**SECTION 3.090. DEVELOPMENT AND USE PERMITTED** (KS-RCR)

- (2) Accessory Dwelling Unit (ADU) per Section 1.030.
- (3) Guesthouse per Section 1.030.
- (4) Accessory buildings per Section 1.030 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.

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**SECTION 3.104. DEVELOPMENT AND USE PERMITTED** (RSA-SFR)

- (2) Guesthouse per Section 1.030.
  - (3) Accessory buildings per Section 1.030 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.
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**SECTION 3.116. DEVELOPMENT AND USE PERMITTED** (RC-MFR)

- (2) Accessory Dwelling Unit (ADU) per Section 1.030.
  - (3) Guesthouse per Section 1.030.
  - (4) Accessory buildings per Section 1.030 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.
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**SECTION 3.124 DEVELOPMENT AND USE PERMITTED.** (RSA-MFR)

- (2) Guesthouse per Section 1.030.
  - (3) Accessory buildings per Section 1.030 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.
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**SECTION 3.144 DEVELOPMENT AND USE PERMITTED.** (CR)

- (2) {Adding} per Section 1.030
    - a. {Deleting (A) – (D)}
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**SECTION 3.164 DEVELOPMENT AND USE PERMITTED.** (SFR-1)

- (2) Guesthouse per Section 1.030.
  - (3) Accessory buildings per Section 1.030 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.
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**SECTION 3.184. DEVELOPMENT AND USE PERMITTED** (RA-1)

- (2) Guesthouse per Section 1.030.
  - (3) Accessory buildings per Section 1.030 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.
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**SECTION 3.204. DEVELOPMENT AND USE PERMITTED.** (RA-2)

- (2) Guesthouse per Section 1.030.

(3) Accessory buildings per Section 1.030 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.

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**SECTION 3.224. DEVELOPMENT AND USE PERMITTED.** (RA-5)

(2) Guesthouse per Section 1.030.

(3) Accessory buildings per Section 1.030 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.

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**SECTION 3.230. RESIDENTIAL-AGRICULTURE-10 ZONE (RA-10).****Section 3.231. Purpose.**

The RA-10 zone is intended to accommodate the immediate foreseeable demand for very low density rural residential development in designated outlying areas where commitments to such uses have already been made through existing subdivision, partitioning, or development, or in selected small areas having unique scenic, locational and other suitable site qualities. The RA-10 zone is intended to be applied to land where the anticipated magnitude or density of development will not require more than a very basic level of services, such as single local road access, individual domestic wells and sewage disposal systems. The very lot density limitation of the RA-10 zone is also based on prevailing lot sizes, limited or undetermined domestic water sources, or limitations of soil conditions for subsurface sewage disposal.

**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.

- (2) One family dwelling per lot.
- (3) Guesthouse per Section 1.030.
- (4) Accessory buildings per Section 1.030 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.
- (5) One mobile home per lot subject to standards in Clatsop County Standards Document, Section S3.190.
- (6) Limited home occupation.
- (7) Minor utilities.
- (8) Farm use.
- (9) Roadside stand for farm products grown on the premises.
- (10) Forestry.
- (11) Low intensity recreation.
- (12) Public or private neighborhood park or playground.
- (13) Horticultural nursery.
- (14) 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.
- (15) Two family dwelling (duplex) subject to Section 3.228, (1)(A).
- (16) Temporary uses subject to the provisions of Section 5.500.
- (17) Handicapped housing facility.
- (18) Health hardship dwelling, subject to the standards in Clatsop County Standards Document, Section S3.025.
- (19) Property line adjustment.
- (20) Communication facilities subject to the standards in Clatsop County Standards Document, Section S4.700.
- (21) Land transportation facilities as specified in Section 3.035.

**Section 3.233. Additional Development and Use Permitted in the Clatsop Plains Planning Area.**

- (1) One mobile home per lot subject to the following standard: A mobile home shall be at least 16 feet in width and installed according to State standards including skirting and tie downs.

**Section 3.234. 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.

- (1) Public/semi-public development.
- (2) Utilities necessary for public service.
- (3) Extraction, processing, and stockpiling of rock, sand, mineral and other subsurface materials.
- (4) Dog kennel.
- (5) Airport.
- (6) Public or private recreation such as riding stable, fishing or boating docks or ramps, gun club, golf course, resort type establishment in association with recreation.
- (7) Home occupation subject to Clatsop County Standards Document, Section S3.460.
- (8) Veterinary clinic.
- (9) Golf course subject to Section 4.130 of this Ordinance.
- (10) Golf driving range.
- (11) R.V. Park subject to Clatsop County Standards Document, Section S3.550-S3.552 except in the Clatsop Plains Planning Area.
- (12) Campground, primitive.
- (13) Boat ramps subject to Section 4.080-4.095 for areas identified as Coastal Shorelands in the Comprehensive Plan.
- (14) Cluster development subject to the provisions of Clatsop County Standards Document, S3.150-S3.161.
- (15) Bed and breakfast establishment subject to the standards in Clatsop County Standards Document, Section S3.464-S3.468.

**Section 3.235. Development and Conditional Development and Use Standards.**

The following standards are applicable to permitted and conditional developments in this zone.

- (1) Lot size:
  - (A) One family dwelling: 10 acres.  
Two family dwelling: 20 acres.
  - (B) Cluster development subject to the provision of Clatsop County Standards Document, S3.150-S3.161.
  - (C) Other permitted development as required to meet State sanitation requirements and local setback and Ordinance requirements.
  - (D) Conditional developments shall be based upon:
    - 1) the site size need of the proposed use,
    - 2) the nature of the proposed use in relation to the impacts on nearby properties, and
    - 3) consideration of State sanitation requirements, local setback and other criteria and standards of the Ordinance.
- (2) Minimum lot width: 375 feet.
- (3) Lot width/depth dimension shall not exceed a 1:3 ratio.
- (4) Required front yard when front line abuts:
  - (A) Major arterial: 50 feet.
  - (B) Minor arterial: 30 feet.



- (C) Major collector: 30 feet.
- (D) Minor collector: 25 feet.
- (E) Local street: 20 feet.
- (5) Required rear yard: 20 feet.
  - (A) Exception when adjacent to resource zones - all structures: 50 feet.
- (6) Required side yard:
  - (A) Minimum side yard 10 feet, the minimum street side yard shall be 20 feet.
  - (B) When the side yard abuts a resource zone, the minimum side yard shall be 50 feet.
- (7) An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that it is no closer than five (5) feet to a property line.
- (8) Maximum building height: 35 feet.
- (9) All new development shall indicate on the building permit how storm water is to be drained from the property. The Building Official shall require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts.
- (10) The setback for all structures shall be 50 feet from the line on non-aquatic vegetation.
- (11) All standards as set forth in the Clatsop County Development Standards Document 80-14, as amended.

**Section 3.236. Additional Development and Use Standards in the Clatsop Plains Planning Area.**

- (1) Where a buffer of trees exist along properties abutting Highway 101 at the effective date of this Ordinance, a buffer of trees 25 feet in width shall be maintained or planted when the property is developed. The Community Development Director or designate may waive this requirement where the size of the lot or natural topography would create a hardship.
- (2) All planned developments and subdivisions shall be required to cluster land uses and designate areas as permanent common open space. The development shall be reviewed according to Section 4.130 for Planned Developments or Clatsop County Standards Document, Section S3.150 for Clustered Developments. The minimum percentage of common open space shall be 30%, excluding roads and property under water.

**Section 3.237. State and Federal Permits.**

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

**STAFF ANALYSIS AND FINDINGS:**

The Residential - Agricultural 10 Zone (RA-10) is crafted as a placeholder for landowners whose property is currently designated as a resource zone (i.e. AF, EFU, or F-80). The RA-10 zone will allow property owners, who meet the exception criteria for goal 3 & 4 to rezone their parcels for residential purposes.

Current Oregon Law requires a Goal 14 exception for any rezone that reduces parcel sizes below ten (10) acres. In order to satisfactorily meet the Goal 14 criteria there cannot be any capacity for the development within urban growth boundaries or city limits. The criteria further elaborates by saying, if the development cannot occur within the City Limits or UGB then it should occur adjacent to the UGB/City Limits. Failure to meet these criteria results in a denial of the rezone application.

For most landowners in Clatsop County satisfying the Goal 14 criteria is nearly impossible. The creation of the RA-10 zone allows property owners to rezone their property for residential purposes without having to satisfy the rigorous criteria for a goal 14 exception.

Currently there are no RA-10 zones designated in Clatsop County, nor are any proposed with this revision. The intention is to simply provide an avenue for Clatsop County residents, should they desire to change their designation from Resource Lands (AF, EFU, F-80) to Rural Lands (RA-10).

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**SECTION 3.444. DEVELOPMENT AND USE PERMITTED.** (CBR)

- (2) Guesthouse per Section 1.030.
- (3) Accessory buildings per Section 1.030 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.

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**COMMERCIAL ZONING MODIFICATIONS**

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**SECTION 3.268. PURPOSE AND INTENT.** (RCC-LI)

This zone is located in the Rural Community of Knappa and Westport. The RCC-LI zone is intended to: (1) provide support for existing small concentrations of retail and commercial services mixed with light industrial; (2) contribute to community identity; (3) provide necessary retail services to the community; (4) provide job opportunities within the community; (5) allow only those uses that are compatible with the surrounding uses considering varying environmental and other site constraints, and the availability of community water, sewer, or if such services are not available, such uses do not exceed the carrying capacity of the property to provide potable water and absorb waste; and (6) provide services for the community, surrounding rural, farm and forest areas, and traveling public. New commercial uses are those defined under state law as “small-scale, low impact” with building or buildings not to exceed 4,000 square feet of floor area, unless determined **through review** that large buildings are intended to serve the rural community, surrounding rural area or the travel needs of the people passing through the area. Expansion of an existing commercial use resulting in building or buildings exceeding 4,000 square feet of floor area are appropriate when the use is intended to serve the rural community, surrounding rural area or the travel needs of people passing through the area.

**Section 3.274. Conditional Development and Use.**

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

**Section 3.278. Development and Use Standards.**

- (22) Building size:
- (A) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 3.272 unless ~~New commercial uses shall not exceed the 4000 square foot limit:~~
- 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
  - 2) The use is limited pursuant to Section 5.025 to a size of building or buildings that is intended to serve the rural community, surrounding rural area of the travel needs of people passing through the area; and
  - 3) The total floor area of building or buildings does not exceed 12,000 square feet.
- (B) The maximum building size for light industrial uses shall not exceed 40,000 square feet of floor area **unless authorized pursuant to 197.713 or 197.719.**

**Section 3.312. Development and Conditional Development and Use Standards.** (NC)

- (1) Building size:
- (A) The maximum building size for new commercial uses shall not exceed ~~the floor area standards listed in Section 3.306. New Commercial uses shall not exceed the~~ 3,000 square ~~foot limit~~ feet unless:
- 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
  - 2) The use is limited ~~pursuant to Section 5.025~~ to a size of building or buildings that is intended to serve the ~~rural community~~ surrounding rural area ~~of~~ or the travel needs of people passing through the area; and
  - 3) The total floor area of building or buildings does not exceed 10,000 square feet.
- (B) Expansion of commercial building or buildings, existing on September 10, 2003 where the total floor area for the commercial use exceeds 3,000 square feet provided the commercial use, intended to occupy more than 3,000 square feet of floor area, is intended to serve the surrounding rural area, or the traveling needs of people passing through the area.

**Section 3.330. Conditional Development and Use Criteria.** (TC)

- (4) Building size:
- (A) The maximum building size for new commercial uses shall not exceed ~~the floor area standards listed in Section 3.328. New Commercial uses shall not exceed~~ the 3,000 square foot limit unless:
- 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
  - 2) The use is limited ~~pursuant to Section 5.025~~ to a size of building or buildings ~~that is~~ intended to serve the ~~rural community~~ surrounding rural area of the travel needs of people passing through the area; and
  - 3) The total floor area of building or buildings does not exceed 10,000 square feet.

**Section 3.352. Development and Conditional Development and Use Standards.** (GC)

- (8) Building size:
- (A) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 3.348. ~~New Commercial uses shall not exceed the 3,000 square foot limit~~ unless:
- 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
  - 2) The use is limited ~~pursuant to Section 5.025~~ to a size of building or buildings ~~that is~~ intended to serve the ~~rural community~~ surrounding rural area of the travel needs of people passing through the area; and
  - 3) The total floor area of building or buildings does not exceed 10,000 square feet.
- (9) The maximum building size for light industrial uses shall not exceed 30,000 square feet of floor area **unless authorized pursuant to 197.713 or 197.719.**
- (10) Expansion of commercial building or buildings, existing on September 10, 2003 where the total floor area for the commercial use exceeds 3,000 square feet provided the commercial use, intended to occupy more than 3,000 square feet of floor area, is intended to serve the surrounding rural area, or the traveling needs of people passing through the area.
- (11) **Unless authorized pursuant to 197.713 or 197.719,** expansion of industrial building or buildings, existing on September 10, 2003 where the total floor area for the industrial use exceeds 30,000 square feet or is intended to occupy more than 30,000 square feet of floor area, providing the size is necessary for the intended use and can demonstrate the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste.

**Section 3.406. Development and Use Standards.** (HI)

- (9) Building size:
- (A) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 3.405. New commercial uses shall not exceed the 3,000 square foot limit unless:
- 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
  - 2) The use is limited ~~pursuant to Section 5.025~~ to a size of building or buildings that is intended to serve the ~~rural community~~ surrounding rural area or the travel needs of people passing through the area; and
  - 3) **The total floor area of building or buildings does not exceed 10,000 square feet.**
- (10) **Unless authorized pursuant to 197.713 or 197.719,** the maximum building size for all industrial uses shall not exceed 30,000 square feet of floor area.
- (11) (No Change)
- (12) **Unless authorized pursuant to 197.713 or 197.719,** expansion of industrial building or buildings, existing on September 10, 2003 where the total floor area for the industrial use exceeds 30,000 square feet or is intended to occupy more than 30,000 square feet of floor area, provided the size is necessary for the intended use and can demonstrate the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste.

- (2) Building size:
- (A) The maximum building size for all industrial uses shall not exceed 30,000 square feet of floor area, per use **unless authorized pursuant to ORS 197.713 or 197.719.**
- ~~(B) The maximum building size for new industrial uses shall not exceed the floor area standards listed in Section 3.446 up to 30,000 square feet of floor area. New uses shall not exceed the 30,000 square feet of floor area industrial use unless:~~
- ~~1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625); and~~
  - ~~2) The intended use is necessary and can demonstrate the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste~~
- (B) Expansion of commercial building or buildings, existing on September 10, 2003 where the total floor area for the commercial use exceeds 3,000 square feet of floor area or is intended to exceed 3,000 square feet of floor area, provided:
- 1) The total floor area of building or buildings does not exceed 10,000 square feet of floor area;
  - 2) The area is necessary for the intended use; and
  - 3) Can demonstrate that the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste.
- (C) **Unless authorized pursuant to 197.713 or 197.719**, expansion of industrial building or buildings, existing on September 10, 2003 where the total floor area for the industrial use exceeds 30,000 square feet of floor area or is intended to exceed 30,000 square feet of floor area may be permitted, provided the area is necessary for the intended use and can demonstrate that the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste.

### **Section 3. 452. Purpose and Intent.** (RCI)

This zone is located in Miles Crossing and Jeffers Gardens and is intended for light industrial development with limited external impacts, such as processing, assembling, and minor manufacturing. The development should be largely contained in buildings, have minimal raw material storage and minimum air, water, and noise nuisance characteristics. The intent of this zone is to provide areas for industrial developments that could be incompatible in a commercial or residential zone but have few objectionable characteristics. This zone is intended for development with limited external impacts, such as processing, assembling and minor manufacturing. The development should be largely contained in buildings, have minimal raw material storage and minimal air, water and noise nuisance characteristics. **Unless authorized pursuant to 197.713 or 197.719**, new industrial use building or buildings may not exceed 40,000 square feet of floor area, unless determined through further review that larger buildings will not exceed the carrying capacity of the land to provide adequate water and absorb waste. Expansion of an existing industrial use resulting in building or buildings exceeding 40,000 square feet of floor area are appropriate when the use will not exceed the carrying capacity of the land.

**Section 3. 459 Development and Use Standards.**

- (6) Building size:
- (A) The maximum building size for new commercial uses shall not exceed ~~the floor area standards listed in Section 3.456 and 3.458. New Commercial uses shall not exceed the~~ 4,000 square feet unless:
    - 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
    - 2) The use is limited **pursuant to Section 3.456 and 3.458** to a size of building or buildings that is intended to serve the rural community, surrounding rural area or the travel needs of people passing through the area; and
    - 3) The total floor area of building or buildings does not exceed 12,000 square feet.
  - (B) The maximum building size for light industrial uses shall not exceed 40,000 square feet of floor area **unless authorized pursuant to ORS 197.**
  - (C) Expansion of commercial building or buildings, existing on September 10, 2003 where the total floor area for the commercial use exceeds 4,000 square feet provided the commercial use, intended to occupy more than 4,000 square feet of floor area, is intended to serve the surrounding rural area, or the traveling needs of people passing through the area.
  - (D) Expansion of industrial building or buildings, existing on September 10, 2003 where the total floor area for the industrial use exceeds 40,000 square feet or is intended to occupy more than 40,000 square feet of floor area, providing the size is necessary for the intended use and can demonstrate the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste **unless authorized pursuant to ORS.**



**STAFF FINDING AND ANALYSIS:**

The proposed changes to the Commercial Zoning throughout Clatsop County's Zoning Ordinance clarify building dimensions and maximum building size. Additionally the changes provide an avenue to establish industrial areas on lands outside of Urban Growth Boundaries and outside of Rural Communities. This change while slight should significantly bolster economic opportunity within Clatsop County.

**SECTION 4.100. ARCH CAPE RURAL COMMUNITY OVERLAY DISTRICT (/RCO).****Section 4.101. Purpose.**

This section provides for the comprehensive review of proposed developments within the Arch Cape Rural Community Overlay District. The intent of the overlay is to ensure development occurs in a manner that preserves scenic views and promotes attractive development within the boundaries of the rural community. In addition the Arch Cape Rural Community Overlay District outlines procedures and criteria for developments that require variances or are of a non-conforming nature.

**Section 4.102. Types of Review.**

Development located 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.
  - (A) Any new residential development proposing to construct a dwelling as described in Section 1.030 (Dwelling Types).
  - (B) Any new commercial development proposing to construct structures devoted to a commercial use.
  - (C) Any commercial development creating additional cumulative square footage ~~beyond 20% of an existing footprint.~~
  - (D) Any residential development creating additional cumulative square footage ~~beyond 20% of an existing footprint.~~
  - (E) Accessory buildings in residential zones.
  - (F) Accessory buildings associated with commercial developments and containing no residential units.
  - (G) Development and Construction of transportation 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.
- (2) The following types of projects shall require design review according to the Type II Procedure, Section 2.020. For purposes of these types of Minor projects, review by the Design Review Advisory Committee as described in Section 4.108, is not required.
  - (A) Any project that requires a building permit and does not result in the expansion of the exterior dimensions and/or Footprint. ~~Accessory buildings associated with commercial developments and containing no residential units~~
  - (B) If the Community Development Director determines that a development may significantly impact adjoining properties with respect to location, bulk, compatibility, views, preservation of existing landscape, or other applicable criteria identified in Section 4.103, the application will be forwarded to the Design Review Advisory Committee for review.

