



CLATSOP COUNTY PLANNING COMMISSION

REGULAR MEETING AGENDA

Hybrid Meeting Judge Guy Boyington Building, 857 Commercial St., Astoria
Via Zoom

Tuesday, February 13, 2024 at 10:00 AM

ZOOM MEETING INSTRUCTIONS

- [1. EnterTextHere](#)

FLAG SALUTE

CALL MEETING TO ORDER

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.

CLEAR AND OBJECTIVE STANDARDS WORK SESSION

- [1. CAOS: Article 2 - Procedures for Land Use Applications \(Part 1\)](#)

PROJECT STATUS REPORT

- [2. February 2024 Project Status Report](#)

DIRECTOR'S REPORT

- [3. February 2024 Director's Report](#)

GOOD OF THE ORDER

ADJOURN

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

Clatsop County Planning Commission Regular Meeting Zoom Meeting Instructions

To join the meeting from your computer, tablet or smartphone:

Hi there,

You are invited to a zoom webinar.

WHEN: February 13, 2024 10:00 AM Pacific Time (US and Canada)

TOPIC: Planning Commission Monthly Meeting

Please click the link below to join the webinar:

<https://co-clatsop-or-us.zoom.us/j/83932736797?pwd=WFJePkI6GtLHn9X65CJ98MITFCwVuw.ktR3J85BQYT5EiEk>

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Dial by your location: 1 253 215 8782 US

Webinar ID: 839 3273 6797

Those wishing to provide testimony on public hearings or provide oral communication at the designated time must register in advance by calling 503-325-8611 or emailing comdev@clatsopcounty.gov. You will be notified when your three-minute presentation is scheduled. Comments may also be submitted via email to comdev@clatsopcounty.gov to be read at the meeting.



Clatsop County – Land Use Planning

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TO: Clatsop County Planning Commission

FROM: Gail Henrikson, AICP, CFM – Community Development Director
Jay Blake, Planning Manager

DATE: February 13, 2024

RE: CAOS: ARTICLE 2 - PROCEDURES

Article 2 of the Clatsop County *Land and Water Development and Use Code* (LAWDUC), establishes the procedures that will be followed when reviewing land use applications. In many instances, the procedures are unclear, overly complex, and/or duplicative of other procedures. Due to the length and complexity of Article 2, it will be reviewed in two parts. The Sections under discussion at your February meeting are:

- **Section 2.1000-2.1060:** Procedures Types
- **Section 2.1070:** Pre-Application Meetings
- **Section 2.1080:** Applicant-Neighborhood Meetings
- **Section 2.2190-2.2250:** Appeals
- **Section 2.4000-2.4050:** Conditional Use Permits
- **Section 2.5000-2.5040:** Development and Use Permitted with Review

Additionally, staff is proposing to eliminate or reclassify three existing procedural processes, which are discussed in further detail below and on the attached PowerPoint presentation. Depending upon direction and feedback from the Planning Commission, staff will prepare additional changes to Sections 2.0100, 2.0300, and 2.1130-2.1180.

SECTION 2.1000-2.1060 – PROCEDURE TYPES

Sections 2.1000-2.1060 establish the different procedure types used to process land use applications. Currently, the County utilizes seven different types of procedures:

- Type I
- Type IC
- Type II
- Type IIA
- Type IIR
- Type III
- Type IV

Clatsop County issues a “Development Permit” for new single-family dwellings and accessory buildings. The Development Permit verifies that the use is permitted in the zone, that all required setbacks and building heights are adhered to; and that required sign-offs from water, sewer/septic and fire are

provided. This has been listed as a Type I procedure, even though it does not permit anyone to build anything. This has caused confusion at times as some property owners view the development permit as authorization to begin construction, even though building permits have not been issued. **Proposed Change: Rename this process “Zoning Verification”. The zoning verification form would be submitted with the building permit application to confirm that the proposed structure complies with all applicable land use regulations.**

The Type IC process has historically been used internally by staff to differentiate standard Type I applications and more complex Type I applications such as floodplain permits. **Proposed Change: Staff is proposing to eliminate the Type IC review and simply utilize the Type I procedure.**

Clatsop County uses three levels of Type II procedures to process certain land use applications:

- Type II: Conditional Use that requires public notice, but not a public hearing
- Type IIA: Conditional Use that requires public notice, published ad **and** a public hearing
- Type IIR: Review Use that requires public notice, published ad, but not a public hearing

The Type II and Type IIR procedures are almost identical, except that the Type IIR requires a published ad in addition to the public notice. The Type IIA procedure is a quasi-judicial procedure and more correctly should be classified as Type III. **Proposed Changes: Eliminate Type IIR procedure and reclassify these uses as either Type I or Type II. Eliminate the Type IIA procedure and reclassify these uses as Type III. Reclassify conditional uses as either “minor” (Type II) or “major” (Type III). These changes would not move any uses to a more restrictive process, but are intended to create clarity and uniformity in the way applications for these uses are processed.**

The Type III procedure is a quasi-judicial review which includes variances, subdivisions and the proposed major conditional uses, which are currently processed as a Type IIA. The process for Type IIA and Type III is identical, as both require the following:

- Written public notice
- Published ad
- Sign posted on the property
- Public hearing

By reclassifying Type IIA uses as Type III, it makes clear that these are quasi-judicial applications. No change in the process or the application fees would result from this proposed change.

Type IV applications involve policy changes (legislative actions) or comprehensive plan or zoning changes to a specific property or small group of properties (quasi-judicial). No changes are proposed to the procedures, except to clarify the language used to describe the process.

SECTION 2.1070 – PRE-APPLICATION MEETING

Changes proposed for this section include:

- Change “Conditional Uses” to “Major Conditional Uses”
- Add Destination Resorts to the list of uses that require a pre-application meeting
- Make the meeting summary mandatory
- Change the length of time to provide the summary from 5 days to 10 days

For project information and updates, visit us on the web!

www.clatsopcounty.gov/landuse

SECTION 2.1080 – APPLICANT/NEIGHBORHOOD MEETINGS

Changes proposed for this section include:

- Revise list of uses that require an applicant/neighborhood meeting
- Separate required procedures for conducting the meeting into “before”, “during” and “after” to clarify the process
- Eliminate language that allows the director to determine a wider notification area based upon various factors as that language is not objective
- Change minimum notification time from 10 days to 14 days
- Add language clarifying that staff attendance is not mandatory

SECTIONS 2.2190-2.2250 – APPEALS

Much of this section is legal by its nature and some of the terms cannot be changed in order to retain the legal context and meaning. Changes proposed for this section include:

- Create new “Intent” section
- Change appeal deadline from 12 days to 14 days
- Eliminate 5 additional days to provide additional information once application is submitted
- Move Section 2.2200 to Section 2.2193
- Remove extraneous or obscure wording and grammar to increase clarity

SECTIONS 2.4000-2.4050 – CONDITIONAL USES

Changes proposed for this section include:

- Change Type IIA to Type III (this does not change the procedure or fee)
- Differentiate between “Minor” (Type II) and “Major” (Type III) conditional uses
- Add list of project information required with the application
- Eliminate list of Type II uses in Section 2.4030 that the Director can elevate to a Type III use. To be clear and objective, these uses should be listed as a Type III use in each applicable zone, rather than relying on director discretion.
- Creates a new Table 2.4 that will include all conditional uses and note whether they are “minor” or “major”

SECTIONS 2.5000-2.5040 – DEVELOPMENT AND USE PERMITTED WITH REVIEW

There are currently seven different zone designations that list certain uses as “Review Uses”. This is currently considered a Type IIR procedure, requiring a public notice and a published ad, but no public hearing. Except for the published ad, the process is identical to a Type II process. **Proposed Changes: Staff would propose elimination the Type IIR procedure and reclassify those uses as either Type I or Type II, based upon similarity with other Type I or Type II uses.**

DISCUSSION AND NEXT STEPS

Staff is requesting discussion and feedback from the Planning Commission regarding the proposed changes, particularly with regard to procedure types. Dependent upon your direction, staff will either make the proposed changes or continue to revise the procedures based upon your feedback. The remainder of Article 2 will be discussed at your March 2024 meeting.

SECTIONS 2.1000-2.1060

PROCEDURE TYPES

EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<p>SECTION 2.1000. PROCEDURE TYPES AND DETERMINATION OF PROPER PROCEDURE</p>	<p>SECTION 2.1000. PROCEDURES FOR DECISION MAKING</p>	
	<p>Section 2.1001. Purpose The purpose of this section is to establish standard decision-making procedures that will enable the County, the applicant, and the public to reasonably review applications and participate in the local decision-making process. Table 2.1 provides a key for determining the review procedure and the decision-making body for particular applications.</p>	<p>Purpose section is new.</p>
<p>An application for a development permit or land use action shall be processed under either a Type I, II, IIa, III or IV procedure as stated within the procedures under Sections 2.1010 to 2.1050.</p> <p>All land use actions shall be classified as one of the following unless State law mandates different or additional procedures for particular land use actions or categories of land use actions or specified otherwise by this Code:</p>	<p>Section 2.1002. Review Procedures An application for a development permit or land use action shall be reviewed using one of the following procedures:</p> <ul style="list-style-type: none"> • Type I (Section 2.1010) • Type II (Section 2.1020) • Type III (Section 2.1030) • Type IV (Section 2.1040) <p>The process for each review type is listed in Sections 2.1010 to 2.1040.</p>	<p>Propose renaming Type IIA procedure as Type IIII. Both are public hearings and both require public and published notices and posting of the subject property. No fees would change. The proposed change would only combine what are essentially the same process.</p> <p>Delete the last paragraph entirely. State law will supersede the County's code if there is a conflict. Any other land use procedures should be clearly detailed in the code.</p>
<p>Section 2.1010. Type I Procedure 1) Type I development actions</p>	<p>Section 2.1010. Type I Procedure (Staff Review)</p>	<p>Administrative variances and adjustments up to 10% do not</p>

