



# CLATSOP COUNTY PLANNING COMMISSION

## REGULAR MEETING AGENDA

Judge Guy Boyington Building, 857 Commercial St., Astoria

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**Tuesday, March 10, 2020 at 10:00 AM**

### CALL MEETING TO ORDER

### FLAG SALUTE

### ROLL CALL

### ADOPT AGENDA

**BUSINESS FROM THE PUBLIC:** This is an opportunity for anyone to give a brief presentation about any land use planning issue or county concern that is not on the agenda.

### MINUTES:

1. Regular Meeting Minutes January 14, 2020

### PUBLIC HEARING

2. Steve and Denise Kinney, of Kinney and Sons Dump Trucking, LLC, have submitted a conditional use application requesting the Planning Commission approve their request to establish a new single-unit residential dwelling for a watchman's quarters on property owned by them. The subject property is zoned RCC-LI, and the use is permitted under Section L3.274(2) Conditional Development and Use when established accessory to the existing commercial trucking and storage yard on the property.

### CODE CONSOLIDATION AND MODERNIZATION

3. **#20-000088:** Clatsop County Community Development is proposing to combine the *Land and Water Development and Use Ordinance* and the *Clatsop County Standards Document* into a single code. The proposed changes will consolidate and reorganize the existing provisions and will standardize language. No regulatory changes are proposed.

### COMPREHENSIVE PLAN UPDATE

**SPECIAL PROJECTS UPDATE** (verbal updates provided at meeting, unless otherwise noted.)

### PROJECT STATUS REPORT

4. March 2020 Project Status Report

### OTHER BUSINESS

### ADJOURN

**NOTE TO PLANNING COMMISSION MEMBERS:** Please contact the Community Development Department (503-325-8611) if you are unable to attend this meeting.

**ACCESSIBILITY:** This meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting by contacting the Community Development Land Use Planning Division, 503-325-8611.

**Minutes of January 14, 2020**  
**Clatsop County Planning Commission Regular Session**  
Judge Guy Boyington Building  
857 Commercial Street  
Astoria, Oregon 97103

*The regular meeting was called to order at 10:00 a.m. by Chair Francis.*

| <b>Commissioners Present</b> | <b>Commissioners Absent</b> | <b>Staff Present</b> |
|------------------------------|-----------------------------|----------------------|
| Bruce Francis                |                             | Julia Decker         |
| Myrna Patrick                |                             | Gail Henrikson       |
| Robert Stricklin             |                             | Victoria Sage        |
| Christopher Farrar           |                             |                      |
| Nadia Gardner                |                             |                      |
| John Orr                     |                             |                      |
| Mike Magyar                  |                             |                      |

The board decided by consensus to postpone election of officers until the February 2020 meeting.

**Adopt Agenda:**

*Commissioner Orr moved and Commissioner Gardner seconded to adopt the agenda as amended. Motion passed unanimously.*

**Business from the Public:**

**Pamela Matson McDonald, 258 Commercial Street, Astoria, OR:**

Ms. McDonald provided information on the January 23, 2020 Tools for Sustainability talk being presented at Clatsop Community College. The subject of the talk is Community Solar and Energy Storage Systems presented by Stephen Shumaker in Columbia Hall Room 219 at 7:00 p.m.

**Minutes:**

*Commissioner Patrick moved and Commissioner Orr seconded to adopt the December 10, 2019 Clatsop County Planning Commission Regular Meeting minutes as presented. Motion passed unanimously with Commissioner's Gardner, Orr and Magyar abstaining.*

**Election of Officers:**

*Commissioner Stricklin readdressed the issue of election of officers. Board discussed, decided to hold the election at the current meeting and the following motions were made:*

**Commissioner Patrick nominated and Commissioner Gardner seconded Bruce Francis as Chair.** No other nominations were made and the nomination passed unanimously.

**Commissioner Magyar nominated and Commissioner Farrar seconded Nadia Gardner as Vice-Chair.** No other nominations were made and the nomination passed unanimously.

**Code Consolidation and Modernization – Final installment of Article IV, Gail Henrikson, Community Development Director:**

Ms. Henrikson was available for questions and clarification of the materials provided covering the final installment of article IV dealing with zones designated as "Natural". Commissioner Stricklin questioned why some water bodies were designated "natural" and others were not.

1 **Other Business, Gail Henrikson, Community Development Director:**

2 Ms. Henrikson provided an update on the January 7, 2020 Clatsop County Board of Commissioners work session  
3 regarding a moratorium on code compliance action regarding persons living in RV's. Discussion ensued.  
4

5 **Code Consolidation and Modernization – Article 5, Victoria Sage, Community Development Planner:**

6 Ms. Sage was available for questions and clarification of the materials provided.  
7

8 **Comprehensive Plan Update, Julia Decker, Community Development Manager:**

9 Ms. Decker advised that the citizen advisory committees are taking a break from meetings until April 2020 to  
10 provide staff time to compose drafts for Goals 1 through 4 incorporating committee and public  
11 recommendations.  
12

13 ***As there was no further business or discussion, Chair Francis adjourned the meeting at 11:59 a.m.***  
14

15 Respectfully Submitted,  
16  
17

18 \_\_\_\_\_  
19 Bruce Francis  
20 Chairperson - Planning Commission



# Clatsop County

## Community Development – Planning

800 Exchange St.,  
Suite 100  
Astoria, OR 97103  
(503) 325-8611  
phone  
(503) 338-3606 fax

### STAFF REPORT

**STAFF REPORT DATE:** February 28, 2020

**TYPE IIa DECISION MAKER:** Clatsop County Planning Commission

**REQUEST:** Conditional use permit approval to allow a single manufactured home dwelling for night watchman's residence in conjunction with an existing commercial use.

**APPLICATION DEEMED COMPLETE:** January 27, 2020  
**150-Day Deadline:** July 20, 2020

**APPLICANT/OWNERS:** Steve and Denise Kinney  
91569 George Hill Rd.  
Astoria, OR 97103

**PROPERTY DESCRIPTION:** T8N, R07W, Section 20B, Tax Lot 2100  
*Zoning/Minimum Lot Size:* RCC-LI (Rural Community Commercial – Light Industrial)  
75-foot min. lot width, 1:3 max. lot width to depth ratio  
*Comprehensive Plan Designation:* Development  
*Overlays and Layers:* None  
*Current Use:* Commercial trucking and storage yard for Kinney and Sons Trucking

**PROPERTY LOCATION:** Between the Knappa Junction and Old Market Rd., at 42852 Old Hwy 30, Astoria

**PROPERTY SIZE:** +/- 1.17 acres, according to Assessor records

**COUNTY STAFF REVIEWER:** Victoria Sage, Planner

**STAFF RECOMMENDATION:** Approval with conditions

**COMMENTS:** Karen A. Strauss, PE

**ATTACHMENTS:** Exhibit 1 – Conditional Use Application File  
Exhibit 2 – Public and Legal Notices

**SUMMARY:** On January 16, 2020, Steven J. Kinney submitted to the Clatsop County Community Development Department a conditional use application to place a residence for night watchman's quarters on property owned by him, in the RCC-LI Zone at 42852 Old Hwy 30, in Knappa. The application was deemed complete on January 27, 2020. A 20-day public notice was issued February 18, 2020.

## PROPERTY STATUS

The subject property was created by warranty deed, recorded with the Clatsop County Clerk on March 29, 1950 (Clatsop County Cook of Deed Records, Book 207, Page 590A). The property meets the County's definition of "lot of record", L1.030.

## PROPERTY and NEIGHBORHOOD CONDITIONS

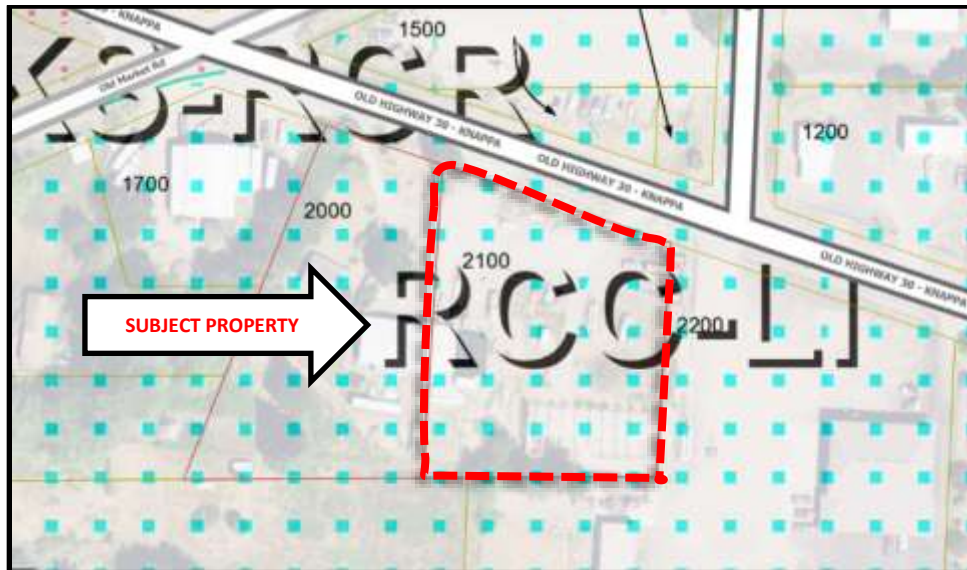
Located 13 miles east of Astoria, Oregon, in the rural area known as Knappa, the subject T8N, R07W, Section 20B, TL 02100 at 42852 Old Hwy 30, is within the Rural Community Commercial-Light Industrial Zone (RCC-LI). This zone encompasses a rural commercial-light industrial area at the intersection of Old Hwy 30, Old Market Road and Knappa Dock Road. To the south lies Hwy 30 near its intersection with Hillcrest Loop. TL 02100 is in common ownership with TL 02000, immediately to the west, and is currently used by Kinney and Sons Dump Trucking LLC for their trucking and storage yard. The two properties are used together for the existing commercial use. The new residential building is proposed to be placed on TL 02100 alone, approximately centered in its southern portion behind and between some existing commercial buildings.