**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:

- (1) Relation of Structures to Site. The location, height, bulk, shape, and arrangement of structures shall be in scale and compatible with the surroundings.
- (2) ~~Protection of views shall be preserved through the confines of this ordinance section 3.064. <sup>1</sup> Protection of Ocean Views. The blocking of scenic views of existing or proposed dwellings on adjacent lots and other lots that may be impacted shall be minimized in the construction of all structures.~~
- (3) Preservation of Landscape. The landscape shall be preserved in its natural state to the maximum extent possible by minimizing tree, vegetation and soils removal. Cut and fill construction methods are discouraged. Roads and driveways should follow slope contours in a manner that prevents erosion and rapid discharge into natural drainages. Disturbed areas shall be re-vegetated with native species.
- (4) **Utility Service. All new service lines shall be placed underground.**
- (5) **Exterior lighting and glare shall be directed away from neighboring property or shielded in a manner not to cause offense. With the exception of small solar path lighting, all exterior lighting shall be required to have an exterior cut-off switch.**
- (6) Buffering and Screening. In commercial zones, storage, loading, parking, service and similar accessory facilities shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.
- (7) Vehicle Circulation and Parking. The location of access points to the site, the interior circulation pattern and the arrangement of parking in commercially zoned areas shall be designed to maximize safety and convenience and to be compatible with proposed and adjacent buildings. The number of vehicular access points shall be minimized.
- (8) Signs. The size, location, design, material and lighting of all exterior signs shall not detract from the design of proposed or existing buildings, structures or landscaping and shall not obstruct scenic views from adjacent properties.
- (9) Surface Water Drainage. Special attention shall be given to proper surface water drainage from the site so that it will not adversely affect adjacent properties or the natural or public storm drainage system.
- (10) **In addition to compliance with the criteria as determined by the hearing body and with the requirements of sections 1.040 and 1.050, the applicant must accept those conditions listed in Section 5.025 that the hearing body finds are appropriate to obtain compliance with the criteria. All permit criteria and conditions must be satisfied prior to final building approval and occupancy.**

**Section 4.104. Application Procedure.**

The following procedure shall be followed when applying for design review approval:

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<sup>1</sup> {This change requires a crosswalk with the Comp Plan}



- (1) Pre-application Conference. The applicant shall discuss the proposed development with the staff of the Clatsop County Department of Community Development in a pre- application conference pursuant to Section 2.045.
- (2) Following the pre-application conference, the applicant shall file with the Planning Director a design review plan, which shall include the following:
  - (A) A site plan, drawn to scale, showing the proposed layout of all structures and other improvements, including where appropriate, driveways, pedestrian walks, landscaped areas, fences, walls, off-street parking and loading areas. The site plan shall indicate how utility service, sewage, and drainage are to be provided and shall show cuts and fills proposed. The site plan shall indicate, where appropriate, the location of entrances and exits and the direction of traffic flow into and out of off-street parking and loading areas for commercial uses, the location of each parking space, each loading berth, areas for turning and maneuvering vehicles and each sign for each commercial use.
  - (B) Elevations of the structure(s) illustrating the relation to undisturbed average grade. A licensed surveyor shall install a benchmark on or near the property to provide vertical control for the project. Proposed developments within 2 feet of the building height limit will be required to have a licensed surveyor certify the building height, prior to requesting final building inspection.
  - (C) Plot plan and elevation showing relationship of new construction to existing construction.

**Section 4.105. Plan Evaluation Procedure.**

The following procedure shall be followed in processing a design review plan:

- (1) Upon receipt of a design review application and plan, the Community Development Director will examine it to determine whether it is complete (and consistent with the requirements of this Section). If found to be complete, the Community Development Director shall determine whether the application will require Minor or Major Review under Section 4.102(1-2)(Types of Review). If the request is considered a Major Review under Section 4.102(1)(Types of Review), the Director shall forward the application and plans to the Design Review Advisory Committee for its review and recommendation.
- (2) The Design Review Advisory Committee will review the application and plan at its first regularly scheduled meeting and shall make a written recommendation to the Planning Director within 21 days after receipt of the application.
- (3) The Community Development Director may approve the design plan, disapprove it or approve it with such modifications and conditions as may be required to make it consistent with the Comprehensive Plan, with the criteria listed in this Section and with other Sections of this Ordinance.
- (4) A decision on a design review plan shall include written conditions, if any, and findings and conclusions. The findings shall address the relationships between the plan and the policies and criteria listed in the Comprehensive Plan, this Section and other Sections of this Ordinance.
- (5) The Community Development Director's decision shall be mailed within seven (7) working days to the applicant and to owners of land entitled to notification. The same mail, when appropriate, shall include notice of the manner in which an appeal of the decision may be made.
- (6) Appeals. See Section 2.230 for appeal procedure.

**Section 4.106. Modifications of Approved Design Review Plan.**

Proposed changes shall be submitted in writing to the Community Development Director for approval. Minor changes requested by the applicant may be approved if such changes are consistent with the purposes and general character of the original approved application. All other modifications shall be processed in the same manner as the original application.

**Section 4.107. Time Limit on Approval.**

Site design approvals shall be void after one (1) year unless a building permit has been issued and substantial construction has taken place per the International Building Code. However, the County may, at the discretion of the Community Development Director, extend authorization for an additional year upon request, provided such request is submitted in writing not less than 10 days nor more than 30 days prior to expiration of the permit.

**Section 4.108. Design Review Advisory Committee.**

The Southwest Coastal Citizens Advisory Committee (CAC) shall serve as an Design Review Advisory Committee for Arch Cape and will review development proposals and make recommendations to the Community Development Director and Planning Commission concerning the design and scenic view aspects of proposed developments.

- (1) Meetings; Records. The committee shall hold regular meetings on the first and third Wednesday of each month at the Arch Cape Fire Hall or designated sites however, meetings may be canceled when there are no design review plans submitted for review by the Committee. The deliberations and proceedings of the committee shall be public. The Community Development Department shall keep minutes of the committee meetings and such minutes shall be public record.
- (2) The Design Review Advisory Committee shall submit their recommendations to the Community Development Director within seven (7) working days of their decision.

**SECTION 4.109 ARCH CAPE SHORT TERM (VACATION) RENTALS**

This section regulates the short-term rental of dwelling units within the Arch Cape Rural Community Overlay District.

**Section 4.110 Purpose**

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

**4.111 Permit Required**

An owner shall obtain a revocable short-term rental permit whenever a dwelling unit (as defined in Section 1.030) 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) Short-term rental are issued & renewed annually by July 1<sup>st</sup> of the given year. Clatsop County will indicate how many STR permits, up to the maximum 30% are available by July 30<sup>th</sup>. Should the 30% maximum be reached, a waiting list shall be maintained at the County, and permits shall be issued on a first come first serve basis. ~~The initial short term rental permit shall be valid until July 1, 2005 and shall be renewed annually by July 1 thereafter.~~
- (3) Short-term rental permits are non-transferable, new owners will be required to attain new permits or register in accordance with 4.111§2 above. ~~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, 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 4.115.

**Section 4.112 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) The applicant shall provide proof of payment for county room taxes annually pursuant to County Code Chapter 39. ~~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 visible 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 4.113(4).
- (C) The number of parking spaces on the subject property that meet the standards of Section 4.113(5).
- (D) Inspection certifications shall be valid for a period of five (5) years and shall expire June 30<sup>th</sup> of the 5<sup>th</sup> year. Additionally Inspection certificates shall be required whenever modifications requiring a building permit are made to the dwelling unit/s.
- (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.

#### **Section 4.113 Short Term Rental Standards.**

All short-term rentals shall meet the following standards:

- (1) A Short-Term Rental 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. ~~A Short Term Rental dwelling unit shall be rented for no more than one rental in a consecutive seven (7) night period~~
- (2) One rental (as defined in Section 1.030) per lot or parcel, excluding a caretaker residing in the Residence or ADU. A Guesthouse is **not** considered a dwelling unit and shall not be rented separately.
- (3) All applicable County room taxes shall be paid pursuant to County Code Chapter 39.
- (4) 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.
- (5) 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.
- (6) A house number visible from the street shall be maintained.
- (7) 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.

**Section 4.114 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.
- (2) 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;
  - (B) The maximum occupancy and vehicle limits for the short-term rental unit;
  - (C) Identification of the number and location of parking spaces available;
  - (D) A statement regarding how the parking standards under [Section 4.113\(4\)](#) are to be met;
  - (E) A statement that it is illegal to leave litter on the beach (OAR 736-021-0090(4));
  - (F) A statement that all fires on the beach must be extinguished before leaving the site of the fire (OAR 736-021-0120(4));
  - (G) A statement that the short term rental permit may be revoked for violations;
  - (H) A statement regarding how the garbage removal standards under [Section 4.113\(6\)](#) are to be met; and
  - (I) Such other information as may be required by the County.
- (3) The owners are responsible to ensure that current and accurate information is provided to the County.

**Section 4.115 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.
- (2) The contact person shall promptly respond to the complaint and remedy any situation that is out of compliance with this section or permit.
- (3) 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.
- (4) The County may initiate enforcement under Section 38 of the Clatsop County Code.
- (5) 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;
  - (B) Attach conditions to the existing short-term rental permit;
  - (C) Require a new home inspection under [Section 4.112\(3\)](#);
  - (D) Suspend the short-term rental permit;
  - (E) Revoke the short-term rental permit; and/or
  - (F) Prohibit an owner from obtaining a short-term rental permit for a period of up to five (5) years.

- (6) Should a permit be revoked, the owner may not obtain any short-term rental permit sooner than one year after the date of revocation.
- (7) 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.

**SECTION 4.116 ARCH CAPE VARIANCE**

**Section 4.117 Variance Procedure.**

- (1) A variance **to the development and quantifiable standards of this zone** may be appropriate where: by reason of exceptional configuration, or by reason of other extraordinary and exceptional situations or conditions existing on a piece of property, the strict application of any regulations enacted under this Ordinance would result in peculiar, exceptional and undue hardship upon the owner of such property for which a variance is requested. Undue hardship upon adjacent property owners may also be considered. The Hearings Officer may vary or adopt the strict application of any of the requirements of this Zone.
- (2) Variances will be considered under a Type IIa procedure pursuant to Section 2.025. An applicant may request a variance whether before or after the denial of a development permit.
- (3) Standards for a Variance. The requirements for a Variance are listed below. It is the intent of this Ordinance that a variance only be granted to overcome some exceptional physical condition related to a parcel of land posing practical difficulty to development and preventing the owner from using the property as intended by the Zoning Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.
  - (A) There must be proof of exceptional and extraordinary circumstances which apply to the property and which do not apply to other properties in the same zone or vicinity, and result from lot size or shape legally existing in accordance with land use laws prior to September 30, 1980, topography, geology, or other circumstances over which the applicant has no control. These circumstances or conditions must be such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land and/or structure.
  - (B) The granting of a variance shall neither be injurious to the neighborhood or community nor otherwise detrimental to the public welfare or to public safety.
  - (C) The granting of the variance will not permit the establishment of any development or use which is not permitted by the Ordinance, nor confer upon the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the area.
  - (D) There must be proof of significant hardship if the variance is not granted. It is not sufficient proof of hardship to show that a greater profit would result if a variance were granted. Nor shall loss of value be a valid reason to grant a variance. Furthermore, the hardship cannot be self-created or self-imposed, nor can it be created by one who purchases property with or without the knowledge of restrictions present. The hardship must result from the strict application of this Ordinance, and be suffered directly by the property in question. Evidence of a variance granted under similar circumstances shall not be considered as a solely sufficient cause to grant hardship relief.
  - (E) The granting of a variance is necessary for the reasonable use of land or building, and the variance granted by the hearing body is the minimum variance that will accomplish this purpose.
  - (F) The hardship does not arise from a violation of the provisions of this Ordinance.
  - (G) The development will occur on a parcel of land that in conjunction with adjacent land in the same ownership is not otherwise reasonably capable of development and use under the provisions of this Ordinance.

**Section 4.118 Notification.**

In addition to the required mailed notice sent to property owners pursuant to Section 2.025 and Section 2.110, notice of variances to yard setbacks and height variances shall be sent to the fire district in which the property is served for review and comment. If a response is not received by the Department of Transportation and Development within 20 days of the notice it will be assumed that the District has no negative concerns regarding the request.

**Section 4.119 Expiration/Extension.**

Authorization of a variance shall be void after one year unless substantial construction or action pursuant thereto has taken place. However, the County may, at the discretion of the Planning Director, extend authorization for an additional six (6) months upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the variance.

**STAFF FINDING AND ANALYSIS:**

**Site Design Review:**

Major modifications were made to the Site Design Review Overlay (SDRO) including the additions of the short-term rental, variance and non-conforming use segments which are addressed individually. In particular the types of review and what requires review was expanded upon for clarity. Due to the language in the current SDRO all development was required to go through Design Review. The proposed modification will reduce the number of applications to those pertinent, or of a significant impact. Additionally modifications to the Design Review criteria were also made to ensure they were more consistent with the purpose and goals of the community. A minor crosswalk with the Comprehensive Plan will be required addressing the "Protection of Ocean Views".

**Short-Term Rental:**

The short-term rental ordinance was brought in to the Arch Cape Rural Community Overlay in an effort to consolidate all portions of the ordinance pertaining to Arch Cape. Minor amendments were made to streamline the permitting process, establish a means for monitoring the 30% maximum and ensure consistent review.

**Variance:**

The variance section is taken from the current language contained in the County's Zoning Ordinance. The hardship criteria remain intact; due to the fact that the hardship criteria is present, local hearing bodies will be required to assess a variance request through a stricter set of requirements. Traditionally, if a local municipality has hardship criteria, a reviewing body such as LUBA or the Circuit Court will review the material more extensively. The increased review often prevents frivolous variance requests, and bolsters the performance of the Zoning Ordinance.

Additionally, Arch Cape is a unique community who feel strongly about maintaining the hardship criteria in order to protect their autonomy as a rural community and their decisions as a hearing body in instances where the variance request may be considered frivolous or unpopular (i.e. height variances along the ocean front). Without the hardship criteria there is less scrutiny applied at each respective review level, which significantly increasing the likelihood for a variance and decreases the ability of the local governing body or public's means of standing against a variance approval.



**SECTION 4.120 ARCH CAPE NON-CONFORMING USES AND STRUCTURES****Section 4.121 Purpose.**

The purpose of the Non-Conforming Uses and Structures provisions are to establish standards and procedures regulating the continuation, improvement and replacement of structures and uses, which do not comply with this Ordinance.

**Section 4.122 Definitions.**

The following definitions are applicable to the provisions of Section 4.120, Non-Conforming Uses and Structures.

**ALTERATION.** A change to a structure, not involving enlargement of the external dimensions of the structure (i.e. addition or relocation of windows, replacement of siding, etc).

**EXPANSION.** Any increase in any external dimension of a Non-Conforming Structure.

**LEGAL NON-CONFORMING STRUCTURE.** A building or structure that does not conform to one or more standards of the zoning district in which it is located, but which legally existed at the time the applicable section(s) of the zoning district became effective<sup>[m1]</sup>.

**LEGAL NON-CONFORMING USE.** A use, which does not conform to the use regulations of the zoning district in which it is located, but which lawfully occupied a building or parcel of land at the time the applicable use regulation became effective.

**NON-CONFORMING STRUCTURE.** A building or structure that does not conform to one or more standards of the zoning district in which it is located, and which did not legally exist at the time the zoning district became effective.

**NON-CONFORMING USE.** A use, which does not conform to the use regulations of the zoning district in which it is located, and which did not lawfully occupy a building or parcel of land at the time the applicable use regulation became effective.

**[m2] Section 4.123 Continuance.**

- (1) A Legal Non-Conforming Use may be continued at the level of use (e.g., hours of operation) existing on the date that the use became non-conforming.<sup>2</sup>
- (2) A Legal Non-Conforming Structure may continue within the building dimensions (height, width and length) in existence on the date that the structure became non-conforming.<sup>3</sup>
- (3) The applicant shall bear the burden of proof for establishing that the structure or use was lawfully established.
- (4) The applicant shall bear the burden of proof for establishing the level of use that existed at the time the use became non-conforming.
- (5) The county may allow a property owner, under a Type II procedure, to prove the existence, continuity, nature and extent of the use for the 10-year period immediately preceding the date of application. If the county finds evidence proving the existence, continuity, nature and extent of the use for the ten-year period preceding application, then such findings shall create a rebuttable presumption that the use, as proven, lawfully existed at the time the applicable Ordinance provision was adopted and has continued uninterrupted until the date of application.

<sup>2</sup> Deleted – Non-Conforming Use “legally established prior to the adoption date of this Ordinance”

<sup>3</sup> Deleted – “legally constructed prior to the effective date of this ordinance”

**Section 4.124 Alteration.**

- (1) Through Type I procedures alterations shall be permitted to a non-conforming structure, or to a structure devoted to a non-conforming use. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS 215.215, a county shall not place conditions upon the continuation or alteration of a use described under this subsection when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted.
- (2) If in a three-year period, alterations to a Non-conforming structure, or to a structure devoted to a Non-conforming use exceeds 75% of the market value of the structure, as indicated by the records of the County Assessor, the structure shall be brought into conformance with the requirements of the Ordinance.

**Section 4.125 Expansion**

- (1) Through a Type II procedure an expansion of a Legal Non-Conforming Structure shall be in conformance with the requirements of the Zone (i.e. height limitations and setbacks) and satisfy criteria under Section 4.125 § 3C, or a variance for the expansion shall be approved pursuant to Section 4.116 Arch Cape Variance.
- (2) Through a Type IIA procedure an expansion of a Non-Conforming Structure shall be in conformance with the requirements of the Zone (i.e. height limitations and setbacks) and satisfy criteria under section 4.125 § 3A-C below, or a variance for the expansion shall be approved pursuant to Section 4.116 Arch Cape Variance .
- (3) An expansion of a structure devoted to a Legal Non-Conforming Use, or a change in the characteristics of a Legal Non-Conforming Use, (i.e. hours of operation or levels of service provided), may be approved, pursuant to a Type II procedure, where the following standards are met:
  - (A) The floor area of a building(s) shall not be increased by more than 20%.
  - (B) The land area covered by structures shall not be increased by more than 10%.
  - (C) The proposed expansion, or proposed change in characteristics shall have no greater adverse impact on neighboring areas than the existing use, considering:
    - 1) The following factors:
      - (a) Noise, vibration, dust, odor, fume, glare, or smoke detectable at the property line.
      - (b) Numbers and kinds of vehicular trips to the site.
      - (c) Amount and nature of outside storage, loading and parking.
      - (d) Visual impact.
      - (e) Hours of operation.
      - (f) Effect on existing vegetation.
      - (g) Effect on water drainage and water quality.
      - (h) Service or other benefit to the area.
      - (i) Other factors relating to conflicts or incompatibility with the character or needs of the area.
    - 2) The character and history of the use and of development in the surrounding area.
    - 3) An approval may be conditioned to mitigate any potential adverse impacts that have been identified.