<p>involve permitted uses or developments governed by clear and objective review criteria. Type I actions do not encompass discretionary land use decisions. Impacts have been recognized by the development standards within each zone.</p> <p>2) Those actions identified in this code as development and uses permitted under the Type I procedure are Type I actions.</p> <p>3) Under the Type I procedure, an application shall be processed without a need for public hearing or notification of other property owners. As provided for by other provisions of this Ordinance, the nature of the development proposed may require a review committee to determine compliance with standards. When that is required, the action of the Director to issue or deny the development permit pursuant to Sections 2.1110 to 2.1170 will consider the determination of the committee.</p> <p>4) A decision of the Community Development Director may be appealed by the applicant to the Hearings Officer, pursuant to Section 2.2190.</p>	<p>1) Type I development decisions are made by the Community Development Director or designee. There is no public notice and no public hearing. The Type I procedure is used when applying standards and criteria to an application does not require the use of discretion.</p> <p>2) A decision of the Community Development Director, or designee, may be appealed by the applicant to the Hearings Officer, pursuant to Section 2.2190.</p>	<p>currently exist in code. Separate clear and objective standards would need to be developed and added to LAWDUC. (See Table 2.1)</p>
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<p>Section 2.1020. Type II Procedure</p> <p>1) Type II land use actions generally involve uses or development for which review criteria are reasonably objective, requiring only limited discretion. Impacts on nearby properties may be associated with conditions of approval to minimize those impacts or ensure compliance with this code.</p> <p>2) Those actions identified in this code as a conditional development and use, development permitted with review, subdivisions containing six lots or less, partitions, and applications related to non-conforming uses/structures under the Type II procedure are Type II actions.</p> <p>3) Except as provided in subsection (5), under the Type II procedure an application for a development permit shall be processed without a need for public hearing. The Community Development Director shall determine whether or not the proposed development meets the required development standards. The Director may obtain technical assistance from</p>	<p>Section 2.1020. Type II Procedure</p> <p>1) Type II decisions are made by the Community Development Director or designee. Public notice is required and shall be sent according the procedures in Sections 2.20402.2050.</p> <p>2) Except as provided in subsection (3), a Type II application shall be processed without a need for public hearing.</p> <p>3) Alternatively, following the close of the public comment period, the Community Development Director may elevate the application to a Type III review and transmit all written comments, along with the application and staff findings, to the County Hearings Officer.</p> <p>4) A decision by the Community Development Director may be appealed to the Hearings Officer by the applicant or by a person who responded to the notice, pursuant to Section 2.2190.</p>	<p>Administrative variances, requests for interpretation and adjustments are new processes that would need to have clear and objective procedural standards created. (See Table 2.1)</p> <p>There is currently no procedure codified in LAWDUC to detail the Notice of Decision process.</p>
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<p>a review committee or local or state agencies.</p> <p>4) If the Director finds that the development appears to satisfy the required standards, the Director shall mail a notice of intent to issue a development permit to the applicant and to other persons pursuant to Sections 2.2040 to 2.2050.</p> <p>5) If the Community Development Director believes that persons other than the applicant can be expected to question the application's compliance with the Ordinance, the Director may treat the application as a Type IIa procedure.</p> <p>6) The Community Development Director shall review any information received under subsection (4) and make a finding for each of the points in dispute. The Director shall make a decision on the application by approving, conditionally approving, or denying the application.</p> <p>7) A decision by the Community Development Director may be appealed to the Hearings Officer by the applicant or by a person who responded to the notice,</p>		
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pursuant to Section 2.2190.		
<p>Section 2.1030. Type Ila Procedure</p> <p>1) Type Ila land use actions involve development or uses which require the exercise of discretion and judgment when applying the development criteria contained in this Code, the Comprehensive Plan or the applicable Community Plan. Impacts may be significant and the development issues complex. Extensive conditions of approval may be imposed to mitigate impacts or ensure compliance with this Code and the Comprehensive Plan. Under the Type Ila procedure, an application for a land use action shall be processed by the Hearings Officer after holding a public hearing. The Hearings Officer shall determine whether or not the proposed development meets the required development standards.</p> <p>2) Those actions identified in this Code as a variance or conditional use under the Type Ila procedure are Type Ila actions.</p> <p>3) Once an application is determined by the Community Development Director to be</p>	<p>Remove this section and combine with Section 2.1040. Renumber following sections as needed.</p>	<p>The process name would be changed from Type IIA to Type III, but the process would remain the same. LAWDUC currently distinguishes between Type IIA public hearings and Type III public hearings, but the process is essentially the same for both procedures. Fees would also remain unchanged.</p> <p>Per the Planning Commission bylaws approved by the Board of Commissioners, variances and conditional use permits are reviewed by the Hearings Officer. Subdivisions are reviewed by the Planning Commission.</p>

<p>complete, it is scheduled for public hearing pursuant to Section 2.2010 before the Hearings Officer.</p> <p>4) The Director shall provide notice (published and mailed) of intent to hold a public hearing and issue a decision on a land use application pursuant to Section 2.2020 and Section 2.2060.</p> <p>5) The Hearings Officer shall review any information that has been made a part of the official record and make a finding for each of the points in dispute. The Hearings Officer shall make a decision on the application by approving, conditionally approving, or denying the application.</p> <p>6) A decision by the Hearings Officer may be appealed by a party of record to the Board of Commissioners in accordance with Section 2.2190.</p>		
<p>Section 2.1040. Type III Procedure</p> <p>1) Type III actions involve complex or subjective decisions which may impose possible significant effects on some persons or a broad effect on a number of persons. Often these applications</p>	<p>Section 2.1030. Type III Procedure (Quasi-Judicial Review)</p> <p>1) Type III actions involve complex or subjective decisions which may impose negative impacts on some persons or a broad effect on a number of persons.</p>	

<p>include subdivisions with seven or more lots, similar use, quasi-judicial zoning map amendments that do not involve any change to the comprehensive plan or designation. Once an application is determined by the Community Development Director to be complete, it is scheduled for public hearing pursuant to Section 2.2010 before the Planning Commission.</p> <p>2) The Director shall mail and publish a notice pursuant to Section 2.2020 and Section 2.2060.</p> <p>3) At the public hearing, the staff, the applicant, and interested persons may present information relevant to the criteria and standards pertinent to the proposal, given reasons why the application should or should not be approved or proposing modifications and the reasons the person believes the modifications are necessary for approval. The Planning Commission may attach certain development or use conditions beyond those warranted for compliance with the Development and Use Standards Document in granting an approval</p>	<p>Extensive conditions of approval may be imposed to mitigate impacts or ensure compliance with this Code and the Comprehensive Plan.</p> <p>2) Once an application is determined by the Community Development Director to be complete, it shall be scheduled for public hearing pursuant to Section 2.2010 before the Planning Commission or the Hearings Officer, as noted in Table 2.1. The Planning Commission and Hearings Officer shall be referred to as the “Decision-Making Body” for the purposes of this section.</p> <p>3) The Director shall mail and publish a notice pursuant to Section 2.2020 and Section 2.2060.</p> <p>4) The Director shall provide public notice (published and mailed) of the public hearing according to the requirements of Section 2.2020 and Section 2.2060.</p> <p>5) The Director, or designee, shall post a sign on the property that is the subject of the hearing according to the requirements of Section 2.2030.</p> <p>6) At the public hearing, testimony</p>	
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<p>if the Planning Commission determines the conditions are necessary to avoid imposing burdensome public service obligations on the County, to mitigate detrimental effects to others where such mitigation is consistent with an established policy of the County and to otherwise fulfill the criteria for approval.</p> <p>4) A decision of the Planning Commission may be appealed by a party of record to the Board of Commissioners in accordance with Section 2.2190</p>	<p>and evidence shall be submitted regarding the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes applies to the decision.</p> <p>7) The decision-making body shall review any information that has been made a part of the official record and make a finding for each of the points in dispute. The decision-making body shall issue a Notice of Decision on the application either approving, approving with conditions, or denying the application.</p> <p>8) The Notice of Decision shall be mailed to the applicant and to anyone who submitted written comments, public testimony, or who is otherwise legally entitled to notice.</p> <p>9) The decision-making body may apply conditions to:</p> <p>(A) ensure the project will comply with all applicable development standards;</p> <p>(B) avoid imposing public service obligations on the County; or</p> <p>(C) mitigate detrimental to</p>	
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	<p style="text-align: center;">surrounding properties and residents; and</p> <p>10) A decision of the Hearings Officer or Planning Commission may be appealed by a party of record to the Board of Commissioners in accordance with Section 2.2190</p>	
<p>Section 2.1050. Type IV Procedure</p> <p>1) Type IV actions will involve either a legislative or quasi-judicial process as appropriate to the circumstances. They may involve the creation, broad scale implementation or revision of public policy such as amendments to the text of the Comprehensive Plan, Community Plans, Zoning Code, or Comprehensive Plan Zoning Map are generally processed as legislative. Large scale changes in Community Development maps also may be characterized as legislative where a larger number of property owners are directly affected. Requests for changes affecting specific properties, a limited number of property owners and/or a specific project are considered quasi-judicial. The Type IV procedure is to be used where indicated in this</p>	<p>Section 2.1040. Type IV Procedure (Legislative and Quasi-Judicial Decisions)</p> <p>1) Type IV (Quasi-Judicial) applications apply to individual properties, such as a zone change request.</p> <p>Type IV (Legislative) applications involve the creation, revision, or large-scale implementation of public policy, such as adoption of regulations, zone changes and comprehensive plan amendments.</p> <p>2) The Director shall schedule a public hearing as required by Section 2.2010 before the Planning Commission.</p> <p>3) For legislative applications, the Director shall provide notice pursuant to Section 2.3020.</p> <p>11) For quasi-judicial applications, the Director shall provide public notice (published and mailed) of</p>	