## SURROUNDING NEIGHBORHOOD



Immediately east and southeast of TL 02100 is TL 02200, the site of the business office for Teevin Bros. Land and Timber Co., a trucking, logging, and quarrying company. Immediately to the south is TL 01900, which along with TLs 01800, 01801 farther west, are in residential use, despite also being in the RCC-LI Zone. Northwest of TL 02000 is TL 01700, also zoned RCC-LI and used for truck service, repair, storage and maintenance for Bill Hughes Excavation. To the north, across Old Hwy 30, are TLs 01300, 01400 and 01500, all in use as equipment storage. Other uses in the immediate neighborhood include a Clatsop County Public Works stockpile yard, a gas station and convenience store, restaurant and bar, the Knappa Water Association office, and older residences on smaller lots. The KS-RCR Zone that surrounds the commercial and light industrial zoning includes older neighborhoods on smaller lots, many less than one-half acre in size.

## ZONING MAP:



## PROPOSED SITE PLAN:



### I. APPLICABLE CRITERIA

#### LWDUO 80-14

1.010-1.050 (Article 1 Introductory Provisions)  
 2.025 Type IIa Procedure  
 2.105 Responsibility of a Director for Hearings  
 2.110 Mailed Notice of a Public Hearing  
 2.125 Procedure for Published Notice  
 3.252 Rural Community Commercial and Light Industrial Zone  
 5.000 Conditional Use  
 5.300 Site Plan Review

#### Standards Document

Chapter 2 Site Oriented Improvement  
 Chapter 5 Vehicle Access Control & Circulation

#### Clatsop County Comprehensive Plan

Goal 1 Citizen Involvement  
 Goal 2 Land Use Planning  
 Goal 10 Housing  
 Goal 11 Public Facilities and Services  
 Northeast Community Plan

Only the sections and subsections of the above documents deemed applicable are reproduced in this report. For this reason, not all sections are numbered consecutively. A section that is not included is deemed not applicable.

## **II. APPLICATION EVALUATION**

### **A. Clatsop County Land and Water Development and Use Ordinance (80-14)**

#### **Section 2.100-2.260 Public Deliberations and Hearings**

**STAFF FINDING and CONCLUSION:** Staff followed all requirements pertaining to the mailed, published, and posted notices for a Type Ila procedure. A copy of the notices and mailing list may be found in Exhibit 2, attached.

**These criteria have been met.**

#### **SECTION 3.266. RURAL COMMUNITY COMMERCIAL AND LIGHT INDUSTRIAL ZONE (RCC-LI).** **Section 3.274. Conditional Development and Use.**

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

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

**STAFF FINDINGS and CONCLUSION:** The proposal would place a night watchman's residence at the rear of the subject property to support the lawfully established commercial development. The use of the site as a construction, excavation, trucking, and storage yard would continue; Kinney and Sons Dump Trucking LLC was granted a permit for the commercial use in 2018, CUP #20180112. The residential component of the night watchman's quarters is proposed to help Kinney and Sons Trucking better manage their business with a resident manager on-site, and provide an extra layer of security for their commercial property and equipment.

The use will be examined against the applicable criteria mentioned above and will be found to be appropriate in the RCC-LI Zone, with conditions of approval, as recommended in various sections of this staff report.

**The proposal is consistent with the allowed uses in the RCC-LI Zone and can be processed under a Type Ila review procedure.**

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

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

- 1) Plan review and approval:

(A) No building permit or other permit for construction or alteration of any building structure or use in this zone shall be issued until plans have been reviewed and approved by the Community Development Director in order to evaluate the conformity with the performance standards of this zone and the Comprehensive Plan and the compatibility of vehicular access, signs, lighting, building placement and designs, landscaping, adjoining uses and location of water and sewage facilities or waste water treatment.

- 2) Standards:

(A) Air quality: The air standards set by the Department of Environmental Quality shall be the guiding standards in this zone, except that open burning is prohibited in any case.

(B) Noise: As permitted under all laws and regulations.

(C) Storage: Materials and or equipment shall be enclosed within a structure or concealed behind sight-obscuring screening.

- (D) Fencing: Allowed inside a boundary planting screen and where it is necessary to protect property or to protect the public from a dangerous condition. The proposed fence locations and design will be subject to Community Development Director review and approval.
- (E) Buffer: Where the RCC- LI zone adjoins a zone other than RCC-LI, there shall be a buffer area of depth adequate to provide for a dense evergreen landscape buffer which attains a minimum height of 8-10 feet, or such other screening measures as may be prescribed by the Community Development Director in the event differences in elevation or other circumstances should defeat the purpose of this requirement. In no case shall the buffer area have less width than the required 50-foot setback of this zone.
- (F) Vibration: No vibration other than that caused by highway vehicles, trains and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.
- (G) Heat and glare: Except for exterior lighting, operations producing heat or glare shall be constructed entirely within an enclosed building.
- (H) Lighting: Exterior lighting shall be directed away from adjacent property, with cutoff lighting required, when adjacent to a residential zone.
- 4) Setback requirements:
- (A) Front yard setbacks: twenty-five feet (25).
- (B) Side and rear yard when abutting a residence or residential zone: ten feet (10).
- 5) Building height:
- (A) The maximum building height for commercial uses shall be thirty-five feet (35).
- (B) The maximum building height for light industrial uses shall be forty-five feet (45), except when within 100 feet of a residential zone, the height shall be thirty- five feet (35).
- 6) Building size:
- (A) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 3.272 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 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.
- 7) Off-street parking requirements: Off-street parking shall be subject to Section S2.200 of the Development and Use Standards Document.
- 8) An accessory structure separated from the main building may be located in the required rear or side yard, except in the required street side of a corner lot, provided that it is not less than ten feet (10) to a property line.
- 9) All new developments and cumulative or incremental expansion of an existing footprint greater than twenty-five percent shall indicate on the building permit how storm water is to be drained from the property or retained on site. The Building Official or County Engineer may require the installation of culverts, dry wells, retention facilities, or other mitigation measures where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands or on slopes twenty-five percent or greater.
- 10) Developments adjacent to or across the street from residential zones shall be contained within an enclosed building or screened from the residential district with a sight obscuring fence or vegetation.
- 11) Does not apply
- 12) All standards as set forth in the Clatsop County Standards Document, as amended.

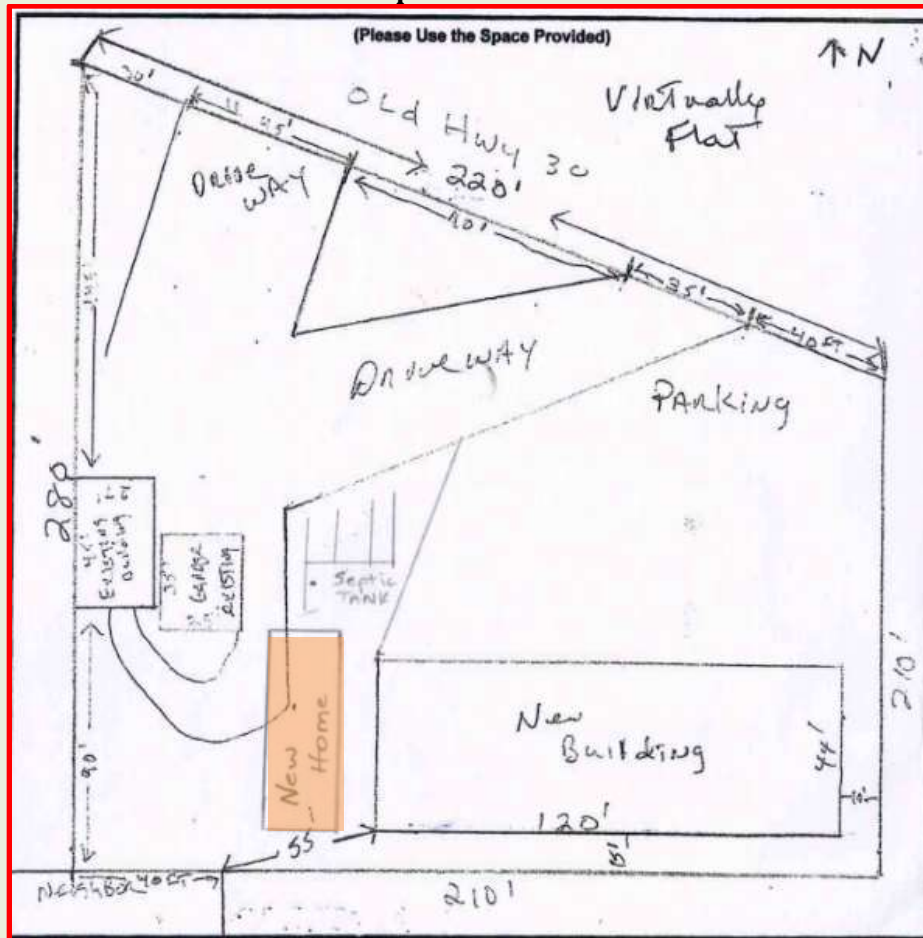
**STAFF FINDING and CONCLUSIONS:** The applicant proposes to place a single-wide manufactured home on the subject property at the end of an existing graveled driveway, roughly behind and to the side of the commercial activities and buildings. The lot is developed with three commercial

structures, but the majority of the lot is graveled and open to accommodate large driving paths for the commercial use.

- 1) The septic drain field is slated to be located under a grassed area, which is likely an area of lesser commercial activity and should be adequate for the septic system. The applicant has already demonstrated preliminary approval from the onsite wastewater department.