**Section 4.126 Changes to a Non-Conforming Use.**

- (1) A Non-conforming use may only be changed to that of a conforming use. Where such a change is made, the use shall not thereafter be changed back to a Non-conforming use.

**Section 4.127 Replacement and Damage.**

- (1) Through a Type I procedure if a Legal Non-Conforming Structure or a structure occupied by a Legal Non-Conforming Use is damaged or destroyed by any cause other than an action of the property owner or authorized agent, it shall be reconstructed in conformance with the current requirements of this Ordinance or a variance sought in accordance with section 4.116. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster. If restoration or replacement is necessary under this subsection, restoration or replacement shall be done in compliance with ORS 195.260 (1)(c) If a building listed on the National Register of Historic Places is damaged or destroyed it may be reconstructed in conformance with the dimensional standards of the building prior to its destruction.
- (2) Through a Type II permit procedure subject to Section 5.000-5.030 if a Non-Conforming Structure or a structure devoted to a Non-Conforming Use is damaged by any cause other than an action of the property owner or his agent, The hearing body may approve the reconstruction of the structure and accompanying use. Reconstruction of the structure or use shall be in conformance with the current requirements of this Ordinance or a variance sought in accordance with Section 4.116. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster. If restoration or replacement is necessary under this subsection, restoration or replacement shall be done in compliance with ORS 195.260 (1)(c)[m3].

**Section 4.128 Completion.**

A development that is lawfully under construction on the effective date of an ordinance that makes that use or structure Non-conforming may be completed. The use or structure may be used for the purpose for which it was designed, arranged or intended.

**Section 4.129 Discontinuance of Use.**

If a Non-conforming use is discontinued for a period of one year, subsequent use of the property shall conform to this Ordinance.

**Section 4.130 Compliance with Other Requirements.**

Notwithstanding the provisions of this section, alteration of a Nonconforming use or a Non-conforming structure shall be allowed if necessary to comply with state or local health or safety requirements.

**Staff Finding And Analysis:**

The numeration of this section will result in a re-numeration of the ordinance Sections 4.120 “*Aquifer Reserve Overlay (ARO)* and Section 4.130 *Planned Development Overlay (PDO)*. The two overlays will be re-numerated with 4.132 - 4.137 and 4.140 - 4.150 respectively.

Changes to the Non-Conforming Use Section were made to bring the ordinance closer in line with the requirements of the ORS. Additionally a clear distinction is made between Legal Non-conforming uses & structures versus non-conforming uses and structures that were established through non-conventional manners.

**Section 4.146 Applicability.** (Previously 4.134)

A planned development may be located in any of the following zones provided that a Planned development (/PDO) suffix has been added to the underlying zone and provided the development is in accordance with the criteria, standards, and provisions of this section: **AC-RCR, KS-RCR, RCR, RC-MFR, RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, RA-2, RA5, RA-10, RCC, GC, TC, RCC-LI, RCI,** and LI (except in the Clatsop Plains planning area).

Rural Communities were not updated in this section of the ordinance.

**Additional Modifications by WC****Section 5.132. Variance Procedure.**

(1) A variance may be appropriate where: by reason of exceptional configuration, or by reason of other extraordinary and exceptional situations or conditions existing on a piece of property, the strict application of any regulations enacted under this Ordinance would result in ~~peculiar, exceptional and undue hardship upon the owner of such property for which a variance is requested.~~ **practical difficulty to development and preventing the owner from using the property as intended by the Zoning Ordinance.** ~~Undue hardship upon adjacent property owners may also be considered.~~ The Hearings Officer may vary or adopt the strict application of any of the requirements of this Ordinance.

(3) Standards for a Variance. The requirements for a Variance are listed below. ~~It is the intent of this Ordinance that a variance only be granted to overcome some exceptional physical condition related to a parcel of land posing practical difficulty to development and preventing the owner from using the property as intended by the Zoning Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.~~

(A) There must be proof of exceptional and extraordinary circumstances which apply to the property and which do not apply to other properties in the same zone or vicinity, and result from lot size or shape legally existing in accordance with land use laws prior to September 30, 1980, topography, geology, or other circumstances over which the applicant has no control. These circumstances or conditions must be such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land and/or structure.

(B) The granting of a variance shall neither be injurious to the neighborhood or community nor otherwise detrimental to the public welfare or to public safety.

(C) The granting of the variance will not permit the establishment of any development or use which is not permitted by the Ordinance, nor confer upon the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the area.

(D) **The granting of the variance shall be consistent with the Purpose and Intent of the zoning district containing the subject property.** ~~There must be proof of significant hardship if the variance is not granted. It is not sufficient proof of hardship to show that a greater profit would result if a variance~~

~~were granted. Nor shall loss of value be a valid reason to grant a variance. Furthermore, the hardship cannot be self-created or self-imposed, nor can it be created by one who purchases property with or without the knowledge of restrictions present. The hardship must result from the strict application of this Ordinance, and be suffered directly by the property in question. Evidence of a variance granted under similar circumstances shall not be considered as a solely sufficient cause to grant hardship relief.~~

(E) The granting of a variance is necessary for the reasonable use of land or building, and the variance granted by the hearing body is the minimum variance that will accomplish this purpose.

(F) The ~~hardship~~ need for the variance does not arise from a violation of the provisions of this Ordinance.

(G) The development will occur on a parcel of land that in conjunction with adjacent land in the same ownership is not otherwise reasonably capable of development and use under the provisions of this Ordinance.

*[State law does not require 'hardship' criteria, but where local jurisdictions have adopted such criteria, the courts have interpreted them as stringent and exacting; i.e., local governments have been prevented from interpreting these criteria liberally. If a local government writes criteria to be more liberal, "LUBA will accept the local government's more liberal interpretation" (OR State Bar, LAND USE 2000 SUPPLEMENT, p. 11-16).*

*Moreover, the last line of subsection 1 above, allowing the Hearings Officer the ability to "vary or adopt the strict application..." has been in the LWDUO since at least 1980. This phrase has the effect of expressing the county's intent to be able to interpret the quantifiable zoning standards as necessary and appropriate. Incorporating the more stringent standards such as 'hardship' are inconsistent with this intent and with state case law.]*

## SECTION 5.600 NON-CONFORMING USES AND STRUCTURES

### a) Section 5.604. Definitions.

*LEGAL NON-CONFORMING STRUCTURE. A building or structure that does not conform to one or more standards of the zoning district in which it is located, but which legally existed at the time the applicable section(s) of the zoning district took effect.*

*LEGAL NON-CONFORMING USE. A use which does not conform to the use regulations of the zoning district in which it is located, but which lawfully occupied a building or land at the time the applicable use regulation took effect.*

NON-CONFORMING STRUCTURE. A building or structure that does not conform to one or more standards of the zoning district in which it is located, ~~but~~ and which ~~did not~~ legally existed ~~ed~~ at the time the applicable section(s) of the zoning district took effect.

NON-CONFORMING USE. A use which does not conform to the use regulations of the zoning district in which it is located, ~~but~~ and which ~~did not~~ lawfully occupy~~ied~~ a building or land at the time the applicable use regulation ~~became effective~~ took effect.

*[The Definitions currently do not distinguish between lawfully-created and unlawfully-created nonconforming uses and structures. Lawfully-created (“legal nonconforming...” ) uses and structures have been made nonconforming only by zoning code changes, not due to any action by property owners or their agents, and should receive more flexible considerations. Unlawfully-created (“nonconforming...” ) uses and structures have never complied with zoning and development standards and should not receive the same flexible considerations as their legal nonconforming counterparts. The underlying planning theory holds that non-conforming uses and structures should gradually disappear or be made to conform.]*

**b) Section 5.614 Replacement and Damage.**

**(1) Legal Non-conforming structures and uses.**

(a) If a legal non-conforming structure or a structure occupied by a legal non-conforming use is damaged or destroyed by any cause other than an action of the property owner or his authorized agent, it may be reconstructed in conformance with the dimensional standards of the building prior to its destruction. A building permit for its reconstruction shall be obtained within one year of the date of the damage. If a building permit is not obtained within one year, the reconstruction shall be in conformance with the current requirements of this Ordinance. However, by a Type IIa procedure, the planning commission may grant an extension of the one-year period.

(b) If a legal non-conforming structure or a structure devoted to a legal non-conforming use is damaged by an action of the property owner or his authorized agent, to an extent amounting to seventy-five percent (75%) or more of its fair market value as indicated by the records of the County Assessor, it shall be reconstructed in conformance with the current requirements of this Ordinance. The determination of the percentage of fair market value loss shall be based on either square footage of all floor areas or on a third-party appraisal.

(c) If a legal non-conforming structure or a structure devoted to a legal non-conforming use is damaged by an action of the property owner or his authorized agent, to an extent amounting to less than seventy-five percent (75%) of its fair market value as indicated by the records of the County Assessor, a building permit for its reconstruction shall be obtained within one year of the date of the damage. The determination of the percentage of fair market value loss shall be based on either square footage of all floor areas or on a third-party appraisal. If a building permit is not obtained within one year, the reconstruction shall be in conformance with the current requirements of this Ordinance. However, by a Type IIa procedure, the planning commission may grant an extension of the one-year period.

**(2) Non-conforming structures and uses.**

~~(1) If a Non-conforming structure is replaced, the new structure shall conform to the current requirements of this Ordinance.~~

(a) If a ~~N~~on-conforming structure or a structure devoted to a ~~N~~on-conforming use is damaged or destroyed by any cause other than an action of the property owner or his agent, to an extent amounting to ~~eighty~~ fifty percent (~~80~~50%) or more of its fair market value as indicated by the records of the County Assessor, it shall be reconstructed in conformance with the current requirements of this Ordinance. ~~The determination of the percentage of fair market value loss shall be based on either square footage of all floor areas or on a third-party appraisal.~~

~~(3)~~ (b) If a ~~N~~on-conforming structure or a structure devoted to a ~~N~~on-conforming use is damaged by any cause other than an action of the property owner or his agent, to an extent amounting to less than ~~eighty~~ percent (~~80~~50%) of its fair market value as indicated by the records of the County Assessor, a building permit for its reconstruction shall be obtained within one year of the date of the damage. ~~The determination of the percentage of fair market value loss shall be based on either square footage of all floor areas or on a third-party appraisal.~~ If a building permit is not obtained within one year, the

reconstruction shall be in conformance with the current requirements of this Ordinance. However, ~~upon request,~~ by a Type IIa procedure, the planning commission may grant an extension of the one year period.

*[These modifications are intended to reflect the proposed distinctions between “legal non-conforming” and “non-conforming” and to make county provisions conform closer to those of ORS sections 215.130(5) & (6), which state:*

*“(5) The lawful use of any building, structure or land at the time of the enactment or amendment of any zoning ordinance or regulation may be continued. Alteration of any such use may be permitted subject to subsection (9) of this section. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS 215.215, a county shall not place conditions upon the continuation or alteration of a use described under this subsection when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted.*

*(6) Restoration or replacement of any use described in subsection (5) of this section may be permitted when the restoration is made necessary by fire, other casualty or natural disaster. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster. If restoration or replacement is necessary under this subsection, restoration or replacement shall be done in compliance with ORS 195.260 (1)(c).”*

Moreover, the LWDUO does not specify how the percentages of FMV are to be determined. Planning departments typically determine the percentage of FMV destroyed based on reconstruction costs, which is not consistent with the intent of the legislation in that reconstruction costs usually far exceed the Assessor’s appraisal, which in Clatsop County is referred to as the RMV.]

## STANDARDS DOCUMENT REVISIONS

### S2.202. MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS.

The minimum off-street parking space requirements are as follows:

(1) Residential type of development and number of parking spaces

Single family dwelling	(2) per dwelling unit
Accessory dwelling unit	(1) per dwelling unit
Multi-family dwelling	(3 per 2) dwelling units
Sorority, fraternity or dorm	(1 per 2) occupants
Residential hotel, rooming or boarding house or club	(2 per 3) guest rooms
Hotel or motel	(1) per guest room or suite, plus (1 per 2) employee
Mobile home park	(1) per mobile home site, plus (1 per site) for guest parking at a convenient location
Planned development	In addition to the requirements for dwelling units, (1 per 2) units for guest parking at a convenient location

**STAFF FINDING AND ANALYSIS:**

Although already described in the definition of an ADU it was not included in the table above. This addition simply reiterates that which has already been stated in the definition.

### S2.300. SIGN REQUIREMENTS.

(3) In all zones except the LI, HI and MI zones, signs except as hereinafter provided, shall be limited to the following kinds which may be directed towards each facing street or located at needed points of vehicular access where such access points are over 200 feet apart:

(G) Signs not exceeding a total area of two hundred (200) square feet in a NC, TC, **RCC**, **RCI**, **RCC-LI** and GC zone.

**STAFF FINDING AND ANALYSIS:**

Similar to the 3.030 the Rural Community Zones were not incorporated into this standard when they were adopted. By adding them here the Rural Community Commercial & Industrial zones are no longer limited to a 24 square foot sign restriction and can now have up to 200 square feet of signage consistent with other commercial zones throughout the County.



## Staff Comments Page

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[m1] The Definitions currently do not distinguish between lawfully-created and unlawfully-created nonconforming uses and structures. Lawfully-created (“legal nonconforming...”) uses and structures have been made unconfirming only by zoning code changes, not due to any action by property owners or their agents, and should receive more flexible considerations. Unlawfully-created (“nonconforming...”) uses and structures have never complied with zoning and development standards and should not receive the same flexible considerations as their legal nonconforming counterparts. (*William Caplinger, Proposed Amendment to Definition*)

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[m2] There are no floating residential structures in the Arch Cape area, therefore it is not a necessary component of this code revision.

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[m3] Through a Type II permit procedure subject to Section 5.000-5.030 if a Non-Conforming Structure or a structure devoted to a Non-Conforming Use is damaged by any cause other than an action of the property owner or his agent, The hearing body may approve the reconstruction of the structure and accompanying use. Reconstruction of the structure or use shall be in conformance with the current requirements of this Ordinance or a variance sought in accordance with Section 3.068. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster. If restoration or replacement is necessary under this subsection, restoration or replacement shall be done in compliance with ORS 195.260 (1)(c).



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April 7, 2010

***SOUTHWEST COASTAL DESIGN REVIEW / CITIZEN ADVISORY COMMITTEE***

***CRITERIA EVALUATION SHEET – DESIGN REVIEW***

**Applicant:** Bill Boone Construction  
37564 Hwy 26  
Seaside, OR 97138

**Owner:** Eeva lantela  
PO Box 1321  
Cannon Beach, OR 97110

**Property Description:** T4N, R10W, Sec 19CA, TL 03800

**CRITERIA**

1. Relation of Structure to Site:  
The proposed residence is approximately 1600 square feet and conforms to Clatsop County regulations regarding setbacks and height restrictions. Additionally the site is located outside of the demarcated wetlands. (See wetland maps attached)
2. Protection of Ocean Views:  
Surrounding parcels do not have ocean views. No ocean views will be impacted with this proposal.
3. Preservation of Landscape:  
The applicant claims all vegetation and shrubs outside the work area will be retained in their current state. Four trees will be removed as a function of this development.
4. Buffering and Screening (For Commercial Uses):  
This is a residential use and thereby not an applicable criterion.
5. Vehicle Circulation and Parking:  
Off street parking is available for three vehicles, one in the garage and two in the driveway.
6. Utility Service:  
All utility services to the house shall be placed under ground. The applicant has indicated that this criteria will be met.

7. Signs:

No signage is proposed with this development other than address.

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8. Surface Water Drainage:

The applicant is proposing to have the drainage flow across the lot into the natural drainage system. Past practice in the area is to require the drainage to first be retained in a dry well or other device on the subject property.

9. Other Criteria for Evaluation:

Recommendation for approval: Staff recommends drainage be retained from the residence be contained on site.

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**The above-entitled matter came before the Southwest Coastal Design Review and Citizen Advisory Committee at its April 7, 2010 meeting for a public hearing and consideration of proposal.**

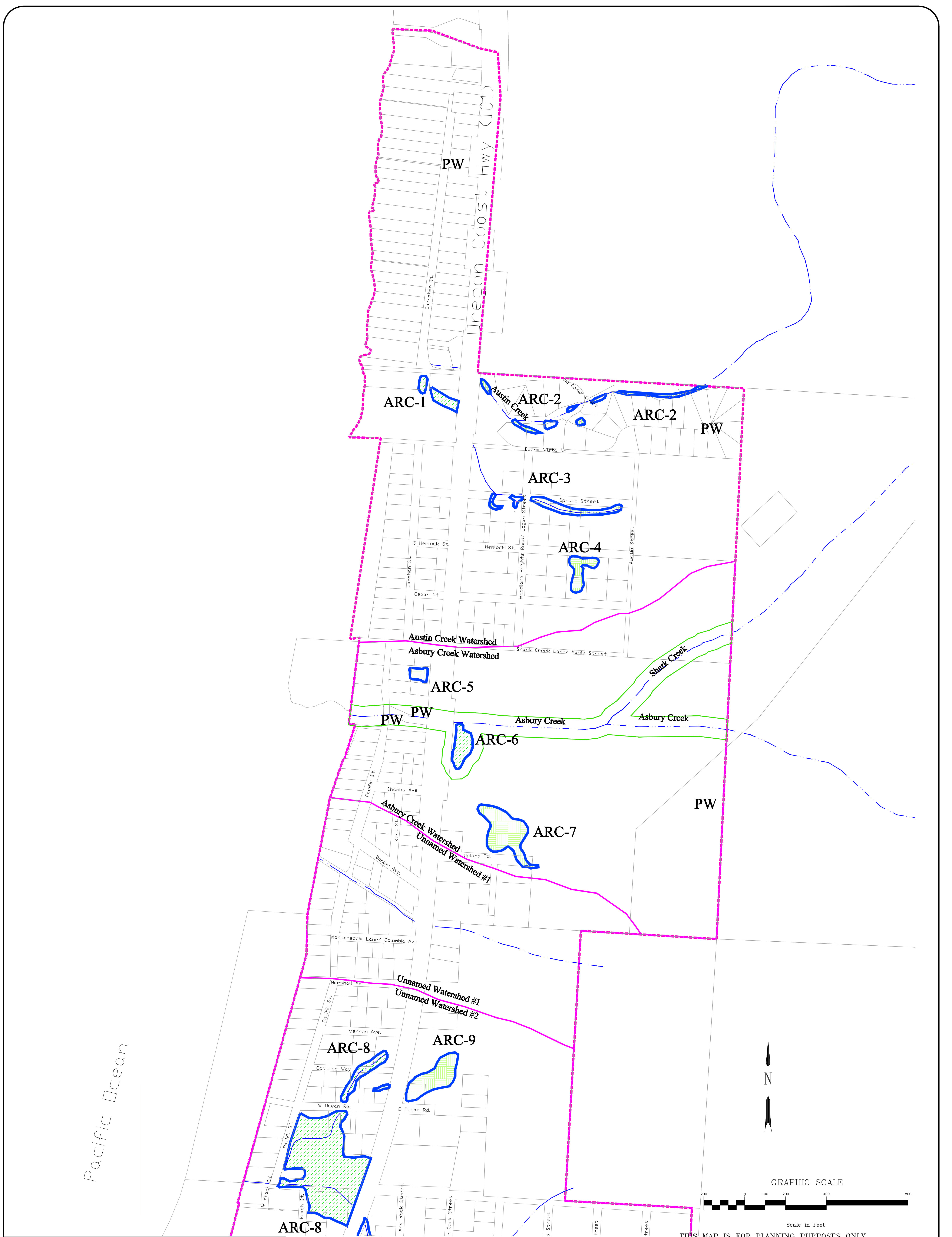
**Based upon the evidence and testimony provided by the applicant, planning department staff, and the citizens of the area, this committee hereby recommends this application be: { *Approved, Conditionally Approved, Denied* }**

Dated this \_\_\_\_ day of April 2010

The Southwest Coastal Design Review /  
Citizen Advisory Committee

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George Cerelli, Chairman Clatsop County  
SW Coastal DR/CA Committee



Watershed Boundary	Major Marsh	
Project Boundary	Other Wetlands	
Potentially Jurisdictional Creeks/drainages	Locally Significant Wetland	
Significant Riparian Buffer	Probable Wetland	
Wetland Code		<b>PW</b>

Funding for this project was provided by the US Fish and Wildlife Service Coastal Program; The Nature Conservancy's Salmon Habitat Fund; Arch Cape Community Club; and Arch Cape Service District.