<p>Ordinance.</p> <p>2) Under the Type IV procedure, the Director shall schedule a public hearing pursuant to Section 2.2010 before the Planning Commission.</p> <p>3) The Director shall mail and publish a notice pursuant to Section 2.3020.</p> <p>4) At the public hearing, the staff, the applicant, and interested persons may present testimony relevant to the proposal. If pertinent, they may give information on whether the proposal does or does not meet appropriate criteria and standards for approval or their proposals for modifications they consider would be necessary for approval. If criteria are involved, the Planning Commission shall have made a finding for each of the criteria applicable, including whether the proposal conforms to criteria found in the Comprehensive Plan. A written report and recommendation shall be submitted to the Board of Commissioners.</p> <p>5) If the Planning Commission has recommended against or has failed to act on a legislative</p>	<p>the public hearing according to the requirements of Section 2.2020 and Section 2.2060, and as follows:</p> <p>(A) Published notice must occur at least 10 days prior to the Board of Commissioners public hearing date.</p> <p>(B) Mailed notice must be sent at least 20 days, but not more than 40 days, before the date of the first hearing.</p> <p>The Director, or designee, shall post a sign on the property that is the subject of the hearing per the requirements of Section 2.2030.</p> <p>4) The Director, or designee, shall notify the Department of Land Conservation and Development (DLCDC) of Type IV amendments at least 35 days before the first public hearing at which public testimony or new evidence will be received.</p> <p>5) At the public hearing, any interested person may present testimony relevant to the proposal.</p> <p>6) Following the public hearing, the Planning Commission shall make a recommendation to the Board</p>	
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<p>proposal, the Board of Commissioners may terminate further consideration of the proposal. For quasi-judicial proposals and legislative proposals on which the Planning Commission has made a favorable recommendation and for other proposals that have not been terminated, the Board of Commissioners shall conduct a public hearing. The Director shall set a date for the hearing, pursuant to Section 2.2010. The form of notice and persons to receive notice are as required by the relevant sections of this Ordinance. At the public hearing, the staff shall review the report of the Planning Commission and provide other pertinent information, and interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the Planning Commission and make final arguments why the matter should or should not be approved, and if approved, the nature of the provisions to be contained in approving action.</p>	<p>of Commissioners. If the Planning Commission has recommended against or has failed to act on a legislative proposal, the Board of Commissioners may choose not to consider the proposal.</p> <p>7) For quasi-judicial proposals and legislative proposals on which the Planning Commission has recommended approval, the Board of Commissioners shall conduct a public hearing.</p> <p>8) The Director shall set a date for the Board of Commissioners hearings, pursuant to Section 2.2010. The form of notice and persons to receive notice are as required by sections 2.2060 and 2.3020.</p> <p>9) At the public hearing, the staff shall review the recommendation of the Planning Commission and staff findings. Interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the Planning Commission and make final arguments why the matter should or should not be approved.</p> <p>12) To the extent that findings of fact are required, the Board of</p>	
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<p>6) To the extent that a finding of fact is required, the Board of Commissioners shall make a finding for each of the criteria applicable and in doing so may sustain or reverse a finding of the Planning Commission. The Board of Commissioners may delete, add or modify any of the provisions pertaining to the proposal or attach certain development or use conditions beyond those warranted for compliance with standards in granting an approval if the Board of Commissioners determines the conditions are appropriate to fulfill the criteria for approval.</p>	<p>Commissioners shall make a finding for each of the applicable criteria. As part of preparing findings of fact, the Board may sustain or reverse a finding of the Planning Commission. The Board may apply conditions to:</p> <ul style="list-style-type: none"> (A) ensure the project will comply with all applicable development standards; (B) avoid imposing public service obligations on the County; or (C) mitigate detrimental to surrounding properties and residents; and 	
<p>7) To the extent that a policy is to be established or revised, the Board of Commissioners shall make its decision after information from the hearing has been received. The decision shall become effective by passage of an Ordinance.</p>	<p>10) To the extent that a policy is to be established or revised, the Board of Commissioners shall make its decision after information from the hearing has been received. The decision shall become effective by passage of an Ordinance.</p>	
<p>8) Unless specifically provided otherwise, the procedures of this Article do not apply to legislative action which shall be adopted in accordance with the Clatsop County Charter and State Law.</p>	<p>11) Appeal of a legislative land use decision by the Board of Commissioners may be appealed to the Land Use Board of Appeals (LUBA).</p> <p>12) Unless specifically provided otherwise, the procedures of this Article do not apply to legislative action which shall be adopted in</p>	

	accordance with the Clatsop County Charter and State Law.	
<p><u>Section 2.1060. Legislative Enactments Not Restricted</u></p> <p>Nothing in Article 2 shall limit the authority of the Board of Commissioners to make changes in district or zone designations or requirements as part of some more extensive revision of the Comprehensive Plan or implementing ordinance or to make changes in the. Nothing in this article shall relieve a use or development from compliance with other applicable laws.</p>	<p><u>Section 2.1050. Legislative Enactments Not Restricted</u></p> <p>Nothing in Article 2 shall limit the authority of the Board of Commissioners to make changes in district or zone designations or requirements as part of some more extensive revision of the Comprehensive Plan or implementing ordinance. Nothing in this article shall relieve a use or development from compliance with other applicable laws.</p>	

Table 2.1. Summary of Application Approvals by Type of Review		
Application	Approval Procedure Type	Applicable Regulations and Standards
Appeal – Director’s Decision to Hearings Officer	III	2.2190-2.2250
Appeal – Hearings Officer/Planning Commission to Board of Commissioners	IV	2.2190-2.2250
Code Interpretation	II	TBD – This would be a new procedure to replace the Development and Uses of the Same Type (2.6000-2.6030)
Conditional Use – Minor	II	2.4000
Conditional Use – Major	III	2.4000 – Hearings Officer Review
Development Permit	I	2.0100, 2.0300, 2.1010
Expansion of Non-Conforming Use or Structure	I	3.1000
Floodplain Development Permit	I	5.1000
Geologic Hazards Permit	I	5.3000
Grading, Drainage, Erosion Control Permit	I	3.2000
Home Occupation – Limited	I	3.8000
Home Occupation	II	3.8000

Lot of Record Determination	I	TBD – This process is in place, but not detailed in LAWDUC
Map or Text Amendment - Comprehensive Plan	IV	2.8100
Map or Text Amendment – LAWDUC	IV	2.8100
Partition	II	2.9000
Property Line Adjustment	I	2.9000
Site Plan	I	2.9400
Subdivision – Minor (4-6 Lots)	II	2.9000
Subdivision – Major (6+ Lots)	III	2.9000 – Planning Commission Review
Temporary Use	I	2.8200
Validation of a Unit of Land	I	TBD – This process is in place, but not detailed in LAWDUC
Variance	III	2.8000 – Hearings Officer Review
Variance, Administrative	I	TBD – This would be a new process

SECTIONS 2.1070 PRE-APPLICATION MEETING

EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<p><u>Section 2.1070. Pre-application Conference</u></p> <p>1) An applicant or the applicant's authorized representative shall request the Director to arrange a pre-application conference. Unless the applicant and Director agree that a conference is not needed, the conference shall be held within 15 days of the request. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the Ordinance, provide for an exchange of information regarding applicable elements of the Comprehensive Plan and development requirements, arrange such technical and design assistance as will aid the applicant, and to otherwise identify policies and proposed development. The Director, if requested by the applicant, shall provide the applicant with a written summary of the conference within 5 days of the conference. The summary shall include confirmation of the procedures to be used to process the application, a list of materials to be submitted and the criteria and standards which may apply to the approval of the application.</p> <p>2) The Director shall invite applicable service agencies, such as Clatsop</p>	<p><u>Section 2.1070. Pre-application Meeting</u></p> <p>The purpose of the meeting is to acquaint the applicant with the application process and the applicable elements of the Comprehensive Plan and Development Code.</p> <p>1) A pre-application conference shall be required for the following types of applications: (A) Major Conditional Use Permits (B) Zone Changes (C) Subdivision Plats (D) Planned Unit Developments (E) Destination Resorts</p> <p>2) An applicant or the applicant's authorized representative may request a pre-application conference.</p> <p>3) Meeting Procedures. The pre-application meeting shall be conducted as follows: (A) The pre-application meeting shall be held within 15 days of receipt of the completed application or request from the applicant. (B) The Director shall invite applicable county departments, the Oregon Department of Transportation and other state or federal agencies with potential jurisdiction over the project.</p>	

<p>County Public Works and the Oregon Department of Transportation, to the pre-application conference if it is determined that the agencies' facilities or services may be significantly impacted by the proposed development.</p>	<p>(C) The Director, shall provide the applicant with a written summary of the meeting within 10 days of the meeting. The summary shall include confirmation of the procedures to be used to process the application, a list of materials to be submitted and the criteria and standards which may apply to the approval of the application.</p>	
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SECTIONS 2.1080 APPLICANT-NEIGHBORHOOD MEETINGS

EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<p><u>Section 2.1080. Applicant-Neighborhood Meeting [Ord. #17-02]</u></p> <p>The purpose of a neighborhood meeting is to ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their proposed development may have on the neighborhood. The meeting is not intended to produce complete consensus on all applications; it is intended to encourage applicants to be good neighbors. Applicants are encouraged to reconcile as many public concerns as possible before submitting their land use application(s). County staff may attend the neighborhood meeting in an advisory capacity to answer questions.</p> <p>1) The applicant shall hold a neighborhood meeting before submitting the following types of land use applications:</p> <ul style="list-style-type: none"> (A) Multi-family development that abuts a single-family zoning district; (B) Commercial or industrial development that abuts any residential zoning district; (C) Manufactured home park adjacent to any residential zoning district; (D) Major subdivisions; 	<p><u>Section 2.1080. Applicant-Neighborhood Meeting [Ord. #17-02]</u></p> <p>The purpose of an Applicant-Neighborhood meeting is to encourage early and effective communication about major proposed developments.</p> <p>1) The following applications shall require an Applicant-Neighborhood Meeting:</p> <ul style="list-style-type: none"> (A) Multi-family developments consisting of more than four attached residential units that abuts a single-family zoning district; (B) Commercial or industrial development that abuts any residential zoning district; (C) Subdivisions; (D) Cluster and planned unit developments; (E) Transfer of Development Rights; (F) Destination Resorts (G) Quasi-judicial map amendments; <p>2) Procedures (Before the Meeting):</p> <ul style="list-style-type: none"> (A) The applicant shall consult with County staff to determine an appropriate meeting date, time, and place given the location of the proposed development. (B) The applicant shall send mailed notice of the public meeting to: <ul style="list-style-type: none"> i. The Community 	

<p>(E) Cluster and planned development;</p> <p>(F) Quasi-judicial map amendments;</p> <p>(G) For other applications or revisions to applications that the Director determines may have a significant neighborhood impact, such as conditional uses, expansion of nonconforming uses, rezones, goal exceptions, variances. In these cases, the Director shall determine the minimum notice area for the neighborhood meeting.</p> <p>2) Neighborhood Meetings must meet the following requirements:</p> <p>(A) The applicant shall consult with County staff to determine an appropriate meeting date, time, and place given the location of the proposed development and availability of staff to attend.</p> <p>(B) The applicant shall send mailed notice of the public meeting to the Community Development Department Director and all property owners within a minimum distance of 300 feet of the boundaries of the subject property with the specific area to be determined by the Director based on the project scale, land</p>	<p>Development Department Director</p> <p>ii. All property owners within 300 feet of the boundaries of the subject property.</p> <p>iii. If any part of the subject property is within the boundaries of a neighborhood or community organization as defined by Section 1.0500, notice shall be sent to the designated representative(s) of such neighborhood or community organization.</p> <p>(C) The property owner list shall be provided by the county and shall be compiled from county tax assessor's property owners of record from the most recent property tax assessment roll.</p> <p>(D) The notice shall be sent a minimum of 14 days and no more than 30 days before the meeting, and shall include:</p> <p>i. Date, time and location of the public meeting;</p> <p>ii. Brief description of the development proposal with enough detail so that the project is easily understandable;</p> <p>iii. Location map that shows the subject property, including property address (if applicable) and nearest</p>	
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use and transportation patterns or anticipated public interest in the project. If any part of the subject property is within the boundaries of a neighborhood or community organization as defined by Section 1.030, notice shall be sent to the designated representative(s) of such neighborhood or community organization. The property owner list shall be provided by the county and shall be compiled from county tax assessor's property owners of record from the most recent property tax assessment roll. The notice shall be sent a minimum of 10 days and no more than 30 days before the meeting, and shall include:

- 1) Date, time and location of the public meeting;
- 2) A brief written description of the development proposal and proposed use(s) with enough specificity so that the project is easily discernable;

cross streets.