TL 02100 has two access points, one 35 feet wide and the other 45 feet wide. **A condition of approval will require the applicant obtain approval from Clatsop County Public Works for the new residential use of the access points.**

#### Proposed Site Plan



- 2) The residential use is not anticipated to affect air quality, nor will it produce noise, vibration, heat/glare, or lighting unusual for the continuing uses in the zone. Any new lighting will need to comply with the pending Dark Skies Ordinance for Clatsop County. The applicant has not proposed any storage or fencing for the new use, and the buffering standard was already addressed for the commercial trucking and storage use, by CUP #20180112.
- 3 & 4) The applicant has submitted a preliminary site plan to demonstrate the dimensions of the lot which is 210 feet wide by 245 feet deep, averaged, and which does not exceed the maximum 1:3 width-to-depth ratio. The site plan also demonstrates that the new residential use would meet setbacks at 40+ feet from the west property line, 130+ feet from the east property line, and 15 feet from the south property line. The building would be more than 150 feet from the front property line, easily meeting the 25-foot front property line setback requirements for the zone. Because a corner of TL 01900, an RCC-LI-zoned property that

happens to be in residential use, abuts the southwest corner of the subject property, the rear yard setback must be 10 feet per L3.278(4)(b). The site plan as proposed would meet the setback requirements for the zone.

5 – 10) These criteria shall be addressed at the time an application for a development permit is made, with the exception of L3.278(7), which is addressed later in Section B of this report.

Prior to the issuance of a development permit, **the applicant shall prepare a final, scaled site plan that addresses the elements described in Section 3.278(1)(A)**, including vehicular circulation and two required parking spaces for the residential use for review and approval. As described above, plan review and approval shall be required prior to the proposed alterations.

**The standards found in L3.278 shall be satisfied with county regulations and conditions of approval. (Refer to Conditions 1 and 2, and Regulation 1, page 14.)**

#### **Section 3.558. 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:** Staff is not aware of any state or federal permit requirements that would apply to the applicant's proposal.

**The criterion can be met as a regulation (see Regulation #1, Page 14).**

#### **Section 5.000-5.030 Conditional Development and Use**

##### **Section 5.010. Application for a Conditional Development and Use.**

If a development and use is classified as conditional in a zone, it is subject to approval under Sections 5.000 to 5.030. An applicant for a proposed conditional development and use shall provide facts and evidence and a site plan in compliance with Section 5.300 sufficient to enable the Community Development Director or hearing body to make a determination.

##### **Section 5.015. Authorization of a Conditional Development and Use.**

- (1) A new, enlarged or otherwise altered development classified by this Ordinance as a conditional development and use may be approved by the Community Development Director under a Type II procedure except that the following conditional developments and uses may be approved by the Hearings Officer under a Type IIa procedure:

**STAFF FINDING:** The proposed use is listed in Section 3.274(2), LWDUO, as a Type IIa application.

**The application is appropriate to be processed as a Type IIa procedure.**

- (3) In addition to the other applicable standards of this ordinance, the hearing body must determine that the development will comply with the following criteria to approve a conditional development and use.
  - (A) The proposed use does not conflict with any provision, goal, or policy of the Comprehensive Plan.

**APPLICANT'S STATEMENT:** Clatsop County adopted the RCC/LI zone based on finding that the zone and permissible uses are compatible with and not in conflict with goals or policies of the Comprehensive Plan. Section 3.273 of Clatsop County Land and Water Development and Use Ordinance allows a watchman's dwelling as condition use of the subject light industrial property under, subject to applicable conditions.

- (B) The proposed use meets the requirements and standards of the Clatsop County Land and Water Development and Use Ordinance (Ordinance 80-14).

**APPLICANT'S STATEMENT:** The proposed use of a watchman's dwelling meets the requirements of Section 3.273 of Clatsop County Land and Water Development and Use Ordinance, subject to applicable conditions.

**STAFF FINDING and CONCLUSION:** Residential development in association with a permitted or conditional commercial use is identified as a conditional development in the RCC-LI Zone under L3.274(2), which means that the use has been determined to be generally consistent with the Comprehensive Plan and LWDUO. This report addresses the consistency of the proposal with the applicable requirements and standards of the Comprehensive Plan and LWDUO in the following sections.

**This criterion is satisfied with conditions of approval as appropriate.**

- (C) The site under consideration is suitable for the proposed use considering:
- 1) The size, design, and operating characteristics of the use, including but not limited to off-street parking, fencing/buffering, lighting, signage, and building location.
  - 2) The adequacy of transportation access to the site, including street capacity and ingress and egress to adjoining streets.
  - 3) The adequacy of public facilities and services necessary to serve the use.
  - 4) The natural and physical features of the site such as topography, natural hazards, natural resource values, and other features.

**APPLICANT'S STATEMENT:** 1. The proposed size, location and use of watchman's dwelling on the subject property is compatible with the existing industrial use of property; 2. Access and ingress/egress to the watchman's dwelling will not change from the existing light industrial use of the property; 3. Applicants dump trucking and other equipment operation are already served by necessary public facilities or services. No addition public facilities or services are necessary for the proposed watchman's dwelling. 4. The site is flat and there are no natural hazards or other features that would be impacted by the proposed watchman's dwelling.

**STAFF FINDING:** Based on the applicant's description and application materials:

- 1) The lot is a little over an acre in size; the entire tract is a little over two acres. No changes are proposed to be made to the operation and characteristics of the current commercial use by the addition of the watchman's dwelling unit on TL 02100. Two additional parking spaces are required to be added to the site, but no changes to vegetation, stormwater drainage and erosion control, ingress/egress or vehicle circulation are proposed. The access to the dwelling unit would be shared with the existing commercial driveways. The applicant will be required to submit a site plan depicting the two required parking spaces for the dwelling.
- 2) Both access points to the property front a county road; Old Hwy 30 is a Rural Minor Collector within 750 feet of Hwy 30. The Clatsop County Road Department has been notified of the application and has not provided comments as of the date on this report. Ingress and egress appear to be adequate, and staff is not aware of any issues with the existing access points. The addition of night watchman's quarters in support of the existing business is not anticipated to cause any new issues; however, the applicant shall provide documentation from Clatsop County Public Works that the access points meet that department's requirements for a residence.
- 3) The site is located within a fire district (Knappa-Svensen-Burnside RFPD), as well as a water district (Knappa Water Association). Both agencies were notified of the application. The

proposed residence has approval to construct a septic system for on-site wastewater management. The Clatsop County Public Health Department administers the county's on-site wastewater management program and has also been notified of the application. The applicant has already provided an Agency Review and Approval Form that demonstrates approval from each of the above-listed agencies for the proposed addition of a residential component to the existing commercial use.

- 4) The topography of the site is flat and does not include any flood or geologic hazards, nor are wetlands found on the site, according to the National Wetlands Inventory. The natural and physical features of the site appear to be compatible with the proposal. No site work has been proposed as part of the residential development beyond the proposed septic drain field. The applicant should be aware that Grading, Drainage, and Erosion Control Plan Review may be required prior to commencing site work. This would be determined at the time of the application for a development permit.

The applicant shall obtain a development permit and all necessary building permits for the proposed use prior to commencing construction. The development permit application shall include the final site plan, an erosion control and stormwater drainage plan, and a completed Agency Review and Approval Form. Grading, Drainage, and Erosion Control Plan Review may be required depending upon the extent of proposed site-work.

**Conditions of approval will ensure the criteria listed above are satisfied (refer to Condition 2, page 14).**

- (D) The proposed use is compatible with existing and projected uses on surrounding lands, considering the factors in (C) above.

**APPLICANT'S STATEMENT:** The proposed use of a watchman's dwelling meets the requirements of Section 3.273 of Clatsop County Land and Water Development and Use Ordinance., subject to applicable conditions.

**STAFF FINDING:** The proposal satisfies subsection C, as demonstrated above, and the development pattern in the vicinity of the subject property consists of a wide variety of uses, the most immediate being commercial and residential. The proposed mixed-use consists of a residential unit that is intended to serve the existing commercial use which is compatible with the development patterns on surrounding lands.

**This criterion is satisfied.**

- (3) 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.

**APPLICANT'S STATEMENT:** The proposed use of a watchman's dwelling meets the requirements of Section 3.273 of Clatsop County Land and Water Development and Use Ordinance., subject to applicable conditions.

#### **Section 5.025. Requirements for Conditional Development and Use.**

In permitting a conditional development and use, the hearing body may impose any of the following conditions as provided by Section 5.015:

- (1) Limit the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- (2) Establish a special yard or other open space or lot area or dimension.

- (3) Limit the height, size or location of a building or other structure.
- (4) Designate the size, number, location or nature of vehicle access points.
- (5) Increase the amount of street dedication, roadway width or improvements within the street right-of-way.
- (6) Designate the size, location, screening, drainage, surfacing or other improvement of a parking or truck loading areas.
- (7) Limit or otherwise designate the number, size, location, height of or lighting of signs.
- (8) Limit the location and intensity of outdoor lighting or require its shielding.
- (9) Require diking, screening, landscaping or another facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
- (10) Designate the size, height, location or materials for a fence.
- (11) Require the protection of existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
- (12) Require provisions for public access (physical and visual) to natural, scenic and recreational resources.
- (13) Specify other conditions to permit the development of the County in conformity with the intent and purpose of the classification of development.

**STAFF FINDING:** The conditions listed above may be applied by the hearing body at its discretion, in addition to, or in place of the conditions recommended by staff.

**This criterion is satisfied.**

## **SECTION 5.300. SITE PLAN REVIEW.**

### **Section 5.302. Site Plan Review Requirements.**

Before a permit can be issued for development in a special purpose district or for a conditional development and use or a development and use permitted with review, a site plan for the total parcel and development must be approved by the Community Development Director or Planning Commission. Information on the proposed development shall include sketches or other explanatory information the Director may require or the applicant may offer that present facts and evidence sufficient to establish compliance with Sections 1.040, 1.050 and the requirements of this Section.