THIS MAP IS FOR PLANNING PURPOSES ONLY  
 WETLAND BOUNDARIES ARE APPROXIMATE  
 AND SUBJECT TO CHANGE

Information shown on this map is for planning purposes only and wetland information is subject to change. There may be unmapped wetlands subject to regulation and all wetland boundary mapping is approximate. In all cases, actual field conditions determine wetland boundaries. You are advised to contact the Department of State Lands and the U.S. Army Corps of Engineers with any regulatory questions.

DATE: August 2008  
 BASE MAP INFO: Supplied by Columbia River Estuary Study Taskforce (CREST)  
 JOB NO.: 4014

# Arch Cape Local Wetlands Inventory Resource Areas

Pacific Habitat Services, Inc.  
 9450 SW Commerce Circle, Suite 180  
 Wilsonville, Oregon 97070  
 Phone: (503) 570-0800

Lantela Mailing List Mailed March 24, 2010

<b>Taxlotkey</b>	<b>Account Owner_line</b>	<b>Owner Address</b>	<b>City</b>	<b>State</b>	<b>Zip Code</b>
41019CA03401	2646 Hancock / Yorker	1288 N Morning Dove Rd	Green Valley	AZ	85614
41019CA08100	2709 Caffall Kathy L Rev Trust	1308 Oak Knoll Ct	Newberg	OR	97132
41019CA05000	2678 Brown / Capell	2305 N 14th St	Boise	ID	83702
41019CA03100	2638 Swihart Kathleen A	25822 SE 186th Pl	Covington	WA	98042-5043
41019CA05200	2680 Hoy David/Maureen Catherine	2740 76th Ave SE #308	Mercer Island	WA	98040
	George Cerelli	31906 Ocean View Lane	Arch Cape	OR	97102
	Steven Malkowski	31970 East Ocean Lane	Arch Cape	OR	97102
	John Mersereau	32042 E Shingle Mill Lane	Arch Cape	OR	97102
	ACSD	32065 E Shingle Mill Ln	Arch Cape	OR	97102
	Tod Lundy	3530 N Mississippi Lane	Portland	OR	97227-1155
41019CA08300	2711 Byron Living Trust	3574 NE 182nd St	Seattle	WA	98155
41019CA08200	2710 Rigell Kenneth/ Christine M	408 Buena Vista	Fircrest	WA	98466
41019CA03901	2656 Hussman Lawrence E	411 Stoneybrook Dr	Kettering	OH	45429
41019CA03404	2650 Kinch Gilbert L/Patty M	425 N Columbia Center Blvd #A1	Kennewick	WA	99336
41019CA04900	2677 Barsukoff Ivan/ Evodokia	4634 S Timber Trial Dr	Woodburn	OR	97071
41019CA03200	2639 Bohnsen / Boehmer	46760 NW Strohmayer Rd	Forest Grove	OR	97116
41019CB00500	2596 Lynch Edward C/Virginialee	4712 Franklin St	Vancouver	WA	98663
41019CA04003	2660 Horine Douglas A/Carol	5251 NW 126th Terr	Portland	OR	97229-2475
41019CA04005	2662 Horowitz / Myers	6034 NE 32nd Pl	Portland	OR	97211
41019CA04004	50145 Hughes / Andersen	6477 SW 46th Pl	Portland	OR	97221
41019CA04002	2659 Uren Douglas C/Lori L	6845 SW Alden Ct	Portland	OR	97223-1329
41019CA04000	2657 Johnston Mark S/ Tamara L	725 Alta Vista Pl	Fircrest	WA	98466
	CREST	750 Commercial St, #205	Astoria	OR	97103
41019CA03900	2655 Clatsop Soil & Water Conservation	750 Commercial Street, #207	Astoria	OR	97103
	Macias Manuel J	7539 N Edgewater	Portland	OR	97203
	Debra Birkby	79829 Gelinsky Rd	Arch Cape	OR	97102
	Linda Murray	79836 Gelinsky Rd	Arch Cape	OR	97102
41019CA03700	2653 Brown David N	80412 Woodland Heights Rd	Arch Cape	OR	97102
	Matt Spangler, DLCD	810 SW Alder Street, Ste B	Newport	OR	97365
41019CA03301	2641 Yockey / Newman	8505 SW Apple Way #P103	Portland	OR	97225
41019CA08000	2708 Petruzelli Stephen/Dolores	99980 SW Riverwood Ln	Tigard	OR	97224
41019CA04202	2666 Manzulli Michael	PO Box 1281	Cannon Beach	OR	97110
41019CA08500	54111 Castle Rock Estates Owners	PO Box 1303	Cannon Beach	OR	97110
41019CA03800	2654 Lantela Eeva	PO Box 1321	Cannon Beach	OR	97110
	Richard Donofrio	PO Box 1327	Cannon Beach	OR	97110
	Dr. Robert Mushen	PO Box 1370	Cannon Beach	OR	97110

41019CA03303	2643	Chauncey Helen R	PO Box 1478	Portland	OR	97207
41019CA03400	2645	Taylor John R/shfonauhi A	PO Box 175	Drummond	MT	59832
41019CA03600	2652	Moskee Investment Co	PO Box 26 E 11	Arch Cape	OR	97102
41019CA05100	2679	Smith Brian & Alisha	PO Box 552	Cannon Beach	OR	97110
41019CA03403	2649	Kerns Janet M	PO Box 721	Cannon Beach	OR	97110
41019CA03500	2651	Piscitelli / Carlsen	PO Box 763	Cannon Beach	OR	97110
41019CA03402	2648	Calhoun Chad & Debbie	PO Box 908	Cannon Beach	OR	97110

Clatsop County  
Transportation & Development Services  
800 Exchange Street, Suite 100,  
Astoria, OR 97103

ph: 503-325-8611  
fx: 503-338-3666  
em: [comdev@co.clatsop.or.us](mailto:comdev@co.clatsop.or.us)  
[www.co.clatsop.or.us](http://www.co.clatsop.or.us)



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## PUBLIC NOTICE FOR AN ISSUE BEFORE THE TRANSPORTATION & DEVELOPMENT DIRECTOR

In the matter of a Major Design Review application for a new Single Family Dwelling  
submitted by Bill Boone on behalf of the owner Eeva Lantela.

The legal description of the Parcel is T4N, R10W, § 19CA, TL 03800.

(For more information see *Page 2* of this notice)

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APRX. DATE OF DECISION:	April 12, 2010
COMMENT PERIOD:	March 24, 2010 – April 7, 2010
DESIGN REVIEW HEARING:	<b>April 7, 2010, 6pm Arch Cape Fire Hall</b>
SEND COMMENTS TO:	Public Service Building, 800 Exchange Street, Suite 100 Astoria, Oregon 97103
CONTACT PERSON:	Michael Weston II, Clatsop County Planner

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

NOTICE IS HEREBY GIVEN that Clatsop County's Transportation & Development Services have received the land use application described in this letter. Pursuant to section 4.100 of the Clatsop County Land Water Development and Use Ordinance a **Public Hearing is scheduled before the Design Review Committee on Wednesday, April 7, 2010** and; Pursuant to Section 2.020 of the Clatsop County Land and Water Development and Use Ordinance (LWDUO), the Department Director is tentatively scheduled to render a decision based on evidence and testimony on Monday April 12, 2010 at the Public Service Building, 800 Exchange St., Suite 100, Astoria, OR 97103.

All interested persons are invited to submit testimony & evidence in writing by addressing a letter to the Clatsop County Transportation & Development Director, 800 Exchange Street, **Suite 100**, Astoria, OR 97103. Written comments may also be sent via FAX to [503-338-3666](tel:503-338-3666) or via email to [comdev@co.clatsop.or.us](mailto:comdev@co.clatsop.or.us). Written comments must be received in this office no later than **4PM on Wednesday April 7, 2010** in order to be considered at the **Public Hearing** and in the **Decision**.

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



**THE LAND USE APPLICATION DESCRIBED:**

The applicant is requesting Design Review approval for the construction of a single-family dwelling. The parcel is located north of hemlock on the west side of Woodland Heights Road. The applicant has submitted plans illustrating the proposal and a map can be found on page 4 of this notice illustrating the subject property and surrounding area.

**For More Details regarding this Development see pages 3 & 4.**

The following criteria from Clatsop County Land and Water Development and Use Ordinance (LWDUO) apply to the request: § 1.010-1.050 (Definitions), 2.020 (Type II Procedure), 2.110 (Mailed Notice of a Public Hearing), 2.120 (Procedure for Mailed Notice), 2.230-2.260 (Request for Review/Appeal et al), 3.060 (Arch Cape Rural Community Residential Zone), 4.100 (Site Development Review Overlay District {SDRO}), and Clatsop County's Standards Document Chapters 1-4.

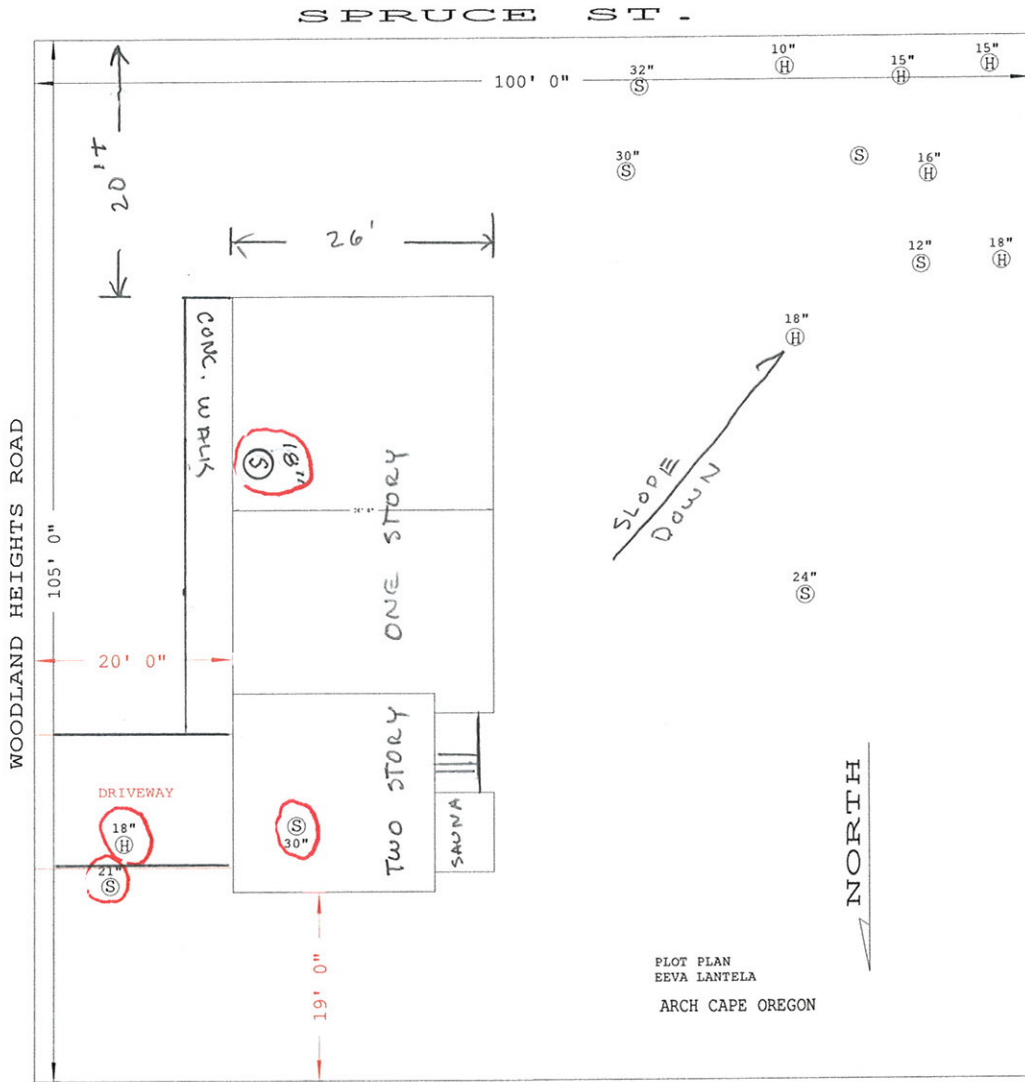
In addition, the following elements of the Clatsop County Comprehensive Plan apply to the request: Goal 1 (Citizen Involvement), Goal 2 (Land Use Planning), Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces), Goal 6 (Air, Water and Land Resources Quality), Goal 8 (Recreational Needs), Goal 9 (Economy), Goal 10 (Housing), Goal 11 (Public Facilities and Services), Goal 12 (Transportation), Goal 13 (Energy Conservation), Goal 14 (Urbanization), Goal 16 (Estuarine Resources), and the Southwest Coastal Community Plan.

These documents are available for review at the Clatsop County Community Development Department office, 800 Exchange Street, Suite 100, Astoria, Oregon and on-line at the county's website, [www.co.clatsop.or.us](http://www.co.clatsop.or.us).

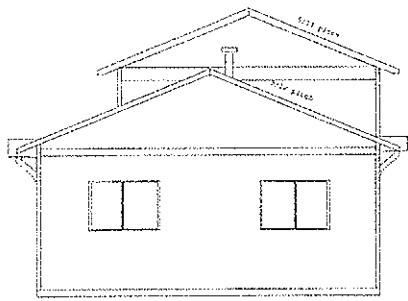
A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at the Transportation & Development Department Office during normal business hours (M-F, 8-5) at no cost and will be provided at reasonable cost.

If you have questions about this land use matter or need more information, please contact Michael Weston II, Clatsop County Planner, at (503) 325-8611 or via email at [mweston@co.clatsop.or.us](mailto:mweston@co.clatsop.or.us).

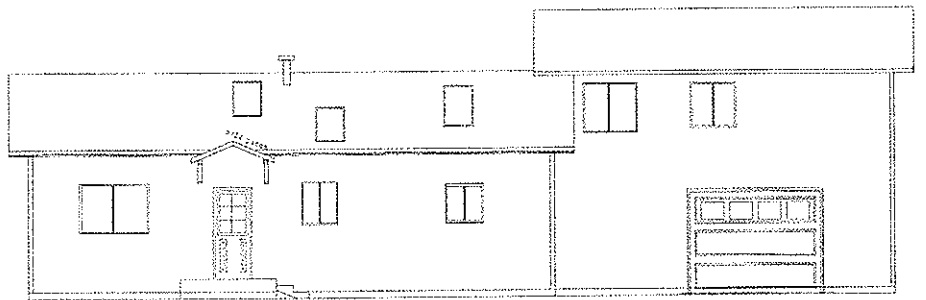
**Notice to Mortgagee, Lien Holder, Vendor or Seller:** ORS Chapter 215 requires that if you receive this notice it must promptly be forwarded to the purchaser.



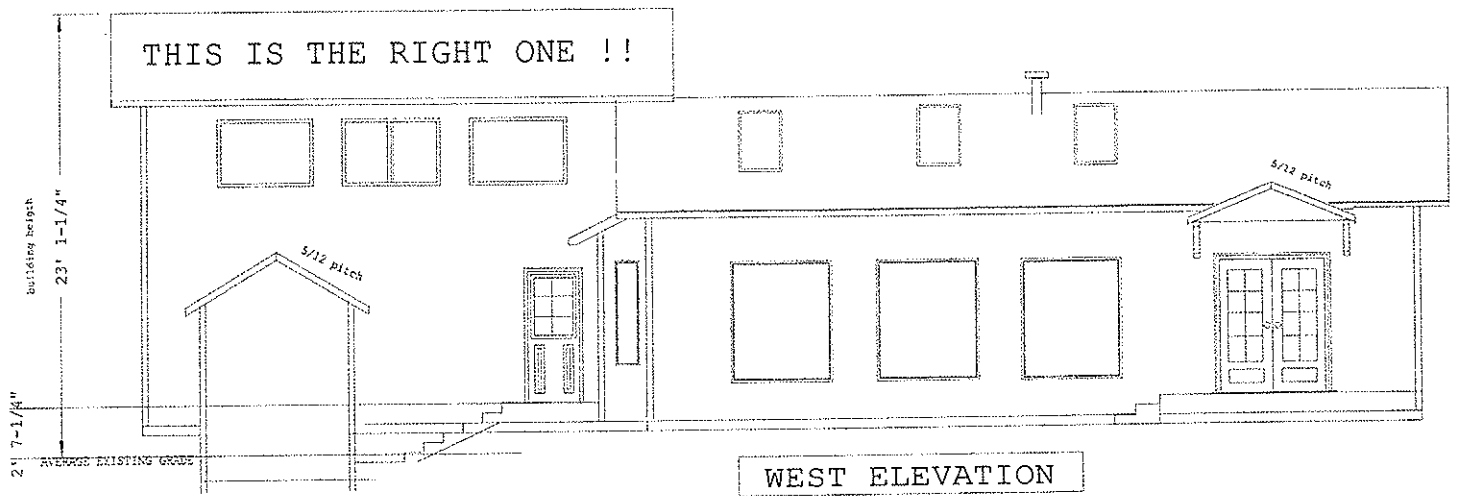
TREES CIRCLED IN RED TO BE REMOVED





















SOUTH ELEVATION



EAST ELEVATION

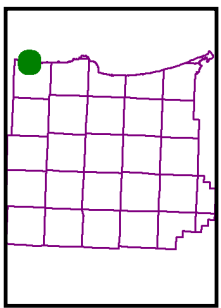
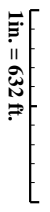


# Clatsop County Map

-  FEMA Prelim
-  0.2 PCT ANNUAL CHANCE ...
-  VE
-  AO
-  X
-  AH
-  CHO DOGAMI 74/79
-  National Wetlands Inv. 2005
-  PLS
-  PLS
-  PLS Townships
-  Tax Lot Arrows
-  Tax Map
-  Water Body
-  Creek
-  Parcel Boundary
-  Supplemental Boundary
-  Road R-O-W



This map was produced using the Clatsop County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.