3) Procedures (At the Meeting):

- (A) The applicant's presentation at the neighborhood meeting shall include:
- i. A map showing the location of the subject property;
 - ii. A conceptual site plan of the project, tentative subdivision plan and/or elevation drawings of any proposed structures, when applicable;
 - iii. Information about sizes and heights of structures, proposed lot sizes, density, and setbacks from property lines;
 - iv. Expected impacts from the proposed development (e.g. traffic, storm drainage, tree removal, etc.);
 - v. Mitigation proposed by the applicant to alleviate the expected impacts;
 - vi. An opportunity for the public to provide comments.

4) Procedures (After the Meeting):

- (A) The applicant shall take meeting notes and submit them to the County. The notes shall include:
- i. Meeting date and time;
 - ii. Names and addresses of all attendees;

<p>3) The location of the subject property(ies), including address (if applicable), nearest cross streets and any other easily understood geographical references, and a map that depicts the subject property.</p> <p>(C) The applicant's presentation at the neighborhood meeting shall include:</p> <p>1) A map depicting the location of the subject property(ies) proposed for development.</p> <p>2) A visual description of the project including a site plan, tentative subdivision plan and elevation drawings of any proposed structures, when applicable.</p> <p>3) A description of the nature of the proposed use(s) including but not limited to, sizes and heights of structures, proposed lot sizes, density, etc.</p>	<p>iii. Summary of issues raised and comments made at the meeting, and the applicant's responses.</p> <p>5) Based upon availability, County staff may attend the neighborhood meeting in an advisory capacity to answer questions. Staff attendance is not mandatory.</p> <p>6) A land use application will not be deemed complete until the applicant provides all information required by this section. This includes:</p> <p>1) A copy of the notice to surrounding property owners;</p> <p>2) A signed affidavit of mailing;</p> <p>3) A copy of any verbal or written comments received, including any issues raised via telephone, fax, email, or at the meeting, and the applicant's responses;</p> <p>4) A copy of the meeting notes as described in Subsection (4)(A) above.</p> <p>5) If responses to the meeting notice were not received by the applicant and no one attended the neighborhood meeting, the applicant shall submit evidence as indicated above with the meeting notes reflecting the absence of comment and/or attendance.</p>	
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<p>4) The expected or anticipated impacts from the proposed development (e.g. traffic, storm drainage, tree removal, etc.).</p> <p>5) Mitigation proposed by the applicant to alleviate the expected/anticipated impacts.</p> <p>6) An opportunity for the public to provide comments.</p> <p>(D) The applicant shall take meeting notes and submit them to the County, including:</p> <p>1) Meeting date and time;</p> <p>2) Name and address of all in attendance;</p> <p>3) Summary of issues raised and comments made at the meeting, and the applicant's responses.</p> <p>3) A land use application will not be deemed complete until the applicant demonstrates substantial compliance with this section by including the results of the neighborhood meeting and supporting documentation with the application. This includes:</p> <p>(A) A copy of the notice to surrounding property owners;</p>		
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<p>(B) A signed affidavit of mailing the required notice of neighborhood meeting;</p> <p>(C) A copy of any verbal or written comments received, including any issues raised via telephone, fax, email at the meeting, and the applicant's responses;</p> <p>(D) A copy of the meeting notes as described in Subsection (2)(D) above.</p> <p>(E) If responses to the meeting notice were not received by the applicant and no one attended the neighborhood meeting, the applicant shall submit evidence as indicated above with the meeting notes reflecting the absence of comment and/or attendance.</p>		
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SECTIONS 2.2190-2.2250

APPEALS

EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
	<p><u>SECTION 2.2190. APPEALS</u></p>	
	<p><u>Section 2.2191. Intent</u> <u>This section establishes procedures for processing an appeal of a decision made by the Community Development Director, Planning Commission, Hearings Officer, or the Board of Commissioners.</u></p>	<p><u>New section</u></p>
<p><u>Section 2.2190. Request for Review / Appeal</u></p> <p>1) The Hearings Officer shall hear appeals from Type I and Type II decisions of the Director</p> <p>2) The Board of Commissioners shall hear appeals of decisions of the Hearings Officer (Type IIa) and Planning Commission (Type III).</p> <p>3) The affected party shall file an appeal with the Director within twelve (12) days of a final decision. An additional five days after filing of an appeal may be granted to allow the appellant to submit additional justification for the appeal. The actual appeal, however, must be filed within the twelve-day limit.</p> <p>4) At its discretion, the reviewing body may, after considering the application and appeal, and finding that the facts therein stated do not</p>	<p><u>Section 2.2192. Request for Review / Appeal</u></p> <p>1) Type I or Type II Procedures: (A) The Hearings Officer shall hear appeals of Type I and Type II decisions . (B) The person(s) filing the appeal shall submit an appeal request within 14 calendar days of the date the Notice of Decision was issued.</p> <p>2) Type III Procedure: (A) The Board of Commissioners shall hear appeals of Type III decisions. (B) The person(s) filing an appeal shall submit an appeal request within 14 calendar days of the date the Notice of Decision was issued.</p> <p>3) Type IV Procedure: (A) A Type IV decision issued by the Board of Commissioners</p>	<p>Propose to increase length of time to appeal from 12 to 14 days</p> <p>Eliminate 5 additional days to provide additional information once appeal application is submitted</p>

<p>warrant further hearing, summarily affirm the action and deny the appeal. The Board of Commissioners, if it believes the matter warrants review, may limit an appeal or review to a review of the record and a hearing for receipt of oral arguments regarding the record, or may accept new evidence and testimony. If new evidence is to be received, a hearing shall be conducted pursuant to this article.</p> <p>5) A final decision of the Board of Commissioners may be appealed to the Land Use Board of Appeals, pursuant to ORS 197.829.</p>	<p>may be appealed to the Land Use Board of Appeals (LUBA) pursuant to ORS 197.829.</p> <p>(B) Appeal of a Type IV decision shall follow procedures established by LUBA or the appropriate hearing tribunal.</p> <p>4) At its discretion, the reviewing body may, after considering the application and appeal, and finding that the facts therein stated do not warrant further hearing, summarily affirm the action and deny the appeal.</p> <p><u>Section 2.2193. Requirements of Appeal Application</u></p> <p>1) <u>An application for an appeal shall contain the following:</u></p> <p>(A) <u>The case number or other identification of the decision to be appealed.</u></p> <p>(B) <u>The date the decision was issued.</u></p> <p>(C) <u>The name and address of the person(s) or entity appealing the decision.</u></p> <p>(D) <u>A statement verifying that the person appealing the decision has standing and participated in the initial decision.</u></p> <p>(E) <u>The specific reason(s) the decision is being appealed.</u></p> <p>(F) <u>The type of appeal review</u></p>	
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requested:

- i. **Type I and Type II appeals are always de novo hearings.** A de novo hearing is a hearing where new evidence can be presented. De novo means the hearing will occur as if it were the first time an application was being reviewed.
 - ii. **Type III Appeals:** The person submitting the appeal application may request a de novo hearing (Section 2.2195); a review of only additional testimony or evidence (Section 2.2195); or a review based on the existing record (Section 2.2195).
 - iii. If the applicant is requesting a de novo review or a review of additional testimony or evidence, the applicant must provide a written statement addressing how their request meets the criteria in Section 2.2195.
- (G) Required filing fee. Payment of the fee must accompany an

	<u>appeal at the time it is filed</u>	
<p><u>Section 2.2200. Requirements of Notice of Appeal</u></p> <p>A notice of appeal shall contain:</p> <ol style="list-style-type: none"> 1) An identification of the decision sought to be reviewed, including the date of the decision. 2) A statement of the standing of the person seeking review. 3) The specific grounds relied upon for review. 4) If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in Section 2.2230(1). 		<p>This will become new Section 2.2193</p> <p>Definition of “de novo” added to Section 1.0500.</p>
<p><u>Section 2.2210. Review</u></p> <p>The Board of Commissioners shall issue an order stating the scope of review to be one of the following:</p> <ol style="list-style-type: none"> 1) Denying review. 2) Restricting review to the record made by the hearing body. 3) Limit review to such issues as the Board of Commissioners determines necessary for a proper resolution of the matter. 4) De novo hearing on the merits. 	<p><u>Section 2.2210. Establishing Scope of Review</u></p> <p>Following submittal of an application to appeal a decision by the Hearings Officer or the Planning Commission, the Board of Commissioners shall issue an order establishing the scope of review. Review of the appeal shall be limited to one of the following:</p> <ol style="list-style-type: none"> 1) Deny review. 2) Restrict review to the existing record and do not accept new testimony or evidence. 3) Limit review to those issues 	

	<p>determined by the Board of Commissioners as necessary to resolve the matter.</p> <p>4) De novo hearing.</p> <p>At its discretion, the reviewing body may, after considering the application and appeal, and finding that the facts therein stated do not warrant further hearing, summarily affirm the action and deny the appeal.</p>	
<p><u>Section 2.2220. Review on the Record</u> Unless otherwise provided for by the Board of Commissioners, review of the decision on appeal shall be confined to the record of the proceeding as specified in this section. The record shall include:</p> <ol style="list-style-type: none"> 1) A factual report prepared by the Community Development Director. 2) All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review. 3) The transcript of the hearing, if previously prepared; otherwise, a detailed summary of the evidence, but the details need not be set forth verbatim. 	<p><u>Section 2.2220. Review on the Record</u> Review shall be confined to the existing record as specified in this section. The record shall include:</p> <ol style="list-style-type: none"> 1) A factual report prepared by the Community Development Director summarizing the application process to date. 2) All exhibits, materials, pleadings, memoranda, stipulations, comments, staff reports and motions submitted by any party, which were used to reach the decision under review. 3) The transcript of the hearing, if previously prepared. If no transcript was previously prepared, a detailed summary of the evidence. 	
<p><u>Section 2.2230. Review Consisting of</u></p>	<p><u>Section 2.2230. De Novo Review or</u></p>	

Additional Evidence or De Novo Review

- 1) The reviewing body may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing if it is satisfied that the additional testimony or other evidence could not reasonably have been presented at the prior hearing. The reviewing body shall consider all of the following in making such a decision.
 - (A) Prejudice to the parties.
 - (B) Convenience or availability of evidence at the time of the initial hearing.
 - (C) Surprise to opposing parties.
 - (D) The competency, relevancy and materiality of the proposed testimony or other evidence.
- 2) "De novo hearing" shall mean a hearing by the reviewing body as if the action had not been previously heard and as if no decision has been rendered, except that all testimony, evidence and other material from the record of the previous consideration shall be included in the record of the

Review Consisting of Additional Evidence

- 1) For appeals of a decision made by the Hearings Officer or Planning Commission, the reviewing body may hear the entire matter de novo; or it may allow additional testimony and other evidence to be presented without holding a de novo hearing. Additional evidence without a de novo hearing may be allowed if it is determined that the additional testimony or other evidence could not reasonably have been presented at the prior hearing.