**STAFF FINDING:** As established above, a condition of approval has been recommended that would require that the applicant submit a final site plan for review and approval with the application for a development permit.

**The criterion can be satisfied by a condition of approval. (Refer to Condition 1, page 14.)**

## **B. STANDARDS DOCUMENT**

### **CHAPTER 2**

#### **S2.200. Off-Street Parking Required.**

Off-street parking and loading shall be provided for all development requiring a development permit according to S2.200 to S2.212.

#### **S2.202. Minimum Off-Street Parking Space Requirements.**

- (1) Residential type of development and number of parking spaces.  
Single family dwelling: (2) per dwelling unit

**STAFF FINDING:** The proposed dwelling unit requires two dedicated parking spaces. The final site plan shall indicate two spaces for the single-family dwelling, drawn to scale so that staff can verify the dimensional standards for the parking spaces and vehicular access (outlined in the Standards Document, Chapter 2) are satisfied.

**This criterion can be met with a condition of approval. (Refer to Condition 1, page 14.)**

## **S2.500 Erosion Control Development Standards**

### **S2.503 Erosion Control Plan**

(1) An Erosion Control Plan shall be required for land disturbing activities, in conjunction with a development permit.

**STAFF FINDING:** Land disturbing activities associated with the proposal include the placement of the residential unit and the building-out of the residence's septic system. Additionally, two residential parking spaces will be required. As the property is primarily graveled and flat, the land disturbing activities may be minimal; however, an erosion control plan will still be required as part of the development permit application. The applicant should be aware that Grading, Drainage, and Erosion Control Review may be required, depending on the scope of site-work.

**This criterion will be met through conditions of approval. (Refer to Condition 2, page 14.)**

## **CHAPTER 5**

### **S5.033 Access Control Standards.**

(3) Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are "options" to the developer/subdivider.

(C) Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Subsection (6) below.

**STAFF FINDING:** Access is from a public street adjacent to the development parcel; however, no new road access points are proposed. The owner has an existing commercial use with two access points, and has not been requested to consolidate them as they aid in circulation for the business. Clatsop County Public Works was notified of the additional use proposed by this application and did not provide comment. The Oregon Department of Transportation also provided comment that they had no concerns with the development request.

**This criterion is satisfied.**

## **C. COMPREHENSIVE PLAN GOALS AND POLICIES**

### **Goal 1 – Citizen Involvement**

7. Clatsop County shall use the news media, mailings, meetings, and other locally available means to communicate planning information to citizens and governmental agencies. Prior to public hearings regarding major plan revisions, notices shall be publicized.
8. Public notices will also be sent to affected residents concerning zone and comprehensive plan changes, conditional uses, subdivisions and planned developments.

**STAFF FINDING:** Appropriate measures have been taken to assure that the Type Ila Conditional Use Application has been processed in accordance with the applicable Citizen Involvement (Goal 1) policies of the County Comprehensive Plan.

**Goal 1 is satisfied.**

### **Goal 2 – Land Use Planning**

The County's land and water have been placed in one of six (6) Plan designations.

## 1. Development

Development areas are those with a combination of physical, biological, and social/economic characteristics which make them necessary and suitable for residential, commercial, or industrial development and includes those which can be adequately served by existing or planned urban services and facilities.

In Clatsop County, the County has three types of such areas: cities and their urban growth boundaries; rural communities; and rural service areas, which are areas similar to cities (sewer and water) but lack size and a government structure.

c. Rural Communities. Clatsop County has identified and established boundaries for the following rural communities: Miles Crossing - Jeffers Gardens, Arch Cape, Svensen, Knappa, and Westport. Land use plans in these areas recognize the importance of communities in rural Clatsop County. These communities are established through a process that applies OAR 660 Division 22 requirements. Portions of land identified in the Miles Crossing and Jeffers Gardens rural community plan take an exception to Statewide Planning Goal 3 and Goal 4 for portions of land zoned EFU or AF. The exceptions documentation for a portion of the Miles Crossing and Jeffers Gardens rural community boundary is adopted as part of the Comprehensive Plan, and is located at the end of this section.

**STAFF FINDING:** The subject property is located in the RCC-LI Zone within the rural community of Knappa. The Comprehensive Plan designation is "Development". A residential development in association with a commercial use has been included as a conditional use in the RCC-LI Zone, meaning it has been determined the use can be consistent with the Comprehensive Plan when appropriate conditions of approval are applied. The use of the subject property has been in commercial use for several decades; adjacent properties are in both commercial and residential use. The proposed use is consistent with surrounding land uses and is allowed as a conditional use in the RCC-LI Zone.

**The proposed is consistent with Goal 2.**

## Goal 10 - Housing

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

1. Clatsop County shall encourage residential development only in those areas where necessary public facilities and services can be provided and where conflicts with forest and agricultural uses are minimized.
4. Clatsop County shall permit residential development in those designated areas when and where it can be demonstrated that:
  - a. Water is available which meets state and federal standards;
  - b. Each housing unit will have either an approved site for a sewage disposal system which meets the standards of the County and the Department of Environmental Quality or ready access to a community system;
  - c. The setback requirements for the development of wells and septic systems on adjacent parcels have been observed;

**STAFF FINDING:** The proposed mixed commercial-residential use is in an area designated for development with all necessary public facilities. The use would be located on land zoned primarily for commercial uses and does not conflict with agricultural or forest practices on lands zoned for those uses. The development of the residential component will require a development permit as well as all appropriate building permits, which will ensure the provisions of Goal 10 (4) (a - c) are satisfied.

**The proposed use does not conflict with Goal 10.**

## Goal 11 - Public Facilities and Services

1. Urbanizable Areas - To provide public facilities in accordance with coordinated land use and transportation systems in a manner which encourages the orderly conversion of land from rural to urban use.

### Overall Policy Regarding Appropriate Levels of Public Facilities in the County

Six different Plan designations exist for lands in the County. Differing levels of public facilities and services are appropriate for the different types of development planned for the County. Certain facilities and services are available to all County residents, such as County health services, Sheriff's protection and many other social services.

1. Development - This is a Plan category for estuary and shoreland areas appropriate for commercial and industrial use. Consequently, a level of public facilities sufficient to carry on that type of use is appropriate. Public water and sewer services would be appropriate but may not be necessary depending on the type of development. Public fire protection is appropriate. Development here will not directly affect school services, although increased employment may result in increased housing in the vicinity which would impact schools. Those impacts will be considered in terms of the residential effects, not at the point of commercial or industrial development.

**STAFF FINDING:** The subject TL 02100 is located within a rural community, Knappa, and is located within the Knappa Water Association and Knappa-Svensen-Burnside Rural Fire Protection District boundaries. A septic system manages sewage on-site. As described in previous sections of this report, a development permit is required prior to creating the proposed dwelling unit. A completed Agency Review and Approval Form for water, septic, and fire service has been submitted and will be used for the development permit application.

A new residential use on the property may minimally affect school services if the watchman's family unit includes school-age children moving into the district. This policy is intended for large developments such as subdivisions. A single family in the proposed home will not have a major impact on schools. In this case, however, the applicant has expressed that only his son, who co-manages the company, will occupy the new home.

**The proposal does not conflict with Goal 11.**

## **Northeast Area Plan**

### Rural Land

#### Policies

4. When considering new commercial buildings or when existing commercial uses are considering expansion, the following standards shall be required in addition to those policies addressed in the Transportation Section:

- a. Adequate off-street parking shall be provided.
- b. A buffer or landscape planning area shall be provided when abutting residential zones.
- c. Signs shall be limited. Signs which advertise national brands of products or similar advertisements which are not promoting the primary item for sale on the premises shall be discouraged.

**STAFF FINDINGS and CONCLUSION:** As currently written, the Northeast Area Plan doesn't specifically address the Rural Community Zoning in effect today. However, the proposed use may b

found to be consistent with the intent of the plan, which is slated for revision under the Comprehensive Plan update project that is currently underway. The designation for this subject property and the surrounding area has changed since the Northeast Area Plan was first adopted in December of 1979. The community plan was first devised in the late 1970s, and the subject property was zoned GC, General Commercial, on September 30, 1980, with the adoption of the Land and Water Development and Use Ordinance #80-14. The site was designated "Rural Land" in the Comprehensive Plan. The Comprehensive Plan's Rural Land policies required new commercial uses to address provisions for adequate off-street parking, buffering from residential zones and limitations on signage. Today those provisions are addressed in the RCC-LI Zone, L3.278 Development and Use Standards, covered earlier in this report.

As a result of Periodic Review in 2002 and 2003, Rural Communities were adopted in five areas of the county, including Knappa. Older zoning designations were updated to reflect the standards of the new Rural Communities, and, for example, the GC zoning for the subject property changed in 2003 to Rural Community Commercial-Light Industrial.

As part of the transition, the Comprehensive Plan designation changed from "Rural Land" to "Development". The subject property was found to lie within an existing, contiguous concentration of commercial and light industrial uses within an area, satisfying OAR 660-022-0020(3)(a) and (A). The RCC-LI Zone was adopted in October of 2003 with the Rural Community Plan. The Rural Community Plan was deemed to be consistent with both Goal 2 and the Northeast Area Plan; thus, the RCC-LI Zone was reviewed at the time and also found to be consistent.

The development does not conflict with the current Comprehensive Plan Policy for "Development" in Rural Communities, found in Goal 2. Although not specifically addressed in the Northeast Area Plan, the RCC-LI Zone and its uses have been reviewed and found to be consistent with the Northeast Area Plan.

**The use is consistent with the Northeast Area Plan.**

### **III. COMMENTS RECEIVED**

At the time this report was written, one comment had been received from ODOT via e-mail. Karen A. Strauss, P.E., ODOT District I Development Review Coordinator, provided comment that ODOT had no concerns for this development request.