 N

 CLATSOP COUNTY OREGON

3/24/2010



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**Receipt**

This is not a Permit

Clatsop County Planning and Development  
800 Exchange St Ste 100  
Astoria, OR 97103

Ph. (503) 325 - 8611 Fax (503) 338 - 3666

**For Department Use Only**

Permit #: 20100106  
Permit Type: Type II  
Entry Date: 3/11/2010  
Entered By: Michael Weston  
Assigned To:  
Permit Status: Entered

**Permit Timeline**

User	Status	Date
Michael Weston	Entered	03/11/2010

**Proposed Use**

Proposed Use: **Design Review**

Zone: **AC-RCR** Description: Design Review for a Single Family Dwelling (Dvlp Permit # 20100107)  
Overlay District: **None**

**Owner/Project Location**

**Owner:** Name: **Lantela Eeva** Ph. #: (503) 436-1533  
Address: PO Box 1321 Cell: ( ) -  
City, State, Zip: Cannon Beach, OR 97110 Fax: ( ) -

**Site Address:** I R S Q S Qq S Taxlot  
**City:** State: OREGON 4 10 19 C A 03800

**Applicant/Agent**

**Applicant:**

**Agent:** Name/Type: Bill Boone ( Contractor ) Ph. #: (503) 717-2992  
Address: 37564 Hwy 26 Cell: ( ) -  
City, State, Zip: Seaside, OR 97138 Fax: ( ) -

**Fees**

<u>Fee Type:</u>	<u>Permit Fee Total:</u>
Planning/Development	\$790.00
<b>Total:</b>	<b>\$790.00</b>

**Receipt**

<u>Payor Name:</u>	<u>Pymnt Type</u>	<u>Check #</u>	<u>Pymnt Date</u>	<u>Pymnt Amount:</u>
Bill Boone	Check		03/11/2010	\$711.00
Bill Boone	Check		03/11/2010	\$79.00
<b>Balance Due:</b>				<b>\$0.00</b>

**Signatures**

1. For Commercial and industrial uses, include parking and loading plan, sign plan and erosion control plan.
2. For residential and other uses, include an erosion control plan.
3. Review attached applicant's statement and sign below.

I have read and understand the attached APPLICANT'S STATEMENT and agree to abide by the terms thereof.

**Applicant Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Owner Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Agent Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_



**Receipt**

**For Department Use Only**

Clatsop County Planning and Development  
800 Exchange St Ste 100  
Astoria, OR 97103

Permit #: 20100106

Ph. (503) 325 - 8611 Fax (503) 338 - 3666

**Zoning District Requirements**

Property Access Info.

**Primary**

Access to Property:  
County Permit Required?  
State Permit Required?

Direction	Setbacks	
	Req.	Actual
F: E	20	
S1: N	5	
S2: S	20	
R: W	10	

**Property Information**

Type	Description	Additional Info.
Structure	26 Foot Maximum	
Water	public water source:	ACSD
Sewage	public sewer	ACSD

**Compliance/Permit Requirements**

**Clatsop County Compliance**

Except as noted, the Clatsop County Community Development Department finds the proposed use(s)/action(s) in compliance with the Clatsop County Land & Water Development and Use Ordinance and with the Clatsop County Comprehensive Plan.

The evaluation of the land parcels outlined above is based on the information presented at this time, standards provided in the Clatsop County Land & Water Development & Use Ordinance, and policies of the Comprehensive plan, and the Zoning/ Comprehensive Plan Map.

The applicant or property owner must comply with the conditions noted below and on the attached applicants statement.  
This permit is not valid unless the conditions are met.

Entered by: Michael Weston

Entered Date: 03/11/2010

Applicants Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Clatsop County Authorization: \_\_\_\_\_

Date: \_\_\_\_\_





## Receipt

### Applicant's Statement

1. Pertaining to the subject property described, I hereby declare that I am the legal owner of record, or an agent having the consent of the legal owner of record, and am authorized to make the application for a Development Permit/Action so as to obtain the following permits: Building, Sanitation, U.S. Army Corps of Engineers, Oregon Division of State Lands, Oregon Department of Transportation, Oregon Department of Parks and Recreation, or a Clatsop County Road Approach. I shall obtain any and all necessary permits before I do any of the proposed uses or activities. The statements within this application are true and correct to the best of my knowledge and belief. I understand that if the permit authorized was based on false statements, or it is determined that I have failed to fully comply with all conditions attached to and made a part of this permit, this permit approval is hereby revoked and null and void.
2. It is expressly made a condition of this permit that I at all times fully abide by all State, Federal, and local laws, rules, and regulations governing my activities conducted or planned pursuant to this permit.
3. As a condition for issuing this Development Permit/Action, the undersigned agrees that he/she will hold Clatsop County harmless from and indemnify the County for any and all liabilities to the undersigned, his/her property or any other person or property, that might arise from any and all claims, damages, actions, causes of action or suits of any kind or nature whatsoever, which might result from the undersign's failure to build, improve or maintain roads which serve as access to the subject property or from the undersign's failure to fully abide by any of the conditions included in or attached to this permit.
- 4. WAIVER OF VESTED RIGHTS DURING APPEAL PERIOD FOR ZONING AUTHORIZATIONS.**  
I have been advised that this Land and Water Development Permit/Action by the Clatsop County Community Development Director may be appealed within twelve (12) calendar days of the date of permit issuance and authorization (note: if the twelfth day is a Saturday, Sunday or legal holiday, the appeal period lasts until the end of the next day which is not a Saturday, Sunday or legal holiday). I understand that if the approval authorized by the County and referenced above is reversed on appeal, then the authorization granted prior to the end of the appeal period will be null and void. I further understand and consent to the fact that any actions taken by me in reliance upon the authorization granted during the appeal period shall be at my own risk, and that I hereby agree not to attempt to hold Clatsop County responsible for consequences or damages in the event that removal of improvements constructed during the appeal period is ordered because an appeal is sustained.
5. I am aware that failure to abide by applicable Clatsop County Land and Water Development and Use Ordinance 80-14, as amended and Standards Document regulations may result in revocation of this permit or enforcement action by the County to resolve a violation and that enforcement action may result in levying of a fine.
6. I understand that a change in use, no matter how insignificant, may not be authorized under this permit and may require a new Development Permit/Action (check first, with the Clatsop County Community Development Department).
7. I understand that this Development Permit/Action expires 180 days from the date of issuance unless substantial construction or action pursuant to the permit has taken place. Upon expiration, a new development permit must be obtained.



**APPLICATION FOR  
DESIGN REVIEW**

Fee: Major Construction - \$711.00 (see attached page for explanation)  
Minor Construction - \$554.00 (see attached page for explanation)

APPLICANT: Bill Boone Phone: 503-717-2992

Address: 37564 Hwy. 26  
SEASIDE, OR 97138

OWNER: Eeva Lantela Phone: 503-436-1533

Address 263 East Jackson St.  
Cannon Beach OR 97110

AGENT: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Proposed Development: Single family Residence

Present Zoning: BSA-SFR Overlay District: \_\_\_\_\_

Lot Size: 100 x 105

Property Description: 4 10 19-CA 03800  
Township Range Section Tax lot(s)

Property Location: North end of Woodland Heights Road

**General description of the property:**

Existing Use: Vacant

Topography: Sloping down from Woodland H. Road

**General description of adjoining property:**

Existing Uses: Residential

Topography: Sloping down from Woodland H. Road.

Community Development Department  
800 Exchange, Suite 100 \* Astoria, Oregon 97103 \* (503) 325-8611 \* FAX 503-338-3666

**Time Limit on Approval.** Site design review approvals shall be void after one (1) year unless a building permit has been issued and substantial construction has taken place per the Uniform Building Code.

The information contained in this application is in all respects true, complete, and correct to the best of my knowledge and I am aware of the additional costs that may accrue and agree to pay them as required above.

Applicant's Signature: Bill Boone Date: 1/20/10

Owner's Signature: Sara Penttila Date: 1/20/10

**The following is from the Clatsop County Land and Water Development and Use Ordinance #80-14:**

Section 4.100. Site Design Review Overlay District (/SDRO).

Section 4.102. Purpose. This section provides for the comprehensive review of proposed development permits in order to preserve scenic views and to promote attractive development of the site compatible with the natural and man-made environment.

Section 4.104. Types of Review. All development which is situated within the /SDRO District Boundary that falls under the thresholds in this section shall be subject to the Criteria for Design Review Evaluation, Section 4.106 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 4.116, is required.
  - a. Any new residential development proposing to construct a dwelling as described in Section 1.030 (Dwelling Types).
  - b. Any new commercial development proposing to construct structures devoted to a commercial use.
  - c. Any new commercial development creating additional cumulative square footage beyond 20% of an existing building footprint.
  - d. Any new residential development creating additional cumulative square footage beyond 20% of an existing building footprint.
  
2. The following types of projects shall require design review according to the Type II Procedure, Section 2.020. For purposes of these types of Minor projects, review by the Design Review Advisory Committee as described in Section 4.116, is not required.
  - a. Accessory buildings in residential zones.
  - b. Projects that require building permits for exterior renovations on commercial and residential structures; including but not limited to new decks, awnings, alterations

to exterior treatments, and similar activities which do not increase the cumulative square footage more than 20% from an existing building footprint.

- c. Accessory buildings associated with commercial developments and containing no residential units.
- d. If the Planning Director determines that a new accessory building may significantly impact adjoining properties with respect to location, bulk, compatibility, views, preservation of existing landscape, or other applicable criteria identified in Section 4.106, the application will be forwarded to the Design Review Advisory Committee for review.

**Please address the following eight (8) criteria on a separate sheet of paper:**

Section 4.106. 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:

1. Relation of Structures to Site. The location, height, bulk, shape, and arrangement of structures shall be in scale and compatible with the surroundings.
2. Protection of Ocean Views. The blocking of scenic views of existing or proposed dwellings on adjacent lots and other lots that may be impacted shall be minimized in the construction of all structures.
3. Preservation of Landscape. The landscape shall be preserved in its natural state to the maximum extent possible by minimizing tree, vegetation and soils removal. Cut and fill construction methods are discouraged. Roads and driveways should follow slope contours in a manner that prevents erosion and rapid discharge into natural drainages.
4. Buffering and Screening. In commercial zones, storage, loading, parking, service and similar accessory facilities shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.
5. Vehicle Circulation and Parking. The location of access points to the site, the interior circulation pattern and the arrangement of parking in commercially zoned areas shall be designed to maximize safety and convenience and to be compatible with proposed and adjacent buildings. The number of vehicular access points shall be minimized.
6. Utility Service. Electric, telephone and other utility lines shall be placed underground.
7. Signs. The size, location, design, material and lighting of all exterior signs shall not detract from the design of proposed or existing buildings, structures or landscaping and shall not obstruct scenic views from adjacent properties.
8. Surface Water Drainage. Special attention shall be given to proper surface water drainage from the site so that it will not adversely affect adjacent properties or the natural or public storm drainage system.

CLATSOP COUNTY  
Trans. & Dvlp. Svcs., Planning Division  
800 Exchange Street, Suite 100  
Astoria, OR 97103

[www.co.clatsop.or.us](http://www.co.clatsop.or.us)  
ph: 503-325-8611  
fx: 503-338-3666  
em: [comdev@co.clatsop.or.us](mailto:comdev@co.clatsop.or.us)



## ***SOUTHWEST COASTAL DESIGN REVIEW / CITIZEN ADVISORY COMMITTEE***

### ***CRITERIA EVALUATION SHEET – DESIGN REVIEW***

**Applicant:**

Bill Boone  
\_\_\_\_\_  
\_\_\_\_\_

**Owner:**

Eeva Lantela  
\_\_\_\_\_  
\_\_\_\_\_

**Property Description:**

\_\_\_\_\_

### **DESIGN REVIEW CRITERIA**

1. Relation of Structure to Site:

SEE Attached  
\_\_\_\_\_  
\_\_\_\_\_

2. Protection of Ocean Views:

\_\_\_\_\_  
\_\_\_\_\_

3. Preservation of Landscape:

\_\_\_\_\_  
\_\_\_\_\_

4. Buffering and Screening (For Commercial Uses):

\_\_\_\_\_  
\_\_\_\_\_

5. Vehicle Circulation and Parking:

\_\_\_\_\_  
\_\_\_\_\_

6. Utility Service:

\_\_\_\_\_

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7. Signs:

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8. Surface Water Drainage:

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9. Other Criteria for Evaluation:

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**The above-entitled matter came before the Southwest Coastal Design Review and Citizen Advisory Committee at its \_\_\_\_\_ meeting for a public hearing and consideration of proposal.**

**Based upon the evidence and testimony provided by the applicant, planning department staff, and the citizens of the area, this committee hereby recommends this application be: { *Approved, Conditionally Approved, Denied* }**

Dated this \_\_\_\_ day of \_\_\_\_\_

The Southwest Coastal Design Review /  
Citizen Advisory Committee

\_\_\_\_\_  
George Cerelli, Chairman Clatsop County  
SW Coastal DR/CA Committee

Design Review Criteria  
Eeva Lantela Residence  
Woodland Heights Road

Relationship of structure to the site:

The proposed 1,600 square foot structure is being placed on a 10,500 square foot lot. It is designed to make a minimal impact on the natural features of the site and still meet the requirements of the owner. The siding will be cedar shingles that will blend both with the setting and the neighboring structures. The roof will be an earth toned, standing seam metal that can tolerate the constant exposure to Spruce needles. Decks will be within 30" of the ground and follow the contours of the existing grades.

Protection of ocean views:

There are no Ocean views available from this lot. The area is heavily forested so existing ocean views from the one house to the east are very limited if they exist at all. The proposed two story structure will at least 15' feet lower than the existing two story house to the east and will be similar in height to the larger two story house to the north.

Preservation of landscape:

The house is located on the East side of the lot, up against the setback line. It will require the removal of four trees that are within the foot print of the structure. Eleven trees with a diameter of 12" or larger will remain on the site. The shrub and moss layers of vegetation outside the work area will remain undisturbed. More vegetation could be preserved if a 15' setback from the street were allowed.

Buffering and screening:

This a residential project only.

Vehicle circulation and parking:

There will be off street parking for three vehicles, one in the garage, two in the driveway.

Utility service:

All utilities to the house will be underground. Sewer and water are available in the street in front of the house. Cable is stubbed to the lot. I have not yet

researched the status and location of the existing underground power in the neighborhood.

Signs:

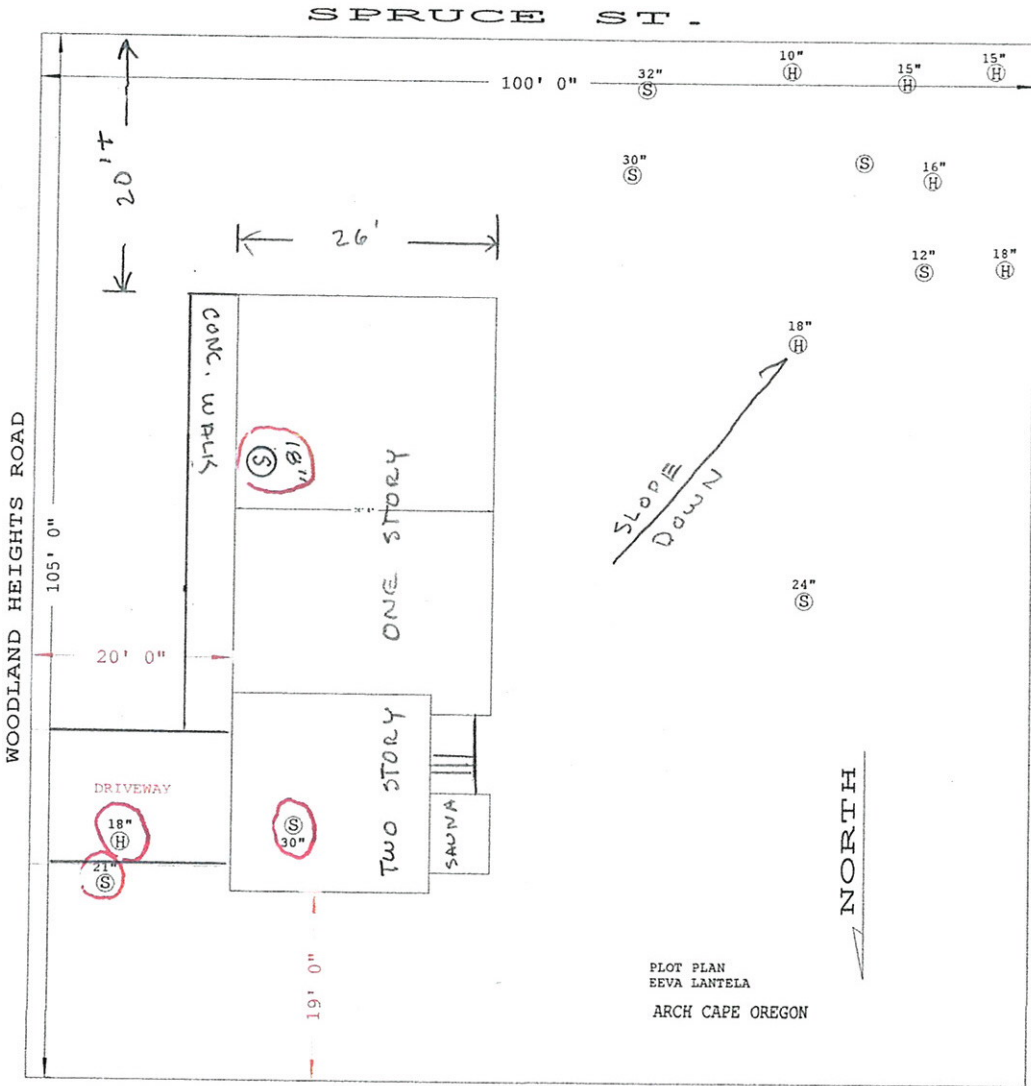
House numbers on the building will be the only signage.

Surface water drainage:

There will be a perimeter foundation drain installed as well as a collection system for the down spouts and a trench drain across the driveway. These pipes will daylight on the southwest and northwest sides of the house. The discharge from these pipes will dissipate across the natural vegetation as it travels to the small creek and wetland area to the south and west of the lot.