The reviewing body shall consider all of the following in making such a decision.

 - (A) Prejudice to the parties.
 - (B) Availability of evidence at the time of the initial hearing.
 - (C) Surprise to opposing parties.
 - (D) The competency, relevancy and materiality of the proposed testimony or other evidence.

<p>review.</p>		
<p><u>Section 2.2240. Review Body Decision</u></p> <p>1) Upon review, the review body may by order affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review. When the review body modifies or renders a decision that reverses a decision of the hearing body, the review body, in its order, shall set forth its findings and state its reasons for taking the action encompassed in the order. When the review body elects to remand the matter back to the hearing body for such further consideration as it deems necessary, it shall include a statement explaining the error found to have materially affected the outcome of the original decision and the action necessary to rectify such.</p> <p>2) Action by the review body shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The review body shall render its decision no later than sixty (60) days after the</p>	<p><u>Section 2.2240. Review Body Decision</u></p> <p>1) Following review, the review body shall issue an order affirming, reversing or modifying the decision that is under review.</p> <p>2) When the review body modifies or reverses a decision, the review body shall provide written findings and state its reasons for reversing or modifying the decision.</p> <p>3) When the review body remands the matter back to the hearing body for further consideration, it shall include a written statement explaining the error that materially affected the outcome of the original decision. The written statement shall also include the action necessary to fix the error(s).</p> <p>4) Action by the review body shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting.</p> <p>5) The review body shall render its decision no later than sixty (60) days after the filing of the appeal.</p> <p>6) The Director shall send by first class mail the written decision</p>	

<p>3) filing of the request for review. The Director shall by written notice send by first class mail the decision arrived at by the Director or hearing body to the applicant, to any participant in the proceeding leading to the decision and any person, entity or organization requesting information pertaining to a final decision on the application.</p>	<p>arrived at by review body. The decision shall be mailed to the applicant, to any participant in the proceedings leading to the decision and any person, entity or organization requesting information pertaining to a final decision on the application.</p>	
<p><u>Section 2.1180. Remand</u> The director shall submit to the Planning Commission remands made to the Planning Commission by the Board of Commissioners pursuant to Section 2.2240(1) and 2.3060(2)(B). If no additional information is required from the applicant, the remand will be scheduled for the next Planning Commission hearing and will be subject to time limitations as set out in Section 2.1160. If additional information is required from the applicant concerning the items on remand, the Department shall notify the applicant within ten (10) days of the Board of Commissioners written action. The applicant has from the date of notification to the 30th day after the Board's written action to submit all the requested information. The application is considered</p>	<p><u>Section 2.1180. Remand</u> 1) The Director shall submit to the Planning Commission remands made to the Planning Commission by the Board of Commissioners pursuant to Section 2.2240(1) and 2.3060(2)(B). 2) If no additional information is required from the applicant, the remand will be scheduled for the next Planning Commission hearing and will be subject to time limitations as set out in Section 2.1160. 3) If additional information is required from the applicant concerning the items on remand, the Director shall notify the applicant within ten (10) days of the Board of Commissioners written action. 4) The applicant has 30 days from the date of notification to submit all the</p>	

<p>complete for the remand when all the requested information is submitted or, on the 31st day after the Board's written action, whichever comes first. The remand shall then be scheduled for the next Planning Commission hearing and shall be subject to the time limitations of Section 2.1160.</p>	<p>requested information. 5) The application is considered complete for the remand when all the requested information is submitted or, on the 31st day after notification, whichever comes first. The remand shall then be scheduled for the next Planning Commission hearing and shall be subject to the time limitations of Section 2.1160.</p>	
<p><u>Section 2.2250. LUBA Remand</u> <u>[ORD.23-02]</u></p> <p>1) If the County is acting on the remand of a decision from the Land Use Board of Appeals (LUBA), the governing body may authorize the planning commission or hearings officer to conduct hearings and make a decision for lands designated as agricultural or forest lands under Statewide Planning Goals 3 or 4.</p> <p>2) Following review by the planning commission or hearings officer the governing body shall review the decision and shall:</p> <p>a) schedule a public hearing and issue a final decision on the application;</p> <p>b) leave the planning commission or hearings</p>	<p><u>Section 2.2250. LUBA Remand</u> <u>[ORD.23-02]</u></p> <p>1) If the County is acting on the remand of a decision from the Land Use Board of Appeals (LUBA), the Board of Commissioners may authorize the Planning Commission or Hearings Officer to conduct hearings and make a decision for lands designated as agricultural or forest lands under Statewide Planning Goals 3 or 4.</p> <p>2) Following review by the Planning Commission or Hearings Officer the governing body shall review the decision and shall:</p> <p>a) schedule a public hearing and issue a final decision on the application;</p> <p>b) leave the planning</p>	

<p>c) officer decision as the final county decision; or adopt the planning commission or hearings officer decision by consent order as the decision of the governing body.</p>	<p>c) commission or hearings officer decision as the final county decision; or adopt the planning commission or hearings officer decision by consent order as the decision of the governing body.</p>	
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SECTIONS 2.4000-2.4050 CONDITIONAL USES

EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<p><u>SECTION 2.4000. CONDITIONAL DEVELOPMENT AND USE</u></p>	<p><u>SECTION 2.4000. CONDITIONAL USES</u></p>	
<p><u>Section 2.4010. General</u> Although each zoning district is primarily intended for a predominate type of use and development, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects, all may indicate that the circumstances of the development and use needs to be individually reviewed. It is the intent of this section to provide a system of review of such uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this ordinance and the objectives of the comprehensive plan.</p>	<p><u>Section 2.4010. Purpose</u> Although each zoning district is primarily intended for a predominate type of use and development, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, character of the surrounding development, traffic capacities of adjacent streets, and potential environmental impacts, all may indicate that the application needs to be individually reviewed. It is the intent of this section to provide a system of review to ensure that the use is compatible with its locations and with surrounding land uses, and will with this ordinance and the objectives of the comprehensive plan.</p>	<p><u>Add a definition of “conditional use”:</u></p> <p><u>A use that would not be generally appropriate within a zoning district but which, if controlled as to number, area, location, and/or relation to the surrounding area, would not be detrimental to the public health, safety, or general welfare.</u></p>
<p><u>Section 2.4020. Application for a Conditional Development and Use</u> If a development and use is classified as conditional in a zone, it is subject to approval under Sections 2.4000 to 2.4050. An applicant for a proposed conditional development and use shall provide facts and evidence and a site plan in compliance with Section 2.9400 sufficient to enable the Community</p>	<p><u>Section 2.4020. Application for a Conditional Use</u> If a use is classified as conditional in a zone, it is subject to approval under Sections 2.4000 to 2.4050.</p> <p>An applicant for a use shall provide a site plan prepared according to the requirements of Section 2.9400. The applicant shall also</p>	

<p>Development Director or hearing body to make a determination.</p>	<p>provide a detailed project description, including:</p> <ol style="list-style-type: none"> 1. Operating characteristics of the use 2. Number of buildings and dimensions for each building 3. Operating hours 4. Number of employees 5. Number and size of off-street parking spaces 6. Proposed lighting and location 7. Proposed signs, locations and dimensions 8. Proposed fencing location and dimensions 9. Proposed landscape buffer locations and plant heights <p>The purpose of these requirements is to ensure that the applicant has provided enough detailed information to allow the decision maker to reach a determination.</p> <p>Minor conditional uses are processed as a Type II application. Major conditional uses are processed as a Type III application.</p>	
<p><u>Section 2.4030. Authorization of a Conditional Development and Use</u></p> <p>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</p>	<p><u>Section 2.4030. Minor and Major Conditional Uses</u></p> <p>1) Conditional uses are listed in each zone as either a Type II (Minor Conditional Use) or Type III (Major Conditional Use). Type II conditional use applications shall be reviewed by the</p>	<p><u>Minor and major are new terms proposed to differentiate between Type II and Type III conditional uses.</u></p>

<p>a Type II procedure except that the following conditional developments and uses may be approved by the Hearings Officer under a Type IIa procedure:</p> <ul style="list-style-type: none"> (A) Dog kennel or Kennel; (B) Airport; (C) Bed & Breakfast over 3 units; (D) Golf courses; (E) Automobile service station or repair shop, including body work, used car sales, wrecking yard; (F) Public or private recreation such as riding stable, fishing or boating docks or ramps, gun club, golf course, or resort type establishment in association with recreation; (G) Non-farm partition; (H) Non-farm dwelling; (I) Farm help relative dwelling; (J) Home occupations related to auto/machinery repair or painting; (K) Firearms training facility; (L) Solid waste disposal site; (M) Small scale, light industrial developments such as assembly, fabricating, processing, compounding, packing and similar operations within an enclosed building. (N) Automobile wrecking yard. (O) Amusement enterprises such as 	<p>Community Development Director. Type III conditional use applications shall be reviewed by the Hearings Officer. Table 2.4 identifies all conditional uses and the required approval procedure.</p> <ul style="list-style-type: none"> 2) If a proposed application is for a non-water dependent use or an activity in the Marine Industrial Shorelands Zone, Section 4.1950 shall also apply. 3) The decision maker shall approve, approve with conditions or deny an application for a new, enlarged or conditional use based on findings fact for each of the following criteria: <ul style="list-style-type: none"> (A) The proposed use complies with all applicable provisions, goals, or policies of the Comprehensive Plan. (B) The proposed use complies with all applicable requirements and standards of this Ordinance. (C) The subject property is suitable for the proposed use considering based upon the property's size, shape location, topography and natural features. (D) The subject property has or will have legal access at the time of occupancy. (E) There is or will be at the time of occupancy, capacity within the roadway system to serve the project. (F) Adequate public facilities and 	<p><u>The uses listed in Subsections A-O should either be classified as Type III or Type II in order to avoid discretion. These uses should be listed as Type III uses in each applicable zone.</u></p>
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<p>games of skill and science, thrill rides, penny arcades, and shooting galleries.</p> <p>2) Where the proposed development involves a non-water dependent use or activity in the Marine Industrial Shorelands Zone, Section 4.1700, mailed notice shall also be provided to any interested party who has submitted a written request concerning the proposed development, and to state and federal agencies with statutory planning and permit issuance authority in aquatic areas, including the Oregon Division of State Lands, Department of Fish and Wildlife, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Corps of Engineers, and the Environmental Protection Agency.</p> <p>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.</p> <p>(A) The proposed use does not conflict with any provision, goal, or policy of the Comprehensive Plan.</p> <p>(B) The proposed use meets the requirements and standards of this Ordinance.</p> <p>(C) The site under consideration is</p>	<p>services are or will be available to service the subject property at the time of occupancy. Adequate public facilities and services are demonstrated by providing a signed agency review form to the Land Use Planning Division prior to commencing construction.</p> <p>(G) The proposed development will not impact natural resources, including:</p> <ul style="list-style-type: none"> i. Wetlands ii. Coastal Shorelands as identified in Goal 17 iii. streams, lakes, or rivers iv. aquatic areas v. inventoried Goal 5 resources <p>If impacts will occur, the applicant must provide information on the proposed mitigation.</p> <p>(H) The proposed development will not be impacted by natural hazards and will not increase risk to surrounding lands and buildings if the use will be constructed within a floodplain or geologic hazard area.</p> <p>(I) The proposed use is compatible with existing and projected uses on surrounding lands.</p> <p>(J) For properties designated in the Comprehensive Plan as Agricultural Lands or Forest Lands, the decision maker must find that the use is consistent</p>	
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<p>suitable for the proposed use considering:</p> <ol style="list-style-type: none"> 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. <p>(D) The proposed use is compatible with existing and projected uses on surrounding lands, considering the factors in (C) above.</p> <p>(E) The proposed use will not interfere with normal use of coastal shorelands.</p> <p>(F) The proposed use will cause no unreasonably adverse effects to aquatic or coastal shoreland</p>	<p>with the maintenance of peripheral and major big game habitat on lands. To make this determination, the decision maker shall consider the cumulative effects to big game habitat from the proposed action and other existing and proposed development in the area.</p>	
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<p>areas, and</p> <p>(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.</p> <p>(H) In addition to compliance with the criteria as determined by the hearing body and with the requirements of Sections 1.1040 and 1.1050, the applicant must accept those conditions listed in Section 2.4040 that the hearing body finds are appropriate to obtain compliance with the criteria.</p>		
<p><u>Section 2.4040. Requirements for Conditional Development and Use</u> In permitting a conditional development and use, the hearing body may impose any of the following conditions as provided by Section 2.4030:</p> <p>1) Limit the manner in which the use is conducted, including restricting the time an activity may take place and restraints</p>	<p><u>Section 2.4040. Conditions of Approval</u> In addition to compliance with all applicable regulations and standards, the decision maker may impose conditions on its approval of to ensure the proposed use is compatible with other surrounding uses. These conditions may include, but are not limited to, the following:</p> <p>1) Limiting the hours, days, place and manner of operation;</p>	