**STAFF RESPONSE:** While the subject property does not directly take access from State Highway 30, its right-of-way is less than 200 feet from the southern property boundary of TL 02100, and its intersection with Old Highway 30 is less than 750 feet away. This intersection is the main access point in and out of Knappa. ODOT has no concerns; the access for subject TL 02100 shall remain unchanged (see "Chapter 5, S5.033: Access Control Standards" above).

### **CONCLUSION, DECISION, and CONDITIONS OF APPROVAL**

Based on the findings of this report the applicable criteria have been met or will be met with conditions of approval. Staff recommends the Planning Commission **APPROVE** the application, **SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL AND REGULATIONS:**

1. The applicant shall prepare a final, scaled site plan that addresses the elements described in Section 3.278(1), including all required parking and vehicular circulation, for review and approval prior to the issuance of a development permit for the proposed use.
2. The applicant shall obtain a development permit and all necessary building permits for the proposed use prior to commencing construction. The development permit application shall

include the final site plan, an erosion control and stormwater drainage plan, and a completed Agency Review and Approval Form. Grading, Drainage, and Erosion Control Plan Review may be required depending upon the extent of proposed site-work.

***Other regulations also apply, including, but not limited to, the following:***

1. 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.
2. Authorization of the conditional use permit shall be void after two years unless substantial construction or action pursuant thereto has taken place (Section S2.011). The Community Development Director may extend authorization an additional year upon request, provided the request is submitted in writing at least 10 days and not more than 30 days prior to the expiration of the permit.

## *EXHIBIT 1*

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Clatsop County  
Community Development  
800 Exchange Street, Suite 100  
Astoria, Oregon 97103  
Phone 503 325-8611 Fax 503 338-3606  
comdev@co.clatsop.or.us www.co.clatsop.or.us

## Conditional Use Permit

Fee: Type II \$658 Type Ila-III: \$919

(Double if a violation exists)

Owner: Steve Kinney Email: sdKinney@centurytel.net

Mail Address: 91569 George Hill Rd. City/State/Zip: Astoria, OR. 97103

Phone: (503) 791-3481 (cell) Phone: (503) 458-5458

Owner: Denise Kinney Email: sdKinney@centurytel.net

Mail Address: 91569 George Hill Rd. City/State/Zip: Astoria, OR. 97103

Phone: (503) 791-8049 (cell) Phone: (503) 458-5458

Other: \_\_\_\_\_ Email: \_\_\_\_\_

Mail Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

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

Property Address: 42852 Old Hwy 30

Proposed Use: night watchman living quarters

Comprehensive Plan Designation: \_\_\_\_\_

Existing Zoning: \_\_\_\_\_ Overlay District: \_\_\_\_\_

Property Description: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot(s) \_\_\_\_\_

Directions to the property from Astoria: Hwy 30 to Knappa turn left at flashing light 1/4 mile turn left

What is the nearest "Community" (i.e. Svensen, Arch Cape, Westport)? \_\_\_\_\_

### General description of the property:

Existing Use: business shop living quarters

Topography: flat with rock

Proposed Development: living quarters (single wide)

### General description of adjoin property:

Existing Use: light industrial

Topography: flat with rock

**Attach** a site plan of the property showing lot dimensions, sizes, and location of all existing and proposed structures setbacks of existing and proposed structures to all property lines, access to the site, parking area layout that includes the space sizes and location and the width of any parking aisles. Also, identify the location of any stream, wetland, lake or other resource on or adjacent to the property.

**Please address the following standards on a separate sheet of paper. Be as specific as possible. "Yes" and "No" responses are not sufficient.**

- (2) In addition to the other applicable standards of this ordinance, the hearing body must determine that the development will comply with the following criteria to approve a conditional development and use.
- (A) The proposed use does not conflict with any provision, goal, or policy of the Comprehensive Plan.
  - (B) The proposed use meets the requirements and standards of the Clatsop County Land and Water Development and Use Ordinance (Ordinance 80-14)
  - (C) The site under consideration is suitable for the proposed use considering:
    - 1) The size, design, and operating characteristics of the use, including but not limited to off-street parking, fencing/buffering, lighting, signage, and building location.
    - 2) The adequacy of transportation access to the site, including street capacity and ingress and egress to adjoining streets.
    - 3) The adequacy of public facilities and services necessary to serve the use.
    - 4) The natural and physical features of the site such as topography, natural hazards, natural resource values, and other features.
  - (D) The proposed use is compatible with existing and projected uses on surrounding lands, considering the factors in (C) above.
  - (E) The proposed use will not interfere with normal use of coastal shorelands.
  - (F) The proposed use will cause no unreasonably adverse effects to aquatic or coastal shoreland areas and;
  - (G) The use is consistent with the maintenance of peripheral and major big game habitat on lands identified in the Comprehensive Plan as Agricultural Lands or Conservation Forest Lands. In making this determination, consideration shall be given to the cumulative effects of the proposed action and other development in the area on big game habitat.
- (3) 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.

**Section 5.025 Requirements for Conditional Development and Use.** In permitting a conditional development and use, the hearing body may impose any of the following conditions as provided by Section 5.015:

- (1) Limit the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- (2) Establish a special yard or other open space or lot area or dimension.
- (3) Limit the height, size or location of a building or other structure.
- (4) Designate the size, number, location or nature of vehicle access points.
- (5) Increase the amount of street dedication, roadway width or improvements within the street right-of-way.
- (6) Designate the size, location, screening, drainage, surfacing or other improvement of a parking or truck loading areas.
- (7) Limit or otherwise designate the number, size, location, height or lighting of signs.
- (8) Limit the location and intensity of outdoor lighting or require its shielding.
- (9) Require diking, screening, landscaping or another facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
- (10) Designate the size, height, location or materials for a fence.
- (11) Require the protection of existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
- (12) Require provisions for public access (physical and visual) to natural, scenic and recreational resources.
- (13) Specify other conditions to permit the development of the County in conformity with the intent and purpose of the classification of development.

**Section 5.030. Time Limit of Permit for Conditional Use.** Authorization of a conditional use shall be void after two years unless substantial construction or action pursuant thereto has taken place (as per Section S2.011). However, the County may, at the discretion of the Community Development Director, extend authorization for an additional one year upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the permit. The County may grant conditional use approvals for activities such as dike maintenance for a period of time of five years; such approvals will normally correspond with parallel state and/or federal permits.

**KINNEY & SONS  
CONDITIONAL USE APPLICATION  
ATTACHMENT – RESPONSES**

**(2) In addition to the other applicable standards of this ordinance, the hearing body must determine that the development will comply with the following criteria to approve a conditional development and use.**

(A) The proposed use does not conflict with any provision, goal, or policy of the Comprehensive Plan.

**Applicant response:** Clatsop County adopted the RCC/LI zone based on finding that the zone and permissible uses are compatible with and not in conflict with goals or policies of the Comprehensive Plan. Section 3.273 of Clatsop County Land and Water Development and Use Ordinance allows a watchman's dwelling as condition use of the subject light industrial property under, subject to applicable conditions.

(B) The proposed use meets the requirements and standards of the Clatsop County Land and Water Development and Use Ordinance (Ordinance 80-14)

**Applicant response:** The proposed use of a watchman's dwelling meets the requirements of Section 3.273 of Clatsop County Land and Water Development and Use Ordinance., subject to applicable conditions.

(C) The site under consideration is suitable for the proposed use considering:

- 1) The size, design, and operating characteristics of the use, including but not limited to off-street parking, fencing/buffering, lighting, signage, and building location.
- 2) The adequacy of transportation access to the site, including street capacity and ingress and egress to adjoining streets.
- 3) The adequacy of public facilities and services necessary to serve the use.
- 4) The natural and physical features of the site such as topography, natural hazards, natural resource values, and other features.

**Applicant response:** 1. The proposed size, location and use of watchman's dwelling on the subject property is compatible with the existing industrial use of property; 2. Access and ingress/egress to the watchman's dwelling will not change from the existing light industrial use of the property; 3. Applicants dump trucking and other equipment operation are already served by necessary public facilities or services. No addition public facilities or services are necessary for the proposed watchman's dwelling. 4. The site is flat and there are no natural hazers or other fethures that would be impacted by the proposed watchman's dwelling.

(D) The proposed use is compatible with existing and projected uses on surrounding lands, considering the factors in (C) above.

**Applicant response:** A watchman's dwelling is compatible with the existing industrial use on the subject and neighboring properties, consisting of other commercial/industrial and some residential uses. The proposed use would be be beneficial to the subject and neighboring properties insofar as a watchman enhances security of the neighborhood,

(E) The proposed use will not interfere with normal use of coastal shorelands.

**Applicant response:** There are no nearby sloughs or drainages to the Columbia Estuary, and the site is not within any type of game habitat.

(F) The proposed use will cause no unreasonably adverse effects to aquatic or coastal shoreland areas and;

**Applicant response:** N/A This condition does not apply – this property will not affect aquatic or coastal shoreland areas

(G) The use is consistent with the maintenance of peripheral and major big game habitat on lands identified in the Comprehensive Plan as Agricultural Lands or Conservation Forest Lands. In making this determination, consideration shall be given to the cumulative effects of the proposed action and other development in the area on big game habitat.

**Applicant response:** N/A This condition does not apply – this property will not affect Agricultural Lands or Conservation Forest Lands

(3) 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.

**Applicant response:** Applicant agrees to accept reasonable imposed conditions that may be imposed under Section 5.025

**KINNEY & SONS  
CONDITIONAL USE APPLICATION  
ATTACHMENT – RESPONSES**

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(B) The proposed use meets the requirements and standards of the Clatsop County Land and Water Development and Use Ordinance (Ordinance 80-14)

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(3) 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.