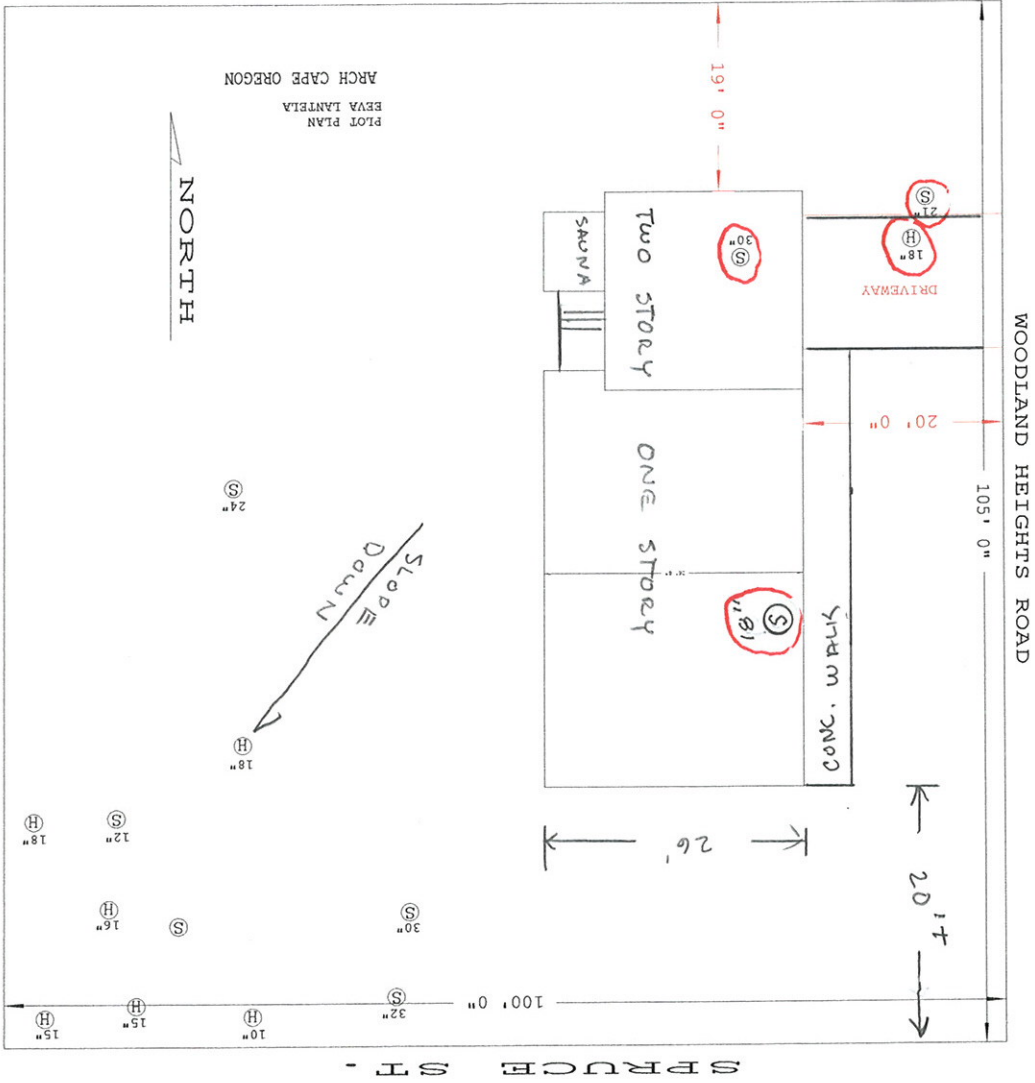
Other evaluation criteria:





TREES CIRCLED IN RED TO BE REMOVED

TREES CIRCLED IN RED TO BE REMOVED



Bill Boone Construction  
Lantela Property  
Arch Cape Park

Average Grade

Northwest Corner 993.14'

Northeast Corner 997.41'

Southwest Corner 991.67'

Southeast Corner 989.80'

Average Grade 993.01'

Northwest Property Corner 986.37'

Northeast Property Corner 1000.00'

Sewer Cleanout in Woodland North of Property 1001.14'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

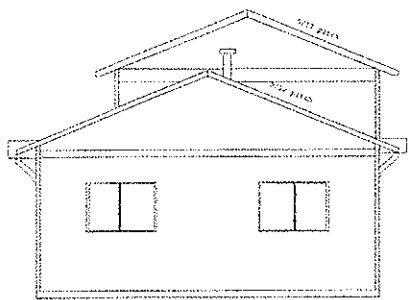
*[Handwritten Signature]*

OREGON  
JULY 12, 2005  
JOHN PETER WICKMAN  
73558

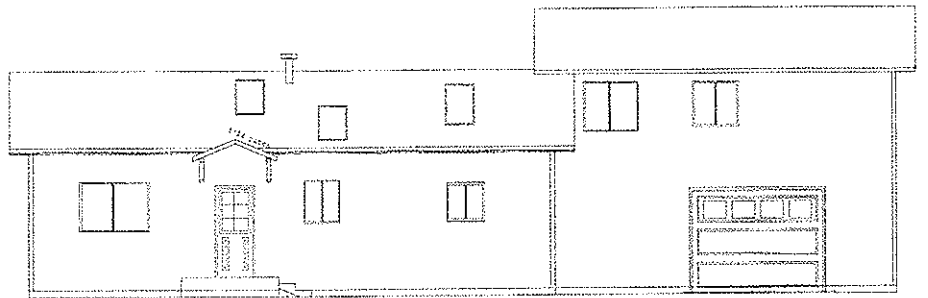
*REVIS 6-30-2010*



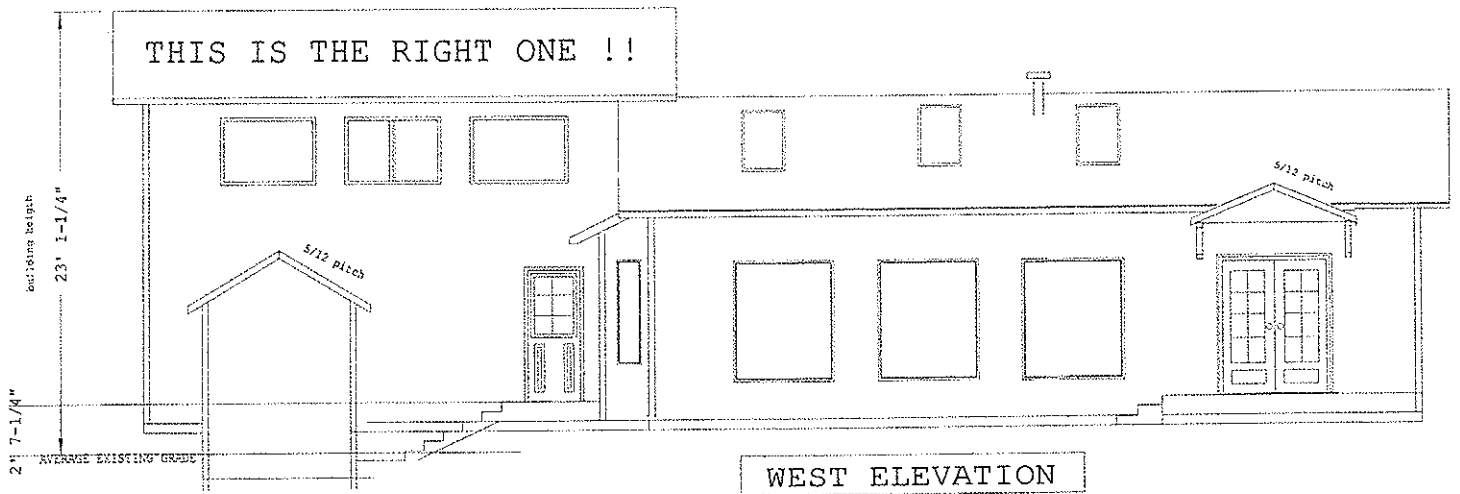
PO Box 1252  
Cannon Beach, OR 97110  
(503)436-1218

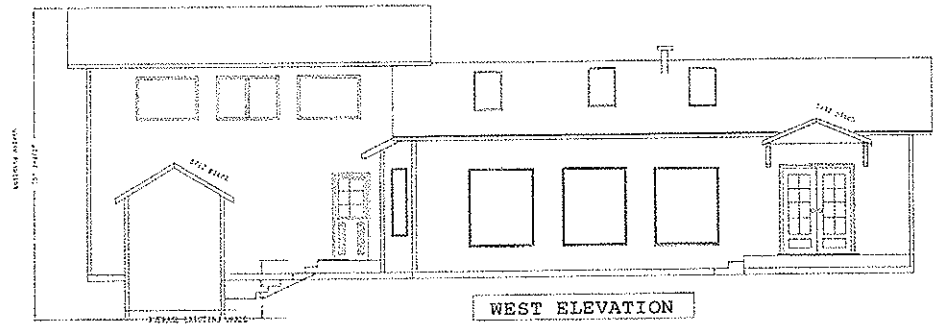
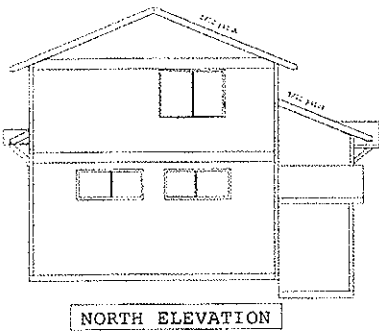