<p>to minimize such environmental effects as noise, vibration, air pollution, glare and odor.</p> <p>2) Establish a special yard or other open space or lot area or dimension.</p> <p>3) Limit the height, size or location of a building or other structure.</p> <p>4) Designate the size, number, location or nature of vehicle access points.</p> <p>5) Increase the amount of street dedication, roadway width or improvements within the street right-of-way.</p> <p>6) Designate the size, location, screening, drainage, surfacing or other improvement of a parking or truck loading areas.</p> <p>7) Limit or otherwise designate the number, size, location, height of or lighting of signs.</p> <p>8) Limit the location and intensity of outdoor lighting or require its shielding.</p> <p>9) Require diking, screening, landscaping or another facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.</p> <p>10) Designate the size, height, location or materials for a fence.</p> <p>11) Require the protection of existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.</p>	<p>2) Limiting operations that create environmental impacts such as noise, vibration, air pollution, glare and odor, or requiring design features to minimize those impacts;</p> <p>3) Requiring additional setback areas, open space or increased lot area, width or depth.</p> <p>4) Limiting the height, footprint or location of a building or other structure.</p> <p>5) Designating the size, number, location or surfacing of vehicle access points.</p> <p>6) Requiring right-of-way dedication, roadway widening or other improvements within the street right-of-way.</p> <p>7) Designating the size, location, screening, drainage, surfacing or other improvement for parking or truck loading areas.</p> <p>8) Limiting or designating the number, size, location, height or lighting of signs.</p> <p>9) Limiting the location and intensity of outdoor lighting.</p> <p>10) Requiring diking, screening, landscaping or other buffering to minimize or mitigate impacts to surrounding properties from the proposed use.</p> <p>11) Designating the size, height, location or materials for a fence.</p> <p>12) Requiring the protection of existing trees, vegetation, water resources,</p>	
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<p>12) Require provisions for public access (physical and visual) to natural, scenic and recreational resources.</p> <p>13) Specify other conditions to permit the development of the County in conformity with the intent and purpose of the classification of development.</p>	<p>wildlife habitat or other significant natural resources.</p> <p>13) Requiring public access (physical or visual) to natural, scenic and recreational resources.</p> <p>14) Specifying other conditions needed to ensure the development is in compliance with all applicable codes.</p>	
<p><u>Section 2.4050. Time Limit on Permit for Conditional Use</u></p> <p>1) Authorization of a conditional use shall be void after two years unless substantial construction or action pursuant thereto has taken place as defined in Section 1.0500. However, the County may, at the discretion of the Community Development Director, extend authorization for an additional one year upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the permit. The County may grant conditional use approvals for activities such as dike maintenance for a period of time up to five years; such approvals will normally correspond with parallel state and/or federal permits.</p> <p>2) Authorization of a conditional use dwelling in the AF, EFU and F-80 zones shall be void after four years unless substantial construction or action</p>	<p><u>Section 2.4050. Expiration of a Conditional Use Approvals</u></p> <p>1) A conditional use approval shall expire after two years unless the project is completed, is actively under development, or substantial construction has occurred as defined in Section 1.0500.</p> <p>2) A one-year extension may be granted by the original decision maker upon finding that:</p> <p>(A) The applicant has demonstrated that the application is still in compliance with all applicable regulations and standards</p> <p>(B) There are changes to the project</p> <p>(C) There are still adequate public facilities and services and roadway capacity to service the project</p> <p>3) An extension request must be submitted in writing prior to expiration of the approval.</p> <p>4) A five-year extension may be granted</p>	

<p>pursuant thereto has taken place as defined in Section 1.0500. However, the County may, at the discretion of the Community Development Director, extend authorization for an additional two years upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the permit. The county may approve no more than five additional one-year extensions of a permit if:</p> <ul style="list-style-type: none"> a) The applicant makes a written request for the additional extension period prior to the expiration of an extension; b) The applicable residential development statute has not been amended following the approval of the permit; and c) An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the county, which may require that the applicant comply with the amended rule or land use regulation. d) An extension of a permit under subsection (2) of this section is not a land use decision as defined in ORS 197.015. [ORD. 23-02] 	<p>by the original decision maker for conditional use approvals for dike maintenance and related activities as such approvals normally correspond with parallel state and/or federal permits.</p> <ul style="list-style-type: none"> 5) A conditional use approval for a dwelling in the AF, EFU and F-80 zones shall expire after four years unless the project is completed, is actively under construction or substantial construction has occurred as defined in Section 1.0500. 6) The original decision maker may grant a two-year extension for a conditional use dwelling in the AF, EFU and F-80 <ul style="list-style-type: none"> (A) The applicant has demonstrated that the application is still in compliance with all applicable regulations and standards (B) There are changes to the project (C) There are still adequate public facilities and services and roadway capacity to service the project 7) An extension request must be submitted in writing prior to expiration of the approval. 8) In addition to the two-year extension above, the original decision maker may approve no more than five additional one-year extensions of a conditional use approval for a dwelling in the EFU, 	
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	<p>F-80 or AF zones if:</p> <ul style="list-style-type: none">(D) An extension request must be submitted in writing prior to the expiration of an extension;(E) The applicable residential development statute has not been amended following the approval of the permit; and(F) An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the county, which may require that the applicant comply with the amended rule or land use regulation.(G) An extension of a permit under subsection (7) of this section is not a land use decision as defined in ORS 197.015. [ORD. 23-02]	
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**SECTIONS 2.5000-2.5040
DEVELOPMENT AND USE
PERMITTED WITH REVIEW**

SECTION 2.5000. DEVELOPMENT AND USE PERMITTED WITH REVIEW

Section 2.5010. Application for a Development and Use Permitted with Review

If a development and use is listed as a development and use permitted with review, it is subject to approval under Section 2.5020 and 2.5030. An applicant for a proposed development and use permitted with review shall provide facts and evidence and a site plan in compliance with Section 2.9400 sufficient to enable the Community Development Director or hearing body to make a determination.

Section 2.5020. Authorization of a Development and Use Permitted with Review

A new, enlarged or otherwise altered development listed in this Ordinance as a development and use permitted with review shall be approved by the Community Development Director under a Type II procedure with posted notice and mailed notice to the owners of property situated within (250) feet of the property of the applicant and with published notice in a newspaper of general distribution. After taking into account location, size, design and operation characteristics of the proposed development, the Director shall determine whether or not the proposed development complies with the requirements of Sections 1.1040 and 1.1050. The Director may

~~**Section 2.5010. Application for a Development and Use Permitted with Review**~~

~~If a development and use is listed as a development and use permitted with review, it is subject to approval under Section 2.5020 and 2.5030. An applicant for a proposed development and use permitted with review shall provide facts and evidence and a site plan in compliance with Section 2.9400 sufficient to enable the Community Development Director or hearing body to make a determination.~~

~~**Section 2.5020. Authorization of a Development and Use Permitted with Review**~~

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Delete this section and procedure and reclassify these uses as either Type I or Type II

<p>require changes in the proposed development to ensure that it will meet applicable standards. Where the proposed development involves a nonwater dependent use or activity in the Marine Industrial Shorelands zone, Section 4.1700, mailed notice shall also be provided to any interested party who has submitted a written request concerning the proposed development, and to state and federal agencies with statutory planning and permit issuance authority in aquatic areas, including the Oregon Division of State Lands, Department of Fish and Wildlife, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Corps of Engineers, and the Environmental Protection Agency.</p>	<p>require changes in the proposed development to ensure that it will meet applicable standards. Where the proposed development involves a nonwater dependent use or activity in the Marine Industrial Shorelands zone, Section 4.1700, mailed notice shall also be provided to any interested party who has submitted a written request concerning the proposed development, and to state and federal agencies with statutory planning and permit issuance authority in aquatic areas, including the Oregon Division of State Lands, Department of Fish and Wildlife, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Corps of Engineers, and the Environmental Protection Agency.</p>	
<p><u>Section 2.5030. Requirements for Development and Use Permitted with Review</u> Proposed developments must be consistent with the Clatsop County Comprehensive Plan and must satisfy applicable development standards in this Ordinance. Developments in the AF zone must be found to be consistent with the maintenance of big game habitat. 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. Developments requiring a state or federal permit are subject to the Consistency Review Procedure set forth</p>	<p><u>Section 2.5030. Requirements for Development and Use Permitted with Review</u> Proposed developments must be consistent with the Clatsop County Comprehensive Plan and must satisfy applicable development standards in this Ordinance. Developments in the AF zone must be found to be consistent with the maintenance of big game habitat. 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. Developments requiring a state or federal permit are subject to the Consistency Review Procedure set forth</p>	