**Applicant response:** Applicant agrees to accept reasonable imposed conditions that may be imposed under Section 5.025

Please address the following standards on a separate sheet of paper. Be as specific as possible. "Yes" and "No" responses are not sufficient.

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- (5) Increase the amount of street dedication, roadway width or improvements within the street right-of-way.
- (6) Designate the size, location, screening, drainage, surfacing or other improvement of a parking or truck loading areas.
- (7) Limit or otherwise designate the number, size, location, height or lighting of signs.
- (8) Limit the location and intensity of outdoor lighting or require its shielding.
- (9) Require diking, screening, landscaping or another facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
- (10) Designate the size, height, location or materials for a fence.
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- (12) Require provisions for public access (physical and visual) to natural, scenic and recreational resources.
- (13) Specify other conditions to permit the development of the County in conformity with the intent and purpose of the classification of development.

Section 5.030. Time Limit of Permit for Conditional Use. Authorization of a conditional use shall be void after two years unless substantial construction or action pursuant thereto has taken place (as per Section 5.011). However, the County may, at the discretion of the Community Development Director, extend authorization for an additional one year upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the permit. The County may grant conditional use approvals for activities such as dike maintenance for a period up to five years; such approvals will normally correspond with parallel state and/or federal permits.

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    - 1) The size, design, and operating characteristics of the use, including but not limited to off-street parking, fencing/buffering, lighting, signage, and building location.
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    - 3) The adequacy of public facilities and services necessary to serve the use.
    - 4) The natural and physical features of the site such as topography, natural hazards, natural resource values, and other features.
  - (D) The proposed use is compatible with existing and projected uses on surrounding lands, considering the factors in (C) above.
  - (E) The proposed use will not interfere with normal use of coastal shorelands.
  - (F) The proposed use will cause no unreasonably adverse effects to aquatic or coastal shoreland areas and;
  - (G) The use is consistent with the maintenance of peripheral and major big game habitat on lands identified in the Comprehensive Plan as Agricultural Lands or Conservation Forest Lands. In making this determination, consideration shall be given to the cumulative effects of the proposed action and other development in the area on big game habitat.
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**Section 5.025 Requirements for Conditional Development and Use.** In permitting a conditional development and use, the hearing body may impose any of the following conditions as provided by Section 5.015:

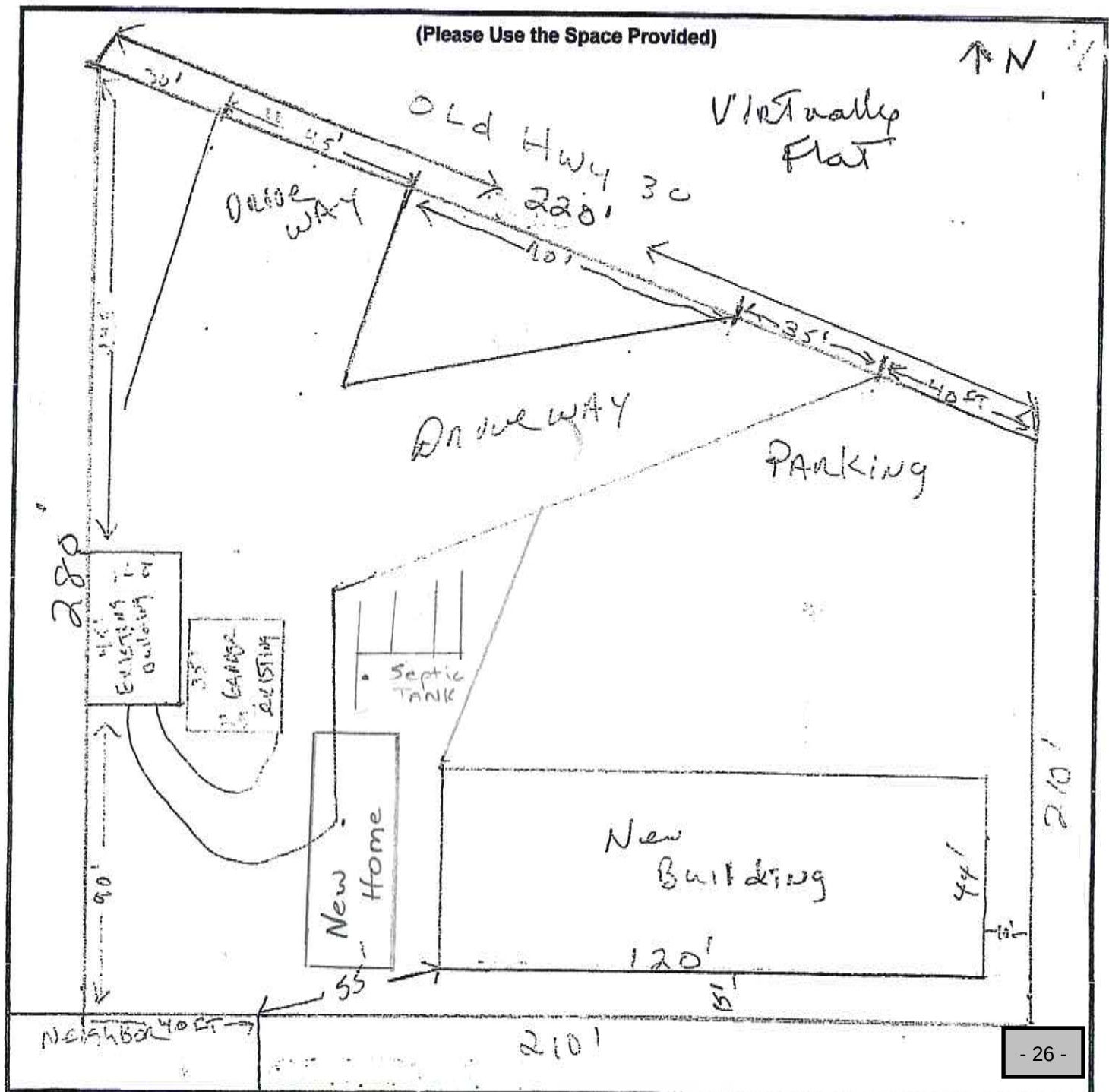
- (1) Limit the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- (2) Establish a special yard or other open space or lot area or dimension.
- (3) Limit the height, size or location of a building or other structure.
- (4) Designate the size, number, location or nature of vehicle access points.
- (5) Increase the amount of street dedication, roadway width or improvements within the street right-of-way.
- (6) Designate the size, location, screening, drainage, surfacing or other improvement of a parking or truck loading areas.
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- (10) Designate the size, height, location or materials for a fence.
- (11) Require the protection of existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
- (12) Require provisions for public access (physical and visual) to natural, scenic and recreational resources.
- (13) Specify other conditions to permit the development of the County in conformity with the intent and purpose of the classification of development.

**Section 5.030. Time Limit of Permit for Conditional Use.** Authorization of a conditional use shall be void after two years unless substantial construction or action pursuant thereto has taken place (as per Section S2.011). However, the County may, at the discretion of the Community Development Director, extend authorization for an additional one year upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the permit. The County may grant conditional use approvals for activities such as dike maintenance for a period up to five years; such approvals will normally correspond with parallel state and/or federal permits.

# Plot Plan

Sketch the appropriate structure to scale. Clatsop County Building Codes requires all plans be drawn to scale.

- Draw property lines and all existing and proposed structures on the property
- Draw and label all roads adjacent to or giving access to the site ✓
- Draw all driveways on the site ✓
- Include use of accessory structure
- Include a north arrow ✓
- Identify any wetlands, streams, lakes, etc. on-site NONE
- Provide accurate distances from the proposed structure to all property lines, surface water bodies, wells, and existing septic system components including drainfield areas
- Show off-street parking spaces, if required (size, location, number)



## AGENCY REVIEW & APPROVAL FORM

Information on this form must be filled out and signed by approving agency.

### 1. JOB SITE INFORMATION (To be completed by applicant/owner/agent.):

Job Site Address: 42852 Old highway 30 City: Astoria  
Owner: Kinney & Sons Phone: (503) 791-3481  
Address: 91569 George Hill Rd Astoria OR 97103 Email: sdKinney@centurytel.net  
Agent: \_\_\_\_\_  
Proposed Development/Construction: \_\_\_\_\_

### 2. ONSITE WASTEWATER OR LOCAL SEWER DISTRICT:

Legal Description: T 8 R 7 S 2013 Tax Lot(s) 2100  
Permit Needed: Yes ☒ No ☐ Site Approved: Yes ☒ No ☐  
Agency Signature: [Signature] Date: 1/15/20  
Remarks: Still need to purchase REQUIRED Authorization Notice and  
adhere to set back rules

### 3. WATER DISTRICT OR PROOF OF WATER RIGHTS FROM WATER RESOURCES DEPARTMENT

Gallons per minute: N/A  
Agency Signature: Knappton Water Association J.C. Johnson Title: Operations Manager Date: 12/26/19  
Remarks: EXISTING WATER TO PROPERTY

Water Resources Dept, 725 Summer St NE Suite 202, Salem, OR 97301 Phone: (503) 986-0900 Fax (503) 986-0904  
Water Master (Local Office) 4000 Blimp Blvd Ste 400 Tillamook, OR Phone (503) 815-1967 Fax (503) 815-1968

### 4. FIRE DEPARTMENT/FIRE DISTRICT ACCESS AND WATER SUPPLY REQUIREMENTS:

Water/Fire Flow: 260 gpm Number of Hydrants: 1 @ 824 gpm Hydrant Location(s): 42847 Old Hwy  
Agency Signature: [Signature] Title: Fire Chief Date: 12/26/19  
Remarks: \_\_\_\_\_

Contact the local RFPD having jurisdiction.