SOUTH ELEVATION

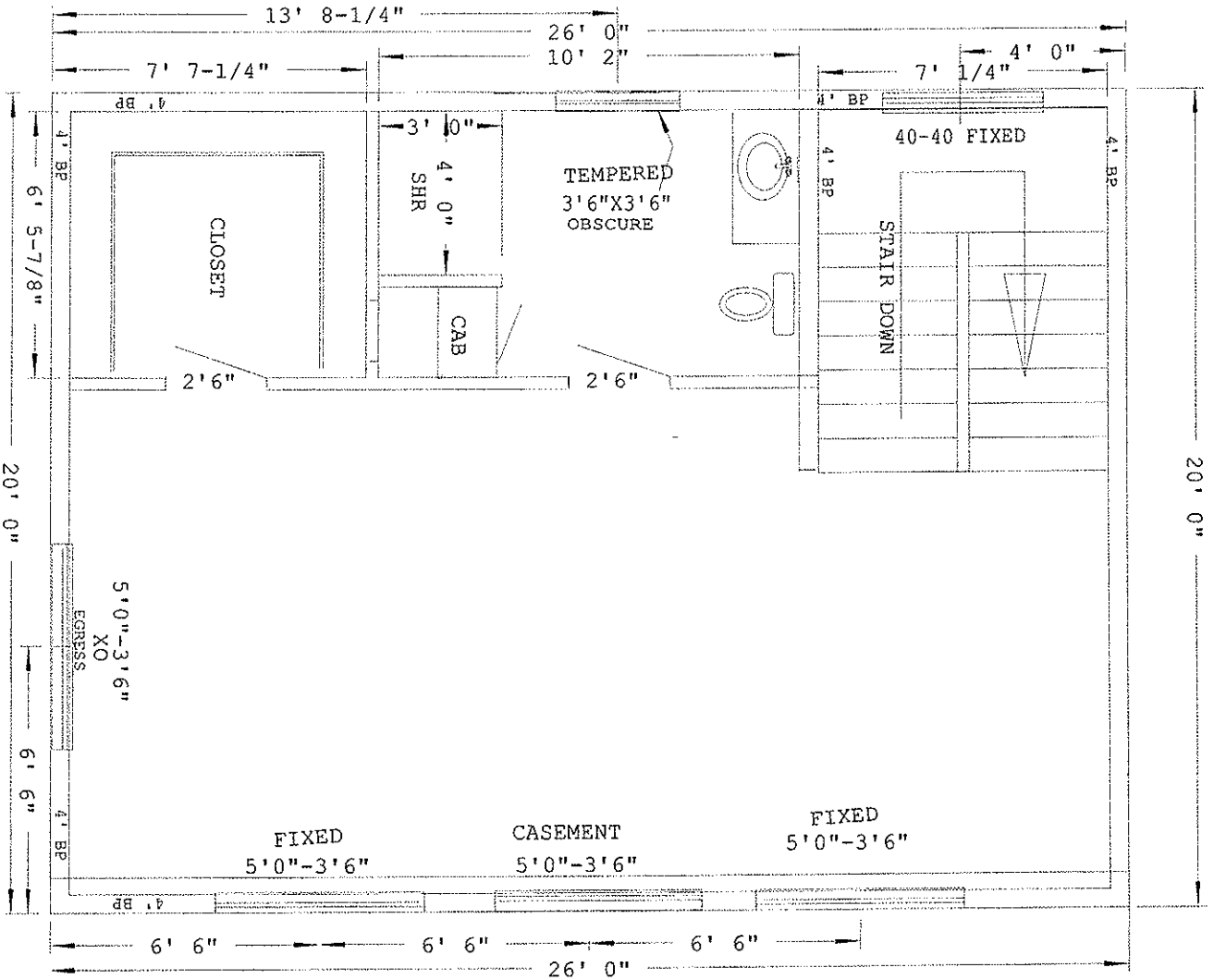


EAST ELEVATION

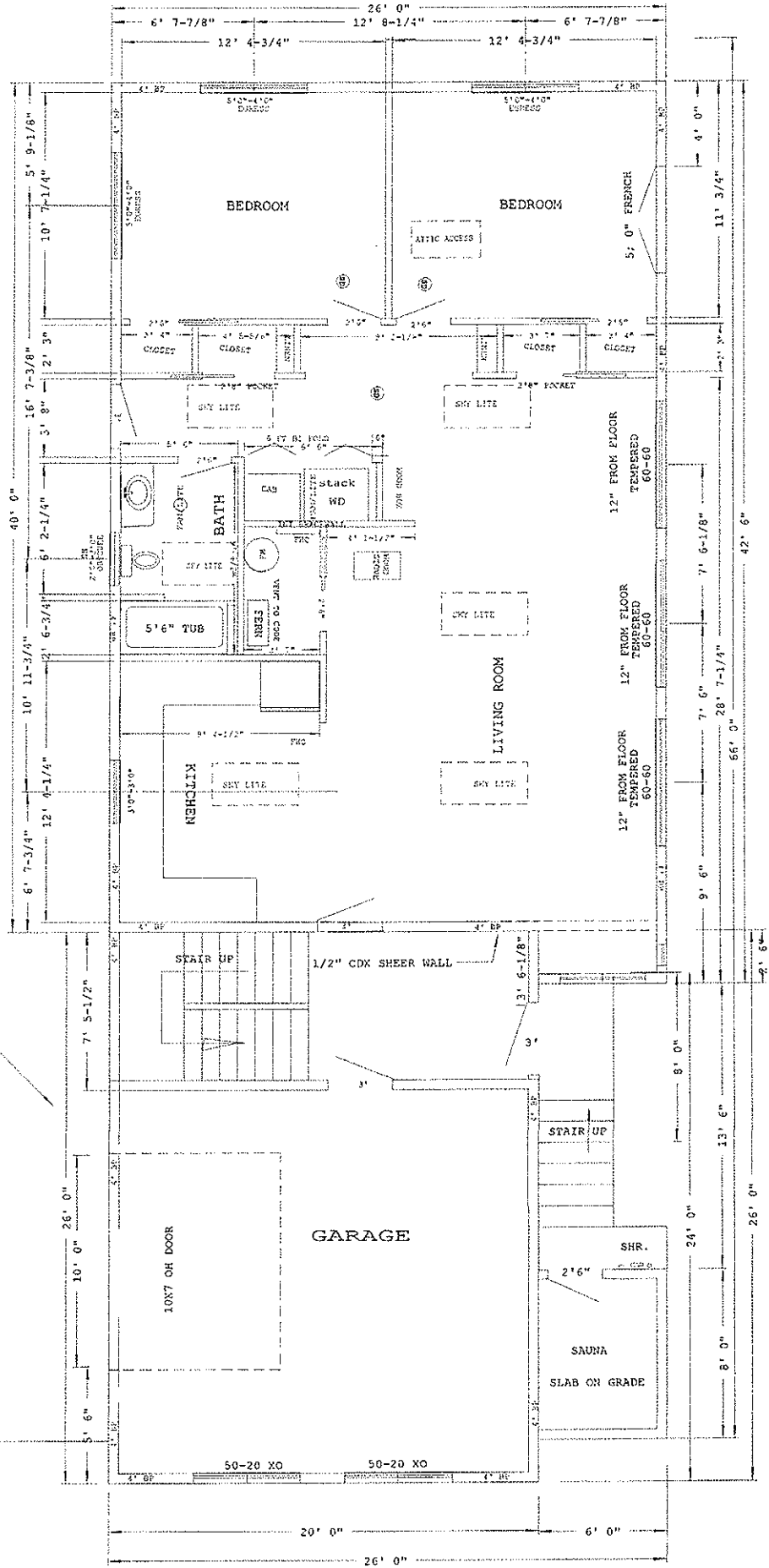




SECOND STORY  
OVER GARAGE

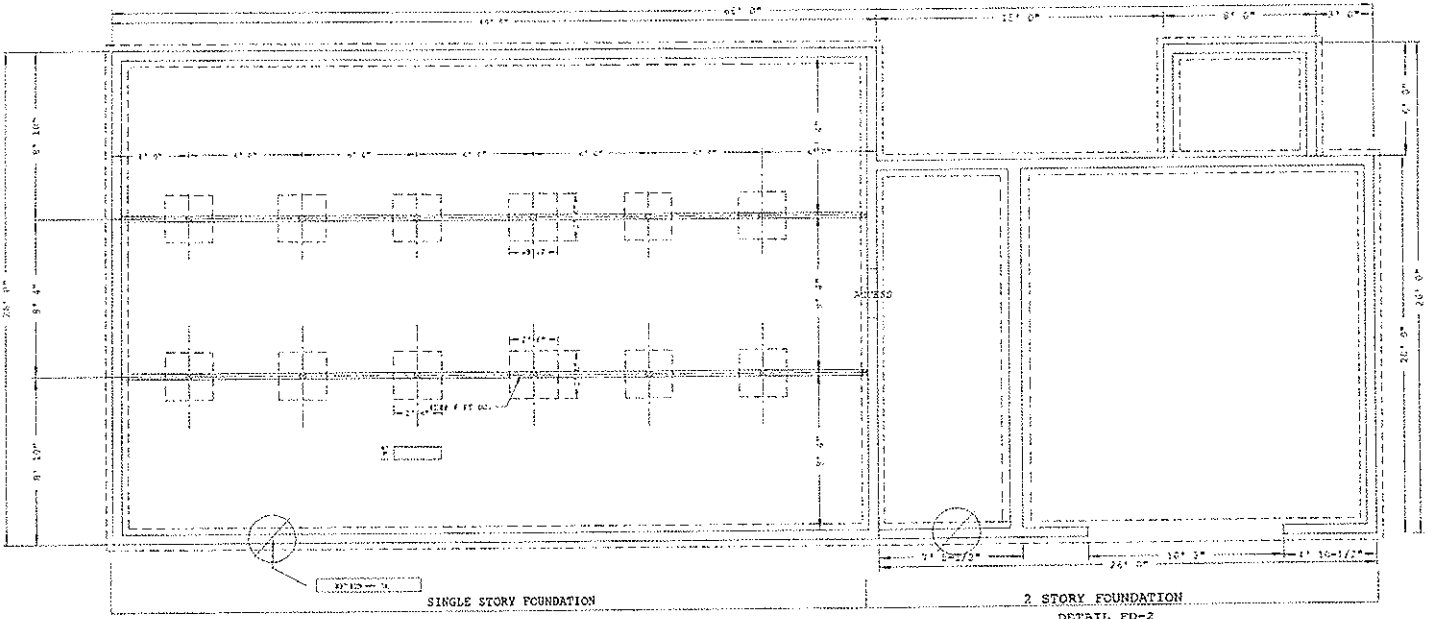


concrete walk & drive

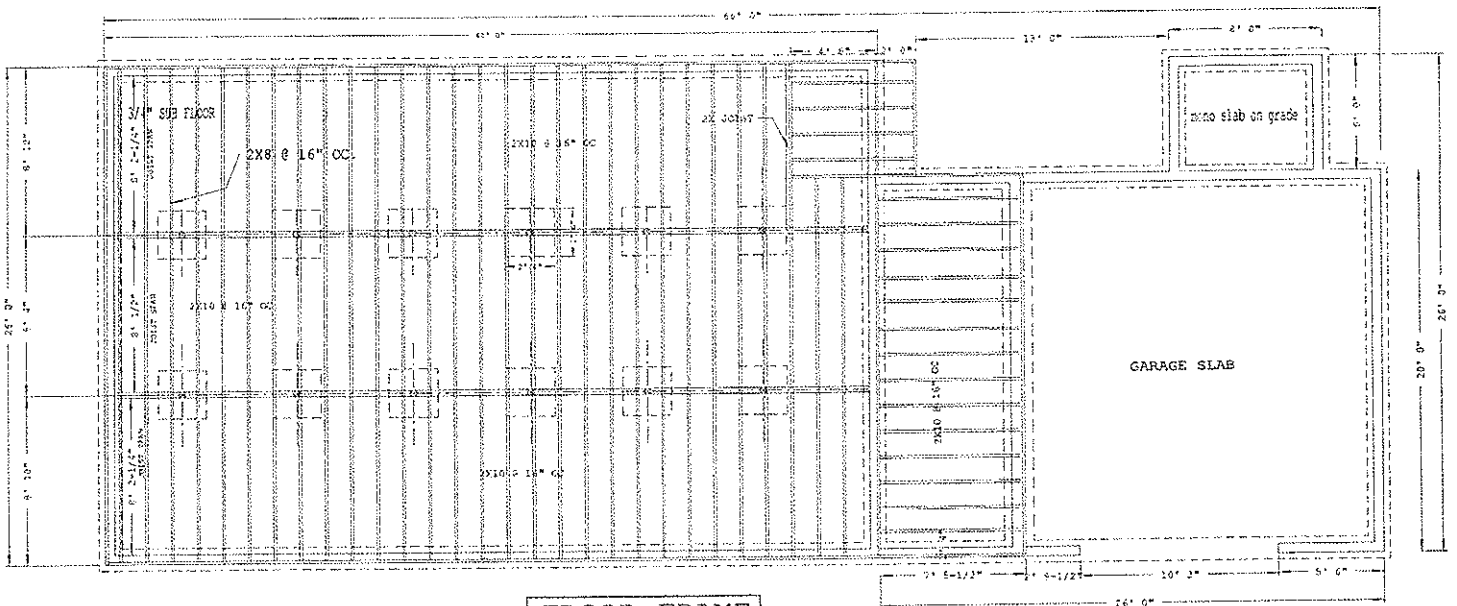




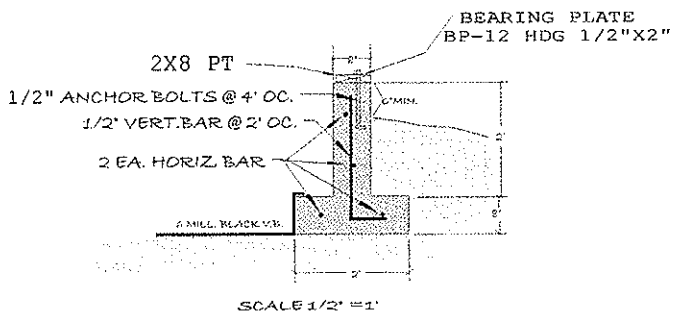
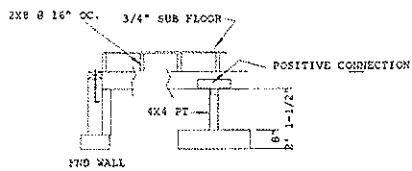
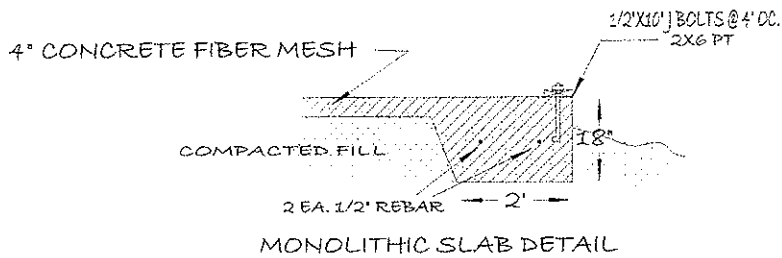
SCALE 1/4" = 1 FT.



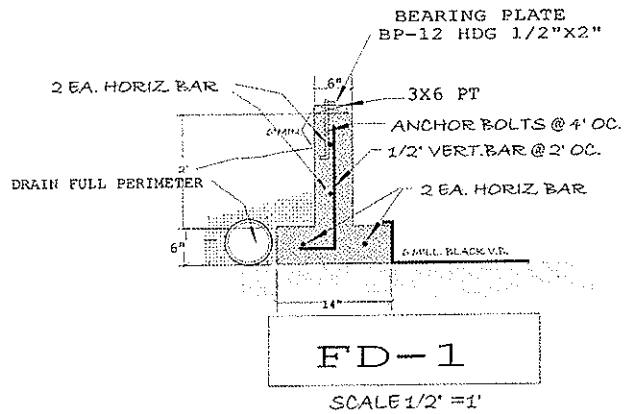
FOUNDATION PLAN  
SCALE 1/4" = 1 FT.

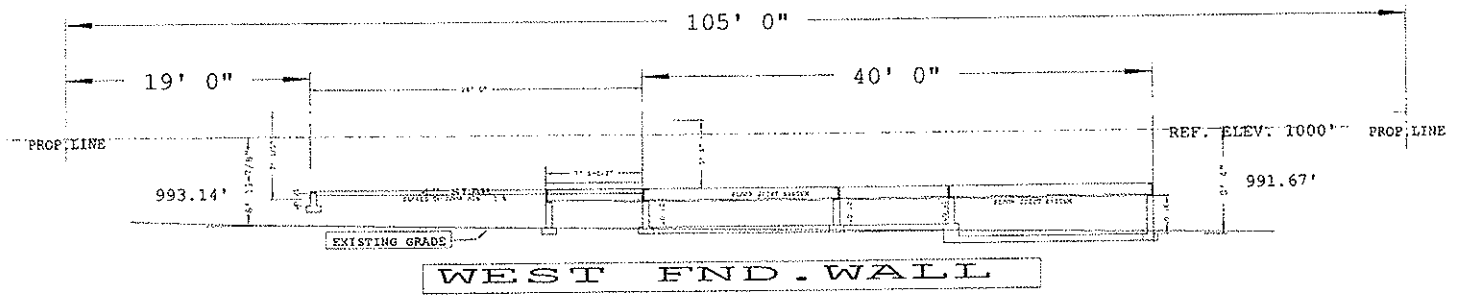


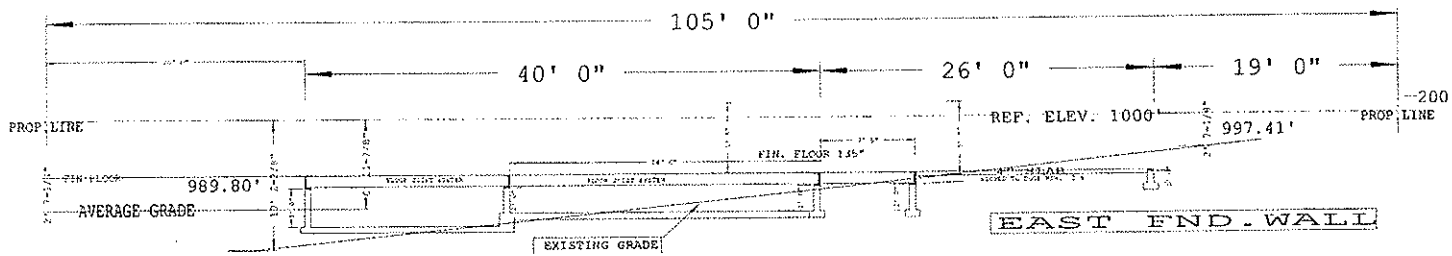
**FLOOR FRAME**  
SCALE 1/4" = 1 FT.

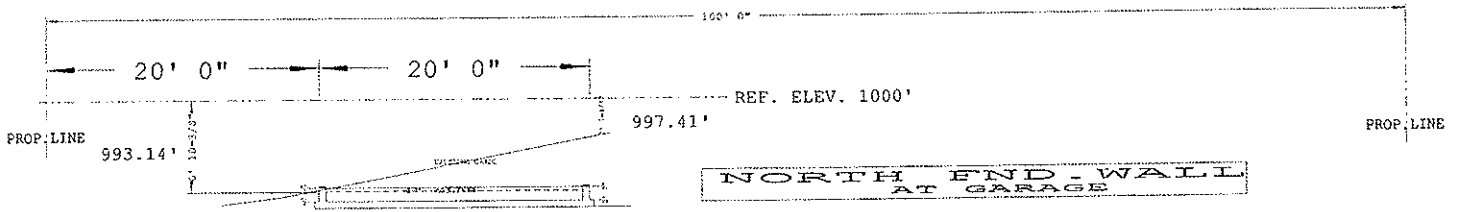


FD-2

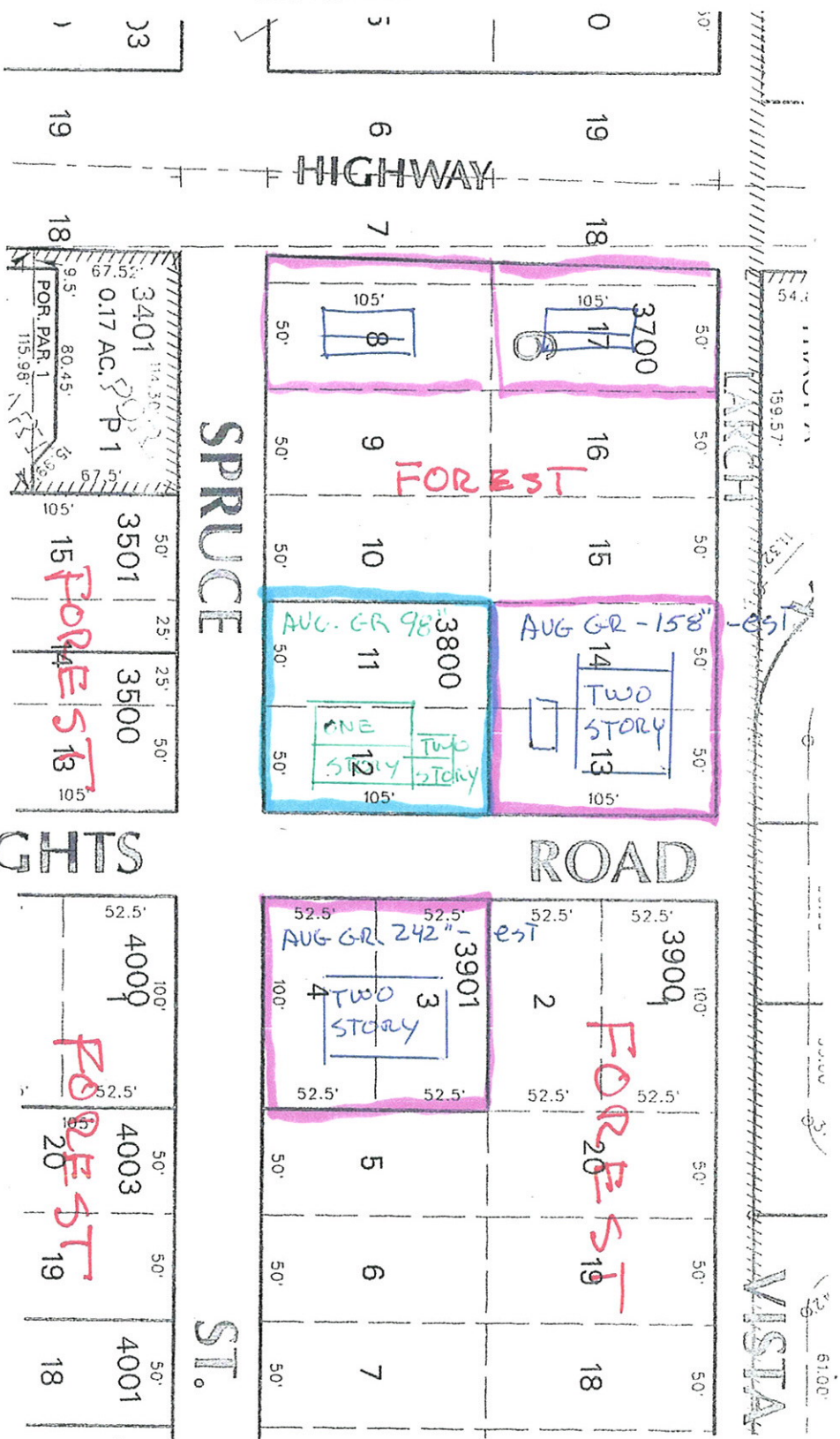








Proposed Development Will Not Impact Ocean Views



EXISTING HOMES



Proposed House

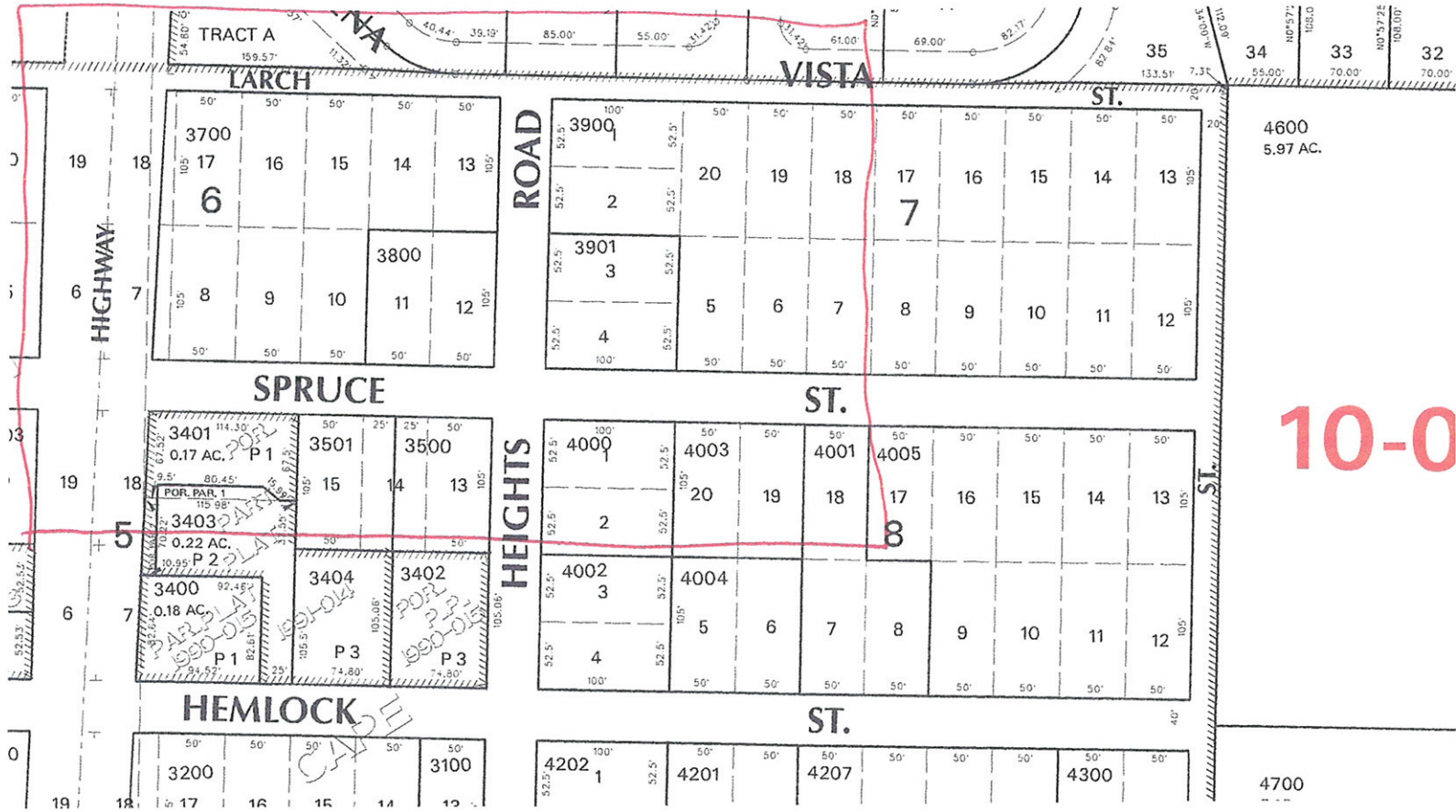
WOODLAND HEIGHTS

NORTH

WEST EAST

MAP 4 10 19CA

ENLARGED AREA



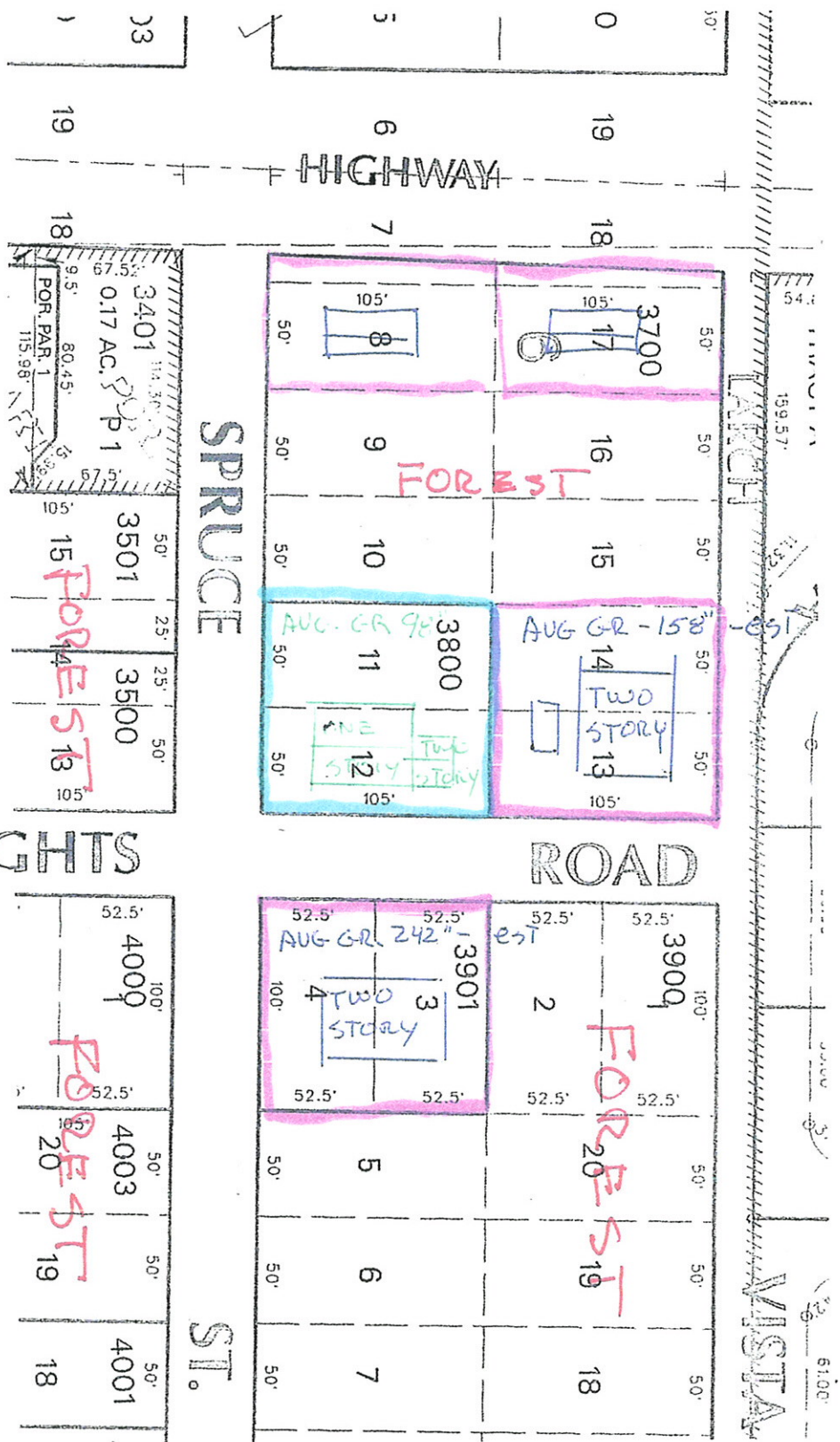
4600  
5.97 AC.