<p>in Section 2.7000. In permitting a development, the Director may impose any of the conditions listed in Section 2.4040 to ensure that the development is consistent with the resource capabilities of the particular areas and the purpose of the zoning and special district classifications.</p>	<p>in Section 2.7000. In permitting a development, the Director may impose any of the conditions listed in Section 2.4040 to ensure that the development is consistent with the resource capabilities of the particular areas and the purpose of the zoning and special district classifications.</p>	
<p><u>Section 2.5040. Time Limit on Permit for Review Use</u> Authorization of a review use shall be void after two (2) years unless substantial construction or action pursuant thereto has taken place. 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 review use approvals for activities such as dike maintenance for a period of time up to five years; such approvals will normally correspond with parallel state and/or federal permits.</p>	<p><u>Section 2.5040. Time Limit on Permit for Review Use</u> Authorization of a review use shall be void after two (2) years unless substantial construction or action pursuant thereto has taken place. 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 review use approvals for activities such as dike maintenance for a period of time up to five years; such approvals will normally correspond with parallel state and/or federal permits.</p>	



CAOS: ARTICLE 2 PROCEDURES DISCUSSION

Community Development

Agenda Item # 1. 13, 2024





OVERVIEW

SB 3197

Schedule

Purpose of Today's Discussion – Article 2

Next Steps



SECTIONS 2.1000-2.1060 PROCEDURE TYPES

Community Development

Agenda Item # 1. 13, 2024





CURRENT PROCEDURES

HOW MANY PERMIT TYPES DOES ONE COUNTY NEED?

- In Oregon, there are typically 4 types of land use approval procedures:
 - Type I: Staff Review
 - Type II: Administrative/Staff Review
 - Type III: Quasi-Judicial
 - Type IV: Legislative
- Clatsop County has 7 different approval procedures...



CURRENT PROCEDURES

TYPE 1: “DEVELOPMENT PERMIT”

- Type I – Commonly referred to as a “Development Permit”
- Currently used to verify land use zoning requirements
- Also applies to other types of permits:
 - Geohazard
 - Property Line Adjustments
 - Lots of Record
 - Temporary Uses



CURRENT PROCEDURES

TYPE IC: COMPLEX DEVELOPMENT PERMIT

- Type IC – (The “C” stands for “complex”)
- This is not written into the code, but is used for performance measure purposes
- Floodplain permits are Type IC



CURRENT PROCEDURES

TYPE II: CONDITIONAL USE

- Type II applications require:
 - Written public notice
 - 10-day public comment period
 - Appeal to Hearings Officer
- Decision made by the Director
- Type II permits include:
 - Conditional Uses
 - Partitions



CURRENT PROCEDURES

TYPE IIA: CONDITIONAL USE

- Type IIA applications require:
 - Written public notice
 - 10-day public comment period
 - Published Ad
 - Sign posted on property
 - Public Hearing
 - Appeal to Board of Commissioners
- Decision made by the Hearings Officer
- Type IIA permits include:
 - Conditional Uses
 - Variances



CURRENT PROCEDURES

TYPE IIR: USE PERMITTED WITH REVIEW

- Type IIR applications require:
 - Written public notice
 - 10-day public comment period
 - Published Ad
 - **NO** public hearing
 - Appeal to Hearings Officer
- Decision made by the Director
- Type IIR permits only apply to certain uses in certain zones:
 - Public utilities
 - Communication facilities
 - Dredged material disposal



CURRENT PROCEDURES

TYPE III: QUASI-JUDICIAL

- Type III applications require:
 - Written public notice
 - 10-day public comment period
 - Published Ad
 - Sign posted on the property
 - Public hearing
 - Appeal to Board of Commissioners
- Decision made by the Hearings Officer or Planning Commission
- Type III permits include:
 - Variances (Hearings Officer)
 - Subdivisions (Planning Commission)



CURRENT PROCEDURES

TYPE IV: LEGISLATIVE/QUASI-JUDICIAL

- Type IV applications are policy or legislative actions
- **Type IV legislative** actions require:
 - Published Ad
 - Public hearing
 - May require M56 notice, if uses being removed or property being rezoned
 - Appeal to Land Use Board of Appeals (LUBA)
- Decision made by the Board of Commissioners
- Type IV permits include:
 - LAWDUC amendments
 - Comprehensive Plan Amendments
 - Zone change



CURRENT PROCEDURES

TYPE IV: LEGISLATIVE/QUASI-JUDICIAL

- Type IV applications are policy or legislative actions
- **Type IV quasi-judicial** actions require:
 - Written public notice
 - 10-day public comment period
 - Published Ad
 - Sign posted on the property
 - Public hearing
 - Appeal to Land Use Board of Appeals (LUBA)
- Decision made by the Board of Commissioners
- Type III permits include:
 - Map amendment for a specific property



PROPOSED PROCEDURAL CHANGES

SIMPLIFY THE LANGUAGE STANDARDIZE THE PROCESS

- Create Zoning Review Form to be used in lieu of the “Development Permit”
- Eliminate Type IC procedure – this is not in LAWDUC and has been used internally to track more complex Type I applications
- Eliminate IIA and change those uses to Type III to more accurately reflect quasi-judicial nature
- Eliminate IIR – Most uses would then become Type II, some may become Type I



SECTION 2.1070 PRE-APPLICATION MEETINGS

Community Development

Agenda Item # 1. 13, 2024





PROPOSED PROCEDURAL CHANGES

-
- Change “Conditional Uses” to “Major Conditional Uses”
 - Add Destination Resorts to the list of uses that require a pre-application meeting
 - Make the meeting summary mandatory
 - Change the length of time to provide the summary from 5 days to 10 days



SECTION 2.1080 APPLICANT- NEIGHBORHOOD MEETINGS

Community Development

Agenda Item # 1. 13, 2024





PROPOSED PROCEDURAL CHANGES

-
- Revise list of uses that require an applicant/neighborhood meeting
 - Separate required procedures for conducting the meeting into “before,” “during” and “after” to clarify the process
 - Eliminate language that allows Director to determine a wider notification area based upon various factors, as this language is not objective
 - Change minimum notification time from 10 days to 14 days
 - Add language clarifying that staff attendance is not mandatory



APPEALS





PROPOSED PROCEDURAL CHANGES

-
- Create new “Intent” section
 - Change appeal deadline from 12 days to 14 days
 - Eliminate 5 additional days to provide additional information once application is submitted
 - Move Section 2.2200 to Section 2.2193
 - Remove extraneous or obscure wording and grammar to increase clarity



SECTIONS 2.4000-2.4050 CONDITIONAL USE

Community Development

Agenda Item # 1. 13, 2024





PROPOSED PROCEDURAL CHANGES

-
- Change Type IIA to Type III (this does not change the procedure or fee)
 - Differentiate between “Minor” (Type II) and “Major” (Type III) conditional uses
 - Add list of project information required with the application
 - Eliminate list of Type II uses in Section 2.4030 that the Director can elevate to a Type III. To be clear and objective, these uses should be listed as a Type III in each applicable zone
 - Create new Table 2.4 to include all conditional uses and whether they are “minor” or “major”



SECTIONS 2.5000-2.5040 REVIEW USE

Community Development

Agenda Item # 1. 13, 2024



Review Developments

MI	Marine Industrial	Development		
AD	Aquatic Development			
AC-1	Aquatic Conservation 1	Conservation Other Resources		
AC-2	Aquatic Conservation 2			
CS	Coastal Shorelands			
AN	Aquatic Natural	Natural		
NS	Natural Shorelands			

Seven zoning districts have an additional Type of Review Process

“Review Use” is not defined in Section 1.0500

They apply to a small number of uses and require a published notice in the newspaper

The process is identical to a Type II Review other than the published notice.

Review Developments



These Type IIR reviews apply in just a handful of uses and are not required in other similar districts.

Boat ramps, communication facilities, maintenance of existing structures Land Falls, shoreline stabilization are Type I, Type II, and Type IIR reviews depending on the specific location

The published notice is expensive and the adopted fee schedule does not cover the added expense

Review Developments

Staff Recommendation:

1. Eliminate IIR review procedures
2. Combine uses with other similar uses that are Type I, and Type II reviews
3. Add state notifications where applicable
4. Eliminate duplicative language





NEXT STEPS

-
- The remainder of Article 2 will be discussed at the March PC meeting
 - Based upon discussion and feedback at today's meeting, staff will process changes to the development permit section of the code for review in March



DISCUSSION

Community Development

Agenda Item # 1. 13, 2024



Chapter 4

Typical Land Use Actions

This chapter provides a brief summary of the procedures for processing the most common types of land use applications. You should also consult the specific regulations contained in the zoning and subdivision ordinances or development code.

Building Permits

The simplest land use action is approval of a building permit for a home or an accessory building (*i.e.*, a garage or shed). Before issuing a building permit, be sure to answer the following questions:

- What is the zoning of the property?
- Is the proposed use of the building allowed within that zone?
- Is the use a conditional use? (See conditional use permits below and in Chapter 6.)
- Does the proposed building and site plan comply with all of the development regulations such as setback, height limit, and parking? (Some of these regulations will apply citywide or countywide, some will apply in specific zones, and some will apply to specific types of buildings.)
- Does the proposed building require any special review such as site plan review, floodplain review, hillside review, or historic review?

The building permit applicant must include with the permit application a site plan showing the tentative location of the proposed structure. The building permit application will also include

structural plans, which will be reviewed by the local building official.

The site plan will show the property line configurations, the exterior dimensions of the building, and the distance in feet from the property lines to the proposed structure. If there are other structures, subsurface facilities such as water lines or a septic tank, or easements on the property, these should also be identified in the site plan.

Using the site plan, determine whether the setbacks from the exterior property lines are adequate to satisfy the zoning ordinance standards. If off-street parking is required, the number of off-street parking spaces must be shown on the site plan. A key element not always shown on the site plan is the proposed height of the structure, particularly of accessory structures. Almost all jurisdictions have height limitations on single-family dwellings. If this information is not specifically required on the site plan, it should be requested from the applicant.

Remember to keep on file a copy of the site plan with the building permit. If there are subsequent questions concerning the completed structure, that site plan will be the key in determining whether the applicant has followed through with the development as proposed.

Land Use Permits

Even the smallest communities are faced with land use actions, including variances, conditional uses, zone changes, comprehensive plan map amendments, partitions, and subdivisions.

A **variance** is simply a process to allow an applicant to vary from development standards required by the zoning ordinance — normally setbacks, building height, or other physical dimension (See Chapter 5 for additional information.)