### 5. MANUFACTURED MOBILE HOME PLACEMENT -----CLATSOP COUNTY ASSESSMENT AND TAXATION:

Agency Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_  
Remarks: \_\_\_\_\_

Clatsop County Assessment and Taxation, 820 Exchange St Suite 210, Astoria, OR 97103 Phone: (503) 325-8522 FAX (503) 338-3638

## Victoria Sage

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**From:** Clancie Adams  
**Sent:** Wednesday, February 19, 2020 10:36 AM  
**To:** Victoria Sage  
**Subject:** FW: DRS\_Kinney

Clancie Jo Adams | Permit Technician  
Clatsop County Community Development  
Land Use Planning Division  
800 Exchange Street, Suite 100  
Astoria, OR 97103  
Phone: 503.325.8611 | Fax: 503.338.3666

This message has been prepared on resources owned by Clatsop County, Oregon. It is subject to the Internet and Online Services Use Policy and Procedures of Clatsop County.

**From:** STRAUSS Karen A <Karen.A.STRAUSS@odot.state.or.us>  
**Sent:** Wednesday, February 19, 2020 10:33 AM  
**To:** Clancie Adams <cadams@co.clatsop.or.us>  
**Subject:** RE: DRS\_Kinney

Hi Clancie,

ODOT has no comments on this development request.

Thanks,  
Karen

*Karen A. Strauss, PE*  
Development Review Coordinator, District I

**From:** SCHATZ Duane <Duane.SCHATZ@odot.state.or.us> **On Behalf Of** ODOT Reg 2 Planning Manager  
**Sent:** Wednesday, February 19, 2020 9:16 AM  
**To:** SHONKWILER Kenneth D <Kenneth.D.SHONKWILER@odot.state.or.us>; STRAUSS Karen A <Karen.A.STRAUSS@odot.state.or.us>  
**Subject:** DRS\_Kinney

*Duane M. Schatz*  
*Project Delivery Compliance Specialist/*  
*Development Review Administrator Region 2*  
*ODOT Highway Region 2 Headquarters*  
*455 Airport Rd., Bldg. B, Room 200*  
*Salem, OR 97301-4989*  
*Office Phone: (503) 986-6920*

## ***EXHIBIT 2***

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## Affidavit for Posted Notice of a Public Hearing

(per LWDUO Section 2.111)

Please submit this completed declaration at least 7 days prior to the scheduled hearing.

Development Permit Number 20-000031

I, Denise Kinney, do hereby declare as follows:

1. On February 14, 2020 (date), I posted the "Notice of Public Hearing" sign(s) provided by Clatsop County Community Development on the project site (one for each frontage for corner lots):

42852 Old Hwy 30  
Address (if no address assigned, use Map and Lot Number)

2. Attached to this declaration are photographs showing the duly posted public notice on the project site.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this date, Feb. 14, 2020

Denise Kinney  
Signature

Denise Kinney  
Print name

owner  
Relationship to Project, e.g., owner, architect, attorney



| Owner                        | Owner/Line1                       | Mailing Address      | City     | State | Zip        |                                                                                    |
|------------------------------|-----------------------------------|----------------------|----------|-------|------------|------------------------------------------------------------------------------------|
| CenturyLink                  |                                   | 4212 NE Halsey St.   | Portland | OR    | 97213      |                                                                                    |
| Clatsop County               | Teevin Bros Land & Timber Co Lsse | P.O. Box 247         | Rainier  | OR    | 97048-0247 | <a href="mailto:deanna.caracciolo@state.or.us">deanna.caracciolo@state.or.us</a>   |
| Hughes Bill C                |                                   | 41901 Old Highway 30 | Astoria  | OR    | 97103-8641 | <a href="mailto:kdonaldson@knappafire.com">kdonaldson@knappafire.com</a>           |
| Kinney Steven J              |                                   | 91569 George Hill Rd | Astoria  | OR    | 97103-0026 | <a href="mailto:lisa.phipps@state.or.us">lisa.phipps@state.or.us</a>               |
| Knappa Water Association     |                                   | 92755 Allen Road     | Astoria  | OR    | 97103      | <a href="mailto:mmcnickle@co.clatsop.or.us">mmcnickle@co.clatsop.or.us</a>         |
| Ramwick Brian L              | Ramwick Monte D                   | 92697 Old Market Rd  | Astoria  | OR    | 97103-8619 | <a href="mailto:nmendoza@co.clatsop.or.us">nmendoza@co.clatsop.or.us</a>           |
| Teevin Bros Land & Timber Co |                                   | P.O. Box 247         | Rainier  | OR    | 97048-0247 | <a href="mailto:ODOTR2PLANMGR@ODOT.STATE.OR.US">ODOTR2PLANMGR@ODOT.STATE.OR.US</a> |
| Vinson Dennis G/Kathy L      |                                   | 3405 Harrison Ave    | Astoria  | OR    | 97103-2625 | <a href="mailto:tmclean@co.clatsop.or.us">tmclean@co.clatsop.or.us</a>             |
| Deanna Caracciolo            | Coastal Rep.                      |                      |          |       |            |                                                                                    |
| Kurt Donaldson               |                                   |                      |          |       |            |                                                                                    |
| Lisa Phipps                  |                                   |                      |          |       |            |                                                                                    |
| Mike McNickle                |                                   |                      |          |       |            |                                                                                    |
| Nancy Mendoza                |                                   |                      |          |       |            |                                                                                    |
| ODOT                         |                                   |                      |          |       |            |                                                                                    |
| Ted Mclean                   |                                   |                      |          |       |            |                                                                                    |

**CERTIFICATE OF MAILING**

I hereby certify I served a copy of the attached public notice to those listed on the attached page with postage paid and deposited in the US Post Office, Astoria, Oregon, on said day

Clancie Adams, Permit Tech 02.18.20  
 Date: Clancie Adams





# Clatsop County

## Community Development – Planning

800 Exchange St., Suite 100  
Astoria, OR 97103  
(503) 325-8611 phone  
(503) 338-3606 fax  
[www.co.clatsop.or.us](http://www.co.clatsop.or.us)

### NOTICE OF PUBLIC HEARING BEFORE THE CLATSOP COUNTY PLANNING COMMISSION CONDITIONAL USE APPLICATION #20-000031

**DATE AND TIME:** Tuesday, March 10, 2020, 10:00 AM  
**ADDRESS:** Guy Boyington Building,  
857 Commercial Street  
Astoria, Oregon 97103  
**CONTACT PERSON:** Victoria Sage, Planner

*You are receiving this notice because you own property within 250 feet of the request listed below, or you are considered to be an affected state or federal agency, local government, or special district.*

NOTICE IS HEREBY GIVEN that Clatsop County Community Development has scheduled a public hearing on the following matter before the Planning Commission at 10:00 AM on Tuesday, March 10, 2020, address above.

Steven J. Kinney, Kinney and Sons Construction, has made a conditional use application to establish a night watchman's dwelling, accessory to an existing mixed-use construction/excavation equipment storage and trucking yard. The dwelling is proposed to be a single-wide manufactured home, placed directly next to the western side of the existing mixed-use storage building. Current buildings on the subject tax lot cover approximately 6,495 square feet. The subject property contains approximately 1.17 acres and is located at 42852 Old Hwy 30, also known as T8N, R07W, Section 20B, Tax Lot 02100 (TL 02100), on the north side of the Knappa intersection with Hwy 30, immediately west of Teevin Bros. Land and Timber Co. The zoning designation for the property is Rural Community Commercial-Light Industrial (RCC-LI) Zone, which permits mixed use commercial-residential developments under a Type IIa procedure. **See following pages for vicinity map and diagram of proposal.**

Interested persons are invited to submit testimony in writing or in person by attending the hearing. Alternately, interested persons may submit testimony in writing for Staff to present by addressing a letter to the Clatsop County Planning Commission, 800 Exchange Street, Suite 100, Astoria, OR 97103. Written comments may also be sent via FAX to 503-338-3606 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 Thursday, February 27, 2020**, in order to be included in the staff report, or by **4PM on Monday, March 9, 2020**, in order to be presented to the Planning Commission by Staff. Planning representative for the application is **Victoria Sage**, County Planner, (503) 325-8611 or [vsage@co.clatsop.or.us](mailto:vsage@co.clatsop.or.us). Failure to raise an issue 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 following criteria apply to the request:

- A. Clatsop County Land and Water Development and Use Ordinance 80-14:** Section 1.010 - 1.050 Introductory Provisions, Section 2.025 Type IIa procedure, Section 2.100 - 2.260 Public Deliberations and Hearings, Section 3.266 Rural Community Commercial and Light Industrial Zone (RCC-LI), Section 5.000 - 5.030 Conditional Development and Use, Section 5.300 Site Plan Review.
- B. Clatsop County Standards Document 80-14:** Chapter 2 Site Oriented Improvements, Chapter 5 Vehicle Access Control and Circulation.

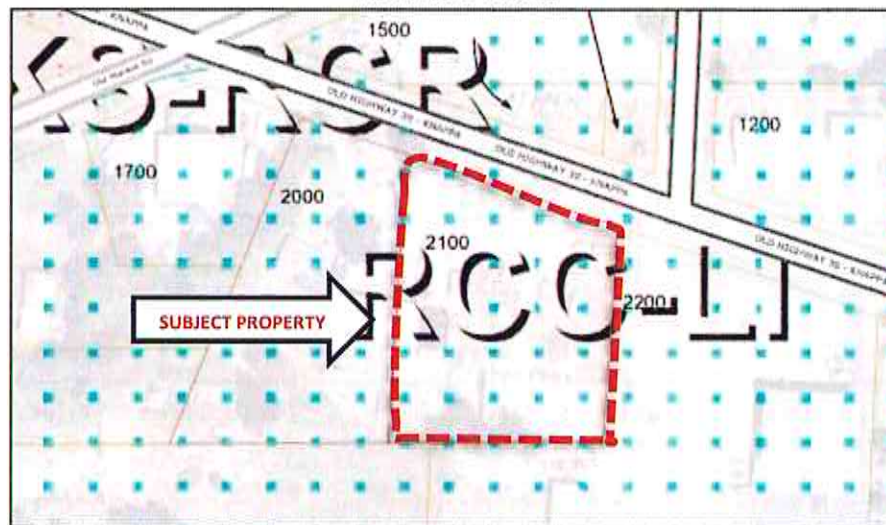
**Notice to Mortgagee, Lien Holder, Vendor or Seller:** ORS Chapter 215 requires that if you receive this notice it must promptly be forwarded to the purchaser.