10-0

4700



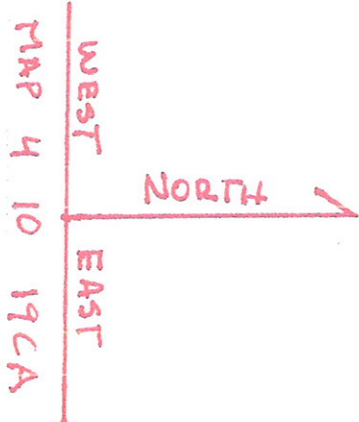
Proposed Development Will Not Impact Ocean Views



EXISTING HOMES

Proposed House

WOODLAND HEIGHTS



MAP 4 10 19CA



**Receipt**

This is not a Permit

Clatsop County Planning and Development  
800 Exchange St Ste 100  
Astoria, OR 97103

Ph. (503) 325 - 8611 Fax (503) 338 - 3666

**For Department Use Only**

Permit #: 20100107  
Permit Type: Type II  
Entry Date: 3/11/2010  
Entered By: Michael Weston  
Assigned To:  
Permit Status: Pending

**Permit Timeline**

User	Status	Date
Michael Weston	Entered	03/11/2010
Michael Weston	Deemed Incompl	03/11/2010

**Proposed Use**

Proposed Use: **Development Permit (New or Expanded)**

Zone: **AC-RCR**

Description: Single Family Dwelling

Overlay District: **None**

*See Also # 20100106*

**Owner/Project Location**

**Owner:** Name: **Lantela Eeva** Ph. #: (503) 436-1533  
 Address: PO Box 1321 Cell: ( ) -  
 City, State, Zip: Cannon Beach, OR 97110 Fax: ( ) -

**Situs Address:** T R S Q S Qq S Taxlot  
**City:** State: OREGON 4 10 19 C A 03800

**Applicant/Agent**

**Applicant:** Name: Ph. #: ( ) -  
 Address: Cell: ( ) -  
 City, State, Zip: Fax: ( ) -

**Agent:** Name/Type: Bill Boone ( Contractor ) Ph. #: (503) 717-2992  
 Address: 37564 Hwy 26 Cell: ( ) -  
 City, State, Zip: Fax: ( ) -

**Fees**

<u>Fee Type:</u>	<u>Permit Fee Total:</u>
Planning/Development	\$0.00
Total:	<u><u>\$0.00</u></u>

**Receipt**

**Balance Due:** \_\_\_\_\_

**Signatures**

1. For Commercial and industrial uses, include parking and loading plan, sign plan and erosion control plan.
2. For residential and other uses, include an erosion control plan.
3. Review attached applicant's statement and sign below.

I have read and understand the attached APPLICANT'S STATEMENT and agree to abide by the terms thereof.

**Applicant Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Owner Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Agent Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_



**Receipt**

**For Department Use Only**

Clatsop County Planning and Development  
800 Exchange St Ste 100  
Astoria, OR 97103

Permit #: 20100107

Ph. (503) 325 - 8611 Fax (503) 338 - 3666

**Zoning District Requirements**

Property Access Info.

Access to Property:  
County Permit Required?  
State Permit Required?

**Primary**

Direction	Setbacks	
	Req.	Actual
F: E	20	
S1: N	5	
S2: S	20	
R: W	10	

**Property Information**

Type	Description	Additional Info.
<b>Structure</b>	26 Foot Maximum	
<b>Water</b>	public water source:	ACSD
<b>Sewage</b>	public sewer	ACSD

**Compliance/Permit Requirements**

**Clatsop County Compliance**

Except as noted, the Clatsop County Community Development Department finds the proposed use(s)/action(s) in compliance with the Clatsop County Land & Water Development and Use Ordinance and with the Clatsop County Comprehensive Plan.

The evaluation of the land parcels outlined above is based on the information presented at this time, standards provided in the Clatsop County Land & Water Development & Use Ordinance, and policies of the Comprehensive plan, and the Zoning/ Comprehensive Plan Map.

The applicant or property owner must comply with the conditions noted below and on the attached applicants statement.  
This permit is not valid unless the conditions are met.

Entered by: Michael Weston

Entered Date: 03/11/2010

Applicants Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Clatsop County Authorization: \_\_\_\_\_

Date: \_\_\_\_\_



## Receipt

### Applicant's Statement

- 1. Pertaining to the subject property described, I hereby declare that I am the legal owner of record, or an agent having the consent of the legal owner of record, and am authorized to make the application for a Development Permit/Action so as to obtain the following permits: Building, Sanitation, U.S. Army Corps of Engineers, Oregon Division of State Lands, Oregon Department of Transportation, Oregon Department of Parks and Recreation, or a Clatsop County Road Approach. I shall obtain any and all necessary permits before I do any of the proposed uses or activities. The statements within this application are true and correct to the best of my knowledge and belief. I understand that if the permit authorized was based on false statements, or it is determined that I have failed to fully comply with all conditions attached to and made a part of this permit, this permit approval is hereby revoked and null and void.*
- 2. It is expressly made a condition of this permit that I at all times fully abide by all State, Federal, and local laws, rules, and regulations governing my activities conducted or planned pursuant to this permit.*
- 3. As a condition for issuing this Development Permit/Action, the undersigned agrees that he/she will hold Clatsop County harmless from and indemnify the County for any and all liabilities to the undersigned, his/her property or any other person or property, that might arise from any and all claims, damages, actions, causes of action or suits of any kind or nature whatsoever, which might result from the undersign's failure to build, improve or maintain roads which serve as access to the subject property or from the undersign's failure to fully abide by any of the conditions included in or attached to this permit.*
- 4. WAIVER OF VESTED RIGHTS DURING APPEAL PERIOD FOR ZONING AUTHORIZATIONS.**  
*I have been advised that this Land and Water Development Permit/Action by the Clatsop County Community Development Director may be appealed within twelve (12) calendar days of the date of permit issuance and authorization (note: if the twelfth day is a Saturday, Sunday or legal holiday, the appeal period lasts until the end of the next day which is not a Saturday, Sunday or legal holiday). I understand that if the approval authorized by the County and referenced above is reversed on appeal, then the authorization granted prior to the end of the appeal period will be null and void. I further understand and consent to the fact that any actions taken by me in reliance upon the authorization granted during the appeal period shall be at my own risk, and that I hereby agree not to attempt to hold Clatsop County responsible for consequences or damages in the event that removal of improvements constructed during the appeal period is ordered because an appeal is sustained.*
- 5. I am aware that failure to abide by applicable Clatsop County Land and Water Development and Use Ordinance 80-14, as amended and Standards Document regulations may result in revocation of this permit or enforcement action by the County to resolve a violation and that enforcement action may result in levying of a fine.*
- 6. I understand that a change in use, no matter how insignificant, may not be authorized under this permit and may require a new Development Permit/Action (check first, with the Clatsop County Community Development Department).*
- 7. I understand that this Development Permit/Action expires 180 days from the date of issuance unless substantial construction or action pursuant to the permit has taken place. Upon expiration, a new development permit must be obtained.*

CLATSOP COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

No. 20100107  
Fee: \$79.00

800 Exchange Street, Suite 100 \* Astoria Oregon 97013 \* (503) 325-8611 \* FAX (503) 338-3666

PROPOSED USE: \_\_\_\_\_

BASE ZONE: \_\_\_\_\_

SINGLE FAMILY DWELLING

OVERLAY DISTRICT: \_\_\_\_\_

PROJECT LOCATION: T: 4 R: 10 S: 19 TL: 03800 ACRES: 1/4

APPLICANT 1: (mandatory)

PROPERTY OWNER: (mandatory)

Name: BILL BOONE

Name: EEVA LANTELA

Address: 37564 HWY. 26

Address: 263 E. JACKSON ST.

City/State/Zip: SEASIDE, OR 97138

City/State/Zip: CANNON BEACH, OR 97110

Phone: 503-717-2992

Phone: 503-436-1533

ATTORNEY/SURVEYOR/CONSULTANT/AGENT

INSTRUCTIONS

Name: \_\_\_\_\_

1. Complete form and attach site plan

Address: \_\_\_\_\_

2. For commercial and industrial uses, include parking and loading plan, sign plan and erosion control plan

City/State/Zip: \_\_\_\_\_

3. For residential and other uses, include an erosion control plan

Phone: \_\_\_\_\_

4. Review applicant's statement and sign this form

I have read and understand the statements **ON THE BACK OF THIS FORM** and agree to abide by them.

Applicant's Signature: Bill Boone

Date: 1/20/10

Owner's Signature: Eeva Lantela

Date: 1/20/10

Agent's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Clatsop County Community Development Department

Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

Information on this form must be filled out and signed in this order

4-10-19-CA 03800 Arch Cape Park 2 Lot 11, 12 Block 6  
1. JOB SITE INFORMATION (to be filled out by applicant/owner/agent):

Job Site Address: WOODLAND HEIGHTS Rd. City: ARCH, CAPE

Owner: BEVA LANDELA Phone: \_\_\_\_\_

Owner's Address: 263 EAST Jackson Cannon Beach

Agent: Bill Boone

Proposed Development/Construction: Single Family Dwelling

2. STATE DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) (to be filled out and signed by DEQ):

Legal Description: T 4 R 10 SEC 19-CA Tax lot(s) 03800

Permit Needed - Yes ( ) No ( ) Site Approved - Yes ( ) No ( )

Signature: Thomas J. Merrill Date: 1/20/2010

Remarks: "Sewer elevation is of concern Sewer is 4'6" Deep in Rightway - Woodland"

DEQ North Coast Branch Office, 65 North Highway 101, Suite G, Warrenton, Oregon 97146 Phone: (503) 861-3280 FAX (503) 861-3259

3. FIRE DEPARTMENT/FIRE DISTRICT ACCESS AND WATER SUPPLY REQUIREMENTS:

Water/Fire Flow: \_\_\_\_\_ Number of Hydrants: \_\_\_\_\_ Hydrant Location (s): \_\_\_\_\_

Signature: Alex Roosa Title: Fire Chief Date: 1-19-2010

Remarks: \_\_\_\_\_

Contact the local RFPD having jurisdiction. Applicable to all CUP, partitions, subdivisions, and land use approvals issued after 1/01/03.

4. CLATSOP COUNTY LAND USE PLANNING DEPARTMENT (to be filled out and signed by Land Use Planning):

Legal Description: T \_\_\_\_\_ R \_\_\_\_\_ SEC \_\_\_\_\_ Tax Lot(s) \_\_\_\_\_

Zone: \_\_\_\_\_ Overlay District: \_\_\_\_\_

Development Permit - Yes ( ) No ( ) # \_\_\_\_\_

Flood Plain - Yes ( ) No ( ) Elevation Requirements: \_\_\_\_\_

Geologic Hazard - Yes ( ) No ( ) Special Construction Requirements? - Yes ( ) No ( )

Signature: \_\_\_\_\_ Title \_\_\_\_\_ Date: \_\_\_\_\_

Remarks: \_\_\_\_\_

Clatsop County Land Use Planning, 800 Exchange, Suite 100, Astoria, Oregon 97103 Phone: (503) 325-8611 FAX (503) 338-3666

5. CLATSOP COUNTY BUILDING CODES (located at 800 Exchange Street, Suite 100, Astoria, Oregon) Phone: (503) 338-3697 FAX (503) 338-3666. Building Codes will review and issue the building permit.

1. Pertaining to the subject property described, I hereby declare that I am the legal owner of record, or an agent having the consent of the legal owner of record, and am authorized to make the application for a Development Permit/Action so as to obtain the necessary building permits, sanitation permits, US Army Corps of Engineers permits, Oregon Division of State Lands permits, Oregon Department of Transportation permits, Oregon Department of Parks and Recreation permits, or Clatsop County road approach permits. I shall obtain any and all necessary permits and complete the conditions of approval as required herein within 180 days of the issuance of this permit before I do any of the proposed uses or activities. The statements within this application are true and correct to the best of my knowledge and belief. I understand that if the permit authorized was based on false statements or misrepresentation or it is determined that I have failed to fully comply with all conditions attached to and made a part of this permit, this permit approval is hereby revoked and null and void.
2. It is expressly made a condition of this permit that I at all times fully abide by all state, Federal and local laws, rules, regulations governing my activities conducted or planned pursuant to this permit.
3. As a condition for issuing this Development Permit/Action the undersigned agrees that he/she will hold Clatsop County harmless from and indemnify the County for any and all liabilities to the undersigned, his/her property, or any other person or property, that might arise from any and all claims, damages, actions, causes of action or suits of any kind or nature whatsoever which might result from the signer's failure to build, improve or maintain roads which serve as access to the subject property or from the undersign's failure to fully abide by any of the conditions included in or attached to this permit.
4. WAIVER OF VESTED RIGHTS DURING APPEAL PERIOD FOR ZONING AUTHORIZATION. I have been advised that this Land and Water Development permit/Action by the Clatsop County Community Development Director may be appealed within twelve calendar days of the date of permit issuance and authorization (note: if the twelfth day is a Saturday, Sunday or legal holiday, the appeal period lasts until the end of the next day which is not a Saturday, Sunday or legal holiday). I understand that if the approval authorized by the County and referenced above is reversed on appeal, then the authorization granted prior to the end of the appeal period will be null and void. I further understand and consent to the fact that any actions taken by me in reliance upon the authorization granted during the appeal period shall be at my own risk, and that I hereby agree not to attempt to hold Clatsop County responsible for consequences or damages in the event that removal of improvements constructed during the appeal period is ordered because an appeal is sustained.
5. I am aware that failure to abide by applicable Clatsop county Land and Water Development and Use Ordinance 80-14, as amended, and Standards Document regulations may result in revocation of this permit or enforcement action by the County to resolve a violation and that enforcement action may result in levying of a fine.
6. I understand that a change in use, no matter how insignificant, may not be authorized under this permit and may require a new Development Permit/Action. You should check with the Clatsop County Community Development Department.
7. This Development Permit/Action expires 180 days from the date of issuance unless substantial construction or action pursuant to the permit has taken place. Upon expiration, a new development permit must be obtained.

**Zoning District Requirements**

	<u>Required Setbacks</u>	<u>Actual Setbacks</u>
(N, S, E, W) Front	_____	_____
(N, S, E, W) Side	_____	_____
(N, S, E, W) Side	_____	_____
(N, S, E, W) Rear	_____	_____
Clear Vision	<input type="checkbox"/>	20 feet
Riparian Vegetation	<input type="checkbox"/>	50 feet
	<input type="checkbox"/>	30 feet
Non-aquatic Vegetation (non-L&W)	<input type="checkbox"/>	35 feet
Resource Zone	<input type="checkbox"/>	50 feet

Structure Height

- 35 foot maximum
- oceanfront 18 ft. max. in RSA-SFR, CBR, CR
- 26 feet maximum
- other \_\_\_\_\_
- no requirement

Lot Coverage Percentage \_\_\_\_\_ %

Sewage Disposal

- subsurface system
- public sewer
- private sewer
- none required

Water Requirements

(must include approval from authorizing agent)

- none required
- well
- spring
- river, stream, pond, or hand-dug well
- private water source \_\_\_\_\_
- public water source \_\_\_\_\_
- potability test from certified water lab (attach certification)
- Quantity: \_\_\_\_\_

Access to Property

Yes  No

Is a County or State permit required? Yes  No

Access Permit # \_\_\_\_\_

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

Clatsop County Authorization \_\_\_\_\_ Date \_\_\_\_\_

**CLATSOP COUNTY COMPLIANCE**

The Clatsop County Community Development Department finds the proposed use(s) /action(s) in compliance with the *Clatsop County Land & Water Development and Use Ordinance* and with the *Clatsop County Comprehensive Plan*. The evaluation of the land parcels outlined above is based on the information presented at this time and as shown on the Zoning/Comprehensive Plan Map.

- |                          |  |   |                            |
|--------------------------|--|---|----------------------------|
| <input type="checkbox"/> | Approved                                   | I |                            |
| <input type="checkbox"/> | Approved w/ Conditions (below or attached) | I |                            |
| <input type="checkbox"/> | Denied                                     | I | _____ Applicant's initials |

The applicant or property owner must comply with the conditions noted below or attached. This permit is not valid unless the conditions are met.

**CONDITIONS OF APPROVAL**

(those checked, written, and/or attached)

- Attachment  Yes  NO
- Access to property ( attach County or ODOT permit)
  - Address: \_\_\_\_\_
  - Airport height/use standards
  - Average grade (attach calculations)
  - Beaches & Dunes (dune stabilization /revegetation)
  - Coastal Shorelands
  - Conditional Use Permit(R&O No. \_\_\_\_\_)
  - DSL wetland fill/removal permit (503-378-3805)
  - Design Review (R&O No. \_\_\_\_\_)
  - Erosion Control Plan
  - Stormwater Drainage plan
  - Engineer report
  - Firebreak (clear & maintain a firebreak of at least \_\_\_\_\_ feet radius around proposed structure)
  - Floodplain (permit No. \_\_\_\_\_)
  - Geologic hazards (R&O No. \_\_\_\_\_)
  - Parking Plan
  - Plot Plan
  - Post-construction survey
  - Resource zone certification (recorded with County Clerk; copy in Department file)
  - Resource zone setback
  - Review Use (R&O No. \_\_\_\_\_)
  - Road improvement
  - Sign permit (submit plans and receive approval prior to placement)
  - Temporary Use Permit (R&O No. \_\_\_\_\_)  
US Army Corps of Engineers permit (503-325-1135)
  - Other conditions of approval