Most zoning ordinances list uses permitted outright and uses that *may* be permitted (usually called “conditional uses”) in each zone if certain criteria are satisfied. A **conditional use permit** is issued by the city or county when the applicant has shown the criteria have been met. (See Chapter 6 for additional information.)

A **zone change**, also known as a zoning map amendment, is a process by which the applicant seeks to amend the zoning

map to change the designation on a specific tract. The process is more detailed than for the other types of permits described here, and requires several steps, which are discussed later in this guide. A comprehensive plan map amendment often accompanies a zone change. (See Chapters 7 and 8 for additional information.)

Partitions and Subdivisions

These applications deal with property division rather than how the property will be used. These procedures allow parcels to be divided into smaller lots or parcels. The subdivision ordinance is used to process these applications.

The subdivision ordinance outlines the process to be followed and in most cases, prescribes specific infrastructure standards such as street width, water, and sewer system requirements, and in some cases, curb, gutter, and sidewalk standards. (See Chapter 9 for additional information.)

Chapter 4.1 – General Review Procedures

Sections:

4.1.010	Purpose and Applicability
4.1.020	Type I Procedure (Ministerial/Staff Review and Zoning Checklist)
4.1.030	Type II Procedure (Administrative Review)
4.1.040	Type III Procedure (Quasi-Judicial Review - Public Hearing)
4.1.050	Type IV Procedure (Legislative Review)
4.1.060	Time Limit, Consolidated Review, and City Planning Official’s Duties

4.1.010 Purpose and Applicability

A. Purpose. The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 4.1.010 provides a key for determining the review procedure and the decision-making body for particular approvals.

B. Applicability of Review Procedures. All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures as described in subsections 1-4 below. Table 4.1.010 lists the City’s land use and development approvals and corresponding review procedure(s).

- 1. Type I Procedure (Staff Review – Zoning Checklist).** Type I decisions are made by the City Planning Official, or his or her designee, without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., there are clear and objective standards).
- 2. Type II Procedure (Administrative/Staff Review with Notice).** Type II decisions are made by the City Planning Official, with public notice and an opportunity for appeal to the Planning Commission. Alternatively the City Planning Official may refer a Type II application to the Planning Commission for its review and decision in a public meeting.
- 3. Type III Procedure (Quasi-Judicial Review – Public Hearing).** Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council[; *or in the case of a Quasi-Judicial zone change (e.g., a change in zoning on one property to comply with the Comprehensive Plan), a Type III decision is made by the City Council on recommendation of the Planning Commission*]. Quasi-Judicial decisions involve discretion but implement established policy.
- 4. Type IV Procedure (Legislative Review).** The Type IV procedure applies to the creation or revision, or large-scale implementation, of public policy (e.g., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Type IV reviews are considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.



CLATSOP COUNTY PROJECT STATUS REPORT FEBRUARY 2024

PROJECT STATUS REPORT – FEBRUARY 2024

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 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	Demolition and grading permits approved; property line adjustment approved; electrical, mechanical and fire suppression permits issued	Grading work begun Project is vested for land use; no expiration date Building permit expired 7-5-22 Permits for commercial alarm/suppression systems; electrical and mechanical issued
Ord 24-02 23-000586	Goal 5 Update	N/A	Continuing work to update Comprehensive Plan Goal 5	12-12-23	RECOMMEND BOC APPROVE AS PRESENTED 5-0	1-10-24 1-24-24	APP'D 5-0	Awaiting DLCD acknowledgment	N/A

PROJECT STATUS REPORT – FEBRUARY 2024

PERMIT #	PROJECT NAME	LOCATION	DESCRIPTION	PC MEETING DATE	PC DECISION	BOC MEETING DATES	BOC DECISION	STATUS	EXPIRATION DATE*
21-000665 Ordinance 24-06	Clatsop Plains Community Plan	N/A	Update of Clatsop Plains Community Plan	1-9-24	RECOMMEND BOC APPROVE AS PRESENTED 6-0	2-14-24 2-28-24		On-going	N/A
21-000666 Ordinance 24-07	Elsie-Jewell Community Plan	N/A	Update of Elsie-Jewell Community Plan	1-9-24	RECOMMEND BOC APPROVE AS PRESENTED 6-0	2-14-24 2-28-24		On-going	N/A
22-000378 Ordinance 24-08	Lewis and Clark Olney Wallooskee Community Plan	N/A	Update of Lewis & Clark Olney Wallooskee Community Plan	1-9-24	RECOMMEND BOC APPROVE AS PRESENTED 6-0	2-14-24 2-28-24		On-going	N/A
21-000668 Ordinance 24-09	Northeast Community Plan	N/A	Update of Northeast Community Plan	1-9-24	RECOMMEND BOC APPROVE AS PRESENTED 6-0	2-14-24 2-28-24		On-going	N/A
21-000669 Ordinance 24-10	Seaside Rural Community Plan	N/A	Update of Seaside Rural Community Plan	1-9-24	RECOMMEND BOC APPROVE AS PRESENTED 6-0	2-14-24 2-28-24		On-going	N/A

PROJECT STATUS REPORT – FEBRUARY 2024

PERMIT #	PROJECT NAME	LOCATION	DESCRIPTION	PC MEETING DATE	PC DECISION	BOC MEETING DATES	BOC DECISION	STATUS	EXPIRATION DATE*
22-000377 Ordinance 24-11	Southwest Coastal Community Plan	N/A	Update of Southwest Coastal Community Plan	1-9-24	RECOMMEND BOC APPROVE AS PRESENTED 6-0	2-14-24 2-28-24		On-going	N/A
23-000556 Ordinance 23-14	Housing Amendments	N/A	LAWDUC amendments to facilitate housing construction	TBD		TBD			Public information meeting held January 17, 2024 BOC work session February 14, 2024
23-000552 Ordinance 24-01	2023 Legislative Updates	N/A	LAWDUC amendments to address changes in land use legislation from the 2023 regular session of the Oregon Legislature	10-10-23 11-14-23	Work Session Public Hearing	12-13-23 PH 1-10-24 PH	APP'D	Awaiting DLCD acknowledgement	N/A

PROJECT STATUS REPORT – FEBRUARY 2024

PERMIT #	PROJECT NAME	LOCATION	DESCRIPTION	PC MEETING DATE	PC DECISION	BOC MEETING DATES	BOC DECISION	STATUS	EXPIRATION DATE*
Ordinance 24-05	Non-Conforming Uses and Structures	N/A	LAWDUC amendments to clarify non-conforming use and structures standards	1-9-24	RECOMMEND BOC APPROVE AS PRESENTED 6-0	2-14-24 2-28-24			
	Clear and Objective Standards	N/A	Develop clear and objective standards for housing by July 1, 2025	TBD		TBD		On-going work sessions BOC work session February 21	

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



Indicates change to project status



Clatsop County – Land Use Planning

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TO: Planning Commission Members

FROM: Gail Henrikson, AICP, CFM – Community Development Director

DATE: February 13, 2024

RE: DIRECTOR'S REPORT

BEACHES AND DUNES MAPPING ADVISORY GROUP

Clatsop County Planning staff have been participating in an advisory group led by DOGAMI. DOGAMI is currently in the process of updating beach and dune maps that are the basis for Goal 18: Beaches and Dunes. The third meeting of the committee is scheduled for February 6. Mapping work for Clatsop County is tentatively scheduled to be completed this spring. This mapping work will directly inform the County's Goal 18 update, which is being led by CREST.

SEA LEVEL RISE

In 2021, the Oregon Department of Land Conservation and Development (DLCD) was selected to host a NOAA Coastal Management Fellowship, dedicated to DLCD's project on sea level rise adaption planning in Clatsop County, Cannon Beach and Fort Stevens. During March 2023, the NOAA Coastal Fellow and other state and local staff members, conducted a series of workshops around Clatsop County, including Arch Cape, Brownsmead and the Lewis and Clark area. The purpose of the workshops was to identify critical assets and assess vulnerability to sea level rise and to obtain stakeholder input on sea level rise impacts and solutions for resilience.

Following the workshops, participant's responses were categorized and analyzed using an impact assessment/prioritization tool. The output was then used to identify adaptation pathways to address community input. On February 7, a presentation will be made to the Board of Commissioners regarding the public responses received and the next steps that are being taken, including grant applications and collaboration with Oregon State University researchers. Flyers summarizing the results of the March 2023 community meetings are attached to this memo.

CHILDCARE FACILITY BARRIERS WORK GROUP

The first meeting of the Childcare Facility Barriers Work Group will be held at 9AM, Friday, February 16. The Department of Land Conservation and Development (DLCD) has selected Clatsop County to participate in a newly-formed work group that will examine barriers to locating childcare facilities. *The Astoria* reported on October 17 that Clatsop County is one of 11 counties that are considered "severe" child care deserts for infants and toddlers according to a report from the Oregon Child Care Research Partnership. In 2022, Clatsop County, in partnership with Columbia Memorial and Providence Seaside hospitals, committed \$620,000 towards a Child Care Grant program. The program was established to retain and expand child care options. Lack of available and affordable child care affects not only working families, but has larger impacts on the region's overall economy. DLCD's work group will examine

barriers statewide in consultation with the Department of Early Learning and Care and the state's Building Codes Division. A final report is due back to the Oregon Legislature by December 31, 2024.

COMPREHENSIVE PLAN UPDATE

- **Economic Opportunities Analysis (EOA):**

The second meeting of the EOA Advisory Committee was held on Thursday, January 25. A link to the meeting can be found [here](#).

CLATSOP REGIONAL HOUSING TASK FORCE

The Clatsop Regional Housing Task Force held a meeting on January 24. Information was presented to the group regarding Urban Reserves and how they could be used in Clatsop County. Urban Reserves are lands that have been identified and "reserved" for future urban growth boundary expansions. The process allows cities and counties to plan for urbanization over a 30-50 year timeframe.

The group also received an update on the Regional Housing Infrastructure Readiness Grant funded through DLCD. The Regional Housing Task Force is serving as the steering committee for this project.

LAWDUC AMENDMENTS TO FACILITY HOUSING DEVELOPMENT

County staff presented the proposed slate of amendments at a virtual public information session on January 17. A link to the meeting video and presentation slides can be found [here](#). Staff will provide a [summary of the meeting](#), and feedback received, to Board of Commissioners at a work session on February 14.

PLANNING COMMISSION ETHICS TRAINING

An ethics training for members of the Planning Commission and the Fair Board will be held at 5PM, Wednesday, February 28. The training will be held both virtually and in-person at the Judge Guy Boyington Building, 857 Commercial Street.

STAFF CHANGES AND RECRUITMENT

Planner David Cook was promoted to Senior Planner effective February 1, 2024. The Planner job description is being revised by Human Resources and recruitment for a new planner will begin in the next few weeks.