Mailing Date: July 5, 2019

- C. **Clatsop County Comprehensive Plan:** Goal 1 (Citizen Involvement), Goal 2 (Land Use Planning), Goal 9 (Economic Development), Goal 10 (Housing), Goal 11 (Public Facilities and Services).

All documents listed above 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).

**VICINITY MAP:**



**PROPOSED SITE PLAN:**



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 Community Development Department office during normal business hours (M-F, 7:30-4:00) at no cost and copies will be provided at reasonable cost. A copy of the staff report will be available at the Community Development Department at no cost, seven days prior to the scheduled hearing.



# Clatsop County

## Community Development – Planning

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(503) 325-8611 phone  
(503) 338-3606 fax  
[www.co.clatsop.or.us](http://www.co.clatsop.or.us)

**TO:** Clatsop County Planning Commission

**FROM:** Gail Henrikson, AICP, Community Development Director

**RE:** **CASE #20-000088: CODE MODERNIZATION AND CONSOLIDATION – REQUEST FOR CONTINUATION**

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### REQUEST

Over the past year Planning staff has presented draft information to the Planning Commission regarding the consolidation of the *Land and Water Development and Use Ordinance* and the *Clatsop County Standards Document*. While staff had anticipated bringing the entire combined document to the Planning Commission in March, staff is still working to update and verify that all the new citations are correct. Staff anticipates bringing the complete consolidated document to the Planning Commission at its April 14, 2020, regular meeting.

### ACTION

Staff requests that the Planning Commission continue case #20-000088 to the April 14, 2020, regular Planning Commission meeting.



# CLATSOP COUNTY

Community Development – Planning

800 Exchange St., Suite 100  
Astoria, OR 97103  
(503) 325-8611 phone  
(503) 338-3606 fax  
[www.co.clatsop.or.us](http://www.co.clatsop.or.us)

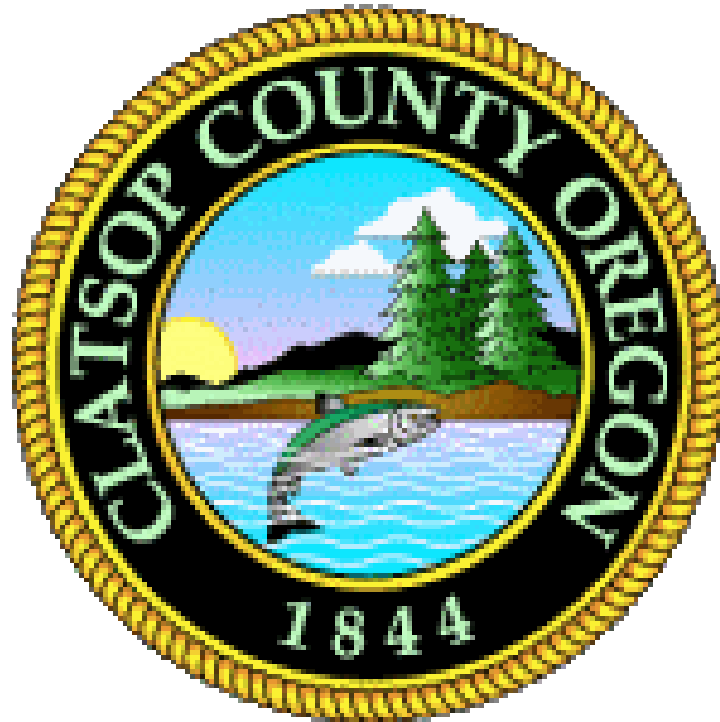
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**CASE NUMBER:** 20-000088

**REQUEST:**

Clatsop County Community Development is proposing to combine the *Land and Water Development and Use Ordinance* and the Clatsop County *Standards Document* into a single code. The proposed changes will consolidate and reorganize the existing provisions and will standardize language. No regulatory changes are proposed.

# **CLATSOP COUNTY PROJECT UPDATE REPORT**



## **MARCH 2020**

# PROJECT STATUS REPORT – MARCH 2020

| PERMIT # | PROJECT NAME                 | LOCATION                                                                | DESCRIPTION                                                                                                                                                             | PC MEETING DATE | PC DECISION                  | BOC MEETING DATES | BOC DECISION | STATUS                                                                                           | EXPIRATION DATE* |
|----------|------------------------------|-------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------------------------------|-------------------|--------------|--------------------------------------------------------------------------------------------------|------------------|
| 20170352 | Arch Cape Deli               | T4N, R10W, Section 30BB, Tax Lots 00601 and 00605,<br><br>79330 Hwy 101 | Conditional use permit to construct and operate a restaurant/grocery store/flex space with a manager's living quarters                                                  | 11-14-17        | APPROVED WITH CONDITIONS 7-0 | N/A               | N/A          | No development permits or building permits issued<br><b>ONE YEAR EXTENSION APPROVED 11-14-19</b> | 11-27-20         |
| 20180112 | Kinney and Sons Construction | T8N, R7W, Section 21B, Tax Lot 02100<br><br>42852 Old Hwy 30            | Conditional use approval of a mixed-use construction/excavation equipment storage, hauling, and trucking yard with mini-storage business and new building               | 7-10-18         | APPROVED WITH CONDITIONS 4-0 | N/A               | N/A          | Development and building permits issued                                                          | N/A              |
| 20180204 | James Neikes                 | T8N, R9W, Section 19AD, Tax Lot 01800<br><br>35399 Hwy 101 Business     | Conditional use permit to expand a single, existing conditional use (3,600 square-foot mini-storage), to a mixed use to include a 900-square-foot residential component | 7-10-18         | APPROVED WITH CONDITIONS 4-0 | N/A               | N/A          | Under construction                                                                               | N/A              |

# PROJECT STATUS REPORT – MARCH 2020

| PERMIT #             | PROJECT NAME         | LOCATION                                                                             | DESCRIPTION                                                                                                                                                               | PC MEETING DATE    | PC DECISION                                                      | BOC MEETING DATES | BOC DECISION       | STATUS                                                     | EXPIRATION DATE* |
|----------------------|----------------------|--------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------------------------------------------------------------|-------------------|--------------------|------------------------------------------------------------|------------------|
| 20180758             | Klaskanine Boat Ramp | T7N,<br>R09W,<br>Sec. 13,<br>TL00600                                                 | Conditional use request to allow a public park, including a recreational boat ramp for public use.                                                                        | 3-12-19<br>4-9-19  | CONT'D TO 4/9/19<br><br>APPROVED WITH CONDITIONS 4-0             | N/A               | N/A                | Applicant no longer proceeding with project                | 4-22-21          |
| 20190251<br>20190252 | Neikes Similar Use   | T8N,<br>R09W,<br>SEC. 30AB,<br>TL00900<br>AND<br>TL01100<br>34837<br>HIGHWAY 101 BUS | Similar use request to determine "commercial freight" use is similar to other uses in the Type II conditional use category in the General Commercial Zone                 | 7-26-19            | APPROVED WITH CONDITIONS 7-0                                     | 8-14-19           | AFFIRM PC DECISION | Under construction                                         | 8-29-21          |
| 20190305             | McVay Livery         | T8N,<br>R06W,<br>SEC. 36CA,<br>TL00300<br>49215<br>HIGHWAY 30                        | Conditional use request to change the use of an existing walk-up/drive-through eating and drinking establishment to a mixed-use residential and commercial establishment. | 7-26-19<br>8-13-19 | CONTINUED TO 8-13-19 MEETING<br><br>APPROVED WITH CONDITIONS 6-0 | N/A               | N/A                | Site plan approved<br>Building permits not yet applied for | 8-25-21          |

# PROJECT STATUS REPORT – MARCH 2020

| PERMIT #             | PROJECT NAME              | LOCATION                                                    | DESCRIPTION                                                                                                                                                         | PC MEETING DATE | PC DECISION                     | BOC MEETING DATES | BOC DECISION       | STATUS                                            | EXPIRATION DATE* |
|----------------------|---------------------------|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------------------------|-------------------|--------------------|---------------------------------------------------|------------------|
| 20190336             | Alomari-Hunt Mixed-Use    | T8N, R08W, SEC. 22B, TL02200<br>40490 OLD HWY 30            | Conditional use request to establish a single dwelling unit accessory to an existing retail store.                                                                  | 7-26-19         | APPROVED WITH CONDITIONS<br>7-0 | N/A               | N/A                | COMPLETED                                         | 8-6-21           |
| 20190512<br>20190513 | Benesch / Horton Trucking | 34850 HIGHWAY 101 BUSINESS<br>T8N, R092, SEC. 30AC, TL02101 | Similar use request to determine “commercial trucking” use is similar to other uses in the Type II conditional use category in the RCC zone                         | 12-10-19        | APPROVED WITH CONDITIONS<br>4-0 | 1-8-20            | AFFIRM PC DECISION | No development permits or building permits issued | 1-8-22           |
| 20-000031            | Kinney Watchman Quarters  | 42852 OLD HIGHWAY 30<br>T8N, R07W, SEC. 20B, TL02100        | Conditional use request to establish a night watchman’s dwelling, accessory to an existing mixed-use construction / excavation equipment storage and trucking yard. | 3-10-20         |                                 |                   |                    |                                                   |                  |

\*Expiration date for projects that are not completed or substantially completed